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CASE NO.

119

NORTHERN DISTRICT

POTRERO DE LOS CERRITOS GRANT

TOMAS PACHECO, ET AL

CLAIMANT



LAND CASE 119 ND222

229 pages

OCT 19 1962

ALSO AVAILABLE ON MICROFILM

OCT 20 1962

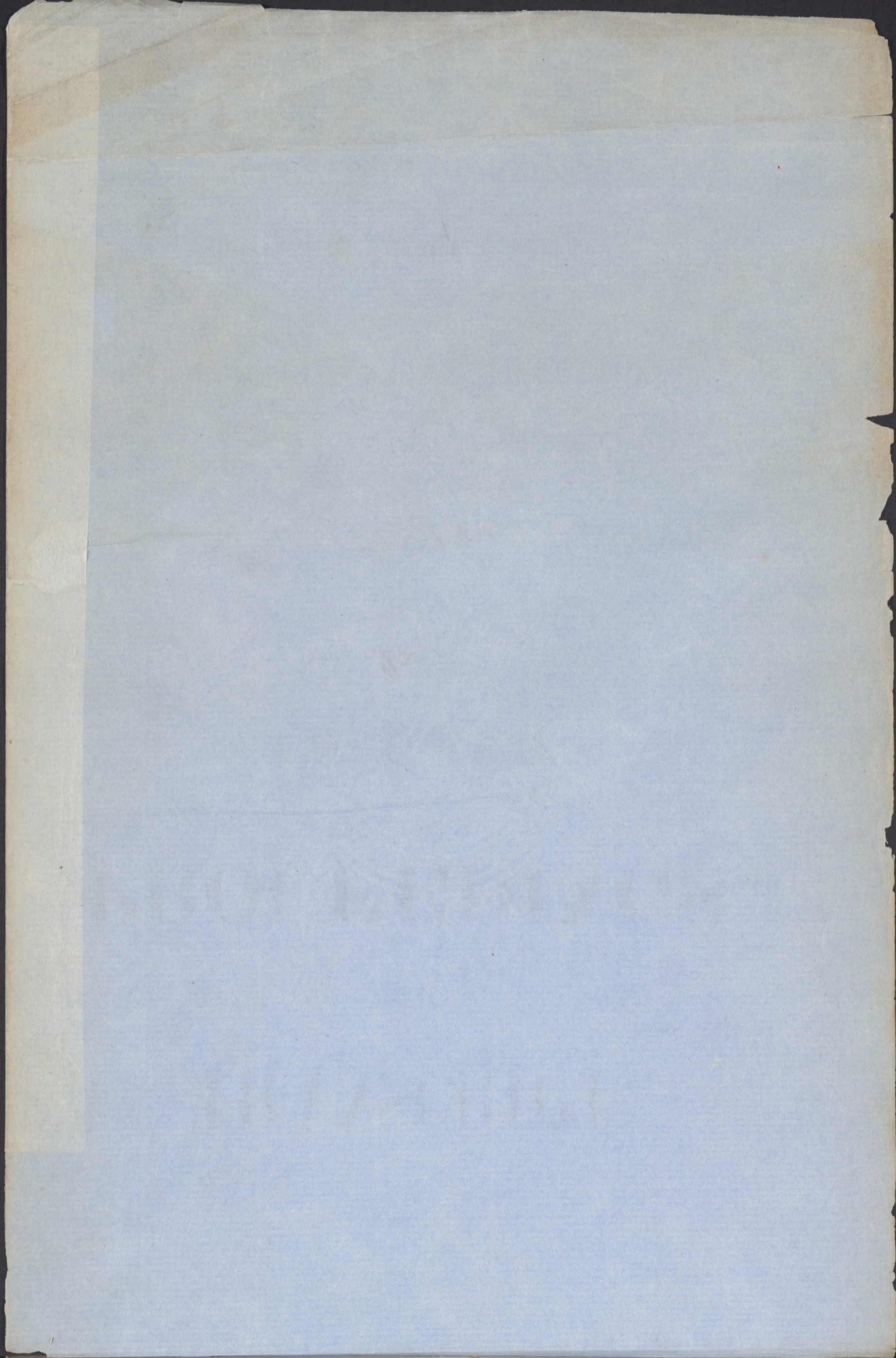
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258

Northern District







TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 258

*Tomas Pacheco, et al,* CLAIMANT

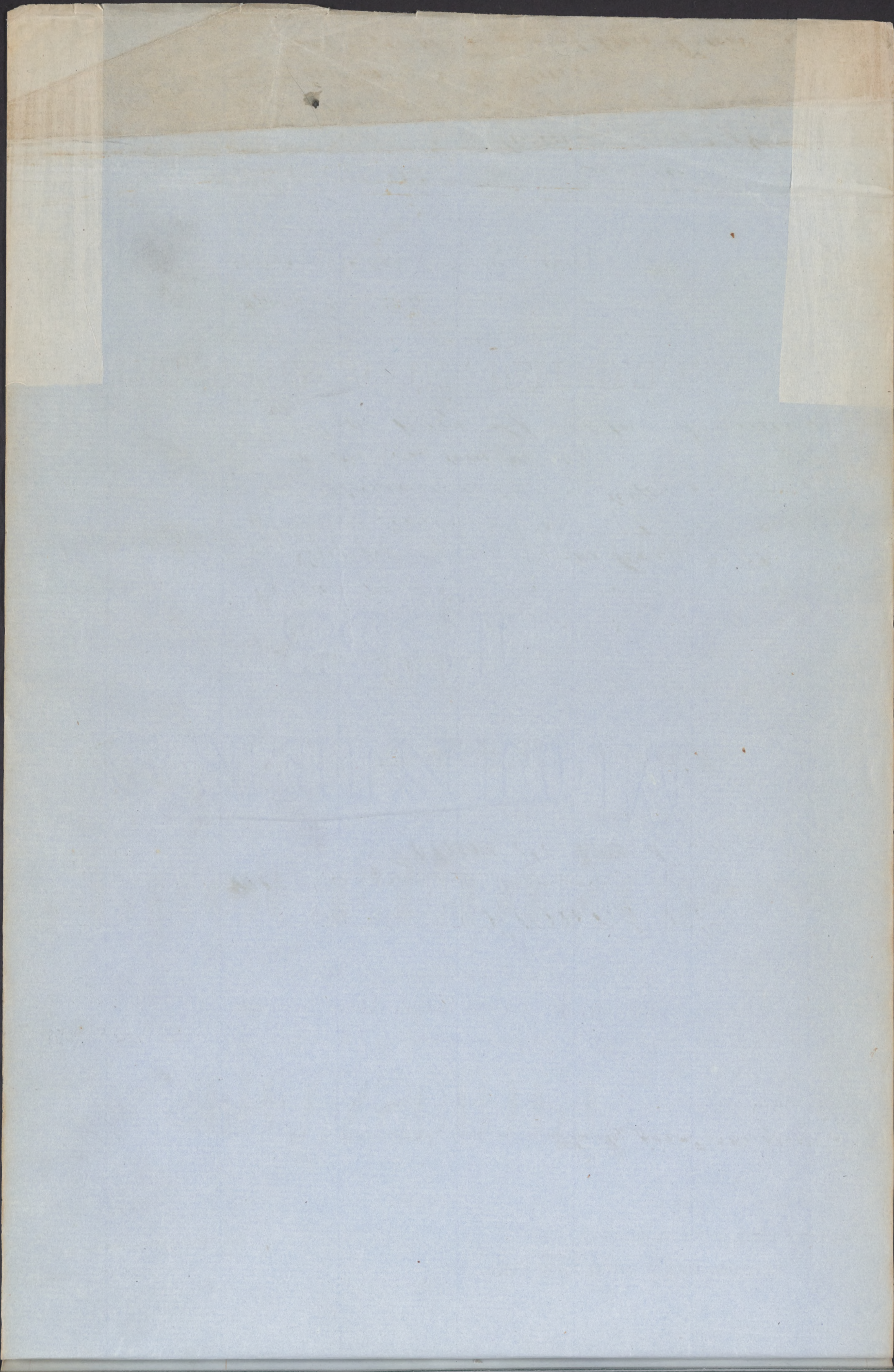
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Potrero de los Cerritos"*







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 *thirty first day of May*, 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 *Tomas Pacheco et al.* *~~~~~* for the Place named "*Potran de los Ceritos*," was presented, and ordered to be filed and docketed with No. 258 and is as follows, to wit;

(Vide page 2 of this Transcript.)

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

*Los Angeles Sept. 3<sup>rd</sup> 1852.*

In Case no. 258, Thomas Pacheco et al.; for the "*Rancho Potrero de los Ceritos*," the deposition of Andres Pico, a witness in behalf of the claimants taken before Commissioner James Wilson was filed;

(Vide page 4 of this Transcript.)

*San Francisco Oct. 11. 1853.*

Case no. 258, was submitted on briefs and taken under advisement by the Board,

*San Francisco Feb. 14. 1854.*

In the same Case Commissioner Alphens Felch delivered the opinion of the Board confirming the claim.

(Vide page 42 of this Transcript.)



San Francisco Aug. 15<sup>th</sup> 1854.  
In the same case, on motion of the U.S. Law Agent,  
the following order was made, to wit:  
(See page 48 of the Transcript.)  
~~~~~

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2

Petition

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To the U. S. Land Commission for the ascertaining and settling of Private Land Claims in California

The petition of Thomas Pacheco and Augustin Alviso respectfully sheweth that on the Eighth of August 1840 they made and presented their joint petition to the Governor of California soliciting for themselves the grant of a tract of Land near the Mission of San Jose an accurate description of which will be given hereafter

That on the 29<sup>th</sup> of November 1842 Governor Alvarado permitted your petitioners to take possession of the land petitioned for and to occupy it until the proper steps of securing a formal grant to them could be taken -

That your petitioners having taken possession in 1842 as aforesaid directed another petition to the Governor Micheltorena on the 3<sup>rd</sup> of February 1844 praying that a formal grant should be issued to them -

That in the meantime and while the proceedings were going on, various other individuals and especially one Pedro Chaboya applied to the Government for a grant of the Land petitioned for by Pacheco & Alviso as aforesaid and that for the purpose of deciding which of the claimants was entitled to a grant of said land the whole subject was referred to the Tribunal Superior de Justicia del Departamento de California, which after due inspection of all the documents received in favor of your petitioners on the 31<sup>st</sup> of March 1844

That thereupon and upon a favorable report made on the subject by the Just Alcaides of San Jose on the 10<sup>th</sup> of February 1844. The said Micheltorena by a deed dated 23<sup>rd</sup> of March 1844 declared your petitioners the lawful Owners of said Land and directing the proper documents constituting title to be issued to them and that such grant or title deed was executed.

On your petitioners further say, that all the documents above referred to as their petitions the references reports the various petitions of the customary parties and the



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action taken thereupon by the Suprema Tribunal de Justicia, then the decree of Mecheltuna a certified copy of the grant and the map of the premises are on file in the Archives of California now in the possession of the Surveya General of the United States of America for the State of California and that duly certified copies and translations of the same are herewith submitted and prayed to be made part of this petition

That the Original grant and map is in the hands of your petitioners are ready to be offered in evidence whenever required

And your petitioners further state that said Land is situated in the present County of Santa Clara contains three square Leagues of Territory or less is known by the name of "Potrero de los Serenos" and bounded as follows

On the West by the Bay of San Francisco

On the North by the "Arroyo de la Alameda"

On the South by the ditch called "Laguna de los Alisos"

And your petitioners further state that they took possession of said Land in 1842 aforesaid, and two years before they obtained a formal grant thereof and that they have been in the quiet and undisputed possession of it since then being not aware of the existence of any title conflicting with or paramount to their own. They therefore claim to be the Original Owners of said Land and pray that your Honorable body after due inspection of the documents herewith submitted will confirm and validate their claim and title thereto

Clark Taylor & Beckh  
Atty's

Filed in office May 31. 1852

Geo. Fisher Sec'y



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Deposition of  
Anacris Pico

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Office of the Board of Commissioners of California Land  
Claims - Los Angeles Sept. 3<sup>rd</sup> 1852

On this day before James Wilson one of the commissioners for ascertaining and settling private Land claims in California came Don Anacris Pico a witness produced in behalf of the claimants Tomas Pacheco and al. whose petition is No. 258 on the Docket of the Board and was duly sworn. His evidence being given in the Spanish tongue was interpreted by the Secretary. The Law Agent was notified and did attend.

The Law Agent of the United States was present by R Greenhouse Esq. by consent and did not object.

Don Anacris Pico appeared as a witness in the case of Tomas Pacheco and al who petitioned for confirmation of Rancho Potrero de los Securos who being duly sworn testifies and says - I know the Rancho Potrero it is situate to the Westward of San Jose. I have known it since the year 1845. It is now has been occupied by Tomas Pacheco and Augustin Olvera since that time.

The improvements on said Rancho consist of four houses and barns and fences. At that time when I first knew it. I have been at that place several times during the last six or seven years. It has been constantly occupied by the petitioners and they have been constantly making accustomed improvements. They have cattle and horses and a few sheep. They have about one thousand head of cattle. Three hundred horses and four or five hundred head of sheep. They have had fields under cultivation and arrangements for irrigation by a turner mill for pumping water. The cultivation on said Rancho is more than a square mile and it is under very good husbandry. The turner mill for pumping the water is a powerful one and affords a great supply of water. The whole



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claim of the petitioners is enclosed in force

Sept 3<sup>rd</sup> 1852

Andres Pico

Subscribed & sworn to

Before me

James Wilson

Commissioner

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Filed in Office Sept. 3<sup>rd</sup> 1852

Geo. Fisher

Secy



6

[ 1 LDK ]Expediente }  
" B "1844119 ND  
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Expediente

Promovido por los Ciudadanos  
 Tomas Pacheco y Agustin  
 Moiso en pretension del pa-  
 sage conocido con el nombre de  
 Potero de los Territos, —

358 —

"



7  
[2 ADK.]  
Sr. Gov.<sup>o</sup> y Jefe Político

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PAGE 9  
Agustín Alvarado y Tomas Pacheco, vecinos del Pueblo de S. José ante V.S. como mas aya lugar en derecho acemos presente q<sup>e</sup> nos ayamos Dueños de una porción de ganado y catallado algo considerable q<sup>e</sup> nro<sup>s</sup> ancianos Padres acen su reparto de eredad, y al tiempo de recibirlo nos encontramos sin parte, en donde poner en separo de aqueya comun mezcla de parcioneros para q<sup>e</sup> sin menos trabajo pudiámos adelantar este ramo y el de agricultura a' q<sup>e</sup> dedicámos nuestra inteligencia p<sup>o</sup> el sosten de nras crecidas familias q<sup>e</sup> gozamos

Puestos en tales reflexiones a' q<sup>e</sup> indispensablemente debemos atender por lo tanto imploramos a' la piadosa conside<sup>o</sup> de V.S. nos conceda dos sitios de ganado mayor poco mas o' menos segun alcance en las dos rinconadas de Seritos y embarcadero q<sup>e</sup> dictaran tales puntos de la Misión de S. José segun calculo de dos leguas mas o' menos, q<sup>e</sup> en caso hubiere algun inconveniente para concederlas las dos dhas rinconadas, y es nos conformámos con la una que

[3 ADK.]  
- es la mas distante del establecimiento y llaman los Seritos en hecta nos contraemos a la solicitud de un sitio culto deseno se acomp<sup>o</sup>. Por tanto -

A. V. S. rendidamente suplicamos bex propicio



8

una tan notable necesidad q<sup>se</sup> presenta á  
la benignidad de V.S. y provia á favor  
gracia y merced, q<sup>se</sup> juramos lo necesario  
de etc. - Dispensando la falta de papel  
sellado q<sup>se</sup> no lo ay -

Pueblo de S. José Guadalupe y  
Monarado el 8. de 1840 -

Agustin Aloisio Tomas Pacheco

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Sello Cuarto Los Reales

[4.5.12.]

Habilitado provisionalmente por la Aduana  
mantima del puerto de Monterey, en el  
Departamento de las Californias, para los  
años de mil ochocientos cuarenta y cuatro  
y mil ochocientos cuarenta y cinco -

Micheltonna

Pablo de la Guerra



Excmo. Sr. Gobernador

Los Ciudadanos Tomas Pacheco  
y Agustin Aloisio, ambos na-  
turales de este Departamento,  
ante la obra y recta justifi-  
cacion de V.E. en derecho y  
como mas haya lugar decimos:  
Que desde el mes de Mayo  
de 1842 estamos poseyendo  
el terreno conocido con el  
nombre de Potreros de los  
Seritos, en donde tenemos  
ubicada casa, corrales, arboles

Monterey  
Feb. 5 de

1844

Enfe el S.  
Sr. de Des-  
pacho to-  
mando los  
necesarios y  
teniendo pre-  
sentes las  
representaciones



de los Ss.  
Estrada y  
Chavolla  
Micheltu

frutales, henes sembrantes  
tr. tr. interin comian  
los tramites respectivos, se-  
gun comprueba el adjunto  
documento, expedido por el E.  
J. Gobernador antecesor de S.E.

Por lo que suplicamos a la  
generosidad y clemencia de S.E. se digne espe-  
dirnos el Titulo de propiedad, para de este  
modo trabajar anhelante sin perjuicio de  
nuestros intereses. V. J.

A. S. E. Suplicamos encarecidamente se  
digne proveer como pedimos de lo que esperamos  
recibir gracia y merced, jurando no ser de  
mali - [5. ADK.]

- cia y lo necesario V. J.

Monterey Febrero 3 de 1844 -  
Tomas Pacheco  
Agustin Aloisio

Como dispone el E.E. pase la precedente ins-  
tancia en el documento que acompaña al  
Alcalde de Pueblo de San José para que  
informe sobre su contenido y todo lo demas  
que crea conveniente -

Monterey Febrero 7 de 1844 -  
Man. Jimeno

Como los suplicantes Tomas Pacheco y Agustin  
Aloisio manifiestan orden del gobierno anterior  
p.º poseer el terreno q.º solicitan digo a S.E.  
q.º soy sabedor q.º estos tienen fincas considerables  
como son: una casa de pared bastante grande,



una huerta de árboles frutales, un corral y un crecido numero de ganado y caballería. Estos amos con sus familias habitan en el, sin perjudicar a la Misión inmediata ni a nadie. Por lo tanto como — [6 DK]

— no aparece en este juzgado constancia que acredite que alguno ha putendido el terreno q<sup>l</sup> se solicita primero q<sup>l</sup> los interesados, los considero de mi parte a' estos acreedores a ser agraciados antes q<sup>l</sup> a algun otro q<sup>l</sup> lo pida —

Pueblo de S. José Seto 10 de 1844

Antonio Ma. Rico

Monterey 23 de Marzo de 1844 —

Vista la petición con que dá principio este expediente, los informes que preceden, con todo lo demás que se tubo presente y de ver con vino de conformidad con las leyes y reglamentos de la materia, declaro a' los Ciudadanos Tomas Pacheco y Agustín Aloisio, dueños en propiedad del paraje conocido con el nombre de Peteros de los Serinos, sirviendo de linderos el Sanjon de los Alicos por la parte de San José, por el Norte con el Arroyo de la Lameda, y por el Poniente con la Bahía en extension de tres sitios de ganado mayor poco mas o' menos. Librese el correspondiente despacho tomese razon —

— en el Libro respectivo y dirigase este expediente a' la E. Asamblea Departamental para su aprobacion. El E. S. Gobernador General de Brigada del Ejercito Mexicano, Ayudante Gral de la Manó Mayor del mismo, Gobernador Comand. te Gral e Inspector del Departamento [7 DK]



de las Californias así lo mandó decretó y firmó  
[ 8. FDK. ]



Habiendo el go<sup>no</sup> concedido a los Ciudadanos Tomas Pacheco y Agustín Mision el terreno con el nombre de Poteros de los Serinos y mientras tanto se arregla el expediente relativo, pueden los interesados establecer en el fincas y labores no haciéndolo con bienes de campo, mientras que la Mision de Sr. José recluta los pocos bienes que p<sup>o</sup> allí pasteen —

E para resguardo de los interesados les di el presente en Monterey a 14 de Mayo de 1842 —  
Moniado

otro El terreno p<sup>o</sup> la parte de la Mision de Sr. José es el Ranjon de Alisos —

Así al a' 29 de Nov<sup>re</sup> de 1842

Habiendo reunido ya los bienes de campo dispuestos en el paraje de los Serinos —

segun el parte q<sup>d</sup> da el encargado de la Mision de Sr. José pueden los interesados poner allí los suyos y disfrutar de la completa propiedad del terreno ocurriendo por el título al go<sup>no</sup> luego q<sup>e</sup> cambien las presentes circunstancias de la Capital —

Moniado

[ 10. FDK. ]  
El Ciudadano Manuel Micheltorena general



de Brigada del Ejercito Mexicano Ayudante General de la Plana Mayor del mismo, Gobernador Comandante general e Inspector del Departamento de las Californias. —

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Por cuanto los Ciudadanos Tomas Pacheco y Agustin Alonzo han pretendido para sus beneficios personales y el de sus familias el parage conocido con el nombre de los Pozos de los Seritos, sirviendo de lindero el Sanjon de los Ahues por la parte de San José, por el Norte con el Arroyo de la Lameda, y por el Poniente con la Bahia: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos: usando de las facultades q<sup>e</sup> me son confiadas a nombre de la Nacion Mexicana he venido en concederles el terreno mencionado declarandoles la propiedad de el por las presentes letras sujetandose a la aprobacion de la Exma Asamblea Departamental y bajo las condiciones siguientes —

1.<sup>a</sup> No podran venderlo, enagenarlo ni hipotecarlo, imponer censo — vinculo fianza hipoteca ni otro gravamen alguno. —

2.<sup>a</sup> Podran cercarlo sin perjudicar las trabecias caminos y servidumbres; lo disfrutaran libre y exclusivamente destinandolo solo al uso o cultivo —

3.<sup>a</sup> Solicitaran del Juez respectivo que les dé la posesion juridica en virtud

[H. D. K.]



de este despacho por el cual se demarcarán los terrenos en cuyos límites pondrá a mas de las mojoneras algunos árboles frutales i' silvestres de alguna utilidad

4.<sup>a</sup> El terreno de que se les hace donacion es de tres sitios de ganado mayor poco mas o' menos segun explica el dicento respectivo. El Juez que diere la posesion lo hará medir conforme a ordenanza quedando el sobrante que resulte a' la Nacion para los usos convenientes ~

5.<sup>a</sup> Si contraviniere a estas condiciones perderan su derecho al terreno y será denunciado por otro ~

En consecuencia mando que teniendo por firme y valido el presente, se tome razon de el en el libro respectivo y se entregue a' los interesados para su resguardo y demas fines. Dado en Montevideo a' veinte y tres de Marzo de mil ochocientos cuarenta y cuatro = Manuel Micheltona ~ Manuel Jimeno ~

Queda tomada razon de este despacho en el libro de asuntos sobre adjudicacion de terrenos baldios a' fijas 7. Jimeno

[12. ADK]

### Sello Quinto Aln Real

Habilitado provisionalmente por la Aduana maritima del puerto de Montevideo en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco ~

Micheltona ~

Pablo delaguerre



14



E. S. Gobernador

Nicanor Estrada Cap.º

Solicito el parage  
de los ceritos en  
la Misión de San  
José.

de Caballero Verm.º a' S.E. hace  
presente: No estar dado el  
parage nombrado los Ceritos  
de la Misión de San José y con-  
veniendo fundar un rancho

Montevideo Enero 7  
de 1844 -

suplico a' S.E. se me conceda  
el citado, del q.º acompaño diseño  
con obligación de reformarlo p.º  
no estar bien sacado. Mon-  
terey Dto 28 de 1843 -

Gupo el S. Dto  
del Despacho to-  
mando antes los q.  
creyer convenientes  
Michetta

E. S.  
Nicanor Estrada

Como =  
X

[13 ADK.]

dispone el Exmo. Sr. Gobernador, informe el alcalde  
primero del Pueblo de San José, citando a' la parte  
de Don Agustín Aloisio para que deducá sus derechos  
sobre el terreno que se pretende, y concluido que sea  
tuelva a esta cuenta p.º cumplir con lo prevenido en  
el Superior decreto de hoy -

Montevideo 7 de Enero de 1844 -  
Manuel Jimeno

El R. P. Mtro de San José se sirva informar  
sobre el contenido de la presente instancia y en  
seguida lo pasará al alcalde de San José según  
expresa la antecedente disposición -

Montevideo 8 de Enero de 1844 -  
Manuel Jimeno

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Si el terreno q ocupa el Cuid.<sup>o</sup> Agustín — [14 ADK.]

— Aloren en el parage nombrado los Seritos lo disputa o no segun ley yo no lo he podido averiguar; mas si asi no fuere creo q en vez de cederselo a otro deve volver adonde pertenece q es a esta Mision, fundado en lo que, como hice presente al Exmo. Sr. Gral. D. Manuel Micheltreana, carecia esta otra Mision del terreno absoluto indispensable para mantener los bienes semovientes y ubicar sus labores etc. pues se halla toda rodeada de ranchos en los terrenos que ella misma tiene y sus haderos estan a una muy pequena distancia como los mismos colindantes pueden mejor afirmarlo.

Es cuanto tengo q informar sobre el particular —

Mision de S. Jose' Ene 29 de 1844 —

El terreno q el suplicante solicita esta poseido p. D.<sup>o</sup> Agustín Aloren y D.<sup>o</sup> Tomas Pacheco con orden y permiso del Exmo. Sr. Gobernador, q. era D.<sup>o</sup> Juan Bautista Alvarado cuyo terreno esta feneado con una grande casa de pared, una Huerta de arboles frutales, y existen en el un crecido numero de bienes semovientes —

[15 ADK.]

Este segun visiblemente estoy empuesto e informado no perjudica a la Mision de S. Jose', ni anadie, y p. esto considero a los q. lo



preen acuderos a' la gracia de concesion en  
propiedad antes q<sup>e</sup> a' alguno otro, q<sup>e</sup> los  
solicite ~

Pueblo de S. José Ento 31 de 1844 -  
Antonio M<sup>o</sup> Rio

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Exmo Sr Gobernador

El terreno que pretende el Sr Capitán Don  
Nicanor Estrada está ocupado en bienes y  
casa por los Ciudadanos Tomas Pacheco y  
Agustin Alirsa, a quienes se les dió una  
licencia provisional por el Gobierno, mientras  
corria sus tramites el exped<sup>to</sup> respectivo, y  
aunque este no ha llegado a' la S<sup>ra</sup>, pero  
tienen ya derecho al terreno de los Serritos  
al que pienso no ha lugar a' la solicitud  
del mencionado Sr Estrada; mas S. E. dis-  
pondrá lo conveniente. Monte -

[16 S. D. K.]

- rey Febrero 5 de ~~Febrero~~ de 1844 -

Manuel Jimeno

Monterrey Feb: 5 de 1844

Pase al Sr Estrada p<sup>ra</sup> q<sup>e</sup>  
impuesto diga lo q<sup>e</sup> crea conveniente -  
Michelt<sup>a</sup>

E. S. Gobernador

En cumplimiento del Sup.<sup>o</sup> decreto de  
S. E. le manifiesto que el Sr. Sec<sup>to</sup> D<sup>o</sup>  
Manuel Jimeno informa contrario de lo que



sabe, pues tendrá pres.<sup>te</sup> dicho Sr. haberme  
representado en la oficina un exped.<sup>te</sup>, que  
sin om de archivar ni decreto de tramites,  
se hayara en dicho archivo formado por los  
S. S. Pacheco y Alviso; y como el Sr. Jimeno  
informa a' V. E. de no haber llegado a' la  
brin el exped.<sup>to</sup> de estos S. S. quiero acreditar  
lo contrario a' su informe y que se de a' los es-  
[17 J. D. K.]

— pedientes el lugar que legalm.<sup>te</sup> les pertenece.  
El Sr. Jimeno me advirtio que los S. S. Pacheco  
y Alviso tenian licencia por el gobierno para  
establecerse en el pretendido parage los Seritos  
pero antesed.<sup>te</sup> en la oficina —

Si por lo espuesto ante V. E. el  
presente tubiere algun derecho, yo lo cedo  
a' favor del Sr. Charolla a' quien mas que  
a' mi le pertenece en justicia, como lo hara  
presente a V. E.

Monterey Feb. 9 de 1844 —  
Nicanor Estrada

Exmo. Sr. Gobernador

Como el Sr. Capitan Dn. Nicanor  
Estrada ha querido metuse en lo que no sabe,  
ni entiende, por esta razon explalle mi informe  
el dia de hayer ante V. E. mismo p.<sup>a</sup> q.<sup>a</sup> se  
impusiese del negocio, y se me ahorra  
contestar proligamente al escrito del dho. Sr.  
Estrada. —

Monterey 6 de Febrero de 1844  
Alban Jimeno



18.

Here follows a Sketch (marked) [18 J.D.K.]

[19 J.D.K.]

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Sello Quinto Un Real

Habilitado provisionalmente por la Aduana  
maritima del puerto de Monterrey en el  
Departamento de las Californias, para el año de  
mil ochocientos quarenta y tres.

Micheltorena

Manuel Castanones



Excmo Sr Gobernador

Monterrey  
Feb 5 de  
1844.

Enfe el  
S. Sr del  
Despacho  
tomando antes  
los p.<sup>tes</sup> crea  
necesarios

Micheltorena

Pedro Chabolla natural de la  
alta California y residente en el  
Pueblo de San José de Guadalupe  
ante V. E. con el mayor respeto  
comparezco y digo. Que Habiendo  
solicitado del Superior Gobierno  
Departamental el parage nombrado  
los Seritos pertenecientes al  
terreno de la Elision de S. José,  
cuya petición hice en el año de  
839 - y los papeles q<sup>ue</sup> en esa  
fha se practicaron fueron tras-  
papelados en la Srta de gobi-  
erno en donde no fue posible  
se me entregaron p.<sup>tes</sup> mas dili-  
gencias que hice, y resultando  
de aquí mi dño perjudicado p.<sup>tes</sup>  
haber sido agraciados otros  
individuos, que aunque tengan  
mérito p.<sup>tes</sup> ello; mas no por esto



creo q.<sup>l</sup> deban ser postergados mi largos y dilatados servicios q.<sup>l</sup> con honor y sin apuro de mis jefes tengo prestados a mi Patria en lo q.<sup>l</sup> ella me ha ocupado. De aqui es Por Exmo q.<sup>l</sup> a la vez me veo impulsado a representar ante la icta \_\_\_\_\_ [20. A.D.K.]

— justificacion de V.E. acompañando los únicos Documentos q.<sup>l</sup> son copias de los originales, y de un certificado q.<sup>l</sup> el Juez constitucional de este Pueblo me dio en ese tiempo de conversión q.<sup>l</sup> mis referidos papeles se perdieron. De mi pretension de q.<sup>l</sup> hago merito; tambien debe haver alguna noticia en la Misiva de S. J. José P. el informe q.<sup>l</sup> allí se pedia p.<sup>o</sup> el Gob.<sup>no</sup> y yo suplico a V.E. se digne mandar pedir los informes q.<sup>l</sup> crea justos y convenientes p.<sup>o</sup> q.<sup>l</sup> mi dño sea atendido; pues yo he sido el primer solicitante q.<sup>l</sup> he pedido el Punto de los Seritos. Por tanto

A V.E. ruego, pido y suplico q.<sup>l</sup> en obsequio de la justicia se digne V.E. atender esta mi solicitud. Juro \_\_\_\_\_ [21. A.D.K.]  
no ser de malicia V.<sup>o</sup>

Pueblo de S. José Dec<sup>re</sup> 18 de 1843 —  
Pedro Chatolla

Como dispone el Exmo. Por Gob.<sup>no</sup> pase la presen<sup>te</sup> inat.<sup>a</sup> al Juez t.<sup>o</sup> del Pueblo de San José p.<sup>o</sup> que informe lo que sepa sobre el particular.

Monterey 5 de Abo de 1844  
Mant. Simeno



Como este Juzgado no tiene conocimiento p. no  
aparecer en el Archi - del mismo Documentos  
que acrediten la solicitud de Dn. Pedro Chabolla  
y tambien como consta q' los S. S. Tomas Pacheco  
y Agustin Aliso estan poseendo el terreno y  
tienen en el fincas de algunos cratos y que  
tambien manifiestan lisen. — — [22. ADK]

- cia del Gobno p. haber emprendido sus fincas  
no encuentro que otro informe a' mas de este  
q. dar al interesado y si pienso q. el Sr. M -  
variado puede hacerlo; pues es quien gobernaba en  
el tiempo en q. este Sr. Chabolla hizo su  
solicitud segun dice —

Pueblo de S. José Feb 10 de 1844

Antonio M. Rico

[23. ADK]

### Sello Cuarto Dos Reales

Habilitado provisionalmente por la aduana, Ma-  
ritima del Puerto de Monterrey, en el Departam<sup>to</sup>.  
de las Californias para los años de mil ochos -  
cientos cuarenta y cuatro y mil ochocientos  
cuarenta y cinco —

Micheltonna

Pablo de la Guerra

Gobernador

Guillermo Edo Hartnell



Monterrey Feb.  
13 de 1844

Como lo pido -  
Evacuen los informes  
las personas cita-  
das

Micheltonna

Es. S. Gobernador  
Pedro Chabolla hijo del Pueblo  
de San José y vecino del mismo  
ante V. E. hace presente  
haber solicitado el parage  
de los territorios de S. José  
el 3. de Feb. de 832; y  
como hay corre tramites



un exped.<sup>te</sup> posterior al uno favorecido por los informes del Sr. Secretario y Jues del Pueblo, de-  
seoso de que V.E. haga que se tomen los  
necesarios podran darlos los S.<sup>s</sup> José M.<sup>a</sup>  
Castanares, D.<sup>n</sup> Ant.<sup>o</sup> Oris y Juez del Pueblo  
en caso ante D.<sup>n</sup> José Noriega que vive en  
dicho pueblo y tomados que sean estos verá  
V.E. mi verdad y justicia que me asiste.  
El Administrador que fue de la Misión  
de S.<sup>n</sup> José D.<sup>n</sup> José Ant.<sup>o</sup> Estrada tambien

[24 SSK]  
podrá informar todos con imparcialidad  
gracia que espero de V.E.

Monterey Feb. 12 de 1844  
Pedro Chabolla

Digo yo el abajo firmado que en el mes de Abril  
de 1840 vi un expediente promovido p.<sup>r</sup>  
D.<sup>n</sup> Pedro Chaboya en solicitud del parage  
nombrado los Serritos como a tres o cuatro  
leguas de la Misión de S.<sup>n</sup> José cuyo espe-  
diente fue en dicho tiempo a' que informa-  
va el Sr. admn. de aquel Establecimiento.

O a pedimento del Sr. Chaboya, firmo  
esta en Monterey a 14 de Feb. de 1844  
Antonio M.<sup>a</sup> Pico

El q.<sup>o</sup> suscribe en cump.<sup>to</sup> del Sup.<sup>o</sup> Decreto  
que corre al margen de esta solicitud, hace  
presente Que en el año de 1841 me dio D.<sup>no</sup>  
Pedro Chabolla p.<sup>o</sup> q.<sup>o</sup> agencias del S.<sup>n</sup> Ex-  
go.<sup>r</sup> D.<sup>n</sup> Juan Bta. Alvarado el pronto



y favorable Despacho de un Expediente suyo q.<sup>l</sup>  
estaba corriendo tramites desde 822 en solicitud  
de el terreno conocido p.<sup>r</sup> los serritos, cuyo asunto  
no supe su paradero p.<sup>r</sup> ocuparme yo en mis  
asuntos privados I p.<sup>r</sup> q.<sup>l</sup> obre los efectos q.<sup>l</sup> haya  
[25 J.D.K.]

- lugar firme esta en Monterrey a 14 de  
Ebr.<sup>o</sup> de 1844 - José M.<sup>o</sup> Castañares

Monterrey Ebr.<sup>o</sup> 15 de 1844

Por medio el interesado verbalmente al  
Gov.<sup>o</sup> informar tambien los M. M. R. R.  
P. R. de las Misiones de Santa Clara y San  
Jose, se servirán hacerlo sus Reverencias

Micheltá

Exmo. Sr. Gobernador

Consigniente al Superior decreto q.<sup>l</sup> antecede en  
el asunto q.<sup>l</sup> se versa entre los Sres Pedro Cha-  
bolla y Agustin Alorsu, diré brevemente: que  
el primo se que con mucha anterioridad al  
segundo solicito el parage de los serritos perte-  
neciente a la Mision de San José - Asimismo  
en fin del año de 842, que se hallaba de  
Mayordomo en la Mision de San José Ay.<sup>n</sup>  
Alorsu metir ganado en compania de Tomas  
Rucheco en dho parage de los serritos; mas D.<sup>n</sup>  
José Ant.<sup>o</sup> Estrada q.<sup>l</sup> estaba de encargado en  
la Mision, V.S. mando sacar el ganado, pues  
solo tenían licencia p.<sup>r</sup> sembrar en dho sitio.  
En fin del mismo año referido en el mes de  
Oct.<sup>o</sup> ya el Sr. Agustin Alorsu intento fa-  
bricar casa en el mismo parage, y el Sr. sr.  
Pad.<sup>e</sup> D.<sup>n</sup> Gynacio Alorsu, encargado de esta le dio



gente de la Misión quiza ocho o nueve hombres. [26 ADK.]

el efecto. En el siguiente año de 843 se dijo  
p. algunos (no sé con q.º fundamento) q.º los Pres  
Alonso y Pacheco habían ocurrido a Monterrey para  
practicar las diligencias del sitio mencionado y  
sacar sus papules; pero de lo q.º si no tengo duda  
q.º el Sr. Charolla las ha practicado con mucho  
tiempo ant.º, tanto por lo q.º afirman los Señores  
Díaz y Castañares, como también por q.º el prim.  
en junio del año pasado refiriendome los move-  
mientos y cuestiones q.º le han ocurrido con res-  
pecto al sitio q.º tiene a la otra parte del Puerto  
de San Fran.º en la punta de Reyes, se tocó el  
punto presente del Sr. Charolla, y en sustancia  
me dijo que un expediente q.º se hallaba corri-  
endo los tramites de estilo sin saberse como, ó de  
que modo (expresiones suyas) de la noche á la  
manana intempestivam.º se habia perdido.

Es cuanto tengo el honor de informar  
á V.E. en este asunto.

Sta Clara Feb. 24 de 1844

F. Serrano Dazq.

del Merced

Here follows another map or  
Sketch (marked \_\_\_\_\_)

[27 ADK.]

[28 ADK.]

El que se suscribe certifica que siendo alcalde  
Constitucional de este pueblo se presentó D.  
Pedro Chatoza un escrito con que acompañaba



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un dicens solicitando los seritos de San José,  
cuyo escrito le volvi para que se dirigiera  
al gobierno del departamento a quien corres-  
pondia por ser terreno de Mision, abiendo  
hocurrido esto a principios del año de 1839  
y para que conste a pedimento del ynteresa-  
do doy esta en el pueblo de San José

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[29. A.D.K.]

M. Y. A.

Pedro Chatoya ante V.V.SS. como mas  
haya lugar, comparece y dice: que hallan-  
dome con algunos bienes y no teniendo una  
finca a propiedad donde establecerme, suplico  
a' V.V.SS. se sirvan concederme el sitio lla-  
mado los Seritos de S. José el cual consta  
segun el dicens que acompaño, de tres sitios  
poco mas o' menos. Por tanto.

A V.V.SS. suplico se dignen acceder a' esta  
mi solicitud en lo [30. A.D.K.]

- que recibire' gracia y merced.  
Pueblo de S. José Lib. 3 de 1839.  
Pedro Chatoya

Here follows another map or  
Sketch (marked) [31. A.D.K.]

Tribunal Superior  
De Justicia  
Del Departamento  
De Californias } Exms. Por  
-x-x-x-x-x-

[32. A.D.K.]

Con fha 14 del  
presente dice a' este Superior Tribunal el  
Juez de 1.<sup>a</sup> Instancia Log. Copio  
" Cumpliendo por lo dispuesto



Monterrey  
Años 21 de  
1846

Como opina  
el Superior  
Tribunal de  
Justicia de  
este Departa-  
mento

Micheltá

firmado por el y D. Agustín Alvarado y un  
disenso p. los q. solicitan en Ag.º de 1840-  
ante El Excmo Sr Gobernador del Depar-  
tamento el terreno q. es en cuestion - Todo  
lo q. tengo el honor de decir á V. S. p.º q.º  
se sirva ponerlo en el conocimiento de ese  
Sup.º Trib.º de Colianda - los documentos con  
q. me acompaña en citada nota, adjunto  
los q.º antes. ————— [33 DK]  
he dicho -

Y habiendo visto y examinado  
los referidos documentos, y no aparecer agre-  
gados mas comprobantes q. la instancia  
y disenso de Alvarado y Pacheco acuerdo este  
Sup.º Trib.º q. se remitiesen á V. E. p.º q.º  
mande extender el título de propiedad  
á quien tubiere á bien, siendo la opinion  
del mismo Sup.º Trib.º q. como no hay espe-  
diente alguno formado en solicitud del Terreno  
en cuestion p. ninguna de las partes, y si  
existir un d.º de primer ocupante, no



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habiendo el de un primer pitidor; como Pacheco  
 tubiese aquel con justo titulo y buena fe. —  
 (pues no se prueba lo contrario) es acreedor  
 a q. en justicia se declare a su favor la  
 propiedad en el terreno q. acompaña, teni-  
 endo en consideracion a charolla p<sup>a</sup> ser  
 preferido en lo sobraute —

Lo q. tengo el honor de decir  
 a V.E. como resultado del examen q. se  
 hizo de los referidos documentos q. [34 ADK]  
 acompaña; y como acordado asi p<sup>r</sup> este  
 Sup.<sup>o</sup> Trib<sup>l</sup> —

Dirase V.E. admitir los protestas  
 de mi respecto y consideracion —

Dios y Libertad — Monterey  
 Mto 21 de 1844 —

Juan Malasim

Ejmo Sr Gobernador del Departam<sup>to</sup>

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

I Samuel D. King Surveyor  
 General of the United States for the State of  
 California, and as such, now having in my  
 office and under my charge and custody  
 a portion of the Archives of the former  
 Spanish and Mexican Territory or  
 Department of Upper California — do



herely certify that the thirty four preceding  
and herunto annexed pages of tracing  
paper numbered from one to thirty four  
inclusive and each of which is identified  
by my initials (J. D. K.) exhibit true  
and accurate copies of certain documents  
on file and forming part of the said  
archives in this office —

Seal

In testimony whereof I have  
herunto signed my name  
officially and affixed my  
private seal (not having  
a seal of office) at the city  
of San Francisco, Cal, this  
sixth day of March, A.D.  
1852 —

J. and D. King  
Surgeon Cal

Filed in office May 31<sup>st</sup> 1852  
Geo. Fisher  
Secy



Record of Proceedings at the Instance of the Citizens  
Thomas Pacheco and Augustin Alvaro Soliciting the  
location called Poteros Los Serenos

Translation of  
Espectante

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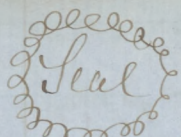
Mr Governor and Political Chief  
Augustin Alvaro and Thomas Pacheco Residents of the  
Pueblo of San San Jose in the best legal form repre-  
sent to your Honor, that we are the joint owners of a conside-  
rable number of cattle and horses, which forms a part  
of our inheritance from our late parents and at the time  
of receiving the same we found ourselves without any  
place to put them separating them from this common  
mixture of share holders, in order that with help  
or we may be enabled to promote this pursuit and  
that of agriculture to which we devote our attention  
in order to sustain our increased families which we  
must indispensable provide for, we implore your  
Honor's charitable consideration to grant us two leagues  
or leagues, a little more or less as it may be compris-  
ed between the two angles of the Serenos and Embar-  
cadero which point according to my estimate are  
two leagues more or less distant from the Mission of  
San Jose - In case you should have any inconven-  
ience in granting us the two said angles we will  
be content with the one that is most distant from  
the establishment and called Los Serenos and  
will confine our solicitation to one square league  
the sketch of which is annexed -

Therefore we humbly pray that your Honor would  
favorably consider a case of such urgent necessity  
submitted to the benignity of V. H. We make the  
necessary oath etc - Excuse the want of sealed  
paper of which there is none - Pueblo S. Jose Gu-  
adalupe y Alvarado -

Augustin Alvaro

Ths. Pacheco





Excellent Sir Governor

We the Citizens Thomas Pacheco and Augustin Alvares both natives of this Department before your Excellency's wise and justice, in the most legal and proper way say; that since the month of May 1842 we have been possessors of the Land known by the name of "Pobrero de los Benitos" where we have built a house Corners, fruit trees, cattle &c while the respective procedure is going on, as the adjoined document issued by the Ex Governor your predecessor proves.

Accordingly we apply to your Excellency's generosity and clemency to be pleased to issue to us the title deeds in fee in order thereby to work anxiously without prejudice to our interests. Therefore we earnestly pray that your Excellency will be pleased to provide for what we ask by which we expect to receive favor and justice, swearing there is no malice in it and to what else is necessary. - Monterey Feb'y 3<sup>d</sup> 1844

Th<sup>s</sup> Pacheco

Augustin Alvares

Monterey February 5<sup>th</sup> 1844

Let the Secretary of State report, taking necessary information and in order to provide in Justice bearing in mind the representations of the Citizens Estrada and Chuboyu - be borne in mind.

(Micheltonnes)

Agreeably to the disposition of his Excellency let the preceding Instrument with the accompanying documents pass to the 1<sup>st</sup> Alcalde of the Puelo of San Jose that he may report upon its contents and every thing else he may think convenient -

Monterey February 7<sup>th</sup> 1844 Manuel Lomero

As the Supplicants Thomas Pacheco and Augustin Alvares show Order from the former Government to possess the land they solicit I say to y. E. that I know that these have considerable property such as a dwelling house large enough, Orchard of fruit



trees a coral and an increased number of cattle and horses. They both with their families inhabit it without prejudice to the immediate Mission nor to any body else. Therefore as it does not appear in this in this Court, any proof to show that any body has solicited the Land hereby petitioned for I consider for my part those meritorious persons to be entitled to the grant rather than any other who may ask it. Pueblo de San Jose February 10<sup>th</sup> 1844

Antonio Ma Pico

Monterey 23<sup>rd</sup> March 1844

In view of the petition with which this Record of proceeding commences, the preceding reports with every thing else which was borne in mind and was convenient to attend to in conformity with the laws and regulations on the subject - I declare the citizens Thomas Pacheco and Augustin Alvaro Owners in fee of the location known by the name of "Pohero de los Venitos" bounded in direction to San Jose on the Llanjon de los Alisos, to the North on the Arroyo de la Alamea and to the West on the Bay in extent three square leagues (sitios de ganado mayor) a little more or less. Let the corresponding title be issued enter it in the respective Book and transmit this Expediente to the E. Departmental Assembly for its approbation. The Ex<sup>t</sup> Governor Brigadier General of Mexican Army - Lieutenant General of the Staff of the same Commandant General and Inspector of the Department of both Californias thus Ordered decreed and signed

General

The Government having granted to the citizens Thomas Pacheco and Augustin Alvaro the land known by the name of Pohero de los Venitos and while the respective Expediente is adjusting and the corresponding titles issued, the interested parties can establish the improvements and cultivations



Not doing it with cattle until the Mission of San Jose  
reduces the few cattle which pasture thereon -  
For the security of the interested parties I give them these  
presents in Monterey the 14<sup>th</sup> of May 1842

Alvarado

Moreover. The boundary on the side of the Mission  
San Jose is the Sanjon de los Alisos  
(Hornish)

Alisal 29<sup>th</sup> November 1842

Having already withdrawn the cattle dispersed on  
the location de los Benitos according to the report  
of the person in charge of the Mission of San Jose  
the interested party can then put them and enjoy  
a complete ownership of the Land. They shall  
apply to the Government for the title when the present  
circumstances of the Capital shall allow it -

Alvarado

The citizen Manuel Michelena Brigadier General  
of the Mexican Army Adjutant General of the Staff  
of the same Governor Commandante General and Inspe-  
ctor of the Department of both Californias  
Whereas the citizens Tomas Pacheco and Augustin  
Alonso had solicited for their personal benefit of  
that of their families the place known by the name  
of Potrero de los Benitos, to be bounded on the side  
of the Mission of San Jose by the Sanjon de los  
Alisos, to the North by the Arroyo de la Alameda  
and to the West by the Bay, after having previously  
taken the necessary action and made the necessary in-  
vestigations, according to the requirements of laws and  
regulations in virtue of the powers vested in me  
and in name of the Mexican Nation I have con-  
cluded to grant them the mentioned land claiming it  
their property by the present letters patent subject  
to the approbation of the Excellent Departmental  
Assembly and under the following conditions.



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1. They shall not sell alienate or mortgage it neither to subject it to rent entail bond mortgage or any other incumbrance
  - 2<sup>nd</sup> They may fence it without prejudice to the crops vines and arborescences, they will enjoy it freely and exclusively appropriating it only to the use or culture that best may suit them
  - 3<sup>rd</sup> They shall solicit of the respective Judge to give to give them judicial possession in virtue of this Document by whom the boundaries are to be designated, on the extremities of which he will put be sides the Land marks some fruit trees or vines ones of some utility
  - 4<sup>th</sup> The Land granted to them is three square leagues (Sitios de ganado mayor) a little more or less as the respective sketch shows. The Judge who shall give the possession will cause it measured conformable to Ordinance leaving the surplus that may result to the Nation for convenient purposes
  - 5<sup>th</sup> If they should violate these conditions they shall lose their right to the Land and it may be denounced by any other party
- Consequently I order that these presents being held as firm and valid be entered in the respective Book and delivered to the interested parties for their security and other purposes. Given in Monterey on the 23<sup>rd</sup> of March 1844

Manuel Michelena

Manuel Jimeno Secretary

This title is entered in the Book of Entries for adjudication of Vacant Lands folio 7  
Jimeno

Excel. Sr. Governor

Nicann Estrada Captain  
takes the liberty to represent to you that no being the place called Los Hermanos de la Misericordia Sr. Jose and it suits me to found a rancho. I pray



you to grant me the same a sketch of which I  
annex with obligation to amend it not being  
well drawn -

Monterey Dec. 28<sup>th</sup> 1843. Nicano Estrada  
(In the margin)

I solicit the place of los Ceritos in the Mission  
of San Jose

Monterey January 7<sup>th</sup> 1844

Let the Secretary of State report, taking beforehand  
such information as he may believe convenient

Michael Tamen

The Excellent Governor Ordering it Let the Just Al-  
calde of the Pueblo de San Jose report citing the  
party Don Augustin Alvaro in order that he may  
decide his rights to the same solicited and when  
it may be concluded return it to this Secretary  
office to comply with the directions of the Super-  
ior decree of today - Monterey 7<sup>th</sup> of January 1844

Manuel Jimeno

The Reverend Father of the Mission San Jose will  
please report upon the contents of the preceding in-  
stance and thereafter let it pass to the Alcalde  
of San Jose according to what is set forth in the  
foregoing disposition

Monterey January 8<sup>th</sup> 1844 Manuel Jimeno

Whether the same which the citizen Augustin  
Alvaro occupies in the place called los Ceritos  
is held according to Law. I have not been able  
to ascertain but if such should not be the fact  
I believe that instead of ceding it to another, it  
ought to be returned to where it belongs, that is  
to this Mission according to what I represented to  
the Ex. Governor Manuel Micheltamen, as the same  
is indispensable for said Mission in order to  
maintain their moveables and chattels and to locate  
the Indians for it is found all around



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by Ranchos on the Sanees that the same have, and  
its limits are still at some little distance as the  
bordering land owners themselves can better explain  
This is all I have to report on the matter

Mission of San Jose the 29. January 1844

The Land which the petitioner Solecets is possessed  
by Don Augustin Alvarez and Don Tomas Pacheco  
Order and permission of the Excellent Sir Governor  
who was Don Juan Bautista Alvarado which  
Land is furnished with a large dwelling house  
an Orchard of fruit trees, and there exist on it  
a considerable of moveable property - This again  
what I am already instructed and informed does  
not prejudice the Mission of San Jose nor any body  
else and therefore I consider that the possession  
lead to the ruin of conception of the ownership by  
any body else that may Solecet

Pueblo de San Jose 31<sup>st</sup> of January 1844

Antonio M Pico

Excellent Sir Governor

The Land which Captain Necan Estrada Solecets  
is occupied with cattle and a house by the Citizens  
Thomas Pacheco and Augustin Alvarez to whom  
was given a provisional license by the Government  
while they might forward the respective Expedi-  
ente and though this has not reached the  
Secretary's Office yet they have already right to the  
Land of the Sonetos to which I think the Soleci-  
tation of Montemorelos Mr Estrada is out of place  
But you will determine what is convenient

Monterey February 5<sup>th</sup> 1844

Let it pass to Mr Estrada  
that he adversely can say what he thinks  
convenient -

Micheltorona



Excellent Sir Governor

In compliance with your Excellency's Superior decree I show you that the Secretary Don Manuel Jimeno reports contrary to what he knows, since such a gentleman will be aware that he presented to me in the Office an Expediente which (without order to be entered in the Archives No Decree of proceeding) was in such Archives signed by Messrs Pacheco and Alviso and as Mr Jimeno informs you the Expediente of such gentlemen has not reached said Secretary's Office. I want to prove the contrary to his report, and that the Expedientes be given the place which legally belongs to them. Mr Jimeno advised me that Messrs. Pacheco and Alviso had license from the Government to establish themselves on the solecited location Los Sinitos but without any antecedent in the Office. If after what is hereby represented I shall have any right I cede it in favor of Mr Chabolla to whom more than to me it justly belongs as he will make Obsecros to you.

Montezy Feby 3<sup>th</sup> 1844 Ricann Estrada  
Excellent Sir Governor

As Captain Ricann Estrada has chosen to meddle with what he neither knows or understands, for the reason I yesterday leave before you my report in order that you could judge in the case and therefore I refrain from replying minutely to the writing of said Mr Estrada. Montezy 6<sup>th</sup> of February 1844  
Manl. Jimeno

Excellent Sir Governor.

I Pedro Chabolla a native of upper California and resident in the Pueblo of San Jose de Guadalupe appear before y. Ex. with the utmost respect and say, that having



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having Solecited of the Superior Departmental Gov-  
ernment the location called los Serretos, appertaining  
to the Fund of the Mission of San Jose, which petition  
I made in the year 1839 and the papers which un-  
der that date were made out were mislaid in  
the Secretarys Office of Government where it was not  
possible to deliver them to me for further proceed-  
ings which I instituted and herefrom resulting  
a prejudice to my right, because having been  
granted to the Other individuals who may possibly  
have merited, though I do not believe it. Therefore  
my long and numerous services, which with honor  
and without reproach to my chief I have done  
to my Fatherland which has kept me occupied  
in its service ought not to be left out view  
Therefore it is my Law that at the time I saw  
myself impelled to represent before your Excellency  
your justice forwarding the only documents  
that are Copies of the Originals and of a Certificate  
which the Constitutional Judge of this Pueblo gave  
me in that time of Confusion that my said papers  
were lost. Of my Meritorious pretension there ought  
also to be some notice in the Mexican of San Jose  
by the report which there was asked by the  
Government and I pray Y. Ex. to be pleased to  
Order the reports which you believe just and  
Convenient in order that my right may be settled  
clear to since since I have been the first Sufferer  
because that has asked the Petition de los Serretos  
Therefore I pray ask and request that in Obedi-  
ence to justice Y. Ex. will be pleased to attend  
to this my Solicitation - I swear there is no malice  
in it. Pueblo de San Jose December 18th 1843

Pedro Chibollen  
C



(In the Margin)

Monterey Feby 3<sup>rd</sup> 1844

Let the Secretary of State report previously taking others if he believes them necessary

Mechellanna

Agreeably to the disposition of the the Exl. In Gov  
ernor, the present instance refers to the 1<sup>st</sup> Judge  
of the Pueblo of San Jose that he may report  
what he may know about the matter

Monterey 3<sup>rd</sup> of February 1844 M. Jimeno

As this Court has no knowledge on account of  
their not being found in the Archives of the  
same any documents that insure the solicitation  
of Don Pedro Chavullo, and as it neither appears  
that Tomas Pacheco and Augustin Alvarado are  
possessing the Land and have on it property of  
some Cost and that neither appearing any license  
from the Government to place their property I do  
not find another report besides this to give to  
the interested party, and I think Mr Alvarado  
can do it since it is he who governed at the  
time when this Mr Chavullo made his solici-  
tation as he says.

Pueblo de San Jose Feby 10<sup>th</sup> 1844

Antonio el Pico

Pedro Chavullo a Native of the Pueblo of San  
Jose and resident of the same represents before  
you to have solicited the place de los Santos de San  
Jose the 3<sup>rd</sup> of February 1839 and as there is an Espe-  
diente in process subsequently to the one favored by  
the reports of the Secretary and Judge of the Pueb-  
lo, desires that you may have the Opportunity  
to take the necessary reports, the following gentle-  
men will be able to give them namely Don Jose  
Ma. Castanares & Antonio Ocho and Judge of the



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in that year. Don Jose Nunez who lives in Saca  
Pueblo and when these are taken y. Co. will see  
my truth and Justice which is in my favor  
The Administration of the Mission of San Jose who  
was Don Jose Anlo Estrada also will be able to  
report everything with impartiality in favor I  
expect from your Co.

Monterey Feby 13<sup>th</sup> 1844 Pedro Chabolla  
(In the Margin)

Monterey Feby 13<sup>th</sup> 1844.

As prayed for let the mentioned persons report  
Micheltonce

I the undersigned say that in the Month of April  
1840 I saw an Expediente forwarded by Don  
Pedro Chabolla in solicitation of the place call  
ed Los Serenos about 3 or 4 leagues from the  
Mission of S Jose which Expediente was in the  
same time in which the Administration of said  
Establishment reported. At the request of Mr  
Chabolla I sign this in Monterey 14<sup>th</sup> of February  
1844

Antonio M. Osio

The undersigned in compliance with the Superior  
Decree in the Margin of this Solicitation represents  
that in the year 1841 Don Pedro Chabolla called on  
me in order to solicit from the Excellent Governor  
Don Juan Bautista Alvarado the prompt and favorable  
dispatch of an Expediente the proceedings of which  
were going on since 1839 in solicitation of the land  
known as los Serenos, a result of which I was  
not aware as I had to attend to my own business  
and that it may answer the suitable purposes I sign  
this in Monterey 14<sup>th</sup> of February 1844

Jose M. Castaneda

Monterey Feby 15<sup>th</sup> 1854

In virtue of the Superior decree that precedes in  
the case between Pedro Chabolla and Augustin Alvarado

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I will say briefly that I know that the first named long time before the second solicited the location Los Seritos belonging to the Mission San Jose and also that at the end of the year 1842 was Mayor Armo in the Mission San Jose. Augustin Alvares who placed cattle in company with Th: Pacheco in the said location Seritos, but D. Jose Anti Estrada who was Administrator in the Mission of S Jose gave order to take the said cattle away as they had only license to sow in the in the said location - At the end of the said year referred to, in the month of October I Augustin Alvares intended to build a house on the said location and his father D. Jose Alvares Administrator of the same gave him about eight or 9 laborers from the Mission for that purpose. In the next year 1843 it was said by somebody I don't know on what foundation that Mr Alvares and Pacheco had applied to Monterey to have the documents related to the said location in order, but of this I am sure that Mr Chaboya had made the same solicitation long before as much as from what Mr Osio and Mr Castanares affirm as also because the first named in June last year referring to me the difficulties which had occurred to him with respect to the location which he has in another part San Francisco in the Punta de Reyes the conversation turned upon the present case of Chaboya and the substance of what he told me was that an Expediente which was under process with out knowing how and in what manner (his own expressions) was suddenly lost. This is all I have the honor to inform you E. about the case.

Sancti Spiritus Feb 29th 1844

Jesus Maria Vasquez del Mercado

The undersigned certifies that being a constitutional



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Alcalde of this Pueblo Don Pedro Chaboya present  
 me a writing accompanied by a sketch soliciting  
 los Sinitos de San Jose which writing I returned  
 to him in order that he could have it directed to the  
 Government of Department which corresponds being  
 Mexican Land. This having occurred in the begin-  
 ning of the year 1839 and to attest it at the  
 request of the interested party - I give this on  
 the Pueblo of San Jose

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Ilustrados Ayuntamiento  
 I Pedro Chaboya appear before your Your Excl. in  
 the best manner, and say that finding myself  
 (poor) of some moveables and <sup>not</sup> having any  
 estate or property where to establish myself I  
 pray you to be pleased to grant me the site  
 called los Sinitos de San Jose which by the accom-  
 panying sketch appear to be three square leagues  
 (sites) a little more or less. Therefore I pray you  
 to be pleased to accede to this my solicitation  
 whereby I shall receive favor and mercy  
 Pueblo de San Jose Feby 3<sup>rd</sup> 1839  
 Pedro Chaboya

Excellent Sir

Under date of the 14<sup>th</sup> Instant the Justice of the  
 1<sup>st</sup> instance says to the Superior Tribunal as  
 follows In compliance with the Order of the Super-  
 ior Tribunal in the note which under date of the  
 13<sup>th</sup> instant was served on me, the celeros Thomas  
 Pacheco and Pedro Chaboya were present in this  
 office, to whom I made known the Order referred  
 to and informed of it, the second named said that  
 he had no more evidence to present than that he  
 already given and the first presented his solicita-  
 tion signed by him and by Don Augustin Alesso  
 and a sketch by those who solicited in Aug. 1840  
 before the C. S. Governor of the Department the land  
 in question - All what I have the honor to say to you



is that you may be pleased to make it known to this Superior Tribunal transmitting the documents with which I accompanied the said attached notes aforesaid - and having seen & examined the said documents and not appearing other evidence being attached, but the instance and sketch of Alvaro and Pacheco, this Superior Tribunal agrees that it should be remitted to you in order to open the title of property to whomsoever the Tribunal might choose as there is no other Expediente formed in solicitation of the Land in question by name of the parties and if there is any right acquired by mere occupancy not being any claim - title -

Pacheco should have that with just title and good faith (the contrary has not been proved) justice must declare in his favor the Ownership of the Land he occupies to the extent designated in the accompanying sketch holding Chabolon in consideration to the preference to the Land left. This is what I have the honor to say to you as the result of the examination made of the said annexed documents and as agreed by this Tribunal. Please to accept the assurance of my respect and consideration.

Yours and Liberty Monterey March 21<sup>st</sup> 1844  
Juan Meléndez

To the Excellent Governor of the Department  
(In the margin)

Monterey March 21<sup>st</sup> 1844

As is the Opinion of the Superior Tribunal of Justice of this Department

Meckellronce

Filed in office June 2<sup>nd</sup> 1852

Geo. Fisher Secy



42

Thomas Pacheco &  
Augustin Alvaro

vs

In the place called Potrero  
de los Santos in Santa  
Clara County containing three  
League Square

Opinion of Board  
Cylcom: Selch

The United States  
The claimants allege title to the land described  
in their petition by virtue of a grant to them under the  
authority of the Mexican Nation. They introduced  
no original grant or title paper issued by the  
granting power and delivered to them.

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The evidence of their title is found if it exists on  
the case in a traced copy of a voluminous copy  
Expediente from the Archives of the former Govern-  
ment which under the certificate of the Superior  
General is filed as proof.

From this document it appears that the present  
claimants filed their petition for a grant of the  
Land with Governor Alvarado in 1840 and in  
1842 obtained a temporary or qualified concession  
of the Land, to the character of which I shall  
have occasion again to refer.

In 1844 they petitioned the Governor to issue to them  
the title deed in full property. About this time  
Nicano Estrada and Pedro Chaboya set up a  
claim to the Land on the ground of an alleged  
application for a grant of it prior to the petition  
of Pacheco and Alvaro. The respective rights of  
the parties became the subject of investigation and  
the record contains the final adjudication on the  
question involved by the Superior Tribunal of  
Justice. This final decision of the highest judicial  
authority in the Department of California  
is in favor of Pacheco and Alvaro and the report  
recommends to the Governor that they should have as  
ownership the Land occupied by them to the extent  
designated in the accompanying sketch giving  
to Chaboya the preference to the portion of the land  
not covered by this disposition of it.



On the Margin of the Record of this decree is the approval of Governor Micheltorena dated March 21. 1844

The Expediente contains also a full grant of the Land in the usual form at the bottom of which is the name of Manuel Micheltorena bearing date March 23<sup>rd</sup> 1844 - but the signature on the tracee copy is entirely unlike his as to show that the document in the Expediente is not an Original -

This document found in the Archives and thus introduced in the case in a tracee copy of the Expediente cannot sustain the petitioner's claim to a title to the Land. The Original title makes no part of an Expediente - that when it is intended to become Operative is delivered to the grantee.

The Book of titles and not the Expediente should contain the Record of a grant when perfected & issued to the grantee. It has then no official sanction as a public Record found in its proper place.

There is nothing connected with the paper in the Expediente which gives it any validity or makes it evidence in the case, and the claimants have neither proved it to be a copy nor laid the foundation for such proof by showing the existence of an Original and if this document were proved to be an Original it would not sustain the title of the claimants under it. A grant Operates as a valid subsisting title from its delivery to the party, but a grant found in the public Office never having been delivered to the party, is not evidence of title; especially where as under Mexican laws the approval of another branch of the government was required to perfect the Ownership.

The Expediente contains <sup>also</sup> two other documents which purport to be signed by Governor Alvarado and to convey rights in the Land in question to the claimants.



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The first is dated May 14<sup>th</sup> 1842. This document states that the Government having granted to the petitioners Tomas Pacheco and Augustin Albiso the Land known by the name of Potrero de los Herreros while the respective Expediente is adjusted and the title is issued "they may improve and cultivate the Land but shall not put cattle on it until the stock of the Mission is withdrawn. The second document dated 29<sup>th</sup> of November 1842 reciting notice that the cattle had been withdrawn declares that the interested party can put theirs and enjoy a complete ownership of the Land. They shall apply to the Government for the title when the present circumstances of the Capital shall allow it.

The language of these two documents is such as to show a grant of the Land to the claimants so far as could be done on the part of the Governor and sufficient without subsequent approval for an equitable title. But this document is found in the same Expediente with the grant before mentioned and comes before us as a part of the same true copy and unless there are circumstances connected with it which give it a sanction that the other has not it must be equally valuable as evidence of a title. But the record itself shows how these two documents became a part of it. They were attached to the petition of Pacheco & Albiso of February 1844 and with it went into the archives. They were presented as Original documents issued by a former Governor the evidence of their right to the Land for which they asked a more formal and perfect title. Thus the record itself shows that these documents had been executed and delivered to the parties in interest and were retained as evidence of their right in further



proceedings. The record moreover shows that they were recognized throughout these proceedings as true genuine and valid documents and the rights of the grantees named in them were fully sanctioned. With the Expediente of the facts borne upon the face of the record I think the testimony sufficient to establish a valid and subsisting equitable title in the claimants as against the Mexican Government under the Conception by Alvarado. The documents pertaining to a subsequent Conception by Micheltoreno not being substantiated by proof cannot be considered as valid and cannot therefore aid in the description of the premises. We must resort to the documents connected with the grant by Alvarado for a description of the premises.

The premises as described in the Grantee's Original petition consisted of two square leagues a little more or less as it may be comprised between the two Angles of the Seritos and Embarcadero - and the petitioners state a desire that if both of said Angles cannot be granted, that the one most distant from the Mission called los Seritos of the extent of one square league may be given and reference is made to a map annexed. The conception is of the place known by the name of Potreros de los Seritos. A note at the bottom of the grant states that "the boundary on the side of the Mission of San Jose is the Sanjon de los Alisos. The map referred to shows that the same Solecite is situated on the Estero or Bay which bounds it on the West extending to the Embarcadero at the mouth of the Alameda Arroyo on the North and having that Creek for the Northern boundary of the premises. On the South the Sanjon de los Alisos is defined



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as the limit. The rear or Eastern line is not described in the grant but as it must evidently commence at the Bay and as the two sides on the North and South are defined there is no difficulty in establishing the rear line parallel with the front at such a position as will give the requisite quantities of land. The quantity was I think from an examination of all the papers two square leagues embracing the entire premises for which the Original Application was made.

The proof is clear in the case from the recollection and the deposition of Andres Pecho that the Applicants went into possession of the premises about the time of their first proceedings to obtain a grant, that they built houses on the place and lived there with their families and have continued there ever since making extensive improvements and devoting the place to agriculture. A decree of Confirmation will be entered for two square leagues of land described as above mentioned.

Confirmed

Filed in Office Feb 14<sup>th</sup> 1854

Geo. Feshaw

Secy



Tomas Pacheco &  
 Augustin Aliso  
 vs  
 The United States

Decree

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In this case on hearing the proofs and allegations it is agreed by the Commission that the claim of the petitioners is valid and it is therefore decreed that the same be confirmed.

The Land of which Confirmation is hereby made is that known by the name of Potrero de los Territos now in the occupancy of said claimants situated in the County of Santa Clara and bounded as follows to wit, On the West side by the Estero or Bay, on the North side by the Arroyo de las Alamedas; On the South and towards the Mission of Santa Clara, by the Arroyo de los Alisos and on the East or rear side by line parallel to the front side on the Estero or Bay and at such distance from it as to include in said boundaries two square leagues of land reference also be had for the location of the said premises to the maps in the true copy of the Expediente filed in this case. The land hereby confirmed contains two square leagues of land and no more.

Alpheus Felch  
 Thompson Campbell  
 R. Aug. Thompson

Commissioners

Filed in office Feb 14<sup>th</sup> 1854

Geo Fisher

Secy



And it appearing to the satisfaction of  
this Board that the land hereby adju-  
dicated is situated in the Northern Dis-  
trict of California it is hereby ordered  
that two transcripts of the proceedings  
and of the decisions in this case and of  
the papers and evidence upon which  
the same are founded, be made out,  
and duly certified by the Secretary, one  
of which transcripts shall be filed  
with the Clerk of the United States District  
Court for the Northern District of California  
and the other be transmitted to the  
Attorney General of the United States.

---







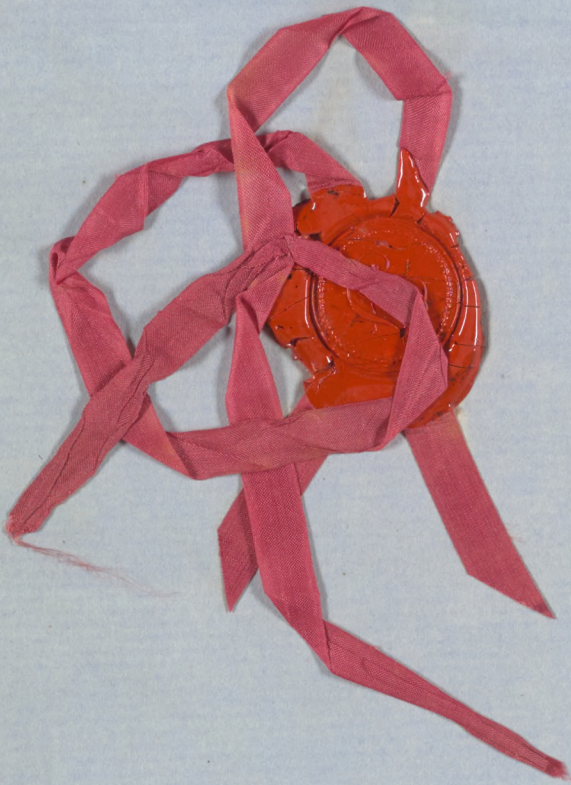
Office of the Board of Commissioners,

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

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I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *forty seven* pages, numbered from 1 to *47*, 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. *238* on the Docket of the said Board, wherein *Thomas Pacheco, et al*, are

the Claimant, against the United States, for the place known by the name of "*Potrero de los Curritos*."



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

*Geo. Fisher*  
*G. Fisher*



119 ND

U. S. DISTRICT COURT,  
Northern District California.

No. 119

THE UNITED STATES,

vs.

Torres, Pacheco et al

TRANSCRIPT OF THE RECORD  
FROM THE  
BOARD OF U. S. LAND COMMISSIONERS.  
In Case No. 258

November 2<sup>d</sup> 1854

San Francisco  
Calif

Handwritten mark resembling a stylized 'L' or '7' in pink ink.



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 *Tuesday* the *14<sup>th</sup>* day of  
*November* in the year of our Lord one thousand  
eight hundred and fifty-*four*.

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Present:

*J. K. Ogden.*  
The Honorable ~~OGDEN HOFFMAN, Jr.~~, District Judge.

*The United States.*  
- vs -  
*Thomas Pacheco, et al.*  
*Claimants.*

*No. 119*

*On motion of Counsel  
for the Claimants, in the above cause, and  
with the consent of the U. S. Dist. Atty given  
in open court. Ordered That leave be given  
to all parties, to take further evidence in  
this cause, upon reasonable notice before  
a Comm<sup>r</sup> of this Court.*



U. S. Dist. Court,

No 119—

The United States,

—vs—

Thomas Pacheco,  
et al.

Order permitting  
further testimony  
to be taken—

Filed Nov <sup>2</sup>/<sub>14</sub> <sup>th</sup> 1854.

Wm A. Moore  
J. B.

me



# SELLO SEGUNDO CUATRO PESOS

Habilitado provisionalmente por la Aduana marítima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena.

Pablo de la Guerra.

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Al Ciudadano Manuel Micheltorena Comandante General de Brigada del Ejército Mexicano. Ayudante General de la Plaza Mayor del mismo Gobernador Comandante General y Inspector del Departamento de las Californias.

Por cuanto los Ciudadanos Juan Pineda y Agustín Alcira han pretendido para sus beneficios personales y el de sus familias el pago conocido con el nombre de Potreros de las Grutas sirviendo de lindero el Sanjón de las Alcoras para la parte de San José por el Norte con el Arroyo de la Cumbre y por el Poniente con la Bahía practicando sucesivamente las diligencias y averiguaciones concernientes según lo dispuesto por leyes y reglamentos; usando de las facultades que me han conferido a nombre de la Aduana Mexicana he venido en concederle el



tenemos mencionado declarandolos la propiedad  
de el por las presentes letras, sujetandose a la  
disposicion de la Exma. Asamblea Departa-  
mental y bajo las condiciones siguientes.

1ª No podran venderlo, enagenarlo, ni hi-  
potecarlo, imponer censos, vinculo fianza hipoteca  
ni otro gravamen alguno.

2ª Podran hacerlo sin perjudicar las  
travessias caminos y servidumbres; lo disfrutaran  
libre y esclusivamente destinando solo al uso cul-  
tivo de las haciendas.

3ª Solicitaran del Jefe respectivo que les de  
la porcion juridica en virtud de este despacho  
por el cual se demarcaran los linderos en cuyos  
linderos pondra aunar de los muros puestas algu-  
nos hitos o frontales o servidumbres de alguna uti-  
lidad.

4ª El terreno de que se les hace donacion  
es de tres sitios de ganado mayor poco mas  
o menos segun esplica el diceno respectivo. El  
Jefe que diere la porcion lo hara medir con  
lo que el ordenanza quedando el sobrante que  
se quite a la Nacion por los usos comunmente.

5ª Si contravinieren a estas condiciones



perderán su derecho al terreno y será de  
nunciabile por otro.

En consecuencia mando que teniendo  
por firme y valiendo el presente se tome  
razon de el en el Libro de acientos  
entre que a los interesados para que no queden  
de y demás fines. Dado en Montemayor  
el veinte y tres de Mayo de mil  
ochocientos cuarenta y cuatro.

Man. Jimeno  
Jrro.

Queda tomada razon de este Des-  
pacho en el Libro de acientos sobre  
adjudicacion de terrenos baldios. af. 7.

Jimeno



Exhibit No. 1—  
A.M.F.

Memorandum to the  
Deposition of Mr. Jones

A.M.F.



U. S. Dist. Court  
Northern Dist. of California

The United States  
- vs -  
Tomas Pacheco vs  
Claimants

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Deposition taken by Consent in the  
above Cause before me, Chas. M. Felt  
U. S. Comm. on the 14<sup>th</sup> day of Nov -  
-ember A.D. 1834 -

William Cary Jones, being duly  
sworn, on behalf of Claimants  
deposes & says -

Question 1<sup>st</sup> - What is your Name, Age & Place  
of Residence -

Answer - My Name is W<sup>m</sup> Cary Jones  
My Age is thirty-eight years  
& I reside in San Francisco, California

Question 2<sup>d</sup> - Look upon the document now  
here shown to you. Marked  
Exhibit No. 1 - A.M.S. & annexed to this  
deposition & state all that you know in  
regard to it -

Answer 2<sup>d</sup> - This document was  
delivered to me by Mr Jeremiah Clark  
Member of the Bar in this City - about  
fifteen days ago & has been since  
that time in my possession -  
Mr Clark was originally employed  
as Counsel by the Claimants in this Cause



before the U.S. Land Commission & the  
Said Claim was presented before the  
Commission by the Law firm of which  
Mr Clark was a member —

Subsequently the Law firm of  
which I was a member (namely  
Jones, Tompkins & Stride) were  
also employed by the Claimants &  
the case was prepared by me for  
trial while the Commission was  
sitting at Los Angeles in the fall  
of 1852 — with the exception of the  
~~presentation in evidence~~  
~~presentation~~ of this original title  
which Mr Clark informed me he  
had left with his papers at San  
Francisco — Subsequent to the return  
of the Commission to San Francisco  
both Mr Clark & myself were absent  
in the Atlantic States & the Cause  
by Mutual inadvertence was submitted  
to the Commission without the pre-  
sentation in evidence of this original  
evidence & was decided by said  
Commission — After my return to  
California I learned this fact  
& on the return of Mr Clark de-  
manded this paper of him and  
he delivered it to me accordingly  
and it has been in my possession to  
this moment —

Answer 3<sup>d</sup> Are you acquainted with  
the handwriting of Manuel  
Jimeno — if yes — state your means  
of knowledge ~~where~~ I look upon  
the said document Manuel Jimeno



No 1- Am J. Answered to this question  
and state whether or not - the signatures  
of the said Jimenez ~~the~~ on said document  
are his true & genuine signatures -

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Answer 3<sup>a</sup> I am acquainted with  
the handwriting of Manuel Jimenez  
from having frequently seen him write &  
from seeing Pub. Documents with his  
signature his signatures when they  
occur on (Exhibit No 1- Am J.) are  
his ~~say~~ true & genuine signatures  
Question 4<sup>th</sup> Is Manuel Jimenez  
living or dead -

Answer 4<sup>th</sup> he is dead -

Wm. Carey Jones.

Present The U.S. Dist. Atty. by A. Glassell  
And the Counsel for Claimants -

Shown to & subscribed before  
me this 14<sup>th</sup> day of November 1834  
Alex. M. Schell  
W.S. County



W.S. Dist Court

No 119

The United States

— 10 —  
Thomas Pacheco vs,  
Plaintiff

Defendant  
Wm. Camp Jones

Filed Nov. 15, 1854  
Geo A. Monroe  
Att

two 119 ND  
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UNITED STATES DISTRICT COURT,  
Northern District of California.

San Francisco, *December 2<sup>d</sup> 1854*

ON this day, before

*Alex. M. Schell*

a

Commissioner of the United States for the Northern District of California, duly  
authorized to administer oaths, &c., &c., came

*Clarke*  
*Claimant*

*Jermiah*  
a witness produced on behalf of the

in Case No. *119*, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. *258* on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

PRESENT:

*A. Glassell who appeared for the U.S. Atty.*  
*And J. J. Williams who appeared for Claimants*

QUESTION BY

*Claimant's Counsel*

*Question 1<sup>st</sup> — What is your Name, age & place of residence =*

*Answer 1<sup>st</sup> — My name is Jermiah Clarke*  
*I am thirty Eight years of age*  
*& My place of residence is the City of San Francisco State of California*

*Question 2<sup>d</sup> — Look upon the document now here shown to you marked Exhibit No. 1 — A.M. —*  
*Witnessed to the deposition of Mrs. Cary Jones heretofore taken in this Case & state whether or not said document was ever in your possession — if yea — how & when it came*



into - I when <sup>show</sup> it left your possession

Answer 2<sup>d</sup> Said document has been  
in my possession although I  
am unable to state at what time it came  
into my possession - I was of the Law  
firm of Clark Taylor & Beck who presented  
a large number of claims, before the board  
of W. I. Land Commissioners - it was the  
duty & practice of the junior member  
of the firm to make an entry in a  
book kept for that purpose of the various  
documents received by us in support of  
the claims of claimants - and it is  
very seldom the case that my own  
recollection would enable me to say  
how or when any of these documents  
were received by the firm - shortly  
after this claim was confirmed I made  
a careful examination of all the papers  
& documents relating to land claims  
in our possession & which were kept  
in a trunk under lock & key and  
found the document in question  
which had got misplaced - found  
upon reference to the book before  
mentioned that it had been received  
by the firm some time <sup>the entry had no date but</sup> previously -  
from the color of the ink ~~of the entry~~  
I suppose it must have been made  
a considerable time previous to the  
decision of the board & I am of opinion  
that the said document was in our  
possession at the time of the filing of the  
petition before the said board -

Mr Jones had been employed



As Counsel in the Case & it was  
understood had purchased the Ranch  
or a portion of it - And the Cause being  
Confided to his Management may  
help to account for my oversight in  
not offering the document in question  
before said Board, after discovering  
the document I handed it to Mr  
Mr Cary Jones - I do not know  
that Mr Cary Jones has any interest  
in the Ranch at present ~~and~~ -

*J. Clarke*  
Spoken to before me  
this second day of December  
A.D. 1854

*Alcy. M. Schell*

*W. J. Conroy*



U. S. Dist. Court  
No 119 -

The United States

vs  
Thomas Pacheco Was

Defendant of  
Greenwich Court

Filed Dec. 22 1834  
Prothonotary  
CH



Clerks Office of the District Court of the  
United States for the Northern District of California

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Whereas the Commission constituted  
for the purpose of ascertaining and settling  
private land claims in the State of California  
by the Act of Congress of the United States  
of America, approved on the 3<sup>rd</sup> of March  
1851, entitled "an act to ascertain and  
settle private land claims in the State  
of California" did on the 14<sup>th</sup> day of Febru-  
ary 1854, by their decision of that date, <sup>in part</sup> decide  
against the claim presented by the undersigned  
to the said Commissioners, which claim is  
No 258 on the docket of claims before said  
Board, and is for land lying in the said  
Northern District; And the said claimant  
being desirous that the said District Court  
should review the said decision, now  
hereby files this notice in the said Clerks  
Office of his intention to prosecute an appeal  
as is provided by the 12<sup>th</sup> Section of an act  
entitled "an act making appropriations  
for the civil and diplomatic expenses of  
the Government for the year ending the 30<sup>th</sup>  
of June 1853 and for other purposes" which  
said act was approved on the 31<sup>st</sup> of  
August 1852 ~

Thomas Pacheco &

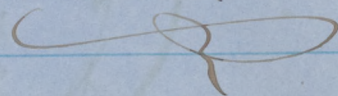
A. Alvira ~

To

John A. Mourad }  
Clerk do do }

By their counsel

Thornton Williams





U. S. Dist. Court.  
No 119.

~~~~~  
Tomas Pacheco,  
et al.

—Cts—

The United States.

~~~~~  
Notice of Appeal,

Filed Feb'y 9<sup>th</sup> 1855,

Wm. A. Monroe,

Clerk

U. S. District Court  
No 119

~~~~~  
Tomas Pacheco et al.

vs  
The United States

~~~~~  
Notice of Appeal.

~~~~~  
Filed Feb'y 9<sup>th</sup> 1855,  
Wm. A. Monroe,

Clerk

four



Office of the Attorney General of the United States,

Washington, 17th January 1855.

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Thomas Pacheco et al.  
vs.

The United States.

258

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 28th day of September 1854 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Cushing

Attorney General.



N<sup>o</sup> 119

U.S. District Court  
Northern District.

~~For~~ United States

vs.

Thomas Pacheco et al.

Filed Feb. 20. 1883-

Jno A Monroe

CL

fine

119 ND

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To The Honorable, The District Court  
of The United States for The Northern  
District of California

Petition in accordance with the rules  
Tomas Pacheco, & al } of this Court -  
vs. } No 119 }  
The United States }

Your Petitioners, Tomas  
Pacheco and Agustin Alviso, respectfully  
represent to this Honorable Court, that  
they did heretofore, as will fully appear  
by the Transcript of the proceedings had  
before the Board of Commissioners to as-  
certain and settle the Private Land  
Claims in the State of California, now  
on file in this Court, present before  
the said Board, whilst holding its  
Session in the City of San Francisco,  
a Claim for the Land lying and being  
in the State of California, within the  
Northern District thereof and within  
the jurisdiction of this Court, and  
described in the said Transcript -  
being Claim No: 258~ of the list of Claims  
presented to the said Board, under  
and by virtue of the Act of Congress  
approved on the 3<sup>rd</sup> day of March,



1851~ The claim of Your Petitioners is founded upon a grant of the property in fee, made to them by Manuel Micheltorena Governor of California, dated the 23<sup>rd</sup> day of March 1844 and upon the previous orders, conceivings, decrees and proceedings, contained in the Expediente set forth in the Transcript aforesaid - all of which appears by the record in this case ~

Your Petitioners respectfully represent that their said claim was in part rejected by the said Board and in part confirmed, as will appear by their decision and decree, set forth in the Transcript aforesaid - That said Transcript was filed in the Clerk's Office of this Honorable Court, on the 2<sup>nd</sup> day of November 1854 and thereafter on the 9<sup>th</sup> day of February 1855 was <sup>duly</sup> filed in the same Office, Notice of Claimant's intention to prosecute the appeal -

And Your Petitioners now pray that so much of the decision of said Board as confirmed two leagues of said Land may be affirmed and so much of the said decision as



repealed a part of their claim by  
limiting said confirmation to  
two leagues only may be reversed  
and <sup>further</sup> that this Honorable Court  
will decree the validity of their  
whole claims to the extent of three  
square leagues -

Thomas Pechico Augustin Alario  
by their counsel  
Thornton Williams & Hume





No: 119 ~  
U.S. District Court  
Northern District

Thomas Pechucosal  
as  
The United States -

Petition

Filed July 2, 1853.  
by Chivers  
Deputy

Sever

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Thornton & Williams



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

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The United States  
Appellants  
vs  
Thomas Pecheco Sal  
Appellee

No: 119

The petition of the United States by  
their Attorney represents: that this Cause  
is an Application for a review of the  
decision of the Board of Commissioners  
whereby the claim of the said Appellee  
was Confirmed <sup>to the extent of two square leagues</sup> as appears by reference  
to the records in the case.

That a transcript of the said Records was  
filed in this court on the 2<sup>nd</sup> day of  
November 1854; that a notice of appeal  
was filed on the 20<sup>th</sup> day of February 1855  
& that the land claimed lies in the  
said District.

That the said claim is invalid.  
Wherefore Appellants pray that the said  
decision of the Board be reversed &  
that this Court decree the said title  
to be <sup>wholly</sup> invalid. Respectfully &c.  
A. Hassell  
Asst U.S. Atty.



No: 119 ~  
U.S. District Court  
Northern District

The United States  
vs  
Thomas Pacheco & C

Petition  
Filed July 2, 1855,  
by Charles  
Deputy

Six

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PAGE 75

A. H. Hapner



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

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The United States  
Appellus  
vs  
Lomas Pacheco  
et al  
Appellants

No 119.

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 ~~reversed~~ <sup>reversed</sup> ~~affirmed~~, and that the said title  
be deemed to be invalid.

A. Glassell  
Asst U.S. Atty.



119 —  
U.S. Dist Court

The U. States  
vs  
Thomas Pacheco

Answer

Filed Feb 2, 1855.  
by Thomas  
R. Smith

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Eight

Massell



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

Thomas Pecheco & al

vs

No: 119

The United States

Then Respondent for answer  
to the Petition filed in case, answer  
and say: It is true that the  
Land in the said Petition mentioned  
lies within the Northern District of  
California and within the Jurisdiction  
of this Court. But they deny that  
it is true, as alleged in said Petition,  
that their title to the said Land is in-  
valid but aver that the same is  
valid, and pray that the decision  
of the said Board of Commissioners  
may be reviewed, and their title to  
the whole land claimed in this  
case may be decreed to be valid

Thornton Williams & Thornton



No. 119

U.S. District Court  
Northern District

Thomas Pechesdal

vs

The United States

Answer

119 ND  
PAGE 79

Filed July 2, 1855.

By Charles

W. H. H. H.

Th. Wmst Ph.



UNITED STATES DISTRICT COURT,  
Northern District of California.

*The United States,*

*— vs —*  
*Thomas Pacheco, et al.,* San Francisco, *October 16, 1853,*

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

*J. D. Marks* a witness produced on behalf of the  
*Claimants*

in Case No. *119*, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. *258* on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows — ~~his evidence being interpreted by~~

~~a sworn interpreter~~

PRESENT: *J. J. Williams, Claimants Counsel,*  
*and A. Glassell, Esq., for the U.S.*  
*District Attorney.*

QUESTION BY *Claimants,*

*What is your name, age, & place of residence.*

*Answer,*

*Isaac D. Marks, 38 years of age, and I reside in the City of San Francisco.*

*Question 2<sup>d</sup>*

*Are you acquainted with the hand writing of Manuel Pacheco? If yes, state your means of knowledge, and look upon the document now here shown to you, purporting to be a grant to the said Claimant for the land known as the "Potoso de los Heritos" heretofore filed in this case, and annexed to the deposition of W<sup>m</sup> Carey Jones, and state whether*



or not the signature of Manuel Micheltorena where it occurs thereon is his true, and genuine signature.

Answer,

I am well acquainted with the hand writing of Manuel Micheltorena, from having seen him write frequently, and I believe the signature of Manuel Micheltorena where it occurs in said document above referred to, is his true, and genuine signature. The rubric on the first page, I also believe to be his true, and genuine rubric.

Cross Examined by A. S. Atty.

Have you any interest in the result of this suit?

Answer,

None whatever.

*James D. Moore*

Swear to & subscribed before me this 16th day of October, 1855.

*James D. Moore*  
A. S. Commissioner.

No. 119  
U. S. Dist. Court,

The United States,  
vs  
Thomas Pacheco,  
et al.

Deposition of  
Jacac, D. Marks,

Filed October 16, 1855,  
J. C. Clements  
Deputy.



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 *twenty fourth* day of  
*March* in the year of our Lord one thousand  
eight hundred and fifty-seven.

Present :

The Honorable OGDEN HOFFMAN, District Judge.

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*The United States*

*v*

*Thomas Pacheco et al*

*D.C. 119; L.C. 258*

In this case, on  
application of the United States Attorney  
made in open Court, it is ordered by the  
Court that an appeal in behalf of the  
United States from the final decision  
of this Court, rendered at the present  
term, be, and the same is hereby granted;  
and that a certified transcript of the  
~~record~~ pleadings, evidence, depositions  
and proceedings in the said cause be  
sent to the Supreme Court of the  
United States without delay.



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United States District Court, Northern  
District of California.

*The United States*

vs.

*Thomas Pacheco et al*

ORDER.

*granting appeal*

Filed *March 24<sup>th</sup>* 1857

*John A. Monroe,*  
CLERK.

By *W. H. Cheever*  
DEPUTY.

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At a Stated Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court Room, in the City of SAN FRANCISCO,  
on *Monday* the *twenty sixth* day of  
*July* in the year of our Lord one thousand

eight hundred and fifty-seven *eight*

Present:

*M. Hall McAllister, Circuit. Presiding Judge*  
The Honorable ~~OGDEN HOFFMAN~~, District Judge.

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*The United States*

*v.*  
*Thomas Pacheco and*  
*Agustin Aloiso*

*D.C. 119: L.C. 258.*

In this case, on application  
of P. Della Torre Esq., U. S. Attorney, it is ordered  
that an appeal in behalf of the United States  
from the final decision of the Court rendered  
in said Court at the June, 1885, term, be  
and the same is hereby granted; and that  
a certified transcript of the pleadings, evidence,  
depositions and proceedings in the said cause  
be sent to the Supreme Court of the United  
States without delay; and the appellants  
are ordered to serve the usual citation  
according to law.

*M. Hall McAllister*  
*In and to Court*  
*Duty & Co.*



119

United States District Court, Northern District of  
California.

*The United States*

vs.

*Tomás Pacheco et al*

ORDER.

*granting appeals*

Filed *July 26* 1858

*W. D. Chivers*

CLERK.

By

13

DEPUTY.

119 ND

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United States of America,  
To Tomas Pacheco & Agustin Aloiso.  
Greeting;

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You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden in Washington on the first Monday in December next, pursuant to an order of appeal granted on the twenty sixth day of July, A. D. 1858, by the Hon. M. Hall McAllister, Circuit Judge of the United States for the District of California, and presiding over the District Court for the Northern District of California in the discharge of its appellate ~~district~~ jurisdiction over the decision of the Board of Commissioners for the settlement of private land claims in the State of California, in a certain suit wherein the United States are plaintiffs and you are defendants on appeal, to show cause, if any there be, why the decision in the said appeal mentioned should not be corrected, and speedy justice should not be done to the parties in that behalf.

Witness my hand and seal, at San Francisco  
this twenty sixth day of July in the year of our Lord  
one thousand eight hundred and fifty eight.

M. Hall McAllister  
Judge of the US  
Circuit Court





U. S. District Court

The United States

v.

Tomás Pacheco, et al

Citation

~~See~~ service of copy within  
citation, by U. S. Marshal,  
admitted this 26<sup>th</sup> day of  
July, A. D. 1858,

Thornton & Williams

Siled July 26, 1858.  
W. D. Chenevix  
Clerk

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PAGE 87

Thornton & Williams



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Present:

The Honorable OGDEN HOFFMAN, District Judge.

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 Thursday the ninth day of  
August in the year of our Lord one thousand  
eight hundred and ~~fifty nine~~, sixty

The United States  
Appellants

vs.

Thomas Pacheco  
and Agustin Alviso  
Appellees

L.C. No. 258.

D.C. No. 119.

And now come the said  
claimants Thomas Pacheco and  
Agustin Alviso by their  
attorneys, Thornton Williams & Thornton, and  
present the mandate of the Supreme  
Court of the United States affirming the  
decree of this court made herein, as more  
particularly appears by reference to the said  
mandate;

Whereupon and on motion of  
said claimants by their said attorneys

It is ordered that the said mandate  
be filed and made a part of the record of  
this Court in this cause, and that the said  
claimants may proceed under the said mandate  
and under the decree of this Court as thereby  
affirmed - as under final decree.

Ogden Hoffman  
District Judge



119.  
District Court of the United States

IN AND FOR THE

Northern District of California.

*The United States*

vs.

*Thomas Pacheco et al.*

Order

*To file Mandate  
U.S. Sup. Court.*

Filed

*August 9, 1869*

*H. D. Cheever* Clerk.

By

*15* Deputy.

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Clerk's Office,

of the said Court.

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

By

Clerk.

Deputy.



U. S. Dist Court,  
Nor. Dist. of Cal.

Pacheco & Alois } No. 119.  
The United States }

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The Surveyor General of California has surveyed the ranch claimed in the above entitled cause: on the 20th of November 1860 he made his first publication giving notice to that effect. The United States are interested in said survey, for the reason that the same is erroneous in the respect that it includes public land - and is in these particulars not conformable to the grant or decree in said cause.

Calhoun B. Benham  
The United States by Benham their District Attorney pray the survey may be voided in to Court and reformed.  
Calhoun B. Benham  
U. S. Atty.



W. S. D. & Co.

Pacheco & Alford

Mr W. S.

No. 119.

Petition to return  
Survey.

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PAGE 91

B  
Braham & S. O. H.







Sixth, At the time of and always since said partition (until very recently) said Alviso has uniformly declared and published that said two Islands were not embraced in his claim of his said share of said ranch, nor in the original grant and that he had no claim to or interest in the same. And this deponent upon reliable information avers that said islands are not within the limits of said original grant, but that the same are public lands of the United States.

Yet the Surveyor General by his deputy has caused said ranch to be surveyed and has embraced within the boundaries thereof said two islands.

It is alleged for error that said Surveyor General should not have so embraced said islands in his said survey, which survey has been duly returned and approved by said Surveyor General —

P. D. M. Salmon  
Subscribed & sworn to before me this  
14<sup>th</sup> day Decr AD 1860

Charles McEllister  
U. S. Commissioner



119.

W. S. Dr. Comd.

---

Pacheco Alvar

vs

The U. S.

---

Affidavit for  
return of Surrey,

Filed Dec: 17. 1860,  
W. H. Chevers,  
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 *Monday* the *17th* day of *December* in the year of our Lord one thousand eight hundred and sixty.

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

*Tomas Pacheco,*  
*et al.*

IN LAND CASES.

District Court No. *119.*

Land Com. No. *258.*

AND now at this day on application of *Calhoun Benham* Attorney for *The United States* IT IS ORDERED, that the Surveyor General of the United States for California return into this Court, on or before Wednesday, the *second* day of *January* A. D. 1861, his Official Survey and Plat of the land finally confirmed in the above entitled cause, known as *"Potrero de las Cerritas,"* and situated in the County of *Alameda* in said District; AND IT IS FURTHER ORDERED, that the United States Marshal for this District serve upon the said Surveyor General, without delay, a certified copy of this order, and make due return hereon.



Served personally by copy on J. W. Manderville  
U. S. Surveyor General for Cal.  
San Francisco  
Dec 17<sup>th</sup> 1860

P. L. Solomon  
U. S. Marshal  
By L. D. Solomon  
Deputy

No. 119.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Tomas Pacheco,  
et al.

ORDER TO RETURN SURVEY.

Returnable January 1861.

Issued December 17. 1860.

Filed December 18. 1860.

W. H. Chenevix,  
Clerk.

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

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

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 119, to Tomas Pacheco, et al known as "Potreros de las Herritas", and situated in the County of Alameda in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the 2nd day of January A. D. 1861, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this 17th day of December A. D., 1860.

*W. A. Chevers.*

CLERK.



The within Monition was received by me on  
*Monday* the *17<sup>th</sup>* day  
of *December* 186*0*, and in obedience thereto

I have given due notice, as therein commanded, by causing  
the publication of said notice, for *3* consecutive

Wednesdays, in the *San Francisco Herald*, commencing  
on the *19<sup>th</sup>* day of *December*

186*0*; and for *2* consecutive Saturdays, in the  
*"Alameda Co Gazette"*  
a paper published nearest the land, commencing on the  
*22<sup>nd</sup>* day of *December* 186*0*.

Dated San Francisco, ..... 186*0*.

U. S. Marshal.

*No. 119.*

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

THE UNITED STATES.

v.

*Tomas Pacheco,*  
*et al.*

MONITION.

Returnable *January 2<sup>d</sup>* 186*1*.

Issued *December 17.* 186*0*.

Filed *January 2<sup>d</sup>* 186*1*.

*H. H. Cheever,*

Clerk.

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the CITY OF SAN FRANCISCO, on *Wednesday* the *second* day of *January* in the year of our Lord one thousand eight hundred and sixty-one.

119 ND

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

V.

*Tomas Pacheco,*  
*et al.*

IN LAND CASES.

District Court No. *119,*

Land Com. No. *258,*

AND now at this day the United States Marshal having made return upon the Monition heretofore issued in this cause that he had given due notice as therein commanded; on motion of *C. Benham*, Attorney for *The United States* proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest;

*Calhoun Benham, U.S. Atty*  
*appeared for The United States*  
*and Johnson, & Rose, and*  
*John J. Williams appeared*  
*for the Claimants,*  
*and no other party appearing*

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



No. 119

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Thomas Packer & Co.,  
et al.

ORDER ON RETURN OF MONITION.

Filed January 2, 1861.

M. A. Cheever

Clerk.

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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 *Monday* the *fourth* day of  
*March* in the year of our Lord one thousand  
eight hundred and ~~fifty-nine~~ *sixty-one*.

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

*The United States.*

vs.

*Tomas Pacheco et al.*

*No. 119.*

And now at this day, on  
motion of Mr Benham, U. S. Atty.  
it is ordered by the Court that he  
have ten days farther time to  
file exceptions to survey.



119.  
District Court of the United States

IN AND FOR THE

Northern District of California.

*The United States,*

vs.

*Thomas Pacheco et al.*

Order *allowing U.S.*  
*Atty. 10 days further*  
*time to report to*  
*Survey.*

Filed *March 4th* 186*9*.

*M. A. Chivers* Clerk.

By

Deputy.

22  
119 ND  
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District Court of the United States for the Northern District of California.

Clerk's Office,

of the said Court.

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

By

Deputy.

Clerk.



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

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States.

vs.

Thomas Pacheco, et al.

No. 119.

And now at this day  
on motion of Mr. Carey Jones,  
Esq. it is ordered by the Court  
that the default heretofore entered  
in this cause be, and is hereby  
opened so far as to allow H.  
P. Jones to intervene for his  
interest herein.



119.

District Court of the United States

IN AND FOR THE

Northern District of California.

*The United States.*

vs.

*Tomás Pacheco, et al.*

Order *opening default,*  
*and allowing H. P. Jones*  
*to intervene.*

Filed *March 4th* 186*1*

*M. A. Chevers,* Clerk.

By

Deputy.

119 ND  
PAGE 104

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

Clerk's Office,

of the said Court.

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

By

Deputy.

Clerk.



District Court of the  
United States in & for  
the Northern District of California;

The United States  
vs  
Thomas Pacheco et al } Polanco de los  
Servitos

119 ND  
PAGE 105

Exceptions to Survey.

And now comes the United States, &  
by their attorney Calhoun Bingham  
excepts to the survey of the land claimed  
herein, made under Final Decree, the  
first notes of which were approved  
by the U.S. Surveyor Genl for California  
on the day of 1860; and a cer-  
tified copy of the Plat whereof was  
filed in this Court pursuant to its  
order on the 28<sup>th</sup> day of January  
1861

And The United States makes  
the following exceptions to said  
Survey:

1<sup>st</sup> That said survey is erro-  
neous in this. That in running the  
west line of said Claim upon the  
Bay of San Francisco, at least two  
leagues of salt land are left out  
of and excluded from the bounda-  
ries of said claim, thereby in order  
to obtain the amount confirmed by  
the Decree, taking and embracing  
two leagues on the east & interior  
of good arable land

2<sup>nd</sup> That in running said west



line upon said Bay, after exclu-  
ding said two leagues of salt land  
the surveyor run said line so as  
to embrace & include about one  
league of salt land, and thereby  
taking in two islands located  
far below high tide water, and  
which are surrounded by the wa-  
ters of said Bay -

Therefore the United States  
pray that said survey be set aside  
for the reasons above set forth;  
and for an order directing said  
United States Surveyor General to  
cause a re-survey of said land  
in conformity to the intent and  
meaning of said final decree -  
so as to embrace all or none of  
said salt land so overflowed and  
surrounded by the tide waters of  
said Bay

Calhoun Denham

U. S. Att.



<sup>119</sup>  
~~District Court~~  
of U States —  
Northern District  
of California

The United States  
vs  
Thos. Pacheco  
et al.

— of U.S.  
Exceptions to  
Verdict —

Filed March 9, 1861,  
W. A. Chevers,  
Clerk



In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Thomas Pacheco  
Etal

IN LAND CASES.

Dist. Court No. 119

Land Com. No. 258

119 ND  
PAGE 108

BE IT REMEMBERED, that on this 4 day of April A. D. 1861,  
at San Francisco in the District aforesaid, before me, BLAIR LAURIE,  
a Commissioner, duly appointed by the District Court of the United States for  
the Northern District of California, to take depositions of witnesses in behalf of  
the United States in land cases pending in said Court, personally appeared  
Louis Cammann a witness produced in behalf of  
the UNITED STATES, in the above entitled cause, now pending in said Court  
under the Acts of Congress to ascertain and settle the private land claims in the  
State of California, who being duly sworn, testified as follows:

PRESENT:

U.S. atty for U.S.  
S. Johnson Esq & W. Carey Jones Esq for  
Claimants

QUESTIONS IN BEHALF OF THE UNITED STATES:

Question 1st,

What is your name age,  
residence and occupation?

Ans. Louis Cammann - 33 Years



Union City - Alameda County -  
Keeper of Saloon.

Q.

Do you Augustin Alviso -  
and how long have you  
known him - if year -

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Ans - I know him by sight - and  
have known him in this way  
since 1832

3

Did you know Tomas Pacheco  
in his life time?

Ans - Yes -

4

Look upon the official plat of  
this Survey filed in this Case -  
and state if you know the two  
Islands or knobs marked thereon  
"D. C. Salmon" and "Wm Brown"

Claimants object to the use of the  
term "Island" as leading -  
because there is nothing  
on the official plat repre-  
senting Islands



Ans. Do you recognize them -

5-

How long have you known them?

Ans. Since 1832

6

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Did you ever live on either of them - If yes, on which one?

Ans. The one marked "J. E. Salmon" on the official plat -

7

When did you first occupy it -

Ans.

In October 1833.

8

How long did you remain there?

Ans.

Until the latter part of January 1854 -

9

To whom, if any body, did you surrender the possession?

Ans. I delivered such possession as I had to Mr. Daniel Salmon's brother -

10

How long have you known Daniel Salmon to occupy this knob?



Ans. Did he first went there in  
the Fall of 1854

11

Does he now reside on it?

Ans. Yes.

12

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Have you ever known him  
to abandon it?

Ans. I know he was absent at one  
time - leaving ~~his~~ it in charge  
of some one - He did not take  
his house away -

13-

<sup>personally</sup>  
From your knowledge of that  
do or do not ordinary high tides  
flow around the two knobs spoken  
of?

(Objected to as immaterial  
irrelevant - leading)

Ans. They do by the way of the Sloughs  
making into the land -

14

In ordinary high tides can you  
go around these knobs with a  
common row boat?

(Same objection)

Ans. I went around it with a skiff -



103-

comes from the "Knob"  
on which Salmon now lives -  
I did live in the Fall of 1834 -  
upon the main land without  
using a boat - before the bridge was  
built -

Ans -

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Qm comes out without jumping  
the slough - which comes the  
same -

(The whole of the foregoing  
deposition objected to by  
Claimants - as being immaterial  
and irrelevant -)

Deposition closed  
Luis Pannan

I have subscribed to  
before me this 4<sup>th</sup> day  
of April A.D. 1861 -  
Blair Saurie  
Special Commissioner



No. 119

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Thomas Pacheco  
Etal

DEPOSITION OF

Louis Leumann

on part of Louis Carr

United States

Filed April 4: 1861

W. H. Cheever.

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

IN LAND CASES.

Dist. Court No. 119

Land Com. No. 258

119 ND

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BE IT REMEMBERED, that on this 4<sup>th</sup> day of April A. D. 1861,  
at San Francisco in the District aforesaid, before me, BLAIR LAURIE,  
a Commissioner, duly appointed by the District Court of the United States for  
the Northern District of California, to take depositions of witnesses in behalf of  
the United States in land cases pending in said Court, personally appeared  
Thomas Canfield - a witness produced in behalf of  
the UNITED STATES, in the above entitled cause, now pending in said Court  
under the Acts of Congress to ascertain and settle the private land claims in the  
State of California, who being duly sworn, testified as follows:

PRESENT: W. S. atty for U.S.  
Sidney Johnson Esq. and Mary Jones  
for Claimants

QUESTIONS IN BEHALF OF THE UNITED STATES:

Question 1st,

What is your name, age,  
residence and the occupation

Ans Thomas Canfield - 41 years



Silvermore Valley - Murray Thomas  
Alameda County - Herding  
Cattle & Sheep -

2

Do you know Gaston Alvise,  
and if so, how long have you  
known him?

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Ans. I do - and have known him  
since 1837

3

Do you know whar is called  
the Pacheco and Alvise claim?

Ans. I do not -

4

Look upon the official plat  
of the survey filed in this case  
and state if you know the  
places thereon marked - "D. E.  
Salmon" and "Wm. Brown"

Ans. I do know them - and have  
lived on one - "Salmon" - and  
have been on the other -

25



3- When did you live on the  
one you speak of - as Salmons?

Ans. - In 1837

At whose instance, if any body,  
did you go there?

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Ans. I went there at Mr. Salmons  
invitation -

7 Was he then living on that Island  
or Barb?

(Objected to because the  
use of the term Island  
is leading)

Ans. Yes.

8

Had he a house on it - & family -

Ans. - ~~Yes~~ He had a house there - but  
his family was not there at that  
time -

9

Did you ever hear <sup>Augustine</sup> Alois say  
any thing - if so, what, in re-  
lation to his claim to the "Knobs"  
before referred to -

(Objected to because <sup>Augustine</sup> Alois  
had started with his interest -



in all that part of  
the claim referred to  
in the question <sup>before him</sup> and could  
not he heard himself  
against his own grant.  
And further objects because  
the testimony is hearsay -)

Ans. No, sir - I have supposed it to  
be government land -

10

After you knew the "Knob" and  
Augustin Aloiso, did he or did  
he not suggest to you to squat  
on it?

(Same objection - as to what  
Aloiso said - and as leading)

Ans. Yes. He wanted me to squat  
on the one mark on the official  
plot "wrapping room".

11

On that occasion what did Al-  
viso say?

Ans

(Objected to as being Croft  
Examination - and also  
for same reasons <sup>that</sup> as the  
preceding questions are ob-  
jected to)



Ans He said I could go and  
squat on it and as one  
could trouble me -

12

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On that occasion, or any other,  
did he speak of the boundary  
of his land or claim on the side  
of the "Knobs"

(Same objection)

Ans I don't recollect. It has been  
so long ago -

15

Deposition closed

Thomas Canfield

Subscribed & sworn  
to before me this  
24<sup>th</sup> day of April  
A.D. 1861 -

Hair Sauney  
Special Commissioner -



No. 119

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

V.

Armas Pacheco  
Et al

DEPOSITION OF

Thomas Canfield

on part of United States

Filed April 4 1861

W. A. Cheever  
Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

IN LAND CASES.

Dist. Court No. 119

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Thomas Pacheco  
Etal

To

W. Carey Jones, Johnson & Rose  
& S. J. Williams Esqs -

You are hereby notified that the testimony of

Thomas Canfield - Genl Chipman  
Louis Campbell - John Munzger

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

Dated at San Francisco, in the District aforesaid, this 30 day of March  
A. D. 1861.

Blair Savary

SPECIAL COMMISSIONER.



U. S. Marshals office  
San Francisco: Mch 30 1861

Personal service by copy of the within notice  
on each of the within named parties in  
the city of San Francisco, on this day,

P. L. Solomon  
U. S. Marshal

By John H. Williams  
Deputy

ND

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No. 119

UNITED STATES DISTRICT COURT,

Northern District of California,

IN LAND CASES.

THE UNITED STATES,

V.

Thomas Pacheco  
et al

NOTICE.

To

No. 119 ND

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U. S. COMMISSIONER.

The United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA

In the District Court of the United States



In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

*Tomas Pacheco -  
Etal*

IN LAND CASES.

Dist. Court No. *119*

Land Com. No. *258*

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BE IT REMEMBERED, that on this *4<sup>th</sup>* day of *April* A. D. 1861,  
at *San Francisco* in the District aforesaid, before me, BLAIR LAURIE,  
a Commissioner, duly appointed by the District Court of the United States for  
the Northern District of California, to take depositions of witnesses in behalf of  
the United States in land cases pending in said Court, personally appeared  
*E. Munyon -* a witness produced in behalf of  
the UNITED STATES, in the above entitled cause, now pending in said Court  
under the Acts of Congress to ascertain and settle the private land claims in the  
State of California, who being duly sworn, testified as follows:

PRESENT:

*W. S. Atty: for the U.S.  
S. Johnson Esq. - for claimants -  
Mr. C. Jones - " "*

QUESTIONS IN BEHALF OF THE UNITED STATES:

Question 1st,

*What is your name, age, residence  
occupation?*

*Ans. Emory Munyon - 38 years*



Washington, Township Alameda  
County - Farmer - -

2. How long have you resided  
there?

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Ans. Since the 7<sup>th</sup> July, 1832

3 Do you know Agustin Alviso

Ans. I do -

4

How long have you known  
him?

Ans. Since January 1833

5

Did you know Tomas Pacheco  
in his life time?

Ans. I did -

6

When did you first know  
him -

Ans. In Jan'y, 1833



7 Is he dead?

Ans He is

8

How long a time ago did he die?

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Ans I am not positive - 3 or 4 years ago -

9

Where did he reside in his life time?

Ans. In Washington Iron Ship -

10

Where ~~did~~ Augustin Alvise reside -

Ans In Washington Iron Ship -

11

Do you know what is called the Alvise and Pacheco claim in that Iron Ship -

Ans I do

12

Does Alvise reside upon a portion of that claim, now -

Ans He does

13

Did James Pacheco, in his life time, reside upon a



Portion of it -

Ans He did

14

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Have you at any time, resided with Augustin Alvino, or upon his part of the claim?

Ans I never did

15

Have you any knowledge of a division of the claim between Pacheco and Alvino - verbal or otherwise?

(Expected to because a verbal division would be null - and parol evidence would not be the best proof of any other division)

Ans. I have seen papers of a division between Alvino and Wm Casey Jones and L.B. Shreve -

(Answer expected to be not being the best evidence)

(Also expected to by W.C. Jones)

16

Did you ever hear a verbal agreement between Alvino and Pacheco in reference to a division of the claim -



Ans  
17

Interdict

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Did you at any time have a conversation with Alviso touching the boundaries of the claim between his residence and the mouth of Alameda Creek -

(Objected to because it is hearsay evidence - and because Alviso, the person referred to, parted with his interest in the claim upon that date before the witness became acquainted with him & And that Grantor cannot be heard to the prejudice of his son Grant.)

Ans I have had conversations with him in regard to the boundaries of his Grant - But never heard him say any thing about the mouth of Alameda Creek in connection with the boundaries -

18

Did you ever hear him say whether the Islands as they appear upon the map official



Plat of the Survey filed in this case - (The points to which I allude are marked - "Wm Brown" and the other "D. E. Salmon") were or are within the boundaries or not -

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(Objected to for the same reason as to Ques. 17 - and also because the official Plat of the Survey does not show that any islands are embraced in it.)

Ans. I never heard ~~from~~ Alviso say he claimed them as being within his boundaries - heard him say that he ordered a Purvian to locate one of them - the one marked "Wm Brown" -

(Objected to as incompetent and irrelevant.)

19

Are you well acquainted with those Islands or Shoals and the surrounding land and waters?

(Objected to because the official Plat does not show that there are any Islands

embraced within the.)



embraced within the  
boundaries -

Ans. I am  
20

How long have you known  
that locality?

Ans. I have known it since 1833 -  
21

Does or does not high tide water  
flow around the knobs above  
referred to -

(Objected to as leading)

Ans. It does -  
22

Are you acquainted with the  
slough laid down on official  
Plat of Survey filed in this  
case - passing by the knob marked  
"D. E. Salmon"?

Ans. I am  
23

About what is its average  
width along Salmon "Knob" -

Ans. About 200 feet  
24

How far, if at all, above knob  
marked "D. E. Salmon" is that  
slough navigated by trading



repels & by its courses?

Ans. I could not say - About  $\frac{1}{2}$  or  $\frac{3}{4}$  of a mile on a direct line from the Knobs to the Embarrasadero.

25-

How much, by the best estimate you can make, salt or marsh ground (Looking at the official plat of survey) lies between the line of the survey that runs upon the Bay side of the "Knobs" and the main waters of the Bay?

(Objected to because it does not appear that Witness is an expert and or competent to judge of the matters submitted to him in the question)

Ans. About 4 square miles

26.

How much, by the best estimate you can make, (Looking at the plat aforesaid) salt or marsh land lies inside of the "Knobs" in a direction of Union City and Alvarado.

(Same objection)



Ans. About 2 Square miles

27

Looking upon said Plat. how much, if any, salt or marsh land lies between the Cinto and the main waters of the Bay?

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Ans.

(Same objections - also objects to because the Plat does not show where the main waters of the Bay are)

Ans. From 3 to 4 square miles -

28

Cross Examination of Claimants

28

130

In State In line in Washington Township - say in what particular part of it - describe the locality -

Ans. 2 miles West of Centerville - near the residence of Augustin Alois -



29

How long did you live in that  
locality &

Ans. Since the 1<sup>st</sup> day of January  
1833 -

30

Where did you live previous to that time?

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Ans. Near Mannys Landing - about  
3 miles South of my present  
residence - a little East of South -  
34 On the land marked on official  
plat "Sandy of the Ex Mission of  
San Jose"

31

I'm state, in answer to Ques. 15,  
that you have seen papers  
of ~~the~~ <sup>a</sup> division between Cleve  
and Mr. Carey Jones and J. B.  
Jones, <sup>Strode</sup> state the character of  
those papers, their contents, in  
what manner they were executed  
and what they describe?

Ans. They were papers in Spanish -  
recorded in Santa Clara County -  
stating that a portion of the Rancho  
known as Cerritos, lying south of  
a ballado or ditch, <sup>and several small grants</sup> should be  
the portion pertaining to Augustin  
Olivero - I can give the boundaries



nearly end for end as the papers  
described them - From the  
William Swamp where the ditch  
ends the line to run to a point  
in the Canal or William Swamp -  
in direction to Union City - from  
this point at this William Grove  
in the nearest direction, to the  
high hills - from the foot of the  
hills along the edge of said hills  
to the Bay of San Francisco -  
Leaving all said hills for the  
benefit of said Augustin Alviso -  
thence along said Bay to the mouth  
of the Arroyo Alameda - then up  
said Arroyo to the place of be-  
ginning - I think that the papers

were acknowledged before Murphy -  
I think that that they were Alviso  
& Strode were the ones that signed  
the papers. I think, Strode signed  
for Mr. Jones as his Attorney -

32

Are you familiar with the  
Spanish language?

Ans. Sufficiently to read and converse on  
ordinary business -

33

Please repeat in Spanish the bound-  
aries you have described in answer  
to Question 31 - -



Ans.

Empezando a la punta del vallado cerca  
onde se junta con el arroyo de la Alameda  
cerca la casa de Don Tomas Pacheco  
siguiendo dicho vallado hasta que junto  
con el sauzal, donde se concluye; de  
alli, se sigue a la punta del sauzal  
en direccion a Union City; de este  
saulzal en direccion mas corta a las  
lomas altas; de alli se sigue la  
orilla de dichas lomas a la Bahia  
de San Francisco, y por la orilla de  
dicha Bahia a la boca del Arroyo  
Alameda, y arriba por el arroyo Alameda  
hasta se llegue al vallado donde  
se empenzo.

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34

Did you ever see the original  
of those papers you have de-  
scribed and when-ifs?

Ans I saw a paper in the possession  
of Alvaro purporting to be the  
original somewhere from 3 to 5  
Years ago -

35

How do you know the paper  
was recorded in Santa Clara  
County -

Ans. Alvaro sent me to get a certified  
copy of the record of it from the  
Clerk of the County of Santa Clara.  
I got it there.

36



36

State the name of the affiant of the person who gave you that certified copy of that or the date of it and where it is now:

Ans.

I think his name was Healey - He was the County Clerk in the City of San Jose - It was dated at the time he delivered me the copy, some 3 to 5 years ago - I delivered it to Augustin Alviso at that time - I don't know where it is now.

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37

Have you ever had any interest in any lands either which this survey comes from or a patent against?

Ans.

No, I have not, nor ever had -

38

What consideration did Augustin Alviso pay you for going to San Jose and procuring the certified copies that you speak of?

Ans.

Not a cent -

39

Were you promised, or do you expect any consideration for it?

Ans.

He promised to pay me for my days work and the cost of the trip -



Deposition closed -  
Emerg. Munyan

Subscribed & sworn  
to before me this  
4<sup>th</sup> day of April  
A.D. 1861.

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Blair Sauer  
Special Commissioner



No. 119

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Thomas Pacheco  
Etal

DEPOSITION OF

Emery Munzou

on part of United States

Filed June 4 1861

W. H. Chivers,  
Clerk.



In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Thomas Pacheco  
Etc

IN LAND CASES.

Dist. Court No. 119

Land Com. No. 258

BE IT REMEMBERED, that on this 14 day of April A. D. 1861,  
at San Francisco in the District aforesaid, before me, BLAIR LAURIE,  
a Commissioner, duly appointed by the District Court of the United States for  
the Northern District of California, to take depositions of witnesses in behalf of  
the United States in land cases pending in said Court, personally appeared  
John S. Chipman a witness produced in behalf of  
the UNITED STATES, in the above entitled cause, now pending in said Court  
under the Acts of Congress to ascertain and settle the private land claims in the  
State of California, who being duly sworn, testified as follows:

PRESENT:

U. S. Atty. for U. S.  
Sidney Johnson Esq. for claimants

QUESTIONS IN BEHALF OF THE UNITED STATES:

Question 1st,

What is your name, age  
residence and occupation

Ans. John S. Chipman, of lawful age



San Leandro - Alameda County -  
Attorney at Law -

2

Are you acquainted with  
the Claimants in this case,  
or either of them?

Ans I first <sup>met</sup> Knerr, <sup>Alviso</sup> in 1832  
I have known him ever since -  
And Knerr Pacheco at the same  
time up to the time of his  
death -

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3

State if you ever had any  
conversations with the Claimants  
or either of them, or ever heard  
any conversation of them or either  
of them <sup>being present yourself</sup> concerning the boundaries  
of the Ranch in question? If so,  
state what, they were and when & where you heard them

(Objected to as irrelevant  
and hearsay - Also that  
the Claimants had granted  
their interest in that part of  
the claim which is the  
subject of Contention, and  
could not be heard themselves

against their own grant)



Against their own grant)

Ans.

In 1833 or 1834. I think in 1833 I was standing upon the northern extremity of the Corritos upon the slough that divided the Corritos from the "Knob" marked on the Official Plat- "D. E. Salmon". There with Augustin Alviso and others. I proposed to him to cross the slough to do some business upon this Salmon "Knob". He said "No", "This slough is my boundary." I don't claim the Island!

I was replanting wild cats that had been cut upon the Corritos, and for me as I supposed upon this Salmon "Knob". - I was replanting for Alviso -

I was replanting this wild cats on the ground that it had been cut upon his ground by trespassers -

I was acting as Attorney for Alviso in connection with the Sheriff's officers -

Having replanted the cats cut upon the northern extremity of the Corritos - and seeing some had been cut upon this "Knob", I proposed



to cross the Slough to take  
the cuts cut upon the "KnoB"  
marked on the official Plat-  
"D. E. Salmon" - and it was  
then and there that Alois  
made the remark spoken of  
in the first part of this answer.

H

State the Character of the  
two pieces of land delineated  
upon the official Plat of the  
Survey filed in this case, as  
hills. one marked "Wm Brown"  
the other "D. E. Salmon". relative  
to the surrounding lands and  
the tides of the Bay?

Ans. These two pieces marked upon  
the Plat "D. E. Salmon" and "Wm  
Brown" are two pieces of up  
dry land, containing each about  
from 60 to 80 Acres - I should think  
Salmon's piece contained 60 or 70  
Acres - the other, I should think  
contained about 90 Acres -

They are surrounded by  
Sloughs and salt marsh each -  
and whether the high tides flow  
around both or either of them,  
I am unable to say.

On the Bay side of the  
line from the mouth of the  
Alameda Creek to and along the



Alameda Creek - to and along the

Arroyos, and between that line  
and the main waters of the Bay -  
There is at least one league of  
Salt-marsh - On the side of  
the main land, and adjacent  
to and about these two pieces  
spoken of, and within the line  
of Survey, there are two square  
miles of Salt-marsh altogether.

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(The whole of the foregoing  
testimony objected to on  
the ground of its being in-  
material and irrelevant)

John S. Chipman

I have & Subscribed  
to before me this  
4<sup>th</sup> day of April  
A.D. 1864 -

Clair Saurin  
Special Comr.



No. 119

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Thomas Pacheco  
Etal

DEPOSITION OF

J. G. Chipman

on part of United States

Filed April 4: 1861

W. A. Chever.

Clerk.

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

The United States

No 119.

Thomas Parkhurst

119 ND

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Northern District  
of California } Si H. P. Jones being  
sworn says that he is the owner of  
a certain portion of the said Rancho  
embraced within & designated by  
certain boundaries <sup>a large portion of</sup> all of which  
are embraced within the limits  
of the Survey made of said Ran-  
cho by the Surveyor General of  
the United States, ~~embraced~~ con-  
taining by estimate one thousand  
and acres more or less, that  
he holds said premises by  
virtue of various conveyances  
from the original granters  
& Confirming of said Rancho  
Thomas Parkhurst & Augustina  
Aliso, & that for more than  
two years last past he has  
been in quiet & peaceful  
possession of said premises  
under his said title.



Petitioner further deposes &  
says that he has an interest in  
the Survey of said Ranches as  
returned into this Court by the  
Surveyor General of the United  
States, & prays that he may  
interbe herein for the protection  
of his said interest as  
above mentioned

Sworn & subscribed to }  
before me this 10th day } K. P. Jones  
of April A.D. 1861 }  
W. A. Cheever,  
U. S. Comm.

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C. A. Lawrence & Wm. Carey Jones  
Attys for Petitioner.



119.

U. S. Dist. Court.

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The United States.

— vs —

Tomas Pacheco,  
et al.

---

Intervention of  
A. P. Jones,

Filed April 10, 1861,

W. A. Cheever,

119 ND Clerk,

PAGE 145

Mr. Carey Jones,  
and  
E. A. Lawrence  
for Intervenor.



*cut at*

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

IN LAND CASES.

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Dist. Court No. 119

Land Com. No.

Thomas Pacheco, Etal

To

W. Leary Jones, Johnson  
& Rose and J. J. Williams

You are hereby notified that the testimony of

E. N. Dyer

in the above entitled cause in behalf of the UNITED STATES will be taken before me, the undersigned, a Commissioner duly appointed by the District Court of the United States for the Northern District of California, to take depositions of witnesses, in land cases pending in said Court, commencing on *Friday* the *7<sup>th</sup>* day of *June* A. D. 1861, at *11* o'clock, *a*M., and continuing from day to day until finished, at my office, No. *9* U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this *31* day of *May*  
A. D. 1861.

*Blair Sanie*  
SPECIAL COMMISSIONER.



I have served this notice personally by copy on  
S. R. Johnson, <sup>W. Carey Jones</sup> in San Francisco, May 31, 1861, and by  
leaving copy at the office of John Williams in  
the City of San Francisco May 31, 1861,  
San Francisco }  
May 31<sup>st</sup> 1861 }

Wm. Rabe  
U. S. Marshal  
by James F. Curtis  
Special Deputy

No 119

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

THE UNITED STATES,

v.

Anna Rabe

NOTICE.

To  
W. C. Jones  
S. R. Johnson  
J. Williams

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U. S. COMMISSIONER.



*I have served this notice personally by copy on*

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

Thomas Pacheco  
Etal

IN LAND CASES.

Dist. Court No. 119

Land Com. No. 258

119 ND

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BE IT REMEMBERED, that on this 11<sup>th</sup> day of June A. D. 1861,  
at San Francisco in the District aforesaid, before me, BLAIR LAURIE,  
a Commissioner, duly appointed by the District Court of the United States for  
the Northern District of California, to take depositions of witnesses in behalf of  
the United States in land cases pending in said Court, personally appeared

E. H. Dyer

a witness produced in behalf of  
the UNITED STATES, in the above entitled cause, now pending in said Court  
under the Acts of Congress to ascertain and settle the private land claims in the  
State of California, who being duly sworn, testified as follows:

PRESENT:

U.S. atty for U.S.

QUESTIONS IN BEHALF OF THE UNITED STATES:

Question 1st,

What is your name, age  
residence occupation

Ans E. H. Dyer. 39 years. Alvarado



Alameda County - County  
Surveyor of Alameda -

2

Have you made a map or  
Chart of the <sup>point of land</sup> country lying between  
Alameda creek and the Bay of  
San Francisco -

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Ans. I have

3.

Did you make so much  
map or chart as a Surveyor?

Ans. I did -

4

Is the Exhibit marked A.S.D.  
attached to this deposition - the  
one made by you and above  
referred to - and is it a correct  
delineation of the lands referred  
to -

Ans. It is the one - and is substantially  
correct -

5-

Is the line on this plot, which  
purports to be the Western line  
of the Rancho of the Carrizos



on said map, a true representation  
of that line as laid down on the  
plat of the U.S. Survey -

Ans. It is.

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Do you know if the knobs, which  
appear upon said Exhibit like  
islands, are surrounded by high  
tide water

Ans. They are marked on my Exhibit  
Peruvian & Hunter Islands - and  
they are surrounded by high tide  
water

7 How much salt land lies between  
the Westoby line of the Survey of  
said Ranch, and the main waters  
of the Bay -

Ans. Between 7 and 8 square miles -

8 How much salt land of the same  
character lies between said Westoby  
line and the Alameda Creek -

Ans. Between 3 and 4 square miles -

9 Does the Black line marked  
upon Exhibit E.S.D. show the true  
line between the salt and dry  
land



Ans It was not <sup>an</sup> made by actual  
survey, - part of it was, and  
the rest from observation, and  
I think it is substantially cor-  
rect

10

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PAGE 151

Do you know of an artificial  
ditch from the Alameda Creek  
to the Willows, or at a point by  
Pattersons residence?

Ans. I know there is such a ditch

118

Where does it leave Alameda  
Creek, with reference to Pacheco's  
old residence, and in what di-  
rection from that point - does the  
ditch run, and does it cross the  
old Mission road from Alvarado?

Ans Judging from its course - I should  
think it left Alameda Creek  
near the house - it runs in a  
westerly direction, crossing the road  
from Alvarado to the Mission, to  
the Willows - and I should think  
it would strike about Pattersons  
place at the Willows -

112

Do you know the place where  
the U.S. Surveyor has located  
the line of this Ranch in the  
direction of Santa Clara -



Ans  
143

I do not

Do you know the serpentine indentation in the land from Mayhew's Landing leading towards the Alameda Creek, passing through Centerville?

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Ans  
144

I do

Is that a natural or artificial indentation in the land?

Ans  
145

It has the appearance of being natural. Not artificial, produced apparently, by an overflow of the Alameda Creek.

Can you say whether what purports to be the upper line in the direction of the Santa Clara, delineated on the Official Plat of the Survey in this case, represents a natural or artificial ditch?

Ans. I should think it represents a natural ditch.

Deposition closed

E. H. Spru

Subscribed & sworn to before me this  
11<sup>th</sup> day June 1861.

Blair Laurie Comr.



U. S. Dist. Court

The United States  
vs  
Thomas Pacheco  
Et al

Deposition of E. A.  
Dyer on part of  
U. States

Filed 11: June, 1861  
W. D. Cheves  
clerk



In the District Court of the United States  
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

IN LAND CASES.

Dist. Court No. 119

Land Com. No. 238

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Thomas Riches et al

BE IT REMEMBERED, that on this 28<sup>th</sup> day of April A. D., 1862,  
at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS,  
a Commissioner duly appointed by the Circuit Court of the United States for the Dis-  
tricts of California to take acknowledgments of bail and affidavits, and also to  
take depositions of witnesses, in civil causes depending in the Courts of the United  
States, pursuant to the Acts of Congress in that behalf, personally appeared  
Mrs. T. Stratton a witness produced in behalf of  
the claimant in the above entitled cause, now  
pending in said Court under the Acts of Congress to ascertain and settle the private land  
claims in the State of California, who, being duly sworn, testified as follows: his  
evidence being interpreted by \_\_\_\_\_  
a sworn interpreter.

PRESENT:

J. J. Williams Esq and  
Ldney L. Johnson Esq. for  
Claimant. and E. A. Lawrence  
Esq for Ant. Jones et al  
QUESTIONS IN BEHALF OF THE claimant

Question 1st,

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

Mrs.

My name is James T. Stratton



I am of lawful age, I reside in Nevada County, and my profession is that of Surveyor.

2.

Did you ever hold any office in Nevada County, if so what and how long?

Ans.

I was Deputy County Surveyor from 1853 to 1859, and have been County Surveyor for two years, and have also been a U.S. Deputy Surveyor.

3.

Do you know the rancho claimed in this case?

Ans.

I do know it well.

4.

Look upon the diseños in this case marked "18 S.D.K." and "31 S.D.K." and observe the slough making up into the main land from the Estero, and state with what slough or object it corresponds on the ground?

Ans.



Ans.

It corresponds on the ground with the slough shown on the copy plat of official survey filed in this case, crossing Eastwardly into the main ~~land~~ land at the Southernly side of the Ceibo marked on which is marked "D. E. Salmon."

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PAGE 156

Crop Examination  
Questions by Counsel  
for Intervenor Jones et al.

Ques: 5.

State what is the character of the land between the slough last referred to and the beginning past and designated as Marsh land?

Ans.

It is of the usual character of the salt marsh land surrounding the Bay of



San Francisco, and is generally  
but two or three inches  
above ordinary high tide  
and is only overflowed  
during Spring tides.  
6.

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PAGE 157

State the character of the  
two Cerritos marked "Bramm  
and D. E. Salmon with ref-  
erence to the main land?

Ans.

They are isolated hills sur-  
rounded by the salt marsh  
above described, they are  
sometimes called islands,  
but not properly so, because  
they are only surrounded by  
water at the Spring tides.

7.

Deposition closed.

John H. Thayer

Subscribed and sworn to this  
28<sup>th</sup> day of April A.D. 1862 before me,  
W. H. Chevers, U.S. Commr.



*No 119.*

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

*Tomas Pacheco, et al,*

DEPOSITION OF

*Jas. T. Stratton,*

on part of *Claimants.*

Filed *May 15,* 186*2,*

*W. A. Cheever,*

Clerk.



In the District Court of the United States  
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

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v.

IN LAND CASES.

Dist. Court No. 119,  
Land Com. No. 258,

*Tomas Pacheco et al.*

To *W. H. Sharp, Mr Carey Jones,  
E. J. Sarrenee, and William St  
Thornton.*

You are hereby notified that the testimony of  
*M. J. Denis, Guillermo Castro,  
Josi Jesus Valljo, Fulgenio Rignera,  
Culvio Pacheco, and Josi Maria  
Aurador, and Jas. J. Stratton,*

in the above entitled cause in behalf of the

*Claimants*

will be taken before me, the undersigned, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, commencing on *Monday* the *28th* day of *April* A. D. 1862, at *11* o'clock *A.* M., and continuing from day to day until finished, at my office No. 17, U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you deem fit.

Witness my hand and official seal at the City of San Francisco,  
in said District, this *22nd* day of *April*  
A. D. 1862.

*W. H. Cheney*

U. S. COMMISSIONER.



Service of a true copy of the within notice is  
hereby admitted April 21st 1862.

J. A. Lawrence L.

W. C. Jones  
attys for H. B. Jones

Wm. H. Shump  
U.S. Dist. Ct.  
William O. Thompson

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No. 119.



In the District Court of the United States  
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

IN LAND CASES.

Dist. Court No. 119

Land Com. No. 258

Donas Pacheco et al.

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BE IT REMEMBERED, that on this 28<sup>th</sup> day of April A. D., 1862,  
at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS,  
a Commissioner duly appointed by the Circuit Court of the United States for the Dis-  
tricts of California to take acknowledgments of bail and affidavits, and also to  
take depositions of witnesses, in civil causes depending in the Courts of the United  
States, pursuant to the Acts of Congress in that behalf, personally appeared  
William J. Lewis a witness produced in behalf of  
the claimant in the above entitled cause, now  
pending in said Court under the Acts of Congress to ascertain and settle the private land  
claims in the State of California, who, being duly sworn, testified as follows: ~~his~~  
~~evidence being interpreted by~~  
~~a sworn interpreter.~~

PRESENT:

J. J. Williams and Sidney  
L. Johnson Esqrs for claimant,  
and E. A. Lawrence Esq, for  
Intervenor Jones et al

QUESTIONS IN BEHALF OF THE claimant

Question 1st,

What is your name, age,  
place of residence and occupa-  
tion?

Ans.

My name is Wm. J. Lewis.



my age is fifty years, I  
reside in San Francisco, and  
am by occupation a Civil  
Engineer and Surveyor.

2.

Are you the same Wm J.  
Lewis who made the official  
survey in this case, the plat  
of which is now before you?

Ans.

I am.

3.

Was there any difficulty  
in this case in ascertaining  
the Northern Eastern and  
Southern boundaries of the  
ranch as defined in the  
original grant and final  
decrees of confirmation?

Ans.

There was not. The Alameda  
Creek is a well known  
stream, formerly the boundary  
between Santa Clara and  
Contra Costa Counties and  
running from the mountains  
to the bay. The Sanjon  
de los Rios is a wide



ditch running from Alameda Creek to a slough on the margin of the swamp lands adjacent to the bay of San Francisco. it is unmistakably defined on the ground and is well known to the residents in the vicinity.

H.

Upon what principles were you governed in running the Western line?

Ans.

The boundary as finally confirmed on the Western side is "the bay of San Francisco," and the contents of the rancho is "about three square leagues." Under the regulations of the Land office and the general instructions of the U. S. Surveyor General of California, the claimants are entitled to select the specified quantity of land within their boundaries



When I arrived in the order of survey at "Post 175" at Beards Embarcadero, Augustin Meniso stated that he did not desire that I should include any of the swamp land to the Westward of the range of hills marked "Las Cerritos" but did wish to include that range. I accordingly ran the line along the Western base of that range to "Post 211" at the Northern End of the Tides. The property North of that point and extending to Alameda Creek was sold several years since to Shreve, Jones, and others, whose interest in the survey were represented by Ezekiah P. Jones, brother of Wm. Carey Jones, one of the original purchasers from Pacheco and Meniso. He said H. P. Jones wished to include

the hills to the North



the two little ceritos to the North and Northward of the range already mentioned. The line was accordingly run from Post 211 to Post 212 at the West end of the most Eastern of the two Ceritos, thence to Post 213 at the Southern end of the Western Cerito, thence along it's Western margin to Post 218 at it's North-western end, thence in a direct line to Post C. R. 1, and the place of beginning on Alameda Creek. I calculated the area of the survey and finding that there were two thousand seven hundred and four acres less than the area confirmed in this case (three leagues). I informed Mr. Jones that he was at liberty to select that quantity of land to the Westward of my Western



lines and between them  
and the Bay. He said he  
did not desire the possession  
of that land - that he consid-  
ered it of very little value.

The land from Post 212  
to 213 occupies salt marsh  
of the ordinary character  
of the salt marshes sur-  
rounding the bay. These  
marshes are generally at the  
elevation of ordinary high  
tides, but are overflowed  
twice a month at the new  
and full moon. The same  
remark applies to the general  
character of the line from  
Post 218 to Post C. R. 1. but  
on that line there are some  
points where ordinary tide  
paves a little to the East-  
ward of the line, where small  
sloughs run up into the  
main land.



3.

Are the two small Quitas referred to by you properly called or considered, "islands"?

Ans.

They are not properly called islands, an island being a tract of land surrounded by water, and these are evidently surrounded by water but a small portion of the whole time.

6.

Look upon the disenois in this case marked ~~is~~ H. "18 S.D.K." and "31 S.D.K." and observe the blough making up into the main land from the Estero, and state with what blough or object it corresponds, on the ground?

Ans.

On such disenois, they are undoubtedly intended to represent the blough which



crosses the Western line between  
Plots 211 and 212. This  
slough extends up a long  
distance to the Eastward  
forming in its upper  
part a causal or mill  
arramp. No other between  
that and Plameda creek  
extends much if any dis-  
tance into the higher  
land.

7.

Did you ever make a  
prior survey of this land,  
if so state when, <sup>for</sup> ~~by~~ whom  
and for what purpose?

Ans.

I made a survey of Speake  
and Jones purchases ~~off~~ from  
Alvino in 1833. Their  
purchases did not embrace  
a portion of the land to  
the Eastward, which was  
leased by Beard and Harner  
of Alvino, but I made a



survey of the whole of the  
Western part extending  
Westward of the lines from  
Post 212 and the lines from  
Post 212 to C. R. 1. and  
extending from these lines  
to the margin of the bay,  
and including the two little  
Cerritos. This survey, <sup>was of</sup> ~~included~~  
Shrade and Jones portion  
of the ranch, and Mr. Alvise  
was present while I was  
making the survey along  
the Northern margin of the  
Sausal until I came  
running Westward to the  
slough. The Eastern  
boundary of ~~the~~ one part  
of the Jones and Shrade  
survey was ~~the~~ a ditch  
running from the Alameda  
Creek near Tomas  
Pacheco's house to the Sausal,  
excepting a small reserva-  
tion on the creek. ~~Then~~ the



remaining portion of their purchase was a tract bounded on the Westward by the ditch on the South by the road leading from Union City to the Mission of San José, and on the North and East by the boundaries of the rancho.

~~Crop Examination waived~~

The latter part of the answer, commencing with the words "The Eastern boundary of one part of the 'Jones and Shade survey' etc." was in answer to a question verbally propounded by Mr. Laurence Counsel for Ents. Jones et al.

~~Crop Examination waived~~

~~Deposition closed.~~

Sworn to and subscribed  
April 28, 1862. before me,

Wm. J. Lewis.

W. D. Chever, }  
U. S. Com: }



11.00  
3.60  
3.30  

---

\$17.90



Nº 119.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

*Thomas Pacheco, et al,*

DEPOSITION OF

*Mr. J. Lewis,*  
on part of *Claimants*

Filed *May 15,* 1862,

*W. H. Chess,*

Clerk.

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In the District Court of the United States  
FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

IN LAND CASES.

Dist. Court No. 119

Land Com. No. 258

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Thomas Pacheco

BE IT REMEMBERED, that on this 29<sup>th</sup> day of April A. D., 1862,  
at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS,  
a Commissioner duly appointed by the Circuit Court of the United States for the Dis-  
tricts of California to take acknowledgments of bail and affidavits, and also to  
take depositions of witnesses, in civil causes depending in the Courts of the United  
States, pursuant to the Acts of Congress in that behalf, personally appeared  
Guillermo Castro a witness produced in behalf of  
the Claimant in the above entitled cause, now  
pending in said Court under the Acts of Congress to ascertain and settle the private land  
claims in the State of California, who, being duly sworn, testified as follows: his  
evidence being interpreted by A. D. Splivalo  
a sworn interpreter.

PRESENT:

J. J. Williams Esq. and Sidney  
L. Johnson Esq. for Claimant,  
and

QUESTIONS IN BEHALF OF THE

Claimant

Question 1st,

What is your name, age  
and place of residence?

Ans.

My name is Guillermo Castro  
my age is ~~A~~ fifty two years,



and I reside in San Lorenzo  
Alameda County.

2.

Do you know the ranch  
claimed in this ~~called~~ case  
called Patreño de las Ceritos?

COMPANION IN DEEDS OF THE

Ans.

Q. Yes. I have known it  
for over forty years.

3.

From what did the rancho  
take its name?

Ans.

Because the Mission of San  
Jose kept their horses there,  
so it was called the Patreño,  
and Ceritos because there  
are some small hills on  
the place called in Spanish  
Ceritos.

4.

Do you know the two small  
Ceritos represented on the  
official plat in this case  
between the slough and the  
Alameda Creek?

Ans.

Q. Yes.

6



Do you know whether or not those two *Ceritos* were included in the grant to *Alviss* and *Pacheco*?

Mrs.

I believe they were.

My.

Where the said *Ceritos* used, and occupied by the original grantees if so how?

Mrs.

They had cattle there, though on the *Cerito* nearest to *Alameda Creek*, I am not sure that the cattle could always go there, on account of the difficulty of passage during high water from the other *Cerito*, but it was evident they were included in the grant. The *Mission* used these *Ceritos* prior to the grant for the pasturage of cattle.



Deposition closed.  
Guillermo Lora

Subscribed and sworn to this  
29<sup>th</sup> day of April A.D. 1862 before me  
W. H. Chenevix  
U. S. Com. —

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*Nº 119*

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

*Thomas Pacheco et al*

DEPOSITION OF

*Guillermo Castro*

on part of *Claimant*

Filed *May 15*, 186*2*,

*W. H. Cheever,*

Clerk.

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# In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

IN LAND CASES.

Dist. Court No. 119

Land Com. No. 258

Thomas Pacheco et al

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BE IT REMEMBERED, that on this 29<sup>th</sup> day of April A. D., 1862, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Salvio Pacheco a witness produced in behalf of the Claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by Manuel Minsa Jr. a sworn interpreter.

PRESENT:

J. J. Williams Esq. and  
Lioney A. Johnson Esq. for Clai-  
mant, and E. A. Lawrence Esq  
for Interveners Jones et al.

QUESTIONS IN BEHALF OF THE

Claimant

Question 1st,

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

Ans.

My name is Salvio Pacheco,  
my age is over sixty years,



and I reside in the County  
of Contra Costa.

2.

Do you know the rancho  
claimed in this case, called  
Parrero de las Ceritos?

COMMISSIONER OF THE LAND OFFICE

Ans.

I do.

3.

Do you know by whom  
the original diseño was  
made for Alvares and Pacheco?

Ans.

I myself made the diseño,  
and petition.

4.

From what did the rancho  
take its name?

Ans.

From the "Rinconado de  
Ceritos" and the Arroyo  
Alameda.

5.

Do you know the two small  
Ceritos represented on the  
official plat in this case,  
between the slough and  
the Alameda Creek?



Ans.

Id. do.

h.

Do you know whether or not these two Ceritos were included in the grant and diseño to Pacheco and Alaiso?

Ans.

They were in both the diseño and grant, and, <sup>I think</sup> in the petition for the grant. ~~I think~~

Were the said Ceritos used and occupied by the original grantees, if so how?

Ans.

Originally they were used and occupied by the Mission, and after the petition of Pacheco they were always occupied by Pacheco and Alaiso. They ~~was~~ were used for the purpose of pasturing hogs sheep and cattle, and they contained very good grapes.  
Crop Examination made.



Deposition closed.  
Sabio Pacheco.

Subscribed and sworn to this  
29<sup>th</sup> day of April A.D. 1862 before me.  
W. H. Cherris,  
N. S. Comm—

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N<sup>o</sup> 119

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

*Thomas Pacheco et al*

DEPOSITION OF

*Salvio Pacheco*

on part of *Claimant*

Filed *May 15,* 1862,

*W. H. Cheever,*

Clerk.

119 ND

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on Wednesday the 9th day of July in the year of our Lord one thousand eight hundred and sixty-two.

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States.

v.

Thomas Pacheco, et al.

119.

And now at this day, on reading, and filing notice of motion, and on motion of C. R. Lawrence, Esq., counsel for the intervenor H. P. Jones, it is ordered by the court that he have leave to file an amended intervention in that behalf.



Nº 119.

UNITED STATES DISTRICT COURT

Northern District of California.

*The United States*

v.

*Tomas Pacheco, et al,*

*Order allowing the return  
H. P. Jones to file  
Amended statement.*

Filed *July 9th* 186*2*

*H. A. Chenev.*  
Clerk.



In the District Court of the U.S.  
for the Northern District of Cal.

The United States

vs  
Thomas Pacheco et al

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And now comes H.P. Jones Intervenor  
herein, & files this his amended <sup>Petition of</sup> Inter-  
vention herein, and excepts to the Survey  
of the land claimed herein, a certified  
copy of the Plat whereof, was filed in  
this Court, pursuant to its order on the  
28th day of January 1881.

Said H.P. Jones further alleges  
that he is the owner of 277 acres of  
land near the centre of said Rancho  
"Lo Ceritos", marked "Jones Stride 277  
Acres" on the accompanying map,  
by virtue of mesne conveyances from  
Said Jones & Stride — Also that he is  
the owner of 4633 Acres of said Rancho,  
adjoining the Bay of San Francisco,  
and lying between the Alameda  
Creek on the North, & the line known  
as the division line between Jones, of  
the one part, and Aloiso of the other  
part, designated on the accompa-



Mying Map as "N 80°. 38 W (true course) 108 chs",  
Running from the Bay of San Francisco, to the north-  
erly point of the Range of Hills, and which  
said lands are marked upon said Map, as  
follows; "C. B. Stode & William Cary Jones  
Exr 4635 Acres." That he is the owner of said  
lands by virtue of mesne conveyances  
therefor, from the Original Grantors & con-  
firmers of said Ranches, Thomas Pacheco,  
& Augustin Alviso, and that for more  
than three years last past he has been  
in the quiet & peaceable possession of  
the same under his said title;

Said H. P. Jones further alleges -  
that in the month of April A.D. 1853, said  
Alviso & said Jones, representing the par-  
ties in interest in said lands, under  
said deeds of conveyance from Alviso &  
Pacheco to said Jones & Stode, made  
a division of the said Ranches, and  
that said division line was run by  
Wm J. Lewis County Surveyor of Santa  
Clara County, with the knowledge & approval  
& consent of said Jones & said Alviso,  
which said line is designated upon  
the Map hereto attached, as the Southern  
& Easterly boundary of the tract of land  
designated thereon as "C. B. Stode & Will-

iam Cary Jones Exr 4635 Acres."



can Cary Jones Esqr 4635 Acres."

Said H. P. Jones further alleges that of the last named tract of 4635 acres, so owned by him, set off to him by said original Grantor under said division of said Rancho, the sum of 2700 acres of land, or thereabouts has been excluded from said Survey — the westerly line of said Rancho according to said Survey, running through the said tract of land from the Mamitas creek to the point of said range of hills, at a distance of from one and a half miles to two miles East of the Bay of San Francisco, thereby excluding from said Survey said 2700 acres of land, so conveyed to this Petitioner,

Petitioner further says that the remaining boundaries of said Rancho, to the North, East & South, are well defined natural objects, and that the Survey made by said Surveyor General, has embraced in said Survey all the lands belonging to said Rancho upon the said three sides, the North the East, & the South, and that there is still a deficiency of about 2700 acres between the said Survey & the



calls of said Grant;

Wherefore the said H. P. Jony Excepts to the said Survey Westside line of said Survey, Because

1. Said Westside line does not even follow the calls of said Grant, which is the margin of the Bay of San Francisco;

2. That it Excludes 2700 acres of land, conveyed by said original Grant's Confirmation to Intermor -

3. That said Survey does not embrace the quantity of land granted to said Alonso Pacheco, but that it falls short of the same 2700 -

4. Because about 2700 acres of land lies between the Westside line of said Survey & the Margin of the Bay, which is not embraced in any other Grant;

Wherefore Petitioners pray that said Survey may be so amended as that said Westside line shall follow down the Alameda Creek to the Bay of San Francisco, thence along the margin of the Bay, to such a point as that a line running from the margin of the Bay to the point of the Range of Hills marked on the map as "Los Cerritos," will embrace 2700<sup>acres</sup> more of land,

provided there shall be that amount,



provided there shall be that amount  
of land, lying between said westerly line  
of the survey & the margin of the Bay,  
and included in the tract marked  
on the accompanying map as "C. B. Stoddard  
& William Cary Jones Esq 4635 Acres"  
& in case there shall be less than  
said 2700 acres embraced within  
said boundaries, then that said sur-  
vey shall follow along the margin  
of the Bay to the point where said  
division line marked on the ac-  
companying map as "N 88° 38' W (true  
course) 108 chs." intersects said Bay.  
thence Eastward along said line to  
the point of said Hills marked  
"Los Centos," one hundred eight-chains.

Sworn to & subscribed before me  
on this 1st day of July  
A.D. 1862.  
W. H. Keever  
M. C. Corn.

Wm. C. Jones



119 ND 258B9  
In the District Court  
of the United States  
for the  
Northern District of Calif.

The United States

<sup>y</sup>  
Thomas Pacheco vs

Intervention of H.P.  
Jones as Amended.

Filed July 9<sup>th</sup> 1862.

W. H. Cleverly  
Clerk

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PAGE- 189

Wm Camp Jones  
E. A. Lawrence  
For Intervenor



In the District Court of the United  
States for the Northern District of Cal-  
ifornia,

The United States

Thomas Pacheco

I take notice that  
said H. P. Jones Intervenor herein,  
will move said Court on Monday  
the 7th instant, at 11 o'clock a.m.,  
or as soon thereafter as counsel can  
be heard for an order allowing him  
to file an amended Petition of  
Intervention herein, with a copy  
whereof you are herewith furnished.  
San Francisco July 1, 1862

Yours  
C. Fairman

To  
W. H. Larp. Esq. Atty for Intervenor  
U. S. Dist. Ct.

P. L. Johnson Esq

J. J. Williams Esq

Atty for Claimants



<sup>119.</sup>  
In the District Court  
of the United States  
for the Northern Dist.  
of  
California -

I hereby consent to the entry of  
an order in conformity  
to the within motion.

The United States

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Thomas Pacheco

Motion of Motion to file  
amended Intervention

Due service of a copy of  
the within motion & copy of  
amended Intervention  
submitted. July 1. 1862

Sidney L. Johnson

of Counsel for Claimants

Rec'd a copy of the within  
this day - July 2<sup>nd</sup> 1862  
at St. Louis  
U.S. Atty.

Filed July 9. 1862.

J. H. Cheney  
E. A. Lawrence  
Atty for <sup>36</sup> Jones



## This Indenture,

made this

25<sup>th</sup> day of September

1858, between P. C. Edmondson as Sheriff of the County of Alameda  
of the first part, and Hezekiah P. Jones of the City and County  
of San Francisco and State of California, of the second part; Whereas, by virtue of  
a writ of Execution issued out of and made under the seal of the District Court  
of the Eleventh Judicial District in and for the County of San Mateo  
State aforesaid at the suit of Horace Names against William Carey  
Jones and Charles Brown

to the said Sheriff directed and delivered, commanding him that of the goods and chattels of  
the said William Carey Jones and Charles Brown

in his bailiwick, he should cause to be made certain moneys in the said writ specified, and if  
sufficient goods of the last named persons could not be found, that then he should cause the  
amount of said judgment to be made of the lands, tenements and real estate, whereof the said  
last named persons was seized; and whereas because sufficient goods and chattels of the last  
named person in the said writ could not be found, whereof he, the said Sheriff could cause to  
be made the moneys specified in said writ, he, the said Sheriff, did, in obedience to the said  
command, levy on, take and seize all the estate, right, title and interest of the said last named  
persons of, in and to the lands, tenements, real estate and premises hereinafter particularly  
set forth and described, with the appurtenances, and did on the 22<sup>nd</sup> day of March  
A. D., 1858, sell all the right, title and interest of the said last named person in and to the  
said premises, at public vendue, at the Court House door, in the Town of San Francisco  
in said County, between the hours of nine in the morning and five in the afternoon of that day,  
namely, at Two o'clock—he having first given notice of the time and place of such sale,  
according to law; at which sale the right, title and interest of the last named persons in and  
to the said premises, were struck off and sold to Hezekiah P. Jones for the

sum of Two thousand (\$2000) Dollars

he, the said Hezekiah P. Jones being the highest bidder, and that being  
the highest sum bidden for the same, whereupon the said Sheriff, after receiving from said  
purchaser the said sum of money so bidden as aforesaid, gave to him such certificate as is by  
law directed to be given, and a certificate of such sale was duly filed in the office of the  
Recorder of the County of Alameda, and whereas the six months after such  
sale thereof have expired without any redemption of the said premises having been made:

NOW THIS INDENTURE WITNESSETH, that I, P. C. Edmondson the Sheriff



as aforesaid, by virtue of the said writ, and in pursuance of the Statute in such case made and provided, for and in consideration of the sum of money above mentioned to me in hand paid as aforesaid, the receipt whereof is hereby acknowledged, have granted, bargained, sold conveyed and confirmed, and by these presents do grant, bargain, sell convey and confirm unto the said

*Nezekiah P Jones*

his heirs or assigns, all the estate, right, title and interest of the said person against whom the said writ of execution has been issued as aforesaid, of in and to all the following described property, to wit: *That certain piece or parcel of land described as follows viz: Commencing at a point on the mission road leading from Alvarado to the mission of San José. at the most northerly corner of a certain mile square of land formerly sold by Aliso & Pacheco to Jones, Thompson & Strode. Thence south westerly along the north westerly line of said mile square, one mile to the westerly corner of said mile square. Thence south easterly, along the south westerly line of said mile square, one hundred and sixty rods, to the lands of Miriam Davis. Thence at right angles in a south westerly direction along said Davis' lands, one hundred rods. Thence at right angles in a south easterly direction, one hundred and sixty rods to the line of Harry Watson's land. Thence south westerly, along the line of said Harry Watson's lands to the willows. Thence along the willows to the most westerly part thereof. Thence in the shortest direction to the high hills. Thence along the base of the high hills, to the shore of the Bay of San Francisco. Thence along the shore of the Bay of San Francisco to the mouth of the Alameda Creek. Thence up the Creek till it strikes the Original Town plot of Union City. Thence along the South Eastern line of said Original Town plot of Union City to the lands purchased by W. C. Smith of Aliso & Pacheco. Thence along the western line of said Smith's land to the point of beginning, said tract above described, being a portion of the "Rancho de los Sermitos" (sparing and excepting out of the said above described tract of land, such portion or portions thereof as may have been heretofore conveyed by said defendant William Carey Jones or his agent) Also All the right title and interest which the said defendant Wm Carey Jones may have in and to any other portion or portions of said "Rancho de los Sermitos" said property above described being situated in Washington Township County of Alameda State of California.*

together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining, to have and to hold the said above mentioned and described premises with the appurtenances unto the said *Nezekiah P Jones* his heirs and assigns forever, as fully and absolutely as *P. E. Edmondson* the Sheriff aforesaid, can, may or ought to, by virtue of the said writ and of the Statute in such case made and provided, grant, bargain, sell, release, assign, convey and confirm the same.

IN WITNESS WHEREOF, I, the said Sheriff, have hereunto set my hand and seal, the day and year first above written.

Sealed and delivered in presence of

*Edw. S. Chipman*

*P. E. Edmondson*  
*Sheriff &c*



State of California, } SS.  
 COUNTY OF Alameda  
 of December — A. D., One Thousand Eight Hundred and Fifty-Eight  
 before me, Edward S. Chipman a Notary Public, in and for said Alameda  
 County, residing therein, duly commissioned and sworn, personally appeared the within named  
P. E. Edmondson [Sheriff &c &c]

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whose name is subscribed to the annexed instrument, as a party thereto and personally known to me to be the individual described in, and who executed the said annexed Instrument, and subscribed his name thereto, and the said P. E. Edmondson [Sheriff &c &c] — duly acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I have herunto set my hand and affixed my official Seal, at my office in the said County of Alameda — the day and year last above written.

Edward S. Chipman

Notary Public.



Deed

P. C. Edmondson

To

W. P. Jones

Dated Sept. 25 1858

Filed for Record at request  
of Grantee Dec. 29, 1858  
at 9 1/2 o'clock A.M. and  
Recorded Jan'y 6. 1859  
at 3 1/2 o'clock P.M. in  
Book of Deeds  
on Pages 527, 528 &  
529 of the Records  
of Alamada County

A. M. Wiley

C. Recorder

M. Nat. Rennie

Deputy Recorder

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420 R



Wm Carey Jones having contracted with Don Augustin Alviso for the purchase of the half of the Rancho de las Semillas, and Don Charles B. Stode having purchased the other part of Don Tomas Pacheco, and the said Alviso having and Jones having annulled their contract for a certain piece of land, described below, and the said Stode and Alviso having agreed to a division of said Rancho, je se libra said agreement ~~contract~~ under this contract said Stode shall have for the part purchased from Tomas Pacheco all the land situated to the North of a certain ditch, which passes by the house of Tomas Pacheco, and the line is, from the Arroyo de la Alameda following the ditch until it reaches the Sausal (clump of willows) where it ends, from thence it follows to the point of the Sausal in the direction of Union City, from the point of this Sausal in the <sup>nearest</sup> direction to the high hills, from there along the edge of said hills as far as the bay, thence along the bay to the mouth of the Arroyo de la Alameda and up said Arroyo as far as the place where the line commences in said Arroyo, said Alviso has all the land situated to the South of said ditch including the hills, Of the part of said Stode two parts of land have been sold heretofore, one to A. C. Smith, and the other to Jones, Tompkins & Stode, of the part belonging to Augustin Alviso, he cedes and sells to said Wm Carey Jones in consideration of annulling the contract



of sale dated August 16th 52 also for the  
Sheep And Mares (cuid) the following piece  
of land as follows: All the land which is  
between said ditch and the South line  
of said Rancho, and between the road from  
Union City to the Mission of San Jose, and  
the Arroyo de la Alameda, as also the piece  
of land called the Poterito (little field) now  
occupied by A. S. Beard situated between  
the house of said Alviso and the Bay,  
being all that which is enclosed by said  
Beard, and these presents answer for an agree-  
ment between the aforesaid parties, in witness  
whereof they sign their names and affix  
their seals September 30th 1852.

(Signed) C. B. Stode (Seal)  
Wm Carey Jones by (Seal)  
C. B. Stode  
Augustin <sup>his</sup> Alviso (Seal)  
mark

It has been agreed that A. S. Beard shall  
have the aforesaid piece of land called  
the Poterito in possession until the month  
of February 1853.

Wm Carey Jones by  
C. B. Stode  
Augustin <sup>his</sup> Alviso  
mark

State of California  
County of Santa Clara } S.S.

S. O. Kington being duly  
sworn deposes and says that the above is a true and  
correct translation from the Spanish into the English

language, of the paper herts annexed, marked "H"



language, of the paper huts annexed, marked "H"

S. C. Houghton

Subscribed & sworn to before me this 10<sup>th</sup> day  
of February A.D. 1857.

Pro B. Henson Clerk  
By Gen. R. P. R. Deputy

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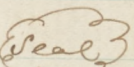


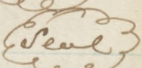
Habiendo W<sup>ms</sup> Carey Jones Contratado con D.  
Augustin Alvise por la compra de la mitad  
del Rancho de los Serenos y D. Carlos B.  
Strode comprado la otra parte de D. Tomas  
Pacheco, y habiendo dho. Alvise y Jones  
anulado su contrata por un cierto pedazo  
de tierra que abajo se expresa, y habiendo  
dho. Strode y Alvise convenido en una de-  
vision de dho. Rancho se se libra dho. con-  
venio bajo esta contrata: dho. Strode tendra  
por la parte comprada a' D. Tomas Pacheco  
toda la tierra situada con direccion al  
Norte de un cierto vallado que corre por  
la casa de Tomas Pacheco, y las tierras son:  
desde el Molle de la Alameda siguiendo  
el vallado hasta que llegue al Sausal  
donde concluye, de alli se sigue a la punta  
del Sausal en direccion a Union City, de  
la punta de este sausal en la direccion  
mas corta a' las lomas altas de alli por  
la orilla de dhas. Tomas hasta la Bahia,  
de alli con la Bahia a' la Boca del Arrollo  
de la Alameda y arriba dho. Arrollo hasta  
el lugar donde empieza la tierra en dho.  
Arrollo, dho. Alvise tiene toda la tierra sit-  
uada al Sur de dho. vallado inclusive las  
lomas. De la parte de dho. Strode dos partes  
de tierra han sido vendidos anterior, una  
a' A. C. Smith, y la otra a' Jones, Thompson  
& Strode, de la parte perteneciente a' D. Au-  
gustin Alvise, el sede y vende a' dho. W<sup>ms</sup>  
Carey Jones en consideracion de anular la  
contrata de venta con fecha 16 de Agosto 52  
tambien por las Buegas y Yeguas blancas



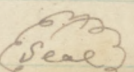
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el siguiente pedazo de tierra como sigue:  
Toda la tierra que esta entre ante dicho  
Ballado y la linea al Sur de dho. Rancho,  
y entre el Camino de Union City a la Mission  
de San Jose y el Anillo de la Alameda,  
Como tambien el pedazo de tierra llamado  
el Potrero ahora ocupado por L. S. Brand  
situado entre la casa de dho. Aluis y la  
Bahia, siendo todo lo que esta encaucado  
por dho. Brand, y estas presentes Letras  
responden por una Contrata entre las ante  
dichas partes y para testigos lo presente  
firmán seis nombres y ponen sus sellos  
Septiembre 30 de 1852.

C. B. Stode 

Wm Carey Jones 

C. B. Stode

Augustin <sup>his</sup> Aluis   
mark

Se ha convenido que L. S. Brand tendrá  
ante dho. pedazo de Tierra llamado el Po-  
trero en posesion hasta el mes de Febrero  
de 1853.

Wm Carey Jones

C. B. Stode

Augustin <sup>his</sup> Aluis  
mark

State of California }  
County of Santa Clara } P. On this 30th day of  
September A. D. 1852 personally appeared  
before me the Recorder in and for said  
County C. B. Stode Attorney for W. C. Jones  
and for himself and Augustin Aluis both  
personally known to me to be the persons

described in the foregoing instrument and who



personally known to me to be the persons  
described in the foregoing instrument and who  
acknowledged to me that they executed the  
same freely and voluntarily and for the  
uses and purposes therein mentioned.

Given under my hand and  
Seal <sup>3</sup> private seal having no official  
seal provided for this office the  
day and year aforesaid

J. W. Murphy  
County Recorder

Filed for Record at 10 O'clock A. M. Oct 1<sup>st</sup>  
A. D. 1852. J. W. Murphy Recorder

Recorded by S. B. Houghton Deputy

Recorder's Office, County of Santa  
Clara, California, February 10<sup>th</sup>  
A. D. 1857. I hereby certify that  
the foregoing, on pages 1, 2 & 3, of  
this, is a full, true and correct copy  
of an Instrument, of record in this  
office, recorded in Book E. of  
Deeds, on pages 233 & 234. Given



under my hand and  
official Seal, at the  
City of San Jose, the  
day and year last  
written. S. A. Clark.  
County Recorder.



Translation of  
Deed of partition  
between

Alvie. & Strode

Dated -

Sept<sup>r</sup> 30<sup>th</sup> 1852

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State of Oklahoma, County of the Marshall



State of California, County of San Francisco  
Fourteenth day of October One Thousand Eight  
Hundred and fifty two.

Whereas on the Seventeenth  
day of the month of August of this year  
Thomas Pacheco and Carlos B Stode entered  
into a contract of purchase and sale of the  
part of the land, <sup>belonging to said Pacheco</sup> known by the name of the  
Rancho del Polero de los Seritos for the sum  
of Fifty five thousand dollars, and that the  
said Stode has paid the aforesaid sum, ~~as is~~  
~~admitted by said Pacheco~~ which the said Pacheco  
confesses to have received in cash and notes to  
his satisfaction; And comes said Pacheco in the  
name his own and in the name of his heirs  
and of any of them who may have right, ~~as is~~  
or claim to sell alienate and convey, <sup>he</sup> as <sup>he</sup> sells  
alienates and conveys to said Stode all the  
right which <sup>the said Pacheco</sup> he has ~~to~~ may have, to sell  
alienate & convey & sell the land aforesaid  
That is to say the undivided half of the same  
excepting the part between the following limits  
From a stake planted in the edge of the <sup>ditch</sup> ~~alley~~  
near the corner of Pacheco, & running to the  
North east through the middle of a tree, as  
far as another stake, from thence in a straight  
line to the corner of the fence, within which  
is the house occupied by Romero, from this  
corner along the line of said fence and beyond  
it as far as a <sup>high</sup> (poplar) <sup>tree</sup> (Alamo), from thence  
along the edge of the Arroyo de la Alameda  
upwards until it reaches a point <sup>opposite</sup> ~~at~~ <sup>front</sup> of  
which is a tree marked with a P (the same  
mark being upon the aforesaid stakes) and from  
thence in a straight line to the place of commencement



including the house occupied by said Pacheco, and  
a sycamore tree which is near said house. Said  
Stode shall respect all the sales and conveyances  
which said Pacheco may have made prior to this  
contract. In the land sold, the said Stode does  
not require of said Pacheco any obligation or res-  
ponsibility with respect to the titles or possession  
of said Rancho, wherefore the said Stode his  
heirs or purchasers shall always retain all the  
right which the said Pacheco has or may have to  
the part of the land of the Rancho of the  
Potosi of the Serinos situated in the County  
of Santa Clara, up the portion as above explained  
and described, which portion remains for the benefit  
of the said Pacheco, his heirs, purchasers, executors  
or representatives, for the value of Five thousand  
dollars, which amount the said Stode admits  
as received, discounting it from the Five  
thousand dollars the sum total of this sale,  
excepting at the same time the house occupied  
by Nasario Galindo. In testimony whereof we  
have signed these presents with our signatures  
and seals the day of the date aforesaid

Signed, sealed &  
delivered in presence  
of the witnesses

Juan B. Alvarado  
Adolfo Sellmann

(Signed) James Pacheco  
Charles B. Stode

Seal  
Seal



Horton's  
Translation  
of Pechacho  
Seed

Pechacho to Strode

Date - 14<sup>th</sup> Oct  
1852



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

The United States }  
Thomas Pacheco }

119 ND  
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It is hereby admitted that the certified copy  
of deed of partition between Aloiso Strode,  
hereto attached, dated Sept 30, 1852, may  
be put in evidence without affidavit of  
the copy of the original, with the same force &  
effect as the original deed.

2. That the translation of deed from  
Pacheco to Strode dated October 14, 1852,  
may be given in evidence in the  
same manner, with the same force &  
effect as if it were the original deed  
of which it purports to be a translation.

3. That the deed from J. E. Edmondson to  
Sheriff to H. P. Jones may be given in  
evidence in same manner with  
the same force & effect, as if the judgment  
& execution mentioned in said deed had  
been fully paid.

And that further proof of the right of said  
H. P. Jones to intervene herein, need not be  
given.

It is expressly understood that this



Stipulation is only to be used on the applica-  
tion to confirm the survey in this  
case, & for no other person

San Francisco Sept-15. 1862

E. A. Hansen

Atty for H. P. Jones  
Intervenor

S. S. Williams

& S. S. Johnson for claimants

San Francisco, Sep 24, 1862. The foregoing documents  
are admitted, without formal proof by the U. S. as  
evidence binding the claimants <sup>in their transactions together</sup> and Intervenor, but not  
as evidence affecting the U. S. in the matter of the proper  
location of the land granted. Such evidence is not competent to  
bind the Government.

Wm H. Sharp  
U. S. Atty.

In the District Court-  
Northern District of Cal  
119.  
The United States

James Jackson  
Stipulation as to  
right of H. P. Jones  
to intervene, etc,

—

Filed Oct: 27. 1862  
W. H. Chewed,  
Clerk

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E. A. Hansen  
Atty for Intervenor



PS

No 119.

ND

19.

Potrero de las Cerritas.

October 29, 1862.

The only objection to the survey  
in this case is that it includes  
a small portion of the salt marsh  
~~by~~<sup>&</sup> which ~~surrounds~~<sup>is</sup> found at  
the shores of the southern parts  
of this bay, and which is sub-  
ject to occasional overflow -  
That this strip and even more  
than is embraced within the  
survey was intended to be in-  
cluded within the grant is evi-  
dent from the Spanish language  
near the line of the up land but  
separated by a ~~water~~ and from  
each by a portion of the marsh  
are two arritos or little hills which  
are also delineated on the map  
and which are shown to have  
been intended to be included in  
the grant. They have always  
been used for passage by the  
grantee and the mission which  
formerly occupied <sup>them</sup>. Tho' at times  
when the water is high they  
may be insulated. They are through



2 The greater part of the <sup>year</sup> readily accessible to cattle. The line of the ran has been run so as to enclose as little as possible of the marsh land and at the same time include these ceritos.

It has been run from the first to the second thence along the base of the latho and thence by a direct line to the up land at the point of beginning.

By this survey the claimants ~~fact~~ obtains nearly  $\frac{3}{4}$  of a league less than the quantity granted and confirmed to him & there is included a large body of salt marsh to which he might have very reasonably have claimed —

The survey seems to me as favorable to the U. S. as should be expected and I am of opinion that it ought not to be disturbed —

The objection filed by the whoremonger Jones that I understand to be withdrawn —

The survey is therefore approved



No. 119.

U. S. District Court.

The United States.

— v. —

Thomas Pacheco, et al.

Opinion  
approving Suraf.

Filed October 29 1862.

W. H. Cheever,  
Clerk



At a States Term of the District  
Court of the U.S. for the Northern  
District of California, held at the  
Court Room in the City of San Fran-  
-cisco on Friday the sixth day of  
Feby, A. D. 1863:

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Present

Hon Ogdew Hoffman, Dist Judge

The United States

vs

Tomas Pacheco and  
Agustin Alviso

No: 119

In the matter  
of the Survey and location of the  
Rancho "Potrero de los Cerritos"-

This cause coming on  
this day to be heard, was argued by  
counsel, And thereupon and in  
consideration thereof, It is ordered  
adjudged and decreed, and  
the Court doth hereby order adjudge  
and decree, that the objections filed  
to the official Survey of the said  
Rancho be and the same are  
hereby overruled. And It is



further ordered adjudged and decreed, that the said official survey of the lands claimed in this case be and the same is hereby approved. The survey hereby approved contains, Ten Thousand Six Hundred and ten  $\frac{26}{100}$  ( $10,610\frac{26}{100}$ ) acres of land, being the same made by William J. Lewis Deputy Surveyor in October and November 1860, a duly certified plat of which was filed in the Clerk's Office of this Court on the 28<sup>th</sup> day of January 1861, and is herunto attached as a part of this decree, Marked "Approved February 6<sup>th</sup> 1863, Ogden Hoffman Dist Judge"

Ogden Hoffman  
Dist Judge



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238134

U. S. District Court

The United States

v

Tomas Pacheco et al

Final Decrees.

Filed February 6, 1863.

W. H. Chever

Clk.

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At a Stated Term of the DISTRICT COURT OF THE UNITED  
STATES OF AMERICA, for the Northern District of Cali-  
fornia, held at the Court Room in the CITY OF SAN FRANCISCO,  
on Friday the sixth day of  
February in the year of our Lord one thousand  
eight hundred and sixty-three

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Thomas Pacheco et al

N<sup>o</sup> 119

This cause having come on to be heard on objections to the survey and location by the Surveyor General of the U. S. for California of the land heretofore confirmed to the claimants; and the Court having by its final decree made and entered this sixth day of February A. D. 1863 approved the location and survey made by said Surveyor General. Now, on application of W. W. Sharp Esq U. S. Atty, It is Ordered, that an appeal in behalf of the United States from said final decree be and the same hereby is granted; and that a certified transcript of the record in said cause be sent to the Supreme Court of the United States without delay.



Nº 119

UNITED STATES DISTRICT COURT

Northern District of California.

*The United States*

v.

*James Pacheco et al*

*Order granting appeal  
to Supreme Court  
in behalf of U.S.*

*Filed February 6th 1863.*

*W. H. Cheever,*

Clerk.

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UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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To the Honorable the Judges of the District Court  
of the United States, for the Northern District  
of California

Greeting:

Whereas, lately, in the District Court of the United States, for the Northern District  
of California before you, in a cause

between The United States, appellants and Tomas Pacheco  
and Agustin Alviso, appellees, the decree of the said  
district Court was in the following words, viz:

"This cause coming on this day to be heard, was  
argued by counsel and thereupon and in consideration  
thereof, it is ordered, adjudged, and decreed, and  
the Court doth hereby order, adjudge and decree,  
that the objections filed to the official survey of the  
said rancho be, and the same are hereby overruled.  
And it is further ordered, adjudged and decreed, that  
the said official survey of the lands claimed in  
this case be, and the same is hereby approved. The  
survey hereby approved contains ten thousand six  
hundred and ten  $\frac{26}{100}$  ( $10,610\frac{26}{100}$ ) acres of land, being  
the same made by William J. Lewis, deputy surveyor,  
in October and November 1860 a duly certified plat  
of which was filed in the Clerk's Office of this Court  
on the 28<sup>th</sup> day of January, 1861, and is hereunto  
attached as a part of this decree, marked "Approved  
February 6<sup>th</sup>, 1861, Ogden Hoffman, dist. judge."



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as by the inspection of the transcript of the record \_\_\_\_\_

\_\_\_\_\_ of the said *District*  
Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*

agreeably to the act of Congress, \_\_\_\_\_

\_\_\_\_\_ in such case made and provided, fully and at large appears.



And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *fifty four* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, *it is now here ordered, adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed.* 20 Feb.

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You, therefore, are hereby commanded that such further proceedings be had in  
said cause,

as according to right and justice, and the laws of the United States ought to be had, the said appeal  
notwithstanding:

Witness the Honorable Salmon P. Chase Chief Justice of said Supreme Court, the  
first Monday of December in the year of our Lord one thousand eight hundred  
and sixty four.

COSTS OF \_\_\_\_\_

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

Attorney...\$ \_\_\_\_\_

\$ \_\_\_\_\_

*T. S. M. S.*

*L. B. Middleton*

Clerk of the Supreme Court of the United States.

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*Recd June 3rd 1865*  
*Wm. H. Johnson*  
*Wm. H. Johnson*  
*Wm. H. Johnson*

*U. States of America*

SUPREME COURT UNITED STATES.

MANDATE

No. 130 December Term, 1864  
258 184

20119 ND



At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the CITY OF SAN FRANCISCO, on Monday the 9th day of June in the year of our Lord one thousand eight hundred and sixty-five

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Present;

The Honorable OGDEN HOFFMAN, District Judge.

Thomas Pacheco & Augustin Alviso  
Respondents

v.

The United States  
Appellant

W. H. Hoffman  
June 21/85

The mandate of the Supreme Court of The United States in the above cause confirming the Official Survey herein, having been received, filed, and entered of record by the Clerk of this Court, now, on motion of A. M. Crane Esq. of Counsel for said plaintiffs, (Respondents) It is ordered that said Survey do stand finally confirmed, and that a certified copy of said mandate and of this order be transmitted to The United States Surveyor General for California, together with a certified copy of this Order

Ogden Hoffman  
Dist Judge



United States District Court,  
Northern District of California.

*Thomas Pacheco et al*

*vs*

*The United States*

*Order that Survey  
be finally confirmed  
to the Surveyor General*

Filed *June 9th* 1865

*Geoffrham*

*J. D. Sullivan* Clerk.

*Deputy*

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At a stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room in the City of San Francisco, on the 9th day of June, 1865, in the year of our Lord one thousand eight hundred and sixty-five.



The United States } W.D. District Court  
                              } for Northern District  
Thomas Parkhurst } of California

It is hereby stipulated that after  
proofs in the above cause be closed  
in 20 days, & that the same be  
set for argument ten days  
thereafter.

San Francisco August 8, 1862

E. A. Lamm

for Jones &  
Wm. H. Sharpe  
for U.S.



The United States } U.S. District Court for  
" } Northern District of Cali-  
Thomas Pacheco } formia -

Toke notice that H. P. Jones  
Interimor herein will move said  
Court on Wednesday the 30th day of July,  
instant at 11 o'clock A.M., for an Order  
to close proof in said Cause, & to set the  
same for hearing -

July 24. 1882 -

To

W. H. Sharp Esq  
U.S. Dist. Atty.

To

E. A. Larson  
For Interimor



W.B. Dist Court

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The United States

4

Thomas Pacheco  
tal

Notar Publico

Due service of a  
copy of the within  
admitted - 24th

W. H. Sharpe

U. S. Atty

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E. A. Loomis  
For Intervenor



In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

The United States,

v.

IN LAND CASES.

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Dist. Court No. 119  
Land Com. No.

Thomas Pacheco  
Etal

To

J. J. Williams Esq

You are hereby notified that the testimony of

Dyer

in the above entitled cause in behalf of the UNITED STATES will be taken before me, the undersigned, a Commissioner duly appointed by the District Court of the United States for the Northern District of California, to take depositions of witnesses, in land cases pending in said Court, commencing on Monday the 22<sup>d</sup> day of April A. D. 1861, at 10 o'clock, AM., and continuing from day to day until finished, at my office, No. 5 U. S. Court Rooms; and you are hereby further notified to then and there appear and propound such questions to the said witness as you may deem fit.

Dated at San Francisco, in the District aforesaid, this 18 day of April  
A. D. 1861.

Blair Lewis  
SPECIAL COMMISSIONER.



No. 119-

UNITED STATES DISTRICT COURT,

Northern District of California,

IN LAND CASES.

THE UNITED STATES,

V.

NOTICE.

To

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U. S. COMMISSIONER.



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Office of the Board of Commissioners,

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

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San Francisco,

1854.

John A. Mourae, 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. 238 on the Docket of the said Board, wherein  
Thomas Pacheco, et al, are

the Claimant against the United States, for the place known  
by the name of "Potrero de los Carrizos",

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. Fisher.



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of Andrew Pico. In their de-  
cision, <sup>the commissioners</sup> confirmed their confi-  
rmation of this claim to the ex-  
tent of two square leagues. As  
the original grant was not be-  
fore them, another copy of it  
in the expediente was enclosed,  
it being secondary evidence &  
no proper foundation for  
its introduction, their deci-  
sion was predicated on the ori-  
ginal petition of appellants  
which describes the claim as  
of that extent. It is true, that  
in <sup>the first</sup> petition presented for a  
grant the extent of land is describ-  
ed as being 2 leagues, but a  
second petition <sup>in which</sup> presented  
on 3. Feb'y 1842, the land is as so-  
lited for by the name of 'Potosi  
de los Cerros' of which <sup>petitioners, it being</sup> they had  
been refused, the subsequent  
proceedings were, and are  
founded on this last petition,  
and <sup>in</sup> the grant the land <sup>is described</sup> as  
the place known by the name of  
'Potosi de los <sup>Cerros</sup>', to be bounded on  
the side of the Mission San Jose  
by the Sanjon de los Alisos, to  
the North by the Arroyo de San  
Alamado to the West by the Bay,  
and in the claim is described



Waters etc, states it to be three  
square leagues in extent a little  
more or less as the respective  
Sketch shows, ~~seems~~ There is  
the word reserving a surplus  
made in another of the claims  
in the grant - The Court there-  
fore considers the claim  
in this case valid to the extent  
of three square leagues and  
a decree will be entered ac-  
cordingly.

No 119

James Perchard

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N S

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