

CASE NO.

181

NORTHERN DISTRICT

SANTA TERESA GRANT

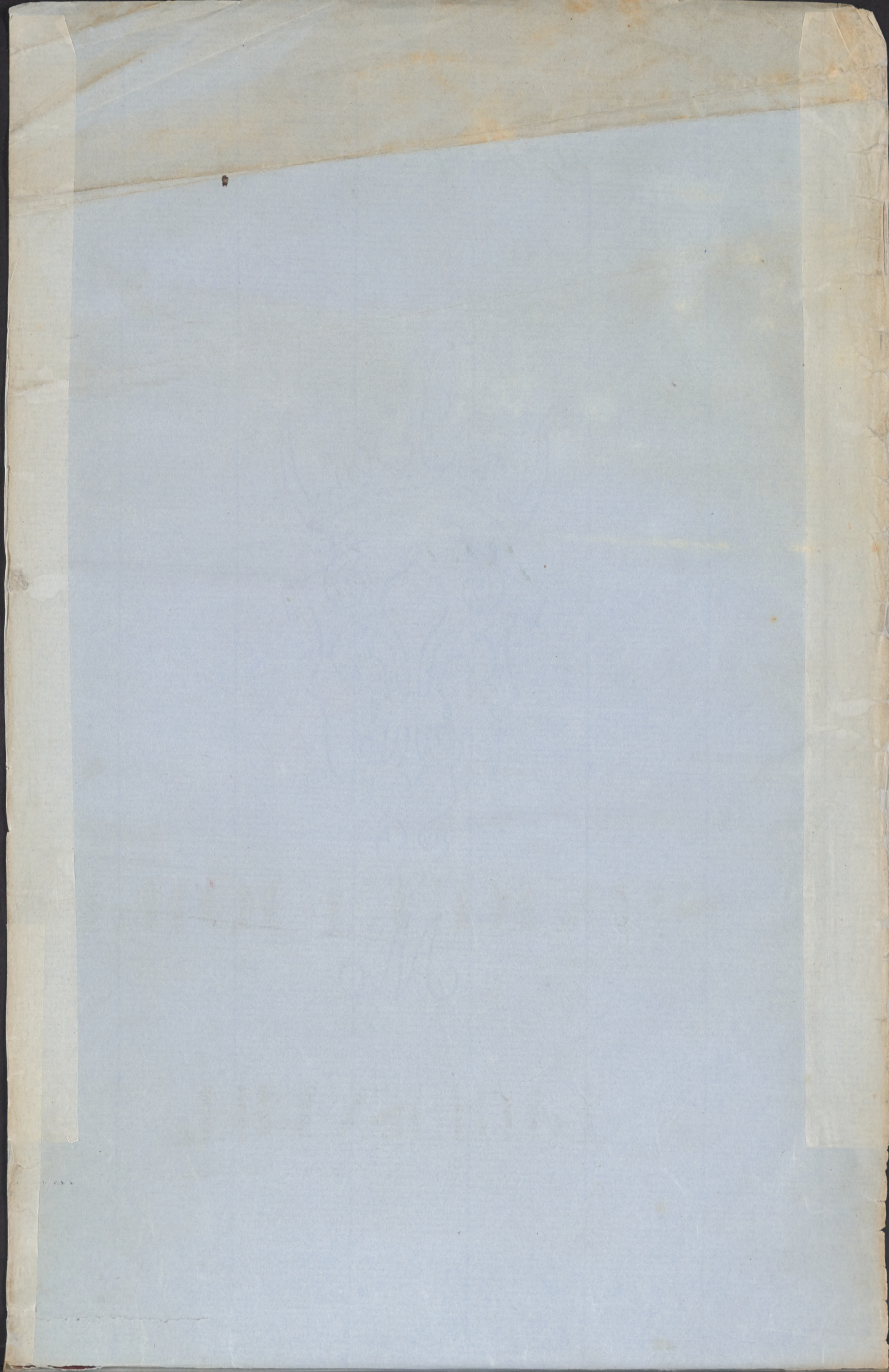
AGUSTIN BERNAL

CLAIMANT

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506



TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 506.

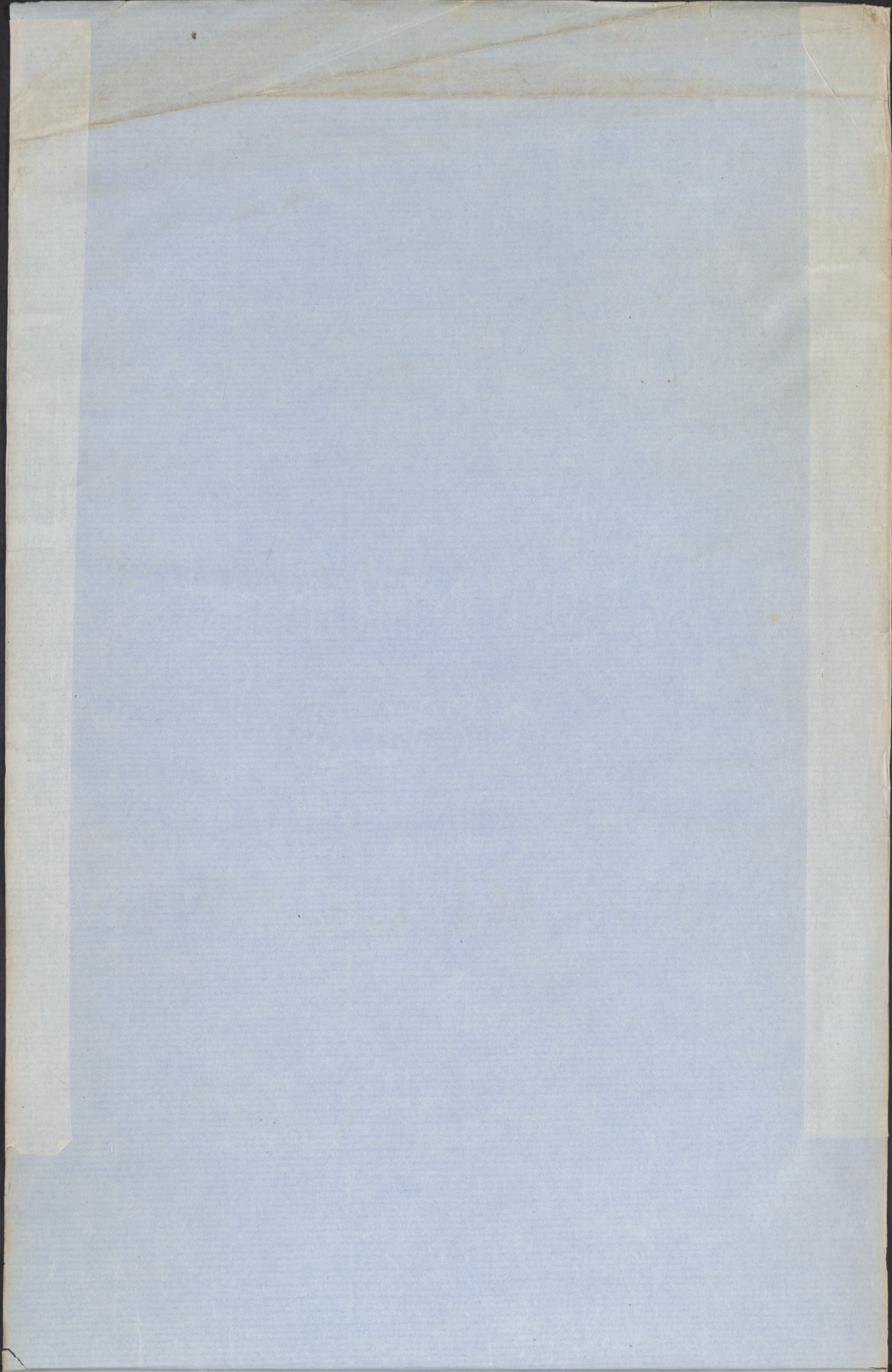
Agustín Bernal CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" *Santa Teresa* "



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *Third day of January*, Anno Domini One Thousand Eight Hundred and Fifty-~~three~~, 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 *Agustin Bernal*,
for the Place named
Santa Teresa,
was presented, and ordered to be filed and docketed with No. 506, and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

San Francisco, January 18 1853.
In case no. 506, Agustin Bernal for the place named "Santa Teresa", the deposition of Antonio M^o Pico, a witness in behalf of the claimant, taken before Commissioner Helena Hall, with document marked H. H. no. 1 annexed thereto was filed;

(Vide page 9 of this Transcript.)

San Francisco July 11 1853.
On motion of Brown, Pratt & Tracy, Attorneys for claimant, case no. 506 was ordered to be placed on the Motion Docket.

San Francisco, November 29 1853.
In the same case the deposition of José S. Berreyra, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed;

(Vide page 12 of this Transcript.)

San Francisco December 14th 1853.

In the same case the deposition of Asarion Galindo, a witness in behalf of the claimant, taken before Commissioner Alphens Felch, was filed;
(Vide page 5 of this Transcript.)

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San Francisco, December 19th 1853.

In the same case the deposition of Jose Hernandez, a witness in behalf of the claimant, taken before Commissioner R. A. Thompson, was filed;

(Vide page 1st of this Transcript.)

In the same case the deposition of Jose Arcega, a witness in behalf of the claimant, taken before Commissioner R. A. Thompson, was filed;

(Vide page 7 of this Transcript.)

In the same case the counsel for the claimant filed the following stipulation, to wit;

(Vide page 9th of this Transcript.)

San Francisco December 23rd 1853.

In the same case the deposition of Thomas C. Loukin, a witness in behalf of the claimant, taken before Commissioner Alphens Felch, was filed;

(Vide page 1st of this Transcript.)

San Francisco January 10th 1854.

In the same case the deposition of Jose Maria Coranubias, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed;

(Vide page 13 of this Transcript.)

3
San Francisco, February 15th 1854,
In the same case the deposition of Thomas White,
a witness in behalf of the United States, taken before
Commissioner Alpheus Felch, with documents
marked "A. F. nos 2 & 3", and a map marked
"A. F. no. 1" was filed:

(Vide page 13 of this Transcript.)

San Francisco, May 2^d, 1854,
Case no. 506, was called, submitted on briefs and
taken under advisement by the Board,

San Francisco Sept. 5th 1854,
In the same case, Commissioner R. Aug. Thompson
declined the opinion of the Board confirming the
claim:

(Vide page 97 of this Transcript.)

In the same case the following order was made
to wit:

(Vide page 108 of this Transcript.)

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Petition

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To the Honorable the United States Commissioners to ascertain and settle private Land claims in California.

Your petitioner Augustin Bernal of the County of Contra Costa respectfully represents that at the date of the Treaty of Guadalupe Hidalgo between the United States of America and the Mexican Republic he was a resident citizen of Alta California and has ever since continued to reside and at the time fixed by the said Treaty he elected to become a citizen of the United States and has become such citizen.

And your petitioner further represents that in the year Eighteen hundred and twenty six when then being Alcalde of the Pueblo of San Jose in the Department of Upper California granted permission to Joaquin Bernal the father of your petitioner to occupy certain Lands known as the Rancho of Santa Teresa being in the present County of Santa Clara and within the jurisdiction of Saca Alcalde and that afterwards on the Eleventh day of July Eighteen hundred and thirty four in accordance with the said Jose Teodoro Governor of Upper California granted to the said Joaquin Bernal the said Lands or Rancho of Santa Teresa being one league of Land more or less according to the plan or plat hereunto transmitted.

And your petitioner further says that the said grant was duly confirmed to the said Joaquin Bernal by the Departmental Assembly of Upper California and by the Commissioners of Colonization.

Your petitioner further states that his said father having in the mean time died your petitioner on the 20th day of July 1835 in the name of his father and for the benefit of himself and his coheirs petitioned the Constitutional Alcalde of San Jose to measure the said Land and give him Judicial possession thereof, in consequence of which the Land was so measured and Judicial possession was so given to your petitioner, who says that he has ever since fully complied with the conditions of said grant. Wherefore your petitioner prays that said grant may be confirmed to him in the name his said father and for the benefit of himself and his coheirs. Brown Pratt & Tracy of a Petitioners

*
Filed in Office
Jan 3rd 1853
Geo. Fisher
Secy

* Leave 1 line

Deposition of
N Galindo

This day before Commissioner Alpheus Felch came
Narciso Galindo a witness in behalf of claimant
Augustin Bernal Petition No. 506 and being duly
sworn deposed as follows

Questions by Mr Williams Attorney for claimant
1 Question What is your name age and place of
residence?

Answer. My name is Narciso Galindo My age is thirty
Eight years and I reside in Alameda County California
2 Question. Are you acquainted with Joaquin Bernal
the Original Grantee of the Land claimed in this case
if you state whether he is dead or living
Answer. I was acquainted with him. He is dead
He died about ten years ago but I cannot state positively
the time.

2^a Question. Did he leave any children if so what are their names
Answer. He left children. Their names are as follows
Augustin, Bruno, Juan Jacobo, Jacarías, Pilar
there are all that are alive Jacobo married Crestoma
Galindo, Pilar married Antonio Maria Pico and
Jacarías is now the widow of Jose Benigno.
There is another daughter whose name was Encarnacion
who married Gaspar Arguello and moved to
Mexico I do not know whether she is living or not
never heard of her death. There were other children
who are dead. They were named Magna Nieves
Marcella, Mercedes & Dolores Marcella was
married to Jose Maria Amador, she left three
children who were small at her death but are
now all married. Mercedes married Julio Val
encio, she left children, two men that are now mar
ried and a woman who is also married, Dolores
married Jose Antonio Jimeno, she left four chil
dren, two sons and two daughters

3^a Question Is Augustin Bernal above mentioned
by you the same who is the Claimant in this case
Answer. He is; there is no other

4 Question. Are you acquainted with the Rancho
called Santa Ines claimed in this case; if you
state what you know in regard to its cultivation
and occupation by Juan Joaquin Bernal

Answer. I am acquainted with the Rancho, I know
that Juan Bernal had a house on the said Rancho

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in 1836 and lived in it with his family, and Bruno Bernal had another on the Suras in which he lived Joaquin Bernal lived in the Town of San Jose, but frequently visited the Rancho; after his death his widow moved on the Rancho and lived there, and cultivated a part of the Suras and had corral fences orchards and vineyards on it. There was a small house also there in which they manufactured Soap. They have continued living on the place from 1836 up to the present day. Nadaro Salinas

Mr Greenhow Associate Law Agent was present at the taking of this deposition, but propounded no questions to the witness. Sworn to and subscribed before me this fourteenth day of December 1853

Alpheus Felch Commissioner

Filed in Office Dec. 14. 1853

Geo. Fesko Secy

Office of the U S Board of Land Commissioners & San Francisco December 9th 1853

Case No 576
Deposition of
Jose Noriega

This day before me. A Aug Thompson came Jose Noriega, witness in behalf of claimant Augustin Bernal Petition 576 and being sworn ~~by~~ his oath being given in Spanish was interpreted by the Secretary as follows. (Present J. J. Williams Attorney for Claimant and A Greenhow Esq. Asst. Law Agent) In answer to Questions the witness states that his name is Jose Noriega, his age is fifty three years and his residence San Jose Santa Clara County California. Question by claimant's Attorney are you acquainted with the place or Rancho called Santa Teresa claimed in this case? If so state what you know of its Occupation and Cultivation by Joaquin Bernal the Original grantee.

Answer I know such Rancho and have known it for the last twenty years Joaquin Bernal was living on it when I first knew it, and continued to reside there until his death, which occurred about fifteen years since, He was blind. His family have resided there ever since. He had on it when I first knew it, twenty years ago, two or three houses corral fences and a number large stock of Cattle and horses, at one time over eight thousand head, a garden Orchard & vineyard Decayed by time. Look at the Document now shown you marked 44 not annexed to the

deposition of Antonio Marco Pico filed in this case and state whether you are the same Jose Noriega whose name appears therein as one of the assisting witnesses, and whether your own signature and that of Jose y Fernandez when they appear therein are genuine or not?

Answer. I am the same person, my signature when it appears therein as well as those of Antonio Marco Pico and Jose y Fernandez are all genuine they were all executed in my presence at the time the document bears date. Antonio Marco Pico was the Alcalde who gave the possession and Jose Fernandez was the assisting witness. The latter was my father-in-law and lived in the same family with me for many years, he died in 1844.

Question by same. Are you acquainted with the boundaries of Saca Rancho, as defined in the above mentioned Act of Viceroyal possession, if so describe them as where is the beginning point of Saca Survey?

Answer. I am acquainted with the Saca boundaries. We commenced measuring at a point fifty varas from the dwelling house. I kept the count of the measurement. We went from thence to the Integuel in the line of the Rancho of Laguna Seco which is the line of the belonging to Alvarez where a pile of stones was erected as a land mark; thence we passed by three Oak trees standing between the Candace de los lebus where another pile of stones was raised as a land mark a few varas from the main road leading from Monterey thence leaving the road to a hill called Las Lagunas; running near the Arroyo de Coyote. Thence we ran to an Oak tree at some distance from the hill called San Juan Bautista, and on the line of the Rancho of the same name belonging to Navas; thence through the meadows of the Tule to a round hill where there was a fallen Oak tree, and from thence by the top of the hills to a place called Unal les Charegas, thence to an Oak tree on the line of the Rancho belonging to the Boneyes called San Vicente a short distance from the place of beginning. The first named land mark was given at the Southern side of the Integuel. I understand the Northern and Southern boundaries to be the summits of the hills

On these two sides of the Rancho. The house spoken of as the point from which as the distance of forty varas the measurement was commenced is still standing.

Sworn & subscribed before me this 19th. of December 1853

Jose Noriega
A. A. Thompson Commissioner
Filed in office Dec. 19th 1853

Geo. Fisher Secy

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Deposition of
A. M. Pico

San Francisco June 18th 1853
On this day before Lemuel Ireland Hall came Antonio Maria Pico a witness in behalf of Claimant Augustin Bernal petition No 506 and was duly sworn his evidence being given in Spanish

The U. S. Associate Law Agent was present
In answer to questions by Counsel for the Claimant the witness testified as follows

My name is Antonio M. Pico my age is forty four years and I reside at San Jose

A paper is now shown me purporting to be a grant from Gov. Figueroa to Joaquin Bernal dated July 11. 1834. and as a testimonial of judicial possession. I am acquainted with the hand writing of the signatories of Jose Figueroa & Augustin Zamora. The names of the said several persons on said paper wherever they occur as signatures I believe to be genuine. My own genuine signature also appears on said paper in several places. I was called on and gave judicial possession of the land as stated in said paper. Said paper is now annexed and marked A. B. No 1. Joaquin Bernal occupied the land before the giving of judicial possession, has a house there in which he lived with his family. He had a large stock of cattle, and he, and his family since his death have continued to occupy the land to the present time. Augustin Bernal is the son of Joaquin Bernal and is the head of the family.

Antonio M. Pico

Sworn & subscribed before me Lemuel Ireland Hall

Filed in office June 18th 1853

Geo. Fisher Secy

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506
Deposition of
Thos Sarkin

Office of the Board of U.S. Land Commissioners
San Francisco Dec 3rd 1853

This day before Commissioner Alpheus Felch came
Thomas Sarkin a witness in behalf of Augustin
Bernal petition No 506 and being duly sworn dep
osed as follows

Question by Mr Williams Attorney for Claimant

1st Question What are your name age and place of residence
Answer. My name is Thomas Sarkin my age is fifty
one years and I reside in San Francisco California

2nd Question. Are you acquainted with the hand writing
of Jose Figueroa and Augustin V. Lamoreaux? I have
look on the Document now annexed to the deposal
of Antonio Maria Pico heretofore taken & filed
in this case and state whether the Signatures of
Jose persons whose they occur in and upon said
Document are then true and genuine signatures?
And I am acquainted with the hand writing of both
the persons named in the interrogatory and have
often seen them write. The signatures referred to
I believe to be then true and genuine signatures
Thomas Sarkin

Mr Greenhow Associate Law Agent was present at
the taking of this deposition but pronounced
no question to the witness. Subscribed & sworn
to before me this 23rd day of December 1853

Alpheus Felch Commissioner
Filed in Office Dec. 23rd 1853 Secy. Fisher Secy

Case No 506
Deposition of
Jose Sarmantaz

Office of the Board of U.S. Land Commissioners
San Francisco Dec. 19. 1853

This day before Commissioner R.A. Thompson came
Jose Sarmantaz a witness in behalf of Claimant
Augustin Bernal Petition No 506 and being sworn
his Evidence being given in Spanish was interpre
ted by the Secretary as follows - Present J. Williams
Atty for Claimant and A Greenhow Esq Assoc
Law Agent - In answer to questions the witness
states that his name is Jose Sarmantaz, his age
thirty three, his residence County of Santa Clara
California.

Question by Claimants Atty. Are you acquainted with the
place or Rancho called Santo Jesus claimed in
this case, if so state what you know of its occupa
tion and cultivation of Augustin Bernal the Original

Answer. I know said Rancho and have known it an
about the

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grantee, and his family since his death?
 Answer. I know Saic Rancho and have known it ever
 since it was settled by Joaquin Bernal about the
 year 1826. or 1827. There have been built on Saic
 Rancho since that time four Adobe houses besides
 a number of others of wood, also Corals fences all of
 which were placed there by Saic Bernal and his
 family. They have also cultivated the same to a
 considerable extent, have a garden arched of fruit
 trees and a vineyard. Saic Bernal resided on the
 place until his death which occurred about fifteen
 years since. He was blind for many years before his
 death, his widow and children continued to reside
 on Saic Rancho ever since his death.
 He cultivated in wheat and can raising about
 three hundred quintal of wheat and one hundred
 of can besides beets potatoes and other vegetables
 raised by same. State what you know of the
 boundaries of Saic Rancho

Answer. I was one of the Measurers when Saccas's pop
 upon was given of Saic Rancho. We measured
 a line of rods in a southerly direction from the house
 to a Spring which supplies the water for the use of
 the house. Thence we run a straight line to the
 Interoceanic where we placed a pile of stones, as a
 Land mark. Thence we crossed a hill and went
 down to a Spring about one hundred yards from
 the Monterey Road. where we marked three or four
 Oak trees by blazing a cutting of a piece of the
 bark. Thence we crossed the river, and at about
 thirty rods we crossed the Arroyo Coyote and
 went to the top of Hill where some remains of an
 Old Vineyard were to be seen, and erected another
 Land Mark by piling up some stones, thence at
 about five hundred rods crossing the Arroyo to the
 hill of Las Lunas; after crossing the Arroyo we
 continued along its banks until we reached the
 hill, and at about four hundred rods beyond the
 Hill we marked a live Oak in the same manner
 as a boundary, and perhaps erected a pile of stones
 but of this I am not certain. Thence we went to
 a live Oak tree on the boundary line between Santa
 Teresa and the Rancho of San Juan Bautista; from
 there we ran to the Tulare and through the meadows
 of the Tulare to a Round Hill on the line of Buerys

Rancho. There was a tree there which was said to be the boundary; but I do not recollect that it was marked. Thence we went along the lines of hills as near in a straight line as the nature of the ground would admit to the Spring where we commenced by same. It is if you know much much land is embraced in the boundaries you have described.

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Ans. I understood at the time said measurement was made that it contained one league

Jose S. Hernandez

Sworn to and subscribed before me this 19th Dec 1853

R. Aug. Thompson Comr

Filed in Office Dec. 19th 1853

Geo. Fisher Secy

Office of the Board of L. S. Land Commissioners de de San Francisco Nov. 29, 1853

506
Deposition of
Jose Berreyesa

This day before Comr Alpheus Felch came Jose S. Berreyesa a witness in behalf of the Claimant Augustin Bernal Petition No. 506 and being duly sworn his coance being in Spanish was interpreted by the Secretary as follows (Questions by Mr. Williams Atty for Claimant)

1 Question What is your name age and place of residence
Answer. My name is Jose S. Berreyesa, My age is thirty four years and I reside in Contra Costa County in California

2 Question Was you acquainted with Joaquin Bernal the original grantee in this case? if yes, is he living if not when did he die
Answer. I was acquainted with him. He is dead he died in 1837

3 Question. What children and heirs did he leave
Answer. He left ten children: Their names are as follow Augustin Bernal, Bruno Bernal, Juan Bernal, Jacobo Bernal, Lucaracas Bernal, Encarnacion Bernal, Dolores Bernal, Pelar Bernal, Petra Bernal and Marcelino Bernal

4 Question. Is the Augustin Bernal the claimant in this case the same Augustin Bernal above mentioned
Answer. Yes is the same Jose Berreyesa

Mr Greenhow Associate Secy Agent was present at the taking of this deposition but pronounced no question to the witness. Subscribed and sworn to before me this 29th day of November 1853

Alpheus Felch Commissioner

Filed in Office Nov. 29th 1853

Geo Fisher Secy

13 lease No 506
Deposition of
Jose Covarrubias

Office of the Board of all S Land Commissioners de de
San Francisco Jan 10. 1854
On this day before Commissioner R. A. Thompson came
Jose Covarrubias, a witness in behalf of claimant
Auguston Bernu e No. 506 who after being duly sworn
deposed as follows his recollection being interpreted
by the Secretary (Present claimants Atty J. L. Sawollg)
Witness states his name Jose Covarrubias his age
forty three years, his residence Santa Barbara Cal
Question by claimants Atty. Look at the document now
shown you marked H. No 1 annexed to the deposi-
tion of Antonio Marco Pico and Felix in this case
and state if you know the hand writing of Jose
Figueroa and Auguston Y Lamerano and then sig-
nature on said document are genuine or not
Answer I am well acquainted with the hand writing
of the persons named in the question. I have often seen
them write; their signatures on said document are
genuine.

Jose M. Covarrubias
Sworn to and subscribed before me Jan 10. 1854
R. A. Thompson Com
Filed in Office Jan 10 1853 Geo Fisher Secy

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506
Deposition of
Thos. White

United States Land Commission San Francisco Feb. 15. 1854
On this day before Alpheus Felch came Thomas
White a witness in behalf of the United States case
No 506 who after being duly sworn deposed as follows
Questions by Mr Greenhow Associate Law Agent
1 Question. What are your name age and place of
residence.
Answer. My name is Thomas White my age about
thirty years and I reside at San Jose California
2 Question. What is your business
Answer. I am a Surveyor
3 Question. Have you ever made a survey of the Rancho
of Santa Juana in the County of Santa Clara? if yes,
is the map now shown to you marked Exhibit No 1
with the initials A. F. and K. A. T. Annexed as a part of
this deposition a correct representation of said survey.
Answer. I made a survey of said Rancho on the first
second and third days of February 1854. This map
is a correct representation of it. The map was drawn
by me immediately after the survey, and was made
according to my field notes, which I have present
and which are annexed to this deposition marked

Exhibit No 3. with the initials A. F. These field notes contain a correct statement of the several lines and angles according to the Survey of Saco Land made by me.

4 Question. By what documents and information were you guided in making your Survey

Answer. First by the Copy of the Original Map filed in the claim and a certified Copy of the testimony of the judicial possession which are attached, together and which are annexed to this deposition marked Exhibit No 3 with the initials A. F. and secondly by the limits marks and Original monuments shown to me on the ground, some by Bernul and others by Jose Noriega one of the witnesses to the original measurement of the land. I began the Survey at a point a little South of Saco Rancho Bernul's house and ran thence in a straight line in an Easterly direction to the Patequelo or gap in the Mountain near the Laguna where I found a pile of stones which Saco Bernul pointed out as the one of the Original land marks. Thence in a Northwesterly direction to a pile of stones in the Mountain which was pointed out to me by Saco Noriega as one of the monuments. Thence in a straight line a North West westerly direction over the low hills and the Mountains nearly parallel to the Old Monterey Road and near the base of the Mountains to an old Oak tree with a very plain and deep mark on it and a pile of stones at the foot of Saco tree. These were pointed out to me by Saco Noriega as one of the Original land marks. In running this line I passed the hills called Las Sagomas. Thence I ran in a South West westerly direction crossing the Monterey Road to an Oak tree pointed out to me by Saco Noriega as one of the Original limits. The Oak tree is at base of the hills called Somas de San Juan in the Original plan. Thence I ran in a South westerly direction passing through a marsh or cedar and Oak grove to a leaning Oak tree on the top of the Sierra which is marked Bina N being the boundary line between Navajo and Bernul. This Oak tree was pointed out to me by Saco Noriega as one of the monuments. Thence I ran Easterly along the foot of the Mountains to the place of beginning.

5 Question. In what particular reason did you choose the

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red line on said map marked as follows, this line cuts off one square league & Ans. There were several reasons. The object was to show what portion of the Map would embrace one league and what would be the surplus. The portion lying East of said line represents one league of land, and the part of the promise is the portion on which Bernal's buildings are, improvements are situated. The line is drawn about parallel to the East line of the promise, but it is wholly an arbitrary line, not called for by any of the descriptions contained in any of the documents or maps in my possession.

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map 5

Question. What is the quantity of land contained within the Extract lines surveyed by you?

Answer. Two square leagues and three thousand one hundred and twenty five acres or nearly two leagues and three quarters. Thos White
The deposition is taken on the part of the Government the claimant not being present either in person or by counsel, although notice was given as appears by the written notice hereto annexed with the acknowledgment of counsel thereon. Subscribed and sworn to before me at San Francisco this 15th day of February 1854
Alpheus Teich Commissioner
Filed in office Feb. 15. 1854

+ here follows my notice
given in new page

Geo. Fisher Secy
Board of Commissioners United States for the Settlement of Private Land Claims in California
Claim No 506 Augustin Bernal for himself & the other heirs of Joaquin Bernal deceased
The petitioners well pleased to take notice, that the testimony of Th White of Santa Clara will be taken in the above case on the part of the United States at 10 o'clock A.M. 15th Instant in the Court room of the Board before one of said Commissioners or as soon thereafter as their convenience will permit

Feb. 14th 1854

A Greenhow by J Thomas
To Messrs Brown Tracy & Pratt, Attys for claimants,
Enclosed " Received a copy of the within notice
this 14th day of February 1854

Brown Tracy & Pratt Atty
for claimants

Filed in office Feb. 15 1854 Geo Fisher Secy

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Gave Mr. Van Duren
a piece of map
(5) left in this
roll here.

11/20-1940.

Exhibit No.	Station	Bearing	Distances	Remarks
Annexed to Dep ^t of Thos. White	No 1 "A"	S 17° 15' E	16400 Chs	No 1 "A" bears from a Stone Cistern near Bernal's house S 25 30 E 17 Chains to a large rock on the hill side. From No. 1 at the distance of 87.40 Chains line strikes an Oak on the top on an isolated hill covered with Sage. To foot of hills near Laguna 140 Chains to pile of stones at the portezuela (B) 164 Chains passing over a steep rocky hill intersected by a deep ravine to three small Oaks. 7 Chains South of the Coyote creek - 7 Chains to South bank of Coyote at a point 3 1/2 Chs East of a very abrupt rocky point to North bank of Coyote creek 27 50 Chs. to an old blunt Oak "C" 36 30 Chs to "g" on the bank of a small arroyo near a Spring. following the arroyo through a deep ravine to a steep rocky bluff in the mountains near Marked "Minencia" tree passing in a straight line over the base of the mountains on the North of the Coyote & nearly parallel with the Monterey road to an old Oak tree, very plainly marked at the foot of which is a pile of stone apparently long since placed there - distance in a North direction from Las Lagunas 80 Chs. Line reaches North Bank of Coyote at 25 chains. Crosses to South bank at distance of 42 chains arrives at the center of Monterey road at the distance of 144.50 Chs (distance from this point to western point of Las Lagunas is 40 Chains) to Oak tree on dump line (an old land mark) 163.48 Chs. passes East of the Hill of San Juan about half mile arrives at the main stream of a Lagoon at distance of 80 Chains and passes in through a dry tute & through an Oak grove to the foot of the mountains on the South 238 Chains
No.	No 2 B	N 38 30 E	48 chs	See p 140 Chains to pile of stones at the portezuela (B) 164 Chains passing over a steep rocky hill intersected by a deep ravine to three small Oaks. 7 Chains South of the Coyote creek - 7 Chains to South bank of Coyote at a point 3 1/2 Chs East of a very abrupt rocky point
No 3 "f"	N 27 30 E	36.30	to North bank of Coyote creek 27 50 Chs. to an old blunt Oak "C" 36 30 Chs to "g" on the bank of a small arroyo near a Spring. following the arroyo through a deep ravine to a steep rocky bluff in the mountains near Marked "Minencia" tree passing in a straight line over the base of the mountains on the North of the Coyote & nearly parallel with the Monterey road to an old Oak tree, very plainly marked at the foot of which is a pile of stone apparently long since placed there - distance in a North direction from Las Lagunas 80 Chs. Line reaches North Bank of Coyote at 25 chains. Crosses to South bank at distance of 42 chains arrives at the center of Monterey road at the distance of 144.50 Chs (distance from this point to western point of Las Lagunas is 40 Chains) to Oak tree on dump line (an old land mark) 163.48 Chs. passes East of the Hill of San Juan about half mile arrives at the main stream of a Lagoon at distance of 80 Chains and passes in through a dry tute & through an Oak grove to the foot of the mountains on the South 238 Chains	
No 4 "C"	N 39 00 E	1100 Chs		
No 5 "g"	N 66.10 E	3400 Chs		
No 6 "h"	N 44.03 W	436.50 Chs		
No 7 "D"	S 66.47 W	163.48 Chs		
No 8 E	S 15.35 W	249.67 Chs		
No 9 B & N	S 78.30 E	285.75 Chs		

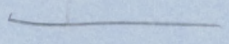
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to a leaning Oak on the Mountain marked "B" on the North & "N" on the South 249 67 chains pass just along the base of the Mountains on the South to the place of beginning in a straight line by No 1 A which is South of Barnals dwelling house.

Total Area 2 Leagues and 3125 Acres.

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At a point on the last line and distant from the Oak marked B-N 187.50 chains a line bearing N 42 30 E will cut off one square league on the Eastern part of the Survey. Length of this dividing line 262 60 chs. All of the above Courses are true & not Magnetic Variation 15° 30 E



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Expedientes sobre los parages nom-
brados La Laguna y Santa Teresa
solicitados por los C. C. Juan Alvarez
y Joaquin Bernal

Jurisdicción del
Pueblo de S. Juan

Año de
1834

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Expediente
Sobre el paraje nombrado la Laguna
solicitado por
Juan Alvarez

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

Tigueroa

José Rafael Gonzalez

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Monterrey Mayo
14 1834

Sr. Jefe Sup^{or} Politico

Solicítense los antecedentes, agréguese, y den cuenta para resolver

Tigueroa

Sr. Jefe Sup^{or} No

En cumplimiento del ant. de 21 de V. S. devuelto esta inst. a Cor. los antecedentes a q. se continúan Mont. y Cont. trae.

Mont. y
Mayo 15 de
1834

Agustín V. Zamorano

propiedad del mencionado terreno, jurando no ser de malicia &c.

El Ciudadano Juan Alvares vecino del Pueblo de S. J. Guadalupe ante V. S. Con el debido respeto hago presente que con fecha 30 de Julio de 826 solicite al Gobierno Politico de este territorio un paraje convido con el nombre de la Laguna que actualmente ocupo con mis bienes y labores En 18 de Julio de 1830 recordé mi pedido y acompañé el dicho no conforme con la ley de 21 de Nov^{re} de 828 y hasta la fecha no he tenido resolución, en el dicho dicho no incluyo un corte pedazo de tierra que comunmente he practicado de la dicha laguna p^a mis labores. Duplico a V. S. mi encada hta lo que ocupa dicha saca.

Por tanto

A. V. S. Duplico se sirva dar a mis dichas solicitudes, el giro que tenga a bien a fin de adquirir la propiedad del mencionado terreno, jurando no ser de malicia &c.

Monterrey Mayo 12 de 1834

Juan Alvares

Mon =

Sello

Sello Cuarto Una Cuartilla

Habilitado provisionalmente por la Espectiva Mexicana para los años de 1825 y 1826 en el Territorio de California

Amra

Son Jefe Sup^o

El Ciudadano Juan Alvar Alcaide Consti-
tucional y Excmo en el Pueblo de S.^{ta} Jose
Guadalupe del mando de V.^o con el mas
profundo respeto y subordinacion q.^e debe
ante V.^o puse y dice q.^e hace el tiempo de
tres años q.^e a solicitudo un parage p.^o Ran-
cho o' establecim^{to} de Ganado Mayor y labores
q.^e llaman Laguna seca distante del Pue-
blo Cosa de cuatro leguas poco mas o' menos
y el anterior de V.^o decreto a mi solicitudo q.^e
no siendo en perjuicio de Abitantes del refe-
rido Pueblo quines yndividuos del dho. No-
dran decir su parecer y si podrian fran-
quarme esta solicitudo. p.^o el caso hubo al-
gunos no ser acomodados motivo o' interes q.^e
tenian p.^o sus acendores higuatun te Como yo;
y considerando q.^e ni yo ni ellos son distin-
guidos en regularidad de Bienes p.^o poner
tal Paraje ya arriba dho, de nuevo escusero
a la sup.^o prudencia de V.^o tenga a bien faci-
litarme el permiso, segun es conocido para po-
ner en el referido Paraje un establo de Gana-
do Mayor Caballada y sumbras Por tanto

A V.^o Excmo de suplico se sirba proveer
Como llebo pedido, Gracia q.^e espero alcunzas
de su acreditado juicio y benignidad a lo q.^e
le libere' agradecido su menor N.^o q.^e ato B. de L.

Pueblo de S.^{ta} Jose de Guadalupe

30 junio y 1826

Juan Alvar

(S. S. D. H.)

Sello 3.^o
L. Real

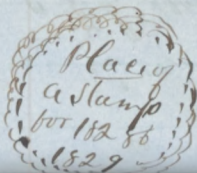
Años de 1822 y 23

Placa y a Stamp
q. de L. H.

Habilitado ^{jurado} por el Rey la Constitucion en o de Marzo de 1820



Habilitado provincialmente para los años de 1830 y 1831



Cararino
Sor. Jefe Sup.^o P. d. i. c. o.
El Ciudadano Juan Alvar Alcaide

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actual del pueblo de San José Guadalupe ante V. S. con el debido respeto hace presente que desde el año de 826 dirigió a V. S. una solicitud pidiendo la propiedad del sitio llamado la laguna que está en las inmediaciones de dicho pueblo el que ha fomentado desde el año de 23 con comendimiento del Ayuntamiento q. en aquel entonces existía pero cumpliendo ahora con las leyes esta baldías para este fin acompaño a V. S. el diseño que previene el artº 2º del Reglamento de colonización para que V. S. se sirva disponer lo que encuentre conveniente. A. V. S. Pido se sirva obrar de la manera que halla para efecto en lo que recibiré merced y gracia.

Monteney. 18 de Julio de 1830.

Juan Alvaréz.

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map 6

here follows a map or plan.

No abilitarlo p^{ra} esta administracion para los años de 1834 y 1835. J. B. Gonzalez.

{ place of the Stamp } Monteney. Mayo 16 de 1834.
 { on the Original. } De conformidad con las leyes de la materia Informe el Ylmo. Ayuntamiento del Pueblo de Sⁿ José Guadalupe, si el contenido en esta instancia obtiene los requisitos prevenidos para ser atendido en su solicitud, si el terreno que pretende está comprendido en las veinte leguas limitrofes o diez laterales que expresa la ley de 18 de Agosto de 1824: Si es de regadío temporal o abrevadero, si pertenece a propiedad de algun particular, corporación, Misión o Pueblo con todo lo demas que crea conveniente a ilustrar la materia. El Sor. D. José Figueroa, general de Brigada, Comandante general, Inspector y Jefe Superior politico del territorio de la Alta California, así lo mandó decretar y firmó de que oyo fe. José Figueroa.

Agustín V. Zamorano. J. B. Gonzalez.

El interesado en esta instancia obtiene los derechos prevenidos para que se le atienda en su solicitud. El terreno que pretende no está comprendido en las veinte leguas limitrofes ni diez laterales que expresa la ley de 18 de Agosto de 1824. El sitio es de temporal y tiene por límites el prototulo de la Laguna y el ojo de la Lucha, de Oriente a Poniente de loma a loma de latitud. Estos límites espuestos en esta instancia no deben de regar p^{ra} que ha sido una berrata.

El terreno que solicita pertenece a esta jurisdiccion, dista de la poblacion de quatro a cinco leguas las tierras de labor que agreja en su espediente que tiene cultivadas son de regadío y pertenecen al sitio de Santa Cecilia, cuyas tierras tienen una Sa ca de agua de la misma laguna.

Pueblo de San José 25 de Mayo. de 1834.

Pedro Trabaja.

Senor. Regidor. Maximo Martinez.

Monteney. Junio 10 de 1834.

Pase al Jefe de esta Capital ante quien la parte de D. Juan Alvares produjo una informacion de tres testigos colonos que seran interrogados sobre los puntos siguientes. 1^o Si es ciudadano Mexicano p^{ra} nacimiento; Si es casado y tiene hijos, Si es de buena conducta. 2^o Si el terreno que pretende pertenece a la propiedad de algun particular, Misión, Corporación

ó Pueblo, si es de regadío, temporal ó abrevadero y que estension tendrá. 3º Si tiene bienes con que poblarlo ó posibilidad de adquirirlos: Sea en todas estas diligencias, vuelva el Expediente para su resolución. El Sr. Don José Figueroa, Jefe de Brigada, Comandante en Jefe y Jefe Superior Político del Territorio de la Alta California así lo mandó, decretó y firmó de que doy fe.

José Figueroa. Agustín V. Ramonano. Jefe.

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Sello tercero Dos reales.

Habilitado provisionalmente por la Administración de la Aduana Marítima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco. Figueroa Rafael Gonzales.

Monterey. 11 de Junio de 1834.

En cumplimiento al Superior decreto que antecede del Sr. Jefe Político de fha. 10 del Corriente tomere la información de tres testigos idoneos que denan interrogados sobre los tres puntos que menciona dicho Superior Decreto. Ati Yo el Alcalde Constitucional lo decretó mandó y firmó con los tres testigos de asistencia. doy fe.

Mmanuel Jimeno. Casarín.

assa. José P. Estrada. assa. Marcelino Escobar.

En la fha. presente la parte de Don. Juan Alvares se le notificó en auto que antecede y entendiolo dijo. que lo oye, y firmó con miyo y los testigos de assa.

Casarín. Juan Alvares.

assa. José P. Estrada. assa. Marcelino Escobar.

En la fha. presente Don José Laureano Castro se le recibió juramento en toda forma debida por lo que ofrecio decir verdad en lo que supiere y fuere preguntado y siendole por su nombre, empleo, estado, edad patria y religion dijo: llamarse como queda dicha que es labrador, Casador de sesenta años natural del Estado de Guasebe y c. d. P.

Interrogado: Sobre los tres puntos que menciona dicho Superior decreto del Sr. Jefe Político de fha. 10 del Corriente dijo: que conoce á Don Juan Alvares y es Mexicano por nacimiento, es casado y tiene hijos y es de buena conducta, tambien como el terreno que pretende dicho Alvares y no pertenece á la propiedad de ningun particular, Nacion, Corporacion ni al pueblo de donde está cerca, como cuatro ó cinco leguas, por que llama lo ha ocupado, que dicho terreno es de regadío y no de temporal: que es de abrevadero

y tendran de estension poco mas de dos leguas: que por
obtenga dicho Atvies tiene bienes de campo con que pob-
larlo, que lo dicho es la verdad ha cargo del juramento
que tiene hecho en el que se afirmo y ratificó leida
que le fué esta su declaracion y firmo con mi go Co y
los testigos de asistencia. Casavien.

José Teburcio de Castro. asu José R. Estrada. asu.
Marcelino Escobar

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Sello tercero Dos reales.

Abapiotado provisoriamente por la Administracion
de la Intendencia Maritima de Monterey para los años
de mil ochocientos treinta y cuatro y mil ochocientos
treinta y cinco. Figueroa. B. Gonzales.

En la fha. presente Don Carlos Custno
se le recibio juramento en toda forma debida por el
que opecio decir verdad en lo que supiere y fuere pregunta-
do y siendo lo por su nombre, empleo, estado y de
patria y religion dijo: llamarse como queda dicho
que es labrador estado, de sesenta años, natural de
Sonora y C. S. B.

Interrogado. Sobre los tres
puntos que menciona el espresado Superior Decato
del Sr. Jefe Politico de fha. so del oriente dijo
que Don Juan Alvies es ciudadano Mexicano
por nacimiento que es casado, tiene hijos y es de
buena conducta: que el terreno que solicita dicho
Atvies no pertenece a la propiedad de ningun
particular, Abiccion ni corporacion, solamente al pueblo
de San José Guadalupe por que este es un campo: lin
ocupado, que dicho terreno es de regadio, es de tem-
poral y abrevadero y que tendran de estension poco
mas de dos leguas: por ultima que el espresado
Atvies tiene bien de campo con que poblarlo, que
lo dicho es la verdad ha cargo del juramento
que tiene hecho en el que se afirmo y ratificó leida
que le fué esta su declaracion y firmo con mi go
y los testigos de asja. Casavien.

Carlos Custno. asu José R. Estrada. De uno.

Marcelino Escobar.

En la fha.
presente Don Salvo Pacheco se le recibio juramento
en la forma debida por el que opecio decir verdad
en lo que supiere y fuere preguntado y siendo por
su nombre empleo, estado, edad, patria y religion dijo:
llamarse como queda dicho que es labrador, casado
de treinta y nueve años, natural de este Puerto y C. S. B.

Interrogado. Sobre los tres puntos que menciona el
reperido Sup^r Decreto del Sor. Prefecto de fha. 10. del
Corriente dijo: que Don Juan Alviras es ciudadano Abij-
-icuno por nacimiento, que es casado, tiene hijos y es
de buena conducta, que el terreno que solicita dicho
Alviras no pertenece a la propiedad de ningun particular
Abicion, Corporacion ni pueblo: que es de regadio temporal
y abrevadero y que tendra de extension poco mas o
menos de leguas, por ultimo que el expresado Alviras
tiene bienes de campo con que poblarlo, que lo dicho es
la verdad ha cargo del juramento que tiene hecho en
el que se afirmo y ratifico leida que le fue esta su obli-
-gacion y firmo con mi go y los testigos de assa.
Casarin. Salvo Pacheco. Jose B. Estrada.
assa. Marcelino Escobar.

Sello tercero Los Reales.

Habilitado provisionalmente por la Administracion
de la Aduana Maritima de Monteny para
los años de mil ochocientos treinta y cuatro y
mil ochocientos treinta y cinco:

Higuera.

Rafael Gonzales.

Monteny. Junio 11. de 1834.

Concluidas estas diligencias suelta el expediente
al Sor. Jefe Politico para su resolucion, asi lo el
Alcalde Constitucional lo decretó, mandó y firmo
con los testigos de asistencia.

Casarin.

assa. Jose B. Estrada. assa. Marcelino Escobar.

Monteny. Junio 13 de 1834.

Sista la peticion con que da principio este expediente
el informe de la autoridad Municipal del Pueblo
de Sr^a Jose Guadalupe: las exposiciones de los testigos
con todo lo demas que se tuvo presente y ver convenio
de conformidad con lo dispuesto por las leyes y regla-
-mentos de la materia se declaró a D. Juan Alviras
poseyo en propiedad del terreno conocido con el nombre
de la Laguna Coluidante con los ranchos de San
Francisco de las Mayas, y Sta Teresa y tierras laterales
dirijase este expediente a la Exma. Diputacion para
la debida aprobacion. El Sor. Don. Jose Figueroa
Jefe de Brigada, Comte General, Inspector y Jefe
Sup^r Politico de la Alta California, asi lo mandó
decretó y firmo de que doy fe.

Jose Figueroa.

Aguirin V. Zamorano. Jefe.

Monteny. 14 de Junio de 1834.

En sesion de este dia, acordó la Exma. Diputacion
que se este Expediente a las Comisiones unidas de colonia-
cion y Terrenos baldios.

José Figueroa.

Sello tercero Dos reales.

Abilitado provisionalmente por la Administracion
de la Aduana Maritima de Montevideo para los años
de mil ochocientos treinta y cuatro y mil ochocientos
treinta y cinco.

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Figueroa.

Rafael Gonzales.

Montevideo. Junio. Sor. Jefe Sup. Político.

6 de 1834.

El ciudadano Juan Alzures

Traslado a la parte de Joaquin Pernal por el ter-
mino de tres dias.

Resino del Pueblo de Sta. Jose, segun
derecho respectivamente ha a V. S. pres-
ente que el año de 823 consiguió
permiso por Dn Luis Ant. Arguillo
encargado intermante del mando
politico para establecer en el parage
nombrado Laguna Seca el que
actualmente ocupa colindando con el
Ciudadano Joaquin Pernal, a quien

Figueroa.

siendo yo el Alcalde de dho. Pueblo el año de 826 se
permite pudiese su ganarlo en separo del de la
Comunidad en el de Sta Teresa miembros que conseguia
el que solicitaba nombrado el difunto d. y. en efecto le fué
concedido mas a virtud de saber el que representa
que Pernal pide en propiedad el de Sta Teresa sus
diseño comprende sus laborios y Sonas de agua en
lo que tengo si para mi subsistencia.

Sor. Este individuo que intento disponer de un
derecho que he adquirido en guerra de sacrificios costosos
me es acrier a laguar sus fines en la parte en que se
contre o perjudicar me.

Por tanto. A. V. S.

Suplico se sirva obrar en el particular segun conveniente
de Justicia y sea conveniente. Como lo necesario.

Montevideo 5 de Junio de 1834.

Juan Alzures.

Sello tercero Dos reales.

Abilitado provisionalmente por la Administracion
de la Aduana Maritima de Montevideo para los años
de mil ochocientos treinta y cuatro y mil ochocientos
treinta y cinco.

Figueroa.

R. Gonzales.

Sor. Comandante Gral. y Jefe Sup. Político

Joaquin Pernal en defensa de sus derechos y en

Monterrey. Junio 16 de 1834. = y en contestación a lo contenido en la representación del Sr. Juan Alvares que V. S. se sirva a la Laguna. Deputación trasladar me con fha. de 16 del corriente territorial y agregarse ante V. S. con el mayor respeto comparecer y al expediente promovido: El Sr. Alvares mismo en la representación por Juan Alvares - a quien citada se ha visto obligado a confesar dos cosas muy favorable a mi pretensión: la primera que el parage que el

obtuvo enteramente a D. Luis Argüello en la Laguna Seca, que actualmente ocupa y que colinda con el parage ocupado por mi:

En sesión de este día se acordó para Alcalde del Pueblo de San José, y en el año de 1826 me dio permiso para separar mis bienes en la comunidad y poner los baldíos en el parage llamado Santa Teresa. Hasta aquí vamos a cordes, pero ahora no contento el Sr. Alvares con el parage que se le dio después de tomar posesión violenta de parte de las tierras que le poseía ya pacíficamente tantos años, me a casa de

Figueras.

quererle despojar de lo suyo, siendo certísimo que el parage en donde están sus siembras pertenece a Santa Teresa y de ninguna manera a la Laguna Seca, y también es notorio y bien público que él no ha hecho uso, ni pretendido tal parage hasta el año pasado, cuando se metió por fuerza, a pesar de mis reconocimientos. Los sacrificios costosos que alega el Sr. Alvares haber hecho en el parage en cuestión, merecen a mi entender, más bien castigo que premio, pues por ellos he tratado de quitar por fuerza lo ajeno, e incomodar sin necesidad alguna (pues no le faltan tierras buenas de labor en su propio sitio) a un vecino pacífico que nunca le ha injuriado.

Por todo lo espuesto pues, me dirigeo Señor que V. S. conocerá claramente que yo no pido ninguna cosa injusta: ni quiero perjudicar al Sr. Alvares, pero la tierra en cuestión además de pertenecer a Santa Teresa y no a la Laguna Seca, me hace muchísima falta, y si se le concediese al Sr. Alvares, preves los resultados más funestos por que tendría que abandonar el sitio que ocupa y en he gastado tanto (pues hay ya hechas, cuatro casas de adobe y dos otras començadas, una huerta, muchos árboles frutales, viña &c) por no andar en pleitos continuos. y Por tanto. A. V. S. humildemente Suplico tenga

que él no ha hecho uso, ni pretendido tal privilegio hasta el
año pasado, cuando se metió por fuerza, tenga o bien
disponer que el Sr. Alvar se contente con lo suyo, y que
a me deje en pacífica posesión del privilegio que ha usurpado
protestando no proceder de malicia y lo necesario.

Monterrey 14 de Junio de 1834.

Guillermo Ed. Martell.

Sello tercero Dos reales.

Habilitado provisoriamente por la Intendencia Maritima
de Monterey para los años de mil ochocientos treinta
y cuatro y mil ochocientos treinta y cinco.

Figueroa.

Rafael Gonzalez.

Sr. José Superior Político.

El ciudadano Juan Alvar, vecino del Pueblo de San José
Guadalupe poseedor del privilegio llamado la Laguna sea
ante V. S. Comprova halla lugar en derecho trajo presente
en virtud de lo que alega en quanto del oriente la parte
del Ciudadano Obisnal en la Cuestion que ha promovido
quejandose que me he introducido en los límites del terreno
de Sta. Cecilia que le pertenece digo que el dho. individuo
no tiene absolutamente motivo para quejarse de despojo
p^o q^o en un caso creo haberle quitado tierras de su propiedad.

El Rancho de Sta. Cecilia no tiene señalado límites por
ninguna autoridad y por consiguiente no puede tener
mas estension a su propiedad asi ahora que aquellos
que ha cultivado y fomentado con sus bienes, ninguno
puede ser mejor testigo que yo mismo p^o que siendo
Alcalde el año de 29. le permite ocuparse con sus bienes
este sitio interinamente mientras que conseguia el privilegio
del Ingenio el que se prometio se le concedio en tiempo
de D^o Luis Argüello y como no le gusto siguió fomentado
el primero Este es el origen que da origen la contienda
del repetido privilegio y antes la fha. se ha estado en el
con solo un permiso que pa verificar a su familia me
expuse a la Superioridad no exaltandose con facultades
para disponer arbitrariamente de las tierras del comun
p^o este motivo al poner mis labores me crei con tanto
derecho como el dho. Sr. Obisnal y pa beneficiarme
hice la saca de agua que al efecto he conseguido muchas
ventajas p^o que en lo demas del terreno que se solicita
no hay tierras de regadio. Dice el Sr. Obisnal que se
ha apercibido cuando me ha reconvenido y en esto
falta a la verdad pues nunca me ha pasado tal cosa
con este amiano no negare que si he chorado con un

en este amiano no negar que si he estado con un

Yerno suyo el Sr D^o Antonio Sunol, pero este argumento
tray otro origen muy distinto que asta a hora lo actuado
con prudencia y use usara en lo posible de emprender la con
d. Por lo espuesto Sr. Jefe Político V. S. se sirviera tomar
en consideracion lo otro. y atender a los perjuicios que se
me seguiran si desistia en mi solicitud porbiendo un
corto pedaso de terreno que con grandes sacrificios he veifi-
cado pr fomentarme. Por tanto V. S. Suplico se sirva
Sello tercero Dos Reales.

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Abilitado provisionalmente por la Administracion de la
Aduana Maritima de Monterey para los años de mil ochocientos
treinta y cuatro y mil ochocientos treinta y cinco.
Figueroa. Rafael Gonzalez.

atender ha lo espuesto y disponer lo que en encuentre de
justicia. Jurando no ser de malicia y lo necesario. L.
Monterey. 14 de Junio de 1834.
Juan Alvarez.

Monterey. Junio. 14 de 1834.
Dese cuenta a la Exma Diputacion y agregase al
Expediente promovido por Don Joaquin Bernal en solicitud
del terreno de Santa Teresa. Figueroa.

Monterey. 17 de Junio de 1834.
En sesion de este dia se acordó puse a las Comisiones de
Colonizacion y terrenos baldios. Figueroa.

Jurisdiccion de
S. José Guadalupe.

Año de
1834.

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Expediente
Sobre el Rancho nombrado Sta Teresa pide
su posesion legal - Don.

Jouquin Vernal

Sello cuarto una Cuartilla.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Montevideo para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa.

Rafael Gonzales.

Sr. Jefe Supor. Politico.

Montevideo Mayo 14 de 1834.

El Ciudadano Joaquin Bernal

de conformidad alido de la compania de San Francisco con las leyes de la materia ante V. S. en la mejor forma se presenta Informe el Ayuntamiento y dice: que hace el termino de cinco años del pueblo de Sta. Rosa que el Ayuntamiento del Pueblo Guadalupe si el catastro de San Jose, use consistio un sitio en esta distancia obtiene perteneciente a su Jurisdiccion llamando los requisitos provanidos y conocido por el nombre de Sta. Teresa para ser atendido en cuya descripcion geografica acompaño su solicitud: si el terr. En consecuencia de dho. permiso, tomé en esta comprando posesion del indicado sitio, radicandome en las no leguas terreno en el con los bienes y fincas abajo expreses o bien litonales q. -avlas: ganando tranquilamente su expresa la ley de 18 posesion hasta la presente. En atenciones de Agosto de 1824. si al bien estar de mi numerosa familia es de regustio temporal y el mejor resguardo de los bienes que i abrevadero: si por poseo, he hecho repetidas instancias o las -ence a propiedad de atenciones de V. S. en solicitud de la algun particular, en legitima concesion de este parage: -poracion, Mis como Sin haberse hecho ningun otro en el Pueblo, con todo lo -nacion definitiva: Ocluro por otra demas que crea con la notoria de este rectitud de V. S. porque esente a ilustrar la se sirva de concederme la legitima materia, no tipicando propiedad del sitio de Santa Teresa a la parte intercedida en obsequio de los servicios que he presente el dadero del prestado a la Nacion, el numero con terreno que solicita. El -cosevable de mis bienes y el fomento Sr. Don Jose Figueroa de otros ramos de industria. Me General de Brigada halla en la avanzada edad de setenta Comandte General y y cuatro años y con una descendencia Jefe Superior Politico de sesenta y ocho alumnos quienes suben del territorio de la ten en el repetido sitio, en donde se Atta California an lo han fabricado cuatro casus de adores su avdo obrecti y finis se ha plantado una vna de mil de que hoy se. Cepas y una buerta que contiene mas de Dosientos arboles frutales. Mis bienes de campo son las siguientes

Jose Figueroa.

Agustin N. Zamorano

Srno.

Dos mil y cien Caberas de ganado

menor, tres manadas de yeguas, cincuenta caballos suaves
veinte y dos yuntas de bueyes y cinco bestias mulares: todo
lo cual ocupa el muy repetido sitio de Sta. Leona y lo pongo
al conocimiento de V. S. para que se sirva de elevar mi
súplica a la Exma. Diputación Territorial y para que se
digne de concederme la propiedad que solicito en caso de
de ser acreedor a ella. Por tanto rendido este suplico
se digno proveer como Mebo pedido que es gracia que
pido. de - Pueblo de San José y Mayo 10 de 1834.

Joaquín Bernal.

Pueblo de San José y Mayo. 19 de 1834.

El Ciudadano Joaquín Bernal interesado en esta instancia
y todos los requisitos que previene la ley. El sitio no está
comprendido en los límites que expresa la ley de 18 de
Agosto de 1824 pero si pertenece a la jurisdicción de
este pueblo y está del, su lindero mas próximo, dos
leguas, tiene de latitud en su parte mas ancho, una
agua, de una longitud una legua y cuarta, es decir,
desde de toma de las saunas, hasta el portuelo de la
sauna. El pretendiente posee mas de dos mil cabezas
de ganado Mayor y Caballada y ha fabricado y actual-
mente están fabricando buenas casas y últimamente
tiene el merito de haber plantado viños y huertas de
arboladas, con el auxilio de un pequeño arraje
en la cimentacion de las casas. Siendo todo lo demas
del terreno de temporal y para que conste en donde con-
saga lo firmo con el primer regidor de este Ayuntamiento
por falta del Secretario.

Maximo Martinez.

Pedro Obispo.

Monteney. Mayo 22 de 1834.

Dase al Alcalde de esta Capital auto quien la parte
de Joaquín Bernal producirá una suplicacion de tres
testigos idoneos que sean interogados sobre los puntos
siguientes. Primero Si el Solicitante es ciudadano
Mexicano por nacimiento, si es casado y tiene hijos
(seguros) si es de buena conducta. Segundo. Si el
terreno que pretende pertenece a la propiedad de algun
Sello cuarto una cuarta.

Habiéndolo provisionalmente por la Administracion de la
Autoridad Maritima de Monteney para los años de mil
ochocientos treinta y cuatro y mil ochocientos treinta
y cinco. Seguena. D. J. J. J.

particular, Misión Pueblo o Corporacion, si es de regadio
temporal o abrevadero, y que estuviere tenida.

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Tercero. Si tiene bienes de campo con que poblarlo, ó posibilidad de adquirirlos. Evacuadas estas diligencias vuelva el expediente para su resolución. El Sr. Don. José Figueroa General de Brigada, Comandante General, Inspector y Jefe Superior Político del territorio de la Alta California, así lo mandó, decretó y firmó de q. doy fe.

José Figueroa.

Sor. Alcalde Constitucional.

mp
El Ciudadano Agustín Bernal en nombre de su padre Juan Bernal, ante V. con el debido respeto se presenta y dice: que no habiéndolo podido obtener hasta la presente la legítima propiedad del Rancho de Sta Teresa, que a caso habria sido por haber faltado el requisito de la noticia exacta del expresado sitio. Vengo à V. para que el Sr. dar una noticia geográfica de su situación del repetido parage por lo que Sr. Suplico se sirva obrar en esta mi petición como mejor haya lugar en derecho no yendo en papel sellado por no haber lo de ninguna clase en este lugar. Pueblo de San José y Mayo. 13 de 1854.

Agustín Bernal. 4.

Pueblo de S. José. Mayo 13. de 1854.

El sitio nombrado Sta Teresa perteneciente à la jurisdicción de este Pueblo y ocupado por el interesado tiene por límites de Sur ha Norte el portezuelo de la Laguna y la comu de las Lagunas y tiene seis mil varas de latitud, su estension de longitud ser, comprende entre las lomas anà el cerro donde estan las fincas y las primeras lomas al Oriente y tiene de ancho una legua lo que ocupa el interesado por concecion de este Ayuntamiento sin perjuicio de este Pueblo. Pedro Chaboya.

here follows a map of same.

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Sello tercero Dos reales.

Habilitado provisionalmente por la Administracion de la
Aduana Maritima de Monterey para los años de mil
ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa.

Rafael Gonzalez.

Monterey. 26 de Mayo de 1834.

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En cumplimiento del Sup^o decreto del Sr. Jefe Sup^o
Politico de fha. 22 del corriente; tomase la informacion
de tres testigos idoneos q. seran interrogados sobre los puntos
que menciona, dicho Sup^o decreto. Asi lo el Alcalde
Constitucional lo decreto, mandó y firmó con los testigos de
asistencia con quienes actua en la forma establecida.
Doy fei.

Manuel Jimeno Casarin.

assa. José Maria Castañares. aspa. José R. Estrada.

En la fha. se le notificó a la parte de Joaquin
Vernal el auto que antecede y entendido dijo: que lo
oye y no firmó por no saber lo hizo yo con los de
asistencia.

Casarin.

assa. José Maria Castañares. aspa. José R. Estrada.

En la fha. presente Don José Joaquin Estudillo se le
recibio juramento en toda forma de derecho por el cual
ofrecio decir verdad en lo que ensiare y fuere preguntado
y siendo preguntado por su nombre, estado, edad, Patria y
religion dijo: llamarse como queda dicho que es casado
de treinta y cuatro años, natural de este Puerto de
Monterey y C. A. N.

Interrogado. Sobre los tres

puntos que menciona el Sup^o decreto del Sr. Jefe
Politico dijo: que conoce al Ciudadano Joaquin Vernal
que es Ciudadano Mexicano por nacimiento que es casado,
tiene hijos y es de buena conducta que tambien conoce
el terreno que pretende dicho Vernal y que no pertenece
a la propiedad de ningun particular. Ni es un Pueblo
y ni ha corporacion ninguna; que dicho terreno no es de
regaldis y si de temporal y abrevadero, y que su extension
sera cosa de dos leguas, que dicho Vernal tiene bastantes
bienes con que probarlo, siendo estos de campo sufici-
entes para el terreno solicitado, que lo dicho Estudillo
a cargo del juramento que tiene hecho en lo que se
apirio y ratifico leida que le fue esta su declaracion
y firmó con miyo y dos de asistencia.

Casarin. aspa. José Maria Castañares. De aspa.

José R. Estrada. En la fha.

presente el vecino Vicente Cantua se le recibio juramento
en toda forma de derecho por el cual ofrecio decir

en lo que supiere y fuere preguntado y diendolo por su nombre, estado, edad, Patria y Religion dijo: llamarse como queda dicho que es casado de cuarenta y tres años natural de este puerto de Monterey. y Ca. A. R.

Interrogado. Sobre los tres puntos ha que se contrae el Sup^o decreto del Sr. Jefe Político de Jha. veinte y cuatro del corriente dijo: que conoce el ciud^{no} Joaquin Vernal que es ciud^{no} Mexicano por nacimiento que es casado, tiene hijos y es de buena conducta que tambien conoce el terreno que pretende dicho Vernal y que no pertenece a la propiedad de ningun particular, Mision Pueblo y ni ha corporacion ninguna; que dicho terreno no es de regadío y si de temporal y abrevadero, y que su estension sera' por mas de dos leguas, que el mencionado Vernal tiene bastantes bienes de campo con que poblarlo. que lo dicho es la verdad a cargo del juramento que tiene hecho en que se afirmó y ratificó toda que se fué esta su declaracion y no firmó por que ojió no saber, lo hizo yo con los de asistencia. Casarín.

José Joaquín Estadillo. ayo. José María Castañares. ayo. José M. Estrada.

Sello tercero Los Reales.

Habilitado provisionalmente por la Aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Hijaena.

Rafael Gonzalez.

En la Jha. presente el vecino Mariano - Dea se le levantó juramento en toda forma de derecho por el cual apareció de cir revolado en lo que supiere y fuere preguntado y diendolo por su nombre, estado, edad, Patria y Religion dijo: llamarse como queda dicho que es casado de cincuenta y siete años, natural de este Puerto de Monterey y C. A. R. Interrogado.

Sobre los tres puntos ha que se refiere el superior decreto del Sr. Jefe Político de Jha. veinte y cuatro del corriente dijo: que conoce al ciud^{no} Joaquin Vernal, que es ciud^{no} Mexicano por nacimiento que es casado, tiene hijos y es de buena conducta. que tambien conoce el terreno que pretende dicho Vernal y que no pertenece a la propiedad de ningun particular, Mision Pueblo y ni ha corporacion ninguna; que dicho terreno no es de regadío, y si de temporal y abrevadero que sus estension sera' cosa de dos leguas, que dicho Vernal tiene bastantes

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bienes de campo, con que poblarlo, que lo dicho es la causa
 su cargo del juramento que tiene hecho en el que se
 afirmó y ratificó leida que le fue esta su declaracion
 y firmó con miyo y los testigos de asistencia.

Casarrin.

Mariano De cose.

aga. José Maria Custanaves. aga. José M. Estrada.

Monteney 27 de Mayo de 1834.

Sello tercero Dos reales.

Habilitado provisionalmente por la Administracion
 de la Aduana Maritima de Monteney para los años
 de mil ochocientos treinta y cuatro y mil ochocientos
 treinta y cinco.

Figueroa.

Rafael Linares.

Concluidas estas diligencias, vuelva el expediente al
 Sr. Jefe Superior Político para su resolucion. Mi Yoel
 Alcalde lo decreté, univé y firmé con los de asistencia.
 Doypéi.

Casarrin.

aga. José Maria Custanaves. aga. José M. Estrada.

Monteney. Junio 10. de 1834.

Vista la peticion con que dá principio este expediente
 el informe de la autoridad del Pueblo de San José
 Guadalupe, la opinion de los testigos con todo lo
 obrado que se tubo presente y ver copioso, de confor-
 midad con lo dispuesto por las leyes y reglamentos
 de la materia, se declara á Don. Sebastian Bernal
 dueño en propiedad del terreno conocido con el nombre
 de Santa Teresa, colindante con el rancho de la Laguna
 Coma de San Juan y Sierra laterales, sin perjuicio
 del aprovechamiento comun por lo respectivo á pastos
 Leña, Aguas, maderera de.º el canon que se le imponga
 si resultare pertenecer á los ejidos de dicho Pueblo
 cuando se amplien sus limites, dirigase este Expedi-
 ente á la misma Diputacion para la debida apro-
 bacion. El Sr. D. José Figueroa, General de
 Brigada, Comandante General, Inspector y Jefe
 Superior Político de la Alta California, así lo univé
 decreté y firmé de que doy fé.

José Figueroa.

Agustin V. Zamorano. Seco.

Monteney. Junio 12. de 1834.

En Sesion de este dia, acordó la misma Diputacion
 pase este Expediente á la Comision de terrenos baldios.

Figueroa.

Sello tercero Dos Reales.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa.

Rafael Gonzales.

Sor. Comandte Genl. y Jefe Sup. Politico.

Monterrey. Junio. 28 de 1834. = En sesion de este dia se mandó pasar esta solicitud a las comisiones donde se hallan los antecedentes.

Joaquin Pernal soldado, Invalido de la Campaña de S. Fran^{co} y vecindado en el Rancho de Sorota. Fuese en su nombre y en el de su hijos ante V. S.

Figueroa.

con el respecto debido hace presente que con fecha 21 del presente y a 14 del mismo se presento a la superioridad de V. S. haciendole ver el perjuicio que se le sigue en haberse metido en su sitio de su autoridad propia. El C. Juan Albires, y parte Sabeedor que se le ha enmendado por N. S. a la Exma. Diputacion, no puede menos de hacerle presente que es el unico abrevadero que hay en mi sitio y qual C. Albires le sobran en su sitio tierras de Siembras y campos porque solo por pura codicia ha solicitado el querere despojar en lo que lerrorinamente me pertenece y me es indispensable hacer ver a V. S. los muchos hijos Seruos y nietos que tengo por antes en posesion ya que no sera Rancho sino pueblo; y asi conociendo V. S. el gran perjuicio que se me hace que se me quite este abrevadero espero se dignara tomar en consideracion la abundancia de Ganados con que me hallo. asi como tambien la mucha Gente que vive en el estado mi Rancho. Por tanto A. V. S. pido y Suplico se digne tener en consideracion esta mi solicitud en que recibire gracia y merced.

Monterrey. 28 de Junio de 1834.

Sor. Joaquin Pernal. N.

Sello tercero Dos Reales.

Habilitado provisionalmente por la Administracion de la Aduana Maritima del Puerto de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa.

Rafael Gonzales.

Sor. Comandte General y Jefe Sup. Politico.

Joaquin Pernal natural del Estado de Simola y de Fundador en este Territorio Simola y Simo

Monterrey. Jun^o 6 de 1834.
 Traslado a la parte de Juan
 Alvarez por el termino de
 tres dias.

Figueroa.

-ista el diseño que se alla en manos de V. S. y como
 otro sitio se alla en las ante al rancho del Sr. Alvarez, dicho
 Sr. sin embargo de haber sido recompensado por mi
 varias veces para que no se tomase terreno del que a mi
 pertenese, siempre a Insertado adelante su
 cosa, con algunas amenazas caprosas de esponer la
 quietud de mi familia y considerables trastornos, como
 podre justificarlos. ante V. S. en cuyo virtud, y conof
 -iendo lo que se empeña V. S. en tranquilizar a los
 habitantes de este Territorio, por medio de su notoria
 prudencia, se digna el qe el mencionado Alvarez
 no quiera estobar mi propiedad, sujetandolo a lo
 que sea solo de su pertenencia, pues de lo contrario
 Sr. y Sup^o Jefe nos esponemos a ambos de que sera
 molestar la atencion y a ambos muy perjudiciales por
 sus amenazas Injustas.

D. F. A. V. S. reudi
 -clamente suplico que en obsequio del que representa
 decreté lo que su sabia penetracion ayuso de Justa
 Gracia que espere de su bien conocida bondad el que
 para no ser de malicia y lo necesario de. de. de.

Monterrey. 11 de Junio de 1834.

Joaquin Berual.

Exmo. Sr.

Las Comisiones de colonizacion y terrenos baldios, que cono
 -cen con los asuntos de esta materia y que V. S. a encom
 -endado a ellas: al entrar en el examen del que
 recoran los ciudadanos Juan Alvarez y Joaquin Berual
 como aparece del Expediente y traslado de ambas partes
 en cuestion: ha meditado detenidamente, sobre la
 esencialidad de la susitada op^o ambas: y habiendo oido
 las pretenciones de uno y otro, advierte que por la parte
 de Juan Alvarez, no obstante no comprender en el terreno
 el terreno de labores que ahora ocupa y ha verificado
 con su caudal de agua de la costa: que por este echo, y a otra
 me dno. sobre el; y a mas por haber lo pedido ya en
 forma segun su memorial de 14 de Mayo ultimo
 esta concecion la crea asegurada la concecion por lo ya
 espuesto. En tal virtud y atendidas las echas por el
 Sr. Jefe Político de los Venenos de la Laguna sean al

repetido Albires, con forme su dictamen; y el de Santa Teresa, al C. Bernal, como esta, no podria tener ya el efecto que se deja entender, en todas sus partes por lo que ya dicho. Las Comisiones han creido conveniente para allanar obstaculos, y la cuestion promovida presentar, como en efecto lo hacen, a la deliberacion de V. E. las siguientes proposiciones.

1^o Se aprueba la concecion hecha por el S. Jefe Politico en favor del Ciudadano Juan Atarce del parage de la Laguna Seca, con el terreno que tiene laborado, y verificado hta. oy. con la Saca de agua que emprendio a su costa. 2^o Se aprueba asi mismo la concecion hecha y. para del parage de Sta. Teresa. (The original paper is worn off to this line. note by the Genl. General) 3^o Se aprueba de el, el terreno de labor, que se le adjudica ultimamente al repetido C. Juan Atarce, segun la aprobacion del articulo anterior.

Monterrey. 21 de Junio de 1832.

Carlos Antonio Carrillo. de assa. José R. Estuñillo. — José Castro. =

Excmo. Sr.

Las comisiones de colonizacion y terrenos baldios a quien se devolvio el expediente de los C. C. Agustin Bernal y Juan Albires, a efecto de reformar el dictamen que prescindió en sesion del 3 del Corriente bien informado de lo practicado hasta la pta. y que sobre el particular a dictaminado como consta en sesion del 21 del p^{ro} no pueda deber hacer merito de aquel por ser en un todo conforme con la mente de la Comision sin arrebato del convenio que ultimamente presentaron los interesados al Sr. Jefe Politico y que tambien pasó a la Comision. En tal virtud presenta a la deliberacion de esta Excmo. Diputacion la siguiente proposicion. = Se toma en consideracion el dictamen presentado en 21 del p^{ro} Junio referente a las solicitudes de terrenos que hacen los C. C. Joaquin Bernal y Juan Albires.

Monterrey. Julio 5. de 1832.

José A. Ortega. Carlos Antonio Carrillo.

José A. Estuñillo. —

José Castro. =

Dada cuenta a la Excmo. Diputacion en sesion de este dia con los dictámenes presentados en 21 de Junio y 5 de Julio, aprovo las dos proposiciones en q. concluye el primero, cuyo tenor es el siguiente.

1^o Se aprueba la concecion hecha por el Sr. Jefe Politico

en favor del ciudadano Juan Alvares del parage de la laguna
seca con el terreno que tiene laborado y verificado hasta
hoy con la seca de agua q. emprendio a su costa.

"3^a Se aprueba asi mismo la concesion hecha p^r el mismo
Sr. Jefe Político del parage de Santa Teresa en favor del
ciudadano Joaquin Bernal exceptuando unicamente del
terreno de labor que se le adjudica ultimamente al referido
ciudadano Juan Alvares, segun la aprobacion del art^o anterior.
Y en su consecuencia se devuelva el expediente al S. Jefe
Superior Político para su curso.

Monterrey. Julio. 8 de 1834. José Figueroa. Proste

José María Maldonado. Secretario.

Monterrey. Julio 11 de 1834.

En vista del acuerdo de la Junta Diputacion Territorial
del dia 8 del Corriente en confirmacion de los terrenos
de Santa Teresa el de la laguna seca pretendidos por
el ciudadano Joaquin Bernal y el ciudadano Juan
Alvares librese los titulos requisitos, tomese razon en el
libro a que corresponde y entreguese a los interesados
para su resguardo y demas fines. El Sr. D. José
Figueroa, General de Brigada, Comandante General
Inspector y Jefe Superior Político del territorio de las
Californias asi lo mandó deuto y firmó de q. d. p. f. e.

José Figueroa. Agustín N. Navarro. Seco.

M. Figueroa General de Brigada de la Republica
Mexicana, Comandante General Inspector y Jefe Superior
Político del Territorio de la Alta California.

Por cuanto El Ciudadano Joaquin Bernal, Meji-
cano p^r nacimiento ha pretendido para su beneficio
personal y el de su familia el terreno conocido con el
nombre de Sta Teresa, colindante con los ranchos de
la laguna seca y lomas de las sagrimas y S. Juan:
practicadas previamente las diligencias y averiguaciones
conservias segun lo dispuesto p^r las leyes y reglamentos
usados de las facultades que me son conferidas y en
conformidad el gobierno de la Junta. Diputacion Territorial
del dia 8 del Corriente aprobando la concesion del estado
terreno de Sta Teresa alla en decreto de 10 de Junio por^{no}
(con excepcion del terreno que pasarlo al referido Ciudadano
que tiene cultivado el Joaquin Bernal, a nombre
Ciudadano Juan Alvares. de la nacion Mexicana se
venido en conferirle el terreno mencionado declarando
se la propiedad de él por las presentes letras, sin perjuicio

del aprovechamiento como por lo respectivo a pastos, lena
aguas, maderas &c. de los habitantes del Pueblo de San
José Guadalupe y sujeto a pagar el censo que se le impo-
niga si resultare pertenecer a los ejidos de otro. Poblá-
ción, usando se arreglen sus límites y a las condiciones
siguientes.

1^a Que se someterá a las que estable-
ciere el reglamento que se ha de formar para la dist-
ribución de terrenos baldíos y que en tanto ni el agru-
ciado ni sus herederos podrán dividir ni enagenar el
que se le adjudica, imponer censo, vínculo, fianza, hipo-
teca ni otros gravámenes aunque sea por causa piadosa
ni pasarlo a manos muertas.

2^a Podrá cercarlo
sin perjudicar las travesías caminos y servidumbres
lo disfrutará libre y esclusivamente, destinándolo lo al
uso y cultivo que más le acomode: pero dentro de un
año a lo más, fabricará casa y estará habitada.

3^a Solicitará del presidente luego del que respectivo
se dé posesión jurídica en virtud de este Decreto por
el cual se demarcarán los límites en cuyos límites, podrán
a más de las magueyeras, algunos árboles frutales ó
silvestres de alguna utilidad.

4^a El terreno de q. se hace donación es de uno sitio
de Ganado Mayor que sea más ó menos según explica
el diseño que corre en el Expediente: El que diere
la posesión lo hará medir comparecer ó ordenar a pu-
blicar los límites quedando el sobrante q. resulte
a la nación para los usos convenientes.

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

En consecuencia usando que tiene el de por firme
y válido este título, se tome razón en el libro a que
corresponde y se entregue al interesado para su resguardo
y demás fines. Dado en Monterrey, a 11 de Julio de
1834. = José Figueroa. = Agustín B. Huerfano. Sec.

José Figueroa General de Brigada de la República
Mexicana, Comandante General, Inspector y Jefe Superior
Político del Territorio de la Alta California.

Por cuanto D. Juan Alvarado, Mexicano por
nacimiento, ha pretendido para su beneficio personal
y el de su familia, el terreno conocido con el nombre
de la Laguna Seca, colindante con los ranchos de
Sta Teresita y 1^o Arameico de las Playas y Sierras
laterales: practicarlas previamente las diligencias

y arreglos convenientes, segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas y de conformidad con el acuerdo de la Junta.

Diputación Territorial, del día 8 del presente, acordando la concesion del terreno teneno de la Laguna Seca, y ademas el que tiene unclavarlo en el parage de Santa Teresa fecha en 12 de Junio proximo pasado asiguiendo D. Juan Arries: a nombre de la nacion abijicana he venido en conferirle el terreno mencionado declarandole la propiedad de el por las presentes letras, sujeto a pagar el canon que se le imponga si resultare pertenecer el terreno que cultiva en el parage de Sta Teresa a los ejidos del Pueblo de S^o José Guadalupe cuando se arreglan sus limites y a las condiciones siguientes.

1^a Que se sometera a las q. establecimie reglamento que se ha de formar para la distribucion de terrenos baldios y que entretanto ni el agraviado ni sus herederos podran dividir ni enagenar el que se les adjudica: imponer censos, vinculos, financia hipoteca ni otro gravamen aunque sea por causa quictosa ni pasarlo a manos muertas.

2^a Podra sercarlo sin perjudicar las traversias comunas y servidumbres, lo disfrutara libre y eselunio de destinandolo al uso o cultivo que mas le acomode pero dentro de un año a lo mas fabricara casa y estara habitada.

3^a Solicitara el desde luego del Jefe respectivo que le dé posesion Judicial en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites podra a mas de las rujoneras algunos arboles frutales o servidos de alguna utilidad.

4^a El terreno de que se hace mencion es de cuatro sitios de ganado Mayor, pero mas o menos segun explici el diseno que corre en el Especifico. El Jefe q. oiere la posesion lo hara medir conforme a lo enunha quedando el sobrante que resalte a la nacion para los usos convenientes.

5^a Si contraviere a estas condiciones perdera su derecho al terreno y sera denunciado por otro.

En consecuencia usando que teniendose por firmes y validos este titulo, se tome razon de el en el libro a q. corresponde y se entregue al interesado para su resguardo y otras fines. Dado en Mexico en Nueve y dos de Julio de mil ochocientos treinta y cuatro.

Jose Figueroa. Agustin S. Yarraman. Secretario. =

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 control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, Do hereby Certify that the forty eight preceding and hereunto annexed pages of many paper numbered from One to Forty Eight inclusive and each of which is verified by my initials (S.D.K.) exhibit true and accurate copies of certain documents now on file and forming part of the said Archives in this Office.

In testimony Whereof, I have hereunto signed my name officially and affixed my private Seal (not having a seal of office) at the City of San Francisco. Califa this 30th day of April 1852.

Samuel D. King.
Surveyor General. California.

Filed in Office. January 3^d 1852.

Geo. Fisher.
Secretary.

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Documents relatives to the places named the
Laguna and Santa Teresa selected by the
Citizens Juan Alvarez and Joaquin Bernal
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Jurisdiction of the Town of San Jose A.D. 1834

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Documents relatives to the place called the Laguna
selected by Juan Alvarez

Select the antecedent collect and afterwards report
for decision

Figueras

Señor Superior Político Chief
In compliance with the preceding decree of your
Excellency I return this with the previous proceedings
brought together
Monterey May 15. 1834

Agustin V. Zamorano

Three Seals Two Reals

Providence empowered by the Maritime Customs
House of Monterey for the years Esplén hundred
and thirty four

Figueras

Jose Rafael Gonzalez

Monterey May 14. 1834

To the Superior Político Chief
The Citizen Juan Alvarez inhabitant of the Town
of San Jose Guadalupe presents himself before you
with due respect and represents, that on the 30th of
July 1826 I selected the Político Government of this
Jurisdiction for a residence known by the title of the
Laguna which I actually occupy with my goods
and industry

On the 18th of July 1830 I renewed my demand
accompanied with a map according to the Law
of the 21st of November 1828. and up to date have
had no decision. In the aforesaid design'd
map I did not include a short piece of
land, which contains a watering place that
recently by my labor I have introduced from the
San Carlos. I beseech you likewise to allow me
that which is occupied by said watering place

I supplicate your Excellency to accede to my before
mentioned request in Order that I should acquire
possession of the property on the before mentioned
Lances Monterey May 12th 1834
Am. Juan Alvarez

Seal Fourth One Quarter

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Provisionally empowered by the Mexican Republic
for the years 1825 and 1826 in the Towns of
California - Sonora

The Superior Chief

The Citizen Juan Alvarez Constitutional Alcalde
and the Recador of the Town of San Jose Guadalupe
under your Authority with the most profound resp
ect and subordination which is due to you appears
and says that three years since he selected a
residence as a Ranch or an Establishment for cattle
and cultivation which is called the Laguna
distant from the Town four leagues more or less and
the predecessor to your Excellency decree, to my request
it not being to the injury of the inhabitants of said
Town, which individuals of said Town might say
that it would not be proper to grant this petition
as they might not be accommodated, an interest
motion they having been also benefitted as well
as myself, and considering that neither I myself
nor they are distinguished for a sufficiency of prop
erty to stock said place, I make the petition anew
to the Superior Juicance of your Excellency to facili
tate me with the permission, to place upon said
premises an Establishment for ganado Mayor, horses
and Towny seeds. Wherefore I humbly supplicate
that you will approve of this my request, a
favor which I hope to be grateful for to your
accredited benignity and for which I will be
thankingful -

D. I. M. Ryan Obl. vet. Pueblo de San Jose
Guadalupe 30 June 1826 - Juan Alvarez

Provisionally empowered for the years 1820 & 1831
Sonora

The citizen Juan Alvarez present Alcalde of the

Suprema Political Chief
 The citizen Juan Alvarez present Alcalde of the
 Town of San Jose Guadalupe presents himself
 before you with due respect and states; that since
 the year 1826 he directed your Excellency a request
 seeking possession of the place called the Laguna
 which is in the intendency of said Town and which
 he has supplied since the year 1823 with previous
 Comments to the Ayuntamiento which at that time
 existed, but complying now with the Laws Estab-
 lished I transmit to your Excellency the accom-
 anying design as directed by Article 2^o of the Colonial
 regulations in order that you should dispose of it
 in a suitable manner, I beg that you will act
 in such a manner as shall be found suitable
 to make me the recipient of your favor and
 grace

Monterey May 16. 1834

In conformity with the Laws in the matter of
 which the Illustrious Ayuntamiento of the Town
 of San Jose stands informed, if the contained
 plan in this instance possesses all the requisites
 necessary to insure the request, if the land which
 it is pretended is comprised within the twenty leagu-
 es limiting it or ten leagues as expressed in the
 Law of the 18th of August 1824, if it is situated by
 rains or alluvial places, if it belongs to any partic-
 ular person, Corporation, Mexican or foreign, with
 anything else necessary that may be necessary to
 illustrate the subject. Don Don Jose Figueroa
 General of Brigades Inspector and Commandant
 General and Superior Civil Chief of the Territory
 of Upper California, thus orders his decision and
 signature of which I give earnest

Jose Figueroa Alejandro V. Zamorano Secy
 This interested party in this instance obtains or
 performs the prescribed requisites in order that he
 succeeds in his request. The Land which it is
 pretended to, is not comprised in the twenty leagues
 nor ten leagues as expressed in the Law of the
 18th of August 1824. The tract is situated and is
 bounded by the Oct. let of the Lake and the Spring
 of the Coche, from the East to the West from the
 hill to hill in breadth. The limits laid down in
 this request should not be recognized as it was

an era

The Land which he solicits belongs to this jurisdiction distant from the Town from four to five leagues the ecclesiastical lands which are embraced in his claim and which he cultivates are irrigated and belong to the Site of Santa Inesa which lands have a neighboring place from the same Lagoon

Town of San Jose 29th May 1834

Pedro Arboya Prefect Maximino Martinez X
Montrey June 10. 1834

To the Alcaldes of this Capital beque whom Julian Alvarez on his part will produce three suitable witnesses who shall be interrogated on the following points 1st If he is a Mexican Citizen by birth, if he is married and has children, if he is of good character. 2nd If the land he desires belongs to any person, Mexican Corporation or town if it is irrigated, subject to rains, or if it possesses watering places for cattle and what dimension or extent it is? If he has means with which to stock it or by which to acquire them. These necessities being complied with, return his demand for his deliberation. Señal Don Jose Figueroa General of the grade Commandant General and Superior Political Chief of Alta California thus decrees and signs

Jose Figueroa Augustin V Zamorano Secy

Third Seal Two Reals

Provisionally empowered by the Customs House at Montrey for the years Eighteen hundred and thirty four and Eighteen hundred and thirty five

Figueroa

Rafael Gonzales

Montrey 11 June 1834

In compliance with the Superior Decree which emanates from the Superior Political on the date of the present month that the information of three suitable witnesses should be taken and that they should be interrogated on the three points mentioned in the said Superior Decree. Thus I the Constitutional Alcalde decree it and sign with the witnesses of assistance. Witness my hand

Assistance

Jose R Estrada

Assistance

Marcelino Escobedo

57.

On this date Juan Alvarez being notified appeared before me and said he heard and understood the preceding, and signed with me and the witnesses of assistance

Witness
As. Jose R Estuade

Juan Alvarez
As. Marcelino Escobar

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On the present date Don Jose Teburcio Cusko was received according to due form and being sworn testified as to what he might know, and being asked and questioned as to his Name Occupation Condition age Country and religion replied he is called as Mateo, is a laborer, thirty years of age native of the State of Guasave is a Roman Catholic. He was questioned on the three points mentioned in the said Superior Decree of the Superior Political Chief on the 10th of the present month replied he knows Juan Alvarez he is a Mexican by birth he is a married man and has children, he is of good character, he likewise knows the Lands which said Alvarez claims, that it does not belong to the property of any person Mexican Corporation nor the Town from which it is distant about four leagues, they are occupied by himself. That said Lands are watered by irrigation and not by rains that it has watering places for cattle and is in extent a little more than two leagues - that finally said Alvarez has stock where with to stock it, that the above is the truth which he has stated, and to which he swears, which declaration he testified and affirmed by his signature before me and the witnesses of assistance.

Witness
As. Jose R Estuade

Jose Teburcio de Cusko
As. Marcelino Escobar

Seal Three Two Reals

Personally empowered by the Custom House at Monterey for the years 1834 & 1835

Signature

Rafael Gonzalez

This day appeared before me in due form Don Carlos Cusko, who testified as follows, being questioned and asked as to his Occupation Name Condition and asked as to his Occupation age Country and religion replied; That he is called as stated that he is a laborer, thirty years of age a native of Sonora and a Roman Catholic. On being interrogated on the points mentioned in the Superior decree

of the Superior Potestatal Chief dated the 10th of
 the present month, Juan Alvarez is a Mexican
 citizen by birth, that he is married, has children
 and is of good conduct, that the same selection
 by Juan Alvarez does not belong to the property of
 any particular person Mexican or European, that
 these lands are irrigated that they are subject to
 rains and have various places for cattle, that they
 are in extent a little more than two leagues, finally
 that Juan Alvarez has stock to stock it with
 that the foregoing is the truth, being on oath, and
 he hereby declares and affirms his declaration
 with his signature which he attaches in presence
 of myself and the witnesses of assistance
 Caspar

Asst. Jose A. Estrada Asst. Marcelino Escobar

This day appeared before me in due form Don
 Pedro Pacheco who testified as follows, being questioned
 once and asked his name Occupation Condition
 age and Country and Religion said that his name
 is as above stated, a laborer, thirty nine years of age
 a native of this town and a Roman Catholic
 Being interrogated on the three points mentioned
 in the aforesaid Superior decree of the Superior
 Potestatal Chief of date of 10th of the present month
 said that Juan Alvarez is a Mexican citizen by birth
 is married has children and is of good conduct
 that the same which the Juan Alvarez selects is
 not the property of any individual Mexican or
 European or Town, that it is irrigated by various
 rains and has various places for cattle and
 that it is two leagues in extent more or less, that
 finally Juan Alvarez has goods in cattle with
 which to stock it, that the foregoing is the truth
 he being married of the oath he has taken and
 affirms and ratifies this his declaration and signs
 it with me and the witnesses of my assistance

Caspar
 Asst. Jose A. Estrada Asst. Marcelino Escobar

Seal of the Superior Potestatal Chief
 of Monterey

Provisionally empowered by the Custom House at
 Monterey for the years Express mentioned and that
 you are thereby free
 Aguirre Rafael Gonzales

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which he actually occupies, being contiguous to that
of the Citizen Joaquin Bernal to whom I being Alcal
de of said Town for the year 1826 granted permission
in to put his cattle separate from that of the Com
munity on the the lands of Santa Fe until he
obtained his suit, the extent of which was in effect
ceded to him, more by virtue of my knowing that
Bernal sought proprietorship of Santa Fe, the
design of which embraces my labor and resources
of which from which I draw my subsistence
In, this undue degree who desires to dispossess me of
a right which I have acquired by means of cost
ly sacrifice, is not worthy of gaining his ends, in
the way that he wishes to pursue me. I request that
your Excellency will operate with due justice and you
may deem it convenient. Sincerely
Monterey June 5th 1834 Juan Alvarez

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Filed in Office January 3rd 1838
Geo. Fisher
Secy

into incessant litigation.
And therefore I humbly beg your Honor that you see
fit to Order that Srn Alvarez shall content himself
with his own, and shall leave me in quiet possession
of the Same he has usurped, protesting that I do not
lect from malice & what is else necessary

Monterey 12th June 1834 - at the request of the party
interested (Signed) Illm E. Bartolice
(In the Margin)

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Monterey June 16th 1834: Let this account be given
into the M. E. Territorial Deputation and advice to
the instrument proceeded by Juan Alvarez in his petition
on for the Rancho of Laguna Seco
Figueroa

(In the Margin) Monterey 17th June 1834
In session this day it was voted that it be passed
to the Commision of Colonization and unclaimed
Lanzas
Figueroa

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Seal 3u. 2 Rs

Srn Stephen Owen Chief
I citizen Juan Alvarez of the Pueblo of San Jose
Guadalupe owner of the Lanzas called Laguna Seco
present myself before your Honor on account of what
the citizen Indegam Bernal alleges, the fourth of this
present month in the questem he has brought up compl
aining that I have intruded on the limits of Santa
Teresa which belong to him, and say that the Saca
in antecedent has absolutely no reason to complain of
being despoiled, for I believe that in nothing have
I deprived him of Lanzas belonging to him. The Rancho
of Santa Teresa has never had its boundaries established
by any authority and consequently hitherto he can claim
no further extent to his property than the boundaries he
has cultivated & occupied with his gooses. No one
can be a better witness than myself, for being Alcalde
in the year 1823 I permitted him to occupy this same
temporarily with his gooses, until he should obtain
the tract of Sugerito, which I know positively was
granted to him in the time of Sr. Luis Arguello, and
as it did not please him, he continued to occupy the
fast. This is the Origin of the litigation concerning
the Saca Lanza and until this date he has occupied
it with only a pumpkin, in granting which for the
benefit of his family I exposed myself to responsi-
bilty, not being interested with powers of disposing

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arbitrarily of the lands of the Pueblo, and therefore in making my improvements I believe I had as good a right as the said Don Bernal, and for my benefit, I made a trench for water, which has been a great advantage to me, as in the rest of the tract for which I have petitioned, there are no irrigated grounds. Don Bernal says that I have threatened him when he has met me, and in this he speaks falsely, nor have been such a thing passed between me and the old man, I will not deny that I have conspired with a son in law of his, Sr. Don Antonio Bernal but that dispute had another origin entirely distinct, and until now I have treated him with forbearance - Your Honor will please take into consideration what I have said in this explanation and notice the injuries. I shall suffer if disappointed in my petition, losing a small piece of ground which I have improved at a great expense for my support. Therefore I beg your Honor that you will please notice this ~~Explanation~~ Explanation and decide as Justice may point out. Swearing that I am not accused by Malice and as otherwise prescribed - Monterey June 12 1834

(Signed) Juan Alvarez

Monterey June 14. 1834

Let it be presented to the M^o Diputación and added to the instrument in course of completion by Joaquin Bernal in his petition for the Rancho of Santa Juvesa ^{de} Agueros

Monterey June 17 1834

In Session this day it was voted that it be passed to the Commissioners of Colonization and unclaimed Lands ^{de} Agueros

Quasaction of Jose Guadalupe yea 1834

Instrument concerning the Rancho called Santa Juvesa In Joaquin Bernal petitions for legal copying

Don Superior Civil Chief

The citizen Joaquin Bernal member of the company of San Francisco in full form, presents himself before your Honor and says that five years ago the Ayuntamiento of the Pueblo of San Jose granted me a farm within the jurisdiction called and known by the name of Santa Juvesa the geographic description of which I have herewith. In

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Seal 3^o 2^o R

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Seal 4th / Seal

consequence of such permission I took possession of said
 farm securing myself therein with the goods and
 securities below related, enjoying peaceful posses-
 ion until the present time, in attention to the well being
 of my numerous family. I have repeatedly applied
 to the predecessors of you in order for a league grant
 of the land without any definite determination
 having been made. I hasten to entreat of the well
 known uprightnes of your honor that you will
 be pleased to grant me the lawful ownership of the
 Rancho of Santa Teresa in reward for his services
 to the nation, the amount of his property and his
 numerous family, which lives there, and that there
 may be stronger motives for them to make the im-
 provements and cherish other branches of industry
 I find myself at the advanced age of twenty four
 years, with a posterity of seventy eight souls, who
 reside on the said farm, who have been built
 four adobe houses and planted a banyan of
 one thousand stocks, and a garden containing more
 than two hundred fruit trees. My field property
 is, as follows; Two thousand one hundred and twenty
 head of sheep three mares fifty lame horses twenty
 two yokes of Oxen and five mules all of which
 occupy the often mentioned farm of Santa Teresa
 and I place these particulars under your knowledge
 that you may be pleased to send up my petition
 to the M. E. Department and that they may think
 fit to grant me the ownership of which I petition
 in case of being approved for it. Therefore I again
 entreat that you will see fit to approve as I have
 petitioned. Which is the favor I ask of
 D. Pedro de San Jose May 10. 1834

Yo quien Remas X

(In the margin) Monterey May 14th 1834
 In conformity to the Law in such cases the Coun-
 cil of the Pueblo of San Jose will inform me
 if the party interested in the present case has the
 proper requisites that his petition be attended
 to, if the trace which he asks for is
 unobscured in the 20 fronton leagues or the three
 (litoral) leagues which the Law of the 18th of
 the May Expresses, if it is watered by irrigation
 by canal or by watering holes, if it belongs to the
 property of any individual or corporate mission

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Tueblo with any other information which may be thought to bear upon or illustrate the matter concerning to the present party the plan of the land petitioned for. Don Don Jose Teodoro Regador General Commandant General Inspector and Superintend Chief of the Territory of Upper California so ordered decreed and signed Montrey,
 Jose Teodoro Regador Augustin Flamorano Secy
 Pueblo de San Jose May 19. 1834

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The citizen Joaquin Bernal the party interested in this case and all the inhabitants of the Rancho of Santa Jesus, have all the requisites prescribed by the Law. The farm is not included in the limits named in the Act of August 18. 1824 but belongs to the jurisdiction of this Pueblo and is distant from its western boundary two leagues: it is one league broad in its widest part and one league and a half quarter long, that is to say it is from the Hill of Las Sagradas to the pass of the Laguna. The petitioner owns more than two thousand head of cattle and a considerable number of sheep and horses, and has built good houses and others are in course of construction and finally he has the most of his land planted a vineyard and orchards with the small help of a little Spring near the house, all the rest of the estate being watered only by the weathers & and that it shall appear as it should I affix my hand with the Just Regidor of this Council in the count of a Secretary
 Pedro Chaboya

Montrey May 24. 1834

Let that be given to the Alcalde of this Capital a writ that the party Joaquin Bernal shall produce testimony of three fit witnesses who shall be examined on the following points: First if the petitioner is a Mexican, by birth, whether he is married and has children ~~(name)~~ whether he is of good character. Second. Whether the lands he claims are the property of any individual Mexican Pueblo or Caporalato, if it is watered by irrigation, by rain, or from alluvial places for cattle. Third. Whether he has stock with which to occupy it or possibility of obtaining such and such investigation having been made let the instrument be returned for his disposition Don Don

Jose Figueroa General of the Guardia Inspecta General
Commandant and Inspector Superior Level Chief
of the Territory of Upper California so Commanded
Decree and Signed Uteines Jose Figueroa

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Senor Alcalde Constitucional

The citizen Augustin Bernal in the name of his father
Dionisio Bernal presents himself before you with
due respect and says, that not having been able
until now to obtain legal possession of the Rancho of
Santa Teresa which perhaps has happened from
the omission of the necessary form of an exact descrip-
tion of the expressed tract. I apply to you that
you may please to give a geographical descrip-
tion of the situation of the aforesaid land, for which
I beg that you will to look in this my petition
as may be for its better furtherance, good on stamp
and paper as there is none of any kind in this place
Pueblo of S. Jose May 13. 1834

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Augustin Bernal X

(In the margin) Pueblo of S. Jose May 13-1834

The farm called Santa Teresa belonging to the
jurisdiction of this Pueblo and occupied by the
interested party has for boundaries the South to
the North, the top of the Laguna and the Hill of
of the San Siguemas and is six thousand varas
wide. Its length is from the Western Hills where the
baras coast on to the first hills to the East and
that which the interested party occupies, comprises
one league by grant of this Ayuntamiento without
prejudice to this Pueblo. Pedro Arboyo

Monterey May 16. 1834

In obedience to the above decree of the Senor Superior
Level Chief dated the 24th of the current month let
them take the testimony of three Uteines who
shall be Examined concerning the points contained
therein, so I the Alcalde Constitucional decree
Order and Signed with the assisting Uteines
with whom I proceed in the established form
Uteines Manuel Jimeno Casarin

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Seal 3a & As

Uteines

Jose Manuel Castaneda

Uteines

Jose B. Estreder

On the same date the writ was communicated to Joaquin Bernal after having understood it he said he heard it, and did not sign not knowing how I did and my assisting Witnesses - Casan Utit. Jose Maria Castanias Utit. Jose R Estrada

On the same day Don. Jose Jose Joaquin Estrada took oath in all form of Law by which he offered to speak the truth to the best of his knowledge and that he should be asked concerning his name circumstances age Country and Religion and having been so, he answered, he is called as above, is married, is thirty four years Old a Native of this Part of Monterey and of the Cath. Apost. Roman Church; being Examined on the three points which said decree mentions, said, that he knows the Citizen Joaquin Bernal, that he is a Mexican by birth is married and has Children and is of very good Character; and that he also knows the Claim to which said Bernal lays claim, that it does not form part of the property of any individual Mission Pueblo or Corporation, that said Lands are not watered by irrigation, by rains and Utitating holes and that their extent is about two Two Leagues and that said Bernal has sufficient with which to occupy his Out door property being enough for the tract petitioned for, and that the above is the truth in virtue of the Oath taken in which he was ratified, his above declaration having been read to him and he offered his hand with me and two Assistants

Witnesses
 Jose Maria Castanias Jose R Estrada
 Utit Utit

On the same date the neighbor Vicente Cantua took oath in full form of Law by which he offered to speak the truth to the best of his knowledge and that he should be asked concerning his name circumstances, age Country and Religion, and having so, he said, he is called as above that he is married is thirty three years Old a Native of this Part of Monterey and C. A. R. Being Examined on the three points prescribed by above decree of the said level he declared the twenty fourth of the current month he said that he knows the Citizen Joaquin Bernal, that he is a Mexican by birth, is married and has children and is of good Character; that he also knows

The Land to which said Bernal lays claim, that it does not form part of the property of any individual Mexican Pueblo or Corporation, is not watered by irrigation but by the rains and from watering places for cattle, and that its extent is little more than two leagues, that the aforesaid Bernal has sufficient outdoor property with which to occupy it; that the above is the truth in virtue of the oath in which he was confirmed and ratified, this his declaration having been read and he did not sign as he said he did not know how; I did so with my assistants

Jose Joaquin Estrada

Ulit. Jose Maria Castanares Ulit. Jose A. Estrada
On the same day the neighbor Mariano Duarte took oath in full form of Law, by which he promises to speak the truth to the best of his knowledge, that he should be asked concerning his name, surnames, lineage, age, country and religion and having been so, he said; that he is called as above is married is fifty seven years old a native of this part of Monterey and of the Catholic Apostolic Roman Church. Being examined on the three points prescribed in the decree of the Lord Chief dated the twenty fourth of the current month he said; that he knows the citizen Joaquin Bernal, that he is Mexican by birth is married, has children and is of good character, that he also knows the land to which said Bernal lays claim and that it does not form part of the property of any individual Mexican Pueblo or Corporation is not watered by irrigation but by the rains and from watering holes for cattle and its extent is about two leagues that said Bernal has sufficient outdoor property with which to stock it; that the above is the truth in virtue of his oath in which he was confirmed and ratified, this his declaration having been read and he signed it with me and the assistants
Ulit. Casan

Ulit. Jose Maria Castanares Ulit. Jose A. Estrada
Monterey May 27. 1834

These dispatches having been finished, return the instrument to the Superior level Chief for his disposition so I the Alcalde Constitucional decreed ordered and signed with my assistants Casan
Ulit. Jose Ma. Castanares Ulit. Jose A. Estrada

Monterey June 10 1834

Having examined the petition which stands at the head of this instrument, the care of the Municipal authority of the Pueblo of San Jose de Guadalupe, the declaration of the witnesses with all the rest which were presented and the necessary in conformity with the requirements of the Law and regulations in the matter; there is declared to Don Joaquin Bonal a plan of the Loma known by the name of Santa Teresa next to the Rancho de Laguna the hill of San Juan, and the lateral chains of hills, without prejudice to the public benefit as requires pasturage wood water timber &c. of the inhabitants of the Pueblo of Jose and subject to pay such sum as may be imposed if it should be ascertained to belong to the inhabitants of said Pueblo when its boundaries are regulated. Let this instrument be presented to the M. E. Deputation for the required approval. Ina Dn Jose Figueroa General of Paeque, Inspector General California So Comandante Recien and signed. Monterey Jose Figueroa Augustin V. Samorano Secretary

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Monterey June 12. 1834

An order this day the M. E. Deputation voice that this instrument be passed over to the Commission of unclaimed Lands
Figueroa

P 35

Señor Comandante General and Superior Civil Chief Joaquin Bonal Invalida Soldier of the company of San Francisco living in the Rancho of Santa Teresa in his own name and that of his children respectfully presents to your Honor, that on the 4th and 12th of the present month he presented himself to your Honor's presence Highness, showing the injury he suffered in Juan Alavez having intruded on his land on his own authority, and now he knowing which has been granted him by your Honor or the M. E. Deputation, he cannot do less than represent to you that it is the only remaining piece that there is on his land and that there are more than enough lands for corn and fields, for cattle and sheep on his own property, so that he has petitioned you, out of pure greediness to despair me of what is legitimately mine and is indispensable for me to represent to you the great number of my children children in Law and grand children, such that in a short time, that it will not be a Rancho but a Pueblo; and so as your Honor knows the injury done

me, if this watering place is taken from me, may it, may please you to take into consideration the quantity of cattle with which I since myself as well as the number of people which inhabit my Rancho. Therefore I entreat and beg your Honor, that this my petition may be graciously taken into consideration. And that I may receive your Mercy
Monterey June 28. 1834

St Joaquin Bernal X

In the Margin

In Sepin this day it was ordered to pass this petition to the same Commission as the preceding
Tegunow

Sena Comm^d General and Sup^t Chief Joaquin Bernal native of the State of Anahuac and a settler in this Territory of fifty five years standing present myself with due respect begue your Honor and say that being in possession of the Rancho called Santa Ines since the year 1829 as the plan in the hands of your Honor shows and since Rancho being adjacent to that of Sr^{te} Alvarez, said Alvarez although having been remonstrated with by me at various times that he should not take for himself land of that belonging to me, he is always insisting on carrying forward his own idea, with several threats, sufficient to disturb the quiet of my family, and some distance as I can prove before your Honor. Therefore and knowing your Honor's obligation to preserve the peace among the inhabitants of this Territory, by means of your well known prudence, may seem fit that the Sr^{te} Alvarez may cease to disturb my family property, confining to what alone belongs to him. Otherwise Sr^{te} and Sup^t Chief will expose ourselves to trouble your attention, prejudicial to both, by his unjust threats.

Therefore I again beg your Honor that in my submission of what I represent, you may graciously decree as your wise prudence may see fit in accordance with justice which I trust I hope from your well known goodness, all which I desire is not from malice, and otherwise as necessary

Joaquin Bernal

Most Excellent Sina

The Commissioners of Colonization and Vacant Lands who are acquainted with the Courts of this matter, and as your Excellency has entrusted to them on proceeding to the Examination of the the case between Citizen Juan Alvarez and Don Juan Bernal, as appears in the dispatch and copy of both parties in question has considered attentively the points of Law of each party and having seen the preliminaries of both, Consider that on the part of Juan Alvarez, although his plan does not include the parcel of pouno under cultivation and fertilized by a bench of water at his Expense which he occupies, yet for having done this, he already obtains a Right to it and moreover for having now petitioned in form as appears in his Memorial of the 21st of May last, and thus grant the Commission is inclined to accede to for the reason above expressed; having in mind the grants made by the Sina Sup^{re} Chief of the Estates of Spanish America to Juan Alvarez according to his plan and of Santa Teresa to Don Bernal as it is the Effect, which is left to be understood cannot hold in all its parts for what has been said. The Commissioners have thought best to smooth over all obstacles and present the question advanced to the deliberation of your Excy as on Effect they do in the following propositions

1^a The grant is approved, made by the Sina Sup^{re} Chief in favor of Citizen Juan Alvarez of the lands of Laguna Seca, together with the parcel of pouno which he has under cultivation and waters to this date by the bench of water which he undertook at his Expense

2^a Is approved also the grant made (pouo land) of the Lunas of Santa Teresa (pouo land) with holding from him only the parcel of improved lands agreed finally to the said Don Alvarez according to the approbation of the preceding Article

Montre 21 of June 1834 - Jose A Estrada
 Carlos Anto Baruello Jose Castro

Most Excellent Sir

The Commissioners of Colonization and Vacant Lands to whom was referred the dispatch of Citizens of Augustin Bernal and Juan Alvarez, for the purpose of amending the decision which is presented at the Sina of the 13th of the Current Month, well informed

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of what has been done up to the time and that it has decided concerning the particular case as appears at the Report of the 21st of last month, and no doubt but that it ought to approve that as being in every thing in accordance with the Menor of the Commission without doing it from the agreement which the interested parties finally presented to the Sena level Chief and which also passed to the Commission. There for it presents to the M. E. Deputation for their deliberation the following proposition—

That there be taken into consideration the decision presented on the 21st of June past regarding to the petition of Juan Bernál and Juan Albeniz
 Monterey July 3rd 1834 Carlos Ant^o Canillo
 Jose J Ortega Jose A Estevaldo Jose Castro

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Report having been rendered to the M. E. Deputation in Spain this day, with the decisions presented the 21st of June and 3rd of July, it approves the two propositions with which the first concluded whose tenor is as follows

1st The grant is approved, made by the Sena level Chief in favor of the late Juan Albeniz of the lands of the Laguna Seca together with the parcel of ground which he has cultivated and improved up to this day, by the trench which he undertook at his own expense—

2^a also is approved the grant made by the same Sena level Chief of the lands of Santa Teresa in favor of Citizen Joaquin Bernál withholding from him only the parcel of ground previously assigned to the deceased citizen Juan Albeniz according to the agreement of the preceding Article. And therefore let the despatch be returned to the S level Chief for his disposal

Jose Figueroa President
 Monterey July 3rd 1834. Jose Maria Maldonado Secretary

P42

Monterey July Having seen the vote of the M. E. Deputacion declare the 1st Instance in confirmation of the Rancho of Santa Teresa and Laguna Seca claimed by the Citizen Joaquin Bernál and Citizen Juan Albeniz let their respective titles be drawn up and recorded in the proper books

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and entrusted to the interested parties for their security and other purposes. Given in Mexico General of the Republic Inspector General Commandant and Superior Civil Chief of the Territory of California to Commanded decreed and signed -

Witness

Jose Figueroa

Augustin y Samorano Secy

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Jose Figueroa Mexican Republic Inspector General Commandant and Civil Chief Superior of the Territory of Alta California In as much as the Citizen Joaquin Bernab More can by both has claimed for his personal benefit and that of his family the Estate known by the name of Santa Ines, bounded by the Rancho of Siquena Seco and Navarez, back of the Coyote and hills of Las Lagunas and San Juan, the documents and enfeoffments required by law having been previously completed, using the authority in me vested and in compliance with the vote of the M Co Territorial Deputation dated the 8th of the current month, approving the part of said Estate, decreed with the exception of the parcel of ground which the Citizen Juan Alvarez has under cultivation from the 10th of June last, to the said Citizen Joaquin Alvarez, in the name of the Mexican Nation I confer upon him the said Estate, disclaiming his property by these presents, with out prejudice to the public benefit as regards pasturing, wood, water timber &c. of the inhabitants of the Pueblo of San Jose Guadalupe and obliged to pay such sum as may be a fine, in case it should turn out to belong to the inhabitants of said Pueblo when its boundaries are regulated and to the following conditions

- 1st He shall submit to those which the law to be established for the distribution of unclaimed lands shall enact and in the mean time, neither the grantee nor his heirs shall have power to divide nor alienate the grant nor impose rent or other burden mortgages or other incumbrances upon in case of distress, nor pass it into Mortmain
- 2nd He shall have a right to enclose it, provided he does no injury to the prepay used areas and lanes, he shall enjoy it freely and exclusively devoting it to such use and cultivation as he may

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See fit, but within one year at the furthest he shall erect a house and it shall be inhabited -

3rd Immediately thereupon he shall solicit the proper Juries to give him legitimate possession in virtue of this Dispatch, by whom the boundaries shall be ascertained at the limits of which besides lines marks he shall place useful fruit or forest trees

4th The Estate granted is a cattle farm more or less as is explained in the plan attached to this instrument. The Jury who shall give possession shall cause it to be measured according to Ordinance, the residue remaining to the Nation for its proper uses.

5th If he shall violate these Conditions he shall lose his right to the same estate and be incapable of receiving others -

Therefore I Order that this title being firm and valid shall be recorded in the proper Books and then be delivered to the interested party for his security and other purposes

Given in Monterey on the 11th of July 1834

Jose Figueroa

Augustin V Zamorano Secy

Jose Figueroa General of Brigades of the Mexican Republic Inspector General Commandant and Superior Council Chief of the Territory of Alta California

In as much as Juan Alvarez Mexican by birth has legal claim for his personal benefit and that of his family to the Estate known by the name of Sequencia Seca bounded by the Ranchos of Santos Jesus and San Francisco de las Lagas and various chains of hills, the proper documents and one few terms required by law, having been previously completed; Acting in virtue of the Authority in me vested and in conformity with the vote of the M E Territorial Deputation on the 8th of the current month approving the grant of the same Estate of Sequencia Seca, and also what he has under cedula written in the Series of San Juan Targua on the 12th of June last to the effect I do Juan Alvarez in the name of the Mexican Nation I confer upon him said Estate declaring it his property by these presents, subject to pay such sum as may be imposed should the force of power

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that he has under Cultivation in Santa Teresa town
and to belong to the inhabitants of the Pueblo of
San Jose de Cadalepe when its boundaries are
settled, and to the following Conditions

1st That he shall submit to those which the Law
to be formed for the distribution of unclaimed lands
shall establish, and that in the mean time neither
the grantee nor his heirs shall have power to
alienate nor alienate the grant nor attach rent
entail bond mortgage or other encumbrance nor
in case of distress nor pass it into Mortmain

2nd He shall have a right to enclose provided he
does no injury to the peopled houses and lanes, he
shall enjoy it freely and exclusively devoting it
to such use and Cultivation as he may see fit
but within one year at furthest he shall erect
a house, which shall be inhabited

3rd Immediately thereupon he shall solicit the
Judge to give him legal possession in virtue of
this Dispatch by whom the boundaries shall
be ascertained, at the limits of which he shall
place, besides some marks visible fruit and
fruit trees.

4th The Estate mentioned is a square cattle
farm more or less as explained in the plan attu-
ched to this Instrument; The Judge who may
give the possession shall cause it to be measured
according to Ordinances in Order to mark out
its boundaries, the residue remaining to the
Nation for its appropriate use.

5th If he shall violate these Conditions he shall
lose his right to the Estate and be prohibited from
any other

Therefore I order that this title being good valid
shall be recorded in the proper book and delivered
to the interested party for his security and other
purposes

Given in Monterey this Twenty second of July
One thousand Eight hundred & thirty four
Jose Figueroa
Augustin Y Zambrano Secy

Filed in Office January 3rd 1853
Geo. Fisher Secy

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Juzgado Constitucional
del Pueblo de S. José de Guadalupe

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Expediente instruido para medir y dar posesion de un sitio de Ganado Mayor posesmas del Rancho de Santa Teresita al C. Agustin Bernal à nombre de su padre Joaquin el dia 4 de Agosto de 1835.

Fues el C. Alcalde } De asistencia Joaè
Constitucional de dho } Noriega y Joaè Zenon
Pueblo. } Fernandez.

Dells primero de diez pesos.

Habilitado provisionalmente por la administracion de la Aduana Maritima de Monterey, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Higueroa

Rafael. Gonzalez.

José Higueroa General de Brigada de la Republica Mexicana comandante general Inspector y Jefe Superior Politico del Territorio de la Alta California.

(Seal) Por cuanto el ciudadano Joaquin Bernal Mexicano por nacimiento ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Santa Teresa colindante con los Ranchos de la Laguna Seca y Navacay, Arroyo del Coyote y Lomas de las Lagunillas y San Juan: practicadas previamente las diligencias y averiguaciones consiguientes segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas y de conformidad con el acuerdo de la Excelentisima Diputacion Territorial del dia ocho del corriente aprobando la concecion del citado Terreno de Santa Teresa echo en Decreto de diez de su mes proximo pasado al referido Ciudadano Joaquin Bernal con escepcion del Terreno que tiene cultivado el ciudadano Juan Alvarez à nombre de la nacion mexicana he venido en conferirle el Terreno mencionado declarandole la propiedad de el por las presentes letras, sin perjuicio del aprovechamiento comun por lo respectivo à pastos linea aguas, maderas y de los habitantes del pueblo de San José Guadalupe y sugeto à pagar el Canon que se le imponga si resultare pertenecer à los ejidos de dicha poblacion cuando se arreglen sus limites y à las condiciones siguientes.

1.ª Que se someterà à las que estableciere el Reglamento que se ha de formar para la distribucion de Terrenos baldios y que entretanto ni el agraciado, ni sus herederos podran dis-

=vicio, ni enagorar el que se le adjudica; ni poner censos, vinculo panza hipoteca, ni otro gravamen aunque sea por causa piadosa ni para darlo à manos muertas.

2ª Podrá cercarlo sin perjudicar las travecias caminos y servidumbres; lo disputará libre y exclusivamente destinándolo al uso o cultivo que mas le acomode pero dentro de un año à lo mas fabricará casa y estará habitada.

3ª Solicitará desde luego del juez respectivo le de posesion jurídica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites pondrá à mas de las mojones algunos arboles frutales ò silvestres de alguna utilidad.

4ª El Terreno de que se hace donacion es de un sitio de ganados mayor poco mas ò menos segun explica el diceño que corre en el expediente; el Juez que diere la posesion lo hará medir conforme à Ordenanza para señalar los linderos, quedando el sobrante que resulte à la Eracion para los usos convenientes.

5ª Si contraviniere à estas condiciones perderá su derecho al Terreno y sera denunciabile por otros.

En consecuencia mando q. teniendo por firme y valedero este Título se tome razon en el libro à que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey à once de Julio de mil ochocientos treinta y cuatro.

José Guzmán

Agustín R. Zamorana. O. R. S.

Queda tomada razon en el libro de asientos de Títulos sobre adjudicaciones de terrenos à fojas treinta y seis; numero treinta y cuatro q. obra en la Secretaria de mi Car-

gº. Monterrey Julio doce de mil ochocientos treinta y cuatro.

Zamorana

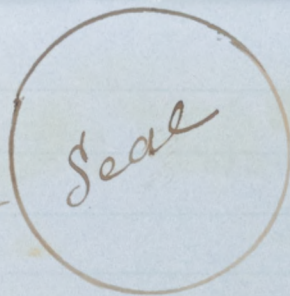
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Here follows Map



Handwritten text at the bottom edge of the page, partially obscured by the aged paper strip above it.

Sello Cercero
Para los años
veinte y seis y



Dos Reales
de mil ochocientos
ochocientos veinte y siete

Alcalde Constitucional

map 8

El Sr. Agustín Bernal à nombre de mi padre Joaquín, vecino del pueblo de S. José de Guadalupe, dueño del Rancho de Santa Teresa, como mejor proceda de derecho, ante V. parezco y digo: que como consta del Título que presento con la solemnidad y juramento necesario tengo en mi dicho Rancho un sitio de Ganado mayor debajo de los linderos que expresa dicho título: y por que necesito para que en todo tiempo conste hasta donde lleguen y si me perjudican ó perjudican à algunos de los circunvecinos à ellas; se ha de servir V. de mandar que precediendo las diligencias acostumbradas de identidad, vista de ojos y reconocimiento, se proceda con citación de los circunvecinos de dichas tierras para cuyo efecto, nombro desde ahora para cuando el caso llegue por mediador à José Hernandez vecino del expresado pueblo inteligente de estas materias y que los demás que fueren interesados nombren por la suya; y habiéndolo hecho los que así nombren con el referido Hernandez por mi nombrado, parezcan, acepten y juren y en su conformidad se proceda à dichas medidas: por todo lo cual.

A. V. Os suplico que habiendo por presentado dicho documento se sirva de mandar hacer como llebo pedido y fho: que sean se me devuelvan dichos recaudos con las diligencias Originales que se hicieren para que en guarda de mi dño: este escrito y todo lo necesario. V.

A Ruego del Interesado

Antonio Juárez.

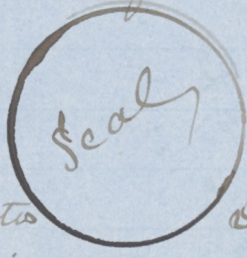
En el pueblo de S. José de Guadalupe à veinte de Julio de mil ochocientos treinta y cinco. Ante el Sr. Alcalde constitucional se leyó esta petición y vista la hubo por presentada con el

M.

documento que espresa; y mandó que con cita-
cion de los circunvecinos se haga informacion
de identidad, vista de Ojos y reconocimiento
de dichas tierras à que esta preste dicho Alcal-
de à asistir personalmente; así lo proveyó man-
dó y firmó con los de mi asistencia.

Pleco.) aso^a

Jose Noriega # Jose L. Fernandez
En el expresado pueblo à los veinte y dos dias
del citado mes y año yo el referido Alcalde
con los de mi asistencia para proceder en la
informacion de identidad, hice parecer
ante mi al B. Luis Peralta, vecino de esta
jurisdiccion de Oficio Labrador, Casado

Sello Yorcero  Dos Reales.
para los años de mil ochocientos veinte
y seis y ochocientos veinte y siete.
del cual recibí juramento que hizo por Dios
y la señal de la Cruz en forma, à cargo del
cual prometió decir Verdad; y oíéndolo pre-
guntado por el conocimiento de las tierras y
parajes y terminos y linderos pertenecientes al
expresado rancho son del B. Joaquin Ber-
nal y tienen por linderos un portezuelo, Loma
de las Lagunillas y D. Juan Bautista, las
cuales ha visto y reconocido varias veces; y
que desde que las posee el referido Bernal
las ha labrado y cultivado y pastando en
ellas sus ganados; y que para prueba y
conocimiento de lo que tiene oído, está pronto à
ir à dichas tierras con el presente Alcalde
y señalarle los parajes, terminos y linderos donde
llegan: y que esto que lleva dicho es la verdad
para el juramento que fecho tiene en que se afirma
Sello Cuarto Una Cuartilla: Habilitado pro-
visionalmente por la administracion de la
Aduana maritima de Monterrey de la Alta
California para los años de mil ochocientos
veinte y cuatro y mil ochocientos treinta y
cinco.

Higuera A. Ramirez
y ratifico, declaró ser de setenta y cinco años
y que las generales de la Ley no le tocan y

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firmo.

Antonio M^a Pico #

Ass^o

José Noriega #

Ass^o

José L. Fernandez

Inmediatamente yo el mencionado Alcalde con los de mi Asistencia hice comparecer ante mi al C. Ignacio Alviso, vecino esta jurisdicción de Oficio Labrador, Casado con D^a Luisa Peralta, del cual recibí juramento en toda forma, à cargo del cual prometió de civverdad; y siendo preguntado por el conocimiento de las tierras y parages, terminos y linderos pertenecientes al Rancho de Santa Teresa, dijo que hace mas de doce años es vecino de esta jurisdicción y que sabe que las tierras pertenecientes al expresado Rancho han sido poseidas por el C. Joaquín Bernal y tienen por linderos, Loma de las Lagunas Sierras de N. y S. y un portezuelo, las cuales ha visto y reconocido varias veces; y que desde que las posee dicho Bernal las ha labrado y pastado en ellas sus ganados; y que para prueba y conocimiento de lo que tiene Dicho es ta pronto à hin à dichas tierras con el presente Alcalde y señalarle los parages, terminos y linderos donde llegara: y que esto que lleva dicho es la verdad para el juramento: q. fecho y firmado en q. de afirmo y ratifico, declaro ser sesenta y seis años y q. las espaldas: la Ley no le toca y lo firmo, p. no saber è hizo la Cruz.

Antonio M^a Pico #

Ass^o

Ass^o

José Noriega t.

José L. Fernandez #

Dello Cuarto Una Cuartilla.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey, de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Regueroa #

#

A. Micheltoena

Incontinente hice comparecer ante mi y los de mi Asistencia al C. José Parra vecino esta jurisdicción, de Oficio Labrador. m

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casado, del cual recibí juramento en toda forma
 bajo del cual opeo decir verdad; y siendo pre-
 guntado por el conocimiento de las tierras y
 parages, terminos y linderos pertenecientes al
 rancho de Santa Teresa, dijo: que hace mas de
 seis años es vecino, esta jurisdiccion y sabe que
 las tierras pertenecientes al expresado Rancho
 han sido poseidas por el C. Joaquin Bernal
 y tienen por linderos, Loma de S. Juan Bap-
 tista, Las Lagunas, Cordillera, Lomas q.
 hay de Sta. y un portezuelo; las cuales ha
 visto y reconocido varias veces y que desde q.
 las ocupa dicho Bernal las ha labrado y
 pastado en ellas sus ganados; y que para
 prueba y conocimiento de lo que tiene dicho esta
 pronto a ir a dichas tierras con el presente
 Alcalde y señalarle los parages, terminos y
 linderos donde llegan; que esto que lleva di-
 cho es la verdad a cargo del juramento q.
 tiene hecho en que se afirmó y ratificó; declaro
 ser de cincuenta años q. las citales de la
 ley no le tocan y no firmo por no saber.

De.

Antonio M^a Rco q. José Cloriza Assis: +
 José L. Fernandez. Assist^a

Estando en el campo en el parage que llamamos
 Santa Teresa, terminos del pueblo de S. José
 de Guadalupe en veinte y seis de Julio de
 mil ochocientos treinta y cinco. Yo el Alcalde
 constitucional, (Dello Cuarto una Cuartilla
 Habilitado provisionalmente por la Admini-
 stracion de la Aduana Maritima del Mon-
 terrey de la Alta California para los años
 de mil ochocientos, treinta y cuatro y mil
 ochocientos treinta y cinco.

Se. Quiero a A. Ramirez.)
 actuando por receptoria con dos testigos de as-
 sistencia, a falta de Escribanos publicos: los
 testigos por mi examinados presente el dicho
 D. Augustin Bernal a nombre de su padre
 C. Joaquin, dueño de dichas tierras y C. E.
 Juan Alvarez, Augustin Navarro, Leandro
 Galindo y José Berreyesa, sus circunbe-
 -nos, procedi a ver y reconocer las tierras de
 dicho Rancho, y para su mayor claridad

partes y testigos a fin de los, mande a los suscritos
 me a fin de los parages terminos y linderos

puesto à Caballo en compania de todas las partes y testigos referidos, mandè à los susodichos me señalasen los parages terminos y linderos de ellas segun las señales que han declarado en mis deposiciones y en su conformidad quise ir à la parte del E. hasta un porte ou llo donde me demostaron una Laguna entum bada y desde allí se prosiguió el reconocimiento y vista de Ojos de dichas tierras hacia el N. caminando por los linderos de la Laguna seca hasta llegar à otro parage que es el desague y ser termino y linderos de las espresadas tierras de Santa Teresa; y desde el espresado parage se continuo la referida vista de Ojos caminando hacia el E. hasta el pie de una Loma llamada de las lagunas y ser asi mismo linderos de dichas tierras; desde donde se continuo caminando hacia el E. hasta llegar à un tular seco y de aqui se atraveso por la misma linea por un Roblar hasta subir à la Sierra, que dichos testigos dijeron ser el ultimo linderos de dichas tierras pertenecientes al Rancho del referido E. Joaquin Bernal; cuyos parages yo el Alcalde constitucional vi y reconocí con Dello en un to una Cuartilla. Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Sergueroa A. Ramirez
los de mi asistencia, testigos, espresados y papeles presentados; y cotejado dicho reconocimiento con ellos hallo ser cierta la identificacion de las mencionadas tierras segun y como lo declaran dichos testigos; y para que con esto lo ponga por diligencia y lo firme con los de mi asistencia y los demas que supieron, doy fe.

M.

Guis Peralta + Alcalde de la C. + Ag. Bernal
Pico. # José Berreyesa. #
Ass. #
José L. Hernandez # José Noriega.

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Inmediatamente Yo el Alcalde consti-
tucional, digo: que para proceder à las medi-
=das contenidas en estos autos, mando se noti-
fique à dicho C. Agustín Bernal para que
nombre ò Notifique el nombramiento de me-
didor; como así mismo que de acuerdo todos
los colindantes nombren por su parte otro, respec-
ti à la escasez de hombres para que cada uno
nombré el suyo y que ambos sean inteligentes
en materia de medidas y los que así nombra-
ren parezcan acepten y juren y hecho, estar
presto à señalar día para dichas medidas
así lo proveyo mandò, y firmò con los de mi
asistencia.

M

Aos. Pico
José Toriega # José L. Hernandez
En el mismo día, mes y año yo el Alcalde
constitucional ley y notifiqué el Auto de su
uso, según y como en el se contiene al C. Au-
gustín Bernal y à los colindantes en sus
personas que conosco y habiendolo oido y
entendido dijeron: lo Oyeron y que el primero
dello segundo Doce Reales. (Habilitado pro-
visionalmente por la Administración de
la Aduana marítima del puerto de Monterey
de la Alta California, para los años de mil
ocho cientos treinta y cuatro y mil ocho cien-
to treinta y cinco.

Tiguerod A. Ramirez
ratifica su nombramiento en el C. José
Hernandez y los segundos nombraron al C.
Tomás Pacheco, ambos inteligentes y de toda
legalidad y confianza, à quienes se les noti-
fique, parezcan, acepten y juren y hecho se proce-
da à dichas medidas como está mandado
esto dijeron por respuesta y lo firmaron los
que supieron doy fe.

M.

Pico. Senal Cruz del
Aos. C. Aug: Bernal
José Toriega # José L. Hernandez
En el Pueblo de S. José de Guadalupe à los
veinte y siete días del referido mes y año yo
el Alcalde constitucional actuando por recep-
toria con dos testigos de asistencia por falta

de Escribano publico, ley y notifique el auto de su uso y nombramiento de medidores a los C. C. José Hernandez y Tomas Pacheco vecinos de dicho Pueblo, en las personas que conosco y habiendolo oido y entendido, dijeron: que aceptan dicho cargo de tales medidores y juran a Dios nuestro Señor y la señal de la Santa Cruz en forma de derecho de que usaran bien y fielmente dicho cargo a todo su leal saber y entender y que haran dichas medidas fiel y legalmente como es de sus obligaciones sin fraude ni engaños contra ninguna de las partes: Esto respondieron y firmo Tomas Pacheco: no verificandolo Hernandez por no saber.

Antonio M. Ríos # Tomas Pacheco

Ass^o José Noriega # Ass^o José L. Hernandez.

En seguida, habiendo visto la aceptación y juramento hechos por los C. C. José Hernandez y Tomas Pacheco, medidores nombrados para dichas medidas, digo: que para proceder a ellas asignava y asigné el Martes cuatro del proximo mes de Agosto a las seis de la mañana; lo cual se haga saber a la parte medidores, y sea con citación de los circunvecinos; así lo proveyo, mandó y firmo con los

M. de mi asistencia.
Ríos # Tomas Pacheco.

Ass^o José Noriega # Ass^o José L. Hernandez

Inmediatamente se hizo saber el Auto que antecede a la parte interesada. C. C. Augustin Bernal, a los medidores C. C. José Hernandez y Tomas Pacheco y entendidos: respondieron lo Oyen y que se dan por citados: esto respondieron y firmaron menos el C. José por no saber verificandolo el Alcalde con los de mi asistencia.

Ríos # señal + Cruz
Tomas Pacheco # de Aug: Bernal

Ass^o José Noriega # Ass^o José L. Hernandez

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R

En el mismo día, mes y año se libraron volutas de comparendo à los colindantes D. C. Juan Alvarez Agustin y Arce y Leonardo Galindo y José Berreyesa para que comparecan el proximo dia cuato en el mencionado rancho de Sta. Teresa à las seis de la mañana: y para con esta fin se conformo con los de mi asistencia:

Pico. José Noriega. Asa.

José L. Hernandez

Dello Cuarto una Cuartilla.

Habilitado provisionalmente por la administracion de la Aduana Maritima de Monterey de la Alta California, para los años de mil ochocientos treinta y cuato y ochocientos treinta y cinco.

Galgueroa

A. Ramirez.)

En el Rancho de Santa Teresa à cuato de agosto de mil ochocientos treinta y cinco. presente el D. C. Agustin Bernal y circunvecinos à dichas tierras, hice comparecer ante mi y los de mi asistencia à los D. C. José Hernandez, y Tomas Pache como medidores nombrados à los cuales mandè encerrar un Cordel de hilo y midan cincuenta varas con una vara de medir de cuato palmos Castellanas, y con efecto, los susodichos en mi presencia midieron un Cordel torcido y encerrado y brentado con una Cora Mexicana sellada en toda forma hasta el numero de cincuenta varas; la cual medida se hizo pel y legalmente à vista e inteligencia y paciencia del interesado y circunvecinos en cuya atencion mando se ponga por diligencia y se proceda à dichas medidas como esta mandado; y para que conste lo certifico y formo con los de mi asistencia.

Asa.

Pico.

Asa.

José Noriega

José L. Hernandez

Estando en el Campo y tierras pertenecientes al Rancho de Santa Teresa del D. C. Joaquin Bernal, hoy Martes cuato de agosto de mil ochocientos treinta y cinco. Yo el Alcalde constitucional del Pueblo de S. José de Guadalupe actuando por receptoria con dos testigos

de Asistencia à falta de Escribano Público presente el C. Agustín Bernal en Nombre de su padre C. Joaquín y circunvecinos, mandé que el C. José Hernandez y Tomas Pacheco medidores nombrados por la parte y colindante procediesen à la medida de un sitio de ganado mayor poco mas ó menos. Sello Cuarto una cuartilla. Habilitado provisionalmente por la administracion de la Aduana marítima de Monterey de la Alta California para los años de mil ochocientos treinta y cuatro mil ochocientos treinta y cinco.

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Figueroa O. Ramirez
que toca y pertenece al Rancho de Santa Teresa, según el Título y Diseño presentados en cuyo Obediimiento habiendo vuelto à medir y reconocer el Cordel dieron principio à dicha medida desde el Solar que mora à la parte del N. desde donde se fué caminando hacia el E. y llegó con setenta cordeles de à cincuenta varas hasta un porte suelo donde colocó el interesado un monton de piedras en señal de que allí ponchía una Mohonera y desde allí se siguió dicha medida en línea recta hacia el N. hasta llegar al desague donde practicó la misma operacion señalando algunos arboles silvestres que se hallaron en el tránsito y se midieron ocho cordeles, y de allí se siguió al O. hasta atravesar una Loma que llaman de Las Lagrimas en que hubo noventa y siete cordeles; de este parage atravesando por el camino de Monterey à un Solar se volvió hasta llegar à la cima de la Sierra direccion al O. vertientes al N. y se midieron ciento diez cordeles de à cincuenta varas, y de dicho punto se volvió al N. comiendo para el E. vertientes al N. se llegó al parage del solar referido de donde se salió y se midieron ciento veinte cordeles, de manera que el sitio de ganado mayor de que consta el Rancho de Santa Teresa forma un cuadro de veinte mil doscientas varas Castellanas y regulado por dichos medidores declararon estar el repetido C.

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Agustin Bernal a nombre de su padre B. Joaquin Bernal enterado de las tierras que le corresponden a su Rancho segun el titulo y diseño que obra a la Cabeza de este expediente si que se perjudicase a tercero, por lo cual arram en dicho Bernal varias Ramas y yervas arrojandolas hacia los cuatro vientos en señal de ou legal Cello cuarto una Cuartilla: Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey de la Alta California para los años de mil ochocientos treinta y cuatro y ochocientos treinta y cinco. (E. Guerra A. Ramirez)

y juridica posesion; en tal estado, mandò el C. Alcalde al suso dicho Bernal que para permanencia y claridad de los linderos que van espresados hiciere a su Costa y mencion unas mohoneras de Piedra y Cal en Alto de mas de Vara, para que en todo tiempo conste se observen y guarden por terminos y linderos de sus tierras: por los demas en cumbecinos de ellas: y de haberse ejecutado dichas medidas quietamente y pacificamente sin contradiccion de persona alguna lo pidiò por testimonio y el Alcalde Constitucional del pueblo de S. José de Guadalupe actuando por Receptoría con dos testigos de Asistencia a falta de Escribano publico, lo doy de haber pasado como dicho es y que las espresadas medidas han sido hechas a todo el leal saber y entender de los medidores segun depusieron, andolo pende ni engaño en contra de ninguna persona y para mas seguridad ratificaron el juramento que tienen hecho y lo firmaron con el Referido Alcalde los de asistencia y las demas personas que supieron y se hallaron presentes.

E. Antonio M^a Pico # Luis Peralta + 44
 Tomas Pacheco # José Berreyesa.
 Senal^a + interesado Ass^o
 C. Ag^o Bernal } José L. Hernandez
 José Toriega Ass^o

Cello Cuarto una Cuartilla: Habilitado provisionalmente por la Administracion de la

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Aduana Maritima de Monterey de la Alta
California para los años de mil ochocientos
treinta y cuatro y ochocientos treinta cinco.
Figuerola W. Ramirez

Filed in Office Janry 18th 1853.

Jco. Fisher Secy.

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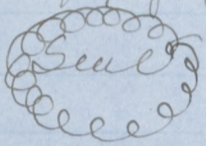
Constitutional Court of the Pueblo of San Jose de Guadalupe

Dispatch issued for measuring and giving possession of a certain farm (sitio de ganado mayor) being a little more less than the Rancho de Santa Teresa, to Don Joaquin Bernal, the fourth day of August Eighteen hundred and thirty three

Judge the Don Alcalde Don Apolinario Alonzo
Constitutional of said Pueblo } Jose Narvaez and
Jose yon Juan Narvaez

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Translation of Act of possession



Jose Figueroa General of Mexico of the Mexican Republic, Inspector General Commendant and Civil Chief Superior of the Territory of Alta California in as much as the citizen Joaquin Bernal Mexican by birth has been claim to the tract of land known by the name of Santa Teresa contiguous to the Rancho of Laguna Seca and Navidez the brook of Coyote and the hills of San supremus, and San Juan the proper papers and investigations being previously made as provided by Law and regulations, by order of the Authority in me vested and in conformity with the instructions of the most Excellent Supreme Deputation on the eighth day of the most present month, approving the grant of said tract of Santa Teresa, decreed from the tenth of June last past to the said citizen Joaquin Bernal with the exception of the parcel of ground which the citizen Juan Alvarez has under cultivation, I have granted to him the reference tract in the name of the Mexican people declaring his property by these presents, saving and excepting all just dues to the advantage to the Pueblo in respect of the sustenance wood timber &c of the inhabitants of the Pueblo of San Jose de Guadalupe and subject to pay such dues as may be imposed should it be proved to pertain to the property of said inhabitant when its boundaries are determined; and to the following conditions

1st He shall submit to the conditions which the Act to be formed for the distribution of unoccupied lands shall impose and in the meantime neither the grantee nor his heirs shall have power to divide or alienate the property granted nor to attach rent, entail, lease, mortgage or other incumbrances although it should be in case of

As they nor transfer it into Matrimon

2^a He shall have power to enclose it provided he do
no injury to the houses lanes and rights of way, he
shall enjoy it freely and exclusively, devoting it to
such use and cultivation as he may see fit, pro-
vided that within one year at the furthest he shall
build a house thereon which shall be inhabited

3^a He shall immediately select the proper Judge to
grant him legal possession by virtue of this Dispatch
by whom the boundaries shall be determined at
which limits he shall place besides land marks
useful fruit and forest trees

4^a The tract hereby granted is a cattle farm (Hato
de ganados Mayor) being a little more or less than
represented by the plan accompanying this instru-
ment: The Judge who may give possession will cause
it to be measured in conformity with the Ordinance
of measuring boundaries of Estates; the residue
remaining to the State for advantageous uses

5^a If he shall fail in the fulfillment of these
conditions he shall lose his right to the Estate and
be liable to denouncement from others

I therefore Order that this title being good and
valid be recorded in the proper Book and be
given to the party interested for his security and
other purposes - Given at Monterey this Eleventh
day of July One thousand Eight hundred and
Thirty four (Signed) Jose Figueroa

Agustin Y. Samorano Secy

Recorded in the Book of Titles for the adju-
dication of Real, Series 36 Number 34, in use
in the Clerks Office under my Charge

Monterey the Twelfth of July One thousand and
Thirty four (Signed) Samorano

Don Alcalde Constitucional

I Agustin Gornal in the name of my father Jo-
seph of the Pueblo of San Jose de Guadalupe
Owner of the Rancho of Santa Jesus to proceed
according to Law, appear before you and say, that
as appears from the title, which I present with
the necessary formalities and Oath I have on my
said Rancho a cattle farm within the limits there
been in said title, and in as much as I require
that these positions should be known for all time

to come, if there should be injuries committed betwee
 en myself and my neighbors, may it please you
 after the customary documents of identity examina
 tion and ~~xxx~~ acquaintance are presented, to proceed
 with a summons to those living adjacent to my
 said Estate; to which object I now appoint for
 such time as the case may come off Jose Herman
 dez for measur, resident in the Poblacion Pueblo
 and acquainted with these matters; and that the
 other parties who may be herein interested shall
 appoint One of their part and having done so
 that those so appointed by them, and the said
 Hernandez, so appointed by me, shall appear
 accept and take Oath and in conformity therewith
 proceed to said measurements, for all which
 I beg your favor there having received this you
 may be pleased to grant my petition and thereupon
 restore me ~~xxxx~~ said titles with the original docum
 ents which may have been executed for the protection
 of my rights - On behalf of the interested party

(Signed) Antonio Sanol

July 12, 1855

In the Pueblo of San Jose de Guadalupe the twelfth
 day of July Eighteen hundred and thirty five before the
 Sr. Alcalde Constitucional the foregoing petition was
 read and presented with the document therein men
 tioned, and he ordered to issue a summons to the
 adjacent residents and to make investigation of
 identity examination and recognition concerning the
 aforesaid lands; on which the said Alcalde is
 ready to assist personally - So he decreed ordered
 and signed with his Alitres (Signed) Pico
 (Signed) Jose Vazquez (Signed) Jose y Fernandez

In the Pueblo on the twenty second day of the aforesaid
 said month and year I the aforesaid Alcalde
 with my assisting Alitres proceeding in the neces
 sary of identity, summoned before me Sr. Juan
 Prater of this jurisdiction Farmer by Occupation
 married, to whom I formally administered oath
 in the name of God and the sign of the Cross in
 virtue whereof he promised to speak the truth;
 and being interrogated as to his knowledge of the
 lands pieces limits and land marks pertaining
 to the Rancho of Santa Trinita, said, that for
 more than ten years he has been resident in this

jurisdiction, that he knows that the Lanas of Saca
 Rancho belong to Dona Joaquin Bernal and have
 for land marks a narrow pass (puercuela) and the
 hills of San Lagunas and of San Juan Bautista
 which he has seen and recognized various times
 that since they have been in possession of Saca
 Bernal, he has improved and cultivated them and
 pastured his herds thereon, and in proof and witness
 of the above he is ready to visit Saca Lanas with
 the Alcaide here present and point out to him where
 the places limits and land marks are situated and
 that the foregoing is the truth by virtue of the oath
 he has taken in which he used sworn and confirm
 ed. He declared that he was twenty five years old
 and does not stand liable in Saca and affixed
 his hand
 Luis Perullo

(Signed) Antonio Ma. Pico.

Witness Jose Noriega Witness Jose of Zamanday
 Immediately I the aforesaid Alcaide with my aforesaid
 witnesses summoned before me Dona Ygnacio Alvaro of
 this jurisdiction Farmer married to Dona Suso Parullo to
 whom I formerly administered Oath by virtue of which he
 promised to speak the truth and being interrogated as
 to his occupation acquaintance with the Lanas places lim
 its and land marks of the Rancho of Santa Teresa here
 that for more than twelve years, he has resided in this juris
 diction and knows that the Lanas of Saca Rancho have
 been in possession of Dona Joaquin Bernal and have
 for land marks the hill of San Lagunas the ridge at
 the North, and a narrow pass which he has seen and
 recognized various times and that since Saca Bernal
 has been in possession of them he has improved them and
 pastured his cattle thereon, and in proof and witness
 of the above he is ready to visit Saca Lanas with all
 the Alcaide here present and point out the position of
 the places limits and land marks; and that the
 foregoing is the truth in virtue of his Oath by which
 he has sworn and confirmed. He declares himself
 twenty six years old and that he does not stand
 liable in Saca and he did not sign not knowing
 how to write, but made the cross X

Antonio Ma. Pico

Wit. Jose of Zamanday Wit. Jose Noriega
 Immediately I summoned before me a fasting witness
 Dona Jose Parra of this jurisdiction Farmer by occupation

which he promised to speak the truth and being interrogated as to his occupation acquaintance with the Lanas of Saca Rancho he declared that he has seen and recognized various times the hill of San Lagunas the ridge at the North and a narrow pass which he has seen and recognized various times and that since Saca Bernal has been in possession of them he has improved them and pastured his cattle thereon, and in proof and witness of the above he is ready to visit Saca Lanas with all the Alcaide here present and point out the position of the places limits and land marks; and that the foregoing is the truth in virtue of his Oath by which he has sworn and confirmed. He declares himself twenty six years old and that he does not stand liable in Saca and he did not sign not knowing how to write, but made the cross X

Manuel, to whom I formerly administered oath under
 which he promised to speak the truth and being interro-
 gated with regard to his acquaintance with the lands
 places bounds and land marks of the said Rancho de
 Santa Teresa said that for more than six years he has
 lived in this jurisdiction and knows that the lands
 of said Rancho have been in the possession of Don
 Douglas Bernal and have for land marks the
 hills of San Juan Bautista and Las Lagunas, chains
 of hills which lie on the North and South and a
 narrow pass; all of which he has seen and recogniz-
 ed various times, and since said Bernal has deceiv-
 ed said lands he has improved them and pastured
 his cattle thereon, in proof and witness of all which
 he is ready to visit said lands with the Alcaide
 here present and point out the places bounds and
 land marks and the foregoing is the truth in virtue
 of his oath in which he was sworn and confirmed, he
 declares himself fifty years of age and that he does
 not know how to write Spanish, X signed Antonio Mañero
 Uteño Jose Naeza Uteño Jose y Fernandez
 Being on the lines at the place called Santa Teresa
 contiguous to the Pueblo of San Jose de Guadalupe
 on the twenty seventh day of July Eighteen hundred and
 twenty five the Alcaide Constitutional acting in virtue
 of my office, with two assisting Uteños; in the absence
 of a Notary, said Uteños having been by me examined
 in the presence of the aforementioned Don Augustin
 Bernal owner of the aforementioned lands and sons
 Don Juan Alvarez, Augustin Alvarez, Leandro Galindo
 and Jose Bonifacio residing in the neighborhood proce-
 ded to view and examine the lands of said Rancho and
 for greater clearness mounting on horse back in company
 with all the parties, and the said Uteños. I caused
 them to show me the places limits and land marks of
 said lands according to the marks they had declar-
 ed in their depositions; accordingly they guided
 me to the Eastern part to a narrow path (patiguera)
 where they showed me a pond surrounded by cane
 thence we continued the examination towards the North
 passing along the margin of the Laguna de San (by
 Lake) until we reached another place which is the
 Out Set and is the limit and boundary of the afore-
 said lands of Santa Teresa; thence from said place the

X

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Examination was continued, passing westerly as far as the foot of a hill, called de las Lagunas being a natural boundary of said Estate. Thence continuing towards the South, as far as any Cone Brake, then on the same line, past an Oak Grove as far as the ascent of the mountains which said Utenepes apart see, were the last cone maps of the lands of the Rancho of the said Srna Augustin Bernal, which pieces I the Alcalde Constitutional Examination and ascertain with my assistants, the above named Utenepes and the accompanying papers and having compared said Examination with them I find the identification of said lands to be complete the said Utenepes declare, and that it may clearly appear I execute this and sign it together with my assistants and the other Utenepes. Pico Utenepes, Srna. Pratto. Utenep Jose Noriega Jose y Fernandez Jose Berruete

Sinal de Augustin Bernal

Thereupon I the Alcalde Constitutional say that in order to proceed in measurement referred to in these papers I order notice to be served on Srna Augustin Bernal to nominate or ratify the nomination of a measurer and also that the holders of the adjacent lands by common consent nominate one other on their part, in the count of a sufficient number for each one to name has been and that those ~~to~~ appointed accept and take oath; whereupon I stand ready to name a day for said measurement. So I decree order and attest with my assisting Utenepes

Juan Pico

Utenep Jose Noriega - Utenep Jose y Fernandez

On the same day month and year, I the said Alcalde Constitutional according to the custom used where the foregoing writ, as therein contained to and upon Srna Augustin Bernal and those holding property adjacent whom I personally know and having heard and understood it; they said that they have listened to it, and the party of the first part confirms his appointment of Srna Jose Fernandez and the parties of the second part appoint Srna Tomas Pacheco both capable men, and of legal qualifications and trust with which I should notify to appear accept and take oath and thereupon proceed

to said measurement as ordered; this they gave for
reply, and those who could write affixed their hands
Witness Dico - Witness Jose Noriega,
Witness Jose y Fernandez Augustin ^{his} Bernal
Mark

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In the Pueblo of San Jose de Guadalupe on the Twentieth
Sunset day of the same month and year I the Alcalde
de Consuelo conal acting in virtue of my Office, with
two assisting Witnesses in the name of the Notary Pub-
lic according to Custom Read and gave the writ
of Appointment as Messengers to and upon the Senores
Jose Humandez and Thomas Pacheco, resident in this
Pueblo, and personally known to me and having
heard and understood they said that they accep-
ted said Appointment and Oath by the name of
God and the Sign of the Cross, in form of Oath that
they will use said Appointment well and faithfully
to the utmost of their honest knowledge and capacity
and they will make said Measurements faithfully
and legally as in duty bound without fraud or deceit
to the prejudice of any of the parties. Thus they answered and
Thomas Pacheco affixed his hand - Humandez not signing
as he did not know how - Antonio Ma Dico - Thomas Pach-
co - Witness Jose Noriega - Witness Jose y Fernandez
Therefore having seen the Consent and Oath of Senores
Jose Humandez and Thomas Pacheco, appointed to
make the aforementioned Measurements, I make
known that in order to proceed with them I have copyred
this day the fourth of the approaching month of Aug-
ust at the hour of six o'clock in the morning which
shall be made known to the Chief party and to the
Messengers and a summons issued to the adjacent
Residents; So ordered and attested with my Apostolic
Witness

Dico - Witness Jose Noriega - Witness Jose y Fernandez
Thomas Pacheco

Thereupon I made known the foregoing to the principal
party Senor Augustin Bernal, to the Messengers Senores
Jose Humandez and Thomas Pacheco and after hear-
ing it they answered that they had heard and acknow-
ledged the summons - Thus they answered and
affixed their hands except Senor Jose Humandez
who cannot write, the Alcalde and his assisting
Witness Augustin ^{his} Bernal Dico
Witness Jose Noriega - Witness Jose y Fernandez

On the same day month and year were issued summons to the adjacent property holders Sra. Juan Alvarez Augustin Navarez, Seneno Galendo and Jose Baraja -ya that they should appear on the fourth of next month at the aforementioned Rancho of Santa Teresa at six o'clock in the morning. In witness whereof I affix my hand together with assisting Altitipis Pedro Altit. Jose Noriega. Altit. Jose y Juan Alvarez

On the Rancho of Santa Teresa on the fourth of August Eighteen hundred and thirty five in the presence of Sr. Augustin Bernal and certain others being adjacent to said lands I summoned before me & my assistants Sr. Jose Samandez and Tomas Pacheco appointed measurers whom I the Alcalde directed to lay a line of thread and thence fifty varas, with a varo measure of four Castilian spans (palmos) and accordingly the above mentioned in my presence measured a two steel coaron and well stretched cord with a Mexican varo scale in proper form to the number of fifty varas, which measure was made carefully in the sight knowledge and consent of the principal party and his neighbors, accordingly I directed that it should be so certified, and to proceed to said measurements as before ordered; which I certify and sign with my assisting Altitipis - Pedro Altitip Jose Noriega - Altitip Jose y Juan Alvarez

Being in the country and lands pertaining to the Rancho of Santa Teresa belonging to Sr. Joaquin Bernal this day day Tuesday the fourth of August one thousand eight hundred and thirty five I the Alcalde Constable of the Pueblo of San Jose de Guadalupe acting in virtue of my office with two assisting Altitipis in the absence of a Notary in the presence of Sr. Augustin Bernal on behalf of his father Joaquin Bernal, and of certain neighbors ordered that Sr. Jose Samandez and Tomas Pacheco appointed measurers by the principal party and the adjacent property holders, should proceed to measure a certain cattle farm, being a little more or less than being and pertain to the Rancho de Santa Teresa according to the title and plan presented; in obedience to which, having remeasured and certified the line

they began said measurement from the position which looks towards the North; thence Eastwardly twenty varas; of fifty varas each to a narrow Entrance where the principal party placed a heap of stones as a sign that a lance mark should be there placed thence said measuring was continued in a straight line towards the North, Eight varas, to an outlet where the same was done, placing marks on several pins trees in passing; thence towards the West ninety seven varas, past a hill called Las Lagunas; from this place crossing by the route to Monterey to a dry tree or oak grove, until the arrival at the top of the Sierra in a southerly direction verging to the North, and they measured 110 Chains of fifty varas each, and from this point that looks Northward running the towards the East and verging to the North it arrives at the spot of the aforesaid lot from whence they measured 120 Chains. So that the entire sum known as the Rancho de Santa Ines amounts a square of Twenty thousand varas and having been ascertained by said measures they decreed the aforesaid Alcade Augustin Bernal on behalf of his father Don Joaquin Bernal to be fully in possession of the lands appertaining thereto according to the title and Plan which stands at the head of this Instrument if they should be respected by a third party upon which said Bernal placed branches and grass throwing them towards the four allens in token of his legal and just Ownership. Whereupon the Senor Alcade ordered said Bernal that for the permanence and cleanness of the Express boundaries he should place at his own cost & Expense land marks of masonry, of the height of one vara or more, that it should be known for all time to come and that his neighbors should know and avoid the boundaries and limits of his lands; And he asks for testimony of the fact of such measurement having been made quietly and peaceably without gain saying of any one; Accordingly I the Alcade constitutional of the Pueblo of San Jose de Guadalupe acting in virtue of my Office with two assisting Altonces in the allent of a Notary Public.

Witness that it has been done as before set forth and that the above given measurements were made to the utmost of the honest knowledge and ability of the measurers and they depose without using

fraud or deceit towards any person, and for greater security they have seen the Oath previously taken & signed with the *afinesca* Alcalde and his apotecants with the other persons present who could write

Antonio Ma. Pico
Agustin ^{des} Bernal _{mark}
Ultrap Jose Navega
Jesús Torallo XXX
Tomás Pacheco
Jose Bureyso
Ultrap Jose y Zamorano

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Filed in Office Jan 3^d 1853

Geo. Fisher Secy

Agustin Bernal }
vs } No 506 Santa Teresa
The United States }

It is stipulated that the copies herefore filed in this case from the office of the U.S. Surveyor General of California under the certificate and private seal of Samuel D. King late U.S. Surveyor General for California may be received in evidence just as though they had been recopied and certified under the seal now provided by Law for said office.

Dec. 19. 1853

Robert Greenhow
Apt Law Agent

Filed in Office Dec. 19. 1853

Geo. Fisher Secy

Case No 306

Augustin Bernal et al

vs
The United States

Santa Fe New

The petition in this case is presented by the claimant in behalf of himself and his coheirs children and legal representatives of his father Joaquin Bernal deceased to whom he avers the Land claimed was granted by Gov Sevier on the 11th day of July 1834

Opinion

The claim is for the Rancho of Santa Feesa situated in the County of Santa Clara containing one square league of Land Mac Orlep answering to the plan or plat which accompanies the petition. A true copy of the Expediente concerning the grant from the Archives in the Office of the United States Surveyor General for the State of California is placed in the case and is admitted in evidence under the certificate and private seal of the Samuel D King late Surveyor General by Deposition of the late Robert Greenhow a special Land Agent. This document like most of the records of that period gives a minute & circumstantial history of all the preliminary proceedings connected with the grant. It commences in the order of time with the petition of Joaquin Bernal to Governor Sequoia dated May 10th 1834 setting out that he is an invalid Soldier of the Company of San Francisco twenty four years of age with a postum of twenty eight Dollars. That five years prior to that time the Ayuntamiento of the Pueblo of San Jose had granted him a place within their jurisdiction, known by the name of Santa Feesa a geographical description of which accompanies the petition. That he accordingly took possession of the same with the property which he administered and which then consisted of two thousand one hundred head of cattle, one hundred and twenty sheep, three mares, fifty tame horses & that he and his descendants had continued to occupy the Land up to that time; that they had on it four adobe houses in which they resided, that they had planted a vineyard of one thousand stocks and a garden with two thousand fruit trees. That he had repeatedly applied to the Governor's predecessors for a legal title grant of the land without any definite determination having been made. He therefore prays the Governor to grant him the legal

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ownership of the Rancho of Santa Teresa in consideration of his services to the Nation, the amount of his property and his numerous family. Thence follow the report to the Ayuntamiento of San Jose, the report of the Alcalde and Regidor and a geographical description of the Land by the former who represents it as extending from the bank of the Laguna in the North to the hill of the Sagrinas in the North a distance of about six thousand varas, and from the Western hills to the first hills in the East. The petition is then referred to the Alcalde of the Capital with instructions to take the testimony of three competent witnesses as to the qualifications of the petitioner and whether the Land is the property of any individual Mexican Pueblo or Corporation. This order was duly executed by Jose R. Estrada, all the witnesses testifying personally as to the qualifications of the petitioner and the capacity of the Land to be granted, and that its extent is about two square leagues. Upon this evidence on the 10th of June 1834 the Governor entered a decree of concession by which Don Joaquin Bernal is declared the owner in property of the Lands known by the name of Santa Teresa adjoining the Rancho of La Grana the hills of San Juan and the lateral hills, which was referred to the Territorial Deputation for its approval. Pending these proceedings, arose between the petitioner Bernal and Juan Alvarez who had petitioned about the same time for a grant of the adjoining Rancho of La Laguna, concerning a small parcel of Land which the former contended was embraced in the limits of Santa Teresa but which had been improved and occupied by the latter. This controversy together with the decrees of concession made upon the respective applications was referred to the Territorial Deputation. That body decided that in consideration of Occupation Alvarez was entitled to the piece of Land in controversy. They therefore entered an order approving the grant to him of the Lands of the Laguna Seca including said parcel of Land and at the same time they approved the grant made to Joaquin Bernal of the Canes of Santa Teresa with the exception of the piece which had been conveyed to Alvarez. In accordance with this decision the grants or titles were severally issued to the parties, that to Bernal 11th of July 1836 and

and that to Alvarez on the 22nd of the same month. The grant to Joaquin Bernal describes the land as the tract known by the name of Santa Teresa adjoining the Rancho of Laguna Seca and Narvaez, the Coyote Creek and the hills of Sagomas and San Juan with the exception of the patent lands as above stated to Alvarez and in the 4th condition it is described as One Sitio de ganadero Mayor a little more or less explained by the map which accompanies the expediente. The Judge who gives the possession will have it measured according to Ordnance in order to fix and determine its boundaries leaving the Sobrante which may result to the Nation for its convenient uses.

In the month of July 1835 Augustin Bernal in the name of his father Joaquin Bernal applied to the Constitutional Alcalde of San Jose to obtain judicial possession of the land, which was accordingly given him by that officer. The testimonial of this act is made out by the officer at the time and delivered to the claimant, to which is prefixed the Original grant and a copy of the map contained in the expediente are put in evidence and their genuineness proven by competent testimony. If the evidence stood here the case would present no questions of difficulty. The proof clearly establishes the genuineness of the grant. The Occupation and Cultivation of the premises ever since the year 1826 by the grantee and his numerous descendants. The boundaries described in the grant and delineated on the map to which reference is made, with unusual certainty and accuracy.

They are also fixed and established by an Act of Judicial possession made by competent authority according to which the quantity embraced within its limits is less than that called for by the grant.

This evidence the Board has decided in numerous instances to be sufficient to establish the validity of the claim. In the present case however a cumulation is resisted on the ground that the boundaries by which the land is claimed contain a much larger amount than the quantity granted. To establish this point a map and field notes of a recent survey, together with the deposition of Thomas White the surveyor who made it, as given in evidence

And the question arises whether upon this testimony we should reject a claim in all other respects unexceptionable, and among the most meritorious which has been presented for our consideration. It well may be doubted whether this Commission has any authority to go behind an act of Sacerdotal Popery made in conformity with the Law, and disturb the boundaries established by it, imperfect and inaccurate as those surveys were owing to the ignorance of the principles of Surveying on the part of the Officers by whom they were made and their loose mode of measuring, yet it was the only means of segregation and location of boundaries known to the Mexican Law as practiced in California, and it appears to have been uniformly respected both by the proprietors of the Lanzas and the public Authorities, when Controversies were between adjoining Land holders concerning their boundaries it was almost invariably referred to the Alcalde or the Jefe de Paz of the jurisdiction, for settlement; he usually went upon the Land heard the testimony on both sides and by a judicial Act settled the difficulty and delivered a "testimonio" of his proceedings to each of the parties for their security.

So when a grant was made by the government, bounding upon a neighboring Rancho, the boundaries of the Celta as fixed by a former Act of Popery were always respected in the judicial measurements for the establishment of limits under a new grant.

The Act of Sacerdotal Popery except in cases where all the Lanzas within certain and well defined limits, granted, was absolutely necessary to give definitiveness and completeness to the grant. It was impossible for the Crown from the vague description contained in the Popus, or the mere sketches which usually accompanied them to form any correct idea of the objects referred to as boundaries or the quantity of Land which they embraced, however a large discretion, limited only by the terms of the grant and the rights of the adjoining proprietors was necessarily conferred to the Officer on whom was devolved the duty of making the location and fixing its limits. The uncertainty as to the quantity of the land led to the insertion of the pro mas & minus a little more or less which usually occur in the Concession of the

and the Popery. In many cases which have come

grant prescribing the duties of the Officer who shall give the ^{judicial} possession. In many cases which have come under the consideration of the Commission, the quantity embraced in the limits assigned in the act of Benedical possession, appears to be greater than the precise amount named in the grant, in others it is less, but in each instance, both the parties themselves and the government seem to have acquiesced in and recognized the boundaries established by the proper Officer. To destitute a principle which ~~xxxxx~~ seems to be so firmly established and so uniformly acted on by the former Government, would lead to much uncertainty and confusion and greatly increase the difficulties in the way of a final adjustment and settlement of the Land titles in California. But admitting that the Board possess the power to go behind the official act by which the boundaries were fixed and determined under the former Government, it should certainly not be exercised except in cases of gross fraud or a palpable mistake on the part of the Officer by whom the possession was given. There is certainly no evidence of any such fraud in the present case. It is apparent from the Records of the proceedings anterior to the grant contained in the Expediente, that the grantee asked for and it was the intention of the Government to grant the Rancho known by the name of Santa Teresa as he had been occupied by the petitioner for several years before he made his application and the preliminary inquiries seem to be mainly directed to the ascertainment of the limits and the quantity of Land embraced within them.

The report of the Alcalde represents it as six hundred varas in one direction by about five in another which in square form would make about one and one fifth leagues, while the Comisario Examinado by Estrella all concern in stating the quantity to be about two square leagues.

The decree of Concepcion which was approved by the Jurestad Suplemento prior to the opening of the grant declared Don Joaquin Bernal owner in property of the Lands known by the name of Santa Teresa adjoining the Rancho of La Laguna. The Hill of San Juan and the lateral hills without any reference to quantity. The grant which was issued on this decree after its approval by the

by the Deputacion, gives substantially the same boundaries, except that the Arroyo de Loyola running near the base of the Northern hills is substituted for the hills themselves —

The 4th condition of the grant states the quantity to be One Sitio de ganados Mayos and the words mas o menos which immediately follow are evidently inserted to cover the contingency of a greater or less quantity being embraced within the specified boundaries. This seems clearly to have been the understanding of the Officer who gave the precedents to the King — In his first act after summoning before him all the colonos or adjoining proprietors was to examine under oath three desertores well acquainted with the various places limits and boundaries pertaining to the Rancho of Santa Jesus all of whom concern in describing the boundaries conformably with those given in the grant. He then proceeded accompanied by all the parties, and required the desertores to point out to them on the land the several objects described in their respective depositions as the boundaries. After making this reconnaissance he commenced the measurement at a point 50 Varas South of the dwelling house lot and measured the distances between the points designated in the grant and in the depositions of the desertores and declared the Rancho to consist of a square of 202.50 Varas. This amount is made up of the sums of the distances of the several lines measured between the objects named as boundaries. This square of points an exact square would embrace rather more than a league of land but according to the angles and corners formed by the relative position of the objects called for would make about three fourths of a league and not thus performed, apparently with such strict legal precision, by an Officer of the Government duly authorized for these purposes in the presence of all the parties interested, without any question at the time or since of its legality or correctness, and surely at this late day, without any show of propriety or justice be subjected to an imputation of fraud.

The only remaining question for our consideration is

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whether there is sufficient evidence of mistake now on the part of the officer giving the judicial possession to authorize the Commission to disregard his action (assuming they have the power to do so) and reject the claim for want of certainty in the description. The testimony relied upon for this purpose is the deposition of Thomas White and the map & field notes of the survey made by him in the month of February of the present year -

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It is objected to this testimony by the attorneys for the claimants that the survey in question is an Ex parte one and was made without notice to the claimant or his attorney; it is further objected by them that the deposition of Thomas White was taken without notice to the claimant or to his counsel who then have the management of the case. The attorneys of the having sometime before turned over the case to the present counsel) in consequence of which they were precluded from an opportunity of cross examining the witness -

There are however other and more serious objections to the evidence in relation to this survey which will be noticed in their order. The first is that the lines of the survey as exhibited on the map filed contain a large extent of land not included in the grant or the lines as established with the act of judicial measurement. The witness White who made the survey states that he commenced at a point a short distance south of the dwelling house of the claimant Bernal and ran a straight line in an easterly direction to the Porquedo where Juan Bernal showed a pile of stones as one of the original land marks. The point of beginning and this line corresponds substantially in course and distance with the first line given in the judicial measurement, and is the only line except the last and closing one which does so correspond. The next line running north instead of stopping at the end of four hundred varas as given in the act of possession, and near the Monte Rey Pass as described by the witness is extended to the top of the hills some 1600 varas beyond it. The next line running west, instead of, a running along the Coyote Creek to hill of Lagunas as described in the grant and act of

popespan is carried along to the Summit of the hills
 at an average distance of from 800 to 1000 Varas
 North of it and consequently the same distance out
 side of the limits of the grant and instead of
 terminating at or near the hill of Saginnes it
 stops at a point which according to his Scale
 of Chains is about 200 Varas North West of it
 as a necessary consequence of this last and the third
 line is thrown too far to the West and a conse-
 quent quantity of land embraced on this side,
 which is not included in the grant -

The Surveyor states in his evidence that in fixing
 these points and lines he was guided by Jose Nor-
 rige One of the Apostolic Witnesses to the Act of
 judicial popespan. The deposition of Noriega
 has been taken and filed in the case on the part
 of the Claimant in which he describes two bounda-
 ries as established in the Act of popespan - This
 description differs in many important particulars
 from the information which the Witness White states
 was furnished to him and upon which his Survey
 and map were based, and conforms substantially with the calls
 of the grant and the boundaries fixed by the Alcalde
 But there is another very striking discrepancy exhib-
 ited on the face of the map It contains a Scale
 of Chains and a Scale of Varas which do not
 correspond - If we take the Scale of Varas and
 measure the distances between the several points
 and objects described in the grant and Act of
 popespan as delineated on the map they would
 correspond very nearly with those given in the latter
 document, and make the quantity of land about
 three fourths of a league, on the other hand by taking
 the Scale of Chains and applying it to the same
 points the distances would be increased more
 than one third, and the quantity of land propor-
 tionably greater - The calculation of the quantity embr-
 aced within the extent bounds of the map has been
 made according to the Scale of Chains estimating
 four poles to the chain - and amounting to a little
 less than two and three quarters leagues -

The quantity contained within these limits and
 out side of the calls of the grant and the bounda-
 ries fixed by the Alcalde cannot be that of a square
 league - This if the Survey and calculations were

Correct would leave within the limits of the judicial measurement between a league and a half & a league and three quarters.

From this evidence being and uncertain as it is in view of the discrepancy between the two scales of distances by which alone the quantity of land could be ascertained from the map and of the palpable attempt to increase the quantity by embracing lands not included in the calls of the grant or of the judicial measurement we can see nothing which would authorize the conclusion that the officers giving the possession had committed such an error or mistake as would vitiate his action in the premises or require the Commission to disregard the limits established by him. The judicial measurement appears to have been made in strict conformity to the terms of the grant, which was evidently intended to convey the lands known as the Rancho of Santa Teresa as held and occupied by the grantee at the time it was made and which according to the preliminary investigations was supposed to contain between one and two square leagues. The Sobrante being that portion lying North and West of the Boyle Creek and the hill of Sagomas. After a careful examination of the whole testimony we can discern no sufficient ground for departing from the rules which have controlled our decisions in other cases of a similar character and more regarding the boundaries established by the duly authorized Agent of the Government nearly twenty years ago according to which the grantee and those claiming under him have held and occupied the land without question or interruption to the present time.

A decree of confirmation will therefore be entered according to the boundaries described in the grant and fixed and established in the act of judicial possession.

Filed in office Sept 5th 1854

Geo. Fisher Secy

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107 No 6

Augustin Bernal et al
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioner is valid and it is therefore decreed that the same be confirmed to him and to the other heirs and legal representatives of the late father Joaquin Bernal deca according to their respective rights and interests in the premises. The land of which confirmation is hereby made is situated in the County of Santa Clara and is known by the name of Santa Teresa being the same which has been held and occupied by the said Joaquin Bernal and those claiming under him from about the year 1826 to the present time, and is bounded as follows: Beginning at a short distance south of the Solar or house lot of said Rancho and near a Spring and running thence in an Ecastly direction to a pile of stones in the Potrero or pass of the Laguna being a point on the boundary of the tract of land known by the name of the Laguna Seca, thence in a Northerly direction and on a line with the line of the last mentioned Rancho until it intersects the Coyote creek; thence westerly with the meanders of said creek to a point at or near the base of a Hill known by the name of Las Lagunas where a live Oak was marked as a corner, thence South wly crossing the road from Monterey by an Oak tree and through a dry Gulch to a tree on the top of the Mountain, marked as a corner, thence Ecastly along the range of hills on the South side of the tract to the point of beginning containing one square league of land more or less according to the terms of the grant and including a small portion of land which was occupied by and adjudged to belong to Juan Alvarez the owner of the adjoining Rancho of Laguna Seca. Reference for a more particular description to be had to the original grant and testimonial of said said measurement and to the traces

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Copy of the Map contained in the Expediente all
of which are on file in the papers concerning
the Case

Alpheus T. Cole }
R. A. Thompson }
J. B. Farwell }

Commissioners

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Selected in office Sept. 5 1854
Geo. Fisher Sec

It appearing to the Sales factum of this Board
that the Land hereby advertised is situated
in the Northern District of California it is hereby
Ordered that two Transcripts of the Proceedings
and of the decision in this case and of the papers
and precedents upon which the same ^{and} founded be
made out by the Secretary. One of which Transcrip-
ts shall be filed with the Clerk of the United
States District Court for the Northern District
District of California and the other be transmitted
to the Attorney General of 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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J. 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 *One hundred & eight* — pages, numbered from
1 to 108, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. 576 on the Docket of the said Board,
wherein *Agustin Bernal* is —

the Claimant, against the United States, for the place known by
the name of *Santa Teresa* —

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 *March*
A. D. 1855, and of the Independence of the
United States of America the seventy-ninth.

J. Geo. Fisher
J. Geo. Fisher



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

No. ~~181~~ 181

THE UNITED STATES,
vs. *ND*

Agustin Bernal

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. *576*

Filed, *April 3^d* 185*5*,

Wm. A. Moore,
Clk

Office of the Attorney General of the United States,

Washington, 7th April 1855.

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Agustin Bernal

v.

The United States.

} 506.

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 27th day of January 1855, the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Clarking

Attorney General.

United States District Court
Northern District of Cal.^a

No. 181

The United States

vs

Agustine Bernal.

Notice of Appeal

In Case No 506.

Filed June 18, 1855,

by W. H. Chivers,
Deputy.

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

The United States of America,

Appellants

v.

Agustin Bernal,

Appellee.

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No. 181 - On appeal from the decision of the Board of
Commissioners etc. etc.

The answer of the above-named ap-
pellee, by his attorney, to the petition of the above-
named appellants, respectfully shews:

That the claim of the said appellee
to the land in the Transcript of the Proceedings before
the Board of Commissioners etc. etc., described, is
valid; and

That the said land is situa-
ted within the Northern District of California;

Wherefore the said appellee prays
this honorable Court to decree that the said claim
is valid; and to confirm the said land to the
said appellee.

J. W. Laid
for Appellee.

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U. S. Dist. Court.

The United States
v. No. 181.
Agustin Bernal

Answer
of
Agustin Bernal.

Filed: March 24, 1856.

Wm. A. Monroe,
Clerk
J. W. O. Cheney,
Deputy

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B. W. Leigh,
for Appellee.

[Faint, mostly illegible handwritten notes in the left margin, possibly bleed-through from the reverse side of the page.]

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

The United States of America,
Appellants

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v.
Agustia Bernal,
Appellee.

No. 181 - On appeal from the final decision of
The Board of Commissioners etc. etc.

To the honorable the District Court
of the United States for the Northern District of Cal-
ifornia:

The Petition of the United States,
appellants in this cause, by their attorney, res-
pectfully represents:

That this cause is an application
for a review of the decision of the Board of Com-
missioners whereby the claim of the above-named ap-
pellee was confirmed as appears by reference to the
records in the case;

That a transcript of the said Rec-
ords was filed in this Court on the 3rd day of
April, A. D. 1855

That a notice of appeal in the
said cause was filed on the 18th day of June
A. D. 1855.

That the land claimed lies
in the said District;

That the claim is invalid.

Wherefore the said appellants
pray that the decision of the Board be re-
versed, and that this Court decree the said

title to be invalid.

Respectfully etc.

J. M. Sage

U. S. District Attorney.

[Faint mirrored bleed-through text from the reverse side of the page]

181-
U. S. Dist. Court.

The United States

v. } No. 109.

Agustin Bernal.

Petition

of

The United States.

Filed: March 24, A.D. 1898.

J. M. Sage,
U. S. District
Attorney.

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J. M. Sage,
U. S. Dist. Attorney.

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ND

At a Stated Term of the
District Court of the Uni-
ted States for the Northern
District of California, con-
tinued and held in and
for the said District, at
the Court-Room of the said
Court in the City of San
Francisco, on Monday, the
11th day of August, in the
year of Our Lord one thou-
sand Eight hundred and
fifty-six:

Present:

The Honorable Ogden Hoffman,
District Judge.

The United States,

Appellants,

v. $\frac{3}{4}$ Decree No. 181

Agustin Bernal
and others,

Appellees

No. 181 ~ On appeal from the final decision of the Board of Commissioners to ascertain and settle Private Land Claims in the State of California.

This cause came on to be heard at a Stated Term of the Court on appeal from the final decision of the Board of Commissioners to ascertain and settle Private Land Claims in the State of California, under an Act of Congress, approved on the 3rd day of March A.D. 1851, upon the transcript of the proceedings and decision of the said Commissioners and of the papers and evidence upon which the said decision was founded; and it appearing to the satisfaction of the Court that the said transcript has been duly filed and counsel for the respective parties having been heard, it is by the Court hereby adjudged, ordered, and decreed that the said decision be and the same is hereby in all things affirmed: and it

is likewise further adjudged, ordered and decreed that the claim of the said appellees is a good and valid claim, and that that the said claim be and the same is hereby confirmed to the said appellees Agustin Bernal and others to the extent of one square league of land, a little more or less according to the juridical admeasurement and possession made and given thereof by the Alcalde Antonio Maria Pico, under the grant, on the fourth day of August A.D. 1835, being the same land situated in the County of Santa Clara whereon the said appellees have resided known by the name of the Rancho de Santa Teresa, and bounded and described as follows.

Beginning at a point a short distance south of the Solar or house lot of the said Rancho and near a Spring and running thence in an easterly direction to a pile of stones in the Portuque-lo or pass of the Laguna being a point on the boundary of the tract of land known by the name of the Laguna Seca; thence in a northerly direction, with the line of the last-

mentioned Rancho until it intersects the layo-
te creek; thence Westwardly with the meanders of the
said creek to a point at or near the base of a
hill known by the name of Las Lagrimas where
a live-oak tree was marked as a corner; thence
Southwardly, crossing the road from Monterey by an
oak-tree and through a dry tule to a tree
on the top of a mountain marked as a corner;
thence Easterly along the range of hills on the
south-side of the tract to the point of beginning
containing one square league of land, more or
less, according to the terms of the grant, and ex-
cluding a small portion of land which was oc-
cupied by and adjudged to belong to Juan
Alvarez the owner of the adjoining Rancho of
Laguna Seca; reference for a more partic-
ular description to be had to the original
grant and to the testimonial of juridical
admeasurement and possession and to the
traced copy of the map contained in the Es-
pediente & all of which are on file in the pa-
pers concerning the case; - the land hereby
confirmed being the same which was grant-
ed to Joaquin Bernal by Governor

Figueroa on the 11th day of July 1834 with
the limits and boundaries which were as-
signed to him by the Alcalde Antonio
Maria Pico in the juridical admeasure-
ment made under the grant by him:—

Provided that the said quantity of ~~two~~
one square league so confirmed be con-
tained within the said boundaries; but
if there be less than the said quantity
of land contained within the said bound-
aries then the said claim is confirmed
to the extent of such less quantity and
no more.

Ogden Hoffman
U. S. District Judge

^{No. 181 -}
U. S. Dist. Court
S. D. of California.

The United States

v. } No. 181.

Agustin Bernal et al.

Decree

Filed August 11, 1856,
W. H. Cheever,
Deputy Clerk.

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B. H. Leigh,
for claimants.

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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 *Tuesday* the *second* day of
November in the year of our Lord one thousand

eight hundred and fifty-seven. *eight,*

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Augustin Bernal

D. C. 101 : L. C. 506.

The Attorney General
having given notice that appeal will not
be prosecuted herein on the part of the United
States, and a stipulation to that effect having
been entered into:

On motion of P. Della Torre
Esq., U. S. Attorney, it is ordered that claimant
have leave to proceed under the decree of this
Court heretofore rendered in his favor as
under Final Decree.

Ogden Hoffman
U. S. District Judge

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United States District Court, Northern District of
California.

The United States

vs.

Augustin Bernal

ORDER.

Vacating appeal

Filed *November 2nd, 1858,*

W. H. Chivers

CLERK.

By

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DEPUTY.

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U. S. District Court,

The United States
v.
Augustin Bernal

} D. C. 181 : L. C. 506.

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

San Francisco ~~XXXX~~ August 17, 1888
P. DELLA TORRE

U. S. Atty.

W. J. Wallace
Atty for Claimant.

M. W. Trigg

Attorney for Claimants.

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California Land Claims
Attorney General's Office
19 Feb. 1857

Sr. In the case of the claim of
Augustin Ternal, confirmed to
the claimant by the Commis-
sion, case no. five hundred and
six, (506), appeal will not be pro-
secuted by the United States -
am.

Respectfully,
Curtis

Platons, Ad Esq
U. S. Attorney
Los Angeles -

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U. S. District Court

The United States

v.

Augustin Bernal

Stipulation

Filed Nov: 2, 1858,

W. H. Cheney,
Clerk

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U. S. District Court.

The United States

v.

3 D. C. 181.

Agustin Bernal, et al

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The petition of John Tenant, by his atty E. N. J. Sloan, respectfully shows: that he is owner by meane conveyances of an undivided interest in the land finally confirmed herein; that the Surveyor General of the U. S. for the State of California has caused a survey of the said land to be made, which was approved by him Nov 26. 1860, and publication made according to law, commencing in the newspaper nearest the land on the 21st day of December, 1860, and that said survey is erroneous.

Wherefore your petitioner prays that an order be entered and a copy thereof served on said Surveyor General requiring him to return to this Court for examination and adjudication his said survey.

San Francisco, Jan'y 17, 1861.

E. N. J. Sloan

Atty for petitioner

The United States } District Court of the
v } United States for the
Agustin Bernal, et al } Northern District of
_____ } California.

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State of California
Santa Clara County S.S.

John Levant being duly sworn deposes and says that, Maria Y Bernal de Berryessa is one of the children and heirs at law of Jose Joaquin Bernal the original grantee of the tract of land situated in said County and District known as the Rancho de Santa Teresa, and upon the death of the said Jose Joaquin Bernal in 1837 succeeded by inheritance to an undivided eleventh of said Rancho; that on the fifth day of May 1854, the said Maria Y. Bernal de Berryessa in consideration of three thousand dollars sold and conveyed the whole of her estate and interest therein to John N. Leigh - excepting therefrom one hundred acres; that afterwards to wit: on the 14th day of October 1856, the said Leigh, in consideration of three thousand dollars, sold and con-

eyed all his estate and interest in said land to this affiant; that, this affiant is, seized in fee of an undivided interest in said Rancho to the extent aforesaid, and is interested in the proper survey of the said tract of land; Affiant further says that the Surveyor General of the United States for the State of California has caused a survey, purporting to be a survey of said Ranch, to be made, and has made a map thereof, which was by him approved on the 26th day of November 1860, and has caused notice thereof, to be published in the "San Francisco Herald and San Jose Tribune" _____

commencing on the 21st day of December A.D. 1860, in the San Jose Tribune

Affiant further says that, said survey and map are erroneous, in that they do not conform to the terms of the título, or of the decree of confirmation, or to the boundaries assigned to said Rancho, by the officers who gave judicial possession thereof to the said Youtier, whereby

a large portion of the land included
within the judicial measurement, in-
dicated by marked trees and mon-
uments, and included within the
definitive title or grant, has been
excluded.

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Sworn to & subscribed } John Tennant
before me this 15th day }

January 1861. Witness }

my hand and

Official Seal

hereto affixed

Geo M Zell

Notary Public



In the United States

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506.

U. S. District Court

The United States

v

A. Bernal et al

and affidavit
Petition of no Tenant
for return of survey

Filed July 17, 1861,
W. A. Chevers,
Clerk.

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E. W. T. Hoar
att'y for Tenant

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the CITY OF SAN FRANCISCO, on *Thursday* the *17th* day of *January* in the year of our Lord one thousand eight hundred and sixty-*one*.

Present:

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States,

v.

Agustin Bernal,

IN LAND CASES.

District Court No. *181,*
Land Com. No. *506.*

AND now at this day
on application of *C. W. F. Sloan* Attorney
for *John Ruant* IT IS ORDERED, that the Surveyor
General of the United States for California return into this Court, on or before Wednes-
day, the *sixth* day of *February* A. D. 186*1*, his
Official Survey and Plat of the land finally confirmed in the above entitled cause, known
as "*Santa Teresa*," and situated in the County
of *Santa Clara* in said District; AND IT IS FURTHER OR-
DERED, 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.

U.S. Marshal's Office
San Francisco Jan 18th 1860

I hereby certify that I have this day
made personal service of this order
~~upon~~ upon J W Mandeville U.S.
Surveyor General for the State of
California by delivering to him a certified
copy thereof
J L Solomon
U.S. Marshal

No. 181

UNITED STATES DISTRICT COURT

Northern District of California,
IN LAND CASES.

THE UNITED STATES,

v.

Agustin Bernal,

ORDER TO RETURN SURVEY.

Returnable February 1st 1861.

Issued January 17, 1861.

Filed January 30, 1861.

M. A. Brewer,
Clerk.

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. 181, to *Agustin Bernal* known as "*Santa Teresa*," and situated in the County of *Santa Clara* 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 *6th* day of *February* 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 *January* A. D., 1861.

W. A. Chenevix

CLERK.

The within Motion was received by me on
Thursday the 14th day
of Jan'y 1860, 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 23rd day of January

1860; and for 3 consecutive Saturdays, in the
San José Tribune

a paper published nearest the land, commencing on the
19th day of January 1860.

Dated San Francisco, Feb'y 6th 1860.

D. L. Solomon

U. S. Marshal.

No. 181

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

THE UNITED STATES.

v.

Agustin Bernal,

MONITION.

Returnable February 6th 1861.

Issued January 17th 1861.

Filed February 6th 1861.

M. A. Chivers,

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 *sixth* day of *February* in the year of our Lord one thousand eight hundred and sixty-one.

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

Agustin Bernal,

IN LAND CASES.

District Court No. *181*

Land Com. No.

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 *E. W. F. Sloan* Attorney for *John Tenant,*

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; *Calvin Dehann*

U. S. Atty appeared for the U. S., L. Archer, and T. Bodley appeared for, and filed intervention of Philip Roach, and also for Mr Sloan appeared for John Tenant, 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. 181.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Aug: Pernal.

ORDER ON RETURN OF MONITION.

Filed February 6, 1861.

M. A. Chivers,

Clerk.

10

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

The United States
vs
Augustin Bernal

Thomas Bodley being
duly sworn says That, Philip Roach, John
Hassinger, Richard Richards, Michael Cahalen
John P. Hummer, Herman Keuffman, Warren
H. Bethal, Daniel Metz, James Red, Mary Ann
Williams & Alvin C. Campbell & Thomas Hammett
Have & claim ^{undivided} an interest in the Rancho Santa Teresa
or Bernal Rancho, lying & being in the County of Santa
Clara State of California, which said Rancho was gran-
ted to Don Joaquin Bernal, now dead, by the Mexican
Government - That he has been finally confirmed for one
Square League of land & no more - That they hold
said interests by mean encroachments from the heirs
of the said original grantee -

That the said parties acquies. in & approve of
the Survey of said Rancho as made by W. M. Man-
deville, Surveyor General of the United States for
the State of California -

Thos Bodley

Subscribed & sworn to before me this 6th day
of July, 1861.

W. A. Chesnut,
U. S. Com.

181.

U. S. Dist. Court,

The United States,

—vs—

Agustin Bernal,

affdvs. J. Bodley,
and
intervention of Roach
and 11 others.

Filed February 6, 1861,

W. G. Chivers,
Clerk.

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Plat is next

L. Archer & J. Bodley,
attys for intervenors.

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

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The United States

v.

§ 20111.

Agustin Bernal

And now comes
John Tenant, intervenor herein, by his
attorneys E. H. F. Sloan and John B.
Williams, and excepts to the survey
of the land confirmed herein, a certified
copy plat whereof was filed in this
Court pursuant to its order, on the
23^d day of March, 1861.

And the said intervenor avers;

- 1^c That the said survey is erroneous,
because the decree of confirmation
confirms the land of which juridical
possession was given by Alcalde Ant.
Ma Pico on the 4th August 1835, whereas
said survey does not locate the
land confirmed in accordance with
said juridical possession.
- 2^c That the said survey is erroneous
because it includes ~~some~~ within its area

the extent of $4,460\frac{3}{100}$ acres only, whereas
the land of which juridical possession
was given is of much larger extent.

Wherefore this intervenor prays
that the said survey be set aside
as erroneous, and an order entered
directing a new survey in accordance
with the juridical possession given
under the former government.

San Francisco, April 1, 1861.

E. W. Sloan
D. B. Williams
attys for Tenant.

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U. S. Dist Court

The United States

v.

Agustin Bernal

Exceptions of no Tenant

Filed April 1. 1861.

A. H. Cleveland,
Clerk

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E. W. Sloan and
J. B. Williams
Attys for Tenant

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Agustin Bernal,

IN LAND CASES.

Dist. Court No. *181.*

Land Com. No. *506.*

BE IT REMEMBERED, that on this *21st* day of *June* A. D., 1861, 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 *Chas. T. Healy* a witness produced in behalf of *Intervenor Tennant*, 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: *Sloan and Williams for Intervenor Tennant, the U. S. Atty for the U. S. and Mr. Bodley for Intervenor Roach et al.*

QUESTIONS IN BEHALF OF THE *Intervenor Tennant*
Question 1st,

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

Ans.

Chas. T. Healy - 27 years of age - residence San Jose -

occupation County Surveyor
of Santa Clara County.

2.

Did you ever make a survey
embracing the rancho of Santa
Teresa in Santa Clara County,
if so when?

Ans.

I did, in October 1859.

3.

Did you make a map of
that survey?

Ans.

I did, It is the map marked
"Exhibit No. 1 A. M. P." annexed
to deposition of A. M. Pico
filed in this case.

4.

Please describe the point at
which you commenced said
survey and the continuation
of the same thence to the
class?

Ans.

I commenced at the tree
marked "3" on the map, thence
around continuously as repre-
sented by the broad brown

line on the map.

5.

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By what data or information were you governed in making that survey?

Ans.

The ~~land~~ lines were painted out to me by Antonio Maria Pico, as the lines of judicial possession given by him in 1834 or 1835. I don't remember which year he stated.

6.

Did you designate on the land, the lines of that survey, by monuments, marks, trees or otherwise?

Ans.

As most of the corners were natural objects it was not necessary for me to make new monuments except at one or two points. A portion of the boundary corresponds with the survey of the Rancho De la Laguna Seca, the monuments of which survey were made the corners of my

survey, marked "A." "B." "C." and
"D."

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7.
Do you know a hill on the
West side of the Cagare
Creek which is generally known
by the name of Las Lagrimas,
if so, have you represented
said hill on said Exhibit No.
1 A. M. P.?

Mrs.
So, It is represented upon
the map in the Northwestern
portion of the survey by
shading. It is possible that
a larger extent of hills in that
vicinity may have been called
Las Lagrimas, than the hill
referred to. I have marked
it "Las Lomas Lagrimas."

8.
Look at the Bernal diseño
contained between pages 34
and 35 in the transcript on
file in this case, and state
whether you find therein
any object representing the
same hill?

Ans.

I think it is represented by the hill marked "Loma de las Lagrimas" on the diseño.

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9.

Is there any hill in the plain toward the ~~westward~~^{ward} of Las Lagrimas corresponding to the object on said diseño designated as "Loma de S. Juan," if so is it, or any part of it, represented on your map Exhibit No. 1, A. N. P.?

Ans.

The hills of San Juan Bautista which are situated to the Westward of the Loma Lagrimas a portion of which are represented by shading upon my map, and marked "Hills of San Juan Bautista," the same being outside of the survey, are I think the ones represented upon the diseño.

10.

Do you know a place in the same neighborhood called the

Eulardeca, if so describe
as nearly as you can its
position on Exhibit No. 1
A. M. P. with reference to
the hills of San Juan and
tree number "5"?

Ans.

There is a swamp lying
immediately to the Southward
of the hills of San Juan
Bautista extending in the
direction of the dump of
millions marked on my map
"E".

— Crop Examination —

Questions by Counsel for
Intervenor Roach et al.

11.

How far is it from the
point marked "A" to the
extreme Eastern point of
the survey shown on Exhibit
No. 1. A. M. P.?

Ans.

About a mile and three
quarters.

12.

About how many acres
are contained in this survey
as made by you?

Ans.

About fifteen thousand acres.

13.

From the point of crossing
the Cayote creek between
the two ranchos - Laguna
Seco, and Santa Teresa,
thence westerly with the
meanders of said creek
to a point at or near the
base of the hill known by
the name of Las Lagrimas,
please mark on your
map, Exhibit No. 1 A. B.
P. where that point would
be?

Ans.

The nearest point would
be at the Southeastern
extremity of the Las Lagrimas
hill, marked "F."

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Look at Exhibit No. 1
A. B. annexed to the deposition

of Thomas White" filed in
this case, commencing at
the point designated in the
previous question, "running
thence westerly with the
meanders of said creek to
a point at or near the
base of a hill known by
the name of Las Lagrimas
where a live oak tree was
marked as a corner", and
point if you can the posi-
tion on said exhibit of said
point?

Ans.

I see a point marked "Oak"
on said exhibit at the
Southern corner of Tompkins
Claim which may correspond
with the description suggested
in the question.

13.

In your examination in
chief you commenced the
survey as per exhibit No. 1
A. M. P. at ~~at~~ a tree
marked "3" on said exhibit,
tho that tree a live oak,

or an ordinary oak or coble, and how far is that tree from the nearest point of the Las Lagrimas hills?

Ans.

I think it was an ordinary oak or coble, not a live oak. It is about a quarter of a mile from the creek, and perhaps three eighths of a mile from the Las Lagrimas hills.

16.

At the Southern corner of Sampkins claim on the said "Exhibit No. 1 A. 3." how far is it to the nearest point of the Las Lagrimas hills?

Ans.

Fifty to one hundred yards.

17.

Running from point "3." on Exhibit No. 1. A. 3. P. in a Southernly direction crossing the road from San José to Monterrey to a tree ^{and designated on said Exhibit by the figure 5} on the top of a mountain ^{has} would you not please

would not that line run
to ~~an~~ oak tree on the
road and through the head
of the dry rule.

Ans.

The line would run through
a grove of timber on the
Monterey road and also
through swampy land formerly
covered with rules being the
Southern extremity of the
swamp which lies to the
Southward of the hills of San
Juan Bautista.

— Direct examination resu-
med —

Questions by Counsel for
Intervenor Tennant et al.

Quer: 18.

You have said that the
superficial contents of the
Survey exemplified in Exhibit
No. 1. A. M. P. are about
fifteen thousand acres; How
many acres are contained
in that part of it lying
to the East of the Laguna

Quer: 19

Creek?

Ans.

About two thousand seven
hundred acres.

Char. J. Healy

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Sworn to, and subscribed June
21st. 1861. before me,

W. H. Cheverus,
U. S. Com'r

No. 181

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Agustin Bernal.

DEPOSITION OF

Chas. S. Nealy

on part of Misrener

John Percut.

Filed June 21, 1861.

W. A. Cheever,

Clerk.

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Agustin Bernal

IN LAND CASES.

Dist. Court No. 181

Land Com. No. 576

BE IT REMEMBERED, that on this 20th day of June A. D., 1861, 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 *Lucio Toriega* a witness produced in behalf of *Intervenor Tennant*, 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. G. Halivalo* a sworn interpreter.

PRESENT: *Loan and Williams* for Intervenor *Tennant*, the U. S. Atty. for the U. S. and *Mr. Dudley* for Intervenor *Roach et al*

QUESTIONS IN BEHALF OF THE Intervenor *Tennant*
Question 1st,

What is how long have you lived in the Pueblo of San Jose?

Ans.

Since the year 1835.

2.

Do you know the rancho
Santa Teresa in Santa
Clara County originally
granted to José Joaquín Bernal
if so how long have you
known it?

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Ans.

I do know it, I have known
it ever since the year 1835,
being present when juridical
possession was given.

3.

Describe as nearly as you
can the boundaries assigned
to it, in giving juridical
possession?

Ans.

One of the boundaries is
on the Partequello Colindante
with the Laguna the other
boundary Colinda with the
same ranch of the Laguna,
the boundary line then
runs by the bank of the
Coyote to an oak tree
on the same side of the
Coyote as the Chabolla ranch,

from that tree to another
oak tree near the hill
of San Juan Bautista, from
thence south to another
oak tree on the Galda of
the hills Calindante with
Galindo, Narvaez and Bernal,
thence all along the Cuchilla
to some rocks above the
houses of the Bernals.

H.

Whose is the adjoining ranch
if any, toward the ~~East~~ West?

Ans.

Narvaez.

I.

Have you ever pointed out
those boundaries to any
surveyor in the last few
years, if so to whom?

Ans.

Yes, so Stealy of San José.
I think about three or
four years ago, though I
do not remember exactly.

G.

Please look at the natural
and artificial objects represented

on the Bernal diseño in
the transcript on file in this
case between pages 34 and 35,
and state whether you are
acquainted with said objects
as they actually exist on
the ground?

Ans.

Yes sir, I am.

Y.

Please look at Exhibit
No. 1 A. M. P. annexed to
the deposition of A. M.
Pico in this case, and point
out the place you have
denominated "Portezuelo"?

Ans.

I don't understand this map.

Cross Examination
Questions by Counsel for
Intervenors Roach et al.

Ques: 8.

Now say in your examina-
tion in chief that when
you left the Portezuelo you
went to the Cagare creek and

marked an oak tree, did you not mark an oak tree when you first struck the bank of the Cayote, if so on which bank was it?

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Ans.

The line that we ran from the pile of rocks went to three Alisos on the Eastern side of the Arroyo Cayote, then it continued to an oak tree on the other side of the Cayote and very near its bank.

9.

You say in your answer to ques. 3: "the boundary line then runs by the bank of the Cayote to an oak tree on the same side of the Cayote as the Chatolla ranch," how near to the bank of the Cayote is that tree?

Ans.

About one hundred varas from the bank of the Cayote.

Counsel for Intervenor
Roach et al objects to the
questions asked by the Counsel
for Intervenor Tennant et al,
on the ground that they
were irrelevant incompetent
leading and inadmissible.

José Horiego

I was to and subscribed
June 20th. 1861, before me,
W. A. Chesnut,
U. S. Comr.

No. 181.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Agustin Bernal,

DEPOSITION OF

Josi Nariega

on part of *Intervenor*

John Duant,

Filed *June 21.* 1861,

W. A. Chess,

Clerk.

In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Aguasin Lernal

IN LAND CASES.

Dist. Court No. *181*

Land Com. No. *306*

BE IT REMEMBERED, that on this *20th* day of *June* A. D., 186*1*,
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
Antonio Lunbl a witness produced in behalf of
Intervenors Tennant 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: *Sloan and Williams for*
Intervenor Tennant, the U. S. Atty
for the U. S. and Mr. Badley for
intervenors Raach and

QUESTIONS IN BEHALF OF THE *intervenor Raach and*

Question 1st,

How long have you resided
in the Pueblo of San Jose?

Mrs.

Forty three years.

2.

Are you acquainted with the Rancho Santa Teresa claimed in this case, if so how long have you known it?

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Ans.

I do know it, and have known it ever since 1828, when it was founded.

3.

Do you know the boundaries assigned to it in giving juridical possession, if so describe them?

Ans.

I do know them. The Portuzuelo of the Laguna, towards the East, we marked an Aliso before reaching the Cuyate, then crossing the Cuyate we went to the luchilla of the opposite hills to a large rock which is very plainly seen and which we adapted as a land mark. Thence we ran towards the North to a place called "Agua Puerca," there an oak

tree was marked. Thence

tree was marked, thence
we continued Northwardly
to the "Junta de las Lagrimas"
where an oak tree was
marked, thence we ran West-
wardly to another oak tree
in the plain, thence we ran
to the Cuchilla of the hill
which divides the ranchos
of Bernal and Galindo, and
there marked another oak
tree, (I don't know whether
it was a common one or
Evergreen) thence along the
Cuchilla falling to the East
to a place called the
Paraders of Cruz Chabolla,
thence we followed the Ever-
green oak grove to a plain
on the side of it, always
falling East, here we
marked an oak tree and
continued to another oak
tree opposite the Pardequello,
and thence to the point of
beginning.

H.

Have you at any time within

the last few years painted
out these boundaries to any
surveyor, if so to whom?

Ans.

I think I have, to Mr.
Healy.

5.

Can you describe the line
running from the tree near
the point Las Lagrimas to
a tree in the plain ~~and~~ to
the West of the Coyote creek;
Please describe as nearly as
you can how far that tree
is from the Loma de San
Juan?

Ans.

About four or five hundred
varas East of the said Loma.

Crop Examination
Questions by Counsel for Inter-
venors Raack et al.

6.

You say in your answer
to ques. 3, "then crossing
the Coyote we went to the

"Cuchilla de Culumbachi" etc.

"Cuchilla to a large rock" etc,
how far is it from where
you escaped the Cayote to
that rock?

Mrs.

I do not know exactly the
distance as it is a long
time since I was there,
but I do not think it can
be over five hundred varas
more or less.

M.

From the ~~Cuchilla~~ ^{rock} in
the Cuchilla to the tree
spoken of at the point of the
Lagrimas, on which side of
the Cayote did you go?

Mrs.

On the side of Chaballa, the
North side.

M.

How far from the bank
of the Cayote, and from the
point of the Lagrimas was
the tree which you say
you marked?

Mrs.

About six or seven hundred

varas from the bank of
the Cayote I think, it is
about one mile from the
Las Lagrimas, ^{which is} on the South-
east side of the creek. The
hills on both sides of the
Cayote and North of the
Loma San Juan are called
Las Lagrimas.

Counsel for Intervenor
Raack et al, objects to every
question asked by Counsel
for Intervenor Tennant, on
the ground that they are
irrelevant, incompetent, lead-
ing and inadmissible.

It is admitted by all
parties that Jose Juakin
Bernal who was the origi-
nal grantee of the ranch
claimed in this case died
in 1839, leaving several
lame children him sur-
viving, one of whom was
the then existing wife of
the witness, that the wife of

the said witness died in

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The said witness died in
1845, leaving her surviving
several lawful children,
who are yet living, except
one who died since 1851.

Counsel for Interveners
Roach states objects to the
testimony of the witness
on the ground of interest.

Antonio Suñer

Sworn to and subscribed June
20th. 1861. before me,

W. D. Chivers,

U. S. Commissioner

No. 181.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Agustin Bernal.

DEPOSITION OF

Antonio Guírol.

on part of Misereuvar

John Percant.

Filed June 21. 1861.

W. G. Chever,

Clerk.

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

The United States,

v.

Agustín Bernal.

IN LAND CASES.

Dist. Court No. *181.*

Land Com. No. *506.*

BE IT REMEMBERED, that on this *20th* day of *June* A. D., 186*1*, 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 *Ant. Maria Pico* a witness produced in behalf of *intervenor Bernal.* 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: *Sloven, and Williams for*
intervenor Bernal, the U. S.
Atty. for U. S. and Mr Bodley
for intervenors Roach, et al.

QUESTIONS IN BEHALF OF THE *intervenor Bernal.*

Question 1st,

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

Ans.

Antonio Maria Pico. 53 years of
age, and reside at San Jose, in

Santa Clara County, have resided
in the town ever since 1833, and
out of it

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Incl.

Are you acquainted with the
Santa Pesa rancho in Santa
Clara County, originally granted
to Jose Joaquin Bernal, and
how long have you known it,

Ans.

I am, have known it ever since
I lived in San Jose, and before,

Id

Do you know, and can you
describe the boundaries of
that rancho, as the same were
assigned in the act of giving
judicial possession.

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Objected to by Mr Bodley on the
ground that it is inadmissible
testimony, irrelevant, and not
pertinent to the issues in the
case.

Ans.

I know the boundaries, I can
trace them on the map, or can
give them from memory.

11th

4th.

Who officiated, and assisted in giving juridical possession of that rancho, and when did it take place.

Ans.

I officiated as Alcalde, José Zúñiga Fernandez as Secretary, and José Forriega as witness, and others whose names are mentioned in the act of juridical possession. This took place in the year 1835.

5th

Are you acquainted with Charles, P. Healy, of Santa Clara County.

Ans.

I am.

6th.

Do you know of his having made a survey of the Santa Teresa rancho within sometime in 1859.

Objected to as leading, irrelevant, and inadmissible.

Ans.

I have gone with Mr Healy several times to show him some

points of the boundary line of this rancho, I do not exactly remember whether he made a survey in 1859, but I have been with him frequently to show him the lines.

7th

At the time you gave juridical possession, were there any monuments, or land marks of any kind established to show the boundaries of said rancho, if so, describe them.

Ans.

There were none. I myself ~~was~~ established some marks, on the side of the Puertaguero ^{then} near a pile of rocks placed there, on the other side of the Cañote an ~~oak~~ Alder (Aliso) tree was marked. To the North of this Aliso, and also on the same side of the Cañote, an oak tree was marked. Another oak tree to the ~~South~~ ^{side} of Narbaez to the West was also marked.

On the South, going to the rancho of Galindo, and Narbaez, an

oak tree, on a cuchilla, was also marked, said cuchilla was formed by some low hills on that side. Further up, and along said cuchilla, and to the East, another oak tree was marked, which remained as a mark between the Berreyesas, and the Bernals.

8th

Please look at a map marked "Exhibit No. 1, A. M. P." and to be annexed to your deposition purporting to be a map made by Charles S. Nealy, and point out, if you can, thereon, the various points marked by you in giving judicial possession.

Ans.

The tree marked by the Commissioner as 1, is the Aliso. The one marked 3, is the oak tree. The one marked 4 is another oak tree. Those marked 5, 6, and 7 I am not sure whether they are ordinary, or ever-green oaks. Perhaps I may also have forgotten to mention in my previous answer, some of these trees.

In giving judicial possession
we went down the West side
of the bayote, following our
lines. but we crossed over
to the Eastern side to make the
land marks

9th

Which of those trees are the
ones which you mention
as growing on the Cuchilla,
next to the ranchos of the ~~Bernales~~,
~~and~~ Berreyesa and Galindo.

Ans.

Number 5 is on the side of
Galindo. 6. and 7 are on the
side of Berreyesa, and Bernales.

10th

Please look at the dissections
in the transcript in this case,
between pages 34. and 35, and
state whether you are acquainted
with the natural objects delineated
thereon.

Ans.

I am.

11th

Do you discover on "Exhibit No. 1,
A. M. P." any object corresponding

with that which represents a

with that which represents a
range of hills to the South of the
houses, ^{on the disc} if so, print it out.

Ans.

Yes, I recognise all the hills to
the South of the house, from
number 5, to number 7 on said
Exhibit as corresponding with
that on the disc.

12th

Look at the shading on
Exhibit No. 1 A. M. P. repre-
sents a hill in the
Northwest corner of the
~~the~~ said exhibit, and South-
west of the road leading
from San José to Manabey
and state whether you
can find the ~~same~~ corres-
ponding object represented
on the disc, if so print
it out.

Ans.

Yes, the Green range marked
"Loma de San Juan" ~~Barbosa~~
which I call San Juan
Barbosa.

13^o
Are the hills represented on
Exhibit No. 1, N. M. P. as
lying East of the Coyote
Creek represented on said
diseño, if so point them
out.

Ans.
They are so represented by
the green range marked
"La Cordillera."

14^o
Is the hill represented on
Exhibit No. 1, N. M. P. toward
the Northern side of said
map between the "Loma
de S. Juan" and the Coyote
Creek represented on said
diseño, if so point it out.

Ans.
It is, It is the green ^{object} ~~range~~
marked "Loma de las Lagrimas."

15.
Is that a well known hill
in that neighborhood?

Ans.
It is very well known, all
the old neighbors will say

say just what I have
said.

16.

Do you recognise on said
diacño anything correspond-
ing with what is represented
on said Exhibit as the
Monterey road?

Ans.

Yes, it is represented by
a yellowish line marked
"Camino Real del Pueblo de
S. José para Monterey."

Counsel for Interveners
Poach et al., objects to all
the foregoing questions as
they were propounded on
the ground that they were
irrelevant, incompetent, ^{leading} and
inadmissible.

Antonio M. Pico
Smarato, and subscribed June
20, 1861, before me,

A. H. Chever.

A. C. Combs,

No. 181.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Agustin Bernal.

DEPOSITION OF

Ant. Ma Pico.

on part of *Mrs. Susan*

John Stewart.

Filed *June 21.* 1861,

W. A. 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. 181

Land Com. No. 506

Agustine Pernal

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BE IT REMEMBERED, that on this 27th day of September A. D., 1861, 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 Chas. J. Nealey a witness produced in behalf of the Intervenors P. Roach et al 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: Necher & Badley for Intervenors P. Roach et al, Messrs Sloan & Williams for Intervenors Drs. Bennett & Claimant, and W. H. Sharp U. S. Atty.

QUESTIONS IN BEHALF OF THE Intervenor P. Roach et al.

Question 1st,

Are you the same Charles J. Nealey who testified in this case before?

Ans.

I am.

2.

Are you acquainted with the place on the Santa Teresa rancho known as a point a short distance ^{south of} of the Solar or house lot, on said rancho, and near a spring, otherwise described as the Solar or position which looks towards the North?

Mrs.

I know the place.

3.

Beginning at that point running thence Eastwardly 3500 varas to a heap of stones thence running towards the North four hundred varas, thence towards the West in the direction of the Las Lagrimas hills 4850 varas, thence running across the Monterey road to the top of the hills in a South-ealy direction 5500 varas to a point 6000 varas from the place of beginning, and thence to the place of beginning those 6000 varas, how much land

would be included within

would be included within
those lines?

Ans.

About one square league.

4.

Are you acquainted with the
place called Parzequelo on the
boundary line of the Laguna
Seca rancho?

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Ans.

I am.

5.

How far is that place from the
Lalar mentioned in the first
ques: 2?

Ans.

About two miles.

6.

How far is that Parzequelo
from the Coyote creek passing
along the boundary line of
the Laguna Seca rancho?

Ans.

About three quarters of a mile

7.

What is the distance from
that point on the Coyote
creek following the meanderings
of the creek to the Southeastern

base of the Las Lagrimas hills?

Ans.

About four miles.

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8. ^{last referred to is it}
How far from that point, running in a southerly direction and crossing the Monterey road to the top of ^{the first} mountain at a point about half a mile southeasterly from the house of Mr. Biggs

Ans.

About three and three quarters miles.

9.

How far is it from the last point referred to, to the Solar at which we commenced tracing the last line?

Ans.

About two and three quarters miles.

10.

Is there more or less than one league of land within the lines last traced by you?

Ans.

I don't think there is much more than a league if a

more than a league, if any.

11.

Look on the maps marked "Exhibit No. 1. A. M. P. attached to the deposition of A. M. Pico," and state what is the character of the ground over which you passed, in running the ^{Eastern} line of the survey which that map represents, ~~as to its~~ ~~be~~

Ans.

The line passes over barren hills, with little grass thereon, the hills are from 500 to 800 feet in height, and constituting one range.

12.

What is the distance from the most Eastern corner of the survey said map represents to the Coyote creek where the line of said survey crosses the same?

Ans.

A mile and three quarters.

Crap Examination
Questions by Counsel for
Intervenors Jno. Tennant and
Claimant.

Ques. 13.

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In making the survey exemplified on the said Exhibit No. 1, A.M.P. did you discover any mark or marks at tree No. 3, in the most northerly angle of said survey?

Ans.

I think it has an old mark of a crop.

14.

In passing from the Portquelo marked "D" on said exhibit, in your survey, did you arrive at any tree or trees near to and on the northeasterly side of the Cayote Creek, that seemed to have been marked?

Ans.

There are several Sycamores in that vicinity that have old marks upon them, but I believe we were unable to identify any one of them as having been marked at the

time the jurisdiction was

Since the juridical possession
was given.

15.

In passing up the Cayote
creek from those marked
trees, do you pass the whole or
part of the Las Lagrimas hill
in reaching the tree No. 3 here-
fore mentioned?

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Ans.

The line passes the greater
portion of it, as shown upon
the map.

16.

Commencing at the same point
to wit: the marked Sycamore
trees to the Northeast of the
Partezuelo, and from thence
running Westwardly on or
near the Cayote creek past
a hill called Las Lagrimas,
do you know of any marked
tree or other monument, save
the tree No. 3, that would be
reached?

Ans.

I don't remember having seen
any.

17.

If a straight line were drawn from tree No. 3 to tree No. 5, would it pass through any lalax or laguna?

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Ans.

It would pass through swampy land which in wet seasons extends from the hills of San Juan Bautista South-easterly, in the neighborhood of the object marked "Millars" in pencil on said exhibit No. 1 A.M.P.

18.

Please draw a straight line from tree No. 5 to the Parqueles marked B, also from tree No. 1 to that marked No. 3. Also from tree No. 3 to tree No. 5; on said exhibit No. 1. A.M.P. and state the superficial contents of the land enclosed by the lines so drawn and the line of your survey on ^{said} exhibit No. 1. A.M.P. from "B." to tree No. 1?

Ans.

I have drawn the lines in blue and they include about 8000 acres.

8000 acres.

Thos. J. Healy

Subscribed and sworn to this
28th day of September A.D. 1861, before me.

M. H. Cheever,

M. S. Com. —

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No 181

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

v.

Agustin Bernal.

DEPOSITION OF

Chas. T. Healy

on part of *Intervenors*

P. Roach, et al.

Filed *Sept. 28.* 1861,

W. A. Cheves,

Clerk.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Agustín Bernal

IN LAND CASES.

Dist. Court No. *181*

Land Com. No. *306*

BE IT REMEMBERED, that on this *27th* day of *September* A. D., 1861, 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 *William Gof* a witness produced in behalf of the *Intervenors P. Roach et al.* 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: *Necker & Badley for Intervenors P. Roach et al. Messrs. Sloan & Williams for Intervenor and Tenant & Claimants, and W. H. Sharp W. S. Akky.*

QUESTIONS IN BEHALF OF THE *Intervenor P. Roach et al.*

Question 1st,

What is your name age and place of residence?

Ans.

My name is William Gof, my age is fifty one years, and I reside

in the city of San José.

2.

How long have you resided in California?

Ans.

Since February 1853.

3.

Are you acquainted with a hill or mountain known by the name of Las Lagrimas, if so state where it is situated with reference to the Coyote Creek, and with reference to the road from San José to Monterey?

Ans.

I know a hill usually so called. The Coyote Creek loses itself within these hills, and it is on the Southern side of the road, ^{and} on the most Eastern side.

4.

State if there is an oak tree at or near said hills with a mark on it, if so describe the locality of the tree, likewise the character of the mark with reference to its size, shape, and

apparent age?

apparent age?

Ans.

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There is a tree almost directly on the bank of the Coyote, within a hundred yards, I should think of the commencement of the base of the hill on the South side. The mark has the appearance of being ^acut into the bark about twelve inches square, now ^{quite} or nearly healed over, but the mark is still visible. The mark may have been made fifteen years ago.

5.

State what you know if anything of a marked tree on or near the summit of a mountain Southely or Westely from the tree of which you have spoken, giving the locality of such tree on the mountain with reference to some other object now upon the ground, so that it could be found?

Ans.

I know there is a tree in a Southely course from the

tree I have spoken of, that tree is marked in a similar manner to the one first spoken of. This tree stands alone by itself; the peculiarity of the tree is that it leans Southwesterly. It is situated in a Southeast direction about half a mile from the ^{or, top of the mountain} house of Diggs. I should judge that the distance between the two trees was about two miles and a half, perhaps three. The mountains I allude to are the first range of hills to the West of the Monterey road called the Pueblo hills and are the hills dividing the valley of the Capitancillos from the general plain of San José.

C.

In passing from the tree of which you have spoken near the Coyote in a straight line to the tree on the mountain of which you have spoken, state whether you cross the Monterey road, and whether you pass over any low ground, if so describe the character of

Such low ground, and its locality
with reference to the road?

Ans.

Yes sir, you cross the Monterey
road, and low ground, or
what is generally called laguna,
it is wet in the winter and
dries up in the summer. It is
on the South-west side of the
road. This laguna ~~runs~~
extends nearly a mile parallel
with the Monterey road.

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Crop Examination
Questions by Counsel for
Intervenor Tennant & Claimant.

Ques: 7.

Does the tree you first describe
stand on the Northeastern or
Southwestern side of the creek?

Ans.

On the Southwestern side, and
near the point of the Las
Lagrimas range.

As the mark on that tree
what is usually called by wood-
men a "blaze" & formed by hewing

off the bark and leaving a smooth disk, without any letters, figures or characters of any kind?

Ans.

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Some people might call this a blaze. It is a plain ~~round~~ disk, square, without any characters or figures cut in it. It is a live oak tree.

9.

Is the mark on the second tree mentioned, of the same character?

Ans.

It is of the same character but not exactly square. It has no figures cut in it. It is a white oak tree.

10.

Are these the only trees in that neighborhood bearing similar marks, which you have examined?

Ans.

There are other trees near by on the Cayote, but I did not notice any other trees bearing marks.

11.

Now did you happen to have your attention called to the marks on those two trees?

Ans.

I was requested to go there by Mr. Bethel to examine the marks on them. He was with me when I examined the one on the Cayote, and pointed the other out to me from the foot of the hills.

12.

Do you know anything of a cluster of hills a little to the West of the Las Lagrimas, usually called San Juan Bautista?

Ans.

I know there is a cluster of hills usually called by that name.

13.

Did Mr. Bethel call your attention to an oak tree situated near midway between the Las Lagrimas and San Juan Bautista a short distance from the Monterey road towards the

Southwest, and which is also marked?

Ans.

He did not.

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Does said Bethel reside anywhere in the neighborhood of the second oak tree which you describe as being marked, if so how far from it, and in what direction?

Ans.

He lives about a mile and a half in a Northwesterly direction from it.

15.

Does the Laguna or low land which was mentioned, lie between Bethel's house and that tree?

Ans.

It does not. The low land is an Easterly direction from Bethel's house.

Direct examination resumed
Questions by Counsel for Intervenor P. Roach et al.

Ques: 16.

In passing from the tree on

the Cayote of which you have

the Coyote of which you have
spoken to the tree on the top
of the mountain of which
you have spoken, do you or
not pass trees and graves?

Ans.

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I do.

Wm. B. Goss

Sworn to and subscribed this
27th day of September A. D. 1861 before me.

W. A. Cheever,

U. S. Comm^r

No 181,

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

V.

Agustin Bernal,

DEPOSITION OF

William Galt,

on part of *Misnevors*

P. Rouch, et al.

Filed *Sept: 28,* 1861,

W. H. Cheves,

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 Friday the eighth day of November in the year of our Lord one thousand eight hundred and sixty one.

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Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Agustin Bernal

181.

And now at this day, on motion of Mr Sloan, of counsel for the Intervenor John Stuart, it is ordered by the Court that this cause be, and the same is hereby fixed for hearing on the 14th instant.

No. 181.

UNITED STATES DISTRICT COURT

Northern District of California.

The United States,

v.

Aug. Bernal.

*Order fixing cause for
hearing on 14th inst.*

Filed *November 8,* 1861.

H. St. Charles,

Clerk.

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The United States
vs
Agostin Penal

No. 181, ND
"Santa Teresa"
Santa Clara County
February 28, 1862

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Objections to survey on part
of the claimants.

By the decree of confirmation
in this case the land confirmed
is described as follows: Beginning
at a point a short distance
south of the solar or house lot
of said Rancho and near a
spring and running thence in
an easterly direction to a pile of
stones in the Portazuelo or pass of the
Laguna being a point on the lower
edge of a tract of land known
by the name of the Laguna Seca
thence in a northerly direction &
with the line of the last mention-
ed Rancho until it intersects the
Coyote Creek thence westerly with
the meanders of the Coyote Creek
to a point at or near the base
of the ~~ore~~ a hill known as by
the ~~the~~ name of Las Lagunas
where a live oak tree was
marked as a corner thence
southerly crossing the road

from Monterey by an oak
tree and through a dry tula
to a tree on the top of
a mountain marked as a
corner thence easterly along
the range of hills on the
south side of the tract to
the point of beginning contain-
ing one square league of land
more or less according to the
terms of the grant, and exclud-
ing a small portion of land
which was occupied by and
adjudged to belong to Juan Al-
varez, the owner of the adjoining
rancho - reference for a more
particular description to be had
to the original grant and to the
testimonial of ^{adjudication} judicial possession
and to the traced copy of
the map contained in the
Expediente - all of which are
on file in this case."

This decree which was literally
copied from the decision of the
Board ^{was} evidently designed to con-
firm to the claimant the land
whereof he had received formal
judicial possession as shown by
the record of that proceeding.

3 In the official survey the terms of the decree, as well as the description of the measurement given in the act of possession seem to have been entirely disregarded - that survey must therefore be set aside -

But ~~a~~ ^{several} questions of some ~~substantial~~ ^{serious} difficulty will still arise ~~as to~~ to the manner in which the location should be made and to these questions the arguments of Counsel were addressed.

The location of the first line just mentioned in the decree and in the act of possession ~~is~~ ^{is} from that point the Solar to the Porla Suelo is not disputed -

~~As~~ The description of the 2^d line as given in the decree seems to differ from that contained in the act of possession -

In the former it is described as running from the Porla Suelo ^{in a northward direction} until it intersects the Coyote creek - while ~~in~~ the latter describes it as having been run from the Porla Suelo to a ~~distance~~ ^{distance} a distance of 8 Cordels of 50 Varas

each, where some trees were
marked as a boundary.
Then official survey this line
is continued across the Cayote
northern branch of the Cayote
to a tree situated at or near
its bank.

This tree is identified by several
witnesses as the one actually
marked at the time of giving
Judicial possession - and neither
that fact, nor the correctness of
the location ~~is~~ is disputed -

But it is nevertheless evident
that the line so located does
not answer the calls either of
the decree or of the Act of
possession - By the 1st or by the
first it should terminate at
and not cross over the creek
while by the last, it should
run only 400 varas to a "desa-
que" - The mention of distance
in any record of Judicial possession
is of course usually of little im-
portance in view of the loose
and inaccurate manner in
which measurements were made
under the former Government - and
the term "desaque" defined might

possibly have been supposed to refer to one of the branches or outlets of the Coyote creek — But if the line be extended to that creek as mentioned in the decree, ^{across both branches} or to the tree on its northern bank as has been done in the official survey its length will exceed 1500 varas — making a difference between the length specified in the act of possession and that of the line as located of more than 900 varas — a greater ^{difference} ~~error~~ than with every allowance for probable errors in measurement we can reasonably suppose to have occurred.

That the "desague" referred to, was not a branch of the Coyote would seem clear from the discursos — as well that which accompanied the original petition as that attached to the record of Judicial measurement — In both, a "desague" is represented and is inscribed at a short distance from the Porta suelo and constituting the outlet of the laguna considerably to the south of the Coyote creek.

^b If to these considerations we add the fact that neither in the preliminary reconnaissance or visita de ojos nor in the record of possession is any mention made of the Cayote creek as a boundary, which as presenting the most clearly defined and unmistakable line would, if so intended have hardly been neglected, we will find it difficult to reconcile the location of the 2^d line as made by ^{us} the ~~survey~~ ^{survey} official survey with the ~~description~~ ^{its description} of the in the act of possession.

It is also to be considered that if the 2^d line be made to terminate at the "desague", at the distance from the Porta Suelo of about 400 varas the land of Alviras which was expressly excepted out of the grant is not included - whereas if that line be extended to the Cayote as mentioned in the decree, or to the tree, ^{on the northern bank,} as has ~~so~~ ^{not} been done, in the official survey the land of Alviras is included within the limits of the Individual measurement. It

7 is true that in the official survey a wedge-like piece of land is enclosed within red lines and excluded from the tract surveyed — But that tract is now ~~there~~ included within the boundaries as seen by the Judicial office if ~~the location~~ ^{the} location of the lines seen by him be correctly ~~himself~~ ^{correctly} located and we must suppose ^{that} the Magistrate, ~~that~~ though well aware that the land of Alvies was not included in the grant nevertheless made a measurement and established boundaries including that land, and gave formal possession ~~of it~~ to Bernal without any when mentioning in the act of possession that out of the tract was to be excepted the land of Alvies.

But as before stated the decree of this Court which has become final established the Coyote Creek as the northern boundary — No objection is taken on either side to the location of the 1st line as fixed

8 by the Surveyor and the
whites who ~~were~~ ^{are} ancient in-
habitants of the country seem to
concur in identifying the tree
on the northern bank of the
Coyote, as that actually marked
and now since recognised as
the North Eastern boundary
of the tract.

As all parties seem to thus to
have acquiesced in the loca-
tion of the 2^d line it is not
the business of the Court now
to disturb it —

The real controversy ^{has arisen} ~~exists~~ as
to the location of the North
western corner or the termina-
tion of the third line —

The decree describes this line
as running from the termination
of the 2^d line ~~to~~ "westward with
the meanders of the Coyote
Creek to a point at or near
the base of a hill known by
the name of "Las Lagunas"
where a live oak tree was
marked as a corner."

In the act of possession it
is described as running from the

I found the trees marked as
the termination of the S line
"to the west, until a loma called
"de las Lagunas was crossed or
"passed by, ("hasta atravesar una
"loma" &c) a distance of 97 cords
"and from this place crossing the
"road to Monterey &c"

Antonio M. Pico the alcalde
who gave the possession—
Jose Noriega, an assisting witness
and Antonio Suñol who was present
at the proceedings have all been
examined ^{in this case} as witnesses.

Pico testifies identifying the oak
tree on the northern side of the
Cayote and marked N° 3 on the
map appended to his deposition
as the tree as N. West corner
of the tract of which he gave
judicial possession.

Jose Noriega testifies that the
boundary line was run by the
banks of the Cayote to an
oak tree on the northern side
of that stream—and that he
pointed out this tree to W^m
Healey the Surveyor. It is the
same as that identified by Pico.

Antonio Simol's ~~test~~ testimony in some particulars differs from that of the other witnesses for he states ~~that~~ the line was run across the Coyote, to the cuchilla of the opposite ^{mountains} to a large rock which was adopted as a land mark. But in this it seems to be conceded ~~that~~ the witness is mistaken. His statement is inconsistent with the record of possession which as we have seen does not even mention that the Coyote was reached - and by the decree that creek is fixed as the northern boundary -

He has probably confounded the preliminary reconnaissance or "vista de ojos" by ⁱⁿ which the exterior limits of the tract were pointed ^{out} to the magistrates with the subsequent measurement and establishment of boundaries which determined the ~~limits~~ ^{limits} of the granted ranchos. But Simol tho' he describes the northern line as run along the ~~the~~ cuchilla of the hills and not up the Coyote ~~yet~~ fixes its termination at the same

11 points
As that testified to by the
other witnesses as the tree
marked No. 3.

But it is urged that the de-
cree requires this line to terminate
at "at a point at or near the
base of a hill called Loma de
^{where a tree was marked}
Las Lagunas - and that it
should therefor stop at the
eastern base, or nearest base
of that hill at or near the
point "J." where a witness testi-
fies a marked tree is to be
found"

But it is ^{to be} observed that the
decree does not call for a
tree at the Eastern base of the
hill - nor does the act of
possession state that any tree
was marked at the termina-
tion of the line -

The call for a tree in the
decree was therefor founded
on the testimony of the ^{alcalde} assist-
ing witnesses taken before the
Board - These. I understand an
assisting witness whose deposition
is found in the transcripts states
that "they continued along the
banks of the Coyote until reaching

12 the hill of Las Saginas and at about 400 varas beyond the hill a live oak was marked—

It is plain that the Road in calling for the oak tree ^{at or} near the base of the hill of Las Saginas must have intended the oak ~~only~~ tree which by

the testimony before them was ~~marked~~ ^{marked at the time,} ~~as a boundary~~ ^{as having been marked at the time,}

But the tree at the Eastern base of the Loma does not appear to satisfy the description of the live oak in the act of Judicial Measure ~~meant~~ ^{meant}. The record describes the line as having been run "hasta

"a travessa una loma" ^{Nº 1} until a Loma (Las Saginas) was crossed or passed by— But this description would not apply if the line were run only until the loma was reached— that is, if it stopped at its Eastern or nearest base. ~~and the~~

It is said that if the line be run to the tree marked Nº 3 as contended for by the claimant and thence South to the tree

And which was identified as having been marked at the time, ~~mark which fixed~~ ^{mark which fixed} as a boundary ~~reason to this~~ ^{reason to this} ~~deeds~~ ^{deeds}

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on the top of the Mountain
it will necessarily cross the western
portion of the Loma de las
Saguinas - Whereas the record
describes the line as crossing
only "the road to Montey, passing
by an oak grove and 'dry lake
' marsh" while all mention of
crossing the hill is omitted -

But it is I think evident from
the concurrent testimony of all
the witnesses that the line from
tree No 3 was not run in a
southerly but in a south ^{westerly} ~~east~~
by direction towards a tree
in the plain - In that case
it would not have passed
over but by the westerly base
of the Loma - The language
of the Act of the Possession
is not inconsistent with this
supposition - for it describes
the line as run "from that place"
(viz the point reached after passing
the Loma, already shown to be
tree No 3) "crossing the road
" ~~to~~ Montey to a Lular sec,
" an oak grove, so as to reach
" to the crest of the Mountain
" direction to the S. passing to the N"

14 The direction ^{by compass} here given is
not intelligible: but if it does
not necessarily follow ^{from the description} that a
single straight line was drawn
from Tree No 3 to that on the
Crest of the hill — on the
contrary, it seems almost certain
that if tree No 3 be in fact
the termination of the 2^d line
the 3^d line would have been
deflected towards the west
through the open land so
as to avoid crossing the
hill, and a point established
about in about the position
of the tree identified by the
witnesses, as the westerly
limits of the land — That tree
being, it will be remembered
considerably to the East of the
hill of San Juan mentioned
in the grant as one of the
exterior and therefore within
the exterior limits mentioned
in the grant.

The decree describes the line
under consideration as drawn
A. Southely crossing the road to
B. Mounting by an oak tree &
C. through a dry Gulch to a tree

15 on the top of the Mountain.
If this oak and Dry Gulch
can be identified it would
seem that the line ought to
deflect so as to run by the
one & through the other not
withstanding that the course
might not in such ^{case} be due
south.

I do not however understand
it to be claimed that contin-
ed on the part of the claimants
that the line should be so
drawn - They are content
that the line should ~~be drawn~~ ^{run}
direct from Tree No 3 to the
Tree on the top of the hill
marked No 5 on the map
referred -

On the whole my opinion
is that the survey should
be made by running a line
from the plan ~~to~~ of Kunal
to the Portaxuelo, thence to
the point marked No 1 on
the Exhibit No 1. A.M.P. thence
with the meanders of Cayole
Creek to Tree No 3. thence in
a straight line to Tree marked
No 5 and thence in a straight

16 line to the place of beginning
The true location of this
last line I have not ~~required~~^{into}
for I understand that no
dispute exists with regard to
it - If in this, I should be
under a misapprehension
the Parties may apply for a
modification of this decree or
may except ^{in this particular} to the survey made
in pursuance of it.

181.

U. S. Dist. Court.

The United States.

vs.

Augustin Bernal.

Opinion respecting
Survey, and directing
a new survey.

Filed February 28, 1862,

W. H. Chew.

Clerk

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The United States } No. 181, ND
 } "Santa Teresa."
Agustin Bernal et al } Dec: 15, 1862

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An opinion having been in this cause, in which the various questions relative to the survey and location of the above rancho were discussed and decided a motion was made by the claimants for a rehearing and modification of so much of it as required the line across the valley to be run direct from the tree near the Sagunas hill marked N^o 3 to that on the Point to Shell marked N^o 5

This motion having been granted the Counsel for certain parties intervening for their interests have filed a brief in which not only the modification proposed is resisted but the correctness of those parts of the opinion which were in favor of the claimants is disputed and the whole subject re argued on its merits.

The decree of the Board which was in terms adapted the same terms as that of this Court

3 adopted the four lines as described in the book Record of the Judicial possession of the Rancho. Some of the lines were as described in the

The description however of some of the lines is derived in part from the testimony of witnesses - The principal of whom are the Alcalde who gave the possession and the assisting witnesses -

of these lines the most important and the only one ~~evaluated~~ are the third and fourth - The decree directs that the third line shall be run westerly with the meanders of Coyote creek to a point at or near the base of a hill known by the name of Las Lagunas where a live oak tree was marked as a corner thence southerly crossing the road to Monterey by an oak tree and by ^{through} a dry gulch to a tree on the top of a mountain marked as a corner

The terms of this.

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In the record of the Judicial possession it is not stated that a tree was marked at the end of the 3^d line. The line is described as *una hasta atra* *besar una loma* - and *found* the next line is *una* "found that place crossing the road to Monte Rey to a *Llave seca*, an oak grove until it reached the crest of the Sierra -

The call in the decree for a marked tree was therefore denied from the testimony produced to the Board, of the Alcalde and assisting witnesses by all of whom the tree was identified. That the decree referred to the one spoken of by them is evident from the fact that no other tree "at the base of the Las Lagunas had then been mentioned - and Hernandez expressly states that the line was run along the creek until the bill was passed, and the tree marked about 500 ^{situated} *varas* beyond the hill -

The effort now made to substitute the tree ^{at the point} marked "Y" on Healy's map for that marked N^o 3 is not only inconsistent with the testimony of the witnesses and the language of the act of Possession (which states that the hill was passed or crossed) but also with the plain intent of the decree of the Board by whom the tree at N^o 3 was adopted. At the time the opinion on objections to the survey was delivered it was supposed to be agreed by the claimants that the line ~~from~~ from N^o 3 should be run direct to N^o 5 crossing if necessary any portion of the Laguna hill that intervened. But it was observed that by the concurrent testimony of all the witnesses, as well as the intrinsic probabilities of the case it appeared that the line from N^o 3 ~~was~~ was run to a tree in the plain passing a Tular sea & an oak grove and thence to the hills -

The claimant now asks that

5 This line may be so located.

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The decree of the Board ~~seems~~
^{describes the western boundary as extending}
~~to~~ ~~crossed from the river~~ ~~to~~
the Tree No. 3 "southward crossing the
road from Monterey by an oak
tree and through a tulare sea
to a tree on the top of a moun-
tain."

This description is evidently taken
from the testimony of the witnesses
who all state that from the tree
near the Lagunas (No. 3) they ran to
a tree situated to the eastward
of the hill of San Juan Bautista
~~and~~ thence to a Tulare sea &
thence to a tree on the mountain.
If then this tree near the San Juan
Bautista can be identified it
would, ^{seem} that in strict conformity
with the decree of the Board
the line should be run to it &
and thence by the Tulare sea
to the mountain.

All the witnesses concur in describ-
ing this tree as situated on
the plain at no great distance
from the hill referred to— It is
marked on Healy's map as No. 4

6 It is described by all of them as established as a boundary mark between the rancho of the claimant and that of Narvaes his neighbor on the west & it was pointed out by them to the surveyor.

It is objected that the Record of possession shows that but one line was drawn from tree No 3 to the tree on the mountain.

The language of the record is "from this place crossing the road to Monterey, to the Tulare Sea, an oak grove until the crest of the mountain ~~was~~ reached where now to the south begins turning towards the North."

It is plain from this description that the line whether straight or composed of two lines forming an angle with each other must have been run to the Tulare Sea, the Noblar and thence to the crest of the mountain. ~~As clearly shown~~ It is not stated that it was a "linea recta" and certainly a straight line to the tree on the

7 Mountain which would fail to reach the Tulare Sea & the Noblar would not be in compliance with the description in the Record —

The Alcalde seems to have supposed that to obtain a tract one square league in extent it was only necessary to ~~draw~~ ^{make} the exterior lines of such a length as would make their sum amount to 20,000 varas without regard to the figure of the tract —

In the this idea he may well have treated the lines as a crop the plain though in fact two, as only one, and contented himself with giving the supposed sum of their lengths — and this supposition is ~~perhaps~~ ^{slightly} corroborated by the obscure and mention of the direction — "south turning to the north" — indicating ^{perhaps} some change in the direction such as would be produced by a deflection in the course ^{of the lines}, after reaching the oak tree.

I find therefore no incompatibility between the terms of the

8 Judicial Record and the testimony - at least none sufficient to justify me in refusing their positive and corroborated testimony evidence of ~~the~~ the al Calde and all the witnesses, ~~who~~ whose which was ~~was~~ mainly justly adopted by the Board & ~~valued~~ ^{as the basis of} ~~the~~ ~~these~~ decree.

It is objected that the judicial possession includes ~~as~~ much larger quantity of land than that granted - "one league more or less."

It appears from the Expediente that in 1834 Benal presented his petition to Gov. Figueroa setting forth that he was an invalid soldier seventy years of age, with a posterity of seventy eight souls - that five years before he had obtained from the Ayuntamiento of San Jose a tract of land called "Santa Teresa" - that he had taken possession ^{of it} occupied with 2100 head of cattle mares horses & planted a vineyard & built 4 houses on it in which he and

of his descendants resided - He therefore asked for a formal title de

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This petition was referred by the ~~Alca~~ Governor to the Alcalde with directions to take testimony as to the qualifications of the petitioner the extent of the land de - This order was duly executed - all the witnesses testifying to the qualifications of the petitioner and that the extent of the land was about two square leagues -

On the 10th June 1834 the Governor made a decree of concession declaring Benal owner of the tract known as "San La Loresa bounded by the "Rancho of Laguna Seca the "hills of San Juan and the "lateral hills" and referring the concession to the Departmental Assembly -

Pending these proceedings a contest arose between Benal & one Rhoires who was applying for a grant of the adjoining Rancho of San Laguna Seca -

10 Concerning a small piece of land which the former conceded was within the limits of Santa Teresa but which had been improved and occupied by the latter -

This controversy together with the respective decrees of concession, was referred to the departmental assembly, who decided in favor of Alvarez on the ground of his prior possession.

They therefore approved the grant to him, including the disputed tract and, at the same time, approved the grant to Rimal, including the same piece of land -

In the grant to Rimal the land is described as that known by the name of Santa Teresa, bounded by the Rancho of Laguna Seca and that of Navajo, by the Coyote Creek and the hills of Lagunas & San Juan - with the exception of the portion ~~also~~ referred to

11 adjudicated as above stated, to
Alvires -

The fourth condition states the
quantity as "one square league,
a little more or less -"

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It is evident from these proceed-
ings that the rancho of Santa Teresa
~~had~~ ^{was} at the time of the petition
of known and determinate limits.
The long service, the great age
the numerous posterity, and the
tenure's occupation of Pinal
afforded abundant reasons to
the Governor for granting him
the whole tract up to the hill
of San Juan, supposed under-
stood to be two leagues in
extent -

When, however, the price adju-
dicated to Alvires was ex-
cepted out of it, the quantity
was necessarily reduced - ^{and}
it was therefore stated ^{as of the extent} to con-
tain ^{of} "one square league, a little
more or less," the extent ^{determined} excepted
of the portion excepted being
probably unknown -

But there is no reason to
suppose the Governor meant

12
to deprive Remal of any por-
tion other portion ^{of the land} than that
so adjudged to Alvaris
or to stretch in any other
direction the boundaries al-
ready established by his de-
cree of Concession.

Before proceeding to give the
possession the Alcalde as a-
usual, examined witnesses as to
the boundaries of the land -
They all declare that they know
the track that it has been in
the possession of Remal and
they mention all with one ex-
ception mention the hill of
San Juan Bautista as one of
the land marks -

The tree marked No 4 is at
some distance to the East of
the hill of San Juan Bautista.
It appears therefore that in es-
tablishing this boundary the
Alcalde did not include all
the land within the exterior
boundary mentioned in the
decree of Concession, the title
and the testimony of the witnesses

15
Whatever therefore might be the ^{in other cases} force of an objection to a judicial survey which largely exceeded the quantity mentioned in the grant, it can possess but little force in this case - For the Judicial officer has actually carried into effect the intention of the Governor to give to Benal the well known tract of Santa Teresa, of which he had long been in possession and which was supposed to be two leagues in extent less the quantity appropriated to Alvarez -

It is further objected that the above Judicial survey includes the hill of Las Lagunas mentioned as ^a boundary -

But the rule of construction which in our courts always includes the object named as a boundary is of very uncertain application to Mexican grants for it frequently happens that a cemo, or a loma ^{with} which

14 a rancho is said to be "whidante", is ver dully included to be included in the grant. Such objects are mentioned ^{rather} as land-marks ^{to identify the} ~~denoting the limits of~~ ^{rather} the tract, rather than as boundaries to which it is to extend but which are not to be included.

There is nothing therefore in the fact that the Saginas hill ^{in the} ~~was~~ ^{particular} ~~was~~ included, to justify in disregarding the ~~former~~ and official determination of boundaries, and delivery of possession of the land made by a competent officer with all the forms required by the law & contemplated in the grant. ^{a proceeding} ~~and~~ which under the former government was accepted as finally and forever determining the limits of the lands conceded to ~~individuals~~ its citizens. My opinion therefore is that the survey should be made as heretofore except that the western boundary should

15 - Le Ann joins the tree No 3
identified by the whistles to
the oak tree mentioned by
them (No 4) and thence by
the Tulare sea to tree
No 5 on the crest of the
Mountain.

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[Faint, illegible handwritten notes in columns, possibly bleed-through from the reverse side of the page.]

181.

United States Dist. Court.

The United States.

vs

Augustin Bernal.

Opinion respecting Survey,
and Modifying Opinion
of February 28, 1862.

Filed December 15, 1862,

W. A. Chever, 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 second day of March 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.
Agustin Bernal

Wash

This cause came on to be heard on objections to the official survey of the land confirmed to the said Bernal, which survey is shown by the certified copy plat filed March 23, 1861; and counsel for the respective parties having been heard, and due deliberation had in the premises, It is now ordered, adjudged and decreed that said objections be and the same hereby are sustained, and that the said official survey be and the same hereby is set aside as erroneous.

And it is further Ordered that the Surveyor General of the U.S. for Cal. cause a new survey to be made of the land confirmed, in accordance with this order, and return a plat of the same to this Court for its approval.

And it is further ordered that the new survey be made as follows: Commencing at the Portezuelo, or place marked "B" on Exhibit A. M. P. No. 1, thence to the point marked "I" on same Exhibit,

(excluding the Alving tract); thence along and meandering the Coyote Creek to tree N^o 3; thence to tree N^o 4; thence by the tular to tree N^o 5; and thence ^{along the hills} by the nearest subdivision lines, and including the solar of Bernal, to the point of beginning. And it is further ordered that said Exhibit N^o 1, A. M. P., together with a certified copy of this order, be served upon the Surveyor General for his information.

John Hoffman
 Dist Judge

Recd a true copy of the above
 W & S. Hall Office
 March 30 63 }
 E. Conway
 Chief Clerk

No 181

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Agustin Bernal

Order rejecting survey
 and directing new one.

Filed March 2, 1863

M. H. Cheever

Clerk.

23

At a stated Term of the District
Court of the United States for the
Northern District of California, held
at the Court Room in the City of
San Francisco on Monday the
31st day of August, A. D. 1863.

Present:

Hon. Ogden Hoffman, U. S. Dist Judge

The United States

v

Agustin Bernal

3 No. 181

And now at this day,
it appearing to the Court that the Surveyor
General of the United States for California
has returned to the Court his survey and
location of the land confirmed herein,
made in pursuance of the order of the
Court entered March 2, 1863, and shown
by the certified copy plat filed August 22,
1863; and it appearing that the attorneys
for the respective parties have been duly
notified: Now therefore, It is ordered,
adjudged and decreed that the survey
and location of the land confirmed in
this case, the field notes of which survey
were approved by E. J. Beale, Surveyor General

of the United States for California on the 29th day of July, 1843, is a good and valid survey of the land confirmed to the said Agustin Bernal, and that the said survey and location be and the same hereby is approved.

And it is further Ordered, adjudged and decreed that the certified copy plat of said survey and location, filed August 22, 1843, and marked "Approved August 31st, 1843, Ogden Hoffman, U. S. Dist Judge" be attached to and made part of this decree for a more full and particular description of the tract of land containing Nine thousand six hundred and forty seven $\frac{13}{100}$ acres now finally confirmed to the said Agustin Bernal.

Ogden Hoffman
Dist Judge

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506 Bd
U. S. District Court

The United States

v

Agustin Bernal.

Final Decree

Filed Aug. 31. 1863.
H. H. Cheverus,
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 Thursday the 1st day of October 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.
Agustin Bernal.

N^o 181

This cause having come on to be heard on objections filed to the survey and location by the Surveyor General of the United States for California of the land heretofore confirmed to the claimant pursuant to the provisions of the Act of Congress approved June 14th 1860. and the said objections having been sustained by the court and a new survey and location of said land having been directed by this court on its order of March the 2nd 1863. in pursuance whereof the said Surveyor General made and returned to this court a new survey and location of said ^{land} ~~survey~~ on the 22^d day of August 1863 and the said last mentioned survey and location having been approved by the court in its final decree entered on the 31st day of August 1863. Now on application of Wm. H. Kemp Esq. United States Attorney this ordered that an appeal on behalf of the United States from said final decree be and the

same is hereby granted; and that a certified transcript of the pleadings, evidence, depositions and proceedings in said cause, be sent to the Supreme Court of the United States without delay.

No 181

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Agustin Penal

Order granting
appeal in behalf
of the U.S.

Filed Oct. 1st 1863

A. A. Chaves
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 9th day of Nov 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.
Agustin Rimal

N^o 181.

This cause having come on to be heard on objections filed to the survey and location by the Surveyor General of the United States for California of the land heretofore conferred to the claimant pursuant to the provisions of the act of Congress approved June 14th 1860. and the said objections having been sustained by the Court and a new survey and location of said land having been directed by this Court on its order of March the 2^d 1863 in pursuance whereof the said Surveyor General made and returned to this Court a new survey and location of said land on the 22^d day of August 1863. and the said last mentioned survey and location having been approved by the Court in its final decree entered on the 31st day of August 1863. Now on application of R. Aug. Thompson Esq. attorney for Philip Roach, John Kassingier, Richard Richards, Michael Cahalan, John P. Kennecey, Herman Hoffman, Warren A. Bethal, Daniel Kety, James Red, Mary Ann Williams, Alvin L. Campbell, & Thomas Hamilton ^{Intervenors} It is ordered that an appeal on behalf of the said ~~Intervenors~~ from said final decree be and the same is hereby granted; and that a certified transcript of the pleadings, evidence, depositions and proceedings in said cause, be sent to the Supreme Court of the

No 181

UNITED STATES DISTRICT COURT

Northern District of California.

The United States

v.

Agustin Penal

Order granting appeal
in behalf of Philip
Blackwell Inter-
-venor

Filed Nov 9 1863.

W. St. Charles
Clerk.

United States without delay

And it is further ordered that
this order be entered as of November 2^d
1863.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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 vs. Augustin Bernal,
appellee, the decree of the said district Court entered
on the 31st day of August, 1863 is in the following words,
viz:

And now at this day it appearing to the court
that the surveyor general of the United States for
California had returned to the Court his survey and
location of the land confirmed herein, made in
pursuance of the order of the Court entered March
2, 1863 and shown by the certified copy plat filed
August 22, 1863, and it appearing that the attorneys
for the respective parties have been duly notified:
now, therefore it is ordered, adjudged, and decreed
that the survey and location of the land confirmed
in this case, the field notes of which survey were
approved by E. F. Beale, surveyor general of the
United States for California, on the 29th day of July
1863, is a good and valid survey of the land con-
firmed to the said Augustin Bernal, and that the
said survey and location be and the same is
approved.

And it is further ordered, adjudged, and decreed
that the certified copy plat of said survey and location,
filed August 22, 1863, and marked "Approved August

31st 1863, Ogden Hoffman, U.S. dist. judge," be attached to, and made part of this decree, for a more full and particular description of the tract of land containing nine thousand six hundred and forty seven ¹³/₁₀₀ acres, now finally confirmed to the said Augustin Bernal."

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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 *sixty five* 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~~, *on the motion of Mr Attorney General Speed of Counsel for the appellants - it is now here ordered, adjudged and decreed by this Court that this cause be and the same is hereby dismissed -* 28 Dec.

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You, therefore, are hereby commanded that such _____ 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 five* -

COSTS OF _____
Clerk..... \$ _____
Attorney ... \$ _____
\$ _____

Taxed by

A. W. Middleton

Clerk of the Supreme Court of the United States.

No. *181 ND*
506189
No. *181 ND*
Sup. Ct. Term, 1865.

MANDATE

SUPREME COURT UNITED STATES.

U. States vs. Bernal

of
the fine 27th 1866
to the York and etc
by Daniel McLean
attorney

United States

N: 181 -

v.
Bernal et al: }

Exceptions to Survey.

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The petition of Joaquin Bernal for a grant of the land called Santa Teresa, being referred to the Ayuntamiento of San José, met with a favorable report, and Governor Figueroa made a decree of concession in favor of the applicant June 10. 1834.

The land is described in the petition as being one league wide, in its broadest part, and one league and a half long; - that is from the "loma Las Lagrimas" to the pass of the Laguna -

It is described in the ^{act of} concession as being adjacent to the "Rancho de la Laguna" - the Hill of "San Juan", and the lateral hills.

The concession was confirmed by the T. D. with the single exception, that a wedge of land in the Southeastern part, adjoining the "Rancho de la Laguna" was excluded in favor of Alvarez -

On the 11th of June 1834 the final titulo issued, describing the land as bounded by the "Rancho de la Laguna seca" and Narvaiz, the Coyote Creek, the Hill of Las Lagrimas and that of San Juan, excepting the wedge above mentioned, and containing the usual conditions of measurement, possession &c. -

July 12th 1835, Bernal petitioned the Alcalde of San José, to give him juridical possession, which was done on the 4th of August 1835.

After taking proof touching the exterior limits of the rancho, appointing and swearing measurers, A. M. Pico, the Alcalde, proceeded with the work, a report of which is contained in the expediente produced from the records of his office.

The measurement commenced at a point on the slope of the hills, near the house of Bernal: - thence, counting 70 cords to a narrow pass (Portazuelo) where a heap of stones was erected: - thence it proceeded towards the North to an outlet, where the same was done, - placing marks on several trees in passing: - thence towards the West 97 cords so far, as to pass a hill called "Las Lagrimas": - From this place, crossing the road to Monterey, an oak grove, a dry Tular, until reaching the top of the Sierra in a South-erly direction verging towards the West measuring 110 cords: - thence towards the east, verging towards the North, till arriving at the place of beginning 120 cords: - so that the Rancho is a square of 20200 varas.

Thereupon juridical possession was given in due form (Rec. 95.)

According to the report of the measurement the sum of all the sides is as follows, to wit:

		coods	—	varas	—	varas	
70	-	E		Northern line	97	x 50	= 4,850.
8	-	N		Western line	110	x 50	= 5,500.
97	towards	O		Southern line	120+70	x 50	= 9,500.
110		S		Eastern line	8	x 50	= 400.
120							

} 20250 Varas.

From this is to be taken the wedge excepted out of the grant, and the result is about one league of land - regarding the tract as a rect-angle. But its opposite sides are not equal, and therefore the area is reduced.

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PAGE 244

The official Survey ignores alike the decree of confirmation and the judicial measurement.

It embraces, it is true, about one league of land; but a considerable portion of it consists of barren hills, lying beyond the boundaries assigned in giving juridical possession.

Exhibit No. 1. A.M.P. - a rude topographical map, drafted within the last few years by Charles T. Healy, from a survey, which he made of the ranch, represents sufficiently the various natural objects, to enable us, to trace the course of the judicial measurement as described in Pico's records.

1st

The line from tree No. 5, extending along the range of the Pueblo Hills, near the house of Bernal, to the Portazuela, is not in dispute.

2nd

There seems to be no room for doubt in respect to the line running from the point last mentioned to tree No. 2, the Aliso on the bank of Coyote Creek. If it stopped short of the Creek - the wedge of land, above mentioned, would not fall within the area, and the exception would have been unnecessary.

3rd

From thence the measurement was evidently continued along down the Creek to some point at or near the "Homa de las Lagrimas" Where did this line terminate, and the next one commence?

It has been contended, that the end of the hill first reached, at the place marked by the letter E, in running down the stream, is the point of termination for these reasons:

1st Because there is an evergreen oak at that place, bearing an old mark.

2nd Because a straight line cannot be extended from No. 3 to No. 5, without crossing the Las Lagrimas Hill, when the Monterey road is represented to have been crossed by it.

3rd Because a straight line from No. 4 to No. 5 would not in

fact cross the Monterey Road.

fact cross the Monterey Road.

If those reasons are sufficient to justify a rejection of both No 3 and No 4 as points of termination, they would preclude also, ^{the adoption of} the tree at F.

The line in question is described as being continued so far as to pass or traverse the "Las Lagrimas" ("hasta atravesar una loma que llaman de las lagrimas".) It cannot, therefore, have stopped at F, whether it extended to No 3 or not.

The length of that line is represented to be 97 cords; and the next one to be 110. But a straight line from either F or No 3 to tree No 5 is shorter than the boundary line along the Creek, even though it should terminate at F.

It is not improbable, therefore, that the boundary on the side next to the hill of San Juan, was a curved line, or was composed of two lines forming an obtuse angle at tree No 4.

Such a boundary corresponds with the description. It crosses the Monterey Road, the Tular seca - and conforms to the outline of the deseño. Again, it is not described as a straight line. In many other cases some one of the boundaries is represented to be a straight line ("linea recta") There is no reason to suppose, that such designation was ever omitted, where a straight line was intended.

Pico, who gave juridical possession, testifies, that tree No 4 was one object in the boundary (See his answers to questions 7 & 8.)

Suñol, who was present at the juridical measurement states the same fact, describing it as a tree in the plain 400 or 500 varas to the East of the loma de San Juan. (Vide his answers to Questions 3, 4 & 5.)

Noriega, one of the assisting witnesses, testifies to the same fact (see his answer to question 3.)

Mealy, the Surveyor, understood each of them as pointing out tree No 4 as a point in the boundary established in making juridical measurement, and hence he ran the line accordingly.

Nor can these witnesses have confounded the line, then established, on that side at least, with the exterior boundary line, because that was indisputably the hill of San Juan.

It is submitted that the Survey should be so made, as to conform to the boundaries assigned to the ranch in giving juridical possession; that the line along the Coyote Creek, commencing at the "Aliso" should be continued in the same general direction, so far as to pass the "loma de las Lagrimas", - whether that is tree No 3 or some point beyond it. That from thence the line should cross the Monterey Road to tree No 4 in the plain toward the "loma de San Juan" - thence passing that tree and the Tular seca it should be continued to tree No 5 on the slope of the Pueblo hills, forming in the latter part of its course the common boundary between the Santa Teresa and Narvaez ranches.

The boundary here suggested is clearly established by the testimony of the witnesses, is within the exterior limits described in the grant, is in conformity with the figure of the diseño; and answers every call in the act of juridical possession.

E. W. F. Sloan
Jno. B. Williams
for Claimants

U. S. District Court,
Northern District of California.

United States
v. } No 181.
Bernal et al.

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E. W. F. Sloan
Jno B Williams
for Claimants.

U.S. District Court.

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The United States

v.

3 20181.

Agustin Bernal

San Francisco, August 22. 1861

Messrs W. N. Sharp

L. Archer & Thos. Bodley, Esqs

Gentlemen.

You are
hereby notified that on Wednesday next,
the 28th day of August instant, at 11 O'clock
A.M., or as soon thereafter as counsel can be
heard, we will move the Court to fix
a day within which time the proofs
in this cause be closed, and a day fixed
for the hearing thereof.

Yours &c

E. W. Sloan

Wm. Williams

Attys for Defendant

U. S. District Court

The United States

v.

Agustin Bernal

Notice to close proofs
and stipulationService admitted this
day of August, A. D.~~1861~~

It is stipulated that the proofs
in the within mentioned case
shall be taken on or before
the 20th day of September 1861.
and that Judge Sloan may
name the day for argument
thereafter and have the
court to order accordingly
Aug. 26th 1861

L. Archer
your truly
atty for defendant
et al.

E. H. F. Stone
Jno B. Williams
atty for plaintiff

Wm H. Sharp
U. S. Atty.

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

The United States,
Appellants,
v.
Agustin Bernal,
Appellee.

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No. 101. On appeal from the Board of Commissioners to ascertain and settle private land claims in the State of California.

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M. W. Irish
Attorney for claimant.

U. S. Dist. Court.

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Agustin Bernal.

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B. H. Leigh
Att'y for Claimant.

Plants

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vs
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The claim in this case was confirmed by the Board and it has been submitted to this Court on appeal without argument on the part of the U. S.

The claim seems to be one of the most meritorious of which have been presented for the consideration

The petition of Augustin Bernal bears date on the 10 May 1834 and states, that the petitioner was an invalid soldier 44 years old and with a posturage of 70 souls

that he had taken into possession of the place situated 5 years before by permission of the Ayuntamiento of the Pueblo of San José, and that he had and his family had built 4 adobe houses and had continued to occupy the land with his property consisting of 2100 head of Cattle 120 sheep 3 mares 50 tame horses &c

The Governor after the usual references acceded to the petition and the concession

was confirmed by the Depart
mental Assembly with a
slight modification of the bound-
aries of the tract. The Assen-
sly having decided on the ap-
plication of Juan Alvarez to ex-
cept out of the land the
portion claimed by the latter.
In accordance with this
resolution the title was issued
to Runal on the 11th July 1834

In the month July 1835 Runal
applied to the Constitutional
Alcalde of San Jose for
judicial possession of the
tract granted - which was
accordingly given by that
office.

The genuineness of the origin-
al title is clearly proven as
well as that of the "testimonio"
or certificate referred to the
grantee by the office giving
judicial possession. - By the latter
instrument we perused the ori-
ginal grant and a copy
of the map contained in
the expediente. The latter
document is also duly produced
from the files in Chile, and
the genuineness of the claim
is established beyond all
doubt by the production of
all the evidence of every kind

which can be adduced
 in support of a grant
 by the former Government of
 this country. From the
 year 1826 until the present
 time the land has been oc-
 cupied under an unquestion-
 ed title by the grantee and
 his numerous descendants.
 The only doubt suggested
 in this case arises from
 an alleged error in the bound-
 aries as fixed by the officers
 giving judicial possession.
 But on closely examining
 the proofs ⁱⁿ this case does
 not seem any reason to
 suppose such an error
 to have been committed.
 The survey on which reliance
 was placed as establishing
 that the quantity ^{of} tract of
 which possession was given
 exceeded in extent the quantity
 granted appears to have
 been exceedingly in accurate
 & independent of the mis-
 take or calculation apparent
 on the scale applied to the
 Seymour's Map, it is also
 shown that the tract surveyed
 and the extent of which he
 attempts to establish included
 a considerable quantity of
 land not comprised within the

4
 foundations established by
 the Joffin who gave judicial
 possession — on the
 whole case there seems no
 reason to suppose that
 the tract of which possession
 was had of which
 the grantee and his heirs
 have enjoyed the ~~uninterrupted~~
 undisputed and notorious
 possession for more than
 20 years either in quantity
 or as to its foundations from
 that described in the grant
 and the map to which it
 refers — The opinion of the
 Commissioners is so full &
 conclusive to ~~the~~ this ^{point} subject
 that it is not deemed needful
 any to discuss it further
 particularly as the objection
 has not been urged in this
 Court, or any attempt to
 impair the validity of ~~the~~ the
 force of the reasoning, or cor-
 rectness of the conclusion of
 the Board —

We think therefore that a
 decree of confirmation
 should be entered for the
 land as described in the grant
 and according to the foundation
 fixed in the Act of Judicial
 possession.

Aug. 9th

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Apr 3. Transcript
June 18 Notice appeal U.S. +

56
Mch 24 Petition +

Answer +
"Opinion +
Aug 11 Decree Confirmation +

57
Nov 2. Sup: Order vac'g appeal +

61
Jan 17 Aff: & Pet of Tenant to return survey
" " ^{issued order to return survey}
" " ^{issued Monition}

" 30 Order returned series +

Feb 6 Monition & order on return of same
" " aff. & intervention of Roach & others

Mch 23 Plat survey

Apr 1 Except's of Tenant

June 21 Dep of Pico & Est - land

" " " " Soriegn

" " " " Junot

" " " " Healey

Sept 28 " " " " Gass

" " " " Healey

Nov 8 Order setting course &c

1862

Feb 28 Opinion & order for new survey

Dec 15 " " ref'g survey & modify opinion

1863

Mch 2 Order & " for new survey

Aug 22 Plat survey

" 31 Decree approving survey