CASE NO.
215
NORTHERN DISTRICT

PALA GRANT

JOAQUIN HIGUERA
CLAIMANT

LAND CASE 215 ND. 65 PAGES

NOV 7 1962

677

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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 677

Joaquin Higuera CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Palá."

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this first day of March, 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 Joaquin Higuera, for the Place named "Pala," was presented, and ordered to be filed and docketed with No. 677 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco November 10th 1853.

In Case no. 677, Joaquin Higuera for the place named "Pala," the Counsel for the Claimant filed the following Stipulation, to wit;

(Vide page 9 of this Transcript.)

San Francisco December 12th 1854

In the Same Case the Counsel for the Claimant filed the following Stipulation to wit;

(Vide page of this Transcript.)

San Francisco December 19th 1854.

Case no. 677 was submitted without argument and taken under advisement by the Board.

San Francisco December 26th 1854

In the same Case Commissioner Alpheus Felch delivered the opinion of the Board rejecting the claim;

(Vide page 15 of this Transcript.)

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San Francisco January 9th 1854.

In the same Case the following Order was made, to wit:

(Vide page 66 of this Transcript)

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1677

3 Petition

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To the Honorable the Board of Private Land Commissioners for the adjudication of California Land Claims

The Petition of Joaquin Higuera Manning and Indians interest in the Land hereinafter called Pala which tract of land being one league square (situate adjacent Rancho in extent & situate in the County of Santa Clara East of the City of San Jose and the coast range of Mountains) in the State of California respectfully represents

That on the fifth day of December A Dne One thousand eight hundred and thirty five the Governor of the Californias (whose name is not known) in pursuance of the powers in him vested by the Constitution Laws and Regulations then in force in the said Department

That a grant in due form to one Higuera (who was a Citizen of Mexico by birth) of the said tract of land Pala on the fourth day of December A Dne Eighteen hundred and thirty five the Departmental Assembly of the said Department confirmed and ratified the said grant of said land to the said Grantee by the name of Joaquin Higuera the said Grantee being commonly known and called as well by the name of Joaquin Higuera as Jose Higuera the true and full name of said Grantee being Jose Joaquin Higuera

That on the tenth day of December A D Eighteen hundred and thirty five the said Grantee was regularly and legally put in Juridical possession of said tract of land Pala by the proper authorities all of which will more fully appear by reference to the papers filed in Case No 638 by Charles White claimant in said Grant and has charge of the original papers and a copy of the said Grant and a translation thereof herewith filed & marked Exhibit A & B That said Jose Joaquin Higuera retained possession of said land & land upon it until his death in the year 1838 when he died

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and left the said tract of land to his wife Maria Bernarda Soto and his son Juan Maria Augustin Hegenia in equal undivided portions which will more fully appear by reference to the original on file in case No 638 by blanks white a copy of which is herewith filed and marked Exhibit B

That said Maria B. Soto and the said Juan Maria Hegenia entering to hold possession of and live upon said tract of land continued till the death of said Maria B Soto in the year 1840 when the said Maria B Soto left her portion of said tract of land being one undivided half thereof to her husband Jose Antonio Hegenia Maria Hegenia Juan Maria Hegenia and Petitioner Joaquin Hegenia in equal proportions which will more fully appear by reference to a copy of the will of said Maria Soto duly on file in case No 638 pleading the blanks Office of the Board at the City of San Francisco on the 20th day of February A.D. 1853 the original being in the Portuguese language of the County of Santa Clara in the State of California and now under the control of the Government whereby the Petitioner became the owner of and entitled to one fourth of the interest of Maria B Soto in said tract of land

That Petitioner entering upon and possessed said land from the death of his said mother Maria B Soto in the year 1840 up to the present time That the original grant was made by the Mexican Government to said Jose Joaquin Hegenia and Juan Petitioner is a legitimate child and heir of said Jose Joaquin Hegenia and Petitioner is advised and believes that Petitioners portion is clear from all and any incumbrances That there are no conflicting or interfering claims to the knowledge of this claimant upon Petitioner relying on the documents on file in case No 638 by blanks white on the 20th day of February A.D. 1853 and such other evidence as may hereafter be able to procure pertinent to his claim may be required and for all such relief and decree as to the Court may seem meet in accordance with Law and Equity

Wallman & Leland Attys for Petitioner
Filed in Office March 1st 1853 Geo Fenton Clerk

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Translation of Grant and Concession Thereof

Translation

Seal of the First Class

Provisionally Provided by the Mexican Confederation
House of Hunting upon California for the year
1834 and 1835

Regina A Ramirez

José Castro Speaker of the Most Excellent Junta
tional Deputation and Political Chief ad interim
and of the Treasury of upon California

whereas

José Regina a native from Mexico has solicited for the personal benefit of himself and that of his family the land known by the name of Pala after having made the necessary examinations and other legal steps according to the Laws and Regulations in the Exercise of the faculties Conferred upon me have conceded to him by decree of this day and in the name of the Mexican Nation the above mentioned Land Pala

Declaring

the boundaries of same by these Letters under the ratification of the approbation of the Most Excellent Territorial Deputation and the following conditions

1st That he will subject himself to those conditions which shall be established by the Regulation which is to be formed for the distribution of vacant lands and that in the meantime neither the Grantee nor his heirs cannot alienate the land which is adjudicated to them impose on entail mortgage or security nor any other incumbrance upon it exercise for this objects any power in the lands of any religious Community

2. He can form if without obstructing the highways or places of public uses he shall enjoy it freely and exclusively determining it to the use and cultivation that he shall deem most expedient but within one year he shall build a house and it shall be inhabited

3 He shall solicit of the respective Judge all the Judicial possession of this Grant by which they shall place him in the land and marks same for this form to this effect

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4 The Land of which donation is made is of one league as is explained in the map which accompanies the papers relative thereto the Judge who shall give the possession will cause it to be measured according to ordinance the overplus remaining to the natural limits common use

5 If the Lands in date three contains he will be he his right to the Land and it shall be denominable by another Instrument I command that these presents have been as stable to which firm and valid that it be duly recorded in the proper book and that it be delivered to the party interested for his security and otherwise

Given at Monterey the 5th November 1835

Signed Jose Castro

Secretary Francisco de Castello Negrete

Recorded in the corresponding book on folio eighty two and marked with the number eighty which is deposited in the office of Secretary under my charge Monterey 5th November 1835 Signed Negrete

approbation

The map made to the citizen Joaquin Higuera of the Land known by the name of Sala cuerdo on the fifth day of November of the year 1835 is approved subjecting him to the conditions which are stipulated and to pay the taxes in abeyance Public it may belong

Monterey 5th November 1835 Eight hundred and thirty five

Signed Salvador Pacheco

Monterey December 10th of the year 1835

In Session of this day the most Excellent Diputation approved the aforesaid proposition returning the Deputed to the Political Senate for the common objects

Signed Juan B. Alvarado V.S.

Monterey December 11th 1835

In view of the approval of the most Excellent Diputation on the tenth of the present Month this Record is made out and of the due to the party interested the citizen Joaquin Higuera in the Corporation

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of concession of the land known by the name of Pala which he obtained on the 9th of January of the present year

Also

Jose Castro Political Chief, ad interim of the Territorial Deputation to here and and Seguin to which I give faith

Jose Castro

Francisco de Castillo Negrete

Secretary

I certify that is a true copy of the original which is left in the Office of the Territorial Government of the archives which is under my charge in the bundle of papers (legajo de Expedientes) of lands appertaining to the Missions by order of said Deputation to which I refer January December 11th 1835

Seguin

Fco de Castillo Negrete

Filed in Office March 1st 1853

Geo Perkins

Secretary

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Stipulation No 677

It is hereby agreed that the lands claimed in case No 638 and 677 are parts of the same Rancho called Pala and claimed under and the same grant

And that the documents and testimony taken in case No 638 may be used in case No 677 as evidence as far as the same are applicable

November 11th 1853

Wallace & Aylwood
Attys for Claimants in cases
No 638 and 677 for Rancho called Pala

Robert Brunken
Associate Law Agent

Filed in Office November 11th 1853
Geo Fulton Surv
Recorded in Journal Volume 3 Page 492
Geo Fulton Surveyor

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11 Deposition of Antonio Maria Pico

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Office of the Board of Commissioners &c &c
This day before Commissioner Alpheus Felch came Antonio Maria Pico a witness on behalf of Claimant Charles White Number 638 who after being duly sworn deposes as follows

The Evidence of witness was given in the Spanish Language and interpreted by Mr Parker Secretary to the Board

Question by Mr Hoyland attorney for the Claimant

Question what is your name age and place of residence

answer My name is Antonio Maria Pico my age is forty three years and I reside at San Jose in Santa Clara County California

Question are you acquainted with the Rancho called Pala in the County of Santa Clara If yes how long have you known it and what are its boundaries

answer I know that Rancho and have known it since 1832 I have frequently possessed of it to Joaquin I began in 1835 and know the boundaries

On the North it is bounded by the Arroyo de Agua Caliente on the South is an Oak tree marked with an axe which is the boundary line between this Rancho and that of Yerba Buena belonging to Antonio Peña and the creek called Arroyo de los Aliso

On the East the heights or summit of the range of hills known by the name of Las Lomas de la Pala on the West the lands of the Town of San Jose

An Oak tree was marked preliminary on the Arroyo de Agua Caliente at the commencement of the Town of San Jose the creek also is the boundary, the Oak tree is at the corner or angle nearest San Jose and is an Oak tree marked with an axe with the mark of the cross which stands at the corner of the Lands on the West part of Peñas land Two trees were marked by us as land marks of the Land at the time I gave Juridical possession

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I Sanford who lives on the Land
at the time your pet hunt and what improve-
ments and stock were then on the Rancho
Answer I again and I began lives
on it when I first knew it I had a stock of
cattle and hors and houses and corals and
fences and gardens on it at that time
I and
his family lived on it from 1832 until his
death and from that time to the present his
family have continued to live on it They have
continued to cultivate it all that time
Antonio Rico
For Grayson Associate Land Agent
was present at the taking of this Deposition
but propounded no questions to the witness
Personally and Sworn to
before me this 11th day of November 1853
Alpheus Felch
Commissioner
Filed in Office November 11th 1853
Geo Fisher
Secretary
Recorded in Entire B. Volume 3 Page 393
Geo Fisher
Secretary

Deposition of C T Rylands

Office of the Board of Commissioners &c &c
This day before Commissioner Thompson Campbell
came C T Rylands a witness in behalf of Claim-
ant Charles White No 638 and after being duly
sworn deposes as follows
What is your name age and
place of residence
My Name is C. T. Rylands
I am twenty six years of age and reside at Sonoma
Did you know the late Charles
White and if so state when he died and where
he is and he have and what are their names
I knew
Charles White he died about the 13th of April
1853 He left a wife Ellen C White & their children named
James T. C. White Charles C. White and Mary E. White
and also another child that died a few days after
his fathers death

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Associate Law Agent present
C J Rylands
Sworn to and Subscribed before me this 14th day of
November AD 1853
Thompson Campbell
Commissioner

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Filed in Office November 14th 1853
George Fisher
Secretary
Recorded in Liber B. Volume 3 page 407
George Fisher
Secretary

Deposition of Fredric Hall

Office of Commissioners of Land Claims in California

This day before Commissioner Robt A Thompson came Fredric Hall witness in behalf of Claimant Charles White Number 638 who after being duly sworn deposes as follows

Present C J Rylands Attorney for Claimant
E. K. Howard Law Agent present

Questions by Claimants attorney
What is your name age and place of residence
Answer My name is Fredric Hall my age twenty seven years and my residence San José California

Question by same Look upon the papers marked as Exhibit E. F and G in case No 638 and with the initials R. T. and herewith filed and state what you know of their execution
Answer The paper marked G was executed in my presence by the Grantee Juan Maria Higuera making his cross or mark and subscribed my name as attesting witness
Heard
acknowledged before me as a Notary Public and the certificate and seal of office thereto attached are made by me at the time the same bears date

Exhibit F was also Executed in my presence by one of the parties thereto to wit Juan Maria Higuera and Maria Petra Higuera in the same manner by making their marks which I attest as witness and all three of the writings acknowledged the same

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before me as Notary Public to which I made my
certificate thereon and affixed my seal of office
at the time it bears date

Thereupon the
Execution of the paper marked Exhibit E. Thereupon
Leon F. Mc. Loan the witness whose name appears to a
certificate of acknowledgement on said paper write
and declare the said certificate and the signature
thereto to be his handwriting

I also herewith endorse
hereon said paper to be in the handwriting of J.S.
Redmond the Recorder of the County of Santa Clara
and further this Deponent saith not

Frederic Hall

Sworn and Subscribed before me
this 3th day of September 1853

H. Ang Thompson
Commissioner

Filed in Office September 5th 1853

Geo Fisher
Secretary

Recorded in Entries B. Volume 3 Page 137
Geo Fisher
Secretary

Deposition of
Jose Noriega

Office of the Board of Commissioners &c &c &c
This day before Commissioner Alpheus Felch
came Jose Noriega a witness in behalf of the
claimant Mervalle who to 638 who after being
duly sworn deposeth as follows Mr Fisher Secretary
to the Board acts as Interpreter

Questions by Mr Hyland
attorney for Claimant

Question What are your
name age and place of residence

Answer My name is Jose
Noriega I am 49 years of age and I reside at
San Jose in Valley Pueblo

Question Are you acquainted with the Rancho called Pala If yea please
describe it

Answer I am acquainted
with it It is situated in the County of Santa Clara
It is bounded on the North by the Arroyo del Agua
on the South by the Rancho of Antonio Chabot

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There is a live oak tree marked with the mark of the cross on the line between the two Ranchos There is also a small Canyon there but I do not know which of the Ranchos it is on

The land of the Pueblo of San Jose bounds the said Rancho on the west and a ridge of hills on the east side I have known said Rancho Pala fifteen years or more

3 Question who was living on the Rancho when you first knew it
answer Joaquin Higuera
He lived there many years before I first knew the place

4 Question what do you know of the occupation and enjoyment of said place
answer Joaquin Higuera was the first settler on it he built houses and had a large stock of cattle and horses on it and cultivated the lands extensively

I have known the Rancho Pala while but I went there in 1844 to make a division of some property The children of Higuera and part of his lands have been subject to the present time Higuera died in the year 1844 Higuera died some time before that

5 Question Please look on the map now shown to you being part of document marked A and being also marked 1 & 2 &c. annexed to the Deposition of Jose Justo Linares filed in this case and state what you know about the location of said Rancho called Pala and the adjoining Ranchos
answer I have examined said maps and believe it to be a true representation of the Lands Jose Noriega
No Question Absente Land Agent was present but prohibited No Questions to the witness
Subscribed and sworn to before me this 10th day of November 1853 Alpheus Felch
Commissioner
Filed in Office November 10th 1853 Geo Hoskins Dep
Recorded in B. Volume 3 Page 390
Geo Hoskins Secretary

18 Deposition of Jose Castro

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San Francisco March 1st 1853

On this day before Commissioners Holand & Wall came Jose Castro a witness on behalf of the Government Claims Under Petition No 638 and was duly sworn his testimony being given in Spanish and interpreted by the Secretary

The U S Associate Law Agent was present

Examined by examiner by the Associate Law Agent the witness testified as follows

My name is Jose Castro my age is forty four years and I reside in Sonoma

A paper

is now shown me purporting to be a grant to Jose Higuera dated 5th December 1835 to which is attached a testimonio of Espedientes by the Territorial Deputation and a map and also a testimonio of Juridical possession which paper is here to attached and marked U S No 1.

I am acquainted with the handwriting and signatures of Manuel Castillo Agente Jose Z Fernandez Alto Commissioner Pedro Lopez Secretary and Francisco Soto

and believe the signatures of the said several persons subscribing appearing said paper to be genuine

My own genuine signature is on said grant and was placed there by me while I was acting in the capacity therein stated and at the date of said papers at which time Pedro was acting Alcalde at the date of said Juridical possession

A paper

is also shown me purporting to be the last will and testament of Jose Higuera with a schedule thereto annexed which paper is here to attached and marked U S No 2

I am acquainted with the signatures of Dolores Pacheco and Salvio Pacheco appearing on said paper and believe them to be genuine

Jose Higuera was also known by the name of Joaquin Higuera I believe his real and Christian name Jose Joaquin Higuera I know the Rancho called Pala it is situated in the county of Sonoma about a

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begun and shall finish San Jose Joaquin
Higuera occupies the land and lives on it pr
sonal gives proves to the Court that he be
months and continues to occupy it until the
time of his death and his family have ever
his title to the present time I cannot till the
time of his death

Jose Castro
Sum and Subscribed before me
Wlands Hall
Commissioner
Filed in office March 1st 1853
Geo Fisher
Secretary
Recorded in Entries B. Volume 2 Page 607
Geo Fisher
Secretary

Deposition of Jose Noriega

Case No 638
United States Land Commission
San Francisco June 12th 1854
On this day before R. Ann Thompson Commissioner came Jose Noriega witness on behalf of Claimant Wlands in the case Number 638 who after being duly sworn deposes as follows his testimony being interpreted by the Secretary
Present Claimants Attorney and U S Associate Law Agent
United States this became
Jose Noriega his age fifty three years and resides near San Jose and has resided in California twenty years
Question by Claimants attorney what has been the custom in California in relation to the execution of wills under the Mexican Laws in case of asylum and also your means of knowledge
Answer wills are generally executed in the presence of witnesses when it is convenient a Judge and sometimes sent for the purpose of authenticating it this was considered necessary but when the judge could not be procured the will was executed before the witnesses alone and such wills have always been considered as valid as if executed before

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Judge Ivas for some months constitutional Judge of San Jose

Question by same Examine the paper now shown you marked B and with the initials I & H No 2 connected to the Deposition of Jose Easton filed in this case and state what you know of the Genuiness of the Signatures thereto

Answer I know the hand writing of Dolores Pacheco and Salvio Pacheco I have often seen them write I in 1838 Dolores Pacheco filled the office of Alcalde and Sal vio Pacheco was his Secretary

I his Signatures on said Document acquainted That paper appears to me to be executed in accordance with the usual mode of making wills which you were Hyginio owner of the Rancho of Pala and in 1838

He left five sons Joaquin Hyginio Jose Antonio Manuel and Juan Hyginio and six or seven daughters I know them by sight but cannot recollect their names

One is married to Antonio Ubaldo a mother Jose Ismael Easton another who is married to Manuel Arguello a mother Pedro Lucas

I also left a widow who died about the year 1840 She made a will of which I was the Executor and distributed the property in accordance with its provisions

Question by same are Joaquin Hyginio and Jose Antonio Hyginio Manuel Hyginio and Juan Hyginio mentioned in your last answer sons of Joaquin Hyginio deceased the same persons who took up the land of the Rancho of Pala to Charles White and is Maria Petra one of the daughters of the said Joaquin Hyginio deceased

Answer They are the same persons and Maria Petra is one of the daughters of said Joaquin Hyginio deceased

Question by U S associate Land Agent was it the custom in Indian to admit as valid and legal Representatives without

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the presence of the Judge and without any
agent authentication of their Offices
answer according the
custom in California would have always
no execution of said persons the same
cause in regards to said legal witnesses
and without the authentication of the Judge as
it had been so authenticated

Jose Noriega

Sworn and Subscribed before me January 12th
1854

R Aug Thompson
Commissioner

Filed in Office January 12th 1854

Geo Fenlon
Secretary

Recorded in Land Book B. Volume 3 Page 639

Geo Fenlon
Secretary

Deposition of Salvi Pardini

United States of America
State of California ss

San Francisco September 22. 1854

This day came before Peter Tait Commissioner
for taking testimony to be used before the Board
of United States Land Commissioners in said
State Salvi Pardini witness on behalf of the
Claimant Charles White

In case No 638 on
the Docket of said Board and said witness being
duly sworn deposeth in Spanish which was inter-
preted by the Interpreter to said Board as follows

The United States assumed
Land Agent was present

Questions by Jno Wallace attorney
for Claimant

1 Question What is your name
age and residence

Answer My name is Salvi
Pardini my age is fifty years my residence is at
Hostalenity California

2 Question Have you
resided in California what Offices have you
held if any and at what times

Answer I have lived all my life

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in California was born in Los Angeles
of Peace or Alcalde in 1843 and some time
prior to that was for a time or two years alcalde
of this district during a portion of the Mexican
Republic in Pegueros time and in Juan
Alvarados time was appointed to measure the
pueblo lands of San Jose

In early times I acted
as Alcalde Secretary I do not remember the
dates I now recollect no other public employ
ment I may have had

2 Question All you acq
uainted with the Rancho of Pala mentioned
in Santa Clara County and are you acquain
ted with Jose Joaquin Pegueros Mexican land
Rancho Los Gatos

Answer I am acquainted
with said Rancho and Jose said Pegueros
Heirs since time about 1838 or 1839

4 Question Look at the
document now shown you marked A. P. L. &
initialed in this deposition and hereto filed
in this case February 26th 1853 purporting
to be the Last will of said Jose Joaquin Pegueros
and state if you are one of the persons whose
signature is thereto written

Answer Yes this is my own
signature and subscribed the fourth page of the
document

5 Question Were you present
at the execution of said document if you state
who signed it in your presence

Answer I was present and saw
Salvio Pacheco the Alcalde sign his name
pens at the time acting as his Secretary and
the Body of the will and saw Jose Joaquin Peg
ueros the testator and Salvio Pacheco and Sal
vador Butron

The witness being requested
unto requested me to write their names
which I did in their presence and they
made their mark opposite to his name I am
not certain which witness made the marks or
I myself at this request

6 Question State whether or not

21.

the condition of said testator Eugenia Bernaldy at the time the said will was executed.

Answer She was of perfectly sound mind and memory he made at the time full statements of his affairs his debts &c He dictated to me the will as herein it and was fully capable of doing business to far as his mind was concerned

He was feeble in bodily health Mind & the inventory of debts and dues which is attached to this will by the direction and under the dictation of said testator

7 Question Did said Eugenia leave a widow when he died if yea what was her name

Answer Helefra andria Maria Maria Bernardo Soto She died about the year 1840

8 Question Look at the document now shown to you marked B. P. L and Exhibited to this deposition and purporting to be the Last will of Maria Bernardo Soto and state who wrote it & whether you was present at its Execution and all your know of the execution thereof

Answer I write this document in the presence of said Maria Bernardo Soto always sich at the time and caused it to be written as it is

I signed my name to it as a witness at the request of the judge Jose Fernandez he signed it also in my presence he was acting as Judge

and Tomas Pacheco also signed it in my presence as witness these signatures are all genuine The Testatrix did not sign it She was sick and could not write

She sent for the Judge to come and make her will and he signed it and said it was quite sufficient to be done under his authority without her signing it She was of sound mind and good and perfect memory at the time and dictated the will as it is written here

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Question All you acquainted with the Laws and usages of California existing prior to & at the time of the execution of those two wills which have been exhibited to you disputing the execution of wills if yea state them

answer Hepnicas will was made in 1838 and the widows in 1849 the period of their respective dates

Wills are usually executed before an Alcalde whereas also called a judge or Justice of the Peace

It was supposed if the judge was present and certified the will and the signature of the testator was not necessary The

custom was to have such number of witnesses present as the judge might summon or request to come for the purpose once or more

These two wills were executed in conformity with the Laws and customs of the country at the time in all respects I was

for some years Secretary to different Alcaldes and as such have written a number of wills for different persons

Here one of the duties which devolved upon me as such Secretary when I was present

Salvio Pacheco

Subscribed and Sworn to before me Septem ber 22nd 1854

Peter Lott
Commissioner

Filed in Office September 22nd 1854
Geo Fisher
Secretary

Recorded in Book B. Volume 5 Page 372
Geo Fisher
Secretary

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Sello Primero Seis pesos.

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

Figueroa. Angel Ramirez.

José Castro Vocal de la Exma. Asamblea Diputacion Territorial i Gefe Politico del Gobierno Del mismo del Territorio de la Alta California.

Por cuanto José Figueroa Mejicano por nacimiento ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Pala, practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por Leyes y Reglamentos, usando de las facultades que me son conferidas en decreto de este dia y á nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarando de la propiedad de el por las presentes letras á reserva de la aprobacion de la Exma Diputacion Territorial bajo las condiciones siguientes.

1ª Que se someterá á las que establesiere el reglamento que se ha de formar para la distribucion de terrenos Baldios i que entre tanto ni el agraciado ni sus herederos podran dividir ni enagenar el que se les adjudica, imponer censo, Vinculo, finca, hipoteca ni otro gravamen aunque sea por causa piadosa ni pasarlo á manos muertas.

2ª Podra cercarlo sin perjudicar las travesias caminos y servidumbres, lo disfrutará libre y esclusivamente destinandolo al uso i cultivo que mas le acomode pero dentro de un año á lo mas fabricará casa y estará habitada. 3ª Solicitará del Juez respectivo que le dé la posesion Judicial en virtud de este despacho por el cual se demarcaran los linderos en cuyos límites pondrá á mas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad

4ª El terreno de que se hace Donacion es de un sitio de ganado Mayor segun esplica el diseño que corre en el Espediente. El Juez que diere la posesion lo hara medir conforme á ordenanza quedandole el sobrante que resulte á favor de la nacion para los usos convenientes. 5ª Si contraviniere á estas condiciones perderá su derecho al terreno y será Denunciable por otro.

Dándose de título el presente y
En cuya conformidad mando que tenga

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Copy of Grant, Confirmation & Judicial Possession.
"A".

M I W

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pa firmé y valedero el presente, se tome razon de él en el libro que corresponde i se entregue al interesado para su resguardo y demas fines. Dado en Monterrey á cinco de Noviembre de mil ocho cientos treinta y cinco
José Castro. Srio. Ygnacio del Castillo Regente Srio.

Dueda tomada razon en el libro que corresponde á fojas ochentas y dos i señalado con el numero ochenta que obra en la Secretaria de mi cargo
Monterrey. Nre. 5 de 1835. Castillo.

Sello tercero Dos reales.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.
Castro. Angel Ramirez.

Testimonio

Se aprueba la concesion hecha al C. Joaquin Higuera del terreno nombrado Pala concedido en cinco de Noviembre de mil ochocientos treinta y cinco sujetandose á las condiciones que se estipularen i de pagar el derecho en caso de pertenecer á aquella poblacion Monterrey cinco de Diciembre de mil ochocientos treinta i cinco. Salvio Pacheco.

Monterrey Diciembre diez de mil ochocientos treinta y cinco. En sesion de este dia aprobó la D. Diputacion la proposicion del dictamen antecedente, disponiendo Vuelva el Espediente al S. Gefe Politico por los fines consiguientes. Juan B. Alvarado.

Monterrey Diciembre once de mil ochocientos treinta y cinco. En vista de la aprobacion otorgada el dia diez del presente por la D. Diputacion Territorial librese Testimonio de ella i de este decreto á la parte del C. Joaquin Higuera en confirmacion á la concesion del terreno conocido con el nombre de Pala q. obtuvo en cinco de Noviembre del presente año. El Sor. Dn José Castro Gefe Politico Interino del Territorio de la Alta California, i Vocal de la D. Diputacion Territorial así lo mando, decreto y firmo de que doy fé.
José Castro. Ygnacio del Castillo Regente. Srio.

Concuerda á la letra con su original que queda archivado en esta Secretaria del Gobierno politico que esto á mi cargo en el legajo de Espedientes sobre terrenos aprovados por la D. Diputacion al que me remito. Monterrey Diciembre once de mil

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ochocientos treinta y cinco. Fco Del castillo Negrete
Dros. Ls. ps.

Sello tercero Dos reales.

Habilitado provicionalmente por la Actuaria Mayor.

Señor Alcalde Constitucional.

El ciudadano José Joaquin Higuera ante V. como mas haya lugar en derecho dijo: que habiendole concedido por la Exma. Diputacion Territorial el terreno conocido con el nombre de Pala, segun lo acredita el titulo que respectivamente acompaño y diseño que se sigue pido á V. se sirva de darme la posesion Jurisdicta del que es de un sitio de ganado mayor con las formalidades de la ley para evitar que perjudique á mis circunvecinos ó perjudiquen mis intereses. Por tanto A. V. Suplico se sirva proveer como pido por ser de Justicia que imploro y Juro lo necesario.

A ruego del interesado por no saber.

José L. Fernandez.

San José de Guadalupe diez y seis de Diciembre de 1835. Por presentado esta peticion con los documentos que espresa citense á los circunvecinos y hagase informacion de identidad, visto de ojos y reconocimiento de dichas tierras. El C. Antonio Ma. Pico, Alcalde Constitucional del Pueblo de San José de Guadalupe actuando por receptoria con dos testigos de asistencia á falta de Escribano publico asi lo proveyó, mando y firmó de con los de mi asistencia. Ant.o Ma Pico. assa. José L. Fernandez.

En el espresado Pueblo á los diez y ocho dias del mismo mes y año el Alcalde Constitucional con los de su asistencia, para proceder á la informacion de identidad, espresa el auto de su uso, hizo comparecer al C. Sebastian Peralta en su persona Conocemos, vecino de este pueblo de oficio labrador, casado, al cual se le recibio juramento que hizo por Dios nuestro Señor y la Señal de la santa Cruz por el que prometio decir Verdad y pubiendole lo dicho sobre el conocimiento que tenga de las tierras y parages, linderos y circunvecinos pertenecientes al Rancho nombrado Pala dijo que hace mas de diez años es vecino de esta Jurisdicion y sabe que las tierras por que se le preguntan son pertenecidas al C. José Joaquin Higuera y tiene por linderos conocidos un roblar en el Monte alto alto, las cuales ha visto y reconocido varias veces

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y que desde que les poseo dicho Vêgüera las ha labrado y cultivado pastando en ellas sus ganados y que para prueba de lo que tiene dicho esta pronto á ir á dichas tierras con el presente Alcalde y señalarle los parages terrenos y linderos donde llegan: que lo que lleva dicho es la verdad á cargo del juramento que tiene hecho en el que se afirmo y ratifico leido que le fué esta su Declaracion dicendo ser de edad de cuarenta años que las Generales no le tocan y lo firmó con el presente Alcalde y los de mi asistencia. Antonio Mª Pico. assa. José Z. Fernandez. Sebastian Peralta. Tomas Pacheco.

Inmediatamente Yo el mencionado Alcalde con los de mi asistencia, hice comparecer al C. Luis Chabolla en su persona que conocemos, vecino de esta Junta dicens de officio labrador, casado al cual se le recibio juramento segun costumbre por el que prometio decir verdad y siendo preguntado por el conocimiento de las tierras y parages, terminos y linderos pertenecientes al rancho nombrado de Pala, dijo que hace mas de diez años es vecino de esta Junisdicion y sabe que las tierras pertenecientes al espresado rancho, han sido poseidas por el C. José Joaquin Vêgüera y tiene por linderos conocidos el Montecito Alto y un roblar, las cuales ha visto y reconocido varias veces y que desde que las posee dicho Vêgüera, las ha labrado y pastando y en ellas sus ganados: y que para prueba de lo que tiene dicho esta pronto á ir á dichas tierras con el presente Alcalde y señalarle los parages, terminos y linderos donde llegan y que esto que lleva dicho es la verdad á cargo del Juramento prestado en que se afirmó y ratifico, leida que le fué esta su Declaracion dicendo ser de edad de cuarenta y cinco años que las generales no le tocan y lo firmó con el pres-ente Alcalde y los de su asistencia.
Antonio Maria Pico. assa. José Z. Fernandez.
Luis Chaboya. assa. Tomas Pacheco.
Incontinente comparecio el C. Dolores Mesa en su persona que conocemos, vecino de esta Junisdicion de officio labrador, casado al cual se le recibio Juramento segun costumbre, por el que prometio decir verdad y siendo preguntado por su conocimiento de las tierras y parages, terminos y linderos pertenecientes al rancho nombrado de Pala dijo: que es vecino de este Pueblo y sabe que las tierras

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pertenecientes al espresado Rancho han sido poseidos por el C. José Joaquin Higuera y tiene por linderos conocidos dos arroyos uno hacia al Norte y otro al Sur el Monteito Alto y la cordilla de lomas que corre de Norte á Sur, los cuales ha visto y reconocido varias veces y desde que los posee dicho Higuera los ha labrado y pastado en ellas sus ganados y que para prueba y conocimiento de cuanto tiene dicho esta pronto a ir á dichas tierras con el presente Alcalde y señalarle los parages terminos y linderos donde llegan: que lo que tiene dicho es la verdad á cargo del Juramento prestado en que se afirmo y ratifico, leido que le fué esta esposicion dijo ser de edad de sesenta y siete años y que las generales de la ley no les tocan no firmando por no saber pero lo verifico el Alcalde con los de su asistencia.

Antonio Maria Pico. José L. Fernandez

asa. Tomas Pacheco.

En el repetido Pueblo á los diez y ocho dias del espresado mes y año se libraron boletas de comparendo á los colindantes CC. Nicolas Berreyesa y Antonio Chaboya para que comparescan en el rancho titulado de Pala mañana diez y nueve del corriente, y enterados ambos de este auto, respondieron lo oyen y se dan por citados: Estos respondieron y firmo Nicolas Berreyesa no verificandolo Chaboya por no saber. Antº Maria Pico.

asso. José L. Fernandez. asa. Tomas Pacheco.

Antonio Chaboya por no saber firmar lo hace la señal de la cruz. Nicolas Berreyesa.

Estando en el campo en el parage que se llaman de Pala terminos del Pueblo de San José de Guadalupe en diez y nueve de Diciembre de mil ochocientos treinta y cinco Yo el Alcalde Constitucional actuando por receptoria con dos testigos de asistencia á falta de escribano publico, los testigos por mi examinados presente el dicho José Joaquin Higuera, CC. Nicolas Berreyesa y Antonio Chaboya sus circunvecinos, procedi á ver y reconocer las tierras de dicho rancho, y para su mayor claridad puesto á caballo en compañia de todas las partes y testigos referidos mandé á los susodichos me señalaran los parages, terminos y linderos de ellas segun las señas que han declarado en sus deposiciones

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y en su comformidad guiaron á la parte del Norte hasta ~~hasta~~ llegar al arroyo del Aguja, de allí se procedió el reconocimiento y visto de ojos hacia el O. caminado por la orilla de dicho arroyo hasta llegar cerca del Montecito Alto y ser terreno y lindero de las espresadas tierras de Pala: desde dicho parage se continuó otra vista de ojos, caminado hacia el S. hasta llegar á un Roblar terreno y lindero de los susodichos tierras, desde donde señalaron la cordillera de lomas q. mira el O por último lindero de los mencionados: cuyos parages Yo el Alcalde Constitucional Vi y reconocí con los de mi asistencia, testigos espresados y papeles presentados y cotejado dicho reconocimiento con ellas halla ciento la identificacion de las mencionadas tierras, segun y como lo declararon dichos testigos y para que conste lo pongo por diligencia y los firme con los dos mas de asistencia por ~~por~~ Doy fe. Antonio María Pico.

asta. Tomas Pacheco. asta. José L. Fernandez.
Luis Chabolla. " Sebastian Peralta.

En el mismo dia, mes y año Yo el Alcalde Constitucional digo que para proceder á las mediciones contenidas en estos autos mando se notifique á dho. C. Joaquin Argüello de que los medidores nombrados son los CC. Rafael Soto y Agustin Olivera por ser inteligentes en materia de mediciones y en consecuencia digo lo oye y Couviene dicho nombramiento por lo cual mandó dicho Alcalde se notifiese á los espresados medidores nombrando el dia Veinte y uno del corriente para proceder á las medidas de dichas tierras y en consecuencia mandó se diese á saber á dichos medidores para que pareciesen aceptasen y jurasen en debida forma y para que conste lo firmó con los de mi asistencia. Ant.o Ma Pico
asta. José L. Fernandez. asta. Tomas Pacheco.

Inmediatamente comparecieron los CC. Rafael Soto y Agustin Olivera medidores nombrados y hecho saber el auto de su uso dijeron aceptan el encargo susodicho y en su vista juraron por Dios nuestro Señor y la Señal de la Santa Cruz de que usarán bien y fielmente el encargo referido á todo su leal saber y entender y que harán dichas medidas fiel y legalmente como es de sus obligaciones sin fraude ni engaño en contra ninguna de las partes á los responderon y firmaron Doy fee. Ant.o Ma Pico.

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assa. José Z. Fernandez. Agustin Alviso. Tomas Pacheco.

En Seguida se hizo saber á los interesados y medidores concurran el dia veinte y uno del corriente al paraje nombrado de Pala para proceder á las medidas de dichas tierras é impuestos todos de este auto, dijeron lo oyen y se dan por citados, firmando los que supieron para constancia doy fé.

Antonio Mª Pico. assa. José Z. Fernandez.
assa. Tomas Pacheco. Sebastian Peralta. Luis Chaboya.
Fco Soto. por no saber firmar se señal de la cruz.

En el Rancho titulado de Pala á veinte y uno de Diciembre del año de mil ocho cientos treinta y cinco presente el C. José Joaquin Higuera y circunvecinos á dichas tierras hice comparecer ante mi y los testigos de mi asistencia á los CC. Rafael Soto y Agustin Alviso medidores nombrados á los cuales mandé encerar un cordel de ixtle y midan cincuenta varas con vara de medir de cuatro palmas castellanas y con efecto los susodichos en mi presencia midieron un cordel torcido y encerado y bien tirado con una vara Mejicana señalada en toda forma hasta el numero de cincuenta varas, la cual medida se hizo fiel y legalmente en vista ciencia y paciencia del interesado y circunvecinos en cuya atencion mando se ponga por diligencia.

Antonio Maria Pico. José Z. Fernandez.
Luis Chaboya. assa. Tomas Pacheco.
Sebastian Peralta.

Estando en el campo y tierras pertenecientes al Rancho de Pala hoy veinte y uno de Diciembre de mil ocho cientos treinta y cinco Yo el Alcalde Constitucional del Pueblo de San José de Guadalupe actuando por receptoria con dos testigos de asistencia á falta de Escribano Publico presente el C. Rafael Soto y Agustin Alviso medidores nombrados mandé se procediesen á la medida de un Sitio de Ganado Mayor que tiene y pertenece al Rancho de Pala segun el titulo y diseño presentados en cuyo obedecimiento habiendo vuelto á medir y reconocer el cordel de tierras, dieron principio á dicha medida desde el Solar que mira hacia el N. caminado por este rumbo hasta llegar al Arroyo del arroyo del Aguaje donde se midieron cincuenta cordeles quedando dicho arroyo de lindero: ~~donde~~ Desde allí

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se siguio la medida en linea recta hacia al O, hasta llegar á las tierras de labor de dicho rancho donde se encontraron se un noble quedo señalado para acuerdo de que alli pondria una mojonera y se midieron Cua- renta cordeles : desde este parage se tomó el rumbo hacia al S. atravesando por la laguna del solaire arr oyuelo, que nace de este misma hasta llegar á un Roblar, cuyo primer noble señalo Higuera donde debera colocar otra mojonera y se midieron ciento diez cordeles : de este sitio se sigue hacia al E. Caminando por la orilla del arroyo de los alisos hasta llegar al pié de la cordillera de lomas que corren de E. á S. espaldas de solar, vertientes al O. y no habiendo mas de treinte y siete cordeles se completó el sitio de ganado Mayor que se le concedio el repetido Higuera con la homenia referida, por haberlo pedido el interesado y no haber quien la reclamase de manera que el referido sitio de Ganado Mayor de que consta el Rancho de Palo perteneciente al C. José Joaquin Higuera forma un cuadro de veinte mil varas castellanas y regulada por dichas mediciones declararon estar el repetido Higuera entendido de las tierras que le corres ponden en su Rancho segun el titulo y dicen que obra á la cabeza de este espediente dió que se perjudica á tercero : por lo cual arranco dicho Higuera varias ramas y yerbas arrojandolas hacia los cuatro vientos en señal de su legal y legitima posesion : En tal estado mando el C. Alcalde Constitucional que para permanecer y claridad de los linderos que van espes- ados hisiese á su costa y mencion mas mojoneras de piedra y cal en altos de mas de vara para que en todo tiempo conste se observe y guarde por terminos y linderos de sus tierras por los dueños circunvecinos de ellas. y de haberse efectuado dichas medidas quieta y pacificamente sin contradicion de persona alguna lo pidio por testimonio : y yo el Alcalde Cons- titucional del Pueblo de San José de Guadalupe actuando por receptoria con dos testigos de asistencia á falta de escribano publico lo doy de haber pasado como dicho es y que las espresadas medidas han sido hechas á todo su leal saber y entender de los medidores segun depusieron sin dolo fraude engaño contra persona alguna y para mas seguridad ratificaron el Juramento que tiene hecho y lo firmaron con

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migo y los demas personas que supieron y se hallan presentes. Antonio Mª Pico.
Agustin Olivera. asa. José Z. Fernandez.
asa. Salvio Pacheco. Sebastian Peralta. Luis Chabyo.
Francisco Soto.

En virtud de hallarse convenidas estas diligencias conforme á la conformidad de la materia entreguese originales á la parte del C. José Joaquin Higuera con los documentos que presento para los usos que le convenga. El C. Antonio Mª. Pico. Alcalde Constitucional del Pueblo de San José de Guadalupe actuando por receptoria con dos testigos de asistencia á falta de Escribano Publico asi lo proveyo mandó y firmó hoy veinte y uno de Diciembre de mil ocho cientos treinta y cinco. asa.
Antonio Maria Pico. José Z. Fernandez.
asa. Tomas Pacheco.

Filed for Record 10 o'clock A.M. 6 July. 1850.
J. J. Richardson. Recorded as Santa Clara County.

Recorded in Book of Deeds A pages.
213. 214. 215. 216. 217. 218. 219. 220
J. J. Richardson.
Recorder S. C. County.

Filed in Office. March. 1st 1853.
Geo. Fisher. Secry.

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Transcription of Grant Confirmation and Juridical Possession

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Constitutional Grant of San Jose Guadalupe
year 1835

Document institutes for to measure and give possession of one Sitio de Ganado Mayor to the Jose Joaquin Higuera of this land known by the name of Pala by order of the Constitutional Alcalde of said Pueblo 3 assistants Jose 3 Fernandez and Juan Pacheco

---

Fifty Dollars
Proved & Juridically by the Acquitance Custom House of Monterey of the Department for the years one thousand eight hundred and thirty four and one thousand eight hundred and thirty five

Regarding a Mexican
Jose Castro Speaker of the most Excellent Territorial Deputation and Governor ad Interim of the Territory of Upper California

whereas Jose Higuera a Mexican by birth has asked for his personal benefit and that of his family the land known by the name of Pala having prepared those duties and investigations according to the Laws and Regulations in case of the parties compared order in decree of this day and in the name of the Mexican nation I have attained to grant him the Land mentioned Pala declaring it his property by these present Letters with the Reservation of the approbation of the most Excellent Territorial Deputation under the following conditions

1st That he will submit to the regulations which may be made for the distribution of vacant lands and that within such time within the grantee for his lands shall and he will cultivate what is assigned them nor impose tax nor sell it in Security nor place any encumbrance upon it although it may be for his purposes nor pass it in Mortmain

2nd He may enclose it without injury to the paths or public roads and will shall enjoy it fully and Exclusively destining it to such use and cultivation as shall be best convenient

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to him but within a year and six months he shall
build a house and it shall be inhabited
2nd He shall solicit of the Hon. Judge that
he give him Juridical possession in virtue of
this despatch by which he may enter on the lands in
which limits there shall be put monuments or
posts of some utility
4th The land of which the donation is made
is one league according to the diagram
which accompanies these documents the paragraph
gives the possession measure it according to the ord
ers the ordinances which results remaining to
the common use of the nation
5th If he contravene these conditions he shall lose
his right to the Land and it may be denied
by another

In consequence I command that these
presents shall have him as a title and holding
it firm and valid a copy shall be taken in
a proper book and it shall be delivered to the party
interested for his security and other purposes
Given in Monterey this 5th day of November one
thousand eight hundred and thirty five

José Castro

Francisco del Castillo Negrete

Remains to him a copy in the corresponding book
to pages eighty two and marked with the number
eighty which exists in the office of Secretary of the
Government under my charge Monterey November
5th 1835

Seal

Ignacio Castillo

This Seal for Lands

Issued provisionally by the administration of
the Maritime Custom House of Monterey Upper
California for thirteen one thousand eight hun
dred and thirty pesos one thousand eight hundred
and thirty five

Ignacio Castro

Angel Ramirez

3

Returning

The remission made to the citizen Joaquin
Higuera of the land named Pulga granted
on the fifth of November one thousand
eight hundred and thirty five is approved
subjecting him to the conditions therein stipulated
and to pay taxes in case it may belong to the proprietor

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Veintey fifth December one thousand eight hundrd and thirty five

Salvi Padres

Veintey December tenth one thousand eight hundrd and thirty five

In sessin of this day the Most Ex cellent Deputation appoints the proprietor in the foregoing decree ordering the return of the documents to the Summoner for his further action

Juan B. Alvarado V.S.

Veintey December Eleventh one thousand eight hundrd and thirty five

In view of the appr oval given the tenth instant by the Ex cellent Territorial Deputation extends testimony of it and of this decree to the Citizen foregoing Hegemonia confirmation of the concession of the lands known by the name of Pala which he obtaining on the fifth of November of the present year Passes to Dn Jose Castro Summoner in order that upon his appearance and Speaker of the Ex cellent Territorial Deputation this comparts decree and signs of which I give faith

Jose Castro

Francisco de Castillo Negrete

Secretary

In accordance to the Letter with the original which remains archived in the Summoners Office of the Secretary which is in my charge in the Custody of documents appertaining to the Ex cellent Deputation who remitts it to me

Veintey Dec

ember the eleventh one thousand eight hundrd and thirty five

Fees $4.00

Francisco de Castillo Negrete

Seal

Three Seals two Reals

Powder possessing by the administration of the estate of Veintey upon Ildefonso for the years one thousand eight hundrd and thirty four and one thousand eight hundrd and thirty five

Angel Ramirez

Is the constitutional Alcalde

Ne citizen Jose Joaquin Hegenio present

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hundred leguas on the best course to the right and
days that having granted him by the said Empresario
Territorial Deputation the said Juan Bautista de Arocha according to the titles which respectfully
accompanies and are which follows I ask you
and supplicate that you would be pleased to give me juridical
possession of the same which is one sitio de ganado
with the formalities of the Law that being avoid
injuring any adjoining neighbors or any one
interests for which
a.o. I supplicate that you will be pleased
to approve what is above asking justice which
implored and sworn it to be necessary &c
as to petty interested does
not know how to write Rogo por
him Jose Z Fernandez
San Jose de Guadalupe 24 Tenth day of Decem
ber 1835
By the presentation of this Petition with the
documents expressed I will issue citations to
the adjoining neighbors and take information
of identity right of the Eyes and Examination of
said lands The Citizen Antonio Maria Pico Com
missioned Alcalde of the Pueblo of San Jose Guadalu
pe with two assisting witnesses present of a
Notary Public this Diligencia command and signs
with those assisting

assist
Antonio Maria Pico

assist
Jose Z Fernandez

Test
Three Line Two Words
Rewritten Provisionally by the administration of
the Mexican Custom House of Monterey Upper
California for the years one thousand eight hundred
and thirty four and one thousand eight hundred
and thirty five

Clerk
Angel Navarro

In the aforesaid Pueblo the 16th day of the month and
year to the Alcalde constitutional with his assisting
witnesses in order to proceed with the examination of
identity which is expressed in the foregoing act was
ordered to appear the Citizen Juan Bautista Arocha
known in person citizen of this Pueblo by pro
duction aforesaid who being duly
sworn and the sign of the Holy Cross ———

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By which he proposes to thank the truth and having been asked as to his knowledge of the lands and plans boundaries and lines belonging to the Rancho Punta de la Laguna that it is more than ten years that he is a resident of this Jurisdiction and that he knows that the lands about which is questions has belonged to Jose Jesus Noriega and they have for him Noriega the oath he did take and which he did sign and examined many times and

Jose to said Noriega has possessed them he has cultivated them and pastured them his cattle and for proof of what he knows and is ready to go to said lands with the present Alcalde and plan lines the plans lands and admeasurements that what he knows and is the truth by the oath which he has taken and which he affirms and ratifies after the declaration was read to him saying he is forty years of age that he has never been in the suit and he signs with the present Alcalde and his assistance

Antonio Pico
Assist

Sebastian Peralta
Assist

Jose Jesus Fernandez

Francisco Padilla

Immediately the appearance I caused to appear before me the said Luis Urbaya whom I personally know to be a citizen of this Jurisdiction by profession a laborer the land of a family to whom administered the oath according to custom by which he offered to thank the truth and being questioned as to his knowledge of the lands and plans boundaries and lines belonging to the Rancho named Punta.

Said that for more than ten years he is a citizen (vecino) of this Jurisdiction and he knows that the lands belonging to said Rancho have been in possession of the Jesus Noriega Virginia and it has so he knows by the high thing that I made to allow an oath by which he has sworn and examined concerning and since the said Virginia has possessed them he has cultivated them and pastured them his cattle

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and for proof and knowledge of what he
knows he is ready to go to said lands with the
present Alcalde and then and there point out
and show and submitting reach that
what he knows said is the truth and relative to
ation of the each which he knows that which
declaration after being read to him and
ratify saying he is fifty nine years old that
he knows interest in the case and he signs with
the present Alcalde and those of his assistance
actuating in a Rio Luis Obispeño

asst
Jose Z Fernandez

asst
Francisco

at the same time appears Theodore Reza.
who is personally known to us (vecino) resident
of this pueblo by profession a laborer
and land of age and who being sworn according
to custom by which he promises to speak
the truth and being questioned as to his knowledge
of the Lands and places boundaries and lines
belonging to the Rancho named the pala Sand

He is
native of this Pueblo and knows that the lands
belonging to this Rancho has been in the
possession of the Jose Joaquin Higuera and it
has perhaps been his two cuchs over at the mouth
and another at the South the Municipio Alto (high
ticht) and the tops of the hills which runs from
north to South which he knows and running
points to us

and he the said Higuera has
possessed them he has cattle and horses and
goats them his cattle and in proof of what
he knows is he is ready to go to said lands with
the present alcalde and mark out the plains boun-
daries and lines and also the reaches that he
has stated is the truth under the obligations
of the oath which he has taken and which he affirms
and ratifies after being read to him as his declara-
tion saying that he is fifty seven years
of age and he is interested in the present
case

He does not sign as he does not know how
but it was done by the Alcalde & those of his assistance

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Auto Num Pico Assistant witnesses
Jose Z Fernandez Tomas Padres

In the aforesaid Pueblo the eighteenth day of the aforesaid month and year aforesaid cite
— personally to appear to the citizens Nicolas Bungesa
and Antonio Miranda the adjoining neighbors
that they appear to oversee the amojonamiento
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out on the Rancho aforesaid Palo and both of the
parties to this act aforesaid that they present
and acknowledged themselves as cited this thing
aforesaid and Nicolas Bungesa signs but
Miranda does not as he does not know how

Antonio Maria Pico
assist

Jose Z Fernandez Tomas Padres

Antonio Miranda by not knowing how to write
makes the sign of the cross +

Nicolas Bungesa

Being in the plain in the plane called the
Palo the boundaries of the Pueblo de San Jose
de Guadalupe on the aforesaid day of June
— one thousand eight hundred and thirty
five I the Justice aforesaid did do acting in
company with the aforesaid witnesses for want
of a notary Public

The witnesses examined by
me being present also Jose Joaquin Higuera
the citizens Nicolas Bungesa and Antonio
Miranda his adjoining neighbors proceeded
to see and examine the lands of said Rancho and
for same reasons we put all the party in
company on horseback together with the aforesaid
— said witnesses which latter we ordered to
march out the places boundaries and limits
of the same according to the marks they have
given in their depositions

And in accordance
therewith to the said as to the North until we
reached the deep del Agua y fuente
they proceeded with the examination and (vista
de ojos) towards the west by the banks of said Arroyo
until we reached near the brook to attest high
thought to be abundancy and limit of said land
of Palo from said Pueblo continuing said (vista de
ojos) towards the south until they reached the Hollow

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oak Grove to be a boundary and line of said lands
from where they points out the hills which
runs towards the west for the last line of said
lands which pleases the Alcalde constituted
Juan and recognized with three of my assistance
and witness appointing and appointments
and diligently compared

After which he finds
the identification to be certain of the aforesaid
land according to the declaration of the said
witness by which and to this act accomplished and sign with three of my assistants
and two witnesses which hum and face faith

Antonio Maria Pico
asst

asst
Tomas Pacheco
Sebastian Peralta

Jose Z. Fernandez
Luis Arenaya

of the same day month and year of the constitution aforesaid said that in order to proceed to the amojonamiento contained in the precedent command that notice be given to the citizen Jose Joaquin Higuera that the amojonamiento and the citizens Rafael Soto and Augustin Alviso as intelligent in the art of measuring and in consequence he summoned that he had and agreed to the naming of three

whose
upon it was commanded by said Alcalde that
notice be given to said amojonamiento naming the
tenth next instant to proceed with the amojonamiento of said land and in consequence
commands that notice be given to said amojonamiento
that they should appear and accept and be sworn in
the performance of which I sign with three
of my assistants

Antonio Maria Pico
asst

asst
Jose Z. Fernandez

Tomas Pacheco

immediately appears the citizens Rafael Soto
and Augustin Alviso amojonamiento named who
being made acquainted with their duty said they
accepted the challenge and in virtue of which they came
by land on foot and the legal of that body
does that they would so well and

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faithfully the duty enjoined to them to the
best of their knowledge and understanding
and that they would make said measurement
faithfully and legally avoiding to their obliga-
tions without fraud or deceit against any
of the parties thus they assured and signed
said faith

Antonio Ma Pico
assist

assist
Jose Z Fernandez
Augustin Alviso

Francisco Pacheco
Francisco Soto.

Following persons known to the parties interested
and witnesses that they saw the boundary
post instantaneously placed to
proceed to the measurement of said lands and
all being acquainted with this act they assum-
ed thereby hands and acknowledged being ratis
those signing who know how Interlining of
which I said faith

Antonio Ma Pico
assist

assist
Jose Z Fernandez
Francisco Soto
Luis Quintaya (or in Spanish de la
Cruz de Cruz)

Francisco Pacheco
Sebastian Peralta
(or in Spanish Francisco de la

Peter Randon Witness Before the County Surveyor
day of December one thousand Eight hundred
and thirty five being present the citizens Jose
Joaquin Higuera and adjoining neighbors to
said Land I made to appear before me and those
of my assistance the citizens Rafael Soto and
Augustin Alviso Witnesses known I sworn
and I to say Aloe of them and examine fifty
vares with an assuring vara of five spans
Spanish and with after the punctuations in
my persons witnesses aforesaid and
and well stretched with measuring vara testing
in due form until they measured the number
of fifty vares which measurement was made just
and legal in favor of Quintana and prairie of the
parties interested and adjoining neighbors
In testimony of
which I command that it be noted as accomplishing

Antonio Ma Pico
assist

assist

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Jose Z Fernandez
Martinio Peralta
Juan Peralta
Luis Ulibarya

being in the plains and lands belonging to the Rancho de Sala to day twenty first of December one thousand eight hundred and thirty five the alcalde constituted of the Pueblo de San Jose de Guadalupe acting in company with two assisting witnesses for want of a notary public being present the citizens Rafael Soto and Augustin Alviso thereupon commanded that they proceed to the measurement of the said demanded league which is called for

And belonging to the Rancho of Sala according to the title and measurements in obedience to which having returned to examine and measure the land they commenced the said measurement from the lot which faces towards the south walking in that direction until they reached the camp of the camp del agua where there was measured fifty cordels from said camp

Running the line from the thirty fifth cordel the measurement in a straight line towards the west until they reached the young Laurels of said Rancho which marking an oak tree which remains marked to wit on the east side was the last stake made and there one thousand fifty cordels from this place they took a course towards the south passing by the bay called de San Francisco at which point is from this same until they reached an oak tree with four branches which remains marked to wit on the west side and there was measured one hundred and two cordels from this place they continued towards the east walking on the banks of the Camp de los Alisos by course each until they arrived at the foot of the range of hills which remain marked to wit (as far as all solar intervales also) and there were measured two thousand two hundred and thirty cordels which completes the demanded league which corresponds to the former title agreeing with the hills referred to by having boundaries for by him and there was no more to denote there

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Consequently the aforesaid Sitio of Large Cattle which comprises the Rancho of Palo Colorado belonging to the Sr Jose Joaquin Arguello forms a square of twenty thousand varas Spanish measure and regulated by said measures declaring the said Jose Joaquin Arguello to be entire the lawful owner containing to his Rancho according to the title and map which begins at the lands of three Leagues

signing to at this party aforesaid the said Arguello pulled up worms roots and buds thereby giving them towards the four winds as a sign of his legal and legitimate possession at this time the Alcalde for performance and clearness of the lines which were before expressed that he ordered his cattle hands marks of lime and three of pine trees as might that they ought in all time witness

That it be observed and guarded around ends and lines of his lands by the adjoining neighbors and after having effected the said Measurement quietly and peaceably without the contradiction of any person he ordered it in testimony and the Constitutional Alcalde of the Pueblo de San Jose de Guadalupe acting in due form with two assisting witnesses for want of a Notary Public entry

That the foregoing acts are in form and before me and that the said measurements have been made to the best knowledge and understanding of the aforesaid Measures according to (depositions) without fraud or deceit against any person and for more security they put their X mark which they know and they signed with the aforesaid Alcalde and those of my assistance and other persons who know how and were present

Antonio Maria Pico
assist

assist
Jose Z. Fernandez
Francisco Soto
Sebastian Peralta

Tomas Pacheco
Augustin Olivera
Luis Chabolla

In virtue of having concluded these duties

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according to the ordinances of the matter I deliver the orginals to the citizen Jose Joaquin Segura with the documents which he presents for such purpose as he may determine

Ante Mi Auto
Mando hice Constitutional Alcalde of the Pueblo de San Jose de Guadalupe acting in due form with the assisting witnesses for want of a Notary Public thus I approve commands and sign this twenty first Day of December one thousand eight hundred and thirty five

Auto Ma Rico
Assist
Jose Z Fernandez
Z
Assist
Tomas Pacheco

Filed in Office March 19 1853
George Fisher
Secretary

f. 45

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Copy of the Will of José Joaquin Bigüera.
C.

En el nombre de Dios todo poderoso, Padre hijo y Espiritu Santo, tres personas distintas y un solo Dios verdadero Yo Juaquin Bigüera, natural de las Juris dicion del Pueblo de San José Guadalupe en caso preciso de grave enfermedad deseoso de disponer en la mejor forma posible de mis bienes temporales y esp irituales hallandome mis bienes por falta de Notario Publico al Ciud. Salvio Pacheco pa escribano y los testigos abajo suscritos pa el debido cumplimto de mi esta ultima voluntad que apresencia de mi respectivo Juez Alcalde otorgo por buena mi disposicion y mando en primer lugar mi cuerpo a la tierra de que fué formado y de entierro que se entierre despues de mi muerte en la Misión de Santa Clara con el abito de N. P. S. Franco si se encontrase y de no con lo que se pueda en segunda mi alma al Sr. que la crió. Item. Declaro que es mi ultima voluntad poner á mi esposa. Ma. Bernarda Soto por primer albacea de todos bienes que poseo y mi hijo Joaqn por segundo albacea y tutor de los bienes y a mi menor Juanilla le tocase hasta tanto se alle heste en estado de manejarse por á y que heste segundo obre de acuerdo con el primero y sta en beneficio de mis creedores. Item. Declaro que soy deudor á Dn Juan Aleman en la cantidad de tres cientos pesos estos hes si el pago fuere en metalico: y si fuere en esquilmos se debe la demacia de sincuenta, a parte á heste mismo se le debo veinte y un cueros de res y á Dn Guillermo Gilmore veinte y cinco Pesos seis Rs. Item declaro q. me son deudores varios individuos asi de monedas corrientes como de bienes muebles, cuya lista y apuntes incluyo q. quedará Vijente por su debido cumplimto en mis albaceas Item. Declaro que instituyo y nombro por mis herederos a mi mujer con quien soy casado segun la orden de Nra madre la Santa Yglesia de cuio matrimonio tengo cuatro hijos barones y siete mugeres dejando en primer lugar de bienes y casa con la propiedad de Rancho en el menor hijo y Dno. Juan Maria con la mujer con todos los muebles que encierra la casa en entendiendose la razon que é dho. de propiedad de Rancho que es division mi repuesto, solo q. todos tengan derecho en meter bienes y demas cultivo de su beneficio y para escusar dudas es mi voluntad de acer la distribucion de herederos y que numero a cada uno. Item. Declaro que la mujer tome la Casa del Rancho

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con todos los muebles q. encierra y la otra casa que hasta en el Pueblo se vende pa bien de mi alma. A mi hijo Joaquin le dejo quince vacas y una Yunta de bueyes á José Antonio quince vacas con su Yunta de bueyes, Manuel Cuatro Bacas Ma Petra cuatro bacas tenera, cuatro no reconosco por herederos á mis otros hijos Josepa que estan casadas por lo que ase á la Caballeria una cuadra mas con las quince Leguas que asta la listo cuanto por la mitad á la mujer y hijo menor el resto de bienes q. todo que queda al sosten de la mujer y menores que estan á su lado teniendo la confianza en la mujer q. aya y gaste en sepragios todo lo que guste ó pueda. Yten. Declaro tener un Baul en que se encierra la ropa de mi uso cuya ropa la dejo á mi hijo Juan y el Baul á la mi mujer Cuatro Caballos de mi silla á mi hijo Dn Juan y la silla. Yten. Declaro que es mi ultima Voluntad dejar apoderado de la escuela de Juan Alleman, pa que se exija á los albaceas albaceas al pago segun y conforme trato al cinº Salvio Pacheco quien si se subcitan gastos por incidencias en cuyo caso ocurra á los albaceas pa que se trague con esto en los bienes de campo. Yten. Declaro que el fierro de erar y señal lo dejo á mi hijo el menor Juan. Y para que y tenga lo debido cumplimiento lo ratifico en persona en presencia de los testigos y firmamos en el Pueblo de San José Guadalupe y pª no saber firmar lo verifico con la señal de Cruz á los tres dias del mes de Obre de mil ochocientos treinta y ocho

Joaqn Higuera — Dolores Mesa.
Sabastian Burton. — Ante mi Juez Alcalde
de que doy fé. — Dolores Pacheco.
Salvio Pacheco.

Año 28.

Apunte q. manifiesta los debitos que causo en tratos con particulares, y que se deve satisfaser con las condiciones que se señala ó saber sacada por el Juzgado Joaqn Higuera.

Alex Juan Alleman trescientos pª en metalico y obserbiendo su esplenos deben ser } 300.
cincuenta mas.
Dn Guillermo Pulmo. 25. 6
Juan Allemon a parte Veinte un cuevos mas. 20. 0
Apunte de los debitos que causan ó Joaqn Higuera

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mi hijo y entregardos á la madre
Vidal el Artillero. 100. 00
Prudencio Ispinoso. 40.
Julian Vil sien por la mitad en plata y la otra en efectos
Francisco Soto tiene que pagar siete cuevos 100.
Dl por el Agte Glem. Mas Franco Soto 25. cuevos
a parte de los siete que se le anotan. Antonio Monemo
siete pos que se le paguen al capitan Angel Boyonthis
quince lleguas pa un molino y de no dar les que
se le quite el otro molino y quedo en poder de la
muger Franco Pacheco y al que no seho.
Juan Boyonthis primero un cuero
Juan Boyones segundo una lleguа bronca.
Gco Soto cuatro lleguas bovunas.
Maria Antonio Memoniono cuatro cuevos. que se les
entregue a su hija Petra.
S Juan Soto. 10. Ps.
Pedro Mesa tres cuevos que se les prestaron y se de
llevar al rancho.
Y para que la adjunta lista tenga su efecto y valor
y. corresponde lo firman testigos de mi obra test
amentaria.
Pueblo de San José Obre 3. de 1838.
Sebastian Burton. Dolores Mesa.
A ruego de la parte interesada Juanr Ybyguera ygue
Hoy Jcé. Silvio Pacheco.

Filed in office March. 1st 1853.

Geo. Fisher. Secy.

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Will of
Jose Joaquin
Higuera
deceased

Translation
of 48 to 52
Connects to
2 pages of Jose
Castro

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In the name of almighty God the Father Son and Holy Ghost three distinct persons and only one true God

I Joaquin Higuera a native of the jurisdiction of the Pueblo of San Jose Guadalupe laboring under a sound infirmity and desiring of making the best possible disposition of my temporal and spiritual property present of ch mylong Public have called to Ciudadano Salvio Pacheco as Secretary and the undersigned witnesses for the due fulfillment of this my last will

Which in the presence of my respective judge Alcalde Jan thence as God & my disposition and as the first place I commend my body to the earth from which it was formed that after my death it be entered with the habit of our Father Saint Francis and if not in what ever may befound

In the next place I commend my soul to the Lord who created it Item I declare that it is my last will to constitute Maria Bernardo Soto my universal heir executrix of all the property which I possess and my son Joaquin as the only Executor and Guardian of the property which shall fall to the share of my youngest Son Maria until he become of age and that the said Executrix act in concert with the first and that it be to the benefit of the other heirs

Item I declare that I owe to Don Juan Alvarado the sum of three hundred dollars that is if he shall be paid in corn and if it should be in produce three fifty Dollars pure arroba in peaches this owe to the said Don twenty one hundred

And to Don Guillermo Gulnac twenty five dollars and twenty five cents Item I declare that I owe his persons on the both current accounts and personal property a memorandum or account of which I make which shall be kept in the hands of my Executors for the collection and proper distribution thereof

Item I declare that I constitute and appoint

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as my wife with whom I am married according to the rites of the Mormon the Holy Church of

which partnership I have four sons and seven daughters, leaving in the first place the property and house and the portion of the Rancho property belonging to the said Ignacio San Juan viz with my wife and all the animals within the house about said relative to the Rancho property not to be understood to be admission or assignment thereof only that all may have the right to put their stock thereon and any other improvement which may be to their benefit

And in order to prevent disputes it is my will to make the distribution of mine and the numbers to each one

Item I declare that my wife shall take the house which is upon said Rancho with all the movables therein and the other house which is in the Pueblo shall be sold for the welfare of my soul

And I leave unto my son Gregorio fifteen cows and one yoke of oxen to Jose Anto his fifteen cows and one yoke of oxen to Antonio four sons to Maria Petra four sons and four to Teresa I do not recognize as mine my two daughters for as they are illegitimate

with respect to the husbands of same ones with fifteen cows extend upon the schedule they shall be equally divided between my wife and my youngest child

The balance of my efects to be for the support of my wife and minor children which are under her protection,

Having been
— prudent in my wife that she could dispose in suffrages all that she may see fit or may be able

Item I declare that I have one trunk which contains my wearing apparel which apparel I leave to my son Juan and the trunk to my wife and my Spanish saddle horses to my said son Juan

1863874

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Item I declare that it is my last will to leave
Lutzin Salvador Pachuc empowered with the
debt to Juan Aleman in order to compel the
Executors to the payment thereof just as I de-
termine who if any Expenses should accrue through
neglect will call the attention of the Executors
thereto in addition the same may be paid
from the Stock

Item I declare that I have to my son Juan
the youngest the branding Iron and trademark
and in addition it may have full effect
Ratify it in the presence of the witnesses and
Clerk of the Pueblo of San Jose Guadalupe and
not knowing how to write I sign it with the sign
of the cross on the third day of the month of Octo-
ber one thousand eight hundred and thirty eight

Signed Joaquin Higuera x
" Dolores Nuza x
" Sebastian Butron

Before me Judge Alcalde which I certify

Signed Dolores Pachuc
" Salvio Pachuc

year 1838

Summary which he holds the debts which
he credits with individuals and which must
be satisfied on the conditions which are indica-
tive to wit

Drawn off by Joaquin Higuera accounts
to Juan Aleman three hundred dollars
in Lewis and just being in products sixteen
more fifty dollars one " " $300.00
Don Guillermo Galvez " " $ 25.00
Juan Aleman twenty two hides

Summary of the debts made to Juan Higuera and
it shall be the duty of any Juez Joaquin to collect
and administer to his Mother
Rafael the building one " " " " $100.00
Bernardino Espinoza " " " " 40.00
Juliano Vil " " " " $100.00
on behalf in Lewis and the other half in goods
Mariano Soto to pay one hundred four reals
for Board
To Mariano Soto twenty five hides besides the
loss with which he is charged

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Antonio Moreno Seven Dollars which shall be
paid to Captain Angel Bojorquez fifteen mares
for a mill and not paying them the mill shall
be taken from him and remain in the possession
of any one
Francisco Pacheco two hundred and twenty five pounds
of Tallow
Juan Bojorquez Seventy hides
Juan Bojorquez 50 one mile mare
Francisco Soto four mile mares
Maria Antonia Altamirano forty hides which shall
be delivered to her daughter Petra
Juan Soto (Ten dollars) " $10.00
Jules Fossat three hides which amount to in
is to deliver them at the Rancho and in order that
the foregoing Summary may have its due effect and
value the witness of the voluntary acts begins
it

Pueblo of San Jose October 3rd one thousand Eight
hundred and thirty Eight

Signed Sebastian Butron x
" Dolores Moreno x.

At the request of the interested party I certify
the foregoing and which I testify

Signed Salvio Pacheco

I Geo Fisher Secretary to the United States Land
Commission to ascertain and settle Private Land
Claims in the State of California hereby certify The
foregoing to be a true and exact translation of a
document in Case Number 638 Records whereof
of the United States for the place named Pala
now on file in this office

In testimony whereof I have
hereunto signed my name
at office at the City of San
Francisco California this
2nd day of January
A.D. 1855

Geo Fisher
Secretary

Filed in office January 4th 1855.

5-3 B
Translation
of Will
of Jose Joaquin
Higuera

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In the name of almighty God Father Son
and Holy Spirit three distinct persons but only
one true God

I Joaquin Higuera resident of the
jurisdiction of the Pueblo de San Jose Guadalupe
compelled by grave infirmity and desirous to dis
pose of my goods temporal and spiritual in the
best form possible

Have called the ciudadano
Salvio Pacheco as writer (present of Notary
Public) as also the witnesses hereunto subscribed
for the effect compliance of this my last will
that in the presence of my respected Judge the
Alcalde I can thereby dispose my disposition and
command in the first place my body to the earth
of which it was formed and that it should be
buried my death in the habit of N.P.S. Francis
if it can be met with and if not in the habit
it can Secondly my soul to God who created
it

Item I declare that it is my last will to put
my wife Bernarda Soto as first Executor of all
the goods which I possess and my son Jose
as Second Executor and Guardian of the
property which to my youngest son Juan
Avenida will belong until such time as he
will reach such a State as to be able to man
age for himself for the carrying out of this
last duty he shall act in concert with the
first acting for the benefit of my sons

Item
I declare that I am indebted to Don Juan the
Germain in the sum of three hundred dollars
that is if paid in money but if paid in country
produce there shall be paid besides fifty
dollars besides which I give this man twenty
one hides and to Don Guillermo Gulnac twenty
five dollars for debts

Item I declare that there are various Individuals
whom are indebted to me both in current money
as also in movable property about a hundred
of which I confide and relinquish in favor for
the faithful compliance of my Executors

Item I declare that I institute and name

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as my wife my wife with whom I am living
according to the rites of our Holy Mother the
church of which marriage I have four sons
and seven daughters

Leaving in the first place
of the goods and house with the ownership of
the Rancho in my youngest son and said Juan
Maria with the ship without the encumbrances which
are in the house but understanding for this reason
that the said ownership of the Rancho is divis-
ion or partition only that all have right to put
their cattle and to other cultivation for their
benefit and for to avoid doubt it is my will
to make this distribution of mine and what com-
bers to each one

Item I declare that my wife Catherine Antonia
of the Rancho with all the animals which are
within and the other house which is in the
Pueblo shall belong for the benefit of my son
to my son Joaquin I leave fifteen cows and a
yoke of Oxen to Jose Antonio fifteen cows with
his yoke of Oxen

I mean four cows Maria Petra
four cows Teresa four not acknowledging
as mine saying daughters always mean cattles
by which they will mine of the brand of mine
brand of which the fifteen heads which are dem-
ded with the left half and half for my wife and
younger son

The remainder of my goods which
shall belong for the sustenance of my wife and
minors which are at her side leaving the confi-
dence in my wife that she will make provide
for the benefit of my said children the pleases or
can

Item I declare that I have a trunk in which
are included my wearing apparel which cloth-
ing I leave to my son Juan and the trunk to
my wife four knives of my saddle to my
son Juan and the saddle

Item I declare that
it is my last will to leave undamaged of the
debt to John the German the citizen
of this Pueblo that he may with my
Executors make payment according to contract

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whom if he should incur any costs for any
differences in which case he will apply to the
Executors to be paid from the battle
Item I declare that my branding Iron and
mark I leave to my Son the younger Juan
And
in order that it may have due compliance I
ratify it in presence of thy witnesses and write
in the Pueblo of San José Guadalupe and as
not knowing how to write I sign by making
the sign of the cross the third day of October one
thousand eight hundred and thirty eight

Joaquin Higuera x
Dolores Musa x
Sebastian Peralta x

Before me Judge of Letters of which I give faith
Dolores Padres
Salvio Padres

Year 1838

A List which manifests the debts owned in
trades with Individuals which should be satis-
fied with the conditions marked thereon To
wit
Taken by the deceased Joaquin Higuera
To Juan Alamon three hundred dollars
in coin and if not being in produce of Hides
fifty Nos " " " " $300.00
Del Guillermo Galvez " " " 25.00
To Juan Alamon besides 21 hides more

A List which shows the Debts due to Joaquin
Higuera and should be collected by my son Jo-
aquin and delivered to his mother
To del the Arbitrest " " " 100.80
Fundicion Espinosa " " " 40.00
Juliani Fel one hundred dollars }
half in coin and half in Store Goods } 100.00
Francisco Soto has to pay seven hides 4 S
for the Legacies
Item More Francisco Soto 25 hides besides
the seven which are denoted
Antonio Nuno Sumps which he should pay
to the Captain Angel Borgas fifteen reams
for and if he does not give them to the
will pertaining which shall remain with my wife

5 h

Francis Pacheco y de Tallon
juan Bojorques the first exhibit
juan Bojorques the second exhibit Francis
Soto for and in behalf
Maria Antonia Alvarado for the heirs which
he will deliver to my daughter Petra 66
Juan Soto 10
Pedro Mesa three hides which he borrows
and he should carry them to the rancho
and
in addition the accompanying list should
have its effect and value corresponding them
to my testimony witness signs it
Pablo Apolinar

Feb 20 October 2d 1838

Sebastian Burton x
Dolores Mesa x

Begin for the many petitioners Joaquin Higuera
of which I give faith

Salvio Pacheco

Translation of 1844 No 2 annexed to the Deposition of Jose Castro taken before Commissioners Hollands Hall March 1st 1853

Geo Fisher
Secretary

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Translation
of the will
of Maria B-
lo to de
Segura

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21/6387

In the name of Almighty God we unites
Trinity and three in person Amen Be it known
for native of the Pueblo de San Jose de Gua
dalupe and resident of the same baptized
daughter of legitimate matrimony of parents and
aciuela finding myself in bed sick of disease
which God sends but sane in
Bed
in my entire sense and memory believing
as firmly believe all the mysteries of our holy
Catholic faith in which faith I desire to
live and die and hoping in the divine mercy
will pardon me my sins by the intercession
of the blessed Virgin Mary which patron I
have chosen together with my guardian angel
and the saint of my name and all others saints
of my devotion will request and form my transit
from death make and order this
my testament in the form following
First
Recommending my soul to God who created
it of nothing and my body to earth of which
it was made
Item It is my will that my corpse should
be despised according to custom and
that it shall be buried in the church of said
town leaving to my executors the prayers which
charity shall dictate
Item I declare my self the widow of Joaquin
Higuera who left when my person above stat
ing a daughter still living the of seven two
colts and three calves five plughes with gear
ing Mountain lands about of twenty five
hills more and estallion
Item I left land which remains at my
disposition which consists of one sitio de Ganado
mayor it contains hundred head of cattle cattle
more or less and ninety mule
Item I declare
my legitimate children had in matrimony
Don Pedro Nepomuceno Don Joseph Manuel
Maria Antonio Joaquin Jose Antonio Juan
Maria Ramona and Dominga
Item I
declare that I dont owe anything to anybody

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Item I declare that the debts due to my deceased husband as set forth in his will

Item I declare as my Executrix you Virginia in the first place and by for you given in the deed which persons will justly and kindly please at the disposal of my own premises one hundred head of cattle five yoke of oxen with three yokes two carts with the wheels and appurtenance hoses and the band of Mexicans besides which belong to the Antonio House and mill and other utensils which are within doors

Item I leave to my daughter Dominga a bunk with the clothing of my use one yoke of oxen and two cattle

Item I leave in power of Attorney to you given named Jose Antonio and Juan the lands mentioned

Item I declare that they pay for thirty masses for the repose of my deceased husband

Item It is my will that the property which shall never I shall be divided as my Executrix shall divide between my legitimate children with the understanding that my daughter named Josefa shall receive the portion which shall be allotted them by my Executrix

Item

after having paid and complied with the aforesaid of the remainder of my goods and property rights and actions instituted by my aunt hereinafter named Josefa Ana Josefa Jose Margarita Maria Antonia Joaquin Jose Antonio Juan Ramon Juan Ramon and Dominga my children and also other legitimate descendants which might have at the time of my death and who shall inherit that they might take and receive in their order and grade according to representation and what is disposed by Laws with the blessing of God and mine and by these presents I ordain and appoint whatsoever testament or testament could or codicil which I have made or can make that they may have no value or effect in court or out of it unless it be for what may appear to be known although

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they may contain clauses duo gatory or and particular of which it makes expressio mention of which I at present do not recollect

I give
as express literally and with and command that this present shall be complied with and executed as my last will in the premises any thing they can find in right

Thus I continue
but not sign as I do not know how to sign before the present Justice of the Peace of this jurisdiction the 29th of September 1840 being witnesses the Citizen Jose Arriaga being resident of this Pueblo de San Jose and the Justice of the Peace of the 2nd Nomination of the Pueblo de San Jose de Guadalupe

Acting in legal
form with two assisting witnesses present of a public writ I give faith and sworn the party authorizing this whom I find in his entire sense and recollection and complete memory

I Intestimony of which
I sign on three sheets of common paper as there is no sealed paper corresponding

Salvio Pacheco
Jose Fernandez
Mariano Bolaños

6 11

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Translation
B P L Exhibit
to the Depo
S. Pacheco

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Testamento publico hecho en San Juan Guadalupe
hecho por Don Juan Bruno Soto
en el 29th de September 1840
Testamento escrito en papel comun
En el nombre de Almighty Dios amen Jesus
and Maria en uno

Yo Juan Bruno Soto
vecino de este Pueblo de San Jose Guadalupe
y residente de dicho Pueblo legitimo casado
con Dona Juana Pinto en legitimo matrimonio
bajo de cuyo Pinto en legitimo matrimonio
hemos habido por nuestros hijos con cuya
Dios nos ha bendecido hasta ahora
estando enfermo en cama pero en mi entero
juicio memoria y entendimiento natural
creyendo como firmemente creo en el misterio
de la Santisima Trinidad Padre Hijo y Espiritu Santo
tres personas distintas y un solo Dios verdadero
y todo lo demas que cree y confiesa nuestra
Santa Madre Iglesia Catolica bajo de cuya
fe y creencia he vivido y protesto vivir y morir
como catolico fiel cristiano temiendo la muerte
y deseando verme libre de ella y de sus penas
y trabajos y hallarme en la gloria con mi Dios
que la tiene prometida a los justos
Primeramente encomiendo mi alma a Dios
que la crio y redimio con su Preciosa Sangre
y mando mi cuerpo a la tierra de donde fue formado
Item Mando que mi cuerpo sea sepultado
en la Iglesia de este Pueblo de San Jose
Item Mando que se me digan por mi alma
cien misas rezadas
Item Declaro que tengo en mi poder
una escopeta de dos cañones
Item Declaro que tengo en mi poder
una espada
Item Declaro que tengo en mi poder
una pistola
Item Declaro que tengo en mi poder
una lanza
Item Declaro que tengo en mi poder
una silla de montar
Item Declaro que tengo en mi poder
un caballo
Item Declaro que tengo en mi poder
una yegua
Item Declaro que tengo en mi poder
una mula
Item Declaro que tengo en mi poder
un buey
Item Declaro que tengo en mi poder
una vaca
Item Declaro que tengo en mi poder
un becerro
Item Declaro que tengo en mi poder
una becerra
Item Declaro que tengo en mi poder
un ternero
Item Declaro que tengo en mi poder
una ternera
Item Declaro que tengo en mi poder
un toro

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and Adame Mule. Item I declare Maria Petra Maria Joseph Jose Manuel Maria Antonio Joaquin Jose Antonio Dimitre Funes Ramona Dominga and Juan Maria all of whom at the marriage except Joaquin Jose Antonio Juan Maria Ramona and Dominga remain Heirs of the Estate to be my legitimate children the offspring of the aforesaid Matlock

Item I declare that I owe nothing to any one

Item I declare that the debts due to my dear and husband are just in his will

Item I declare Don Jose Hinojosa to be my first Executor and my son Joaquin my second Executor who jointly and in solidum shall place at the disposition of my son Juan Maria one hundred head of cattle five yoke of Oxen with their yokes

Two tents and the land one thousand varas and two bands of Land less eight varas which belong to Jose Antonio the land and mill and three other tracts therein and a chest

Item To my daughter Dominga I leave a trunk with my wearing apparel one yoke of Oxen and six head of cattle

Item To my daughter Ramona I leave one yoke of Oxen and two head of cattle

Item I leave the aforesaid lands in favor of my sons Joaquin Manuel Jose Antonio and Juan

Item I declare that thirty masses shall be paid as suffrages for my deceased husband

Item It is my will that the remainder of the property be divided between my aforesaid legitimate children in the manner that may appear best to my Executors with the understanding that my daughter Maria Josefa is to receive the part which may fall to her share thereof according to the disposition of my Executors Item after having complied and paid all the foregoing relations to the remainder of my personal and real property my debts and Funeral I constitute the aforesaid Maria Petra

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Maria Josefa Josemanuel Maria Antonio Joaquin Josefantonio Teresa Ramona Juan Maria and Inocencia my children and all the other legitimate descendents which I might have at the time of my decease and who shall live me that they may first them and each do them in their order and gradeaccording to their representation and the provisions of the Laws with the blessing of God and my own

and

Hereby revoke and annul any other testament testaments whatever codicil or codicils which I may have made and declare in particular that they may not be valid

Inwitness

of our Justice in court in open court whether or at anytime that they may appear and be proved although they may contain many or any clauses and particulardevises of which the declaration is to be made which at present I do not remember but acknowledge as totally expressed

and I will and command that this instrument be complied with and executed as my last and valid will in the best form and manner by Law provided

Thus executed and do not sign it because I do not know how to write in presence of the present Justice of the Peace of this jurisdiction on the twenty ninth day of September one thousand eight hundred and forty seven in presence of the said Pueblo being witness

and I the

Justice of the Peace of the 2nd Nomination of the Pueblo of San Jose Guadalupe acting in union with the assisting witnesses for the want of a notary Public to testify that I know the testator who signs my appearance of sound mind memory recollection and perfect Memory

In testimony

whereof I subscribe it with my accustomed rubric and stamp of common paper for want of the corresponding stamped

Signed Jose Fernandez

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assist

Deputy Surveyor

assist

Deputy Surveyor

I George Fisher Surveyor to the United States Land Commission to ascertain and settle private Land Claims in the State of California hereby certify the foregoing to be a true and correct Translation of a document in case No 638 Claims White vs The United States for the place named Pala and on file in this office

In testimony whereof I have hereto signed my name at office at the City of San Francisco California this 2nd day of January A.D. 1855

Geo Fisher

Surv

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255/6774

U S—

Opinion of the Board

Joaquin Higuera
vs
The United States

For an undivided interest (about 3000 acres) in the Rancho called Pala in Santa Maria County under and pursuant to this case the testimony and documents taken and filed in case No 638 are to be regarded as proofs herein

The petition in this case establishes the grant of the place called Pala by Jose Castro Governor ad interim to Jose Higuera on the 5th day of November 1835

which was duly approved by the Departmental assembly and under which Higuera's possession was given on the 21st day of December 1835

The grant to lands upon the premises and cultivated the lands at the time of the grant and continued to do until his death which occurred in 1838

On his decease Maria Bernardo Soto his widow and Juan Maria Higuera his youngest son became owners of the Land by bequest contained in his will

The widow died in 1840 and by her will the interest held by her in the Land passed to her sons Joaquin Manuel Jose Antonio and Juan Higuera

By the agreed filed in case Number 638 it appears that Nicholas White who filed the Petition in that case purchased the Land of the petitioners but in the conveyance made by Joaquin the claimant in this case he reserved from the alienation the hills which lie at the eastern line of the Rancho and are known by the name of Tomas de la Pala

and to one another of the Rancho is clearly owned by him and to White and is confirmed to White's legal representatives in the boundaries of the hills herein contributed apart of the Rancho

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of Palen the present claimant has an undivided interest in the lands of which they are constituted which should be confirmed to him

But we have occasion in the case cited to examine this question and the views of the learned justice in the opinion thereon fully expressed

Rulings of the Board are clearly adverse to the claimant who have the undivided possession and are entirely remote at the foot of these hills excluding them from the boundaries of the Rancho

The title of the Grantee was not in our judgment extended beyond the lines and the present claimant has shown no other title to the premises claimed by him as to the hills than his undivided interest in the land and as to the other portion of the premises claimed by his petition he cannot assert title to which to whose representations the Sanchez already been confirmed by decree of this Commission

Rule could be no propriety under these circumstances in granting the prayer of the Petition

Rejected
Files in Office December 26th 1854
Geo. Fisher
Secretary

Decree

Joaquin Higuera
vs
The United States

In this cause having the proofs and allegations it is adjudged by the Commission that the claim of the said Petitioner is not valid and it is therefore decreed that his application for confirmation thereof be denied

Atlee Ellis
R. Aug Thompson
S.B. Farwell
Commissioners

Files in Office December 26th 1854
Geo. Fisher Secretary

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and it appearing to the satisfaction of this Court that the Land hereby acquired is situated in the Northern District of California it is hereby ordered that the Warrants of the proceedings and of the decree in this case and of the papers and evidence upon which the Award and funds for Award and duly certified by the Secretary and Warrants should be filed with the Clerk of the United States District Court for the Northern District of California and the other papers to the Atty Gen'l of the U.S.

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Office of the Board of Commissioners,
To ascertain and settle the Private Land Claims in the State of California.

I, George Fisher — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Sixty seven — pages, numbered from 1 to 67, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 677 on the Docket of the said Board, wherein Joaquin Higuera is —

the Claimant against the United States, for the place known by the name of "Pala"

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Twenty fifth — day of May A. D. 1855, and of the Independence of the United States of America the seventy-ninth.

Geo. Fisher.

Asst.

U. S. DISTRICT COURT,

Northern District of California.

No. 215 - 215

THE UNITED STATES,

vs. ND

Joaquin Higuera

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 677

Filed, June 2 1853

John W. Dwinelle,
Clerk

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Office of the Board of Commissioners,
To ascertain and settle the Private Land Claims in the State of California.

San Francisco, May 25th 1855

J. A. Monroe Esq.
Clerk of the U. S. District Court for the
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 677 on the Docket of the said Board, wherein Joaquin Higuera is — the Claimant against the United States, for the place known by the name of "Pala" —

and request your receipt for the same.

I am, Respectfully,
Your Obt Servant,
Geo: Fisher.
Atty