

CASE No.

68

SOUTHERN DISTRICT

SAN BENITO GRANT

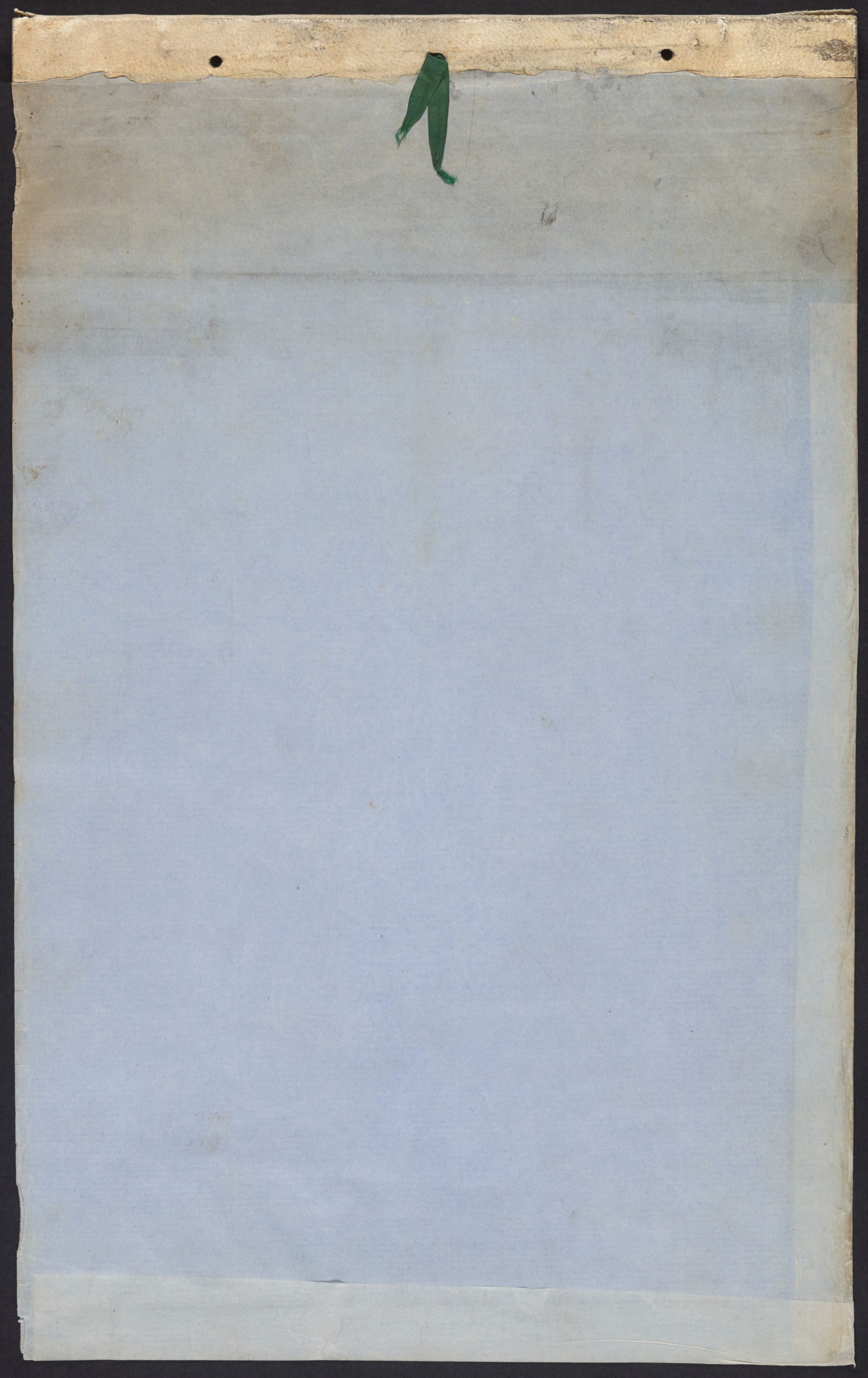
JAMES WATSON

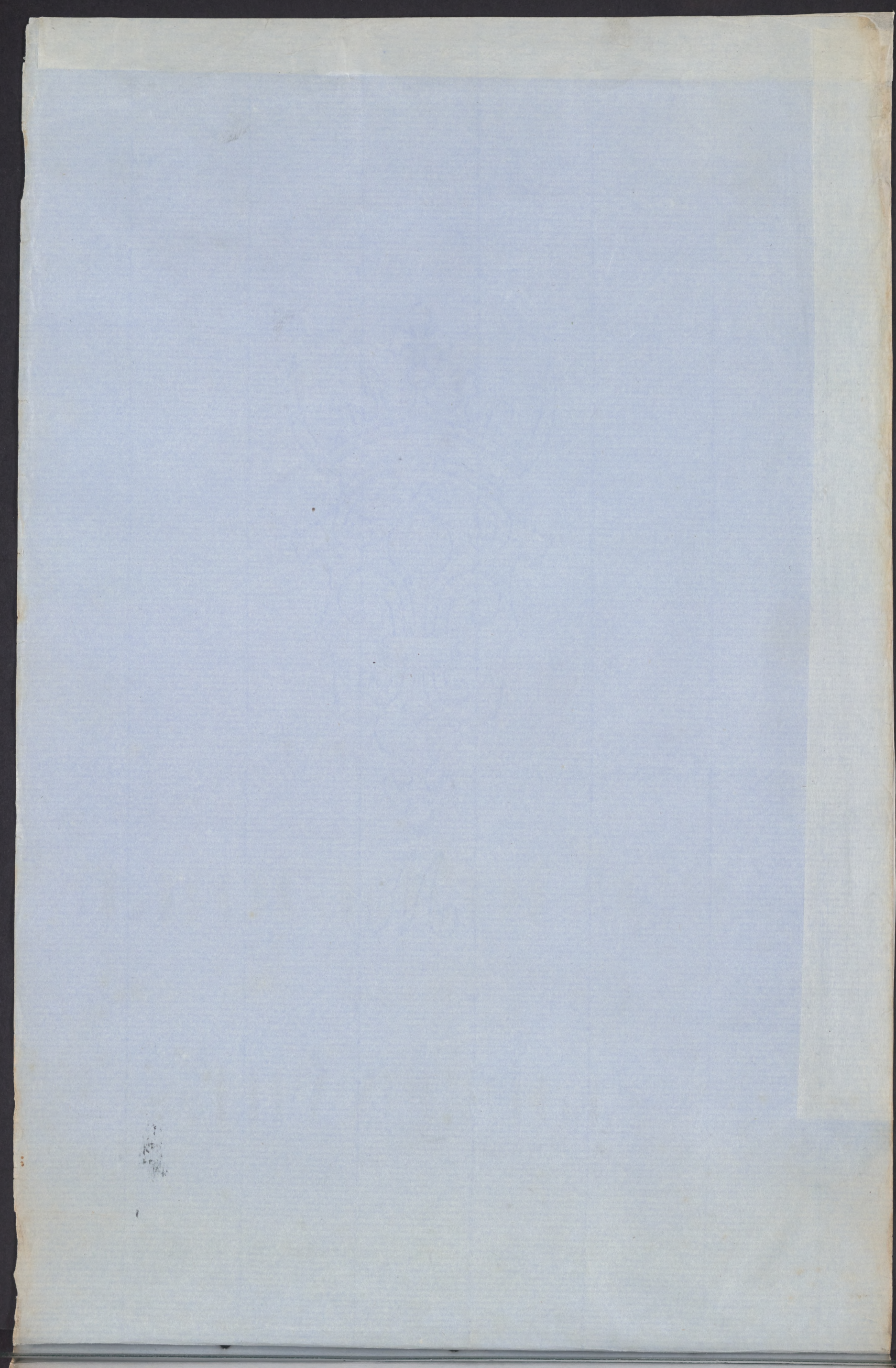
CLAIMANT

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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 562

James Watson

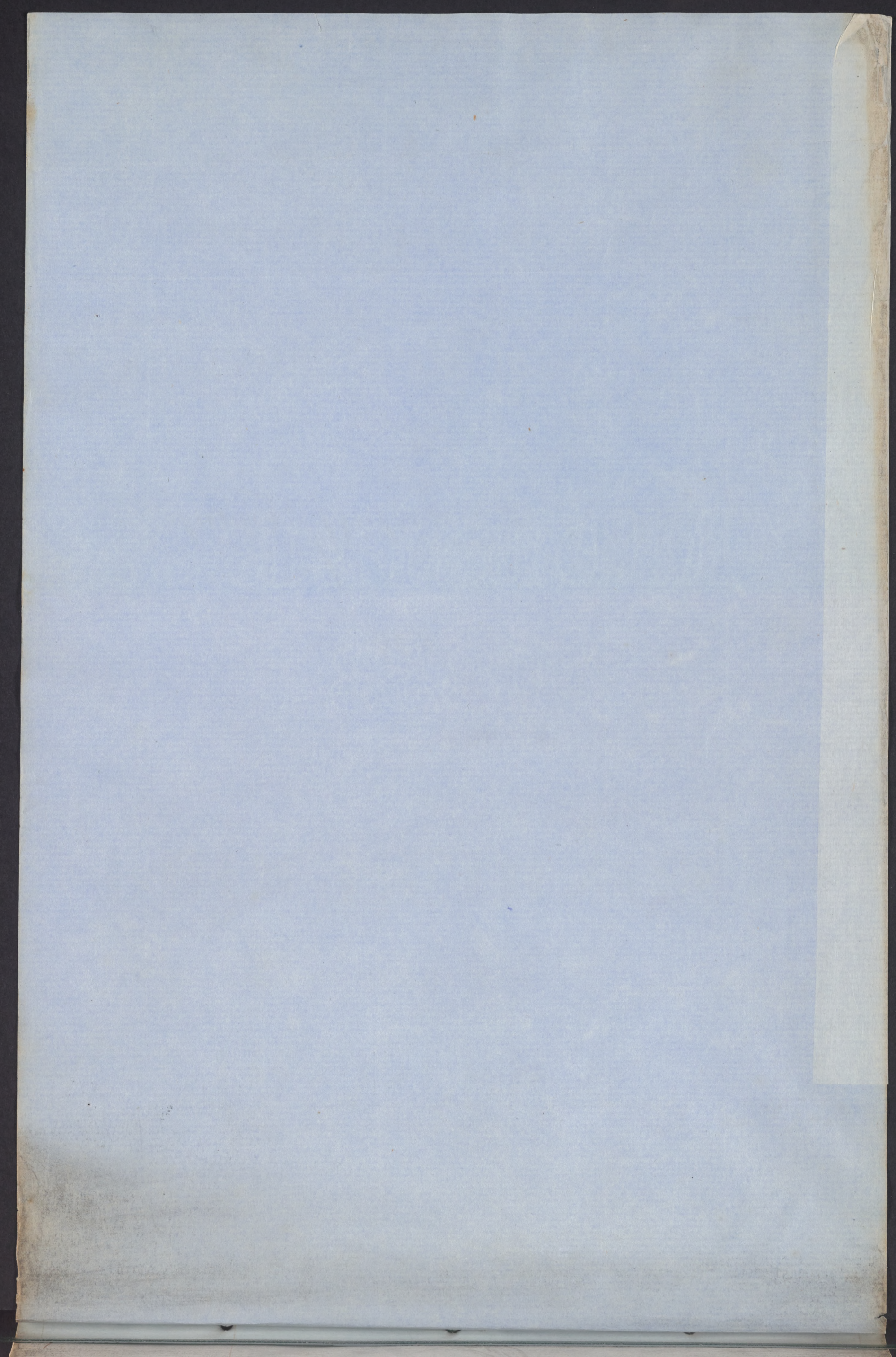
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

San Benito



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this ninth day of February, 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 James Watson
for the Place named
"San Benito"

was presented, and ordered to be filed and docketed with No. 562 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 February 16th 1853
In case no. 562 James Watson for the place named "San Benito" the deposition of Mariano Soberanes, a witness in behalf of the claimant taken before Commissioner Melana Hall with document marked A. H. no. 1 annexed thereto, was filed.

(Vide page 4 of the Transcript)

San Francisco Oct. 3rd 1853
Case no. 562 called; submitted on briefs on both sides and taken under advisement.

San Francisco January 17th 1854
In the same case Commissioner Thompson Campbell received the opinion of the Board confirming the

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Claim:

(See page 48 of this Transcript)

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To the Board of Commissioners for ascertaining
and settling private land claims in the State of
California -

Petition

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Your petitioner James Watson of Monterey
County, California respectfully represents that he
claims a certain tract of land called San Benito
lying and being in the said County of Monterey
and bounded as follows. On the west by the Long
Hills, which divide the San from San Lorenzo, which
hills are a boundary in that direction towards the
west by the mountains of San Antonio towards
the north by the Rancho of San Benito and towards
the South by the Arroyo (a river) of the Canal Stra-
ta in the place called San Lucas of the extent of
one and a half square leagues as appears by the
map accompanying the title. Your petitioner alleges
and shows that the above described tract of
land was granted by Don B. Alonzo, Governor
of California to Francisco Garcia, on the 5th of April
1842. That judicial possession was given of the
land granted as aforesaid to the said Garcia
on the 6th of October 1843, according to the limits
and conditions as set forth in the said act of
judicial possession, a copy of which original grant
and act of judicial possession with translations
are herewith presented marked B & C.

Your petitioner alleges and shows that
he acquired the said tract of land called San Benito
to by purchase from the said Francisco Garcia
of the date of October 16th 1850, a copy of which
and of conveyance is herewith submitted marked
D. The premises considered Your petitioner prays
that his title to said tract of land called San
Benito may be confirmed and declared to be valid,
and granted relief, as aforesaid, &c.

J. Ord atty for Petitioner,

Filed in Office Feb 9, 1853.

(Signed)

Geo. Foster Secy.

San Francisco Feb 16, 1853.

On this day before Em. Neiland Notary Public
 Mariano Sobrano, a witness in behalf of the
 claimant, James Watson, petition No 362, and
 was duly sworn. his Coedance being interpreted by
 the Secy.

The U. S. Law Agent was present.

In answer to questions by Counsel for
 the Claimant, the witness testified as follows.

Deposition
 of
 Mariano Sobrano

My name is Mariano Sobrano. My age
 fifty nine years & I reside in the County of Monterey.
 I am acquainted with the handwriting & Signa-
 ture of Juan B. Alvarado Antonio M. Cisneros Manuel
 Jimeno Ramon Estrada, Jose M. Castanera, Jo-
 se de la Riva, Pedro Amador, Jose M. Guitey,
 Jose M. de Real Petronillo Reis & Rafael Estrada
 and I believe their signatures wherever they appear
 on a document now shown me to be genuine. Said
 document is hereto attached & marked H. H. No 1.

I know the Rancho called San Bento
 situated in the County of Monterey & have known it
 from the year 1810. It was first occupied by the mis-
 sion of San Antonio & afterwards by Alberto Cantero
 in the year 1835 & then by Francisco Garcia in 1841
 or 1842. He had almost three in which he lived
 had Orms, Cattle & horses & cultivated the ground
 He occupied until he sold to James Watson
 who continued to occupy it to the present time
 being there with his family cultivating the

5

of sound & raising stock.
In a Libramus.

Salomon and & Sworn

Before me

Helena Heath Crm.

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Filed in Office Feb 16 1853.

(Signed)

Geo. Fisher Secy.

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Very faint, illegible text or markings at the bottom of the page, possibly bleed-through from the reverse side.

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Expediente promovido por el
Ciudadano Fran^{co} Garcia en
Solicitud del parage conocido con el
Nombre de San Benito

1842

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2. Sello tercero Dos Reales. Habilitado porcion almt. por la Aduana martina del puerto de Monterey en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno Alvarado Antonio Maria Osio

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Rehabilitado por la misma para el año de mil ochocientos cuarenta y dos. Alvarado Antonio Maria Osio.

Don Prefecto del 1º Distrito
Sranc. Zavilla Mexicana por nacimiento y vecino de este departamento ante la justificacion de U. S con el debido mont. En: 19. - respeto y como mas aya lugar en 1842. Informe } derecho a go present, q. teniendo el Adm. si el } una numerosa familia, pero en terreno cedido p. } yo sorten muchas veces me he visto Ma. Pascual } en grandes confutos y no encuentran interesado le cor. } do otro recurso mas a proposito responde a ella } para la mantencion de ella que y tiene el Derecho } dedicarme a la Agricultura de cedio y si el pa. y cria de ganado pesicito q. raje con cedido } U. S se sirva ha ser de modo que con el nombre de } se me conceda el terreno que se D. Lucas es Val } alla situado en la summedicacion con todo lo de } ciones de D. Antonio, con cido mas q. crea } con los nombres de D. Benito y Sario. } D. Lucas, val dio le segunda par

Estada m- te de el y la oha de la propiedad de Maria Pusea Viuda del finado Norberto Contrera, ambos neofitos de la referida Micion cuyo derecho me a cido cedido por la expresada ocuda segun consta por documento que adjunto colindando por el N. con el Rancho de Don Molinas, por el S. con el de D. Mariano Obberanes por el Poniente con la Tierra de D. Antonio y por el Oriente con la Tierra de D. Lorenzo, segun lo muestra el diseno que devidamente acompaño Por lo expuesto suplico a U. S se digne conee

3.
350

devme en propiedad el referido terreno tomando en consideracion la perdida que continuamente estoy sufriendo en mis cortos bienes, pues teniendo el numero de quinientas seses me veo expuesto a perderlas por carecer de un sitio a proposito gracia que espero merecer jurando no ser de malicia, y lo necesaro. Monterey Enero 6 de 1842. Franc. Garcilla.

Sot prefecto del 1.º Distrito de este departamto
En cumplimiento del superior decreto de V. en q. me pide informe de los terrenos D.º Benito y D.º Lucas debo decir a V. S. q. D.º Benito es propietario de la Huada Risca neofita de esta Mission, cuyo vudame aseguro en presencia de su hijo y su entenado q. tienen vedido su derecho y permaneser conformes. D.º Lucas es de esta mission, se halla Valido y como es tan pequeño es inutil al establecimiento y no puede ocupar. Mission de D.º Antonio Feb. 29 de 1842
Jose de Jesus Rio

4. Sello tercero Dos Reales. Habilitado provisionalmente por la Aduana maritima del puerto de Monterey, en el departamento de las Californias para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.
Alvarado Antonio Maria Osio

Rehabilitado por la misma para el año de mil ocho cientos cuarenta y dos.

Alvarado Antonio Maria Osio

Conste por el presente documentos que el derecho que tengo al terreno nombrado D.º Benito; Rancho que pertenecio a la Mission de D.º Antonio, compuesto de un sitio de ganadomayor como se ve por las escrituras que en hezare a su tiempo el cual me fue concedido por el superior Gobierno de este departamento para mi beneficio lo renuncio haciendo de el una tacita, expresa y voluntaria dismision a favor del ciudadano Franc. Garcilla

siempre que le sea concedido en propiedad
 bajo la precisa condicion que de no ser asi,
 no renuncio en manera alguna mi derecho
 a el Diendo mi voluntad que este documento
 aunque es traspasado tenga toda fuerza y va-
 lidacion de un instrumento publico que por tal
 lo recibo, para que en todo tiempo se me pueda
 en virtud de el, exigir todo su cumplimiento
 to por los D. Jueces y tribunales competentes
 a cuyo fuero me como renunciando por mi y
 a su nombre de mi hijo Jose Cantara menor
 de ocho años (no compareciendo a firmar
 este documento el hermano mayor, Bernardo
 Cantara por estar emancipado y erudado por
 separado) todas las leyes que en el caso nos
 favorezcan y la oral del derecho en toda forma
 siendo testigos de esta mi dimision los veci-
 nos Jose Rosas y Jacinto Gamba quienes
 no firman por no saber, haciendolos en mi
 nombre y a riesgo mio el Ciudadano Flo-
 rencio Terrano.

Monterey Enero 5. de 1842.

Florencio Terrano

Jose Rosas + Jacinto Gamba +

6. Sello Tercero Dos Reales. Habilitado provi-
 cionalmt. por la aduana Maritima del
 puerto de Monterey, en el Departamento de
 de las Californias para los años de mil ocho
 cientos cuarenta y mil ocho cientos cuarenta
 y uno.

Alvarado Antonio Maria Osio
 Rehabilitado por la misma, para el año de mil
 ochocientos cuarenta y dos.

Alvarado Antonio Maria Osio
 Como S. Gob.

En lista del informe q. antecede
 dado p. el D. Adm. or. del Establecim.
 de Sr. Antonio la prefectura de mi cargo
 opina q. el parage conocido p. S. Benito en

Vista de ceder su derecho la Neofita Ma. Rios
-ca puede concederle al interesado; no asi
D^{no} Lucas p^o haberlo solicitado con anteriori-
-dad otras personas, mas sin embargo el C.
determinara lo q. crea de justicia.

Monterey Mayo 8 de 1842
Jose A. Estrada.

Monterey Mayo 11 de 1842.

7 Estando solicitada el parage de D^{no} Lucas
con autoridad por otros individuos no es de
accederse a dicha pretencion. El interesado podra
disputar su derecho al de D^{no} Benito segun
el contrato que hallo celebrado.

Altarado

Monterey Abril 5 de 1842.

Vista la peticion con que da principio este
expediente el informe del encargado del
establecimiento de San Antonio y el del Cor. pefe-
-to del 1^{er} Distrito con todo lo demas que se tubo
presente y de ver con vino de conformidad con
las leyes y reglamentos de la materia, declaro
al D^{no} Francisco Garcia, dueño del parage cono-
-do con el nombre de San Benito. colindante al C.
con las Lomas bajas que dividen el terreno de
San Lorenzo al C. con la Sierra de San Ant.
al Norte con la Orilla del Corral que esta
situado en el parage de San Lucas y al N^o con
el Rancho de San Bernado. Librese el despacho
correspondiente tomese razon en el libro respectivo
y dirigase este expediente a la Ex^{ta} Junta Depar-
-tamental para su aprobacion. El Sr. D^{no} Juan
B. Alvarado Gobernador Constitucional
del Departam^{to} de las Californias asi lo mando
y firmo de que doy fe.

8.

Here follows Map

[Faint, illegible handwriting throughout the page]

9 Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto el Ciudadano Sr. Francisco Garcia Mexicano por nacimiento ha obtenido la propiedad del sitio llamado Sr. Benito, con expresa voluntad de sus antiguos dueños como obra en el expediente he venido en confirmarle dicho derecho en nombre de la Nacion Mexicana y concederle de aumento al mencionado paraje el terreno que se comprende hasta lindos al Oeste con las lomas bajas, que debieron el paraje de Sr. Lorenzo que le cubren de lind. a dicho rumbo al N. E. lindera con la Sierra de San Antonio, al N. con el Rancho de San Bernardo y al Sur con la Quilla del corral situado en el paraje de San Lucas sujetandose a la aprobacion de la Exma. Junta departamental y a las condiciones siguientes. 1^a No podra imponer censo, vinculo pianza y proteccion ni otro gravamen alguno al terreno q. se le dio adjudica aunque sea por causa piadosa ni pasarlo a manos muertas. 2^a Podra cercarlo sin perjudicar las herencias Caminos y servidumbres lo disputara libre y esclusivamente destinandolo al uso o cultivo que mas le acomode pero dentro de un año fabricara casa y estara habitada. 3^a Solicitara del juez respectivo que le de posesion juridica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mojeras algunos arboles frutales o silvestres de alguna utilidad. 4^a El terreno de que se hace mención es de un sitio y medio de Sanado Mayor segun explica el disenio que corre en el expediente respectivo. El juez que diere la posesion lo hara medor conforme a Ordenanza quedando el sobrante que resulte a la Nacion para los usos convenientes. 5^a Si contra viniese a estas condiciones perdera su

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derecho al terreno y sera denunciado por otro
En consecuencia mande que teniendo
por firme y validero este titulo de toma rayon
del en el libro respectivo y se entregue al intere
sado para su resguardo y demas fines.
Monterey a cinco de Abril de mil ochocientos
cuarentay dos.

11.

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Office of the Surveyor General of the United
States for California. I, John C. Hayo, Sur-
veyor General of the United States for the
State of California, and as such having in my
Office and in my charge and custody a portion
of the Archives of the former Spanish and Mexi-
can Territory or Department of Upper Califor-
nia, by virtue of the power vested in me by law
do hereby certify that the 11 preceding and here-
unto annexed pages of tracing paper num-
bered from one to eleven inclusive exhibit
a true and accurate copy of a certain docu-
ment now on file and forming a part of
the said archives in my Office.

In testimony whereof I have here-
unto signed my name officially and
caused my seal of Office to be affixed
at the City of San Francisco this third
day of November 1853.

John C. Hayo.

U. S. Surveyor General
for California

Filed in Office Dec. 3rd 1853.

Geo Fisher Secy.

200

1409

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Translation

Senior Prefect of the Just's district
 I. Francesca Garcia to me called by birth and
 a resident of this Department before your Justice
 with due respect and as the law may best allow
 me to make known, that having a numerous family
 to provide for which I have been frequently hard
 pushed and not finding any better way to provide
 for the same than dedicating myself to agriculture
 and the raising of cattle, I require that you would
 be pleased to take measures to grant me the lauded
 situation in the vicinity of San Antonio known by
 the names of San Pinito and San Lucas. the
 latter part thereof being vacant and the former
 belonging to Maria Pasca widow of the late Roberto
 Cantara both neophytes of the said Mission the
 right to which has been ceded to me by the said
 widow as appears by the accompanying document
 bounded on the North by the Rancho of San Melchor
 on the South by the Rancho of Don Mariano Sobr
 on the West by the mountains of San Antonio
 and on the East by the mountains of San Lorenzo
 as appears by the plot which I duly accompany.
 In consideration of the premises I request that
 you would be pleased to grant me the ownership
 of said land, taking into consideration the loss
 which I am continually suffering in my small stock
 for having the number of five hundred head of
 cattle, I am obliged to lose them in account of not
 having a proper place. I hope to receive this
 favor, desiring that I do not act in malice of
 that which is necessary &c.

Monterey January 6. 1842
 (Signed) Francesca Garcia.

Marginal Decree.

Montevideo January 19. 1812.

The Administrator of the Establishment of San Antonio was asked whether the land called by Maria Pisco to the party interested belongs to her and whether she has the right to claim any of the place known by the name of San Lucas is unoccupied and what else he may think necessary.

(Signed) Estrada.

Senior Prefect of the 1st District of this Department

In compliance with your Superior Order wherein you ask for information respecting the lands of San Benito and San Lucas I must say to you that San Benito belongs to the widow Pisco an Indian (Aguita) of this Mission, which widow assured me in the presence of her son and of her step son, who are satisfied therewith, that they have had their right San Lucas belongs to this Mission it is unoccupied and it is so shall it be unless to the Establishment, which cannot occupy it.

Mission of San Antonio 19th February 1812
(Signed) Jose de Jesus Pico.

This present document certifies that the right which I have to the land called San Benito a rancho which belongs to the Mission of San Antonio consisting of one square league (in Latin (de ganada mayor), as appears by the writings which I will deliver up at the proper time, of sent to me by the Superior Government

of this Apartment for my benefit. I have annued
 making thereof a free, exempt and voluntary
 donation in favor of City in Francisco Garcia
 provided that the ownership thereof be granted
 to him under the precise condition that if this
 does not take place that I do not by any means
 renounce my right to the same or bury my will
 that this document although Extra-judicial
 shall have all the force and validity of a public
 instrument for as such I receive it in order that
 at all times by virtue thereof, the competent
 Judges & Tribunals to whose jurisdiction I submit
 myself may compel its fulfillment, announcing
 in my own name and in the name of my son
 Jose Contreras a minor of eight years of age
 (the said brother Contreras Contreras not appearing
 to sign this document in account of being emancipa-
 ted and separately provided for) all the laws
 which in this case may favor as said the general
 law of right in due form being witnesses of this
 my Emphyteote, Citizens Jose Rosas and Jacinto
 Rambo. who do not sign, not knowing how to do
 so, but City in Francisco Contreras signing in
 my name and at my request.

Given in the City of Mexico January 5. 1815

(Signed) Francisco Contreras.

Jose Rosas + Jacinto Rambo +

Most Excellent Senior Governor.

In view of the report which precedes made by the
 Administrators of the Establishment of San Antonio
 the Prefecture under my charge is of opinion that
 the place called San Pedro, having been claimed by
 the Indian Dona Prisca may be granted to the
 party interested. but not so San Lucas it having
 been asked for previously by other persons, mentioned

Your Excellency will determine what you
may expedite to be sent.

Montreux 3^o March 1842.

(Signed) José R Estrada.

Montreux March 11. 1842.

The place of San Lucas having
been previously asked for at the port the petition
respecting the same cannot be attended to. The
party interested may enjoy his right to that of
San Benito, in accordance with the contract entered
into with the Native Indian who has occupied
it.

(Signed) Alvarado.

Montreux April 5th 1842.

In view of the petition which com-
menced this Expediente the report of the person
in charge of the Establishment of San Antonio
and that of the Prefect of the 1st District with
all the rest which has been come in mind and was
necessary to be observed in conformity with the laws
and regulations on the subject I did as citizen
Francisco Garcia to let the course of the place called
by the name of San Benito, bounded on the
East by the low hills which divide the land of
San Lorenzo, on the West by the mountains of
San Antonio, on the South by the limits of the
Cmab situated in the place called San Lucas
and on the North by the Rancho of San Benito
Let the corresponding title be made out let this
Expediente be forwarded to the Post of the
Department of Santa for its approval, Don
Juan B Alvarado Constituted Governor of the
Department of the Californias, and thus Command
Acree and Sign. wherof I give testimony

Don B Alvarado, Constitutional Governor
of the Department of the Californias.

Whereas Citizen Francisco Garcia
a Mexican by birth has obtained the ownership
of the tract called San Benito with the full
consent of its former owner as appears in the
Cepidante. I have enjoined to him said right
in the name of the Mexican Nation and granted
unto him in addition to said place the land com-
prised as far as land lying on the East by the line
trails which divide the place of San Lorenzo, which
shall serve him as a boundary in that direction
on the East he shall be bounded by the mountains
of San Antonio, on the North by the Rancho of
San Bernando, and on the South by the land
of the Enca situated in the place called San
Jucas subject to the approval of the most Excellent
Departmental Assembly, and to the following
enactments.

1st He shall not impose of any kind of rent nor
any mortgage, or any other burden on the land
adjudicated to him even for his personal use nor
transfer it in mortmain.

2^d He may fence in without prejudice to the
crossings, high ways & bridges, he shall employ
to fully and exclusively, directing it to the use
of cultivation which may be suit to him but
within a twelve month he shall build a house and
it must be inhabited.

3^d He shall request the respective Justice
to give him Judicial possession in virtue of
this 10th and said Magistrate will assign date
the Comandante at the limits whereof he shall
reside placing the land marks plant some
fruit trees or other kind of good utility.

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10th. The said volume of Martin is made consist
of one and a half square leagues (in the y measure
the Spanish measure) as appears by the plot which
accompanies the respective Complaint. The Justice
who gives possession will cause it to be measured
according to law having the Surplus which may
belong to the Nation for the necessary use.

5th. If he transgresses these conditions he shall
forfeit his right to the land and it may be de-
nounced by another.

I consequently Command that
this title being read as firm and valid, a bond
shall be made in the respective book and it
be delivered to the party interested for his security
and further ease. Given in Monterey on the fifth
of April Eight hundred and fifty two.

I the undersigned do hereby certify
the foregoing to be a true and faithful translation
of the original Spanish copy of the original
written by John C. Hayes, Surveyor General
of the U.S. for the State of California in the
and city of Francisco Cal 1853.

Monterey 12th November 1853.

W. C. P. Hartwell,
State Translator

Filed in Office Dec 3, 1853.

(Signed)
Gen. Justice Secy

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Testimonio del Expediente original del Rancho nombrado San Benito Constante de 2 sitios poco mas o menos de Ganado mayor propio del C. Franc. Javier Recino de. —
"Monterey"

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Año de 1843.

Sello 1.º seis pesos. Habilitado provisional-
 -ment.º por la Aduana marítima de Monterey
 para los años de 1839. y 1840

Alvarado

Antonio M.ª Osio.

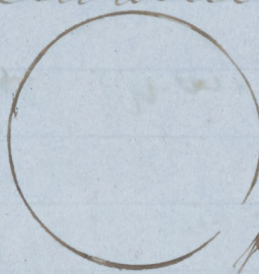
Valga para el año de 1842.

Alvarado

Antonio M.ª Osio.

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 Juan B. Alvarado Gobernador
 Constitucional del Departa-
 -mento de las Californias.
 Por cuanto Francisco Garcia-
 Mexicano por nacimiento ha obtenido la
 propiedad del sitio llamado San Benito
 con expresa voluntad de sus antiguos
 dueños como obra en el expediente he veni-
 -do en confirmarle dho derecho en nombre
 de la Nacion Mexicana y concederle
 de aumento al mencionado paraje el
 terreno que se comprende hasta lindar al
 Oeste con las lomas bajas que dividen el paraje
 de San Lorenzo que le servirán de lindera con
 dicho aumento: al Poniente lindará con las sierras
 de San Antonio; al Norte con el Rancho de
 San Bernabe; y al Sur con la Orilla del
 Corral situado en el paraje de San Lucas
 sujetándose à la aprobacion de la Excmo
 Junta Departamental y à las condiciones
 siguientes. 1.ª No podrá imponer censo
 vinculo fianza, hipoteca, ni otro gravamen
 al terreno q.º se le adjudique aunque sea
 por causa piedadosa ni pagarle à manos muer-
 -tas. 2.ª Podrá cercarlo sin perjudicar
 las travesías, caminos, y servidumbres: lo
 disputará libre y exclusivamente destinando
 -lo al uso ó cultivo que mas le acomode pero
 dentro de un año fabricará casas y estera
 habitada. 3.ª Solicitará del juez respec-
 -tivo que le dé la posesion jurídica en virtud
 de este despacho por el cual se demarcarán
 los linderos en cuyos limites pondrá en mas

de las mojoneras algunos arboles frutales o silvestres de alguna utilidad. 4^a El terreno de que se hace mención es de un sitio medio de ganado mayor, según explica el diseño que corre agregado en el expediente respectivo. El juez que diere la posesión jurídica lo hará en medio conforme a Ordenanza que dando el sobrante que resulte a la nación para los usos convenientes. 5^a Si contrariase a estas condiciones perderá su derecho al terreno y será denunciado por otro. En consecuencia mando que en virtud de título el presente se tome razón de él en el libro respectivo y se entregue al interesado para su resguardo y demás fines. Dado en Monterrey a cinco de Abril de mil ochocientos cuarenta y dos.

Juan B. Alvarado

Mand. J. J. Jimeno Srto.

Queda tomada razón de este despacho en el libro de asientos sobre adjudicación de terrenos baldíos a f.^o 10.

J. J. Jimeno

El Excmo Señor Gobernador ha dispuesto se tome razón de esta consecución en la Prefectura del 1.^{er} Distrito.

J. J. Jimeno

J. J. Jimeno Razón.

Estada.

Queda tomada razón de este Sup.^o Título en el cuaderno respectivo de esta Oficina de mi Cargo. de fojas 7^{as} y 8^{as} pte 8. Monterrey Dto. H de 1842.

José María Castañares
Srto. Int.^o

Sello Quinto un Real. Habilitado provisionalmente por la Aduana marítima del puerto de Monterey, en el Departamento de las Californias, para el año de mil ochocientos cuarenta y tres.

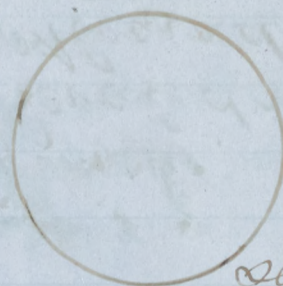
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Micheltorena #. Manuel Castañares



Here follows Map



El que suscribe Secretario del Gob^o del Departamento de California Certifica: Que el diseño q^{se} demuestra en esta llana es igual al Original que existe en la Aduana indicada
Monterey 27 de Set^o de 1843
Man^o Jimeno

Dello tercero Dos Reales. Habilitado provi-
-cionalmente por la Aduana maritima de
Monterey en el Departamento de las Cali-
-fornias, para los años de mil ochocientos cua-
-renta y mil ochocientos cuarenta y uno.

Timero Antonio Maria Osio.

Revalidado p^o los años de 1842. y 1843.

Alvarado Antonio M^o. Osio.

562-2

Don Juan de Paz de P^a instancia
Francisco Garcia Ciudadano
Mexicano vecino de esta Comprehen-
-cion ante la justificacion de U. como mas
halla lugar digo: q^o habiendo adepuido
concesion propia del Gobierno departamen-
-tal del parage nombrado San Benito e de
merecer de U. se sirva darme posesion ju-
-ridica conforme esta prebenido en el l^ol^o
segundo y tercero del titulo de dicho terreno
q^o debidamente acompaño. Por tanto al
suplico se digne aseder a mi peticion en lo
q^o recibiré gracia y justicia jurando no
necesario y por no saber firmar lo hizo a ruego
del interesado. Monterey 1^o de Octubre de
1843. José de la Rosa.

Dello tercero un peso. Habilitado provi-
-cionalmente por la Aduana maritima del
puerto de Monterey, en el departamento
de las Californias, para el año de mil
ochocientos cuarenta y tres.
Micheltorena Manuel Castañares

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Monterey Obr. 2 de 1843.
Por presentado y admitido procedase
por mi el presente Juan de Paz Constitu-
-cional y de primera instancia, a la me-
-dicion y señalamiento de linderos y pose-
-cion judicial q^o solicita el interesado en
esta instancia señalandose p^o ejecutarlo

el día 3 de Ob. del presente año. por no haber habido lugar antes; p^a lo q^o se citaron con boleto de compareciendo à los Colindantes, así y el Juez de Paz Constitucional lo decretó, mandé y firmé con los de asistencia.

Así Teodoro Gomales.

José M^a Gutiérrez # José de la Rosa

En la fecha presente al C. Sr. Franc. Garcia y se le notificó el auto q^o antecede y entendido dijo lo oye y q^o se da p^a citado y por no saber firmar lo hizo yo con los de asistencia.

Así Teodoro Gomales.

José M^a Gutiérrez # José de la Rosa
En la misma fha se libraron las boletas q^o se manda en el auto antecede y p^a constancia lo rubricó p^a auto con los de asistencia.

José M^a Gutiérrez # José de la Rosa
Rancho de San Benito Ob. 6 de 1843.
Presentes los Colindantes D^o Pehonillo Rios y D^o Rafael Bahada nombre por mandados C. Sr. Franc. Soberanis y Carlos Espinosa p^a las mediciones, señalamiento de linderos y posesion de C. Sr. Franc. Garcia quienes previa la ampliacion y juramento prosederan al desempeño de su encargo. Así y el Juez de Paz constitucional lo mandé y firmé con los de asistencia.

Así Teodoro Gomales. Así

José M^a Gutiérrez # José de la Rosa
En la misma fha presentes los C. Sr. Franc. Soberanis y Carlos Espinosa se les notificó el auto de su nombramiento y entendidos dijeron: lo oye y aceptan dicha comision jurando p^a Dios nro Sr y la señal de la Cruz desempeñarla fiel y legalmente à su saber y entender, y no formaron por no saber hacerlo así con los de

Asistencia.

asa

Teodoro Gonzalez.

Josè M^a Gutierrez # Josè de la Rosa as^o
 Incontinente y el expresado Juez mandè
 hacer el Cordel con q^o se habian de medir
 las tierras y los expresados medidores lo
 tomaron y ante mi con una vara de medida
 usual Mexicana midieron un Cordel
 de cincuenta varas p^a hacer la medida
 y lo firmo con los de asistencia de q^o doy
 fe

Teodoro Gonzalez

Asa

Doña

Josè M^a Gutierrez # Josè de la Rosa
 Dello Quinto un Real. Habilitado provision
 almente por la Aduana maritima del
 puerto de Monterey, en el departamento de
 las Californias, para el año de mil ocho
 ochocientos cuarenta y tres.

Micheltoena # Manuel Castañares

En el mismo parage dia mes y año
 siendo las nueve de la mañana y
 el presente juez de Paz mandò a los
 medidores nombrados, se dispusieron p^a
 la medicion de tierras q^o se le oia de hacer
 al. C. Juan Garcia y puestos en el lindero
 de D^o Petronillo Rios q^o queda al N. p^a
 el Sur al Sur el Corral de D^o Rafael
 Estada de donde se midieron ciento
 setenta y cinco cordeles de a cincuenta varas
 de largo, desde el mismo q^o se señalo p^a linder
 ro q^o queda al Poniente del Corral del
 Rancho de San Lucas hasta las lomast
 -jas q^o quedan al Oriente se midieron ciento
 ochenta cordeles de a cincuenta varas de
 largo en cuyas mediciones mandè se forman
 las mojoneras correspondientes q^o señalan
 los linderos q^o le pertenecen; el terreno medi
 do corresponde a sitio y tres de ganado

mayor, y lo firmaron con mi go los colindantes
y por el interesado Sr. Francisco Garcia lo hizo
el R. D. Sr. José M.^a del Refugio Saucedo del
Real Ojz con mi go y los de asistencia.

Teodoro Gonzales

Sr. D.^a M.^a del R. D. S. del Real.

De a.s.

De a.s.

José M.^a Gutierrez José de la Rosa
Petronilo Rios # Rafael Estrada
Con el Rancho nombrado San Benito jurisdiccion de San Antonio el dia seis de Setiembre de Ochocientos cuarenta y tres y Juez de Paz y de primera instancia y su jurisdiccion despues de practicada las medidas del mencionado Rancho por lo q^e resulta poco menos de dos sitios de ganadero mayor y presentes los colindantes D.ⁿ Petronilo Rios y D.ⁿ Rafael Estrada siendo estos conformes con lo demas de auto mande q^e entrase en posesion de mencionado Rancho el Sr. Francisco Garcia baj la medida citada y formalizada acostumbrada en esta caso lo verifico inmediatamente arancando yerbas y haciendo demostraciones como dueño del terreno de q^e se a dado juridica posesion con la validacion lo autoriso firmando los colindantes y apoderado, con los de asistencia.

Teodoro Gonzales

Sr. D.^a M.^a del R. D. S. del Real

De a.s.

De a.s.

José M.^a Gutierrez José de la Rosa
Petronilo Rios # Rafael Estrada
Monterey Otre. 6 de 1843.

Tomese razon en el libro de posesiones y devolvase este expediente original al interesado para los fines q^e mas le convengan. Asi yo el Juez de Paz de primera instancia Sr. Teodoro Gonzales lo decreto, mande y firmo con los de Asistencia.

Teodoro Gonzales

As^{to}

Dc. As^{to}

Jose M^a Gutierrez

Jose de la Rosa

En la misma fecha se tomaron a fogas
22 Vt^o del libro respectivo y se le devolvió este
expediente al C. Sr. Sr. Garcia, y p^a su
constancia lo firmo i rubico.

As^{to}

Gonzales

Dc. As^{to}

Jose M^a Gutierrez

Jose de la Rosa

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1870

Filed in Office Secby 16th 1853.

Geo. Fisher Secry

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1-9-72

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Seal of the first class. Six collars.

Authorized provisionally by the Maritime Customs
 House of Monterey for the years 1838 1841
 Custom House (Signa) Alvarado.
 Seal (Signa) Antonio Maria Osio
 Authorized for the years 1842
 (Signa) Alvarado. (Signa) Antonio Maria Osio.

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Juan B Alvarado Constitutional Governor
 of the Department of the Californias.

Whereas Francisco Garcia a
 Mexican by birth has obtained the ownership
 of the land called San Benito with the express
 consent of its former owners as appears in the
 Escripmento, I have confirmed to him said right
 in the name of the Intercambiation assigned to
 him, in addition to the land comprised within
 the limits hereinaud on the west by the low hills
 which divide the spot from San Lorenzo, which
 hills will serve as a boundary in that direction
 towards the west he shall be bounded by the
 mountains of San Antonio towards the north by
 the Rancho of San Benito and towards the
 south by the edge (or side) of the Canal situated
 in the Place called San Lucas. Subject to the ap-
 proval of the most Excellent Departmental Junta
 and to the following conditions.

First - He shall not impose ground rent
 (Censo) certain (rinculo) nor other (fianza)
 mortgage, or any other burden on the land adju-
 dicated to him, although it may be for public
 purposes, nor transfer it in mortmain.

Second, He may enclose it without prejudice
 to the crossings roads & privileges. He shall

Enjoy it freely and exclusively, destining it to the use or cultivation which may best suit him but within one year he shall build a house and it must be inhabited.

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Third. He shall solicit the respective Magistrate to give him judicial possession in virtue of this title and said Magistrate, shall designate the boundaries at the limits whereof he shall build placing the land marks, plant some fruit trees or wild ones of some utility.

Fourth. The land whereof mention is made consists of one and half square leagues (Legas y Indias de Ganada Mayor) as appears by the plot accompanying the Cedula. The Magistrate who gives possession shall cause it to be measured according to law the surplus which may result remaining to the nation for the necessary use.

Fifth. If he transgresses these conditions he shall lose his right to the land and it may be announced by another.

I consequently command that these presents serving him for a Title be seen and in the respective Court and be delivered to the party interested for his security and further ends. Given in Mexico on the fifth day of April Eighteen Hundred and forty two.

(Signed) Juan B. Alvarado

(Signed) Manuel Jimeno

Secretary.

A record of this title has been made in the Book of Entries respecting the adjudication of vacant lands at folio 107,
(Signed) Jimeno.

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His Excellency the Governor has directed
this grant to be recorded in the Office of the
Prefect of the first District.

(Signed) Jimeno.

Let it be recorded.

(Signed) Estrada.

A record of this Sapinar Title has been
made in the Aspetorio Book (Araduro)
of this Place Office under my charge at the
second side of folio 7 & just side of folio 8.

Montreux October 4. 1843

(Signed) Jose Maria Castaneda
Secretary ad interim.

Certificate attached to the Plot.

(Signed) Secretary

Seal

of the Government

of the Department of California
do hereby certify that the Plot traced on this page
is equal to the original one on file in said
Office.

Montreux 29. September 1843.

(Signed) Manuel Jimeno.

Seal of the third Class. Two Reals,

Customs Board

Seal

Authorized previously by
the Maritime Customs Board of the Port of Montreux
in the Department of the Californias for the years
Eighteen hundred and forty and Eighteen hundred
and forty one.

(Signed) Jimeno.

(Signed) Antonio Maria Alsis

Authorized anew for years 1842 & 1843.

(Signed) Manuel Jimeno. (Signed) Antonio Maria Alsis.

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Senor Justice of the Peace, of the
first instance.

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Francisco Garcia a Mexican
Citizen, and resident of this jurisdiction before
the Justice of Com. Minor as best he may say
that having obtained from the Departmental
Government, the proper grant of the place named
San Pinto. He requests you will be pleased to
give him judicial possession in conformity
with the requirements of the second and third
articles of the title of said land which is duly
accompanied, and therefore requests that you
would be pleased to accede to his petition where
by he will receive favor and justice, desiring
that which is necessary, and not knowing how
to write this was signed at his request by

(Signed) Joseph de Rosa, Intendant.
1st of October 1843.

Intending October 2^o 1843.

Levanted as presented and admitted
I the present Constitutional Justice of the Peace
and of first instance, will proceed to the main
point, designation of boundaries and judicial
possession as set forth by the party interested in this
petition from the execution thereof the 2^o
day of October of the present year that not
having any hindrance to which effect the said
erring land holders shall be cited by summons.
Thus I the Constitutional Justice of the Peace
did give command & Oja with the assisting
witnesses.

(Signed) Pedro Gonzalez.
(Signed) Jose Maria Gutierrez, Assisting
(Signed) Joseph de Rosa, Intendant.

On the same date Citizen Francisco Garcia being present the foregoing decree was notified to him and having understood it he said that he heard it, and embraced himself as summoned and not knowing how to sign said so with the assisting witnesses -

(Signed) Theodoro Gonzalez.

(Signed) Jose Maria Gutierrez, assisting

(Signed) Inocencia Rosa } Witnesses.

On the same date the summons issued in the foregoing decree was sent, in testimony whereof I sign with my scroll and the assisting witnesses

(Signed) with Alcalde's scroll

(Signed) Jose Maria Gutierrez, assisting

(Signed) Inocencia Rosa } Witnesses -

Rancho of San Benito, October 6, 1816.
The adjoining land owners Don Petronillo Ruiz and Don Rafael Estrada being present, I appointed as measurers citizens Francisco Sobranes and Carlos Espinosa for the measurement, disignation of boundaries and possession of citizen Francisco Garcia who on accepting and taking the oath will proceed to carry their commission into effect. Thus I the Constitutional Justice of the Peace did command and sign with the assisting witnesses -

(Signed) Theodoro Gonzalez.

(Signed) Jose Maria Gutierrez, assisting

(Signed) Inocencia Rosa } Witnesses -

On the same date Citizens Francisco Sobranes and Carlos Espinosa being present the decree of their appointment was notified

to them and having understood to they said that they heard it and accepted said Comm of said swearing by the Lord our God and the sign of the Cross that they would execute it faithfully and loyally to the best of their knowledge and ability and did not sign not knowing how. cat did so with the assisting witnesses

(Signed) Pedro Gonzalez.
(Signed) Jose Maria Gutierrez assisting
(Signed) Juana Rosa. & Petronila.

Immediately afterwards the said Justice did over the land which with the land was to be measured to be brought and said Juan Simon took it and before do with a common Indian varo measured a cord of fifty varas to measure with said and signed this with the assisting witnesses whereof I give testimony.

(Signed) Pedro Gonzalez.
(Signed) Jose Maria Gutierrez assisting
(Signed) Juana Rosa & Petronila.

On the same spot day month and year it being five o'clock in the morning, the present Justice of the Peace did command the measure-ends to go ready for the measurement of the lands so be made for citizen Francisco Garcia and placing themselves on the boundary line of Don Petronila Pius which lies towards the north they measured in a southerly direction to the limit of Don Rafael Estada, all varas and cords found cords of fifty varas in length each three from the cat the which was designated as boundary and which is situated on the west of the limit of the rancho of San Lucas to the

low hills which lie towards the East they measured one hundred and eighty rods of fifty vara in length each to which measurement I ordered the corresponding cauelmarks to be placed to designate the corresponding corners. The land measured contains one and three quarters lotis. de yeguada mayor (square) leguas, and the owners of the adjoining ranchos signed with me and for the party into Estua. Francisco Garcia the Rode Father Fr. Jose Maria del Refugio Sanguy del Real, signed and the consulting witnesses with me (signed) Pedro Ursabz. (signed) Fr. Jose Maria del Refugio Sanguy del Real. (signed) Jose Maria Gutierrez } (signed) Jose de la Rosa } (signed) Petronillo Rias. (signed) Rafael Estrada

In the Rancho of San Pinito in the demarcation of Semblantines on the 14th day of October Eighteen hundred and forty three, I the Justice of the peace and of just instance and the jurisdiction thereof after having concluded the measurement of said rancho which gave the result of a little less than two square leguas and the owners of the adjoining farms Don Petronillo Rias and Don Rafael Estrada being present and satisfied with the proceedings I ordered citizen Francisco Garcia to enter into possession of said Rancho in conformity with said measurement and with the usual formalities of the case, which he immediately did, pulling up grass and making a manthra of being the owner of the land whereof judicial possession has been given to him, the validity

of which I authorize the owners of the captioned farms & Garcia's Agent, signing with the assisting witnesses.

(Signed) Theodoro Gonsalez.

(Signed) Juan Jose Maria del Refugio Sany de Pad

(Signed) Jose Maria Gutierrez, assisting

(Signed) Jose de la Rosa } witnesses

(Signed) Rafael Estrada.

(Signed) Petronillo Ruiz.

Montevideo October 6. 1843.

Let a record be made in the Book of possessions and in the original proceedings be returned to the party interested for the ends which may best suit him. Thus I citizen Theodoro Gonsalez Justice of the Peace and of first instance do record, commend and sign with assisting witnesses.

(Signed) Theodoro Gonsalez.

(Signed) Jose Maria Gutierrez

(Signed) Jose de la Rosa.

On the same date a record was made in the second side of folio 22 of the respective book and this Espiaunto was returned to citizen Francisco Garcia in testimony whereof I sign or make my record, (Signed) Gonsalez.

(Signed) Jose Maria Gutierrez, assisting

(Signed) Jose de la Rosa. } witnesses

I the undersigned do hereby certify the foregoing to be a true and faithful translation of the original documents in the possession of Mr James Watson of this place.

State Translator, W. C. P. Hartwell State Office, Montevideo 26. November 1851. } Translator.
Filed in Office Feb. 9. 1853. (gd) Geo. Fisher Secy.

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This Indenture made and Entered into at Monterey State of California this Twelfth day of October One thousand Eight hundred and fifty. Between Francisco Garcia and Maria Josefa Gonzales his wife of the first part and James Watson of the second part, all of Monterey aforesaid. Witnesseth that the said parties hereto of the first part for and in consideration of the sum of Four thousand dollars good and lawful money to them in hand paid by the said James Watson at or before the making and delivery of these presents, the receipt whereof is hereby fully acknowledged have and each of them have granted conveyed sold and conveyed away these presents do and each of them doth grant bargain sell and convey unto the said James Watson his heirs and assigns, all their and each of their right title estate, power and light of dower interest claim and demand whatever at law or in Equity or possession or in expectancy of or in or to all that Rancho or Tract of land situated on the valley of the Salinas on the river on the north and south sides thereof and of the Arroyos and with the Compadres as is on and in the original grants thereof of the said Rancho or Tract of land being known by the name of San Benito Rancho and comprising all the lands aforesaid to the said parties hereto of the first part by grants or otherwise on the north and south sides of the said river Salinas appertaining to the said Rancho or tract of land called "San Benito Rancho", together with the House thereon, and all improvements, ways waters water courses rights privileges of immunities and appurtenances to the said Rancho belonging or in anywise appertaining. To have and to hold the

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the said Rancho or tract of land with all
 and every the appurtenances thereof unto the
 said James Watson his heirs and assigns to the
 sole and absolute use benefit behoof and disposal
 of him the said James Watson his heirs and assigns
 for ever. And the said parties Agents of the first
 part do hereby Covenant and agree to and with
 the said James Watson that they have not
 jointly nor severally made done or committed
 nor suffered to be made done or committed any
 act or thing and or as whatsoever, whereby or
 by the means whereby the said Rancho hereby
 conveyed or intended to be or any part or parcel
 thereof ever now or shall be may at any time hereafter
 be impeached changed or incumbered in any way
 manner or form whatsoever. In testimony whereof
 the said parties Agents of the first part have
 hereunto set their names and seals the day and
 year first within written

Francisco ^{his} Garcia
 mark

María Inés ^{her} Gonzales
 mark

Señora Señala and Alivanda

in the presence of
 W. C. P. Marshall
 H. L. Spruce.

State of California }
 County of Monterey } On this 16th day of
 October, 1850 before me, J. P. [Name] in and for
 the County aforesaid personally came Francisco
 Garcia and María Inés Gonzales his wife to me
 personally as the parties named in the and who
 executed the foregoing conveyance and severally
 acknowledged that they had executed the same

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voluntarily and for the uses and purposes therein
expressed, and the said Maria Ines Gonzales
having had the contents thereof fully explained to
her even by me & remain separate and apart from
her said husband touching her consent thereto
and she acknowledged that she had executed the
same freely and voluntarily without being under
the fear or any influence of her said husband
and that she did not desire to retract such
execution.

Given under my hand and official
seal the day and year aforesaid,
the words "and South" and "and South" having
been interlined before execution.

Wm. S. Johnston
Notary of
Mentary County.

Filed in Office Feb. 16. 1853.
E. J. [unclear]
Geo. Fisher Secy.

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James Watson
as
The United States } San Diego,
} N. Laguna.

Opinion

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The claimant in this case represents in his petition that on Francisco Garcia on the 5th day of April 1850 obtained from Governor Alvarado a grant for a tract of land known by the name of "San Diego", containing one hundred and twenty acres.

It is further alleged in said petition that on the 16th day of April 1853 Judicial possession of the said premises was duly and formally given to the said Garcia by the proper officer, and the petitioner also alleges that he acquired said tract of land by purchase from the said Francisco Garcia and that on the 16th day of October 1850, a deed of conveyance was duly executed by the said Garcia and wife to the petitioner.

In support of the foregoing allegations and averments, the petitioner has placed on file the original grant by Governor Alvarado to the said Francisco Garcia, also the original record of Judicial possession together with the deed of conveyance executed by the said Garcia and wife to the petitioner. The foregoing documents and the papers on file properly proved and authenticated.

There is no proof that any appeal was ever made by the Departmental Assembly. The disposition of the said premises which is in favor as evidenced in the cause proceeds in habitation and cultivation of the tract claimed by the original grantee.

from the year 1811 or 1812 up to the time when
he sold to the petitioner in the year 1850, at
which time the petitioner took possession.

The by acts proved in this case
an full and complete and the boundaries of
the grant. An check of said not only by the
Theicial measurement the bend of which
is in file but also by the calls in the grant
which are exactly as are by the map. That forms
a part of the traced copy of the Espediente which
is also in file as evidence in the cause.

The claim is therefore confirmed.

Filed in Office Jan. 17. 1854.

Cyrus Geo Fisher Secy

Jervis Watson

as
The United States

In this case on hearing the proofs and the affidavits
it is adjudged by the Commission that the claim of
the said petitioner is valid, and it is therefore ad-
judged that the same be confirmed. The lands of
which confirmation is hereby made are known by the
name of "San Antonio" and are the same upon which
the said Jervis Watson now resides, and are better
and more described as follows to wit: Commencing
at the boundary line of San Antonio River
which he traverses the north and running thence
via South by direction to the Canal of Don Rafael
Castrada Eight thousand seven hundred and
fifty varas thence from said Canal which
is situated on the west of the Canal of the

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Rancho of San Lucas running on an
East by direction, some thousand acres to
the low hills which form the Eastern boundary
line making in all one another quarter square
Lagos. Reference for further description to be had
to the grant the map which forms a part of
the Espediente and to the records of the
Insular Government, all of which are filed as
annexed to the cause.

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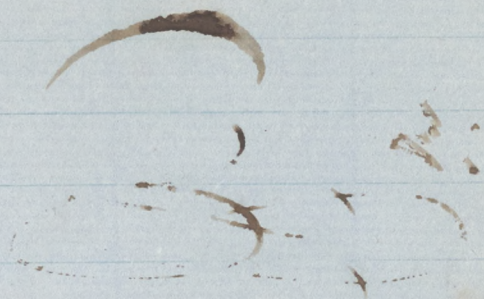
Alphus Fitch
Thompson Comptroller
A. Aug Thompson

Comptroller

Filed in Office Jan. 17, 1852,
(Signed)

Geo. Fisher Secy

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Office of the Board of Commissioners,

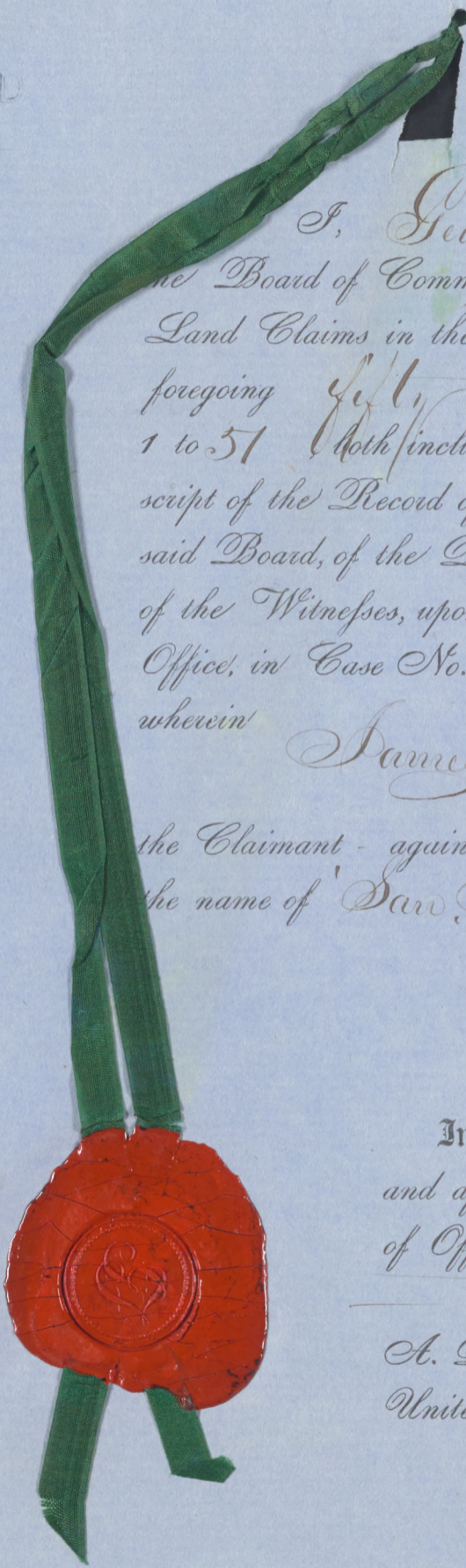
To ascertain and settle the Private Land Claims in the State of California.

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 *fifty* pages, numbered from
1 to 51 both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. 362 on the Docket of the said Board,
wherein *James Watson* is
the Claimant - against the United States, for the place known by
the name of 'San Benito'

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
twelfth day of September
A. D. 185*4*, and of the Independence of the
United States of America the seventy=*ninth*

G. Fisher

Geo. Fisher



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U. S. DISTRICT COURT,

Southern District of California.

No. ~~68~~ *68. Docket*

THE UNITED STATES, *apl't.*

vs.

James Watson

for San Benito

112 League in Monterey Co.

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TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *562*

Rec^d 15 Sept / 54

Filed, 16 Sept / 54

185

A. Taylor

Dep. Clk

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N^o 562



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Office of the Attorney General of the United States,

Washington, 30th November 1854.

James Watson }
vs. } 562.
The United States }

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of August 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clark

Attorney General.

No 68.

U.S. District Court

Southern District

The United States—

vs.

James Watson—

Appel Notice—

Filed Jan'y 10th 1888.

J. E. Jones
clerk.

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Office of the Attorney General of the United States,

Washington, 30th November 1854.

James Watson

vs.

The United States.

} 562.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of August 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Curbing

Attorney General.

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PP

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Curbing

562.

John H. Watson &

D. S. Gregory

appellants,

vs

The United States

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Appellants

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In the United States

District Court for

the Southern District

of California

Claim for the place

called "Balsa del Pajaro" & known as

claim no 634, on the docket of the U.

S. Land Commission, to ascertain &

state private land claims in the State

of California.

Take notice that it is the
intention of the said appellants, John H.

Watson & D. S. Gregory to prosecute an

appeal to the said United States District
Court for the Southern District of Californ-
ia, from the decision of the said Board
of United States Land Commissioners,
repealing the claim of the said ap-
pellants, for the said tract of land.

D. J. Gregory

Att'y for Appellants.

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U. S. District Court
South. Dist of Cal.

J. H. Watson & D. J.
Gregory App'ls.

vs.

The United States
Appellees.

Notice of Appeal.

Filed Sept 19th 1857

J. E. Carr
clerk

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James Watson. Appellee.

vs.

The United States. Appellant

Docket No. 68,

Transcript No. 562,

TO THE HON. ISAAC S. K. OGIER, JUDGE :

Cameron E. Thom,
The Petition of ~~Pacificus Ord~~, a resident of said City, County, and State, ^{acting} Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 9th day of February — A. D. 1853, James Watson

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called San Benito,

in the County of Monterey State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 17th day of January A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 16th day of September A. D. 1854, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 562; reference to which it is prayed may be had and made part of this petition. That on or about the 30th day of August A. D. 1854, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

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evidence on which said decision was founded. That thereafter, to wit: ^{or about} on the 10th day of January A. D. 1853, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, *Cameron E. Thom acting* the said ~~Pacificus Ord,~~ Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled, "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the ^{Said claim,} ~~same,~~ and decree the alleged title to be invalid: with costs and general relief.

Cameron E Thom
Acting Attorney of the United States for
the Southern District of California.

N. 68.

C. E. Thom

Fides Dec 26th 1856

Lucius
Chas

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In the District Court of the United States
for the Southern District of California,
Hon. J. S. K. Ogden Judge.

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James Watson Appellee } N. 68.

vs,

The United States Appellant. Nos. N. 562,

The answer of James Watson to the
petition of the United States for Review
across - That the title under which
he claims the tract of land called
San Benito is valid. And he
prays that the decision of the
Board of Land Commissioners
be affirmed - and his title decreed
valid. And general relief.

Myron Boston
Atty for Appellee.

N. 68.

Answer.

Given this 2nd January
A. D. 1857
W. J. M. C. C.
J. M. C. C.
sep

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In the District Court of the United States
Southern District of California

James Watson

Case No 68

Appellee

"San Benito"

vs

The United States

Appellants

Transcript No 562.

Deem

This cause coming on to be heard on appeal from
the decision of the United States Board of Land Com-
missioners to ascertain and settle the private land
claims in the State of California under an act of
Congress approved March 3rd 1851 on a Transcript
of the decision and proceedings of said Board, and
the papers and evidence upon which said decision
was founded, and it appearing to the Court that
said Transcript and the notice of appeal have
been duly filed according to law, and counsel
for the respective parties having been heard.

It is
ordered adjudged and decreed that the decision
of the said Board of Commissioners be and the
same is hereby ~~is~~ affirmed, and that the claim
of Appellee is good and valid in law, and the
same is hereby confirmed to him as follows,
to wit, the tract of land called San Benito in
the County of Monterey State of California, and
bounded on the ~~west~~^{east} by the land hills which
divide the place from San Lorenzo, towards the
west by the mountains of San Antonio, towards
the north by the Rancho of San Bernabe, and
towards the south by the edge of the covered citi-

-ated in the place called San Lucas, of the extent of
one and a half square leagues and no more,
being the same land granted by Juan B. Alvar-
-ado Sumner to Francisco Garcia on the 5th of
April 1842, reference being had for further descrip-
-tion to said grant and the map referred to therein
and also to the act of Judicial possession of said
land dated the 6th day of October A.D. 1843.

Concedido

R. O. P. B. B. B.

No 68

Juan B. Alvarado

Applicado

Declaro

Recibido 24 de 1857
Alvarado
Alvarado

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Recorded in Page 238

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California Land Claim.
Attorney General's Office
28 May 1857.

Sir: In the case of the claim of
James Watson, confirmed to the
claimant by the Commissioner, case
no. five hundred and sixty-two (562),
appeal will not be prosecuted by
the United States.

I am,

Respectfully,

Clinton

Pacific Ad Eq
U. S. Attorney
Los Angeles.

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↓ Filed this paper June 1858
Lewis Clark
of St. Louis
Dep

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