

CASE No.

70

SOUTHERN DISTRICT

RANCHO NACIONAL GRANT

VICENTE CANTUA

CLAIMANT



LAND CASE 70 SD pgs. 60

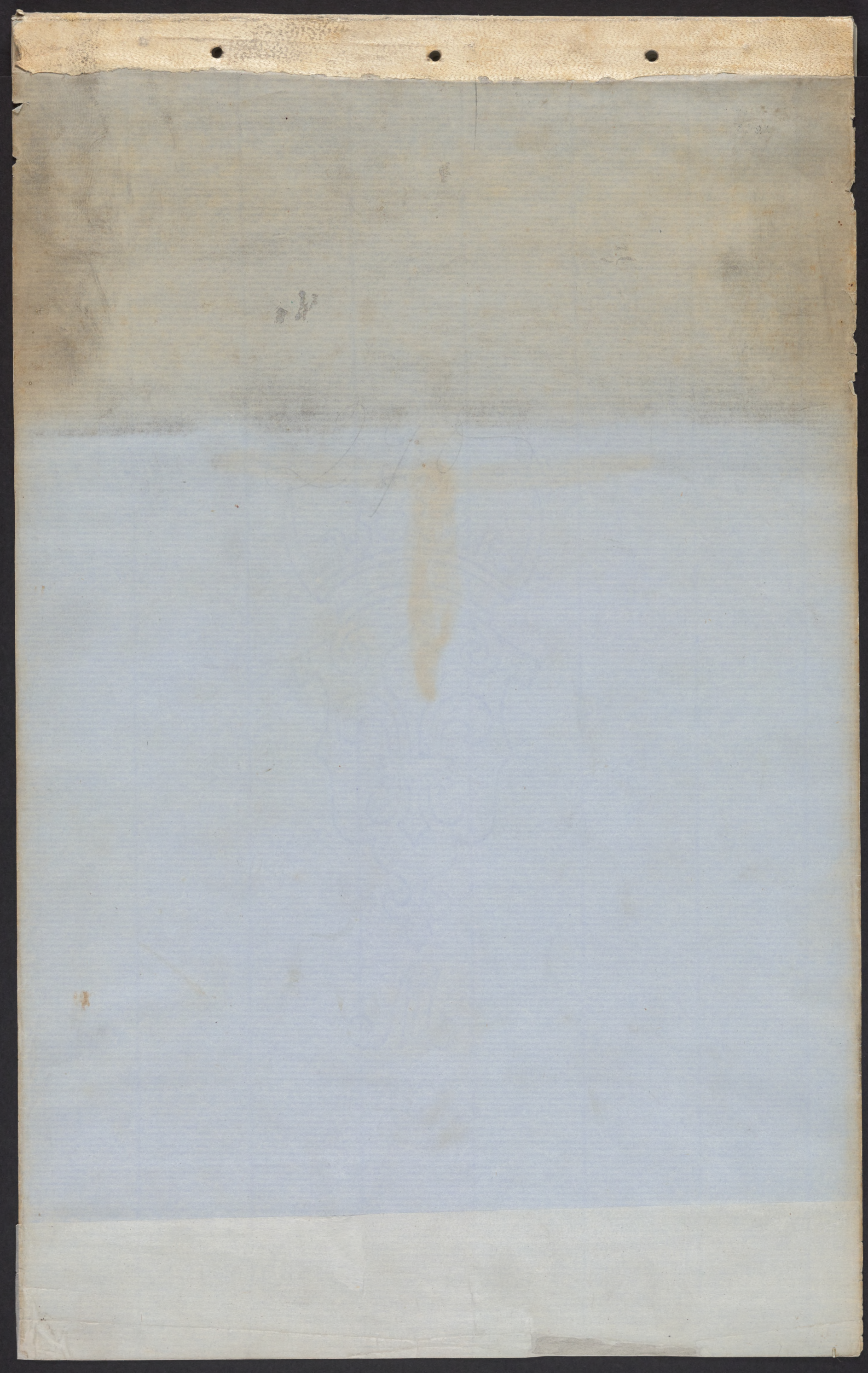
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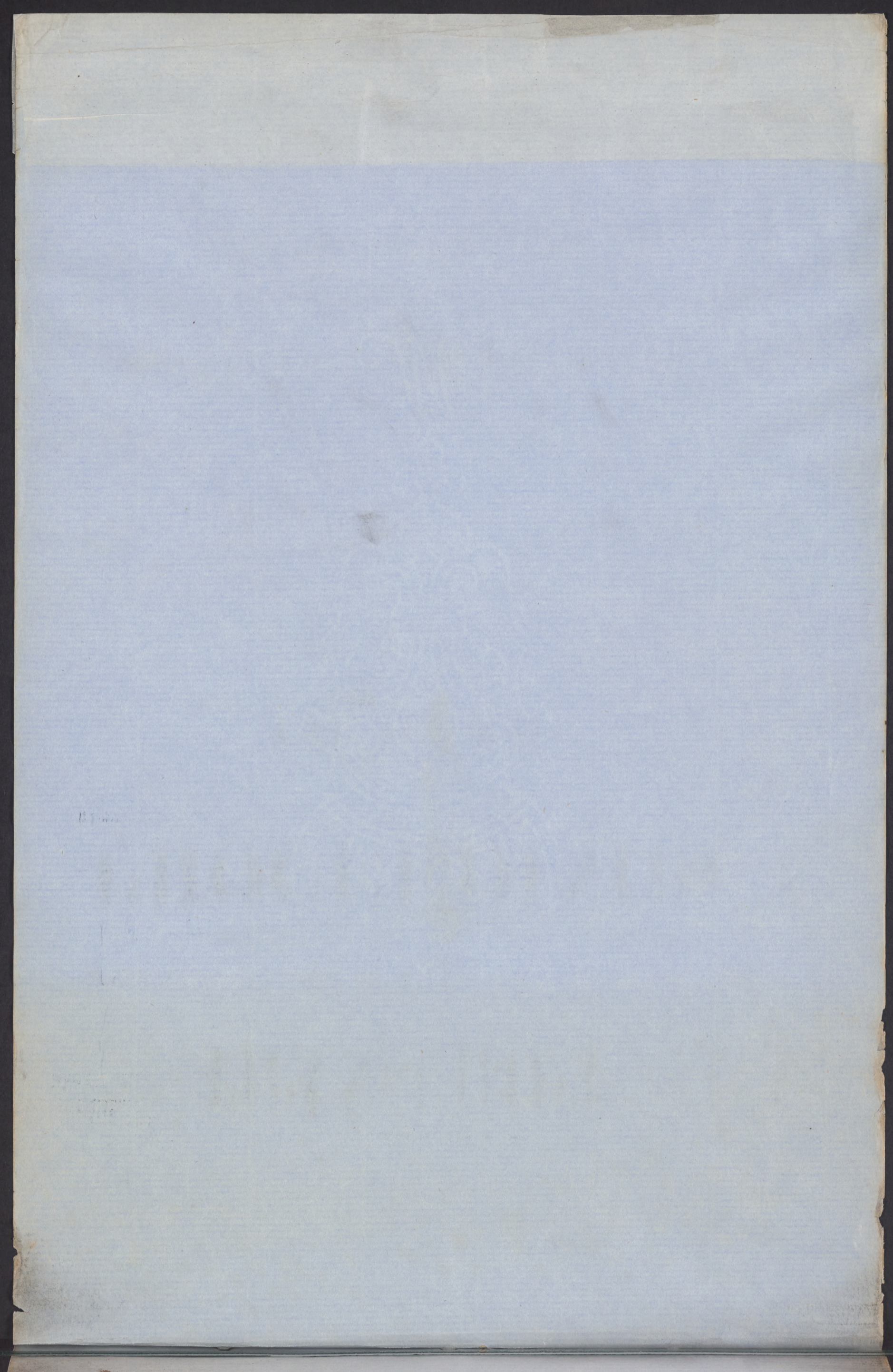
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PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. *290*

*Vicente Cantua*

CLAIMANT

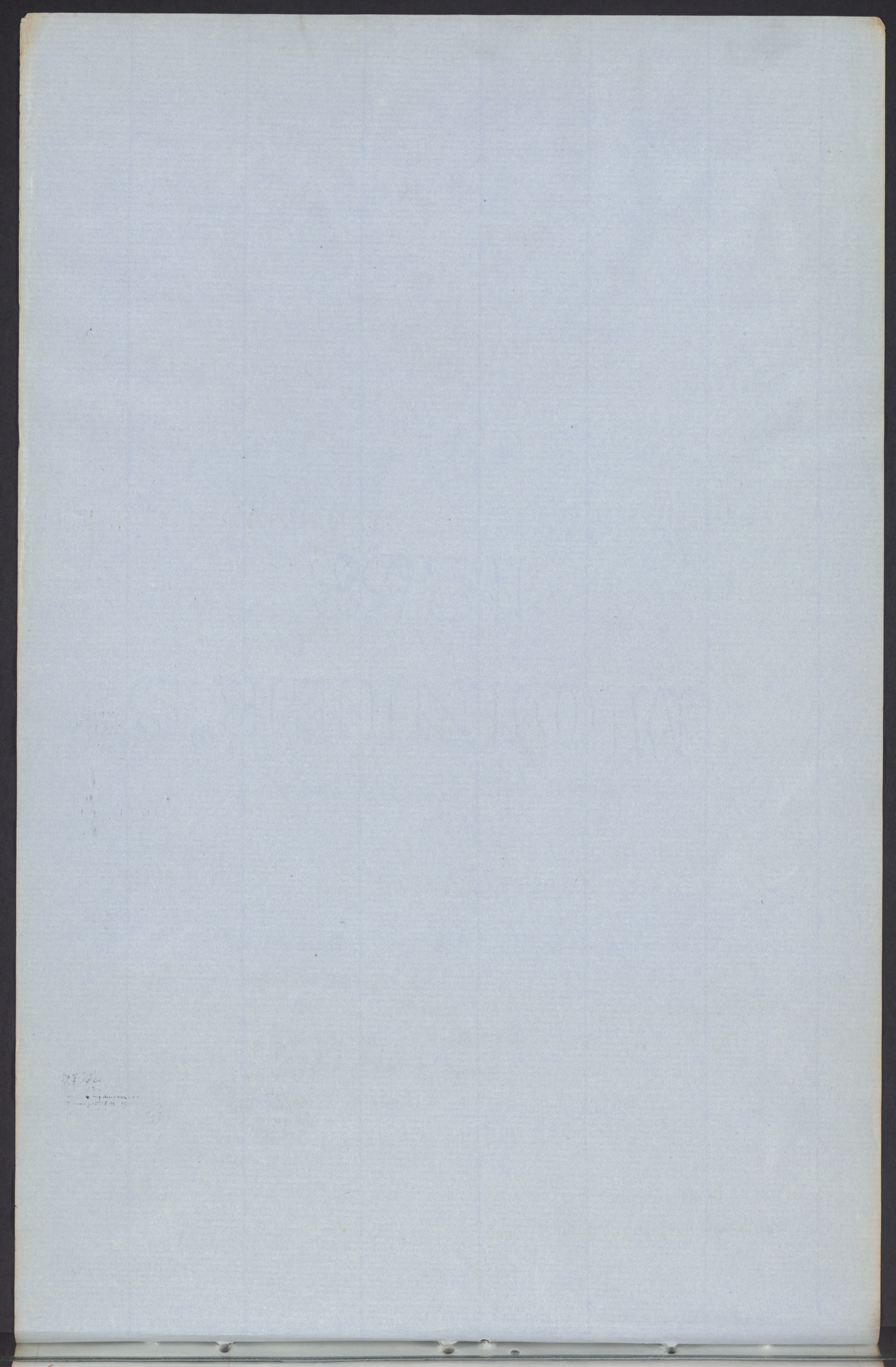
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Rancho Nacional"*







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 *twentieth day of July*, Anno Domini One Thousand Eight Hundred and Fifty-Two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of *Vicente Cantua*,

for the Place named

*Rancho Nacional*

was presented, and ordered to be filed and docketed with No. 290 and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

*San Francisco January 29<sup>th</sup> 1853.*

In Case no. 290 Vicente Cantua for the place named "Rancho Nacional" the deposition of W<sup>m</sup> E. P. Maitrell a witness in behalf of the claimant, taken before Commissioner Henry J. Thornton with document marked H. J. T. No. 1 annexed thereto was filed;

(Vide page 4 of this Transcript)

*San Francisco Sept. 23<sup>rd</sup> 1853.*

Case no. 290 Called: Submitted on briefs on both sides and taken under advisement by the Board.



San Francisco January 24' 1827  
In the same case Commissioner Alpheus  
Fitch delivered the Opinion of the Board con-  
firming the Classis:  
(vide page 24 of this Transcript.)

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To the Honorable Commissioners of the Public Land Office in California

Petition.

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The petitioner, Vicente Cuentas, respectfully shows; that on the 4<sup>th</sup> of April A. D. 1839, Juan B. Alvarado, Governor of California, by virtue of Authority in him vested, granted to the petitioner the tract of land called "Rancho Nacional," situated in the present County of Monterey containing two square leagues more or less with the boundaries described in the title papers; a copy of which title is submitted herewith marked "A" with a translation marked "B"; and also a certified copy of the Expediente marked "C" with a translation marked "D";

And the petitioner further shows that said land was duly surveyed, its boundaries marked, and the judicial possession given to the petitioner on the 30<sup>th</sup> day of July A. D. 1840, a copy of which Act is submitted herewith marked "E," with a translation marked "F";

That he is now, and has been for more than 13 years in the quiet, peaceful and undisputed possession of said tract of land;

That he knows of no conflicting claim;

That he relies for confirmation of title upon the original papers, copies of which are submitted herewith; upon the records and minutes in the Archives now in charge of the Surveyor General; and upon such other and further proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to confirm to him the said tract of land

By his Attorneys,  
(Signed) Wallcut, Macky & Bellows.

Filed in Office July 17<sup>th</sup> 1852, (Signed) Geo. Fisher Secy.



San Francisco January 29<sup>th</sup> 1853.

Deposition of - On this day before Commissioner W. J. Thomson,  
W<sup>m</sup> E. P. Montrell, came W<sup>m</sup> E. P. Montrell, a witness in behalf of  
the claimant, Vicente Cantua, petition no.  
298 - and was duly sworn, - his evidence being  
given in English

The U. S. Associate Law Agent was present.

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In answer to questions propounded by claimant's  
counsel the witness testified as follows -

My name is W. E. P. Montrell, my age is 55  
years, and I have resided in California 30 years.

I am acquainted with the writing of Juan  
B. Alvarado, Manuel Jimeno, David Spence,  
Manuel Cantua, Santiago Estrada; their signatures  
to the papers before me marked exhibit No. 1  
filed herewith are genuine.

I know the land called "Rancho Nacional"  
in Monterey County, Vicente Cantua built a  
house on it in 1839 or 40, and had cattle &  
horses on it and cultivated portions of the land,  
He has occupied it ever since, I never heard  
his title disputed.

W. S. Law Agent present. (Signed) W. E. P. Montrell.  
Sworn to and Subscribed before  
me this 25<sup>th</sup> of January 1853

(Signed) Harry J. Thomson  
Commissioner.

Filed in Office January 29<sup>th</sup> 1853.  
(Signed) Wm. Fisher,  
Secretary.



5

L.S.M.

1839

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PAGE 6

Expediente promovido por el Sr.  
Vicente Canino en posesion del ter-  
reno llamado

Rancho Nacional.

100



17

Handwritten notes in a central column, including the word "LIFE" and other illegible text.

Faint handwritten text in the bottom left corner.



6

2 S.D.M.

So. Prefecto de 1.º Distrito.

Pueblo de Castro  
 Abril 4 de 1839  
 Visto lo contenido en la presente solicitud, y siendo notorio que el terreno que pretende la parte de Vicente Cantúa se halla baldío, puede concederse en propiedad, sugeriéndole a los límites que espuso. Véase con este informe al Excmo. Sr. Gobernador del Departamento para sus ulteriores providencias.

J. S. D. M. José Castro.

Vicente Cantúa Sargento de auxiliares en este Departam<sup>to</sup>, y natural del mismo, ante V. con el debido respeto hace presente: Que hallándose poseedor de algunos números de ganado Vieuno, y Caballar, y no poderse aumentar, y si mucho estrabio de él por no tener un terreno seguro en donde mantenerse, ocurre a V.S. con el fin de que se digno informar al Excmo. Sr. Gobernador a mi favor, para que se le conceda al que representa el corto terreno que espuso baldío, llamado Rancho Nacional, siendo sus límites desde la finca de la Siembra de Señora Dorafina hasta colindar con el rancho de D. José Tiburcio Castro, con el de los Señores Sobranos y el de Buena-Vista y con inclusión del paso de quintos.

Este terreno Sr. Prefecto, ya está V.S. impuesto de su inutilidad, para el objeto a que antes se ocupaba, por la corta retención a que está reducida, y conformándose el que subscribo con él, para proporcionar a su numerosa familia su subsistencia ruego a V.S. se me conceda por la protección que recibiré de su liberal y benigno orazon. P. T. A. V. S.

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7  
suplica se acceda á su instancia que recibirá  
gracia y merced juro &<sup>a</sup>. Dispensando el papel  
común por no haber del que correspondía.

Monterrey 2 de Abril de 1839.

Vicente Cantua +

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4. S. N. Monterrey 4 de Abril de 1839.

Visto la petición con que dá prin-  
cipio este Expediente, y el informe del Sub Prefecto,  
con todas las demas que se tuvo presente y ver convido,  
de conformidad con lo dispuesto por las leyes y reglam<sup>to</sup> de  
la materia se declara á S. Vicente Cantua dueño en pro-  
piedad del terreno que era parte del conocido por Ran-  
cho Nacional, colindante con la punta de las Benun-  
teris de Sr<sup>a</sup> Serafina, el rancho D. Jose Tiburcio Cer-  
ra, con el de los Foros. Sobiranos, con el de Buena Vista in-  
cluyendo el paso de quinto á reserva de la aprobación de  
la Junta Departamental. Así go Juan Bautista Alvarado  
Gobernador del Departamento de las Californias, lo mandé

S. S. N. decreté y firmé de que doy fe  
Alvarado.

Man<sup>te</sup>. Jimeno

Secretario del Despacho.

None follows the map



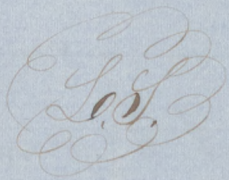
8

Office of the Surveyor General of the United States for California

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2907

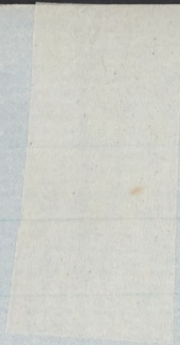
I, Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office and under my custody a portion of the Archives of the former Spanish and Mexican Territory or Departments of Upper California do hereby certify that the six preceding and hereunto annexed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



In Testimony whereof I have hereunto signed my name officially and affixed my private Seal (not having a Seal of Office) at the City of San Francisco, Cal. the 14<sup>th</sup> day of July, 1852.  
Saml. D. King,  
Sur. Gen. Cal.

Filed in Office July 17, 1852.  
(Signed) Geo. Fisher  
Secy.







9  
"B."  
Pravulation of  
Especiente.

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Pueblo de Cuatitlan  
April 4, 1839.  
Having seen the contents  
of the present petition, and  
it being notations  
that the land  
asked for on  
the part of Sr.  
Vicente Cuatitlan  
is vacant, it may  
be granted in  
fee, subject to  
the boundaries  
expressed in  
his form to his  
Excellency the  
Governor of the  
Department for  
his final decision  
Jose Cuatitlan.

Senior Prefect of the 1st District,  
I Vicente Cuatitlan, Sergeant of the  
Auxiliary troops of this Department, and  
a native of the same, before your Honor with  
due respect represent; that having a  
number of Cattle and horses and not  
being able to increase them, and being  
many for the want of a secure place for  
Keeping them, I come to your Honor to  
ask that you will be pleased to report to  
His Excellency the Governor in my favor,  
that he may grant to the petitioner the  
small piece of land which is vacant  
called "Rancho Nacional" with the limits  
from the point of the sowing of  
Senora Cerapina, to the line of the Rancho  
of Don Jose Tiburcio Cuatitlan, with that  
of the Senores Soberanes, and that of  
Buena Vista including the Paso de Quinta.

This land, Senior Prefect, your Honor  
is aware is useless for the object for which  
Department for it was formerly occupied on account  
his final decision of the limited extent to which it is  
reduced, the undersigned is content  
with it for the support of his numerous  
family, and I pray your Honor to grant me  
the protection which I shall receive from your  
liberal and benignant heart.

Wherefore I pray your Honor  
to grant my petition by which I shall receive  
favor and Justice, swearing &c.

Without the use of Common  
paper, there being none of the corresponding  
Stamp.

Montevideo April 2nd 1839.

Vicente Cuatitlan + 11



Monterey April 4<sup>th</sup> 1839.

Having seen the petition  
at the beginning of this Expediente, the report of  
the Jefe, and all cases presented and to be  
examined, in conformity with the laws and  
regulations of the matter, Vicente Cantua is  
declared owner in fee of the land which was  
a part of the land called "Rancho Nacional",  
bounded by the sowings of Senora Serapina,  
the Rancho of Don José Severino Cantua; with  
that of the Senores Soberanes, with that of Buena  
Vista, including the "Paso de Quinto", reserving  
the approbation of the Most Excellent Departmen-  
tal Junta. This J. Juan Bautista Alvarado,  
Governor of the Department of the Californias,  
orders, decrees and signs, of which I certify.

(Signed) Alvarado.

(Signed) Manuel Jimeno

Secretary of Dispatches.

Filed in Office July 17<sup>th</sup> 1852

(Signed) Gen. Finckh acting



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Sello Primero Luis Pinos

Exhibit No. 1 Habilitado provisionalmente por la Adm. de  
to Depo. of Maritimo de Comercio para los años de 1839 y  
N.E. P. Hartwell 1840.

Abarado. Antonio M. Cisio.

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L. B. Juan D. Abarado gobernador Con-  
stitucional del Departam. de las  
Californias.

Por cuanto el Caudal Don Vicente Cantua ha  
pretendido para su beneficio personal, y el de su  
familia, el paraje conocido con el nombre de Ran-  
cho Nacional, colindante con la punta del terre-  
no de la Sementera de Señora Serafina, con  
el Rancho de Sr. José Tiburcio Castro, con el  
de los Señores Doberanos, y el de Buena-  
vista, con inclusion del paso de quinto;  
practicadas previamente las diligencias y  
averiguaciones concernientes, segun lo dis-  
puesto por las leyes y reglamentos de la  
materna; usando de las facultades que me  
son conferidas: á nombre de la Nacion Mexi-  
cana he venido en concederle el paraje men-  
cionado, declarandole la propiedad de el por  
las presuntas letras, y sujeto á las condi-  
ciones siguientes.

1.ª Podrá sercarlo sin perjudicar las  
travessias, caminos y servidumbres; lo disfru-  
tara libre y exclusivamente, destinandole al  
uso ó cultivo que mas le acomode, pero den-  
tro de un año fabricará casa y estara hu-  
bitada.

2.ª Pedirá al juez respectivo que le



de posesion jurídica, en virtud de este Despacho, por el cual se demarcarán los linderos en cuyos límites pondrá á mas de las maderas algunos árboles frutales ó silvestres de alguna utilidad.

3.<sup>a</sup> El terreno de que se hace donacion, es de dos sitios de ganado mayor poses mas. ó menos segun se plica el despojo que corre en el apuntamiento: el Juez que diere la posesion lo hará medir conforme á la ordenanza p.<sup>ta</sup> señalar los linderos, quedando el sobrante que resulte á la nacion para los usos convenientes.

4.<sup>a</sup> Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciado por otros.

En consecuencia mando que sirviendole de título el presente, y teniendose por firme y valeroso, se tome razon de él en el Libro á que corresponde, y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey á cuatro de Abril de mil ochocientos treinta y nueve.

Juan B. Alvarado.

Man. Jimeno

Srio del Despacho.

Pueda tomarse razon de este Despacho en el Libro de acientos sobre adjudicaciones de terrenos baldios á foja 2.<sup>a</sup> y 3.<sup>a</sup>

Jimeno



Dellos Terceros Dos Reales.

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y cinco.

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Atestado.

Antonio Maria Osio

*[Signature]*

Don Juez de Paz.

Vicente Castro Com. Mexicano y pecino de esta demarcacion, ante V. como mas haya lugar en Dto. dice; q. habiendo obtenido la concesion propia del terreno conocido con el nombre de Rancho Nacional; ocurre á V. con el fin de q. se sirba darle la posesion juridica conforme esta prevenido en el Art. 2.º del titulo de Dto. terreno, que se le expidió el dia 4 de Abril del año f.º p.º que devíd. am.º acompaña como igualmente la confirmacion respectiva para que todo obre en los efectos de suados. Por tanto

A V. suplica se sirba ponerlo en la posesion que solicita de lo que recibirá mereced y justicia.

Monterey Julio 24 de 1841

A cargo del interesado  
Manuel Castro

Por presentado y admitido procedase por mi el presente Juez, á la medicion sana y sana de linderos y judicial posesion que solicita el interesado en esta instancia citandose para efectuarlo el dia treinta del



presente como igualmente a los colindantes de  
aquel terreno. Así yo el Juez de Paz de esta  
Capital lo decreté mandé y firmé con los  
de asistencia

David Spence

De as<sup>ta</sup>

De as<sup>ta</sup>

Manuel Castro.

Santiago Estrada.

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En la fha. se le notificó el auto que antecede  
al Sr. Vicente Cantua y entendido de él dijo  
lo oye y que se dá por citado y por no su-  
ber firmar lo hizo yo con los de asistencia.

David Spence,

De as<sup>ta</sup>

De as<sup>ta</sup>

Man. Castro.

Santiago Estrada.

Por =

Sello Cuarto una Cuartilla.

Habilitado provisionalmente por la Aduana  
marítima del Puerto de Monterrey, en el  
Departamento de las Californias, para los años  
de mil ochocientos cuarenta y mil ochoci-  
entos cuarenta y uno.

Awarado,

Antonio Maria Osio.

C. S. = Cto Nacional Julio 30 de 1840.

Para la medición señalada de  
línderos y posesión del Sr. Vicente Cantua,  
nombro por medidores a los Sr. Osidro Sa-  
lazar y Andrés Sota, quienes previa la a-  
ceptación y juram<sup>to</sup> procederán al desem-  
peño de su encargo: Así yo el Juez de Paz  
lo decreté mandé y firmé con los de asis-  
tencia.

David Spence.



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De as<sup>a</sup>  
Mont. Castro.De as<sup>a</sup>  
Santiago Estrada.

En la misma presentes los <sup>nos</sup> Usidos Salazar y Andres Soto, se les notificó el auto de su nombram<sup>to</sup>, y entendidos de él dijeron lo oyen: que aceptaban y aceptaron jurando por Dios y la señal de la Cruz conforme á derecho usarlos fiel y legalm<sup>te</sup> á todo su leal saber y entender sin fraude contra persona alguna, y no firmaron por no saber, hizo lo p<sup>o</sup> y los de asistencia.  
D. W. Spence.

De as<sup>a</sup>  
Mont. Castro.De as<sup>a</sup>  
Santiago Estrada.

En el mismo parage día mes y año, los expresados medidores en presencia de mí el juez, tomaron un cordal de behiote y con una vara de medir usual Mexicana midieron cien varas para hacer la medida y puestas al Encino que queda junto al paso de Quinto se midieron para el Oeste Norroeste cincuenta y ocho cordales de á cien varas, hasta llegar al paso de Sta. Serafina. De este paso al Sanjon linderos del Sausal norroeste cuarenta y cuatro cordales, y por la orilla del Sanjon hasta los linderos de Buenavista junto á la Laguna Este cuarenta al Sur Sesenta cordales, y desde la mesa al norroeste de d<sup>ha</sup> Laguna en linea recta al Encino del paso de Quinto y =  
Sello Cuarto una Cuartilla.

Habilitado provisionalmente por la Aduana marítima del Puerto de Monterrey, en el De-



partamento de las Californias, para los años  
de mil ochocientos cuarenta y mil ochocientos  
cuarenta y uno.

Alvarado.

Antonio Maria Osio.

— el pie del Gavilán Suroeste cuarto al  
Sur secenta y cinco cordales. En cuyas  
E. S. P. mediciones mandé se formaran  
E. S. P. las mojoneras correspondientes, que se se-  
ñalasen los linderos que le pertenecen. El  
terreno medido es como dos sitios de ganado  
menor y para su constancia lo firmo con  
los de as<sup>a</sup>.

Don Spence.

De as<sup>a</sup>.

De as<sup>a</sup>.

Man. Castro.

Santiago Estrada.

En el Rancho Nacional á los treinta dias  
del mes de Julio de mil ochocientos cua-  
renta, yo el Juez de Paz de esta Demar-  
cacion despues de practicadas las medidas  
del mencionado Rancho por las que resul-  
ta tener dos sitios, mandé que entrase en  
posesion del espresado sitio el Sr<sup>o</sup> Vicente  
Cabrera, quien bajo las medidas citadas y  
formalizadas acostumbradas en estos casos,  
lo verificó de luego á luego arancando yer-  
bas y haciendo demostraciones como dueño  
del Sitio que se le ha dado posesion cuya  
validacion autorizo y firmo con los de  
asistencia por no saber el interesado.

Pasa á la Ouelta.

Don Spence.

De as<sup>a</sup>.

De as<sup>a</sup>.

Man. Castro.

Santiago Estrada.



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Monterrey Julio 30 de 1840.

Tomase razon en el Libro de posesiones, y devolvase este Expediente al interesado para que le sirva de titulo. Asi yo el Juez de Paz lo decreté mande y firmé con los de asistencia

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Jav. Spence

De as<sup>ta</sup>.

De as<sup>ta</sup>.

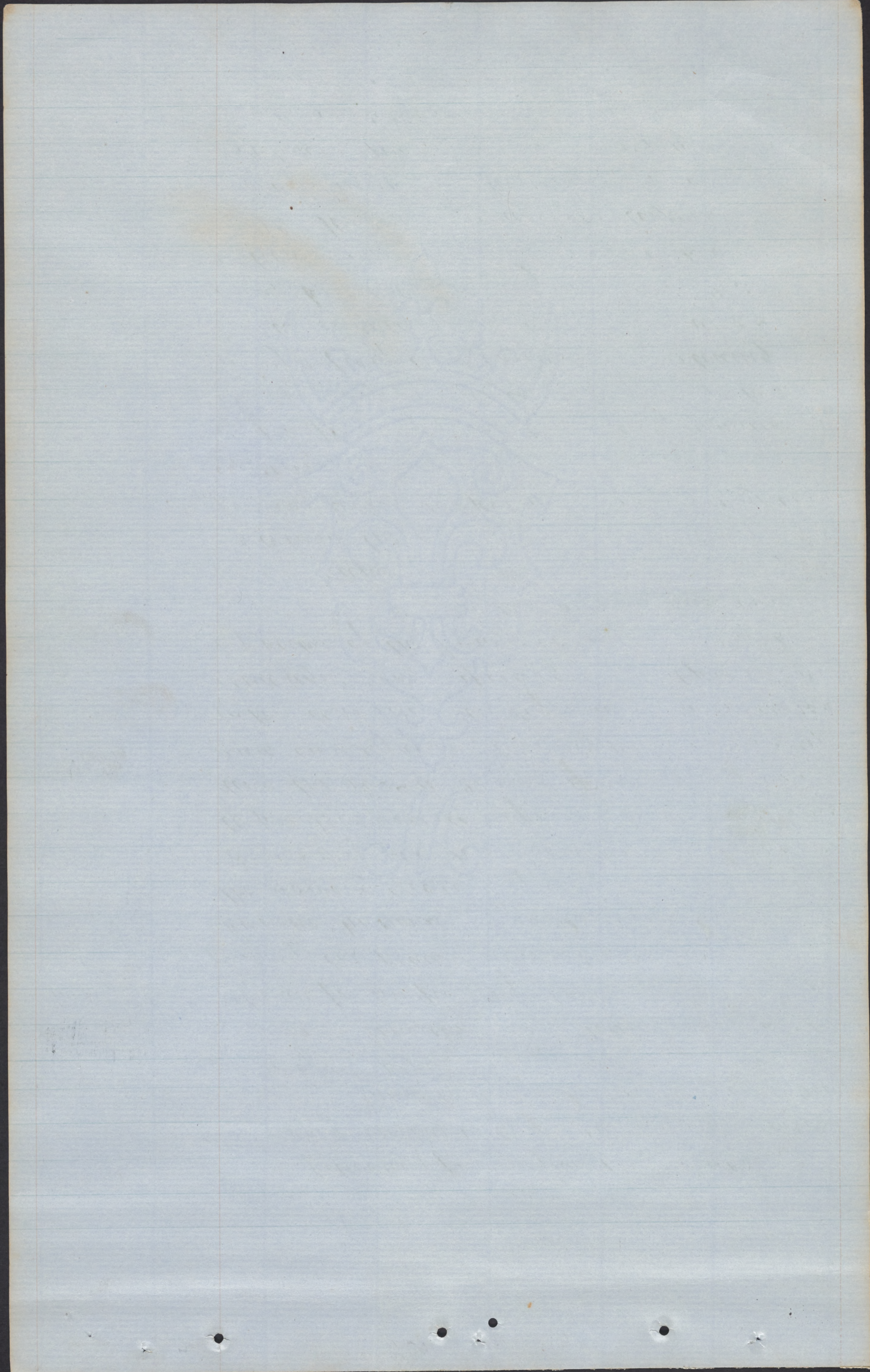
Manuel Castro

Santiago Estrada.

En la fha se tomo razon de este titulo a fojas 11 del libro respectivo y se le devolvió el original en cinco folios y para constancia lo anote y rubricó.

Spence.







18

"A,"  
Translation of  
Title.

Seal of the first class, Six Dollars.  
Authorized provisionally by the Mexican Congress  
House of Ministers for the years 1839-1840.

Seal (signed) Alvarado. (signed) Antonio M. Osio  
Juan B. Alvarado, Constitutional Govern-  
or of the Department of the Californias.

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Whereas Citizen Vicente Cortés has  
solicited for his personal benefit and that of his  
family, the place known by the name of  
"Rancho Nacional," bounded by the point of  
the sowing ground of Señora Serapio, the  
rancho of Don José Tiburcio Cortés, that of  
Alfonso Soberanes and that of Buena Vista, inclu-  
ding the Paso de Quinto; the necessary steps  
and investigations having been previously  
taken and made in conformity with the laws  
and regulations respecting the subject; I have  
by virtue of the powers conferred upon me  
granted unto him the beforementioned land  
in the name of the Mexican Nation, declaring  
unto him the ownership thereof by these  
present letters, subject to the following con-  
ditions.

1<sup>a</sup> He may fence it without prejudicing  
the crossings, roads and 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.

2<sup>a</sup> He shall request of the respective mag-  
istrate, judicial possession in virtue of this  
title; said magistrate will designate the bounda-  
ries, at the limits thereof he shall besides placing  
the landmarks, plant some fruit trees or  
wild ones of some utility.



3<sup>a</sup> The land whereof donation is made comprises two square leagues (dos sitios de ganada mayor) a little more or less, as appears by the plot which accompanies the expediente; the magistrate who gives possession shall cause it to be measured according to law, in order to designate the boundaries, leaving the surplus to the Nation for the necessary uses.

4<sup>th</sup> If he transgress these conditions he shall forfeit his right to the land and it may be denounced by another.

I consequently command that these presents serving him for a title, and being held as firm and valid, be recorded in the corresponding book, and be returned to the party interested for his security and further ends. Given in Monterey on the fourth of April Eighteen hundred and thirty nine.

(Signed) Juan B. Alvarado.

(Signed) Manuel Jimeno.

Government Secretary.

A record of this title has been made in the Book of titles respecting the adjudication of vacant lands at folio 2 page second.

(Signed) Jimeno.

Filed in Office July 17<sup>th</sup> 1852.

(Signed) Gen. Fisher,

Secretary.

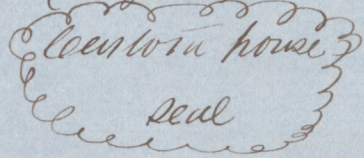


20

Seal of Second Class. Two Reals.

F. Authorized provisionally by the Maritime Customs  
Promulgation of house of the port of Monterey in the Department  
Judicial possession of the Californias for the years eighteen hundred  
and forty & forty one

(Signed) Alvarado, (signed) Antonio Maria Osio.



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Senor Justice of the Peace

Vicente Carrasco, a Mexican citizen  
and resident of this jurisdiction, as the law best  
allows him to make known to you: that having  
obtained the proper grant of the land known  
by the name of Rancho Nacional, he applies to  
you in order that you may be pleased to give him  
the judicial possession thereof in conformity with  
the provisions of the 2<sup>nd</sup> article of the title to said land,  
which was granted to him on the 4<sup>th</sup> of April  
last year, and duly accompanied, as likewise the  
respective approval, in order that the whole may  
have the desired effect.

He therefore requests that you  
will be pleased to put him in <sup>the</sup> possession which  
he asks for, whereby he will receive favor and  
justice.

Monterey July 24<sup>th</sup> 1840.

At the request of the party interested.

(Signed) Manuel Carrasco.

Considered as presented and admitted, let me the  
present Justice proceed to the measurement, designa-  
tion of boundaries and judicial possession as  
asked for by the party interested in this petition, fixing  
for the execution thereof, and for (the appearance)  
of the neighboring landowners, the thirtieth of the  
present month, This I, the Justice of the Peace of  
this Capital, did decree, command and sign with



the assisting witnesses.

(Signed) David Spence.

(Signed) Manuel Castro.

(Signed) Santiago Estrada.

70 SD

PAGE 22

On the same date the foregoing decree was notified to Citizen Vicente Cantua, who having understood it, said that he heard it and considered himself as summoned, and not knowing how to sign, I did so with the assisting witnesses

(Signed) Manuel Castro.

(Signed) David Spence.

(Signed) Santiago Estrada.

Rancho Nacional July 30<sup>th</sup> 1800.

For the measurement, designation of boundaries and possession of Citizen Vicente Cantua, I appointed as measurers Citizens Isidro Salazar and Andres Soto, who after accepting and taking oath will proceed to comply with their commission. Thus I the Justice of the Peace did decree, command and sign with the assisting witnesses.

(Signed) Manuel Castro.

(Signed) David Spence.

(Signed) Santiago Estrada.

On the same date, Citizens Isidro Salazar and Andres Soto, being present, the decree of their appointment was notified to them, who having understood it, said, that they heard it, that they accepted and did accept it, swearing by God and the sign of the cross, according to law, to make use thereof faithfully and legally to the best of their knowledge & understanding, without fraud against any person, and they did not sign, not knowing how, but I did so with the assisting witnesses.



22

(Signed) Manuel Cortés. (Signed) David Spence.  
(Signed) Santiago Estrada.

70 SD  
PAGE 23

On the same spot, day, month and year, the said  
measures in presence of me, the Justice, took a hempen  
cord, and with a common Mexican vara measure,  
measured off One hundred varas to make the meas-  
urement, and placing themselves at the oak tree,  
close to the Paso de Quinto they measured towards  
the W. W. W fifty eight varas of one hundred varas  
each to the pass of Señora Serafina; from this pass  
to the Gulch, the boundary line of the Sausal, N. N. W.  
forty-four varas, and along the edge of the Gulch to  
the boundary line of Buena Vista close to the Lagoon  
E 1/4 S, sixty varas, and from the latter land at the  
N. N. W. of this lagoon in a direct line to the oak  
tree of the Paso de Quinto and the peak of the Gar-  
clán Mountain S. W 1/4 S. Sixty five varas. At which  
measurements, I ordered the corresponding land marks  
to be formed, to designate the boundaries belonging  
to Cantua). The land measured comprises about two  
square leagues, in witness whereof I sign with the  
assisting witnesses.

(Signed) Manuel Cortés } (Signed) David Spence.  
(Signed) Santiago Estrada } asst. witnesses.

In the Rancho Nacional, on the thirtieth of July  
Eighteen hundred and forty I the Justice of the Peace  
of this Jurisdiction, after having concluded the meas-  
urement of said rancho which resulted in containing  
two sitios, I commanded that citizen Nicolás Cantua  
should enter into possession of said farm, according  
to the before mentioned measurements & customary  
formalities in these cases, and he immediately did  
so by pulling up grass and making other demon-



strations as owner of the land whereof possession  
has been given to him: the validity whereof I  
authorize and sign with the assisting witnesses,  
the party interested not knowing how.

(Signed) Manuel Cortés. } (Signed) David Spence,  
(Signed) Santiago Estrada. } assisting witnesses.

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PAGE 24

Monterey July 30<sup>th</sup> 1848

Let a record be made in the Book of possessions  
and this expedient be returned to the party interested  
in order that it may serve him for a Title. Thus  
I the Justice of the Peace did, decree, command and  
sign with the assisting witnesses.

(Signed) Manuel Cortés. } (Signed) David Spence,  
(Signed) Santiago Estrada. } assisting witnesses.

On the same day a record of this title was made  
at folio 11<sup>th</sup> of the respective Book, and the original  
was returned to him in five useful folios, in testimony  
whereof I note it down & sign with my flourish.

(Signed) Spence,

I, the undersigned do hereby certify the foregoing  
to be a true and faithful translation of the original  
documents in the possession of Señor Vicente Cortés

Office of State Translator } (Signed)  
Rancho del Patro eino<sup>23<sup>th</sup></sup> March 1852 } W. E. P. Hootnell,  
State Translator.

Filed in Office July 17<sup>th</sup> 1852

(Signed) Geo. Fisher, Secy.

~~~~~



24

Vicente Cantua  
" "  
The United States

Opinion of the  
Board delivered by  
Comr. A. Felch.

For the place called Rancho  
Nacional situated in Monterey  
County, containing two square  
leagues of land.

70 SD  
PAGE 25

The basis of the claimant's right  
to the land is founded in a grant to him made  
by Governor Juan B. Alvarado dated April 4<sup>th</sup>  
1839 which is given in Evidence. By the proper  
documentary evidence, it is shown that the  
grantee obtained a judicial measurement, and  
was put into possession of the premises under his  
grant on the 30<sup>th</sup> day of July 1840. This meas-  
urement made in accordance with the grant  
and the map attached to the Evidence, a trace  
copy of which is filed in this case, obviates all  
difficulty as to the location and boundaries of  
the premises.

The testimony of W. E. & R. W. Hartwell  
shows that the claimant built a house on  
the premises and has continued to occupy  
and cultivate the land from a period very  
soon after the grant to the present time. No  
approval by the Departmental Assembly is shown,  
but the proof of the performance of the conditions  
of the grant and the law is sufficient to establish  
an equity which entitles the claimant to a  
confirmation.

Confirmed.

Filed in Office Jan. 24<sup>th</sup> 1854

(Signed) W. P. H. S.

Secretary.



Decree of Confirmation The United States

In this case after hearing the proofs and allegations it is adjudged by the Commission, that the claim of the said Petitioner is valid, and it is therefore hereby decreed that the same be confirmed.

70 SD  
PAGE 26

The land of which confirmation is hereby made is the same known by the name of Rancho Nacional, situated in Monterey County, and is occupied by said Claimant; bounded and described as follows: to wit: Commencing at the Oak tree close to the Paso de Quinto and running thence toward the West-North-West five thousand eight hundred varas to the Pass of Aurora Serapina; from this pass to the Gulch, the boundary line of the Saunas, four thousand four hundred varas in a North-North West direction, and thence along the edge of the Gulch to the boundary line of Buena Vista close to the Lagoon East, one quarter South, six thousand varas, and from the table land at the North West of this Lagoon, in a direct line to the Oak tree of the Paso de Quinto and the peak of the Garden Mountain South West one quarter South Six thousand five hundred varas; reference to be had also to the map which constitutes a part of the Expediente, a traced copy of which is on file in this case, and to the testimonial of judicial possession also making a part of the files therein.

(Signed) Alpheus Felch  
(Signed) Thompson Campbell  
(Signed) R. Aug. Thompson

Filed in office Jan 24<sup>th</sup> 1854 } Commissioners  
(Signed) Gen. Fisher, Secy

38. folio



Office of the Board of Commissioners,

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

70 SD  
PAGE 27

I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Twenty-five* — pages, numbered from 1 to *25*, 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. *295* on the Docket of the said Board, wherein *Vicente Cantua* is —

the Claimant against the United States, for the place known by the name of "*Rancho Nacional*".

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



*G. Fisher*  
*G. Fisher*



70

U. S. DISTRICT COUR

*Southern* District of Cali

No. ~~70~~ 70. Docket  
*split*

THE UNITED STATES,

70

*Vicente Canina*  
*For Rancho National*  
*2 sq. Leagues in Monterey Co.*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 90

see 15 Sept. 1854  
16 Sept. 1854 185

*W. S. Taylor*  
*Sp. Clk.*

70

29

*N<sup>o</sup> 250*



70.

Office of the Attorney General of the United States,

Washington, 30th Novmbr 1854.

70 SD

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Vicente Cantua }  
vs. } 290.  
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.

*Curtis*

Attorney General.



N<sup>o</sup> 70.

U. S. District Court

v. Southern District

The United States

vs.

Vicente Cantera

Appeal Notice.

Filed Jan'y 10<sup>th</sup> 1855.

L. E. Farr.  
Clk

70. SD

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70.

70 SD  
PAGE Dup

Office of the Attorney General of the United States,

Washington, 30th November 1854.

Vicente Cantua }  
vs. } 290.  
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.

*Ambling*

Attorney General.

70  
290

70. Dupl. 290.



In the District Court of the United  
States for the Southern District of California  
Los Angeles County State of California

70 SD

PAGE

30

Vicente Cantua

vs

The United States.

N<sup>o</sup> 70. (Transcript N<sup>o</sup> 290)

To the Honorable Isaac S. H. Ogier,  
Judge of the District Court of the United  
States for the Southern District of Califor-  
nia.

The Petitioner of Pacificus Ord (of Los  
Angeles County) attorney of the United  
States for the Southern District of  
California, who petitions in this behalf  
for the United States; and being pres-  
ent here in Court in his proper person,  
in the name and behalf of the Uni-  
ted States, represents as follows.

That heretofore, to wit, on or about  
the 17<sup>th</sup> day of July A.D. 1853, Vicente Can-  
tua presented a petition to the Com-  
missioners to ascertain and settle the  
private land claims in the State of  
California, claiming the tract of land  
called <sup>Rancho</sup> Nacional, in the County of  
Monterey; in the words and figures



following viz, "The petitioner, Vicente  
 " Cantua, respectfully shows; that on the  
 " 4<sup>th</sup> of April A. D. 1839, Juan B. Alva-  
 " rado, Governor of California, by virtue  
 " of authority in him vested, granted  
 " to the petitioner the tract of land  
 " called "Rancho Nacional" situate in  
 " the present County of Monterey contain-  
 " ing two square leagues more or less  
 " with the boundaries described in the  
 " title papers; a copy of which title  
 " is submitted herewith marked "A"  
 " with a translation marked "B"; and also  
 " a certified copy of the expediente mark-  
 " ed "C" with a translation marked "D";  
 " And the petitioner further shows that  
 " said land was duly surveyed, its  
 " boundaries marked, and the juridical  
 " possession given to the petitioner on  
 " the 30<sup>th</sup> day of July A. D. 1840, a copy  
 " of which act is submitted herewith  
 " marked "E"; with a translation marked  
 " F"; That he is now, and has been  
 " for more than 13 years in the quiet,  
 " peaceful and undisputed possession  
 " of said tract of land; That he knows  
 " of no conflicting claim; That he

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 PAGE 31



" relies for Confirmation of title upon the  
 " original papers, Copies of which are sub-  
 " mitted herewith; upon the records and  
 " minutes in the Archives now in charge  
 " of the Surveyor General; and upon  
 " such other and further proofs as he  
 " may be advised are necessary. Wherefore  
 " he prays the Commissioners to Confirm  
 " to him the said tract of land."

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 PAGE 32

Your petitioner further represents that  
 thereafter, to wit on the 24<sup>th</sup> day of Janu-  
 ary A. D. 1854, the said Commissioners  
 Confirmed, by final decree, the said  
 Claim of the said Vicente Cantua in  
 the words, and figures following, to wit,  
 " In this Case on hearing the proofs  
 " and allegations it is adjudged by  
 " the Commission, that the Claim of  
 " the said petitioner is Valid, and  
 " it is therefore hereby decreed that the  
 " same be Confirmed.  
 " The land of which Confirmation is  
 " hereby made is the same known by  
 " the name of Rancho Nacional, situa-  
 " ted in Monterey County, and is occup-  
 " ied by said Claimant; bounded and  
 " described as follows: to wit: Commencing  
 " at the Oak tree close to the Pasa de



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PAGE 33

" Quinto and running thence toward the  
 " West-North West five thousand Eight  
 " hundred Varas to the Pass of Senora  
 " Serafina; from this pass to the Gulch,  
 " the boundary line of the Sausal, four  
 " thousand four hundred varas in a North-  
 " North West direction, and thence along  
 " the edge of the Gulch to the boundary  
 " line of Buena Vista close to the Lagoon  
 " East, one quarter South Six thousand  
 " Varas, and from the Table Land at  
 " the North West of this Lagoon, in a  
 " direct line to the Oak tree of the Paso  
 " de Quinto and the peak of the Gavelan  
 " Mountain South West one quarter South  
 " Six thousand five hundred Varas;  
 " reference to be had also to the map  
 " which constitutes a part of the Expediente,  
 " a traced copy of which is on file  
 " in this case, and to the testimonial  
 " of juridical possession also making  
 " a part of the files therein.

(signed) Alpheus Felch  
 (signed) " Thompson Campbell  
 (signed) " R. Aug Thompson  
 Commissioners.



That thereafter, to wit on the 16<sup>th</sup> day of September A. D. 1854, a duly Certified transcript of the said decree, and proceedings, and the papers and evidence on which it was founded in said Cause, was filed in the office of the Clerk of the District Court of the United States for the Southern District of California and marked N<sup>o</sup> 70. (Transcript N<sup>o</sup> 290); reference to which it is prayed may be had and made a part of this petition.

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PAGE 34

That on the 30<sup>th</sup> 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 said final decree and proceedings of said Commissioners in said Cause (N<sup>o</sup> 290), and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 10<sup>th</sup> day of January A. D. 1855, the said Attorney General of the United States, filed or caused to be filed, on behalf of the United States, a notice with the said Clerk of said District Court for the



Southern District of California, that the appeal, in said Cause of Vicente Cantua vs the United States, from the decision of said Commissioners to ascertain and settle the private land claims in the State of California, 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 said land claimed as aforesaid is within the Jurisdiction of this Honorable Court.

70 SD  
PAGE 35

And your petitioner further represents and insists that the said decree 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 said Cause, now on appeal from said Commissioners to this Honorable Court. And your petitioner further represents that the said Claim is invalid, and the said decree erroneous, on the following grounds:

I And the said attorney denies all



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PAGE 36

and singular each and every allegation in the said petition of said Claimant, to said Commissioners of said date, and he further denies that any grant for said land was ever made as alleged in said petition. and he denies further that the said Claimant has shown any or sufficient evidence of the validity of said Claim.

II. That the said alleged grant of Juan B. Alvarado, was made in violation of the Colonization Law of Mexico of the 18<sup>th</sup> of August A.D. 1824, in this; that the land granted, as alleged by Claimant, was and is within ten leagues of the Sea Coast; and there is no evidence shown by Claimant, that the Supreme General Executive power of Mexico, previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of the sea coast. And it is denied that such previous consent of said Supreme General executive power of Mexico in such case was ever had.

III. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by, and in



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PAGE 37

the possession of the Missions of the Territory of Upper California; and it was held and occupied, particularly, by the Mission<sup>of San Carlos,</sup> and could not therefore be colonized.

IV. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the laws of Mexico of the 18<sup>th</sup> day of August A. D. 1824, and the regulations for the Colonization of the Territories of Mexico of the 21<sup>st</sup> of November A. D. 1828.

V. That at the date of the said alleged grant, the said land alleged to have been granted to Claimant as aforesaid, was a reserve of the Government of Mexico, for their use and benefit, and for the pasturage of the horses of the troops, or soldiers of the said Government; and was known as the Rancho Nacional or Government Rancho.

VI. That the said Juan B. Alvarado had no lawful right to colonize, or grant the said tract of land, it being then a reserve, and in the use of the said Government, ~~and~~ for said purposes.

VII. That there is no evidence that the said



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PAGE 38

alleged grant, was ever approved by the Departmental Junta, or assembly of California, or the Supreme Government of Mexico. And it is denied that it was ever approved by said Junta or assembly, or the said Supreme Government.

VIII. That the said alleged grant does not contain a sufficient description of the land, so that it can, with certainty, be identified and surveyed.

IX. That the alleged survey and juridical possession of the date of the 30<sup>th</sup> of July 1840, was not made according to the said alleged grant, and the map referred to therein; Nor according to the ordinance, or law.

X. That said Claimant shows no definitive grant for said land claimed as aforesaid.

XI. That the said alleged juridical survey and possession of said land of said date by David Spence, <sup>was unlawful;</sup> for the reason, that the said Claimant Vicente Cantua, had not, at said date the 30<sup>th</sup> of July 1840, a definitive grant, or title approved by the Departmental Junta or assembly of California, or the Supreme Government of Mexico.

XII. That there is no evidence that David



Spence was Justice of the Peace of Monterey on the said 30<sup>th</sup> July 1849, and as such had lawful authority to make said survey and give the juridical possession to said Vicente Cantua, of said land. And it is denied that said David Spence was, at said date, Justice of the Peace of Monterey, or had then lawful authority to perform said juridical acts of survey and possession.

70 SD  
PAGE 29

And no sufficient proof having been made by said Claimant of the allegations of his said petition, or in support of his said Claim filed as aforesaid, no decree ought to have been made, or grounded thereon; but the said petition ought to have been dismissed, and said Claim rejected by said Commissioners, upon the grounds aforesaid.

And the said Claimant having no valid right or title, derived from the Spanish, or Mexican Government, to the said land claimed by him, as aforesaid, the lawful right or title in and to the said land, was acquired by, and it now belongs to the said United States, by virtue of the treaty of



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peace, friendship, limits, and settlement,  
with the Republic of Mexico, dated at  
the City of Guadalupe Hidalgo, February  
2<sup>nd</sup> A. D. 1848,

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Therefore the said Pacificus Ord, Att-  
orney 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  
3<sup>rd</sup> 1851, and the laws and statutes in  
such case made and provided, prays  
that the said *Ticente Cantua* may  
be served with a copy of this petition;  
and that this Honorable Court will  
review the said decision, or final decree  
of Confirmation, of said Commissioners  
to ascertain and settle the private land  
claims in the state of California; and  
decide on the validity of the said claim  
of said *Ticente Cantua*, for said land claim-  
ed and confirmed as aforesaid; and that  
the same may be decreed invalid, and all  
such other orders, judgments, or decrees, as may  
be just, with costs, and general relief.

(over)



*F. O. M.*

*Attorney of the United  
States for the Southern District  
of California.*

79 SD

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Received Sept 12<sup>th</sup> 1855  
Edward Hunter  
U.S. Marshal

No 71

U.S. Dist Court  
S. Dist of Cal

Vicente Centeno

vs

The United States

Petition of U States  
for Review

Filed Aug 13 1855

70 SD  
PAGE 42

J. E. Jan.  
clerk.

P. O. Dist. Atty



United States of America, }  
Southern District of California. } SS.

TO

The President of the United States,

*Vicente Cantua*

70 SD

PAGE 43

GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *thirteenth* day of *August* in the year of our Lord one thousand eight hundred and fifty-*five* at the City and County of Los Angeles, in said District, by

*Jacifias Ord., Attorney of the United States for the Southern District of California in behalf of the United States praying the said Court to review, upon the grounds therein set forth, the decision of final confirmation of the Board of U.S. Land Commission to ascertain and settle the private land claim in the State of California of the claim of Vicente Cantua for a tract of land called Rancho Nacional in the County of Monterey California and presented by you to said Commissioners on or about the 17<sup>th</sup> day of July A. D. 1852. and by them confirmed on the 24<sup>th</sup> day of January A. D. 1854*

and that you, ~~and each of you~~, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs. *the plaintiff will apply to the Court for the relief demanded therein*

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *Tenth* day of *September* in the year of our Lord one thousand eight hundred and fifty-*five* at Los Angeles aforesaid.

*J. E. Jan.*  
Clerk.



Marshals Fee.  
Copying summons & files .60  
Serving summons 3.00  
" Petition 3.00  
\$ 6.60

No. 70

United States of America,  
Southern District of California,  
U. S. DISTRICT COURT.

Vicente Cantera

vs  
to

The United States

SUMMONS.

Received Sept. 12 - 1855

Edward Hunter

U.S. Marshal

U.S. SD

PAGE 44

I served this summons along with the proper copy of the petition upon *Halloack*  
*Atty for appellee*, by delivering to  
him a true copy of the same

at *Los Angeles*  
the *twenty fourth* day of *September*

in the Southern District of California on  
A. D. 1855.

Sworn to and subscribed before me,

Clerk }

*Edward Hunter*  
M. S. Marshal.

By *R. S. Jones*.  
Deft.



No 70.

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

70 SD

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The United States }  
Appellants } Answer of Appellee.  
vs. }  
Vicente Cantua, appellee }

Vicente Cantua, appellee, appears by his attorneys and for answer to the petition of the United States filed herein, says:

That his title to the land called "Rancho Nacional", as set forth and described in his petition to the United States Board of Land Commissioners, and in the documentary and other evidence in this case, is a good and valid title; and he prays this Honorable Court to affirm the decision of the Board of Commissioners and to decree his title to be valid.

Hallam Peckey & Billings  
Atty's for appellee.

Los Angeles Sept 22<sup>d</sup> 1855.



No 70  
The United States, appellant  
vs.  
Vicente Cantua, appellee

Answer of appellee

Filed Sept. 24<sup>th</sup> 1855  
D. C. Can. Cir.  
By *Wm. W. R. [unclear]*



In the U S District Court for  
the Southern District of California,  
Special Term Sept 1833,  
Los Angeles,

70 SD

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Vierte Cantua, app<sup>ee</sup> } N.º 70.  
ads. } (Transcript N.º 290)  
The United States, app<sup>t</sup>.

On motion of P<sup>ro</sup>sd Attorney of the  
United States for the Southern  
District of California, it is, Ordered  
by the Court, that an appeal be  
granted the United States, to the  
Supreme Court of the United States,  
from the judgment of this Court  
against the United States, in the  
above entitled cause, rendered  
on or about the 24<sup>th</sup> day of September  
A<sup>d</sup> 1833.

J. M.  
C<sup>lerk</sup> Dist Ct.



No 40

U. S. District Court  
South<sup>th</sup> Dist: of Cal<sup>if</sup>

The United States, Appels:

vs.

Vicente Cantua, Applee

Order of appeal to the Supreme  
Court, on Motion of Ford  
U. S. atty: —

70 SD  
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Filed October 18<sup>th</sup> 1855

J. C. Cunnell  
By D. W. Ruf



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

United States \  
vs \ Case No. ~~295~~ 70.  
Vincenzo Centuro \ Transcript 290.

In pursuance of a notice from the  
Attorney General of the United States, hereto annexed,  
it is hereby stipulated and agreed, <sup>between the parties</sup> that no  
further <sup>proceedings</sup> appeal shall be taken on <sup>the appeal</sup> ~~this point~~  
<sup>by the parties</sup> ~~of the United States~~ and that the claimant  
have leave to proceed under the decree of  
this Court heretofore rendered in his favor, as  
under final decree

P. O. D.  
W. S. District Attorney

W. W. Snow  
Atty for Claimant



N<sup>o</sup> 70.

The United States

M

Veruente l'antia  
Stipulation

Filed July 28<sup>th</sup> 1857  
Claus  
det



At a stated Term of the District  
Court of the United States of America  
for the Southern District of California  
held at the Court Room in the  
City of Los Angeles on  
the day of \_\_\_\_\_ in the  
Year of Our Lord One thousand  
eight hundred and fifty

Present,

The Hon. J. N. Ogier District Judge

The United States } Case No. 27570  
vs }  
Vincente Cautua } Transcript N. 290

The Attorney General of the United States  
having given notice that ~~no appeal~~ <sup>to the</sup> ~~to the~~ Supreme Court of the United States will be  
prosecuted in this case; and a stipulation  
having been entered into by the Dist Atty  
that <sup>the order of appeal heretofore granted</sup> ~~no further appeal~~ shall be <sup>revoked</sup> ~~taken~~ by  
~~the United States~~ and for <sup>and that the</sup> leave to the Claimant  
to proceed under the Decree of this Court here  
before rendered in his favor. On motion of  
the District Attorney it is ordered, adjudged  
and Decreed that the Claimant have leave  
to proceed under the Decree of this Court



heretofore rendered in his favor as under  
Final Decree

James H. Ogden  
United States Dist. Judge  
for the Southern Dist. of Cal.

N<sup>o</sup> 70.

The United States

vs

Francis Ventura

17 Dec 28<sup>th</sup> / 88

Ogden  
DR



California Land Claims.

Attorney General's Office

11 September 1851.

70 SD

PAGE 53

Sir,

In the case of the claim of Vicente Cantua, confirmed to the claimant by the Commissioners, Case no. two hundred and ninety, (290), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Cantua

Jacinto Ord Esq.

U.S. Atty for the

Southern Dist: of Cal.



70.

Vicente Cantua

290

Letter of stipulation of order  
to dismiss appeal

Filed Aug 28<sup>th</sup> 1837  
C. J. Jones  
Clk

70 SD  
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Rec'd Oct 21 1836



Office of the Surveyor General of the United States, }  
FOR CALIFORNIA. }

70 SD

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I, J. W. MANDEVILLE, United States Surveyor General, for the State  
of California, do hereby certify that the Rancho "Nacional"

confirmed to

Vicente Cantua

has been surveyed by this office, and that the survey and plat was approved by  
the U. S. Surveyor General, on the 19<sup>th</sup> day of June,  
1861; that I have caused to be published, once a week, for four weeks suc-

cessively, in two newspapers, to wit: the "Pacific Sentinel"  
published in the County of Santa Cruz, State of California,  
being the newspaper published nearest to where the said Rancho is located, the  
first publication being on the 21<sup>st</sup> day of September, 1861,

and the last, on the 12<sup>th</sup> day of October, 1861; also, in the

"Los Angeles Star",  
a newspaper published in the City and County of Los  
Angeles, State aforesaid

the first publication being on the 29<sup>th</sup> day of September, 1861,

and the last on the 21<sup>st</sup> day of October, 1861, a notice

that the said land had been surveyed, and a plat made thereof, and the survey  
and plat approved by me. And I do further certify, that the said survey

and plat were retained in my office during all of said four weeks, and until the  
expiration thereof, subject to inspection; and I further certify, that no order

for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name  
officially, and caused my Seal of office to be affixed, at the City  
of San Francisco, this 22<sup>d</sup> day of

January, 1861

J. W. Mandeville

U. S. Surveyor General for California.

I certify the above and foregoing to be a full true and  
correct copy of the original as the same appears of  
record in this office.

Witness my hand and the seal of  
this office, the 14<sup>th</sup> day of September, 1861.

L. W. Lippin



No 90

Filed Sept 20/66  
J. W. H. Clark



## The United States vs. Vicente Cantera.

70 SD

PAGE 57

The transcript contains.

I. Petition to Commissioners, ~~dated~~ filed July 19. 1852. p 3.

II. Deposition of W. E. P. Hartwell p 4.

proves the signatures to original grant and judicial possession; also that he knows the land; that the grantee built a house on it in 1839 on 40, had cattle and horses on it, and cultivated portions of it; and has continued to occupy it ever since.

III. Expediente from office of Surveyor General pp 5 to 8.

IV. Translation of Expediente pp 9 &amp; 10.

This expediente contains the petition, with the report of the Prefect, a map of the land and the decree of conception.

V. Original grant p 11 &amp; 12.

VI. Judicial possession p 13 to 17.

VII. Translation of title pp 18 &amp; 19.

VIII. Translation of judicial possession pp 20 to 23.

IX. Opinion of Commissioners p 24.

X. Decree of confirmation p 25.

## Proceedings in U. S. Dist court.

- |                 |                     |                      |
|-----------------|---------------------|----------------------|
| 1 <sup>st</sup> | Transcript filed    | Sept 16. 1854        |
| 2               | Motion of appeal    | filed July 10. 1855. |
| 3.              | Petition for review | " Aug 13. 1855.      |
| 4.              | Answer of appellee  | " Sept 24. 1855.     |



No 70.

The N.S. Appellants  
vs.  
Vicente Contreras, appellee

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Index of case.



The United States Appellants }  
vs. }  
Vicente Cantua Appellee. }

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The documentary evidence in the record of this contains, the petition of claimant to the Prefect, his report thereon, the decree of concession, the Original Grant & the record of judicial possession together with the map of the land; all of these documents and the signatures to them are presumed to be genuine.

The evidence in the case shows a substantial compliance with the conditions of the grant, An objection is made that the land granted was reserved from ~~grant~~ the public domain and therefore could not be granted, I have been unable to find any authority by which these National Ranchos as they were called were specially reserved; it seems to have been the custom during the Spanish government and continued during the the government of Mexico, for the Comandante officer to set apart temporarily some reserved part of the public domain for the maintenance and subsistence of the troops at the government and the troops, there were generally near the presidios and were frequently changed, but there never was any special reservation of them of course while used for the purpose for which they were temporarily set apart they never were granted, but in this case there is no pretence that the claimed was in such use at the time it was granted.

The report of the Prefect of the District shows that such was not the case and that it was vacant and unoccupied, we think these Ranchos Nacional were apart of the public



domain and subject to grant like any other  
sent apart —

The land is sufficiently well des-  
cribed in the grant & map and the act of  
Judicial possession to enable a surveyor to locate  
it, the claim will therefore be confirmed to the  
extent of two square leagues and a decree will  
be entered affirming the decree of the com-  
missioners —

70 SD

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