

CASE No.

79

SOUTHERN DISTRICT

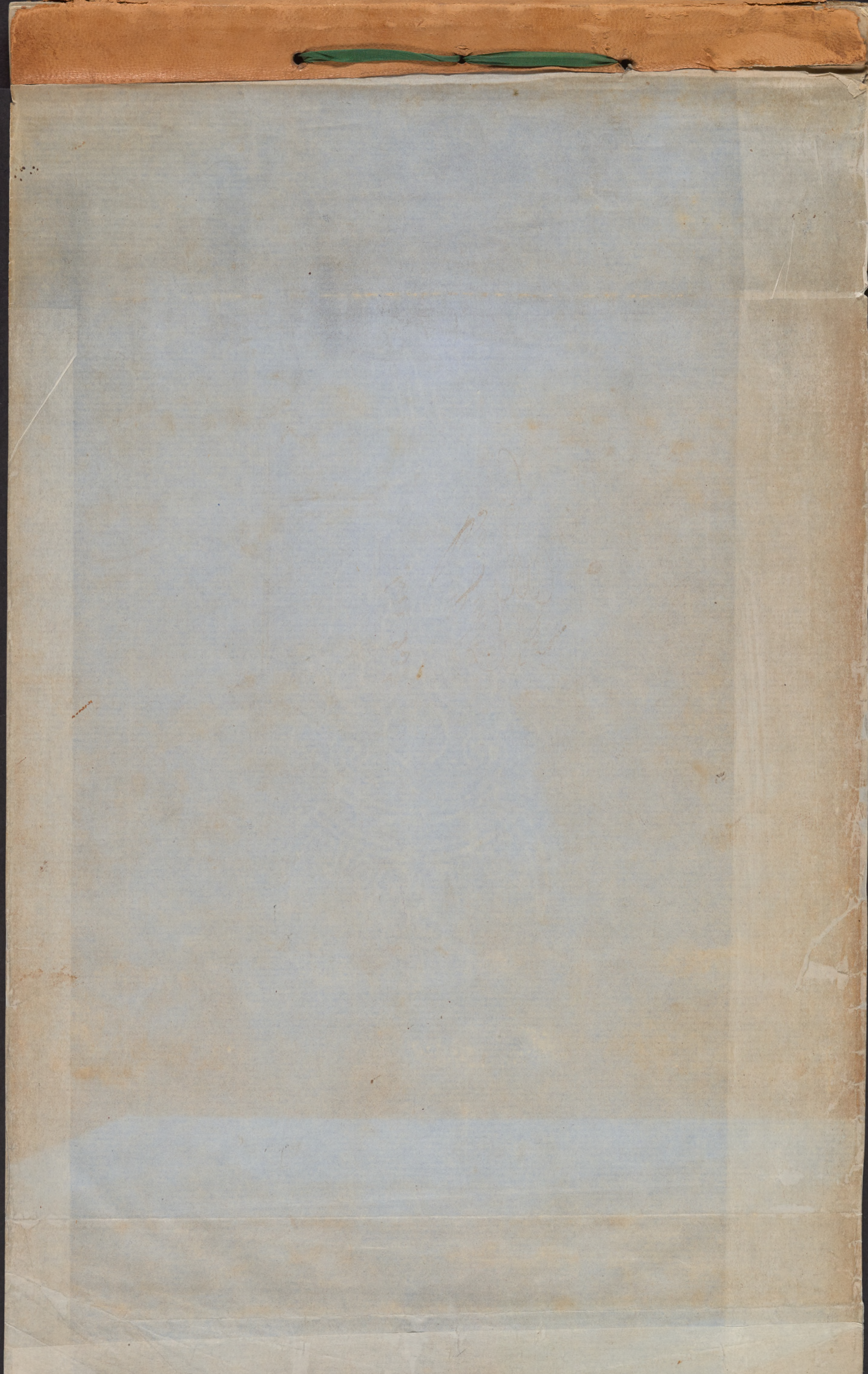
AUSAYMAS GRANT

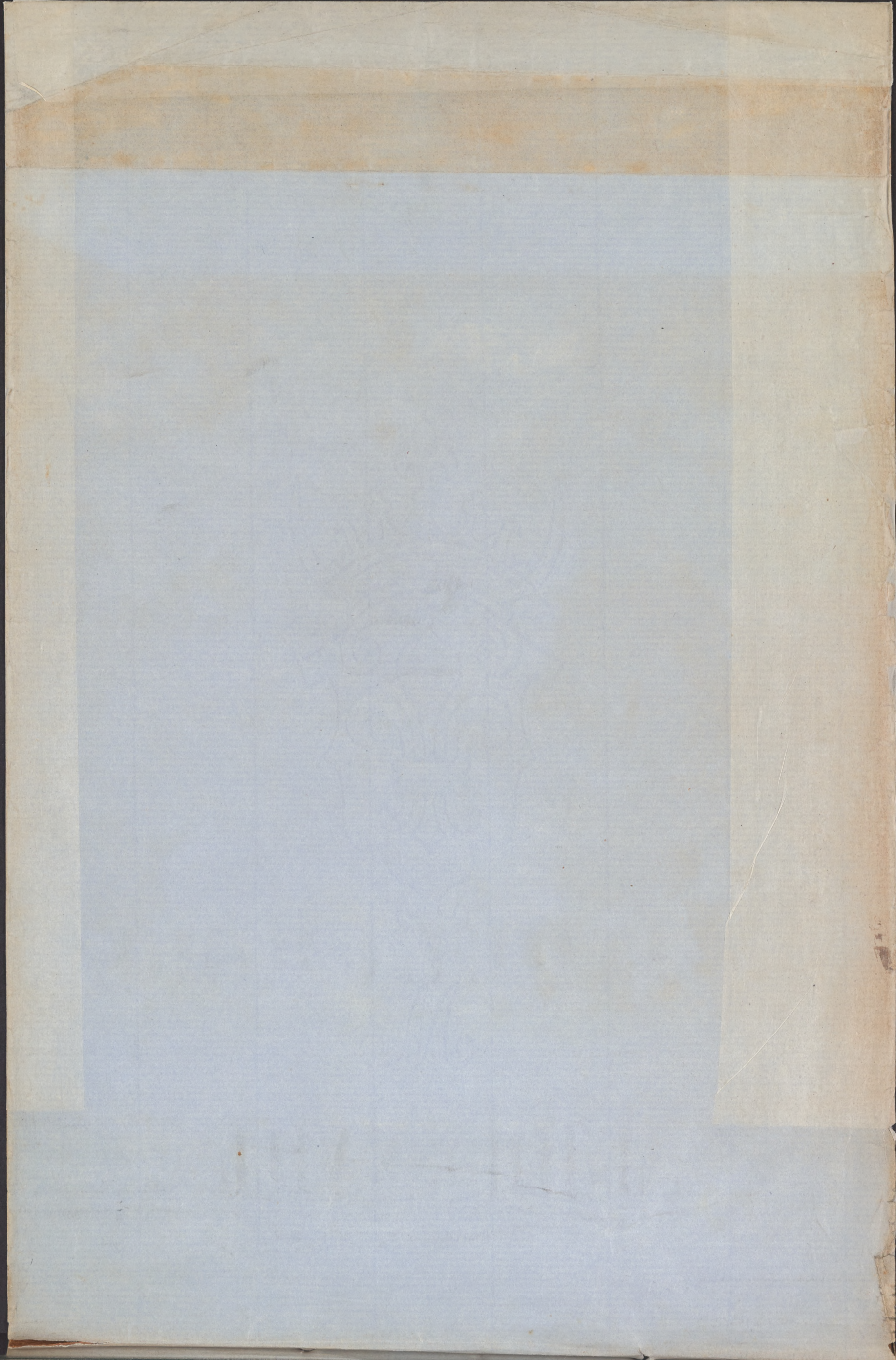
FRANCISCO PEREZ PACHECO

CLAIMANT

FEB 19 1963

Plowman
PLOWMAN BOND
25% COTTON FIBER
U.S.A.





TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 63

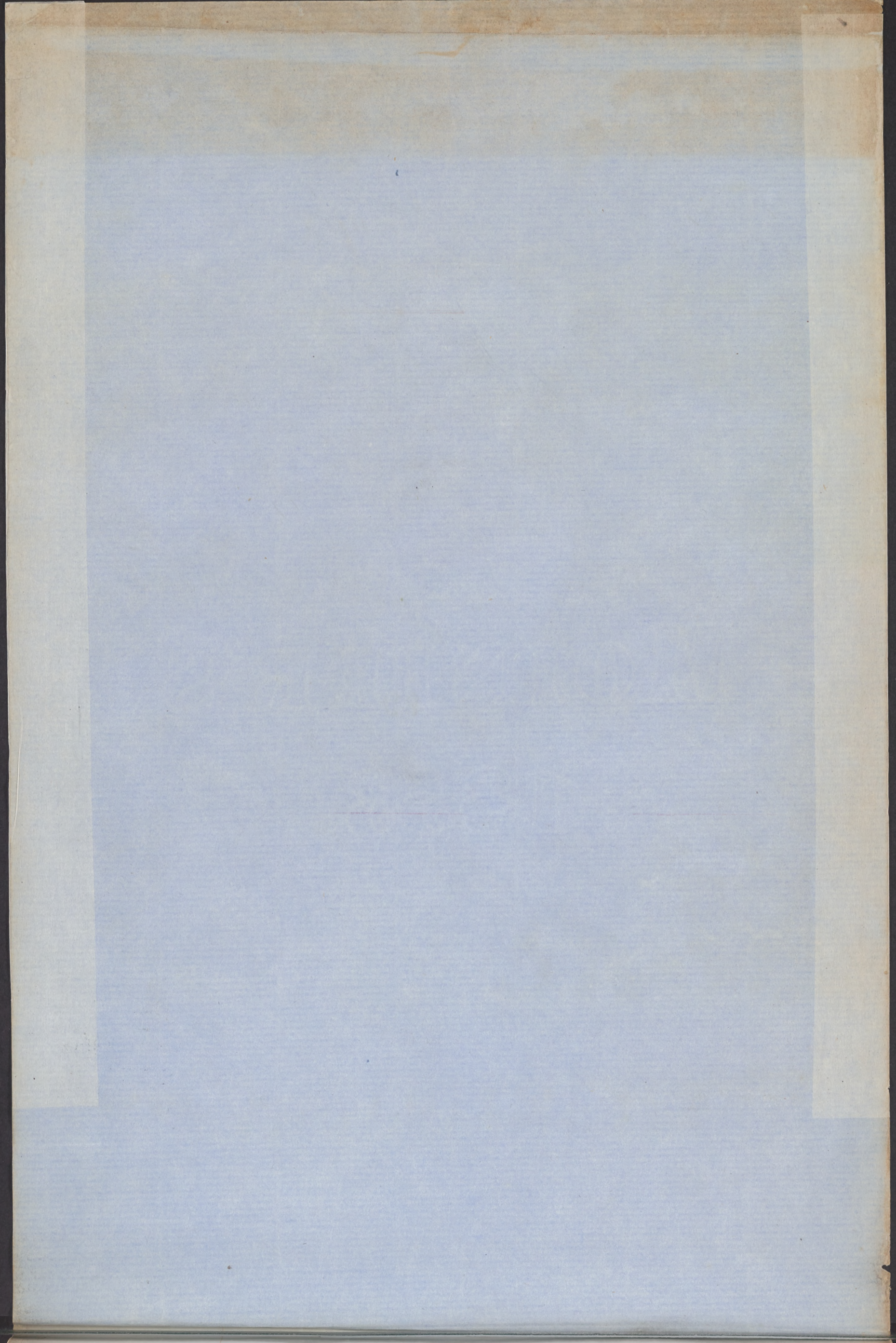
Francisco Perez Pacheco CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Ausaymas."



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this twenty fourth day of February, 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;

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The Petition of Francisco Perez Pacheco _____
_____ for the Place named
"Musaymas" _____
was presented, and ordered to be filed and docketed with No. 63, and is as follows, to wit;

(Vide pages 5, 6, 7 & 8 of this Transcript.)

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

Monday May 3rd 1852.

In Case No 63, Francisco Perez Pacheco, the Deposition of Maximino de Saboas, a witness in behalf of the Claimant taken before Commissioner Hiland Hull, was filed, and is in the words and figures as follows, to wit: (Vide pages of this Transcript. 9 and 10.

Monday May 3rd 1852.

In the same Case the Depositions of José Maria Sanchez, a witness in behalf of the Claimant taken before Commissioner Hiland Hull was filed, and is in the words and figures as follows, to wit: (Vide pages of this Transcript. 10, 11, and 12.

Wednesday May 12th 1852.

In Case No 63, Francisco Perez Pacheco, the Deposition of David Spence, a witness in behalf of the Claimant taken before Commissioner James Wilson, was filed and is in the words and figures as follows, to wit: (Vide pages of this Transcript. 12, and 13.

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Tuesday, June 1st 1852.

Case No 63, Francisco Perez Pacheco, was set in its order for hearing.

Thursday, December 23rd 1852.

Case No 63, Francisco Perez Pacheco, for the place named "Ansaymas," were called, argued, and submitted with the evidence: taken under advisement by the Board.

Wednesday, January 5th 1853:

In Case No 63, Francisco Perez Pacheco, for the place named "Ansaymas," Commissioner Willard Hall delivered the opinion of this Board, and the Decree of Final Confirmation.

Ordered, that the opinion and decree of final confirmation of this Board, delivered this day, in this case, be recorded in the Journal.

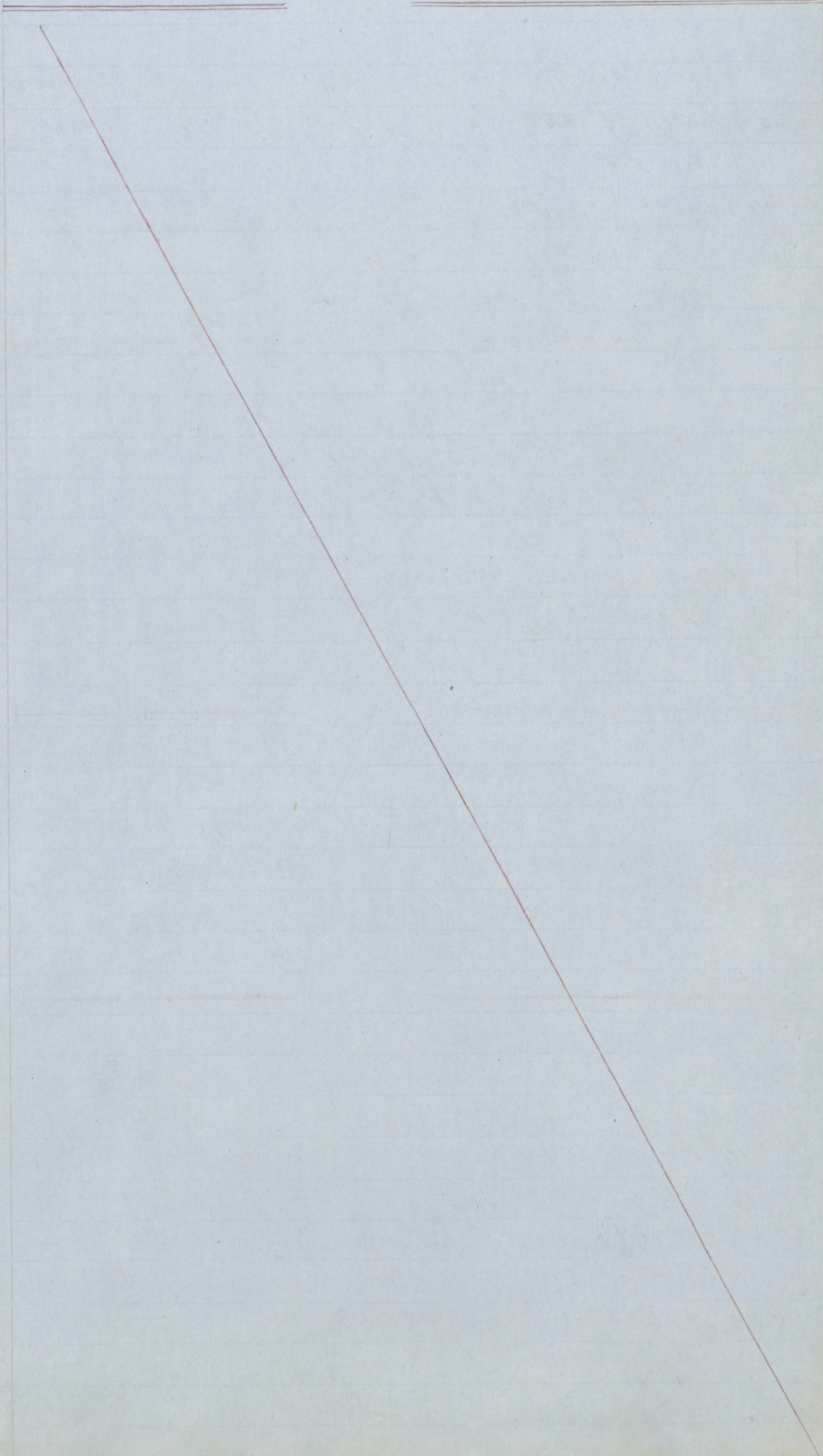
Which opinion and decree are in the words and figures as follows, to wit: (Vide

the words and figures as found, &c.

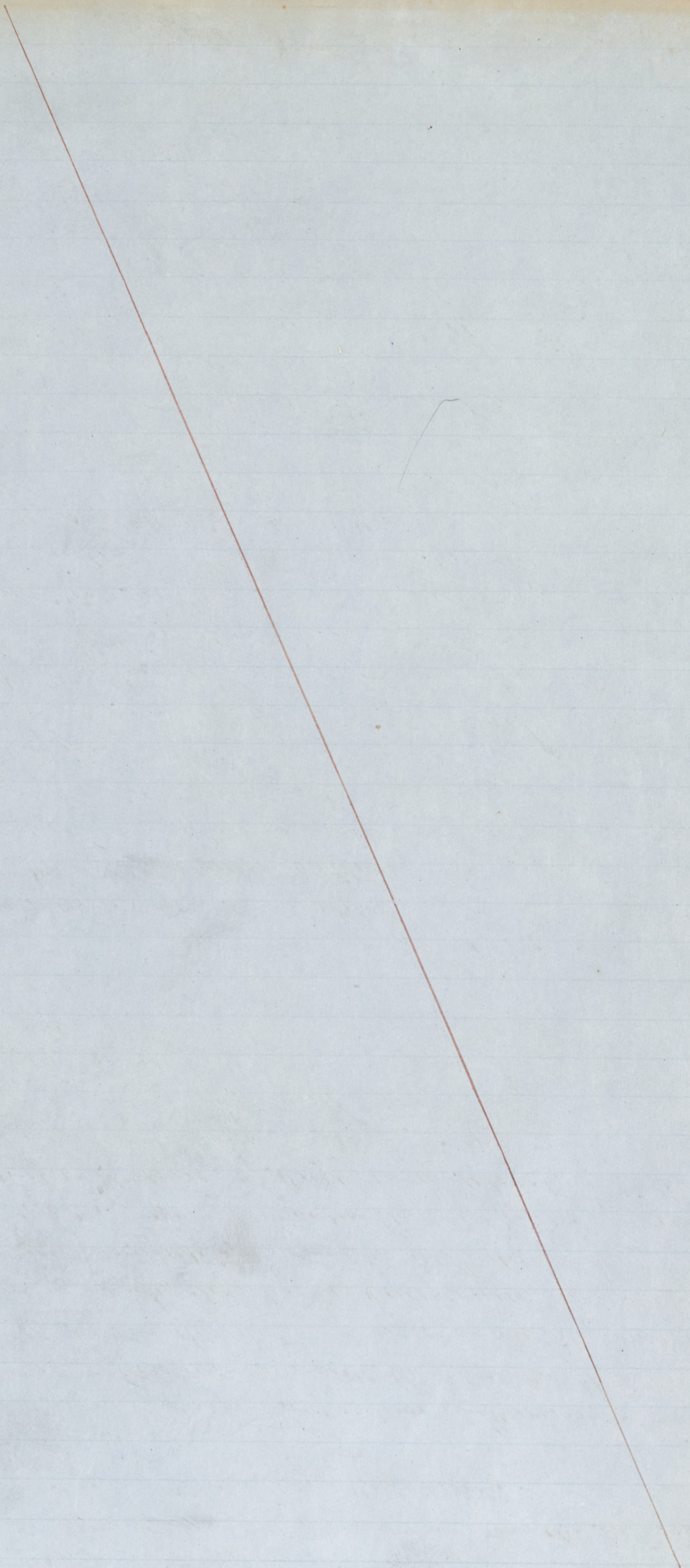
3.

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pages of this Transcript. 83, and 84.



4.



To the Honorable the Commissioners for the settling of private Land Claims in California.

Petition.

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The petition of Francisco Perez Pacheco respectfully sheweth, that being a Mexican by birth, and in the Military service of the Mexican Republic in the Territory of California, he made and presented a petition on the 30th day of May 1833. to José Figueroa, Brigadier General and Superior Chief or Governor of California, soliciting for himself the grant of two adjoining parcels of land, then occupied by him, situate near the Mission of San Juan Bautista in the present Counties of Monterey and Santa Clara, and designated as "Ansaymas", and "Casiada de Osos".

That on the first of June 1833, said Governor referred said petition to the Ayuntamiento of Monterey in order to obtain their report, whether said lands could be granted and whether the petitioner possessed the requisites, necessary to meet with a compliance of his request.

That on said 1st June 1833, the Ayuntamiento of Monterey transmitted said petition and reference to the Committee of Colonisation and waste lands, and that said Committee inquired of the fathers ministers of the Mission of San Juan Bautista, to the Territory of which those tracts formerly belonged, and was notified by Felipe Arroyo, one of said ministers, that the Mission had granted said lands to your petitioner, because said Mission did not want them; Thereupon said Committee on waste land and Colonisation, in their report to the Ayuntamiento aforesaid, declared said lands liable to be granted, provided the revered fathers of said Mission would not raise any further obstacles.

That said Ayuntamiento transferred said report of the Committee to Governor Figueroa on the 8th of June 1833.

That on the 11th of June 1833, said

Governor Figueroa referred the subject back to the Reverend fathers, ministers of said Mission of San Juan, in order to obtain an exact statement of all the facts directly from them. Whereupon José Antonio de Amor, one of the fathers aforesaid reported favorably to the petition of your petitioner Pacheco.

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That said Governor Figueroa thereupon, to wit on the 24th day of June 1833, referred said matter to the first Constitutional Alcalde of Monterey in order to obtain further reports about the character and position of your petitioner Pacheco, and whether said lands did not belong to the "Rancho Nacional," or to any corporation, village or individual.

Thereupon said Alcalde notified your petitioner, that he had to bring witnesses to be examined on all the particulars set forth in the Governor's reference to him, the said Alcalde.

That your petitioner appeared there on the day appointed, with three witnesses, citizens of the Republic of Mexico, who there, and there satisfactorily proved, that your petitioner was of unexceptionable character, in the military services of the Republic for many years, that he was possessed of a large stock of cattle &c, &c, and that the land petitioned for, belonged de jure to the Mission of San Juan Bautista, but was waste and unoccupied. The depositions of which three witnesses were transmitted to Governor Figueroa. Whereupon said José Figueroa by virtue of the authority vested in him as Constitutional Governor of California, by a decree, dated the 21st of November 1833, declared the said Francisco Perez Pacheco, to be the lawful owner of the tracts of lands, designated as "Las Usaymas," and "Carrizal de los Osos," now only known under the name "Usaymas," and directed the proper documents constituting title to be executed and delivered to said Pacheco.

That on the twenty sixth of November 1833, said documents were issued in accordance with all the formalities of the law and delivered to your

petitioner.

That said grant was introduced to the Departmental Assembly at Monterey and by her referred to the Committee on Colonization, to report thereon.

That said Committee having favorably reported thereon, on the 7th of March 1834; said Departmental Assembly on the sitting of the 17th of May 1834 approved and confirmed said grant.

And your petitioner further saith, that the said petition, references, letters, statements, depositions and a copy of the original grant together with a map of the land are now on file among the Archives of the Surveyor General of the United States of America for the State of California, and that duly certified copies and translations of the same are herewith exhibited and prayed to be made a part to this petition. And that the original grant, and record of Judicial possession are in the possession of your petitioner and ready to be offered in evidence whenever required.

And your petitioner further states, that said tract of land is situated in the present counties of Santa Clara and Monterey in the neighborhood of the Mission of San Juan Bautista and is bounded, according to the terms of said grant as follows:

On the South by the lands of the Mission of San Juan Bautista and the "Sanjón del Tequesquite," commencing about one thousand varas South of the entrance of the San Felipe creek, in the Laguna de San Felipe, thence running due east two leagues.

Thence at right angles to said last line, due North one league and three-quarters, crossing the river of San Felipe to a point about three hundred varas North of the point of crossing.

Thence West one thousand varas.

Thence South 20 degrees West, three thousand varas.

Thence West to a point due North of the point of the first station.

Thence due South to the place of beginning.

Containing in whole about two leagues, more or less.
 And your petitioner further states, that he applied to
 the Constitutional Alcalde at Monterey on the 26th of
 October 1833 for the purpose of obtaining juridical posses-
 -sion of the land so granted to him, and that said Al-
 -calde on the 22nd of October 1833 had said land meas-
 -ured and gave your petitioner the juridical possession of
 it in accordance with all the formalities of the law.

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And your petitioner further states, that afterwards to wit
 on the sixth day of April 1836, he obtained a grant for a
 tract of land adjoining the above described, and that sec-
 -ond grant, expressly confirmed and ratified said first
 named grant of the 26th Nov. 1833, as will more fully
 appear by reference to said second grant, which, together
 with the documents of juridical possession above men-
 -tioned, is in your petitioner's hand, and ready to be
 offered in evidence whenever required.

And your petitioner further states,
 that ever since said grant was made to him he has been
 in possession of said land, and has exercised full and
 acknowledged ownership over the same, and that
 he is not aware of any title paramount to his.

He therefore claims to be the owner of said tract, thus say-
 -ing, and prays, that your honorable body will con-
 -firm his claim and title thereto.

Clark, Taylor & Bech.
 Attorneys.

Filed in Office Feby 24th 1832.

Geo. Fisher.
 Secy.

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Office of the Board of Commis-
sioners of California Land Claims.

San Francisco, May 3rd 1852.

On this day before me Hiland Hall, one of the Commissioners for ascertaining and settling private Land Claims in the State of California came Macsimo Fabras, a witness produced in behalf of the claimant in three petitions of Francisco Perez Pacheco, being No 63, 64, & 65, on the Docket of the Commissioners, and was duly sworn.

Deposition of
Macsimo Fabras

This evidence being given in the Spanish Language, was interpreted by the Secretary. The Law Agent was notified and attended.

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

My name is Macsimo Fabras, my age is thirty three, and my residence is in Monterey, where I have lived for about three years. I have known Francisco Perez Pacheco for three years. I am acquainted with the Ranchos of Anaymas, San Felipe and Bolsa de San Felipe, and have known them during the same period. They are one and the same thing. They have been occupied by Pacheco during the same time with cattle, horses, and improvements, to the extent of from eight to ten leagues. The stock of cattle and horses has averaged from eight to ten thousand head. The improvements consists of a large Adobe house valued from fifteen to twenty thousand dollars; pens for cattle and horses large enough to contain two hundred head, and also sheep and hog pens, and ten or twelve cabins for Indian laborers, and land under cultivation sufficient to support the people employed on the rancho.

In answer to questions put by the Law Agent the witness says that from what he has heard others say he thinks the rancho is from eight to ten

320

leagues from the sea-coast, at the nearest part.

Mucsinno de Sabros.

Sworn and subscribed

Before me

Herland Hall.

Comm.

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Filed in Office May 3rd 1852.

Gen. Fisher.
Secy.

Office of the Board of Commissioners
- surveyors of California Land Claims.
San Francisco, May 3rd 1852.

On this day before me Herland Hall,

Deposition of one of the Commissioners for ascertaining and settling José Maria Sanchez private Land Claims in the State of California, came José Maria Sanchez, a witness produced in behalf of the claimant in three petitions of Francisco Perez Pacheco, being numbers 63, 64, and 65, on the Docket of the Commissioners, and was duly sworn. His evidence being given in the Spanish Language, was interpreted by the Secretary. The Law Agent was notified and attended.

On answer to questions propounded by the Counsel for the petitioner, the witness testified as follows.

My name is José Maria Sanchez, my age is fifty two years, and I reside in the town of San Juan Bautista, and County of Monterey. I was born in the city of Mexico and came to California in 1825, and have lived here ever since.

I have been acquainted with Francisco

11.

Perez Pacheco ever since 1825. He obtained a grant of San Felipe about the year 1833, and has occupied it ever since. The Rancho de Ousaymas adjoins San Felipe. Ousaymas has been occupied for the same period. When he obtained the grant he built a house on the land, and lived in it himself and I lived with him. He placed cattle on it the first year to the number of about two hundred and the next year he had twenty five hundred, or more. He also had horses there to the number of two hundred the first year. He has continued to occupy it, the cattle increasing in numbers but to what extent I cannot say. He has raised wheat, barley, corn and vegetables in considerable quantities, supplying servants & tenants to the number of forty or fifty. He had at the commencement of his possession some eight caballerias and some corrals, besides the main house, and enclosures for cultivation - and additional improvements have since been made.

I know the rancho Bolsa de San Felipe; it borders upon San Felipe and is a part of it, & it also borders upon my land; it is called Bolsa in consequence of its being nearly enclosed by a swamp, a willow grove and a ravine, which ravine is called Sanjon de Seguisquite. The Bolsa belonged to the San Juan Bautista Mission until it was granted to Pacheco. At that time the family of the Mayo donor of the Mission and some Indians belonging to the Mission were living there and Pacheco permitted them to continue there, he lending them the land. The house that was first built remains on the land yet. Ousaymas and San Felipe are both one and the improvements are on both.

In answer to questions by the Law Agent the witness says he does not know the distance of the land from the sea coast, and cannot tell.

(Signed) José M. Sanchez.

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Subscribed and sworn

Before me

(Signed) Roland Hull.

Commr.

Filed in Office May 3rd 1852.

Geo. Fisher.

Secy.

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No 63.

Claim of Francisco Perez Pacheco.

Deposition of David Spence.

Question 1st by Claimant.

Deposition of
D. Spence.

Look at the original paper now shown you written in Spanish purporting to be the record of Judicial possession given to claimant of the land claimed. State if you have compared it with Exhibit 1, purporting to be a translation of the same which said Exhibit marked 1 is herewith annexed and now filed in this cause. State if you have compared said Exhibit with said original paper and whether the same is a correct translation of said original document. State if you know any of the signatures to said original document, and which of the same you know to be genuine.

Answer. I have compared said original document with said Exhibit and find the latter to be substantially a correct translation of the former. I know the following signatures. The signature of Franc^o P. Pacheco on the 1st page is a genuine signature. So is the signature of José Rafael Gonzales on the 2^d page; so also is the signature of José Maria Castaneras, on said 2nd page; so also is the signature of Juan Migl. Arzuz on said 2nd page.

D. Spence.

May 12th 1852 Board of Land Commissioners
on this day the foregoing Deposition of David Spruce
taken at the request of Francisco Perez Pacheco case
No 3, for the confirmation of grant of Rancho Uu-
-supnas and to be used in the hearing of said case.

Geo W. Corley Esq was present and did not object.
Subscribed and sworn to

Before me

James Wilson.

Commissioner.

Filed in Office May 12th 1852.

Geo. Fisher.

Secy.

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To the Honorable Constitutional Alcalde.

Francisco Perez Pacheco

Mexican Citizen says; that having obtained the proprietary concession of the land known by the name of Los Usaymas, he applies to you, that you will please to give him the juridical possession as is provided in the 3rd article of the title deed of said land which was issued to me on the 26th of Novr 1833, and which I duly send translation forward, as also the respective confirmation and return of these documents for the purposes that may suit me. Therefore I pray you to be pleased to put me in possession as solicited; whereby I shall receive favor & justice.

Exhibit 1.

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Monterey October 20th 1835.

Francisco Perez Pacheco

Monterey October 20th 1835.

Considered as presented and admitted.

Let them proceed to give the possession solicited to which effect is designed the 22nd of February instant; let the bordering land owners be cited for said day, and let measurers and computers be previously appointed, who are to be acquainted with it for their acceptance and oath.

Thus did I, the Citizen José Rafael Gonzales decree and sign with my assistants.

José Rafael Gonzales.

assistants José Maria Castanares.

Juan Migl. Arzua.

On the same day the Citizen Francisco Perez Pacheco being present, he was notified of the foregoing decree, and he said, he had heard it and that he accepted summons, and he signed with me and my assistants.

Gonzales: ass. José Antonio Gajala.

Freco Perez Pacheco

On the same day was issued a writ of summons, in compliance with the order in the foregoing decree for the citation of the bordering land owners, and in attestation I subscribed my flourish.

(Flourish)

On the rancho of Sr. Felipe Guadalujarita on the 22nd day of the month of October 1833, in the same house I, the 2nd Constitutional Alcalde of the Capital of the Territory notified the bordering land-owners Quintan Ortega and the administrator of the Ex-mission of Sr. Juan Bautista of the foregoing decree and understanding it they signed with me and the assistants.

José Rafael Gonzales.
 ass. José Tiburcio Castro. Rafael Mota.
 Juan Miguel Arizar. Quintan Ortega.

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In continuance, on the same rancho, day, month, and year, I the said Alcalde, in compliance with decree of the 2^d of present-October 1833, the Citizens, the bordering land owners being present, for the measurement, designation of boundaries and judicial possession, appointed as measurers the Citizens Rafael Mota and Pascual Garcia, and as computer the Citizen Quintan Ortega, who after having accepted it and made oath, proceeded to the fulfilment of their charge. Thus did I, the nominated Alcalde, decree, order and sign with the assistants.

José Rafael Gonzales.
 ass. Juan Miguel Arizar. Rafael Mota
 Quintan Ortega

On the same day and on the same rancho the Citizens Rafael Mota, Pascual Garcia and Quintan Ortega, were notified of the appointment made, and they said, that they accepted and had accepted said charge, and swore by God and the holy cross to fulfil it faithfully and legally to the best of their knowledge and understanding, without fraud against any person, and the three did not sign, but only Quintan and Mota, because Garcia could not.

José Rafael Gonzales.
 ass. José Castro. Rafael Mota.
 Juan Miguel Arizar. Quintan Ortega.

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In continuation I, the said Alcalde ordered to be brought to my presence the line with which they have to measure the grounds, and which the measurers might measure to fifty varas, and in the presence of the bordering land owners, the said measurers took it, and with a usual Mexican varo measure, holding it in the hand, the said men measured fifty varas, in order to make the mentioned measurement, and in attestation I signed with the assistants.

José Rafael Gonzales. ass. Juan Miguel Arzur.
Rafael Mota. Quintan Ortega.

In the same place, on the same day, month and year, being 10 o'clock in the morning, the present Alcalde, ordered the appointed measurers to proceed to the measurement they have to make to the Citizen Francisco Perez Pacheco, and they began to measure from North to South, from the Encino Grande towards the bank of San Juan del Tequesquite, it had 80 lines, and having returned from South to North, from the mentioned Encino to the high hill-tops "Lomas altas" and Casada de los Osos, 70 lines, and having returned to measure from the "Lomas" of Sr. Joaquin, from East to West there and 140 lines, to the bank of San Juan, and from thence along all the Creek, which enter the Laguna, they having measured it from the inside to the Encino Grande of the carrier (rincón) of la Trinidad which comes to divide the Laguna in halves, had 70 lines, having returned by all the bank of the "Lomas altas" to look for the point, where in the sketch is marked an angle, from North by Northwest to the opening (Portezuelo) which goes to the Dulces or to the ascent of the coast, it had 40 lines, and from thence towards the East 60 lines, and from that point to the point of the Lomas de San Joaquin where a "chichita" which divides from the Lomas Grandes, there are 140 lines, in attestation of which I signed with the assistants.

José Rafael Gonzales.
ass. José F. Castro. Rafael Mota.
Juan Miguel Arzur. Quintan Ortega.

On the Rancho San Felipe Guadalupe on the 22^d day of the month of October 1835, I the Constitutional Alcalde of the 2^d nomination in municipality of Monterey after having executed the mensuras, rest of the mentioned rancho, as is designated in the foregoing mensuration, the bordering land owners the Citizens Quintan Ortega and José Fabricio Castro for the Ex-mission of San Juan Bautista, who were consenting to everything else in the premises, being present, I ordered peaceable possession of the land known by the name of Rancho de San Felipe Guadalupe to be entered into by the Citizen Francisco Perez Pacheco under the cited measurements and the formalities customary in similar cases, which he verified, pulling up grass, cutting off some branches of trees, throwing some stones, taking up earth and making demonstrations as owner of the land granted him by the Excellent Territorial Deputation and of which he is hereby given peaceable possession and ownership, the validity of which I authorize and sign it with the said bordering land-owners and attesting witnesses.

José Rafael Gonzales.

ass. José Castro. Rafael Mota.

Juan Miguel Arzav. Quintan Ortega.

Francisco Perez Pacheco.

Monterey Novbr 11th 1835.

Let entry be made of this in the book of possessions and transmit it in original to the interested party, that it may serve him as title. Thus did I the 2^d Alcalde determine, order, and sign with the assistants.

José Rafael Gonzales.

José Castro. ass. Juan Miguel Arzav.

Rafael Mota. Quintan Ortega.

On the 10th of Novbr 1835.

Entered on fol. 2^d reversed of the respective book and the expediente in 6 written folios was transmitted together with the sketch annexed to this expediente in compliance with the foregoing decree, and I subscribed

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my flourish.

(Flourish)

Continual act; let this expedite pass to the H. Assessor of the Territory that he may have the costs due and satisfactory to this court.

Gonzales.

No. 2^d Constitutional Article.

To the court of justice in your charge is due as costs incurred by the performance of the preceding actions 38 dollars 1/2 bit as appears in the following account.

Presentation of a writ with provision and decree.	\$1.
One Notification	3.
Three Notices	1. 4.
Appointment, acceptance and oath of skilful men.	1.
The act of recognizing the line	1.
Measurements and possession	3.
Two interrentory decrees	2.
The writing	1. 2 1/2.
36 leagues journey.	27.
	<u>\$38. - 1/2.</u>

Sumo
Monterey October 26th 1835.

Cosmo Posita.

Assessor's fees \$5.

Filed in Office May 12th 1852.

Geo. Fisher.

Secy.

14.

S. J. D. N

Jurisdiccion de
Monterrey

N.º 14.

Año de
1833.

Expediente
B.

Expediente

sobre el paraje nombrado los
Ansaymas.
solicitado para su ocupacion y
beneficio,

por

Don Francisco Periz Pacheco.

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D. S. D. N

Sello Tercero

[Place of a Seal in the original]

Dos Reales.

Para los años de mil ochocientos veinte y seis y ochocientos veinte y siete.

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[Place of the Stamp for the years 1828 & 1829 in the original]

[Place of the Stamp for the years 1830 & 1831 in the original]

[Place of a Stamp for the years 1832 & 1833 in the original]

Sr. Jefe Superior Político.

El Ciudadano Francisco Perez Pacheco originario de la Ciudad de Guadalajara Capital del Estado de Jalisco. Alferes graduado de Caballeria del Ejército y Comandante del Resguardo de este Puerto, de profesión Agricultor; ante V.S. por el curso mas oportuno digo: Que deseando por mi parte llevar los deseos del Gobierno

Monterrey Mayo 31 de 1833.

De conformidad con las leyes de la materia informe el Ayuntamiento de esta Capital si el interesado en esta instancia obtiene los requisitos prevenidos para ser atendido en su solicitud en el terreno q. pretende esta comprendida en las 20 leguas limítrofes o diez litorales q. expresa la Ley de 18 de

a que pertenezco, y se propuso al expedir el soberano Decreto de diez y ocho de Agosto del año de mil ochocientos veinte y cuatro. He resuelto ocupar con mis bienes y labores el terreno nombrado los Anaysnas y la finca de los Osos; y en su consecuencia elevo a V.S. esta instancia acompañando como lo hago, el diseño prevenido en el artículo 2. de las disposiciones que en concordancia de la citada ley expedida por el Supremo Gobierno

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Agosto de 1824, si ha pertenecido o pertenece a propiedad particular, Corporacion o Publico, si se convoca por el Padre Ministro de Valdivia, si la calidad del terreno es de regadio temporal o de abrevamiento con todo lo demas q. sea conveniente a ilustrar la materia

El Sr. Lopez Superior Politico de este Territorio en lo mandado decreto y firmo de q. doy fe.
Figueroa.
Agustin V. Zamorano
Dno.

3. S. D. K.

en veintecuatro de Noviembre de mil ochocientos veinte y ocho: e igualmente acompaño el mapa de la division de S. Juan Bautista que tuvo a bien cedermene interinamente hasta ver la resolucion de V. D. por colindar con dicha Division

El expresado terreno sera de dos sitios poco mas como lo manifiesta el plano en todo lo que inscribe la linea encarnada: todo con el objeto de que V. D. en uso de sus atribuciones y facultades, me conceda la propiedad del mencionado terreno, con lo q. me considerare bastante agraciado. Por tanto

A. V. D. suplico defiera a mi solicitud por ser de Justicia que fido juro no ser de malicia y lo necesario q.
Pto. de Monterrey 30 de Mayo de 1833.

Franco Perez Pacheco

En sesion de este dia se dio cuenta con este expediente al P. Ayun.

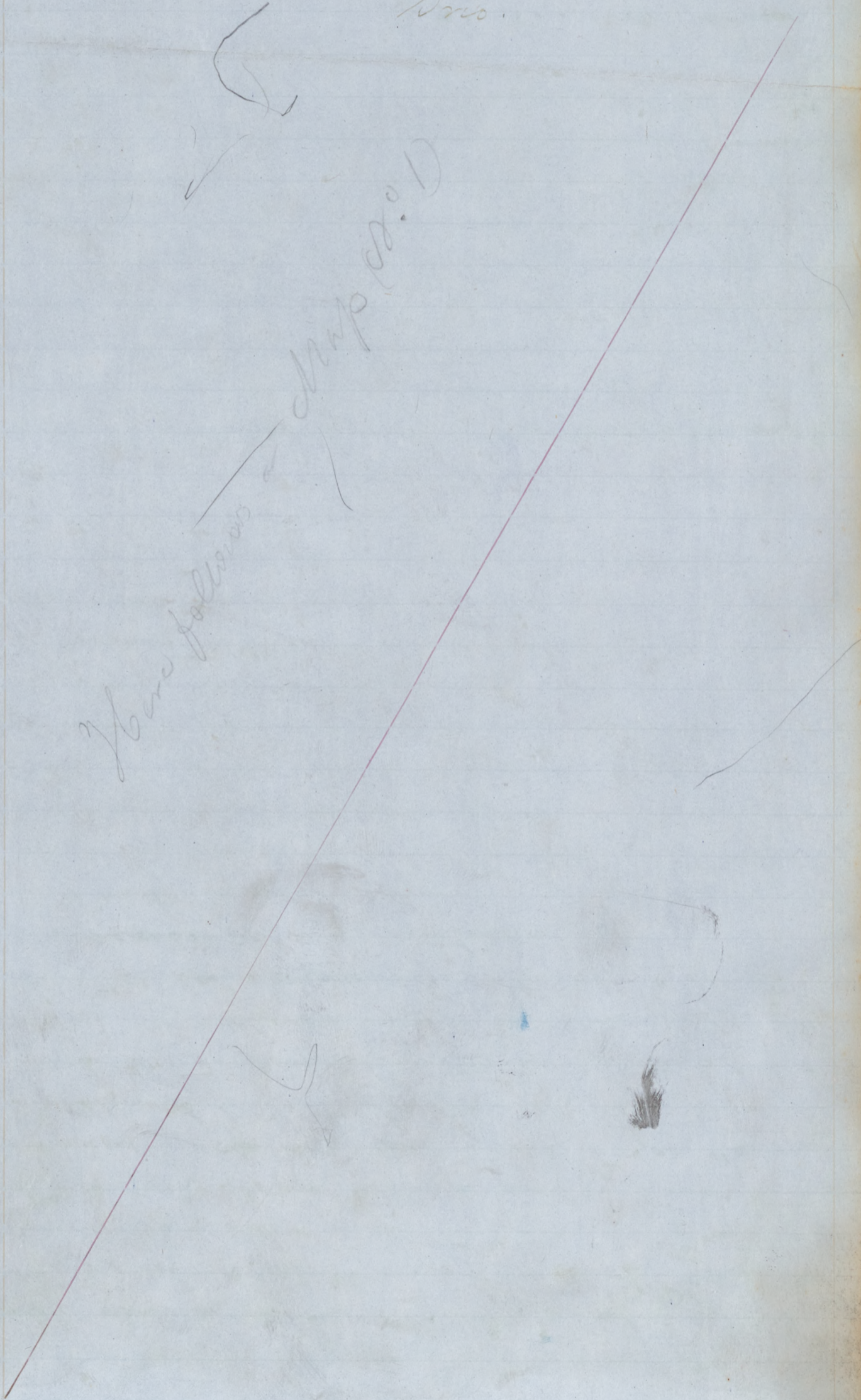
trasmiento de esta Capital, y se manda
pasar a la Comision de Colonizacion
y terrenos baldios. Monterrey Junio
1.º de 1833.

Jose Maria
Maldonado
Oris.

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Here follows a map (see p. 1)



5. L. D. K.

En quatro dias del mes de Octubre del año mil ochocientos treinta y dos habiendo solicitado a los P. P. Ministros de esta Misión de Sr. Juan Banta Don Francisco Perez Pacheco el sitio de la Cañada de los Osos y la Poza de los Ansaymas p.^a sembrar, y poner en ganado se le concedimos en los mismos terminos q.^e a Srte. German el sitio de Serristae hasta la resolucioⁿ del Gobierno p.^r no necesitarlo la Misión para q.^e couste lo firmo.

Sr. Felipe Arroyo

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6. L. D. K.

Sello Tercero: Dos Reales.

Habilitado provicion alrvento por la Administracion de la Aduana Maritima de Monterrey para los años de mil ochocientos treinta y tres, y mil ocho cientos treinta y cuatro.

Figueron

Jose Rafael Gonzalez

Y. Ayuntamiento

La Comision especial encargada de abrir dictamen sobre colonizacion y terrenos baldios, a visto con detenimiento la solicitud del Ciudad.^o Francisco Perez Pacheco, y decretó q.^e la acompaña - no obstante carecer de luces p.^a obrar con acierto en la materia reflexiona lo siguiente.

Que el solicitante es Ciudad.^o Mexicano, que el sitio q.^e pretende no esta comprendido en las veinte leguas limitropes ni en las diez litorales q.^e

expresa la Ley de 18 de Agosto de 1824. Que el terreno q. demuestra el diseño por el nombre los Arsaymas y cañada de los Osos se usa como pertenencia de la Misión de Sr. Juan Bautista pero segun lo manifiesta el R. P. Ministro que fue de aquella no es muy util a ella y lo dejó a la deliberacion del Supremo Gobierno como aparece en el documento expedido al interesado ^{sin embargo de estar extendido} en papel comun. Que el sitio indicado no es de regadío sino temporal y abrevadero. Por tanto: ofrece a la deliberacion de esta Y. Corporacion las siguientes proposiciones.

1^a Puedo concederle el paraje pretendido al Ciudad. Francisco Perez Pacheco previo el consentimiento de los R. P. O. P. de la Misión de Sr. Juan Bautista nombrado Los Arsaymas y cañada de los Osos.

2^a Que verificado esto quede en su antiguo estado el q. actual y provisionalmente posee.

3^a Q. se respozga el consentimiento de los Padres de la Misión de Sr. Juan Bautista con papel del sello tercero.

Monterrey Junio 8 de 1833.

Jose Arila. Jose Antonio Romero

Sr. Jefe Superior Politico.

El Y. Ayuntamiento de esta Capital con el objeto de dar a V. S. el informe q. se sirve pedir en su superior decreto del 31 del ppdo pasó la presente solicitud

à la Comisión permanente de Colonización y terrenos baldíos, quien presentó el dictamen y antecedente, y aprobado, así como las tres proposiciones en que concluye, y como su contenido es lo que en el particular debe informar esta Corporación, lo reproduce en todas sus partes devolviendo al C. S. este expediente en cumplimiento de lo acordado en sesión del día.

Monterrey Junio 8 de 1833.

Marcelino Escobar.

José María
Maldonado
Guro.

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PAGE 24

Mon.

S. J. D. K.

Secls. Terreno: Dos Reales.

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

Figueroa.

José Rafael González
Monterrey Junio 11 de 1833.

Informe al Reverendo Padre Ministro de la Misión de San Juan Bautista.
Figueroa.

En cumplimiento del Decreto y antecedente del Sr. Comandante General y Jefe Político del Territorio, marcado en este Expediente en 31 de Mayo de 1833, debo decir como Ministro de la Misión de S. Juan Bautista: Que el paraje que solicita el Alférez honorario de Ejército, Ciudadano Francisco Pacheco, nombrado Los Arroyos, no hay embargo

en q. se le conceda dho. sitio,
 con tal
 de q. el Arroyo del Rancho de S.
 Felipe, sea el Lindero q. divide el
 sitio solicitado, y los terrenos de esta
 Misión.

Misión de S. Juan Baut. Junio
 15. de 1833.

Fr. José Ant. de
 Anzar.

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 PAGE 25

g. L. D. K.

Monterrey Junio 24 de 1833.

Pase al Alcalde Constitucional
 de esta Capital ante quien la parte
 producira una informacion de testigos
 quienes sean interrogados sobre los
 puntos siguientes: Primero: si conoce
 al Alferoz D. Francisco Pacheco, si es
 Mexicano por nacimiento, si ha servido
 a la Nacion en la carrera militar,
 si tiene buena conducta, si es casado
 y tiene hijos. Segundo: si tiene vienes
 de campo conocidos y en que numero.
 Tercero: si el terreno que pretende es
 baldio o pertenece a algun rancho, Nacion-
 al, o persona particular, Misión o
 Pueblo: Si es de regadio, temporal o
 abrevadero, y que estension tiene.

Evacuada la diligencia vuelva el
 expediente. El Sr. Jefe Superior
 Politico asi lo mandó decretó y firmo
 de que doy fe.

Figueroa.

Agustín V. Zamorano
 Jefe.

Monterrey Junio 28 de 1833.

Notifiquese al interesado en esta

instancia presente. Los testigos q. se
han de examinar sobre los puntos
que comprende el Superior Decreto
de 24 del corte q. antecede. Así
yo el Alcalde lo decreté mandé
y firme con los de as^a
Marcelino Escobar.
Fr.

De as^a
Jou Maria
Maldonado.

De as^a
Jou. Azedo.

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PAGE 26
10. I. D. H.

En =

[Sello Tercero: Dos Reales
Habilitado provisionalmente por
la Administración de la Aduana
Marítima de Monterrey para los
años de mil ochocientos treinta y tres
y mil ochocientos treinta y cuatro.
Figueron. Jou Rafael González
la fecha, presente el Sr. Francisco
Pacheco se le notificó el auto que
antecede, y de el entendido dijo:
lo oye y que presenta para q. sean
examinados a los Cind^{os}. Graciano
Manjarrés, Santiago Estrada y
Juan B. Alvarado, y lo firmó con
misos y los de asistencia.

M. Escobar. Fran^{co} Pires Pacheco

De as^a
Jou Maria
Maldonado.

De as^a
Jou. Azedo.

En la fecha presente Graciano
Manjarrés testigo presentado por el
interesado en esta instancia le recivió
el juramento q. hizo en forma de oro.

por el cual se le preguntó decir verdad en lo que supiere y fuese preguntado y siendo preguntado por su nombre, estado, empleo patria y religion Dijo: llamarse como queda dicho, q. es casado, de oficio, Labrador natural del Pueblo de Nauponteta y averiguado en esta hace catorce años y L. A. R. Preguntado por el interrogatorio q. se relaciona en el antecedente Superior Decreto Dijo:

A lo 1.º que conoce perfectamente al Alferis Francisco Perez Pacheco: que es Mexicano por nacimiento: que ha servido en la carrera militar, de Cabo de Obreros en la Artilleria: que tiene buena conducta; q. es casado y tiene tres hijos varones y tres mugeres y Dijo.

A lo segundo: que tiene bienes conocidos en cantidad de mil pesos mas o menos, y tres manadas y Dijo:

A lo tercero que no sabe mas acerca de lo q. se le pregunta que ha oido decir q. el terreno q. pretende pertenecer a la Misión de S. Juan Bautista: que dicho terreno es de regadio de temporal y abrevadero, y q. la estension q. tendra a su conveni. dos leguas: que lo dicho es la verdad a cargo del juramento q. tiene hecho en el q. ratifico leida q. se fue esta su declaracion en apru. y me firmo por no saber, lo hice yo y los de as. a

M. Escobar

De as. a

José Maria

MalDONADO.

De as. a

Ygn. Azedo

En el mismo dia mes y año presente

el Ciudadano Santiago Estrada, testigo
presentado por la parte interesado le
recivió y o el Alcalde el juramento de
estilo por el cual ofreció decir verdad
en lo q. supiere y fuese preguntado,
y siéndolo por su nombre, estado, edad
empleo, patria y religion Dijo: llamare
como queda dicho, ser casado, de
veinte y seis años de edad, que es
Síndico del A=

121 S. D. K

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[Sello Terreno: Dos Reales
Habilitado provisionalmente por la
Administracion de la Aduana Ma-
ritima de Monterrey para los años
de mil ochocientos treinta y tres, y
mil ochocientos treinta y cuatro.

Figueroa. José Rufael Gomez
= quintanero de esta Capital, natural
de la misma y lo. A. R.

Preguntado por el mismo estilo q. lo
fue el anterior, Dijo:

A lo primero: que conoce al Sr.
Francisco Pacheco, que es Mexicano
por nacimiento; que ha servido a la
nacion en la Carrera Militar en
el cuerpo de Artilleria: que tiene buena
conducta: que es legitimamente casado
y tiene seis hijos de ambos sexos. y Dijo:

A lo segundo: que tiene bienes de
campo conocidos consistentes en numero
de mil reses poco mas o menos, y tres
manadas de lieguas: y Dijo,

A lo tercero: que el terreno q. pre-
tende es realdio, pero sabe pertenece
a la Comision de S. Juan Bautista;
que dicho terreno lo conoce mas de
temporal y abresadero q. de regadio
y q. ignora su extension por no saber
cuales son los linderos de donde

fide; que lo dicho es la verdad a cargo del juramento q. tiene hecho en el q. se afirmó y ratificó leída q. le fue esta su declaración, y la firmó conmigo y los de as^a

M. Escobar. Santiago Estrada

De as^a

José María

Maldonado.

De as^a

José Azedo.

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PAGE 21

13. G. D. K.

En la misma fecha presente el C. Juan B. Alvarado testigo presentado por el C. Pacheco, le recibí yo el Alcalde el juramento q. hizo en forma de derecho por el cual ofreció decir verdad en lo que supiere y fuere preguntado, y siendo por su nombre, estado, edad, oficio, patria y religión Dijo; llamarse como queda dicho, soltero de veinte y cinco años, Secretario de la Diputación, natural de esta Capital, y C. A. R.

Preguntado por el mismo interrogatorio que lo fueron los dos testigos antecedentes Dijo:

A lo primero; que conoce perfectamente al C. Francisco Pacheco: que es Mexicano por nacimiento: q. lo conoció en su tiempo de Obrero en el cuerpo de Artillería y q. por lo mismo considera q. ha servido en la Carrera Militar que la conducta q. le ha observado es buena: que es casado y tiene sus hijos, y Dijo:

A lo segundo: que siendo de campo le conoce el número de más de mil vacas y dos ó tres manadas, y responde

14 S. D. K.

Allo tercero: que ignora absolutamente si pertenece el terreno que pretende á algun rancho Nacional ó particular Misión ó Pueblo y q. lo conoce por valdies q. la estension q. tiene tambien lo ignora: Que lo dicho es la verdad á cargo del juramento que tiene hecho en el q. se afirmo y ratifico leida que =

[Sello Tercero: Dos Reales.

Habilitado provisionalmente por la Administracion de la Admona Maritima de Monterey para los años de mil ochocientos treinta y tres, y mil ochocientos treinta y cuatro

Figueroa

Josi Rafael Gongalis

= que le fue esta su declaracion y la firmo con unigo y los de asistencia.

M. Escobar.

Juan B. Alvarado.

De ass^aDe ass^a

Josi Maria

Ygn^o Azedo.

Maldonado.

Monterey 29 de Junio de 1833.

Estando concluida la informacion q. se pide en el Superior decreto q. antecede en esta y en las dos antecedentes f. de papel correspondiente, desuelvase el expediente al Sr. Jefe Superior Politico para la reposicion del papel en el consentimiento de los A. R. P. P. de S. Juan Bautista. Asiigo el Alcalde lo decretó mandó y firmo, con los de ass^a

Fr. Marcelino Escobar.

De ass^a Josi Maria Maldonado - De ass^a Ygn^o Azedo

15. S. D. K.

Monterey Nov. 21. de 1833.

Vista la Petition con q. oba principio este Expediente el informe de la autoridad municipal de esta Capital, Certificado y informe de los Padres Ministros de la Misión de San Juan Bautista: las exposiciones de testigos con todo lo demas q. estuvo presente y ver convinco; de conformidad con lo dispuesto por las leyes y reglamentos de la materia se declara á D^o Francisco Pacheco dueño en propiedad del Terreno conocido con el nombre de las Susaymas habitante al Sur con la Misión de S. Juan Bautista al Oeste con el Rancho de D^o Ysidro, y al Norte y al Este con la Sierra, sujeto á las condiciones q. se estipularon,

Libres el Despacho correspondiente, tomase razon con el libro respectivo y dirigase este expediente para la debida aprobacion a la Exma. Diputacion Territorial en cuyo caso el interesado, aquiin se le hura saber este decreto presentara nuevamente su Titulo para q. se revalide.

El Cor. Jefe Supr. Politico D. Jose Figueroa y Comandante Genl. Insp. de la Alta California asi lo mandó decreto y firmó de q. doy fe.

Jose Figueroa.

Agustin V. Lamorano
Srío.

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En

16. S. D. N.

[Sello Forero: Dos Reales

Rehabilitado provisionalmente por la administracion de la Aduana Maritima de Monterrey para los años de mil ochocientos treinta y tres, y mil ochocientos treinta y cuatro.

Figueroa.

Jose Rafael Gonzalez

= 26 de Noviembre del mismo año habiendo comparecido el interesado en la Gerencia de mi cargo se le hizo saber el Decreto de 21 del corriente del Sr. Jefe Superior Politico y autorizado de el; dijo q. lo oye y de quedar conforme lo firmó conmigo por la debida constancia.

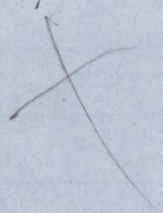
Agustin V. Lamorano.

Srío.

Francisco Perez Pacheco.

230.

17. G.D.K.



José Figueroa Genl. de Brigada de los Ejercitos Nacionales Mexicanos Comandte Genl. Inspector y Jefe Sup^r. Político del Territorio de la Alta California.

Por cuanto D. Francisco Perez Pacheco ha pretendido p^a su beneficio personal y el de su familia el terreno conocido con el nombre de los Ansaymas colindante con la Mision de S. Juan Bta Rancho, de Sr. Pedro y la Tierra practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto p^r leyes y Reglamentos, usando de las facultades q^e me son conferidas en decreto de 21 del corriente a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el p^r las presentes letras; entendiendose d^{ha} concesion con entera conformidad a lo dispuesto p^r las leyes a reserva de la aprobacion o desaprobacion de la Excm^a. Diputacion Territorial y del Supremo Gobierno y bajo las condiciones siguientes.

1^a Que se sumitara a las q^e ^{estableciere} el Reglamento q^e se ha de formar p^a la distribucion de terrenos baldios y q^e entretanto ni el agraciado ni sus herederos podran dividir, ni enagenar el q^e se le adjudica, imponer censo vinculo, fianza, hipoteca ni otro gravamen alguno sea p^r causa piasa ni pasarlo a manos muertas.

2^a Podra cercarlo sin perjudicar las travessias caminos y servidumbres. Se disfrutara libre y esclusivamente

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18. G.D.K.

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destinándole al uso ó cultivo q. mas le acomode; pero dentro de un año á lo mas fabricará casa y estará habitada.

3^a Quando se le confirme la propiedad solicitará del Juez respectivo q. le de posesion jurídica en virtud de este Despacho, p^r el cual se demarcaran los linderos en cuyos limites pondra á mas de las mencionadas algunos arboles frutales ó silvestres de alg^a utilidad.

4^a El Terreno de q. se hace donacion es de dos sitios de ganado mayor poco mas ó menos segun explica el diseño q. corre en el expediente: el Juez q. diere la posesion lo hará medir conforme á ordenanza p^a señalar los linderos, quedando el sobrante q. resulte á la Nacion p^a los usos convenientes.

5^a Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciable p^r otro.

En consecuencia mandó q. sirviendole de título el presente y teniendose p^r firme y valedero se tome razon en el libro á q. corresponde y se entregue al interesado p^a su resguardo y demás fines. Dado en Monterrey á 26 de Nove de 1833 = J. Fig^a = A. V. Lam^o. S^r

19. G. D. K.

Las Comisiones de Colonizacion y Terrenos Baldios aquiennos se pasó el expediente culla formacion. Provoce p^r pretencion q. el Ciudadano Francisco Perez Pacheco hizo del paraje nombrado Aisaymas lo han examinado con la circunspeccion que

correspondiente, Teniendo al mismo tiempo presente la Ley de 18 de Agosto de 1824, sus concordantes y las disposiciones Generales que en 24 de Noviembre de 1828 dicta el Supremo Gobierno de la Nacion por el mejor cumplimiento de la primera; Del examen del expediente se ha penetrado la Comision de la opinion q. ya tenia, de la inutilidad y fins con que el Sr. Jefe Politico lo mando instruir; de suerte q. ni en su formacion se estraba algun requisito esencial ni de lo practicado. Por lo dicho conclulle la Comision ofreciendo a la deliberacion de esta Excm^a Diputacion la siguiente proposicion.

1.^o Se aprueba la concesion hecha al Cms^o Fran^{co} Perez Pacheco del paraje nombrado Ausayanus concedido en 26 de Noviembre de 1833 de entero conformidad con lo provido en la Ley de 12 de Agosto de 1824 y el Articulo 5.^o del Reglamento de 21 de Noviembre de 1828.

Monterrey Mayo 10 de 1834.
 Jov^e J. Ortega Carlos Ant.
 Jose A. Estudillo Loavillos
 Jose Castro

Monterrey 17 de Mayo de 1834
 En sesion de este dia se aprovo por la Excm^a Diputacion la proposicion del dictamen antecedente mandando se devuelva el expediente al Sr. Jefe Sup^r Polit^o para los fines consiguientes.
 Jose Figueroa Juan B. Alvarado
 Secret^o

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20. G. D. K.

24H

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21. G.D.K.

Mon=

[Sello Tercero: Dos Reales
Habilitado provisionalmente por la
Administracion de la Aduana Maritima
de Monterrey por los años de mil
ocho cientos treinta y cuatro y mil
ocho cientos treinta y cinco.
Figueroa. Rafael Gonzales]

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= Monterrey Junio 11 de 1834.

En vista de la aprobacion
otorgada en 17 de Mayo ultimo por
la Excm^{ta} Diputacion Territorial
Libren Testimonio de ella y de este
decreto a la parte de D. Francisco Perez
Pacheco en confirmacion a la con-
cesion del Terreno de los Ansaymas
que obtuvo en 21 de Noviembre de
1833. El Sr. Don Jose Figueroa
General de Brigada, Comandante
General Inspector y Jefe Superior
Politico del Territorio de la Alta
California asi lo mando, decreto
y firmo de que doy fe.

Jose Figueroa

Agustin V. Zamorano
Scrio.

22. G.D.K.

Testimonio

Monterrey 17 de Mayo de 1834.
En Sesion de este dia se aprobo
por la Excm^{ta} Diputacion Territorial la
proposicion del dictamen antecite
mandando se desuelva el expediente
al Sr. Jefe Superior Politico por los
finis consiguientes = Jose Figueroa = Juan

Santa Alvarado = Seco

Se aprueba la concesion hecha al Ciudadano Francisco Perez Pacheco del Paraje nombrado Ansaymas concedido en 26 de Noviembre de 1833 de entera conformidad con lo prevenido en la Ley de 18 de Agosto de 1824 y el Art. 5.º del Reglamento de 21 de Noviembre de 1828.

Monterrey 17 de Mayo de 1834 =
En Sesion de este dia se aprobo por la Excm. Diputacion Territorial la proposicion del dictamen antecedente, mandando se devuelva el Expediente al Sr. Jefe Sup.º Politico por los fines consiguientes = Jose Figueroa = Juan B. Alvarado = Seco.

Monterrey 11 de Junio de 1834 =
En vista de la aprobacion otorgada en 17 de Mayo ult.º por la Excm. Diputacion Territorial: librese Testimonio de ella y de este decreto a la parte de D. Francisco Perez Pacheco en confirmacion a la concesion del terreno de los Ansaymas que obtuvo en 21 de Nov.º de 1833. El Sr. D. Jose Fig.º general de Brigada, Comandante y Jefe Superior Politico del Territorio de la Alta California asi lo mandó, decreto y firmo de que doy fe = Jose Figueroa = Agustin V. Zamorano = Gris.

Convenida a la letra con su original del cual hizo sacar el presente Testimonio por resgo del interesado, en Monterrey a once de Junio de mil ochocientos treinta y cuatro siendo testigos los Ciudadanos Ag.º V. Zamorano, Bornada Navarrete de esta Vecindad.

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23. S. D. K.

Sello Terceiro Dos Reales.

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

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Castro. Angel Ramirez
Revalidado para el bienio de 1836 y 1837.
Gutierrez A. Ramirez

Sr. Jefe Politico

El Cno Francisco Pacheco
Montemayor Fe-
brero 5 de 1836, Agri-
-guese al espe-
diente q. refiere
i con todo
dese cuenta
pa resolver
Gutierrez

ante la notoria justificacion de V. G. base presente, q. no teniendo suficiente estension el terreno q. posee, conocido con los nombres de Anaimos Sr. Felipe y Guadalupe, pa contener el ganado de su propiedad y allandose al Norte un terreno baldio cuya estension sera de dos leguas poco mas hacia el otro rumbo hasta el pie de la cuesta de la Sierra q. pasa para Sr Luis Garza, i del Oriente a Poniente la misma estension del terreno q. se le tiene concedido.

25. S. D. K.

El terreno q. solicitado es desigual, no pertenece a propiedad particular ni corporacion alguna pa allarse mas distante del q. posee i lindar por N. E. i O con terrenos de igual clase

por lo q. haciendose cargo del adjun-
to diseño, A. V. G. suplico se sirva
concederme esta ampliacion q. solicito
por los motivos expuestos al terreno q.
poseo mandando ad me estimen nuevos
titulos q. q. devidamente acompaño
el q. se halla en mi poder, favor é
justicia q. espera merecer de V. S.
Monterrey Febrero 1.º de 1836.
Francisco Perez Pacheco.

26. L. D. K.

Sello Terreno Dos Reales.

Habilitado provisionalmente por la
Administracion de la Aduana Mariti-
ma de Monterrey de la Alta Califor-
nia para los años de mil ochocientos
treinta y cuatro y mil ochocientos, tre-
inta y cinco.

Castro.

Angel Ramirez.

Revalidado para el bivio de 1836
y 1837.

Gutierrez

A. Ramirez

Febrero 6 de 1836.

En vista del Expediente que
antece de del terreno que D. Francisco Pacheco
tiene concedido é de la exposicion
que hace en solicitud de poseer mas
de dos leguas al Norte de su propie-
dad por los motivos que expone en
su precedente escrito, el estando ple-
namente convencido de que el terreno
solicitado no pertenece á propiedad
alguna é es valdido, he venido por
decreto de este dia en acceder á su
solicitud en atencion á sus servicios

è a mi laboriosidad, conadiendole las
dos leguas de ampliacion q. solicita
al Norte del terreno q. ya posee.

Estimandosele nuevo titulo comprendi-
endo la ampliacion, especificase
en el mismo i reserves el expediente
pa. la deliveracion de la E. Diputacion

El S. D. Nicolas Gutierrez Jefe Politico
interino de esta Alta California asi
lo mando decretado i firmado de lo q.
certifico.

Nicolas Gutierrez
Fco. del Castillo
Secretario
Srio.

Office of the Surveyor General of the
United States for California.

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

In testimony whereof I have herewith
signed my name officially, and affixed
my private Seal (not having a Seal of
Office) at the City of San Francisco
Cal. this 13th day of February 1852.

S. D. K.

Sam. D. King, Sur. Gen.
Cal.

Filed in Office Feby. 24th 1852.

Geo. Fisher, Secy

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Proceedings

in relation to the place called "Los Ansuarnas," solicited by D^{no} Francisco Perez Pacheco for his occupation of the same and his own benefit.

149.

Monterey May 31st 1833.

To His Honor the Superior Political Chief.

Translation of Expediente.

In conformity with the laws on the matter, let the "Ayuntamiento" of this capital report us to whether the party concerned in the memorial possesses the necessary requisites for his request, whether the tract of land, the grant of which he solicits to obtain is comprised within the 20 border leagues or the 10 literal leagues mentioned in the law of August the 18th 1824, whether it has belonged or does belong to any private corporation or town property, if it is unoccupied, whether the land is irrigable, temporal (i.e. depending on the seasons), whether it has any watering places rendering it fit for the keeping of cattle, together with whatever may be convenient to report by way of illustrating the matter.

To the Citizen Francisco Perez Pacheco of the City of Guadalajara, Capital of the State of Jalisco, retired 2^d Lieutenant of Cavalry in the Army and Commanding Officer in the Custom House of this port, whose calling is that of an Agriculturist, before your honor I make my application and say, that desiring on my part, to comply with the wishes of the government to which I belong which it had in view when it issued the sovereign decree of August the 18th of the year 1824, I have come to the determination of investing my property and labor in the tract of land called Los Ansuarnas & Carriada de los Oros, for which I address this memorial to V. H. accompanying as I do, the sketch required by article the 2^o of the provisions in conformity with the aforementioned law issued by the Superior Government on the twenty fourth day of November of 1828, and I likewise enclose the accompanying unanimous consent of the Father the Minister of the Mission of San Juan Bautista, which

His honor the Superior Political Chief, of this Territory thus ordered decreed and signed.

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PRICE

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which I suggest.

(Signed) Figueroa.

(Signed) Agustín Y. Llan-
-oraso.

Secretary.

he thought fit to concede to me
provisionally until V. Honor's de-
-cision should be known, because
the lands border on said Mission.

The aforesaid tract of land
may be somewhat more than two
square leagues (sitios) as it appears
from the sketch in all that is com-
-prised within the red line; all of
it with the object that Your Honor

in the exercise of your attributes and authority may grant
me the aforesaid tract of lands, in which I will con-
-sider myself highly favoured.

Therefore I beg V. Honor to accede
to my request which is a just one, making oath it is not
made in malice, and whatever else may be deemed necessary.

Port of Monterey May 30th 1833.

(Signed) Francisco Pérez Pacheco.

In their session of to day, these proceedings were reported
to the Ayuntamiento of this Capital, and it was ordered
to refer it to the Committee on "Colonisation" and public
lands.

Monterey June the 1st 1833.

(Signed) José María Maldonado. Secretary.

On the fourth day of the month of October of the year
1832, Don Francisco Pérez Pacheco having solicited of
the Fathers the Ministers of the Mission of San Juan
Bautista, "la Cañada de los Ocas," and "la Posada de
los Ausarinas," or Ausarinas, for the purpose of sow-
-ing and put some cattle thereon, we granted it to him
on the same terms as we did to Antonio Guerrero the
site of "enristen," until Government decide on the subject

because the Mission is not in want of it now, in evi-
-dence whereof I sign this.

(Signed) Fray Felipe Arvejo.

Illustrions Ayuntamiento!

The special committee to whose care is entrusted the
- affairs of colonization and public lands, has duly
- considered the memorial of the Citizen Francisco Perez
- Pacheco, and the decree accompanying it, and notwith-
- standing the committee is wanting the information
- to act advisedly in the matter, they offer the following
- reflections.

That the memorialist is a Mexican citizen,
- that the location, the grant of which he wishes to obtain, is
- not comprised within the twenty border leagues, nor with-
- in the ten littoral "leagues" mentioned in the law of
- August the 18th 1824. That the tract of land exhibited
- in the sketch by the name of "los Ansaymas y Cañada
- de los Ocos," was considered as appertaining to the
- Mission of San Juan Bautista, but as is shown by the
- late Rev. Father the Minister of that Mission, that it
- is not of much use to the Mission, leaving it to the
- deliberation of the Supreme Government, as it appears
- by the document issued to the party concerned al-
- though it is couched on common paper. That
- the aforementioned place is not irrigable, but simply
- temporal or depending on the seasons and containing
- some watering places. Therefore the Committee sub-
- mits to the deliberation of this illustrious corpora-
- tion the following propositions.

1st. The place solicited by Citizen Francisco Perez Pa-
- checo called "Ansaymas y Cañada de los Ocos," can
- be granted to him, with the previous consent of the
- Rev. the Fathers of the Mission of San Juan Bautista.

2^d. That having accomplished this, the lands of which
- he is at present in possessional possession, are to re-
- main in their former state.

3^d. That the consent of the Fathers of the Mission of
- San Juan Bautista, is to be replaced or stamped

paper bearing the stamp of 3rd seal.

Monterey June the 8th 1833.

(Signed) José Arista. (Signed) José Antonio Rosendo.

To his Honor the Superior Political Chief.

The illustrious Ayuntamiento of this Capital, with a view of furnishing V. Honor with the report that it pleased V. Honor to demand by means of Your Honor's Superior Decree of the 31st Feb, the present memorial was referred to the permanent committee on colonization and public lands, who delivered the preceding opinion, which being approved of, together with the three concluding propositions and as its purport and contents constituted the information that this corporation is to furnish on the subject, they send back to Your Honor these proceedings in fulfillment of their decision of to-day.

(Signed) Marcelino Escobar.

(Signed) José María Maldonado.
Secretary.

Monterey June the 11th 1833.

Let the Rev. Father the Minister of the Mission of San Juan Bautista report on the same.

(Signed) Figueroa.

In obedience to the preceding decree of the Comandante General and Political Chief of the Territory shown in these proceedings of the 31st day of May 1833, I must say as minister of the Mission of San Juan Bautista that there is no impediment in granting to the honorary 2^d Lieutenant of the Army, citizen Francisco Pacheco the place aforementioned of Los Musaymas, provided the creek of the Rancho de San Felipe be the dividing line between it and the land belonging to the Mission of San Juan Bautista, June the 15th 1833.

(Signed) Fray José Ant. de Amer.

Monterey June the 24th 1833.

Let it be referred to the Constitutional Alcalde of this Capital, before whom the party is to produce such information of witnesses, as may be asked on the following points.

1st. Whether they know 2^d Licister and Don Francisco Pacheco, whether he is a Mexican by birth, whether he has served the Nation in the Military career, whether he is a man of good character, whether he is a married man and has children.

2^d. Whether he has any known personal property and of what character.

3^d. Whether the tract of land the grant of which he requests is unoccupied, whether it belongs to any ranch of the nation, any private party, mission or town, whether it is irrigable, temporal, or whether it is naturally supplied with watering places and what is the extent of said land; after accomplishing which these proceedings shall be returned. Thus did the Political Superior Chief, command, decree and sign, which I attest.

Figueroa.

Augustine, N. Larramendi.

Secretary.

Fees \$2.00.

Monterey June 28th 1833.

Let it be notified to the party concerned in this memorial that he is to bring forward the witnesses that are to be examined on the particulars specified in the superior Decree of the 24th instant, & the Alcalde, did order, decree and sign it together with the assistant witnesses.

(Signed) Marcelino Escobar.

(Signed) José Maria Maldonado.

assistant witness.

(Signed) Ignacio Arida. assistant witness.

Under date of this day, the citizen Francisco Pacheco being present, the preceding judicial decree was notified to him, and after due understanding of it he said, that he has listened to it and is aware of its purport, and that he presents for examination the citizens Graciano Manjarres, Santiago Estrada and Juan B. Alvarado,

and he signed this together with me and my assistant witnesses.

(Signed) M. Escobar.

(Signed) Francisco Perez Pacheco.

assistant witness

(Signed) José M. Mulderado.

assistant witness

(Signed) Ignacio Ardo.

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Under date of this day, Guaciarra Manjarres was pre-
-sented by the party concerned in this memorial and
was sworn by me according to the usual legal forms,
whereby he offered to say, and speak the truth to the amount
of his knowledge in answer to any questions put to him,
and being interrogated concerning his name, state,
or condition, whether single, married or widower, em-
-ployment, country and religion, he said that his
name is the same already mentioned, that he is a
married man, by trade a farmer, a native of the Pueblo
de Acapulco; and residing in it these fourteen years,
and he is an Apostolic Roman Catholic.

The deponent being interrogated in the order and to
the purport designed in the interrogatory specified in
the preceding Superior Decree, he said in answer
To the 1st. That he is perfectly well acquainted with the
2^d. Licut. Francisco Perez Pacheco, that the latter is a
Mexican by birth, that he has served in the Military
Carcers, as an overseer of the workmen in the Artillery,
that he is a man of good conduct, that he is married,
and has three male and three female children.

To the 2^d. particular he said in answer, that he is the
owner, as is known, of one thousand head of cattle, more
or less, and three flocks.

To the 3rd. particular he said in answer, that he does not
possess any more information on the subjects in que-
-stion, that he has heard it said that the land petitioned
for belongs to the Mission of San Juan Bautista, that
the said land is partly irrigable, partly dependent on
the seasons for culture and partly also for grazing land,

and that to the best of his knowledge it is about two leagues, that which he has said is the truth, bound as he is to speak it in virtue of his oath, which he confirmed and ratified after the Deposition was read to him, and he did not sign because he knew not how, but I and my assistant-witnesses did sign.

(Signed) M. Escobar.

assistant-witness.

(Signed) José Maria Maldonado.

assistant-witness.

(Signed) Ignacio Arco.

On the same day, month and year, the citizen Santiago Estrada, a witness presented by the party concerned, by me sworn, made oath to speak the truth to the best of his knowledge, in answer to any questions to be put to him, and being interrogated as to his name, condition, whether married or otherwise, age, employment, country and religion, he said that his name is the same mentioned above, that he is a married man, twenty six years of age, that he is the attorney of the Ayuntamiento of this Capital, a native of the same, and a Roman Catholic. Being interrogated after the same manner as the former deponent, he said; as to the 1st question, that he knows the citizen Francisco Pacheco, that the latter is a Mexican by birth, that he has served the Nation in the Military career in the artillery corps, that he is a man of good conduct, that he is lawfully married, and that he has six children of both sexes.

As to the second particular he said that the party owns stock to the amount of one thousand head, more or less, and three herds of mares, and as to the 3^d particular he said, that the land the grant of which he solicits is unoccupied but he knows that it belongs to the Mission of San Juan Bautista, that he knows it as temporal, or depending on the seasons and containing water-places rather than as irrigable land, that he does not know the extent of said land, because he does not know the boundaries asked for, that

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all that he has said is the truth, bound as he is to speak it under oath, which he confirmed and ratified after hearing this Deposition read; which he signed together with me and my assistant witnesses.

(Signed) M. Escobar. (Signed) Santiago Estrada.
assistant witness.

(Signed) José Maria Maldonado.
assistant witness.

(Signed) Ignacio Ardo.

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Under the same date the citizen Juan B. Alvarado being present, who is a witness presented by the citizen Pacheco, & the Alcalde took his Deposition according to legal forms, whereby he offered to speak the truth to the best of his knowledge, in answer to any questions put to him, and being interrogated as to his name, condition, age, trade, country and religion, he said, that his name is the same already mentioned, that he is a single man, and of the age of twenty five years, Secretary to the Deputation and a native of this capital, and a Roman Catholic.

Being interrogated by the same questions made to preceding witness, he said to the first that he is very well acquainted with the citizen Francisco Pacheco, that he is a Mexican by birth, that he knew him as workman or common hand in the artillery corps, and for that reason he considers him as having served in the military career, that conduct he has observed in him is good, that he is a married man, and has six children.

To the 2^d he said, that he knows him to be the owner of stock to the amount of above a thousand head of cattle, and two or three manadas - herds or droves.

In answer to the particulars under the 3^d head, he said, that he is altogether ignorant whether the tract of land he requests, belongs to any rancho of the nation, any private party, Mission or town, and that he knows it to be waste land, that he is ignorant of its extent, that

u. c. he has deposed is the truth, bound as he is to speak it by the oath he has made, which he confirmed and ratified after having heard his Deposition read, which he signed together with me and my assistant witnesses.

(Signed) M. Escobar.

(Signed) Juan B. Novarado.

assistant witness

(Signed) José Maria Maldonado.

assistant witness.

(Signed) Ignacio Aredo.

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Monterey June 29th 1833.

The information required by the preceding superior decree being ended and comprised in the two preceding leaves of suitable paper, let the Expediente be sent back to the Senior Jefe Superior Politico replacing beforehand the paper bearing the consent of Rev. Fathers of San Juan Bautista.

I the Alcalde, did order, decree, and sign it thus together with the assistant witnesses.

(Signed) Marcelino Escobar.

assistant witness.

(Signed) José Maria Maldonado.

assistant witness. (Signed) Ignacio Aredo.

Monterey November 21st 1833.

After due inspection of the memorial heading this Expediente, the report of the municipal authorities of this Capital, of the certificate and report of the Fathers the Ministers of the Mission of San Juan Bautista, of the depositions of witnesses, and of all that was thought to bear in the case, in conformity with the laws and regulations on the matter, Don Francisco Perez Pacheco is hereby declared owner in fee of that tract of land known by the name of "Las Anayas", bounded on the South by the Mission of San Juan Bautista, on the West by the Rancho de San Ysidro, and the North and East by the Sierra or ridge

of a new name, subject to what conditions may be stipulated.

Let the corresponding patent be issued, let it be entered in the respective book of registry, and let these proceedings be transmitted for approval to the Most Excellent the Deputation of the Territory, in which case, the party concerned, to whom this decree will be made known, shall exhibit again his title deed in order that it may be ratified and confirmed.

The Senior Jefe Superior Político Don José Figueroa Comandante General, Inspector of Alta California, did order, decree and sign, which I attest in witness thereof.

(Signed) José Figueroa.

(Signed) Agustín V. Zamorano.
Secretary.

November 26th of the same year, the party concerned having appeared in the Secretary's Office under my charge, he was made acquainted with the tenor of the decree of the 21st instant issued by the Sr Jefe Superior Político, which being understood by him, he said, he heard it, and having agreed to it and signed it together with myself in evidence thereof.

(Signed) Agustín V. Zamorano.

Secretary.

(Signed) Francisco Peres Pacheco.

José Figueroa, Brigadier General Nacionales Mexican Army, Comandante General Inspector and Superior Political Chief of the Territory of la Alta California.

Whereas Don Francisco Peres Pacheco has solicited for his personal benefit and that of his family, for the tract of land known by the name of "Las Aysaymas," bounded by the Mission of San Juan & Bartista, the Rancho de San Indro y la Sierra, or

the ridge of mountains, all the requirements and investigations being previously considered with, agreeably to the laws and regulations on the subject, by virtue of the authority in me vested by the decree of the 21st. instant. I have thought proper to grant him the aforementioned tract of land, declaring it to be his property by this patent; said grant to be understood to be in entire conformity with the laws, subject to the approval or disapproval of the Most Excellent Territorial Deputation and that of the Supreme Government, under the following conditions.

1st. That he is to submit to whatever conditions may be established by the regulations or to be formed for the distribution of public lands, and that in the meanwhile neither the grantee nor his heirs shall have power to divide or alienate the tract of land hereby adjudged, nor shall he subject it to rent, entail, bond, mortgage nor to any other incumbrance whatsoever, not even though it be for charitable purposes, nor shall he convey it into mortmain.

2^d. He may fence, without obstructing crossing, roads, and servitudes; he shall enjoy it freely and exclusively appropriating it to the use or culture that may best suit his purpose, but within a year at most he shall build a house, which is to be inhabited.

3^d. When the property may be confirmed to him, he is to request of the respective judge to give him judicial possession of it by virtue of this patent, by whom the boundaries shall be fixed at the limits of which he is to set, besides the land marks some fruit trees or else wild ones of some usefulness.

4th. The tract of land granted is of two square leagues (sitios de ganado mayor), a little more or less, as it appears from the sketch accompanying the proceedings; the judge who may give possession of it, will cause it to be measured in conformity with ordinance in order to mark the boundaries, leaving the surplus that may result to the nation for common purposes.

5th. Should he fail to fulfil any of these conditions he shall lose his right to the lands, which may be

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disavowed by any other party.

Therefore I order that the present document answering the ends of a title-deed, and being held as firm and valid, the same be entered in the corresponding book & be delivered to the party interested for his own security and other purposes.

Given in Monterey Novr 26th 1833.

(Signed) J. Figueroa.

(Signed) A. V. Llamas.

Secretary.

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The Committee on Colonization and public lands, to whose inspection were referred the Proceedings at the instance of the citizen Francisco Perez Pacheco soliciting to obtain the grant of the place called "Ahuaymas" have examined it with all due circumspection, bearing at the same time in mind the law of August the 18th 1824, the other laws analogous to it, and the general instruction of the 24th of November of 1828, dictated for the better understanding and fulfilment of the former. From the examination of the proceedings, the committee have been fully convinced of the opinion they previously entertained, with regard to the strictures and judgment with which the Political Chief ordered them to be instructed, for indeed neither in its formation nor in what was previously done were overlooked any of the essential requisites. For the reasons alleged, the committee comes to a conclusion by offering to the deliberation of this Most Excellent Deputation the following proposition.

1st The grant made to the citizen Francisco Perez Pacheco of the place called "Ahuaymas", conceded on the 26th day of November 1833, in entire conformity with the provisions of the law of August the 12th 1824, and the 5th Article of the regulation of November the 21st 1828 is approved of.

Monterey March 7th 1834.

(Signed) José J. Ortega. (Signed) José Estudillo.

(Signed) Carlos Ant. Carrillo. (Signed) José Castro.

Monterey May the 17th 1834.

In this day's session did the Most Excellent Deputation approve of the proposition of the preceding opinion, ordering that the proceedings be returned to the Sr. Jefe Superior Politico for such purposes as may be deemed convenient.

(Signed) José Figueroa.

(Signed) Juan B. Arunado. Secretary.

Monterey June 11th 1834.

In view of the approval of the 17th of May ult., by the Most Excellent the Deputation of the Territory, let due testimony of it and of this decree be issued to the party concerned Don Francisco Perez Pacheco in confirmation of the grant of the tract of land of "los Ausaymas," which he obtained on the 21th day of November 1833. Señor Don José Figueroa, General de Brigada Comandante General Inspector y Superior Political Chief of the Territory of Upper California thus ordered, decreed and signed it, which I attest.

(Signed) José Figueroa.

(Signed) Agustín S. Zamorano.
Secretary.

The grant made to the citizen Francisco Perez Pacheco of the location designated as "los Ausaymas," which was conceded on the 26th day of November 1833 in entire conformity with the provisions of the law of August the 18th 1824, and the 5th article of the regulation of Nov. the 21st 1828, is approved of.

Monterey May the 17th 1834.

In this day's session did the Most Excellent the Deputation of the Territory approve of the proposition of the preceding opinion, ordering that the proceedings be returned to the Sr. Jefe Superior Politico for such purposes as may be deemed convenient.

(Signed) José Figueroa.

(Signed) Juan B. Alvarado.
Secretary.

Monterey June 11th 1834.

In view of the approval given on the 17th day of May last, by the most Excellent the Deputation of the Territory, let a testimony thereof and of this decree be issued to the party concerned Don Francisco Perez Pacheco, in confirmation of the grant of the tract of land of "Los Ausaymas," which he obtained on the 21st day of November 1833. The Sr Don Jose Figueroa, Comandante Brigada, Comandante General Inspector y Jefe Superior Politico of the Territory of Upper California did order, decree and sign it to the purpose and bear witness thereof.

(Signed) Jose Figueroa

(Signed) Agustine V. Larramendi.
Secretary.

It is in literal accordance with the original thereof, from which I ordered the present testimony to be drawn, for the security of the interested party, on Monterey June the 11th 1834, the citizens Agustine V. Larramendi, and Barranda Navarrete, both of this neighborhood being witnesses.

Monterey Feb 25th 1836. Sir Political Chief.

Let it be understood and The citizen Francisco Perez Pacheco adjourned to the Expediente before Your Honor's notoriness justice relating thereto represents, that in as much as the end of the whole let due tract of land which he owns, known report be made, so as to by the names of Ausaymas, San Felipe and Guadalupe is not sufficient to hold his own cattle, and that there is a

(Signed) Gutierrez.

sufficiently extensive to hold his own cattle, and that there is a

tract of land on the north of it that is unoccupied, and the extent of which may be a little more than two leagues in the direction mentioned, as far as the base of the declivity of the Sierra, lying towards San Luis Gonzaga and from East to West the same extent as that of the tract of land that has been already granted to him. This tract of land, which I request is moreover, it does not belong to any private or corporation, because it lies farther than that already in my possession, bordering on the N. E. of West on land of the same nature, and therefore I beg of Your Honor that taking due notice of the accompanying design, you be pleased to grant to me this addition to the land already in my possession, for the motives already specified, ordering a new title deed may be issued, for which reasons I transmit the title I had in my possession, which fair and justice I hope to see it from Your Honor.

Monterey February the 1st 1836.

Signed/ Francisco Perez Pacheco.

February the 6th 1836.

In view of the preceding Expediente concerning the tract of land granted to Don Francisco Pacheco and of the memorial made by him, soliciting the grant of a little more than two leagues towards the North of his property, and the motives which he shows in the preceding writing, and being fully convinced that the land he requests does not belong to any property and is unoccupied I have thought proper by a decree of this day's date to accede to his request, taking in consideration his services and assiduity, granting him the additional two leagues he solicits to the North of the tract of land already in his possession.

Let a new title deed be issued to him including the addition, let it be specified in the design, and let the Expediente be kept for the deliberation of the Excellent Deputation.
Sr. Don Nicolas Gutierrez, Political Chief Administrator.

of this Upper California thus did order, decree and
sign it, which I attest.

(Signed) Nicolas Gutierrez.
(Signed) Francisco del Castillo Neg.
Secretary.

Filed in Office Feby 24th 1852.

Geo Fisher.
Clerk.

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SPEN
20

Sello Primero

Place of
the Eagle

Seis Pesos

Para los años de mil
y seis y ochocientosochocientos veinte
veinte y siete

Title

9

Reabilitado para los años de mil
ochocientos treinta y dos y treinta y tres.
Figueroa J. P. Gonzales79 SD
PAGE 56Don Figueroa General de Brigada
de los Ejercitos Nacionales Mexicanos
Comandante General Inspector y Jefe
Superior Politico del Territorio de la
Alta California.

Por cuanto Don Francisco Perez
Pacheco ha pretendido para en beneficio
personal y el de su familia, el Terreno
conocido con el nombre de los Ancoaymas
Colindante con la Misión de San Juan
Bautista, Rancho de San Ysidro y la
Sierra: practicadas previamente las
diligencias y averiguaciones consue-
tas segun lo dispuesto por leyes y regu-
mentos, usando de las facultades que
me son conferidas; en decreto de veinte
y uno del corriente á nombre de la Nacion
Mexicana he venido en concederle el
Terreno mencionado declarandole la
propiedad de el por las presentes letras,
entendiendose dicha concesion con
entera conformidad á lo dispuesto por
las leyes á reserva de la aprobacion
ó desaprobacion de la Excm^a Diputacion
Territorial y del Supremo Gobierno
y bajo las condiciones siguientes.

1.^a Que se sometera á las que
estableciere el Reglamento que se ha

de formar para la distribución de terrenos baldíos, y que entretanto, ni el agraciado ni sus herederos, podrán dividir ni enagenar el que se le adjudica, imponer censo, arriendo, fianza, hipoteca ni otro gravamen, aunque sea por causa piadosa, ni pasarlo a manos muertas.

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2^a Podrá cercarlo sin perjudicar las travesías, caminos y servidumbres: lo disfrutará libre y exclusivamente destinándolo al uso o cultivo que mas le acomode; pero dentro de un año a lo mas fabricara casa y estara habitada.

3^a Cuando se le confirme la propiedad, solicitara del Juez respectivo que le de posicion jurídica en virtud de este Despacho, por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.

4^a El terreno de que se hace donacion es de dos sitios de ganado mayor poco mas o menos segun explica el diseño que corre en el expediente; el Juez que diere la posesion lo hara medir conforme a ordenanza para señalar los linderos, quedando el sobrante que resulta a la Nacion para los usos convenientes.

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

En consecuencia mando que sirviendole de Titulo el presente y teniendose por firme y valedero, se tome razon en el Libro a que corresponde

que entregue al interesado para su resguardo y demas fines. Dado en Monterrey a veinte y seis de Noviembre de mil ochocientos treinta y tres.

José Figuerroa.

Agustin V. Zamorano Srío.

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Queda tomada razon en el libro de asuntos de Titulos sobre adjudicaciones de Terranos a fojas diez y seis numero catorce q. obra en el Archivo de la Sec^a de mi cargo.

Monterrey Noviembre veinte y seis, de mil ochocientos treinta y tres.
Zamorano.

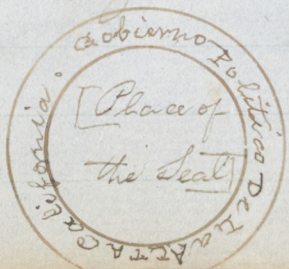
En 31 de Mayo, paso a la Comision de terrenos baldios.
Maldonado.
Srío.

Filed in Office Dec 23. 1852
Geo. Fisher
Secy.

Sello Tercero: Dos Reales

Approval.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.
Figuerroa. Rafael Gonzales



Se aprueba la Concesion echa

al Ciudadano Francisco Perez Pacheco del Paraje nombrado Ausaymas concedido en veinte y seis de Noviembre de mil ochocientos treinta y tres de entera conformidad con lo prevenido en la ley de diez y ocho de Agosto de mil ochocientos veinte y cuatro y artículo quinto del Reglamento de veinte y uno de Noviembre de mil ochocientos veinte y ocho.

Monterrey diez y siete de Mayo de mil ochocientos treinta y cuatro = En Sesion de este dia se aprobó por la Excelentisima Diputacion Territorial la proposicion del dictamen antecedente mandando se devuelva el expediente al Señor Jefe Superior Politico para los fines consiguientes = Jose Figueroa = Juan Bautista Alvarado = Secretarios =

Monterrey once de Junio de mil ochocientos treinta y cuatro = En vista de la aprobacion otorgada en diez y siete de Mayo ultimo por la Excelentisima Diputacion Territorial: libre Testimonio de ella y de este decreto a la parte de Don Francisco Perez Pacheco en confirmacion a la concesion del terreno de los Ausaymas que obtuvo en veinte y uno de Noviembre de mil ochocientos treinta y tres. El Señor Don Jose Figueroa General de Brigada, Comandante general Inspector y Jefe Superior Politico del Territorio de la Alta California así lo mando, decreto y firmo de que doy fe =

= Jose Figueroa = Agustin V. Zamorano
Secretario

Concuerda a la letra con su original del cual hice sacar el presente Testimonio para resguardo del interesado, en Monterrey a once de Junio de mil ochocientos treinta y cuatro, siendo testigos los leñadores Agustin V. Zamorano y Bernardo Navarrete de esta vecindad.

En testimonio de verdad.

José Figueroa
Agustin V. Zamorano
Srio.

Filed in Office Dec. 23rd 1852

Geo. Fisher
Secy.

Sello Fercero: Dos Reales

Habilitado provisionalmente por la Adyuna Municipal de Monterrey por la Administracion de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Castro Angel Ramirez

Señor Alcalde Constitucional

Fran^{co} Perez Pacheco Ciudad Mexicana

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Juridical
Possession

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Dice; que habiendo obtenido la concesion propia del Ferrero conocido con el nombre de los Chusaymas. Como a V. pa. q. se sirba darle la posesion juridica conforme esta prevenido en el art. 30 del titulo de dho. Ferrero q. se me espidio con fha. 26 de Noviembre de 1833, q. debidamente acompaño, igualmente la conformacion respectiva, y la devolucion de estos documentos pa. los usos q. me combengan. Por tanto.

A. V. suplico se sirba ponerlo en la posesion q. solicita de lo q. recibira merced y justicia.

Montenrey Oct. 20 de 1835.

Franco Perez Pacheco.

Montenrey Oct. 20 de 1835.

Por presentado y admitido: procedan a dar la posesion q. se solicita a cuyo efecto se señala en Juicio 22 del corriente: citence los Colindantes pa. dho. dia, y nombrense prebiamte medidores y contadores, a quienes se les hara saber pa. su aceptacion y juramto. Asi yo el Lindo Jose Raf. Gonzales lo devrite mande y firme, con los de mi asistencia

Jose Rafael Gonzales.

De as.ª
Jose Maria
Castanares.

De as.ª
Juan Mig. Anzar

En la misma fha. presente el Sr. Franco Perez Pacheco, se le notifico del auto q. antecede, y dijo lo oye, y q. se da por sitado, y lo firmo

22

conmigo y los de asista
Gonzales.

Franco Pérez Pacheco

Lee asista
Jose Antonio
Gasciola

En la misma fha. =

[Sello Tercero Dos Reales

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

Angel Ramirez]

= Se libraron las Bolitas

de comparendo, en cumplimiento de
lo mandado, en el auto antecedente
para la citacion de los colindantes
y para constancia lo rubrico y anoto
(a flourish)

En el Rancho de San Felipe
Guadalajarita a los 22 dias del mes
de Octubre de 1835, en la misma casa
yo el Alcalde 2º Constitucional de
la Capital del Territorio, notifiqué a
los colindantes Quintin Ortega, y al
Administrador de la Emision de
San Juan Bautista del auto anterior,
y entendidos lo firmaron conmigo
y los de asista

Jose Rafael Gonzales.

Jose Tiburcio Castro

Quintin Ortega.

D. A.

Juan Niz. Amador

D. A.

Rafael Mota

Y continenti en el mismo Rancho
Dia mes y año yo el referido. Alcalde

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en cumplimiento de auto de 20 del
presente Octubre de 1835, presentes los
Ciudadanos Colindantes, para la medición
sinalamento de Linderos, y posesión jurídica
nombró por medidores a los Ciudadanos
Rafael Mota y Pascual Garcia, y por
Contador al C. Quintín Ortega, quienes
prebieron la aceptación y juramento proce-
deran al desempeño de su encargo; así
yo el nombrado Alcalde lo decreté
mande y firmé con los de auto.

Jose Rafael Gonzales
Quintín Ortega.

D. A.
Juan Mig. Anzar.

D. A.
Rafael Mota.

En la misma fha., y en el mismo
Rancho, se les notificó el nombramiento
hecho a los Ciudadanos Rafael Mota, Pascual
Garcia, y Quintín Ortega, y dijeron q.
aceptaban, y aceptaron dicho encargo,
y juraron por Dios y la Santa Cruz
de cumplir fiel y legalmente a todo su
leal saber y entender, sin fraude con-
tra persona alguna, y no firmaron,
los tres sino solo Quintín, y Mota, por
no saber Garcia.

Jose Rafael Gonzales
Jose F. Castro.
Quintín Ortega.

D. A.
Juan Mig. Anzar.

D. A.
Rafael Mota

Yncontinente, yo el referido Alcalde
mande traer a mi Presidencia el cordel
con q. se an de medir las Sierras, y

que los medidores lo midieron de cincuenta
 y seis varas y en presencia de los Colindantes:
 lo tomaron dho medidores, y con una
 vara de medir usual Mexicana, teniendo
 dola en la mano, midieron las expresadas
 cincuenta varas, pa. acur la referida
 medicion, y para constancia lo firmé
 con los de assta.

José Raff. Gonzales
 D.A. Quintín Ortega. D.A.
 Juan Niz. Arzoz. Raff. Mota.

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En

Sello Fereiro Dos Reales
 Habilitado provisionalmente por la
 Administración de la Aduana Mariti-
 ma de Monterey de la Alta California
 para los años de mil ochocientos treinta
 y cuatro y mil ochocientos treinta y cinco.
 Castro. Angel Ramirez.]

en el mismo paraje, día mes y año;
 siendo las diez de la mañana, yo el
 presente Alcalde, mande a los medido-
 res nombrados, se pongan pa. las medidas
 qd. an de aser al Sr. Fran. P. P. Pacheco
 y comensando a medir de Norte a
 Sur, desde el Encino Grande, acia
 la orilla del Sanjon del Fegrisquite,
 tubo ochenta Cordelas, y habiendo buetto
 de Sur a Norte desde el mencionado
 Encino, hasta las lomas Atlas, y
 Cañada de los Osos, setenta Cordelas,
 y abiendo buetto, a tomar desde las
 lomas de S. Joaquin, de Oriente a Poniente
 ay siete quaranta Cordelas, hasta la
 Orilla del Sanjon, y des. hay por todo
 el Arroyo, qd. entra a la Laguna,
 habiendosele medido por la parte de

adentro, hasta el Ermsino Grande del Rincon de la Trinidad q. vino a dividir por mitad la Laguna, tubo setenta Cordeles, habiendo rebuelto, por toda la orilla de las Lomas Altas, por buscar el punto, onde en el Distrito señala un angulo de Norte a Norueste hasta el Portezuelo q. baba para los Tularos, o asta la Subida de la Cuesta tubo cuarenta Cordeles, y desde hay, asia el Oriente, sesenta Cordeles, y desde aquel punto, hasta la Punta de las Lomas de S. Joaquin asi onde hay una Chichita q. divide de las Lomas Grandes, hay ciento cuarenta Cordeles, y en cuya constancia lo firmo con los de apto.

José Rafael González

José T. Castro.

Quintín Ortega

De asta

Juan Mij. Anzar.

De Asta

Rafael Mota.

En el Rancho de San Felipe Guadalupe a los veinte y dos dias del mes de Octubre de 1835, yo el Alcalde Constitucional de segun de nominacion, en la municipalidad de Monterrey despues de practicadas las medidas del mencionado Rancho conforme se demarca, en la medicion anterior, presentes los Colindantes, Ciudadanos Quintín Ortega, y José Tiburcio Castro, por la Exmision de S. Juan Bautista q. fueron conformes, con lo mas q. ver combino, mande entrar en posesion pacifica, de terrenos con-
nidos por Rancho de San Felipe Guada-
lupe, al Sr. Juan Perez Pacheco,

bajo las medidas citadas y Formalidades
 des acostumbradas, en casos semejantes,
 lo q. verifico araucando yerbas, trosando
 de algunas ramas de Arboles, tirando
 algunas piedras y pñados de Tierra
 y haciendo demostraciones, como Dueño
 del Terrero q. se le a concedido,
 por la Enm. Diputación Territorial
 y del q. se le ha dado en propiedad
 y pacifica posesion, cuya validacion,
 la otorgo y firmo, con los espasados
 Acordantes, y Testigos de asst.

Jose Rafael Gonzales

Jose F. Castro

Quintin Ortega

Francisco Perez Pacheco

D. A.

Juan Luis Anzar

D. A.

Rafael Mota

Monterrey =

[Sello Sincero Dos Reales
 Habilitado provisionalmente por la
 Aduana Maritima de Monterrey de la
 Alta California, para los años de mil
 ochocientos treinta y cuatro y mil ocho-
 cientos treinta y cinco.]

Castro.

Angel Ramirez

Noviembre 11 de 1835.

Tomare Razon en el Libro de
 posesiones y descubrase original, este
 Expediente, al Interesado, p.º q. le
 sirba de Titulo. Asi yo el Alcalde
 D.º lo determine, mande y firme
 con los de Asistencia.

Jose Rafael Gonzales
 Jose F. Castro.

D.A. Dn Juan Ortega.
Juan Mig. Amarg L.A.
Rafael Mota

En 10 de Abril de 1835.

Se tomo razon en la fosa 2.
buella del Libro respectivo, y se des-
bolbio el Expediente, con seis fojas
utiles, a mas del Diseno, q. a este Espe-
diente se acompaña en cumplimiento,
del anterior auto, lo auto y rubrico
(a Scroll)

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Acto continuo: puse este Expediente al
Sr. Asesor del Territorio p. q. en vista de
lo actuado se sirva Fasar los Derechos
q. corresponden satisfacer a este Juzgado.
Goygales.

Sr. Alcalde 2.º Constat.

Corresponden el Juzgado del cargo de V. Sr.
los Dros causados en la practica de las diligencias
que anteceden, los treinta y ocho pesos uno y
medio reales que aparecen en la sigte cuenta.

Presentacion de un escrito con reclamos y su proveido	3	1.0
Por una notificacion		0.3
Por tres notas		1.4
Por el acoubramiento a aceptacion y juramento de peritos		1.0
Por la diligencia de reconocer el cordel		1.0
Medidas y prosecucion		3.0
Por dos autos interlocutorios		2.0
Por lo escrito		1.2 1/2
Por 36 leguas q. se mandaron		27.0
Suma		38.1 1/2

Filed in Office
Dec. 23, 1852
Geo. Fisher
Sey.

Monterrey Abril 26 de 1835
Dros de
Asesoría 5 p. 3

Cosma Peña.

There follows a map (No. 2)

Seal of the First Class Six dollars.
For the years one thousand Seal eight hundred twenty six
and one thousand eight hundred and twenty seven.
Made valid for the years eighteen hundred and thirty two
and eighteen hundred and thirty three.

Seal

(Signed) Figueroa. (Signed) J. R. Gonzalez.
José Figueroa, Brigadier General, ^{of the National Mexican Army} Inspector and
Commandant ^{of the} Superior Political Chief of the Territory of Upper Cal-
ifornia.

Translation
Grants & possession.

E.

Whereas Don Francisco Perez Pacheco, has so-
-lited for his personal benefit and that of his family
the land known by the name of the Usua, was bound-
-ed by the Mission of San Juan Bautista, the Ran-
-cho of San Ysidro and the mountains; the necessary
steps and investigations having been previously taken
and made in conformity with the requirements of laws
and regulations, I have by virtue of the power conferred
upon me, granted unto him by decree of the twenty first
of this month the before mentioned land in the name
of the Mexican Nation, declaring unto him the owner-
-ship thereof by these present letters, it being understood
that said grant is made in entire conformity with
the requirements of the laws, subject to the approval
or disapproval of the Most Excellent Territorial Dip-
-utacion and of the Supreme Government, and un-
-der the following conditions.

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- 1st That he abide by those which may be established
by the regulations to be formed respecting the distribution
of vacant lands, and that in the mean time neither the
grantee nor his heirs shall divide or alienate the land
adjudicated to him, impose land rent (censo) or tail (vin-
-culo), bond (fiianza), mortgage or any other burden although
it may be for charitable purposes, nor convey it in any manner.
- 2^d He may fence it without obstructing crossings, roads
and servitudes; he shall enjoy it freely and exclusively
putting it to the use or cultivation which may suit him
best, but within one year at furthest, he shall build a
house which must be inhabited.
- 3^d When the property thereof shall be confirmed to him
he shall request the respective Magistrate to give him

5000
20

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juridical possession by virtue of this patent and said Magistrate shall designate the boundaries, at the limits whereof besides placing the land marks, he shall set some fruit trees or wild ones of some utility.

4th. The land whereof donation is made consists of two square leagues (dos sitios de ganado mayor) or little more or less as appears by the plot which accompanies the Expediente; the Magistrate who may give possession, shall cause it to be measured according to law, in order to mark the boundaries, leaving the surplus which may result to the Nation for convenient uses.

5th. 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, be held as firm and valid and a record thereof be made in the corresponding book, returning the original to the party interested for his security and further ends. Given in Monterey on the twenty sixth of Nov^r, eighteen hundred and thirty three.

(Signed) José Figueroa.

(Signed) Agustino V. Zamorano.

Secretary.

A record has been made in the book of entries of titles respecting the adjudication of lands at folio sixteen, number fourteen kept in the Archives of the Secretary's office under my charge. Monterey Nov^r, twenty six, eighteen hundred and thirty three.

(Signed) Zamorano.

On the 31st of May this was referred to the committee on vacant lands.

(Signed) Muldonado.

Secretary.

Seal of the Third Class, two rials.

Authorized provisionally by the Collector of the Maritime Custom House of Monterey for the years eighteen hundred and thirty four, and eighteen hundred and thirty five.

(Signed) Figueroa. (Signed) Rafael González.



The grant made to citizen Francisco Perez Pacheco on the twenty sixth of November eighteen hundred and thirty three, of the place called Ansaymas is approved in entire conformity with the stipulations of the law of eighteenth of August eighteen hundred and twenty four, and the fifth article of the regulations of the twenty first November eighteen hundred and twenty eight.

Monterey sixteenth of May eighteen hundred and thirty four. In today's session the Most Excellent Territorial Deputation approved the proposition of the foregoing report, commending the Expediente to be returned to the Superior Political Chief for the necessary ends.

José Figueroa. - Juan Bautista Alvarado. Secretary. -
 Monterey seventh of June eighteen hundred and thirty four. - In view of the approbation granted on the seven tenth of May last by the Most Excellent Territorial Deputation: let a testimony thereof and of the decree be given to the party interested, Don Francisco Perez Pacheco, in confirmation of the grant of the land of Ansaymas which he obtained on the twenty first of November eighteen hundred and thirty three.

Senior Don José Figueroa, Brigadier General, Commandant General, Inspector and Superior Political Chief of Upper California, did thus command, decree and sign whereof I give testimony. - José Figueroa. -
 Agustín V. Zamorano. Secretary. -

The foregoing agrees literally with its original, from which I ordered the present testimony to be copied for the security of the party interested; in Monterey on the eleventh of June one thousand eight hundred and thirty four, being witnesses citizens Agustín V. Zamorano and Bernardo Navarrete residents of this place.

In testimony of the truth.
 (Signed) José Figueroa.
 (Signed) Agustín V. Zamorano.
 Secretary.

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Seal of the Third Class, Two Reals.
Authorized provisionally by the Collector of the Maritime
Customs House of Monterey Upper California, for the years
eighteen hundred and thirty four and eighteen hundred
and thirty five.

(Signed) Castro. (Printed) Angel Ramirez,

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Senior Constitutional Alcalde!

Francisco Perez Pacheco, a Mexican citizen says;
that having obtained the proper grant of the land known
by the name of los Ansaymas, applies to Your Honor
in order that you may be pleased to give him judicial
possession in conformity with the provisions of the 3rd
article of the title of said land granted to him on the 26th
of Nov^r 1833, which duly accompanies, as likewise the
respective confirmation, and return to him these doc-
-uments for the necessary uses; and therefore requests
that you would be pleased to give him the possession
which he asks for, whereby he will receive favor and
justice.

Monterey Oct. 20th 1835.

(Signed) Francisco Perez Pacheco.

Monterey Oct. 20th 1835.

Considered as presented &
admitted; proceed to give the possession asked for, to
which effect Thursday the 22nd inst is appointed;
let the owners of the neighboring Ranchos be summoned
for said day; and in the mean time let the measurers
and computers be appointed who shall be informed
thereof, in order that they may accept and take oath,
Thus I citizen Jose Rafael Gonzalez did decree, com-
-mand and sign with my assisting witnesses.

(Signed) Jose Rafael Gonzalez.

(Signed) Jose Maria Custumares }
(Signed) Juan Miguel Arzac. } assisting witnesses.

On the same date, being present citizen Francisco Perez
Pacheco, the foregoing decree was notified to him, who
said that he heard it and considered himself duly
signing with me and the assisting witnesses.

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(Signed) Jose Maria Custumares, assisting witness.

(Signed) Gonzalez. (Signed) Francisco Perez Pacheco.
 (Signed) Jose Antonio Papula, assisting witness.

On the same date, the summonses for the owners of the neighboring Ranchos were issued in compliance with the provisions of the foregoing decree, in testimony whereof I wrote it down, and sign with my scroll.

(Signed) with the Alcalde's scroll.

On the Rancho of San Felipe Guadalupe on the 22nd day of the month of Oct. 1835, in the same house, I the second constitutional Alcalde of the capital of the Territory, notified the owners of the neighboring Ranchos, Quintan Ortega and the administrator of the Ex-mission of San Juan Bautista the foregoing decree, who having understood it, signed with me and the assisting witnesses.

(Signed) Jose Rafael Gonzalez.

(Signed) Jose Tiburcio Castro (Signed) Quintan Ortega.

(Signed) Juan Miguel Arizar.

(Signed) Rafael Mota. } assisting witnesses.

Immediately afterwards, in the same Rancho, day, month, and year, I the said Alcalde in compliance with the decree of the 20th of the present Oct. 1835, being present with the adjacent land holders, for the measurement, designation of boundaries and judicial possession, I appointed as measurers citizens Rafael Mota and Pascual Garcia, and as counter citizen Quintan Ortega, who when they accept & take oath, will proceed to exercise their functions; thus I the said Alcalde did decree, command and sign, with the assisting witnesses.

(Signed) Jose Rafael Gonzalez.

(Signed) Juan Miguel Arizar.

(Signed) Rafael Mota. } assisting witnesses.

(Signed) Quintan Ortega.

On the same date, and in the same Rancho, citizens Rafael Mota, Pascual Garcia and Quintan Ortega were notified of their appointments, who said that they accepted and did accept, and swore in the name of God & by the holy cross that they would comply faithfully &

legally to the best of their knowledge and ability, without fraud against any person, and only Luisitán and Mota signed, Garcia not knowing how.

(Signed) José Rafael Gonzalez.

(Signed) José Tiburcio Castro. (Signed) Luisitán Ortega.

(Signed) Juan Miguel Arzua.)

(Signed) Rafael Mota.) assisting witnesses.

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At the same moment the said Alcalde commanded the cord where with the lands are to be measured to be brought into my presence, and that the measurers should measure off fifty varas in presence of the neighboring land holders: the measurers took the same, and holding a common Mexican vara rod in their hands measured off the said fifty varas, in order to make the said measurement; in testimony whereof I sign with the assisting witnesses.

(Signed) José Rafael Gonzalez. (Signed) Luisitán Ortega.

(Signed) Juan Miguel Arzua.)

(Signed) Rafael Mota.) assisting witnesses.

In the same place, day, month and year, it being ten o'clock in the morning, the present Alcalde commanded the measurers appointed to proceed to the measurement they had to make to criterion Francisco Perez Pacheco, and commencing to measure from N. to S. from the large oak tree towards the edge of the Tam-jon del Seguesquite, eighty cords were counted; & having returned from S. to N. from the said oak tree to the high hills and Casada de los Oros, seventy cords; and having continued from the hills of San Joaquin from E. to W. to the edge of the gulch (Zanjón), one hundred and forty cords were measured; thence all along the Creek which enters into the lagoon, having measured on the inside of the large oak tree of the Rincon de la Trinidad which divides the lagoon in half, there were seventy cords; thence having returned all along the edge of the high hills to find the point where the plot designates an angle from N. to N. W. to the mountain pass (puertecuelo), which leads to the Tules or to the ascent of the mountain, there were forty cords; and

40
70
140
70
40

350

thence towards the E. sixty cords; and from that point

thence towards the E. sixty cords; and from that point to the point of the hills of San Joaquin in which direction there is a small conical hill (Chuchuba), which divides the great hills forty cords were measured; in testimony whereof I sign with the assisting witnesses.

(Signed) José Rafael González.

(Signed) José S. Castro. (Signed) Quintín Ortega.

(Signed) Juan Miguel Anzur.)

(Signed) Rafael Mota.) assisting witnesses.

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In the Rancho of San Felipe Guadalupe on the twenty second day of the month of Oct. 1833. I the Constitutional Alcalde of second nomination in the Municipality of Monterey, after concluding the measurement of said Rancho in the manner designated in the foregoing measurement, being present the neighboring land-holders, citizens Quintín Ortega and José Eusebio Castro on the part of the Ex. mission of San Juan Bautista, who were satisfied; with the rest that was necessary to examine, I commanded citizen Francisco Pérez Pacheco, to enter into peaceable possession of the land known as the Rancho of San Felipe Guadalupe according to the before mentioned measurement, and customary formalities in similar cases, which he effected by pulling up grass, breaking off some branches of trees, throwing stones and hard bits of earth and making demonstrations as owner of the land granted to him by the Most Excellent Territorial Deputation, and of which ownership and peaceable possession has been given to him; the validity of which I authorize and sign with the said neighboring land holders and assisting witnesses.

(Signed) José Rafael González.

(Signed) José S. Castro. (Signed) Quintín Ortega

(Signed) Francisco Pérez Pacheco.

(Signed) Juan Miguel Anzur.)

(Signed) Rafael Mota.) assisting witnesses.

Monterey Nov. 11th 1833.

Let a record be made in the book of possessions, and this original Expediente be returned to the party interested in order that it may serve him for a title. Thus I the second Alcalde did determine,

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command and sign with the assisting witnesses.

(Signed) José Rafael González.

(Signed) José F. Castro. (Signed) Quintini Ortega.

(Signed) Juan Miguel Anzar.)

(Signed) Rafael Mota. } assisting witnesses.

On the 10th of Nov^r, 1833 a record was made in the respective book on the back of folio 2, and the Expediente was returned in six folios, within one (fojas útiles), besides the plot which accompanies this Expediente and in fulfillment of the foregoing decree, I wrote it down and sign with my scroll.

(Signed) with the Alcaldé's scroll.

In continuation; let this Expediente be remitted to the Assessor of the Territory, in order that in view of the proceedings he may be pleased to designate the fees to be paid into this court.

(Signed) González.

Señor Second Constitutional Alcalde!

The court under your charge is entitled as fees for the foregoing proceedings to the thirty eight dollars, one and a half reals which appear in the following account.

Presentation of a petition with decree thereto.	1.00
For one notification	0.3.
For three notes	1.4.
For appointment, acceptance, oath of measurers, and counter	1.00
For the proceeding of examining the cord.	1.00
Measurers' merit and possession.	3.00
For two interlocutory decrees.	2.00
For the writing.	1.2 1/2.
For 36 leagues traveled over.	27.00
Total	<u>\$ 38.1 1/2.</u>

Assessor's fees, 3 dollars.

(Signed) Assessor's scroll.

Moroney, Nov^r, 26th 1833.

(Signed) Casimiro Peña.

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81.

I the undersigned do hereby certify the foregoing to be a true and faithful translation of the original title, certificate of approval and proceedings of possession of the Rancho of Los Ansaymas, in the hands of Don Francisco Perez Pacheco.

Office of State Translator
Monterey 5th December 1851. W. E. Hartnell.
State Translator.

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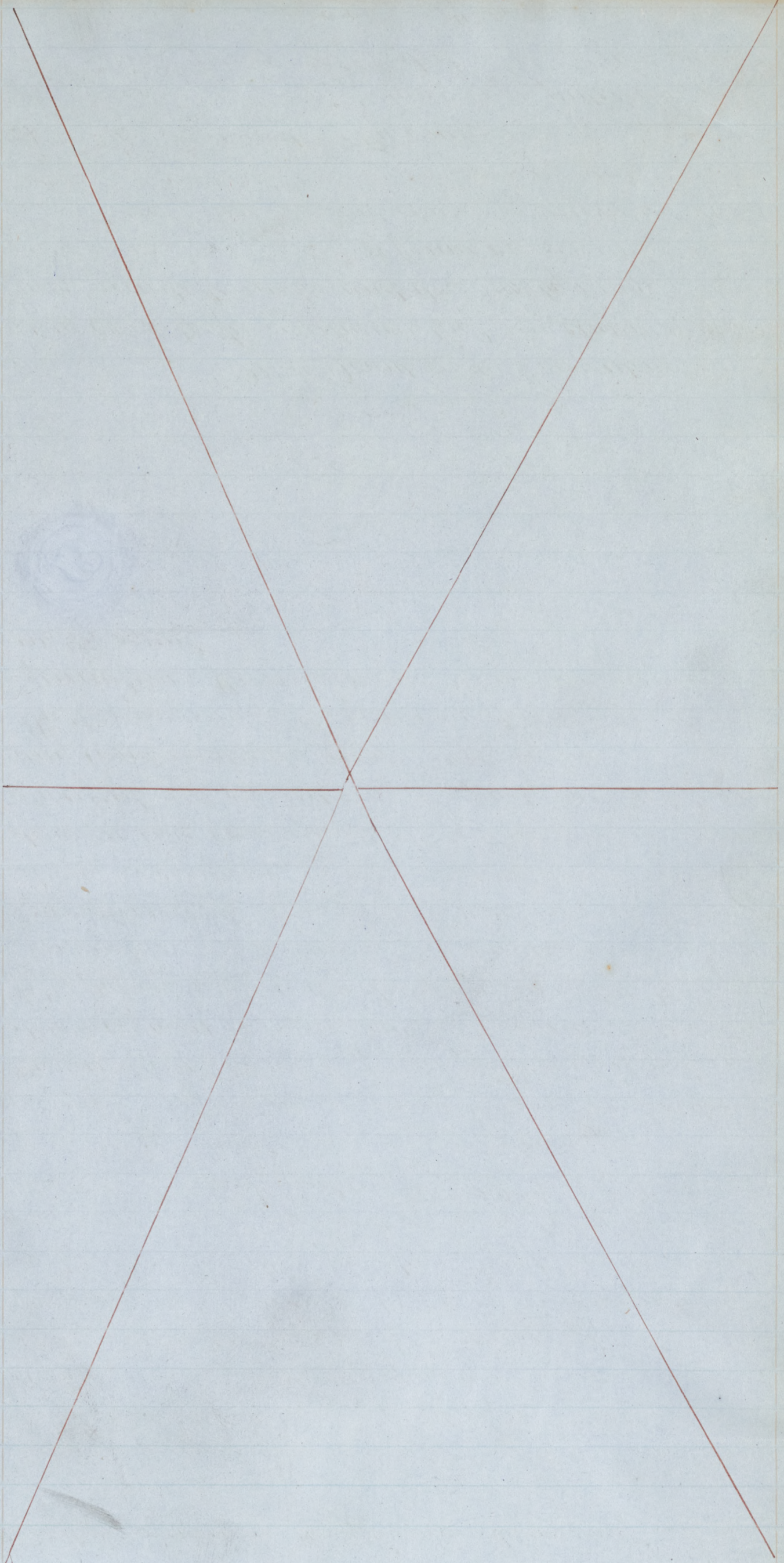
Filed in Office Feby 24th 1852.

Geo. Fisher.
Secy.

90

DATE

SD



No 63. Francisco Perez Pacheco Claimant.

Opinion.

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The claimant asks for the confirmation to him of a tract of land called the Mesquitas containing two square leagues a little more or less, for which he produces a grant to himself from Governor Figueroa dated Nov. 26, 1833, and an approval of it by the Territorial Deputation May 17, 1834. Judicial possession of the land appears to have been duly given to the claimant on the 22nd of October 1835, and he is proved to have ever since been in the quiet occupation of the same, living upon it, cultivating the land and using it for the pasturage of cattle. There appears to be no doubt of the genuineness of the title papers, and no objections are suggested to the confirmation of the claim. The surplus land after the measurement being by the grant reserved to the nation, we confirm the claim, as we have heretofore done in like cases, for no more than the two leagues specified, not considering the party entitled to claim any land under the words, more or less. We therefore make the following decree of final confirmation; Commissioner Thornton concurring in the result.

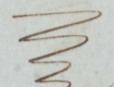
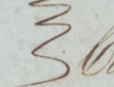
Decree of Final Confirmation.

This Board in full consideration having come to the conclusion that the claim is valid, now proceeds to make, and does hereby make the following decree or report of final confirmation, viz; It is decreed that the said claim be confirmed to the extent and quantity of two square leagues, being the same land described in the grant and of which the possession was proved to have been judicially given and long enjoyed; Provided, that the said quantity

of two square leagues, now confirmed to the claimant
be contained within the boundaries called for in said
grant and map to which the grant refers, and if there
be less than that quantity within said bounds, then
we confirm to the claimant that less quantity.

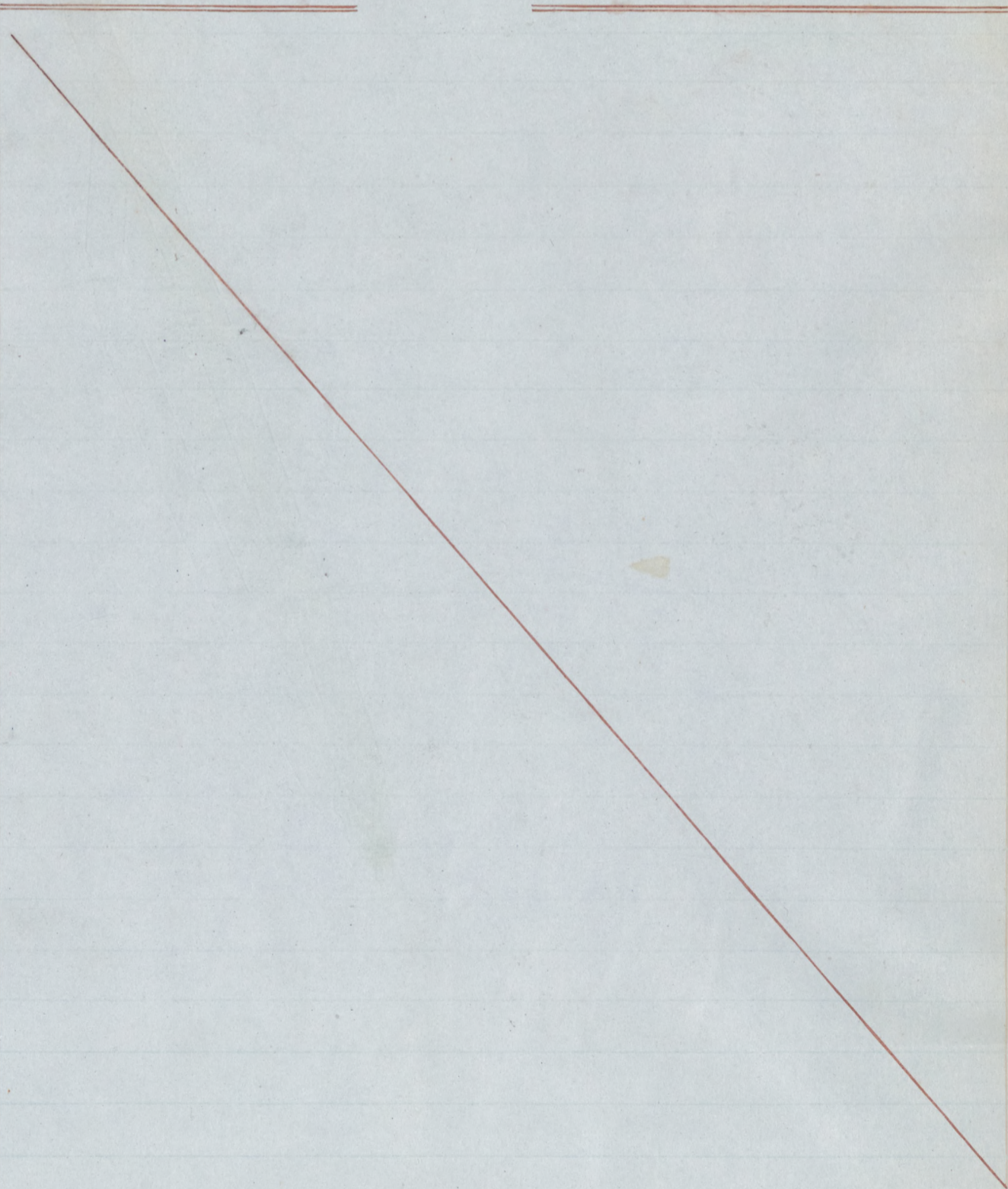
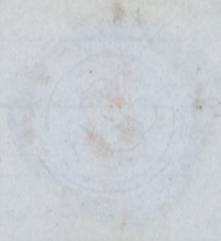
Witness our hands this 5th of July 1853.

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Richard Hull. 
Henry S. Thornton.  Commissioners.

Filed in Office July 5th 1853.

Geo. Fisher.
Secy.



Office of the Board of Commissioners,

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

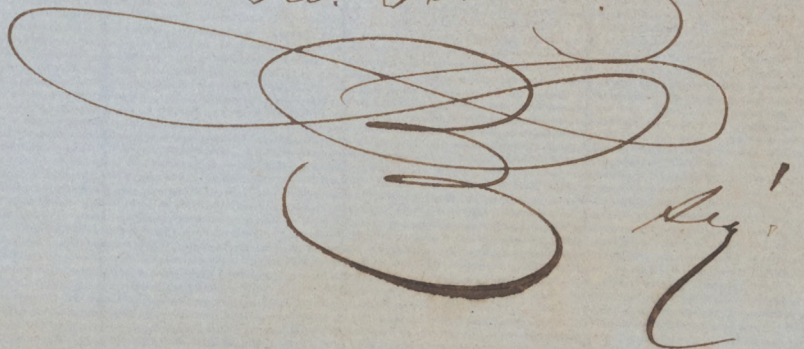
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George Fisher Secretary to
Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing — eighty four — pages, numbered from
1 to 84, both inclusive, to contain a true, correct and 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. 63 on the Docket of the said Board,
wherein Francisco Perez Pacheco, is

the Claimant — against the United States, for the place known by
the name of Susaymas

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

G. Fisher



79

S. DISTRICT COURT,

Southern District of California.

No.

79. 2nd pt

THE UNITED STATES,

79^{vs}

*James C. ...
in ...
2d ...*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 68

Dec 18 1854

Filed, 19 Sept 1854

*W. S. ...
M. ...*

79



SELLO PRIMERO

Para los años de mil
seis y ochocientos



SEIS PESOS.

ochocientos veinte y
veinte y siete.

Reabilitado para los años de mil ochocientos treinta y dos
y treinta y tres
Figueroa
M. Gonzalez

José Figueroa General de Brigada de los Ejercitos Nacionales Mexicanos
Comandante general Inspector y Jefe Superior Politico del Territorio de
la Alta California.

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Por cuanto Don Francisco Perez Pacheco ha pre-
tendido para su beneficio personal y el de su familia,
el terreno conorido con el nombre de los Atlaymas co-
-lindante con la Mision de San Juan Bautista, Rancho
de San Ysidro y la Sierra: practicadas previamente las
diligencias y averiguaciones convenientes segun lo dis-
-puesto por leyes y reglamentos, usando de las facultades
que me son conferidas; en decreto de veinte y uno del
corriente a nombre de la Nacion Mexicana he venido
en concederle el terreno mencionado declarandole la
propiedad de él por las presentes letras; entendiendose
dicha concesion con entera conformidad a lo dispuesto
por las leyes a reserva de la aprobacion o desaprova-
-cion de la Le.ma. Diputacion Territorial y del Su-
-premo Gobierno y bajo las condiciones siguientes.

1.^a Que se someterá a las que estableciere el
Reglamento que se hade formar para la distribucion
de terrenos baldios y que entretanto, ni el agraviado
ni sus herederos, podran dividir ni enagenar el

que se le adjudica, imponer censo, vinculo, fianza, hipoteca ni otro gravamen aunque sea por causa piadosa ni pararlo á manos muertas.

2.^a Podrá cercarlo sin perjudicar las traversas, caminos y servidumbres: lo disfrutará libre y esclusiva-
mente destinandolo al uso ó cultivo que mas le acomode; pero dentro de un año á lo mas fabricará casa y estará habitada.

3.^a cuando se le confirme la propiedad, solicitará del Juez respectivo que le dé posesion jurídica en virtud de este Despacho, por el cual se demarcarán los linderos en cuyos limites pondrá á mas de las mohomeras, algunos arboles frutales ó silvestres de alguna utilidad.

4.^a El Terrero de que se hace donacion es de dos sitios de ganado mayor poco mas ó menos segun explica el diseño que corre en el expediente; el Juez que diere la posesion lo hará medix conforme á ordenanza para señalar los linderos, quedando el sobrante que resulte á la Nacion para los usos combericantes.

5.^a Si contraviniese á estas condiciones, perderá su derecho al Terrero y será denunciado por otro. En consecuencia mando que si viniera

de título el presente y teniendole por firme y
validero, se tome raxon en el libro á que correspon-
de y se entregue al interezado para su resguardo y
demas fines. Dado en Montreux á veinte y seis
de Noviembre de mil ochocientos treinta y tres.

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José Figueras

[Decorative flourish]

Aguarín P. Lamorano

Pris. *[Decorative flourish]*

[Vertical handwritten note]

Queda tomada raxon en el libro de asientos de título
los sobre adjudicacion de Herreñes á fojas diez y seis
Número catorce q. obra en el Archivo de la Sec.^a
de mi cargo Montreux Noviembre veinte y seis
de mil ochocientos treinta y tres.

Lamorano

[Decorative flourish]

En 31 de Mayo, pasó á la comision
de terrenos valdies.

Malamaro

[Decorative flourish]

Pris.

No 49
No 63

Francisco Perez Pacheco

Ausaymas

Title

Deed Oct 18th 1855. J.C. & J.R.

Filed in Office Dec 23rd
1852.

G. Fisher
Sey.

Recorded in Record of W. & A.
Vol. C. pages 244 & 245

"Exhibit C. f.c.f."

Monterrey

I, *John A. Miroe* Clerk of the
United States District Court for the Northern District
of California, do hereby certify that I have received of

George Fisher

Secretary of the Board of Commissioners to ascertain and settle
the Private Land Claims in the State of California, a docu-
ment purporting to be a Transcript of Record of the Proceedings
and of the Decisions of the said Board of the Documentary Evi-
dence and of the Testimony of the Witnesses upon which the same
is founded, in Case No. 63 on the Docket of the said
Board, wherein *Francisco Perez Pacheco*
the Claimant against the United States for the
place known by the name of *Susaymas*
to be filed in accordance with the provisions
of the Act of Congress, approved August 31st, 1852, with the
Clerk of the United States District Court for the District of
California in which the Land claimed is situated.

In Testimony Whereof, I have hereunto set my
hand and affixed the Seal of the said Court, in the
City of San Francisco, the thirteenth day of
March A. D. 1854

John A. Miroe
Clerk
by *A. M. Schell*
Jy

PA
No 140

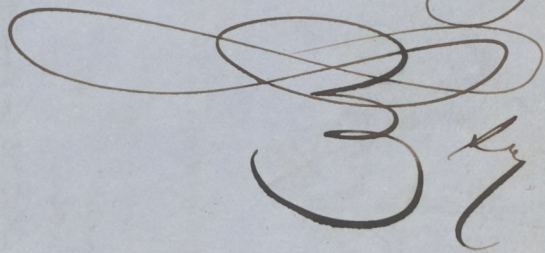
Receipt 79 SD

of
the Clerk of the U.
S. Dist. Court for
the North^m Dist^{ct}
for

Trans. No. 63

Filed in Office March
13th 1854

Geo. Fisher



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SD
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Registered

Attorney General's Office.
13th July 1852.

Francisco Perez Pacheco, Claimant }
vs. } 63.
The United States.

You will please take notice that an appeal in the above case (a transcript of the proceedings in which was received at this office on the 30th of March 1851), from the decision of the Commissioners to ascertain and settle the private land claims in the State of California, to the District Court of the United States for the Southern District of California, will be prosecuted by the United States.

Cushing
Attorney General U.S.

U. S. Dist. Court

South. Dist. of Cal.

The U. S.

vs

Francis P. Parkes

Notice of Appeal
in No. 637
from Atty. Genl.
13 July 54

No 2 3.

Rec. Sept. 18/54

Filed Sept. 19/54

W. S. Taylor

Sp. Clk.

Handwritten note in left margin:
No. 79

Handwritten notes in right margin:
Sept 18/54
Sept 19/54
Francis P. Parkes
vs
The U. S.

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

Francisco Perez Pacheco. 3
advs 3 No 63.
The United States 3

UI 79 SD
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To the Honorable Isaac S K Ogier Judge of the
District Court of the United States for the South-
ern District of California.

The petition of Pacificus Ord (of Monterey County)
Attorney of the United States for the Southern Dis-
trict of California, who petitions in this behalf for
the United States, and being present here in court
in his proper person, in the name and behalf of the
United States, represents as follows.

That heretofore, to-wit, on or about the 24th day of
February AD 1852, Francisco Perez Pacheco presented
a petition to the Commissioners to ascertain and
settle the private land claims in the State of
California, claiming the tract of land called
"Ansaymas," and "Cañada de Oro," containing two
leagues more or less, in the words and figures following,
to-wit. "The petition of Francisco Perez Pacheco respect-
fully sheweth, that being a Mexican by birth, and
in the Military service of the Mexican Republic
in the Territory of California, he made and presented

2
"a petition on the 30th day of May 1833, to Jose Fig-
"ueroa, Brigadier General and Superior Chief or
"Governor of California, soliciting for himself the
"grant of two adjoining parcels of land, then occu-
"pied by him, situate near the Mision of San Juan
"Bautista in the present Counties of Monterey and
"Santa Clara, and designated as "Ansaymas," and
"Cañada de Asos." That on the first of June 1833, said
"Governor referred said petition to the Ayuntamiento of
"Monterey in order to obtain their report, whether said
"lands could be granted and whether the petitioner pos-
"sessed the requisites, necessary to meet with a compliance
"of his request. That on said 1st June 1833, the Ayun-
"tamiento of Monterey transmitted said petition and
"reference to the Committee of Colonization and waste
"land, and that said Committee inquired of the fathers
"ministers of the Mision of San Juan Bautista, to the
"Territory of which those tracts formerly belonged, and
"was notified by Felipe Avoygo, one of said ministers,
"that the Mision had granted said lands to your
"petitioner, because said Mision did not want them;
"Thereupon said Committee on waste land and Colo-
"nization, in their report to the Ayuntamiento aforesaid,
"declared said lands liable to be granted, provided
"the reverend fathers of said Mision would not raise
"any further obstacles. That said Ayuntamiento trans-
"ferred said report of the Committee to Governor
"Figueroa on the 8th of June 1833. That on the 11th of

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"June 1833, said Governor Figueroa referred the subject
"back to the reverend fathers, ministers of said mis-
"sion of San Juan, in order to obtain an exact state-
"ment of all the facts directly from them. Whereupon
"José Antonio de Amor, one of the fathers aforesaid
"reported favorably to the petition of your petitioner
"Pacheco. That said Governor Figueroa thereupon, to wit
"on the 24th day of June 1833, referred said matter
"to the first Constitutional Alcalde of Monterey in
"order of obtain further reports about the character
"and position of your petitioner Pacheco, and whether
"said lands did not belong to the "Rancho Nacional,"
"or to any Corporation, village or individual. There-
"upon said Alcalde notified your petitioner, that he
"had to bring witnesses to be examined in all the
"particulars set forth in the Governor's reference to
"him, the said Alcalde. That your petitioner appear-
"ed there on the day appointed, with three witnesses,
"Citizens of the Republic of Mexico, who then, and there
"satisfactorily proved, that your petitioner was of
"unexceptionable character, in the military services
"of the Republic for many years, that he was posses-
"ed of a large stock of Cattle &c, &c, and that the
"land petitioned for, belonged de jure to the Mission
"of San Juan Bautista, but was waste and unoc-
"cupied. The depositions of which three witnesses
"were transmitted to Governor Figueroa. Whereupon
"said José Figueroa by virtue of the authority re-

"ted in him as Constitutional Governor of California,
 "by a decree, dated the 21st of November 1833, declared
 "the said Francisco Perez Pacheco, to be the lawful
 "owner of the tracts of lands, designated as "Las
 "Ansaymas," and "Cañada de los Asos," now only known
 "under the name "Ansaymas," and directed the proper
 "documents constituting title to be executed and
 "delivered to said Pacheco. That on the twenty sixth
 "of November 1833, said documents were issued in
 "accordance with all the formalities of the law and
 "delivered to your petitioner. That said grant was
 "introduced to the Departmental Assembly at Monte-
 "rey and by her referred to the Committee on coloni-
 "zation, to report thereon. That said Committee hav-
 "ing favorably reported thereon, on the 7th of March
 "1834, said Departmental Assembly in the sitting
 "of the 17th of May 1834 approved and confirmed said
 "grant. And your petitioner further saith, that the
 "said petition, references, letters, Statements, depositions
 "and a copy of the original grant together with a
 "map of the land are now on file among the Archives
 "of the Surveyor General of the United States of America
 "for the State of California, and that duly certified
 "Copies and translations of the same are herewith
 "exhibited and prayed to be made a part to this
 "petition. And that the original grant, and record
 "of Judicial possession are in the possession of your
 "petitioner and ready to be offered in evidence whenever

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required. And your petitioner further states, that
said tract of land is situated in the present counties
of Santa Clara and Monterey in the neighborhood
of the Mission of San Juan Bautista and is
bounded, according to the terms of said grant
as follows; On the South by the lands of the Mission
of San Juan Bautista and the "Sanjon del Pe-
quesquite," commencing about one thousand varas
South of the entrance of the San Felipe creek, in
the Laguna de San Felipe, thence running due
east two leagues. Thence at right angles to said last
line, due North one league and three quarters, cross-
ing the river of San Felipe to a point about three
hundred varas North of the point of crossing. Thence
West one thousand varas. Thence South 30 degrees
West, three thousand varas. Thence West to a point
due North of the point of the first station. Thence
due South to the place of beginning. Containing
in whole about two leagues, more or less. And your
petitioner further states, that he applied to the
Constitutional Alcalde at Monterey on the 26th
of October 1835 for the purpose of obtaining Jurid-
ical possession of the land so granted to him, and
that said Alcalde on the 22^d of October 1835 had
said land measured and gave your petitioner the
Juridical possession of it in accordance with all the
formalities of the law. And your petitioner further
states, that afterwards on the sixth day of

April 1836, he obtained a grant for a tract of
land adjoining the above described, and that second
grant, expressly confirmed and ratified said first
named grant of the 26th Nov, 1833, as will more fully
appear by reference to said second grant, which to-
gether with the documents of Juridical possession
above mentioned, is in your petitioner's hand and
ready to be offered in evidence whenever required.
And your petitioner further saith, that ever since
said grant was made to him he has been in pos-
session of said land, and has exercised full and
acknowledged ownership over the same, and that
he is not aware of any title paramount to his.
He therefore claims to be the owner of said tract,
"Ansaymas," and prays, that your honorable body
will confirm his claim and title thereto."

Your petitioner further represents that thereafter,
to wit, on the 5th day of January AD 1853, the said
Commissioners confirmed by final decree the
said claim of the said Francisco Perez Pacheco
in the words and figures following, to wit. "This
Board on full consideration having come to the
conclusion that the claim is valid, now proceeds
to make, and does hereby make the following de-
cree or report of final confirmation, viz; It is
decreed that the said claim be confirmed to the
extent and quantity of two square leagues, being
the same land described in the grant and of which

the popepion was proved to have been Judicially
given and long enjoyed; Provided, that the said
quantity of two square leagues, now confirmed to the
claimant be contained within the boundaries call-
ed for in said grant and map to which the grant
refers, and if there be less than that quantity
within said bounds, then we confirm to the claim-
ant that less quantity. Witness our hands this 5th
of Jany 1853.

"Wiland Hall" Commis-
sioners.
"Harry J Thornton" 3

That thereafter, to wit, on the 19th day of September
AD 1854, a duly certified transcript of the said
decree and proceedings, and the papers and evi-
dence 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 No 63, reference to which
it is prayed may be had and made a part
of this petition.

That on the 30th day of March AD 1854, the honor-
able 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, (No 63) and the papers
and evidence on which said decree was founded.

That thereafter, to wit, on the 19th day of September
AD 1854, 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 Francisco Perez Pacheco vs The United States from the decision of the 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.

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Your petitioner further represents that the said land claimed as aforesaid, is within the Jurisdiction of this Honorable Court.

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.

1. That the said Francisco Perez Pacheco Shows no valid title to the said land claimed by him as aforesaid; And it is denied that he has any.
2. That the said alleged grant of Governor Figueroa was made in violation of the 4th Article of the Colonization Law of Mexico of the 18th of August A.D. 1824, in

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this, that the land granted, as alleged by Claimant was and is within ten leagues of the sea coast. And there is no evidence by Claimant, that the Supreme General Executive power of Mexico previously approved of the colonization of the lands of California, 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.

3. That at the date of the said alleged grant, the said land claimed as aforesaid was occupied by ^{or in the possession of} the Missions of California; and particularly by the Mission of San Juan Bautista; and could not therefore be colonized.

4. That the land, alleged to have been granted by Governor Figueroa, of the date of the 26th of November AD 1833, is not sufficiently described in said grant and Map referred to therein, so that it can be identified. And the said alleged grant is void for uncertainty.

5. That there is no evidence that the names of José Figueroa, Augustin V Zamorana and Maldonado appearing upon the said alleged grant of said date, are their genuine signatures. And it is denied that they are genuine. And the genuineness of the said alleged grant of said Governor Figueroa of said date is also denied.

6. That the said alleged grant of said land is made subject to the approval of the Supreme Government

of Mexico. And there is no evidence that said Supreme Government ever approved said grant. And it is denied that it was ever so approved, as required.

7. That the alleged act of Juridical popepion by José Rafael Gonzalez, Second Constitutional Alcalde of Monterey, dated the 22nd of October A.D. 1835, was not made according to the said alleged grant and maps, nor according to the Ordinance or law; that the pretended survey of said land is vague, uncertain and indefinite.

8. That there is no evidence that the said José Rafael Gonzalez, was, on the said 22^o of October A.D. 1835, Second Constitutional Alcalde of Monterey, and that he had lawful authority to measure and give Juridical popepion of said land. And it is denied that said Gonzalez was such Second Alcalde of Monterey, with lawful authority to measure and give Juridical popepion of said land to said Pacheco.

9. And there is no evidence that the said Francisco Perez Pacheco, built a house on said land, within a year from the date of said grant, and that it was occupied. And it is denied that he built a house on said land within a year from the date of said grant, and that it was occupied by him.

10. That the claimant has not shown that any title ever issued to him of the date of the 6th of April A.D. 1836, for a tract of land adjoining the aforementioned tract, ^{as alleged} And it is denied that he ever received a title

for land of the said date, as alleged in his said petition.

And no 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.

Wherefore 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 the laws and Statutes in such case made and provided, prays that the said Francisco Perez Pacheco, or his Attorney, 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 Francisco Perez Pacheco for said land claimed 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.

P. Ord

Attorney of the United States for the
Southern District of Cal^a.

79.

2

No. 79.

Francisco Perez Pacheco,
ads.

The United States.

Petition of all the MS for
revision &c.

Filed Dec 29. 1854.

f. E. Carr
CHK.

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

TO

The President of the United States,

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Francisco Perez Pacheco

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 *Twenty ninth* day of *December* in the year of our Lord one thousand eight hundred and fifty-*four* at the City and County of Los Angeles, in said District, by

Pacificus 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 Commissioners to ascertain and settle the private land claims in the State of California, of the claim of Francisco Perez Pacheco, for a tract of land called Ansaymas, and Cañada de Osos, in the Counties of Monterey and Santa Clara, California, to the extent of about two leagues; which said claim was presented by your petition to said Commissioners on or about the 24th day of February, A.D. 1853, and by them confirmed on or about the 5th day of January, A.D. 1853.

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 *Twelfth* day of *February* in the year of our Lord one thousand eight hundred and fifty-*five* at Los Angeles aforesaid.

J. E. Farr
Clerk.

No. 79
R. D. G. 2055

Marshals cost
Copying Summons 1.90
Serving Summons 3.00
Serving Petition 3.00
Actual Traveling
Expenses 155.00
\$161.90

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

Francisco Perez Pacheco
Advs. $\frac{63}{-}$
The United States.

SUMMONS.
Return February 14th 1855
Edward Hunter
U. S. Marshal

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I served this summons along with the proper copy of the petition upon *Francisco Perez Pacheco*
by delivering to him personally a true
copy of the same in the county of
Monterey

at *the town of Monterey*
the *26th* day of *March*

in the Southern District of California on
A. D. 185 *five*

Sworn to and subscribed before me, this *2^d*
day of April 1855. *J. E. Jones* Clerk.

Edward Hunter
U. S. Marshal.

Thos A Maps
Sept

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

Francisco Perez Pacheco, Appellee

vs
The United States, Appellant

Land Commission No 63. Docket, No 79.

Claim for "Ausaymas" and "Cañada de los Osos."

And now comes the above-named Appellee, Francisco P. Pacheco, by J. R. Scott, his attorney, and for answer to the Petition for Review filed in this case by the Appellant, says:

That on the 20th day of November, A.D. 1833, José Figueroa, then Constitutional and Acting Governor of Upper California, and duly authorized by law to make such grant, did by his deed of grant of that date duly executed according to law, grant and convey unto this Appellee the lands called "Ausaymas" and "Cañada de los Osos," the same being two adjoining parcels of land, known by the common name of "Las Ausaymas," situate in the present counties of Monterey and Santa Clara, and containing two square leagues, a little more or less; which said lands were duly measured, and judicial possession thereof given to this Appellee by the competent judicial authorities of the district wherein said lands were situate, according to law, on the 22nd day of October, A.D. 1835;

whereby this Appellee became seized in fee simple of the lands aforesaid, as this Appellee avers that he has from the date of the aforesaid grant, to the present time, done, performed, and fulfilled all the conditions that it was necessary by law for him to do, perform, and fulfil to perfect his title to the said lands, and that during all that time he has been in quiet and peaceable possession and occupation of the same.

And this Appellee further says, that on the 24th day of February, A.D. 1852, he filed before the United States Board of Land Commissioners to ascertain and settle the private land claims in California, his Petition setting forth his title and praying for a confirmation to him of the said lands by the said Board, together with certain documentary evidence in support thereof.

And that afterwards, to wit, on the 3^d and 12th days of May, A.D. 1852, this Appellee also filed before said Commissioners certain depositions of witnesses in support of his claim to said lands of "Las Causaymas", all of which Petition, documentary evidence, and depositions of witnesses, together with the subsequent proceedings of the said Commissioners in the matter, are contained in the Transcript now on file in the Office of the Clerk of this Court, the whole of which this Appellee hereby refers to and makes a part of this his answer.

And this Appellee further says, that the said Board of Commissioners, after hearing the Petition and proofs of this Appellee, did, by their decree and decision, made January 5th A.D. 1853, confirm said lands to this Appellee.

And this Appellee says that he is

from said lands to this Appellee.

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And this Appellee says that he is the legal owner of said land and entitled to have the same confirmed to him by this Honorable Court; inasmuch as he has done, performed and fulfilled all things and conditions necessary to be done, performed and fulfilled to entitle him to such Confirmation, particularly by an act of the Congress of the United States, entitled "an act to ascertain and settle the private land claims in the State of California," Approved March 3^d 1851.

And this Appellee further states that said land are situate in the Southern District of California, and within the jurisdiction of this Honorable Court; and for further answer to the Petition for Review filed in this case by the Appellant, this Appellee says that he denies all and singular, each and every allegation therein contained, except what is admitted in this his answer; and he denies that there is anything in said Petition contained, either in law or in fact, to estop or prevent this Honorable Court from affirming the decision of said Board of Commissioners and confirming to this Appellee his title to the land in this case.

And this Appellee would pray the judgement of this Honorable Court, that the decision of said Board of Commissioners may be affirmed and that his title to the said lands of "Cusaymas" may be confirmed; and that he may have such other and further relief, as shall be agreeable to Equity and good conscience, and the nature of his case shall require—

J. H. Scott

Attorney for Appellee

I served this answer on Pordell & District
Attorney personally by delivering to him
a certified copy of the same at Los
Angeles in the Southern District of
California on April 25th 1855

Edward Hunter
U.S. Marshal

Sworn to & subscribed
before me this 25th day April 1855.
J. E. Farrer
Clerk.

Case No 79.

G. P. Pacheco
Appellee
vs.
United States.
Appellant.

Answer of Appellee.

The clerk will please serve copy
on the District Attorney.

Filed April 26th 1855.

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PAGE 105

J. E. Farrer
Clerk.

J. R. Peott,
Attorney for Appellant.

Marshals cost -
for services \$3.00

The United States, applr

vs

Francisco P. Pacheco, appee

U.S. Dist

Court. Southern

Dist of Cal.

No 49. "Assaymas."

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Deposition of David Spence a witness on the part of appellee, taken by consent of parties before Charles E. Carr, U.S. Commissioner appointed to take testimony in this case, at Monterey June 19th 1855. Present P. Ord. U.S. Attorney, J.R. Scott, attorney for appellee.

David Spence being duly sworn deposes as follows,

Ques 1st. What is your name, age, place of residence, and occupation.

Ans. My name is David Spence, my age is fifty six years - my residence is Monterey, my occupation Ranchman.

Ques 2^d. How long have you resided in California?

Ans. - I have resided in this State upwards of thirty years.

Ques 3^d. Do you know Jose Rafael Gonzales,

Ans. I do.

Ques 4th. State anything you know of his having been Alcalde in Monterey, and about what time.

Ans. I know that he was second Alcalde in the year 1835, when I myself was first Alcalde of the same year.

No 49.

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

The United States
Appellate.

vs

Francisco P. Pacheco,
Appel.

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Deposition of
David Spencer

Filed June 19th 1855.

J. E. Farr
Ck.

Brown & Co. San Francisco
at New York this 19th
day of June 1855. before
me,

J. E. Farr
U. S. Comm.

J. H. Pence

The United States, applt. } U. S. District
vs } Court, Southern
Francisco P. Pasko, apper } Dist of Cal.
1049. "Ansaymas"

Deposition of Jose Rafael ~~Gonzales~~ Gonzales.

79 SD
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a witness on the part of appellee, taken by consent of parties before Charles E. Carr, U. S. Commissioner, appointed to take testimony in this case, at Monterey June 19th 1855. Present, P. Ord, U. S. Attorney, for appellant. J. R. Scott, Attorney for appellee.

J. R. Ord, sworn as Interpreter,
Jose Rafael Gonzales, being duly sworn
deposes and says -

Ques 1st. What is your name, age, place of residence, and present occupation.

Answer. My name is Jose Rafael Gonzales, my age is sixty seven years, my residence Monterey, my occupation that of a Ranchero.

Ques 2. - Do you know the Rancho of "Ansaymas"?

Ans - Yes, I know it, It is the same as San Felipe - It was called "Ansaymas" after the Chief of the Indian tribe which lived on the place. The padre of the Mission called it San Felipe.

Ques 3^d. Did you ever give judicial possession of said Rancho of Ansaymas, if so, when and to whom. And ~~and~~ were you Alcalde at the time of giving such possession.

2
Ans. When I was Alcalde of Monterey
in the years 1834 or 1835, I gave
judicial possession of San Felipe
and Ansaymas, both being included
in one, to Francisco Perez Pacheco.

Ques. 4th - What do you know of the
occupation of said Ranch.

Ans. - I know that Francisco
Perez Pacheco has occupied
said Ranch ever since I gave
him judicial possession of it.

That he built houses on the same,
and cultivated it and has
had large numbers of cattle
and horses on it from that
time till now.

Cross examined by the U.S. Attorney.

Ques. - When was this Ranch of
Ansaymas last occupied by
the mission of San Juan?

Ans. - It was occupied by the mission
up to the time it was petitioned by
Francisco Perez Pacheco.

Ques. Who was present when you
gave judicial possession
to Fran Perez Pacheco, about
the years 1834 or 1835?

Ans. - The following persons
were present when I gave
the judicial possession
about the years 1834 or 1835 -
- Jose Liburcio Castro - Quintin
Ortega - a Cohudante - Jose
Maria Sanchez - Mariano Macayo

castro - Aponte Mejia -
Cruz Cervantes - Cruz Perez
Rafael Mota, one ^{Juan M. Anzar} Vargas

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These are all I remember -
ques - Who were the assisting
witnesses to the act of judicial pos-
session -

Ans - I do not recollect,
ques - Were they not Juan
Miguel Anzar - Rafael Mota.

Ans - I do not recollect, it
is so long since -

ques - Did you or not ever
give judicial possession
to Francisco Perez Pacheco
of any tract of land other than
the one you have just men-
tioned,

Ans - I never gave Pacheco
judicial possession
for any other land than
the one I have mentioned.

ques - Did you or not make
and deliver to Francisco
Perez Pacheco - a testi-
monial of the judicial
possession of the said
Raucho of Auzaymasi

Ans - I did ^{make} give to Pacheco
a testimonial of the judicial
possession of the said tract
The original remaining in the
Juzgado of Monterey under the
charge of Don David Spence
just Alcalde or myself second Alcalde.

48

Ques. Under what title did you give the said judicial possession of said Rancho of Ausaymas to the said Pacheco.

Ans. Under a title from Gen Figueroa. There was no other title than that from Figueroa. -

Ques. Was Governor Figueroa alive at the time you gave judicial possession to Francisco Pacheco.

Ans. I do not recollect.

Ques. At the time you gave judicial possession of said Rancho of Ausaymas, had the said Pacheco a house on the same -

Ans. Yes - he had several houses on the place, and many cattle horses and sheep.

Ques. At the time of judicial possession, did the said Pacheco live there in any of those houses -

Ans. Yes, he lived in the largest of the houses.

Ques. By what name or names was the said tract of land of which you gave judicial possession as aforesaid known at that time -

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Ans. When it was occupied by the Indians, it was called ausaymas. The Padres of the mission of San Juan Bautista, San ~~Francisco~~^{Felipe} and Francisco Perez Pacheco called it Guadalaxaritan.

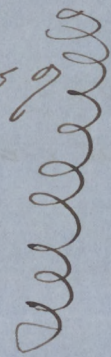
ques - How far is the said tract of land from the sea coast.

Ans - About fourteen leagues I think.

born to and subscribed to Tore Rafael Leon
at Monterey this 19th day of July
June 1835. Zales

J. E. San
U. S. Comr.

511



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No 49.
U.S. Dist Court
South Dist of Cal.

The United States
applt.

vs

Francisco P. Pacheco,
appet.

Deposition of
Jose Rafael Gonzalez.

Filed June 19th 1855

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J. E. San-
cti

No 49.

J. B. Pacheco }
 Appellee. }
 vs. } Ausaymas.
 The United States }
 Applt. }

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Abel Stearns, a witness on the part of Appellee, was sworn and testified as follows

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

Ans. - My name is Abel Stearns, my age 57 years, residence in Los Angeles.

Ques. - How long have you resided in California

Ans. - Twenty six years.

Ques. - Did you know Jose Figueroa, and Agustin V. Zamorano, if so, have you frequently seen them write and are you acquainted with their hand writing.

Ans. I knew them both, have seen them write and am acquainted with their hand writing

Ques. Look upon a document here shown you, purporting to be a grant of land called "Ausaymas", purporting to have been executed by Jose Figueroa to Francisco Peres Pacheco, bearing date Nov. 26th 1833, and state whether the signatures of said Jose Figueroa and Agustin V. Zamorano where they appear upon said document are their genuine signatures.

Ans. - I have examined the document and pronounce Jose Figueroa's and Agustin V. Zamorano's signatures to be genuine.

Ques. - What Offices did the said Jose Figueroa and Agustin V. Zamorano hold in California in the November 1833.

Ans. Figueroa held the office of Commandante General, and Jefe Superior Politico, and Zamorano held the Office of Secretary. (Said document is hereto annexed and marked "Exhibit C. f.e.f.")

Abel Stearns

I was to & subscribed before me this 8th day of Oct. 1855.

J. E. Farr
Clerk

No. 49.

U.S. Dist Court
South Dist of Cal.

G. P. Cahoon,
Appellee.

vs.
The United States,
Appell.

Report of Abel Stearns
auctioneer for Appellee.

Filed Oct 8th 1855.
J. E. Farr
Clerk

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

Francisco P. Pacheco

Case No 79.

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Appellee

vs

Transcript. 63.

The United States,

Appellant.

"Sundaymas".

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4	12, 13.	do David Spence
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6	20, 21.	Petition to Gov ^r Figueroa, with marginal order of Reference to Ayun ^{to} of Monterey
7	21, 22.	Reference by Ayun ^{to} to Committee on Colo- nization & Vacant Lands.
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9	25.	Permission by Father Arroyo to occupy
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12	27.	Order to Inform Padre of Mission
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Copies from Archives.

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44	59, 60 & 61		Title from Gov ^r Figueroa. (Same as 18)
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50	74.	do	Reference u 45
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83.

Opinion

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83.84

Decree of Confirmation

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Note

Nos 23 and 24, belong to Case
No 78, Same Claimant, for "S Felipe"

Case 79 -
U.S. Dist. Court, Southern
District of California.

José P. Pacheco

Appellee

vs

The United States

Appellant

Index of Transcripts 63.

Filed Oct 9th 1857

C. E. / on
Clerk.

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The United States appellants }
 vs }
 Francisco P Pacheco. Appellee }

The claim in this case is founded upon a grant from Governor Figueroa to the appellee dated the 26 Nov 1833. The original grant and the testimonial of approval by the departmental junta are on file in the record. The genuineness and authenticity of these documents is fully proven. ~~The original~~ A copy of the expediente of all the proceedings had upon the original application of the grantee for the land, ~~taken from the~~ found in the possession of the Suroya General. Among the archives of the ~~former~~ Mexican Government, and the Act of Judicial Possession ^{Constituted} from the documentary evidence in the case, the genuineness of all these documents is fully proven. The said testimony ~~shows~~ proves the individual possession and occupation of the land.

All the objections taken to the claim have been ~~also~~ decided upon before by this Court and that decision has been forwarded to the claimant - The grant purports to be a grant of two square leagues a little more or less within the boundaries described in the grant and map, with a reservation as to the ~~land~~ ^{land} to the uses of the Government, this Court and the Board of Commissioners who confirmed this grant, have both decided, that under ~~the~~ ^{the} same a grant of this character the claimant was entitled to no more than the number of leagues specified in the grant and that the under more or less were mere surplusage and that he could take nothing by them. Therefore this claim must be confined to that extent and a decree will be entered affirming the decree of the Commissioners.

— No 79 —

United States

15

F. P. Packes

[Decorative flourish]

Filed Oct 10th 1855
D. E. Can. cl. 10
By J. W. P. P. P. P.

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In the U States District Court for
the Southern District of California,
Special Term Sept 1835
Los Angeles.

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Francisco P. Pacheco. app^t. } N^o. 79.
ads. } Transcript N^o. 63.
The United States. app^t.

On motion of P Ord 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 en-
titled cause, rendered on or about
the 10th day of October A D 1835.

P. Ord
U S Dist Atty.

PAGE

No 79.

U.S. District Court
Southern Dist: of California

The United States Appellants

vs.

Francisco P. Pacheco, Appellee

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Order of Appeal to the Supreme
Court on Motion of P. Ord
U.S. Atty: —

Filed October 18th 1855.

C. E. Can Clerk
By J. W. Burdette

California Land Claims.

Attorney General's Office

4 September 1856.

79 SD

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Sir:

In the case of the claim of Francisco
Perez Pacheco, confirmed to the claimant by the
Commissioners, case no. sixty-three (63), and also
confirmed on appeal by the District Court, - ap=
peal in the Supreme Court will not be prosecu=
ted by the United States.

I am

Respectfully

Cushing.

Jefferson Ord Esq.

U. S. Atty for the

Southern Dist of Cal.

PA



79

Francisco Cruz Pacheco

63

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Recd

1836

In the District Court of the United
States for the Southern Dist. of California
Before Hon. J. G. Ogier

December Term 1856

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J. P. Pacheco }
ad } N^o 79
United States } Term N^o 63.

Assayamus

The Attorney General of the United States having
informed the U. S. Atty. for the Southern Dist.
of California, that the appeal heretofore taken
to the Supreme Court, would not be prosecuted
by the United States, in a letter dated 4th September 1856,
and herewith annexed; It is stipulated by and
between the parties, that the decree of con-
-firmation in said cause heretofore made by
this Court, to wit, on the 18th day of October
1835 shall be now made final

Henry Hancock
for Messrs King & Stanley
Atty^o for claimant

N^o 79

J. P. Nichaco

ad

United States

Asayamus

Reputation
of Atty. concerning
final decm

Filed this 19th February
1857
G. S. S. S. S.
J. H. S. S. S.
S. S. S.

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

Hon Isaac S. K. Ogier
District Judge 1856

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F. P. Pacheco

ad Appellee

The United States
Appellant

Doc No 79

Trans No

The Attorney General of the
United States having given notice
that the appeal to the Supreme
Court of the United States in the
above entitled cause, will not
be prosecuted by the United States
and a stipulation having been
entered into by the United States
District Attorney, and the attorney
of the claimant that the order
granting an ~~order~~ appeal to the
Supreme Court of the United
States, heretofore made in this
cause be vacated, and that the
doers of this Court heretofore
rendered in this cause, may by
order of the Court be made final
it is, Ordered adjudged and decreed
that the order granting an appeal
to the Supreme Court heretofore
made, in the cause be and
the same, is hereby vacated, and
that the claimant have
leave to proceed under the

deem heretofore rendered in
this cause as under a final
deem

David Rogers
W. H. W. Judge

No 79

J. P. Nichols

Appellate

287

The United States

Appellate

Order vacating
or in of appeal

Filed this 23rd February

1859

J. H. McArthur
Clerk

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

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The United States, Appellant } No 79.
or } Claim for ranch of
Francisco P. Pacheco, Appellee } "Cusaymas".

And now on this day of
A. D. 1855, the parties appear in court, the Ap-
pellant appearing by P. D. C. United States
District Attorney for the Southern District
of California, and the appellee appearing
by J. R. Scott his attorney, ^{on motion of appellee} ~~by consent of~~
~~parties~~ it is ordered that either party may
take such further testimony as they shall
wish in the above entitled cause.

4. Case No 79

The United States —
Appellant

vs
Francisco P. Pacheco
Appellee

Leave to take further testimony

Filed

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"Audaymas"