

CASE No.

111

SOUTHERN DISTRICT

LOS VERGELES GRANT

JAMES STOKES

CLAIMANT

LAND CASE 111 SD

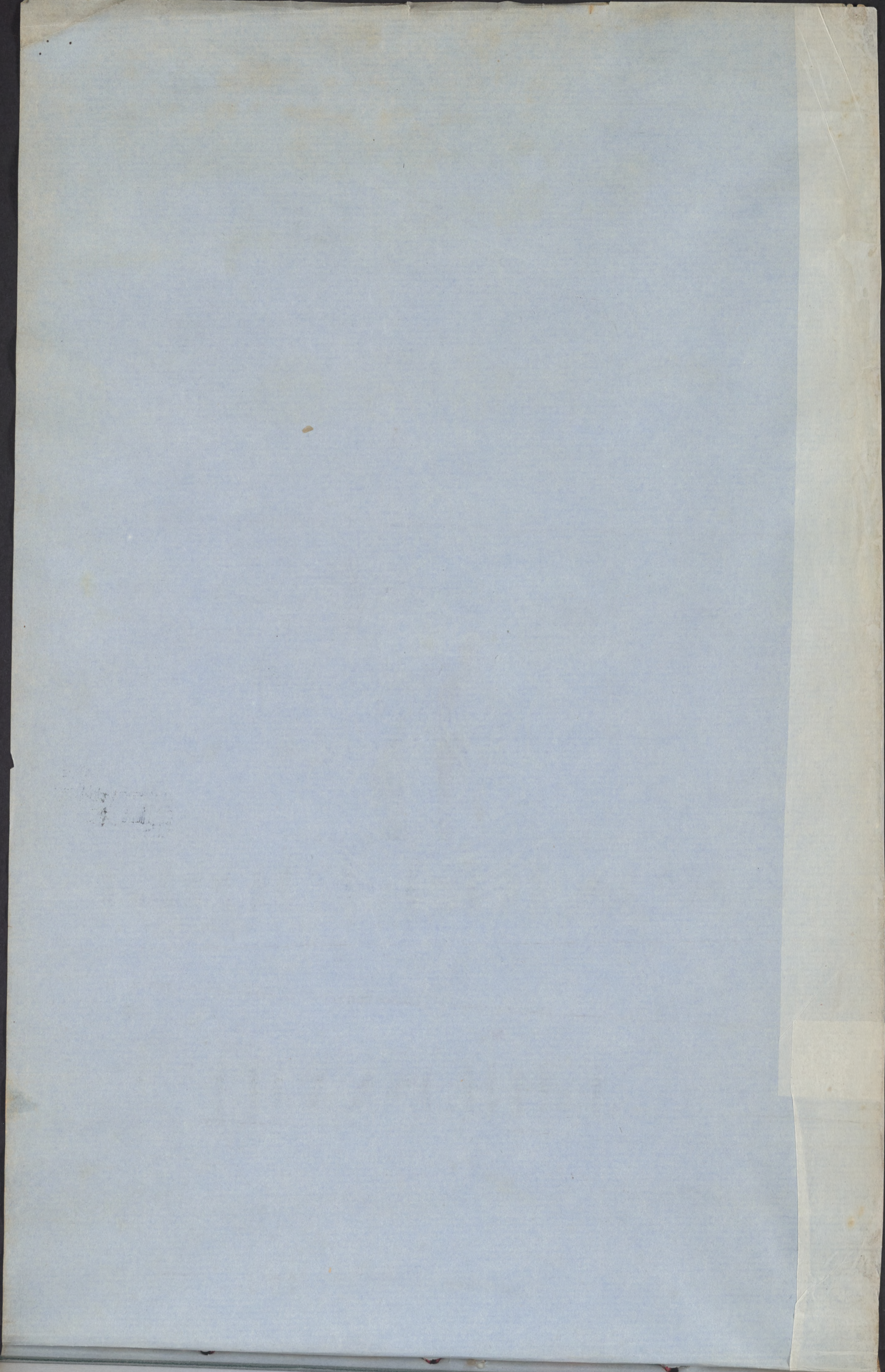
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Southern District



TRANSCRIPT
OF THE
PROCEEDINGS

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PAGE 1

IN CASE

NO.

169

James Stokes

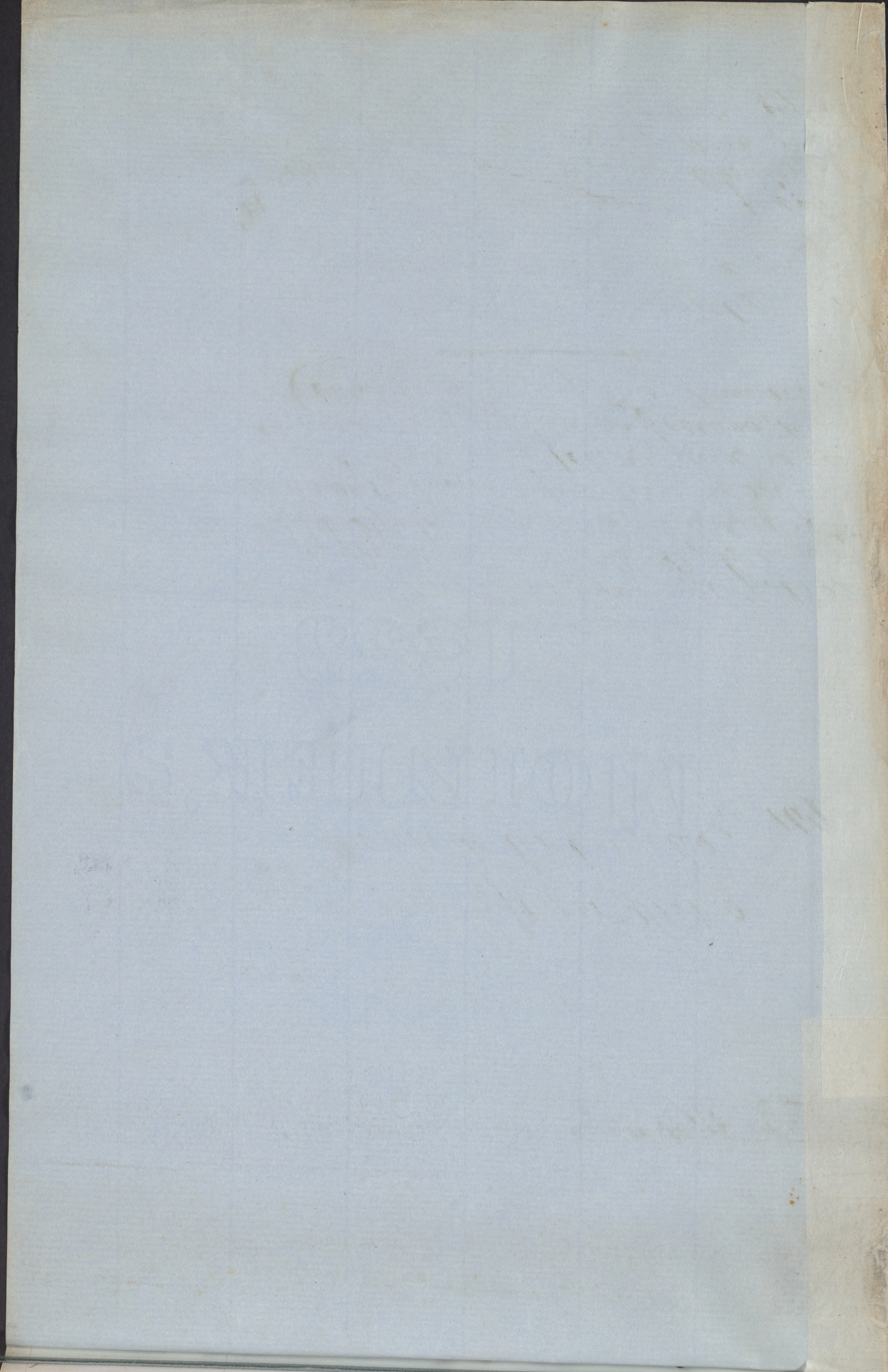
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Las Vegas"



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 *seventh* day of *April*, 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 *James Stokes* for the Place named "*Rancho de los Vergeles*," was presented, and ordered to be filed and docketed with No. *169* and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

San Francisco Apt 7, 1852,
In the same case, the Deposition of *David Spence*, a witness in behalf of the Claimant, taken before Commissioner, *Wiland Hall*, was filed, and is in the words and figures as follows, to wit:
(Vide page *5* of this Transcript.)

San Francisco, Apt 14, 1852,
In the same case, the Depositions of *James Stokes* and *William E. P. Hartnell*, witnesses in behalf of the Claimant, taken before Commissioner *Wiland Hall*, were filed, and are in the words and figures as follows; to wit:

(Vide page 7 of this Transcript.)

San Francisco, October 5, 1853.
Case No. 169 was submitted on briefs
and taken under advisement by the
Board —

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San Francisco, November 4, 1853.
In the same case the counsel for the
Claimant filed the following stipulation, to
wit:

(Vide page 30 of this Transcript.)

San Francisco Feb'y 21st 1854.
In the same case, Commissioner,
Thompson Campbell, delivered the Opin-
ion of the Board, rejecting the claim —
(Vide page of this Transcript.)

San Francisco, August 15, 1854.
In the same case, on motion of the
U.S. Law Agent, the following Order was
made, to wit:
(Vide page of this Transcript.)

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Petition

To the Hon the Board of Commissioners for settling
Private Land Claims in California
The Petition of James Stokes of the ^{City} and County of Monterey
respectfully sheweth

That he is the owner and Claimant of the Rancho de Los
Angeles formerly called the Rancho de la Comada en
Munio of la Comada de Cerada granted to Jose Joaquin
Gomez by the grant of Gov Jose Figueroa of August
28th 1835, and the subsequent decree of concession of
Jose S. Castro on the 4th day of September 1835, who
being on the death of Governor Jose Figueroa President
or first Member of the Departmental Assembly became
Ex Officio Sup. Politico ad interim under and by virtue
of the Colonization laws of August 18th 1824, and the
instructions made under said laws of November 12,
1848 and the various laws Decrees and customs Gov-
erning in such cases,

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which said grant was approved by the Departmental
assembly in its Decree of September 1835.

The quantity of land granted is two leagues and is
situated in the County of Monterey in a range of hills
near and in the Salinas Plains from the Valley of
San Juan

Said Rancho was conveyed to your Petitioner by the
trustees of the said Jose Joaquin Gomez who was then
absent by deed dated the seventh day of June one
thousand eight hundred and forty eight, and
your Petitioner has been in possession thereof ever
since and has continued to improve the same ever
since. Said land was Surveyed by the County Surveyor
of Monterey in 1850 and there is no conflicting Claim
known to your Petitioner.

The evidence upon which your
Petitioner relies and which more fully sets forth
the above is contained in the documents herewith
filed marked Exhibits A. B. C. D. E. being the

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Expenditure containing said grant and all the accompanying proceedings under the approval of the Departmental Assembly also the proofs of American Mission,

The conveyance to your Petitioner and translations of all the above,
and also any further documents which your Petitioner may be enabled to procure and file herewith and the testimony of witnesses to be produced and examined before this Honorable Board

All of which is respectfully submitted for such action as the nature and Justice of the case may require

James Stokes
Petitioner

April 6th 1857

Crosby Rose and Beckman
Counsel for
Petitioner

Filed in Office April 7th 1857
Geo Fisher
Clerk

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San Francisco April 7th 1852

On this day before William Hall one of the Commissioners for ascertaining and settling Private Land Claims in the State of California came David Spence David Spence a witness, produced in behalf of the Claimant in the case of the Petition of James Stokes being No 169 on the Docket of the Commissioners and was duly sworn, The Law Agent was duly notified and attended by Mr Greenhow,

Questions by Claimants Counsel

Question 1st What is your name age and residence
 My name is David Spence age 53 years, I reside in Monterey, I have resided in Monterey of 28 years past
 Question 2^d State what you know of a grant of land made to Jose Joaquin Gomey in the year 1835.
 Answer by the name of the Rancho de las Banas as de los Pinacates de en Medios de la Cebada by the names of Jose Figueroa and Jose Castro,
 answer I know of such a grant being made, It was at the time Jose Figueroa was then sick when he delivered over the land to Jose Castro who was the Senior Member of the Dept. Council Assembly and by Law succeeded to the Governorship on the death or other unavailability of the Governor
 Question 3. State what you know as to the location and extent of said land and of private possession being given to said Jose Joaquin Gomey
 Answer It is located in the hills near the Ex mission of San Juan Bautista bordering on the farm of Babron in the County of Monterey and comprises two square leagues of land,
 In the month of December 1835. I as Sr Alcalde of the District of Monterey gave to said Jose Joaquin Gomey private possession of said land,
 The Neighbors were present at the time and the

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boundaries were established to the satisfaction of all
 Question 4, All upon the same person whose name is
 signed to the documents now shown to you being Ex-
 -hibits A, filed with the Petition of James Stokes in the
 office of the Secretary of the Board of Land Commissioners
 and referred to in said Petition which is No 16 of the
 the Docket of said Board, If you state whether you
 require the said documents now whether the facts
 therein certified to by you in regard to the Judicial
 possession given to said Gomez at the

Answer The document is signed by me and was
 given by me to James Stokes the Claimant in January
 1850. It states truly the facts in relation to the Judicial
 - possession given by me of said land and the
 boundaries thereof as settled and defined at the time
 Question 5, Look at the document shown to you being
 Exhibits D, filed with the said Petition of James Stokes
 purporting to be an exemplification of a record
 made by Jacinto Norwinsky Alcalde, and state
 whether such signature by said Jacinto Norwinsky
 is genuine, whether he was such Alcalde and
 Justice of the Peace at the time of its execution and
 what you know of said records and where being in
 his possession,

Answer, I know the hand writing of Jacinto Norwinsky
 and I know his signature to this paper to be gen-
 -uine, I know that he was such Alcalde and Justice
 of the Peace at the time of its execution said Baker
 and I was Judge at the same time, The book of proce-
 -dure was a book kept by me, in such book had
 been kept before, and the same as a part of the
 records of the District of Monterey, was transferred
 by me to my successor in office and so come
 down to Jacinto Norwinsky Alcalde I recognize
 the signature of Jose Obispo as a witness to said
 documents, I also recognize the subscribing signature

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of Ambrosio Gomez to said document. He was
 the Secretary of the Alcalde at that time.
 Question 6, State if you know what improvements
 said Jose Joaquin Gomez made upon said lands.
 Answer, Gomez received his possession of the land
 in December 1835, He cultivated the lands and had
 a good deal of stock upon it, He built a large adobe
 house upon it within a year which was inhabited.
 He also built corals and made other improvements
 and did every thing necessary to make a good establi-
 shment on the farm.

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J. E. Spence

Sworn and Subscribed Before me
 Helmut Hall
 Comr
 Filed in Office April 7th 1852
 Geo Fisher
 Secretary

Deposition of
 W. E. P. Hartwell

San Francisco April 14. 1852

On this day before Helmut Hall one of the Commission-
 ers for ascertaining and settling Private Land Claims
 in California came William E. P. Hartwell a witness
 produced in behalf of the Claimant in the Matter of
 James Stokes being number 69 on the Docket of the
 Commission and was duly sworn.

The Law Agent was notified and attended by Mr
 Greenhow,

In answer to questions put by the Council for the
 Claimant the witness testified as follows

My name is William E. P. Hartwell my age fifty
 four and I reside in the County of Monterey and

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have resided within that County for about thirty
years,

I know the Rancho Las Vegas, a tract of land in
Monteury County, situated among the range of hills
that divide the Valley of San Juan from the Salinas
Plains, It was granted to Jose Joaquin Gomey by
Governor Figueroa in August 1835, and the
grant having been approved by the Territorial De-
putation, Gomey received a franc title from Jose
Leasto in September 1835.

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Jose Leasto was first member of the Deputation
and acted as Governor either during the last sick-
ness of Figueroa or soon after his death which
happened about that time, and Leasto was acting
as Governor when the Grant was made by him.

The Rancho was occupied by Gomey from the time
of the grant until about the year 1848 when the
same was sold to pay his debts, and James
Stokes became the Purchaser, who took possession
immediately after the sale and has occupied it
ever since.

Notwithstanding as soon after the grant Gomey
built a two story Adobe House on the land
and occupied it. He also built corrals and houses
and made various improvements connected with the
business of a rancho. He cultivated some of
the land and pastured many cattle and horses
upon it. Since Stokes has occupied it he has kept
up the improvements cultivated a part of it and
pastured cattle.

Gomey, the grantee became bankrupt and by a
voluntary act gave up his property to his creditors to
pay off his debts. His Property was sold and applied
to that purpose and the Rancho was bought by the
claimant, Exhiber E. F. L. in this case consists of a
copy of the deed of sale to the claimant and the proceedings

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in bankruptcy now also a translation of the same,
The Certificates of the correctness of such papers were
made and signed by me and state the facts truly
On the first of May 1849 when I certified to the copy
in Spanish I had charge of the Archives as Govern-
ment translator,

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A Paper annexed to Ex Libris N. Reporting to be
a copy of the original title to ~~Gomez~~ from Jose Gutierrez
Nove whom we have compared with a certified copy
made by me as Government translator July 6th 1849
from the Government Archives and I find it to be
a true copy

I had heard that the papers of James Gales had been
burned in a fire at San Jose, and soon afterwards
he called on me for copies of all his papers in the
Government Archives which he said he wanted
in consequence of the loss of the originals by fire
and I promised him the copies required

In answer to questions put by the Law Agents
the witness says

The earliest name by which the Ran-
cho Las Vegas was called was "Cañada de
Medio de Leonaan de Sebana"

A part of the Rancho was called "Las Borrugas"
from the circumstance of its having on it a skull
farm formerly belonging to the Mission of San
Juan

When Gomez got his title he called it by the name
"Las Vegas" I was one of the witnesses when
Judicial Possession was given by David Prince
at Meadac

M. E. P. Hartwell

Sworn and Subscribed before me
at Meadac Place
Filed in Office April 14 1852
Geo Fisher Esq

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San Francisco April 14th 1852

On this day before Helina Hall one of the Commissioners
Deposition of James for ascertaining and settling private Land
James Stokes claims in the State of California in case James
Stokes the claimant in the Petition in his name
being number 169 on the Docket of the Commis-
sioners and was duly sworn

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The Law Ognal was notified and attended by
Mr Greenhow

In answer to questions propounded by the Commis-
sioners the witness testified as follows
My name is James Stokes my age forty five and
Reside in Monterey County I am the claimant
in this case

I had all the original papers in my possession
showing my title to the Rancho Negroes,
In 1849 my store in San Jose was destroyed
by fire and its contents destroyed including
said original papers

James Stokes

Sworn and subscribed

Before me

H Hall

Commissioner

Filed in Office April 14th 1852

Les Fisher

Jury

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I.O.D.N.

Jurisdicción,
de Monterrey

Año de,
1834.

Expediente

Sobre el Terreno comprendido y conocido
p. el nombre de las Cañadas de Cos

"Pincates"

En medio de las y Lomas Laterales
solicitado p. el Sr.

D. José Joaquín Gómez

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2. S. D. N. Sello Tercero dos Reales. Habilitado pro-
visionalmt. por la administracion de la
Aduana Maritima de Monterey para los
años de mil ocho cientos heintay tres y mil
ocho cientos heintay cuatro.

Leigueroa

José Rafael Gonzalez

Jor Jefe Sup: Politico

Monterey Junio José Joaquín Gomez vecino y
2 de 1834. De residente en este Puerto à U. S

conformidad con en debida forma respetuosamente
las leyes de la hace presente que hayandose
materia Informe poseedor de algun numero de
el Ilustre Ayuntamiento ganado vacuno y Caballar:
miento de esta bay careciendo de un paraje en
capital si el intere que establecer sus propiedades
sado en esta in- otras y fijos de Libranza, en
stancia obtiene esta Costumbre ocurre à la recta
los requisitos pre justicia de U. S. à fin de que
venidos para ser en caso de sus facultades se
atendido en su digno con cederle el terreno que
licitud si el ter- comprenden entre si, desde su
reno que pretende nacimiento, y desembo cada ora
está comprendido al Ganonacional; la tierra ca
en las Veinte leguas más de los Pinacales de En
limbofeso diez medio, Cebada y Lomas Late
litorales que es- rales, segun figura el Diceno
presa la ley de 18 que para su sup: conocimiento
de Agosto de 1824 to acompaña. P. S. A. U. O. S. O. S.
si es de regadio plica provea segun juz que de
temporal o abona justicia y de su superior a
dero, si pertenece grado en que recibirá gracia
à la propiedad Monterey 18 de Mayo de 1834
de algun parti José Joaquín Gomez.

3. S. D. N.

cular, Misión, corporacion ó Pueblo, con todo
lo demas que conserniente à ilustrarla

materia Evacuada el informe pasara a el expediente al Padre Ministro de la Misión de San ^{2.º} Pantista para que esponga lo que le ocurra sobre el particular. El Sr. D. José Seguerá General de Brigada con dt. ~~de~~ general y Jefe Superior Político de la Alta California así lo mando, decreto y firmo de que doy fe. José Seguerá.

Agustín V. Zamorana. Sr. En cesion de este dia se dio cuenta al J. Ayuntamiento con el presente expediente y se mandó pasara la comision de Ramo Monterey Junio 7 de 1834.

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4.º D. D. R

José Maria Maldonado. Sr. Dello Tercero. Dos Reales. Habilitado provisionalmt. por la administracion de la Aduana Maritima de Monterey para los años de mil ochocientos heintay tres y mil ochocientos heintay cuatro.

Seguerá. José Rafael Gonzalez
Sr. Jefe Superior Político
El J. Ayuntamiento de esta capital con el objeto de dar à V. S. el informe q. se pide en su superior decreto de 9 del presenta paso la solicitud q. antecede à la Comision permanente de Colonizacion y terrenos baldios quien presenta el dictamen q. aprobado se mandó agregar à este expediente, y como su contenido es lo q. en el particular deve informar esta corporacion lo reproduce en todas sus partes. Monterey Junio 11 de 1834

Manuel Limero Casarin
Por ausencia del Sr. D. José Aguilar.

5.º D. D. R

Mision de San Juan Bt. 20 de Julio de 1834
Echo me cargo del expediente y diseño q. acompaña, y igualmente dicen dos me q.

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informe, e di mi parecer; digo q. de parte de la
Mision no se le puede conceder pues casi
no hay una legua al dho parage de la mi-
sion y como de Esto tiene dha mision dos
canchos puestos por ambos lados de l sitio
q. se pretende. Ita ut Supra.

J.º Josè Ant. Amador.

b. d. d. K

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Here follows
Map

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7. S. D. N.

Sello Tercero Dos Reales: Habilitado provisionalmt. por la Administracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa Rafael Gonzales
J. Ayinbamiento.

169-

La comision encargada de la colonizacion y terrenos baldios habiendo la Dolicitud q. presenta el Ciudadano Jose Joa q. Gomez relativo a que se le conceda el parage nombrado las tres Cañadas de los Pina cates de en medio de la Cebada y lomas laterales, y para dar cumplimiento al superior decreto q. le ha acompañado. Opina la comision q. el referido Gomez es Ciudadano mexicano por nacimiento en el ejercicio de sus derechos que el parage pretendido no esta comprendido en las 20 leguas limitofes y si en en las diez Litorales de que habla la Ley de 18 de agosto de 1824. Es de temporal y abrevadero y no pertenece a propiedad particular sola la mision de D. Juan Bautista ha tenido en medio de las dos cañadas de la Cebada y en medio un cortorrancho de Borvegas, por cuyo motivo la comision ofrece a la liberacion de esta J. corporacion los siguientes proposiciones. 1ª Puede adjudicarsele al Ciudadano Jose Joa q. Gomez, el terreno pretendido en razon de que se someta a agricultura, y resulta en beneficio de la Nacion. 2ª Que p. davel

8. S. D. N. lleno al superior Decreto que acompaña a esta instancia pase al P. P. N. de la mision de D. Juan Bautista.
Monterey 14 de Junio de 1834.

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9. O. D. R.

Josè Antonio Roma // Josè Aguila.
Dello Tercero Dos Reales. Habilitado provi-
sionalmt. por la administracion de la adua-
na maritima de Monterey de la Alta Cali-
fornia para los años de mil ochocientos
heintaycuatro y mil ochocientos heintay
cinco.

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Sigueroa, A. Ramirez
Monterey En: } Don Jefe Superior Politico
16 de 1835 } El ciudadano Josè Joaquin Lo-
pez se el } mez natural del Estado de La
espediente } lico y vecino de esta Capital ante
de la materia } la notaria justificacion de V.
Sigueroa. } ^{que se cuenta.} O. como mejor el derecho de la
Monterey En: } permita compare y dice of.
26 de 1835. } havendose Q. O dignado con
Informe el co. } fererle en propiedad el ter-
misionado de } rreno conocido con el nombre
San Juan Bano del Real de los Aguilas por
tista si el terreno } decreto de 31 de Julio ultimo
solicitado por } y aunque el terreno ciertamente
parte de D. Josè } llenos los objetos que se han a
Joag. Gomez } propuesto el que representa
lo necesita la } posteriormente ha visto que
Mision. } nada podrá adelantarse en
Sigueroa } asi en el cultivo de las tierras
como en los } breves o movientes por las con-
tinuas } rrupciones de los indigenas genti-
les como se } ha experimentado, ha ce mu-
chos dias } con otro Rancho menor interno.
Este mismo } señor hace al suplicante
presindor } de poner en aquel punto sus intere-
ses } sus intereses y de suplicar à V. Oren-
didamente } como lo hace de que se sirva
mandar } dar curso à otro expediente of.
promovido } en 13 de Mayo del año 1835.

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en solicitud del terreno que comprende las tres cañadas nombrados los pinacates en medio y Bebada y las Lomas Bobales; para que el V. O. tuviere à bien se

10. S. D. R. Corva

conferirle el espresado terreno en lugar del paraje del Real de las Aguilas cuyo otitulo a compañia devidamente hara que si V. O. se digna conferirle la gracia que impetra, no tenga efecto alguno y queda baldio para quien guste cultivarlo. ^{En este negocio} V. O. deendidamente suplica se Corva con cederle la gracia que solicita en que se recorra merced, quando no ser de malicia y lo necesario &c.

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Monterey 16. de En. de 1835

Josè Joaquin Gomez

11. S. D. B.

Dello Primeros seis Pesos: Habilitado provisionalmt. por la administracion de la aduana maritima de Monterey para los años de mil ocho cientos heintay cuatro y mil ocho cientos heintay cinco.

Lequeroa

Rafael Gonzalez

O Josè Riqueroa General de Brigada del Ejercito Nacional de la Republica mexicana comandante General Inspector y Jefe superior Politico del Territorio de la Alta California. Por cuanto el ciudadano Josè Joaquin Gomez mexicano por nacimiento ha pretendido para su beneficio personal, y el de su familia el terreno conocido con el nombre del Real de las Aguilas, conindante con la gentilidad practicada previamente las diligencias y averiguaciones concernientes; segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas

y de conformidad con el decreto de la Excelentísima diputación Territorial del día primero del corriente, aprobando la concesión del citado Terreno del Real de las Águilas hecha en decreto de Treinta y uno de Julio último al referido ciudadano José Joaquín Gómez à nombre de la Nación mexicana he venido en conferirle el terreno mencionado declarándole la propiedad de él por las presentes letras, sujeto à las condiciones siguientes. 1ª Que se someterá à las que estableciere el Reglamento que se ha de formar para la distribución de Terreno à los dios y que en tanto ni el agraciado ni sus herederos podrán dividir ni enajenar el que se le adjudica, imponer censo vinculo franja ni otro gravamen aunque sea por causa piedadosa, ni pasarlo à manos muertas. 2ª Podrá cercarlo sin perjudicar las haciendas, caminos y servidumbres: lo disputar à libre y exclusivamente destinándolo al uso ó cultivo que mas le acomode; pero dentro de un año fabricarà casa y estará à habitada 3ª Solicitará del Jefe respectivo que le de posesion jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrá à mas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad. 4ª El terreno de que se hace mención es de tres sitios de ganado mayor según explica el diseño que corre en el expediente. El juez que diere la posesion lo hará medir conforme à Ordenanza quedando el sobrante que resulte à la Nación para los usos convenientes. 5ª Si contraviere à estas condiciones perderá

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12. Q. D. R.

su derecho al terreno y será denunciabile por otro. En consecuencia mando que teniendo por firme y valedero este título se tome razon de el en el libro à que corresponde, y se entregue al interesado para su resguardo y demas fines. Dado en Monterey à dos de Agosto de mil ochocientos treinta y cuatro.

José Seguería # Agustín U. Zamorano.

13. D. D. 16

Queda tomada razon en el Libro de asientos de Títulos sobre adjudicacion de Terrenos à fojas cuarenta y nueve numero cuarenta y siete que obra en la Secretaria de mi cargo. Monterey dos de Agosto de mil ochocientos treinta y cuatro. Zamorano.

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En virtud del expediente q^o. antecede en q^o. solicita el Sr. Joaquín Gomez el Rancho Cañada de la Cebada, cañada de Enmedio, Cañada de Pinacates y Pasto la Carpintera: puede adjudicarsele al interesado, Cañada de Enmedio, y Cañada de Cebada, hasta linderos de Bushow y cuchilla inmediata à S. Juan B^o. q^o. esta al Oeste de otra y no Cañada de Pinacates y Carpintera como explica el diseño. Pueblo de S. Juan Bautista 14 de Marzo de 1835. Antonio Buena. Monterey Julio 20 de 1835.

Solicite el expediente promovido por Estevan Espinosa y dese cuenta justa con este. El D. D. José Seguería Jefe Político del Territorio de la Alta California. así

14. S. D. 16

lo decreto i firmo de lo que doy fe.

José Seguería. J^o. del Castillo Negro de S. Monterey Julio 30 de 1835.

Agreguese à este expediente el promovido

por Prudencio Espinosa i socios i todo junto
pase al Mayordomo de la Misión de S.ⁿ Juan
Bapt.^a para q.^d informe lo q.^d se le opezca. El S.
D. José Figueroa Jefe Político del Territorio
de la Alta California así lo mando firmo de
lo que doi fe.

Figueroa Jefe del Castillo Negro S.ⁿ

15. S. D. R. Sello Cercero Dos Reales. Habilitado pro
visionalmt.^e por la administración de la
Aduana Maritima de Monterey para los
años de mil ochocientos treinta y cuatro y
mil ochocientos treinta y cinco.

Figueroa A Ramirez
S.ⁿ Juan Bapt.^a 19 de Agosto de 1835.
Presente el decreto que antecede. Digo q.^d
el terreno q.^d solicitan los ciudadanos José
Joaq.ⁿ Gomez Prudencio Espinosa y socios
no lo necesita esta poblacion y puede ad
judicarsele, à la parte q.^d le crea content.
José J. Castro s. 111.

Vease la foja doce del expediente sigui
ente, donde se halla el decreto de conse
cion del terreno que se hace en favor de D
Joaquin Gomez q.^d devia ocupar este lugar
y por equivocacion se puso en el citado espe
diente q.^d se mando unir à este p.^o decreto
de treinta de Julio de 1835 p.^o q.^d informa
ra el Mayordomo de S.ⁿ Juan Bapt.^a el cual
buelve à reparar p.^o unirlo à su carpeta
hoi veinte y ocho de Agosto de 1835. inser
tando en este el decreto de consecion

Jefe del Castillo Negro S.ⁿ

El expediente de que se hace menciones
el de los Espinosas.

16. S. D. R. Monterey Agosto 28 de 1835

Vista la peticion con que da principio este

expediente, el informe del S. Ayuntamiento de esta Capital; la renuncia que con fecha 16 de Enero presento referente al Real de las Aquilas q. ya poseia con cuya renuncia acompaño el titulo. El informe del C. comisionado de la Mision de D. Juan Bautista i mayor como de la misma con todo lo demas q. se tuvo presente i ver con vino, de conformidad con lo dispuesto p. las leyes i reglamentos de la materia se declara a D. Joaquin Gomez dueño en propiedad del Terreno conocido con el nombre de Cañada de Enmedio i cañada de Bebada hasta linderos de Buton i cuchilla inmediata a D. Juan Bautista que esta al Oeste de dha: en tena amente conforme con la opinion del C. comisionado de D. Juan Bautista. D. Antonio Buelna que dan d. su jeto a las condiciones que se estipularen. Dirijase este expediente a la Com. de diputacion y aprobado q. sea libre el despacho correspondiente, tomes razon de el en el libro respectivo, i hazase saber al interesado este decreto. El S. D. José Figueroa, General de Brigada

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14. G. D. B

Tells Tercero / *Place of the Seal in the Original* / Dos Reales
Para los años de mil ochocientos veintey
scioy ochocientos veintey Oiete

comandte Grao Inspector i Jefe superior Político del territorio de la Alta California asi lo mando decreto y fimo de lo que doy fei

José Figueroa - *del Castillo Negro* Dño Monterey Oetiembre 19 de 1825
En Vista de la aprovacion otorgada en primero del corriente

Stamp in the original for 1828 y 1829

Stamp in the Original for 1830 y 1831

Stamp in
the original
box
1832 & 1833
por la C. diputacion territorial li-
brese el despacho previnido especifi-
cando en el dicha aprobacion i archi-
vase el expediente. El D. D. José Cas-
tro primer vocal de la C. diputacion

Stamp in
the original
box
1834
& 1835
Territorial y Jefe Político interino
del territorio de la Alta California asi
lo mando de creto i fono de lo que doy fe
(Dros & R.) José Castro. Jefe del Castillo de S. Felipe

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18. D. D. 16.

Como Señor. La Comision de
Terrenos Valdios encargada de dictami-
nar en el expediente q. se mando practicar
por pretencion del ciudadano Joaquin Gomez
hijo al Terreno nombrado Cañada de los
Pinacates y Cebada no en contrando en
el objecion alguna; qe. haer orendo entodo
conforme a la ley de 18 de Apto de 1824
como al articulo 5 del reglamo de 21 de
Apto de 1828 osee a la deliveracion de
D. C. la siguiente proposicion. Se aprueba
la concesion hecha al ciudadano Joaquin
Gomez del terreno nombrado Cañada de
los Pinacates y Cebada coneedido en 18
de Apto de 1835. Monterey 1^o de Sept^{bre}
de 1835 Salvo Pacheco.

Monterey Sep^{bre} 1^o de 1835.

En sesion de esta fha apruvo la Coema
Diputa^{ca} la antecedente proposicion
y se mando pasar el Expedt. al Sr. Jefe
Político para los fines consiguientes.

José Castro

19. S. D. 16.

Monterey Apto 3 de 1835.

En Vista de acuerdo de la Coema Don Territorio
del día de hoy en conformidad del terreno
de la Cañada de los Pinacates y cebada pre-
senciado por Sr. D. José Joaquin Gomez inreso

el título respectivo. tomese razon en el libro à q.
 correspondy entreguese al interesado para
 su resguardo y demas fines. El Sr. D.ⁿ Jose
 Castro 1.^{er} vocal de la Excm.^a D.ⁿ Territorial
 y Jefe Cap. Politico de la Alta California
 asi lo mandó decreto y firmo de q.^d doy fe
 Dada tomada a razon à f.^o 68

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D.ⁿ Jose Castro primer vocal de la Excm.^a Dipu-
 tacion Territorial y Jefe C. Politico interino
 del Territorio de la Alta California. N.^o 66
 Por cuanto el Sr. Joaquin Gomez mejicano p.^o
 nacim.^o ha pretendido p.^a su beneficio personal
 y el de su familia el terreno conocido con
 el nombre de Cañada de En. medio y Cañada
 de Ceuada hasta linderos de Buton y enchuya
 inmediato à S.ⁿ Juan Bautista q.^d está al C. B.
 de dha practica das previamente las diligencias
 y averiguaciones concernientes segun lo dis-
 puesto p.^r leyes y reglamento: husando de
 las facultades q.^d me son conferidas y de
 en conformidad con el acuerdo de la Excm.^a
 Diputacion Territorial del dia primero del
 corriente a provando la concesion del citado
 terreno Cañada de en. medio y Cañada de
 Ceuada hasta linderos de Buton y enchuya
 inmediata à S.ⁿ Juan Bautista que está
 al C. B. de dha echa en decreto de heade
 Obre: del mismo año al referido Sr. Joa-
 quin Gomez à nombre de la Nacion
 Mexicana he venido en conferirle el terreno
 mencionado declarandole la propiedad
 de el p.^r las presentes lehas; sugeto à las con-
 diciones siguientes. 1.^o Que se sometera
 à las q.^d estableciere el Reglamento q.^d se ha
 de formar p.^a la distribucion de terrenos baldios

y que entre tanto ni el agraciado ni sus herederos podrán dividir ni enagenar el of. de le adjudica, imponer censo vinculo fianza ni otro gravamen aunque sea por causa piedadosa ni pasarlo à manos muertas 2^a. Podrà cercarlo sin perjudicar las havesias caminos, y seroldumbres; lo disputard libre y esclusivamente destinandolo al uso y cultivo of. mas le acomode; pero dentro de un año fabricar à casa y estarà habitada. 3^a. Solicitarà del juez respectivo of. le de posesion por dca en virtud de este despacho por el cual se demarcacin los linderos en cuyos limites pondrà à mas de las mojoneras algunos arboles frutales ò silvestres de alguna utilidad. 4^a. El terreno de que se hace mension es de dos sitios de ganado mayor segun explica el diceño of. corre en el expediente. El juez of. diere la posesion lo hara medio conforme à Ordenanza que dando el sobrante que resulte à la Nacion p^a los usos convenientes. 5^a. Si contrario re à estas condiciones perderà su derecho al terreno y serà denunciabile por otro. En consecuencia à mando of. teniendo p^a firme y validez este titulo se tomara on de el en el libro à of. correspondy de entre que al interes a do p^a. Cu resguardo y demas fines. Dado en Monterey à evato de Sete de mil ochocientos treinta y cinco.

Josè Castro. Co copia

(Signed) Castillo.

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

J. Samuel D. King, Surveyor General of

of the United States for the State of California and as such now having in my Office and under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the nineteen preceding and hereunto annexed pages of hanging paper numbered from One to nineteen inclusive and each of which is verified by my initials (D. D. H) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this Office.

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In testimony whereof I have hereunto signed my name officially and affixed my private seal (not having a Seal of Office) at the City of San Francisco Cal. this 2nd day of April 1852

Saml. D. King

Govr. Genl. Cal.

Filed in Office April 7th 1852
Geo. Fisher Secy.

1. Dⁿ José Basco Primer Vocal de la Coema
 Diputacion Territorial y Jefe O. Político
 Las Virgenes interinodal Territorio de la Alta California
 N.º 66. Por cuanto el C^{no} Joaquín Gómez
 Yn al Gran Mexicano p^o nacimiento ha pretendido para
 su beneficio personal y el de su familia
 al Terreno conocido con el Nombre de Ca
 ñada de Enmedio y Cañada de Levada
 hasta linderos de Butron y cuchuya in-
 mediata à Dⁿ Juan Bautista q^o esta al
 O. E. de d^{ha}; practicadas p^o las
 diligencias y averiguaciones consernientes
 segun lo dispuesto p^o leyes y reglamentos:
 usando de las facultades que me son con-
 feridas y en conformidad con el acuerdo
 de la Coema diputacion Territorial al
 ser primero del corriente aprobando la
 concesion del citado terreno, Cañada de
 Enmedio, y cañada de Levada hasta lin-
 deros de Butron y cuchuya inmediata
 à Dⁿ Juan Bautista q^o esta al O. E. de d^{ha}
 echo en decreto de mes de setiembre del
 mismo año al referido C^{no} José Joaquín
 Gómez: à nombre de la Nacion Mexicana
 he venido en conferirle el terreno mencio-
 ado declarandole la propiedad de el
 por las presentes lehas sugeto à las con-
 diciones siguientes. 1^a Que se metera
 à las q^o estableciere el Reglamento q^o
 se ha de formar p^a la distribucion de
 terrenos Baldios y que entre tanto ni el
 agraciado ni sus herederos podran divi-
 dir, ni enagenar, el q^o se le adjudica imponer
 censo, vinculo fianza ni otro gravamen aung
 sea por causa p^o d^o, ni pasarlo à manos
 muertas. 2^a Podrá cercarlo sin perjudicar

Las travesías, caminos y serros dumbres; lo disfrutar á libre y esclusivamente destinandole al uso y cultivo q. mas le acomode pe.^o dentro de un año fabricará casa y estará habitada. 3.^o Solicitará del Juez respectivo que le dé posesion juridica en virtud de este despacho p.^o el cual se demarcarán los linderos en cuyos limites pondrá á mas de las maderas algunos arboles frutales ó silvestres de alguna utilidad. 4.^o El terreno de q. se hace mencion es de dos sitios de Ganado mayor segun explica el Diseñ. que corre en el effedto. El juez que diere la posesion lo hará me dir conforme á Ordenanza quedando el sobrante q. resulte á la Nacion para los usos convenientes. 5.^o Si con haber mise á estas condiciones perderá su derecho al terreno y será denunciabile por otro. En consecuencia á mando q. teniendose por firme y validero este titulo se tome razon de el en el libro á q. corresponde y se entregue al interesado p.^o su resguardo y demas fines. Dado en Monterey á cuatro de Abril de mil ochocientos treinta y cinco. José Castro. Es copia)

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

I, John C. Hays Surveyor General of the United States for the State of California and as such, having in my Office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California by virtue of the power vested in me by law. do hereby Certify that the Two preceding

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entitled "Titles"
said Book

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and hereunto annexed pages of tracing
paper numbered from one to two inclusive
exhibit a true and accurate copy of Ex-
tracts from a certain unbound Book, now
being on file and forming a part of the
said Archives in this Office.

In Testimony whereof I have here-
unto signed my name Officially and
caused my seal of Office to be affixed at
the City of San Francisco this Fourteenth
day of October A. D. 1853.

John C. Hays

U. S. Surveyor General
for California.

Filed in Office Nov. 4th 1853.

Geo. Fisher Secy.

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(Page 2, S D K)

Exhiber B
 Insuper Potestial Chief Jose Joaquin Gomez
 a citizen and resident of this Port respectfully and
 frequently of public fame makes known to your Honor that
 Espediente being the Proprietor of a quantity of cattle horses
 and not having any Peace Whim to put his said
 cattle and company on agriculture he applies to your
 Honor's equitable Justice requesting that in virtue
 of the Powers you possess, you would be pleased
 to grant him the Concesion within the
 three leagues known by the names of Concesion de
los Puercos, Concesion de en medio, and Concesion
de la Laguna, from their source to where they come
 out on the Anterior Miami with the lateral hills
 according to the Plot which accompanies for your
 Superior Government,

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I therefore request that your Honor will be pleased
 to decree as you may deem just and according
 to your Superior Pleasure whereby I shall receive
 a favor,

Montreal 13th May 1834

(Signed) Jose Joaquin Gomez

(Marquise Douc) (Page 2, S D K)

Montreal June 2^d 1834

In conformity with the laws on the subject
 the Illustrious Apartments of this Capital will
 report whether the Party interested in this Petition
 be possessed of the necessary securities to entitle
 said Petition to be attended to, whether the land
 asked for be concesion within the twenty
 leagues of the boundary line or ten leagues
 from the Coast mentioned in the Law of 18th
 August 1824, whether it be irrigable, or dependent
 on the seasons or pasturing land, whether it
 belong to any private individual person or
 corporation or to whom else may pertain to illus-
 trate the matter after this report is made the papers

me se des to the Father-Master of the Mission
of San Juan Bautista to report what he may
have to say on the subject, Don Jose Figueroa, Proje-
ctor General, Comandante General and Superior
Political Chief of Upper California and thus or am
deue una sign whom of Stishy

(Signed) Jose Figueroa

() Agustín Zamora and
Secretary

(Page 3 S D K)

At this next session the present Petition was laid
before the Illustrations Ayuntamiento and it was
ordered to be referred to the corresponding Committee

Monteury June 7th 1834

(Signed) Jose Maria Maldonado

(Page 4 S D K)

Secretary

Senior Superior Political Chief

The Illustrations Ayuntamiento of the Capital with
the object of making Your Honor the report which
you were pleased to ask for, in your Superior decree
of the 2d instant referred the foregoing Petition
to the Permanent Committee on Colonization and
vacant lands: said committee presented the fol-
lowing opinion which has been approved was ordered
to be inserted to these proceedings, and the con-
tents thereof are what this corporation has to
report on the subject, They confirm it in all its parts

Monteury 14th June 1834,

(Signed) Manuel Jimeno Gasarin

in absence of the Secretary

(Signed) Jose Aguila

(Page 7 S D K) Most Illustrations Ayuntamiento

The committee on colonization and vacant lands
has examined the Petition presented by citizen
Jose Joaquin Gomey relative to granting
to him the place named the three Centenas

Translation of
Page 7 of original
copy filed herein

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de los Amacates, de un meari, de la Guana anathe
 lateral hills and in order to comply with the accom-
 -panying Superior Decree the committee reports that
 said Goncey is a Mexican citizen by birth in the
 exercise of his rights, that the land asked for
 is not comprehended within the twenty leagues
 of boundary law but that it is within the ten
 leagues from the coast mentioned in the law of
 18th August 1824, It is dependent on the reason
 said Pasturing land and does not belong to any
 private person, but the Mission of San Juan
 Bautista had a small chaparral between
 the two leagues, de la Guana, and de un meari
 wherefore the Committee refers to the deliberation of
 this illustrious Corporation the following propos-
 -itions

1st The land asked for by Citizen Jose Joaquin
 Goncey may be granted to him, as thereby agricul-
 -ture will be encouraged and beneficial results
 will accrue to the Nation

2d, In order to fulfill entirely the Superior Decree
 which accompanies this Petition, Let it be refer-
 -red to the Reverend Father Minister of the Mis-
 -sion of San Juan Bautista

Protested 14th June 1834
 (Signed Jose Antonio Romero
 ()) Jose Aguila

(Page 5 SDK)

Mission of San Juan Bautista 30. July 1834
 Having examined the Petition and not accompan-
 -ying membership or deed to give my report or opinion
 I must say that on the part of the Mission
 the land cannot be granted to him because there
 is scarcely a league from the place to the Mis-
 -sion and besides the said Mission has two ranchos
 situated on both sides of the place asked for and

as above (Signed) Joaquin Antonio Amador
 (Page 9 SDK) Senior Superior Political Chief
 Presentation of Petition Jose Joaquin Lora a native of the State
 Page 9 of the copy of Lora and an inhabitant of this Republic
 copy filed herein before your Honor's well known Justice and as
 the law may best serve him appears and says
 that by a decree dated the 3rd July last your Honor
 was pleased to grant him the ownership of the
 land known by the name of Real de las
Aguietas and that although the land itself
 fully corresponds with the wishes of your Petitioner
 yet since obtaining it he finds that he cannot
 make any progress therein either in respect to ag-
 riculture or the breeding of cattle on account of the
 continual incursions of the wild Indians who
 not many days ago have come to other ran-
 chos not so far in the interior

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This Sir obliges your Petitioner to desire from
 putting his property on said farm and to request
 earnestly that your Honor will be pleased to
 command the proceedings respecting a former
 Petition dated 13th May 1834 asking for the
 land comprehended within the three leagues
de los Amacatos, de en Meras, y de la Cebada,
 with the collateral hills be continued to the end
 that if it must your Honor's approbation you
 will be pleased to grant him the said land
 in lieu of the Real de las Aguietas the title to
 which is duly accompanied in order that if
 you should grant his request it may become
 void and the land remain open and free
 for anyone who may choose to cultivate it
 He therefore earnestly requests that your Honor
 will be pleased to grant his Petition which
 he will receive a favor swearing not to act
 through malice and that which is necessary

Monteury 16th January 1835
 (Signed) Jose Joaquin Torrey
 Marymal Decree

Monteury January 16th 1835,
 (Page 9 SDK)

Let this be annexed to the Proceedings on the
 subject and be reported upon

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(Signed) Figueroa
 (Page 9 SDK) Monteury 26. Jan'y 1835,
 The Commissioner of San Juan Bautista will
 report whether the land asked for by Don Jose
 Joaquin Torrey is required by the Mission
 (Page 13 SDK) (Signed) Figueroa

in virtue of the foregoing Proceedings wherein testimony
 Jose Joaquin Torrey petitions for the Comandancia
de San Juan, Comandancia de la Laguna Comandancia
de Pinalates, and as far as the Comandancia there
 may be granted to the Party interested the Comandancia
de San Juan, and the Comandancia de la Laguna, as
 far as the boundaries of Antrova near the ridge
 next to San Juan which is situated to the
 west of the same but not the Comandancia de
Pinalates, and Comandancia, as explained on the
 Plot,

Atto of San Juan Bautista 14. March 1835,

(Signed) Antonio Buena
 (Page 13 SDK) Monteury 20. July 1835.
 Let the Proceedings commenced by Esteban
 Espinosa be sought for and reported upon together
 with the previous ones, prior Don Jose Figueroa
 Petitioner Chief of the Territory of Upper California
 and thus done and signed in view of I give testimony

(Signed) Jose Figueroa
 [11] Francisco del Castillo Negretary
 (Page 14 SDK) Monteury 30 July 1835,
 Let the Proceedings commenced by Antonio Espinosa
 and companions be annexed to the previous ones

men together be referred to the Major Domo of the Mission of San Juan Bautista in order that he may report thereon what he may have to say Lord Don Jose Figueroa Notarial Chief of the Territory of Upper California Matthew Commins and sign whereof I give testimony

(Signed) Figueroa

(11) Francisco del Castillo Notary

(Page 5. 20K)

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San Juan Bautista 19. August 1835,

In view of the foregoing decree, I consider that the land asked for by citizens Don Joaquin Gomez Pineda and company and company is not required by this Power and may be granted to the party which may be thought proper

(Signed) Jose Tibarri Castro

(Page 16 20K) Monterey 28 August 1835,

In view of the petition which commences these proceedings and the report of the Notarials Ayuntamiento of this Capital, the renunciation of the Real Cédula which he already possessed presented under date the 16 January, with which renunciation he accompanied the title; the report of the Commissioner of San Juan Bautista and of the Major Domo of the same and all other matters which were born in mind and which were read and to be examined in conformity with the provisions of the laws and regulations on the subject, Don Jose Joaquin is declared to be the lawful owner of the land known by the name of Granada de San Pedro and Granada de la Lebana, as far as the boundaries of Patron and the ridge near San Juan Bautista which lies to the west of the same; in conformity with the opinion of the Commissioner of San Juan Bautista; Don Antonio Pacha subject to the conditions which may be stipulated

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RD

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Let these proceedings be referred to the most Excellent
Deputation and when approved let the corresponding
title be made out and entered in the respective Book
and let the party interested be informed of this decree
Senior Don Jose Figueroa Brigadier General Com-
mandante General, Inspector and Superior Political
Chief of the Territory of Upper California and thus
commanded decree and sign whereof I give testimony
(Signed) Jose Figueroa

(Signed) Francisco del Castillo Negrete
(Page 17 SDK) Secretary

Monteury September 25, 1835

Notice of the approval granted on the part of the
said court by the most Excellent Territorial
Deputation let the title pursuant be made out spe-
cifying in the same said approval and let the
proceedings be filed, Senior Don Jose Lecher first
member of the most Excellent Territorial Deputation
and Political Chief and return of the Territory of Upper
California and thus command decree and sign
whereof I give testimony,

(Signed) Jose Castro
(Signed) Francisco del Castillo Negrete

Fus 89 Secretary
(Page 18 SDK) Most Excellent Sir

The committee on vacant lands charged with repor-
ting on the proceedings ordered to be instituted in conse-
quence of the petition of Citizen Joaquin Gomez for
the land called Granada de los Pinares & Granada
de la Sabana, not furnishing objection whatever to
make the whole being in conformity with the law
of 18th August 1824 and the Article 5th of the
Regulations of the 22d November 1828 submits to you
by consensus deliberation the following proposal
The grant made to Citizen Joaquin Gomez of the land
called Granada de los Pinares, and Granada de la Sabana
on the 28th August 1835, is hereby approved

Monteury 22^o September 1835.

(Signed) Gabon Pacheco

(Page 18 LSK) Monteury 22^o September 1835,

In session of this date the Provisory & cellular Deputation approved the foregoing proposal and it was ordered that the proceedings be forwarded to the Potenciano Chief for the necessary purposes

(Signed) Jose Castro

Translation of Decree not in certified copy of LSK
Don Jose Castro first member of the Provisory & cellular Deputacion and Superior Potenciano Chief ad interim of the Territory of Upper California
Knows, whereas citizen Joaquin Govey a Mexican by birth has solicited for his personal benefit and that of his family the lands known by the name of Limana de en Mecu and Limana de la Sabana near to the boundary of Patron near the ridge near San Juan Bautista which lies to the west of the same. The necessary steps and investigations having been previously made and taken agreeable to the requirements of the laws and Regulations, I have in virtue of the powers conferred upon me and in conformity with the Resolution of the Provisory & cellular Deputacion dated on the first of the present month, approving the grant to the said land of Limana de en Mecu and Limana de en Sabana, as far as the boundary of Patron near ridge near San Juan Bautista which lies to the west of the same and on the third of September of the same year to the said citizen Jose Joaquin Govey; granted to him in the name of the Mexican Nation the said land declaring it to him the ownership thereof by these present letters subject to the following conditions, 1^o That he submit himself to those which may be established by the Regulations which are to be made respecting the distribution of vacant lands and

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TYPE
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that in the mean time neither the grantees nor
heirs shall divide nor alienate the land ad-
judicated to them nor sell or lease out all or any
part nor any other within although it may be for pious
purposes nor to enclose it in any manner

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2d, He may fence it without prejudice to the crossing
roads and privileges, he shall enjoy it fully and
exclusively retaining it to the use and cultivation
which may best suit him, but within a twelve
month he must build a house which shall be
inhabited,

3, He shall request the respective Magistrate to give
him public possession in virtue hereof and said
Magistrate shall designate the boundaries on the
limits whereof he shall besides the land marks
plant some fruit trees or well ones of some utility

4, The land mentioned consists of two square leagues
(doscientos de gannan mayor) as appears by the plot
which accompanies the proceedings. The Magistrate
who gives the possession shall cause it to be measured
according to law and the overplus which may
result shall be left for the Nation for the military
uses,

5, If he transgress these conditions he shall lose his
right to the land & it may be denounced by another
& consequently command that holding this title to
be firm and valid record thereof be made in the
corresponding books & this be delivered to the Party
interested for his security and further ends,

Given in Montevideo on the fourth of May one thousand
eight hundred and thirty five - I do testify -

A Copy signed Castello

Secretary of State Office

Montevideo the 6th July 1849

The manuscript hereby certified the foregoing
papers & map to be true copies of their authentic
originals on file in the Government Archives

In the presence of the Secretary of State
(Signed) Wm E P Hartwell
Gov Translator

I the undersigned do hereby certify the foregoing
to be a true and faithful translation of certain
copies of original documents exhibited to myself
as Government translator on the 6 of July 1849
State Translators } W E P Hartwell
of the Patrocum 18 Nov 1857 } State Translator
B

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I certify the foregoing on pages 8 and 9 of this
Exhibit to be a true and correct translation of the
parch from Jose Leathro to Praymni Gmacy dated
at Montezuma 4 September 1835 and on file in this
office attached to Exhibit A annexed to the Dep
osition of Wm E P Hartwell taken before Leon
St Hall April 14, 1852 in case No 169
James Stokes Los Angeles
Geo Fisher

Secretary

Record in Record of Evidence Vol 1 Pages
99 to 101

Geo Fisher
Sung

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Translation of Page 11. I D K Seal &c
 Jose Ferruson Governor of Brigade of the National
 Army of the Mexican Republic Comandante
 General Inspector and Superior Political Chief
 of the Territory of Upper California
 Whereas Citizen Jose Joaquin Gomez a Mexican
 by birth has solicited for his personal benefit
 and that of his family the land known by the
 name of "Del Real de los Angeles" known
 by the Indian tribes, the necessary steps and
 investigations having been previously made &
 taken agreeable to the requirements of laws & reg-
 ulations show in virtue of the power conferred
 upon me and in conformity with the resolution
 of the Most Excellent Territorial Deputation
 dated on the 1st of the present month approving the
 grant to the said land of Real de los Angeles
 decided on the 23rd of July last to the said Citizen
 Jose Joaquin Gomez for water and confound upon
 him in the name of the Mexican Nation the said
 land declaring it the property of him by these present
 letters subject to the following conditions
 1st That he submit himself to those which may
 be established by the regulations which are to be
 made respecting the distribution of vacant lands
 & that in the mean time neither the grantee nor his
 heirs can divide or alienate the land assigna-
 ted to them in any portion, rent, interest, provision
 nor any other benefit even for their purposes
 nor transfer it in any manner
 2. He may find it without prejudice to the crossings
 roads and the villages he shall enjoy it fully and
 exclusively as to his right to the use & cultivation
 which may best suit him but without any other
 he shall build a house which shall be inhabi-
 ted
 3. He will request the respective Magistrate

to give him the juridical possession in an two
of this for which purpose the boundaries shall
be marked out in the limits of which besides the
land marks he shall place some firm trees or
ones of some utility,

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4. The land mentioned consists of three square
leagues (the Spanish Mayor) as appears by the plot
which accompanies this expediente,

The Judge who gives possession shall have it
measured according to law and any plots
remaining shall revert to the Nation for useful
purposes,

5. If he transgress these conditions he shall
lose his right to the land and it will be alienated
by another, I consequently command that
holding this title to be firm and valid record
thereof be made in the corresponding book and
this be allowed to the interested party for his security
and further ends from in mounting the sum
of August eight hundred and thirty four
Pesetas of Zamarram Jose Periron
Recurado in the book of titles of titles of registered
lands upon page forty nine number forty seven
of the works of the Intendant in my charge
Montroy August 20 1834 Zamarram
In execution of 2^o Part of Page 15, LDK

See the twelfth folio of the following expediente when is
found the decree of concession of land made in favor of Don
Jaquin Gomez which should occupy this place by mistake
is placed in the Land Expediente which is ordered to be added
to this by the decree of 30 July 1835, by which the Mayor Don
of San Juan was informed of whatever he separates from
or adds to this record, this 28 of August 1835, mentioning in
this concordance, } by Don de Santiago Aguirre
This Expediente spoken of is that of Espartero
Folio in Officio de 7th 1837 Don Fisher San

Exhibit C

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PAGE 42

El que abajo subscribe: Certifico: Que
 siendo Alcalde 1º de Monterey y su ju-
 risdicción en el año de 1835. Di posesión
 jurídica à D. Joaquín Gomez del Rancho
 llamado "Merzeles" y sus mediciones fueron
 como sigue. Se empezó al lado de la Lagu-
 na que calle para el Llano, tirando por el
 camino Real asta la casa de D. Joaquín
 Voto hasta la boca de la Cañada del Carpin-
 tero, a salir al camino real de los Penacates
 endonde está un Ojito de agua; entendi-
 do que el Corroyo que sale de la Gavilán queda
 la lindera con Dñr Butron para el uso de
 ambos, quedando todo lo que hay al lado
 del Gavilán y Cañada de la Coada hasta
 que vuelva otra vez à la Laguna en donde
 empezó las mediciones en beneficio del referi-
 do Dñr Gomez incluidos por supuesto el plan
 donde tener sus cuembras y Huerta. Y à
 petición del interesado doy este en Monterey
 el día 10 de Enero de 1850.

Spence

The undersigned do hereby certify that
 when I was first Alcalde of Monterey and
 its jurisdiction in the year 1835. I gave ju-
 dicial possession to Don Joaquín Gomez
 of the farm called "Merzeles" the measurement
 of which was as follows. Commencing at the
 side of the Lagoon which fronts the plain
 going along the high road towards the house
 of Don Joaquín Voto until the mouth of the
 Glen or Cañada of the Carpintero from there
 to the high road of the Penacates where there
 is a Spring of water it being understood that
 the Creek which runs from the Gavilán was
 left as boundary line with Señor Butron

for the use of both parties; and all the land on the side of the Gavlan and cañada de la Bezada until returning again to the lagoon where the measurement commenced was left for the benefit of said Señor Gomey including of course the Plot (plan) where he had his covering & Gardens. And at the request of the party interested I give this in Monterey on the 10th of January 1850. (Signed) D. Spence

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The undersigned do hereby certify the foregoing to be a true & faithful translation of the Original document.

State Translators Office,
Palo Alto 18th November 1851.

W. C. P. Hartwell
State Translator

Filed in Office April 7th 1852

Geo. Fisher Deery

BYCE
1852

H.R.

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Jacinto Rodriguez, second Constitutional
Alcalde and Justice of the Peace of the
jurisdiction of Monterey Upper California
Do hereby certify that in the Archives of the
Court under my charge there is a Book or
parcel of paper stitched together (cuadernos)
unbound, respecting possession which com-
mences in the year 1835. It continues until
1842, and that at the 5th folio of said book
there is an Entry which literally says:

José Joaquín Gómez: On the tenth of Decem-
ber one thousand eight hundred and thirty
five, judicial possession was given to Citiz-
gen José Joaquín Gómez of the land called
Las Boregas, consisting of two square Leagues
(*dos sitios de ganados mayor*) and at the request
of the party interested it was named "Los
Bergales" in testimony whereof I signed
this with assisting Witnesses = David Spence
Assisting Witness José María Cossio # Assis-
ting Witness José María Maldonado.

And at the Request of Mr. James Stobcock
give the present copy, corrected and exam-
ined, taken from the Original, to which in any
case I refer; authorized and signed by two
assisting Witnesses Witnesses with whom I
act, as Judge Delegate, for the want of a Not-
ary Public, Port of Monterey, Upper Califor-
nia December eighteenth, One thousand
eight hundred & forty nine. I give testimony
(Signed) Jacinto Rodriguez. Alcalde.

Assisting Witness Assisting Witness
(Signed) Ambrosio Gómez Witness José Arago

The undersigned do hereby certify the fore-
going to be a true and faithful translation
of its Original.

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State Translators }
Office Pakoeminio } W. C. P. Harkwell - }
18th Nov. 1851. } State Translator }

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PAGE 45

Jacinto Rodriguez, Alcalde segundo con-
stitucional y Juez de Paz de la demarcacion
de Monterey de la Alta California.

Certifico que en el Archivo del Juzgado que
es a mi cargo hay un libro o cuaderno sin parte
titulado libro de posesiones que comienza
del año de 35 hasta 42 y en la foja 5^a de
dicho libro hay una partida que a la letra
dice. José Joaquín Gomez. En diez dias
del mes de Diciembre de mil ocho cientos
veintay cinco se dió posesion judicial al
ll. José Joaquín Gomez del terreno nombrado
las Borregas constante de dos sitios de ga-
nado mayor, y se le puзо a petición del
interesado Los Verges y para constancia
lo firmé con de As^a. David Spence. De
As^a. José M^a. Coggio = De As^a. José María
Maldonado.

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En pedimento de Dⁿ. Santiago
Stokes doy la presente copia corregida y
concertada, sacada del Original a que
en qualquier tiempo me remito, autorizada
y firmada con dos testigos de Asistencia
con quienes actuo por receptoria por falta
de Escribanos Publicos en el Puerto de Mont-
rey de la Alta California a los diez y ocho
dias del mes de Diciembre del año de mil
ocho cientos cuarenta y nueve. Doy fe.

et. Jacinto Rodriguez Alcalde
Ambrosio Gomez # José Obregón. et.

Sealed in Office April 17th 1852

Geo: Fisher Secy.

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Exhib. IV.

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En el Puerto de Monterey de la Alta California a los ocho dias del mes de Junio de mil ochocientos cuarenta y ocho ante mi Walter Colton Alcalde primer de esta jurisdiccion actuando por receptorio a falta de escribano publico, parecieron de presente los señores Guillermo R. Garner y Carlos Wolter con poder bastante, en tanto en derecho de requiere, cuya persona doy fe conosco y digo; que presentaron en este juzgado de mi cargo, un documento del tenor siguiente, a saber, En el Puerto de Monterey de la Alta California a los cinco dias del mes de Junio de mil ochocientos cuarenta y ocho reunidos en la casa de D. Guillermo R. Garner los acreedores de concurso de D. José Joaquín Gorney a citacion de los señores Jndicos, hizo presente el Señor Garner que el Rancho de Los Vergeles esta enteramente abandonado de lo que naturalmente debe seguirse la ruina de la casa y demas fabricas existentes, y que no habiendose presentado postor alguno para el referido rancho, a pesar de los pregones y avisos que al efecto se han dado, tener necesario para conservar el rancho en buen estado erogar algunos gastos lo que hacia presente al concurso para su determinacion. En el acto el señor D. Santiago Stokes, hizo la propuesta de comprar el Rancho de los Vergeles, en la suma de Tres mil Pesos, con un año de plazo, hipotecando para el pago, el mismo Rancho y jamas la casa de su propiedad y habitacion en Monterey y habiéndose tomado en consideracion dicha propuesta

acordó la junta por unanimidad, admitir
 toda; facultando en consecuencia á los
 señores Senadores, D. Guillermo R. Garner
 y D. Carlos Wolter para estender al Señor
 D.ⁿ Santiago Stokes la correspondiente Co-
 eritura previa la caucion y hipoteca del
 Rancho de Los Vergeles y la dicha casa
 en Monterey, al pago de Los Tres mil pe-
 sos en que se venden los Vergeles, debien-
 do ser de cuenta del comprador los gastos
 de Luggado &c. Ten fe de haberlo así a-
 cordado firmaron los señores - Carlos Wol-
 ter por sí y por representacion de D. H. Mel-
 lus y Don C. Gutierrez, Manuel dias por sí
 y en representacion de D. Cesario Labuillade
 James Stokes = Guillermo R. Garner re-
 presente de los señores Scotty Wilson y de
 D. Guillermo Phelps = David Spence en
 representacion de Stephen Smith, y en vir-
 tud del expresado documento los dichos
 Garner y Wolter, en nombre de los dichos
 acreedores y de sus herederos y subsecoros
 y de quien de ellos hubiera voz y franco de
 cualquiera manera, venden y dan en ven-
 ta pública, enagenacion, perpetua, por
 fijo de heredad, y para siempre jamas
 á Don Santiago Stokes de estar en ciudad,
 que tambien doy fe conozco; al mencionado
 Rancho de los Vergeles, compuesto de dos
 sitios de ganado mayor, de una casa de
 dos Altas, corrales y otras fincas que le toca
 y pertenece en propiedad por consecion he-
 cha por las autoridades competentes de la
 republica Mexicana al referido D.ⁿ José
 Joaquin Gomez, como se ve en los documentos
 que á esta compañía incluyendose en esta

Venta cuanto en dicho Rancho existe con-
 struido, y se halla establecido con todo lo
 anexo, dependiente y perteneciente que
 declaran los vendidores no estar vendido
 enagenado, ni empeñado y que esta libre
 de todo gravamen, publica y perpetua, tem-
 poral, especial general, facita ò expresa
 y como tal lo venden à dicho D. Santiago Stokes
 en el precio y cantidad de Tres Mil Pesos
 de los que damos por recibidos à nuestra
 entera satisfaccion y sobre no parecer de
 presente la entrega, renuncien en nombre
 de los acreedores al concurso de D. Jose
 Joaquin Gomez, las leyes de ella, las de su
 prueba y pago del derecho como en ellos se
 contienen, asi mismo declaren, que tienen
 por justo precio y verdadero valor de dicho
 rancho, la expresada cantidad, que
 no vale mas, y mas valer pudiese, del exco.
 en mucha ò poca suma, hacen à favor
 del comprador gracia y donacion para
 perpetua ò irrevocable que en derecho se llama
 interviva con insinuacion y de mas pro-
 mesas legales renunciado la ley 4.^a T.^o Libro
 5.^o de la recopilacion; y desprendiendose
 para siempre, del dominio, posesion, titulo
 recurso y otro cualesquiera derecho que
 les competia el enunciado Rancho, lo que
 ha pasado al comprador, confirriendole
 poder irrevocable para de su autoridad
 apren de la tenencia posesion que le toca
 obligandose los otorgantes en nombre de
 los acreedores arriba expresados, à que esta
 venta le será cierta, segura y efectiva al
 comprador, y nadie lo inquietara ni movera
 pleyto en su propiedad, ni contra el Rancho

aperecerá gravemen alguno, y si resulta
 ra, saldrán a su defensa hasta dejarlo
 en pacífica posesion y de no conseguirlo le
 devolverán la cantidad que han recibido
 con los mejores que tenga y todos los costos
 perjuicios, y menoscabos que se le siguieren.
 La la observancia de lo referido obli-
 gan sus bienes, presentes presentes y futuros
 y con ellos se someten al fuero y jurisdiccion
 de los S. O. jueces que de sus causas pueden
 y deven conocer: para que a su cumplimiento
 to los compelen y apremien como por senten-
 cia definitiva consentida y pasada en
 autoridad de cosa juzgada que portar
 lo reputan en cuyo testimonio asi lo otorga-
 mos y firmamos siendo los instrumentales
 Moses Schallenberger, Milton Little y San-
 tiago Watson quienes conmigo y los vende-
 dores firmam. Signed: Walter Colton #
 Alcalde # Guillermo R. Garner. Cha.
 Walter # Signed: James Watson # Wil-
 liam Little # Moses Schallenberger de ad.
 J. William R. Garner clerk of the first
 Alcaides Court within and for the jurisdic-
 tion of Monterey do certify the foregoing
 instrument of writing to be a full true and
 complete transcript of the Original. In
 testimony whereof I have herunto set my
 hand and affixed the seal of said Court
 at Office this 17th day of June A. D. 1848.

(Alcaides Seal) (signed) William R. Garner
 Clerk of the first Alcaides Court
 within and for the jurisdiction of
 Monterey
 The undersigned do hereby certify the

foregoing to be a true and faithful copy
of a Record kept in the Magistrates Office
of this Town of Monterey signed with the
Original signature of William R. Garner
and sealed with the Official seal of
the Alcaldes Office

Monterey 1st May 1849

W. C. P. Hartwell

Govt. Translator

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James Stokes
vs
The United States

}
}
}

No. 169.

Stipulation

This stipulated in this
Case between the Law Agent of the United
States and the Counsel for the Claimant
that the certificate of the Surveyor General
of the U.S. for California certifying a copy
of the final grant of the land claimed herein
dated 14th Oct 1853, together with such
certified copy be filed in this Case
with the same force and effect as
evidence, as if, such certified copy
grant or certificate, had been filed
previous to the hearing and submission
of this case,

San Francisco Nov^r 4th 1853.

Robert Assenbury
Asst. Law Agent.

W. P. Belknap
Crosby, Rose & Belknap
of Counsel.

Filed in Office Nov^r 4th 1853.

Geo. W. Fisher Sec

Opinion

James Stokes

of }
The United States } Rancho de los Angeles
Two Square Leagues

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The claim in this case is founded on a concession made by Governor Figueroa on the 28th day of August A D 1835, to one Joaquin Gomey which concession was on the 1st day of September of the same year duly approved by the Territorial Deputation

On the 4th day of the same month a formal title was issued to said Gomey by the late Sr. Disting. honorable first member of the most excellent Territorial Deputation and Superior Notarial Chief in interim, It is also in proof that judicial possession of the premises in question was on the 10 day of December 1835, duly given to the original grantee

The Petitioner claims his title from the Government by virtue of the documents above referred to and a certain deed of conveyance which he alleges was legally executed and delivered to him in pursuance of certain proceedings in bankruptcy had against the said Joaquin Gomey, by virtue of which two of the creditors and partners to said bankrupt were authorized to sell and convey the premises in question

It is further shown by the affidavits of the said petitioner that all the original papers showing title to the Rancho Angeles were in the year 1849 destroyed by fire, The grant to which reference has been made together with all the other documentary proofs introduced in the Cause are in the nature of secondary evidence the party not being able to produce the originals, The formal title which the Petitioner has laid for the introduction of

Secondary proof of the contents of the original grant issued to Joaquin Gomez is in conformity with the rules of evidence and the secondary proof which he has produced is deemed to be sufficient.

But the Deed executed by the Grantors of the original grant and which is a material link in the Patrimonial Chain of title is not only of questionable validity on account of the want of proof of the powers assumed by the Grantors, but also on the ground that the instrument offered in evidence does not belong to that class of deeds which are authorized to be read without further proof in their validity the Mexican Law which was in force at the time of its execution or under any of the laws of this State.

The document offered in evidence purports to have been executed on the 7th day of June 1848 before Walter Cotton just Alcalde of the Jurisdiction of Montezuma. The instrument of which the one made consecration is a copy of a copy was executed during the time the laws of the former Government were in force in New Mexico and is signed by the Grantors the assisting witnesses and the Alcalde before whom it was made. Attached to this copy are the following certificates: First William M. Gurnor Clerk of the said Alcalde's Court within and for the jurisdiction of Montezuma do certify the foregoing instrument of writing to be a full true and complete transcript of the original instrument which I have herewith set my hand and affixed the Seal of said Court at office this 7th day of June A. D. 1848.

(Signed) William M. Gurnor
Clerk of the said Alcalde's Court
within and for the Jurisdiction
of Montezuma

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The second certificate is in the following words
 Afirmada que he de certificar lo siguiente to be
 a true and faithful copy of a record kept in the Mag-
 istrate's Office in this Town of Monterey signed with
 the original signature of William R. Farrow and
 sealed with the official seal of the Alcalde's
 Office

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Monterey per May 1849

Signado W. E. P. Hartwell

Government Translator

The last certificate is original and made by W
 E. P. Hartwell in his own hand writing

From these certificates it is apparent that the doc-
 ument on file is a copy taken not from the original
 deed but from a copy of the original taken and re-
 corded in the Alcalde's Office at Monterey

At the time the original of the copy which has
 been produced was executed the Americans had
 possession of the Country and although the old
 laws were in force those who were appointed
 to execute them ad hered more to the forms of their
 own country with which they were familiar than
 to the Mexican mode with which they could have
 but little knowledge. In this case as in many
 others which have come under my supervision
 the officer before whom the deed was executed instead
 of taking a copy of the original deed delivering
 that to the party retaining the original himself
 as was the usual practice under the Mexican
 Law, he delivered the original to the Party merely
 retaining a copy which he placed on record in his
 Office. A copy of this copy is the document now presented
 for consideration.

If the Party had retained the original deed properly
 proved I am inclined to think its admissibility
 as evidence could not be denied notwithstanding
 the Spanish Law is very specific in regard

to the Ruin of instruments which produce faith and full proof. The following axiom is laid down viz That the Right or Authority of a Public Instrument is derived Merely us from the Protocol because every instrument of writing made without this is null. White Recop 277.

The Protocol here referred to is the original instrument retained in the office of the Officer before whom it is made. The object of retaining the original was for the purpose of determining doubts which might be suggested with respect to the genuineness of the instrument copied from it. In case a party should lose his copy he could readily supply its place by another taken from the Protocol.

I do not consider that the original Act of the Party had it in his Power to procure it would not be of equal validity with the copy admitted to him and I am further of opinion that it would be entitled to be read without further proof of its genuineness, under the Statute Laws of this State it is optional with the Party claiming under a deed properly acknowledged and recorded, to introduce either the original or a certified copy taken from the record. The same Principle I think would admit the Protocol to be read in evidence under the Spanish Law.

By reference to the compiled Laws of California it will be seen that all conveyances made before the passage of that Law when proved according to the Laws in force at the time of their making are entitled to be recorded and read in evidence with like effect as conveyances executed and acknowledged in pursuance of its provisions. Does the instrument here offered come within the said Law?

55

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down, If the Spanish Law was in force at the time the original was executed it is clear that it was not strictly followed in every Particular, If it had been the copy now produced would have been a copy taken from the original and would under the Mexican Law as well as under the Law of this State have been entitled to be read.

In Article 299 the doctrine in regard to a copy of a copy is distinctly stated and is in the following words:

That the copy of a copy does not cause faith amounting to proof nor does it assist in proving.

This was the Law in force at the time the original of the copy in question was executed and according to the Laws of this State which authorize instruments executed in conformity with the laws of the former Government to be read in evidence is clearly inadmissible and according to the Mexican rule is not proof neither does it assist in proving.

There has been no law furnished and it is believed none exists, that authorizes the Alcalde to receive a copy of the original on record in his office as that made a faithful copy of that record evidence or proof in any case or in any extent. If the original was lost as appears to be the case, in this instance the proper mode of proving its contents would have been by deposition showing that the copy of the copy contained fully the contents of the original and, I am of opinion that the instrument offered by the party is not entitled to any rights either under the laws of the former Government or under the laws of this State, and the Claimant knowing full well connected himself with the title of the original granted his application for

confirmation of his claim must be denied
 The result at which we have arrived in regard
 to the instrument offered in lieu of the original
 deed makes it unnecessary to examine the other
 questions presented in this case and also
 dispenses with the important questions proposed
 in those who assumed to act under the alleged
 proceedings in bankruptcy

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 PAGE 57

It might however be stated as a general prin-
 -ciple that in cases where an instrument
 is doubted of the facts and part of his lands
 by authority of law the authority itself should
 be produced

A decree denying the Petitioners application
 will be accordingly entered

Filed in Office February 21. 1854
 Geo Fisher
 Clerk

Deane

Sumner Stokes }
of }
The United States }

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In this case on hearing
the proofs and allegations it is adjudged by the
Commission that the claim of the said Pittman
is not valid and his application for a confirmation
thereof is therefore denied

Alphus Welch

Thompson Campbell
Wm Thompson
Commissioners

Filed in Office Feb 21st 1854
Geo Fisher
Secretary

570
ED

And it appearing to the satisfaction of this Board, that the land hereby adjudicated is situated in the Southern District of California this hereby Ordered; that Two Transcripts of the proceedings and of the decisions in this case and of the papers and evidence upon which the same are founded, be made out and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United States,

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Office of the Board of Commissioners,

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

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PAGE 60

George Fisher, Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
following *fifty seven* pages, numbered from
137, 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. 169 on the Docket of the said Board,
with *James Stokes*

the Plaintiff against the United States, for the place known by
the name of "Los Angeles"



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

Geo. Fisher
sig

111

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

No. *111*. Docket

THE UNITED STATES,

vs.

James Stokes.

111

"Los Angeles."

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *169*.

Filed, *November 8th*, 1854.

C. E. Carr.
Clerk.

111

64116

U. S. Dist. Court for
Southern Dist. of California

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James Stokes Claimant,

vs.

The United States.

No. 169.

Sir,

Please take notice that it is the intention of the claimant in the above entitled cause to prosecute an appeal from the decision and decree of the Hon. the Board of Land Commissioners of the United States, in and for the State of California, and from the whole and every part thereof, made in the case filed with said Board as No. 169 and being the claim of James Stokes for two leagues of land more or less, in the County of Monterey, known by the name of the Rancho "de los Vergues," and also by the name of "de en medio y de Cebada" - said appeal being taken from the said Board of Land Commissioners, to the Hon. the District Court of the United States in and for the Southern District of California.

Yours Respy.

James Stokes Claimant.
Monterey.

Alexander S. Taylor Esq
Clerk of Southern District

D. P. Belknap
of Counsel for Claimant
San Francisco -

111.

No 111.

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

James Stokes

vs

The United States
for No. 169

No. of appeal -

no. 15

Filed 29 April 1854

A. S. Taylor

clerk

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D. P. Belknap
of Counsel for Court.

12D

PAGE

United States Dist. Court
for South. Dist. of California

James Stokes Claimant
& applt.

The United States

No. 169-

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Sir Please take notice that it is the intention of the Claimant in the above entitled case to prosecute an appeal from the Decision and decree of the Hon. the Board of Land Commissioners of the United States in & for the State of California & from the whole & every part thereof made in the case filed with said Board as No. 169 and being the claim of James Stokes for two leagues of Land more or less in the County of Monterey known by the name of the Rancho de Las Virgenes and also by the name de En Medias de Abada said appeal being taken from the said Board of Land Commissioners to the Hon. the District Court of the United States in & for the Southern District of California

Yours respectfully
James Stokes Claimant

Montgomery
J. P. Belknap of Counsel
for Claim. San Francisco

J. B. Carr Esq
Clerk of Southern District.

No 111
U. S. District Court,
Southern District of California.

SD

James Stokes, Applt.

vs

The United States Applee.

no 169.

Notice of Appeal.

Filed, Dec 12, 1884.

C. E. Lane,

Clerk.

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Office of the Attorney General of the United States,

Washington, 17th January 1855.

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Janus Stokes

vs.

The United States.

} 169.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 28th day of September 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No 111.

U.S. District Court,
Southern District of Cal.

The United States

vs.

James Stokes.

Appeal Notice.

Filed March 8th 1855.

J. E. Farr
clk.

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U. S. Dist. Court in & for the
Southern Dist. of California

James Stokes appr. } No. 169, U. S.
vs } Land Com.
The United States. }

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The petition of
James Stokes claimant and appellant
respectfully sheweth to this Honorable Court,

That the claim herein con-
sists of a tract of land lying in the
county of Monterey known as "Los
Verques" and formerly "de en medio y
de Cetada" and containing about two
square leagues -

That the same was granted by
the Mexican Government to Jose Joaquin
Gomez, by a definitive title from the
Governor of California, with approval of
the Departmental assembly on the
fourth day of September 1854, who
occupied the same, and received
juridical possession thereof according
to law -

That in the years 1847 and 1848
said Gomez was in failing circumstances
being greatly involved in debt, and to
relieve the same he relinquished and

transferred all his property to his creditors, & said creditors by deed dated June 7th 1848 conveyed said Rancho to this Claimant.

This petitioner further states that this claim was rejected on the _____ day of February 1854, for insufficient proof of mesne conveyance, and this claimant filed his notice of appeal herein on the 29th day of April 1854.

This Petitioner further states that since the decision of the Said Commission herein, he has found the original deed of conveyance made to him of said land, which he had always supposed was burned up in the conflagration of his dwelling house in 1849, but was by accident at the time in Monterey. And further, that from the papers of one of said creditors, some time deceased, documents have been found, and delivered to this claimant emanating directly from said Joaquin Gomez, showing full authority for the transfer and disposition of said Rancho for the payment of his debts. the existence whereof had been unknown to this petitioner -

Wherefore this Petitioner

prays, that the order of this Hon. Court may be granted for the taking of further evidence in this case, And that upon the filing and of such documentary and other evidence upon the points above mentioned, this Hon. Court will in connection therewith review the decision of the Hon. Board of Land Commissioners, and decide upon the validity of the claim of your petitioner, and grant to him full relief.

James Stotes, Claimant,
D. P. Belknap of Counsel.

Northern Dist. of California
City & County of San Francisco
D. P. Belknap attorney & of Counsel for James Stotes claimant, being duly sworn says, that the matters contained in the foregoing petition are true. And he further states that this verification is made by deponent instead of said claimant, simply for the reason that said claimant is absent several days journey from this place and deponent cannot communicate with him in time for the next term of this Court.

Subscribed and sworn to before me
March 29th 1855
D. P. Belknap.

Just A. Mours

Clk. U.S. Dist. Court.
N. D. of Cal.

N. 111.

U. S. Dist. Court
Southern Dist. Cal.,

James Stokes
clerk, & applicant,

vs.

The United States,

Petition

111 SD

PAGE 70

Filed April 14th 1855

J. E. Carr
clerk

D. P. Belknap
of Counsel
Court Block
San Francisco.

United States of America
Southern District of California } S.S.

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The President of the United States
J. James Stokes Pacificus Esq, attorney
of the United States for the Southern District
of California

Meeting.

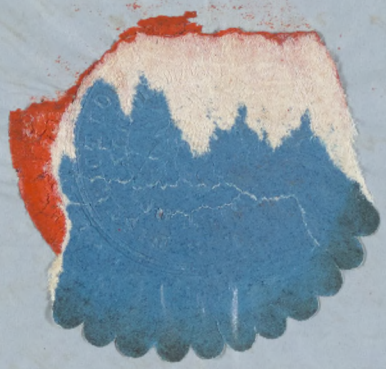
Take notice That a petition a copy of
which is herewith ~~transmitted~~ served upon you
has been filed against ~~you and each of you~~ the United States
in the District Court of the United States in and for
the Southern District of California on the ~~fourteenth~~
day of April. — in the year of our Lord
one thousand eight hundred and fifty five
at the City and County of Los Angeles by
D. P. Belknap, attorney or Counsel for James Stokes
praying the said Court to receive upon the grounds
wherein set forth the decision of final confirmation
of the Board of U.S. Land Commissioners to ascertain & settle
private land claims in the state of California of the claim of James
Stokes for a tract of land situated in the County of Monterey, Cal. known
as Los Virreles & formerly "dozen media y de Seba da" and containing
about two square leagues, which said claim was rejected by the said Board
of Commrs. on . . . day of Feb'y. 1854.

and that you and each of you are required to
appear at said Court in said City within ten
days after the service hereof, if served on you
within the said 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 day of service
and answer said petition or that judgement
the plaintiff will apply to the Court for the relief
demanded therein.

In witness whereof I have hereunto set

my hand and seal and affixed the seal of
the said Court this thirteenth day of June
in the year of our Lord one thousand eight
hundred and fifty five at Monterey,
California

Chas. E. Carr, Clerk
by Alex. S. Taylor Sps. Clk.



Marshals 0011

1855

No 111
United States of America

Southern Dist. of California

U. S. District Court

James Stokes

vs

The United States

Summons

Return June 13th 1855

Edward Hunter

U. S. Marshal

111 SD

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I served this summons along with a proper copy
of the petition on P. Ord Attorney of the U.S. by
delivering to him personally a true copy at
Los Angeles in the Southern District of California
This Aug 6th 1855

Sworn to and subscribed
before me this 6th day of
August 1855

Edward Hunter
U. S. Marshal

J. E. Carr
Ck.

Recibi de D. Guillermo R. Garza y D.
Carlos Wotter Sindicos de los acredores
al Concurso de D. Jose Joaquin Gomez
el Titulo y documentos originales del
Rancho de los Angeles, quedando en
favor de dicho Señores el documento de
Venta que se me ha hecho dicho papel
de Venta es el original y esta depositado
como Seguridad de la hipoteca que tengo
hecho para con dichos Señores, y por lo que
consta doy esto en Monterey a los ocho dias
del mes de Junio de 1848

Justigo - James Stokes
Mano Diaz

United States America
State of California
South. Dist. of California

A. C. Lewis Clerk of
the United States District Court for the Southern
District of California, hereby Certify that the
 foregoing is a full true and correct Copy of the
 original which has been duly proven and auth-
 -enticated and which is on record in this office
 In witness whereof I have set my hand and
 affix the Seal of said Court this 15th Septemr 1854



A. C. Lewis
J. H. McLeman

111 SD
PAGE 73

No 111
I Stokes
to
Garnor & Weller

Receipt of Little papers
of Rancho
Mau. Diaz - witness

" J. H.
C. C. Court,
vs.
Filed 15th June 1853
C. C. Court Clerk
by A. Taylor Deputy

(Certified Copy)

Received of Mr James Stokes the sum
of Three thousand Dollars (3000 \$) in full
of all demands against the farm called the
"Virgilio" sold to him by the Creditors of D.
Joaquin Gomez in Monterey the eighth
day of June A.D. Eighteen hundred and
forty eight, as per receipts delivered to me
by the said James Stokes in Monterey
the fourth day of October A.D. Eighteen hun-
-dred and forty eight

William R Garner

United States America
State of California
Southern Dist of California

J. C. Swain clerk

of the United District Court for the Southern District
of California, hereby Certify the foregoing to be a
full true and correct Copy of the original which
has been duly proven and authenticated and
which is on record in this office

In witness whereof I have set my
hand and affix the Seal of said Court
this 15th September A.D. 1857

J. C. Swain clk
J. H. Coleman
Sep



No 111

111 SD
PAGE 76

"G. G.

W.C.C.
W.D. Court"

Received for record 20th January
1851 at 4 P.M. Recorded in
Mortgages H " page 61

J. M. Johnson
Recorder of Montgomery Co.

Filed 15th June 1855
C. E. Law clk
by A. J. Taylor depy

(Certified Copy)

Por estos presentes, yo el abajo firmado —
Joaquin Gomez digo, y mi Comprometo
atendiendo a la Cesion hecha por mi a mis
acreedores sin Compulsion ninguna, de en-
-trigar a los Señores de dichos acreedores —
todo los documentos pertenecientes al Rancho
de Las Virgenes; cuyo Rancho esti' encluido
con las bienes por mi cedidos con pago y
a favor de dichos acreedores y por lo que
consta doy este en Monterey el dia 14 de
Enero de 1848. Los documentos arriba
especificados se entregaron al mas tardar
el dia veinte de presente mes
Jose Joaquin Gomez

United States America
State of California
Southern District of California

J. C. Smith Clerk

of the United States District Court for the Southern
District of California. hereby Certify the foregoing
to be a full true and correct Copy of the Original
which has been duly proven and authenticated
and which is on record in this office

In witness whereof I have set my hand and
affix the seal of said Court this 15th Sept^r.



1854

J. C. Smith Clerk
of the Court
J. A. Coleman
Dep.

No 111
Obligation of D Joaquin
Gonzalez to deliver up the papers
of the Farm called the "
Virgenes"

C.C. & U.S. Court,
Filed 15th June 1855
C. E. Lean Clerk
by A. S. Taylor Depy

(Certified Copy)

Notice

The Farm called the "Vigiles" belonging to the Creditors of Don Jose Joaquin Gomez not having been sold at Public Auction, as had been previously advertised on account of the entire absence of any bidder. It is postponed until the 1st day of May proximate, when it will again be offered for sale at 10 o'clock A. M. in front of the 1st Alcalde's office in Monterey

Terms, one half Cash down, the other half in three months from the sale with good security

William Garner
Auctioneer

Monterey March 2^d 1848

United States America
State of California
Southern Dist of California

(45-7)

J. C. Sims Clerk
of the United States District Court for the Southern District of California, hereby Certify the foregoing to be a full true and correct Copy of the Original which has been duly proven and authenticated and which is on record in this -

offic



In witness whereof I have set
my hand and affix the Seal
of said Court this 15th September
1857
G. Sims clerk
of the Court

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N^o 111

U.S. Dist Court
South Dist of Cal,

James Stokes

vs

U.S. of A
For Los Angeles

Filed 15th June /53
A. S. Taylor
by C. B.

"A. A. C. C. C.
U. S. Court,"

(Certified Copy)

111 SD

PAGE 81

Sr. Juez

111 SD
PAGE 82

Jose Joaquin Gomez ante
V. Como mejor proceda, digo, que habien-
doseme notificado el embargo por ^{ese} ~~el~~ Juzgado
de su mando con fecha 21 de Agosto á Con-
secuencia de que algunos de mis acredores
se presentaron contra mí, no conveniendome
que solo estos individuos sean Cubiertos con
una reparticion de bienes que a haya solicitado
de V. Se sirva darme algun tiempo mas de
espera hasta entre mi resolucion algunos
individuos que intentan comprar mi Rancho,
pero si esto no se verifica me sugieran á que
una vez hecho el remate ó trato de mi Rancho
y demas bienes se haya un Concurso de acredores
y con el importe se prorratee para evitar en
lo sucesivo otras demandas que se orijinen
por no haber sido pagados todos siendo tan
beneficio, esta providencia como que en lo de
adelante podrá libremente emprender cual-
quiera otro giro que me proporcione mi sub-
sistencia y no quedar enteramente arruinado
en la avanzada edad en que me encuentro.

P. F. á V. nuevamente replico se sirva
acceder á esta mi solicitud de lo que recibiere
Justicia &c

Montrey Nov. 3 de 1847
Don Joaquin Gomez

otro si-

Quo por haber puesto los com-
-prados el terreno de un año. Solicito el Sr
Juz de mis acredos diez y ocho meses de plazo

3

United States America
Southern Dist of California
State of California

I, C. Lewis Clerk of
the United States District Court for the Southern
District of California, hereby Certify the forego-
-ing to be a full, true and correct Copy of the
Original which has been duly proven and authen-
-ticated, and which is on record in this office

In witness whereof I have set my
hand, and affix the Seal of said
Court this 15th September 1887

C. Lewis clk
of S. M. Coleman
Dep



///

A.A

W. C. Carr
U.S. Court

Filed 15th June 1855

C. E. Carr Clerk,
by A. S. Taylor Dep.

(Certified Copy)

111 SD
PAGE 84

Por Alcalde de Monterey

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Yo Joaquin Gomez, ante el como
mejor haya pareciere y dice, que no teniendo
con que pagar a sus acredores y no pare-
ciendole justo que los mas exigidos se
paguen con perjuicio de los demas, ocurria
a la justificacion de el pidiendo se serva
citar a todos mis acredores presentes y ausentes
y hacerlos presente que siendo la causa que
poro el Rancho de los Angeles con los bienes
que en el se encuentran hayo de ellas for-
mal cesion para que se paguen sus
creditos hasta donde alcanzen en lo que
recibira justicia &c. Monterey Nov^{ra} 24
de 1847

Joaquin Gomez

Monterey Nov^{ra} 24 de 1847

Por presentado y admitido, citare a los acre-
dores, residentes en este punto para verificar
la primera junta el dia 26 del corriente
y a los ausentes para que compareceren
por si o por apoderados en el termino
de Cuarenta dias a deducir sus respu-
tas derechos ante el concurso. Asi yo
Walter Cotton alcalde de Monterey lo
dixite y firme - Walter Cotton
Guillermo R. Garner
Secretario

At a meeting of the Creditors of D Joaquin
Lopez held in this Court on Friday the 26th
day of November 1847, Consisting of D Manuel
Dias in person, James Stokes in person, Charles
Walter in person, Henry Mellus in person and
acting for D Francisco Figueroa and D,
Nicolas Gutierrez, William R Garver attorney
for Mess^{rs} Scott & Wilson and David Spaul
as attorney for Mr. Smith; when in Consider-
ation of the Voluntary delivery of property made
by said Don Joaquin Lopez and accepted by
the above mentioned Creditors, it was unani-
mously agreed that all the moveable property
on the "Rancho de los Virgels" that is to say, all
such property as may be at risk, shall be
delivered to and received by D Manuel Dias
at the Constituted market prices, said Dias
to pay for the same on delivery in good and
lawful coin, the proceeds of said property
to be divided in proportional parts among
the Creditors. And that the house on said
farm shall be rented out by the said Creditors
to the person offering the highest price for the
term of one year, the said rent to be paid
to the persons hereinafter named and agreed
upon by the said Creditors, to act as admin-
istrators on the said property for the benefit
of all concerned

It is hereby also further agreed by the above mentioned Creditors, that Mr. Charles Walter and Mr. William R. Garner shall act as administrators on the above property, always with the advice and sanction of said Creditors. In ratification whereof we the said Creditors do hereby sign our names this 1st day of Decr. A.D. 1844

Wm. D. Phelps
agt. for Ship Sterling

William R. Garner
Attorney for Scott & Wilson

Mano Diaz

D. Spencer

United States America
State of California
Southern Dist. of California

J. C. Lewis Clerk
of the United States District Court for the
Southern District of California hereby
Certify the foregoing to be a full true
and correct copy of the original which
has been duly proven and authenticated
and which is now on record in this
office



In witness whereof I have set
my hand and affixed the seal
of said Court this 15th day
of September A.D. 1857

Clerk
J. M. Coleman
Dep

No 111

B. B.
C. C. C.
U. S. Court

Filed 15th June 1853
C. C. C.
by A. Taylor

(Certified Copy)

James Stokes, applt. } District Court of the United
vs. } States, Southern District
The United States, applee } of California.
No 111

111 SD

PAGE 89

Deposition of Manuel Diaz, a witness on the part of appellaut, taken by Consent of Parties before Charles E. Can. U.S. Court. Appointed to take testimony in this case, at Monterey, June 15th 1855. Present D. P. Belmont, atty for Applt. P. Ord. U.S. Attorney.

Manuel Diaz, a witness on the part of appellaut being duly sworn, deposes and says.

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

Ans. My name is Manuel Diaz, my age is forty three years - my residence Monterey, my occupation - property holder.

Ques 2^d. Did you know Jose Joaquin Gomez?

If yes, state where, when, and how long you have known him - and where did he reside during your acquaintance with him?

Answer. - I knew Jose Joaquin Gomez - I knew him since the year 1841, in Monterey. He died in Monterey in the year 1850 or 1851. During my acquaintance with him he generally resided on his Rancho, of Los Yegales, but ~~the~~ last years of his life he spent in Monterey. He left a wife and five children, who are still living.

Ques 3^d. Do you know the present Claimant of said Rancho. If yes. Do you know the circumstances under which he obtained it?

Ans. I know the present Claimant of said Rancho. In the year 1847, Don Joaquin Gomez found that he could not pay his debts, he

presented himself before the Alcalde Colton,
and made a surrender of his property in
favor of his creditors. The Alcalde Colton
summoned the creditors together, and
they accepted the surrender of his property,
and after ascertaining the amount of his debts,
the creditors and the Judge agreed upon an
order to sell the said Raach, at public
auction. The day and manner of sale
was advertised in a paper published in
Monterey, ^{or San Francisco} and notices were sent to all the
towns in the State of California. On the
day of the sale there were no purchasers
present - it was offered at public auction
a second time - and again there were
no purchasers. As there was no one
to keep care of the Raach and the house,
were going to ruin, the creditors agreed to
sell it at private sale. The only pur-
chaser was James Stokes who offered
three thousand Dollars payable in
one year, which was accepted
by the creditors who gave an order
to the Auditors in order to make ~~the~~ deed of
sale. This deed was left in the
hands of Gardner, until Stokes
should pay the amount of the purchase
money.

Questth. Look at the Document marked "A.A.
f. & f. U.S. Comr." annexed to this deposition, and state
whether you are acquainted with the signature
of Jose Joaquin Gomez, and if his signature
there is genuine.

Ans. I am acquainted with his signature,
I have seen him write, and believe this

Ans. I am acquainted with his signature, I have seen him write, and believe this to be his genuine signature.

Ques 5th Look at the document marked "B. B. f. E. f. U. S. Comr." and annexed hereto, purporting to contain a cession of property by Jose Joaquin Gomez, a citation by Walter Colton, Alcalde, and a memorandum by the creditors of Gomez, and state whether you are acquainted with the handwriting of the persons whose signatures are affixed thereto or any of them, and if so, if they are genuine?

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Answer. I am acquainted with the handwriting of all the parties whose signatures appear on said document, I recognize the signatures of Jose Joaquin Gomez, Walter Colton, the Alcalde - Wm R. Garner, Secretary of the Court - M. D. Phelps Manuel Diaz, myself - and D. C. Spence as genuine.

Ques 6th Look at the document marked "C. C. f. E. f. U. S. Comr. annexed to his deposition purporting to be an offer by Jose Joaquin Gomez to deliver the documents of his Rancho, and state whether his signature thereto is genuine?

Answer. Said document is ~~written and~~ signed by Jose Joaquin Gomez.

Ques 7th Do you know what documents are therein referred to, and whether or not they were delivered.

Ans. The papers referred to in said document are the original titles of Gomez to the said Rancho, and were delivered by Gomez to the Ayudias at about the date of said document.

Ques 8th Look at the document marked "D.O. f. f. U.S. Court", annexed to this deposition, purporting to contain an order from the Creditors of Gomez, and state if you are acquainted with the hand writing of the parties whose signatures appear therein, If so, state whether those signatures are genuine?

Answer - I know the hand writing of the parties whose names appear signed in said document, I recognise the signatures therein of C. Wolter, representative of A. Mellor and D. N. Gutierrez, my own, James Stokes, Wm R. Garner, and D. Spence as genuine.

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Ques 9th Look at the document marked "E.E. f. f. U.S. Court" annexed to this deposition, purporting to be a deed of conveyance of the said Rancho to James Stokes, state if you are acquainted with the handwriting of the signers thereof, and if their signatures are genuine?

Ans. I am acquainted with the handwriting of the signers of said document, and recognise the signatures thereof, of Walter Colton, Alcalde, James Watson, Wm R. Garner, Milton Little C. Wolter, & Moses Schallenberger as genuine.

Ques 10th Look at the document marked "F.F. f. f. U.S. Court" annexed hereto, purporting to be a receipt from James Stokes of the deed made to him, and state if the signatures there to are genuine.

Ans. I recognise in said document the signature of James Stokes, and my own as genuine. The "Documento de Venta", referred

to therein, is the document marked "E.E. f. f. U.S. Court"

as genuine, the documents referred to therein, is the document marked "E.E. f. E. of U.S. Court" the original title papers were delivered as stated in the document heretofore referred to marked "E.E. f. E. of U.S. Court" Ques 11th Look at the document marked "G.G. f. E. of U.S. Court" purporting to be a receipt from James & Wm R. Garner, to James Stokes for three thousand dollars, and state if the signature thereto is genuine.

Ans. The signature of Wm R. Garner to said document is genuine.

Ques 12. Are Garner and Colton still living?

Ans. No, they are both dead. I think Garner died in 1849. I do not know when Colton died.

Ques 13. Do you know of any objection having been made to these proceedings or any part of them by Garner or any of the Creditors, or any person interested?

Ans. I do not know of any objection having been made by any of the parties, Garner was pleased with the sale, and at being freed from his Creditors. Garner lived in my house for about one year after this sale.

Ques 14th What do you consider was the value of said Ranch at the time of the sale?

Ans. — The Ranch was not worth much. I think it was a good sale.

Ques 15th Do you know how long the Ranch was advertised for sale,

Ans. — I think it was advertised for sale for about two months.

Ques 16. State whether ^{they} proceedings were conducted

in accordance with the laws and customs of the Country?!

Ans. To the best of my knowledge, they were.

Cross examined by the U.S. Atty.

Ques 1. Do you know the land claimed and its locality?

Ans. Yes, I do.

Ques 2. How long have you known the Ranch.

Ans. I have known it since the year 1841.

Ques 3. How far is the Ranch from the Sea Coast.

Ans - It is about eight or nine leagues from the sea coast.

Sworn to and subscribed at Monterey June 15th 1855. before me

Marcos Diaz

J. E. Farr,
U.S. Comm.

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No 111.

U.S. Dist Court
for Dist of Cal.
James Stokes,
app't

vs

The United States
Appen

Deposition of
Manuel Diaz

Filed 15 June 55

C. E. Carr Clk

by A. S. Taylor

att

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James Stokes, applt

vs
The United States appellee

} District Court of the
United States, Southern
District of Cal.
No 111.

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Deposition of Charles Walter, a witness on the part of Appellant, taken by consent of parties before Charles E. Carr, U.S. Court appointed to take testimony in this case, at Monterey June 15th 1855. Present, D. P. Belknap atty for Appellant, P. Ord, U.S. Atty.

Charles Walter a witness on the part of Appellant, being duly sworn deposes and says,

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

Ans. ~~My~~ My name is Charles Walter, my age 41 & 1/2 years - my place of residence Monterey, my occupation Ranchman.

Ques^{2^d} Do you know the Rancho of Las Virgenes its original and present owners.

Ans. I know the Rancho - the original owner was Jose Joaquin Gomez. the present owner is James Stokes.

Ques^{3^d} Look at the documents filed with the deposition of Manuel Diaz in this cause marked "A.A., B.B., C.C., D.D., E.E., F.F. and G.G." and state if you are acquainted with the proceedings to which they refer?

Ans. I am. I saw Charles Walter, one of the syndics mentioned therein. They were proceedings taken in accordance with the wishes of Gomez and the creditors. Some of the creditors were represented by Attorneys, who were authorized

to represent them - and their authorities were exhibited at that time to the Judges. The personal property of Gomez was first disposed of, and the proceeds paid over to the creditors, after which the Ranch was sold.

Ques 4. How long was the said Ranch advertised for sale?

111 SD
PAGE 97

Ans. - as near as I can recollect about three months.

Ques 5. Look at the advertisement marked "A. T. G. S. U. S. com" signed "Wm. Garner, Auctioneer" in a newspaper called the "Californian" purporting to be printed in San Francisco, April 5th 1848, and state whether the same is the advertisement authorized by the Judges.

Ans. It is the same. Said Newspaper was first published in Monterey, and our advertisement of the sale of the Ranch was published in it.

Ques 6. What do you consider was the value of the Ranch at the time of the sale to Stokes.

Ans. - I would not have given \$1,500 for it, I bought a better one for ~~two~~ two thousand dollars.

Ques 7th. When were the gold mines discovered?

Ans. - I do not know exactly, but at the time of the sale of the Ranch, it was not known how

Ques 8th. Who delivered possession of this Ranch to Stokes, and how was it done?

Ans. I myself went with him and gave him possession of the Ranch. Gomez was there at the time. He had gone there to get some few pieces of lumber. Gomez assented.

Crossed by the U.S. Atty.
 Ques. 1. How far is the Rancho from the Sea Coast?
 Ans. I think it is not more than Eight leagues.
 Sworn to and subscribed
 at Monterey this 15th day of
 June, 1855. before me

J. E. San.
 U.S. Comm.

[Signature]

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PAGE
 SD

No 111.

U.S. Dist Court
South Dist of Cal.

James Stokes
app't.

vs

The U States
app'rs

Deposition of
Charles Wolter.
~~Manual Dep.~~

Filed 15 June '55

C. C. Carr clk

by A. S. Taylor

att'ny

111 SD

PAGE 99

En el Puerto de Monterey en la Alta California
a las Cinco de la noche del mes de Junio de año de
Mil Ocho Cientos y Cuarenta y ocho, reunidos en
la casa de D. Guillermo R. Garner los acredores
al concurso de D. Jesu Joaquin Gomez a situacion
de los S. S. Sindicos hizo presente el Sr. Garner
que el Rancho de los Virgiles esta enteramente
abandonado de lo que naturalmente debe seguirse
en la ruina de la casa y demas fabricas exis-
tentes, y que no habiendose presentado Doctor
alguno para el referido Rancho a pesar de
los pregones y avisos que al efecto se han dado,
seria necesaria para conservar el Rancho en
buen estado, cubrir algunos gastos lo que hacia
presente al concurso para su determinacion.

En el acto el S. D. Santiago Stokes hizo la
propuesta de comprar el Rancho de los Virgiles
en la suma de Tres Mil Pesos, con un año
de plazo hipotecando para el pago el mismo
Rancho y como la casa de su propiedad
y habitacion en Monterey, y habiendose to-
mado en Consideracion dicha propuesta acordó
la junta por unanimidad admitirla, facul-
tando en consecuencia a los Señores Sindicos
D. Guillermo R. Garner y D. Carlos Watter
para otorgar al S. D. Santiago Stokes la
Correspondiente Escritura previa la Caucion
y hipoteca del Rancho de los Virgiles y

la dicha Casa en Monterey al pago de los
Tres Mil Pesos en que se venden los Virgules
debiendo ser de Cuenta del Comprador los
gastos de juzgado de que se ha visto
asi acordado firmaron los Señores

C. Watta representante

W. Ateller y D. N. Gutierrez

Mans Diaz

por si y representacion de D. G.

Sabatellada

Juan Stokes

Guillermo R. Garmes representante

de los señores Scott y Wilson y de

D. Guillermo Phelps

J. Spence

por poder

United States America
State of California
Southⁿ. Dist of California

J. C. Lewis Clerk of

the United States District Court for the Southern
District of California hereby Certify the
foregoing to be a full true and correct copy
of the Original, which has been duly proved
and authenticated, and which is on record
in this office

In witness whereof I have set my

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hand and affix the Seal
of Said Court this 15th day
of September A.D. 1857

C. Smith Clerk
J. W. Coleman
Sep

PAGE

SD

PAGE

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DD
C. C. C.
U. S. Court

Filed 15th June 1855
C. C. C. Clerk
by A. J. Taylor
Dep^y

(Certified Copy)

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En el Puerto de Monterey de la Alta Cali-
-fornia a los siete dias del mes de junio
del año de Mil ocho Cientos y Cuarenta y
ocho ante mi Mattu Cotton alcalde primero
de esta jurisdiccion, actuando por receptoria
por falta de escribano publico poruvion
de presente los Señores Guillermo R. Garnier
y Carlos Matter con poder bastante cuanto
en derecho se requiere cuyas personas doy
fe conosco y digo que presentaron en esta
juzgado de mi Cargo un documento del
tenor siguiente, A Saber; " En el Puerto de
" Monterey de la Alta California a los cinco
" dias del mes de junio del año de Mil ocho
" Cientos y Cuarenta y ocho, reunidos en la casa
" de D. Guillermo R. Garnier los acordos al
" Concurso de D. Jose Joaquin Gomez a Etacion
" de los Señores Sindicos, hizo presente el
" Señor Garnier que el Rancho de los Vergules
" esta enteramente abandonado de lo que
" naturalmente debe seguirse la ruina
" de la casa y demas prabias existentes,
" y que no habiendose presentado Portos al-
" gueno para el referido Rancho a pesar de
" las pregonas y avisos que al efecto se han
" dado, seria necesaria para conservar el
" Rancho en buen estado erogar algunos
" gastos, lo que haia presente al Concurso

para su determinacion. En el acto el Señor
"D. Santiago Stokes hizo la propuesta de
"comprar el Rancho de los Angeles en la
"suma de Tres Mil Pesos con un año de plazo
"hipotecando para el pago el mismo Rancho,
"y amas la Casa de su propiedad y habi-
"tacion en el Montury, y habiendose tomado
"en Consideracion dicha propuesta, acordole
"junta por unanimidad admitido facultando
"en consecuencia a los Señores Juicios D.
"Guillermo R. Garnier y D. Carlos Wotter para
"estender al Señor D. Santiago Stokes la Cor-
"respondiente escritura previa la Caucion y
"hipoteca del Rancho de los Angeles y la dicha
"Casa en el Montury al pago de los tres Mil
"Pesos en que se venden los Angeles, siendo
"de su Cuenta del Comprador los gastos de juz-
"gado etc. Y en fe de lo qual asi acordado
"firmaron los Señores Carlos Wotter por si
"y por representacion de H. Mellus y. D. A.
"Gutierrez = Manuel Diaz por si y en repre-
"sentacion de Don Cesario Lataillade =
"Javier Stokes = Guillermo R. Garnier repre-
"sentante de los Señores Scott y Wilson y de
"D. Guillermo Phelps = David Spencer en
"representacion de D. Stephen Smith" y en
"virtud del expresado documento los dichos
"Garnier y Wotter en nombre de los dichos

acordados y el de sus herederos y subherederos
y de quien de ellas hubiera voz y fama
en cualquiera manera vendan y dejen en
vinto publico y enagenacion perpetua por
~~su~~ ^{su} de heredad y para siempre jamas
a Don Santiago Stokes de esta vicindad
que tambien doy fe conozco el mencionado
Rancho de los Vuylos compuesto de dos sitios
de ganaderia Mayor, de una casa de das attas
Corrales y otros fincas que le toca y le per-
tence en propiedad por Concesion hecha
por las autoridades competentes de la Republica
Mexicana al referido D. Don Joaquin Gomez
Como se ve en la documento que a esta ac-
companiara encluyendose en esta venta
cuanto en dicho Rancho existe construido
y se halla establecido con todo lo anexo
dependiente y perteneciente que declaren
los dueños, no estar vendidos, enagenados
ni empeñados y que esto libre de todo
gravamen publico. perpetuo, temporal, espe-
cial, general, tacito o expreso, y con tal lo
vendan a dicho Don Santiago Stokes en el
precio y cantidad de Tres Mil Pesos de los
que damos por recibidos o nuestra satisfacion
y sobre no parecer de presente la entrega re-
nuncian en nombre de los acordados al
concurso de D. Don Joaquin Gomez, las

leyes de ella, las de su prueba y pago del
recibo como en ellos se contiene: así mismo
declaren que tienen por justo precio y verda-
=doso valor de dicho Rancho la expresada
Cantidad que no valen mas, y si mas valor
pudiesen del exaro en mucho o poca suma
hacen a favor del Comprador gracia y dona-
=cion, puro propietario y irrevocable que en
derecho se llama intu Personae con insinuacion
y de mas firmesas legales renunciando por
ley 4^a T. 7^o Libro 5^o de la Recopilacion y
despriendiendose para siempre del dominio,
posicion, titulo, recurso y otros Cualquieros
derechos que les computa al enunciado Rancho,
los que traspasan al Comprador confirmandolo
poder irrevocable para que de su autoridad
aprenda la tenencia, posicion, que le toca
obligandose los otorgantes en nombre de los
acreedores arriba expresados a que esta Venta
le sera Cierto, segura y efectivo al Comprador
y nadie lo inquietara ni movera pleito
en su propiedad, ni contra el Rancho
apareciere gravamen alguno, y si resultara
saldran a su defensa hasta dejarlo en
pacifica posicion, y de no conseguirla le
devolveran la Cantidad que han recibido
con las mejoras que tenga y todos las
Cartas perjuracion y menos cebos que se le

seguieron y a la observancia de lo referido
obligan sus bienes presentes y futuros y con
ellas se someten al fuero y jurisdiccion de
las S. J. que de sus causas pueden y
declaran Couozco, para que a su cumplimiento
los comparelan y aprehieren como por sentencia
definitiva consentida, y pasada en autoridad
de cosa juzgada, que por tal la reputan,
en cuyo testimonio asi lo otorgamos y fir-
mamos siendo los instrumentales Moyses
Schalleburger, Milton Little y Santiago Watson
quienes conmigo y los Vudedores firmaron

Walter Patton

James Watson as^{ca}

alcalde

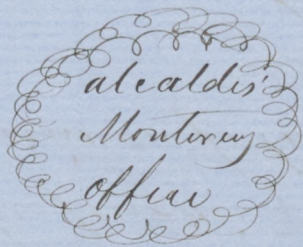
Milton Little as^{ca}

Guillermo R. Gamis

Moses Schalleburger as^{ca} Ch^o Walter

[Signature]

I, William R. Gamis Clerk
of the first alcaid's Court within and for
the Jurisdiction of Monterey do Certify
that a full true and complete Transcript
of the foregoing instrument of writing re-
mains on file and of Record in my office
In testimony whereof I have
subscribed at my hand and
affixed the seal of said Court



at office this seventh day of
Sept (A.D) Eighteen hundred
and forty eight

William R Garner
clerk of the first Alcaid's
Court within and for
the Jurisdiction of
Monterey

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United States America
State of California
Southern Dist of California

I, C. Swin clerk
of the United States District Court for the
Southern District of California. hereby certify
the foregoing to be a full, true and correct copy
of the original which has been duly proven
and authenticated and which is on record
in this office

In witness whereof I have set
my hand and affix the Seal
of said Court this 15th September
A.D. 1857

C Swin clk
J Holman
sep



No 111

" E. C

C. E. Carr "

U.S. Court,

Filed 15th June 1853

by a J. Taylor Depy

for C. E. Carr Clerk

(Certified Copy)

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James Stokes }
vs }
The United States }

District Court of the United
States for Southern Dist. of Cal^a

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PAGE 111

Motion for order to take further
testimony - June 13th 1855

In this cause on motion of S. P.
Belknap attorney for claimant present
P. Ordway Dist. atty of the United States, & attorney
for respondent & appellee ordered that leave
be granted to either party to take further
testimony herein -

SD

No. 111

Dist. Court of
U.S. for Southern Dist.

James Stokes
vs
The United States

Mo. order to take
testimony

Filed June 15th 1857

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J. E. Sawyer
M

San Fran: Sept. 2nd 1857

J. S. Buckley -

Dear Sir

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Enclosed I hand you
affid. & receipt, to procure original
documents in the matter of Stokes
for full particulars of which please
see the affidavit - If not sufficient
please consider yourself additional counsel
to make further statement -

Please send also certified copies of depositions
C. Wolter & ~~W. H.~~ Manuel Diaz, at as early
a day as may be convenient -

I leave for you at the Hotel \$50^(fifty) to pay
Clerk's fees which please attend to
& send me your bill for the whole
including your services

Yours truly
D. B. Elkerap -

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Letter of James
Clark apph
vs
The States apph

Filed Sept 7th 1835
C. Smith
clerk

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U. S. District Court
For Southern Dist. of Cal.

James Stokes Clut. & App. }
vs
The United States apper. }

City & County of San Francisco: D. T. Wetmore
Counsel for the claimant and appellant in
the above entitled cause being duly sworn say
that the action herein is an appeal from the U.
S. Land Commission upon the claim of said Stokes
for the place known as 'Los Berzels' in Monterey
County. That upon the trial of said cause in this
Court depositions of Manuel Diaz & Charles Wolter
were submitted and filed to which were attached
certain original documents, mostly in the Spanish
language, of purport, as follows —

- 1st Petition of Jose Joaquin Gomez to the Alcalde
praying for a stay of the proceedings against
him instituted by his creditors, & offering to
make surrender of his property if he could
not satisfy their demands — Dated Nov. 5, 1844.
- 2nd Assignment by said Gomez of his property to
his creditors — Summons issued to the
Alcalde. — Nov. 24, 1844 —
- 3rd Appointment of Charles Wolter & Wm K.
Garner as Syndics by the creditors — & resolution
to sell the personal property and rent
the house upon the Rancho 'Los Berzels'
Dated Dec. 1, 1844 —

- 4th Obligation by said Gomez to deliver to the Syndics the original title papers - Feb 14/48
- 5th Resolution of the creditors to sell the Rancho 'Los Angeles' to Jas. Stokes for \$3,000 - June 3/48 -
- 6th Deed to Stokes for the same executed by C. Walter & W. K. Garner before W. Colton alcalde. June 7/48 -
- 7th Receipt from Stokes for the said deed and the original title papers June 8/48 -
- 8th Receipt from Garner to Stokes for the three thousand dollars Nov 1848
- 9th a newspaper entitled "The Californian" containing the advertisement of the Syndics of the sale of said Rancho -

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Depment further states, that said cause has been tried on appeal and decided in favor of said claimant, and the appeal therefore to the Supreme Court of the United States has been dismissed as depment is *infrus & obliis* -

And this depment further states that an action of Ejectment has been brought against said Stokes by certain parties claiming the said Rancho as the heirs of said Jose Joaquin Gomez and the same is now pending in the District Court of the 3rd Jud. Dist. of California for the County of Monterey, in the defence whereof this depment is one of the counsel for said Stokes - And that said

original documents above mentioned & all others

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original documents above mentioned & all others on file in this cause as evidence are material and necessary to said Stokes in the defence of said actin of the heirs of Sorne, and without them he cannot safely proceed to trial therein -

Wherefore application is made to the Honorable Court for leave to withdraw said documents from the files of this Court, upon substituting therefor duly certified copies of the same -

Shown before me }
Sept. 2nd 1857 }

D. T. Belknap,

J. J. Thibault,
Notary Public

State of Maryland U.S. Dist. Court for the Southern District of Maryland
Upon reading the foregoing affidavit of D. T. Belknap Atty for pet^r Stokes it is hereby ordered that the documents therein described be delivered by the Clerk of the said Court to the said Atty after having duly certified copies of said documents shall have first been made out & filed in the above referred to claim -

Given under my hand as District Judge of said Southern District at Chambers on this 7th Sept. A.D. 1857 -
Quincy Ogden
U.S. Dist. Judge

No 111

James Foster
Camp
Appu

rs
The United States
Appu

Filed Sept 9th 1855
at Chambers
C. Sims
clerk

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

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James Stokes app^t } N^o 111
vs } (Transcript N^o 169)
The U. States app^{ee} }

The answer of Pacificus Ord, atty of
the United States for the Southern District
of California, on behalf of the United
States, to the petition for review of James
Stokes (of Monterey County State of California),
alleging that he claims a tract of land
lying in the County of Monterey, known
as "Las Vergelas," and formerly "de en
medio y de Cebada" ~~containing~~ containing
about two square leagues; that this
claim was rejected on the day of
February 1854; and that he filed his
notice of appeal herein on the 29th day
of April 1854.

And the said attorney, answering said
petition on behalf of the United States,
denies generally all and singular each
and every allegation in the said petition
contained; except as to the allegations
hereinafter admitted to be true.

And the said respondent by said attorney further answering says; that he has no knowledge or belief that the Mexican Government granted the land claim, to José Joaquín Gómez, by a definitive title from the Governor of California, with approval of the Departmental Assembly on the fourth day of September 1854, and that he (the said Gómez) occupied the same, and received juridical possession thereof according to law; And that in the year 1847 & 1848, said Gómez was in failing circumstances, greatly involved and in debt, and to relieve the same he relinquished and transferred all his property to his creditors; And that his creditors, by deed dated June 4th 1848, conveyed said Rancho to him the said Claimant, - as alleged in said petition. And the said allegations in said petition contained, are specially denied.

And the said defendant further answering admit the allegations, - that the said claim for said land was presented to, and rejected by the Board of Land Commissioners, and notice of appeal filed; as alleged in said petition.

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And the said attorney of the United States, in pursuance of the provisions of the act of Congress approved the 3rd of March 1851, herein fully and distinctly sets forth the grounds on which said Claim is invalid - to wit :-

I That the said alleged grant of the Mexican government from the Governor of California, was made in violation of the 4th article of the Colonization law of Mexico of the 18th of August A D 1824, in this; - that the land granted, as alleged by Claimant, was and is within ten leagues of the Sea Coast; and there is no evidence shown by Claimant, that the Supreme General Executive power of Mexico, previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of the Sea Coast. And it is denied that such previous Consent of said Supreme General executive power of Mexico in such Case was ever had.

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II. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by, and in the possession of the missions of the territory of Upper California; and it was held and occupied, particularly, by the mission

of San Juan Bautista; and could not therefore be colonized.

III. That the said alleged grant has not the Conditions required by, and is not made in entire Conformity with the Laws of Mexico of the 18th of August A.D. 1824, and the regulations for the Colonization of the Territories of Mexico of the 21st November A.D. 1828.

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IV. That the petition for review does not set forth the metes and bounds of the land claimed; that it does not in any manner describe the land claimed; ^{and} that it is vague and insufficient.

V. That the Copy of the alleged grant of land by the Mexican Government, to José Joaquín Gómez, dated Sept 4th A. D. 1835, as shown by Claimant, contains no sufficient description of the locality, extent, and boundaries of the land claimed, by which it can, with certainty, be identified and surveyed; & that it is vague and indefinite.

VI. That the first Condition of the said alleged grant, has been violated by the alleged alienation of the said land.

That neither the said Gómez, the alleged

original grantee, nor his alleged Syndics had lawful authority to alienate said land. That by said Violation of said first Condition, the said land reverted to the ~~said~~ alleged original grantor.

VII. That the Certificate shown by Claimant, dated January 10th 1850, and signed R. Spence, purporting to show the fact that juridical possession was given by him said Spence to said Gouney in 1835, and the boundaries then established, is not legal or sufficient evidence; that it purports to include land within its boundaries, which was not given by said alleged grant; that it is vague, indefinite, and void. That if juridical possession was given as alleged, it was not done according to the said alleged grant & map referred to therein, nor according to the ordinance or laws.

VIII. That the Certificate signed Jacinto Rodriguez, dated Dec^r 18th 1849, shown by Claimant, is not legal or sufficient evidence of the alleged juridical possession of the said land.

IX. That there is no sufficient evidence of the top of the alleged original grant and act of juridical possession; Nor

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any sufficient reason shown for the non-production of the said alleged original grant & act of possession.

X. That the Copy of the pretended Deed of Conveyance of said land from William R. Garner, & Charles Wolters, Agents of said Gomez, dated June 7th 1848, shown by Claimant, is invalid; that the authority of the said Garner & Wolters to sell is not shown; that the alleged Conveyance contains no description of the land by which it can be identified as the same alleged to have been granted to said Gomez; that there is no description of the locality, extent, and boundaries of the land by which it can be identified and surveyed; and it is uncertain and void.

Wherefore the said premises considered, the said attorney, respondent in behalf of the United States, prays that the said Claimant James Stokes may be served with ^a Copy of this answer; and that after due proceedings, this Honorable Court will decree the said Claim of said petitioner for said land to be invalid; and to decree costs against

7
him, And general relief.

" J. O. M.

Attorney of the U. S. for the
Southern Dist of California

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~~Alameda~~

United States
Dist Court Southern
Dist of California

James Stokes app^t

VS

The United States, app^t

Answer to Petition
for review

Filed August 10th 1855.

J. E. Jan.
clerk.

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Attest
Clerk of the Court

U. S. District Court, for
Southern Dist. of California

James Stokes }
vs }
The United States } Brig. Gen. Court.

"Los Cerros" Six square leagues
in Monterey County,
Jose Joaquin Gomez, original claimant.

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Abstract of Expediente.

1834, May 13th Gomez petitions the Governor
for the land comprehended within the
three Glens known as Cañadas de
Los Pinacates, de En Medio and de
La Cebada.

1834 June 2nd Gov. Figueroa refers the petition
to the Ayuntamiento of Monterey.

1834, June 7th Referred to Committee.

1834 " 14th The Ayuntamiento returns the
report of their committee recommending
the concession & the report of the Prior
of the Mission of San Juan in op-
position.

1835. Gomez, since the foregoing application
having obtained a grant of another

plan called Real de las Aguilas -
now comes forward and relinquishes
the same, and petitions anew for
the Rancho of the Three Cañadas

1835. January 16th The Governor orders the old
proceedings to be taken up and reported
upon -

1835 Jan'y. 26th Governor orders the Commissioner
of San Juan to report -

" March 14th He reports that a portion of
the land including the two Cañadas
de En medio and De La Cebada may
be granted -

" July 20th & 30th Gov? orders certain pro-
ceedings of Estaban Espinoza to be an-
nexed to these and referred to the Mayors
of San Juan -

" Aug. 15th Reports that the lands petitioned
for by Espinoza & by Gomez may be
granted -

" " Aug. 28th Gov? orders the title to issue
to Gomez for the Two Cañadas

1835. Sept. 1st The Committee on vacant
lands of the Territorial Deputacion approve
the grant. The Terr. Deputacion
so reports.

1835 Sept 3rd Gov. orders the title to issue -

no reports.

1835, Sep. 3rd The political Chief (Jose
Caster) successor of Figueroa who
died about 1st Sept) orders title
reciting approval of Pen. Dep. to issue.

.. Sep. 4th Gov. Caster makes & issues
to Gomez definitive grant - reciting
the approval of Pen. Dep. and
inserting the usual conditions.

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Juridical Possession

Given to Gomez 10th December 1835.

James Stokes, present claimant files affidavit
that in 1849, the original papers of the
Rancho were destroyed by fire -

Certificate of David Spence is filed
showing that in 1835, he as Alcalde
gave juridical possession of the land
to Gomez.

Certified copy of archives of the local
court is filed (showing date of juridical
possession - and that the name of the
Rancho is changed to "Los Vergues" (The
Flower Garden). The name "Los Borregos"
(Sheep) was sometimes applied to the place because
the mission of San Juan formerly had a sheep farm there.

All the above documents are
respectively proved by the testimony
of witnesses, & by certified copies from
the Archives -

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Occupation by inhabitation and
cultivation within a year from the date
of the grant are proved -

From the foregoing a title is
clearly established in *José Joaquín*
Torres -

The transfer of his title to
James Stokes present claimant
is established by the following

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Abstract of proceedings

Abstract of proceedings
In insolvency.

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Documents annexed to deposition of Manuel Diaz
taken June 15th 1855.

1847. Nov. 3rd Gomez petitions the judge
for a stay of proceedings against the
suits of his creditors, offering to sur-
render his property, if he cannot pay -

1847. Nov. 24th Gomez makes cession of his
property to his creditors & pays the
Alcade to have them cited -
Alcalde issues summons same day.

" Dec. 1st The creditors meet, appoint
Charles Walter and William R. Garner
Syndics, order a disposition of the
personal property & conclude to
rent the House on the Rancho
(Los Verjales) for one year -

1848. Feb. 14th Gomez binds himself in view
of the cession of goods made by him
to his creditors to deliver to the Syndics
the original title papers of the Rancho
on an appointed day -

" June 5th At a meeting of the creditors &
the Syndics it is unanimously agreed

that in view of the Rancho being abandoned and going to ruin, there being no bidders at the Auction sale of the Rancho, and James Stokes offering to purchase in the sum of \$25,000, the Syndics be authorized to sell to Stokes and execute to him a deed -

1848. June 7th Original deed from the Syndics to James Stokes - Drawn by the alcalde Walter Colton the judge, acting in the above proceedings, who certifies that the Syndics appear before him with sufficient legal authority, and present the Document being the order of the Creditors to the Syndics to make deed of the Rancho which document is inserted in full, and in virtue thereof in the name of the creditors they convey in fee to Stokes, accompanying the act with the delivery of the title papers from the Mexican Republic - Deed signed by the Syndics, the Alcalde & witnesses.

" June 8th Stokes acknowledges receipt of the above deed and the original title papers, which had been delivered by Gomez.

(This deed is the original - a certified copy of the record of which was filed with the Land Commission & thus being a copy of a copy was a cause of the rejection of this case by the Land Commission. This original

being a copy of a copy was a cause
of the rejection of this case by the
Land Commission - This original
deed, which the claimant had supposed
was burned up with his other papers
and also the other documents attached
to the deposition of Manuel Dias, were
discovered in Monterey after the decision
by the Board - See the petition of
the claimant herein shown to -)

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1848. Proce. Gained one of the Syndics
acknowledges receipt from Stokes of
the \$3,000 - purchase money.

Charles Wolter - Deposition taken in
this cause June 15th 1855.

Proves advertisements of the sale
of the Rancho at auction, by the Syndics
in "the Californian" newspaper - He
also offers the documents annexed to
deposition of Manuel Dias - Proves
delivery of Rancho to Stokes Gorney,
being present & giving assent -
Also that Stokes paid a high
price -

From the above mentioned testimony it appears that Gomez made a voluntary surrender of his property, including the Rancho claimed herein, to his creditors, before the Alcalde, who are summoned, meet & accept the same - And through trustees of their own appointment sell the land and convey the title to James Stokes the present claimant -

The proceedings of transfer, seems to be taken in conformity with the provisions of the law of Mexico applicable to such cases entitled cessio bonorum. The only departure therefrom consists in the sale having been made directly by the creditors instead of disposing of the property by auction. The testimony shows however that it was advertised fully and for a long time for sale at auction & was offered but withdrawn for want of bidders of \$700, being the highest bid.

The subsequent private sale to Stokes for \$3,000, which was ratified by all the parties concerned and the Court, cannot but be held to be a far more advantageous just & equitable disposition of the property & must be held valid.

In the Spanish law, at sales under execution if there be no good bidder, the property can be taken by the highest creditor at $\frac{2}{3}$ the price of the property as fixed by an

be taken by the highest creditor at $\frac{2}{3}$ the price of the property as fixed by an appraisement.

In this case it is taken by Stokes at more than its full value -

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The only person who at this day could call in question the legality of the proceedings would be the Insolvent debtor or his heir -

He could have no ground because

1. He has ratified & confirmed every step of the proceedings and even the sale and delivery to Stokes.
2. "An insolvent debtor has no right to call in question the legality of the measures pursued by his creditors after his cession is accepted and a syndic appointed."

Mayfield vs. Corneau: 4th Louisiana Louis^a Rep. 202 -

The only matter that can be questioned is the sufficiency of the advertisement of the sale of the property, see same case -

This decision in Louisiana where the code includes substantially the same proceeding of cessio bonorum illustrates the principle properly applicable to the present case - In which the advertisement was most ample and long continued -

6VCE

6VCE

B. If it be considered that the proceedings were not had under the formula of Cessio Bonorum, but were simply voluntary proceedings of transfer of property by an embarrassed debtor to pay his debts, there is at once an end of all question, of the present claimant's title.

The cession by Gomez to his creditors being accompanied by delivery of the property and the title deeds, and the like transfer by them, through the Syndics of their appointment, to Stokes in both instances conveyed the title -

"Parol evidence is admissible to establish the acquisition and alienation of immovable property" *Gonzales vs. Sanchez* 3rd Cond. Louis^a. R. 428,

also 4th Cond. L. R. 484 -

Aguirre vs. U. S. Opinion of Land. Comm. Missionaries - in claim of the Island of Santa Cruz, Whites' Recop. 185 -

Partidas 5. Tit 5. L. 67 + 28,

"The sale can be made at the place where the property is or another place, in the presence of or absence of both contracting parties & with writings (*Escritura*) or without,

Reb. Nov. Tit 4, Chap. 2. see also Escriche - The words "Entrega" "Tradicion" "Compra" "venta" &c.,

All documentary & oral evidence in the case thus prove a perfect title in Soney & a perfect surrender & delivery of the same by Soney to Stokes the present Claimant with the consent and concurrent action of the creditors of Soney the only persons who could possibly have interest -

The consideration paid by Stokes was a valuable one and larger than any one else would give - And in the opinion of the witnesses, (the sale being in advance of the gold discovery) more than the property was worth.

There can be no doubt but that the present claimant is entitled to a decree, that the decision of the Board of Land Commissioners be reversed, and that this Court adjudge to him a full confirmation of his claim as described in the grant and the accompanying map, and the juridical possession.

Respy - Submitted
 S. T. Belknap
 for Court.

U. S. Dist. Court,
Southern Dist. Cal

James Stokes app't,

vs

The United States app'rs.

Abstract of Resolutions
& other Documents with
Briefs for app't. —

Filed Sept 1855.

111 SD
PAGE 138

D. P. Kellogg
for Clnt app't.

In the U States District Court for
the Southern District of California,
Special Term Sept 1853,
Los Angeles,

James Stokes, app^r N^o 111.
vs.

The United States app^r (Pamphlet N^o 169)

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
entitled cause, rendered on or about
the 28th day of September A.D. 1853,

P. Ord
Clerk of the Court.

111 SD

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BYCE

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No. 111

U.S. District Court.
Southern District of Cal^a

Ames Stokes, Appellant

vs.

The United States Appellee

Order of Appeal to Supreme
Court on motion of Ford
U.S. attys.

111 SD
PAGE 140

Filed October 18th 1835
A. E. Can con
By J. W. P. m 1835

California Land Claims.

Attorney General's Office

18 September 1851

111 SD

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Sir,

In the case of the claim of James Stokes, confirmed to the claimant by the Commissioners, Case no. one hundred and sixty-nine, (169), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Yours

Wm. A. R. Esq.

U. S. Atty for the

Southern Dist. of Cal.

W 111
James Stokes
169

Feb 24th February 1834
L. Sims
J. M. Colman
Sep

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Rec. Oct. 21 1836

James Stokes Appellant

The United States Appellees

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The claim in this case is based upon a concession made by Governor Figueroa on the 21st day of August 1835, ^{to Joaquin Gomez} the concession was approved by the departmental Assembly 1st day of Sept of the same year. On the fourth day of September a formal title was issued to Gomez by Jose Cortes first local and Political Chief ad interim. Judicial possession was given to the original grantee on the 16th day of Sep. 1835.

The original grant and act of judicial possession have been proved to be lost by the appellant after present claimant - a copy of the schedule taken from the Archives in possession of the Surveyor General is on record, these are competent secondary evidence to sustain the claim.

The present claimants claim under proceeding in Bankruptcy which are admitted by the Dist Attorney to be regular and sufficient.

The Commissioner rejected this claim upon the ground that the interest of merit was not properly proven before the board, the deficiency in the proof has been supplied.

The land is adequately sufficiently described in the grant and act of judicial possession to identify and locate it.

The claim must therefore be confirmed to the extent of two leagues and a decree will be entered reversing the decision of the Commissioner and confirming the claim.