

CASE No.

8

SOUTHERN DISTRICT

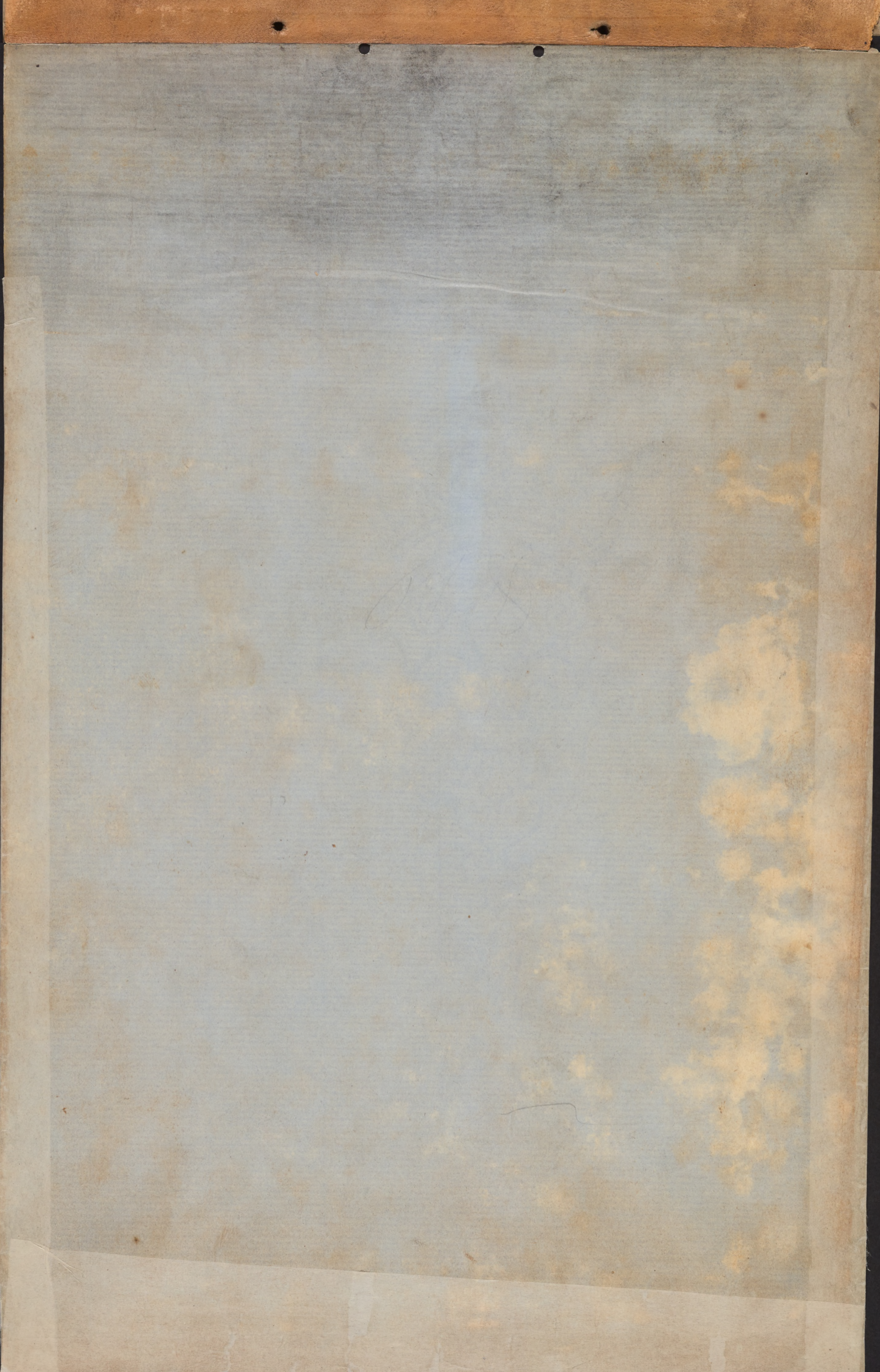
SAN GERONIMO GRANT

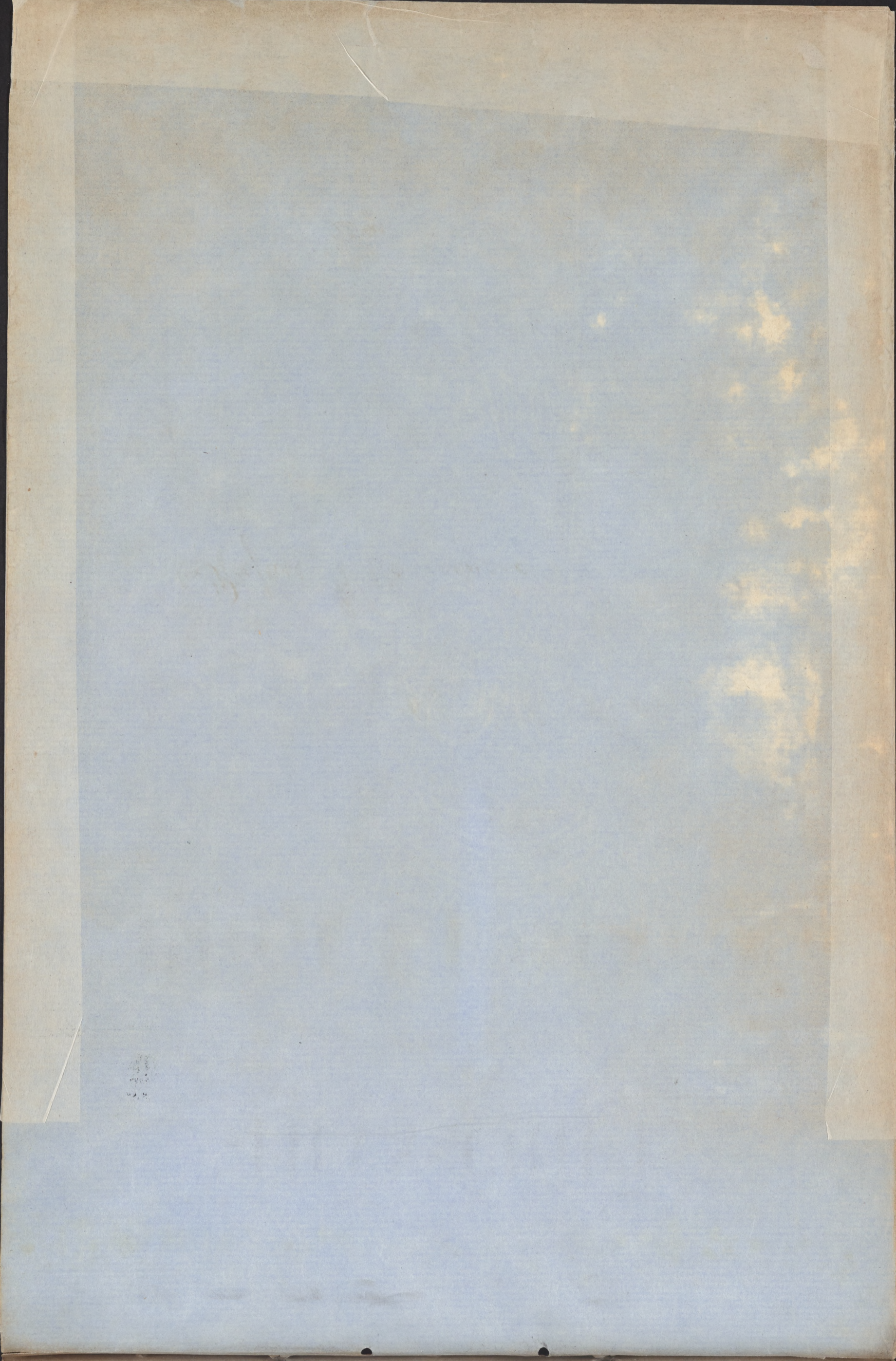
RAFAEL VILLAVICENCIO

CLAIMANT

FEB 7 1963

Whitman
FLOWER BOND
55% COTTON FIBER
U.S.A.





TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 61

Rafael Villavicencio CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Jeronimo"

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this twenty first day of February, Anno Domini One Thousand Eight Hundred and Fifty-Two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of Rafael Villavicencio _____
_____ for the Place named
San Geronimo _____

was presented, and ordered to be filed and docketed with No. 61 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 May 18th 1852

In Case no. 61 Rafael Villavicencio the Deposition of Miguel Acila, a witness in behalf of the Claimant taken before Commissioner Harry J. Thornton was filed and is in the words and figures as follows to wit:
Side pages of this Transcript 4

San Francisco Feb. 8th 1853

Case No. 61 Rafael Villavicencio for the place named "San Geronimo" Called: The Counsel for the Claimant

Mr. Jones, read the petition and the papers in evidence; the Associate Law Agent of the United States filed his Brief. Case submitted, and taken under advisement by the Board

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San Francisco Feb. 14th 1853

In Case No. 61 Rafael Villavicencio for the place named San Geronimo Commissioners Hiland Hall delivered the Opinion and the Decree of Final Confirmation of this Board.

Ordered, that the Opinion and the Decree of Final Confirmation of this Board, delivered this day, in this Case be recorded on the Journal, which Opinion and Decree are in the words and figures as follows to wit: (Vide pages of this Transcript. 19)

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I Before the Honorable the Commission to ascertain and settle Private Land Claims in California

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Petition

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Rafael Villavicencio, a citizen of said State gives notice that he claims by virtue of a grant from the Mexican Nation a tract of land called San Gerónimo in the County of San Luis Obispo in said State with the boundaries described in the grant and in the Judicial Measurement and possession thereof to wit, by the Sea Coast on one side, by the Sierra Mountain Range on the other and at either end by the lines demarcated between Claimant's said land and the Rancho of Don Julian Estrada and Don Vicente Feliz

Said land was conveyed to Claimant by a grant issued on the 24th July 1842 by Juan B Alvarado Constitutional Governor of the Department of California and thereby authorized to grant lands in the name and on behalf of the Mexican Nation. On the 9th of August 1842 Judicial Measurement, designation of limits and delivery of said land was made at the instance and on behalf of Claimant by J. Mariano Bonilla Justice of the Peace of that Jurisdiction

Said land has been occupied by Claimant according to law and the directions of the grant and is now held by him in quiet possession. Said land has not been accurately measured but its boundaries are known and well known and defined. It is supposed to contain the quantity of two Sietas of ganado Mayor little more or less. There is no conflicting claim to said land or any portion thereof in the knowledge of Claimant.

A copy and a translation of said grant and a copy of said act of Judicial delivery are herewith presented, and the originals will be produced and proved as may be required.

Jones, Tompkins & Strada
Attorneys for Claimant

Filed in Office Feb 21st 1853.
(Signed) Geo Fisher Secy

Office of the Board of Commissioners
of California Land Claims.

San Francisco May 18th 1852.

Deposition
of
Miguel Alcala

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On this day before me Henry S. Hunt one of the Commissioners for ascertaining and settling private land claims in the State of California came Miguel Alcala a witness produced in behalf of the Claimant Rafael Villaseñor whose petition is No 61 on the docket of the Board and was duly sworn. His evidence being given in the Spanish language was interpreted by the Secretary George A. Shio.

Questions by Claimant.

Question 1st. What is your name age & place of residence and how long have you resided there.

Answer. My name is Miguel Alcala, my age is fifty three years, my residence is my Rancho in the County of San Luis Obispo in the State of California, where I was born.

Question 2nd. Do you know Rafael Villaseñor & how long have you known him.

Answer. I have known him since my boyhood.

Question 3rd. What was his birth place and of what Country was he a citizen.

Answer. I do not know the precise place of his birth that he was born in California and was a citizen of Mexico.

Question 4th. Did he have a wife and children in 1842

Answer. He had a wife and children at that time.

Question 5th. Do you know a tract of land called San Gerónimo, if so State where it lies and about what quantity it contains?

Answer. I do know such a tract of land, it lies west of San Luis Obispo, near the Sea Coast and contains

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on it, and I do not know its contents. It lies in the State of California.

Question 6. Who has been in possession of this tract of land & how long has it been occupied.

Answer. Since my knowledge of the place it has been occupied by the Claimant, and sometimes before 1842 say in the latter part of 1838, and he still lives on it.

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Question 7. How did he occupy this land & did he or not cultivate it and to what extent and what improvements did he make upon it.

Answer. He lived there with his Family, settled it with a large stock of cattle, horses, mules, sheep, cultivated com, wheat & vegetables, built a dwelling house & houses for Indians his laborers, planted fruit trees.

Cross Questions by U. S. Law Agent

Question 1st. When were the houses of which you speak built on the tract of land.

Answer. In 1839, there were built a stick house on the land in which his Family lived & built of the same materials the houses for the Indians, afterwards in about four or five years he moved to another part of the tract & built an adobe house for his residence, and other out houses and manufactured blankets & put up looms for his Indians and a grist mill.

Question 2. To what extent, as to quantity of ground did the Claimant cultivate.

Answer. The quantity the Claimant cultivated in grain &c as stated, was of several fields, all the lands cultivated were more than a mile long & about five hundred bars in width. It was cultivated on a very

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large seal.

Magistral Alberta

The Law Agent. duly notified
& present.

Sworn to & subscribed before me
this 18th of May 1852.

Henry Thomson,

Comse.

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Filed in Office May 18th 1852.

(Signed)

Geo. Fisher Secy.

no 61

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Demarcacion
de S. Luis Obispo
en Jurisdiccion de Monterrey
año de 1842

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Expediente formado en la prosecucion
juridica de Se dio a D. Rafael
Villa del Rancho de S. Geronimo

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Sello Tercero dos reales
Habilitado provisionalmente por la Aduana
Maritima del puerto de Monterrey en el
Departamento de las Californias, para los años
de mil ochocientos cuarenta y mil ochocientos
cuarenta y uno

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Numero Antonio Maria Osio
Revalidado para los años de 1842 y 1843
Marade Antonio M. Osio

Expediente



Dr. Juan de Paz de S.
Luis Osio

S. Luis Osio
Agto. 6 de 842
Por presentado
y admitido p.^a
el martes 9 del
Corr.^{te} (previa citacion
de los Colindantes)
Se dara posesion
Verificando las medi-
das del terreno q.
Se ha Concedido:
Yo el Juez de Paz
de esta demarcacion
asi lo decreto y firma
Bonilla

El Ciudadano Rafael Villa
Natural de este departamento
ante V. como mas haya
lugar digo: q.^{te} en virtud
del titulo y dibujo que
acompaño, y p.^a la orden
del Sr. Gobernador
q. lo faculta á V. Se
Sirva darmela posesion
juridica del terreno q. se
me ha Concedido, Por
tanto:

al V. Puplico se Sirba acceder
á mi peticion y Señalar
dia p.^a verificar las medidas
en lo q. recibire gracia y
justicia, y juro de
S. Geronimo Agto. 5 de /42
Rafael Villa

Sello Tercero dos reales
Habilitado provisionalmente por la Aduana
Maritima del puerto de Monterrey en
el Departamento de las Californias, para

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no. 61

los años de mil ocho Cientos cuarentay mil
ocho Cientos cuarentay uno.

Numero Antonio Maria Ossio
Revalidado para los años de 1842 y 1843
Avarado Antonio m^o Ossio



Luis Obpo Agto 6 de 842

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Citese á los Colindantes D. Julian
Estrada y D. Vicente Felis p.^a q. Concurriran
el dia 9 al rancho de D. Rafael Villa
Yo el Juez de Paz de esta demarcacion
asi lo decrete y firme Bonilla

S. Luis Obpo Agto. 8 de 842

Con esta fecha se citaron á D. Julian
Estrada y D. Vicente Felis p.^a q. concurriran
mañana 9 al Rancho de D. Rafael
Villa á las 9 de la mañana, y se asentó
p.^a diligencia. Mariano Bonilla

En el Rancho de S. Jeronimo á las
nube dias del mes de Agto del año de mil
y ocho Cientos cuarentay dos á las nueve
de la mañana Siendo yo el juez de Paz
de la demarcacion de S. Luis Obpo presente
en la casa de habitacion de D. Rafael Villa
llegaron a ella D. Julian Estrada y D.
Vicente Felis p.^a la Citacion q. se les
hizo como colindantes y lo asentó p.^a diligencia
q. firme. Mar^{no} Bonilla

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Incontinenti en el mismo parage
dia, mes y año Siendo presente D. Rafael
Villa, yo el infrascripto Juez de Paz
acompañado de los de mi asistencia

Hice medir un cordel con el objeto de proceder á las medidas del terreno, y al efecto se midió fielmente un cordel de cincuenta v. castellanas á cuyos extremos se ataron dos estacas, y p.^a Su Constancia asente este p.^a diligencia q. firmé con los de asistencia.

Julian Estrada J. Mar.^{no} Bonilla
de asist.^a
Guillermo Ríos

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En seguida en el mismo parage, dia mes y año yo el Jefe de Paz de la demarcacion de S. Luis Obpo con los de asistencia, teniendo presente el no haber un perito agrimensor dispuse nombrar de los concurrentes dos fieles medidores cordeleros y al efecto nombre á D. Victor Linares y Nicolas Robles, los cuales aceptando este encargo se obligaron bajo el juram.^{to} q.^a prestaron á desempeñarlo fielmente asentando lo p.^a diligencia q. firmaron los de asistencia con miyo y los nombrados q. p.^a no saber firmar hicieron una Señal de Cruz

de asist.^a J. Mar.^{no} Bonilla
Julian Estrada de asist.^a
Guillermo Ríos
Victor Linares Nicolas Robles X

A Continuacion en el mismo parage dia mes y año á las diez de la mañana yo el Jefe de Paz de la demarcacion de S. Luis Obpo acompañado de los de mi asistencia y concurrentes ya citados salimos de la casa de habitacion de D. Rafael Villa y nos encaminamos a el lugar en donde segun su diseño Señala sus límites con D. Vicente Felix, en el cual p.^a dar principio á las medidas se fijó una cruz en la orilla de un arroyo y la playa, y de allí tomando las medidas

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el Cordel p.^o Sus extremos ya fijos en estacas,
 Se comenzo a medir p.^o la playa y Costa rumbo
 al N.O. hta llegar al puerto, lindero con
 D. Julian Estrada, habiendose medido hta
 dho punto doscientos y cincuenta Cordeles de
 cincuenta varas y en dho lugar se fijo una
 Cruz: de alli en seguida se tiro el cordel
 de la playa a la Sierra rumbo al N.E. y se
 midieron cien Cordels hta el pie de dha Sierra
 Señalando aquel termino y lindero: se continuaron
 las medidas p.^o la Sierra y lomeria en linea
 paralela a la Costa, hasta un encino q. se
 Señalo p.^o termino y lindero con D. Vicente Felix
 y se midieron doscientos y cincuenta Cordels:
 de alli p.^o concluir las medidas se tiro el
 Cordel al S.O. de la Sierra de la Playa p.^o
 la lomeria hta el punto en donde se comenzo a
 medir y se contaron cien cordels, con lo q.
 se concluyo la medida del terreno q. queda
 comprendido bajo la circunferencia de Setecientos
 Cordels de a cincuenta Varas Castellanas:
 Concluidas de este modo las referidas medidas
 y siendo conformes los colindantes p.^o perfeccionar
 el acto en presencia de todos los concurrentes
 tomo p.^o la mano a D. Rafael Villa y en voz clara
 le dije: en nombre de la Nacion Mexicana
 doy a V. posesion del terreno q. se ha medido,
 y respondiendo q. la tomaba p.^o manifestar
 q. habiendo adquirido el dominio util y directo,
 era dueño y Sr. absoluto de aquel terreno,
 cabola tierra, arranco yerbas y tiro piedras,
 con lo q. se concluyo el acto y firme con
 los del asistencia y uno de los colindantes q.
 p.^o no saber firmar hizo una Señal de Cruz
 y de asist.^a

Julian Estrada
 Vicente Felix x
 D. Mariano Bonilla
 de asist.^a
 Guillermo Nio

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S. Luis Obispo Agto. 10 de 1842

Devolbense estas diligencias originales al interesado
p.^a testimonio de adquisicion de propiedad y el
uso q. le Convienga. Bonilla

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S. Luis Obso Agto 11 de 842
Atendido el auto antecedente, con esta
pha se devolvio a S. Rafael Villa este
esped.^{te} en 6 fs. utiles y lo asento p.^a diligencia
q.^{ta} rubrique (Rubrica)

Queda tomada razon de estas diligencias
en el libro correspondiente a fs. 8 y 9
Bonilla

Here follows a map

Filed in office Feb 8. 1853
Geo Fisher
Secy

Delo primero Diez pesos
 Habilitado por la Aduana maritima de
 Monterey de la alta California para los años
 de 1842 y 1843
 Alvarado Antonio M^o C^o S^o



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Juan B. Alvarado, Gober-
 nador Constitucional del Departamento
 de las Californias

Original
 Grant

Por cuanto el Ciudadano Rafael
 Villaricencio ha pretendido para su beneficio per-
 sonal y el de su familia el paraje conocido
 con el nombre de San Jeronimo, colindante
 con el Rancho de D. Julian Estrada, con el
 del Ciudadano Vicente Felix, con la Sierra
 y el Mar: practicadas previamente las diligencias
 y averiguaciones concernientes segun lo
 dispuesto por leyes y reglamentos, usando de
 las facultades que me son confiadas a nombre
 de la Nacion Mexicana, he venido en concederle
 el terreno mencionado, declarandole la
 propiedad de el por las presentes letras
 Sujitandose a la aprobacion de la Junta
 Departamental y bajo las condiciones siguientes
 1^a Toda Cercado sin perjudicar los trabesias,
 Caminos y Servidumbres: lo disputara libre y
 exclusivamente destinandolo al uso o Cultivo q. mejor
 le acomode, pero dentro de un año fabricara
 casa y estara habitada.
 2^a Solicitara del Juez respectivo que le
 de la posesion juridica en virtud de este despacho
 por el cual se demarcaran los linderos en cuyos
 limites pondra a mas de las mojoneras algunos
 arboles frutales o silvestres de alguna utilidad
 3^a El terreno de que se hace donacion
 es de dos Sitios de ganado mayor segun
 explica el diseno que tiene agregado en el
 expediente respectivo. El Juez que diere

la posesion lo hara' media Conforme a' ordenansa
quedando el Sobrante que resulte a' la Nacion
para los usos somocimientos.

4.^o Si Contraviniere a' estas Condiciones
perderá su derecho al terreno y será denunciado
por otro

En consecuencia mando que teniendo
por firme y Validos este titulo se tome razon
de el en el libro respectivo y se entregue al
interesado p.^o Su resguardo y demas fines. Dado
en Monterrey a' veinte y cuatro de Julio de
mil ocho Cientos cuarenta y dos.

Juan B. Alvarado

Man. Jimeno
Srio

Queda tomada razon de este Despacho en el
libro de acientos de terrenos baldios a' foja 4 v.^{ta}
Jimeno

Filed in office July 8, 1853
Geo Fisher
Secy

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First Seal. Six Dollars. *Lucyia Cytho Maritima*
Custom House of Monterey of Upper California for 1842 &
113.

Alameda

Ante Ma. Oro.

Donation
of
Title

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Custom House Juan B Alameda Constitutional
Governor of the Department of the Cal-
ifornias. Whereas Citizen Rafael Villavicencio has solic-
ited for his Conyit and that of his Family the place
known by the name of San Germino, commencing with the
Rancho of Don Julian Estrada, with that of Citizen Vicente
Perez, with the Sinec on the Sea, having previously made
the proper inquiries and investigations, according to what
is provided in the laws and regulations, using the powers
conferred on me in the name of the Mexican Nation I have
conceded to him the said tract, declaring to him the ownership
of it by these presents letters, subject to the approbation
of the Most Excellent Departmental Junta and under the
following conditions,

1. He may Enclose it without injury to the Crossings, roads
and Easements, occupy it fully & Exclusively, appropriating
it to the use or culture, that suits him, but within a year
he shall build a house and it shall be inhabited.
2. He shall solicit of the proper Magistrate to give him
Judicial Possession in virtue of this Dispatch by whom
shall be demarcated the boundaries, in the limits of which
he shall put beside the land marks some fruit trees or also
Yal wild ones.
3. The tract of which donation is made is of two Sitas
of ganado Mayor according as is explained in the map at-
tached to the record. The Judge who may give him pos-
session shall cause it to be measured according to ordi-
nance, the surplus which shall result remaining to the
Nation for its common use.
4. If he contravene these conditions he shall lose his
right to the land, and it shall be dominably by
another. In consequence I order that being held firm
and valid this title, account taken of it in the proper
Books & this be delivered to the party for his security
and other ends. Given in Monterey the 24. of July 1842

Juan B. Alvarado, Manuel Jimeno Secretary.
Registered in the Book of Heads of vacant lands
at the rooms of folio 4. Jimeno.

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District of San Luis Obispo in the Jurisdiction
of Monterey, Year 1842. Expediente formed in the Judicial
possession given to Sr. Rafael Villa of the Ran-
cho of San Geronimo.

Third Seat. Por Reals. Provisionally granted
qualified by the Maritime Custom House of the Port
of Monterey in the Department of the Californias for the
years 1840, and 1841. Jimeno. Antonio Ma Oso.
Revalidated for the years 1842, and 1843. Alvarado
Antonio Ma Oso.

Custom House of San Luis Obispo. The City in
of this Department, before you in the last form, says that
in virtue of the title and map which accompany this, and
by the order of the most Excellent Sr. Governor, which au-
thorizes it, that You will be pleased to give me the Judicial
possession of the tract, which has been conceded to
me. Wherefore I pray you to be pleased to accede to
my petition and fix a day to perform the measurements
in which I shall receive grace and Justice. I swear on
San Luis Obispo 5 August 1842. Rafael Villa

San Luis Obispo, August 6, 1842. Is received and
admitted, though of the present month (previously being
settled the adjoining neighbors) the possession will be
given and fixing the measurement of the land which has
been conceded. I the said Judge of the place of this
District, thus decree and sign. Bonilla - San Luis
Obispo 6 Aug. 1842. Let the adjoining neighbors Julian
Estrada and Vicente Felix be cited, that they may meet
on the 9th inst at the Rancho of Sr. Rafael Villa -
I the said Justice of the Peace of this District thus
decree and sign - Bonilla -

San Luis Obispo 8 Aug 1842. This day were cited
Sr. Julian Estrada and Sr. Vicente Felix, that they

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m

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Should meet tomorrow the 9th at the Ranch of D^o Rafael Villa, at 9 in the morning and it is thus noted in the process. Mariano Bonilla - In the Rancho of San Gerónimo 9th August 1842 at 9 o'clock in the morning. I the Justice of the Peace of the Jurisdiction of S. Luis Obispo, being present at the house of D^o Rafael Villa, arrived there D^o Julian Estrada and D^o Vicente Felix, pursuant to the summons made to them as adjoining neighbors and I note it in the process which I sign, Mariano Bonilla, immediately in the same day, place month and year being present D^o Rafael Villa, I the within written Justice of the Peace, caused to be measured a cord for the purpose of proceeding to the measurement of the tract and to that end faithfully measured a cord of fifty Castilian leñas, at the extremities of which they put two stakes and in testimony I put it in the process and sign with those assisting, I. Mariano Bonilla, Witness Julian Estrada, Witness Guillermo Rit. In continuation in the same place, day, month and year I the Justice of the Peace of the District of S. Luis Obispo with those assisting, there not being present any Surveyor directed that there should be named among those present two faithful measurers, by ends and to that effect named Victor Smaris and Nicolas Robles who accepted the charge and obligated themselves under the oath which they took to fulfill it faithfully noting it in the process, those assisting signed with me and those nominated not knowing how to sign made the mark of the cross. I. M^o Bonilla. Witness Julian Estrada, Witness Guillermo Rit. Victor Smaris + Nicolas Robles. In continuation in the same place, day, month and year at 10 o'clock in the morning. I the Justice of the Peace of the District of S. Luis Obispo accompanied by those assisting me, and those present above named we went from the dwelling house of D^o Rafael Villa and we went to the place whose according to his map his Comandaria are marked with D^o Vicente Felix where in order to begin the measurements was fixed a

a cross in the margin of a cruto and the beach and further the measurers taking the end by its ends already fixed by stakes, they commenced to measure by the beach beach and coast. direction N. W. till they arrived at the Portucales, Comdary with Dⁿ Julian Estrada having measured to said point two hundred and fifty cords of 50 varas, and at said place, they fixed a cross from thence in continuation was drawn the end from the beach to the Sierra direction N. E. and were measured 100 cords to the foot of the Sierra, designating that as the terminus and Comdary, the measurements were continued by the Sierra and Lomina in a parallel line to the Coast up to an oak which was designated for a limit and Comdary with Dⁿ Vicente Felis and they measured 250 cords from there, to conclude the measurements was drawn the end to the S. W. of the Sierra to the beach by the hills to the point of the beginning and were continued 100 cords with which was concluded the measurement of the tract, which is comprehended in the circumference 700 cords of 50 Castilian varas, concluded in this manner the said measurements and the adjoining owners concurring in order to perfect the act, before all those present. I took Dⁿ Rafael Villa by the hand and in a distinct voice said to him, In the name of the Mexican Nation I give to you possession of the land that has been measured and he answering that he took it in order to manifest that having acquired the dimension useful and direct he was owner and absolute Lord of that land, he broke the earth, pulled up his legs and drew stones, with all which concluded the process and I sign it with those adjusting two and one of the adjoining neighbors, the other not knowing how to sign make the mark of the cross. I Mariano Benilla
Witness, Julian Estrada. Witness Guillermo Rib
Vicente Felis T. San Luis Obispo. 10. Aug 1842.
Let this original process be returned to the party for a testimonial of the acquiescence of property and the uses which suit him, Benilla. S. Luis Obispo 11. Aug. 1842. In pursuance of the preceding act on this day was returned to Dⁿ Rafael Villa this

Record in written folios and I note it in the process and sign with a scroll (seroll). This process is recorded in the proper book of folios 8 and 9 - Bonilla.

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I Certify the foregoing to be a true substantial translation of the Spanish document of the same tenor and date purporting to be the original on file in this Office in case Robt. Rafael Villavicencio Claimant for the place named San Geronimo.

(Signed)

Geo. Fisher Secy.

Filed in Office Feb 5th 1859.

(Signed)

Geo Fisher Secy.

Robt. Rafael Villavicencio Claimant.

Opinion

Rafael Villavicencio claims a tract of land of two square leagues in extent situated in the County of San Luis Obispo called the San Geronimo, and asks that his title thereto may be confirmed by this Board. In support of his claim he produces a grant to himself of the land by Govn Juan B Alvarado dated July 24th 1842, which grant is proved to be genuine by parcel conditioned & by the Public Archives of the former government. He also shows that Judicial Possession of the land was given him on the 9th of August 1842 that he was then living on the place with his family and that he has continued to reside there ever since, raising stock & cultivating the land extensively.

The land appears to be within ten leagues of the Sea Coast & there is no proof that the grant has been approved by the Departmental Assembly. But these objections we have uniformly held to be insufficient to invalidate a claim, & we think this claim should be confirmed.

and to make a decree accordingly.
 Commissions Thornton concerning in the result.
 Holland Hall.

No 61. Rojas Villavicencio, Claimants -

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Secru.

This Board on full consideration having come to the conclusion that the claim is valid have proceeded to make a decree of final Confirmation as follows viz.

It is decreed that the said Claim be confirmed to the extent & quantity of Two square leagues being the same land described in the grant & of which the possession was proved to have been long enjoyed. Provided that the said quantity of land granted & now confirmed to the Claimants be contained within the Comounds called for in the said grant & map to which the grant refers and if there be less than the said quantity of two square leagues within said Comounds then we confirm to the Claimant that less quantity.

Given under our hand as this 11th day of February 1853.

Holland Hall 3 Commissioners.
 Henry J Thornton

Filed in Office Feb 14. 1853.

(Signed)

Geo. Fisher Secy.

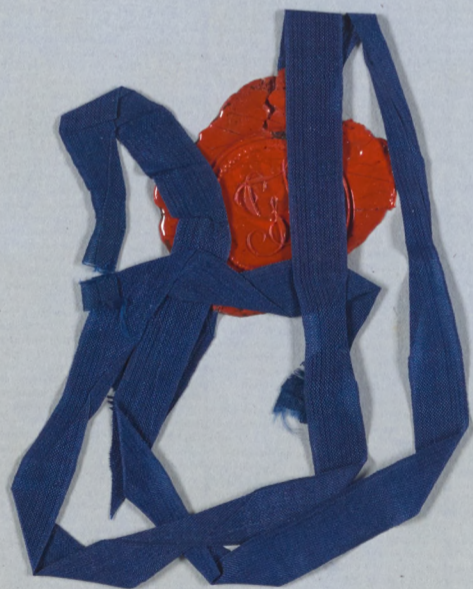
Office of the Board of Commissioners,

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

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I, *George Fisher* Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *twenty* pages, numbered from 1 to 20, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 61. on the Docket of the said Board, wherein *Rafael Villavicencia* is

the Claimant against the United States, for the place known by the name of *Saugeronio*



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

Geo. Fisher

Geo. Fisher

2.50
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The U. States

8.50

No. 1

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8

Office of the Attorney General of the United States,

Washington, 11th September 1854.

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Rafael Villavicencio,

vs.

The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 10th day of June 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Antony

Attorney General.

No 8.

United States District Court.
Northern District of California.

Rafael Vallariccio

advs.

The United States.

Notice of Appeal from Atty. Gen.

Filed Nov. 2^d. 1834,

J. S. Jan.
Clerk.

8 SD
PAGE 24

~~CONFIDENTIAL~~

(1.)

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

Rafael Villavicencio }
vs. } N. 61.
The United States }

To the Hon^{ble} Isaac S. T. Ogier, Judge of the District Court of the United States, for the Southern District of California.

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

That heretofore, to wit, on or about the 21st of February 1852, Rafael Villavicencio of California, presented a Written Notice, or petition, to the Commissioners to ascertain and settle the private land claims ⁱⁿ of the State of California, claiming, in virtue of a grant from the Mexican Nation, a tract of land called "San Geronimo" in the County of San Luis Obispo, in the State of California, with the boundaries described in said grant and the judicial measurement and possession thereof, to wit, the Sea Coast on one side, by the Sierra or

Mountain range on the other, and at either end by the lines demarked between claimants (of) said land and the Rancho of Don Julian Estrada, and Don Vicente Felix; That said land was conceded to claimant by a grant issued on the 24th July 1842, by Juan B. Alvarado, Constitutional Governor of the Department of California and thereby authorized to grant land in the name and in behalf of the Mexican Nation; That on the 9th of August 1842 juridical measurement designation of limits and delivery of said land was made at the instance and on behalf of claimant by J. Mariano Bonella, Justice of the Peace of that jurisdiction; That said land has been occupied by claimant according to law, and the directions of the grant and is now held by him in quiet possession; That said land has not been accurately measured, but its boundaries are well known and defined; That it is supposed to contain the quantity of two sites of ganado Mayor (two square leagues) little more or less, &c.

Your petitioner further represents that, thereafter, to wit, on the 14th of February A.D. 1853, the said Commissioners confirmed, by final decree, the said claim of said Rafael Villavicencio,

Two square leagues being the same

for two square leagues being the same land described in the grant and of which possession was proved to have been long enjoyed.

That, thereafter, to-wit, on the 27th of June A.D. 1854, a duly certified ^{transcript} of the said decree, and proceedings and the papers and evidence on which it was founded, in said cause, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked N. 61; Reference to which it is prayed may be had and made a part of this petition.

That, on the 10th of June A.D. 1854 the Hon^{ble}. Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of the said final decree, and proceedings, of said Commissioners in said cause (N. 61.) and the papers and evidence on which said decree was founded.

That, thereafter, to-wit, on the 7th of November 1854, the said Attorney General of the United States, filed, or caused to be filed, in behalf of the United States, a notice in writing with the said Clerk of said District Court for the Southern District of California, that the appeal, in said cause of Rafael Villavicencio vs the United

PAGE 8 SD 227

(4.)

States, from the decision of the said Commissioners to ascertain and settle the private land claims in the State of California, ⁱⁿ the District Court of the United States for the Southern District of California, would be prosecuted by the United States.

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PAGE 28
SD

Our petitioner further represents that the said land, claimed as aforesaid, is within the jurisdiction of this Hon^{ble} Court.

And your petitioner further represents and alleges, that the said claim of said Rafael Villavicencio, for said land claimed, and confirmed by said Commissioners as aforesaid, is invalid, and said decree of Confirmation erroneous; on the following grounds.

1. That the said Rafael Villavicencio shows no valid title to the said land claimed by him; And it is denied that he has any.
2. That the said land, claimed as aforesaid, is within ten leagues of the Sea Coast; and was not therefore subject to Colonization or grant by the said Governor Juan B. Alvarado, without the previous authority of the Supreme Government.
3. That there is no evidence that the said alleged grant to Rafael Villavicencio, was ever approved or confirmed by the Territorial Junta, or Departmental

assembly of California, or the Supreme government. And it is denied that it was ever so approved or confirmed.

4. That there is no evidence that the said alleged grant is an original; and that the signatures to the same are genuine. ~~And it is denied.~~

And there is no evidence that the map shown is the original, or an authentic copy, of the map referred to in the original grant, and expedient.

5. That the alleged act of judicial possession shown, is to "Rafael Villa", and not to Rafael Villavicencio, the claimant. And it is denied that judicial possession was ever given to the alleged grantee and claimant.

6. That the alleged judicial possession is for two and a half leagues; which is a half league more than the grant calls for.

7. That the alleged grant for said land, does not contain a sufficient description to identify it.

8. That there is no evidence that the said land granted as aforesaid, was ever occupied, and improved by the building a house within one year by the claimant grantee, as required by the conditions of said grant. And it is denied that it was so occupied and improved by the alleged grantee.

Wherefore the said Pacificus Old

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Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and the laws and statutes in such case made and provided, prays that the said Rafael Villavicencio, or his Attorney, may be served with a copy of this petition; and that this Hon^{ble} Court will review the said decision or final decree of Confirmation of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claims of said Rafael Villavicencio, for said land, confirmed as aforesaid; and that the same may be decreed invalid. And all such other orders, judgments, or decrees as may be just; with Costs, and general relief.

P. M.

Attorney of the United States for the Southern District of California

PAGE 8 SP

No 8.

(No 61. Transcript)

Rafael Villavicencio
Adv.
The United States.

Petition of Mr. Villavicencio
for review &c.

Filed Dec. 4. 1834.

J. E. Jan.
Clk.

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Part 4

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

N^o 8. Rafael Villavicencio, appellee,)

vs.)

The United States, appellant.)

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PAGE

W^m Carey Jones being sworn says: That he is
attorney for the appellee in the above cause; that
he was not aware, until on or about the 6th
of September instant, after arriving at Los
Angeles, that a petition for review had been
filed or served in said cause; that his client,
said appellee, does not understand the English
language, or is not able to speak or read it;
that he recently, at the village of San Luis
Obispo, had a conversation with his said
client on the subject of his (said appellee's)
title to the land in question, & the proceedings
necessary to obtain a final confirmation
of it, in which his said client expressed
surprise at being informed that his case
was still pending, and appeared to be under
the belief that it had been determined,
& did not inform that Depenorent that
any paper connected with the case had
been served upon him; & Depenorent verily
believes that said appellee was not and is
not aware of the nature or object of the
process served upon him as shown by the
return of the marshal herein, or of the necessity
of the same being answered.

W^m Carey Jones

Sworn & subscribed before me
this 12 Sept^r 1855.

f. E. Farr,
Clerk.

No 8.

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

Rafael Villanueva,
Appellee,

vs

The U. S.
Applt.

Affidavit of Wm
Carey Jones, Atty. Appla

Filed Sept 12, 1885,

J. E. Carr,
clk

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Wm C Jones

No 8.

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

Rafael V. Marinencia,
appellee

vs.

The U. S.
applt.

Motion to set aside
default.

Filed Sept 12th 1835.
J. C. San,
Clerk.

8 SD

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Wm C. Jones
Atty

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

N^o. 8. The United States, appellants,
versus
Rafael Villavicencio.

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PAGE

The answer of the appellee respectfully shows, that the claim presented by him for the tract of land called San Geronimo & which was confirmed to him by the Commission of the United States for ascertaining & settling land titles in California is a good & valid claim, & that the objections urged against it in the petition of the attorney of the United States are without foundation in fact or law. — And the appellee prays this Court that it will affirm his title to said land, & declare it to be valid; & that it be decreed that he recover his costs in this cause expended.

By his atty
H. Corey Jones.

N.º 8.

United States Dist Ct
Southern Dist: California

Rafael Villavicencio

ads

The United States

Answer.

Filed Sept. 24th 1855

C. C. Carrick

By J. W. Ross Dep

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James for app. Me.

Rafael Villavicencio
appelle

N. 8.

~~vs.~~
The United States appellant

Manuscript N. 66.

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On Motion of P. O. Attorney of the United States, and on suggestion to the Court, that the Transcript in this case is defective in this, that the opinion of the Court refers to certain evidence ~~in proof~~ establishing the genuineness of the alleged original papers ~~upon which~~ therein referred to, which said evidence does not appear in said transcript. It is ordered by the Court that that the ^{said} transcript ~~from the~~ said proceedings be returned for such corrections.

W. W. H. 30

No 8.

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

Rafael Villavicencio
vs.

The United States
apply

Motion & Order to return
Transcripts

Filed Aug 2, 1894

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J. C. ...

J. C. ...

Rafael Villavicencio

Appellee

advs.

The United States.

Appellants.

100~~8~~ 8

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Deposition of Julian Estrada, a witness
on the part of appellee in the above
case taken before Char E. Law, U.S.
Court for the State of California
this 18th day of July 1856. Present P. De Neely
Myron Norton for Appée. H. Wanner was
sworn as Interpreter. Julian Estrada being
duly sworn deposes and says
as follows

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

Ans. My name is Julian Estrada, my age
is 40 years, my residence is in the
County of San Luis Obispo.

Ques. Do you know the Rancho claimed
in this case called San Geronimo,
& if so, are you one of the neighboring
Rancheros.

Ans. Yes, I know it. I am one of the
neighboring Rancheros.

Ques. Have you or not ever seen the

original grant or title to the tract of land claimed in this case, & if so, when & where did you see it.

Ans. I have seen it, I saw it on the tract of land at the time judicial possession was given.

Ques. Look at the Copy of the original Title contained in the Transcript in this case, ^{on pages 13 & 14 of said Transcript} and state whether or not you believe it to be a correct copy of the original Title which you saw at the time judicial possession was given.

Ans. I have examined the copy, and believe it to be a true Copy of the original Title I saw, at the time judicial possession was given.

Ques. Are you acquainted with the signatures of Juan P. Alvarez and Manuel Jimeno, and have you seen them them write.

Ans. I am acquainted with their signatures, I have seen them write.

Ques. By whom was the original Title which you saw at the time judicial possession was given signed, and were those signatures the genuine signatures of the persons

who signed the same.

Ans. It was signed by Juan P. Abarrado as Governor, and Manuel Ameno as Secretary, and they were their genuine signatures.

Ques. Were you or not present on said Rancho at the time judicial possession was given of the same, & if so, in what capacity were you so present.

Ans. I was present, as an adjoining proprietor, having been cited for that purpose.

Ques. Who was the officer who gave judicial possession of this tract of land, and what office did he hold and who were his assisting witnesses.

Ans. Mariano Bonilla who was the Alcalde at the Town of San Luis Obispo. The assisting witnesses, were Victor Arriaga, myself, & a foreigner by the name of William Pitt, also Nicolas Robles.

Ques. Was there or not at the time said judicial possession was given a record or writing made of the same, and signed by the said Alcalde and the said assisting witnesses.

Ans. There was such an "Acto," & it was

signed by the Alcalde & the assisting witnesses.

Ques. Did you or not sign the same with your own proper signature, & was the same signed by the same Alcalde and the other assisting witnesses, at the same time & in your presence.

Ans. I did sign the same with my own proper signature, and it was also signed at the same time in my presence by the Alcalde and the other assisting witnesses.

Ques. Look at the act of judicial possession contained in the Transcript in this case on pages 8 to 12 inclusive, and state whether or not the same is a correct Copy of the original act of judicial possession which was signed at the time by yourself, the said Alcalde, and the other assisting witnesses whom you have named.

Ans. I have looked at it, and it is a correct Copy of the original act of Judicial possession, which I signed at the time together with the Alcalde and the assisting

witnesses I have already named.
The signature of Nicolas Robles,
is a mistake - it should have
been Nicoss Robles, as Nicolas
could not write - the person
who wrote the name substituted
one brother for the other, both
being present.

Cross examined by the usally.

Ques. Who lives upon the Rancho of
San Geronimo.

ans. The Owner ~~Don Raf~~ generally
known by the name of Rafael Silla
but his true name is Rafael Villavicencio.
He has lived there with his family
ever since he received a possession
of the place.

Julian Estrada

Sworn to & subscribed
this 15th day of Feb, 1856.
Before me.

J. E. Jam.
U.S. Comm.

1067. 8

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

Rafael Villaverde
vs

vs

The United States

Deposition of
Julian Estrada

Filed Feb 18th 1886

J. E. Jan
Clerk

Rafael Villaverde

appellant

vs

The United States

Case No. 8

Deposition of

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on Monday, the 10th day of May A. D. 1859, at 12 o'clock M., on said day, on behalf of the appellants by the Governor of the said State to be used as testimony in a certain cause now pending in the United States Dist Court for the Southern Dist of California being Case No. 8, on the Docket of said Court, wherein the United States are appellants, and Rafael Villaverde is are appellee.

Present A. Mitchell Weeks Attorney in behalf of the appellants
and J. L. Bush in behalf of appellee.

And W. D. Dryden Interpreter

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Arceadio Borques a witness on behalf of the appellant being sworn answers to the following interrogations as follows:

Ques What is your name age and place of residence.

Ans My name Arceadio Borques I am little more or less 28 years of age and reside in the city of Los Angeles

Ques Are you acquainted with the tract of land situated in San Louis Obispo County called San ~~Antonio~~ Geronimo - Los Cayucos of Vicenta Riley and

Santa Rosa of Julian Estrada

Ques Do you know the above mentioned lands

Ans Are you acquainted with the point on locality called the Porte Suelala if so state when it is?

Ans I know the point on locality called "Porte Suelala" - it is situated on the road that goes to Santa Rosa - ~~It~~ This road is the coast road - it passes over the ^{lands} ~~land~~ of San Jeronimo & goes towards Santa Rosa

Ques Do you know the point called Cañada de la Ordena and the arroyo del Puro

Ans I know the point called "Cañada de la Ordena" I also know the point called "Arroyo del Puro" - these two points - above mentioned are situated between the lands of Real Villa of Vicente Filiz

Ques Have you been frequently over these three tracts of land?

Ans I have passed frequently over them - they are points well known among the Chilens in General & myself named this names by hearing them called so -

people named this name, by having been
called so.

I have known the above men-
tioned lands from two to three years
I have heard the names of
the above mentioned places from
old persons of this vicinity who
know the places well -

Aradio Borquez

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Shown & Subd to before me
this 4th (tenth) day of May and
1859

John
U.S. Commissioner for
the Lower Part of California

I, C. Sims, of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing

Depositions of *Arcadio Borques* was taken before me on the *10th* day of *May*, A. D. 185*9*, according to the *agreement* of the said *parties*

at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the *appellant*. That the said *Arcadio Borques* was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this *10th* day of *May*, A. D. 185*9*

C. Sims
United States Commissioner.

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PAGE

No. 8

United States District Court for the
Southern District of California.

Rafel Villaverde
appn
vs
The United States

Deposition of

Arcadio Bonpus

Filed this

*11th day of May
1889*

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*Frank
Clark*

Rafel Villavicencio
appellant

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Case No.

8

vs
The United States
appellee

Deposition of Ignacio del Valle

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on Tuesday, the 10th day of May A. D. 1859, at 12 o'clock - M., on said day, on behalf of the Appellants by the Consul of the parties to be used as testimony in a certain cause now pending in the United States District Court for the Southern Dist of Cal being Case No. 8, on the Docket of said Court, wherein Rafel Villavicencio is an appellant, and and the United States are appellees.

Present W. H. Smith Attorney in behalf of the appellants
and E. J. Green in behalf of appellees. and
W. C. Dryden Deputy

Ques What is your name, age and place of residence

Ans My name is Ignacio del Valle I am 30 years of age and I reside in the City of Los Angeles

Ques Are you acquainted with Rafel Villavicencio, if so, state how long you have known him & whether you have ever known him by any other name?

Ans I know him & have known him about 34 years - His legitimate name is Rafel Villavicencio but he & the rest of the family were called "Valle", com-

Ministry for the ^{restoration} of the ^{of} Abbeys
Ignacio del Valle

Morning of Subd before
me the 10th day of May
1859

Of the
the Commission

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I, C. Sims,

of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing

Depositions of *Ignacio del Valle* was taken before me on the *10th* day of *May*, A. D. 185*9*, according to the *agreement*

of the said *parties*

at the United States District Court House, in the City

of Los Angeles, and State of California, in behalf of the

That the said *Ignacio del Valle* *appellee* was by me duly sworn

according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this *10th* day of *May*, A. D. 185*9*

C. Sims

United States Commissioner.

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No. 86

United States District Court for the
Southern District of California.

Rafael Villavieja
appn

adly
of the United States

Deposition of Ignacio Alvarez
Filed this 10th day of May
1889

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C. J. ...

Rafael Bellavencio
vs
The United States

Case No. 8

Deposition of Andres Pico

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on *Thursday*, the *29th* day of *September* A. D. 185 *9*, at *11* o'clock *A.M.*, on said day, on behalf of the *appellant* by the *Consent and agreement of the parties* to be used as testimony in a certain cause now pending in the *US Dist Court for the Southern Dist of Cal* being Case No. *8*, on the Docket of said Court, wherein *Rafael Bellavencio* is appellant, and *The United States* are appellees. *appellants.*

Present *J R Hutch* Attorney in behalf of the appellants
and *J L Brink* in behalf of appellees.

Ques What is your name and age
and place of residence
Ans My name is Andres Pico My
Age is 48 years and I reside
in the County of Los Angeles

Ques Are you acquainted with
the signatures of Juan B
Alvarado who was Governor
of the California in July 1842
and Manuel Linares his
Secretary?
I am & I have seen them
sign their names frequently.

Ques Look at an Exhibit "C" & "D"
No 1" and say whether you
have ever seen the original

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of which that is a copy and
also where;

Ans

8 PAGE 56 SD

I have seen the Original in
the Office of the Surveyor General in the
Office of the Surveyor General for
the State of California forming
a part of the Archives

Just

How do you know that this
Sketch is a Copy of the Original

Ans

I know it to be an exact Copy
of the Original because I myself
compared the two together carefully
and I know this to be the same
Copy because I have placed two
private marks upon the same
so that I might know it to be
the same Copy

Just

Were the Signatures of Juan
B. Alvarado and Manuel Lema
appearing upon the Original
in the Office of the Surveyor
General their genuine signatures

Ans

They were their genuine signa-
tures.

Worn and sub'd to form
me this the 29th Sept 1859

Andrew Pico

W. Commiskey

I, C. Sims, of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing

Depositions of Andres Pico was taken before me on the 29th day of Sept, A. D. 1859, according to the affidavit of the said parties

at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the appellants

That the said Andres Pico was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this 29 day of Sept, A. D. 1859

C. Sims
United States Commissioner.

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No. 8

United States District Court for the
Southern District of California.

vs
R. Gilman

Deposition of *Andr. Mc*
Filed this *29th Sept 1889*
Chm

A. D. W.

+

J. Lancaster Parent Esqr.
\$5.00

1

Del primer seis pesos

Habilitada por la aduana Maritima de Monterey de
la Alta California para los años de 1842 y 1843.

Alvarado

Antonio Mejia

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

Por cuanto el Ciudadano Rafael Villavicencio
ha pretendido para su beneficio personal y
el de su familia el paraje conocido con el
nombre de San Jeronimo, existente con
el Rancho de D.^o Julian Estrada, con el del
Ciudadano Vicente Felix, con la Lima y el
Mar: practicadas previamente las diligencias
y averiguaciones correspondientes segun lo dispuesto
por leyes y reglamentos usados de la facultad
desde que me son conferidas a nombre de la
Nacion Mexicana he venido en considerarle
el terreno mencionado, declarandole la propiedad
de el por las presentes letras sujetandose a
la aprobacion de la Junta Departamental y bajo las condiciones siguientes.

1.^a Para serarlo sin perjudicar las trabas

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Caminos y servidumbres; lo disfrutará libre y exclusivamente destinándolo al uso ó cultivo que mejor le acomode pero dentro de un año fabricará casa y estará habitada.

2ª Solicitará del Jefe respectivo que le de la posesion jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrá arboles de los mejores algunos arboles frutales ó silvestres de alguna utilidad.

3ª El terreno de que se hace donacion es de dos sitios de ganado mayor segun explica el diceno que como agregado en el expediente respectivo. El Jefe que da la posesion lo hará medi conforme á ordenanza quedando el sobrante que resulte á la Nacion para los usos convenientes.

4ª Si contraviniera á estas condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mando que teniendo por firme y baledero este titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y otras fines. Dado en Monterrey á veinte y cuatro de Julio de mil ochocientos cuarenta y dos.

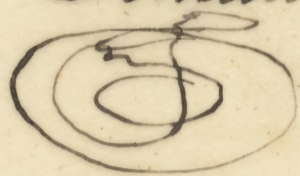
Juan B. Alvarez

Man. Jimeno
Jefe.

[Signature]

Jefe

da tomada razon de este Despacho en el
Libro de aciontos de terminos baldios a fojos 120.^{ta}

J. Moreno


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4

N^o 61-

Rafael Villavicencio

San Geronimo

Original Grant

Filed in Office Feb 28
1853.

Geo. Fisher,

Secy

Recorded in Record of Land

Vol. 6. pages 319 + 320.

Geo. Fisher,

Secy

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PAGE

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

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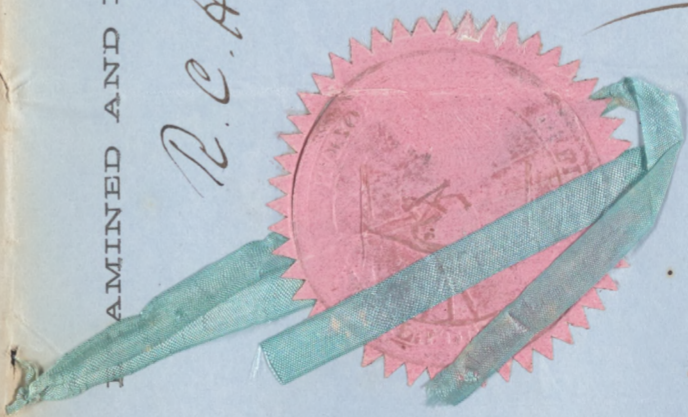
I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do hereby Certify, that the ~~four~~ ⁽⁴⁾ preceding, and hereunto annexed pages, of tracing paper, numbered from one to ~~four~~ ⁽⁴⁾ inclusive, exhibit a true, full and correct copy, of a Document, together with the endorsement thereon, as the same appears on file in case No. 61, in the Docket of said Board of Commissioners.

EXAMINED AND FOUND CORRECT.

Keeper of Archives.

R. C. Hopkins

[Handwritten signature]



In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 30th day of June 1859.

[Handwritten signature]

J. W. Mandeville A. S. Surveyor General, for California.

Schubert
"C. No. 1"

No 8

R. P. Villavieja

appm

ads

Mr. W. W. Stokes
Appm

Received Office this
the 24th Sept 1889

Opium
Club

8 SP

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UNITED STATES OF AMERICA, ss.

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PAGE

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court
of the United States, for the Southern District
of California



Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California before you, in a cause
between The United States Appellants, and Rafael
Villarvicencio, Appellee, (No. 8, for "San Geronimo")
wherein the decree was rendered in favor of the said
Appellee.

UNITED STATES OF AMERICA

THE DISTRICT OF THE UNITED STATES OF AMERICA

And whereas, in the present term of *December* in the year of our Lord one thousand eight hundred and *sixty three* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and ~~was argued by counsel:~~ *On consideration whereof, on the motion of Mr Attorney General Bates of Counsel for the Appellants - it is now here ordered, adjudged and decreed by this Court that this cause be and this same is hereby dismissed ~* 12 Feb.

8 SD
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as by the inspection of the transcript of the record _____
_____ of the said *District*
Court, which was brought into the Supreme Court of the United States, by virtue of an *appeal*
agreeably to the act of Congress, _____
_____ in such case made and provided, fully and at large appears.

You, therefore, are hereby commanded that such further proceedings be had in
said cause,

as according to right and justice, and the laws of the United States ought to be had, the said appeal
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the
first Monday of December in the year of our Lord one thousand eight hundred
and fifty three

COSTS OF _____
Clerk..... \$ _____
Attorney... \$ _____
\$ _____

T. J. [unclear]

L. P. [unclear]

Clerk of the Supreme Court of the United States.

No. 161 December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

U. States vs. [unclear]

Jan 23 1864

[unclear]
[unclear]
[unclear]

At a stated Term of the District Court
of the United States of America for the
District of California held at the Court
Room of said Court in the City of San
Francisco on Tuesday the 23rd day of
July 1864

Present Honorable Ogden Hoffman,
District Judge.

Raphael Villavicencio,
Claimant & Appellee,
- vs. -
The United States
Appellant.

And now at this day E. D. Mastick
Esq of counsel for the claimant comes and
presents the mandate of the Supreme Court
of the United States in this cause dismissing
the appeal made herein on behalf of the United
States from the judgment and decree heretofore
entered herein in the District Court of the
United States for the Southern District of the
State of California to the Supreme Court of the
United States

Now on motion of said Claimant by
his said counsel,

It is ordered that said mandate be
filed and made a part of the record of
this Court in this cause and that the said
claimant may proceed under the said de-
cree heretofore rendered herein in favor of

6705
20

the claim of said claimant as the final
decree in said cause.

Dated July 23^d 1867.

John Hoffman
Clerk Judge

United States District Court
District of California

Isakhaul Villaricensis

vs

The United States

Order on filing Mandate.

Sub. 23^d July 1867

John Hoffman

Clerk

J. S. Meale

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PAGE

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

TO

The President of the United States,

Rafael Villaricencio

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GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *fourth* day of *December* in the year of our Lord one thousand eight hundred and fifty-~~four~~ at the City and County of Los Angeles, in said District, by *Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States,* praying the said Court to review, upon the grounds therein set forth, the decision of final confirmation of the Commissioners to ascertain and settle the private land claims in the said of California, of the claim of Rafael Villaricencio, for a tract of land called, *San Geronimo in the County of San Luis Obispo, California,* to the extent of about two square leagues; which said claim was presented by your petition to said Commissioners on or about the 21st of February A.D. 1852, and by them confirmed on or about the 14th of February A.D. 1853.

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

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

J. E. Farr
Clerk.

Nos.

Marshals cost
 Copying summons 1,00
 Serving Petition 4,00
 Serving Summons 4,00
 actual traveling
 copying 132,00
 141,00

*Summons to [unclear]
 with Petition [unclear]*

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

Rafael Villavicencio,

adv.

The United States.

SUMMONS.
 Received February 2-1855
 Edward Hunter
 U. S. Marshal

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I served this summons along with the proper copy of the petition upon *Rafael Villavicencio* the defendant by delivering to him personally a true copy of the summons and petition.

at *the Mission of San Luis Obispo* in the Southern District of California on
 the *23rd* day of *February* A. D. 1855.

Sworn to and subscribed before me, *this 10th*
day of March, 1855. *J. E. Jan, Clerk.*

Edward Hunter
 U. S. Marshal
deputy
R. J. Lane