

CASE No.

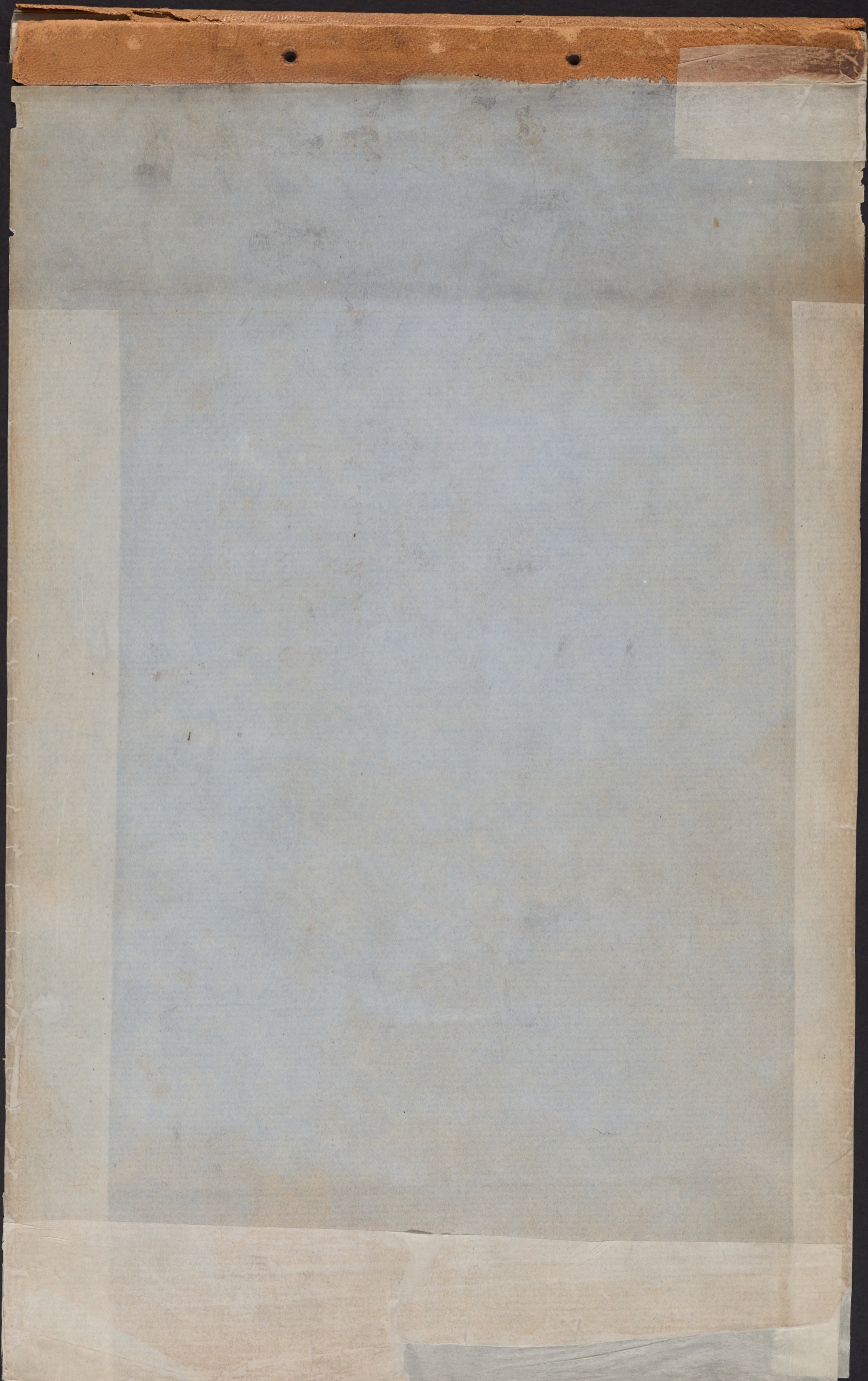
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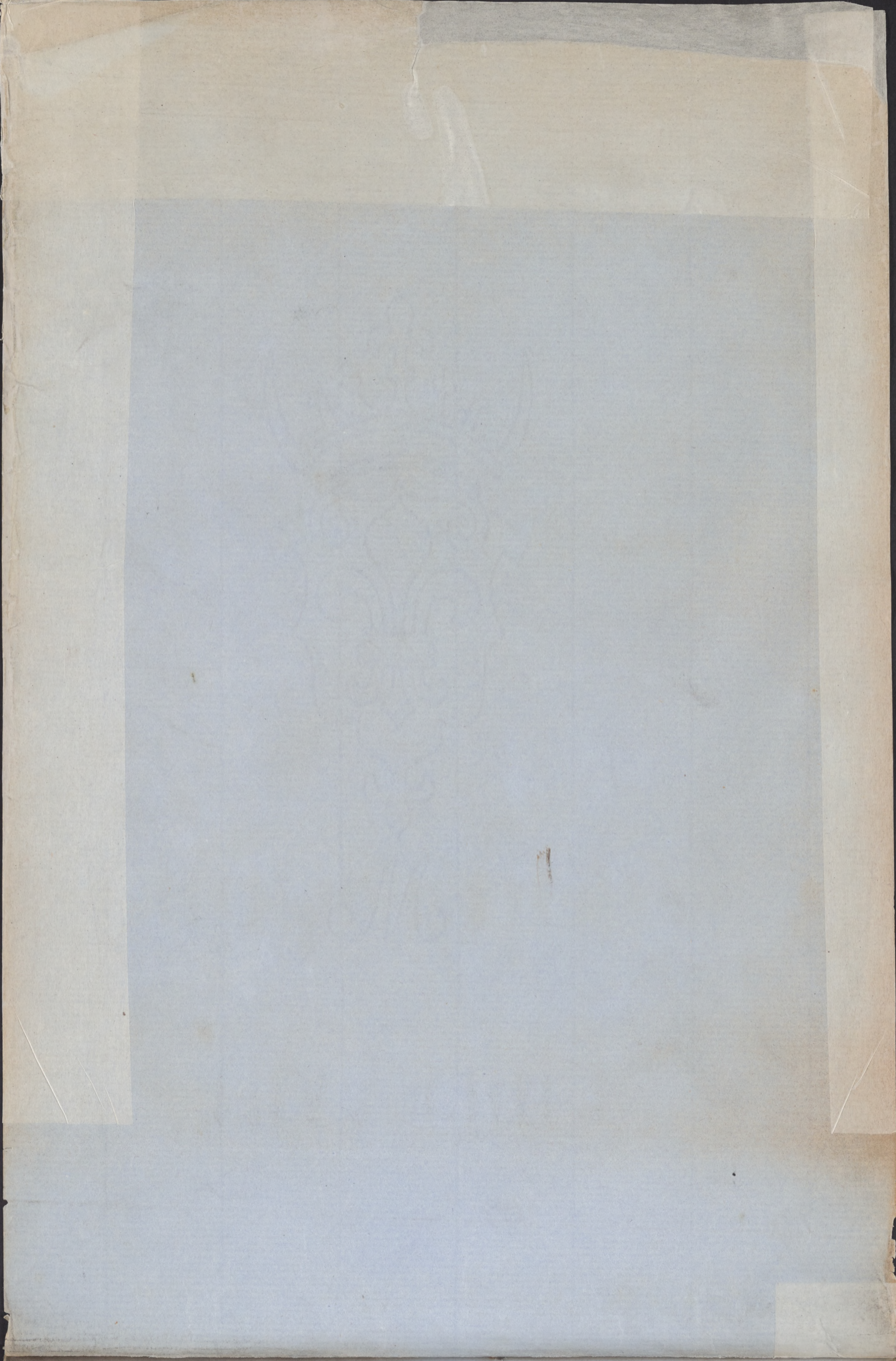
SOUTHERN DISTRICT

RANCHO DE SAN MIGUELITO DE TRINIDAD GRANT

JOSE RAFAEL GONZALES

CLAIMANT





TRANSCRIPT

18 SD

PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 27

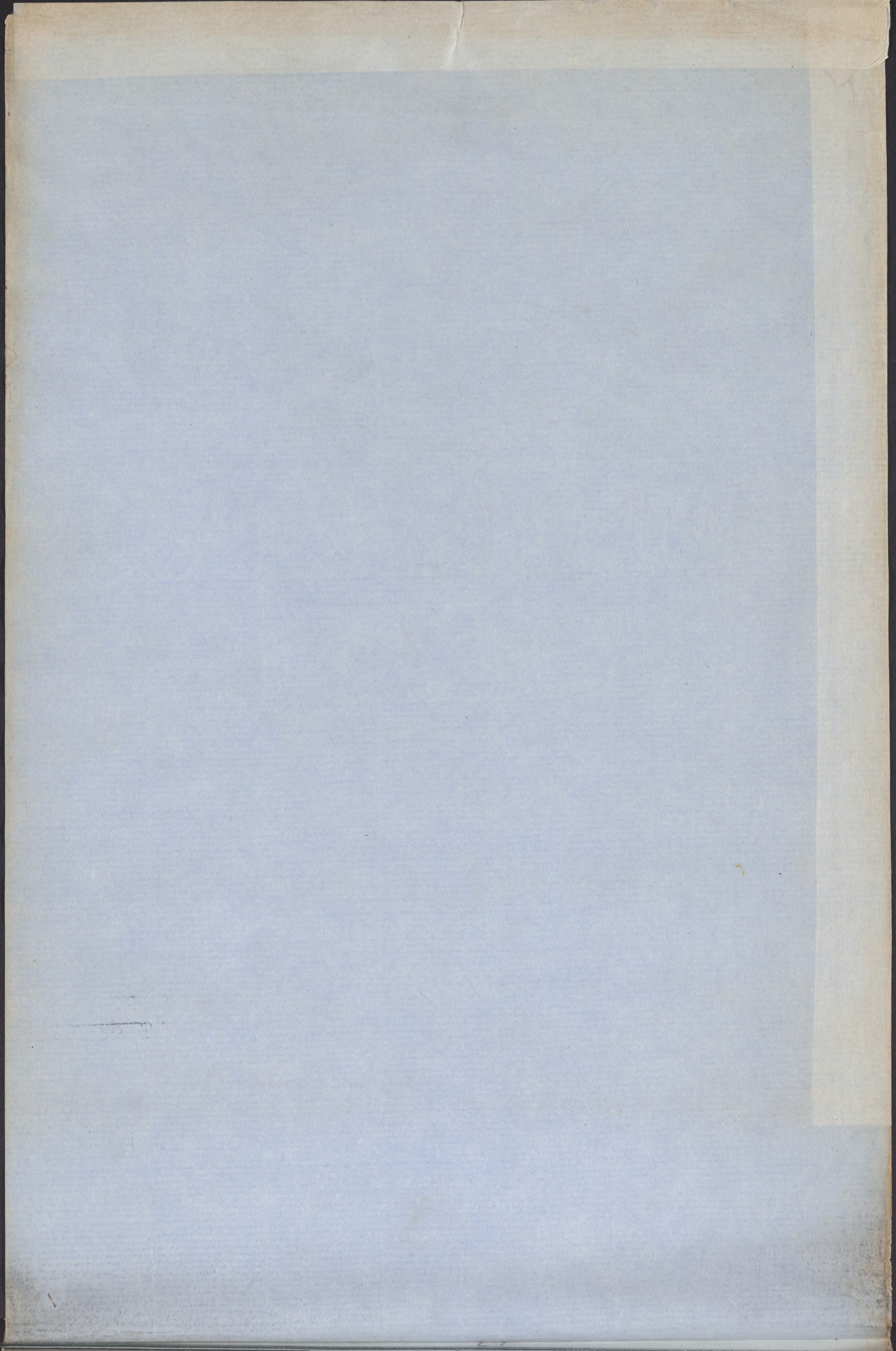
Dosé Rafael Gonzales CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Rancho de San Miguelito de Trinidad



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 ninth 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 Jose Rafael Gonzales for the Place named Rancho de San Miguelito de Trinidad was presented, and ordered to be filed and docketed with No. 27 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 March 4th 1852

In Case No. 27 Jose Rafael Gonzales the Deposition of James Alexander Forbes 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: (Vide page 7 of this Transcript)

San Francisco May 12th 1852

In case No. 27 Jose Rafael Gonzales the Deposition of David Spence a witness

in behalf of the Claimant, taken before Commissioners James Wilson, was filed and is in the words and figures as follows to wit: (Vide page 9 of this Transcript)

18 SD
PAGE 3

San Francisco Feby 8th 1853

Case N^o 27 Jose' Rafael Gonzales for the place named "San Miquelito," Called: The Counsel for the Claimant 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

San Francisco Feby 28th 1853

In Case N^o 27 Jose' Rafael Gonzales for the place named "San Miquelito," the Deposition of W^m H. McKee a witness in behalf of the Claimant taken before Commissioners Heiland Keall was filed and is in the words and figures as follows
(Vide page 10 of this Transcript)

San Francisco March 1st 1853

In Case N^o 27 Jose' Rafael Gonzales for the place named "San Miquelito," Commissioners Heiland Keall 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 & Decree are in words & figures as follows
to wit: (Vide page 11 of this Transcript)

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

The petition of José Rafael Gonzalez a resident of the County of Monterey & State of California, respectfully sheweth:

That, being a Mexican by birth & residing in the Department of Monterey, in the present County of Monterey he presented a petition in writing to Don Juan B. Alvarado then Governor of California, on the 1st day of May 1841, soliciting for himself a tract of land, containing two sitios de ganada mayor, as a recompensation for military service rendered by him to the Government for many years; which said tract of land was designated in said petition, as; Rancho de San Miguelita de Trinidad, lying in the neighborhood of and immediately adjoining the Mission of San Antonio, an exact description of the boundaries of which land will be given hereafter. That said solicitation was referred by said Governor Alvarado to the Prefect of the first district for report & information on the 17th of May 1841, & by him remitted to José de Jesus Pico, the person in charge of the settlement of San Antonio, & that the same, as well as said Prefect of the 1st District reported favorably thereon. And your petitioner further sheweth, that thereafter, to wit, sometime in the early part of July 1841 & before he obtained the grant of land petitioned for, he presented an other petition to said Alvarado praying for an additional tract of land of three sitios or leagues situate at San Miguelita aforesaid, as the two sitios de ganada mayor, which were then in process of being granted to him in the location of San Miguelita, were not sufficient for the amount of cattle he possessed.

Whereupon the said Governor Alvarado, in virtue of the authority vested in him as Constitutional Governor of California; by a decree dated July 24th 1841, declared said José Rafael Gonzalez the lawful owner of the said tract

Petition
18 SD
PAGE 4

of land, containing five sitios de ganada mayor & described hereafter & directing the proper document constituting title, to be delivered to said Gonzales.

That on the twenty fourth of July A.D. 1841, the said Juan B. Alvarado by virtue of the authority aforesaid, made in due form of law & delivered to said José Rafael Gonzales, a grant of said piece of land petitioned for, & that said solicitation & decree & the official copy of said grant, together with the map accompanying said solicitation are now on file among the archives of the Department of Upper California, now in the custody of the Surveyor General of the United States of America for the state of California & that copies of said documents, duly authenticated & certified by said Surveyor General, together with translations of the same, are herewith submitted & prayed to be made a part of this petition. That said original grant is now in possession of said petitioner & ready to be offered in evidence. And your petitioner further states, that on the 27th of September 1842, he exhibited the original grant of said tract of land to the respective Justice of the Peace or Judge of the first instance, & that the same gave your petitioner the judicial possession of said tract in accordance with all the formalities of the law. That a translation of said act of judicial possession duly certified is herewith exhibited & made a part to this petition. That said tract of land is situate in the county of Monterey & immediately adjoining the Ex-Mission San Antonio & bounded & described as follows. 1st. Commencing on the summit of the range of mountains lying westerly of the rocks known as Portescuela at a point due west of said rocks, thence running easterly to said Portescuela.

18 SD
PAGE 5

2nd. Thence from said Portuñela running in a southeasterly direction in a straight line to the rocks known as "puñeros del guilaro";

3rd. Thence south across the river known as "Río de Sierra", to the highest point in the next range of mountains which runs from East to West next south of said river.

4th. Thence at right angles, as near as possible, with the last mentioned line, West, along the summit of the aforesaid range of mountains, south of said "Río de Sierra" to a point where the road, leading from the Rancho San Miguelita to the Beach, crosses the height of said mountain range.

5th. All right angles thence running Northward, as near as may be along the ridge of the mountains, running from North to South, to the place of beginning.

And your petitioner further says; that said boundaries comprised about five square leagues of territory more or less; that the same is known under the name of Rancho de San Miguelita de Trinidad.

And your petitioner further sheweth, that, at the time when said grant was made, there was no one living on said territory except one Estebano Robles, an Indian woman, who had obtained permission to do so by the Superiors of the adjoining Mission, but who had no legal title to it - & that your petitioner, for the sake of having peaceable possession of the territory so granted to him, purchased from said Estebano Robles & her tribe all her & their right or interest in that parcel of territory, which she or they might have so occupied by them.

And that he built a house thereon & fenced in a part of said land, according to the conditions specified in said grant as will more fully appear by the map herewith exhibited, & continued to reside thereon up to this date,

occupying said tract for grazing & other purposes & exercising full & undisputed ownership over the whole thereof & has not been interfered with in the occupation & ownership of said lands by any persons claiming title adverse & paramount to that of your petitioner.

Your petitioner therefore asks, that your Honor's, after due proofs in the premises, would establish and confirm his claim and title to said land as above set forth and described.

And your petitioner in duty bound, will ever pray etc.

Clark Taylor & Beckett.
Solicitors for D. José Rafael Gonzales.

Filed in Office Feb 9th 1852.

Gen: Fisher.

Secy.

18 SD
PAGE 7

125

7

California Land Commission

San Francisco March 4th 1852.

At Chambers.

Before me Henry A. Thurston one of the board of Commissioners to ascertain & settle private land claims in the state of California, came James Alexander Forbes a witness summoned to testify on behalf of the Claimant José Rafael Gonzales whose petition is No 27 on the Docket. The Law Agent of the United States being present on due notice, & the said witness having been by me first duly sworn testified as follows; viz:

Deposition of James Alexander Forbes.

18 SD
PAGE 8

Interrogatories by the Counsel of the Claimant.

Quest 1. What is your name, age, birth place and place of present residence?

Ans. My name is James Alexander Forbes, I am forty seven years, I was born in Scotland & I reside at the Mission of Santa Clara.

Quest 2. How long have you resided in California.

Ans. Twenty two years permanently.

Quest 3. Look at the document now handed you consisting of fourteen leaves with pages numbered from 1, to 12, inclusive written in Spanish purporting to be an original grant from Juan B. Alvarado to Don José Rafael Gonzales of the place called Miguilito dated Monterey July 24th 1841 signed by said Alvarado & countersigned by Manuel Simons Sec^y followed by a map & description of the premises, & by a record of judicial possession given by Fernandez to said Gonzales Sept 28th 1842, a document purporting to be a translation of all of which were on file in this case and marked D, is also shown

18 SD
PAGE 9

you - State whether you are acquainted with the hand writing of any & which of the persons whose signatures purport to be affixed to the different pages of said first named document, & which of said signatures you know to be genuine. State whether said first named document is the original of which the exhibit D, now on file in the Secretary's office in the matter of the claim of José Rafael Gonzalez to the Rancho of Miquelito de Trinidad is a translation.

Answer. I know the signatures of Juan P. Alvarado on pages 2, 5, 6, 7, 8, 9, 10, 11, & 12, & also the signatures of Manuel Jimeno upon pages 2 & 3, also of Estrada on page 2, also that of Manuel Castañera on the reverse of page 2. That of José Leonor Fernandez on the reverse of page 6, on pages 7, 8, & the reverse of 8, Pages 9, 11, & 12, from the fact of having correspondingly with them & having often seen them write their names. I know them to be genuine. I know the document present to me to be the original of which a document marked D, is a translation.

Ques 4. Look at the document now shown you marked D, on file in this case purporting to be an act of transfer from the emancipated Indians Apollonio Mendora husband & Estefana his wife & their children Guamanil Gerardo Perfecta & Juanita to Don Narciso Gonzalez of their house & property in the place known as Miquelito entered into by them on the 24th of September 1841 before Simon Castro Justice of the Peace & two witnesses of Assistance & two other witnesses to the act - State if you know the hand writing of any & which of the persons whose signatures purport to be appended to said document and

whether they are genuine signatures.

Ans. I know the hand writing of José L. Fernan-
dez & that of Manuel Castro. The signatures
as affixed to the document presented to me
are genuine. And I know those from having
seen them often write.

J. Alex Forbes.

The Law Agent being present
declines cross-examination.

I have not subscribed
before me this 4th day of
March 1852.

Henry S. Thurston.

Comm.

Filed in Office March 4th 1852.

Gen. Fisher.

Secy.

No 27. Claim of José Rafael Gonzales.

Question 1. by Claimant.

Deposition of David Spence. Look at the original
documents now shown you, written in Span-
ish purporting to be a grant from Juan P.
Alvarado to José Rafael Gonzales of the Rancho
San Miguelito de la Trinidad & the record
of judicial possession of the same. State if
you have compared said documents with Ex-
hibit D, now on file in this cause & whether
the latter is a correct translation of the former.

Answer. I have compared said original docu-
ments with said Exhibit the first twenty
pages of said Exhibit contains substantially
a correct translation of said original documents.

Question 2nd Look at said original documents & state whether you know any of the signatures therein, & if so, which of them you know to be genuine.

Deponent's Answer. I know the signature of Juan B. Alvarado & the signature of Manuel Jimeno. The signature of Estrada and Manuel Custumares which appear in said document & they are genuine - also the signature of Ferrnandes, also the signature of José Rafael Gonzales - also the signature of José A. Chavis where they occur in said document, & they are genuine signatures.

D. Spence.

May 12th 1852. Board of Land Commissioners.
On this day the foregoing deposition of David Spence taken at the request of José Rafael Gonzales to be used in Case No 27, for confirmation of grant of Rancho S. Miquilito - Geo W. Cooley Esq. Law Agent W. S. was present & did not object.

Subscribed & sworn to

Before me

James Wilson.

Commissarius.

Filed in Office May 12th 1852.

Geo. Fisher.

Scrij.

San Francisco Feby 28th 1853.

Deposition of W^m H. McKee. On this day before Commr. Neiland Hall came W^m H. McKee - a witness in behalf of the claimant José Rafael Gonzales, petition No 27 was duly sworn, his evidence being given in English.

250 The W. S. Associate Law Agent was present.

11

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

My name is William H. McKee, my
age is thirty three, & I reside in Monterey, & have
resided in the County of Monterey about eight years.

I have known the Rancho San
Miguelita ever since the year 1847. It was then
occupied by Don Rafael Gonzalez & his son. There
was an adobe house on it which appeared to have
been built the previous year & another house which
might have been six or seven years old. The son
was occupying the house & had charge of a large
stock of cattle & there was land under cultivation.
The occupation of the said Gonzalez has continued
to the present time.

Wm H. McKee.

Sworn & subscribed

Before
Richard H. Hall.

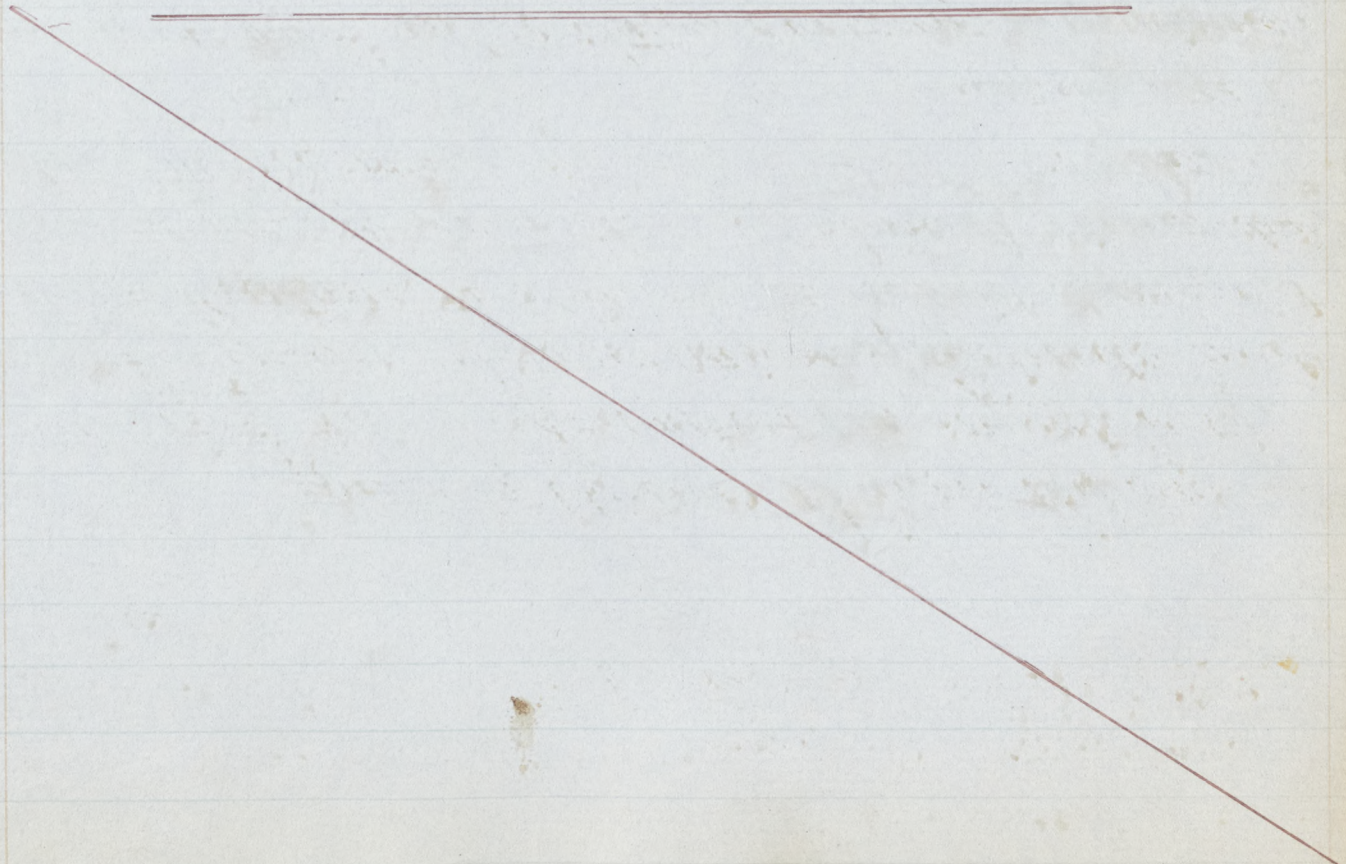
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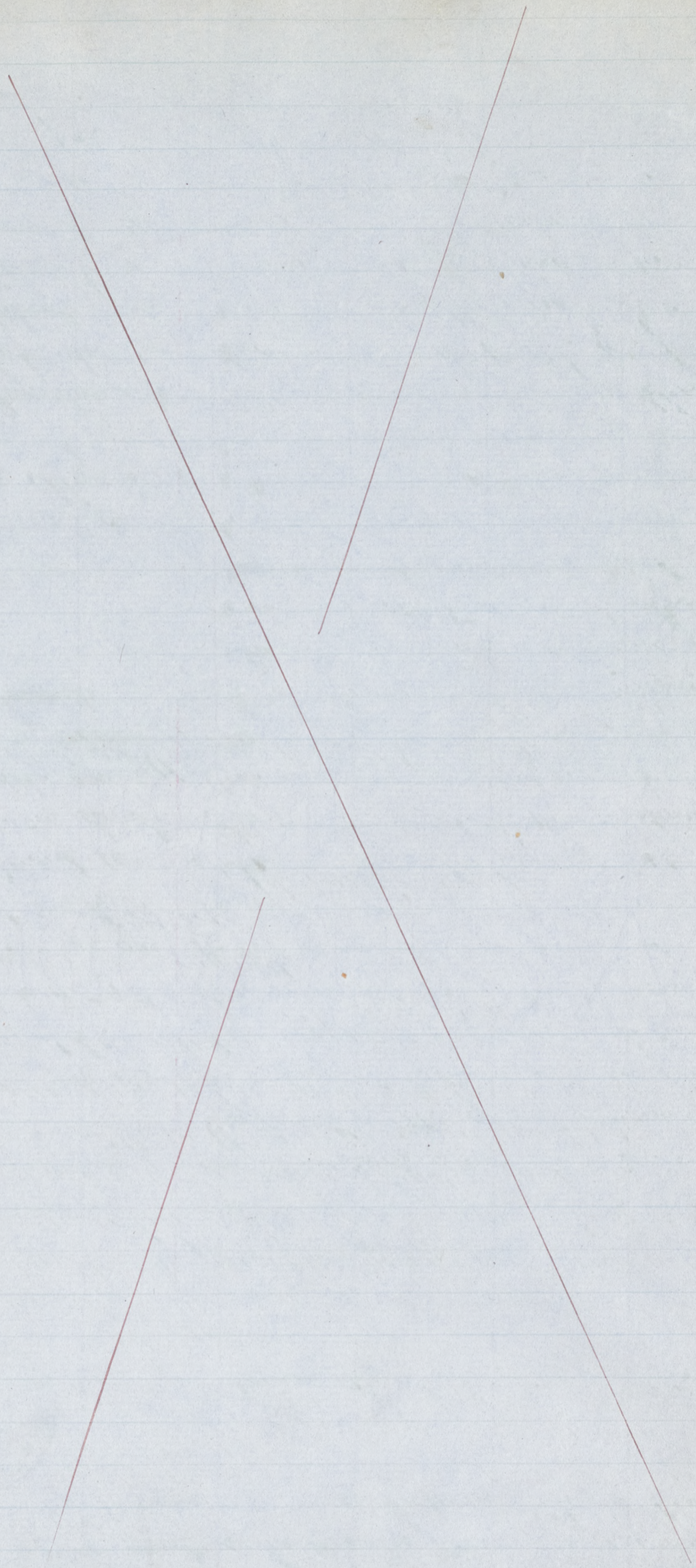
Filed in Office July 28 1853

Gen. Fisher.

Secy

160





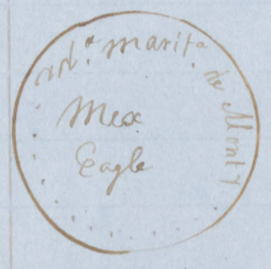
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13
B

2 S.D.K

Ello Tercero dos reales
habilitado provisionalmente por la Aduana marítima
del puerto de Monterrey, en el Departamento de
las Californias, para los años de mil ochocientos
cuarenta y mil ochocientos cuarenta y uno
Número Antonio Maria Osio



En S. Gob. de este Departa-
= mento

18 SD
PAGE 13

Expediente

Monterrey
Mayo 17 de
1841.

Pase esta ins-
= tancia al S.
= Prefecto del 1.
= distrito para que
mande practicar
los informes con-
= venientes devol-
= viendola en
estado de resolver
Alvarado

S. Juan de
Castro Mayo 20
1841.

En cumplimiento
del Sup. decreto
q. antecede, pase
esta Solicitud al
encargado del esta-
= blecimiento de S.
= Antonio para que
informe lo conve-

El Ciudadano Don Rafael Gonzalez
ante la notoria justificación de V. E.
con el respeto debido hace presente.
Que siendo Mexicano p.^o nacimiento
y actualm.^{te} abecindado en este
Departam.^{to} y contando de Servicios
a mi patria ya en la Carrera
de las armas, ya en otros
empleos y Comisiones del Sup.^o
Gobierno desde el año de 1810
Sin el tiempo doble de Campaña,
Consecrando p.^o Consiguientemente la
mejor de mi edad al Servicio
de la Patria; hoy me encuentro
abanzado en años, enfermo y
deceoso de establecerme de algun
modo p.^o descansar de mis
fatigas, asi es q.^o p.^o todo lo
agotado, si se tienen en consi-
= deracion mis Servicios, he de
merecer a la justicia y publica
benevolencia de V. E. q.^o p.^o
lograr mi establecimiento se sirva
Concederme en propiedad el paraje
conocido con el nombre de S.
= Miguelito situado a las imme-
= diaciones de la es-
= micion de S.^o Antonio, y conforme

3 S.D.K.

280

14

N.º 27

1 S. D. K.

Expediente

Promovido por D.º José Rafael Gonzalez

en solicitud del parage conocido

con el nombre de

San Miguelito año de

1841

18 SD
PAGE 14

243

31

18 SD
PAGE 20

15

= niente
Por inferencia
del Sr. Prefecto
y de Su Srío
M. Castañares
Srío

al decir q. tengo el honor de
acompañar á V. E. no dudando
q. el establecim^{to} de Camps que
puedo formar de él, en el caso
de Concesion, será uno de los
útiles á este pais. Y como el
terreno q. Solicito serán dos
citis de ganado mayor en él
q. se Compraderán una Ciénega

q. entorpece allí la cria del ganado; pido q. p.
la parte del norte se me conceda hta la piedra
q. está en el portucllo y p. el Sur hasta la
playa, por el oriente hta la agua del fabilan
quedando esta dentro =

18 SD
PAGE 15

4 S. D. K.

□ Sello tercero dos reales
habilitado provisionalmente por la Aduana marítima
del puerto de Monterrey, en el Departamento de
las Californias, para los años de mil ochocientos
cuarenta y mil ochocientos cuarenta y uno.

Numero

Antonio Maria Pío



= del Cito q. se Solicita; y p.
el poniente hta la tierra conocida p. de las piedras.
Por tanto

á V. E. Suplico q. si lo cree de justicia
acceda á esta mi Solicitud en lo q. recibiere
justicia y remuneracion á mis muchos Servicios
Monterrey, Mayo primero de
mil ochocientos cuarenta y uno

Yo Sr.

José Rafael Gonzalez

Sr. Ant.º 1.º de Junio de 1841

En Cumplimiento de la Superior orden
del Sr. Prefecto del 1.º distrito de 20 de Mayo
del presente año, digo q. el parage q. Solicita
el ex teniente D. Rafael Gonzalez, esta baldío
sino aun q. está biturado en el citado parage

271

S. S. K.

una neofita estefana a quien el finado General Figueroa le Concedio un pedazo de tierra para labor no lo beneficia pero no hay ningun ganado que meter en referido Sitio hay una casita q. contiene dos piezas bastante deterioradas por ser de adobe y como la Indiadada esta tan mala cada dia a mas y mas se necesita pollar de gente de ranch y con biones.

Jose de Jesus Tico

18 SD
PAGE 16Er
Como Sir

Don Rafael Gonzalez en la presente instancia solicita de la bondad de V. E. se sirva concederle la propiedad del terreno conocido con el nombre de San Miguelito perteneciente al establecimiento de San Antonio.

Esta Prefectura ha visto con bastante aprecio los servicios prestados por el Sr. Gonzalez y de los q. hace una simple resena en su Solicitud; mas no es este el movil q. la decide a opinar en su favor, sino el caracter laborioso y emprendedor de q. se haya adornado.

Por lo tanto si fuere del agrado de V. E. es mi opinion se sirva agraciarse como pretende.

Jose J. Castro

S. S. K.

Monterrey 24 de Julio de 1841

Vista la peticion con que da principio este expediente, el informe del encargado del establecim^{to} de San Antonio, el del Sr. Prefecto del 1^{er} Distrito y la nueva Solicitud en que se pretende la ampliacion del terreno que comprende el dicario, con todo lo demas que se tubo presente y ver con vino de conformidad con las leyes y reglamentos de la materia declaro a D. Jose Rafael Gonzalez dueño en propiedad del paraje conocido con el nombre de San Miguelito, colindante al Norte

17

con un portezuelo, al Sur con la playa, al Oriente con la Agua del Sabilan como comprendido al terreno, y al Poniente hasta la Sierra conocida por de las Piedras, en estension de cinco Sitios de ganado mayor. Librese el Correspondiente Despacho en el que se asentaran las Condiciones que se estipularen, tomase raxon en el libro respectivo y dirijase este expediente a la misma Junta Departamental para su aprobacion.

El Señor D. Juan B. Alvarado Gobernador Constitucional del Departam. de las Californias así lo mando, decreto y firmo, de que doy fe.

18 SD
PAGE 17

Delo Cuarto una Cuartilla
Habilitado provisionalmente por la Aduana maritima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ocho Cientos Cuarenta y mil ocho Cientos Cuarenta y uno.

Alvarado Antonio M. Osio



Como Sir Gobernador,

El Ciudadano Don Rafael Gonzalez, Teniente retirado y actualmente establecido en este Departamento ante la acreditada justificacion de V. E. con el debido respeto y en la forma que mas alla lugar en derecho se presente: que considerando que los dos Sitios de ganado mayor que he pretendido y se me ban a conceder en el paraje de S. Chiquelito, no son suficientes p. la manutencion y progreso del numero de ganado que tiene, Va de merecer de V. E. que en atencion a los Servicios que a prestado a la Nacion como puede acreditarse, se Sirba concederle en propiedad la estension de cinco Sitios de ganado mayor poco mas o menos que contiene el desprochado

262

18

paraje de Sⁿ Miguelito segun explica el diseño,
que corre en el expediente. Por tanto a
V. E. Suplico se digne probar como pido en lo
que recibire gracia y justicia.
Monterrey Julio de 1841
Jose Rafael Gonzalez
Amo Sor

18 SD
PAGE 18

41

Here follows a map

PTOL
20

Numeros

q. S. D. K.
Nombres

1	Playa
2	Camino p. la playa
3	Sierra
4	Rio de la Sierra
5	Ojo de Agua del Gavilan
6	Arroyo del Gavilan
7	Camino de S. Carpofozo
8	Piedras del Gavilan
9	Caminos p. el rancho del Pejo
10	id id p. el S. Miguelito
11	Rancho de S. Miguelito
12	Ciénega
13	Tierra de Labor
14	Tierra de riego
15	Casa de Marcelo
16	Lomas muertas
17	Idem del Benado
18	Piedras del Portuendo
19	Cañada de las Piedras
20	Arroyo de las Piedras
21	Cañada del Rancho
22	Atajada de Corregos
23	Arroyo de la Ciénega
24	Lomas muertas de la Playa
25	Ojo de Agua
26	Curco de Agua de la Ciénega

18 SD
PAGE 19

133

18 SD
PAGE 19

Here follows a map
No. 2

5000

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

Por cuanto D. José Rafael Gonzalez, Mexicano p. nacimiento ha pretendido para su beneficio personal y el de su familia el paraje conocido con el nombre de San Miquelito, colindante al Norte con el Portezuelo, al Sur con la Playa, al Oriente con la Agua del Gabilan como comprendido al terreno, y al Poniente hasta la Sierra conocida por de las Piedras: practicados previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en Concederle el terreno mencionado, declarandole la propiedad de el por las presentes letras, Sujetandose a la aprobacion de la misma Junta Departamental, y a las condiciones siguientes.

1.ª Podra poseerlo sin perjudicar las traversias Caminos y Servidumbres: lo disfrutara libre y esclusivam. destinandolo al uso o cultivo que mas le acomode, pero dentro de un año fabricara casa y estara habitada.

2.ª Solicitara del Juez respectivo que le de posesion juridica en virtud de este Despacho, por el cual se demarcaran los linderos, en cuyos limites pondra si mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.

3.ª El terreno de que se hace donacion es de Cinco Sitios de ganado mayor poco mas o menos segun explica el diccionario que corre agregado en el respectivo. El juez que diere la posesion lo hara medir conforme a l'ordenanza quedando el sobrante que resulte a la Nacion para los usos convenientes.

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

En consecuencia mando que teniendose

18 SD
PAGE 20

12 S. D. K.

20

por firme y validero este titulo se tome razon de
el en el libro a que corresponde y se entregue
al interesado para su resguardo y demas fines.

218 SD
PAGE 21

3468

20

23

6
no. 27

13 S. L. K.

Expediente de Estefana
Robles perteneciente al Terreno
de Sⁿ Miguelito

18 SD
PAGE 22

14

WVE 30
30

Delo Cuarto una Cuartilla
 Habilitado provisionalmente por la Administracion
 de la Nueva Maritima de Monterey de la
 Alta California para los años de mil ochocientos
 treinta y cuatro y mil ochocientos treinta y cinco
 Figueroa Ramirez

18 SD
 PAGE 23

Señor Comandante Jral y Cefe
 Politico

Monterrey Junio
 22 de 1835

Pase al Comisionado
 de la Mision de S.
 Antonio, quien aten-
 dera al interesado,
 conforme a las leyes
 e instrucciones q.
 tiene de este gobierno
 Sobre la materia
 Figueroa

Visitaduria general
 de Misiones

San Ant. 6 de
 Agosto de 1839

La Viuda del difun-
 to representante
 y sus hijos estan
 libres para trabajar
 en donde les Convienga
 y no hay embargo
 alguno para que
 Oigan sembrando
 el rancho de San
 Miguelito

Manuel Ferrer hijo natural
 de la estinguida Mision de S.
 Antonio, ante V. S. con la
 mayor Sumision y respeto
 comparece y dice que: allanose
 emancipado y favorecido por la
 ley para hacer uso de su trabajo
 y lograr de los Sufrutos tanto
 para su mantension como para
 la numerosa familia que tiene,
 nunca se le ha dejado en la
 plena libertad con que a los
 Indigenas se ha dignado obse-
 quiar el Gobierno General.

Pues es el caso de que
 todavia hasta la presente fecha
 se alla el que representa sirviendo
 y esclavizado tanto su persona
 como la de su mujer tributando
 el servicio a la ya expresada
 Mision sin tener de estos trabajos
 el mas leve sueldo y evitando
 con autoridad el que viva en
 el rancho nombrado de San
 Miguelito, adonde con anticipacion
 pidio al Comisionado para la
 Secularizacion que le diese sus
 tierras, para hacer los que hacen
 que pertenezcan a el beneficio

15 S. D. K.

29

25

N.º 27

Guill. Edm Hartnell de su persona y familia.
 Por tanto y por todo lo
 expuesto á V. S. Suplica el
 que en obsequio de la justicia
 se digno el pasar una orden al espouente para
 que haga uso de su libertad y trabage en todo
 aquello que pertenesca á su propiedad.

A. V. S. recitera su Suplica mande
 hacer como lleva pedido pues en ello recibira gracia
 y merced. San Antonio =

18 SD
 PAGE 24
 16 S. L. K

Sello cuarto una Cuartilla
 Habilitado provisionalmente por la Administracion
 de la Aduana Maritima de Monterrey de la
 Alta California, para los años de mil ochocientos
 treinta y cuatro y mil ochocientos treinta y cinco
 Figueroa Ramirez]

Junio 15 de 1835
 Sr Com.º Gral y Jefe Político

Manuel Ferrer,
 No se firma

Señor Visitador general de Misiones
 Don Guillermo Edm. Hartnell

La que suscribe, ante la recta justificacion
 de N. en la mejor forma que en dho hafla lugar
 comparece y dice: que hallandome en posesion
 del una parte de tierra en el rancho de San
 Miguelito que le fue Concedida por el Gobierno
 á mi difunto esposo, para q. con mas desahogo
 mantubiese á su familia, como tambien su libertad
 y emancipacion de esta Mision, cuya gracia
 he disfrutado en mi viuder con mi familia hasta
 el dia, y para que en algun tiempo no se me
 ponga embarazo, ocurso á la rectitud de N. para
 q. en obsequio de la justicia se digno de confirmarla

1835
 JUN 20

247

26

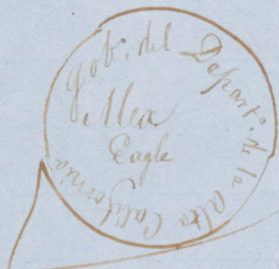
17 S.D.K.

ahora que se halla N. en la visita de esta Misión: juro no ser de malicia y lo recusario &c.

Misión de S. San Ant. de Padua
Ag. 5 de 1839. Estefana Robles

18 SD

PAGE 25



18 S.D.K.

Monterrey 25 de 8bre de 1839

Vista la Solicitud de la que representa la ocupacion de Cuatro años que tiene en el Terreno y casa que pide, y la disposición del Sr. Vicetador con todo lo demás que se tubo presente, he venido en Concederle provisionalmente a la parte de Estefana Robles natural de la ex-Misión de San Antonio el terreno q. actualm. tiene cercado y la Casa que ocupa, Sujeto a la Condicion de no poderla vender ni enajenar, perdiendo el derecho al terreno si contra-venirle a esta prevencion. El Sr. D. Manuel Jimeno Casarin primer Vocal propietario de la Llama Punta del Departam. de las Californias en ejercicio del Gob. del mismo así lo mandó, decretó y firmó de que doy fe

18 S.D.K.

Concurda con su original que existe en la Secretaria de Gobierno del que doy fe

Man. Jimeno
Francisco C. Arce
Oficial Primero

PAGE

20

Monterrey 24 de Julio de 1841

La antecedente Concesion pasa a favor de D. Rafael Gonzalez por haber indemnizado y obtenido el derecho que tenia en el terreno los Indigenas de San Antonio Apolinario Mendocá, su esposa Estefana, he hijos legitimos Samaniel Seran, Perfecta y

260

27

8
no. 37
Dacinta, Segun Consta en la escritura respec-
tiva

Office of the Surveyor General of the
United States for California

18 SD
PAGE 26

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

In testimony whereof I have
hereunto subscribed my name, officially, and
affixed my private seal (not having a seal
of office) at the City of San Francisco, Cal,
this 12th day of January 1852

Samuel D. King
Surv^r Gen^l Cal

Filed Feb'y 9th 1852
Geo: Fisher
Secy

170

28

1901

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20

Jun 27

29

Procurador de Monterey Año de 1842

18 SD
PAGE 27

Titulo, medicion y posesion
judicial del rancho S. Miguelito
de la Trinidad propio del Señor
D. José R. Gonzalez

27

J. W. Sello 1.º Seis pesos
 Habilitado provisionalmente por la Aduana marítima
 de Monterrey para los años de 1839 y 1840
 Aguado Antonio M.º Osio
 Valga para los años de 1841 y 1842
 Aguado Antonio M.º Osio

18 SD
 PAGE 28



Juan B. Aguado, Gobernador
 Constitucional del Departamento de las Californias

Por cuanto D. José Rafael González
 Mexicano por nacimiento ha pretendido para su beneficio
 personal y el de su familia el paraje conocido con
 el nombre de San Miguelito, colindante al Norte
 con el Portucllo, al Sur con la playa, al Oriente
 con la Agua del Sabilan como comprendida al
 terreno, y al Poniente hasta la Sierra conocida
 por de las Piedras: practicadas previamente las
 diligencias y averiguaciones concernientes segun
 lo dispuesto por leyes y reglamentos usando de
 las facultades que me son conferidas a nombre de
 la Nación Mexicana he venido en concederle el
 terreno mencionado, declarandole la propiedad de el
 por las presentes letras sugetandose a la aprobacion
 de la Srma. Junta Departamental y a las condiciones
 siguientes.

1.ª Podrá cercarlo sin perjudicar las transitables
 caminos y servidumbres: lo disfrutara libre y esclusi-
 vamente destinandolo al uso ó cultivo que mas
 le acomode, pero dentro de un año fabricara casa y
 estara habitada.

2.ª Solicitara del Sur respectivo que le
 proseeccion juridica en virtud de este Despacho por el
 cual se demarcaran los linderos en cuyos limites
 pondra a mas de las mojeras algunos arboles
 frutales ó silvestres de alguna utilidad.

3.ª El terreno de que se hace donacion
 es de cinco Sitios de ganado mayor poco mas ó

31

menos segun explica el diccionario que corre agregado en el expediente. El Quez que dice la posesion lo hara medir conforme a' ordenanza quedando el sobrante que resulte a' la Nacion para los usos convenientes.

4.ª Si contravinieren a' estas condiciones perderá su derecho al terreno y sera denunciabile por otro.

En consecuencia mando que tomándose por firme y valido este titulo se tomara razon de el en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey la veinte y cuatro de Julio de mil ochocientos cuarenta y uno.

Juan B. Alvarado
Man. Jimeno
Srio

Queda tomada razon de este Despacho en el libro de acientos sobre adjudicacion de terrenos baldios a' foja 5.ª v.ª
Jimeno

El Sr. Gobernador ha dispuesto se tome razon de esta Concesion en la Prefectura del primer Distrito.
Jimeno

Monterrey Enero 3 de 1842
En cumplimiento del Sup.º decreto q. antecede, tomese razon
Estrada

Se tomó razon de este Sup.º titulo a' f.º 4 del libro respectivo - fecha ut supra
Man. Castañares
Srio

18 SD
PAGE 29

J.W. (2)

RECIBO
20

18 SD
PAGE 30

N ^o	
1	Playa
2	Camino para la playa
3	Sierra
4	Rio de la Sierra
5	Ojo de Agua del Sabilan
6	Arroyo del Sabilan
7	Camino de San Carpojoro
8	Piedras del Sabilan
9	Camino para el rancho del Pico
10	Camino para el rancho
11	Rancho de S. ⁿ Miguel
12	Siuega
13	Tierra de labor
14	Tierra de riego
15	Casa de Marcelo
16	Lomas muertas
17	id. del Venado
18	Piedras del Portuulo
19	Cañada de las Piedras
20	Arroyo de las Piedras
21	Cañada del Rancho
22	Majada de Borregos
23	Surco de agua de la Siuega
24	Lomas muertas de la Playa
25	Ojo de Agua
26	Arroyo de la Siuega

BYCE
28

Referencia a map

n.º 27

(5)

[Dello Tercero dos reales
Habilitado provisionalmente por la Aduana
maritima del puerto de Monterrey, en el
Departamento de las Californias, para los años
de mil ocho Cientos cuarenta y mil ocho Cientos
cuarenta y uno

Nimuno Antonio Maria Osio
Revalidado p.^a los años de 1842 y 1843
Alvarado Antonio M.^a Osio]

18 SD
PAGE 31

= que Subscribe, Secretario del Gobierno del
Departamento de las Californias: Certifico
que el diccionario que se acompaña rubricado y
sellado por la Secretaria es exactamente
igual al original que corre agregado al expediente
perteneciente a D. Dn. Rafael Gonzalez
Monterrey Septiembre 24 / 1842
Man. Nimuno

(6)

Dello tercero dos reales
Habilitado provisionalmente por la Aduana maritima
del puerto de Monterrey, en el Departamento de
las Californias, para los años de mil ocho Cientos
cuarenta y mil ocho Cientos cuarenta y uno
Nimuno Antonio Maria Osio
Revalidado para los años de 1842 y 1843
Alvarado Antonio M.^a Osio



Don Juan de Paz y de
1.^a instancia Don Rafael
Gonzalez vecinos de esta
demarcacion ante V. como mas haya lugar
en derecho pases y digo que abiendo me conse-
-dido por el Gobierno Departamental un terreno
que contiene cinco sitios de ganado mayor en
limites del establecimiento de Sr. Antonio
como consta del titulo original y copia autorizada
del diccionario que debidamente acompaño
pido a vos a vos se sirba proceder a darme
la posesion juridica y Señalar los linderos

que corresponden á dicho terreno que ha de titularse desde ahora para lo de adelante S.^o Miguelito de la Trinidad, y para no perjudicar ni que me perjudiquen mis colindantes Sublico á N. P. E. Se cirba V. mandarlos citar para el día en que V. tenga á bien proceder á la posesion que respetuosamente pido, mandando se me de o ante originar del expediente que se instituya con este escrito y lo demas que conbenga á mi Seguridad que es justicia que imploro jurando no proceder de malicia con lo necesario &c.

Monterrey 24 de Mayo de 1842

José Rafael Gonzalez

Monterrey fha. al Supra
Por presentado con los documentos que espresa citense á los circumbecinos por boletas de comparendo y procedase por mi á la vista de ojo en reconocimiento de lindes y medicion del terreno concedido: todo lo cual y demas que se practicare para la juridica posesion que se pide entienda que es á reserva de la aprobacion de la C. Junta Departamental. Así yo José L. Fernandez juez de paz y de 1.^a instancia actuando con dos testigos de asistencia por falta de escribanos lo mande y firme.
Fernandez

ass^o
José A. Chavarra

En la fecha presente el C. José Rafael Gonzalez se le hizo saber el auto anterior, y el contenido, dijo lo que se ve y se quedar enterado de su contenido lo firmo.
Fernandez José Rafael Gonzalez

ass^o
José A. Chavarra

En la expresada Capital hoy veinte y
[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

Jimeno Antonio Maria Osio
Revalidado para los años de 1842 y 1843
Abarado Antonio M. Osio]



18 SD
PAGE 33

= ocho de Setiembre de mil ochocientos cuarenta y dos Señale para la vista de ojos y medicion del terreno el dia Cinco del proximo mes de Octubre, haciendose saber al interesado y circunvecinos
Fernandez,

ass.
Jose A. Chaves,

ass.

En la fecha de hize saber al interesado el auto anterior y entendido, dijo lo oye, que se da por citado y firmo para constancia
Fernandez, Jose Rafael Gonzalez

ass.
Jose A. Chaves

ass.

En el mismo dia se libraron boletas de comparendo al mayordomo del establecimiento de San Antonio y al C. Mariano Soberanes para que como colindantes al espresado rancho titulado S. Miguelito de la Trinidad, comparecan en sus respectivos lindes el referido dia Cinco a las seis de la mañana: y para que conste por diligencia lo rubrico
Rubrica

ass.
Jose A. Chaves

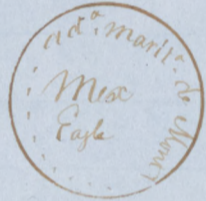
ass.

En el establecimiento de San Antonio a Cuatro de Octubre de mil ochocientos cuarenta y dos, presenta el C. Don Rafael Gonzalez, como dueño del rancho S. Miguelito: Francisco Rosas Slavero y en representacion del mayor-

= dono de este establecimiento, y Mariano Sobreros
dueno del rancho titulado los Gritos, ambos Colindantes
del primero nombre por medidores a los C. C.
Jose Antonio Valencia y Bernabe Garcia y
admitidos por los interesados, hagan lo saber a los
nombrados para que si aceptan se presenten a
prestar el ju-

18 SD
PAGE 34

Sello torcuero de reales
Habilitado provisionalmente por la Aduana maritima
del Puerto de Monterrey, en el Departamento
de las Californias, para los años de mil ocho cientos
cuarenta y mil ocho cientos cuarenta y uno
Ximeno Antonio Maria Osio
Revalidado p. los años de 1842 y 1843
Alvarado Antonio Mesio]



= ramunto de estilo: por cuyo auto
lo mande y firme

Fernandez

José Rafael Gonzalez
ass.

ass.
Jose A. Chavez

En el acto y dicho establecimiento
presentes los C. C. Jose Antonio Valencia y Bernabe
Garcia se les notifico el auto anterior y entendidos,
dijeron lo oyen y que aceptaban y aceptaron
el nombramiento de medidores; jurando por Dios
nuestro Senor y una señal de Cruz de usar fiel
y legalmente su encargo, a todo su real
saber y entender, sin dolo ni fraude en contra
de los interesados y circunvecinos; no firmando
porque dijeron no saber lo hacia yo con lo de
mi asistencia.

Fernandez

ass.
Jose A. Chavez

ass.

Incontinente yo el repetido Juez mande
traer a mi presencia un cordel de hilo con el
que se han de medir las tierras y que lo dispongan

los medidores segun costumbre, firmando para Const.
 Fernandez,

assa.
 Jose A. Chavez

assa.

En la misma fecha en mi presencia
 los repetidos medidores tomaron un cordel de hilo,
 torcido, encorado y bien tirado y en una vara
 de medir usual Mexicana, medieron hasta
 el numero de cincuenta varas; cuya medida =

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

Nimeno Antonio Maria Obio
 Revalidado para los años de 842 y 843
 Alvarado Antonio M^o Obio]



= Se hizo fiel y legalmente a vista,
 ciencia y paciencia del interesado
 y Circumvecinos, por lo cual mando se ponga por
 diligencia y se proceda a las medidas de dichas
 libras como está ordenado, firmando para Constancia
 Fernandez,

assa.
 Jose A. Chavez

assa.

Estando en el campo y tierras perte-
 = necientes al rancho titulado S. Miguelito de la
 Trinidad hoy cinco de Octubre de mil ocho
 cientos cuarenta y dos, yo el juez referido, presen-
 = tes los C. C. Jose Rafael Gonzalez, como
 dueño del expresado rancho, Mariano Soberanes
 por sí, Francisco Rosas por el establecimiento
 de S. Antonio, como colindantes y Jose
 Antonio Valencia y Bernabé Garcia medi-
 = dorus nombrados, mandé se me señalasen
 los terminos y linderos que reconocia dicho
 rancho: a su consecuencia, para mayor
 claridad, puestos todos a caballo se me mostro

Cinco leguas de mar: tres, vale

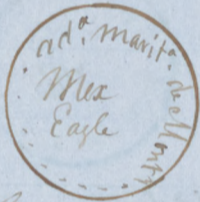
18. SD
PAGE 36

un portezuelo que contiene ~~tres~~ grandes pinaceros
divididos por alguna distancia, siendo este el
lindero con el establecimiento de S. Antonio, desde
donde habiendose buuelto á medio y reconocer el
cordel y ratificado los medidores su juramento
de cumplir con las medidas, atravesando por la
area plana, rumbo al E., hasta llegar al pie
de la Sierra, para donde se atravesó un rio
que quedó fuera de medidas, y hubo tormenta
y muere Cordel, no habiendose encumbrado
á dicha Sierra por lo escarpado de ella, siendo =

Sello tobacco dos reales

Habilitado provisionalmente por la Aduana marítima
del puerto de Monterrey, en el Departamento
de las Californias, para los años de mil ocho cientos
cuarenta y mil ocho cientos cuarenta y uno.

Antoni Maria Osio
Revalidado p. los años de 1842 y 843
Alvarado Antoni Maria Osio



= impracticable su medición: desde
dicho punto se retrocedió al primer

lindero conocido por el portezuelo, y habiendose me
manifestado que la distancia que hay desde aquí
á la Piedra del Gabilan es de muy poco de tres leguas.
Cuyo terreno quebrado no proporciona suficiente comodidad
para medir, fueron todos de opinión y aseguraron
los medidores que tirando una recta desde la Sierra
del rumbo del O., que en el diseño se encuentra
marcada por mí con la letra A. pasando por el
portezuelo, marcado con la misma letra, hasta
llegar á las piedras del Gabilan rumbo al E.
Señalado con dicha letra: desde este punto
tirando otra línea para el Sur, hasta llegar á la
Sierra que corre de S. E. á S. O. siendo
el lindero el punto marcado con la letra B. en dicho
diseño; y desde aquí corriendo por la misma
Sierra con rumbo al O. hasta el punto mar-
cado con la letra C. Se hallan los cinco
sitios de ganado mayor que tocan y pertenecen

á D. Jose R. Gonzalez por concesion hecha por el Gobierno del Departamento á reserva de la aprobacion de la C. Junta Departamental; por lo cual siendo todos conformes á ciencia cierta de los Colindantes y medidores ordene al referido Gonzalez que para permanencia y claridad de los linderos que van espuesados hiciere á su costa y mucion unas mojoneas de piedra y cal en alto de mas de vara y sean fabricados en los puntos que se han relacionado y quedan marcados por mi en el diseño con las letras =

18 SD
PAGE 37

Sello tercero dos reales
Habilitado provisionalmente por la Aduana marítima del Puerto de Monterrey, en el Departamento de las Californias, para los años de mil ocho cientos Cuarenta y mil ocho cientos Cuarenta y uno.

Ximeno Antonio Maria Osio
Revalidado p. los años de 842 y 843
Alvarado Antonio M. Osio



= A.... B.... C... para que en todo tiempo conste, se observen y queden por terminos y linderos de sus tierras por los circumbecinos á ellas. Y para que conste por diligencia firmaron conmigo los que supieron y de mi asistencia: doife

D. L. Fernandez D. Rafael Gonzalez
D. A. Chavez

En el mismo dia, yo el referido D. Jose mandé que en vista de haberse hecho el señalamto del terreno conocido por S. Miguelito, se ponga á D. Jose R. Gonzalez en posesion juridica de él, notificandosele y firmando p. Constancia

D. A. Chavez

En la fecha se notificó al interesado y circumbecinos el auto anterior y entendidos dijeron

lo oyan, firmando los que supieron, conmigo y los de asistencia.

Rubrica

Don Rafael Gonzalez

ass.

ass.

Don A. Chavez

18 SD
PAGE 38

En el rancho de San Miguelito de la Trinidad siendo como las tres de la tarde del mismo dia, mes y año, el Sr. D. Don R. Gonzalez, acompañado de mi el expresado Juan y testigos, con animo, segun dijo dicho Sr. Gonzalez de tomar la verdadera y corporal posesion del paraje que se le ha señalado, por pertenecerle con justo título, que obtuvo del gobierno de este Departamento de fecha veinte y cuatro de Julio de mil ochocientos cuarenta y uno, quedando el interesado á los resultados de la aprobacion de la E. Junta Departamental, entro y furio por ellas, arram-
cando yerbas, esparciendo puñados de tierra, rompie-

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.

Nimuro

Antonio Maria Obio.

Revalidado p. los años de 1842 y 1843

Alvarado

Antonio M. Obio]

= do ramas y haciendo otros actos y ceremonias de verdadera posesion, en señal de lo que dijo tomar y que tomaba de dichas tierras, quieto y pacificamente sin la menor contradiccion por ninguna de las partes. y yo el Jefe de Jefe de haber presenciado cuanto se relaciona y mando que desde ahora se tenga y reconozca al mencionado Sr. Don R. Gonzalez por verdadero Señor y poseedor de dichas tierras, dando como doi testimonio de todo lo referido y entregando original este expediente á la parte para memoria y conservacion de sus derechos segun como se me ha pedido; quedando como queda

41

autorizado en debida forma, Segun derecho
Fernandez, Don Rafael Gonzalez

ass.
Jose A. Chavez

En la fecha se entrego el original a
la parte de D. Don R. Gonzalez este expediente
constante de doce fojas y para que conste lo
rubrique.

Rubrica

ass.
Jose A. Chavez

ass.

18 SD
PAGE 39
48

6400
ed

17

1848



Espediente - is instituted by Don José Rafael Gonzalez, soliciting the grant of the place designated as San Miguelito in the year 1841.

Translation

(Seal) Monterey, May 17th 1841.

243.

Most Excellent Senior Governor - nor of this Department;

The citizen José Rafael Gonzalez expresses with all due respect before Your Excellency's known Prefect of the 1st District in our birth & at this time dwelling in this Department & having rendered to make the due services to my country, our since reports in the year 1810 without reckoning the subject & then double time spent in active campaign he is to send it - Spain, consequence devoting to his back duty separated his service his best years, - ted for my it appearing thereby that he has devoted the best part of his age to the service of his country, he finds himself at present in an advanced age, broken down in health & desirous of making some final settlement so as to be enabled to rest from his troubles & fatigues, - dary Superior & therefore if my services are held Decree, let this in consideration after all what I have just mentioned, I wish and transferred to effect to obtain from your Excellency's wisdom & public benevolence, that you may grant to me in view of my final settlement, the ownership of the site that he may report called San Miguelito lying near the Mission of San Antonio. The Prefect & his according to the sketch which they being sick have the honor to transmit to this is signed by Excel. I do not doubt that the M. Castañares rural settlement which I intend to establish in it, in case of it being granted to me, will become a

18 SD
PAGE 40

18 SD
PAGE 41

useful one to the country. And whereas the lands that I request to obtain are two sitios de ganado mayor or two square leagues wherein is to be comprised a cienaga, swampy pool, which prevents partially the raising & breeding of cattle in that same place, I request that on the Northern part the grant may reach to the rock that lies on the Portezuelo, & on the South up to the beach, on the East up to the water of "el Gavilán" (the Hawk) which is to be comprised within the grant & on the West up to the Sierra known under the designation of de las Piedras.

Therefore I request V. E. that, if you deem it right you accede to my petition by which I will receive justice, & remuneration for my numerous services.

Martinez, on the 1st day of May 1841.

(Signed) José Rafael González. Excellent Sir.

San Antonio June the 1st 1841.

In compliance to the Superior order of the Senior Prefect of the 1st District under date of the 21st of May of the present year, I report that the site solicited by citizen Lieutenant José Rafael González is vacant, for although at the present time there is a "Neajita", (converted Indian woman) named Estefania, dwelling in the aforesaid place, to whom the deceased General Figueroa granted a parcel of land for culture, she does not improve it, neither does the Mission of San Antonio require it for any useful purpose, since said Mission has no call to occupy it with, on said location there is a cottage with two rooms in a state of deterioration being built in adobe, & moreover as the Indians are becoming worse it becomes every day more imperative to occupy the lands with civilized people & with property.

(Signed) José de Jesús Pico.

Most Excellent Sir.

Don Rafael González by means of the present memorial addresses himself to your Excellency's goodness, in order that you may be kind enough to grant to him the ownership of the lands

115

known under the designation of San Miguelito, be-
longing to the settlement of San Antonio.

This Prefectetrip has seen with a due sense of regard
the services rendered by Senor Gonzalez & of which
he makes a simple detail in his request; but such
is not the motive that moves the Prefectetrip to
forward his views & give an opinion favorable to
the accomplishment of the same but rather the
diligent & enterprising character of the party.

Therefore if it should so please the pre-
fectetrip is of opinion that the party's request ought
to be acceded and attended to.

(Signed) Jose F. Castro.

18 SD
PAGE 42

Most Excellent Sir Governor.

I, citizen Jose Rafael Gonzalez half pay Lieu-
tenant & at the present time a settler of this
Department before Your Excellency acknowledged
sense of Justice with due respect & according to the
solemn forms of Law do declare that whereas the
two sitios de ganado mayor, that I have submitted
& which are about to be granted to me in the place
of S. Miguelito are not sufficient for the main-
-tenance & increase of my cattle, I beg V. Excellency
that on account of the services by me rendered to
the nation, which I can prove, you may be pleased
to grant me in ownership to the extent of five
sitios de ganado mayor, more or less, which is
embraced in the aforesaid place of San Miguelito
as it appears from the sketch accompanying the re-
-quidante. Therefore I beg of Your Excellency
that you have the goodness to decree as prayed for,
which I shall receive favor & justice.

Montevideo July 1841. (Signed) Jose Rafael Gonzalez.

To the Most Excellent Sir!

- | Numbers. | Names |
|----------|----------------------------------|
| 1. | Beach |
| 2. | Road leading to the beach. |
| 3. | Sierra or ridge of mountains |
| 4. | Sierra River |
| 5. | Spring of the Gavilano, or Hawks |

6. Hawk's brook. 7. St. Corporacion road.
8. Hawk's Rocks. 9. Road leading to the Rancho "del Prijo" or of the Lince. 10. Road leading to the San Miguelito. 11. Ciénega or marsh.
11. Rancho de S. Miguelito. 13. Arable land.
14. Lands susceptible of irrigation. 15. Maralass house. 16. Lomas muertas or low hills. 17. "Idem del Venado" Deer hills. 18. Rocks of the Portezuelo or of the small pass. 19. Rocky Valley (Cañada de las Piedras) 20. Arroyo de Piedras or stony brook.
21. Cañada or Glen of the Rancho. 22. Majada de Borsecas. Sheep Cote. 23. Swamp Creek.
24. Low hills of the beach. 25. Spring. 26. Mouth of the Swamp Ciénega.

Monterey July the 24th 1841.

After due inspection of the petition which is the beginning of this Expediente & of the report of the person in charge of the settlement of San Antonio, together with that of the Senior Prefect of the 1st District & the new petition by which an extension of the lands comprised in the sketch is solicited & all other matters considered necessary, to the purpose in due conformity with the laws & regulations on this subject, I hereby declare Don José Rafael Gonzalez the owner in fee of the place known by the name of San Miguelito, bordering on the North with a Portezuelo or gap, on the south with the beach, on the East with the Agua del Gavilan (or waters of the hawks, which is contained within the land & on the West to the Sierra or ridge of mountains known as de las Piedras to the extent of five sitios de ganado mayor. Let the proper despatches be issued, wherein the stipulated conditions are to be specified; let a registry thereof be made in the proper book, & let this expediente be transmitted to the Most Excellent Departmental Assembly for its approval. Do it Don Juan B. Alvarado

Constitutional Governor of the Department of the Californias, thus ordered, decreed & signed it, all of which I attest.

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

In as much as Don Rafael Gonzalez, a Mexican by birth has solicited for his own personal benefit & that of his family the place known by the name of San Miguelito, bounded on the North with the Portuclero or Small Pass, on the South with the Beach, on the East with the waters of the "Gavilans," as embraced within the lands, & on the West to the the Surra Rincon as that of de la Piedras, all the necessary steps & investigations having been previously taken, according to the provisions of the laws & regulations on the subject, in the exercise of the authority conferred on me in the name of the Mexican Nation, I have determined to grant to him the aforesaid land, declaring him to be the owner in fee of it by these presents, subject to the approval of the Most Excellent Departmental Assembly & upon the following conditions.

1st. He may fence it without prejudicing the crossings, roads & servitudes; he shall enjoy it freely & exclusively, appropriating it to what use or culture may best suit him, but within a year he is to build a house, & shall be inhabited.

2nd. He shall solicit of the proper Magistrate to give him judicial possession thereof, in virtue of this dispatch, by whom the boundaries shall be marked out, on the limits of which he is to put besides the landmarks some fruit or useful forest trees.

3rd. The extent of land granted is of five sitios de ganado mayor, more or less, as it appears by the sketch annexed to this Expediente. The Judge who shall give the judicial possession shall cause it to be measured according to ordinance & the excess that may result is, to remain to the Nation for its convenient uses.

18 SD
PAGE 44

14th. Should he contravene with any of these conditions he shall lose his right to the land & it shall be denounce-able by another.

Consequently I order, that this title being held as firm & valid it may be registered in the proper book & be delivered to the interested party for safety & other ends.

18 SD
PAGE 45

An Expediente of Estefana Pables, concerning the lands of San Miguelito.

Montrey June 29th Senior Commander General Political 1835. Let it be Chief;

referred to the Manuel Ferrer a native son of the Commission in the Mission of San Antonio before charge of the Mis. Your Lordship with the utmost submission - sion of San Antonio who I respect appears & says; that he being emancipated by the laws to make shall attend to use of his labor & to profit by it, so as the petitioner to be able to provide for the means of support according support of himself & of his numerous to the laws in - family, but he has never been left with - structions he his entire freedom which the general has from this Government has been pleased to government or award to the natives.

the matter. And indeed it so happens that as (Signed) Figueroa yet, & up to this day the petitioner Inspector General finds himself in the condition of of the Mission servant & slave & not only he him- San Antonio - self but his wife likewise, doing August 6th 1839. tributary service in behalf of I for The widow & the aforesaid Mission without recip- children of the - ing the least compensation for this deceased petitioner work, but on the contrary he has no free to work been prevented authoritatively from when it may best dwelling the Rancho known as San omit them & there Miguelito, where he had in partici- is no impediment - pation petitioned the Commission whatever further for secularization to grant him the continuing to till lands thereof, so as to be enabled to on the Rancho of San do the needful towards the support Miguelito. (Signed)

Wm Ed. Hearnell.

and welfare of himself & of his family.
 Therefore & in consideration of all what precedes in this
 petition, he begs of your Lordships that for justice sake
 you be pleased to send a decree to your humble pe-
 titioners, empowering him to enjoy & use his freedom
 & to work for himself & for all that may belong to
 his property. He begs anew of V. Lordship to grant
 as petitioned for & by your so doing the petitioners
 will receive grace & mercy.

San Antonio June the 15th 1835.

18 SD
 PAGE 46

To the Senior Commander General & Political
 Chief.

Manuel Ferrer, Ident. Senor Juan de la Cruz
 Senior Inspector General of the Mission Don Guil-
 lermo E. Harrell.

The undersigned before your
 sense of justice & in the best legal forms, appear
 & say that I, at the present time that being in
 possession of a part of the land in the rancho de
 San Miguelito which was granted by the Govern-
 -ment to my deceased husband in order that
 he might provide for his family's support with
 more comfort as well as for their liberty and
 emancipation from this Mission, which favor
 I have enjoyed during my widowhood together
 with my family to the present day, so that no
 obstacle may be offered to us hereforward I ap-
 -peal to Your worship's sense of justice so that
 in ^{the} administration of justice your worship may
 be pleased to confirm it now while you are on a
 tour of inspection in this Mission, I swear I
 do not proceed in malice. I also swear to all
 that may be necessary &c.

Mission of San Antonio de Padua August the
 3th 1839.

Signed Estefana Nobles.

Montevideo October 23th 1839.

After due inspection of the petitioners
 request, together with the fact of the occupation

18 SD
PAGE 47

during a space of four years she has had of the premises namely the land & the house she wishes to obtain & also the decision of the Senior Inspectors with all which as made apparent, I have resolved to grant temporarily to Ebejana Pables a native of the Co-Mission of San Antonio, the land which at the present time she has under & within enclosure of the house which she occupies, subject to the condition that she shall not be able to sell or alienate it under penalty of losing her right to the land if she should violate this order.

San Don Manuel Simino Casarico, Senior Member of the Most Excellent Departmental Assembly of the Californias, acting as Governor of said Department thus ordered, decreed, & signed it, which I attest.

It agrees with its original existing in the Office of the Secretary of the Government, which I attest.

(Signed) Manuel Simino

(Signed) Francisco C. Arce. Chief Clerk.

Monday July the 24th 1841.

The foregoing grant passes in favor of D^o Rafael Gonzalez having indemnified & obtained the right in the land held by the natives of San Antonio, named Apolinaria Mendoza, his wife Ebejana & their children Gamarial, Geran, Perfecta & Juana, in the proper instrument of writing.

Certify the foregoing to be a true & correct Translation as certified of the authenticated Fac Simile copy of the original Spanish document on file in the Surveyor General Office, which Fac Simile copy is on file in this Office in Case No 27 Jose Rafael Gonzalez.

Geo: Fisher. Secy

Filed in Office Feby 9th 1852. Geo: Fisher. Secy

County of Monterey - 1842. = Title, Measurement and Judicial Possession of the Rancho San Miguelito de la Trinidad, belonging to Don José Rafael Gonzales.

Stamp 1st of C.

Established provisionally by the Custom House Department of Monterey for the years 1839 & 1841.

Judicial Possession

Alvarado. Antonio N^o Oria. Be this stamp valid for the years 1841 & 1842. Alvarado. Antonio N^o Oria.

18 SD PAGE 48

Seal) Juan B. Alvarado Constitutional Governor of the Department of the California. Whereas Don José Rafael Gonzales a native Mexican has solicited for his personal benefit & that of his family, the land known by the name of San Miguelito, bounded on the North by the "Piedra Blanca", on the South by the bay shore, on the East by the "Laguna del Gavilán", as comprised in the land, & on the West by the Range (Sierra) known as "Las Piedras", the previous measures having been taken & requisite investigations made agreeably to the laws & regulations, I have, in the name of the Mexican Nation, & in virtue of the authority in me vested, granted to him the above mentioned land, declaring to him the ownership thereof by these presents, subject to the approbation of the Most Excellent Departmental Assembly & to the following conditions.

1st. He may enclose it without prejudice to the crossings, highways & servitudes (Servidumbres); he shall enjoy it fully & exclusively, destining it to the use or cultivation which may best suit him, but within a year he shall build a house, & it shall be inhabited.

2nd. He shall solicit of the respective Magistrate the judicial possession thereof in virtue of this title, whereby the boundaries shall be traced out, in the limits of which he shall

fruit, besides the landmarks, some fruit trees, or wild ones of some utility.

3^o The land of which donation is made consists of five sitios of large cattle (five square leagues) more or less, as the map attached to the expediente explains. The magistrate who gives possession shall cause it to be measured according to law, & the ownership which there may be shall remain to the Nation for the necessary uses.

4^{ta} If he shall violate these conditions he shall forfeit his right to the land, & it may be denounced by another.

I consequently command that this title being held as firm & valid, a record thereof be made in the proper book, & it be delivered to the party interested, for his security and other ends.

Given in Monterey on the 24th of July 1841.

Juan P. Aranda

Manuel Jimeno. Secy.

Entered in the book of records on the adjudication of unoccupied lands on the name of folio 6.

Jimeno.

His Excellency the Governor has directed that an entry of this grant be made in the Prefecture of the 1st District.

Jimeno.

Monterey Aug 3^o 1842.

In compliance with the preceding superior decree, let the entry be made.

Estrada.

An entry of this superior title was made in the respective book p. 4, on the date above written.

Manuel Custanares.

Stamp 3^o 1/2 Reals

Secy.

275

Established provisionally by the Maritime Customs

House of the Port of Monterey, in the Department of the Californias for the years 1841 & 1842.
Simeno. Antonio M^a. Osio.

Confirmed for the years 1842 & 1843.
Alvarado. Antonio M^a. Osio.

The undersigned Secretary to the Government of the Department of the Californias, certifies that the accompanying Map, signed & sealed by the Secretary is exactly similar to the original attached to the expediente belonging to José Rafael Gonzales.

Monterey, Sept 24th 1842.
Manuel Simeno.

Index to the accompanying Map.

- No
- 1. Seashore (playa)
- 2. Road to the Sea Shore.
- 3. Range of mountains.
- 4. River (de la Sierra) of the mountain.
- 5. Gazilan Spring (ojos de Agua del Gazilan)
- 6. Gazilan Creek.
- 7. Road to San Carlos.
- 8. Gazilan Rocks (Piedras del Gazilan)
- 9. Road to the (Rancho del piojo)
- 10. Road to the Rancho
- 11. Rancho San Miguel
- 12. Marsh.
- 13. Land under or susceptible of cultivation (tierra de labor)
- 14. Irregular Sand.
- 15. Marcello's House.
- 16. Low hills.
- 17. Deer Hills.
- 18. Portzuelo Rocks (Piedras del Portzuelo)
- 19. Rock Valley (cañada de las piedras)
- 20. Rocky Creek.
- 21. Valley or Dale of the Rancho.
- 22. Sheep fold.
- 23. Trench from the Marsh.
- 24. Low hills of the sea shore.
- 25. Spring.
- 26. Marsh Creek.

18 SD
PAGE 50

EXCE
20

Stamps 3^d - 2 miles -
Authenticated temporarily by the Maritime
Custom House of the Port of Monterey, in the De-
partment of the Californias for the years 1840
& 1841.

18 SD
PAGE 51

Amicus. Antonio Maria Osio.
Confirmed for the years 1842 & 1843.
Alonzo. Ant. M. Osio.
Seal To His Honor the Justice of the Peace
& Judge in 1st Instance, Sr. José Rafael
Gonzales a resident of this jurisdiction appear
before you in the most legal manner and say
that the Departmental Government having
granted me a tract of land which contains five
square leagues in the limits of the Establishment
of San Antonio as appears by the original
title & authenticated copy of the map which
I duly present, I ask that you will be pleased
to proceed to give me the judicial possession
of said tract & mark out to me its correspon-
ding boundaries to said tract to be henceforth
called "San Miguelito de la Trinidad," &
in order that I may not encroach upon or
prejudice my neighbors, nor they me, I re-
quest that you will be pleased to cause them
to be cited for the day on which you shall
think proper to proceed to the giving of the
possession which I respectfully ask, & that you
order the original of the expedient which may
be drawn up, together with this writing and
whatever may conduce to my security, to be
given or delivered to me, for all which I pray,
protesting that I do not act with malice &c.
Monterey Sept 27 1842.

José Rafael Gonzales.
Monterey, date as above.

300 This being presented or on file
(por presentada) with the documents mentioned

18 SD
PAGE 52

let the contiguos neighbors be cited in writing to appear & I shall proceed personally to the ocular survey of the boundaries & measurement of the land granted. All of which together with the other proceedings which may be instituted for giving the judicial possession asked for it being understood to be subject to the approval of the Most Excellent Departmental Assembly. Thus, José L. Fernandez, Justice of the Peace Judge in 1st Instance, acting with the attesting witnesses in default of a Notary Public, (escribano) have ordered & signed. Wit. José A. Chariz. Fernandez.

On this day the citizen José Rafael Gonzales being present, the contents of the preceding order (auto) were made known to him, & saying that he knew the contents thereof, he signed it. Fernandez. José Raf. Gonzales. Wit. José A. Chariz.

In the aforesaid Capital on the 28th Sept 1842, I assigned the fifth day of the ^{month} of October next for the personal ocular view & measurement of the land, giving notice of the same to the party interested & to the adjoining neighbors. Fernandez. Wit. José A. Chariz.

On this date notice of the preceding writ ^{with} was given to the party interested, & having acknowledged himself concerned thereby, he signed it to make it so appear. Fernandez. José Raf. Gonzales. Wit. José A. Chariz.

On the same day subpoenas were issued to the Mayor demo of the Establishment of San Antonio & of the C. Mariano Sobranis in order that they, as having property or residing contiguous (contiguos) to the Rancho entitled San Miguelito de la Trinidad, may appear at their respective boundaries on the aforesaid fifth day at 8 o'clock A.M., & that it may appear as having been so done, I put my flourish. (Flourish)

Wit. José A. Chariz. Wit. On the establishment of San Antonio on the

18 SD
PAGE 53

4th day of October 1842, the citizen José Rafael González, owner of the Rancho San Miguelito, Francisco Rosas, Steward as representative of the Mayor of this Establishment, & Mariano Sobranes owner of the rancho entitled "Los Ojitos", being present & both being contiguous neighbors to the first, I appointed as measurers or surveyors (medidores) the citizens José Antonio Salencia & Benabé García & these being accepted by the parties interested, let them be notified of their appointment to the effect that if they accept the same they shall appear to take formal oath; by which decree I have ordered & signed,

Fernandez. José Rafael González.

Wit. José A. Chariz Wit

Thereupon in said Establishment the Citizens José Antonio Salencia & Benabé García being present & notified of the preceding writ (auto) & its contents, said that they accepted the appointment as measurers, & solemnly swore that they would faithfully & lawfully discharge the duties of said appointment, according to the best of their knowledge & ability & without deceit or fraud against the parties interested & neighboring proprietors, & having said they did not know here to sign their names, I signed my own with the attesting witnesses.

Wit Fernandez.

José A. Chariz Wit.

Immediately, I, the said Judge had a thread or hump cord brought before me, with which the land is to be measured, & directed the measurers to prepare the same according to custom, in proof whereof I subscribe my name.

Wit Fernandez.

José A. Chariz. Wit.

On the same day the said measurers took in my presence a hump cord, twisted, tightened & well stretched, & with a common Mexican

57

measuring varas measured a length of fifty varas; which measurement was made faithfully & lawfully, in presence & with the knowledge of the party interested and of the neighboring proprietors. I therefore ordered that it be noted down & that the measurement of said land be proceeded with as directed. In proof whereof I subscribe my name.

Fernandez. José Rafael Gonzales.

Wit- José A. Charis. N.A.

18 SD
PAGE 54

This 5th day of October 1842, At the aforesaid Judge being in the field on the lands appertaining to the rancho entitled San Miguelito de la Trinidad, & the citizens José Raf. Gonzales owner of said rancho, Mariano Sobranes for himself, Francisco Rojas for the Establishment of San Antonio as neighboring proprietors (adjudicators) & José Antonio Valencia & Donabé Garcia, the appointed measurers, all being present, ordered that the bounds & boundaries corresponding to said rancho be shown to me; Accordingly to make it the more clear, all being on horseback, a gap containing three large rocks divided between each other at some distance was pointed out to me this being the boundary of the Establishment of San Antonio; thence the measurers, after assuming their oath, stretched the measure on the ground in a southerly direction until reaching the foot of the range, where they crossed a river not included in the measurement; there were measured ninety nine lines; the summit of the range not having here reached on account of its steepness, the measurement of it being therefore impracticable; from said point they returned to the first boundary known as the Portezuelo, & having made it appear to me that the distance thence to the Piedra del Gavilán is a little over three leagues, which ground owing to its ruggedness is too inconvenient to be measured, they were all of opinion, the measurers coinciding, to draw a direct line from the range from a westerly course, which is found in

the map marked by me with the letter A, passing by the "portezuelo" (hollow) marked with the same letter until they reached the "piedras del quilaro," in an easterly direction, marked with said letter, thence drawing another line towards the South to the range which runs S. E. to S. W., this boundary being the point marked in the map with the letter B; and thence running by the same range in a westerly direction to the point marked with the letter C, thus completing the five sitios de ganado mayor, five square leagues which correspond & belong to Don José R. Gonzales by grant made by the Government of the Department, subject to the approval of the Most Excellent Departmental Assembly. Therefore, all this being done with agreement & certain knowledge of the adjoining proprietors, & of the measurers, I ordered the aforesaid Gonzales, to the end of making the mentioned boundaries permanent & clear, to build at his cost & expense monuments of stone three or one vara high, on the spots mentioned & marked by me on the map with the letters A, B, C, in order that in all time they may be observed & regarded as the limits & boundaries of his land by the residents contiguous thereto. And in order that it may appear as having been so done, those who knew how to sign, signed with me & I certify to the signatures of my assisting witnesses.

José L. Fernandez. José R. Gonzales.
Wit. José A. Chariz. Wit.

On the same day, I, the aforesaid Judge, ordered, that in virtue of the tracing out of the boundaries of the tract known as San Miguelito, Don José R. Gonzales be put in judicial possession of the same, notifying him thereof, & to make it so appear we subscribe our names.

Fernandez. Wit. José A. Chariz. Wit.

On the same date the party interested & adjoining residents were notified of the preceding order, &

9/27

59

having confessed their knowledge of its contents,
they signed their names, (those who could) with me
& my assisting witnesses,
(Flourish) José Raf. Gonzales.

Wit - José A. Chavez - Wit.

On the Rancho San Miguelito de la Trinidad,
at about 3 o'clock P.M. of the same day, month,
& year, Don José R. Gonzales, then & there being,
accompanied by me the aforesaid Judge and
witnesses, with the intention as the said Gonzales
avowed, to take real & corporeal possession of the
tract of land assigned to him & belonging to him
by just title obtained from the Government of this
Department, under date the 24th July 1841,
he, the party interested remaining subject to
the action of the Most Excellent Departmental
Assembly in its approval, entered & walked about
thereon, uprooting grass, scattering handfuls of earth,
tearing twigs & performing other acts & ceremonies
of real possession, in token as he said of taking
possession of said land quietly & peaceably, with-
out the least opposition from any of the parties,
& I, the Judge, do certify to have witnessed all
that is here related, & command that the aforesaid
Don José R. Gonzales, be hereforward
held & recognized as true lord & possessor of said
land, giving as I do give testimony of all the
aforesaid, & delivering the original of this es-
pediente to him, the said party, as a voucher
& preservation of his rights, agreeably to his peti-
tion; all of which being authorized in due
form according to law.

Fernandez. José Rafael Gonzales.

Wit - José A. Chavez. Wit.

On this day the original of this expediente was
delivered to the party, Don José R. Gonzales,
consisting of twelve half sheets (fojas) in proof
whereof I subjoin my flourish.

Wit. José A. Chavez. (Flourish)

I certify the foregoing to be
a true and correct translation from the Original

18 SD
PAGE 56

20

Spanish Document on file in this Office, in
Case No 27, José Rafael Gonzales,

Gen: Fisher.
Secy.

The undersigned, officiating as Clerk to the
Secretary of the Government during the Gov-
-ernorship of Gen Manuel Micheltorena, certi-
-fies that Don Maurice Gonzales, appeared
before said General, soliciting an extension of
land to his possession, which petition was well
attended to in that the boundaries were exten-
-ded to the River Mission & to the Agua Hed-
-onda (Striking water,) by the side of the Ran-
-cho de los Ojitos, & by the other to the range
or summit thereof. In proof whereof I give the
present in Monterey on the 14th of March 1848.

Nicolas P^o Gomez.

The undersigned, ex Secretary of the Departmen-
-tal Government of California, certifies, that
during his Secretaryship, Genl Manuel Michel-
-torena being then Governor he (the latter)
granted to Don Maurice Gonzales the en-
-largement of land which he solicited, the limits
running from the boundaries of his lands, to
the River San Antonio towards the N; &
to the Agua Hedionda (Striking water)
towards the N.E. & towards the N.W. to the range
(Sierra); & in as much as the respective expedi-
-ente was completed, & the decree making the
grant, written, the title was not executed
only by reason of the office's being closed on
this occasion, owing to the revolution which
broke out in this country, & which forced the
aforesaid General to absent himself. And in
order that the present may serve its proper ef-
-fect, I give it at the request of the party in-
-terested, on the 1st day of May, 1848.

Manuel Jimeno.

San José December 12th 1857.

11/27

61

I ex-Translator of State, do hereby certify
to the correctness of the foregoing translations
Having made the same from Original pa-
pers, at the request of Don José Rafael Gonzalez,
Joseph H. Scull.

Cuenta con D. José R. Gonzalez de su
posesion

Por 24 leguas de ida y 24 de vuelta
de Monterey a S. Barnabé a 3 rs.
legua ----- 18.

Por 9 leguas de ida y 9 de vuelta
de S. Barnabé a Sr. Miguelito a br. 13. 4

Por 4 dias empleados en viage
y posesion por mitad, habiendo sido 10
dias a 3 ps. diarios ----- 12

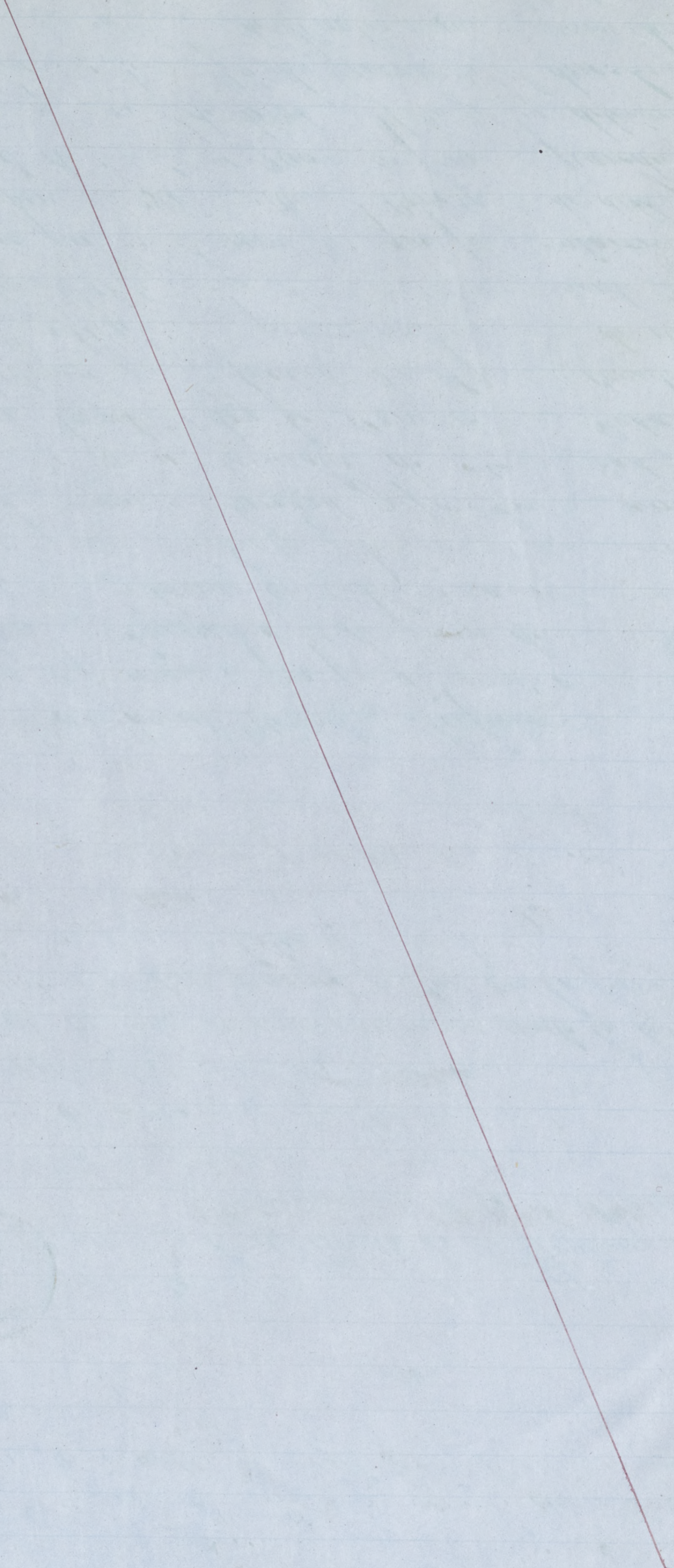
Tabacion de Costas por lo escrito 20. 6.
Suma ----- 63. 2.

18 SD
PAGE 58

150

Filed Feby 9th 1832
Geo. Fisher.
Secy.

EXCISE
1832



BYCE
 20



Testimonio

Sello tercero dos reales
 Habilitado provisionalmente por la Aduana Marítima
 del Puerto de Monterrey, en el Departamento
 de las Californias, para los años de mil ochocientos
 cuarenta y mil ochocientos cuarenta
 y uno.

Simuno

Antonio Maria Osio



Transfer

18 SD

PAGE

59

En el Puerto de Monterrey del
 Departamento de las Californias
 a los veinte y cuatro dias del mes de Setiembre
 del año de mil ochocientos cuarenta y uno,
 ante mi Simón Castro Juez de Paz Consti-
 tucional de esta demarcacion y ante los testigos
 de asistencia con quienes actuo en la forma
 establecida por falta de escribano publico, a
 mas de los instrumentales de que al fin se hara
 mencion, parcieron de presente los Indigenas
 emancipados de sus misiones Apolinario Mendonza
 marido y conjunta persona de su esposa Estefana,
 e hijos Samanuil Boral, Perfecta y Pacinta,
 y dijo el primero: que por si y a nombre de sus
 herederos y sucesores y de quien de ellos hubiere
 titulo, voz y fama en cualquier manera,
 vende y da en venta publica y enagenacion
 perpetua por juro de heredad y para siempre jamas
 a D. Mauricio Gonzalez de esta vecindad; cuya
 persona tambien doy fe conozco una Casa que
 les pertenece en propiedad en el parage conocido
 por S. eliquelito, por donacion que de ella
 les hizo el Gobierno de este Departamento, segun
 aparece por los documentos que presentaron y
 se unen a esta escritura, Constante de diez y siete
 varas de frente y nueve de fondo: paredes de
 adobe y techo de tejas, todo muy deteriorado;
 igualmente ceden a dicho Gonzalez el derecho que
 tienen a un Solar de Cuatrocientas varas cuadradas
 de tierras de labor, en donde esta situada dicha
 Casa, por no poder ellos trabajarlas ni beneficiarlas;

y declaran los vendedores no tener la casa ni solar
vendidos, arrendados ni empeñados, y como tal
se los vende en precio y cuantía de cinco cen-
= cuenta pesos, de los cuales cinco serán en
efectos a precios de plaza y cincuenta en buena
y constante moneda de plata acuñada y común.
y sobre no parecer de presente la entrega renuncia
las leyes de ella, las de Supruenda y pago del recibo,
como en ello se contiene. Así mismo, declaran
que tienen por justo precio y verdadero valor de
dicha finca la expresada cantidad, que no
vale mas, y si mas valor pudiese, del escaso
en mucha o poca suma hacen a favor del
Comprador y de sus herederos y sucesores gracia
y donación justa, perfecta, e irrevocable que
en derecho se llama inter vivos, con insinuación
y demás firmas legales; renunciando la
ley 4.^a título 7.^o libro 5.^o de la recopilación
y las demás que hablan de la lesión en mas
o menos de la mitad del justo precio; y le
confieren al Comprador poder irrevocable como
libre, franco y general e Administrador para
que de su autoridad aprenda la tenencia =

Sello tercero dos reales

Habilitado provisionalmente por la Aduana
Marítima del puerto de Monterrey, en el Depar-
= tamento de las Californias, para los años de
mil ochocientos cuarenta y mil ochocientos
cuarenta y uno.

Ximeno

Antonio Maria Osio



= y posesión que por derecho le compete,
obligando los otorgantes de mancomun
á que esta venta le será cierta, segura y efectiva
al Comprador y nadie le inquietará ni moverá
pleito en su propiedad o posesión y si se le
inquietare Saldrán á su defensa hasta dejarlo
en quietud y pacífica posesión; y de no conde-
= lguirlo le será devuelta la cantidad que han
de percibir con las mejoras útiles que tenga

57, 1877
 y todas las Costas, perjuicio y menoscabos que se
 le siguieron. Y a la observancia de todo lo
 referido obliga el repetido Mendoza de acuerdo
 con su mujer e hijos mayores y menores los
 bienes que tengan todos y cada uno de por sí
 habidos y por haber y con ellos se someten al fuero
 y jurisdicción que corresponde conforme a derecho:
 Renuncian las leyes que en el caso les favorezca
 con la general del derecho en forma. En cuyo
 testimonio así lo otorgaron y no firmaron por no
 saber verificándolo yo el repetido Puz con los
 de mi asistencia; siendo los instrumentales
 D. José Abrego, D. Manuel Castañares y
 D. José L. Fernandez, presentes y vecinos:
 doy fe = Simón Castro = Asistencia,
 Jacinto Rodríguez = asistencia, Manuel Castro =

Es copia fielmente sacada de su
 registro que obra en el archivo de este juzgado a
 que me remito: va en dos fojas útiles del papel
 del Sello tercero. Sin ninguna enmendatura ni
 corrección, siendo testigos de verla copiar y con-
 certar D. José Abrego y D. José L.
 Fernandez de esta vecindad: doy fe.

Simón Castro

as.^a
 Manuel Castro
 testigo de vista
 José Abrego

as.^a
 Jacinto Rodríguez
 testigo de vista
 José L. Fernandez

Filed in office March 14th 1852
 Geo: Fisher

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3213
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Translation of
Transfer

F.

Annexed to the
deposition of
Jawley Forbes

18 SD
PAGE 62

In the Port of Monterey of the Department of the
California on the 24th day of the month of Sep-
tember in the year 1841, before me Emilio Cas-
tro, Constitutional Justice of the Peace of this juris-
-diction & before the attesting witnesses with whom
I act in the form established, there not being a Notary
Public, besides the instrumental witnesses of whom
mention will be made at foot of this were present
the emancipated Indians of their respective Mis-
-sions, Apolinario Mendoza, married & con-
-junctly with the the person of his wife Esbepana
& children Gamañiel, Eoral, Perfecta, & Juacinta,
& the first said; that for himself & in the name
of his heirs & successors & of whomsoever of them
having title, voice & interest in any manner he
sells & gives in public sale, & perpetual aliena-
-tion in sight of instrument for ever & ever to
D. Mauricio Gonzales of this place whom I
also testify to know; a house which they own in
the place known as S. Miguelito by donation
made to them by the Government of this De-
-partment as it appears by the documents which
they have presented & annexed to this writing,
consisting of Seventeen Varas front & nine in
depth, house of adobe & roof of tiles, all greatly
deteriorated; equalling ceding to the said Gon-
-zales their right to a piece of land of four hun-
-dred varas square, fit for cultivation, on which
is situated the said house, & they cannot work
it nor improve it; & the vendors declare not to have
sold the house or land, transferred nor pledged it,
& as such they sell it for the price & sum of One
hundred & fifty dollars, of which one hundred
to be in goods at market price & fifty in good
& counted money of silver, coined & common; &
although the delivery is not made at present, I
announce the laws respecting it, those in regard
to proof & receipt of the payment. At the same
time they declared that they hold for a just price
& true value of said property, the mentioned
410 sum, that it is worth no more, & if it maybe

18 SD
PAGE 63

nor the more, said surplus be it more or less they
 grant it to the purchaser & to his heirs & successors
 a fair, perfect & irrevocable donation, which in law
 is called *inter vivos*, with the declaration & other
 legal affirmations, renouncing the law 4th of Fe-
 -br 7 - Book 3 of the recopilacion and all the
 other laws which speak of lesion for more or less than
 half of the just price, & that at the same time they
 confer to the purchaser full power, irrevocably,
 fully, frankly & generally to dispose of the
 authority & possession which lawfully belongs
 to him, the grantors binding themselves con-
 -junctly, that this sale will be certain, sure &
 effective to the purchaser, & none shall trouble
 him with any suit in his property or possession
 & if he be so disturbed, they will go to defend
 him, until he is placed in quiet & pacific pos-
 -session & in default of which, the amount to-
 -gether with the improvements shall be re-
 -turned to him with all the costs and damages
 which may result. - And for the observance
 of all the above mentioned, the said Mmusa
 with his wife & children, of age or minors, bind
 himself with his & their property, all & singular
 had & to be had & with them submit to the
 proper forum & jurisdiction according to law re-
 -linquishing the benefits of the laws which in
 this case may favor them, with the general
 law of right in due form; in testimony of which
 they covenant, & they do not sign it, for they
 know not him, & the mentioned Judge, with those
 my attesting witnesses have verified it; being in-
 -strumental witnesses D. Jose Abrego, D. Manuel
 Custanar & D. Jose L. Fernandez, present and
 residents; attest Ignacio Castro - assisting wit-
 -nesses. Jacinto Rodriguez & Manuel Castro.
 This is a copy faithfully taken from its origi-
 -nal which is in the archives of this District to
 300 which I refer it is of two written folios of paper of

109

727

the third stamp, without any amendment or correction. D. José Abrego & D. José L. Fernandez of this vicinity being the witnesses who saw it copied & compared. I attest.

(Signed) Emilion Castro.

attest witnesses.

Mané Castro
In presence of
José Abrego.

attest witnesses.

Jacinto Rodriguez.
In presence of
José L. Fernandez.

18 SD
PAGE 64

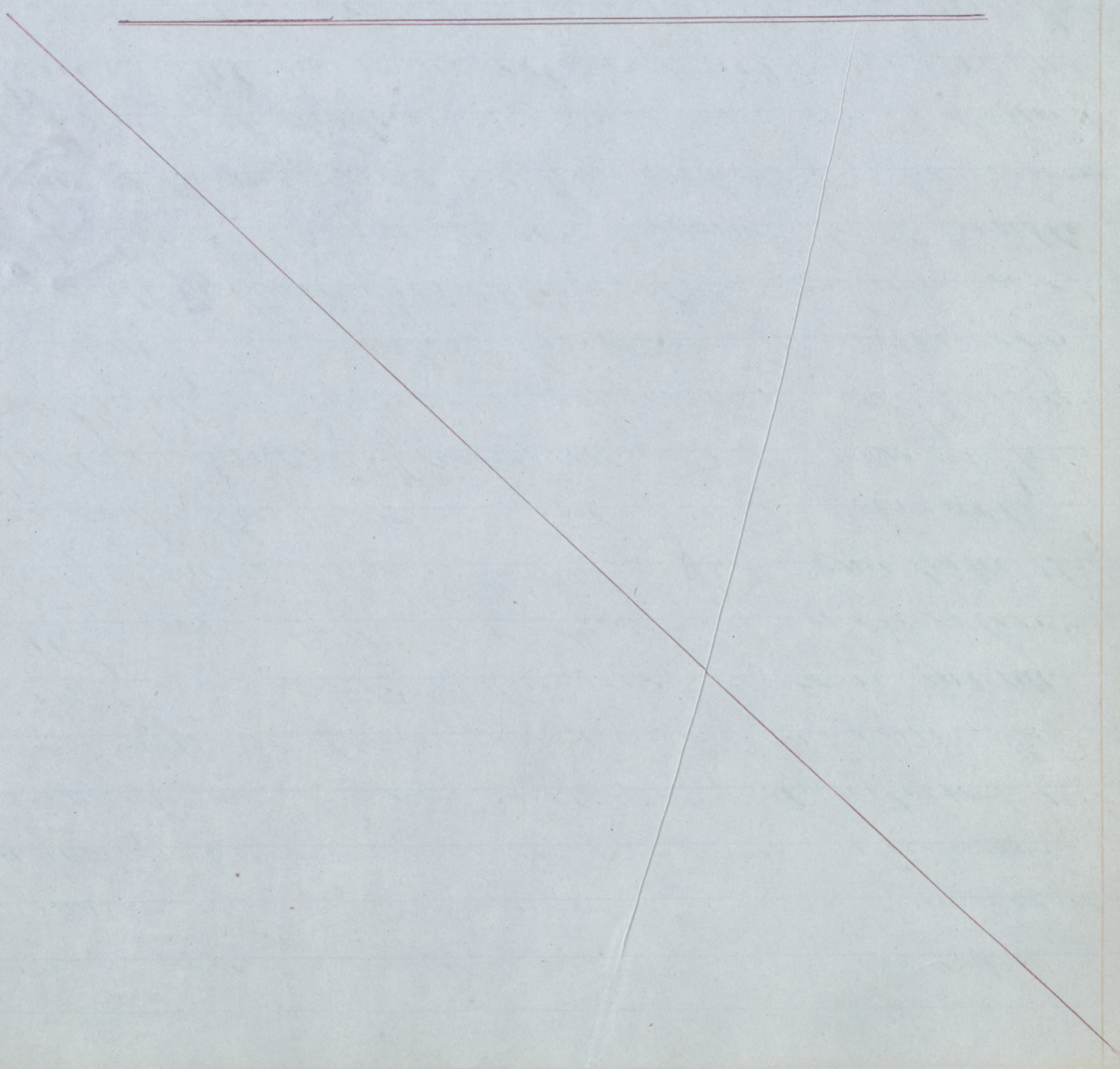
I certify the foregoing to be a true & correct translation from the Original Spanish document on file in this Office in case No 36, Maglino Martinez.

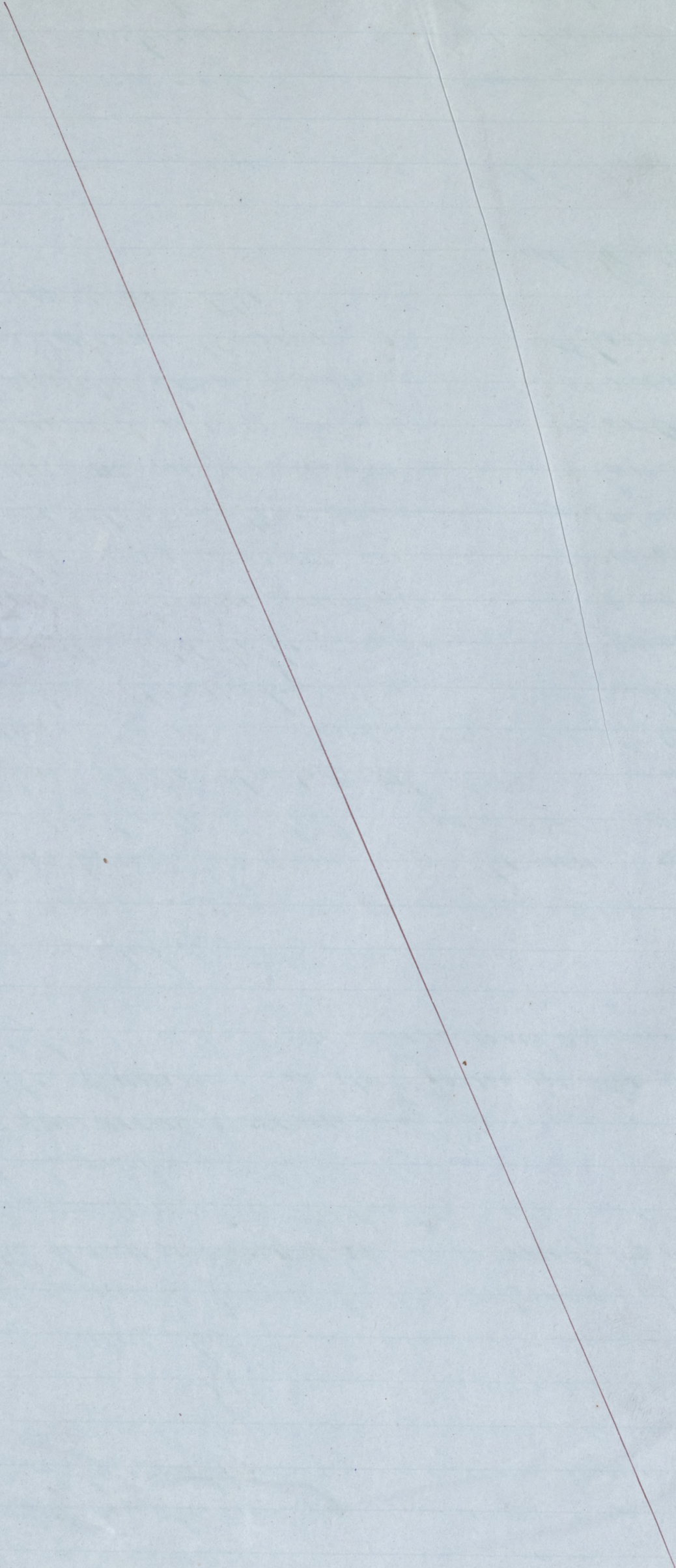
Geo: Fisher.
Secy.

Filed Feb 23/53

Geo: Fisher.
Secy.

110





No 27. José Rafael Gonzales, Claimant.

Opinion by
Hiland Hall.

18 SD
PAGE 65

José Rafael Gonzales petitions this Board for the Confirmation of his claim to a tract of land situated in the country of Monterey & called San Miguelito, containing five square leagues more or less, for which he produces a grant to himself from Juan B. Alvarado Governor of California in a dated July 24' 1841. The genuineness of the grant is proved by the testimony of witnesses to the hand writing & is confirmed by documentary evidence in the public Archives. It is also shown by authentic documentary evidence that judicial possession of the land was given to the claimant in due form in the month of October 1842, & the claimant appears to have occupied the land for the purposes of cultivation & the raising of stock from that time to the present, having a son residing upon & taking charge of it for him. The grant is in the usual form & the only objection that is made to the claim on the part of the United States is the want of evidence that it was confirmed by the Departmental Assembly. This objection we have repeatedly held to be insufficient to invalidate a claim otherwise fair & complete, & we accordingly make a decree for its final confirmation to the extent of five square leagues & no more, holding as in former cases that no land can be claimed under the words more or less, when the surplus land, as in this case is saved to the Nation. Commissioner Thornton concurs in the result.

Hiland Hall.

No 27 José Rafael Gonzales, Claimant.

This Board on full consideration having come to the conclusion that the said claim is valid, now proceeds to make the following decree of final confirmation; viz. It is decreed that the said

claim be confirmed to the extent of five square leagues being the same land described in the grant & of which judicial possession was proved to have been given, Provided, that the said quantity of land granted & now here confirmed to the claimant be contained within the boundaries called for by the grant & map to which the grant refers; & if there be less than the said quantity of five square leagues within said bounds, then we confirm to the claimant that less quantity. Given under our hands the 1 day of March 1853.

18 SD
PAGE 66

Richard Hall
George J. Thomsen Commissioners

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Filed in Office March 1 1853.

Geo. Fisher.

Secy.

9740 =

97 1/2 folios

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Office of the Board of Commissioners,

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

18 SD
PAGE 67

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 two* pages, numbered from 1 to *22*, 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. *27* on the Docket of the said Board, wherein

José Rafael Gonzalez is the Claimant against the United States, for the place known by the name of "*Rancho de San Miguelito de Trinidad*"



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*

G. Fisher
Geo. Fisher

[Signature]
Sey!

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5 Sq. Leags.

Montgomery Co.

The U. S. States

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No 27

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Office of the Attorney General of the United States,

Washington, 11th September 1854.

José Rafael Gonzales,

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.

Cushing

Attorney General.

No 18.

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

The United States

vs.

José Rafael González.

Notice of appeal from Atty Gen.

Filed Nov 7th 1854.

J. E. Jam.
Clerk.

18 SD

PAGE 69

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

Jose Rafael Gonzalez.

The United States

No. 27.

To the Honorable Isaac S. Ogier Judge of the
District Court of the United States for the Southern
District of California.

The petition 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 repre-
sents as follows.

That heretofore, to wit, on or about the 9th day
of February AD 1853, Jose Rafael Gonzalez a resi-
dent of the County of Monterey, State of California,
presented a petition to the Commissioners to as-
certain and settle the private land claims in the
State of California, representing, ^{in substance,} that on the 1st day
of May AD 1841, he presented a petition to Juan B
Alvarado Governor of California, soliciting for himself
a tract of land of two Sitios, as a recompense for
military services, which said tract of land was
called in said petition Rancho de San Miguelita
de Trinidad, lying in the neighborhood of, and
immediately adjoining the Mission of San Antonio;
that said petition was on the 17th day of May AD
1841, referred by said Governor to the Prefect of
the first District for information, and by him

18 SD

70

PAGE

referred to Jose Jesus Pico the person in charge of San Antonio, and that both reported favorably; that in the early part of July AD 1841, and before he obtained the grant of land petitioned for, he again petitioned said Alvarado, praying for an additional tract of land of three Sitios, situate at said San Miguelita, as the two sitios before asked for were not sufficient for the number of Cattle he owned; that said Alvarado by decree of the 24th of July AD 1841, declared him the lawful owner of said tract containing five ^{sitios for} leagues, as described hereafter, and directing the proper title to issue and be delivered to him; that on the 24th of July AD 1841, said Alvarado made, in due form of law, and delivered to him a grant of said land; that on the 27th of September AD 1842, he asked for and received Judicial possession of said land in due form of law; that said land is in Monterey County, and adjoining the Ex Mission of San Antonio and bounded as follows:

- 1 Commencing at the summit of the range of Mountains lying Westerly of the rock known as Porteseuela at a point due West of said rocks, thence running Easterly to said Porteseuela.
- 2, thence from said Porteseuela in a South easterly direction in a direct line to the rocks known as Piedras del Gavilan.
3. Thence South across the river known as Rio de Sierra to the highest point on the next range of Mountains which runs East to West next South of said river.
- 4 Thence at right angles, as near as possible with the last mentioned line, West, along the summit

18 SD
PAGE 71

of the abovesaid range of Mountains. S. W. of

of the aforesaid range of Mountains South of said Rio del Sierra to a point, where the road, leading from the Rancho San Miguelita to the beach, crosses the highest of said Mountains. 5. At right angles thence Northerly as near as may be along the ridge of the Mountains running from North to South, to the place of beginning; that at the time of said grant no one lived on said land, except an Indian Woman (Estefana Rolles) who had permission to do so, from the Superior of the adjoining Mision, but had no legal title; and for the sake of getting peaceable possession he purchased from said Indian Woman, and her tribe, all her, and their right or interest in the said land; that he built a house thereon and fenced in a part of said land, according to the Conditions of said grant, and continued to reside thereon up to date, (9th February AD 1852) occupying said land for grazing and other purposes; and praying for Confirmation. &c.

Your petitioner further represents that thereafter, to wit, on the 1st day of March AD 1853, the said Commissioners confirmed by final decree the said claim of the said Jose Rafael Gonzalez in the words following, to wit: "N^o 27 Jose Rafael Gonzalez Claimant. This Board on full consideration having come to the conclusion that the said claim is valid, now proceeds to make the following decree of final Confirmation; viz. "It is decreed that the said claim be confirmed to the extent of five square leagues being the same land described in the grant and of which Judicial possession was proved to have been

"given; Provided, that the said quantity of land
 "granted and now here confirmed to the Claimant
 "be contained within the boundaries called for by
 "the grant and maps to which the grant refers,
 "and if there be less than the said quantity of
 "five square leagues within said bounds, then
 "we confirm to the Claimant that less quantity.
 "Given under our hands the 1 day of March 1853.

(Signed) "Silvanus H. Hall 3 Com-
 "Harry J. Thornton 3 Commissioners"

That thereafter to wit on the 27th day of June AD 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 Cali-
 fornia, and marked No 27; reference to which
 it is prayed may be had and made a part of
 this petition.

That on the 10th day of June AD 1854, the Honorable
 Caleb Cushing Attorney General of the United States,
 received a duly certified duplicate of said trans-
 cript of said final decree, and proceedings, of
 said Commissioners in said Cause (No 27) and
 the papers and evidence on which said decree
 was founded.

That thereafter, to wit, on the 7th day of November
 AD 1854, the said Attorney General of the United
 States, filed, or caused to be filed, on behalf of
 the United States, a Notice with the said Clerk
 of said District Court for the Southern District of
 California, that the Appeal in said Cause of
 Jose Rafael Gonzalez vs the United States from the

18 SD
 PAGE 73

Jose Rafael Gonzalez

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.

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

And your petitioner further represents and alleges, that the said claim of said Jose Rafael Gonzalez 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 Jose Rafael Gonzalez shows no valid title to the said land claimed by him as aforesaid; and it is denied that he has any.
2. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by the Missions of California; and particularly by the Mission of San Antonio; that it was at the time of the alleged grant in the actual occupancy, by just ~~title~~ ^{possession} of the Indian Woman Estefana Robles or Mendoza and her family, with the improvements thereon; and was not therefore subject to donation or grant by said Governor Alvarado.
3. That the grant was not made in accordance with the colonization law of August the 18th AD 1824, nor according to the regulations of the 31st November AD 1828; - in this; - that the title was issued and signed by the Political Chief before the approbation of the Territorial Deputation.
4. That it does not appear that the alleged

grant, was ever approved by the Territorial Deputation or Departmental Assembly; and it was not so approved.

5. That it is not stated in the said grant that it was made in entire conformity to the disposition of the laws.

6. That the said alleged grant does not contain any certain quantity of land, or any definite and sufficient description thereof.

7. That there is no evidence, in said transcript, of the performance of the conditions of the said alleged grant; there is no evidence that the claimant built a house on, and occupied the land within a year from the date of the grant, or that he cultivated and improved the same; and it is denied that he did perform said conditions of said grant, and built a house and occupied it within the year from the date of the grant.

8. That there is no evidence, in said transcript, that the Magistrate Jose Y Fernandez, had lawful authority to make the measurements and give the Judicial possession of the land claimed; and no evidence that Fernandez was a magistrate at the time of giving said possession of said land: And it is denied that he was such Magistrate at such time, and had such lawful authority.

9. That said Fernandez did not measure the said land according to the ordinance, or law, or according to the calls in the said grant, and maps referred to therein; that the said alleged measurements contained in said act of Judicial possession are vague, indefinite and uncertain.

10. That there is no evidence that the alleged act

of sale of the Indian Estefana Mendoza and others

of sale of the Indian Estefana Mendoza and others dated 24th of September AD 1841, was duly executed before a Judge having the lawful authority; or that Simeon Castro was a magistrate at the date of said act of sale.

11. That the said Indian Estefana Mendoza and others had not the Capacity to sell their property in the manner as alleged; that the said Indians did not sign said act of sale, nor did any person legally sign for them.

Wherefore the said Pacificus Ord Attorney of the United States for the Southern District of California for and in behalf of the United States, by reason of the premises, and the laws and Statutes in such case made and provided, prays that the said Jose Rafael Gonzalez, or his Attorney, may be served with a copy of this petition; and that this Honorable Court will review the said decision or final decree of Confirmation of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said Jose Rafael Gonzalez for said land claimed and confirmed as aforesaid, and that the same may be decreed invalid. And all such other Orders, Judgments or decrees as may be just. With Costs, and general relief.

P. Ord

Attorney of the United States
for the Southern Dist of Cal^a

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No. 18.

José Rafael Gonzalez
adv.

The United States.

Petition of all the of us for
review &c.

Filed Dec 9. 1854.

J. C. Farrer.
adv.

18 SD
PAGE 77

Service accepted
Los Angeles
Sept 20 1855

W. Clarke
for all

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

Jose Rafael Gonzalez. }
~~vs.~~ vs. } No. 27.
The United States }
}

To the Honorable Isaac S. K. 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 here-
tofore, to wit, on or about the 9th day of February A.D.
1852, Jose Rafael Gonzalez a resident of the County
of Monterey, State of California, presented a
petition to the Commissioners to ascertain and settle
the private land claims in the State of California,
representing in substance, that on the 1st day of May
A.D. 1841, he presented a petition to Juan B. Alvarado
Governor of California, soliciting for himself a tract
of land of two sitios, as a recompense for military
services, which said tract of land was called in said
petition ~~Rancho~~ Rancho de San Miguelita de Trinidad,
lying in the neighbourhood of, and immediately
adjoining the Mission of San Antonio; that said
petition was on the 17th day of May A.D. 1841, referred
by said Governor to the Prefect of the first district

18 SD
78

PAGE

for information, and by him referred to José Jesus
Pico the person in charge of San Antonio, and that
both reported favorably; that in the early part of July
A.D. 1841, and before he obtained the grant of land
petitioned for, he again petitioned said Alvarado,
praying for an additional tract of land of three
sitios, situated at said San Miguelita, as the two
sitios before asked for were not sufficient for the
number of cattle he owned; that said Alvarado
by decree of the 24th of July A.D. 1841, declared him
the lawful owner of said tract containing five
sitios (or leagues), as described hereafter, and
directing the proper title to issue and be delivered
to him; that on the 24th of July A.D. 1841, said Alvarado
made, in due form of law, and delivered to him a
grant of said land; that on the 29th of September
A.D. 1842, he asked for and received Judicial
possession of said land in due form of law; that
said land is in Monterey County, and adjoining the
St. Mission of San Antonio and bounded as follows.
1. Commencing at the summit of the range of mountains
lying westerly of the rock known as Porteseuela at a
point due west of said rock, thence running westerly
to said Porteseuela. 2. thence from said Porteseuela
in a south easterly direction in a direct line to the rocks
known as piedras del Garilán. 3. Thence south
across the river known as Rio de Sierra to the high-
est point on the next range of mountains which

Runs East to West West South of Saia River. 4. Thence at right angles, as near as possible with the last mentioned line, West, along the Summit of the Afresia Range of Mountains South of Saia Rio del Sierra to a point, where the road, leading from the Rancho San Miguelita to the beach, crosses the highest of Saia Mountains. 5. At right angles thence Northerly as near as may be along the ridge of the Mountains running; from North to South, to the place of beginning; that at the time of Saia grant no one lived on Saia land, except an Indian Woman (Estefana Robles) who had permission to do so, from the Superior of the adjoining Mission, but had no legal title; and for the sake of getting peaceable possession he purchased from Saia Indian Woman and her tribe, all her, and their rights or interest in the Saia land; that he built a house thereon and fenced in a part of Saia land, according to the conditions of Saia grant, and continued to reside thereon up to date, (9th February Ad. 1852.) occupying Saia land for grazing and other purposes; and praying for Confirmation. &c.

Your petition further represents that thereafter, to wit, on the 1st day of March Ad. 1853, the said Commissioners confirmed by final decree the Saia claim of the said Jose Rafael Gonzalez in the words following, to wit; - "N^o 27. Jose Rafael Gonzalez Claimant. This Board on full consideration having come to the conclusion that the Saia claim

" is valid, now proceeds to make the following
" decree of final confirmation; viz. It is decreed
" that the said claim be confirmed to the extent of five
" square leagues being the same land described in the
" grant and of which judicial possession was
" proved to have been given; Provided, that the said
" quantity of land granted and now here confirmed
" to the claimant be contained within the boundaries
" called for by the grant and map to which the grant
" refers, and if there be less than the said quantity of
" five square leagues within said bounds, then we
" confirm to the claimant that less quantity. Given
" under our hands the 1 day of March 1853".

18 SD
PAGE 81

(Signed) "Silas H. Hall } Comm-
" "Navy Thornton } issioners"
That hereafter to wit on the 27th day 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 No.
27; reference to which it is prayed may be had
and made a part of this petition. That on the 10th day
of June A.D. 1854, the Honorable Caleb Cushing Attorney
General of the United States, received a duly certified
duplicate of said transcript of said final decree,
and proceedings, of said Commissioners in said
Cause (No. 27.) and the papers and evidence on

which said decree was founded. That thereafter, to wit, on the 7th day of November A.D. 1854, the said Attorney General of the United States, filed, or caused to be filed, on behalf of the United States, a notice with the said clerk of said District Court for the Southern District of California, that the appeal in said Cause of Jose Rafael Gonzalez vs. the United States from the decision of the said Commissioners to ascertain and settle the private land claims in the State of California, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents that the said land claimed as aforesaid, is within the jurisdiction of this Honorable Court. And your petitioner further represents and alleges, that the said claim of said Jose Rafael Gonzalez for said lands claimed, and confirmed by said Commissioners as aforesaid, is invalid, and said decree of confirmation erroneous; on the following grounds. 1. That the said Jose Rafael Gonzalez shows no valid title to the said land claimed by him as aforesaid, and it is denied that he has any. 2. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by the Missions of California; and particularly by the Mission of San Antonio; that it was at the time of the alleged grant in the actual occupancy, by just authority

of the Indian Woman Estefana Robles or Mendoza and her family, with the improvements thereon; and was not therefore subject to donation or grant by said Governor Alvarado. 3. That the grant was not made in accordance with the Colonization law of August the 18th A.D. 1824, nor according to the regulations of the 21st November A.D. 1828; - that the title was issued and signed by the Political Chief before the approbation of the Territorial Deputation.

18 SD

PAGE 83

4. That it does not appear that the alleged grant, was ever approved by the Territorial Deputation or Departmental Assembly; and it was not so approved.

5. That it is not stated in the said grant that it was made in entire conformity to the disposition of the laws.

6. That the said alleged grant does not contain any certain quantity of land, or any definite and sufficient description thereof.

7. There is no evidence, in said transcript, of the performance of the conditions of the said alleged grant; there is no evidence that the claimant built a house on, and occupied the land within a year from the date of the grant, or that he cultivated and improved the same; and it is denied that he did perform said conditions of said grant, and built a house and occupied it within the year from the date of the grant.

8. That there is no evidence, in said transcript, that the Magistrate Jose Y Hernandez, had lawful authority

to make the measurements and give the Judicial

-only to make the measurements and give the Judicial possession of the land claimed; and no evidence that Hernandez was a Magistrate at the time of giving said possession of said land; and it is denied that he was such Magistrate at such time, and had such lawful authority. 9. That the said Hernandez did not measure the said lands according to the ordinance, or law, or according to the calls in the said grant, and map referred to therein; that the said alleged measurements contained in said act of Judicial Possession are vague, indefinite and uncertain.

10. That there is no evidence that the alleged act of sale of the Indian Estefana Mendoza and others dated 24th of September A.D. 1841, was duly executed before a Judge having the lawful authority; or that Simon Castro was a Magistrate at the date of said act of sale. 11. That the said Indian Estefana Mendoza and others had not the capacity to sell their property in the manner as alleged; that the said Indians did not sign said act of sale, nor did any person legally sign for them. Wherefore the said Pacificus Ora 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 Jose Rafael Gonzalez, or his Attorney, may be served with a copy of this petition; and that this Honorable Court

will review the said decision or final decree of Confirmation of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said Jose Rafael Gonzalez for said land claimed and confirmed as aforesaid, and that the same may be decreed invalid, and all such other orders, judgments or decrees as may be just. With costs and general relief.

1 Signed, P. Co., Attorney
of the United States for the
Southern District of California.

I, Charles E. Can Clerk of the District Court of the United States for the Southern District of California, do certify the above and foregoing to be a true and correct copy of the original petition on file in my Office.

In witness whereof I have hereunto
set my hand and affixed the seal
of said Court at the City of Los
Angeles this 21st day of July, 1855.

C. E. Can
Clerk

not found
No 18 in box

11

Jose Rafael Gonzalez
Advs
the United States.

~~Copy~~

Petition of atty of U.S. for
Review &c.

Filed Dec 9. 1854

(Signed) C. E. Can.
ceh.



Jose Rafael Gonzales
 vs
 The United States

No. 18

18 SD
 PAGE 87

Jose Rafael Gonzales, claimant
 and appellee in the above entitled case
~~vers~~ that his title in answer to the
 petition of Review filed by the United
 States herein, over that his title to
 the tract of land claimed is valid.
 He therefore prays that the Court
 may affirm the decision of the Board
 of Land Commissioners, and deem
 the said title to be valid.

J. L. L. L. atty
 for Claimant

No 18

José Rafael González

vs

The United States

Answer

Filed Sept 20th 1855

Q & Cancin

By No. Kelly

Dep

18 SD

PAGE 88

J. Clarke atty

The United States

Appellants

18 SD

89

PAGE

Jose Rafael Gonzales

Appellee

This claim is predicated upon a grant of Gov Juan B. Alvarado under date of 24 July 1841. Judicial possession of the premises was given in October 1842. ^{As to the genuineness of these documents, there is no controversy.} The only objection made before the Commission, to this claim was the want of the approval of the Legislative Assembly, to the grant. This objection under the decision of this Court has to be made ~~unavailing~~ ^{unavailing} a claim otherwise full and complete. Additional objections have been made by the District Atty in this Court.

But, it is objected that the land granted, was not the subject of grant, as at the time of Gov. Alvarado's grant it was in the occupancy of, and owned by an Indian family. - It appears ~~from~~ ^{from} that one Estefana Rabler, an Indian woman had obtained from the Governor in 1839 a provisional or temporary concession of the home she occupied and the land she had enclosed in San Esteban, & that such interest had been released to the appellee. These facts, as recited by the Governor upon making the grant, ~~and attached~~ ⁺ ~~to~~ ^{is attached} the ~~petition~~ ^{is attached} in the ~~case~~ ^{case} ~~of~~ ^{of} Gonzales. - The

^{same}
 viz. that, objects to the irregularity in
 the execution of the release by the
 Indian Woman to Gonzalez of her
 temporary right of occupancy —
 The Court considers, that the question
 whether land was vacant or ^{not},
 is ^{merely} one of fact the ascertainment of
 which ^{it} was left by the Mexican
 law to the Political Chiefs. It does
 not make their duty to obtain the
 necessary information and act —
 Their usual course was to refer the
 matters of fact to the appropriate
 functionaries and to act upon
 their reports. In this case the
 Government issued the grant, & there-
 after the Indian promissory under
 it was given, & the grantee re-
 entered the same in possession with
 the date of the Decree of Guadalupe
 & the date — We consider then the
 fact that the land was vacant
 at the time of the grant to appellee
 as res adjudicata to be reconsidered.
 The next objection urged by the District
 is that the sale by the Indian oc-
 cupant to appellee was illegal. &
 This objection rests upon the view
 that an Indian could not alienate.
 The answer to this objection is that
 it was raised and adjudicated
 by the Supreme Court in the case of The
 U. S. v. Ritchie and is not now open

In case of a grant on petition by a person who has not the grantee or the grantee's heirs, the grantee or the grantee's heirs may be heard by the court in the case of a grant on petition by a person who has not the grantee or the grantee's heirs.

waters of the Santos, which is contained within the land and so on the West to the Sierra or ridge of mountains known as "de las Piedras" to the extent of five square leagues." The course that there is no deficiency in locating of the quantity of land granted within the bounds - nor collect for, all of which are permanent and natural. In view therefore of the whole case, the Court concludes that the opinion of the Commissioners in favor of the validity of this claim must be affirmed, & the foregoing decree must be entered.

The United States }
 Appellants }
 vs }
 Jose Rafael Gonzalez }
 Appellee }
 District Court of the }
 Southern District }
 of California

This cause coming on to be heard ~~at~~ at a stated ~~term~~ term of said Court from the final decision of the Commissioners to ascertain and settle private land claims in the State of California ^{upon the transcript of} the decision and proceedings, and the papers and evidence on which said decision was pronounced, and it appearing that said transcript has been duly filed according to law, and Counsel for both parties having been heard and ~~adjudged~~ adjudged and decreed that the claim

Said decision be affirmed, and it is further ordered, adjudged and decreed that the claim of the appellee is valid, and the same is hereby confirmed to the extent of five square leagues to and in the land described in the grant copy of which is on file in the Recorder's office in this case, and of which land judicial possession was found to have been given to the appellee. Provided that the said quantity of ~~land~~ five square leagues be contained within the limits called for in said grant & map to which it refers, but if there be less than said named quantity, then the claim of said appellee to said less quantity is hereby confirmed.

No. 18.
"

The United States

vs

Jos. Robert Prusoff

San Miguelito

dece

Filed Sept. 24th 1855

C. C. Carrick

By M. A. Anderson

18 SD

PAGE

94

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

18 SD
PAGE 95

Jose Rafael Enzales, apper } N. 18.
 adv } (Transcript N. 27)
The United States, app't }

On motion of P Ord Attorney of the
United States for the Southern District
of California, it is, Ordered by the Court,
that an appeal be granted the United
States, to the Supreme Court of the United
States, from the judgment of this Court,
against the United States, in the above
entitled cause, rendered on or about
the 24th day of September AD 1853.

P. Ord
W Dittell.

1018.

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

Jose Rafael Gonzalez
appell.

vs.

The United States
appell.

Order of appeal to the
U.S. Supreme Court, on
motion of P. Ord. as atty.

Filed Oct 18th 1855.

18 SD
PAGE 96

J. E. Jones
att.

In the United States District Court
San Juan District California

José Rafael González
Appellee

Case No 18

vs

The United States

"San Miguelito de Trinidad"

Appellant

Transcript No 22.

18 SD

PAGE 97

Order
Motion to amend Record

On motion to the Court by Sloman & Hartman Attor-
-neys for Mauricio González, and it appearing to
the Court that the said José Rafael González had
on the 17th day of September A.D. 1853, sold and con-
veyed all his right title and interest in and to the
premises in the Transcript and records in this case
set forth and described, and that the said Mau-
ricio González is now the real party claimant in
interest in this case:— It is ordered that the name
of the said José Rafael González be stricken from
the records in this case, and that the name of
the said Mauricio González be inserted in lieu
thereof, and that the cause be set down for
hearing as between the said Mauricio González
Claimant and Appellee and The United States
Appellant

No 18

Case No 7

In U.S. Court Southern District

Jose Rafael Gonzalez

vs

The United States

 "
Action to amend

Record "

Filed this 17th day of January 1857

Wm Sims Clerk
of the Court

18 SD
PAGE 98

Sloan v. Hartman

for Claimant

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

José Rafael González, Appellant
Mencicio González, Substituted
Pls

The United States

Appellee

Case No 18

"San Miguelito
de Trinidad"

Transcript 22

18 SD
PAGE 99

The Attorney General of the United States having given notice that the Appeal to the Supreme Court from the decision of this Court in the above entitled case will not be prosecuted by the United States, and a stipulation having been entered into by the United States District Attorney and the Attorney of the claimant, that the order granting an appeal to the Supreme Court heretofore made in this case be vacated and that the decision of this Court heretofore rendered in this case, may by the order of this Court be made final.

And this Court having, also by its order heretofore entered for cause shown substituted Mencicio González instead of José Rafael González as claimant in this case, it is

Ordre adjuagea and decider. That the
order granting an appeal to the Supreme
Court heretofore made in this cause be
and the same is hereby vacated and that
Mansina Gonzalez the claimant here be
to proceed under the decree of this Court her
-etofore rendered in this cause as under a
final decree

Donald Ogier
U.S. District Judge

18 SD

PAGE 100

No 18 under No 2

U. S. Dist Court

Southern Dist Cal

Mauricio Gonzales
Substituted for Jose
Rafael Gonzales appellee

The ^{atty} United States
appellee

Order vacating appeal
to Supreme Court

Filed this 14th February
1857
L. S. J. W. C. M.
J. W. C. M.
Dep

18 SD

PAGE 101

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

José Rafael González
Appellee

Case No 18.

Ats

"San Miguelito de Trinidad"

The United States

Appellant

Transcript No 27

18 SD
PAGE 102

Now come Sloan & Martman Attorneys for Claimant
and Appellee in the above entitled cause and
moves the Court to amend the record in this cause
by striking therefrom the name of the said José
Rafael González as claimant and appellee, and
inserting and substituting instead thereof the name
Mauricio González, for the reasons as follows.

1st Because the said José Rafael González died
on the 17th day of September A.D. 1853, and
conveyed by deed as instrument in wit-
ness, executed in due form of law all his
right title and interest, to the said Mauricio
González, of and to the premises claimed in
this case.

2nd Because the said Mauricio González is now
the real party claimant in interest in this
cause.

Sloan & Martman

Attys for Mauricio González

No 18 Motion No 7

In U.S. Court Southern Dis

Don Rafael Gonzalez

vs

The United States

~~~~~"~~~~~

Motion to amend

Record

~~~~~"~~~~~

Filed this 17th February
1857
C. Sims clk
J. M. Coleman
Dep

18 SD

PAGE 103

Stam & Martinens

per Clement

California Land Claims
Attorney General's Office
4 September 1856

18 SD
PAGE 104

Sir:

In the case of the claim of Jasi Rafael
Gonzales, confirmed to the claimant by the Com-
missioners, Case no. twenty-seven (27), and also
confirmed on appeal by the District Court, - ap-
peal in the Supreme Court will not be proce-
cuted by the United States.

I am

Respectfully
Ours

Pacific Ord Esq
U.S. Atty for the
Southern Dist of Cal.

18

Rafael Gonzales

27

18 SD

PAGE 105

ed
1836

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

18 SD
PAGE 106

Jose Rafael Gonzalez,
Appellee

vs
The United States

Appellant

Case No 28

Transcript No 22.

In pursuance of a letter from the Attorney
General of the United States hereto annexed
giving notice that in the above case, the ap-
-peal in the Supreme Court will not be pres-
-ented by the United States. It is hereby stip-
-ulated and agreed by and between the par-
-ties, that the order granting an appeal to
the Supreme Court heretofore made in the
above case be vacated, and that the de-
-cree of the Court heretofore rendered in
this cause may be, by order of the Court,
made final

P. O. W.

Dist. Ct.

Sloman & Hartman

Attys for Claimant

and Appellee

No. 18

Reputation Letter of
Wm. G. L.

Filed this 14th February
1857
G. L. Smith
J. W. Chapman
Dep.

18 SD

PAGE 107

~~107~~

Sepan todas las que las presentes vieran y au-
tendiaran, que yo José Rafael Gonzales
existente de que mi hijo Mauricio Gon-
zales me ha ayudado á trabajar y el con
su trabajo personal ha formado el Rancho
que hoy poseo, llamado "San Miguelito de la
Trinidad", es mi voluntad darlo en venta
y enajenacion perpetua como lo heya por
las presentes el mencionado Rancho "San
Miguelito de la Trinidad" situado en el
Condado de Monterey y Estado de California
en la cantidad de Trinta mil pesos —
(\$30.000-) que en ganado y Caballado he
recibido a mi entera satisfaccion, advir-
tiendo que el terreno, Casa y ganado y Cabal-
lado que hoy existen asi de mi firma A como
del firma de mi dicho hijo, todo es de el, es-
 decir de mi dicho hijo Mauricio, y nadie
tiene derecho a reclamar nada, pues la hija
que por desgracia tengo llamado Ana, hoy
apellidada la Conica" por no llevar mi
apellido, esta desheredada sin tener derecho
a ningun parte de mis bienes y solo el
niño Miguelito Gonzales tiene derecho a
la tercera parte del ganado sin Cuernos
de mi firma; asi mismo mi dicho hijo Mau-
ricio queda obligado á mantener á mi
esposa M^a del Carmen de la Sierra en
Caso de muerte ó pobreza mia. Y para
que las presentes letras tengan todo la fu-
erza y valor necesario, he quedado las
escrituras y firma de mis bienes y cuanto
le sea de derecho á favorecerlo como pro-
prietario de los bienes y terrenos, Casas y
manadas del referido Rancho "San Miguelito

de la Trinidad", renunciando en mi dicho
hijo Mauricio todo mi derecho y cuanto auferiere
mi predecesor por las leyes

En testimonio de lo cual, yo y mi
esposa M.^a del Carmen de la S. Gonzales
en virtud de reuniones ella su parte y
derecho de todo, firmamos y sellamos las
presentes en la Ciudad de San Jose a 14
de Setiembre de 1853.

18 SD
PAGE 109

Testigos } Jose Rafael Gonzales
Jose H. Seull } M.^a Carmen S. de Gonzales
 } Su + Cruz

State of California }
County of Santa Clara } ss

On this Twentieth
day of September A.D. 1853 personally appeared
before me the undersigned Clerk of the County
Court of Santa Clara County Jose Rafael Gonzales
known to me to be the person described in
and who executed the foregoing instrument
and acknowledged that he executed the
same freely and voluntarily and for the uses
and purposes therein mentioned.

Also appeared M.^a Carmen S. de Gonzales
wife of the said Jose Rafael Gonzales, satis-
-factorily proved to me to be one of the persons
described in and who executed the said
-going instrument by the oath of J. H.
Seull a Competent and Credible witness
for that purpose, by me duly sworn, and
she the said M.^a Carmen S. de Gonzales
having been made acquainted with the Con-
-tents of said instrument acknowledged

to see on an examination apart from and without the hearing of her husband that she executed the same freely and voluntarily without fear or Compulsion or undue influence of her husband, and that she does not wish to retract the execution of the same

Seal

In testimony whereof I have hereunto set my hand and affixed the Seal of the Court at the City of San Jose the day and year last above written

H. C. Melton Clerk
By John B. Heuson
J. C.

United States America
State of California
Southth Dist of California

J. C. Lewis

of the U. S. Dist Court for the Southth Dist of Cal., hereby certify the foregoing to be a full, true and correct copy of the Original, as the same appears of record in my office, as also the indentments thereon

In witness whereof I hereunto set my hand and affix the Seal of Said Court this 16th day of April
A. D. 1858



C. Lewis Clerk
J. McColman
set

No. 18 18 SD

PAGE 111

A. R. Gonzales
& W. J. W. J.
a
Mauricio Gonzales

Escritura de Venta

Filed this 14th day of Feb'y
A. D. 1857. C. Swiss clk
of Alameda
Dep

Record for record Sept 30
1853 at 12 o'clk M. -
Recorded in Book B.
Conveyance pg. 43

J. H. Gleason
Co Recorder
Monterey Co.

A Certified Copy
Filed this 16th April 1858
C. Swiss clk
of Alameda
Dep

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

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

confirmed to Mauricio Gonzales, substituted for Mariano Gonzales, has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 3^d day of September, 1860; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Pacific Sentinel, published in the County of Santa Cruz, State of California, being the newspaper published nearest to where the said Rancho is located, the first publication being on the 2^d day of August, 1860, and the last, on the 14th day of September 1860; also, in the Los Angeles Star, a newspaper published in the County of Los Angeles, State aforesaid, the first publication being on the 25th day of August 1860, and the last on the 15th day of September, 1860, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 13th day of May 1867

U. S. Surveyor General for California

J. W. Mandeville
U. S. Surveyor Genl.



No 18

West Dulgo
Dut Gula

J. R. Hancock

¹¹
The United States

18 SD
PAGE 113

Certificate as to
Survey

Filed May 30, 1864
Geo. C. Corbancutt
J. M. Whaley

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

TO

The President of the United States,

18 SD
PAGE 114

Jose Rafael Gonzales

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

Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States, praying the said Court to review, upon the grounds therein set forth, the decision of said Commission of the Commissioners to ascertain and settle the private land claims in the State of California, of the claim of Jose Rafael Gonzales, for a tract of land called the Rancho de San Miguelita de Trinidad, ~~and~~ adjoining the Mission of San Antonio, in the Southern District of California to the extent of about two sitios, which said claim was presented by your petition, to said Commissioners on or about the 9th of February A.D. 1852, and by them confirmed on or about the 1st of March 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.

Marshals Court
Actual Travelling
Expenses \$144.00

56.68
59.61
05.57
69

59.51
55.9
03.61

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

Jose Rafael Gonzales

advs

of the United States

SUMMONS.
Return February 29 1855
Edward Stanton
U.S. Marshal

18 SD
PAGE 115

After diligent search for Jose Rafael Gonzales it is found that he does not reside in the District, nor is his agent (if he has any) known to the Marshal. Wherefore return this summons not served. This March 9. th 1855.

I served this summons along with the proper copy of the petition upon

E. Hunter Marshal
by
Deput. R. F. Jones

at the _____ day of _____ in the Southern District of California on A. D. 185 .

Sworn to and subscribed before me,

Clerk. }

Marshal.