

CASE No.

44

SOUTHERN DISTRICT

LAS MILPITAS GRANT

YGNACIO PASTOR

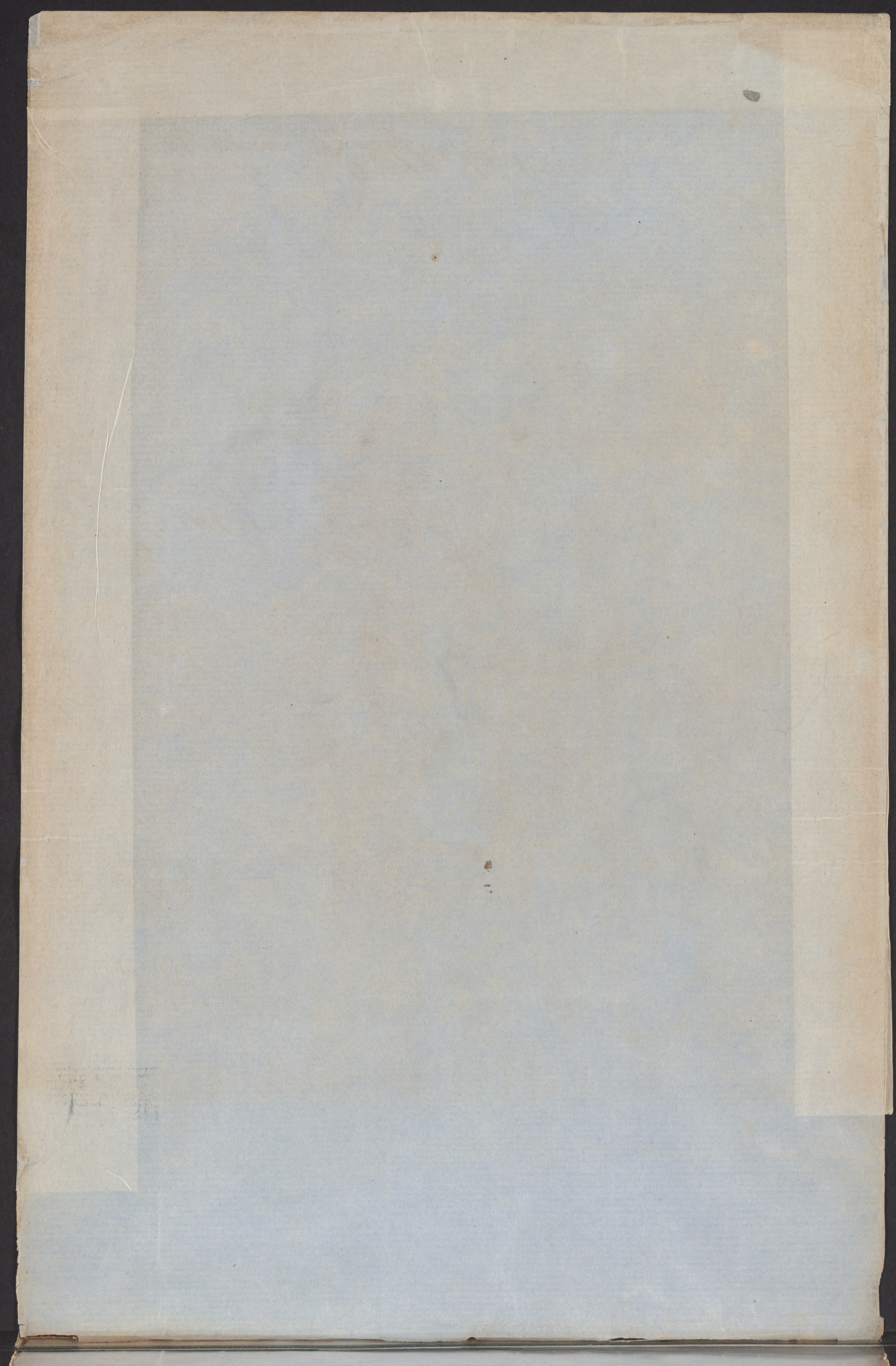
CLAIMANT

LAND CASE 44 SD PAGES 98

FEB 14 1963

ALSO AVAILABLE ON MICROFILM





TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO.

305

Ygnacio Pastor

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Las Milpitas"

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *fourteenth day of August*, 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 *Ignacio Pastor* for the Place named "*Las Milpetas*" was presented, and ordered to be filed and docketed with No. 305 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;

Los Angeles September 2^d 1852
In Case no. 305 Ignacio Pastor for the place named "*Las Milpetas*" the deposition of Pablo de la Buena, a witness in behalf of the Claimant, taken before Commissioner James Wilson, was filed;

(Vide page 3 of this Transcript)

Los Angeles Sept. 3^d 1852
In the same case the deposition of Andres Rio a witness in behalf of the Claimant taken before Commissioner James Wilson, was filed;
(Vide page 4 of this Transcript)

San Francisco Jan 15th 1853.

In the same case the deposition of Antonio
Maua Pio, a witness in behalf of the claimant
taken before Commissioner Harry J. Thomson
was filed.

(See page 4 of this Transcript)

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PAGE 3

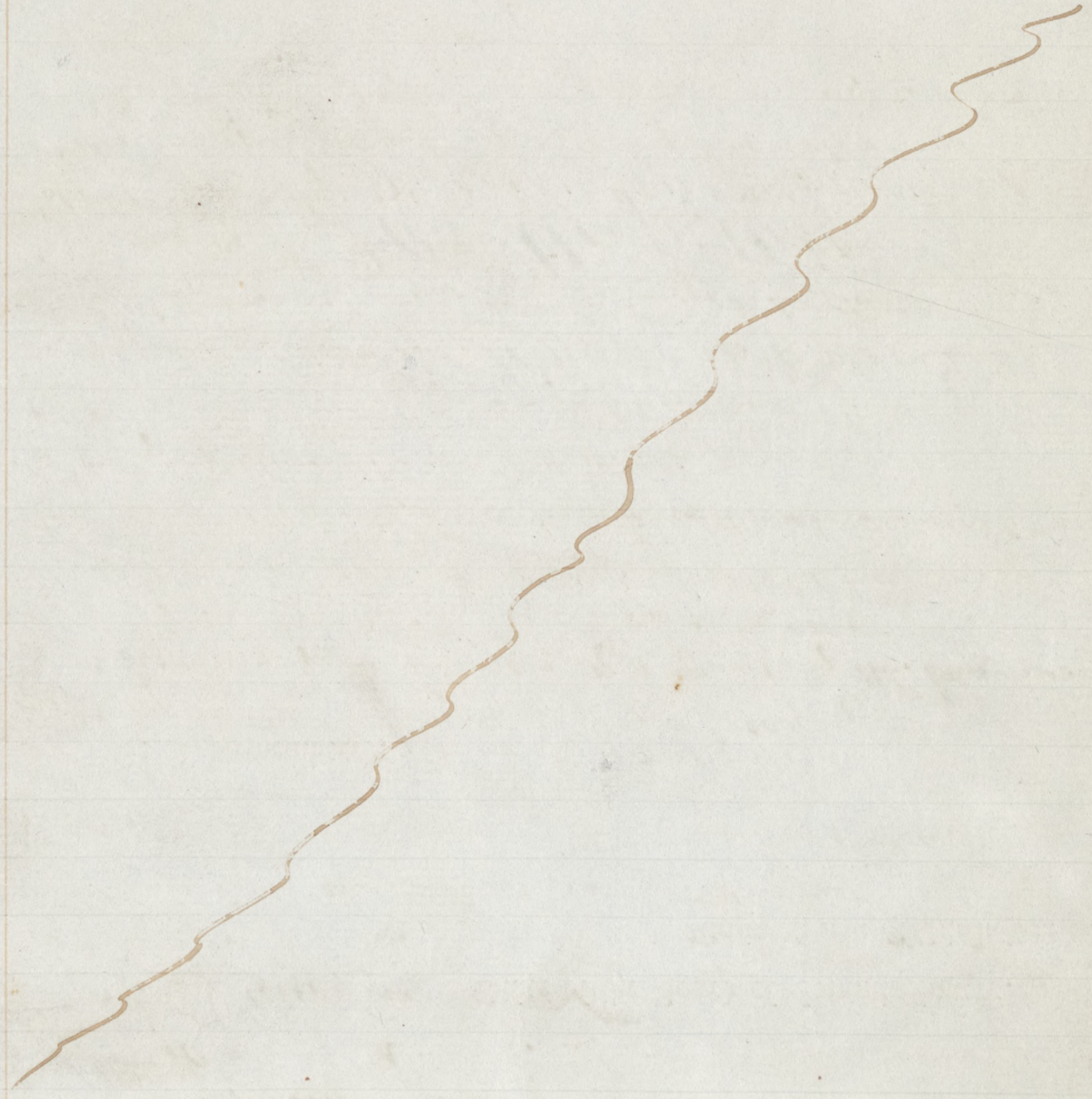
San Francisco Sept. 2^d 1853.

Case no. 305 Called: The Counsel for the claimant
read the evidence - argued, submitted and taken
under advisement by the Board.

San Francisco December 6th 1853.

In the same case Commissioner Alpheus Phelps
delivered the opinion of the Board confirming
the claim.

(See page 11 of this Transcript)



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Petition

Before the Commission to Ascertain and settle Private Land Claims in California

Ignacio Pastor gives notice that he claims a tract of land in said State known under the name of the Milpitas and extending from the place known as the Rinconada de las Milpitas to that known as the Rinconada del Probero situated near the Ex Mission of San Antonio said land was granted to the Claimant on the 5th day of May 1838 in consideration of the Services and Merit of the Claimant by Don Juan Bautista Alvarado Constitution Governor of the California & thereby Authorized to make such grant and has ever since been occupied & possessed by Claimant A copy of said grant is herewith presented and prayed to be made a part of this petition and the Original will be presented and proved together with other testimony Said Land has not been surveyed by the Surveyor General of the United States it is supposed to contain about three square leagues of land of 1428

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Filed in Office August 14 1852 By his Attorneys
Geo Fisher Jones Tompkins & Strode
Sey

Deposition of Pablo de la Guerra

Office of the Board of Commissioners of California Land Claims
Los Angeles Sept 2nd 1852

On this day before me James Wilson one of the Commissioners for ascertaining & settling private land claims in California Pablo de la Guerra a witness produced in behalf of the claimant Ignacio Pastor whose Petition is N^o 305 on the Docket of the Board and was duly sworn his Evidence being given in English

The Law Agent was notified and did attend this Deposition taken at the request of Ignacio Pastor to be used in the Petition by him for the Confirmation of Rancho Milpitas The Law Agent of U States was present by R Greenhow Esq^r by consent and did not object Don Pablo de la Guerra a witness offered in behalf of the Petitioner being duly sworn testified and says, I am acquainted with the signature of Juan B. Alvarado having often seen him write, His Signature to the Document now Exhibited to me is his genuine in his own true hand writing

Pablo de la Guerra
Sept 2nd 1852 Subscribed & sworn to before me James Wilson Commissioner
Filed in Office Sept 2 1852 Geo Fisher
Sey

Deposition of
Andreas Pico

N^o 305 Office of the Board of Commissioners of California Land
Claims Los Angeles Sept 3^d 1852

On this day before James Wilson one of the Commissioners
for ascertaining and settling private land claims in Califor-
nia came Don Andreas Pico His Evidence being given in
the Spanish language was interpreted by the Secretary

The following Deposition taken at the request of Petitioner
Law Agent of U States was present by R Greenhow Esq
by consent and did not object: The Document referred to
in following Dep^o is annexed to Dep^o of Don Pablo de la
Guerra taken in same case

Andreas Pico offered as a witness in the case of Ignacio
Pastor who petitions for Confirmation of Rancho Milpitas
being duly sworn testifies and says, I know the hand writ-
ting of Jose de Jesus Pico having often seen him write
his signature, upon the 2^{da} page of the Document now
shown to me is his genuine signature and in his own
proper hand writing, At the time said Agreement purports
to be dated (to wit) on the 3rd day of May 1838 he the
said Jose de Jesus Pico was Administrator of the Mission
of San Antonio which is in the County of Monterey
Sept 3rd 1852 Andreas Pico

The foregoing Deposition subscribed & sworn to before me

James Wilson Commissioner

Filed in office
3 Sept 3rd 1852
Geo Fisher
Secy

Deposition of
Antonio M^a Pico

N^o 305 San Francisco Jan 15 1853

On this day before Com^r Henry J Thornton came Antonio
Maria Pico a witness in behalf of the claimant Ignacio
Pastor Petition N^o 305 and was duly sworn his evidence
being interpreted by the Secretary

The U.S. Associate Law Agent was present
Antonio Maria Pico called on behalf of the claimant in
reply to interrogatories of the claimant testified as
follows - The Associate Law Agent was notified and was
present - My name is Antonio Maria Pico I am forty
four years of age, I reside in the Pueblo of San José de
Guadalupe I am well acquainted with the Mission of
San Antonio and the surrounding country having been
there very often from the year 1829 up to within six or
seven years past My brother Jose Jesus Pico was adminis-
trator of the Mission in 1838 and I was often there during
that time I know Ignacio Pastor he was a Neophyte or
pupil of said Mission, I know that he has occupied since

305
5. Julio 211

Mision de San Antonio.

S. S. Gobernador.

5 de Mayo de 1838.

Exposicion el administrador de esta de 1^a de San Antonio ante la respectiva para el establecimiento de la Universidad de V. E. ha ya presente que yo soy representante, obtiene la ley indio de esta mision, y que me he pres-
-sitos necesarios para ser entablado siempre como hombre, de quien
-atendido con lo de mas ya sea siempre de los padres y de los
que se crea convenientes administradores que ya estoy causado
pa informar.

Yguno Pastor Misfelo de la mision
de trabajos y de era mi emancipacion
con la gracia, de que se me den algunos
animales y un rancho en donde hub
-nte establecer con mi familia. Digo que
es lo Rincomada de las Milpitas
hacia la Unionada del portero
V. E. puede repararse de mi conducta
con el S. Administrador y acudir a esta mi suplica
si lo cree de Justicia en lo que recibiré Gracia y merced.

Atoravado.

de trabajos y de era mi emancipacion
con la gracia, de que se me den algunos
animales y un rancho en donde hub
-nte establecer con mi familia. Digo que
es lo Rincomada de las Milpitas
hacia la Unionada del portero
V. E. puede repararse de mi conducta
con el S. Administrador y acudir a esta mi suplica
si lo cree de Justicia en lo que recibiré Gracia y merced.

Con el S. Administrador y acudir a esta mi suplica
si lo cree de Justicia en lo que recibiré Gracia y merced.

Mision de San Antonio 5 de Mayo de 1838.

Yguno Pastor.

S. S. Gobernador.

Consecuente el decreto y. S. E. ha estado en el dia de ayer
de la distancia al Indigena Yguno Pastor de lo que
se sabe pedir me informar que este individuo
con mi sujeto que en la Comunidad de esta Mision de
San Antonio ha prestado siempre toda clase de ser-
-cios muy honoradamente mencionados. La confianza de todos
los diferentes individuos que han podido ocupar los
en este establecimiento por el Gob^{no} y a inantes de ahora
por las Misiones en cargadas de Administr^{on} de temporalidad
algunos otros indigenos de esta Mision han sido emancip-
-ados por el Gob^{no} de agraciados con ganados, caballos
y terrenos, no obstante de tener muchos meritos y el
representante ahi es el que se recomienda en las consideraciones
de que si lo traviere de Justicia respeto del terreno
que solicita es de las parajes pertenecientes a esta Mis-
-ion que se halla desocupado enteramente lo que puedo
informar a V. E. de ejemplo a su justificacion lo que pien-
de su superior agrado.

1^a Ant^o 5 de Mayo de 1838.

J. de Jesus Diez.

Mision del 1^a Ant^o Mayo 5. de 1838.

Vista la solicitud del interesado en esta represen-
-tacion el informe del administrador relativamente
a la presencion de Yguno Pastor Misfelo de esta

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1 Julio

2

3

6 41

y en consideracion a todo lo espuesto y los meritos a que he
acceder he venido por el presente en segregarlo de
dicho campo, concediendo le en propiedad el paraje
llamado las Milpitas segun solicita, el estat^o de esta
Mision, lo estableira en dicho terreno y tendra cuidado
de que se mantenga en quieta y pacifica posesion para
el cultivo igualmente cincuenta veces las quintas de bellas
tres caballos de la comunidad. Mi Yo Juan B. Arrascaide
Gobernador Constitucional del Departamento de las Californias
hago la presente y firmo.

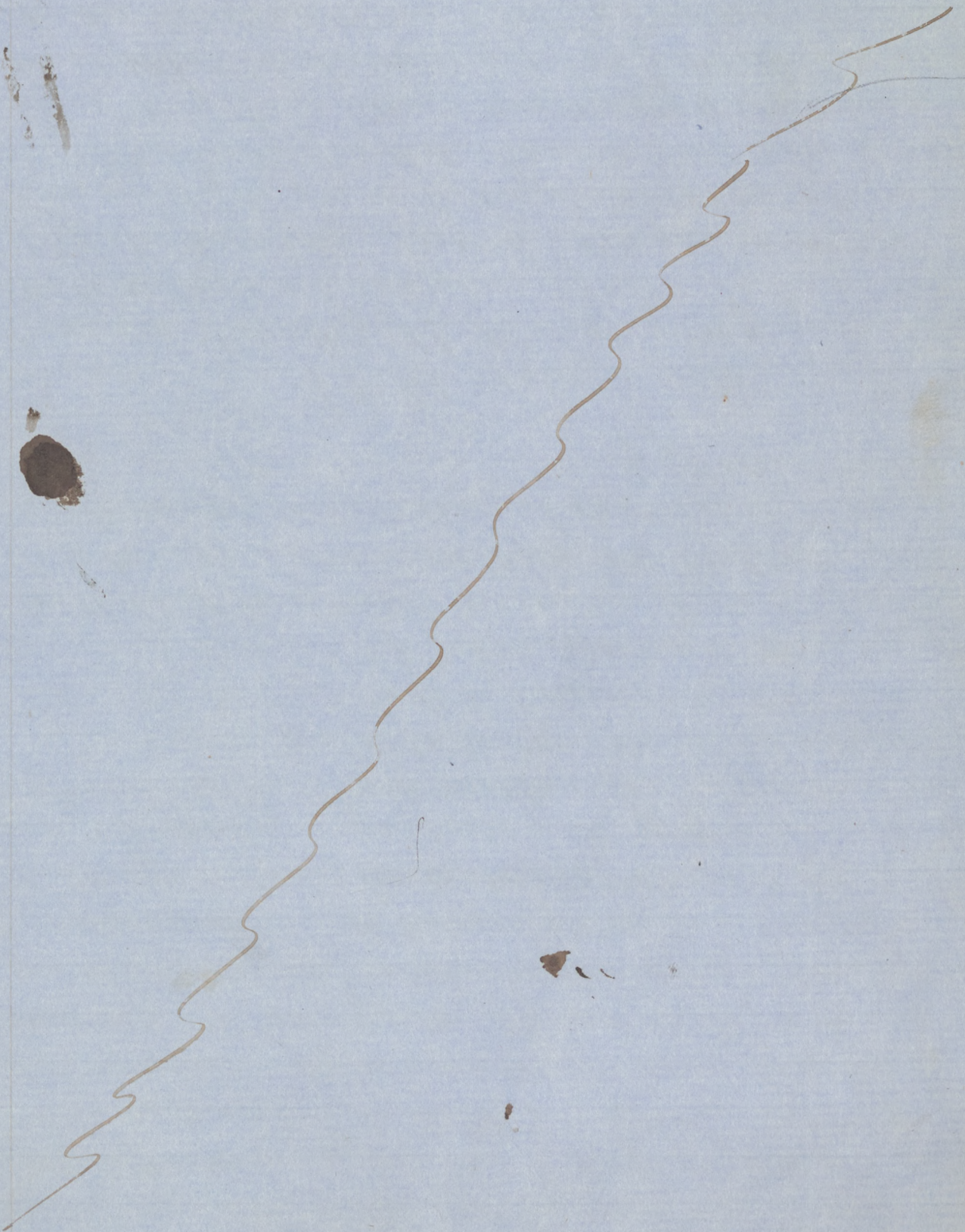
Juan B. Arrascaide.

Filed in office Sept. 2nd 1852

J. B. Fisher

Secy.

5.



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about the year 1838 a tract of land near said Mission called the Milpitas He has had a House and cattle upon it and some Cultivation I know the said tract well it is a Valley in the hills, I know the Signatures of Alvarado and of J de Jesus Pico I have seen them write their Signatures to the paper exhibited to me and which is a document attached to the deposition of Palle de la Guerra given in this case are their genuine signatures It was customary in the Country after the Secularization of the Missions to distribute lands in the neighbourhood of the Missions to the Indian families who had been employed in the Missions under the direction of the priests who had before had charge of them

U. S. Law Agent present Antonio Ma Pico

Seen to and Subscribed before

me this 15th of Jan'y 1853

Henry J Thornton Sec'y & C

Filed in Office Jan'y 15th 1853

Geo Hisher

Sec'y

Translation of Grant 'C'

Mt Exc^l Gov^r

Mission of San Antonio 4th May 1838

I Ignacio Pastor Neophyte of the Mission of San Antonio before the respectable person of G. E. Let the Adm^r represent that I am an Indian of this Mission of this establish^t that I have behaved myself always like an most respectable honest man whether in time of the Priest or of this the Nation the administrators that I am weary of working representant has & wish my emancipation with the favor that the necessary some animals may be given me & a small requisites & all Rancho where I may freely establish myself that he may cum & my family - said place is from the corner proper to report of the Milpitas to the corner of the Potrero Alvarado V. E. may inform yourself of for Administra^r tor about my conduct & attend to my prayer if you deem it of justice Wherby I shall receive favor

Mission of San Antonio 4th May 1838
Ignacio Pastor

Mt Exc^l Gov^r

According to the decree that G. E. has given yesterday at the petition of the Nation Ignacio Pastor of whom you has been pleased to ask me a Report - I will say that this individual

S

is a person who in the Community of the Mission of San Antonio has always performed all sorts of work very honorably, deserving the confidence of all the several individuals who have been employed in this establishment by the government & even previously by the Missioners engaged by the adon of the (temporalities) Some other natives of this Mission have been emancipated by the Government & furnished with cattle, horses & lands notwithstanding their having less merit than the Representant and so I recommend it to Y. E. consideration if you should find it of justice, regarding the land which he solicits it is one of the places pertinent to the Mission which is entirely unoccupied that is all I can report to Y. E. leaving to your Justice what shall appear to your Superior pleasure

San Antonio 5th May 1838

J de Jesus Pico

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Mission of San Antonio May 5th 1838

In view of the solicitude of the party interested in this representation of the report of the Administrator in respect to the application of Ignacio Pastor Secretary of this Mission & in consideration to all that was stated to the merits of which he is creditor I have by these presents segregated him from said Secretary by conceding to him in property the place called "Las Milpitas," as he solicits The Admin^r of this Mission shall establish him in said place and take care that he be maintained in quiet and pacific possession giving him at the same time fifty head of cattle two yokes of Oxen three horses out of the Community Thus I Juan B Alvarado Constitutional Governor of the Department of California Ordered & signed

Juan B Alvarado

Filed in Office Aug^r 14
1852

Geo. Fisher
Secy

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Report of the
Surveyor General Claims

272

Office of the Board of Commissioners of California Land

Los Angeles Sept 8th 1852

Samuel D King Esq
Surveyor General

Sir There is pending

before the Board of Commissioners a Petition in favor of
Ignacio Pastor being N^o 305 on the Docket of the Board
claiming a tract of land under a grant from Governor
Juan B. Alvarado to the Petitioner dated May 5th 1838
which tract of land is called "Las Milpitas," Monterey
County and is described as follows Viz The extent not
being given situated between the place known as the
"Rincónada de las Milpitas," and that known as the
Rincónada del Patroco near the Ex Mission of San
Antonio. Will you please inform the Board whether the
Mexican Archives in your Office show that such a grant
was made; Whether it was approved by the Territorial or
Departmental Deputation and when whether the papers
relating to said grant appear in all respects fair and
genuine and whether any particular circumstances
have come to your knowledge calculated to cast suspicion
on the fairness and validity of the claim

Very respectfully Yours
(Signed) Geo Fisher
Secretary

Surveyor General's Office

San Francisco Oct the 21st 1852

To the Secretary of the Commissioner of California
Land Claims

Sir In reply to your inquiry N^o 272 I
have the honor to state that as far as the examination
and classification of papers and documents among the
Archives in this Office have been made there is no
evidence of such a grant as specified in your inquiry

Very Respectfully Yours
Filed in Office Oct 30
1852

Saml D King
Surveyor General

Geo Fisher

Sir

Ignacio Pastor } It is a tract of Land called "Milpitas",
vs } near the Mission of San Antonio in
The United States } Monterey County

The claimant in this case is an Indian one of the Neophytes of the Mission of San Antonio who applied to Governor Alvarado after the Secularization of the Missions for his emancipation and for a grant of the land now claimed by him and also for cattle from the common stock at the Mission to place upon it. His application was made to the Governor on the 4th May 1838 a favourable report was made by the Administrator of the Mission and a grant was issued by the Governor on the fifth day of the same month. The original documents duly proved are given in evidence.

This grant like others made to the emancipated Indians of small tracts of land near the Missions is less formal than usual but it embraces all the requisites to constitute a good equitable claim to the land under the Treaty. In truth there are no cases presented to this Commission which can more strongly commend themselves to a liberal consideration than these small grants to the Christianized Aborigines of the Country. Few of them remained on the breaking up of the establishment with which they were connected to become independent possessors of the soil and they who are so powerful to protect themselves seem above all others to require the full measure of protection which the provisions of the Treaty and the laws are intended to afford. While no different rule can be applied in adjudicating concessions made to them from that which obtains in all similar cases, it is gratifying to find instances in which the case of the former government has provided for them in a manner which entitles them to the renewed guaranty of our own.

It appears from the testimony of Antonio Maria Pico that the claimant went on to the premises about the time of the grant and had a house and cattle upon the place and cultivated a portion of the land and has continued to occupy it to the present time.

The boundaries of the land are not very clearly defined but with the aid of the testimony of said Pico connected with the description contained in the petition and grant it can I think be identified & surveyed. It appears to be a small isolated Valley the limits of which at either extremity are defined in the Petition according to

which the grant is made and the limits on the sides
are the hills by which it is encompassed

A decree of Confirmation will be entered accordingly
Filed in Office Dec 6

1853

Geo Fisher

Sy

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Decree of
Confirmation

Ignacio Pastor
vs
United States

In this case on hearing the proofs
and allegations it is adjudged by the Commission that
the said claim of the Petitioner is valid and it is there-
fore hereby decreed that the same be confirmed, the
land of which Confirmation is made is situated near
the Mission of San Antonio in Monterey County
and known by the name of "Milpitas," and is the same
occupied by the said claimant it being a Valley
surrounded by hills and the land confirmed exten-
ding from the place known as the Rinconada de las
"Milpitas," to that known as the Rinconada del Potrero
and bounded on the other exterior limits by the foot
of the hills enclosing said Valley

Alpheus Felch

Thompson Campbell

R Alf Thompson

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3

Commissioners

3

Filed in Office Dec 6

1853

Geo Fisher

Sy



Office of the Board of Commissioners,


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

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 *Eleven* pages, numbered from 1 to *11*, 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. *305* on the Docket of the said Board, wherein *Ignacio Pastor* is

the Claimant against the United States, for the place known by the name of *"Las Milpitas"*

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 second* day of *August* A. D. *185*, and of the Independence of the United States of America the seventy=*eighth*.

Geo. Fisher



Aug



U **44** (STRICK COURT,
So. Northern District of California.

No. ~~44~~ *44* Docket

THE UNITED STATES, *appt.*

vs. **44**

Yonocio Pastor
San Jose Milpitas
349 Leagues in Monterey Co.

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *303*

Recd. 25 Aug. 1854
Filed, 26 Aug. 1854

A. S. Taylor
Sp. Clerk

44

Ygnacio Pastor
Appellant

^{vs}
The United States
Appellee

United States District
Court for South. Dist. of California

No. 44

"Las Milpitas"

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This Cause coming on to be heard at a regular term of this Court, on an appeal from the final decision of the Commissioner to ascertain and settle Private Land Claims in the State of California, under an act of Congress approved March 3^d. 1851. upon the Transcript of the proceedings, and decision and the papers in evidence on which said decision was founded and it appearing to the Court, that said Transcript was duly filed according to law, and Counsel for the respective parties having been duly heard

It is ordered adjudged and decreed that the decision of the said Commissioner be and the same hereby is in all things reversed and that the claim of the Appellee be and the same is hereby declared invalid and rejected

Quas. H. Ogden
W. H. H. H. H. H.
for S. Dist. of Cal.

No. 44

Synaeu Pastor
Appellu

Deem

Filed Dec. 29th 1866
C. S. Clark
J. M. Holman
Secy

Recorded in page 118

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

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N^o. 44. Ignacio Pastor, appellee
vs. ^{et al.}
The United States, appellant.

In this cause it is moved, on the
part of the appellee,
That judgment herein be sus-
pended, the cause reopened, & the parties
allowed to introduce further testimony.

Wm. Carey Jones, atty.

Sept 26/58

No 44

Ignacio Pastor.
Appellee.

Advs -

The United States.
Appellant

Motion to arrest judgment.

Filed Sept: 26 1858

D. C. Canetti
By W. W. P. P.

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Done for appellee.

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

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Ignacia Pastor }
Appellee }
vs }
The United States }
Appellants }
In District Court No 44
San Diego
In Land Commission No 305

Isaac Hartman being duly sworn upon his oath says, that he is the Attorney of the Appellee in the above entitled cause, and has been only recently and since the decision of this cause by this Court here employed as such. That he has made due and diligent inquiry into the circumstances attending the making and issuing the grant and title papers in the case, and from such investigation affiant is well satisfied that the grant in this case was made in good faith and without fraud. Affiant further says that the title papers in this case were actually made at the Mission of San Antonio on the 4th and 5th days of May A.D. 1838. by Juan B. Alvarado the then de facto Governor of the California, who was at that date at the place aforesaid en route from Monterey to Santa Barbara. That the claimant

in this case was one of the Prophets of
the African Mission of San Antonio which
had been a few years previously secularized.
That on the aforesaid 4th day of May 1838,
meeting the said Don B. Alvarado at the
said Mission he petitioned him for his
emancipation, and for a grant of some
cattle and the lands described in this case.
That this petition was at the same date
referred to Antonio Maria Pico, Adminis-
-trador of the Mission aforesaid for his
report, who on the following day made
a favorable report and recommended
that the prayers of the petitioner should be
granted, whereupon the Governor immedi-
-ately issued a cedula delivered to the Claimant
the concession as well as title, together with
his petition and the reforms and reform-
-able things, and in which provision the
same remained until filed in this cause.

Affiant further says that the said Ignacio
Pastor was an ignorant and uneducated
man, and did not know that it was
necessary for him to deposit these papers in
the custody of the proper authorities in order
to procure the definitive grant for said
land, nor did he know that it was neces-
-sary for him to procure any other document

as take any further steps in order to perfect his title, but supposed that the papers delivered to him by the Governor were sufficient and ample evidence of the title to him of the land described in said papers.

Affiant further says that since the date of the grant aforesaid, said premises have been in the peaceful occupation and possession of said grantee his executors or assigns up until the present time, and that at the time of the execution of said documents there were ^{several} papers at the said residence of Don Antonio wherein the same could be written.

Affiant further says that all the foregoing facts can be fully established by the acts of the said Don B. Alvarado, Antonio de B. and other witnesses.

And further affiant swears not.

Don Antonio

Sworn to and subscribed before me this 5th day of October A.D. 1859,

Epis. Clerk

Oct 31/59

No 44

In U.S. District Court

The United States

vs
Agencia Pastar

Affidavit of
Isaac Hartman

Filed in Office
this 31st day of
Oct 1859

44 SD Clk

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Hartman
per Clement

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]

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

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Ignacio Pastor

Appellee

vs

The United States

Appellant

In District Court No 44

For Miripitas

In Land Case No 305

Motion for leave to file Bill for Review.

Now comes the said Appellee by his Attorney
and moves the Court for leave to file
a Bill to review the decision of this Court,
rejecting the claim of Appellee, made and
entered in this Court on the 29 day of De-
cember A.D. 1856. And as grounds for this
motion, Appellee shows as follows.

1. That the execution of the grant and title
papers is sufficiently proven
2. That compliance with the conditions of
the grant, and the conditions imposed
by him is sufficiently proven
3. That it was omitted on the trial through
inadvertence, mistake, and misapprehen-
sion of the law, to make proof of the
existence in the archives in the office of
the surveyor General, of the grant and

title papers in this case, as to account
for their absence from these.

4. That upon the law and the facts of
the case the judgment and decree of
this Court should have been in favor
of the Appellee confirming his claim
instead of rejecting the same.

The Appellee will use upon the argument
of this motion, the affidavit of Isaac Hart-
man herewith filed in support thereof to-
gether with the transcript and papers in
the case.

Isaac Hartman
Atty Gen Appellee

Oct 31/59

No 44

In U.S. District Court

The United States

"

Ygnacia Pastor

"

Motion for leave to
file Bill of review

"

Filed in Office this
31st day of Oct 1859.

Chas. H. R.

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Martin

per Clement

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

The United States

No 44.

44 SD

Appellants

PAGE 25

vs
Agencia Pastos

Appellee

"Milpitas"

Now comes the Petitioner Juan Manuel Lugo
and by leave of the Court first had and obtain-
ed in this cause, and files this his bill of review
and review herein.

And Petitioner sheweth, that
on the 4th day of May A.D. 1838, Juan B. Alvarado
-do the then acting Governor of the Department
of the California, being at the Mission of San An-
-tonio Upper California, on his way to the town
of Santa Barbara, the above named Agencia Pas-
-tos, being then a neophyte of the Mission of San
-Antonio, presented his petition in writing to the said Juan B.
Alvarado, Governor, ^{praying that he} would emancipate him from
his state of tutelage or neophytism to said Mission,
and would grant to him, together with certain
personal property, a tract of land which was de-
scribed as being from the corner of "Milpitas" to the
corner of the "Pastos"; that on the aforesaid day,
the said Governor referred the petition aforesaid
to the administrador of the Mission aforesaid for

information, who upon the 5th day of May A.D. 1838 in the year last aforesaid reported Generally Thomas; whereupon the said General made his order in writing emancipating said Aguirre Pastor, and conceding to him the tract of land petitioner has and claims by the name of "Milpiter".

Said Petitioner further sheweth that on the 14th day of August A.D. 1852, the said Aguirre Pastor filed before the late Board of Land Commissioners for ascertaining and settling private land claims in the State of California, his petition praying for a confirmation of the land conceded to him aforesaid; that such proceedings were had before said Board of Commissioners, that on the 26th day of December A.D. 1853, the same was by the decree of said Board confirmed to him; but that afterwards, to wit, on the 24th day of December A.D. 1856 an appeal to this Court by the United States from the aforesaid decree of said Board the same was reversed, and the claim aforesaid was held to be invalid, and was rejected.

Said Petitioner is further informed and believes that the principal and only ground upon which this Court rejected said claim, was that the boundaries of said land, and the extent thereof were not sufficiently defined, which said decision of this Court petitioner avers is wrong-

AA SD
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-ous and ought to be reviewed and set aside, inasmuch as the decision of said Board of Land Commissioners should have been affirmed upon principles of law as well as the facts in the case.

From Petitioner further sheweth, that after the filing of the aforesaid Petition before the Board of Land Commissioners, the said Agnacio died, that before his death he sold and alienated all his rights, title, and interest in and to the land aforesaid; that from Petitioner by means of certain conveyances in writing, duly executed acknowledged and recorded by the said Agnacio and his immediate grantee, is seized and possessed of all the right and title of the said Agnacio to the land aforesaid, and of all of which from Petitioner is ready and willing to make proof as he may be directed.

Wherefore from Petitioner prayeth that this cause may be reviewed in his name, that the decision aforesaid of the Court may be reviewed; and that upon the final hearing of this cause, the said decision may be reversed and set aside, that the land aforesaid be confirmed to from Petitioner, and for such other and further relief as to equity and conscience belongs and the nature of the case requires

Isaac Hartman
Sol for Petitioner

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The United States
Appellants
Agencia Pastin
Appellee

Bill for review

Filed in office
this the 30th day
of June A.D. 1860

C. Lind
Clerk

44 SD
PAGE 28
Partman

[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]

The United States

No 44.

44 SD

PAGE 29

vs
Agencio Peltin

The claimant having heretofore
filed this motion for leave to file a Bill of re-
-view in this case and the same having been
taken under advisement, it is now ordered
by the Court that the aforesaid motion of
the claimant be and the same is hereby
allowed.

June 2/60

No 44

Ignacio Rosta

of
the U. States

Order

Filed in office
this 2^d June 1860

C. Sims
OK

44 SD

PAGE 30

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

44 SD
PAGE 31

The United States
Appellans
vs
Agencia Pastora
Appellee

No 44.

It is stipulated and agreed between the Counsel of the respective parties in the above entitled cause, that either party may proceed to take depositions in the City of San Francisco, at any time previous to the special term of this Court ensuing, the claimant first serving notice of the time and place of the taking of such depositions on the District Atty of the Northern District of California, and the said United States serving like notice on the Attorney of claimant, in case either party should see fit to take depositions, and that the depositions when so taken may be used on the trial of this cause the same as if regularly taken under the rules of this Court.

Los Angeles. June 28. 1860

James Hartman

Notice waived
Jully R. Wise
acting U.S. Dist Atty. vs
J.R. Mitchell
Atty for claimant.
W.S. Bell Atty

DISTRICT COURT OF THE UNITED STATES,
Southern
~~Northern~~ District of California.

44 SD

PAGE 32

The United States

VS.

Ygnacio Pastor.

San Francisco,

July 20th 1860,

On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the ~~Northern~~ District of California, duly authorized to administer oaths, &c., &c., came *Antonio Chaves,*

a witness produced on behalf of the *Claimant,*

in Case No. *44*, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. *305* on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows—

his evidence being interpreted by a sworn interpreter, to wit.: By

S. B. Cunningham,

PRESENT:

Isaac Hartman, Esq., Counsel for the Claimant, and Will. R. Wise, Esq.; Acting U. S. Attorney for the United States.

QUESTION 1st, By Counsel for the

Claimant,
What is your name, age, and place of residence?

Ans.
Antonio Chaves, am 39 years of age, and reside in Sonoma California.

Qnd.
Are you acquainted with the lands claimed in this case, and being the same granted by Juan, B. Alvarado, Governor, to Ygnacio Pastor?

Ans.

I am acquainted with them.

2d.

How long have you known them.

Ans.

I have known them since 1839, or 1840.

4th.

Please give a description of this land, and especially of its boundaries.

Ans.

I know it from the description given me by Pastor.

It is bounded on two sides by high Mountains, and includes two valleys, ^{the one} called the Rinconada de las Milpitas, and another called the Rinconada del Potrero. I should think it includes some 5 1/2, or 6 leagues of land.

(The U. S. Atty objects to the answer of the witness because it is hearsay, and the information was obtained from the Claimant himself.)

5th.

You state that these two valleys are bounded on either side by high Mountains, that are the other boundaries of the land, for instance, the ends of the valleys.

Ans.

These valleys are entirely surrounded by Mountains, except the egress from the Potrero, which is called the Puertozuela.

6th.

How far is this Puertozuela from the Mission of San Antonio?

Ans.

44 SD
PAGE 33

Ans.

Half a mile, more or less.

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PAGE 34

7th.
Have you yourself frequently been upon this land?

Ans.

Yes Sir, I have been there many times.

8th.

How long did Ygnacio Pastor reside upon the land after you first Emittit?

Ans.

I don't know, I did not live in San Antonio, I resided in Monterey.

9th.

What do you know of the cultivation of this land by said Pastor?

Ans.

I know that he cultivated the land, I saw him sowing while I was there, saw his house, and cattle.

10th.

State whether Ygnacio Pastor is living or dead.

Ans.

I have heard that he is dead.

(M. Atty. objects, as being hearsay testimony.) Antonio Chavez.

Examination Closed.

Cross examination waived.



Shown to, and subscribed
this 20th July, 1860 before me,
W. H. Chevers,
U. S. Commissioner
District of California.

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PAGE 35

The United States

VS.

Agacis Pastor.

San Francisco, July 20th 1860.

On this day, before me, WILLIAM H. CHEVERS, a Commissioner of the United States for the ~~Northern~~ Districts of California, duly authorized to administer oaths, &c., &c., came *Juan, B. Alvarado,*

a witness produced on behalf of the *Claimant,* in Case No. *44*, being an appeal from the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, in Case No. *305* on the Docket of the said Board of Commissioners, and was duly sworn and testified as follows— his evidence being interpreted by a sworn interpreter, to wit.: By *T. B. Cunningham,*

PRESENT :

Isaac Hartman, Esq., of Counsel for the Claimant, and Tully, R. Wise, Esq., Acting U. S. District Attorney, for the United States.

QUESTION 1st, By Counsel for the *Claimant,*

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

Ans.

Juan, B. Alvarado, am 50 years of age, and reside in Contra Costa County, California.

Qnd.

Are you the same person who at one time was Sepi' Politico, and Governor of the Department of the Californias?

Yes Sir.

Ans.

3^d.

Have you lately seen the original expediente in this case?

Ans.

Yes Sir.

4th.
When, and where?

Ans.

This morning, in the office of the U.S. Surveyor General for California,

5th.

Whose genuine signature is attached to the Marginal Decree, and the order for title, or concession, in said expediente?

Ans.

My signature.

6th.

Are you acquainted with the genuine signature of José de Jesus Pico?

Ans.

Yes Sir, I am.

7th.

Whose signature is to the Informe in said expediente?

Ans.

That of José de Jesus Pico, the Mayor Dono, or Administrator of the Mission of San Antonio.

8th.

Where, and under what circumstances was this expediente executed?

Where and how
was this expediente executed?

Ans.

This expediente was executed in the Mission of San Antonio, at the time I crossed from that place to, I was on my way from Monterey to the Southern Country, and passed through San Antonio. Ygnacio Pastor was an Indian, and presented to me a petition for a grant of land, and some other property, and the proceedings mentioned in the expediente were had on the petition so presented.

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PAGE 38

9th.

State why these proceedings were not written, or made upon sealed, or stamped paper?

Ans.

I think, because there was none in the Mission. This class of paper was kept, ^{only} at the principal points, or where there were Custom Houses, or where there were Commissioners for disposing of it in the Presidios, and Pueblos. It was not customary to keep it in the Missions.

10th.

Can you state any reason why this expediente was not deposited in the Archives?

Ans.

The Indian did not come to the Seat of Government to get a more formal title, I suppose he thought this was sufficient for a title. It was customary to deliver an expediente like this to the party making the petition. If the person wished a more formal title, he brought the expediente to the Seat of Government, and there deposited it. The formal title was then issued to him, a copy being retained in the Archives.

11th.

Was it customary, or lawful to make concessions, or orders for title at other places than ^{at} the Seat of Government?

Ans.

Yes it was customary. There was no law against it.

12th.

Please state if the Potreros, & Milpitas of the Mission of San Antonio are included in this Grant?

Ans.

I am not acquainted with the land, but I think the Potrero is a part of the Milpitas, and is included in it.

W

W

W

Cross examined

Cross examined by the U.S. Attorney.

Question 13th.

Now do you know that the expediente which you saw this morning in the U.S. Surveyor General's office, is the original expediente in this case?

Ans.

Because I saw the concession which I made to Pastor, and recognized my signature.

14th.

Did you intend to give Pastor ~~any~~ another title at any other time?

Ans.

I intended to do ^{nothing} ~~any~~ more unless he should seek for it.

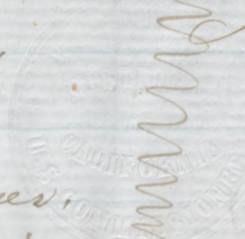
15th

Would the Government have given him another title on the expediente he had, if he had asked for it?

Ans.

Of course it would.

Examination closed.

sworn to, and subscribed this  Juan B. Alvarado

20th May, 1860, before me,

W. A. Cleaver,

U.S. Commissioner,

Dists. of California,

Aug 1/60

No. 44

Deposition of
Auto. Chas. J.
Juan B. Marada

Filed this 6th Sept
1860
Chas. J.



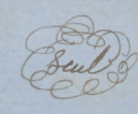
44
PAGE 42 SD

This Indenture, made the first day of March in the year one thousand eight hundred & fifty four, between Ignacio Pastor of the ex-mission of San Antonio in the County of Monterey and State of California, party of the First part; and José de Jesus Pico, of San Simeon in the County of San Luis Obispo, State aforesaid, party of the Second part —; Witnesseth; That the said party of the First Part; for and in consideration of the sum of (\$500) Five Hundred Dollars lawful money of the United States of America to him in hand paid by the said party of the Second part at or before the ensembling and delivery of these presents, the receipt whereof is hereby acknowledged; hath granted, bargained, sold, released, remised and conveyed, and by these presents doth grant, bargain, sell, release, remise and convey unto the said party of the second part and to his heirs and assigns forever. All that certain piece or parcel of land situated and lying in the County of Monterey and State of California, and known as "Las Milpitas de San Antonio". Said land lies near the ex-mission of San Antonio and to the Northwest thereof, and being more fully described in a Title now before the U. S. Land Commission and docketed as Case (305) Three hundred and five, granted by his Excellency Don Juan Bautista Alvarado, Governor

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PAGE 43

of California in the year 1838 (or thereabouts) to the said party of the first part, and being and containing two leagues of land or Eight Thousand Eight hundred and Eighty (8880) acres, be the same more or less. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof. To Have and to hold all and singular the above mentioned and described premises together with the appurtenances unto the said party of the second part his heirs and assigns forever. And the party of the first part doth covenant that he will Warrant and defend his right, title and interest in and to the above described premises against the acts and deeds of the said party of the first part and all persons claiming by, from, under or through him. In Witness whereof the said party of the first part hath hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of
W. J. Graves
J. M. Marchand
D. F. Newson

(signed) Ignacio ^{his} Pastor  mark

State of California }
County of San Luis Obispo } H.

On this first day of March A. D. 1854 before me D. F.

PAGE 44 SD

Newson, County Clerk in and for said County, personally appeared Ignacio Pastor known to me to be the individual described in and who executed the foregoing conveyance and acknowledged that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

In Witness whereof I have hereunto set my hand and affixed my private seal, there being no official seal provided for the County aforesaid, the day and year first above written;

(signed) D. F. Newson
County Clerk
San Luis Obispo

Seal

Rec'd for Record March 6, 1854 at 5.30 P.M.

Recorded by request of W. J. Graves

State of California }
County of Monterey } 3

J. James H. Gleason, Recorder in and for said County do hereby certify that the foregoing is a true, full and correct copy of an instrument in writing as now appears of record in Book B. of Conveyances page ~~151~~¹⁵¹ and following now in my office.

Seal

Witness my hand and official seal this the 24th day of May A.D. 1859.

(signed) James H. Gleason Recorder by Edw. S. Williams Deputy.

Mar 1/54

2. "Las Milpitas"
44

Deed — from
Ygnacio Pastor
to
José de Jesus Pico.
Dated March 1, 1854.
Act^o " Same date.
Recorded March 6, 1854.

Filed this 21st Aug²⁴
1860
Clins CR

"Las Milpitas de San Antonio."

101
"

A Deed from Ignacio Pastor to Don Jesus Pico
as follows.

44 SD

PAGE 46

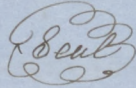
(Translation)

Yo, Ignacio Pastor, indigena de la Misión de San Antonio, en esta de San Luis Obispo, á los quince días del mes de Diciembre del año de Mil ochocientos cuarenta y cuatro, vendo y asimismo transfiero al Sr. Don Jesus Pico, por la cantidad de cuatrocientos pesos que de él tengo recibidos, mi pleno dominio y posesion sobre el terreno conocido y marcado con el nombre de "Las Milpitas, sito en las inmediaciones de aquella Misión de San Antonio y con el cual (terreno) me agració, cuando mi emancipacion de la neofia, el Exmo. Sr. Gobernador, que fué de este departamento, Don Juan B. Alvarado.

I, Ignacio Pastor, a native of the Mission of San Antonio, at this Mission of San Luis Obispo on this fifteenth day of the month of December in the year 1844 do hereby sell and convey to the Señor Don Jesus Pico, for the sum of Four hundred Dollars which I have received from him, the entire dominion and possession of the land known and designated by the name of "Las Milpitas situate in the neighbourhood of the said Mission of San Antonio, to which said land I received a title, at the time of my release from pupillage, from His Excellency Don Juan B. Alvarado who was at that time the Governor of this Department.

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PAGE 47 SD

Por tanto transfiero tam-
bien á dicho mi comprador
mi titulo de tal gracia y
concesion, y para mas ga-
rantia le otorgo esta escri-
tura de compra y venta en
el dia precitado y ante la
autoridad de esta Misión de
San Luis Obispo; y por no
saber yo firmar, pongo
una +

Ignacio Pastor + 

Therefore I hereby transfer
to my purchaser aforesaid
my title in and to the said
gift and concession, and
for a further security I
execute in his favor this
deed of purchase and sale
on the day afore named,
and before the magistrate
of this Mission of San Luis
Obispo; and because I do
not know how to sign my
name, I place my cross.
(Signed & sealed)

State of California }
County of S. Luis Obispo }

On this 10th day of December 1851
personally appeared before me County Judge of the County
aforesaid, Ignacio Pastor known to me to be the person
described in and who executed the foregoing instrument
who acknowledged to me that he executed the same freely
and voluntarily and for the uses and purposes therein
mentioned. (Signed) W. J. Graves, County Judge.
Recd. for Recorded Feb. 21, 1854. Recorded by
request of W. J. Graves.

Certificate of above Recorded in Book B.
of Conveyances page 143 and following in the County Re-
corder's Office in Monterey County. Signed by
James H. Gleason, Recorder, May 24th 1859.

No 15/44

1. "Las Milpitas"
44

Deed - from
Ygnacio Pastor
to
Jesus Pico

Given Dec. 15. 1844.

ack^d Dec. 10. 1851.

Recorded Feb. 21. 1854

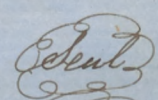
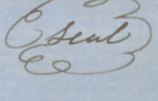
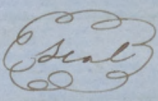
Filed Aug 21st Augst
1850
C. Sims R

44 SD
PAGE 49

Whereas, under and by virtue of a Writ of execution issued out of and under the seal of the District Court of the Third Judicial District in and for the County of Santa Clara, at the suit of Antonio Siñol against Juan de Toro and José de Jesus Pico, the Sheriff of said County of Monterey John Keating seized and sold to James Alexander Yoell his heirs and assigns a certain parcel of land known as the Rancho "Las Milpitas de San Antonio" bounded and described as follows: Commencing at the Pincon del Potrero, running West to the Pinconada de las Milpitas and enclosed on each side by the Mountains of San Antonio, and as such Sheriff executed and delivered to the said Yoell a deed of conveyance thereof bearing date the 26. January 1857. which was recorded in the office of the Recorder of said County of Monterey (in which County the said land is situated) in Book "A" of conveyances commencing on page 32; And whereas the said Yoell afterwards, to wit, on the First day of June 1859. sold and conveyed the above described land to Juan M. Luco his heirs and assigns: Now therefore, I, the undersigned José de Jesus Pico, for and in consideration of Sixteen hundred Dollars to me in hand paid by the said Luco, the receipt whereof is hereby acknowledged, have sanctioned, ratified and confirmed unto the Luco his heirs and assigns, the aforesaid Sales and conveyances, and, in consideration aforesaid, I do hereby forever remise, release and

44
PAGE 30 SD

quitclaim the above described lands and tenements, with the appurtenances, unto the said Juan M. Luco and to his heirs and assigns; To Have and to hold the same unto the said Juan M. Luco and to his heirs and assigns forever. In witness whereof I have hereunto set my hand and seal this Third day of October, One Thousand Eight hundred and Fifty nine.

(signed) José de Jesus Pico 
Gabriela Villa de Pico 
By their Attorney in fact }
Benigno Pico } 

State of California }
County of Santa Cruz } *Notary Public*

On this Third day of October One Thousand eight hundred and fifty nine, before me Edward Martin a Notary Public personally appeared Benigno Pico, known to me to be the attorney in fact of José de Jesus Pico and Gabriela Villa de Pico wife of the said José de Jesus Pico the individuals described in and who executed the within conveyance by their said Attorney, and the said Benigno Pico acknowledged to me that he executed the same as the act and deed of the said José de Jesus Pico and Gabriela Villa de Pico his wife, freely and voluntarily, and for the uses and purposes therein mentioned. In witness whereof, I

PAGE 44 SD
PAGE 51

have hereunto set my hand and affixed my official seal, the day and year first above written.

(signed) Edward Martin
Notary Public.

Notarial Seal

State of California }
County of Santa Cruz } Ss.

On this Third day of October one Thousand eight hundred and fifty-nine, before me Edward Martin a Notary Public personally appeared Benigno Pico personally known to me to be the individual who executed the within conveyance as Attorney in fact of Jose de Jesus Pico and Gabriela Villa de Pico his wife the individuals described in and who executed the within conveyance by their said attorney, and the said Benigno Pico acknowledged to me that he executed the same as the act and deed of the said Jose de Jesus Pico and Gabriela Villa de Pico his wife freely and voluntarily and for the uses and purposes therein mentioned.

In witness whereof I have hereunto set my hand and affixed my official seal, the day and year first above written.

(signed) Edward Martin
Notary Public

Notarial Seal

on 3/19

5. "Las Animas"

44

Deed of Confirmation
from
José de Jesus Pico
and Wife by their
Atty Benigno Pico
to
Juan Manuel Lugo
Dated October 3^d 1859.

ack^d same date.

Recorded Oct. 5th 1859

10.41-0. clock A.M.

and also again

Recorded Dec. 15, 1859,

@ 5. P. M. ———

Filed Aug 21st Augth

1861 Espino OR

44 SD

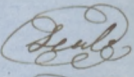
PAGE 52

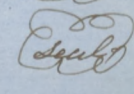
PAGE 44 SD
PAGE 53

Know all men by these presents, that We, José de Jesus Pico, and Gabriela Villa de Pico wife of the said José de Jesus Pico, both of the County of San Luis Obispo and State of California, have made, constituted and appointed, and by these presents do make, constitute and appoint Benigno Pico, of the County and State aforesaid, our lawful attorney, for us and in our ~~stead~~ name, place and stead, to sell, bargain and convey all and singular, our and each of our right, title and interest in and to that certain piece of land commonly known as the Rancho "Milpitas" situated in the County of Monterey and State aforesaid, and adjoining the Mission of San Antonio: — giving and granting unto our said attorney full power and authority to make, execute, acknowledge and deliver good and sufficient deeds and conveyances for us and in our names, but always without any warrantee whatever, and to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully, to all intents and purposes, as we might or could do if personally present, hereby ratifying and confirming all that our said Attorney shall lawfully do by virtue hereof.

In Witness whereof, we have hereunto

set our hands and Seals this the 25th day
of August A. D. 1859.

(Signed) Jose de Jesus Pico 

(Signed) Gabriela Villa ^{her} X de Pico _{mark} 

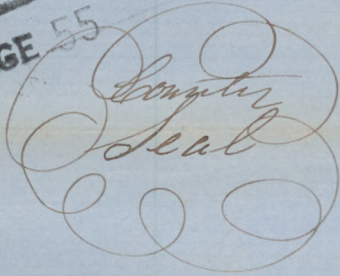
Signed and Sealed
in presence of
Wm. C. Parker
Maria Ignacia Pico

State of California }
County of San Luis Obispo } ss.

On this twenty fifth
day of August A. D. One thousand eight hundred
and fifty nine, before me P. A. Forrester County-
Clerk in and for said County, personally ap-
peared José de Jesus Pico and Gabriela Villa
de Pico his wife, personally known to me to be
the individuals described in and who executed
the annexed Instrument as parties thereto, and
acknowledged to me that they executed the same
freely and voluntarily, and for the uses and pur-
poses therein mentioned. And the said
Gabriela Pico, wife of the said José de Jesus Pico
having been by me first made acquainted with the
contents of said Instrument, acknowledged to me,
on 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 did not wish to retract the execution of the same.

44 SD
PAGE 55



In witness whereof
I have hereunto set my hand and
affixed my official Seal, the day
and year first above written.

(signed) P. C. Gorresten County Clerk
by Wm C. Parker Deputy.

Aug 25 1859

4. "Las Milpitas"

44

Power of Attorney

José de Jesus Pico
and Wife

to

Benigno Pico.

Dated August 25. 1859.

Act^d same date.

Recorded October 5th 1859.

Filed this 21st Augth

1860

Erinson

44 SD

PAGE 56

The United States

Ignacio Pastor

The Claimant in this Case. bases his title to the lands claimed upon an alleged grant from Juan B. Alvarado to himself (Ignacio Pastor) bearing date May 5th 1838. The original grant of concession is on file or rather a certified copy ^{of it} together with certified copies of the original petition of the Grantee asking for a small rancho & other personal property. and also of the marginal decree of reference thereon, ~~the~~ ^{the} report of the Administrator of the Mission of San Antonio

The Genuineness of the Concession and the report of the administrator are fully established by the testimony in the record and indeed the bona fides of the documentary evidence in the case, have not attacked

The only grounds of objection urged against the validity of the claims are first that the document purporting to be a grant, has not such force, that it is only a concession to be afterwards followed by a more perfect grant. if we were considering this only as

no 44

Filed in office this
25th Aug^r 1862
Cpm or R

44 SD
PAGE 57

44 SD
PAGE 58

a perfect legal title this objection might be entitled to some consideration, but this Court ^{has} decided many times before that in considering over and over again that under the act of Congress of the 3^d of March 1857 under which these proceedings are it is the duty of this Court to pass upon not only legal & choate titles but also upon equitable and inchoate claims, and it has passed and such has been ~~not~~ the practice of this Court but also of the Supreme Court of the United States. (See 17 Hon. p. 560.)

58

The only other objection to the validity of the claim is, that there is no sufficient designation of the boundaries of the land claimed sufficient to fix its location and therefore the grant has nothing to act upon.

The Petition of the Grantee to Government is for a small Rancho which said land is from the Reconada (Corner) of the Milpitas (small sewing lands) to the Reconada of the Potrero.

The decree of concession describes the land as las Milpitas, as asked for in the petition, this is the only description

in the documentary evidence,
one the witnesses Maria A Pico
testifies that he knows the land &
well that it was occupied by
Squatter Butler since 1838 and that
it is a valley in the hills -

The report of Jesus Pico the Adminis-
trator of the Mission of San Antonio
is to the effect the land was vacant
and was one of the places pertinent
to this Mission (Mission of San Antonio)

The description to be gathered from
this evidence is certainly not as de-
finite as would be desirable, but still
when we come to consider the pecu-
liar circumstances of the grantee
~~in this~~, the onerous position in which
he stood ~~towards~~ and the claims which
^{he} had upon the Government for its favorable
action, together with the fact of his
long and continued occupancy,
it certainly is not the duty of decision of
the court nor ^{was it} the intention of the
Act of Congress of March 1857 to apply
the strict legal technical rules of the
Common Law to these cases much less
equitable claims as this.

There is no doubt as to the bona fides

44 SD
PAGE 60

of the decree of concession the occupancy
has been fully proven, and the case
comes fully under the decision of the
Supreme Court in the case of ~~United~~
~~States vs~~, Sutherland vs
United States, 19th How. 363; in that
case the Supreme Court say, that the pa-
tent to the land, conveys a title in fee to an
estate "known by the name of el Cañon (or the
Chert), it therefore assumes that there is an
estate or Rancho having such a name, and
having known boundaries - "It is prima
facie evidence of such a fact, those who allege that
it is void for uncertainty, must prove either that
there are two estates called "el Cañon" near the
Mission of San Diego, to which the description in
the patent would, ^{equally} apply; or they must prove
that there is no estate or property having that name
about San Diego

This ruling applies exactly to the case before
us; the grant is for the place called (Las Milpitas)
the grant was made at the Mission of San Antonio and
the testimony shows that the claimant occupied a
place called Las Milpitas near and adjacent to
that mission, the only difference is that ⁱⁿ this
case one boundary is given in the petition
'A wit from the Corner of the Milpitas to the
Corner of the Potreros, thus of course, would constitute
one boundary line - a decree of confirmation will
therefore entitle

Isaac N. Ogden
N S Dns Judge

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

44 SD

PAGE 61

The United States

Appellants

vs

Agenciao Pastor, Appellee
Evan M. Luce, Substituted

No 44

"Milpitas"

This cause coming on to be heard upon appeal from the decision of the United States Board of General Land Officers to ascertain and settle the private land claims in the State of California under the act of Congress approved March 3rd 1851, an a transcript of the proceedings and decision of said Board and the papers and evidence upon which said decision was founded and the other evidence adduced by the parties before the Court, and it appearing to the Court that said transcript had been duly filed according to law, and counsel for the respective parties having been heard.

It is therefore ordered, adjudged and decreed that the decree of this Court heretofore made and entered rejecting the claim of said Appellee be and the same is hereby vacated and set aside, and

The Court finds that the claim of said Ap-
-peller is good and valid and hereby affirms
the decree of said Board of Land Commis-
-sioners.

44 SD

PAGE 62

The land of which confirmation is
hereby made is there known as the "Milpi-
-tas", situated near the Mission of San Antonio
in the County of Alameda, and boundaries
of which is from the corner of the "Milpitas"
to the corner of the Parteros, reference being
had to the expediente for a fuller and
more perfect description. Provided there be
a less quantity of land within said bound-
-aries than eleven leagues, then confirmation
is hereby made of such less quantity.

Isaac S. Rogers
U S Dist Judge
for the S Dist of Cal

Aug 31/60

No 44

o

Juan M Lued

vs.

The U States

Deceit

Filed in Office
Sept 31st 1860

Chims
ChC

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

44 SD
PAGE 64

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

Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California before you, _____ in a cause
between The United States, appellants, and Juan M.
Luco, substituted for Ignacio Pastor, appellee,
wherein the decree of the said District Court,
confirming the claim of the said appellee,
was duly entered on the 31st day of August 1860.
whereupon the said appellants, by their counsel,
prayed an appeal which was duly allowed
by the said District Court to remove the said
cause to the Supreme Court of the United
States _____

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as by the inspection of the ~~transcript of the record~~ certificate of the clerk of said
court under the seal of the said District
Court, which was brought into the Supreme Court of the United States, by virtue of _____

agreeably to the act of Congress, and the rules of the said Supreme
Court _____ in such case made and provided, fully and at large appears.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *Sixty two* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: ~~On consideration whereof,~~ and it appearing that the appellants have failed to have their cause filed and docketed in conformity to the rules of this court, It is now here ordered and decreed by this court, that this appeal from the District Court of the United States for the Southern District of California, be, and the same is hereby, docketed and dismissed, and that this cause be and the same is hereby remanded to the said District Court. —

10th Jan'y

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

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

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

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

~~Forced by~~ *Wm. H. Carroll*

Clerk of the Supreme Court of the United States.

No. 309 December Term, 1861

MANDATE

SUPREME COURT UNITED STATES.

*United States vs. Green,
Substituted for Paator*

Filed June 29, 63

*John Perkins
Att.*

June 29/63

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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

Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California before you, in a cause
between The United States, appellants, and Ignacio
Pastor, appellee, (No. 44, for "Las Milpitas")
wherein the decree was rendered in favor of the said
appellee.

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as by the inspection of the transcript of the record

of the said District

Court, which was brought into the Supreme Court of the United States, by virtue of an appeal

agreeably to the act of Congress,

in such case made and provided, fully and at large appears.

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

24 March

44 SD

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

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

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

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

Taxed by Levi Middleton
Clerk of the Supreme Court of the United States.

No. 257. December Term, 1863.

MANDATE
SUPREME COURT UNITED STATES.

U. S. v. Pactor

No. # 144

Filed Aug 10, 1864
John A. Johnson
Clerk

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

44 SD

PAGE 72

Gyngais Paston

Appellee

vs

The United States

Appellant

} Case No 30.

And now at this day comes the said Appellee and moves the Court to grant further time to the said Appellee to produce further testimony in this case during the present term of this Court; the said Appellee declaring that he expects to produce the necessary proofs in this case during this present Term -

Wm Leary Jones
by Myron Weston
Atty for Appellee.

No 44.

Southern District
Court of the United
States for California

Ygnacio Pastor

Appellee

vs

The United States

Appellant

Motion.

44 SD

PAGE 73

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

TO

The President of the United States,

Ignacio Pastor

44 SD

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GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *Thirteenth* day of *August* in the year of our Lord one thousand eight hundred and fifty-*5* at the City and County of Los Angeles, in said District, by *Pacificus Ord. Atty. of the United States for the Southern District of California*, praying the said Court, to review, upon the grounds therein set forth the decision of the U.S. Land Commrs: to ascertain & settle the private land claims in the State of California of their claim to a certain tract of land called Las Milpitas in the County of Monterey in said District to the extent of three square leagues of land. which said claim was presented to said Commissioners on the *14th* day of August, A.D. 1852, and by them confirmed on the *6th* day of Decr. 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 *11th* day of *September* in the year of our Lord one thousand eight hundred and fifty-*57* at Los Angeles aforesaid.

O. C. Carr,

Clerk.

By John W. Ross
Deputy.



142-900

Marshall Cost

Copying from m. r. 50

Library Annexes & Petition 50

\$ 6.00

No 244

United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Ignacio Pastor

vs

The United States

SUMMONS.

44 SD

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I served this summons along with the proper copy of the petition upon ^{Mr. Cary Jones} ~~Ally~~ on record for Y. Pastor, by delivering to him personally a true copy of the same

at Los Angeles
the 12th day of Sept.

in the Southern District of California or -
A. D. 185 6.

Sworn to and subscribed before me,

Clerk.

} Edward Hunter
M. J., Marshal.

Office of the Attorney General of the United States,

Washington, 30th November 1854.

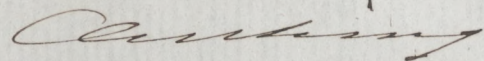
Ygnacio Pastor

vs.

The United States

} 305.

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 18th day of August 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.



Attorney General.

N^o 44.

Nov 30/54

U. S. District Court
Southern District

The United States
vs.
Ygnacio Pastor

Appeal Notice

Filed July 15th 1855

J. E. Jan.
clerk.

44 SD

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Office of the Attorney General of the United States,

Washington, 30th Novemr 185

Ygnacio Pastor

vs.

The United States.

} 305.

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 18th day of August 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clarking

Attorney General.

44
305
D. White

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

Los Angeles County State of California

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Ignacio Pastor

ads.

The United States

} N^o 44 (Transcript N^o 305)

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

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

That heretofore, to wit, on or about the
day of 14th August A.D. 1852, Ignacio Pastor presen-
-ted a petition to the Commissioners to ascertain
and settle the private land claims in the State
of California, claiming the tract of land called
Las Milpitas in the County of Monterey in
the words and figures following, viz,

"Ignacio Pastor gives notice that he claims
"a tract of land in said State known under

"the name of the Milpitas and extending from
 "the place known as the Rinconada de las Milpi-
 "tas to that known as the Rinconada de Postero
 "situated near the ex Mission of San Antonio
 "said land was granted to the claimant on the
 "5th day of May 1838 in consideration of the ser-
 "vices and merit of the claimant by Don Juan
 "Bautista Alvarado Constitution Governor of the
 "Californias & thereby authorized to make such
 "grant and has ever since been occupied &
 "possessed by claimant. A Copy of said
 "Grant is herewith presented and prayed to be
 "made a part of this petition and the Original
 "will be presented and proved together with
 "other testimony. Said land has not been sur-
 "veyed by the Surveyor General of the United
 "States it is supposed to contain about three
 "square leagues of land of 4428".

Your petitioner further represents that there-
 -after, to wit on the 6th day of December A.D. 1853
 the said Commission confirmed by final
 decree, the said claim of the said Ignacio
 Pastor in the words, and figures following:

"In this case on hearing the proofs
 "and allegations it is adjudged by the Commif-
 "sion that the said claim of the Petitioner is Valid
 "and it is therefore hereby decreed that the

44 SD

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"same be confirmed, The land of which con-
 "firmation is made is situated near the Mission
 "of San Antonio in Monterey County and known
 "by the name of Milpitas and is the same occu-
 "pied by the said claimant it being a valley
 "surrounded by hills and the land confirmed
 "extending from the place known as the Rin-
 "conada de las Milpitas, to that known as the
 "Rinconada del Potrero and bounded on the other
 "exterior limits by the foot of the hills inclu-
 "ding said valley."

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"Alphus Felch"
 "Thompson Campbell" } Commissioners.
 "R. Aug. Thompson" }

"Filed in Office Dec 6th
 1853"

"Geo. Fisher"
 "Secy."

That thereafter, to wit, on the 26th day of August
 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 South-
 ern District of California and marked N^o 44
 (Transcript N^o 305) reference to which it is prayed
 may be had and made a part of this petition.

That on the 18th day of August A.D. 1854 the Honorable Caleb Cushing Attorney General of the United States received a duly certified duplicate of said transcript of said final decree and proceedings of said Commissioners in said cause (N^o 305) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 10th of January A.D. 1855 the said Attorney General of the United States, filed or caused to be filed, on behalf of the United States, a notice with the said clerk of said District Court for the Southern (District of California, that the appeal, in said cause of Ignacio Pastor, 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 insists that the said decree of said Commissioners is erroneous, and ought to be reviewed, reversed, and set aside, for many

errors and imperfections of law and evidence ap-
-parent in said certified transcript of said cause
now in appeal from said Commissioners to
this Honorable Court.

44 SD
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And your petitioner further represents that
the said claim is invalid, and the said de-
-cree erroneous, on the following grounds.

I. And the said Attorney denies all and sin-
-gular each and every allegation in the said
petition of said claimant, to said Commis-
-sioners of said date. And he further denies
that any grant for said land was ever made
as alleged in said petition. And he denies
further that the said claimant has shown
any, or sufficient evidence of the validity of
the said claim.

II. That the said alleged grant of Governor
Alvarado was made in violation of the 4th
article of the Colonization law of Mexico of
the 18th of August A.D. 1824, in this; that the
land granted, as alleged by claimant, was
and is within ten leagues of the sea coast;
and there is no evidence shown by claimant,
that the Supreme General Executive power
of Mexico, previously approved of the colo-
-nization of the public lands in Upper Cali-
-fornia, lying within ten leagues of the

sea coast. And it is denied that such previous consent of said Supreme General Executive power of Mexico in such case was ever had.

44 SD

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III. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by, and in the possession of the Missions of the Territory of Upper California; and it was held and occupied particularly, by the Mission of San Antonio; and could not therefore be colonized.

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

V. That there is no evidence that the document shown by claimant purporting to be a petition to the Governor, dated May 4th A.D. 1838 and signed by him, is an original or genuine document; and that the signature to the same is the genuine signature of the said claimant. And the genuineness of the said paper or document, purporting to be a petition to the Governor and dated May 4th A.D. 1838 is denied. And the genuineness of the

7

signature of the said Ignacio Pastor, to said paper or document is also denied.

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PAGE 84

VI. That the said Governor Alvarado had no lawful power or authority to make a grant of the land claimed, in the manner and form as shown by claimant. That it is not made in conformity with the law; and is void.

VII. That the said alleged grant of said Governor of said land contains no description of the location, extent, boundaries or limits of the said tract of land. And there is no map referred to therein to supply such uncertainty of description. That there is no evidence whatever to show the locality, extent, or boundaries of the said tract of land claimed as aforesaid; and that said alleged grant is void for uncertainty.

VIII. That the said pretended petition to the Governor, of said Ignacio Pastor, dated ~~on~~ the 4th day of May A.D. 1838; and the pretended original decree of said alleged Governor Alvarado, upon said petition, dated on the 4th day of May A.D. 1838; and the pretended report of José de Jesus Pico, in pursuance of said pretended ^{original} decree, dated on the 5th day of May A.D. 1838; and the alleged grant of the place of Milpitas by Juan B. Alvarado, of the date of the 5th day of May A.D. 1838, ^{written} ~~was~~ upon

common paper. And there is no cause shown in said pretended petition, original decree, report, or grant, why the same were not executed upon stamped paper, as required by law. That the said alleged grant has not the signature of the secretary of the Department; as required by law.

IX. That the said alleged grant of said Governor to said Pastor is not a grant in fee, or full ownership.

X. That the said Pastor, had alienated, or abandoned the said land, before the said date of the filing of his said petition or claim; and that if said Pastor, ever had any right or title to the land, as owner, or occupant, he has lost the same by said alienation, or abandonment.

XI. That there is no evidence that said Pastor, ever asked for or received juridical possession of the said tract of land.

XII. And that there is no sufficient evidence that the said Ignacio Pastor, built a house on the land within a year from the date of the said alleged grant, and that he occupied it, and cultivated the said land; And that he continued to occupy ^{the said land} personally until on or about the 14th day of August A.D.

1852, the date of the filing of his said petition.

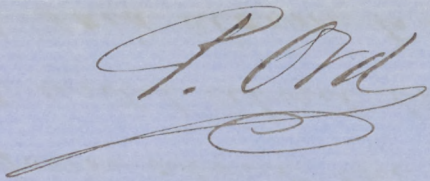
And it is denied that he built a house upon the said land, and occupied and cultivated it from about the date of said alleged grant until about the time of the presentation of said claim to said Commissioners.

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

And the said claimant having no valid right or title derived from the Spanish or Mexican Government, to the said land claimed by him, as aforesaid, the lawful right, or title in and to the said land, was acquired by, and it now belongs to the ^{said} United States, by virtue of the treaty of peace, friendship, limits, and settlements, with the Republic of Mexico, dated at the City of Guadalupe Hidalgo, February 2nd 1848.

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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 in pursuance of the act of Congress entitled "An act to ascertain and settle the private land claims in the state of California"; approved March 3rd A.D. 1851, and the laws and statutes in such case made and provided, prays that the said Ignacio Pastor 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 Commissioner, to ascertain and settle the private land claims in the state of California, and decide on the validity of the said claim of said Ignacio Pastor, for said land claimed and confirmed as aforesaid; and that the same may be deemed invalid. And all such other orders, judgements or decrees, as may be just. With costs, and general relief.



Attorney of the United States
for the Southern District of Calo.

Aug 13/55

No 44

U. S. Dist Court
S. Dist of Cal^a

Ignacio Pastor
vs
ad

The United States

Petition of U States
for Review

Filed Aug 13 1855
f. E. fan.
clerk.

14 SD

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P. Ord. D. Batty

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

N. H. Ignacio Pastor, appellee,)
The United States, ^{ad} appellant.)

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The answer of said appellee respectfully shows, that said claim is a genuine & valid claim, & ought to be confirmed; & he therefore prays that this court will ~~affirm~~ the decision of the commission from which this appeal is taken, and declare his said claim to be valid.

It is admitted that the land in question is situated within ten leagues of the sea coast, & that it is within the jurisdiction of this court, & that notice of appeal has been given in due time, as set forth in the petition.

By his attorney
Wm. Carey Jones.

Sept 12 / 55

N^o 44.

District Court of the United States.

The United States, Applicant

vs.

Ignacio Pastor.

Answer.

Filed Sept 12th 1855
B. E. Can. Clk.
Service acknowledged.

P. Ord

as directed

Sept. 12. 1855.

44 SD

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Jones, atty for Court.

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

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N^o 44. Ignacio Pastor, appellee, }
vs. }
The United States, appellants. }

Wm Carey Jones being sworn says: That he
is attorney in the above cause, & that
he only believes that oral testimony exists
& can be produced to show the actual
boundaries of the land claimed, & heretofore
proposed under the grant presented in this
cause, by the claimant, and to fix
its location by miles and bounds.

Wm Carey Jones.

Sept 26/85

No 44

No 44

Ignacio Pastor
Appellee

vs —

The United States

Appellant

Affidavit.

Filed Sept 26th 1885

D. C. Cancun

By W. R. Rausch

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Testimony to be ready for

not reach in time for the first
day of the term; I wish you
would do me the favour to
procure further time. I do not
think Judge Ord will push it,
or the court. I shall use
all diligence; but prefer that
no particular day be fixed,
as it is so uncertain when
I presume the testimony to be there.

I have on steam 3-Deck
for Washington. If I can
render you any service there,
please address me there.

Yours truly
Wm. Carley Jones

17 Nov. 1855.
San Francisco.

P.S. please don't forget or neglect
this encargo.

Wm Barry Jones

Nov 17. 1855

PAGE 14 SD
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Ignacio Pastore

vs

United States

My very dear & especial,

Bro: Norton,

There is a case before the District Court (Judge Ogden) entitled The United States vs. Ignacio Pastore, in which an opinion was prepared adverse to the claimant; but on my motion judgment was suspended for further testimony till the first day of next term, (3^d Dec^r) the land is near the Mission of St. Antonio; where there is no public mail sent, & it is possible that my communications, whether by

State of California }
County of San Diego } ss.

Myron Norton

being duly sworn, deposes and says that on or about the 17th day of November AD 1855 Mr. Cary Jones, the attorney of record in this case, wrote to this deponent a letter asking him to take further testimony in this case, which said letter is hereto annexed and made a part of this affidavit. That a long time after the receipt of said letter deponent ascertained that there had arrived here in the City of San Diego, a person interested in this claim called Jose Jesus Pico, that this deponent inquired of the said Pico if it were possible at this time of the Court to prove the limits and boundaries of the lands claimed in this case, and deponent was informed by said Pico in reply, that the said Jones ^{of recent} ^{recently} had made a map of the said tract of land, but that the said map is not now here, but deponent believes the same to be in the City of San Francisco or to have been taken by the said Jones to the City of Washington. Deponent is informed and believes, that the said Jones left the City of San Francisco for the City of Washington on or about the 5th of December AD 1855, on professional business before the Supreme Court of the United States, that the said Jones was the attorney of the claimant before the said

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

44 SD

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Gynerio Pastor

appellee

vs

The U. States

appellant

No. 44.

And now at this
day comes the said appellee by
his attorney, & moves the Court for a
continuance of the above entitled case
until the next term of this Court
said motion is founded upon the following
affidavit

Wm Carey Jones
attor for appellee
by Myron Norton
of counsel,

Continuing with case & papers to be

Concurring with the case, I deponent believes
that the said Jones is better acquainted
with the facts in this case than any person
connected with it. That the said Jones
will as deponent believes return from the
city of Washington and be ready to attend
to this case at the next term of this Honorable
Court, and that at the next term of this
Court, the said Jones will as deponent believes
be able to produce the said map and
also further testimony ^{and} particularly to define
the boundaries of the land claimed in this
case

Wm Jones

Given to & subscribed
before me this 6th February 1855

J. E. Law
Clerk
by Morgan Deft

ms. 44

No. 44.

W.D. Washburn

Ignacio Baston

5.

The United States

~~~~~

Affidavit Continued

Filed March 5th 1856

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J. E. Sawyer  
Att. Gen.