CASE No. 169

CASE No.
169

SOUTHERN DISTRICT

PUNTA DE PINOS GRANT

JACOB P. LEESE

CLAIMANT

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 553.

Jacob V. Leese CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Punta de Pinos"

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this Twenty second day of September 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 Jacob P. Leese for the Place named "Punta de Pinos," was presented, and ordered to be filed and docketed with No. 353, 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 Decr. 31st 1852.

In Case No. 353 Jacob P. Leese, for the place named "Punta de Pinos," the deposition of Teodoro Gonzales, a witness in behalf of the Claimant, taken before Commissioner Henry I. Thornton, with document marked D. J. T. No. 1, annexed thereto, was filed;

(Vide page 5 of this Transcript.)

San Francisco Aug 1st 1853.

On Motion of the U. S. Law Agent, Case No. 353 has ordered to be placed on the Trial Docket.

San Francisco Aug. 11 1853.

Case No. 353 has submitted on briefs and taken under advisement.

San Francisco Jan 10th 1854.

In the same Case the Counsel for the Claimant filed the following affidavit, to wit:

(Vide page 41 of this Transcript.)

San Francisco Jan. 17th 1854.

In the same Case, the motion made by the Counsel for the Claimant heretofore to wit, on the 10th inst, was sustained; and the deed of Conveyance from Thomas O. Larkin admitted as evidence in this Case, and is as follows to wit:

(Vide page 44 of this Transcript.)

San Francisco May 9th 1854.

In the same Case the Counsel for the Claimant filed the following Affidavit: (Vide page of this Transcript) and the following amended petition, to wit:

(Vide page 38 of this Transcript.)

Also the following Motion, (Vide page 42 of this Transcript) — which was granted by the Board.

San Francisco June 13th 1854.

In the same Case Commissioner R. Aug. Thompson delivered the Opinion of the Board confirming the Claim:

(Vide page 46 of this Transcript.)

San Francisco Aug. 15th 1854.

In the same Case, on motion of the U. S. Law Agent, the following order was made, to wit:

(Vide page 49 of this Transcript.)

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Petition

To the U S Board of Land Commissioners for the settlement of Land Claims in California

Your Petitioner Jacob P Leese a citizen of Monterey respectfully sheweth

That he claims to be the owner of the tract of land situate in the County of Monterey known as Punta de Pinos described and bounded as follows viz

Commencing at the Punta de Ardones on the Southern shore of the Bay of Monterey thence following the sinuosities of the said shore westwardly to Punta de Pinos and thence Southerly along the shore of the sea to the Punta de Lepasis

Thence in a straight line in a northeasterly direction to the beginning

That said land was originally granted on the 24th day of May A D 1833 by Jose Figueroa then Governor of Alta California to Jose Maria Armenta and that said grant was duly approved by the Territorial Deputation of California on the 17th of May 1834,

That on the 12th of June the said Armenta being dead his heirs the owners of said land duly sold and conveyed the same to Jose Abrego

That in view of said sale and affirming its validity Manuel Micheltorena Governor of Alta California on the 4th of October 1844, made to the said Jose Abrego as an addition of new minement of title, a new grant of said land and that the said Abrego in the year 1850 sold and conveyed the same to your Petitioner

That the Expediente of said original title showing said grant to said Armenta with said confirmation of the same are now on file in the archives of the former Government of California and that fac similies of the same duly certified by the Surveyor General of the U S for California are herewith presented,

That the originals of said acts of sale and of said grant to Abrego with translations

4.

of the same are hereunto presented

That your Petitioner is in possession of said Land under said title and knows of no other claimer conflicting with his own

He therefore prays your Honorable body to confirm his said claim and title to said tract of land

Clark Taylor & Beckh
Attys for Petitioner

Filed in Office September 22nd 1852
Geo Fisher
Secretary

2/3535

5.

Deposition of Teodoro Gonzalez

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San Francisco Dec 31st 1852

On this day before Commissioner Harry I Thornton came Teodoro Gonzalez a witness in behalf of the claimant Jacob P. Leese Petition No 353, and was duly sworn his evidence being interpreted by the Secretary

The U S Associate Law Agent was present

Question 1st by claimant

What is your name age and place of residence?

Answer My name is Teodoro Gonzalez I am 49 years old and reside in Monterey

Question 2. Look at the original documents now shown you attached to each other marked Exhibit 1. and then attached to your deposition purporting to be an act of sale from the heirs of Jose M. Arguello to Jose Abrego of the tract of land called Punta de Pinos a grant of the same land from Manuel Micheltorena to Jose Abrego dated October 4th A. D. 1844 a map of the premises and an act of sale of the same tract January 15th A D 1850 from the said Jose Abrego and wife to Jacob P Leese the claimant.

State what you know of the genuineness of said documents and the several signatures thereto

Answer I know the signature of Florencio Serrano Ambrosio Gomez Manuel Micheltorena and Manuel Jimeno Jose Abrego Joseplen Estrada Manuel Castro Francisco Arce and Phil A. Roach these signatures upon the said documents whenever they appear are genuine,

I am well acquainted with the handwriting of each of these persons respectively

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having often seen them write, I am also acquainted with the premises a description of which appears upon one of the pages of said Exhibit

Previously to A.D. 1844, the land was unoccupied, at that time Jose Arrego took possession of it and since that time it has been occupied by himself and those under him for grazing and agricultural purposes

Teodoro Gonzalez

Sworn acknowledged
R. Greenhow
U.S. Law Agent

Taken and Sworn to before me
this 31st of December 1852
Harry I. Thornton
Commissioner

Filed in Office December 31st 1852
Geo Fisher
Secretary

353.

7 I. S. D. R. Jurisdiccion de Monterey. N. 4. Año de 1883.

Espediente

Sobre el parage nombrado Punta de Pinos, solicitado p.r su veneficio p.r José Maria Armenta natural de Agualulco del Estado de Jalisco

Sup.

2.D.D.R Sello Tercero Para los años de seis y ocho — Dos Reales mil ochocientos veinte cientos veinte y siete

Dor Gefe sup.: Politico

José Maria Armenta natural del Agualulco jurisdiccion del Estado de Jalisco y actual Vecino de esta capital ante V.S con el devido respeto: Dice: Que haviendo venido à este Territorio de Marinero hace cuarenta y dos años se ha mantenido en el servicio de las armas, hasta q. hallandose invalido se retiro con este goso y vendose ya con familia porzosa adquirida en este paiz y sin recursos que le fuesen suficientes para la subsistencia, pidio el terreno q. actualmente posee de la estencion y forma que demuestra el diseño q. de vrd amt. acompaña en el cual (concedido en el año de 824 por el Dor Echeandia) ha imprendido para hacerlo fructifico unos trabajos de gran tamaño superiores à su abanzada edad; mas como no tiene titulo alguno de adquisicion el q. representa q. se halla un estangero ocupado dentro de los limites de dicho terreno q. sus bienes deven perjudicar à los del suplicante se ve este en el imprescindible caso de suplicar à V.S. se digne à propiedad. pav. q. un efecto de su bondad con=

Monterrey Feb.o 12 de 1833. De conformidad con las leyes de la materia informe el Ayuntamiento de esta Capital si el interesado obtiene los requisitos prevenidos para ser acreedor à su solicitud: si el terreno que pretende esta comprendido entre las veinte leguas limitofes y diez litorales q. espresa la Ley de 18 de Agosto de 1824 si ha sido terreno perteneciente à propiedad.

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S. S. D. R. ticular, corporacion ò Pueblo ò se conoce por Valdio con todo lo demas q. sea conviniente à ilustrar la materia.

concederle en propiedad el espresado terreno, y evitar q. se otro en las tierras q. lleva mencionadas el estrangero de q. se ha hecho referencia. P. Y. A. V. S pide y suplica el interesado Vengo en acceder à esta mi solicitud en la q. recibirà merced y gracia.

No se firma

Figueroa Agustin V. Zamorano. Srio

Señor Jefe superior Politico.

El Y. Ayuntamiento de esta Capital con el objeto de dar à V. S. el informe q. se sirve pedir en su superior decreto, pasò la presente solicitud à la Comision que conoce en asuntos de Colonizacion y terrenos Baldios quien precento el Dictamen que se mandò agregar à este Espediente y como su contenido, es lo que en el particular debe informar esta corporacion, lo reproduce en todos sus partes, devolviendo à V. S. el presente en cum

4. S. D. R. plimiento de lo acordado en sesion de el 26 del presente. Monterey Mayo 30 de 1833.

Marcelino Escobar # Josè Maria Maldonado Srio

Monterey 13 de Mayo de 1833.

Vista la peticion con que da principio este Espediente el informe de la Autoridad municipal de esta capital con todo lo demas que se tubo presente y ver convino: de conformidad con lo dispuesto por las leyes y reglamentos de la materia se declara à Josè Maria Armenta dueño en propiedad del terreno conocido con el Nombre del Pinal en la parte Occidental de la Bahia de Monterrey, sugeto à las

condiciones ~~que se estipularen~~: libese el despacho correspondiente, tomese razon en el libro respectivo y dirijase este Espediente para la devida aprovacion à la Coma Diputacion Territorial en cuyo caso el interesado à quien se le harà saver este decreto, presentarà nuevamente su titulo para que se le sea lide. El Sor Dn Losè Jeguerra como menor dto General, Inspector y Jefè Sup. Polit.co del Terr.o de la Alta Calif.a asi lo mando decretò y firmo de qe doy fee.

Losè Jeguerra Agustin V. Zamorana Sia

S. S. D. R.

Here follows map

6. S. D. R.

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map 9

Y. Ayuntamiento.

La comision encargada de abrir dictamen en asuntos de colonizacion y terrenos Baldios ha visto con detenimiento la solicitud del C. Josè Mª Cormenta relativo à que se le conceda en propiedad el paraje qº actualmtº posè situado en la punta de pinos y como segun el decreto qº al margen aparece del Sor Jefè Politico deve informar à medida de como se le proporcionero los escos. conocimientos qº tiene en la materia. Expone qº el interesado es ciudadano Mexicano, que el terreno que pretende està comprendido en las diez leguas litorales y à mayor abundamiento pertenece à los ejidos que segun se sabe señalo la Escma Diputacion en el año de 1830 pª esta poblacion y quedò pendiente su verificativo hasta tener la suprema aprovacion; pero hay la circunstancia qº hace acreedor al pretendiente de que con su actividad y trabajo lo ha beneficiado con mucha utilidad de esta poblacion por lo qº someto à la deliberacion de esta Y. corporacion la proposicion siguiente. Informe el Y. Ayuntamiento qº puede concederse provisionalmtº el terreno qº posee y pretende el C. Cormenta entendido de qº declarada la pertenencia pº la Escma Diputacion y con la aprobacion supremo, se sujeta al convenio que en este caso tenga con la corporacion. Monterrey Marzo 15 de 1833

Josè Antonio Romero # Josè Ariola

Y. S. D. R. Josè Yeguerova Vº

Por cuanto Josè Maria Cormenta natural de Agualulco del Estado de Jalisco, ha pretendido pª su beneficio personal el terreno

conocido con el nombre de punta de pinos q.e comprende la parte de costa desde la punta de Culones hasta los espreces y buelva p.r la linea recta O. W. á N. E. á la referida punta de Culones: conforme queda demarcado en el diseño respectivo: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto p.r las leyes y Reglamento usando de las facultades q.e me son conferidas en decreto de 13 del corriente en nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandola propiedad de el p.r las presentes letras entiendose dha concesion con entera conformidad á lo dispuesto p.r las leyes á reserva de la aprovacion ó desaprovacion de la Exma. Diputacion territorial y del supremo Gobierno y bajo las condiciones siguientes. 1.a Que se someterá á las q.e establecieren el Reglamento q.e se ha de formar p.a la distribucion de terrenos Baldios y q.e entretanto ni el agraciado ni sus herederos podran dividir ni enagenar el q.e se le adjudica. imponer censo, vinculo, fianza hipoteca ni otro gravamen aun.q sea por causas piadosas ni pasarlo á manos muertas sometandose ademas á pagar el canon q.e se le imponga si resultare pertenecer á los Ejidos, de Monte rey cuando se arreglan sus linderos. 2.a Podrá cercarlo sin perjudicar las haveras, caminos y servidumbres: lo disfrutará libre y exclusivamente destinandolo al uso ó cultivo q.e mas le acomode; pero dentro de un año á lo mas fabricará casa y estará habitada 3.a Cuando se le confiere la propiedad dicitará del Juez respectivo q.e le dé posesion

S.S. D. R.

juridica en virtud de este despacho: p.r el
cual se demarcaran los linderos en cuyos
limites pondrà à mas de las mojoneras
algunos arboles frutales ò silvestres de
alguna utilidad. 4.a El terreno de que
se hace mencion segun esplica el diseño q.e
corre en el espediente poco mas ò menos t
ocho mill.s setecientos dos mil y quinientos
de area o sup.e en varas cuadradas. El
Juez q.e diere la posesion lo harà medir con
forme à Ordenanza p.a señalar los linde
ros quedando el sobrante q.e resulte à la
Nacion p.a los usos convenientes. 5.a Si contra
viniere à estas condiciones perderà su
derecho al terreno y serà denunciable p.r
otra. En consecuencia mando que
sirviendole de titulo el presente y teniendose
p.r firme y valedero se tome razon en el
Libro à que corresponde y se entregue al
interesado p.a su resguardo y demas fines
Dado en Monterey @ 24 de Mayo de 1833
José Figueroa Agustin V. Zamorano Srio

q.e S.e D.e R Queda razon en el libro de asientos de Titulos
sobre adjudicacion de Terrenos Baldios
a f.s 4. N.o 4. q.e obra en el archivo de la Se
cret.a de mi cargo. Monterey Mayo 24
de 1833. Zamorano

10. S. D. R Las comisiones de Colonizacion y Terrenos
Baldios à quienes se paso el Espediente
cuya formacion provoco por pretencion
q.e el ciud.o José M.a Armenta hizo al ter
reno nombrado Punta de Pinos lo han exa
minado con la circumspencion q.e corres
ponde, teniendo al mismo tiempo presente
la ley de 18 de Agosto de 1824; sus concordan
tes y las disposiciones Generales q.e en 24.

de Noviembre de 1828 dicto el supremo Go-
bierno de la union p.a el mejor cumplimnto.
de la primera dictamen del espediente
se ha penetrado la comision de la opinion
q.e ya tenia de las escrupulosidad y tino
con q.e el Sor Gefe sup.r politico lo mando
instruir; de suerte q.e ni en su formacion
se estraba algun requisito resencial ni de
las practicadas. Por lo dicho concluye la
comision ofreciendo à la deliberacion
de esta Excma Diputacion la siguiente
proposicion. 1.a Se aprueba la concesion
hecha al Ciud.n Josè M.a Armenta del
Terreno nombrado Punta de Pinos conce di
do en 24 de Mayo de 1833 de entera confor
midad con lo prevenido en la Ley de 18
de Agosto de 1824 y el articulo 5.o del re=
glamento de 21 de Noviembre de 1828
Monterey Mayo 10 de 1834
Josè T. Ortega. Carlos Ant.o Carrillo
Josè A. Cotadillo # Josè Castro.

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11.S.D.12 Monterrey 1.o de Mayo de 1834.
En sesion de este dia se aprovo p.r la Excma
Diputacion la proposicion del dictamen
antecedente mandando se devuelva el
Espediente al Sor Gefe Sup.r Pol.r para
los fines consiguientes.
Josè Ezeiguerda # Juan B. Alvarado
secrio
Monterey Mayo 13 de 1833
Vista la peticion con que dio principio
este espedte el informe de la autoridad
municipal de esta capital con todo lo de
mas q.e se tubo presente y ver convino: de
conformidad con lo dispuesto p.r las leyes
y reglamentos de la materia se declara a
Josè Maria Armenta dueño en propiedad

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del terreno conocido con el nombre de punta de Pinos en la parte occidental de la Bahia de Monterrey sugeto à las condiciones q.e se estipularen: libese el despacho correspon dte. p.ª que se razon en el libro respectivo y dirija se este espediente p.ª la devida aprobacion à la Excma Dipt.n Territorial en cuyo esto el interesado à quien se le harà saber este decreto presentarà muebavant.e el titulo p.ª q.e se le revalide. El Sor Dn. Josè Figueroa General Comandte. General Inspector y Jefè superior Politico de la alta California asi lo mandò decreto y firmo doy fee.

12 S. D. R

Sello Tercero

Dos Reales

13. S. D. R

Para los años de y seis y ochocien

Place of Seal in the Original

Mil ochocientos veinto = tos veinte y siete

Stamp on the Original for years 1828 1829

Stamp for 1830 & 1831

Stamp for 1832 & 1833

Stamp for 1834 & 1835.

Monterey 18 de Xbre de 1834

En vista de la aprovacion otorgada en 1.º de Mayo ultimo por la Excma Diputacion territoral libese testo monio de ello y de este decreto à la parte del Cte. Josè Mª Armenta en conformidad à la concesion del Terreno Punta de Pinos q.e ob = tuvo en 13 de Mayo de 1833. El Sor Dn. Josè Figueroa General de Brigada Comandte. General Inspector y Jefè superior Politico de la Alta California asi lo mando decreto y firmo de que doy fee.

Sno.

Josè Figueroa #. Agustin V. Zamorana

14 S. D. R

Testimonio

De aprueba la concesion echa al ciudadano Josè Mª Armenta del Terreno

nombrado Punta de Pinos concedido en 24 de Mayo de 1833 de entera conformidad con lo previnido en Artº 5º del reglamento de 21 de Novº de 1828. Monterey 1º de Mayo de 1834. En sesion de este dia se aprovo pr. la Escma Diputacion la proposicion del dictamen antecedente mandado se devuelva el Expediente al Sr. Jefe superior Politico pr. los fines consiguientes. Josè Figueroa ## Juan B. Alvarado Secretº Monterrey 18 de Diciembre de 1834. En vista de la aprovacion otorgado en 1º de Mayo ultº pr. la Escma Diputacion territorial: librese testimonio de esta y de este decreto à la parte del Ciudº Josè Mª Armenta en confirmacion à la concesion del Terreno de Punta de Pinos q. obtuvo en 13 de Mayo de 1833 El Sr. D. Josè Figueroa General de Brigada comandte. g. Inspector y Jefe supr. Politico de la Alta California asi lo mandò decretò y firmò de que doy fee. Josè Figueroa ## Agustin V. Zamorano secio
Concuerda à la letra con su original del cual se hizo sacar el presente testimonio pa. resguardo de la parte interesada dado en Monterey a 18 de Diciembre de 1834 siendo testigos los ciudadanos Bernardo Navaret y Bonifacio de Madariaga vecinos de esta vecindad.

15 S. D. R

En testimonio de Verdad.

Josè Figueroa

Agustin V. Zamorano Secretº

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

Samuel D. King Surveyor Gene

=eal of the United States, for the State of California and as such now having in my Office and under my Custody a portion of the Archives of the former Spanish and Mexican Territory or department of Upper California do hereby certify that the foregoing and hereunto annexed fifteen pages of tracing paper numbered from One to fifteen inclusive and each of which is verified by my initials (S. D. M) exhibits true and accurate Copies of certain documents on file and forming part of the said Archives in this Office.

In testimony whereof I have hereunto signed my name officially and affixed my private seal (not having a seal of Office) at the City of San Francisco, Cal. the 30th day of June 1852

Saml. D. Ring
Survr. Genl. Cal.

Filed in Office Septbr. 22nd 1852
Geo: Fisher Deery

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Translation of Expediente

Jurisdiction of } No 4 } Year 1833
Monterey }

Record of proceedings about the location called Punta de Pinos solicited for his benefit by Jose Maria Armenta, a native of Aguacalco in the State of Jalisco

(Revenue stamps) 37

Gov Superior Politico Chief

Jose Maria Armenta a native of Aguacalco Jurisdiction of the State of Jalisco and actual resident of this Capital with due respect says before you that having come to this Territory as a mariner forty two years ago he has maintained himself in the service of the community finding himself an invalid he retired with this pay and being himself now with a family involuntarily acquired in this country and without resources sufficient to him for subsistence he asked for the land which he actually possesses to the extent and situation shown in the sketch hereby accompanied in which (being granted in the year 1827 by Echeandia) in order to make it productive he has made some improvements of great magnitude superior to his advanced age but as he has not any title deed of acquisition and thus being a stranger having his homestead within the limits of said land whose cattle must prejudice that of the Petitioner he the Petitioner sees himself in the unavoidable case of supplicating you to be pleased by an act of your goodness to grant him the said land in ownership and avoid that the stranger refused to keep himself on the mentioned land

Therefore I ask and pray you to conclude to accede to this solicitation whereby I shall receive favor and grace

Jesus Rum how to sign

(In the margin)

Monterey February 12th 1833

In conformity with the laws on the subject the Ayuntamiento of this Capital will report whether the interested party possesses the requisites prescribed in order to be admitted in his solicitation whether the land he claims is comprised between the twenty limiting or ten

littoral leagues as passed in the Law of 18th August 1824 whether it has been or does belong to any particular property or Corporation or Pueblo or is known as vacant with whatever else there might be conducive to illustrate the matter

Signed Figueroa
" Agustin V Zamorano
Secretary

To Superior Political Chief

The illustrious Ayuntamiento of this Capital with the view of giving you the report you please to ask in your Superior decree referred the present solicitation to the Committee on the subject of colonization and vacant lands which presented the Opinion annexed to be annexed to this expediente and as its contents is what in this particular this corporation ought to report it reproduces it in all its parts returning the presents to you in compliance with the resolution agreed on in the session of 26th present

Monterey March 30th 1833
Marcelino Escobar
Jose Maria Mendivil
Secretary

Monterey 13th May 1833

In view of the Petition with which this expediente commences the report of the municipal authority of this Capital with whatever else to be borne in mind and was to the purpose in conformity with the requirements of the laws and regulations on the subject Jose Maria Armenta is declared owner in his own right of the land known by the name of Ronda situated on the western side of the bay of Monterey subject to the conditions to be stipulated

Let the corresponding documents be issued entered in the respective book and let this expediente be remitted to the Excellent Territorial Deputation for its due approbation in which case the interested party to whom this decree will be made known will present himself and in order that it may be satisfied

Don Jose Figueroa Commander General Inspector and Superior Political Chief of the Territory of Alta California thus decreed and

decree and sign of which I bear testimony

Jose Figueroa
Agustin V Zayerano
Secretary

Illustrious Ayuntamiento

The Committee charged with delivering Opinion on Subjects of colonization and vacant lands has with circumspection on the solicitation of the citizen Jose Maria Armenta relative to his being granted in ownership the location he actually and provisionally possesses situate in the Point de Pinos and as in consequence of the Decree of the Political Chief appearing in the margin it ought to report in proportion to how it may be furnished with the little knowledge it has in the matter represents to that the interested party is a Mexican citizen there the land he claims is comprised in the ten leagues and to a larger extent belongs to the Communs which as is known the excellent Deputation made out in the year 1830 for this village and its confirmation remained pending until getting the Supreme approbation but there is a circumstance in favor of the claimant which is that with his assiduity and labor he has improved it to much utility of this village wherefore it submits to the deliberation of this illustrious corporation the following proposition

That the Illustrious Ayuntamiento report that the land possessed and claimed by the citizen Armenta can be granted provisionally under stood that when the ownership be decreed to the Excellent Deputation and with the Supreme approbation it be subjected to the arrangement which in this case may be made with the corporation

Monterey March 15th 1833

Jose Arana
Jose Arcadio Romero

Jose Figueroa etc

Whereas Jose Maria Armenta a native of Ayualulco in the State of Jalisco has claimed for his personal benefit the land known by the name of Punta de Pinos which comprises the coast side from La Punta de Antonio to la Punta de Sipres and runs South in a right line South west to North east to the said Punta de Antonio as is marked in the respective sketch after having taken

the necessary action and made the necessary investigations according to the requirements of the laws and regulations in exercise of the powers vested in me in decree of the 13th instant in the name of the Mexican Nation I have concluded to grant him the mentioned land declaring it his property by the present letters patent recognizing said grant in entire conformity with the requirements of law under reservation of the approbation or disapprobation of the Excellent Ministerial Deputation and that of the Supreme Government and under the following conditions

1. That it be subject to the conditions which shall be established by the regulation to be made for the distribution of vacant Lands and that in the meantime neither the grantee nor his heirs shall have the power to divide or alienate what is adjudicated to him nor subject it to rent, entail, bond, mortgage or any other incumbrance though it be for a charitable purpose nor to convey it into mortmain subjecting it besides to the payment of the tribute that may be imposed if it shall prove to belong to the commons of Monterey when its boundaries be fixed

2. He may fence it without prejudice to the crossings roads and servitudes he will enjoy it freely and exclusively appropriating it to the use or culture that best may suit him but within a year at most he will build a house to be inhabited

3. When the room this shall have been confirmed unto him he will solicit of the respective judge to give him judicial possession in virtue of this document by whom the boundaries are to be marked on the extremities of which besides the land marks he will set some fruit trees or willows of some utility

4. The land mentioned is eight millions seven hundred and two thousand five hundred in area or superficies in square varas a little more or less as is shown in the sketch joined to the expedient

The Judge who shall give the possession will cause it to be measured conformable to ordinance in order to mark out the boundaries leaving the surplus that may result to the nation for convenient purposes

5. If he should violate these conditions he will lose his right to the land and may be denounced by some other party.

24.

Consequently I order that these presents serving him as a title deed and being held as firm and valid shall be entered in the corresponding book and delivered to the interested party for his security and other purposes

Given in Monterey on the 24 of May 1833.

Jose Figueroa

Agustin V. Zamorano

Secretary

Entered in the book of entry of titles on adjudication of vacant lands folio 41, No 4, deposited in the archives of the Secretary Office in my charge

Monterey May 24th 1833

Zamorano

The Committee on colonization and vacant lands to whom was referred the Expediente instituted at the instance of the Citizen Jose Ma Armenta claiming the land called Punta de Pinos has examined it with the appropriate circumspection at the same time bearing in mind the law of 18th of August 1824 its Reglamento and the general dispositions which the Supreme Government of the Union under 24th of November 1828 dictated for the better prosecution of the first.

Under the examination of this Expediente the Committee has been strengthened in the opinion it already began of the Competency and goodness with which the Supreme Political Chief has directed it so clear neither in its inception nor in its execution there has been deviated from any essential requisite

Wherefore the Committee concludes with submitting to this Excellent Deputation the following proposition

1. It approves of the grant made to the Citizen Jose Ma Armenta of the land called Punta de Pinos granted on the 24 of May 1833 in entire conformity with the provisions the Law of 18th of August 1824 and Article 5th of the regulations of 21st of November 1828

Monterey May 16th 1834

Jose G. Ortega Leader Anto Castillo

Jose A Estudillo Jose Castro

Monterey 17th May 1834

In to days session the Excellent Deputation approved of the proposition of the foregoing opinion ordering the

25.

Expediente to be returned to the Superior Political Chief for convenient purposes

Jose Figueroa
Juan B Alvarado
Secretary

Monterey 18th December 1834

In view of the approbation granted on the 17th of May last by the Excellent Territorial Deputation let a testimonial thereof and of this decree be issued to the party Jose Maria Armenta in confirmation of the grant of the tract of land called Punta de Pinos which he obtained on the 13th of May 1833

Don Jose Figueroa Brigadier General Commander General "and" Inspector and Superior Political Chief of Upper California thus did order decree and sign of which I bear testimony

Jose Figueroa
Agustin V Zamorano
Secretary

Testimonial

Approves of the grant made to the Citizen Jose Maria Armenta of the land called Punta de Pinos granted on the 24th of May 1833. in entire conformity with the provisions of article 5th of the Regulations of 21st November 1828, Monterey 17th of May 1834

In today's session the Excellent Deputation approved of the proposition in the foregoing decree ordering the Expediente to be returned to the Superior Political Chief for convenient purposes Jose Figueroa Juan B Alvarado - Secretary Monterey 18th of December 1834

In view of the approbation granted on the 17th May last by the Excellent Territorial Deputation let a testimonial thereof and of this decree be issued to the party Jose Maria Armenta in confirmation of the grant of the tract of land called Punta de Pinos which he obtained on the 13th of May 1833. Don Jose Figueroa Brigadier General Commandant General Inspector and Superior Political Chief of Upper California thus did order decree and sign of which I bear testimony. Jose Figueroa Agustin V Zamorano

I certify to be conformable to the letter with the original from which the present testimonial was carried to be drawn for the security of the interested party in Monterey on the 18th of Dec 1834 the Citizens Buenaventura Arce and Bonifacio de Vera in sign of this might serve being witnesses witnessing of Truth Jose Figueroa

Filed in Office Sept 8. 1853 } A V Zamorano Secretary
Geo Fitzhugh Secy

26.

Sello cuarto Dos Reales: Habilitado provisionalmte por la Aduana Maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ocho cientos cuarenta y cuatro y mil ocho-cientos cuarenta y cinco.

Michelltorena Pablo de la Guerra
Por Ausª del Admor: Guillo Edo Hartwell

En Monterey de la Alta California à los doce dias del mes de Junio de mil ocho cientos cuarenta y cuatro ante mi Sr Lorenzo Serrano Alcal de 2º Constel.te y Juez de primera instancia enterino de esta demarcacion y ante los testigos de asistencia con quienes actuo en la forma establecida por falta de Escribano publico, à mas de los instrumentales de que al fin se harà mencion parecio de presente Dª Brigida Alvarez, con sus hijos Josè Josè Antonio y Bristobal Armenta cuyos personas doy fè conozco y digo la primera que por si y à nombre de los referidos hijos, herederos y subsesores y de quien de ellos hubiere titulo vos y cansa sede à Dn Josè Abrego de esta misma vecindad que tambien doy fè conozco el Derecho q: les asiste al terreno conocido con el nombre de Punta de Pinos que les pertenece en propiedad segun consta del titulo y posesion que obra en el Espediente que presentaron y yo el Juez; doy fè haber visto y mandè unir à la presente escritura; cuyo terreno esta libre de todo gravamen publico perpetuo, temporal, tacito ò espreso y como se lo sede à dho Señor Abrego: Por cuya se sion han recibido la Otorgante y sus hijos

la cantidad de ciento sesenta y dos pesos
à su entera satisfaccion; Y desde hoy en
adelante se desprende y dispoja para si
empre del derecho, posecion titulo recurso ù
otro qualquiera que le competa al enun
ciado terreno y lo renuncia y traspasa al
espresado Don Abrego para que disponga de
el como de cosa propia y le confiere poder
irrevocable con libre franca y general ad
ministracion para que de su autoridad
aprende la tenencia y posecion que por
derecho le competa. Y à la observancia
y validacion de todo lo referido obliga la
Otorgante sus vienes presentes y futuros
y con ellos se somete al fuero y jurisdiccion
de los señores Jueces que de sus causas pue
dan y deban conocer conforme à Dro: para
que à su cumplimiento lo compelan y a=
premien por toda via executiva como sen
tencia dada consentida y pasada en
autoridad de cosa juzgada y sentenciada
que por tal la reputa renuncia las leyes
que en el caso le favorezcan y la general
del Dro en forma. En cuyo testimonio así
lo otorgo y firmaron à ruego de los interesa
dos los S.S. Manuel Castro, Vicente Gomez
Y. Antonio Chaves y Esteban de la Torre
presentes y vecinos siendo los instrumenta
les los tres primeros firmando, y con los de
Asistencia de que doy fee.

Yslovencio Serrano # Manuel Castro
Vicente Gomez # Josè Ant.º Chaves.
Ambrosio Gomez de Asistencia. Antonio
Serra Asistencia.

Es copia sacada fielmente de su Orgi
nal hoy dia de su Otorgamiento.

No 3. H

2

28.

Sello cuarto Dos Reales: Habilitado provi=
cionalmte. por la Aduana maritima del
puerto de Monterey, en el Departamento
de las Californias, para los años de mil
ocho cientos cuarenta y cuatro, y mil ocho
cientos y cinco.

Michel Torena Pablo de la Guerra

Por Ausa. del admor: Guillo. Edo. Hartwell

Siendo testigos de verla copiar cor=
regir y cosertar el Cno. Ambrosio
Gomez doy fè. Florencio Serrano

Antonio Gomez

Derechos con el papel 5 ps. 4 Rs.

No. 4. H. Juzgado 2o. y de 1a instancia

Por cuanto Da. Brigida Alvarez viuda
de José Ma. Armenta y Tutora Alvacea
de sus hijos menores ha probado ante mi
Florencio Serrano Alcalde 2o. en esta ju=
risdiccion, q. siendo dueña del terreno
conocido con el nombre de Punta de Pinos
rancho q. se le concedio à su Esposo, no
tiene en lo absoluto con q. fomentarlo p.
cuya causa se halla abandonado y ni
ahora lo ocupa y como à mas se encuentra
en la suma necesidad de no tener ni con
que alimentarse ni alimentar à sus hi
jos hechas p. este Juzgado las averiguaci=
ones correspondientes, se le faculta p. q.
pueda enagenarlo vendiendo el derecho q.
à dho. terreno le asiste. Asi yo el citado juez
lo provei y formè en Monterey à 15. de Mayo
de 1844. Florencio Serrano

No. 5. D. Sello cuarto Dos Reales: Habilita
=do provisionalm. por la Aduana maritima
del puerto de Monterey, en el departamento
de las Californias, para los años de mil ocho

ciento cuarenta y cuatro y mil ocho ciento
cuarenta y cinco.
Michel Torena Pablo de la Guerra
Por ausa. del Admor Guillo. Edo. Hartwell

El ciudado. Manuel Michel Torena
General de Brigada del Ejercito
Mexicano, Ayudante Gral del mis
mo, Gobernador Comandte. Gral è Inspec
tor del departamento de California.
Por cuanto Dn. Josè Abrego ha adquirido
legalmente el dho concesion, y posecion qe.
obtuvo Josè Ma. Armenta del terreno cono=
cido con el nombre de Punta de pinos que
comprende la parte de Costa desde la
punta de Aulones hasta la de Apreces
vuelve por la linea recta N. O. a S. E. à la
referida punta de Aulones y habiendose prac
ticadas las diligencias correspondientes
he venido en declarar y declaro en confir
macion dueño de dho parage al mencion
ado D. Josè Abrego sugetandose à las con
diciones siguientes. 1a No podrà venderlo
enagenarlo ni hipotecarlo. 2a ni podra
cercarlo sin perjudicar las travesias cami
nos y servidumbres. lo disfrutarà libre
y esclusivamte. destinandolo al uso ò cul
tivo que mas le acomode. 3o El terreno de
que se hace donacion es de la Estencion
que demuestra el diseño respectivo y segun
la posecion juridica que ya se tiene dada
4a Si contravinere à estas condiciones
perderà su derecho al terreno y serà denun
ciado por otro. En consecuencia mando
que sirviendole de titulo el presente se
tome razon de el en el libro respectivo y se
entregue al interesado para su resguardo

31.

y demas fines. Dado en Monterey à Cuatro de Octubre de mil ochocientos cuarenta y cuatro. Manl. Michelena

Manl. Limeno - Srio.

map. 10

Queda tomada razon de este Despacho en el à que corresponde @ fojas. 10

Limeno.

Here follows map

El que suscribe secretario del Despacho certifica. Que el diseño que se demuestra à la buelta es igual al Original que esta agregado al Espediente respectivo de la concesion que el señor Gobernador Dn. Manuel Michelorena y Comandte. Gral hizo de la Punta de Pinos à favor del señor Dn. Josè Abrego en cuatro de Octubre de mil ochocientos cuarenta y cuatro.

Manl. Vicente.

No. 7. En el puerto de Monterey California à los quince dias del mes de Enero de mil ochocientos y cincuenta. Ante mi Felipe Roach Alcalde 1o. de este lugar y por ante los Testigos de Asistencia parecieron Don Josè Abrego y su Esposa Doña Josefa Estrada vecinos del mismo lugar à quienes doy fè conozco y dijeron: que por si y à nombre de sus herederos y suscesores venden y dan en Venta solemne y enagenacion perpetua por juro de heredad para siempre jamas el derecho y Accion que por las adjuntos Titulos tienen al Terreno conocido con el Nombre de Punta Pinos comprado à doce de Junio 1844 à Doña Bergida Alvarez con sus hijos Josè, Josè Antonio y Cristoval Armenta y comprende la parte de la Costa desde la Punta de Aulones hasta la de Cipreces y vuelva por la linea recta Sur Oeste à Nor-Este. à la referida punta de Aulones. Ademas que en cuatro de Octubre de mil ochocientos cuarenta y cuatro, el Gobernador Don Manuel Michelorena espidio un nuevo titulo à favor de Don Josè Abrego à vista de la concesion adquirida de Josè Maria Armenta

32.

sugeto à nuevas condiciones. à los Sres Milton Little, Jacobo P. Leese, Santiago Gleason y Tomas O. Larkin en la Cantidad de Treinta mil pesos en plata que ya estan recibidos à nuestra entera satisfaccion declarando no tenerlo vendido ni enagenado Renunciando cualesquiera derecho que pudieron tener. En seguida pasando à pieza separada leí lo antecedente escrito à la espresada Sra Doña Josefa Estrada y declaro ser de su voluntad la dicha venta no habiendo sido forzado por parte de su Esposo. Y para su cumplimiento y validacion firmaron con migo y los de asistencia segun derecho.

José Abrego ⌗ Josefa Estrada

asso. Franco. Mila ⌗ De asso. Manuel Castro

Philip A. Roach
Alcalde.

Filed in Office Decr 31. 1852

Geo: Fisher Secy.

33.

4353

34.

Translation of Grant and mesne Conveyances

Translation of Act of Sale

In Monterey in Alta California on the 12th day of the month of June 1844 before me Florencio Serrano 2nd Alcalde, Constitutional and Justice of the first Instance ad interim of this demarcation and before the attesting witnesses with whom I act in due form for want of a Notary Public besides those instruments to whom to their purpose shall be made mention appeared in my presence Don Rogerio Olivera with his sons José José Antonio and Cristobal Olivera to which persons I attest that I know and the first named said for himself and in the name of the said sons his and successors and whom of them shall have title and cause the cession to Don José Arrego of this same neighborhood whom also I attest that I know the right which may favor them to the land known by the name of Punta de Pinos which belongs to them in right of property as is shown by the title deed and possession that is annexed to the expediente they presented and which I the Justice attest to have seen and ordered to unite to the present writing which land is free of all incumbrance public perpetual temporal tacit or expressed and as such it is ceded to said Don Arrego for which concession the grantor and his sons have received the sum of 162 dollars to his entire satisfaction

And from to day forward for always the right possession title reclamo or other which said competition to said land is released and relinquished and the remonces and transfers it to the said Don Arrego in order that he may dispose of it as a thing of his own and the confers on him vivo cable possession with free and general administration so that he may enjoy by his authority the tenancy and possession that by right is due to him

And for the observance and maintenance of all the aforesaid the grantor obliges himself in his goods present and future and then with the subjects himself to the statutes and jurisdiction of the justices that from the causes they may and must know conformable to law for his complacence they can compel and restrict him by all executive means as judgment given consented and passed in authority of a suit adjudged and sentenced which by the voices

She renounces the laws that in such case may favor him and the formal Law in general

In testimony of which she thus consented and in the name of the interested parties signed the citizens Manuel Castro Vicente Gomez J. Antonio Chaves and Estevan de la Torre witnesses and neighbours the latter first being the instrumentator signing with the assistants of which I give testimony

Florencio Serrano Manuel Castro
Vicente Gomez Jose Antonio Chaves
Ambrosio Gomez
Assistant Assistant
Antonio Livia " "

This is a copy faithfully drawn from its original to day of his grant the citizen Ambrosio Gomez being a witness of seeing it copied correctly and compared which I attest

Florencio Serrano

Ambrosio Gomez

Fusiotto the paper #5 4 reales

Second Justices Court and of 1st Instance

Whereas Da Brigida Alviso widow of Jose Ma Amunta and testamentary heiress of her husband has proved before me Florencio Serrano 2d Alcalde in this jurisdiction that being owner of the land known by the name of Punta de Pinos a Rancho granted to her husband she has absolutely not the wherewithal to stock it for which reason it is found abandoned and not occupied and as besides the fonds herself in the urgent necessity of not having the wherewithal to support herself nor her sons,

After by this Justices Court the necessary investigations have been made she is vested with the power to alienate it seeing the right which she has to said land Thus and so the said Judge provides and signs in Monterey 15 th of May 1844

Florencio Serrano

(Translation of Grant)

The Citizen Manuel Micheltorena Brigadier General of the Mexican Army Captain General of the same Governor Commandante General and Inspector of the Department of the California

Whereas Da Jose Amaya has legally acquired the right concession and possession that Jose Maria Amunta obtained of the land known by the name of Punta de Pinos which comprises the coast side from La Punta de Almejas to that of Sipreces and returns by the right line &c

36.

Southwest to North East to the sand Punta de Antonio and having to him the corresponding action I have conceded to declare and do declare and confirm the mentioned D. Jose Arrigo owner of said location subject to the following conditions

1. He shall not have the power to alienate it nor mortgage it

2. He may fence it without prejudicing the crossings roads and servitudes he will enjoy it freely and exclusively appropriating it to the use or culture that best may suit him

3. The land donated is of an extent shown in the respective sketch and according to the provisional possession which he has already been given

4. If he should violate these conditions he shall lose his right to the land and shall be denounced by any other

Consequently I order that this serving him as a title deed an entry be made of it in the respective book and delivered to the interested party for his security and other purposes

Given in Monterey 4th October 1844

Manuel Micheltorena

Manuel Jimeno

Secretary

This document has been entered in the corresponding book on folio 10

Jimeno

(Sketch)

The Undersigned Secretary of State certifies that the sketch exhibited in the annexe is a likeness of the original that is annexed to the respective expediente of the concession which the Governor Don Manuel Micheltorena and Comandante General made of the Punta de Pinos in favor of Sr. D. Jose Arrigo on the 4th of October 1844

Manuel Jimeno

Secy

In the Port of Monterey California on the fifteenth day of the month of January 1850 before me Felipe Roach 1st Alcalde of this place and before the assisting witnesses appeared Don Jose Arrigo

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and his wife Doña Josefa Estrada residents of the same place whom I attest that I know and they said that for themselves and in the name of their heirs and successors sell and give in solemn sale and alienation perpetual pro-jure in right of inheritance for always and over the right & action that by the aforesaid title deeds they have to the land known by the name of Punta Pajaro bought on the 12th of June 1844 of Doña Brigida Alvarez with her sons Jose, Jose Antonio and Francisco Amesta and comprises the side of the cove from la Punta de Anclones to that of los pozos and back to the right line south west to north east to the same Punta de Anclones

and besides on the 4th of October 1844 The Governor Don Manuel Micheltorena despatched a new title in favor of Don Jose Arrigo in view of the concession aforesaid of Jose Maria Amesta subject to new conditions to have two Little Lots to Jacob P. Leese Santiago Cleaver and Thomas O. Larkin in the sum of thirty thousand dollars in silver which is already received to our entire satisfaction

Declaring not to have sold or alienated it renouncing whatever right they might have.

Therefore I proceeded to see her separately and read the foregoing writing to said Doña Josefa Estrada and she declared the said sale to be of her free will not having been forced thereto from the part of her husband

And for its fulfilment and confirmation they signed with me and the assistants according to Law

Jose Arrigo
Josefa Estrada
asst
Francisco Mila
asst
Manuel Castro
Philip Roach
Alcalde

Filed in Office September 22nd 1852
Geo Fisher
Secretary

8/353

38

Amended Petition

To the Honorable Board of United States Land Commissioners for ascertaining and Settling Private Land claims in the State of California

Your Petitioners Jacob P. Leese Milton Little and Santiago Gleason hereby amending the original Petition addressed to this Honorable Board by constituting the said Milton Little and Santiago Gleason joint Claimants in this case with the said Jacob P. Leese humbly represent and pray as in said original Petition

Thomas Williams
for Petitioners

Filed in Office May 9th 1853
Geo Fisher
Secretary

39

9/853

411

Affidavit and Motion

Jacob P. Leese
vs
The United States } No 353

I Clark the attorney of the Claimant of record maketh oath that the Mission Conveyance from T. O. Larkin to Claimant was omitted to be filed from inadvertence neither the attorney for the United States nor the attorney for the Claimant having adverted to the fact,

That said link in the chain of title was wanting said conveyance having been executed never and recorded in conformity with the statutes of California long before this claim was filed

J. Clarke

Sworn to and Subscribed
Before me Jan 10th 1854
R Aug Thompson
Commissioner

Filed in Office January 17th 1854
Geo Fisher
Secretary

41

42.

10/353

Motion and Order

No 353.

Jacob P Leese vs The United States } For the place called Punta de Pinos

This day came the Claimant by his attorney and filed the following affidavit

(Here insert the affidavit of Jacob P Leese)

And thereupon moved the Board for leave to amend the Petition filed in this Case by inserting Milton Little and Santiago Gleason joint Claimants therein with the said Jacob P Leese which motion was granted by the Board

Filed in Office May 9th 1854
Jacob P Leese vs The United States } Geo Fisher Sentry

Before the U S Board of Commissioners Claim No 353 for the place called Punta de Pinos in Monterey County, State of California and County of Monterey ss

On this twenty first day of April in the year eighteen hundred and fifty four personally appeared Jacob P. Leese known to me to be the person referred to in the case above mentioned who being by me first duly sworn doth depose and say

That he is the Claimant named in the above entitled case but that he is not and has never in fact intended to be the sole owner & claimant of the lands therein sought to be confirmed

That this affiant and Milton Little

43.

Santiago Gleason and Thomas O Larkin are the purchasers of the said tract of land from Jose Abrego and that the deed of conveyance is now on file in this said case before the said Board of Commissioners showing this fact

that this appellant claims only an undivided half of the said tract and that his title thereto is derived from the said deed of conveyance from Jose Abrego to himself and the other purchasers above named conveying to this appellant the undivided fourth part thereof and from the deed of conveyance also on file in the said case from the said Thomas O Larkin conveying to this appellant another undivided fourth part thereof and that in truth and in fact the other moiety of the said tract is owned or claimed by cotenants whose title is derived from the same original source as his own and that the names of his cotenants ought to have been mentioned and shown in the Petition before the said Commissioners for confirmation thereof

That he handed the papers enclosed to in the Petition to the attorney he had employed for himself and his cotenants at his and their equal proportionate expense and with their consent and instructed the said attorney to present the same in behalf of this appellant and his cotenants according to their respective interests that is one half for this appellant and the other half thereof for his cotenants that the said attorney by casualty as he is informed has filed the claim for the whole tract of land in the name of this appellant only contrary to what this appellant desired and without the fault of this appellant or his cotenants of the said land and that the other parties in interest ought in justice to be jointly made parties claimants with this appellant in this said Claim Jacob P. Leese

Duly subscribed and sworn to before me on this 21st day of April AD 1854 A. S. Taylor

Clerk of the U.S. District Court for the Southern Dist of Cal

Filed in Office May 9th 1854

Geo Fisher Secy

44.

Deed from
T O Larkin
To
Jacob P. Leese

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PAGE 40

Know all men by these Presents that I Thomas O. Larkin late of Monterey City California, now of New York City State of New York for and in consideration of Three thousand dollars to me in hand paid by Jacob P. Leese of the said City of Monterey the receipt whereof is hereby acknowledged have this day and by these presents do grant bargain sell and convey unto him the said Jacob P Leese his heirs and assigns all and singular whatever right title interest and estate I now or may have of in and to that certain tract piece or parcel of land lying and being situate in the County of Monterey State of California and known as the Rancho Punta de Pinos under and by virtue of a certain deed of Conveyance made by Jose Abrego and wife unto Milton Little Jacob P. Leese James Gleason and Thomas O. Larkin on the 15th day of January A.D. 1850. and duly recorded in the Book of Records of the then Municipality of Monterey now in the Records Office of Monterey County at folio 125, and of a certain agreement recorded in said Office in Book Agreements A Page 16 = reference being had thereto

More fully and perfectly described as will appear To Have and To Hold the said premises unto him the said Jacob P Leese his heirs and assigns as fully and completely as this day held by me under and by virtue of the deed of Conveyance aforesaid

Witness my hand and seal at Monterey City this eighth day of July AD one thousand eight hundred and fifty two

Thomas O Larkin (Seal)

45.

State of California } ss
County of Monterey }

On this 8th day of July A D 1852 before me Recorder in and for said County came personally Thomas O. Larkin to me known to be the same person described in and who as Grantor therein executed the foregoing Conveyance and he acknowledged to me that he had executed the same freely and for the uses and purposes therein expressed.

Witness my hand and official seal the day and year last aforesaid

Seal

Wm. G. Johnson
Recorder of Monterey County

169SD
PAGE 41

Returned for Record January 7th 1854 A D 4 P M
Recorded in Book B of Conveyances Page 125.

Jas H Gleason
County Recorder
Monterey County
By Edwd L Williams
Deputy Do

Seal

Filed in Office January 17th 1854
Geo Fisher
Secretary

12/353

46.

Opinion of the Board

Case No 353

Jacob P. Leese et al vs The United States } Punta de Pinos

This claim was originally filed in the name of Jacob P. Leese alone for the whole tract of land therein and claimed under the name of Punta de Pinos.

While the mesne conveyance from Jose Arrego and wife through which he derived his title and which was filed in the case discloses the fact that he was only entitled to an undivided interest of one fourth of the land claimed

The said conveyance having been made to the said Leese Thomas O. Larkin Milton Little and Santiago Gleason as tenants in common. After the case was submitted the said Leese on motion was allowed to file an additional conveyance from Thomas O. Larkin to him by which all the right title interest and estate of him the said Larkin in and to the premises was transferred to the said Leese and subsequently on motion

Milton Little and Santiago Gleason the other two grantees under the deed from Arrego and wife were allowed to come in on an amended Petition as joint claimants with the said Leese

The documentary evidence filed with the case consists of an Original grant made to Jose Maria Amesta by Governor Figueroa on 24th of May 1833. duly approved by the Territorial Deputation

A Judicial act of sale by Rafael Alvarez Verdugo and Jose, Jose Antonio and Christobal Amesta heirs and successors of the said Jose Maria

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ainente to Don Juan Arrego of all the rights in the said tract of land known as Punta de Pinos dated June 16th 1844

A new Grant from Governor Micheltorena to said Arrego in Confirmation of said act of sale and of the title thereby acquired dated October 4th 1844

and lastly of the deeds of conveyance from Arrego to Lugo and his co-tenants dated January 15th 1850 and from Lugo to Lease dated July 8th 1852 all of which are duly proven and authenticated

The conditions of the grant appear from the evidence to have been duly complied with and the descriptions contained in the grants and delineated in the maps to which reference is made are sufficient to identify, and fix the location of the lands granted with certainty and precision

A Decree of Confirmation will accordingly be entered in favor of the claimants for their respective interests in the premises.

Filed in Office June 13th 1854
Geo Fisher
Secretary

48.

3/363-

Decree of Confirmation

Case No 353

Jacob P. Leese Milton Little and Santiago Gleason
vs
The United States } Punta de Pinos

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the Petitioners is valid and it is therefore decreed that the same be confirmed to the said claimants with the following bounds and proportions to wit

To the said Jacob P. Leese one undivided moity To the said Milton Little one undivided fourth part and to the said Santiago Gleason one undivided fourth part of the premises so confirmed to them

The land of which confirmation is made is situated in the County of Monterey and is known by the name of Punta de Pinos being the same which was granted to Jose Maria Armenta by Governor Figueroa on the 24th of May 1833 and regranted and confirmed to Don Jose Arrego by Governor Micheltorena on the 4th of October 1844 and is bounded as follows

Commencing on the sea beach at the Punta de en Lones and running along the coast around the Punta de Pinos to the Punta de Lipres thence by a right line from South west to North East to the place of beginning being of the extent shown by the map annexed to the grant and filed with the papers in the case to which reference is made for a more particular description

Alpheus Felch
"
R. Aug. Thompson
Commissioners

49.

Filed in Office June 13th 1854.
Geo Fisher
Secretary

3

And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California it is hereby

Ordered that two Transcripts of the Proceedings and of the decision in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary,

One of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California and the other be transmitted to the Attorney General of the United States

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 Forty nine — pages, numbered from 1 to 49, 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. 353 on the Docket of the said Board, wherein Jacob P. Leese is —

the Claimant against the United States, for the place known by the name of "Punta de Pinos."

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

Geo: Fisher.

Sy.

District Court.
Southern District of California

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No. 19 Docket

The United States

vs

Jacob P. Leese,
"Punta de Lino."

Transcript of the Record
from the 169
Board of U.S. Land Commissioners
& Case No. 353.

Filed Dec. 19th 1854.
E. Carr
Clk

169

Office of the Attorney General of the United States,

Washington, 7th March 1855.

Jacob P. Leese
vs.
The United States. } 353.

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 December 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. 169

U. S. D. Court S. Dist.

The United States
vs.
Jacob P. Leese

Appeal Notice.

Filed May 11th 1855.

C. E. Pope
clk.

Office of the Attorney General of the United States,

Washington, 7th March 1855

Jacob P. Leese
vs.
The United States. } 353.

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 December 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. 169

U. S. D. Court S. D.

United States

vs.

Jacob P. Lease

Appeal Notice.

Filed April 21st 1885.

F. E. Fan
Clk.

In the District Court of the United States for the Southern District of Cal.
Hon Isaac S. K. Ogier Judge.

On Motion of P. Ord, Attorney of the United States for the Southern District of California, and on suggesting to the Court, that a Notice of the intention of the United States, by Hon Caleb Cushing, Attorney General of the United States, to appeal, in the case of Jacob P. Leese, vs the United States, No. 165, from the decision of the Commissioners to ascertain and settle the private-land claims in the State of California, has been filed ~~inadvertantly~~ inadvertantly, in the Office of the Clerk of this Court; and that the said Notice of appeal belongs to the said case, now pending on appeal, in the District Court of the United States for the Northern District of California — it is ordered that the ~~Clerk of this Court allow the~~ Attorney of the United States, ~~for the~~ be allowed to withdraw ~~the so~~ from the files of this Court, the said Notice of appeal in said case, that it may be sent to the ~~said~~ Clerk of the District Court of the United States for the Northern Dist of Cal.

P. Ord
Dist Atty U.S.

No 169.

Filed April 23d 1855.

C. E. Fan
Clk.

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

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.

Jacob P. Leese et al appellees.
vs.
The United States. Appellant.

Docket No. N. 169.

Transcript No. 353.

TO THE HON. ISAAC S. K. OGIER, JUDGE:

The Petition of **Pacificus Ord**, *a resident of said City, County, and State, 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 the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the* 22nd *day of* September *A. D.* 1852, Jacob P. Leese, Milton Little & Santiago Gleason

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called Punta de Pinos

in the County of Monterey *State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the* 13th *day of* June *A. D.* 1854, *the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the* 19th *day of* November *A. D.* 1854, *a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, 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.* 353; *reference to which it is prayed may be had and made part of this petition. That on or about the* 10th *day of* December *A. D.* 1854, *the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and*

evidence on which said decision was founded. That thereafter, to wit: on about the 21st day of April A. D. 1855, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, 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 land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimants presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimants ~~has~~ have any valid right or title to said land claimed as aforesaid, or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant's having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

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 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or ~~his~~ their attorneys may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the ~~same~~; and decide on the validity of the ~~same~~ said claim, and decree the alleged title to be invalid: with costs and general relief.

P. Ord

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

No. 169.

Jacob P. Leede et al

vs.

The United States.

Petition of US for Review

Filed January 11th 1858

Le Baron Clk

J. H. Coleman

Dep

Jacob P. Leese et al. vs The United States.

In the U.S. Dist. Court for the Southern Dist of California.
June Term A.D. 1858

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No. 169 — . Claim for the Rancho "Punta de Pinos" —

The said claimants by atty. D. T. Gregory move the Court to dismiss the appeal from the Board of Commissioners, to this Court, for the reason that no notice of appeal was filed with the Clerk of this Court within the time required by law, as appears from the records of this Court.

D. T. Gregory
Atty for Appellants

No. 169.

Jacob P. Leese et al.
vs
The United States

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

Filed 15 June 1858
J. Ross Clark
J. H. Coleman
Dep

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D. T. Gregory
atty

Jacob P Leese et al
Appellees

vs

The United States
Appellant

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} California

In the U.S. District Court for the Southern District of California

No 169.

Claim for Punta de Pinos

The said appellees by attorney D.S. Gregory come into Court and in answer to the petition of review heretofore filed by the U.S. Dist Attorney in said cause deny the allegations of the said petition of review that states that their title is not a good and valid title & further say that the title to said tract of land is a good and valid title & therefore pray that the same may be confirmed

D.S. Gregory
Atty for Appellees

No 169

The U. States
appellant
vs
J. P. Leede & al.
appellees.

Answer.

Filed 18th June 1838
C. Lewis clk
J. H. Coleman
Dep

D. T. Gregory
atty

United States of America,
SOUTHERN DISTRICT OF CALIFORNIA. } SS.

THE PRESIDENT OF THE UNITED STATES,

TO

Jacob P. Leese. Milton Little & Santiago Gleason

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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 11th day of January in the year of our Lord, one thousand eight hundred and fifty-eight, at the City and County of Los Angeles, in said District, by

P. Ord. U.S. Atty praying for a review of the decision of the U.S. Land Commissioners rendered in your favor on the 13th June 1854 for the tract of land called "Puerto de Pinos" in the County of Monterey

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.

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this 11th day of January, in the year of our Lord, one thousand eight hundred and fifty-eight, at Los Angeles aforesaid.

C. Sims Clerk.

J. H. Coleman
Dep.

No. 169

UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA,
U. S. DISTRICT COURT.

Jacob P. Leese et al

vs.

The United States

SUMMONS.

Filed 10th July 1858
Edwin Ellis
Clerk

169 SD
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I served this Summons, along with the proper copy of the Petition, upon Jacob P Leese Milton Little, and Santiago Gleason

at Monterey, in the Southern District of California, on the 4th day of June, A. D. 185 8.

Sworn to and subscribed before me,

Clerk. James C Pennie U.S. Marshal for the South^n Dist of California

This Indenture, Made the ninth day of June A. D. One Thousand, Eight Hundred and Fifty-seven

Between Jacob P. Leese of the first part, of the County of Monterey State of California, and Henry De Graw of the same place,

of the second part, **Witnesseth,** that the said party of the first part, for and in consideration of the sum of Four Thousand 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 ensealing and delivery of these Presents, the receipt whereof is hereby acknowledged, has remised, released and quit-claimed, and by these Presents do remise, release and quit-claim, unto the said party of the second part, and to his heirs and assigns forever,

All of my right title interest claim and demand at law or equity, in possession or expectancy in and to that certain tract or parcel of land lying and being situated in said County and bounded or described as follows beginning at a point on the Bay of Monterey at a Point known as Point Aulones, and thence following along the sea beach of the Pacific ocean, around the point to point Cypress thence in a direct line in a North Easterly course to the place of beginning, said tract of land containing two leagues more or less, and being known as Rancho "Point Pinos"

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

And also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said party of the first part of, in or to the above described premises, and every part and parcel thereof with the appurtenances.

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, heirs and assigns forever.

In Witness Whereof, ~~the said party of the first part has hereunto set hand and seal the day~~ and year first above written. And I the said Jacob P. Leese, for my ~~Sealed and Delivered in the presence of~~ self, my heirs, Executors administrators and assigns do hereby covenant and agree with the said Henry De Graw, his heirs Executors and administrators and assigns that I will, and my heirs Executors and administrators shall warrant and defend the same to the said De Graw his heirs and assigns, forever against all liens or incumbrances done

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or suffered by myself, but against no others whatever.

The printed words on first page from "In witness whereof, to" in the presence of," inclusive erased & the word forever, interlined before execution — In testimony whereof I have hereunto set my hand & seal, date above written.

Jacob L Lesse

Signed sealed and delivered in presence of

D. S. Gregory

written.

Chas L Williams County Recorder.

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or suffered by myself, but against no others whatever.

The printed words on first page from "In witness whereof, to" in the witness of," inclusive erased & the word forever, interlined

to set my

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NO. 3.

California Law and Commercial Blank Establishment.

State of California,
County of Monterey } SS.

On this Ninth day of June A. D., One Thousand Eight Hundred and Fifty-Seven before me Edw L. Williams Recorder in and for said County, personally appeard Jacob P. Leese to me personally known to be the individual described in and who executed the annexed Instrument, and acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned,

RECORDER'S OFFICE MONTEREY COUNTY

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

Edw L. Williams **County Recorder.**

No 169

U. S. Dist Court
Jacob P. Leese
South Dist California

J. P. Leese et al
vs
The United States

Deed from Leese to
Henry De Graw

Filed April 28th 1862

169 SD
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DEED.

Jacob P. Leese

TO

Henry De Graw

Dated, 9th June 1857.

Rec'd for Record June 9th 1857 @ 10 o'clock M. and Recorded in Book C. of Conveyances on page 111 and following —

Edw. Lee Williams
Recorder
Monterey County

2.75
2.75
5.50

State of California
Monterey County } Know all men by these presents that

I, Jose Abrego of the said County, in consideration of the sum of twenty five hundred Dollars — to me in hand paid by Durell S. Gregory, also of said County, the receipt whereof is hereby acknowledged, have remised, released quit claimed and conveyed, and by these presents do bargain sell remise release quit claim and convey unto the said Gregory and to his heirs and assigns forever, all of my right, title, interest and claim in possession or reversion at law or in equity, in and to all of that certain tract of land lying and being situate in the said County, and being bounded and described as follows: commencing at a point on the Bay of Monterey being known as "Point Avalones" (Avalones") thence following the coast of the Pacific Ocean to "Point Cypress," thence running in a direct line in a North Easterly course to the place of beginning; said tract of land being known as Rancho "Punta de Pinos" (Point Pinos) and containing two square leagues, a little more or less, and my interest therein being the one undivided half part thereof —

To have and to hold the said tract of land together with all the rights privileges and appurtenances thereunto be-

longing, unto him the said Durell S. Gregory, & to his heirs and assigns forever.

In testimony whereof I have hereunto set my hand and affixed my seal this the thirtieth day of April A.D. Eighteen Hundred & fifty seven.

Signed, sealed and delivered in presence of

Edw L. Williams

Jas H. Gleason

J. M. Arrego

longing, unto him the said Durell S. Gregory, & to his heirs and assigns forever.

In testimony whereof I have hereunto set my hand and affixed my seal this the thirtieth day of April A.D. Eighteen Hundred & fifty seven.

Signed, sealed and delivered in presence of } Jose Abrego

NO. 3.

California Law and Commercial Blank Establishment.

State of California,
County of Monterey } SS.

On this Thirtieth day of April A. D., One Thousand Eight Hundred and Fifty-Seven before me Edw L Williams County Recorder in and for said County, personally appeard Jose Abrego

to me personally known to be the individual described in and who executed the annexed Instrument, and acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned,

RECORDER'S OFFICE MONTEREY COUNTY, CAL.

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

Edw. L. Williams
County Recorder.

No 169.
U. S. Dist Ct
U. S. Dist Cal

H De Haw et al
vs
United States

Deed from
Jose Abrego
to
D. S. Gregory

Filed June 10, 1862
John D Wheeler
Clk

169 SD
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Lose Abrego
to
D. S. Gregory

Deed for Point Pinos

Rec'd for Record April
30th 1857 @ 10.30 a.m.
& Recorded in Book
"A" Conveyances Page
75 & 76.
Edw L Williams
County Recorder
Monterey County
By Jas H. Gleason
Deputy

In the United States District Court for the Southern District of California. Special January Term A.D. 1862.

The United States appellants vs. Jacob P. Leese appellee	Transcript no 353. Docket no 169. Claim for "Point Pinos" situated in Monterey County.

On motion now in open Court made, of D. S. Gregory attorney for appellee in the above entitled cause.

It is ordered by the Court that the said appellee or his said attorney have leave to withdraw from the office of the United States Surveyor General for the State of California all of the original mesne conveyances (not including the original grant or expediente) in said cause, on their depositing or ~~leaving~~ filing in said Office, correct certified copies of such conveyan-

ed. to be certified by said Surveyor General.

Monterey, California
6th March AD 1862

Fletcher M. Haight
District Atty U.S. for
the Southern District
of California —

No. 169
U. S. Dist Court
South'n Dist Cal

The United States
vs
Juan R Leese

Order for Original
Papers from Surveyor Genl's Office

Filed Mch. 15th 1862
John Wheeler
Clk

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

Jacob P. Leese et al.
Appellees
vs.
The United States
Appellants

Docket No 169

Transcript No 353.

Claim for the Rancho "Punta de Pinos"

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I hereby consent that the name of Henry Dibrow be substituted as appellee in place of my own name, in the above entitled cause.

Monterey
28th April AD 1862

J. P. Leese

State of California
Monterey County } D. S. Gregory being by me sworn deposes & says that the foregoing signature of Jacob P. Leese to the above consent is the genuine signature of the said Leese, & was subscribed thereto this day in the presence of this deponent.

D. S. Gregory

Sworn to & subscribed before me this 28th day of April AD 1862.

John D. Wheeler, Clk
U. S. Dist Court, South Dist Cal

No. 169

Jacob P. Leese et al
vs
The United States.

U. S. Dist Court.
Southern Dist of
California
Substitution of parties
Consent of J. P. Leese

Filed April 28/62
John Rabeler
Clk

D. S. Gregory, Atty.

U. S. Dist Court South Dist Cal

Henry de Graw, substituted
Jacob P. Leese } et al } No 169
vs Appellees
The United States
Appellants

Be it remembered that on this 29th day of April AD 1862 at Monterey in the District aforesaid before me John S Whelan Clerk of the United States District Court for the Southern District of California, and Ex Officio U. S. Commissioner duly authorized to take depositions in Civil Cases depending in the Courts of the United States pursuant to the acts of Congress in that behalf, appeared Jacob P Leese, a witness produced on behalf of the appellees in the above entitled Cause now pending in said Court, under the acts of Congress to ascertain and settle private Land Claims in the State of California, who being duly sworn testified as follows. his testimony being given in English

Present Durell Gregory atty for appellees and B C Whiting Esq U. S. Dist attorney on behalf of the United States.

Questions by atty for appellees

Question 1st. What is your name age and place of residence

Ans. 1st My name is Jacob Pease, age 53 years and residence. Monterey Cal.a

Quest 2d. Are you one of the original Claimants in the suit of J Pease et al vs the United States for the lands of Rancho Ruiz. being Case No 169 on the Docket of the U. S. Dist Court for South.n Dist Cal.a and have you any interest therein at this time.

Ans I was one of the original Claimants, therein but have no interest in it at the present time.

Quest. Have you ever examined the original Grant of the land in this case now on file in the office of the Surv. Genl of the U. S. for Cal.a being a Grant made in 1844 by Gov Micheltorena to Jose Abrego.

Ans. I have examined the original Grant from Micheltorena to Jose Abrego made in 1844 which Grant I presented myself to the Board of Land Commissioners for Confirmation - I have not seen it since -

Ques What do you know of the genuineness of the signature of Manuel Micheltorena and

Manuel Jimeno. appearing therein.

Ans. I believe the signatures of Mad. Michelltorena & Manuel Jimeno as his secretary. wherever they appear therein to be their genuine signatures - as I have seen them write and am familiar with their signatures

Quest. Is Manl Jimeno now living. and if not, when did he die

Ans. I believe he is dead. he died in the City of Mexico. in the winter of '52 & '53. from General report also I believe Gov Michelltorena is dead

Ques. What do you know - of any thing. relative to the occupancy of the land known as Punta de Ruiz since 1844. and by whom occupied

Ans. In 1847 It was occupied by Joe Abrego which occupation continued up to the year 1850, when he sold to Thos O Larkin, myself - Jas H Gleason & Milton Little. from which time it has been occupied by myself and the Gentlemen above mentioned. and my assignees, to the present time;

Quest. About how much land is there within the

boundaries mentioned in the grant — more or less —

Ans. All that I know about it, is obtained from the Juridical possession given of the land by David Pollock. From a calculation I have made according to the boundaries set forth in said Juridical possession I believe, there is about 6000 acres — But from my acquaintance of the land, I should not think there were more than 4000 acres — I know the land well having frequently been over it

Quest. State whether you ever presented any other Grant for said land to the Board of Commissioners, and also what you know relative to the genuineness of the signatures of the persons making such grant appearing therein. —

Ans. No I did not present any other Grant there was an original Grant made to Armente previously to the one made to Abreu, for the same land, which was before the Land Com.n. The signatures of Gov Pequeno who granted it appearing thereon is ~~a~~ genuine as I believe — I was familiar with his signature

Plaintiffs by Lowell S. Gregory
Attorney for Plaintiff and appellees

Quest. What improvements — if any — were there upon

Quest What improvements - if any - were there upon the land when you purchased it.

Ans. When we purchased it. we also purchased with it, the horses & cattle. and the house and corral which were then on it

Ques. Were there any one living in the house & if so who

Ans The servant of Mr Abrego who had charge of the Ranch - the name I do not recollect.

Quest Where did Abrego himself live

Ans He lived here in Monterey - not on the Ranch.

Ques How far are these lands from this city (Monterey) and are they in this County -

Ans The lands are on the Western boundary of this City. - & of course in the County of Monterey -

Quest Is the Gov't Light house on this Ranch
(Question objected to by Claimt's atty)

Ans. Yes.

Ques When was it built

(objected to by Claimants atty)

Ans

Ans I believe in 1851 or 1852, before I sold out,

Quest Was the Light house built there by Government
169 SD by and with your Knowledge and Consent?
PAGE 80

Ans. It was erected there by my Knowledge, but not with my Consent — and also with the knowledge of the other owners —

Ques Did you or any of the owners with your Knowledge object to the erection of the light house by Government

Ans At the act of building the light house, I made objections myself — this was done verbally to the Superintendant, who made the selection, he told me not to be uneasy as I would be remunerated, I was willing for him to select a place down upon the beach but did not wish him to take the site now occupied Government has occupied the place for a light house ever since —

J. P. Leese

Sworn to & subscribed before me this
29th day of April A.D. 1862

Wm Robinson Clerk
D.C. U.S. Com

No. 169
U. S. Dist Court
South^n Dist Calif

Henry D Graves substituted
for J P Leese et al

vs

The United States

Deposition of J P Leese
in behalf of Claimants

Filed April 29. 1862
John Dohrmann Clk

by request of Gregory
not filed, as it is not
ready

This Indenture made this first day of July A.D 1861. between Aaron Lyons as Sheriff of the County of Monterey; of the first part and Charles Brown. of the Township and County of Santa Cruz and State of California, of the second part; Whereas, by virtue of a writ of execution issued out of and made under the seal of the District Court of the Third Judicial District of the State of California in and for the County of Monterey duly tested on the Third day of July 1860. and said execution being issued at the suit of Joaquin Bolado Pltff vs Durell S. Gregory Deft. and to the said Sheriff directed and delivered, commanding him that of the goods and chattels of the said. Durell S. Gregory in his bailiwick. he should cause to be made certain moneys in the said writ specified. and if sufficient goods of the last named person could not be found. that then he cause the amount of said judgment to be made of the lands. tenements and real estate whereof the said last named person was seized; and whereas because sufficient goods and chattels of the last named person in the said writ could not be found. whereof he the said Sheriff could cause to be made the moneys specified in said writ. he. the said Sheriff. did in obedience to the said commands levy on take and seize all the estate. right. title and interest of the said

last person of in and to the lands tenements, real estate and premises hereinafter particularly set forth and described with the appurtenances and did on the Sixth day of August, A.D. 1860 sell all the right title and interest of the said last named person in and to the said premises at public vendue at the Court House door in the City of Monterey in said County between the hours of nine in the morning and five in the afternoon of that day namely, at ten o'clock — he having first given notice of the time and place of such sale according to law; at which sale the right, title and interest of the last named person in and to the said premises were struck off and sold to Joaquim — Bolado, for the sum of Seventeen hundred and fifty five dollars, he the said Joaquin Bolado being the highest bidder and that being the highest sum bidden for the same whereupon the said Sheriff after receiving from said purchaser the said sum of money so bidden as aforesaid gave to him such certificate as is by law directed to be given a certificate of such sale was duly filed in the Office of the Recorder of the County of Monterey, and whereas previous to the expiration of Six Months after such sale, said Charles Brown being a Judgment Creditor redeemed under said sale from the Sheriff

Now This Indenture Witnesseth, that I Aaron Lyons the Sheriff as aforesaid by virtue

of the said writ and in pursuance of the Statute in such case made and provided for and in consideration of the sum of money above mentioned to me in hand paid as aforesaid the receipt whereof is hereby acknowledged have granted bargained, sold, conveyed and confirmed and by these presents do grant bargain sell convey and confirm unto the said, Charles Brown his heirs assigns all the estate, right title and interest of the said person against whom the said writ of execution has been issued as aforesaid of in and to all the following described property to wit 1st All of that tract of land lying and being situate in the County of Monterey, State of California and described by its bounds as follows; Commencing at a point on the bay of Monterey known as Point Antonio, thence following the coast of the Pacific Ocean to Point Cypress thence running in a direct line a North Easterly course to the place of beginning, being known as the Rancho Punta de Pinos, containing two leagues of land more or less and the improvements thereof. 2nd That parcel known as the Rancho San Cayetano situate in the County of Monterey State of California and bounded Northwardly, by the Pajaro River Eastwardly by the Rancho Caldad Colorado and Vega del Rio del Pajaro Southwardly by the Colorado Rancho and the old road from Monterey to Santa Cruz, Westwardly by the Pacific Ocean

and the Estero Vallejo together with the improvements thereon and the appurtances thereto belonging. 3d That certain tract of land situate in the County of Monterey State of California known as the Rancho Santa Rita, bounded as follows. North by the Rancho San Miguel, Easterly by the Natividado Rancho Southerly by the Ranchos, Sansal and San Jose and westerly by the Salinas Rancho together with all the improvements thereon and appurtances in anywise thereunto appertaining. 4th That certain lot or parcel of land lying and being situate in the City and County of Monterey State of California bounded as follows North by the lot whereon is the house now occupied by Antonio Mendez. East by Main Street. South by the lot and residence of the late Vincent Cantua and on the West by ~~the~~ Pacific Street, together with the appurtances thereunto belonging or in anywise appertaining, together with all and singular hereditaments and appurtanances thereunto belonging or in any wise appertaining to have and to hold the said above mentioned and described premises, with the appurtanances unto the said Charles Brown his heirs and assigns forever as fully and absolutely as Aaron Lyons the Sheriff aforesaid can may or ought to by virtue of the said writ and of the Statue in such case made and provided grant bargain sell release, assign convey and confirm the same

In Witness Whereof I the said Sheriff

have hereunto set my hand and seal the day and year first above written

Sealed and delivered in presence of }

Previous to the execution of this deed" the words and whereas, the six months after such sale thereof have expired without any redemption of the said premises having been made were erased. and whereas previous to the expiration of six months after such sale, said Charles Brown and State of California were interlined

State of California }
County of Monterey } SS

On the first day of July A D 1861 before me personally came Aaron Lyons Sheriff of Said County of Monterey, to me personally known to be the same individual described in and who executed the foregoing instrument, and signed his name thereto as such Sheriff and acknowledged to me that he executed the same freely and voluntarily for the [illegible]es and purposes therein mentioned

Rec'd for Record July 5th 1861 at 2 PM & Recorded in book E. of Conveyances [illegible]

In witness whereof I have hereunto set my hand and [illegible]ixed my Official Seal the day and year in this Certificate [illegible]t above written

J D Callahan
Notary Public in & for Monterey County

United States of America
So. Dist. of California } ss

I John C. Whaley Clerk of the United States District Court in and for the So. Dist. of California do hereby certify the above and foregoing to be a full true and correct copy of the original as the same appears on file in my office in the Case of J. P. Lese et al Claimants against The United States for the Place called "Punta de los Reis" and which original has been withdrawn as per order of Court made and entered in said Case.

In Witness Whereof I hereunto set my hand and affix the seal of said Court at Monterey this the 16th day of May A.D. 1862

John C. Whaley
Clk U.S. Dist Ct So Dist Cal

No. 169

U. S. Dist Court
South Dist Cal

H. Delano, et al
vs
United States

Deed
Sheriff of Monterey
to
Charles Brown

Original filed June 10th/62
John D Hulse Clk

Certified Copy filed in place
of original Withdrawn per
order of Court May 16 1863
John D Hulse
Clk

169 SD
PAGE 88

Mr. Gregory or, Henry DeGrant
Monterey

$13.50

SELLO CUARTO 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 cuatro y mil ochocientos cuarenta y cinco.

Micheltorena.

Pablo de la Guerra.
Por aus.ª del Admor.

Guillo. Edo. Hartnell

ADMINIST.ª DE MONT.Y

En Monterey de la Alta California á los doce dias del mes de Junio de mil ochocientos cuarenta y cuatro, ante mi Florencio Serrano Alcalde 2.º Constitucional y Juez de primera instancia interino de esta demarcacion, y ante los testigos de asistencia con quienes actuo en la forma establecida, por falta de escribano publico, amas de los instrumentales de que al fin se hará mencion parecio de presente D.ª Brigida Alvarez, con sus hijos José, José Antonio y Cristobal Armenta, las quienes personas doy fee conozco y dijo la primera que por sí y á nombre de los referidos hijos

herederos y sucesores, y de quien
de ellos hubiere titulo, voz y causa,
sede a Dn. José Abrego de esta
misma vecindad que tambien doy
fé conozco, el Derecho que les
asiste al terreno conocido con el
nombre de Punta de Penas que
les pertenece en propiedad segun consta
del titulo y posesion que obra en
el espediente que presentaron, y
yo el Juez doy fé haber visto
y mandé unir a la presente escri-
tura, cuyo terreno está libre de
todo gravamen publico, perpetuo,
temporal, tacito, ó espreso, y como
selo sede a dho. Señor. Abrego.
Por cuya sesion han recibido
la otorgante y sus hijos la can-
tidad de ciento sesenta y dos

pesos a su entera satisfaccion; y
desde hoy en adelante se desprende y
despojo para siempre del derecho posesion,
titulo recurso, ú otro cualquiera
que le compete al enunciado terreno, y
lo renuncio y traspaso al expresado Sor.
Abrego, para que disponga de él
como de cosa propia, y le confiero
poder irrevocable con libre franca
y general administracion para que
de su autoridad aprehenda la tenencia y
posesion que por derecho le compete.
Y á la observancia y validacion de todo
lo referido obliga la otorgante sus
bienes presentes y futuros y con ellos
se sumete al fuero y jurisdiccion de los
Señores Jueces que de sus causas pue-
dan y deban conocer conforme á
Dro. para que á su cumplimiento

lo compelen y apremien por todas sus
egecutiva como sentencia dada consen-
tida y pasada en autoridad de cosa
juzgada y sentenciada que por tal
la respeta ordenando las leyes que
en el caso le favorecen y la general
del Dro. en forma. = En cuyo testimonio
así lo otorgó y firmaron a ruego de
los interesados los C.C. Manuel
Castro, Vicente Gomez, J. Antonio Chaves
y Esteban de la Torre, presentes y
vecinos, siendo los instrumentales los
tres primeros firmando yo con los
de asistencia de que doy fé. =
Florencio Serrano. = Manuel Castro =
Vicente Gomez. = José Antonio Chaves.
Ambrosio Gomez de asistencia, Antonio
Lima asistencia.

Es Copia sacada fielmente de su
original hoy día de su otorgamiento

No. 3. F

SELLO CUARTO 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 cuatro y mil ochocientos cuarenta y cinco.

Micheltorena.

Pablo de la Guerra
Por ausa. del Admor.

Guillo. Edo. Hartnell

ADA. MARITA. DE MONT.

Siendo testigo de verla cotejar y corregir y consentir el Gno. Ambrosio Gomez doy fé.

Florencio Serrano

Ambrosio Gomez

Derechos con el papel 5p. 4r.

Juzgado 2.º y de 1.ª Instª.

Por cuanto Dª. Brígida Alvirez viuda de José Mª. Armenta y Entera Alvarez de sus hijos menores, ha probado ante mí Florencio Serrano Alcalde 2.º en esta jurisdicción, q. siendo dueña del terreno conocido con el nombre de Punta de Pinos, rancho q. se le concedió á su Esposo, no tiene en lo absoluto con q. fomentarlo p.r cuya causa se halla avandonado y ni aun lo ocupa, y como á mas se encuentra en la suma necesidad de no tener ni conque alimentarse ni alimentar á sus hijos, hechas p.r este Juzgado las averiguaciones correspondientes, se le faculta p.a q. pueda enagenarlo vendiendo el derecho q.e á dho. terreno le asiste. Asi yo el citado Juez lo proveí y firmé en Monterey á 15 de Mayo de 1844

Florencio Serrano

SELLO CUARTO 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 cuatro y mil ochocientos cuarenta y cinco.

Michelorena

Pablo de la Guerra

Por aus.ª del Admor.

Guiller.º Edo Martinez

ADA. MARITA DE MONT.Y

El Ciudadano Manuel Michelorena General de Brigada del Ejercito Mejicano, Ayudante Gral del mismo, Gobernador Comand.te Gral. é Inspector del Departamento de Californias.

Por cuanto D.n José Abrego ha adquirido legalmente el dho concesion y posesion que obtuvo José Ma. Armento del terreno conocido con el nombre de Punta de Pinos que comprende la parte de costa desde la punta de Aulones hasta la de Siprices y vuelve por la linea recta S.O. á N.E. á la referido punta de Aulones y habiendose practicado las diligencias correspondientes he venido en declarar y declaro en confirmacion dueño de dho. parage al mencionado D. José Abrego sugetandose á las condiciones siguientes

1.ª No podrá venderlo enagenarlo ni potecarlo

2.ª podrá sercarlo sin perjudicar las travesias caminos y servidumbres lo disfrutará libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode.

3.º El terreno de que se hace donacion es de la estencion que demuestra el diseño respectivo y segun la posesion juridica que ya se tiene dada.

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

En consecuencia mando que sirviendole de titulo el presente se tome razon de él en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterey á cuatro de Octubre de mil ochocientos cuarenta y cuatro.

Manl. Micheltorena

Manl. Jimeno
Srio

Queda tomada razon de este Despacho en el libro á que corresponde á fojas 10.

Jimeno

J. A

El que suscribe Secretario del Despacho
Certifica que el diseño que se demuestra á
la vuelta es igual al original que se agre
gado al expediente respectivo de la concesion
que el Señor Gobernador Dn. Manuel Michel
torena y Comandte. Gral. hizo de la Punta
de Pinos á favor del Señor Dn. Jose Abrego
en cuatro de Setiembre de mil ochocientos cua
renta y cuatro.

Manl. Jimeno

En el Puerto de Monterey, California à los quince dias del Mes de Enero de Mil ochocientos y cincuenta, ante mi Felipe Roach, Alcalde 1.o de este lugar y por ante los testigos de asistencia parecieron de presente Don José Arrego y Sr. Espos a Doña Josefa Estrada, vecinos del mismo lugar, à quienes doy fé conozco y dijeron: que por sí y à nombre de sus herederos y sucesores venden y dán en venta solemne y enagenacion perpetua por juro de heredad para siempre jamas el derecho y accion que por los adjuntos títulos tienen al terreno conocido con el nombre de Punta Pinos, comprado à doce de Junio 1844 à Doña Brigida Alvarez con sus hijos José, Jose Antonio y Cristoval Aguenta y comprende la parte de la Costa desde la Punta de Aulones hasta la de Cipreses y vuelve

por la linea recta Sur Este à Nor este à la referida punta de Arenas:— Y ademas que en cuatro de Octubre de Mil ochocientos cuarenta y cuatro, el Gobernador Don Manuel Michelorena espidio un nuevo titulo à favor de Don José Abrego à vista de la concesion adquirida de Jose Maria Amunta, sugeto à nuevas condiciones, à los Sres Milton Little, Jacobo P. Leese, Santiago Gleason y Tomas O. Larkin en la cantidad de Ciento Mil Pesos en plata que yá están recibidos à nuestra entera satisfaccion, declarando no tenerlo vendido ni enagenado. Renunciando cualesquier derecho que pudieron tener. En seguida pasando à posesionarse la antecedente escritura à la espresada Sra Doña Josefa Estrada y declaró ser de su voluntad la dicha venta no habiendo sido forzado por parte de su Esposo. Y para su cumplimiento y validacion firmaron con migo y los de asistencia segun derecho.—

José Abrego

Josefa Estrada

se firma
Franco. Mila.

se firma
Manuel Castro

Philip A Roach
Alcalde

ALCALDE

J. A

13.

Exhibit No 1. to deposition of Teodoro Gonzalez in No 353
H.J.T.

No. 353.

Jacob P Leese

Punta de Pinos

Doc - H J T No 1 and to the Depo - of Leodoro Gonzalez, taken before Comr. H. J. Thornton

Filed in Office Decr 31 1852.
Geo: Fisher
Clerk

Recorded in Book "B" of Records of the Municipality of Monterey page 125 -
March 2d 1850
Wm. Hondley
Actg. Recorder & Clerk

Filed April 9th, 1851.
R K Woodside
Clerk

Recorded in Rec. of Evidce vol. 12. p. 265 to 269
Geo: Fisher
Clerk

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

I, **J. W. MANDEVILLE,** *Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the* **Archives** *of the former* **Spanish** *and* **Mexican** *Territory, or Department of* **Upper California,** *as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law,* **Do Hereby Certify,** *that the ~~thirteen~~ preceding, and hereunto annexed pages, of tracing paper, numbered from one to ~~thirteen~~ inclusive, exhibit a true, full, and correct copy, of* an original document, together with the endorsements thereon, as the same appears on file in case No. 353. on the docket of said Board of Commissioners —

Keeper of Archives.

EXAMINED AND FOUND CORRECT.

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* 3rd *day of* May *1861.*

J. W. Mandeville **U. S. Surveyor General, for California.**

No. 169 SD
35 94

U. S. Dist Court
South Dist Cal

A de Graw et al
Substituted for
J. P Leese et al
vs
United States

Exhibit T.D.W. No 3

Filed June 4, 1862
John B Wheeler
Clerk

translation found in Transcript. 169

Seal Third Two Reales
Provisionally authorized by the administration of the Maritime Custom House at the Port of Monterey in Upper California for the Years 1834 and 1835.
Signed (Figueroa) Signed (A. Ramirez)

Señor Constitutional Alcalde

Jose Armenté a mexican citizen represents, That having obtained the grant of the land named "Punta de Ruiz" he applies to your Honor that you may be pleased to give him the judicial possession as provided in the 3a article of the title of said land which was issued to him on the 24th day of May 1833, which he duly accompanies herewith also the respective confirmation in order that the whole may produce the desired effect,

Wherefore he prays your honor to be pleased to give him the possession which he asks, whereby he will receive mercy and grace

Monterey December 25, 1835

At the request of the party
(Signed) Juan Malarin

Monterey December 26, 1835

Being presented and admitted let me the present Alcalde proceed to the measurement, designation

of boundaries and Judicial Possession, which the Party to this petition solicits appointing therefor the 29th day of the present month (and there being no Colindantes) Thus I the Juez alcalde of this Capital decreed Ordered and signed with assisting Witnesses

Signed Dan S Rence

Assisting Witnesses
Signed Juan Malarin

On the same day, the foregoing act was notified to Citizen Jose Amenta - whereupon he said he heard it and acknowledged service, and did not sign because he did not know how to write. I and the assisting Witnesses signed

Signed S Rence

Assisting Witnesses
(Signed) Jose Maria Maldonado
(Signed) Juan Malarin

Sal Sud Fro Reales
Provisionally Authorized by the administration of the Maritime Custom House at the Port of Monterey in Upper California for the years 1834 and 1835.
Signed Castro (Signed) Angel Ramirez

Rancho of Punta de Pinos
Dec 29, 1835

For the measurement, designation of boundaries and possession of Citizen Jose Armenta, I appointed Citizen Walter Dockworth and Felipe Hernandez as measurers, who after the acceptance and oath will proceed to the discharge of their trust. Thus I the first Alcalde decreed ordered and signed with the assisting witnesses

(Signed) J. Spence

Assisting Witnesses
(Signed) Jose Maria Maldonado
(Signed) Juan Malarin

On the same day Citizen Walter Dockworth and Felipe Hernandez being present, the act of their appointment was notified to them, whereupon they said they heard it, that they accepted it, and they did accept it swearing by God our Lord and the sign of the cross according to law that they would execute it faithfully and legally to the best of their understanding and ability without fraud against any person, and the second did not sign, saying he did not know how — I and the assisting witnesses signed

(Signed) J. Spence
(Signed) Walter Dockworth

Assisting Witnesses
(Signed) Jose Maria Maldonado
(Signed) Juan Malarin

On the said place, day, month and year the measurers aforesaid before me the Alcalde took a Cord or rope and with a common Mexican Vara measured fifty varas which which to make the measurement, and stationing themselves near the "Punta de Cipreses" the measurement was commenced towards the North East to the "Punta de Aulones" and there were two hundred Cordels of fifty varas (in length) and from said "Punta de Aulones" North, North West, to the "Punta de Ruiz" Eighty Cords, and from the said "Punta de Cipreses" towards the East two Cords in width — I ordered the proper land marks to be put up on the said lines for the designation of the boundaries that belong to him — The land measured is about One League and a half, and I signed it with the assisting witnesses

(Signed) Dav Spence

Assisting Witnesses
(Signed) Jose Maria Maldonado
(Signed) Juan Malarin

Seal Third Juez Reales
Provisionally Authorized by the administration of the Maritime Custom House at the Port of Monterey in Upper California for the years 1834 and 1835
Sgd) Castro Sgd) Angel Ramirez

Of the Rancho of Punta de Ruiz on the

twenty ninth day of the month of December. One thousand Eight hundred and thirty five. I the Alcalde after the Conclusion of the measurement of the said Rancho, whereby it is shown to Contain One and a half square leagues with every thing else necessary to be Examined and appears in these acts, Ordered Citizen Jose Armenta to Entre into possession of the aforesaid place (and the Widow, Señora Brigida in the name of the family) and under the said measurements and the Customary formalities in these Cases which he immediately did, pulling up herbs and performing acts as owner of the place of which possession has been given him the validity of which I authorize and sign with the assisting witnesses, the interested party not doing so because he does not know how

(Signed) Dan Spence

Assisting Witnesses

(Signed) Juan Maria Maldonado

(Signed) Juan Malarin

Monterey Dec 29. 1835.

Let it be recorded in the book of possessions and let this original Espediente be delivered to the interested party to serve him as a title

Thus I the Alcalde decreed Ordered and signed with the assisting witnesses

Signed / David Spence

Assisting Witnesses
(Signed) Jose María Maldonado
(Signed) Juan Malarín

This title was recorded on the same day, on the 86th leaf of the respective Book, and the original was returned on 8 written leaves. And in testimony thereof I enter it over my rubric

Rubric

No 169
U. S. Dist Court
South. Dist Cala

H de Haas substituted
for J Pheese
vs
United States

Translation of Act of
Juridical Possession of
"Punta de Reis"

Filed June 5th 1862
John Rohalles
Clk

1844.

Expediente promoted by D. José María Abrego in solicitation of the tract of land named Punta de Pinos.

No.
402

Seal fourth Tres reals.
Provisionally qualified by the Maritime Customs of the Port of Monterey in the Department of the Californias for the years one thousand eight hundred and forty four and one thousand eight hundred and forty five.
= Michelltorena = Rubric =

Pablo de la Guerra.
In the absence of the admor.
= Guillo. Edo. Hartnell
= Rubric =

Seal of the Maritime Customs of Monterey

Most Excellent Sir.

José Alvarez a Mexican Citizen and resident of this Capital before your E.E. exposes that being at present the proprietor of the tract of land known by the name of Punta de Pinos by legal purchase made by me from the owners thereof in virtue of the approval of your Excelly. which was effectuated for the reason of they being unable to ~~present the same~~ make the same productive, and the said land being of very small extent as is constant by the documents hereunto annexed it can be of no use to me except by fencing the same in, and in order to make this considerable expense I find myself obliged to petition that the same be granted freely to me without any restriction. Considering that some lands have already been granted

Monterrey Sept. 5th 1844.
Let the Secretary of State report, taking other informations if necessary.
Michelta. =
= Rubric =

in the manner indicated, the unimportance of the land aforesaid and it being to the prejudice of no one, I therefore pray your Ex.y. to grant me that favour if it is according to justice, making only the annotation on the existing title-grant & the possession already given remaining valid.

Monterey September 1st 1844 =

= Jose Abrego = Rubric =

As ordered by his Ex.cy. the Governor, let the 1st alcalde of this place report in regard to the subject of this petition.

Monterey Sept: 1st. 1844

= Manl Jimeno = Rubric

Mr. Secretary of State.

Complying with the dispositions of the foregoing Superior decree I say in answer to your Hon.r that in session of August 24th last past the Ill.ous Ayuntamiento of this Capital did resolve that the lands belonging to this town should be reduced to one half of a league in direction of every quarter of the compass beginning the measurement from the central point thereof and which resolution I had the honour to remit to his Ex.y the Governor in order that he should submit the same

to the approval of the most Exct. Departamental Assembly, but as the last named has been disolved during those days, the said town-lands have remained demarcated in the terms before expressed; Thus in view of this exposition your Hon.r will dispose according to what you might believe to be in justice

Monterey Sep: 19.th 1844.

= Marcelino Escobar = Rubric =

Most Exct. S.r Governor.

By the last resolution of the H.o Ayuntamiento of this place in reference to its corresponding town lands, according to the foregoing report it has been decreed to submit to the approbation of the Exct. Departamental Assembly the setting apart for such purpose one half of a league in every direction taking this town for the centre. In view of this resolution of the Ayuntamiento and considering that several ranchos are under the same circumstances as that of M.r Abrego not being situated within the limits of the town lands, I do not find any impediment that your Exly. should accede to the petition of M.r Abrego if your Exly. should find it convenient =

Monterey Sep: 17. 1844 = Man.l Jimeno = Rubric

Monterrey Sept. 20. 1844.

In conformity with the opinion of the Ll. Ayunta-
-miento and the Secretary of state of this Government

-Micheltª = Rubric =

The Citizen Manuel Michelltorena Brigadier General of the Mexican army Adjutant gene-
-ral of the same, Governor, Commandant gene-
-ral and Inspector of the Californias

Whereas D. José Abrego has legaly acquired the right, grant and possessio obtained by José Mª Arrieta of the land known by the name of Punta de Pinos which comprises that part of the sea coast from the point Aulones to that of Sipreces and returns by the direct line S.W. & N.E. to said point Aulones, and the necessary steps having been taken, I have declared and declare in confirmation as propietor of said land the aforesaid D. José Abrego he subjecting himself to the following condi-
-tions.

1.º He shall not be allowed to sell, alienate or mortgage the same.

2.º He may fence in the same without pre-
-judice to the bylanes, roads and common ~~sewers~~ crossings. He shall possess the same free and exclusively and for the usage and cultiva-

=tion most agreable to his commodity.

3.d The land granted is of the extent as set forth on the plat (diseño) thereof and according to the juridical possession which has already been given

4. If he should contravene to these conditions he shall forfeit his right to the land and the same shall be claimable by some other party.

In consequence whereof I command that this present serving him as a title-grant be recorded in the corresponding book and delivered to the party interested for his security and other purposes.

Given in Monterey on the fourth day of October, one thousand eight hundred and forty four. ==

This document has been recorded in the corres=ponding book, at page 10.

No 169

U. S. Dist Court

South Dist Cala

H. De Graw et al

v

The United States

Translation of Doc

marked —

"Exhibit J. O W. No 1"

Filed June 5. 1862

John B Wheeler

Clerk

Deposition of Jose Abrego

United States District Court Southern District
California

Mary de Graw, substituted
for
Jacob R Leese et al
Appellees
vs
The United States
Appellants

No 169

Be it remembered
that on this fifth day of June AD 1862 at Monterey in the District aforesaid, before me John Ashuler Clerk of the United States District Court for the Southern District of California, and J. Ogden U. S. Commissioner duly authorized to take depositions in Civil Cases depending in the Courts of the United States pursuant to the acts of Congress in that behalf, appeared Jose Abrego, a Witness produced on behalf of the appellees in the above entitled Cause now pending in said Court, under the acts of Congress to ascertain and settle Private Land Claims in the State of California, Who being duly sworn testified as follows, his testimony being given in English —

Present Durell S. Gregory Atty for appellees and B C Whiting Esq U. S. Dist Atty on behalf of the United States, —

Questions by Atty for Appellees

Questions by Atty for Appellees

Quest What is your name, age and place of residence

Ans. Jose Abrego, fifty years of age and I reside in Monterey.—

Quest. Are you acquainted with the hand writing of Manuel Michelltorena, former Governor of California — Manuel Jimeno & Marcelino Escobar.

Ans I do know the hand writing of those persons, having seen them write —

Ques Look upon Document now here shown you marked Exhibit J. O. W. No 1, and herewith filed. and say whether or not it is a true copy of an original document now on file in the Surveyor Generals office for the State of California and whether or not you have examined said original

Ans I have seen the original in the office of the Surveyor General, and have compared the copy now shown me with the same. and I know the copy to be correct and true. I made the comparison about 20 days since.

Quest. State whether or not the signature of Jose Abrego, signed to the petition on page 1st of said original Document, is your genuine signature and

also whether the signature of the said Michel-
torena, Manuel Jimeno, & Marcelino Escobar
wherever they appear thereon are their true
and genuine signatures

Ans. They are genuine. The petition to which
my genuine signature is attached. was also
written by me and is in my hand writing

Quest. State whether or not Manuel Jimeno be dead
or living, and if dead, when he died

Ans. Manuel Jimeno is dead. he died in the
year 1853.

Quest. Do you know the hand writing of Juan
Malarin, David Spence. Jose Maria Maldonado
Walter Duckworth. Jose Figueroa & Agustin Jau-
regui, and whether or not you have seen them
write. — if so. Look upon document now shown
you marked Exhibit J.O.W. No. 2, and herewith
annexed, and state whether or not you have
compared it with an original document on
file in the office of the Surveyor General of the
U.S. for California. and if so. Whether it is
a true copy of said original document
and also whether the signatures of the persons
above named wherever they appear on said

document are their genuine signatures

Ans, I do know the handwriting of said Juan Malarin, David Spence, Jose Maria Maldonado, Walter Dickworth, Jose Pequeroa & Agustin Zamorano, having seen them write their signatures wherever they appear on the document marked Exhibit J.O.W. No 2, are their genuine signatures, said document is a true copy of the original document, now in the Surveyor General's office, I having compared them together in the office of said Sur General some 20 days since,

Quest, Look on document now shown you, marked Exhibit J.O.W. No 3, and state whether you have compared it with original documents, and if so state whether or not it be a true copy and whether or not the signatures appearing thereon of Florencio Serrano, Ambrosio Gomez, Manuel Micheltorena, Guillermo C. Hartnell, Manuel Jimeno, Jose Abrego, Jose Estrada, Francisco Mila, Manuel Castro, & Philip Roach, are their genuine signature and have you seen those persons write.

Ans, I have compared said document with its originals, and know it to be a true copy the signatures thereon appearing are genuine

I, being well acquainted with the hand writing of said persons, having often seen them write

Ques Do you know the Rancho called Punta de Pinos situate in Monterey County, and if so how long have you known it.

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PAGE 121

Ans I do know it. and have known it from the year 1835. In that year it was occupied by the Armenta family. and up to the year 1839. In the year 1844 I bought the interest of the Armenta family therein and obtained a title also from Manuel Micheltorena Governor of California. I retained & held possession thereof until the 1850 when I sold the Rancho to Thos O Larkin. Armenta had a house on the place in which he lived from 35 until 1839 afterwards I occupied it with cattle & my servants, & had houses on it. up to the time I sold it in 1850

Ques Is the map or descrn in said document T.O.W No. 3. a correct representation of the land. and a true copy of the descrn which accompanied the Grant made of the land by Governor Michelltorena

Ans Yes it is. —

Quest When did you first take possession of this Rancho

Ans I took possession of the Rancho at the time I purchased from Armenta in the Year 1844 The land was then unoccupied and had been unoccupied since the Year 1839. The Armenta's abandoned the Rancho in 1839. because they had no means to occupy it.

Quest. Do you know Florencio Serrano, and did he hold any official position in 1844. And if so What was it.—

Ans I do know him, In 1844 he was 2nd Alcalde in Monterey Cal, and acting in the absence of the Judge of First instance. in the capacity of such Judge.— He was the acting Judge of the First instance at the time the papers in this case were presented before him to wit. those purporting to be presented before him.

Quest Do you know David Spence, and what— if any— official position did he hold in 1835

Ans I do know him, he was Constitutional Alcalde in Monterey in the Year 1835.—

Ques State whether or not Juan Malarin Jose Marin Maldonado. Walter Duckworth are dead, as also quere Jose Pizarro

Ans They are all dead as also are Jose Figueroa & Agustin Zamorano

~~Ques~~ The ~~only~~ Juridical Possession referred to in the Grant made to me by Gov Micheltorena is the one which was given to Jose Marin Armenta, by David Spence Alcalde, and the evidence of which is contained in Doc. marked "Exhibit F.O.W. 2." attached to this deposition.

The words appearing on the last line of page 7. of Doc. marked F.O.W No. 3 attached to this deposition, reading as follows to wit "Que ya se tiene dada" correctly translated into english, should read "that has already been given" and not as is translated on page 36 of the Transcript in this Case, line 14.

Jose Mª Armenta died before I made the Purchase of "Rancho de Luis" and previous to the year 1844.

Thos Hammond by H.S. atty

Ques How and in what manner did you make the comparison of the document of which you

have spoken

Ans. I had the copies & the original before me and compared them line by line entirely through, reading them both myself

Ques. Did you reside in Monterey during the whole time from 1839 to 1844

Ans. I did

Ques. During all that time, was this Rancho unoccupied?

Ans. It was unoccupied during that period

Ques. Where did the Armenta family live during that time

Ans. They resided here in Monterey.

Ques. Do you know who was the first alcalde in 1844, at the time the document was executed by Florencio Serrano

Ans. I do not

Quest. How do you know that Florencio Serrano acted at that time in the capacity of 1st Alcalde.

Ans. When Mrs Armenta wished to dispose of the Ranchs. I went to the Alcalde to inform myself as to her authority or right so to dispose of it. I went to Florencio Serrano for the reason that there was no other Alcalde.—

Ques. Did you enquire ~~of~~ any other Alcalde or any other officer to know whether she had a right to sell

Ans. No I did not. for the reason that there was none other at the Alcaldes Office but Serrano — The first & second Alcalde occupied the same office. and when I went there I found only Serrano there. —

Quest — What position or office did David Spence occupy in 1844

Ans — I do not remember —. Mrs Armenta was the widow of Jose Mª Armenta and Guardian of his minor children and the same person mentioned the document T.O.W. No. 3 as "Doña Brigida

Alvirez" José Arrego

Sworn to & subscribed before
me this 5th day of May
AD 1862

John O. Wheeler
Clk Ex & Off Com

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PAGE 126

No. 169
U. S. Dist Court
South Dist Cal

Henry Delano. Sub
for J Pluer et al
vs
The United States

Depo of Jose Abrego
Filed June 5/62
John Adams
Clk

Deposition of
David Spence }

Office of the Board of Commissioners

&c &c,

On this day before Com. R. Aug. Thompson came David Spence a Witness in behalf of Claimants L E Bogue et al No 565, who after being duly sworn deposed as follows

Testimony on behalf of Claimant
Present P Ord Esq. Atty for Claimant and R Greenhow, Esq, asst Law Agent

In answer to questions Witness states that his name David Spence; his age fifty five and residence Monterey Calif.a

Questions by Claimants Atty,
Do you know the Rancho of Point Pinos in Monterey County, if so, state what you know of the giving Juridical possession of the same

Answer, I know the Rancho very well and in 1835 when I was alcalde I gave the Juridical possession of it to the Grantee Jose Maria Armenta.
The document filed in this case with the deposition of Wm E. P Hartnell, marked Exhibit No. 1, and with the initials. H. H. and R. T. is the original record

of such juridical possession, and my own signature and the others which occur thereon are genuine.

In looking over said Record I find on page marked A. No 3, a mistake which should be corrected, on said page in the 8th line from the bottom the word "Viuda" meaning widow, should have been written "Muger" meaning wife.

The natural objects called for in said juridical possession to wit; "Point Cypress" and "Point of Rulones" are well known, and by them the boundaries as given can be easily identified.

Question by same.

State if you know when, by whom and in what manner the land claimed in this case, Rancho of Point Reies was first occupied.

Answer. Immediately after the issuing of the Grant, and in the same year, the Grantee Jose Maria Armenta took possession of the land, built a small house on it and lived in it with his family. He cultivated a portion of it, had some tame cattle on it. He continued to live on it till his death, afterwards his family lived on it until they sold it.

The heirs of Jose Maria Armenta now living are, Maria Antonia, Christoval, Jose Antonio and Jose Armenta being sole surviving legitimate

Children of said Grantee

Question by Mr Greenhow

What has been the usage in California, under the Mexican Law with regard to the right of the Widow to lands which had been granted to her husband by the Government during the Marriage

Answer — Marriage in California was considered a partnership in which the parties had equal interests, and the property acquired during Coverture was regarded as gains. And were equally divided between the Widow and the Children on the death of the husband so far as my knowledge or observation has extended (and I have administered on several Estates) the lands so acquired were uniformly divided between the Widow and Children, giving the Widow One half, and the Children the other

D. Spence

Sworn to and Subscribed
before me the 2d November
1853

N. Ray Thompson Com^r

Filed in office Nov 2d 1853

Geo Fisher
Secy

United States of America
Southern District of California } ss

I John O Wheeler Clerk of the United States District Court for the Southern District of California hereby certify the above and foregoing to be a full true and correct copy of Deposition of David Spence filed on the part of D E Pogue et al claimants against the United States, No. 563 docket of Land Commission and appearing in the transcript of the proceedings before said Board therein, now on file in my office

In testimony whereof I have hereunto set my hand and affixed the seal of said Court this the 5th day of June AD 1862 at Monterey Cal

John O Wheeler Clerk

No. 169
U. S. Dist Court
South'n Dist Cal

D. Spence
appellee
J. P. Leese et al
vs
United States

Certified Copy of
Dep'n of D. Spence from
transcript No. 380
Filed June 5 62
John O Wheeler
Clerk

Gregory $15.00 Paid.

N. 1 N. N. No 1 1

SELLO SEGUNDO DOCE REALES.

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

Revalidado pr. la Subcomisaria del Puerto de Monterey de la Alta California pa los años de mil ochocientos treinta y dos y ochocientos treinta y tres

Figueroa

José Figueroa General de Brigada de los Ejercitos Nacionales de la Republica Mejicana comandante General é Inspector y Gefe Politico Superior del Territorio de la Alta California.

GOBIERNO DE LA

Por cuanto José María Armenta natural de Agualulco del Estado de Xalisco, ha pretendido para su beneficio personal el terreno conocido con el nombre de punta de Pinos que comprende la parte de costa desde la punta de Aulones hasta la de cipreses y buelve por la linea recta S.O. á N.E. á la referida punta de Aulones: conforme queda demarcado en el diseño respectivo: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por las leyes y Reglamentos: usando de las facultades que me son conferidas en decreto de trece del corriente, en nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de él por las presentes letras, entendiendose dicha concesion con entera conformidad á lo dispuesto por las leyes á reserva de la aprovacion ó desaprovacion de la Excelentisima Diputacion Territorial y del Supremo Govierno y bajo las condiciones siguientes.

G. A.

Primera: Que se someterá álas que estable-
-ciere el Reglamento que se hade formar para
la distribución de terrenos baldios y que entretanto ni el
agraciado ni sus herederos, podran dividir ni enagenar el
que sele adjudica: imponer censo, vinculo, fianza, hipoteca
ni otro gravamen aunque sea por causa piadosa ni pasarlo
á manos muertas, sometiendose á demas á pagar el canon
que sele imponga si resultare pertenecer alos Ejidos de
Monterrey cuando se arreglen sus linderos.

Segunda: Podra cercarlo sin perjudicar las traverias,
caminos y servidumbres: lo disfrutara libre y esclusivamente
destinandolo al uso ó cultivo que mas le acomode; pero den-
-tro de un año á lo mas fabricando casa y estará habitada

Tercera: cuando sele confiera la propiedad solicitará
del Juez respectivo que le de posesion juridica en virtud de
este Despacho por el cual se demarcaran los linderos en
cuyos limites pondrá á ma delas Mohoneras algunos arboles
frutales ó silvestres de alguna utilidad,

Cuarta: El Terreno de que se hace donacion es de ocho
millones Setecientas dos mil y quinientas de area ó superficie
en varas cuadradas, poco mas ó menos, segun explica el diseño
que corre en el expediente: el Juez que tiene la posesion
lo hará medir conforme á ordenanza para señalar los
linderos quedando el sobrante que resulte á la Nacion

para los usos combenientes.

Quinta: Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que sirviendole de Titulo el presente y teniendose por firme y valedero, se tome razon en el libro á que corresponda y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey á veinte y cuatro de Mayo de mil ocho-cientos treinta y tres.

José Figueroa

Agustin V. Zamorano
Srio

Queda tomada razon en el libro de asientos de Títulos sobre adjudicación de terrenos á foxas 4, Nº 4. que obra en el archivo de la Secretaria de mi cargo. Monterrey Mayo 24 de 1833.

Zamorano.

S. A.

A Nº 3.
SELLO TERCERO DOS REALES
Habilitado provicionalmente 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 A. Ramirez

Sor Alcalde Constitt.

Jose Armentas, ciudadano mejicano dice: Que haviendo obtenido la concession del terreno nombrado Punto de Pinos, ocurro a V. Sa. pa. Que se sirva darle possession jurisdicca. conforme esta prevenido en el articulo 3a. del titulo de dicho terreno que se les expidio en el veinte y cuatro de Mayo de 1833, que desde ante. se confirma, igualmente la conformacion respectiva pa. que todo obre los efectos deseados. Por tanto

A V. Se suplica se sirva proveer en la posesion que solicita de lo que recibira merced y gracia

Monterey Dcbre. 25 de 1835

A ruega del interesado
Juan Malarin

Monterey 26 de Diciembre de 1835

Por presentado y admitido procedase por mi el presente Alcalde a la medicion señalamto. de linderos y judicial posesion que solicita el interesado en esta instancia señalandose para efectuarlo el viernes y

nuene del Presente mes / y no havienda coluidante
Ante yo el Alcalde 1º de este capital
lo detenti prando y firme con los de
asta

Dr. Espinosa

De asta

De asta
Juan Malaréuff

En la Jha se le notifico el auto que
que antecede al C Jose Armenta y
enterado dijo: lo oye y que se da por
Citado, y no firmo porque dicen no saber los
hizo yo y los de asta

Espinosa

De asta

José María
Malaréuff

De asta

Juan Malaréuff

Ran

No. 4

SELLO TERCERO DOS REALES.

Habilitado provicionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California, para los anos de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Angel Ramirez.

Castro

= cho de Punto de Pinos Dcbre. 29 de 1835

Para la medicion, señalamto. de linderos y posesion del C. Jose Amarantio, nombre Jueces medidores a los Cos. Walters Duckworth y Felipe Hernandez, quienes previa la aceptacion y juramto. procedieran al desempeño de su encargo: Asi yo el Alcalde 1.o lo decreto mando y firme con los de asa

Walters Duckworth

Felipe Hernandez

De asa
Jose Maria Malvonado

De asa
Juan Malarin

En la misma, presente los Cos. Walters Duckworth y Felipe Hernandez, se les notifico el auto de su nombramiento y de el enterados dijeron lo oyen: q.e aceptaran y aceptaron jurando por Dios nuestro Señor y la señal de la Cruz conforme a derecho de usarlo fiel y legalmente a todo su leal saber y entender sin fraude contra persona alguna, y no firmo el segundo porque dijo que no

no sabe lo hizo yo y los de asistencia

Spence Walter Duckworth

Lle as.
José Maria
Maldonado

Lle as.
Juan Malaúm

Ja

En el mismo parage, dia, mes y año, los espresados nudadores en presencia de me el Alcalde, tomaron un Cordel de mecate y con una vara de medir usual mexicana, nuebe Cincuenta varas, para hacer la medida, y partiendo punto la Punta de Apresy. se comenzo la medida para el Nor Este hasta la Punta de Aulones y hubo dos cientos cordeles de cincuenta varas, 1 de largo, y desde dicho Punta de Aulones, Nor Nor oeste hasta la Punta de Pinos ochenta Cordeles, y de la Parte de dicho Apresy p.a el Este dos cordeles de ancho, En cuyas medidas manda se formaron los mojoneros correspondientes que se señalan los linderos que le pertenecen: El terreno medida es como seis y media de Ganado mayor

A. No. 5.

SELLO TERCERO DOS REALES

Habilitado provicionalmente por la Administracion de la Aduana Marítima de Monterrey de la alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Castro

Angel Ramirez

8.

Y lo firme con los de asta

De asta

De asta

José Maria Malonado

Juan Malarín

En el Rancho de Punta de Pino a los veinte y siete dias del mes de Dicbre. de mil ocho cientos treinta y cinco yo el Alcalde, despues de practicadas las medidas del mencionado rancho por las que resulta tener un sitio y media, con lo de mas que dice Convenio y Cuenta de autos, mande que entrase en posesion del mencionado sitio el C. José Armenta y la viuda Señora Respeda en nombre de la familia y bajo las medidas atados y formalidades acostumbradas en estos casos, lo que verifico de luego a luego arrancando yerbas y haciendo demostraciones como dueños del sitio de que se le ha dado posesion cuya validacion la autorizo y firmo con los de asistencia no haciendolo el interesado por no saber

80
50
00
400
4000

De asta

José Maria Malonado

De asta

Juan Malarín

Monterey 29 de Dcbre y 1835

Tomese razon en el libro de Posesiones, y devuelvase este expediente original al interesado para que le sirva de titulo; Asi yo el Alcalde lo decreto mando y firme en los de atras.

[illegible]

De as.
José Maria Malarmado

De as.
Juan Malarín

En la Jha se tomo razon de este titulo en la foja 86ta del libro respectivo, y se devolvio el original en dos Ds utiles y Ja Constancia lo anoto y rubrico

[illegible]

I the undersigned do hereby certify the within map to be a correct copy of the originals, accompanying the documents belonging to the farm of the "Punta de Pinos", granted by Governor Figueroa in the 24th of May 1833, which exist in the archives of the Californian Government at present under my charge

Monterey 15th April 1848

W. E. P. Hartnell
Govt Translator

No. 563

A Rancho called Punta de Pinos

Abs. 8000 varas
Ac. 8000 do
Ganado Mayor
Ganado Menor
Cerrillos
Omni Bellum Pecus

Filed in Office Feb 17 1853

G. W. Kinkel
Sec.

Exhibit No 1
R.T.
Recorded in Sec. office
Vol 18, p 475 to 481.

Office of the Surveyor General,

OF THE UNITED STATES, FOR CALIFORNIA.

169 SD
PAGE 142

I, **E. F. BEALE,** *Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the* **Archives** *of the former* **Spanish** *and* **Mexican** *Territory, or Department of* **Upper California,** *as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law,* **Do Hereby Certify,** *that the* eleven *preceding, and hereunto annexed pages, of tracing paper, numbered from one to* eleven *inclusive, exhibit a true, full, and correct copy of an original document together with the endorsements thereon as the same appears on file in case No 563 on the Docket of said Board of Commissioners*

EXAMINED AND FOUND CORRECT.

Keeper of Archives.

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* Fourth *day of* May *1862*

E. F. Beale, U. S. Surveyor General, for California.

No 169 - 353 (B-2)

U. S. Dist Court
South'n Dist Cal'a

H. Delgrau et al
vs
United States

Exhibit J. O. W. No. 2.

Filed June 5/62
John E. Wheeler
Clk

translation of pages 1, 2 & 3
of this Exhibit is found on pages
22, 23 & 24 of Transcript No 169
the remaining pages translated
& filed in this case

D. S. Gregory Esqr
Pb. Monterey Cal
or Henry Degraw Esqr.

1

1844

Expediente

Promovido por D. José María Abrego en solicitud del terreno nombrado Punta de Pinos

No.

402

SELLO CUARTO 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 cuatro y mil ochocientos cuarenta y cinco.

Micheltorena. Pablo de la Guerra.

Por aus.a del Admor
Guillo Pdo Hartnell

MAR.T DE MONTY

Exmo Sor

José Abrego C. Mejicano y vecino de esta Capital ante V.E. hace presente q. siendo hoy dueño del terreno conocido con el nombre de Punta de Pinos de Monterrey por compra legal q. hise á los dueños a virtud de la aprovacion de V.E. la q. fue por la imposibilidad q. tenian para fomentarlo: y siendo el otro terreno sumamente pequeño segun consta por los documentos q. acompaño, no puede serme util sin cercarlo y para hacer este crecido gasto me veo en la necesidad de pedir se me otorgue libremente sin ninguna restriccion: atendiendo á q. ya se han dado algunos terrenos de la manera indicada y tambien á lo insignificante del mencionado terreno, no saliendo nadie perjudicado por esta. Por lo q. suplico á V.E. se mi conceda esta gracia si se encontrare justo anotandose solamente en el titulo q. existe y quedando valedera la posesion ya dada.

Monterey Setiembre 1.o de 1844.

José Abrego

Como

81

dispone el E. S. Gobernador sirvase
informar el S. Alcalde 1º de este
lugar sobre el contenido de la pre
sente instancia.

Monterey Sbre 17. de 1844

Manl. Jimeno

Sor. Sno del Despacho.

Cumpliendo con lo prevenido en
el Supr. Decreto q. antecede
digo á V. S.ª que en sesion
del dia 24 de Agosto pspo. á
cordó el Ylte. Ayuntamiento
de esta Capital, quedasen reda=
cidos los egidos de esta pobla
cion á media legua por
viento, comensando á medir
desde el punto sentrico de ella;
Cuyo Acuerdo tube el

honor de remitir a V. E. el Sor. Gobernador para que lo pasase á la Excma Junta Departamental p.a su aprovacion. Mas como esta pare desicultar en esos dias, han quedado demarcados dhos. egidos en los terminos ya espresados. Por lo q. en vista de lo espuesto V. S.a se servirá disponer lo q. en cuanto de Justicia

Monterey Sbre. 19 de 1844.

Marcelino Escobar

Exmo

Sr Gobernador

Por el ultimo acuerdo del Y. Ayuntamto de este lugar sobre que se le demarquen los correspte ejidos, segun el informe que antecede, se ha dispuesto que se pidiera á la E Asamblea Departamental su aprobacion pa que se señale pa dicho objeto media legua por cada rumbo tomando por centro esta poblacion. Teniendo merito de este acuerdo del Ayuntamto y considerando que barios ranchos estan en las mismas circunstancias que el del Señor Abrego, de no hayarse comprendido dentro de estos ejidos, no encuentro algun inconveniente pa que V E tengan bien acceder á la pretencion del expresado S. Abrego si V E asi lo encontrare por conbeniente Monterey Sbre 17 de 1844

Monterey Sept 20. de 1844 Manl Jimeno

Como opinan el Sor Ayuntamto y S. Lxdo del Despacho de este Gobierno Muchbo a

El Ciudadano Manuel Michelltorena General de Brigada del Ejercito Mejicano, Ayudante Gral del mismo, Gobernador Comandante Gral é Inspector del Departamento de Californias.

Por cuanto D. José Abrego ha adquirido legalmte. el derecho concesion y posesion que obtuvo José Mª Armento del terreno conocido con el nombre de punta de Pinos que comprende la parte de costa desde la punta de Aulones hasta la de Sepreces y vuelve por la linea recta S.O. á N.E. á la referida punta de Aulones y habiendose practicado las diligencias correspondientes he venido en declarar y declaro en confirmacion dueño de dho. parage al mencionado D. Jose Abrego sugetandose á los condiciones siguientes.

1ª No podrá venderlo enagenarlo ni potecarlo.

2ª Podrá cercarlo sin perjudicar las travesias caminos y servidumbres lo disfrutará libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode.

3ª El terreno de que se hace donacion es de la estencion que demuestra el diseño respectivo y segun la posesion juridica que ya se tiene dada

4ª Si contraviniere á estas Condiciones perderá su derecho al terreno y sera denunciado por otro.

En Consecuencia mando que sirviendole de titulo el presente se tome razon de el. en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterey á

7.

Cuatro de Octubre de mil ochocientos cuarenta y cuatro

Queda tomada razon de este Despacho en el libro a que corresponde á fojas 10.

S. A

169 SD
PAGE 151

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

I, **J. W. MANDEVILLE,** *Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the* **Archives** *of the former* **Spanish** *and* **Mexican** *Territory, or Department of* **Upper California,** *as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law,* **Do Hereby Certify,** *that the* Seven *preceding, and hereunto annexed pages, of tracing paper, numbered from one to* Seven *inclusive, exhibit a true, full, and correct copy, of an original* Espediente *now on file, and forming part of the Archives aforesaid in my Office, entitled "* 1844 *"*
" Espediente Promovido por D. José Maria Abrego en solicitud *"*
" del terreno nombrado Punta de Pinos No. 402 *"*
and still remaining on file in my Office and in my charge and custody

Keeper of Archives.

EXAMINED AND FOUND CORRECT.

In Testimony Whereof, *I have hereunto* [illegible] *of Office to be affixed, at the City of San Francisco, this* third *day of* May *18* 61

J. W. Mandeville **U. S. Surveyor General, for California.**

No 169

U. S. Dist Court
South Dist Cal

H de Navarro et al
vs
United States

Doc.
Exhibit T.D.W. No 1.

Filed June 5, 1862
John D Rahler
Clerk

United States District Court South'n Dist Cala

Alvey de Saussal
substituted for
L. P. Leard et al

vs.

The United States

Be it remembered that on this 9th day of June AD 1862 at Monterey in the District aforesaid, before me John D Wheeler Clerk of the United States District Court for the Southern District of California and Ex Offico U. S. Commissioner duly authorized to take depositions in Civil Cases depending in the Courts of the United States pursuant to the act of Congress in that behalf appeared Ambrosio Gomez a Witness produced on behalf of the Claimants in the above entitled cause now pending in said Court, under the Acts of Congress to ascertain and settle private Land claims in the State of California, who being duly sworn testified as follows. His testimony being given in English,

Present Derrill & Gregory Atty for appellees & Claimants
and B J Whiting Dist atty on part of U States

Questions by

Quest. What is your name age and place of residence

Ans. Ambrosio Gomez, 39 years of age, and residence in Monterey,

Quest. Look at the document now shown you marked Exhibit J.O.W. No 1 and annexed to this deposition and state whether or not it is a copy of an original document now of record in the office of the County Clerk and Recorder of Monterey County, and if so state your means of knowledge of such fact.—

Ans. This a true copy. I have examined the original on file and of record in said Recorders Office, and compared the document now shown me and marked J O W No 1, and this a faithful copy of the same. I made the examination to day. The said original is ~~recorded~~ contained in Liber XI pages 1399, 1400, 1401 & 1402 in said office ~~of the~~ said Liber XI being a bound Book of original archives or documents. The signatures appearing on said original document of Guill°. Ed° Hartnell Florencio Serrano, Jose A Chaves, Ambrosio Gomez

Antonio Lima, Vicente Gomez, Manl Castro & Esteban La Torre, are their genuine signatures. They were placed there at the time the document was executed. I was present and signed the same as assisting witness

Ques Who was acting Judge of the 1st instance at that time in Monterey

Ans Florencio Serrano was acting ad interim

Ques Were there any Notary Publics at that time in Monterey?

Ans No, there were none

Ques What was the Consideration paid by Jose Abrego for the land - if any -

Ans. The same set forth in the Deed, It was paid part in Money and the balance in Merchandize

Geo H Hammond Ally Dist Atty

Ques Were you present when the Consideration was paid

Ans I was present when a portion of the merchandise was delivered. —

Ambrosio Gomez.

Subscribed and sworn to before me this 9th day June 1862

John D. Wheeler

Clk & Ex Offr Com[illegible]

No. 169

U. S. Dist Court
South Dist of Cal

Alvin de Graw, et al
vs
J. P. Leese et al
&
The United States

Affdvt of A. Gomez
Filed June 9th 62
John D. Wheeler
Clk

This indenture made this thirteenth day of Decr. A.D. 1851 between Fulton Little and his wife Mary, and James N. Gleason and his wife Catarina, all of the City of Monterey in the State of California of the first part, and Jose Abrego of the same City of the second part - witnesseth - That said parties of the first part for and in consideration of the sum of Seven Thousand and Five hundred Dollars ~~to~~ them in hand paid by said party of the second part, and the receipt of which sum is hereby acknowledged and admitted by said parties of the first part, have bargained, sold and quit claimed and by these presents do bargain sell quit-claim and convey unto said party of the second part all the right title interest and claim both at law and in equity, as well in possession as in expectancy of said parties of the first part in and to the following described tract, parcel or premises to wit; - that tract or parcel of land in the County of Monterey in the State of California known as the Ranchs of Point Pinos and bounded

as follows - beginning at the point of Aulones & thence following the Coast of the Ocean to the point of Cypress and thence in a right line North Eastwardly to the aforesaid point of Aulones - These premises were on the fifteenth day of January 1850 conveyed by said Jose Abrego to Milton Little James A Gleason and others, and the interest supposed to have been acquired and to be possessed by said parties of the first part is the one undivided half of the said Rancho as aforesaid described, all of which interest of said parties of the first part is here intended to be conveyed - excepting a tract of land conveyed by Jacob P. Leese and wife - James A. Gleason and wife and Thomas O. Larkin and wife on the twentysixth day of February 1850 to Milton Little, this tract being reserved, being bounded and situate as follows: beginning at the south east corner of said Rancho of Point Pinos at the Point Aulones running down and along the coast

South [illegible] West Six Hundred Yards;

North 49° west Six Hundred Yards; thence South 45° west one thousand and eight hundred yards; thence south 49° East to a point where this line Strikes the South Eastern boundary Line of said Rancho & thence following this las mentioned boundary line to the point of beginning - Said party of the Second part to have and to hold all the right and claim of said parties of the first part to said Rancho excepting the part herein reserved - NB "Said parties of the first part" and "part" were interlined before the execution of this instrument. - Milton Little LS Mary Little LS Jas H Gleason LS Catarina Gleason LS State of California County of Monterey ss. On this 13th day of December AD 1857. personally appeared before me a Notary Public in and for said County Milton Little and Mary Little his wife and James H Gleason and Catarina Gleason his wife all to me personally known, who seve-

rally & each for himself and herself, acknowledged that they executed the within conveyance freely and voluntarily and for the uses and purposes therein mentioned Also said Mary Little and Catarina Gleason being by me examined separate and apart from their husbands, and without their husbands hearing and having been made acquainted with the contents of the within conveyance, each severally and for herself declared that she executed the within conveyance freely & voluntarily & without fear compulsion or undue influence of her husband and that she did not wish to retract the execution thereof. D. R. Ashley Notary Public Monterey Co. {Notarys Seal} Received for record 19th Dec 1857 at 11,55 am — the words underlined here being interlined in the original, Recorded at request of Pedro Gabala.

State of California,

State of California
County of Monterey } ss.

I, George W. Bird, County Clerk and Ex-officio Recorder in and for said County, do hereby certify, that the foregoing is a true full and correct copy of an instrument in writing now on record in my Office in Book A of Conveyances pages 314, 315 & 316.

Witness my hand and seal of Office at Monterey, this 7th day of June A.D. 1862.

G. W. Bird
Recorder
Monterey County

No Reg
U. S. Dist Court
South Dist Cala

A de Navarro et al
vs
United States

Exhibit "B." "Don."

Deed from Little et al
to
Jose Alvarez

Filed June 15/62
John D Hunter
Clk

169 SD
PAGE 162

Copy

Deed

from

Little Knife &
Gleason Knife
to
Jose Arrego

for

Rancho
Punta Pinos

Dec 13th 1857

2,30

Sello cuarto dos reales. —
Habilitado provisionalmente por la Aduana marítima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco. Micheltorena. Pablo de la Guerra. Por ausª del Admor. Guillº Edº Hartnell En el Puerto de Monterey de la Alta California á los doce dias del mes de Junio de mil ochocientos cuarenta y cuatro, ante mí Florencio Serrano Alcalde 2º constitucional y Juez de 1ª instancia interino de esta demarcacion y ante los testigos de asistencia con quienes actuo en la forma establecida por falta de escribano publico, á mas de los instrumentales de que al fin se hará mencion, parecio de presente Dª Brígida Alvarez, ~~[illegible]~~ con sus hijos, José, José Antonio y Cristobal Armenta, cuyas personas doy fé conozco y dijo la primera que por si y á nombre de los referidos hijos herederos y sucesores, y de quien de ellos hubiese titulo,

voz y causa, cede a Dn. José Abrego de esta misma vecindad que tambien doy fé conozco, el Derecho que les asiste al terreno conocido con el nombre de punta de pinos, que les pertenece en propiedad segun consta en del titulo y posesion que obra en el espediente que presentaron, y yo el Juez doy fé haber visto y mandé unir á la presente escritura, cuyo terreno esta libre de todo gravamen publico, perpetuo, temporal, tacito ó espreso, y como tal lo cede a dho Sor Abrego. Por cuella sesion han recibido la otorgante y sus hijos la cantidad de ciento sesenta y dos pesos á su entera satisfaccion; y desde hoy en adelante se desprende y despoja para siempre del derecho posesion, titulo, recurso ó otro cualquiera que le competa al enunciado terreno, y lo renuncia y traspasa al espresado Sor. Abrego, para que disponga del como de cosa propia, y le confiere poder irrevocable con libre franca y general administracion para que de su autoridad aprenda la tenencia

y posesion que por derecho le compe-

autoridad aprenda la tenencia

y posesion que por derecho le compete.
Yá la observancia y validacion de todo lo referido obliga la otorgante sus bienes presentes y futuros y con ellos ~~to~~ sosomete al fuero y jurisdiccion de los Señores Jueces que de sus causas puedan y devan conocer conforme á dho. para que á su cumplim.to lo compelen y apremien por todavia egecutoria como sentencia dada consentida y pasada en autoridad de cosa Juzgada y sentenciada que por tal la reputa, renuncia la leyes que en el caso le favorescan y la general del Dro. en forma En Cuyo testimonio asi lo otorgo y firmaron á (ruego) ruego de los interesados los C.C. Man.l Castro Vicente Gomez Antonio Chaves y Esteban de la Torre, presentes y vecinos, siendo los instrumentales D. tres primeros firmando yo con los de asistencia de que doy fé. Florencio Serrano
José A. Chaves, ass.a Ambrosio Gomez
ass.a Antonio Lima ass.a Vicente P. Gomez
Manuel Castro Esteban la Torre.

State of California
County of Monterey } ss.

I, George W. Bird County Clerk and Ex Officio Recorder in and for said County, do hereby certify, that the foregoing is a true, full and correct copy of an instrument in writing now on record in my office in "Vol. XI Archives, Monterey County" pages 1399, 1400, 1401 & 1402.

In witness whereof I hereunto set my hand and seal of office, at Monterey, this 5th day of June A.D. 1862.

G. W. Bird
Recorder
Monterey County

No 169

Copy.

Exhibit J.O.W. No. 1.

Conveyance

from

Brigida Alvirez

to

Jose Abrego

for

Punta Rinos Rc

date

June 12th 1844

Filed June 9th 1862

John S. Wheeler

169 SD Clerk

PAGE 167

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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

169 SD

PAGE 168

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 Henry De Graw, substituted in place of Jacob P. Leese; Charles Brown, substituted in place of James H. Gleason and Milton Little appellees (No. 169 for the place called "Punta de Pinos.") wherein the decree of the said District Court was in favor of the said appellees, and against the said appellants.

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 four the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and ~~was argued by counsel: On consideration whereof,~~ on the motion of Mr Attorney General Speed of Counsel for the appellants it is now here ordered, adjudged and decreed by this Court that this cause be and the same is hereby dismissed.

12 Jan:-

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 Salmon P. Chase Chief Justice of said Supreme Court, the first Monday of December in the year of our Lord one thousand eight hundred and sixty four

COSTS OF

Clerk..... $

Attorney... $

$

~~Taxed by~~ L. W. Middleton

Clerk of the Supreme Court of the United States.

169

No. 102 December Term, 1864.

MANDATE

SUPREME COURT UNITED STATES.

U. States vs. De Grauw et al

Filed June 12, 1865

John D. Johnston

Clk

Henry DeGraw & Charles Brown, (Substituted for Jacob P. Leese et al.) Appellees vs. The United States Appellants	In the United States District Court for the Southern District of California. June Term A.D. 1862. Docket No. 169.

Counsel for the respective parties in the above entitled cause, stipulate and agree as follows:

1st. That a certified copy of the deposition of David Spence taken in the case of the ~~Lucinda Stoer~~ Lucinda E. Pogue et. al. vs. The United States Docket No. 380 – Transcript No 563 – which said copy is now on file in this case, may be used in evidence on the trial of this cause, & that the original record of judicial proceedings therein referred to, is the original of a copy attached in this case to the deposition of Jose Abrego, & marked "Exhibit J. O. W. "No 2" —

2nd – That the certified copy of a deed from Milton Little & Wife & James H. Gleason & wife to Jose Abrego, now filed in this case

& marked "Exhibit B. L. O. N. ____
may be read in evidence on the trial of this
cause, with the same force & effect as the
original —

3. That the judgment mentioned in a deed
from Aaron Lyons Sheriff to Charles Brown,
marked, Exhibit "A L. O. N. ____
on file in this case, & the sale made there-
under & referred to in said deed, and also
the redemption therein mentioned were
regular and according to law, & that whol-
ever interest in the premises claimed in
this case was held at the date of said
deed by D. S. Gregory is now held & owned by the
said Charles Brown, present claim-
ant.

Monterey
10th June 1862.

R. C. Whiting
U. S. Dist Attorney
for the Southern Dist
of California

D. S. Gregory
Atty for Claimant

No 169

U. S. Dist Court
South^n Dist Cal^a

H de Saussat
Sub. for
J. P Leese et al
v
United States

Stipulation for admitting as evidence in this case certified copy of Spence's deposition on file herein etc

Filed Sept 23/62
John W Whaley Clk

169 SD
PAGE 174

Henry DeGraw,
(Substituted for
Jacob P. Leese)
Charles Brown
(Substituted for
James H Gleason)
& Milton Little
Appellees
vs.
The United States,
Appellants

In the United States
District Court for the
Southern District of Cal-
ifornia.
June Term AD 1862.

No. 169.
Rancho "Punta de Pinos."

On motion of D. S. Gregory, Attorney for Appellees in the above cause,

It is ordered that the said Appellees or their said Attorneys have leave to withdraw from among the papers in this case, the following described mesne conveyances (originals) filed herein on his or their depositing with the Clerk of this Court, copies of such original conveyances, certified by him to be true & correct copies: said originals being as follows:

1st. A deed, bearing date the 9th day of June AD 1857. from Jacob P. Leese to Henry DeGraw:
2. A deed, of the 30. day of April AD. 1857 from Jose Abrego to D. S. Gregory—
3rd. A deed from Aaron Lyons, as

Sheriff of Monterey County, to Charles Brown
bearing date, ~~30th~~ 1st July AD 1861.

Fletcher M. Haight

No 169
U. S. Dist Court
South District

Affidavit and
Order for
Replevin
vs
Michael Tate

Order granting leave
for withdrawal of papers

Filed June 13/62
John Wheeler
Clerk

Henry De Graw (substituted in place of Jacob P. Leese) Charles Brown (substituted in place of James H. Gleason) & Milton Little Appellees vs The United States Appellants.	In the United States District Court for the Southern District of California — June Term A.D. 1862. No 169. Rancho "Punta de Pinos"

The above entitled cause coming on to be heard at a regular term of said court on appeal from the decision of the Board of Land Commissioners to ascertain and settle private land claims in the State of California under an Act of Congress approved March 3rd A.D. 1851. upon the transcript of the proceedings and decision of the said Board of Land Commissioners, and the papers and evidence on which the said decision was based, and additional evidence taken in this Court and filed in this case, and it appearing that the said transcript have been regularly filed according to law, and Henry De Graw having been substituted on the record as Appellee in place of Jacob P. Leese, and Charles Brown having been substituted on the record as Appellee in the place

of James H. Gleason and counsel for the respective parties having been heard —

It is ordered adjudged & decreed by the Court that the decision of the said Board of Land Commissioners confirming the titles of the land described in said transcript be and the same is hereby affirmed, and it is further ordered adjudged and decreed that the title of the said appellees Henry De Graw Charles Brown and Milton Little to the tract of land described in the transcript in this case, is a good and valid title —

The land of which confirmation is made is situated in the County of Monterey and is known by the name of Punta de Pinos being the same which was ~~grat~~ granted to Jose Maria Armenta by Governor Figueroa on the 24th of May 1833. and regranted and confirmed to Don Jose Abrego by Governor Mechelorena on the 4th of October 1844. and is bounded as follows. Commencing on the sea coast or beach at the "Punta de Aulones" and running along the sea coast around the "Punta de Pinos" to the Punta de Cipreses. thence by a right line from South west to North east to the place of beginning, being of the extent shewn by the map (de-signo) annexed to the grants, filed with the papers in this case, or contained in the transcript, to which reference is made for a more particular description.

Fletcher M. Haight
U S Dist Judge South Dist Cala

No 169

U. S. Dist Court

South'n Dist Cal'a

H de Spain et al

Sub for

D. P Leese et al

vs

The United States

Decree

Filed June 13/62

John D Wheeler

Clk

Henry De Groot,
(Substituted in place of
Jacob P. Leese) et al.
Appellees,
vs
The United States
Appellants.

In the United States
District Court for the
Southern District of Cali-
fornia.
June Term A.D. 1862.

No. 169.

Now on motion of D. S. Gregory,
Atty for Appellees, and on his filing a
certified copy of a deed from James
H. Gleason to Jose Abrego for all his interest
in the tract of land claimed in this
case, and other deeds showing that
whatever interest the said Gleason had
in the said premises is now vested
in Charles Brown, & the death of
the said Gleason being suggested.

It is ordered that the said Charles
Brown be substituted as a party to the
record in this case, in place of James
H. Gleason deceased, & that all further
proceedings herein be had in the name
of Henry De Groot, Charles Brown, & Milton
Little — as Appellees vs The United
States appellant.

Thus done & signed in open Court this
11th day June 1862

Fletcher M. Haight
U. S. Dist Judge South Dist Cal

No 169

U. S. Dist Court

South'n Dist Cal'a

Henry de Graw et al

Sub for

J. Pleasant et al

vs

United States

Order Sub. Brown

for Gleason

June

Filed ~~July~~ 11. 62

John S Wheeler

Clerk

This Indenture, Made the ninth day of June A.D. One Thousand, Eight Hundred and Fifty-seven Between Jacob P. Leese of the first part, of the County of Monterey & State of California, and Henry De Graw of the same place of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of Four Thousand 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 ensealing and delivery of these Presents, the receipt whereof is hereby acknowledged, have remised, released and quit-claimed, and by these Presents do remise, release and quit-claim, unto the said party of the second part, and to his heirs and assigns forever,

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

And also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said part of the first part of, in or to the above described premises, and every part and parcel thereof with the appurtenances.

To Have and to Hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said part of the second part, heirs and assigns forever.

And I the said Jacob P. Leese, for myself, my heirs, Executors administrators and assigns, do hereby covenant and agree with the said Henry De Graw, his heirs executors administrators and assigns that I will and my heirs executors and administrators shall warrant and defend the same to the said De Graw his heirs and assigns forever against all liens or incumbrances done or suffered by myself, but against no others whatever.

The printed words on first page from "In witness whereof, to "in the presence of", inclusive erased & the word forever, interlined before execution

In testimony whereof I have hereunto set my hand & seal, date above written

Jacob P Leese (Seal)

Signed sealed and delivered in presence of
D. S. Gregory.

State of California }
County of Monterey } ss.

169 SD
PAGE 184

On this 9th day of June A.D., One Thousand Eight Hundred and Fifty-seven before me Edw L. Williams Recorder in and for said County, personally appeared Jacob P. Leese to me personally known to be the individual described in and who executed the annexed Instrument, and acknowledged to me 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 official Seal, the day and year first above written

Seal of Recorder of Monterey County.

Edw. L. Williams County Recorder

{Endorsed}
Rec'd for Record June 9th 1857 @ 10 o'clock A.M. and Recorded in Book C of Conveyances on page 111. and following. Edw L. Williams Recorder Monterey County

Filed April 28th 1862.

I, ~~EDWARD B. COTTER~~, Clerk of the District Court of the United States for the District of California, do hereby certify the foregoing to be full, true and correct copy of an original Deed from Jose Abrego to D. S. Gregory filed in the case Henry De Graw et al, substituted for J. P. Leese et al against The United States, Land Case No 169 Southern District. The original Deed this date withdrawn from files by order of Court, allowing same

Attest my hand and seal of said District Court, this 15th day of February A. D. 1882

Southard Hoffman Clerk.

By

Deputy Clerk.

No 169 SD.

United States District Court
Southern District of California

Henry De Grow et al
Substituted for
Jacob P. Leese et al
vs
The United States

Certified copy of original
Deed of Jose Abrego to
D. S. Gregory

Filed February 15th 1889

169 SD
PAGE 186

This Indenture, Made the ninth day of June A.D. One Thousand, Eight Hundred and Fifty-seven Between Jacob P Leese of the first part, of the County of Monterey & State of California, and Henry Dr Graw of the same place of the second part, Witnesseth, that the said party of the first part, for and in consideration of the sum of Four Thousand 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 ensealing and delivery of these Presents, the receipt whereof is hereby acknowledged, have remised, released and quit-claimed, and by these Presents do remise, release and quit-claim, unto the said party of the second part, to his heirs and assigns forever, All of my right title interest claim and demand at law or equity, in possession or expectancy in and to that certain tract or parcel of land lying and being situated in said county and bounded and described as follows beginning at a point on the Bay of Monterey at a Point known as point Aulones, and thence following along the sea beach of the Pacific ocean, around the point to point Cypress thence in a direct line in a north Easterly Course

to the place of beginning, said tract of land containing two leagues more or less, and being known as Rancho "Point Pinos".

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

And also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said part of the first part of, in or to the above described premises, and every part and parcel thereof with the appurtenances.

To Have and to Hold, all and singular the above mentioned and described premises, together with the appurtenances, unto the said part of the second part, heirs and assigns forever.

And I the said Jacob P. Leese, for myself, my heirs, Executors administrators and assigns do hereby covenant and agree with the said Henry De Graw, his heirs executors administrators and assigns that I will, and my heirs executors and administrators shall warrant and defend the same to the said DeGraw his heirs

and assigns forever against all liens or incumbrances done or suffered by myself, but against no others whatever.

The printed words on first page from "In Witness whereof" to "in the presence of" inclusive erased and the word forever interlined before execution.

In testimony whereof I have hereunto set my hand & seal, date above written

Jacob P. Leese (Seal)

Signed sealed and delivered
in presence of
D.S. Gregory.

State of California }
County of Monterey } SS.

On this twelfth day of June A.D. One Thousand Eight Hundred and Fifty-seven before me Edw L. Williams Recorder in and for said County, personally appeared Jacob P. Leese to me personally known to be the individual described in and who executed the annexed Instrument, and acknowledged to me 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 official Seal, the day and year first above written.

Edw L. Williams County Recorder.

Recorder of County Recorder Monterey County

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(Endorsed)
Rec'd for Record June 9th 1857 @ 10 o'clock a.m. and Recorded in Book C of conveyances on page 111 and following - Edw L. Williams Recorder Monterey County.

Filed April 28th 1862

Dunhard Hoffman -
I, ~~EDWARD B. COTTER~~, Clerk of the District Court of the United States for the District of California, do hereby certify the foregoing to be a full, true and correct copy of an original Deed from Jacob P. Leese to Henry De Graw, filed in the case, Henry De Graw et al substituted for J. P. Leese et al against The United States - Land case No. 169. Southern District. The original Deed this date withdrawn from files by order of Court, leaving same.

Attest my hand and seal of said District Court, this 15th day of February A. D. 1882.

Dunhard Hoffman Clerk.

By _____
Deputy Clerk.

169 SD
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No 169 SD.

United States District Court

Southern District of California

Henry De Graw et al
substituted for
Jacob P. Leese et al.
vs
The United States

Certified Copy of original
Deed of Jacob P. Leese to
Henry DeGraw.

Filed February 15th 1852