CASE NO.
172

SOUTHERN DISTRICT

APTOS GRANT

RAFAEL CASTRO
CLAIMANT

LAND CASE 172 SD pgs. 78

ALSO AVAILABLE ON MICROFILM

MAR 7 1963

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 620.

Rafael Castro, CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED
"Aptos."

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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 fourth of February, *Anno Domini One Thousand Eight Hundred and Fifty=* three, *before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;*

The Petition of Rafael Castro, *for the Place named* "Aptos," *was presented, and ordered to be filed and docketed with No.* 620, *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, Aug. 13' 1853.

In Case No. 620, Rafael Castro for the place named "Aptos", the deposition of Antonio Maria Pico, a witness in behalf of the Claimant, taken before Commissioner Alpheus Felch, with document marked No. 1 A. F. annexed thereto, was filed:

(Vide page 5, of this Transcript.)

San Francisco Oct. 27' 1853.

In the same Case, the deposition of Jose A. Bolcoff, a witness in behalf of the Claimant, taken before Commissioner Alpheus Felch, was filed.;

(Vide page 6 of this Transcript.)

San Francisco May 9' 1854.

Case No. 620 was called, submitted on briefs, and taken under advisement.

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San Francisco May 16 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim;

(Vide page 61 of this Transcript.)

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San Francisco Aug 15 1854.

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

(Vide page 64, of this Transcript.)

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Petition

"To the Honorable the Board of U. S. Commissioners, appointed to settle private Land claims in California –

"The petition of Rafael Castro respectfully represents "That on or about the 16th day of November 1833 Jose Figueroa then Governor of California in the name of the Mexican Nation by virtue of the Laws of Mexico in force, the various Laws and usages of the Country affecting grants of Lands in California granted in full property unto your petitioner the tract of Land and Rancho called Aptos situated in the present County of Santa Cruz or Monterey containing about One League of Land reference being had to the papers and maps relating to this grant of Land for a more particular description thereof –

"That said grant was duly approved by the Departmental Assembly and your petitioner was placed in peaceable possession of said Lands by the proper officer having jurisdiction of such subject matters the Original papers showing the facts above stated and now in the possession of your petitioner ready to be produced and proved before your Hon. Board

And your petitioner further shows, that about the year 1840 an extension of One League was made to his Rancho and Lands herein before described by the then Governor of California – That your petitioner believes the grant and papers relating to said Extension are among the archives now in the possession and custody of the U. S. Surveyor Genl. for California and so soon as the same can be procured and prepared your petitioner may leave to file as part of this petition

"There is no conflicting claims to said Land known to your petitioner and your petitioner has occupied said Lands and Rancho from the date of said Grant until the present time – All of which matters are respectfully submitted for such

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action as the Justice and nature of this claim require

E. O. Crosby Of Counsel

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30.

Filed in Office Feby 24. 1853
Geo. Fisher
Sec'y

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Deposition of A. M Pico

Office of the Commissioners of California Land Claims
San Francisco Aug. 13. 1853

This day before Commissioner Alpheus Felch came Antonio Maria Pico a Witness in behalf of Claimant (Case No. 620) Rafael Castro who after being duly sworn deposed as follows

Question by Mr Crosby Attorney for claimant

1 Question. What are your name age and place of residence

Answer. My name is Antonio Maria Pico my age forty three years and I reside at San Jose Santa Cruz County California.

2d Question. Look on the paper now shown to you marked "Exhibit No. 1 with the initials A F and purporting to contain a title given by Jose Figueroa to Rafael Castro on the Sixteenth of November 1833 a tract of Land called Aptos and the act of approval of the same title by the territorial Deputation & the papers of Juricial possession of the same Land with an Order from Manuel Jimeno of November 9th 1840 for an Extension of said tract of Land which documents are attached to this deposition, and say which if any of the signatures appearing therein you recognize as genuine?

Answer. I have looked therein and recognize as genuine the following signatures on papers to wit Jose Figueroa, Augustin V Zamorano, Rafael Castro Jose Antonio Bolcoff, and Manuel Jimeno, I have seen all these persons write and know their signatures well. I have no doubt of their genuineness in all the places in which they appear on these Documents.

3d Question. Do you know the Rancho called Aptos its situation and its Occupation by Rafael Castro the claimant?

Answer. I know the Rancho of Aptos well and been on it. It is situated near the Town of Santa Cruz

formerly called Buenaventura. It has been occupied by Rafael Castro ever since the obtained the grant of the Land and kept cattle on always. I remember distinctly when he obtained the grant, but cannot tell the year. He went on the Land immediately after wards – It is a Rancho which has long been in a high state of improvement and well regulated It has several houses on it, with gardens & orchards Much of the Land is cultivated and there are a good many cattle kept on it.

Deposition of Jose A Bolcoff

Question by Mr. Greenhow Assistant Law Agent
1. Question. Does this Rancho lay within ten leagues of the Sea –
Answer. It is situated right on the shore of the Sea
Antonio Ma. Pico
This testimony was given in the Spanish Language Mr Greenhow by consent of parties acting as interpreter – Sworn & subscribed before me at San Francisco this thirteenth day of August AD 1853
Alpheus Felch
Commissioner
Filed in Office Aug 13. 1853
Geo. Fisher Secy

Office of the Board of Commissioners &c &c
This day before Com. Alpheus Felch came Jose A Bolcoff a witness in behalf of Claimant Rafael Castro No. 230 who after being duly sworn deposed as follows – This deposition was given in the Spanish Language and interpreted by the Secretary
(Question by Mr Lewis by atty for claimant)
1. Question. What are your name age & place of residence
Answer. My name is Jose A Bolcoff my age is forty six years and I reside in the County of Santa Cruz California –

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2d Question. Look on the document now shown to you purporting to be a grant from Jose Figueroa to the claimant in this case, Rafael Castro here filed in this Case and marked Exhibit No. 1 annexed to the deposition of Antonio Maria Pico containing besides said grant the approval of the Departmental Assembly, the certificate of the act of Judicial possession of said Augmentation; and state what signatures appearing therein, you recognize as genuine Answer. I have examined the said Document and I recognize the signatures of the following persons to wit; Jose Figueroa, Augustin V Zamorano Rafael Castro Jose Antonio Bolcoff Rafael Robles, Manuel Jimeno - I know the hand writing of each of the persons above named, and their signatures wherever they occur in said Document are their respective true and genuine signatures - The signature of Jose Antonio Bolcoff is my own. I signed it as a Magistrate - I signed it as a Magistrate of the Jurisdiction of Santa Cruz

3rd Question. Do you know the location and boundaries of the Rancho Aptos claimed in this case? If yes, state where it is situated and what are its boundaries -

Answer - I know the said Rancho. It is situated in the County of Santa Cruz and about three leagues from the present Town of Santa Cruz. The juridical possession gives the boundaries. Its bounded on one side by the Rancho of San Andres belonging to the Castros on another side it is bounded by the Rancho Laguna belonging to Marino Castro. On another side it is bounded by the Range of Mountains & on the Southerly side by the sea

4. Question. Look on the first Map in the Document now presented to you marked "Exhibit No. 1" attached to the deposition of Antonio Maria Pico in this Case and state whether you know who made said Map and if the same is a true general

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representation of the said Rancho Aptos
Answer. I have examined said map, it was made by myself in the year 1834 and it is a true representation of said land called "Aptos" I made the map at the time I gave juridical possession of said land to Rafael Castro the claimant in this case
5. Question. Please state at what point you commence the juridical survey and what natural objects are to be found that mark the boundaries as measured by you?
Answer. I commenced at the North Westerly corner at a point in a Gulch where we placed a live Oak post as a monument. The Gulch is called El Sanjon de Bonegas. Thence we went in a straight line East South East One league to a point where we placed an other live Oak post as a monument This last line was along the sea Beach. Thence I run One leagues in a North North Easterly direction where we placed a live Oak post for a monument It is up in the red wood mountains. From this point I measured One league parallel to the first line along the beach when we placed another similar stake, and from that place we measured on a straight line parallel to the second line One league to the place of beginning at the mouth of the Gulch above mentioned where it enters the sea
6. Question. Please look at the second map found in the same Document and state whether you made the same, if yes, at what time and for what purpose
Answer I have examined it, It was made by me in the year 1840. It represents the surplus land between the Rancho Aptos and the Rancho San Andres which was granted to said Rafael Castro as an augmentation to his Rancho. Said Rafael Castro applied to me as Magistrate of Santa Cruz, to give

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him juridical possession of this Augmentation under a grant of the same from the Government ad interem Manuel Jimeno, which possession I gave him in 1840 "This Map was made at the time of giving that possession and was annexed to the record of the proceedings It represents truly the Land and measurement of the Augmentation

7 Question. Please state if the Southerly line is marked by any notable natural Objects or by any artificial monuments placed upon it

Answer. "There was a willow tree, or Stake which we drove down as a monument at the South Easterly corner which is also on the Beach near the Sea Shore and in the boundary line of the Rancho San Andres and distant "four thousand varas from the South Easterly corner of the Rancho Aptos, as above mentioned

8th Question. What monuments are there at the North Easterly corner of the Augmentation?

Answer. "There are four Redwood trees known by the name of "Cuatro leguas" they being four leagues distant from the Town of Santa Cruz along the main Road into the Redwood mountains The distance on the line last mentioned from the Sea Shore to the last mentioned monuments is one league and four hundred and fifty varas

9 Question. What is the nature of the Lands lying to the North Eastwardly of said Rancho and its Augmentation and are said lands suitable for agriculture and "for grazing purposes?

Answer. It is mountainous and not good for agriculture but is suitable for raising cattle

10 Question. State if you know when Rafael Castro the present claimant went into possession of said Rancho Aptos? in what manner he occupied and what improvements he put on it?

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Answer. Since the year 1832 the claimant occupied the land by permission from Governor Victoria In that year he built a house on the place had cattle there and cultivated some of the land, and lived in this house with his family and in 1834 he built another house on the place. He also was constantly increasing his stock and improving the the place from 1832 until 1840 and from that time to the present day - He has about sixteen or seventeen children, all living with him on the Rancho

11 Question. Please look on the map in the fac simile copy of the Espediente filed in this case marked Exhibit No 1 and presented to you and state if you recognize the Arroyo Aptos as the same marked "Arroyo Aptos" in the first map referred to in this deposition - And whether the same Arroyo Aptos is a well known natural object?

Answer. It is the same Arroyo on both the maps The upper part of it towards the head has very steep Banks, the lower part is not so steep and is more like a river. It is a permanent stream

12. Question. State about how far it is from the mouth of the Arroyo Aptos to the North Easterly Corner of said Rancho Aptos where you commenced your measurement at the time of giving juridical possession.

Answer I do not know - I did not pay attention to it. (Question by Mr Greenhow Asst. Sur General)

13. Question. How many leagues did you measure when you gave the juridical possession?

Answer. Four. I measured them with a cord I refer to the grant - Jose A Bolcoff

Sworn to and subscribed before me
this 27th of October A.D. 1853

Alpheus Felch Commissioner

Filed in office Oct. 27th 1853 Geo. Fisher Secy

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Jurisdicion de Branciforte. | nº 10. | año de 1833.

Espediente
Sobre el parage nombrado "Aptos", solecitado para su beneficio y cultivo por Rafael Castro.

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Sello tercero dos Reales.
Habilitado provisionalmente por la administracion de la aduana Maritima de Monterey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.
Figueroa. José Rafael Gonzales.

Monterey. Junio 19 de 1833. = De conformidad con las leyes de la mat. ria informe el Alguaz.l de este territorio ante la notaria justicia de la villa de Branciforte para en virtud de V.S. como mejor el Sho. si el interesado en esta se presente compareze y dice; que hab. instancia obtiene todos los requisitos prevenidos para ser atendido en lo que solecitado en el año de 1835 el parage nombrado Aptos para ocupar con sus cortes bienes y hacer o por su solecitud si el terreno necesario por decreto del Sor. Don que pretende esta compr. Manuel Victoria se le concedio al endido en las veinte suplicante provisionalmente p.a su leguas limitrofes o diez cultivo y aprovechamiento como la litorales que expresa la justifica la solecitud y conforme a con ley de 18 de agosto de 1824 pruba y habiendolo asi ocupado si no pertenece a persona y mantenido en el caso, Consol. lab ece a propiedad, pas- ores y como ciento cincuenta cabezas de ganado bacuno y siendolo indispensable

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o pueblo, si se conoce por valdio si la cantidad de terreno es de regadio temporal o de abrevadero con todo lo demas que sea conveniente á ilustrar la materia. El Gefé Superior Político de Tamaulipas acordó: decreté y firmé de que doy fé.

Piguerona.

Agustin V. Zamorano.

Secretario.

Visto el Informe que se pide al Ayunt.to en el antecedente decreto pasará este Expediente al Sr. Alto de Sta Cruz para que informe lo que se le ofrece.

Piguerona.

Agustin V. Zamorano.

Secretario

p.a poseer lo libre y pacificam.te no puede menos de manifestar á V.S. que el terreno que solicita y como esplica el diseño adjunto colinda con la costa, con el Rancho del Ciud.o Joaquin Castro, con la Barra y con un barranco de Señores que nace de este, cuyo terreno hará una legua cuadrada pasio por un costado el arroyo perpetuamente nombrado Aptos donde unicamente pueden beber los ganados Entre este y el Sanjon tienen las tierras baldias de labor que son de temporal y á la espalda ó lado opuesto á la costa lo mas es lomeria inculta y montuosa y sirven para el sombrio de los ganados Dista este terreno tres leguas de la apreciada Villa de Sto Sanjon: y hantes de poseerlo se hallaba baldio. P. l. A. V. S. Debidamente acompaña á V.S. un testimonio de la licencia absoluta que obtuvo siendo Cabo de la compañia de este Puerto en lo que sirvio con honradez mas de siete años á la satisfacion de sus Gefes en vistas de sus servicios y de lo demas que ha referido suplico á la recta Justificacion de V.S. le conceda en propiedad el parage de aptos en obsequio de su familia

Por tanto rendidamte suplico se digne acceder á su solicitud en lo que recibirá merced. Jurando no ser de malicia y lo necesario. Ll. Ll.

Monterey Junio 15 de 1833. Rafael Castro.

Sello tercero Dos reales.

Habilitado provisionalmente por la administracion de la aduana Maritima de Monterey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro

Piguerona. José Rafael Gonzales.

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Visto el antecedente Expediente y decreto que informe de este Esp
Ilte Ayuntamiento digo no pertenecia á esta Mision de Sta Cruz
ni tener que informar cosa alguna respecto á dho Sitio.

Franco Ant.o Robles.

Sello cuarto una cuartilla

Habilitado provisionalmte por el Gobierno provincial de
la Alta California para el año de 1831.

Victoria Banderini.

Rafael Castro cabo licencia de la compañia de caballeria del
puerto de Monterey en la villa de Branciforte puesto ante
la Superioridad de V.S. con la mayor subordinacion y respeto
que debe ante V.S. parece y dice que allandose asi lice
-ciado y no teniendo hadonde tener sus pocos bienes que
posee sin introduccion de otros bienes, y allandose hacer
parage sin bienes inmediato á la espresada villa nombrada
hantes a V.S. suplica se digne concederle lo para poner
sus bienes siembras y casa y por tanto. A V.S. rendidamte
suplico proveer a su favor como combenga gracia y
merced que espera de su merced la Justificacion de V.S.
En la villa de Branciforte á 28 de agosto de 1837.

Rafael Castro.

Monterey. Setiembre 6 de 1831. = Concedo al interesado
provisionalmente el terreno que solicita para su utilidad
bajo la primera circunstancia de mantener lo por si
en estado de cultivo y aprovechamiento. Victoria.

Sello cuarto una cuartilla.

Habilitado provisionalmente por la Mision provincial
de la Alta California para el año de 1831.

Victoria. Banderini.

Certifico ser cierto allarse el parage de Aptos sin bienes
pues solo en tiempo de el cases de pastos pueden pasar
los bienes y el besindario á la villa y igualmente certifico
que no tiene tierras a lares mas de para ocho fanegas
y trigo, y para cosa de seis ó siete almudes y mas asi y
distancia de la villa tres leguas, y para que conste pa
los fines que combenga doy esto certificado en la villa

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de Branciforte como juez de otra. Sumisicion á 28 de agosto de 1837. Joaquin Castro.

Sello tercero Dos reales.

Habilitado provicionalmente por la administracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

Figueroa. José Rafael Gonzales.

El Ciudadano José Maria de Echeandia, Teniente Coronel de Infigenieros, comandante General, Inspector y Gefe superior Politico de la alta California. = Por lo presente concedo licencia absoluta á Rafael Castro, cabo de la compañia de caballeria permanente de Monterey por haberlo solicitado y habersele admitido el empleo que presentó. Por tanto mando al Capitan ó comandante de la espresada compañia le dé de baja en la primera revista pasando lo su ayuste respectivo y sentando en esta, certificada su filiacion. Dado en Monterey á catorse de Octubre de mil ochocientos treinta = José Maria de Echeandia. = Compañia de Caballeria del Presidio de Monterey. = Filiacion = Res = Delgados = Linea = = Rafael Castro = hijo de Joaquin y de Maria Antonia Amador natural de la villa de Branciforte dependiente del 10 regimiento de Monterey y avecindado en dicha villa su oficio labrador, su estatura cinco piés tres pulgadas y diez lineas, su edad veinte años su religion C. A. R. sus señales estan color rosado pelo y rejas negros = habia regular ojos, p cerdos ranas lampino = sento plana cantante por diez años en el Presidio de Monterey el dia veinte y seis de abril del año de mil ochocientos veinte y tres y se le leyeron las penas que previenen la ordenanza y adiciones á ella y para que conste hizo la señal de la cruz quedando advertido de que es la justificacion y no le servira de disculpar alguna siendo testigos el sargento distinguido de la misma compañia Don Ygnacio Vallejo, y el cabo Francisco Casares, dijo ser casado. = Señal de cruz. = José Estrada = Ygnacio Vallejo = Fr.co Casares = notas.

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Asiendo el cabo el dia primero de Diciembre de mil ocho
cientos veinte y siete. = Estavola = El ciudadano Rodrigo
del Pleigo, Alferes de la compañia permanente del Presidio
de Monterey y comandante accidental de ella.- Certifico
que la filiacion que antecede es copia de su original que
se halla en el libro de filiaciones de la compañia que esta
á mi cargo. Y para que conste lo firmé en el Presidio
de Monterey á quinta de Octubre de mil ochocientos
treinta = Rodrigo del Pleigo. = Concuerda con su orig
-inal que me presenta el ciudadano Rafael Castro (que
doy fée haber sido) para que se sacase el testimonio esp
-ectivo por convenirle así les de estos fielmente sacado
Sello tercero dos reales.
Habilitado provisionalmente por la administracion de
la Aduana Maritima de Monterey para los años de mil
ochocientos treinta y tres y mil ochocientos treinta y cuatro.
Figueroa. José Rafael Gonzales.
á la letra. Yo el Alcalde constitucional de esta Capital
lo firmé en Monterey á quince de Junio de mil ochoci
-entos treinta y tres, actuando con testigos de asista
en la forma permitida y doy fée. Marcelino Escobar.
de assa. José Maria Maldonado.
de assa. José Antonio Garcia.

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Hera bu devuelto a mano de Wlas.

En cumplimiento a la orden que el Sor. Jues Superior polí-
-tico de la Alta California se sirvio dirigir a este Ayunto
por su decreto fecha 15 de Junio de 1836 en que
manda informe si el interesado en esta instancia
obtiene los requisitos prevenidos para ser atendido se ha
hecho esta corporacion conforme lo ordenando y forma
lo siguiente. El interesado en esta instancia obtiene todos
los requisitos necesarios para ser atendido pero en esta
su solicitud se considera no poderse atender por prevenir
hay parage que no se ha reconocido nunca por baldio
siempre ser reconocido por agostadero los bienes de esta
Municipalidad pues las leguas que hai de la villa a dho
parage de Aptos son dos y tres quartos poco mas o menos
y del Sanjon que sita el interesado habra dos y medio
a la expresada villa pues estan medidas las leguas y son
tres leguas a huno alguna media que esta a la parte
del oriente tiene dos ojos de agua hemos por cada parte
el Dho. Arroyillo de Aptos estas leguas son de latitud pues
de longitud es muy angosto pues en ninguna parte llegan
a huna legua de ancho por que por hemo parte esta la
mar y por otra la Sierra en todo este terreno agostadero bienes
de la expresada villa se estubo. Sino que llegaran a el los
bienes por que se hubieran escasado pero a esta fecha se
estienden atto Dho. parage este se reconoce por de comunidad
se le a dicho al interesado que no obstante los bienes sos
-agostaderos y se considera no ser sitio que se pueda poseer
en propiedad ningun individuo si no que es el Gober
-namiento de la villa de Branciforte y lo firman los que
lo componen en la expresada villa en la casa consist.
de 12 de Julio de 1833. José Ant° Robles.

Juan José Castro. José Maria Hidalgo. Juan José Lo-
-bato si. las tierras que a elaber son de buena calidad
tiene ningun uso. José Mª Alvarado.
José Antonio Robles.

Monterey. Noviembre 16 de 1833.

= Vista la peticion

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Visto la peticion con que dio principio este Espediente (Seal on the original) el informe de la autoridad municipal de la villa de Branciforte y la concesion provisional que hizo mi inmediato antecesor, con todo lo demas que se tubo presente y ver convino de conformidad por lo dispuesto por las leyes y reglamentos de la materia se declara al Ciud.no Rafael Castro dueño en propiedad del parage conocido con el nombre de Aptos colindante con la Casta, rancho del Ciud.no Joaquin Castro, la sierra y el parage de Shoquel sujetandose á pagar el canon que se le imponga cuando se arreglen las linderos de los Egidos de la villa y á las demas condiciones que se estipularen. Librese el despacho correspondiente, tomese razon en el libro respectivo y dirijase este expediente para la debida aprobacion de la Excma Diputacion territorial en cuyo caso el interesado á quien se le haya saber este decreto presentará inmediatamente su titulo para que se le revalide. El Sor. Don José Figueroa Comandante General, Inspector y Gefe Superior político del Territorio de la alta California así lo mandó, decretó y firmó de que doy fee. José Figueroa.
Agustin V. Zamorano. Secretario. = En el mismo dia comparecio el Ciud.no Rafael Castro en la Secretaria de mi cargo y habiendolo leido el superior decreto que antecede al Señor Gefe Superior político del Territorio dijo que lo oye y queda cáforme y para la debida constancia lo firmó con migo.
Agustin V. Zamorano. Rafael Castro.

José Figueroa, General de Brigada de los Ejercitos Mejicanos Comand.te General, Inspector y Gefe Superior Político de la Alta California.

Por cuanto el ciudadano Rafael Castro ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Aptos colindante con la Casta rancho del Ciud.no Joaquin Castro, la Sierra y el parage de Shoquel, practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto

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por leyes y reglamentos: usando de las facultades que me son conferidas á nombre de la nacion Mejicana he venido en conceder le el terreno mencionado declarando le la propiedad de él por las presentes letras entendiendose esta concesion con entera conformidad á lo dispuesto por las leyes y sin perjuicio de aprovechamiento comun de los habitantes de la Villa de Branciforte, por lo respectivo á pastos aguas, leña madera y se sujeto á pagar el censo que se le imponga, si resultare pertenecer á los ejidos de la citada Villa de Branciforte cuando se arreglen los linderos á reserva de la aprobacion ó desaprobacion de la Excma Diputacion Territorial y del Supremo Gobierno y bajo las condiciones siguientes.

1ª que se someterá á las que establezcan el reglamento que se han de formar para la distribucion de terrenos baldios y que entretanto ni el agraciado ni sus herederos podran dividir ni enagenar el que se les adjudica: imponer censo, vinculo, fianza, hipoteca ni otro gravamen aunque sea por causa piadosa ni pasarlo á manos muertas. 2ª Podran cercarlo sin perjudicar las travesias caminos y servidumbres, lo disfrutará libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode, pero dentro de un cerro fas-ta una casa y estara habitada.

3ª Cuando se le confirme la propiedad solicitará del Juez respectivo que le dé posesion Jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos límites pondrá á mas de los mojoneras, algunos arboles frutales ó silvestres de alguna utilidad

4.ª El terreno de que se le hace donacion es de una area y superficie de una legua cuadrada poco mas ó menos segun explica el diseño que tiene en el expediente. El Juez que diere la posesion lo hará medir conforme á ordenanza p.ª señalar los linderos quedando el sobrante que resulte á la nacion p.ª los usos convenientes.

5ª Si contravinieren á estas condiciones perderá su

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no 21

derecho al terreno y será denunciable por otro.

En consecuencia mando que sirviendo le de título el presente y teniéndose por firme y valedero se tome razon en el libro a que corresponde y se entregue al interesado p.a su resguardo y demas fines. Dado en Monterrey á 16 de Noviembre de 1833. = José Figueroa. = Agustin V. Zamorano. = Secretario

Las comisiones de colonizacion y terrenos baldios a quienes se pasó el expediente, cuya formacion provoca por pretension que el ciudadano Rafael Castro hizo del parage nombrado Aptos lo han examinado con la escrupulosidad que corresponde, teniendo al mismo tiempo presente la ley de 18 de agosto de 1824 sus convocatorias y las disposiciones generales que en 24 de noviembre de 1824 dictó el Supremo Gobierno de la union p.a el mejor cumplimiento de la primera del examen del examen del expediente se ha penetrado la comision de la opinion que ya tenia de la escrupulosidad, y tiró con el E. Sor. Gefe Superior Político lo cuando instruir: de suerte que si en la formacion se estrabia algun requisito esencial de los practicados. = Por lo dicho concluye la comision ofreciendo á la deliberacion de esta Sama diputacion la siguiente proposicion. 1.a Se aprueba la concesion hecha al C.no Rafael Castro del parage nombrado Aptos concedido en 16 de noviembre de 1833 de entero conformidad con lo prevenido en la ley de 18 de Agosto de 1824 y el art. 5.o del reglamento de 21 de noviembre de 1828.

Monterey. Marzo 1.o de 1834.

José I. Ortega. Carlos Ant.o Carrillo.

José A. Estudillo. José Castro. = Monterey. 1.o de Mayo de 1834. = En sesion de este dia se aprobó por la Sama diputacion la proposicion del dictamen antecedente, remitiendose devuelta el expediente al Sor. Gefe Sup.r Político para los fines consiguientes. José Figueroa.

Juan B. Alvarado. Secretario.

Sello tercero dos reales.

Habilitado provisionalmente por la administracion de la aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa. Rafael Gonzalez.

Monterey Junio 18 de 1834.

En vista de la aprobacion otorgada en 17 de mayo del ptte por la Excma Diputacion Territorial, librese testimonio de ella y de este decreto á la parte de Don Rafael Castro en confirmacion de la Concesion del terreno de aptos que obtuvo en 16 de Nobre del año pprdo. El Señor Don José Figueroa General de Brigada, Comandante General Inspector y Gefe Superior Politico del Territorio de la Alta California así lo mandó decretó y firmó de que doy fee. José Figueroa.

Agustin V. Zamorano. Secretario.

Testimonio.

Se aprueba la concesion hecha al ciudano Rafael Castro del paraje nombrado aptos concedido en 15 de noviembre de 1833 de cuya conformidad con lo prevenido en la ley de 18 de Agosto de 1824 y el art.o 5 del Reglamento de 21 de noviembre de 1828 = Monterey 17 de Mayo de 1834 = En sesion de este dia se aprobó por la Excma Diputacion la proposicion del dictamen antecedente mandando se devuelva el Expediente al Sr. Gefe Superior politico para los fines consiguientes. José Figueroa. Juan B. Alvarado. Secretario. = Monterey Junio 18 de 1834 = En vista de la aprobacion otorgada en 17 de Mayo ultimo por la Excma Diputacion Territorial librese testimonio de ella y de este decreto á la parte de Don Rafael Castro en confirmacion de la concesion de la concesion de terreno de Aptos que obtuvo en 16 de noviembre del año pprdo. El S. Don José Figueroa General de Brigada Comandante Genl Inspector y Gefe Superior Politico del territorio de la Alta California así lo mandó decretó y firmó. de que doy fee.

José Figueroa. Agustin V. Zamorano. Secretario.

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Conuerda a la letra con su original del cual hize sacar el presente testimonio para resguardo del interes-ado á Monterey á 18 de Junio de 1834: Siendo tes-tigos los ciudadanos Bernardo Navarrete y Bonifacio de Madariaga de esta vecindad.

En testimonio de verdad. Fl. Figueroa.

A. N. Zamorano. Srio.

Sello Tercero dos reales.

Habilitado provicionalmente por la aduana manti-ma de Monterrey para los anos de 1839 y 1840.

{Seal} Exmo Sor Gobernador.

Monterrey. Junio 13 de 1840. Y supuesto el Juez de pas de Branci-porte si el interesado en acuerdo á la gracia que pretende y todo lo demas que crei conveniente pa respeto al terreno de que se hace mencion.

Alvarado.

El ciudadano Rafael Castro vecino de esta distrito ante la justificacion de V.E. por el ocurso que mas haga lugar en derecho parese y dice: que en virtud de haber resultado un sobrante de ~~tiempo~~ al terreno al tiempo de que se le dio la posesion jurídica del que tiene concedido solicita la propiedad de el colindante con el parage de las cuatro leguas y con un palo seco que sirbe de limites al sitio de sus hermanos, cuyo peso consta poco mas ó menos de doci-entos varas de latitud y se halla baldio. P.E. A V.E. suplico se sirba tomar en consideracion esta mi peticion por parecer me de justicia. Jurando lo necesario.

Monterey Junio 13 de 1840. Rafael Castro.

Exmo Sor. Gobernador.

En Cumplimiento del Superior decreto Marg 13 de Junio aciendo informar á V.E. este Juzgado de paz de que el vecino Don Rafael Castro pa de V.E. tenerlo en consi-deracion sobre lo que pretende del terreno que solicita por estar el terreno que tani ocupado muy cerca y terminos

bastantes bienes: por hoy el terreno que pretende es baldio y colindia con el sitio del finado Joaquin Castro, sean latitud como 300 varas. Es cuanto se puede informar á V.E. este Juzgado de Paz de Branciforte Junio 19 de 1840

José Bolioff.

Mont. Sello tercero dos reales.

Habilitado provicionalmente por la Aduana Marítima de Monterey. para los años de 1839 y 1840.

Alvarado Antonio Mª Osio.

(Seal) Monterey. 8 de Nbre. de 1840. ~ De conformidad con lo pedido por el Ciudno Rafael Castro adjudicado el numero de vara del terreno que pretende como estension al terreno de uptas que se le tiene concedido deviendo llegar la medicion hasta los limites del Rancho de San Andres en el punto del palo seco el enseino y el terreno que media hasta el lugar nombrado las cuatro leguas; librese la orden correspondiente al Juez de la villa de Branciforte para que proceda hacer dha. medicion y agregese este documento del expediente respectivo.

El señor Don Manuel Jimeno, Gobernador Interino del Departamento de las Californias así lo mando, decretó y firmó de que doy fee. Jimeno.

Francco Arce. Oficial. Primero.

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

I Samuel B. King, Surveyor General 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 twenty ~~seven~~ five preceding and hereunto annexed pages of tracing paper numbered from one to twenty five

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and each of which is verified by my initials (S.D.K.) exhibit 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 Calfa. the 31th day of January 1853.

Samuel D. King.
Surveyor General. Calfa

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Filed in office, Aug.st 31st 1853.

Geo. Fisher.
Secry.

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Translation

Jurisdiction of Brancaforte No. 10.
Year 1833.
Record of Proceedings about the location called Aptos solicited for his benefit and cultivation by Rafael Castro.

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Sir Superior Political Chief
The citizen Rafael Castro a resident of the Village of Brancaforte, native of this Territory, married and by profession a farmer, before your well known justice as law may best permit him appears and says: That having in the year 1835 solicited the location called Aptos to occupy it with his little stock and to make the necessary farming the supplicant was granted it provisionally for his culture and use by decree of D. Manuel Vellorio as is justified by the solicitation which he accompanies in original and having thus occupied and maintained on it a house corral, husbandry and about 150 heads of black cattle and it being indispensable to him to possess it freely and peaceably he cannot but exhibit to you, that the land he solicits and is expressed in the annexed sketch borders on the house on the Rancho of the citizen Joaquin Castro, on the Sierra and on a Mountain Stream or ditch which has its source on this which land will make one Square League it passes along one side of the permanent creek called Aptos, where only the cattle can drink, between this and the ditch are agricultural lands which are irrigated sensibly, and on the calle or opposite side to the house the more is steril and mountainous highland which serves as shade for the cattle. This land is three leagues distant from the said village, from said ditch and previous to occupying it, it was vacant. He the petitioner duly accompanies to you a testimonial of the absolute discharge he obtained, being corporal of the company

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of this fort, in which he serves with honesty more than six years to the satisfaction of his chiefs, in view of these services as what else he has referred to, he prays your high justice to grant him in ownership the location of Aptos in consideration of his family. Therefore he humbly prays that you would be pleased to accede to his solicitation whereby he will receive mercy swearing that there is no malice herein and to what else is necessary etc.

Monterey June 18th 1833 Rafael Castro

(In the margen)

Monterey June 19th 1833

In conformity with the laws on the subject the Ayuntamiento of the valley of Branciforte will report whether the interested party in this instance possesses the requisites provided in order to be attended to in his solicitation, whether the land he solicits is comprised in the twenty limitary or ten litorale leagues in respect in the law of August of 18th August 1824, whether it has belonged or does belong to the property of any one in particular corporation or pueblo; whether it is known as vacant, whether the land is irrigated seasonably or by any receptacle of water, with everything that may be necessary to illustrate the matter. The Superior Political Chief of this Territory thus did order decree and sign of which I been testimony

Figueroa Augustin V Zamorano Secretary

(In the Margin) The report asked for of the Ayuntamiento in the foregoing decree being finished it will convey this Especiente to the Sutler Ministro of the Hacienda of Santa Cruz that he will report what may present itself to him.

Figueroa Augustin V Zamorano - Secretary

Having seen the foregoing Especiente and decree and the report of the Illustrious Ayuntamiento I say that

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the land does not belong to this Mission of Santa Cruz No have I any thing to report respecting this Sitio

Fco. Anto. Reales

Sr Comandante General

Rafael Castro discharged Caporal in the Company of Cavalry of the Port of Monterey and residing in the Village of Branciforte, appears before you and with the greatest subordination and respect due says That finding himself recently discharged and not having a place where to keep his little stock which he possesses without introduction of other stock and there being a location without stock immediate to said village called Aptos he prays to be pleased to grant it to him in order to put his stock and house on it and therefore humbly prays you to provide in his favor as it may suit you a favor and grace he expects of your well known Justice. In the Village of Branciforte 28th August 1837

Rafael Castro X

Monterey Sept. 4th 1831

I grant the interested party provisionally the land he solicits for his uses under the anticipated circumstance of maintaining it for his family in a state of culture and availableness –

Victoria

I certify that the Location of Aptos accordely is without any stock, for only in time of scarcity of pasture the stock of the inhabitants of this Village are used to pass thither, and I likewise certify that it contains no more farming lances than for eight or ten "fanegas" of wheat and something like six or seven "almeadas" of maiz, and is three leagues distant from this Village and to attest it for the suitable purposes I give this certificate in the Village of Branciforte as Justice of said Jurisdiction on the 28th of August 1837. Joaquin Castro

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"The citizen Jose Maria de Echeandia Lieutenant Colonel of Ingeneers, Commandante General Inspector and Superior Political Chief of Upper California
By the present I grant absolute discharge to Rafael Castro as Corporal of the Company of Cavalry Stationed at Monterey, he having solicited it, and the substitute he presented having been admitted
Therefore I order the Captain or Commander of the said Company to make a return hereof on the first review setting up his respective Account and setting down hereon his entire regimental register
Given in Monterey On the 14th day of October 1830
Jose Maria Echeandia Company of Cavalry of the Presidio of Monterey – Register – Fees – Inches Lines –
Rafael Castro son of Joaquin and Maria Arbonea Amador Native of the Village of Branciforte Subject to the Mayoralty of Monterey and domiciled in said Village by profession a farmer his stature five feet three inches and ten lines of age 30 years of religion a Roman Apostolic Catholic his signs are both rosy, hair and eye brows black nose regular eyes grey; thin beard. He enlisted voluntarily for ten years in the Presidio of Monterey On the 16th day of April 1823 and the penalties which are provided in the Ordenance and the additions to it were read to him and in Order to testify he made the sign of the cross being advised that it is the Justification, and that no apology was avail him. The distinguished Sergent of the same Company D. Ignacio Vallejo and the Corporal thereof Francisco Casares – Promoted to Corporal on the 1st day of December 1827 Estrada

"The citizen Rodrego del Piego Ensign of the Company of Cavalry Stationed at the Presidio of Monterey and

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accidental commander thereof: I certify that the foregoing register is a copy of the original found in the Book of registers of this company, which is in my charge. and to attest it I signed it in the Presidio of Monterey on the 15th of October 1830

Rodrigo del Pliego

Conformable to the original which the citizen Rafael Castro presented to me (which I attest to have seen) in order that the respective testimonial might be drawn to suit him - and that it is faithfully drawn to the letter - I the constitutional Alcalde of this capital signed it in Monterey on the 13th of June ~~xxx~~ 1833 acting with attesting witnesses in defect form and attest it

Marcelino Escaba

Assistants. Jose Maria Maldonado. Jose Antonio Garcia -

In compliance with the order which the Superior Political Judge of Upper California has been pleased to direct to this Ayuntamiento by a decree dated 15th of June 1835 in which he orders it to report whether the interested party in this instance possesses the necessary requisites in order to be attended to, this corporation has been assembled conformable to ordinance and it reports the following -

"The interested party in this instance possesses the necessary requisites in order to be attended to, but in this instance it is consequent he can not be attended to on account of soliciting a location which never has been recognized as vacant - It has always been recognized as summer pasture for the stock of municipality since the leagues which there are from the Village to said location of Aptos amount to two, and three quarters, a little more or less and from the ditch which the interested party mentions will make two and a half to said Village, for the leagues are measured, and there are three leagues to an immediate Sugeon which is towards the East and

has two channels of Water One to each side of saice of saice Creek of Aptos, these leagues are in latitude since the longitude it is narrow, for no where will it come to One league in breadth, because on the One side is the Sea and on the Other the Sierra - On all of this Land, grazing in the Summer stock of the saice Village if it were without that the stock reach to it, because it has become rather scarce, but to this date it is extended to this location, and as this is recognized as that of the Community, the interested party has been loth not to scare away the cattle from their Summer pastures, and it is considered not to be a sitio which any individual can possess in Ownership, but is what the Government may find just - This is what the Ayuntamiento of the Village of Branciforte reports and those who compose it signed in the saice Village in the town house On the 12th July 1833 - Jose Ant. Robles. Juan Jose Castro, Juan Jose Tiles Jose Maria Salaber Post scriptum. The lands that are of farming are of moisture, has no irrigation, - Jose Maria Salaber, Jose Antonio Robles

Having seen the petition with which this Espediente commences, the report of the municipal Authority of the Village of Branciforte and the provisional Concession which my immediate predecessor made with every thing else to be borne in Mind and was to the purpose in conformity with the requirements of the Laws and regulations on the subject - Rafael Castro is hereby declared Owner in his Own right of the location, known by the name of Aptos bounding On the West, Rancho of the Citizen Joaquin Castro, the Sierra and the location of Shoquel subject to the payment of tributes which may be imposed On him when the boundaries of the fields of the Village shall be

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settled and to the other conditions which shall be stipulated. Let the corresponding document be opened into it in the respective book, and let this Espediente be directed for due approbation to the Excellent Territorial Deputation, in which case the interested party to whom this decree will be made known, will present anew his title deed, that it may be ratified. D Jose Figueroa Commandante General, Inspector and Superior Political Chief of the Territory of Upper California this deed order decree and sign of which I bear testimony

Jose Figueroa Augustin V Zamorano Secretary

On the same day appeared the Citizen Raquel Castro in the Secretary office in my charge and having received to him the Foregoing Superior decree of the Political Chief of the Territory, he said he heard it and that he will act conformably and for due attestation he signed it with me

Augustin V Zamorano. Raquel Castro

Jose Figueroa Brigadier General in the Mexican National Armies Commandante General Inspector and Superior Political Chief of Upper California.

Whereas the Citizen Raquel Castro has solicited for his personal benefit and that of his family the Land known by the name of Aptos bordering on the house, Rancho of the Citizen Joaquin Castro, the Sense and the location of Shoquel having previously taken the necessary action and made the necessary investigation according to the requirements of the Laws and regulations, in exercise of the powers vested in me in date of to day 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 understanding such concession in entire conformity with the requirements of the Laws and without prejudice to the common use for the inhabitants of the Village of Branciforte of the respective pastures waters

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fuel wood etc. and subject to the payment of the tuition which may be imposed on him if it shall result to belong to the Juezes of the said Village of Brancaforte when its boundaries shall be settled under ratification of the approbation or condemnation of the Excellent Imperial Deputation and the Supreme Government, and under the following conditions

1st That he submit to the conditions which shall be established by the regulation that is 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 devise or alienate what hereby is assigned to them, nor to subject it to rent entail bond mortgage or any other incumbrance though it be for a charitable purpose nor convert it into Mortmain

2d. He may fence it without prejudicing to the crops ingoes 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 or more he will build a house to be inhabited

3d When the Ownership shall be confirmed to him he will solicit of the respective Judge to give him juridical possession in virtue of this Document by whom the boundaries shall be marked, On the Extremities of which, besides the Land Marks he will put some some fruit trees or wild Ones of some utility

4th The Land granted is of One Area or Superficie of One Square league a little more or less as is shown in the Sketch joined to the Expediente The Judge who shall give the possession will cause it to be measured conformable to Ordinance for making boundaries leaving the surplus that may result to the nation for convenient purposes

5th If he shall violate these Conditions he will lose his right to the land and it may be denounced by any other party

35.

Consequently I order that these presents serving him as a title and being held as firm as valid it be entered in the respective Book and delivered to the interested party for his security and other purposes - Given in Monterey on the 16th of November 1833.

Jose Figueroa. Augustin V Zamorano Secretary

"The committee on Colonization and vacant Lands to which was sent the Expediente whose formation was occasioned by the solicitation which the citizen Rafael Castro made to the location called Aptos, have examined it with proper circumspection at the same time bearing in mind the Law of the 18th of August 1824 its regulations and the general provisions which were dictated by the Supreme Government of the union on the 21st November 1828 for the better fulfilment of the first. From the Examination of the Expediente the committee has been strengthened in the Opinion it already has of the circumspection and judgment with which the Supreme Political chief discharged, so that neither on the formation nor the process there has been deviation from any requisite.

On account hereof the Committee concludes to submit to the deliberation of this Excellent Deputation the following proposition

1st It approves of the grant made to the citizen Rafael Castro of the location called Aptos granted on the 16th of November 1833 in entire conformity with the provisions in the Law of the 18th August 1824 and Article 3rd of the regulations of 21st of November 1828

Monterey March 10th 1834 - Jose Ortega, Carlos Ant. Carrillo. Jose A Estudillo, Jose Castro

Monterey May 17th 1834

In to day's Sessions the Excellent Deputation approves of the proposition in the foregoing Opinion ordering the Expediente to be returned to the Supreme Political chief for convenient purposes. Jose Figueroa

Juan B Alvarado. Secretary

Monterey June 18th 1834 In view of the approbation granted on the 17th of May last by the Excellent Territorial Deputation, let a testimonial of it and of this decree be issued to the party Raquel Castro in confirmation of the grant of the Land of Aptos which he obtained on the 16th of November of last year. D. Juan Figueroa Brigadier General Commandante General Inspector and Superior Political Chief of the Territory of Alta California, thus did order decree and sign of which I give testimony - Jose Figueroa.

Augustin V Zamorano. Secretary

Testimonial

It appears of the grant made to the citizen Raquel Castro of the location called Aptos granted on the 16th of November 1833 in intire conformity with the provisions in the law of the 18th of August 1824 and article 5th of the regulations of 21st of November 1828

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 June 18th 1834 In view of the approbation granted on the 17th of May last by the Excellent Territorial Deputation let a testimonial of it and this decree be issued to the party Raquel Castro in confirmation of the grant of the Land of Aptos which he obtained on the 16th of November last year - D. Jose Figueroa Brigadier General Commandante General Inspector and Superior Political Chief of the Territory of Alta California thus did order decree and sign of which I ~~certify~~ give testimony Jose Figueroa. Augustin V Zamorano Secretary

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Conformable to the letter with its Original from which the present testimonial was drawn for the security of the interested party in Monterey on the 18th of June 1834 the citizen Bernardo Navarete and Bonifacio de Macuriaga of this place being Witnesses - In testimony of truth - J Figueroa. A J Zamorano. Secretary

Excellent Sir Governor

The citizen Rafael Castro resident of this District appears before your Excellency's Justice and as best may be consistent with Law, says that on account of having resulted a surplus of land at the time when he was given juridical possession of the land he was granted, he solicits the Ownership of this surplus bordering on the location of his brothers Figueroa and on the pole which serves as limits to the sitio of his brothers which piece appears a little more or less than 300 varas in breadth and is vacant. Therefore I pray your Excellency to be pleased to take into consideration this my petition as it appears to me to be founded in justice - Monterey June 12th 1840

Rafael Castro

(In the margin) Monterey June 13th 1840

The Justice of the Peace of Branciforte will report whether the interested party in this solicitation is entitled to the favor he asks for, and what else he thinks expedient respecting the land he mentions

Alvarado

Excellent Sir Governor - In compliance with the superior Marginal Decree of the 13th of June this Justice's Court reports accordingly: The resident Rafael Castro asks your Excellency to take into consideration what he solicits, namely the land, which he solicits because the land he has occupied is very short and having sufficient stock, the land he now solicites is vacant and borders on the sitio of the deceased Joaquin Castro it will be about 300 varas - This is all this Justice's Court of Branciforte can report

June 19th 1840. Jose Bolcoff

Monterey 8 November 1840

In conformity with the petition of the Citizen Rafael Castro he is adjudged the number of Varas of the Land he solicits as Extension to the Land of Apios which was granted to him as the numeration ought to reach to the limits of the Rancho of San Antonio On the point of the pole, the Oak, and the Lance measured to the place called las Cuatro Leguas Let the corresponding Order be issued to the Justice of the Village of Branciforte in Order that he may proceed to make such measuration and let this document be joined to the respective Expediente D. Manuel Jimeno. Governor ad interim of the Department of both California thus did Order decree and sign Officiated I bear testimony

Jimeno

Francisco Arce
First Officer

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Filed in Office Aug. 31. 1853
Geo. Fisher
Secy

Supli ent 630.

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Sello primero seis pesos.

Habilitado provicionalmente por la aduana maritima de Monterrey para los años de mil ocho cientos treinta y tres y mil ocho cientos treinta y cuatro.

Figuera. José Rafael Gonzales.

José Figuera General de Brigada de los ejercitos Nacionales Mejicanos, Comandante General Inspector y Gefé Superior Politico de la alta California.

Por cuanto el ciudadano Rafael Castro ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Aptos, colindante con el Costa, dueño del ciudadano Joaquin Castro, la Siena y el parage de Shoquel: practicadas previamente las diligencias y averiguaciones consecuientes segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas á nombre de la nacion Mejicana he venido en conceder le el terreno mencionado declarandole la propiedad de él por las presentes letras entendiendose dicha concesion con entera conformidad á lo dispuesto por las leyes y sin perjuicio del aprovechiamto comun de los habitantes de la Villa de Branciforte por lo respectivo á pastos, aguas, leña, madera de y sujeto á pagar el canon que se le imponga si resultare pertenecer á los egidos de la citada Villa de Branciforte cuando se amejolen sus linderos á reserva de la aprobacion ó desaprobacion de la Supma. Diputacion Territorial y del Supremo Gobierno y bajo las condiciones siguientes.

1a Que se someterá á las que estableciere el reglamento que se ha de formar para la distribucion de terrenos baldios y que entre tanto ni el agraciado ni sus herederos podran dividir, ni enagenar el que se les adjudica imponer censo, vinculo, fianza, hipoteca ni otro gravamen aunque sea por causa piadosa, ni pasarlo á manos muertas.

3a Podra cercarlo sin perjuicar los transeuntes caminos y servidumbres, lo disfrutará libre y esclusivamente

destinando lo al uso ó cultivo que mas le acomode; pero dentro de un año á lo mas fabricará casa y estará habitada.

3ª Cuando se le confirme la propiedad solicitara del Juez respectivo que le dé posesion Judicial en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites, pondrá á mas de las mohoneras algunos arboles frutales ó silvestres de alguna utilidad.

4ª El terreno de que se hace donacion es de una area ó superficie de una legua cuadrada poco mas ó menos segun esplica el diseno que corre en el Espediente. El Juez que diere la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la Nacion para los usos convenientes.

5ª Si contraviniere á estas condiciones perderá su derecho al terreno y sera denunciable por otro.

En Consequencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome razon en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterey a diez y seis de noviembre de mil ochocientos treinta y tres. José Figueroa. A. V. Zamorano. Srio.

Sello tercero dos reales.

Habilitado provicionalmente por la administracion de la Aduana Maritima de Monterey para los anos de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco. Figueroa. Rafael Gonzales.

Gobierno Politico de la alta California. } Se aprueba la concesion hecha al Ciudadano Rafael Castro del parage nombrado Aptos concedido en diez y seis de Noviembre de mil ochocientos treinta y tres de entera conformidad con lo prevenido en la ley de diez y ocho de Agosto de mil ochocientos veinte y cuatro y el articulo quinto del Reglamento de veinte y uno de Noviembre de mil ochocientos veinte y uno ocho. = Monterey. diez y siete de Mayo de mil ochocientos treinta y cuatro. = En sesion

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de este dia se aprobo por la Excelentisima diputacion la proposicion del dictamen antecedente, mandando se devuelva el Expediente al Señor Gefe Superior Politico para los fines consiguientes. = José Figueroa. = Juan Bautista Alvarado = Secretario. = Monterey Junio diez y ocho de mil ochocientos treinta y cuatro = En vista de la aprobacion otorgada en diez y siete de Mayo ultimo por la Excelentisima diputacion Territorial. Dígase testimonio de ella y de este decreto á la parte de Don Rafael Castro en confirmacion de la concesion del terreno de Aptos que obtuvo en diez y seis de Noviembre del año proximo pasado. El Señor Don José Figueroa, General de Brigada, Comandante General Inspector y Gefe Superior Politico del Territorio de la Alta California asi lo mandó, decretó y firmó de que doy fee. = José Figueroa. = Agustin V. Zamorano. = Secretario

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Concuerda á la letra con su original del cual hice sacar el presente testimonio para resguardo del interesado en Monterey á diez y ocho de Junio de mil ocho cientos treinta y cuatro. = Siendo testigos los ciudadanos Bernardo Navarete y Bonifacio de Madariaga - de esta vecindad. En testimonio de verdad.

José Figueroa. Agustin V. Zamorano. Srio.

Queda tomada razon en el Libro de asientos de títulos sobre adjudicacion de terrenos á fojas doce numero diez que obra en el archivo de la secretaria de mi cargo. Monterey Nbre. diez y seis de mil ocho cientos treinta y uno. José Figueroa. Agustin V. Zamorano. Srio.

Sello tercero dos Reales.

Habilitado provicionalmente por la administracion de la aduana Maritima de Monterey para los años de mil ocho cientos treinta y cuatro y mil ocho cientos treinta y cinco. Figueroa. Rafael Gonzales.

Sr. Alcalde Constituc.l

El ciudadano Rafael Castro de esta vecindad ante V. dice que habiendo obtenido la concesion propia del terreno conocido con el nombre de Aptos, ocurro ante V. S. pa

que se sirva darle la posesion jurídica conforme esta prebenido en el artº 4º del v titulo de dicho. tenemos que solo espedio dies y seis de noviembre del año propto que debidamente acompaño y igualmente la confirmacion respectiva para cuando obre los efectos deseados. Por tanto A. V. Suplica se sirva poner la en la posesion que solicita en lo que recibirá Justicia. Villa de Brancifote 13 de Agosto de 1834. Rafaël Castro.

En la Villa de Brancifote trese de agosto de mil ochocientos treinta y cuatro en virtud de la antecedente solicitud proceder por mi el Juez á la medicion señalamiento de linderos y posesion judicial que solicita el interesado en este Expediente señalandose para efectuar lo el dia catorce de agosto para lo que se citará con boletas de comparecido á los Colindantes. Asi Yo dicho Juez de 1ª instancia lo decreté, mandé y firmé con los de asta. con quien actuo por ecepcion a falta de escribano publico segun derecho. doy fé. José Antonio Robles. Joaquin Castro de assa. Miguel Ramirez.

En la ftha. presente Cno Rafael Castro se le notificó el auto que antecede y de el interesado dijo: que lo oye, que se dará por citado y firmó con migo y los de assa. en la forma establecida. doy fé. Rafael Castro José Antonio Bollos. assa. Joaquin Castro. Mgl Ramirez.

En la ftha. se liberaron las boletas que se mandan en el antecedente auto y para conste lo rubriquè.

En la Ranchero de Aptos, catorce de agosto de mil ochocientos treinta y cuatro. En cumplimiento del auto de ftha. concurrieron los ciudadanos Joaquin Castro y Martino Castro Colindantes de este Rancho y citado por la medicion señalamiento de linderos y posesion nombré por mediadores á los ciud. Rafael Robles y Juan José Castro a quienes previa la aceptacion y juramento procederán al desempeño de su cargo. Asi Yo el Alcalde lo decreté mandé y firmé con los de mi assa. José Antonio Bollos. de assa. Joaquin Castro de assa. Miguel Ramirez.

En la ftra. se les notificó el auto que antecede á los colindantes entendidos que lo oyen y firmó. Bollos= Joaquin Castro. = Martinez Castro. = asto. Rafael Robles. Juan José Castro. = En la ftra. y en el espresado rancho de Aptos se le notificó el auto que antecede á los ciudadanos Rafael Robles, Juan José Castro, medidores y entendidos: dijeron que aceptan y aceptaban dho. cargo de medidores y juraron á Dios y a la cruz de usar lo fiel y legalmente á todo su leal saber y entender sin dolo fraude contra persona alguna y firmo con migo anté los testigos de assta. Robles.= Rafael Robles.= Juan José Castro = asto.- Joaquin Castro.= Miguel Ramirez. = En seguida y en presencia de mi el espresado Alcalde y los dhos medidores tomaron un cordel y con una vara de medir de uso Mejicano teniendo la en la mano, midieron cincuenta varas para hacer la referida medicion. y para la constancia lo rubrique. Sello tercero dos Reales.

Habilitado provicionalmente por la aduana Maritima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa. Rafael Gonzales.

En el mismo Rancho de Aptos y en la referida ftra. siendo como á las nueve de la mañana yo el presente Juez mandé á los medidores nombrados se pongan para las medidas de tierras que han de hacer á Rafael Castro, y puesto el Dh. se comenzo la medida teniendo el cordel al N. hasta lugar; á la tierra de l. en donde se midieron cinco mil varas, completas anté llegar los linderos del ciud.no Joaq.n Castro en donde se puso una mohonera y luego desde Sá P. mismas medidas cinco mil varas, en donde se dipuso y formara una mohonera en portezuelo de las cuatro leguas en cada uno quedando el terreno debajo en la misma forma que se midió el terreno declarando los dhos. medidores haber sitio, ganado mayor tambien y por conste lo firmó con migo los ciudadanos medidores.

José A. Robles. Rafael Robles. asto. Joaquin Castro

de assa. Miguel Ramirez. = En el Rancho de los Aptos y en la fha. Ciud.º vecino Rafael Castro de la villa de Branciforte acompañando el Juez de 1.ª instancia de otro lugar y testigos digo. C. Rafael Castro que en virtud de haberse le medido las tierras de este Rancho segun consta en las diligencias anteriores tomara la verdadera, corporeal y real posecion del espresado sitio de ganado mayor, menos

Sello tercero dos reales.

Habilitado provisionalmente por la administracion de la aduana Maritima de Monterey, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa. Rafael Gonzales.

una legua de latitud en cuadro perficié, puesto en titulo obtiene de la concesion que de ella con fha. diez y seis de Noviembre del año p.p.º el Sr. Gefé Superior Politico por las facultades que le son conferidas en decreto de 31 de Enero ult.º de la aprobacion que de esto hizo la Diputacion de este Territorio con fha diez y siete de Mayo corriente año. Entró y apreció por ella, arranco yerbas, ramas, esparcio piedras de tierra y tiró piedras por cuatro ~~vientos~~ partes de viento é hizó otras ceremonias y acto de posecion en señal de lo que digo tomar y tomaba de dha. tierra y cuando el citado Juez de 1.ª instancia que desde entonces lo tuviesen y reconociesen por verdadero señal y posedor de ella, de todo lo qe. pidio Dho. Ciud.no Rafael Castro que para memoria y conservacion de lo venidero y de sus derechos por mi el repetido Juez le fuesé entendido una constancia lo que a enterno autoridad con testigos de asta con quienes en reseptoria a falta de escribano publico que no lo hay lo hay un derecho. José Ant.º Robles. Rafa.l Castro. Miguel Ramirez.

En la fha se dar alvio este Espediente al interesado en 7 f. utiles y para que conste lo subrogue por nota

Gobierno Politico de la alta California } Por las informaciones que se han tomado en la solicitud de de Don Rafael Castro, sobre estension del terreno Aptos que se le han concedido; pueden estenderse las medidas

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hasta los linderos del parage nombrado San Andres en el punto del palo seco el encino y el terreno que media hasta el punto nombrado las cuatro leguas y en consecuencia proceda á hacer á V. la medicion correspondiente agregandola que ya se tiene hecha en la poseccion que V. se le dio al mencionado Don Rafael Castro por ser anuente al decreto de conformidad que aparece en su instancia que corre agregado en el expediente de la materia. Dios y libertad. Monterey 9 de noviembre de 1840.

Sor. Juez de paz de la villa de Branciforte.

Sor Juez de paz de este lugar.

Rafael Castro ante V. por bel oficio que haya lugar hago presente que habiendose mandado por el Gobierno que el terreno que pretende se agregare á mi rancho suplico á V. proceda á darme poseccion y medirme á mi linderos de cuyo acto recibiré gracia y merced. Suyo Sta Cruz noviembre 16 de 1840. Rafael Castro.

Sta Cruz 18 de 1840. = Conforme á lo pedido por el interesado in conformidad á la orden del gobierno del corriente año y mes procedase por mi á la poseccion y señalamiento de linderos que debe tener Don Rafael Castro para cuya fin se hara situacion de colindantes señalandose para la poseccion el dia 27 del corriente del mes de cuyo acto asi lo mandé, decreté y firmé. doy fé.

José Robles. = En la dha presente al C. Rafael Castro se les notifico el auto que antecede sido y de el entendido dijo que lo hoyo, que se dare por citado y firmó con migo y los de assa y la forma establecida. doy fé.

José Robles. assa. Juan José Castro.

Mijl Loyche. Rafael Castro.

En la dha se libraron las boletas que se mandan en el antecedente auto y para que conste lo subrique

En el Rancho de Aptos 27 de Nbre de 1840 en cumplimiento del auto dha. concurrieron los C. Cs Juan José Castro y Miguel Lodge colindante de este Rancho y situado para la medicion y señalamto

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de linderos nombré por medidores á los C.C.s Juan José Castro y Miguel Lodge a quienes previa la aceptacion y juramento procedan al desempeño de su cargo. Asi Yo el Juez lo decreté mandé y firmé con los de mi assa.

José Robles. medidores. Juan José Castro. Mgl Loyeki Ignacio Castro. = En ftta en el espresado Rancho Aptos se les notifico el auto que antecede á los CC.s Juan José Castro y Mgl Lodge medidores entendidos dijeron que aceptan y aceptaron dho. cargo de medidores y juraron á Dios y á la señal de la Sta Cruz de usarlo fiel y legalmte en todo su leal y entender sin dr. fraude contra persona alguna y firmó con migo asté los testigos. de assa. J. Robles de assa. Juan José Castro. Mgl Cayeki Ignacio Castro.

En seguida en presencia de mi el espresado Juez y los dhos medidores formaron un cordel con una vara de medir uso Mexicano teniendola en la mano midieron cincuenta varas para hacer la referida medicion y para constancia lo subrogue. = En el mismo Rancho, autos en la referida ftta siendo como las ocho de la mañana Yo el Juez presente mandé á los medidores nombrados pongan para las medidas del terra de aumento del Rancho de Aptos del D. Rafael Castro se comenzo la medida teniendo el cordel del S.W. hasta llegar terreno de lo cuatro leguas, rumbo N.N. del palo seco y el encino donde se medio una legua y dos mil varas comprendido desde Rancho villa del mar. En seguida de lo ancho Ma. E. se medio tres mil varas ha esta comprender con el rancho de San-Andres, declarando á los dhos. medidores este terreno aumento de rumbo antes Don Rafael Castro y para constancia lo firmaron con migo. assa.

Juan José Castro. Miguel Loyeki. Ign.o Castro.

En el referido rancho Aptos en la ftta Cuid.o D. Rafael Castro de la villa de Branciforte acompañando del Juez dho. Juez acompañando los testigos de assa y Don Rafael Castro que en virtud de haber medido aumento el terreno de este Rancho segun

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Consta en las diligencias anteriores tomaro la verdad-era, corporeal y real posecion del espresado aumento de terreno por una legua y dos mil varas de longitud y latitud tres mil varas a está en compurse con el rancho de San Andres segun la orden se me dio espedido solo mere de Nbre. de 1840. Entro y paseo por ella, asi como rumas, yerbas, esparcio piñadas de tierra y tri piedras por cuatro partes de viento é hizo otras ceremonias, acto de posecion del aumento en señal de lo que dijo tomaro de dho. terreno de aumento y mandolo al citado Pues que desde lo tomaran y reconocieran por verdadero señal y posedor de ella y de sus derechos: por mi el repetido le fuese en todo una constancia lo que a entera conformidad con los testigos de assa. Con quienes se en receptoria. á falta

Ser. Antonio Mesa de Leon.

de escribano publico que no lo hay segun derecho doy fee.

Juan Robles. Juez de Surda Ctch.

asta. Juan José Castro. Migl. Loychi. Gnacio Castro.

En la ftra. se devolvio este Espediente al interesado con tres foyas utiles. Robles.

Filed in Office. Aug. 13th. 1853.

Geo. Fisher
Secy.

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Translation of Grant.

Seal First Six Dollars

Authorized provisionally by the administration of the Maritime Port of Monterey for the years Eighteen hundred and thirty three & Eighteen and thirty four

Figueroa Jose Rafael Gonzales

Jose Figueroa Gen. of Brigade of the Mexican National Armies Commandant General Inspector Superior Political Chief of Alta California

Whereas the Citizen Rafael Castro has for his and his family's benefit applied for the Land known by the name of de Aptos bounded by the woods, the Rancho of the Citizen Joaquin Castro, the Mountains, and the place Shoquel, having first taken the steps and preliminaries relating thereto, as settled by the Laws and regulations; exercising the powers conferred upon me by decree of this day, in the the name of the Mexican Nation I have granted him the said Land declaring it his property the present letters extending said concession in entire conformity to Law and without Injury to the common good of the inhabitants of the Town of in respect to pasture water wood timber &c. and subject to the payment of the tax which may be imposed, should it prove to belong to the tributary powers of the said town of where its boundaries are determined, reserving the approval or disapproval to the Most Excellent Territorial Deputation and of the Supreme Government under the following conditions.

1st That he submit to the regulations established for the distribution of Vacant Lands and meanwhile neither the benefiecary nor his heirs can partition or alienate that which is granted nor impose rent bond lease mortgage or burden upon it even though it be for pious purposes, nor can he sell it in mortmain

2d He may fence it without injury to the crossings woods and servitudes, he may enjoy it freely and exclusively destining it to the use and cultivation which best

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suits him, but within a year at the most he shall build a house which shall be inhabited

3.rd When the property is confirmed to him, he shall ask of the respective Judge to give him juridical possession in virtue of this Despatch by which the boundaries shall be marked out in the limits of which he shall place in addition to the land marks fruit trees or forest trees of some utility

4.th The land granted is of the area or superficies of one league square a little more or less as explained in the map accompanying this Espediente. The Judge who gives the possession will have it measured according to the Ordinance for of any boundaries the surplus if any remains revating to the Nation for its own uses

5.th If he contravene these conditions he shall lose his right to the land and it shall be denounceable by an other - Wherefore I decree that the present serving him as a title and holding it firm and valid record be taken in the corresponding book and this be delivered to the interested party for his protection and other purposes

Given at Monterey the 16.th of November 1833

Jose Figueroa Gen. of Brigade Com. Gen. Inspector and Superior Political Chief of the Ter. of Alta California thus ordered decreed and confirmed which I attest -

Jose Figueroa Augustin V Zamorano Secy

It agrees literally with the original from which the present testimony is copied for the protection of the interested party - in Monterey June 18.th 1834 the citizens Bernardo Navarrete & Bonifacio Modesgado of this Vicinity being witnesses. In testimony of the truth

Jose Figueroa

Augustin V Zamorano Secy

Filed in Office Feby 24.th 1833

Geo. Fisher Secy

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The grant and approval translated seperately (see) From page 7th

To the Constitutional Alcalde
The citizen Rafael Castro of this District (represents) before you that having obtained a proper grant of the tract of Land known by the name of Aptos. I apply to you to be pleased to give me juridical possession agreeably to the prescription in article 4th of the decree of grant to said Land issued out on the 16th of November last year, which I duly accompany together with the respective confirmation, that they may serve for the desired end — Wherefore I pray you to be pleased to put me in possession as asked for whereby I shall receive justice Branciforte 13th of August 1834
Rafael Castro

In the town of Branciforte on the 13th of August 1834. In consequence of the foregoing solicitation I the Justice will proceed to the measuration marking of the boundaries and juridical possession prayed for by the interested party to this Expediente designating for its Execution the fourteenth day of August for which day the bordering Land Owners will be summoned to appear — Thus does I the said Judge of the 1st instance decree order and sign with the Attesting Witnesses with whom I act as Delegate Judge for want of a Notary Public according to Law — I Attest &c
Jose Antonio Bolcoff
Ass. Joaquin Castro Mugl. Castro

On the same day Rafael Castro was notified of the foregoing decree and being acquainted therewith he declared that he has heard it and that he accepted Service and he signed with me and the oppositants in due form — I Attest &c — Jose Antonio Bolcoff
Rafael Castro.
Ass. Joaquin Castro — Mugl. Ramirez

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On the same day the summons ordered in the foregoing decree was made out and in witness thereof I subscribed my flourish (Flourish)

On the Rancho Aptos the 14th of August 1834

In compliance with the decree of to day's date the citizens Joaquin Castro and Marino Castro bordering land owners assembled being summoned for the measurement making of boundaries and possession I appointed as measurers the citizens Raquel Robles and Juan Jose Castro who after a previous acceptance and oath will proceed to the discharge of their office, thus did I the Alcalde decree order and sign with the assisting witnesses – Jose Antonio Bolcoff

Ass. Joaquin Castro – Mgl. Ramirez

On the same day the bordering land owners were notified of the foregoing decree and having had an understanding thereof they said they had heard it and they subscribed – Bolcoff.

Marino Castro X

Ass. Raquel Robles. Juan Jose Castro

On the same day and on the same Rancho of Aptos the citizens Robles and Juan Jose Castro measurers were notified of the foregoing decree and having had an understanding thereof they said that they did accept and accepted said office of measurers and they swore by God and the cross to measure faithfully and lawfully to the best of their understanding and knowledge without deceit in fraud against any person and they signed with me and the assisting witnesses – Bolcoff – Raquel Robles Juan J. Castro

Ass. Joaquin Castro – Mgl. Ramirez

Thereupon in presence of me the said Alcalde, the measurers took a line, and with a usual Mexican vara measure holding it in the hand they measured off fifty varas whereupon to make the said measurement and to attest it I subscribed my flourish (Flourish)

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On the Same Rancho of Aptos on the day aforesaid at about Nine Oclock in the Morning I the presente Judge ordered the appointed Measurers to tell about the Measurements, of the Land they are to accomplish Jn Rafael Castro and having formed a course they commenced the measuration, holding the lend to wise till reaching the grounds, from East in which place they measured Jwo thousand varas, completed be fue reaching the boundaries of Joaquin Castro in which place was put a Land mark, and immediately from South to Nuth the Same measure of Jwo thousand varas, in which place it was ordered to put up a land mark in it. "Poterquelo de los Cuentos" in each (place) the plat being drawn in the Same Jurn as the land was measured, the said measurers declaring that there is a Sitio de ganado Mayor besides (timber) In attestation whereof the Measurers Signed with me - Jose Bolcoff
Rafael Castro x Juan Jose Castro x
Ass. Joaquin Castro - Mgl. Ramirez
On the Same Rancho de Aptos On the day aforesaid the Citizen Rafael Castro resident of the Town of Branciforte accompanied by the Judge of the 1st Instance of such place and witnesses, said Rafael Castro declared that by virtue of the Sanction of this Rancho having been measured out to him as is shown in the foregoing Acts, he took the hide corporal and real possession of said One Square Leagues of Land (NB) leg One league in breadth in Square Superficies according to the title deed of grant he possesses and which he Obtained On the 16th of November last year of the Superior Political Chief in exercise of the powers vested in him by decree of the 31st of January last and according to the approval by the Excellent Jurisdictional Deputation given on the 19th of may this year He entered on it and walked about it, pulled off branches and grass Spread about hand fulls of Earth

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and threw stones to the four sides of the ellence and performed other ceremonies and popepory acts in taken of which he declared to take and did take said land and the said Judge of the 1st Instant ordered that from thence forward, he should be held and acknowledged as true possessor. Of all which said Rafael Castro requested that for the sake of memory and preservation of his rights in future I the aforesaid Judge would make a report and attestation, which I hereby do under my authority with the attesting witnesses with whom I act as delegate Judge for want of a Notary Public as there is no such one, according to Law. I attest – Jose Antonio Bolcoff
Joaquin Castro. Mgl. Ramirez

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On the same day this Expediente was returned to the interested party consisting of 7 foleos in attestation of which I subjoin my flourish (Flourish)

In consequence of the reports taken relative to the petition of Don Rafael Castro for an Extension of the Land Autos pantted him, the measurements can be Extended to the boundaries of the place called San Andres in the locality of "el palo seco" "el mero" and the land intermediate up to the point called Los Buritos leagues, and you will therefore proceed to make the corresponding measurement, annexing it to that already made him in the possession you gave said Rafael Castro as being agreeably to the decree appearing in his instance, which is attached to the Expediente concerning the matter Gore and Sebaly Monterey 9th of November 1840

To the Justice of the Peace of this place.

I Rafael Castro in due course represents before you that the Government having ordered that the land I asked for be annexed to my Rancho. I pray you to proceed to give me the possession and to measure out to me the extension of the land referred to

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designating the boundaries to me by which act I shall receive Justice and favor - I swear
Santa Cruz November 16th 1840 - Rafael Castro

Santa Cruz 18th 1840
Conformable to the petition of the interested party and in conformity with the Order of the Government dated this year and month, I will proceed to the posession and marking of boundaries due to D Rafael Castro, for which purpose the bordering land owners will be summoned appointing the 27th day of the month for the posession. Thus I Ordered, decreed and signed - I attest. Jose Bolcoff
On the same day, Rafael Castro being present, he was notified of the foregoing decree, and being acquainted therewith said that he has heard it, and that he admits of same, and he signed with me and the assistants witness form Jose Bolcoff
Ass. Juan Jose Castro. Mgl. Luchi. Rafael Castro
On the same day the Summons Ordered in the foregoing decree was made out. In attestation whereof I subscribed my flourish (Flourish)
On the Rancho de Aulos the 27th of November 1840
In compliance with the decree of to day's date the Alcalde Juan Jose Castro and Miguel Lodge bordering land owners to this Rancho, assembled having been summoned for the mensuration and marking of boundaries, and posession. I appointed for measurers Juan Jose Castro and Miguel Lodge who after previous Acceptance and Oath, will proceed to the discharge of their Office - Thus I the Judge decree order and sign with the Attesting Witnesses -
Jose Bolcoff
Measurers - Juan Jose Castro - Miguel Loché. Ass. Ignc. Castro
On the same day and on the aforesaid Rancho Aulos, Juan Jose Castro, and Miguel Lodge measurers were notified of the foregoing decree. Having heard and

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understanding there of they said that they accept and do accept said office of measurers and they swore by God and the sign of the cross to exercise it faithfully and lawfully to the best of their knowledge and understanding without deceit or fraud against any person, and they signed with me before the Allesting witnesses. J Bolcoff
Ass. Juan Jose Castro Miguel Loycho Ignacio Castro

Thereafter in the presence of me the said Judge, the said Measurers took a line, on which with a usual Mexican vara measure, holding it in the hand they measured off "fifty varas, whereupon to perform the said measurement.
To attest it I subjoined my flourish (Flourish)

On the same Rancho Aulos and on the day afore said at about ten o'clock in the morning I the present Judge, Ordered the appointed measurers to set about the measurement of land in addition to the Rancho de Aulos belonging to Don Rafael Castro – The Mesuration was commenced keeping the line from South West till reaching the Land called Las Cuatro leagues house North West from el Palo Seco and el Ineno" in which place they measured One leagues and two thousand varas including the Bank on the Sea Shore. Thereafter in breadth West to East they measured three thousand varas up to where the line is joined with the Rancho del Andres, the said measurers declaring this land to be the addition to the Rancho de Aulos belonging to Rafael Castro, in attestation whereof they signed with me (Flourish)
Ass. Juan Iso Castro. Miguel Loycho. Ignacio Castro
On the aforesaid Rancho Aulos on the same day Don Rafael Castro of the Town of Branciforte accompanied

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with the same Judge and the attesting witnesses said that in virtue of the measurement of the addition of land to this Rancho according to the foregoing acts he took the true extent and real possession of said addition of land by one league and two thousand varas in length and three thousand varas in breadth up to where it joins the Rancho del Arroyo according to the Order given by the Excellent Sr Governor to me dated 9th of November 1840. He entered on it, walked about it, pulled off branches and grass spread about hand fulls of Earth, threw stones to the four sides of the land and performed other ceremonies and possessory acts as to the addition of land — and the aforesaid Judge ordered that from thence forward it should be held and acknowledged for a valid sign, and he for a true possession thereof and for the preservation of his rights, he requested me the said Judge to put on record and make an attestation which I do under my authority with the attesting witnesses with whom I act as delegated Judge for want of a Notary Public and there is no such one, according Law. I attest it — Jose Bolcoff
Justice in Santa Cruz. Miguel. Loyola.
Juan Castro. Ignacio Castro

On the same day this Expediente was returned to the interested party consisting of three full folios. Bolcoff
(In the margin of the plat) "Four thousand varas in breadth. "The 9th of November 1840" The Departmental Government granted an addition of land to D Rafael Castro bounding on the high way and on las Hermanas and on los Castros in which place a land mark was put up — I the Justice of the Town who gave the possession of the addition of land, attest it and subscribe Jose Bolcoff

"Filed in Office Feb. 1854 Geo. Fisher Secy

61 620 Rafael Castro } For the place called Aptos
vs } situated in Santa Cruz County
The United States } containing

Opinion

A grant is given in evidence made to the present claimant as Grantee by Governor Jose Figueroa dated November 16th 1833 accompanied by the testimonio of the approval thereof by the Territorial Deputation on the 17th May 1834.

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The land granted is situated on the Sea Shore and the place solicited is described in the grant as bounded by the woods, the Rancho of Citizen Joaquin Castro, the Mountains and the place Shogee of which One Square league is granted, to be located by juridical measurement. Juridical possession was given on the 14th day of August 1834. The measuration was commenced by the Officer giving the possession on the Western side of the lines described in the Grant and the leagues of land thus located not extending to the eastern limits of the land described in the grant left a narrow parcel of land on that side between the premises thus assigned to the claimant and the land of his brother Joaquin Castro. On the 13th of June 1840 the claimant again applied to the Governor and setting out the facts solicited a grant of the remainder. This was conceded to him by decree of Manuel Jimeno acting Governor dated November 8 1840 and a document issued by the Governor on the next day attests the grant to Castro and directs juridical possession to be given to him extending his boundaries so as to include the land to the Rancho of his brother Joaquin. Juridical possession was made accordingly by the same Alcalde who gave the first possession. The boundaries of the premises are tolerably well defined in the documents and are fully explained by the maps attached to the testimonio of the two acts of juridical possession and by the deposition of

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Jose Bolcoff the officiating Judge. There seems to be no difficulty in reference to the location & boundaries of the Land.

By the depositions filed in the case it is proved that the claimant went on the premises in 1832 built a house lived there with his family and cultivated portions of the Land. In 1834 he built other houses on the place, and he continued to occupy and cultivate and improve the Land ever since. making it the residence of himself and the other members of his numerous family. The place is said to be in a high state of improvement, much of the Land being under cultivation. The place has upon it several houses, with gardens and orchards and large herds of cattle

The proof in the case establishes the right of the claimant to a title to the Land and decree of confirmation will be entered —

Confirmed

Filed in Office May 16th 1854
Geo. Fisher
Secy

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Decree

Rafael Castro
vs
The United States

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In this case on hearing the proof and allegations it is adjudged by the Commission that that the claim of the petitioner is valid and it is therefore decreed that the same be confirmed The land of which confirmation is hereby made is situated in Santa Cruz and is known by the name of Aptos and is the same premises now occupied by Rafael Castro and bounded and described as follows to wit: commencing on the sea beach at the mouth of a Gulch called El Sanjon de Bonegas thence running in a South Eastwardly direction along the sea Beach One league to a live Oak post placed for a monument when the judicial possession of the premises was given to said Rafael Castro in 1834 thence at right angle with said line along the Beach and in a North Eastwardly direction One league to a live Oak stake placed in like manner as a monument; thence in a North westerly direction parallel to the said line along the beach One league to a live Oak stake placed in like manner; and thence in a line parallel to the second line above mentioned to the place of beginning at the mouth of the Gulch above named, where also a live Oak post was placed for a monument Also that certain other piece or parcel of land adjoining that above described and bounded as follows to wit; commencing at the South Easterly corner of the tract above described on the sea beach and running thence in a South Easterly direction along said Beach to the corner of the land known as the Rancho of Joaquin Castro called San Andres; thence North East wardly along the North Western line of said Rancho San Andres to the land called Las Cuatro Leagues being One League and two thousand varas

including the bank on the sea shore thence in a north Westerly direction to the Easterly corner of the parcel of land first above described; and thence by the line of said land in a South Westerly direction to the place of Beginning on the sea Beach the said land being three thousand varas in width and lying between the head first above described and said Rancho of San Andres, said two parcels of land containing One and a half square leagues of land or thereabouts, reference to be had for more perfect description to the grants of the same, the testimonial of judicial possession and the maps which constitute a part of the same and also the map in the header copy of the Expediente all of which are on file in this case

Alpheus Felch
Thompson Campbell
R. A. Thompson

Filed in Office May 16th 1854
Geo. Fisher Secy

Order.

And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern Judicial District of California it is hereby Ordered that two Transcripts of the proceedings and of the decission in this case and of the papers and the 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 Southern Judicial 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 Sixty-four (64) pages, numbered from 1 to 64, 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. 620 on the Docket of the said Board, wherein Rafael Castro is

the Claimant against the United States, for the place known by the name of Aptos.

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

Geo: Fisher.

Sec.

172

U. S. District Court
Southern District of California

No. 172. Docket

The United States

vs.

172

Rafael Pico,
"Aptos"

Transcript of the Record
from the
Board of U. S. Land Commissioners
in case No. 620.

Filed Dec. 19th 1854
J. E. Carr
Clk.

No. 620.

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Office of the Attorney General of the United States,

Washington, 7th April 1855.

Rafael Castro
vs.
The United States. } 620.

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 27th day of January 1855, 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. 172.

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

The United States
vs
Rafael Castro.

Notice of Appeal
on Case no. 620

Filed July 2nd 1855.
C. C. Pearson,
Clerk
By A. H. Clark Deputy.

No 172

U States District Court for the Southern District of California

Rafael Castro
ads
The United States

Index to Transcript

No 172

U S Dist Court for the
Southern Dist of California

Rafael Castro
adv
The United States
Order to transcript

Filed Oct 10th 1855
C. E. Carr clk
By J. W. Robb Dep

E. Crosby
of Counsel for respondents

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

No. 172.

Rafael Castro
ads
The United States

The respondent for answer to the petition filed in this cause. answers and says. It is true that the land mentioned in said petition and in said transcript of the proceedings before the said Board of Commissioners lies within said Southern District of California and within the jurisdiction of this court:

But this respondent denies that his title to the said lands is invalid - and avers that his title is valid - and prays that the decision of the said Board be affirmed and his title be decreed to be valid

E. O. Crosby
Counsel for respondent

No. 172

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

Rafael Castro
ads
The United States
answer

Filed Oct 10th 1855.
J. E. Carr
Clk

E. O. Crosby
Counsel for respondent

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

Rafael Castro
ads
The United States

No. 172.
(Transcript A: 620)

The petition of Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, respectfully represents, That on or about the 24th day of February AD. 1853, Rafael Castro petitioned the United States land Commissioners for the State of California, claiming about one square league of land, in Monterey County, California called 'Aptos'. That on or about the 16th day of May AD. 1854, the said Commissioners confirmed the said claim. That thereafter, to wit, on or about the 27th of January AD. 1855, the Hon. Caleb Cushing Attorney General of the United States received a duly certified transcript of the proceedings, with the evidence, and decision of the said Commissioners in said cause. That on or about the 19th day of December AD. 1854, the said Commissioners filed, or caused to be filed,

in the Office of, and ~~in the Office of~~, with the Clerk of this Hon.ble Court, a duly certified transcript of their said proceedings, and decision, with the evidence upon which the same was founded. That thereafter, to wit, on or about the 2.nd of July A.D. 1855, the said Attorney General of the United States, filed, or caused to be filed, with the said Clerk, a Notice of the intention of the said United States, to prosecute the appeal in said cause. That the land claimed lies in the Southern District of California and within the jurisdiction of this Hon.ble Court.

And the said ~~re~~ petitioner denies generally the validity of the said claim or title of said Rafael Castro.

Wherefore the said petitioner prays that the said Rafael Castro, or his Attorney may be served with a copy of this petition; and that, after due proceedings had, the said decision of the said Commissioners may be reviewed, reversed, and set aside; and that this Hon.ble Court will decree the said claim or title to be invalid. With costs and general relief.

J. Ord

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

I hereby admit service of the within Angeles Oct. 10 1855.
E. O. Crosby of Counsel
for Rafael Castro.

No. 172

Rafael Castro,
vs.
The Ranchitos.

Petition for Writ of Certiorari.

Filed Oct 10th 1855
J. E. Fair
Clk.

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Order as asked for.

The United States appellant
vs
Rafael Castro appellee

The claim in this case is founded upon a grant from Governor Figueroa 11 Nov 1833. to the appellee and approved on the 19 May 1834. The original grant and testimonial of judicial possession are opened in evidence duly proven and authenticated

The grant was one sitio de ganado mayor certain exterior boundaries possession was given of the league granted by the alcalde, and there remained a surplus over, the appellee made application to the government to extend his grant to the surplus which was a small tract between his boundary line and that of his brother Joaquin Castro. of seven hundred varas in width, in the 8 of Nov. Governor the Acting Governor conceded the surplus to him and judicial possession of it was given on the day of.

The proof evidence shows a substantial compliance with the conditions of the grant occupancy of the land by the claimant and cultivation thereof, the appellee is therefore entitled to a confirmation of his grant, and a decree will be entered affirming the decision of the Commissioners

(OPINION, filed Oct 11 1855)

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The United States	Appellants	)
vs		)
Rafael Castro	Appellee	)

The claim in this case is founded upon a grant from Governor Figueroa 16 Nov 1833 to the appellee and approved on the 14 May 1834. The original grant and testimonial of Juridical possession are offered in evidence duly proven and authenticated.

The grant was one square league within certain exterior boundaries possession was given of the league granted by the Alcalde, and there remained a surplus over, the Appellee made application to the Government to extend his grant to the surplus which was a small tract between his boundary line and that of his brother Joaquin Castro of ~~seven~~ 300 varas sobrantes in width, on the 8 of Nov. Jimeno the Acting Governor conceded the surplus to him and juridical possession of it was given in the _____ day of _____ (omission here)

The parol evidence shows a substantial compliance with the conditions of the grant, occupancy of the land by the claimant and cultivation thereof. The Appellee is therefore entitled to a confirmation of his grant. A decree will be entered affirming the decision of the Commissioners.

(not signed or dated)

(ENDORSED): 172 SD
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NO. 172
United States, Appellant
vs
Rafael Castro, Appellee.

OPINION OF THE COURT.

FILED Oct 11th 1855
(signed) C.E. Carr Clk
By (Signed) T. W. Ross, Dep.

No. 172.

United States Appellants.

vs.

Rafael Castro. Appellee

Opinion of the Court

Filed Oct. 11th 1855.

A. G. Carr Clk

By S. W. Randolph

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

Special Term Sept 1855.

Los Angeles.

Rafael Castro. appe. } No. 172.
vs.
The United States. Appe. } Transcript No. 620.

On motion of P. Ord Attorney of the United States for the Southern District of California, it is Ordered by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the United States, in the above entitled cause, rendered on or about the 11th day of October — A D 1855.

P. Ord
Ch Dist Atty.

No. 172.

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

The United States appelts

vs.

Rafael Castro, appellee

Order of appeal to the Supreme Court on Motion of Ord U. S. Atty.

Filed October 18th 1855
O. E. Carr Clk
By D. W. Rogers

California Land Claims.

Attorney General's Office

16 September 1856.

Sir:

In the case of the claim of Rafael Castro, confirmed to the claimant by the Commissioners, case no. six hundred and twenty (620), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Cushing

Pacificus Ord Esq.
U.S. Atty. Los Angeles
Cal.

vv 172.

Rafael Castro

620

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Recd Oct 21 1856

Hon. S. B. Ogier Judge.

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December Term A.D. 1865

In the District Court of the United States, within and for the Southern Dist of Cal.

The United States
Appellant

vs

Rafael Castro
Appellee

No 172

In pursuance of a letter from the Attorney General of the United States herein annexed giving notice that in the above cause the appeal in the Supreme Court will not be prosecuted by the United States. It is hereby stipulated and agreed by and between the parties that the order granting an appeal to the Supreme Court heretofore made in the above cause be vacated and that the decree of the Court heretofore rendered in this cause may by order of the Court be made final.

F. Ord
Dist Atty

Myron Norton
atty for appellee

U S Dist Court
South Dist Cal

No 172

The United States
appellant
vs
Rafael Castro
appellee

Filed July 23d 1859

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Stipulation
to vacate order
of appeal to Supreme Court

In the District Court of the United States for the Southern District of California
Hon Isaac S. K. Ogier Judge.
December Term AD 1856

The United States
Appellant
vs
Rafael Castro
Appellee

No. 172

The Attorney General of the United States having given notice that the appeal to the Supreme Court from the decision of this Court in the above entitled cause, will not be prosecuted by the United States, and a stipulation having been entered into by the United States District Attorney and the Attorney of the Claimant that the Order granting an appeal to the Supreme Court made in this cause be vacated and that the Decree of this Court heretofore rendered in this cause may by order of the Court be made final. It is Ordered, adjudged and decreed that the Order granting an appeal to the Supreme Court heretofore made in this cause be and the same is hereby vacated and that the Claimant have leave to proceed under the decree of this Court heretofore rendered in this cause as under a final decree.

Isaac S. K. Ogier
U S Dist Judge

No 1/2