CASE NO.
160

SOUTHERN DISTRICT

CORRAL DE PADILLA GRANT

MARIA ANTONIA PICO DE CASTRO, ET AL

CLAIMANT

LAND CASE 160 SD pgs. 35

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 615

Maria Antonia Pico de Castro, et al, CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Corral de Padilla".

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 third day of Feby, *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 Maria Antonia Pico de Castro et al; *for the Place named* "Corral de Padilla," *was presented, and ordered to be filed and docketed with No.* 615, *and is as follows, to wit;*

(Vide page 3 *of this Transcript.)*

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco, March 4th 1853.

In Case no. 615, Maria Antonia Pico de Castro et al; for the place named "Corral de Padilla," the deposition of José Castro, a witness in behalf of the claimants taken before Commissioner Mary D. Thomson, with documents marked M. D. T. nos. 1 & 2, annexed thereto, was filed;

(Vide page 4 of this Transcript

San Francisco, Oct. 11 1853.

Case no. 615, was submitted on briefs and taken under advisement by the Board;

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San Francisco, March 14th 1854,
In the same Case Commissioner Alpheus Felch delivered the opinion of the Board rejecting the Claim.

(Vide page 18 of this Transcript.)

San Francisco Aug. 15th 1854,
In the same Case, on motion of the United States Associate Law Agent, the following order was made to wit;

(Vide page 21 of this Transcript.)

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Petition of Dn M. A. Pedlasto vothers

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Before the Commissioners to ascertain and settle Private Land claims in California

Dona Maria Antonia Rico de Castro widow of the late Don Simeon Castro, Juan Castro, Manuel Castro, Jose, Manuel Castro Segundo, Maria Antonia Castro Jose Antonio Castro, Francisco Castro, Juan Ancho Castro, Juan B Castro Children and heirs of said late Dn Simeon Castro, give notice that they claim a tract of Land in said State known by the name of the "Corral del Padilla" said tract was granted on the 7th of March 1836 by Don Nicolas Gutierrez Political chief of Alta California to the Neophyte Baldomero Alferwards by Operation of Law and proper mesne Conveyances the same became vested in said Dn Simeon Castro who died intestate on the day of 184 leaving the before mentioned widow and children in whom the said Lands vested in the proportions fixed by law.

Judicial possession of said Land was given and the boundaries thereof fixed by act of the proper Magistrate on the 4th January 1840

The Original grant of said Land and of said act of Judicial possession and measurement with the translations of the same are herewith presented and prayed to be taken as part of this petition

By their Atty
Wm Carey Jones

Filed in Office Feb. 23d 1853
Geo. Fisher Secy

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Deposition of Jose Castro

San Francisco March 4 - 1853

On this day before Wm H. T Thornton came Jose Castro a witness in behalf of the claimants. Maria Antonia Pico de Castro et al petition No. 615. and was duly sworn, his evidence being interpreted by the Secretary

Questions by Claimant

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Quest. 1st What is your name age & residence?
Ans. My name is Jose Castro, my age is forty three years & my residence in Monterey in California

Question 2d Are you acquainted with the Rancho, "Canal de Padellas" and if you, state what you know of its Occupation, when by whom & how it was Occupied -

Ans. I am acquainted with the said Rancho. It was first Occupied by a neophyte Indian by the name of Baldomero. He sold it to Simeon Castro, some fourteen years ago, who kept up the place by having persons living on it to take care of his horses - For the first two or six years after his purchase from the Indian Castro Occupied it as above stated - Since that time I have no knowledge on the subject Castro died eight or ten years ago leaving a widow and several children of whom I only know the name of the Widow and of the following children Manuel the first, and Manuel the second and Jose Antonio Castro, a daughter Maria Antonia, and a daughter Juana Maria - The name of the widow is Maria Antonia Pico Castro

Quest. Look upon the Document now shown you marked Exhibit No 1 and filed herewith and state and state if you are acquainted with the several hand writing of the persons whose names are written in and upon the said Document and if yes whether they are genuine or not?

Ans. I have examined the said Document and am acquainted with the hand writing of the sworn persons whose Names are written therein, having seen them write and state that their signature where they appear therein are genuine

Quest. Look at the Document now here shown to you marked Exhibit No 2. and filed herewith and state if you know the person Marcelino Escobar whose Name is signed to the said Document and his hand writing. If you what Office did the said Escobar fill, and is his signature genuine?

Ans. I have examined the said Document. I knew the said Escobar and also his hand writing. He was a Magistrate and his signature to the said Document is genuine

Jose Castro

U. S. Land Agent present

Sworn to and subscribed
before me this 4th of March 1853
Henry I. Skinner Com.re

Filed in Office March 4th 1853
Geo. Fisher Secy

sello Tercero Dos Reales: Habilitado provisionalmt.e por la Aduana del puerto de Monterey en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Simeon Antonio Mª Osio.

Rehabilitado por la misma, para el año de mil ocho cientos cuarenta y dos

Alvarado: Antonio Mª Osio

Por el presente yo Mariano Romero, por si como verdadero representante de mi Esposa y à nombre de mi Tia Beata Roja de quien tengo poder bastante y de los demas allegados vendo p.r siempre jamas à D.n Simeon Castro un terreno nombrado el Corral de Padilla q.e me pertenece en propiedad p.r consecion q.e en el le hizo el Gobierno de este departamento al finado su esposo segun consta del titulo que antecede constante de dos mil varas cuadradas las que se hallan libres de todo gravamen y como tal las vendo en la cantidad de dos cientos pesos de que me doy por recibido en toda forma obligandome à que esta venta sea efectiva, y en caso de no conseguir la pacifica posecion del comprador le devolvere la cantidad espresada con las mejores q.e tenga otro terreno y perjuicios q.e se le siguieren. Y à la observancia de lo referido combinaron ambas partes contratantes a que este documento sea reputado como instrumento publico y p.a constancia q.e avi expresado su voluntad la parte q.e vende que ergé no saben firmar lo hicieron p.r ella D.n Joaquin de la Torre y D.n Felciano Soberanes q.e sirvieron de testigos en Monterey à quince de Marzo de mil ocho cientos quarenta y dos.

Mariano Romero # Simeon Castro.
José Joaq.n de la Torre # Feliciano Soberanes
Del cuarto de Oficio. Habilitado provision-
alm.te por la administracion de la Aduana
Maritima de Monterey de la Alta California
para los años de mil ochocientos y treinta y cuatro y
mil ochocientos treinta y cinco.

Figueroa Angel Ramirez
Revalidado para el bienio de 1836 y 1837
Gutierez, A. Ramirez.

Nicolas Gutierez Teniente Coronel de cabal-
leria permanente; Comandt.e General Inspec-
tor y Jefe Politico del Territorio de la Alta
California. Por cuanto el Neofito Baldonero
ha pretendido para su beneficio personal
y el de su familia en el corral de Padi
lla el terreno que tenia en clase de pres-
tado y cedido luego por la Mision cuando se
segregó en decreto de este dia usando de las fa-
cultades que me son conferidas y à nombre de
la Nacion Mexicana he venido en concederle
el mencionado terreno con la estencion de dos
mil varas en todas direcciones declarandole
la propiedad de el por las presentes letras. En
consecuencia mando que sirviendole de titulo
el presente y teniendose por firme y valedero
se tome razon de el en el libro que corresponde
y se entregue al interesado para su resguardo
y demas fines. estendiendosele en papel de
oficio por ser notoria la imposibilidad del
interesado. Dado en Monterey à los siete dias
del mes de Marzo del año mil ochocientos trein-
ta y seis. Nicolas Gutierrez # Jos.e del
Castillo Negrete Srio. Queda tomada
razon à fojas 98. y señalado con el N.o 95.
del libro q.e corresponde y obra en la secretaria

de mi cargo. Marzo 7 de 1836. Castillo.
Received for Record 29th July 1850 at 10.20 a.m
Recorded in deeds of Grant C. page 11.
W. S. Wilson Recorder of Mont'y County

Sello Cuarto de Oficio. Habilitado provincial mente por la administracion de la Aduana Maritima de Monterey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.
Figueroa Angel Ramirez
Revalidado para el trienio de 1836 y 1837
Gutierez A. Ramirez.
Sello Tercero. Dos Reales. Habilitado provincialmente por la Aduana maritima del puerto de Monterey, en el departamto de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno
Alvarado Antonio Mª Osio.
Rehabilitado por la misma, para el año de mil ochocientos cuarenta y dos: Alvarado: Antonio Mª Osio

Monterey Junio 7 de 1842. Informe el S. Juez de Paz de est. cap. todo lo q. cree oportuno sobre la Materia mencionada.

Sor. Prefecto del 1er Distrito
Ameron Castro vecino en esto Puerto ante V. S con el debido respeto parece y dice q. siendo de su propiedad el terreno del corral de Padilla ocurre à V. E. con el fin en q. se le conceda en otro sitio de Baldio hasta los linderos del indigena Frutuoso y de D. Esteban Munras p. la parte del Sur y p. la del Norte hasta los linderos del C. José Antonio Romero. Por tanto à V. S. pido y suplico se digne proveer à mi favor si lo hallase en justicia de q. recibirè gracia y merced jurando no ser de malicia y lo necesario &c Monterey 8 de Abril de 1842

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Simeon Castro.

Filed in Office Febry 23rd 1853

Geo: Fisher Secy

Translation of Grant

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Seal Third Two Reals

Established provisionally by the Maritime Custom of Port of Monterey in the Department of the California for the years One thousand Eight hundred and forty and One thousand Eight hundred and forty One

Jimeno Antonio Maria Osio

Reestablished by the same Authority for the year One thousand Eight hundred and forty two

Alvarado Antonio Maria Osio

Maritime Custom House Seal of Monterey

By this present writing I Mariano Rome do, for myself as heir, representative of my wife and in the name of my aunt Bernardo Rosa from whom I hold full power as well as from those closely allied to them do sell forever to Don Simeon Castro a piece of Land called "Canada de Padilla" which belongs to me by right of possession though the grant thereof made to the deceased her husband by the Government of this Department as appears from the preceding title consisting of One thousand varas Square all of which are free from all incumbrance and as such I sell them for the sum of two Hundred Dollars, the receipt of which is hereby duly acknowledged, binding myself to make good said sale, and in the event the purchaser shall not obtain peaceful possession thereof to return to him the amount of sixty with the improvements made upon said Land and the damages which shall have been caused to him. And for the observance of that herein mentioned, both the contracting parties do agree in that this document be considered as a public instrument, and in testimony that the party making the sale, here of does so express its will (and who not knowing how to sign) Don Joaquin de la Torre and Felciano Soberanes who acted herein as Witnesses did so sign in his name –

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At Monterey this fifteenth day of March in the year One thousand Eight hundred and forty two

Mariano Romero — Simeon Castro

Assisting Witness — Feliciano Soberanos

Jose Joaquin de la Torre

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Received for record 29th July 1850 at 10-21 o'clk
Recorded in Conveyances "A" page 88

(Signed) Wm S Johnson
Recorder Monterey Co.

Seal Fourth of Office
Established provisionally by the Administration of the Maritime Custom House of Monterey in Upper California for the years One thousand Eight hundred and thirty four and One thousand Eight hundred and thirty five

Figueroa — Angel Romero

Revil Govt. of Upper Cal. Seal

Restablished for the two years 1836 and 1837

Gutierrez — A Romero

Nicholas Gutierrez Lieutenant Colonel of the regular Cavalry, Commandant General Superintendant and Civil Chief of the Territory of Upper California

Whereas the Neophyte Buenaventura has solicited for his personal benefit and that of his family in the "Canal of Padillo" the Land which he holds as a Conditional Loan to him and which was afterwards given up by the Mission when it was abolished—

By virtue of the Authority in me vested I have in accord of this date and in the name of the Mexican Nation granted to him the aforesaid Land, the extent of which is of Two thousand (Varas) Square declaring the Ownership thereof to be in him by these presents

Wherefore I command that this present serving being to him a Title therefor and being considered as binding Valid—A record of the same be made in the Book

provided for the purpose and that it be delivered to the party interested for his security and other uses this being written for him on Official paper as the inability of the interested party is well known
Fco del Castello Negrete Secy Nicholas Gutierrez

Recorded at page 98. and entered as No. 95 in the Book relating to the same, and on file in the Office of the Secretary of State under my charge
Monterey March 7th 1836. Castello

Received for Record 29th July 1850 at 10-2 AM
Recorded in "Deeds of Grants" C page 11
Wm S Johnson
Recorder of Monterey Co

Seal Third Two Reales
Established provisionally by the Maritime Custom House of the Port of Monterey in the Department of the California for the years One thousand Eight hundred and forty and One thousand Eight hundred and forty One
Alvarado Antonio Mario Osio

Reestablished by the same authority for the year One thousand Eight hundred and forty two
Alvarado Antonio Mario Osio

Maritime Custom House

To the Prefect of the 1st District
Sir

Simeon Bustro a Citizen of this Port presents himself to your Excellency with due respect and says that the Land of the Corral de Padillas being his property, he applies to your Excellency in order that the vacant Title of said Land may be granted to him, and which extends as far as the boundaries of the native Tulucosos of those of Esteban Meinas on the Southern Part and to the Northward

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as far as those of the Citizen Jose Antonio Romero
Wherefore I ask and pray your Excellency to be
pleased to decree therein in my behalf as you
shall deem just in all of which I shall receive
favor and Mercy - Making Oath that in this there
is no Malice aforethought, and also to all other
necessary Forms of Law -
Monterey 8th of April 1842

Simeon Castro

Monterey 7th June 1842

Let the Justices of the Peace
of this Capital report what may seem proper in
the Matter

Estrada

Filed in Office Feb. 23d. 1853

Geo. Fisher
Secy

Juzgado de Paz del Pueblo de Sn. Carlos

Da. Rosarinda de Baldonero con fecha 30. del P. Pdo. me pasa el Excmo. Sor. Gobernador la copia de la consecion del terreno llamado el corral de Padilla que con fecha 4. de Marzo de 1836. le fuè consedido. Dos mil varas en toda direccion, mas como à habido reclamos. los colindantes para evitar equivocaciones, y cumplir con la orden del Sor Prefecto del 1er Distrito de 8 de Marzo de 1850. donde me ordena les confirme sus terrenos à los Indios de este Pueblo; y con anuencia à la fecha del Sor Gobernador e pasado con Dos testigos de asistencia y con presencia de Agisico qe es su colindante se comenzo à medir con un Cordel de 50. Bas desde la Tierra de Agisico asta cerca de la de Cortancio Beinte cordeles que son un mil Bs de Oriente à Poniente y desde el Rio Frente del Paderon Bes de Norte à Sur otros 20 cordeles y llego Poco mas del Dangon que son otras mil Bas cerca de un Cneino que esta à falda de la Loma por lo que tiene U. las Dos mil Bs que en presencia de su hijo Domingo se mecieron. Por no haber asistido Mariano Romero su apoderado. Sn. Carlos 4 de Ens. de 1840.

Marcelino Escobar.

Filed in Office 23rd February 1853.

Geo: Fisher.

Translation of Juan Pompeion

Office of the Justice of Peace
of the Pueblo of "San Carlos"

To Madam Rosa Wallace of Baldomero:
Under date of the 30th of the Month last past Hes. Excellency the Governor sinces me a copy of the Grant to the Lands called the "Corral de Padillo" which was granted to you under date of the 7th of March 1836. It is two thousand yards square, but as claims have been made by the adjoining neighbors in Order to avoid all misunderstanding and of Complying with the Order of the Prefect of the first District dated 8th of May last past in which I am directed to Compform the titles of the Indians of this Village to their Lands And in Compliance with the letter of his Excellency I went to the place designated with two Opposing Witnesses And in presence of Agricio whose land is Adjacent to yours we began to Measure the Lands with a Line so Varas in length, Commencing at the land of Agricio we laid off twenty lines reaching nearly to that of Constancio, And being One thousand Varas from East to West - And from the two fronting the Lap Rose white Stone in the direction of North to South we laid off twenty lines More being One thousand Varas More, the said distance running a little beyond the ditch and reaching nearly to an Oak tree which is growing upon the brow of the Hill

These are the two thousand Varas of land granted to you And which were measured in presence of your Son - Domingo - As your Attorney - Mariano Romero did not Accompany me in the Execution of this Act
San Carlos January 4th 1840

Marcelino Escobar

Filed in Office Feb. 23 1853
Geo. Fisher Secy

16 S. D. R. Nicolas Gutierrez Teniente Coronel de la Cab.ª Comandante Gral. e Inspector i Politico de la Alta California. Nº 95. Por cuanto el Neofito Baldomero ha pretendido p.ª su beneficio personal i el de su familia en el Corral de Padilla, el terreno q.e tiene en clase de prestamo i se dividiluego la mision cuando se segrego en decreto de este dia usando de las facultades que me son conferidas i a nombre de la Nacion me pueda hevenido en consederle el mencionado terreno con la estension de Dos mil V.s en todas direcciones declarandole la propiedad de el por las presentes lehas. En consecuencia mando q.e sirviendole de titulo el presente y teniendose por forme y valedero, se tome razon de el en el libro q.e corresponde y se entregue al interesado p.ª su resguardo y demas fines; desele el presente en papel de Oficio p.r ser notoria la imposibilidad del interesado. Dado en Monterrey à los 4 dias del mes de Mayo de 1836. Nicolas Gutierrez

Y.co del Castillo Negrete. Trig.l

Castillo

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Office of the Surveyor General of the United States for California. I, Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office, and under my charge and custody a portion of the Archives of the former Spanish & Mexican Territory or Department of Upper California do hereby Certify that the annexed foregoing page of ledger paper verified by my initials (S. D. K.) exhibits a true and accurate Copy of the Writing on a page of an unbound Book with the Titulos" now on file and forming part of the said Archives in my Office

In testimony whereof I have hereunto

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signed my Name officially and affixed my private Seal (not having a Seal of Office) at the City of San Francisco the 1st day of December 1851.

Saml. D. King
Survy. Genl. Cal.

Filed in Office Octbr. 8th 1853.

Geo. Fisher Secry.

Maria Antonia Pico de Castro & others, Widow & children of Simeon Castro deceased
vs
The United States

In the place called "Canada de Pudallio" in Monterey County containing two thousand varas square of land

Opinion of the Board

The petitioners represent themselves to be the widow and children of Simeon Castro deceased who is alleged by them to have been the owner of the property at the time of his death.

The original grant was made by Governor Gutierrez to the Neophyte Baldomero. It is made a part of the proof in the case and bears date March 7th 1836. No approval of the Concession is shown and whether the grantee was served on the place or received any patent title, is not made to appear. The title of Simeon Castro is alleged in the petition to have been derived from Jose Baldomero the grantee "by operation of law and proper mesne conveyances" without further specification. The only witness whose deposition is filed in the case testifies that Baldomero sold the land to Simeon Castro some fourteen years ago. Admitting that a sale of land in this manner and without deed or other writing to be good it could scarcely be contended that the vague expression contained in this deposition without a statement of the terms concerning price payment or circumstances could be regarded as sufficient to establish a conveyance of the title to real estate. A document is introduced by the claimant to show the official act of judicial possession of the premises (an act without which this grant would be invalid for want of boundaries and location description) which shows that in January 1840 the family of said Baldomero were regarded as possessors of the property. The proof is clearly too

indefinite to show that the title papers to Castro at the time referred to by the witness. Nor do I deem it and the claimants to rest upon this parol proof to establish a conveyance to Juan Castro. For this they rely on a document given in evidence purporting to be convey the premises in question to him dated on the 15th day of March 1842 – This instrument was not taken before a Notary or any Public Officer and has therefore none of the sanctity pertaining to a public or judicial writing – It purports to be made by "Mariano Romero for myself as her representative of my wife and in the name of my aunt Beata Rosa from whom I hold full power as well as from those closely allied to them – There is no evidence given in the case which shows who Romero is, or that he has any interest in the premises nor is there any proof that the persons for whom he assumes to make the conveyance were in any manner invested with the title to the property or if they were, that he had any authority to act as their agent in making the conveyance – If by legal conveyance or by operation of law the interest of Bedomero the grantee of the premises descended to and became vested in Juan Castro, the claimants have failed to furnish the evidence of it and they are therefore not entitled to a confirmation

Rejected

Filed in Office March 14 – 1854
Geo. Fisher
Secy

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616 Maria Antonia Pico de Lasho
Decree et al.
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the said claim of the petitioners is not valid and their application for a confirmation therefor is denied

Alpheus Felch
Thompson Campbell
R. Aug. Thompson
Commissioners

And it appearing to the satisfaction of this Board, that the land hereby adjudicated, is situated in the Southern District of California it is hereby Ordered, that two Transcripts of the Proceedings and of the decision in this case and of the papers and evidence upon which the same are founded, be made out, and duly certified by the Secretary one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

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

I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing twenty one — pages, numbered from 1 to 21, 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. 615 on the Docket of the said Board, wherein Maria Antonia Pico de Castro, et al, are the Claimants against the United States, for the place known by the name of "Corral de Padilla" —

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

Geo: Fisher
Secy.

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U. S. DISTRICT COURT,

Southern District of California.

No. 160. Docket

THE UNITED STATES,

vs.

Maria Antonia Pico de Castro, et al.

"Corral de Padilla,"

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TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 615

Filed, November 8th 1854.

J. E. Carr.
Clerk.

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Ft. 615

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

Mª Antonia Pico de Castro, et al
vs.
The United States

No. 160.
(Transcript No. 615)
On appeal from U.S. Land Comrs.

On motion of P. Ord Attorney of the United States for the Southern District of California; and on showing to the Court that the notice of intention to prosecute the appeal in the above entitled cause, has been filed according to law. It is ordered by the Court that this cause be dismissed.

P. Ord
U.S. Dist Atty.

No. 160

United States Dist. Court
Southern Dist: of California

Mn. Ana. Pico de Carrostal

vs

The United States.

Motion to dismiss Cause

Filed October 24th 1855.

A. E. Carr clk
By W. Roff Dep

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

Maria Antonina Pico de Castro Appellant vs The United States Appellee	Case No 160 "Canal de Padilla" Grant No 615.

To the United States District Attorney
For said District.

Sir!

Take notice that on the 4th day of January A.D. 1858, at 11 o'clock A.M. of said day or as soon thereafter as the same can be heard the aforesaid claimant and appellant will move the Court aforesaid, for cause, to vacate the order heretofore made, dismissing said cause for want of notice of intention to appeal, and to restore said cause to the calendar of this Court for trial. Los Angeles, December 30. 1857.

Shaw & Hartman
Attys for Appellant.

Case No 160

In District Court U.S.
Southern District

Manuel Antonio Pico de Castro
Ats
The United States

Notice of Motion to
restore cause

Filed this 30th Decr 1857
Lewis clk
J. H. Coleman
Deputy

Evans & Hartman
Attys for Appellants

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

Maria Antonia Rico de Bustos Appellant vs The United States Appellee	Case No 160 "Canal de Padilla" Claim No 615.

To the United States District Attorney
For said District.

Sir:

Take notice that on the 4th day of January A.D. 1858, at 11 o'clock A.M. of said day or as soon thereafter as the same can be heard, the claimant and appellant will submit said case to the aforesaid Court for decision. Los Angeles, December 30, 1857

Shaw & Hartman
Attys for Appellants

Case No 160

In U.S. District Court
Southern District

Mexico Antonio Rios de Castro

Vs

The United States

Notice of trial

Filed this 30th December 1857 C Sims Clk
J W Coleman
Dep

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Steuart v Castroman
for Appellants

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

Maria Antonia Rico de Castro, Appellant	Case No 160
vs	"Canal de Padilla"
The United States, Appellee	Transcript No

Now comes the said Appellant by her Attorneys Shearer & Hartman and moves the Court to reinstate this cause on the calendar for trial, and to vacate the order heretofore made dismissing said cause for want of notice of intention to appeal, and for leave to file such notice of intention "nunc pro tunc", on the grounds

1st Because no notice of motion to dismiss said cause was ever served upon said Appellant or her Attorneys.

2nd Because said order dismissing said cause was improperly made.

3rd Because said omission to file the notice of intention to appeal was caused by the wilful and culpable negligence of the former counsel of the Appellant.

Shearer & Hartman
Attys for Appellant.

No 160

In U.S. United States
Southern District

Maria Antonia Pico de Castro
Appellant
Vs
The United States
Appellee

Motion to return cause

Filed this 31st Dec. 1857
C Sims Clk
J. H. Coleman
Dep

Sloan v Huntington
for Appellant

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

Marina A. Pico de Castro, Appellant	Case No 160
vs	"Canal de Padilla"
The United States, Appellees	Transcript No.

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Manuel Castro of the City and County of San Francisco being duly sworn upon his oath says, that since the institution of proceedings in this case before the Land Board of Land Commissioners, he has been the agent for the Claimants and Appellants in the cause; that as such agent he made a contract with one William Carey Jones Esq. to institute the proceedings and carry them through to a final termination; that said Jones did conduct the proceedings before the said Board of Land Commissioners, and after the rejection of said claim the said Jones neglected to give the proper notice of intention to prosecute said appeal as is required by Statute.

Affiant further states that the claimants and appellants relied solely on the said Jones to take all the necessary proceedings in order to bring said cause to a successful issue, as he was hired to do by his contract, and it was not until sometime after said Jones had quit this State, that claimants and appellants ~~had been~~ were informed that said cause had been dismissed from this Court for the want of notice of intention to appeal.

Affiant says that he is informed and verily believes that claimants and appellants

been a good and valid claim, which they are prepared to establish, provided this case is returned to the docket and they are allowed to file the proper notice of intention to appeal; and that if this Court refuses an order to that effect the claimants and appellants will suffer irreparable injury, inasmuch as affiant is informed and believes that the said William Barry Jones is insolvent, and unable to respond in damages, caused by reason of his neglect aforesaid.

Affiant further says it always has been the intention of claimants and appellants to appeal said cause, and prosecute it to a final determination. And further affiant saith not.

Manuel Castro

Sworn to and subscribed before me this 25th day of November A.D. 1857.

Scott Monroe
U.S. Commiss.

No 160

In District Court United States

Southern District

Maria A Pico de Castro et al,

Appellants

vs

The United States

Appellee

Affidavit of

Manuel Castro

Filed this 5th January 1858

C Sims clk

J H Coleman

Dep

No. 160
Register of Decisions
No. 160 Maria Antonia Pico
v. United States

Office of the Attorney General of the United States,

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Washington, 17th January 1855.

Maria Antonia Pico de Castro et al.
vs.
The United States.
} 615.

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 12th day of October 1854, the appeal in the district court of the United States for the district of California will be prosecuted by the United States.

Cushing

Attorney General.