

CASE No.  
190

SOUTHERN DISTRICT

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SAUSAL GRANT

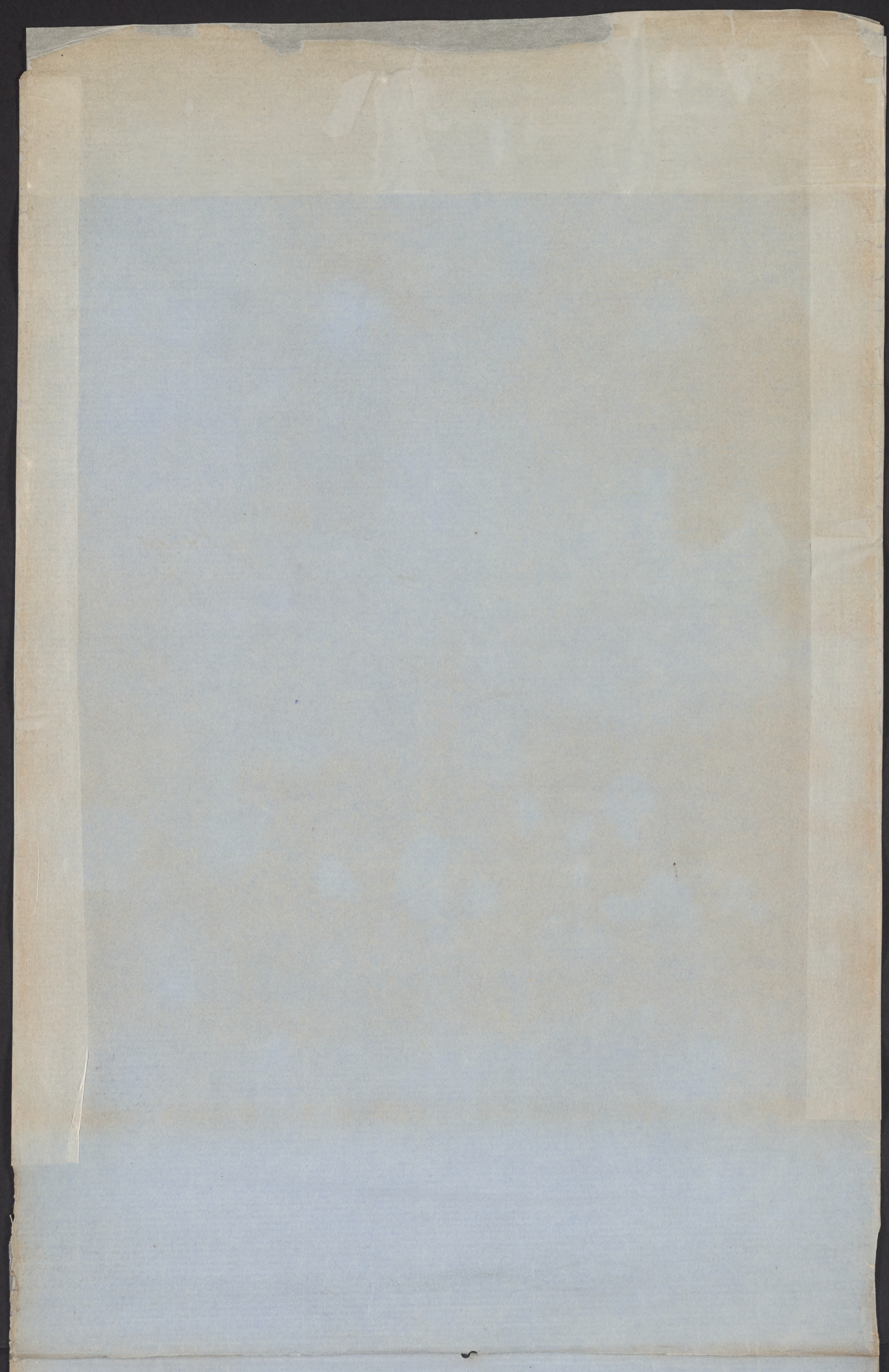
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JACOB P. LEESE

CLAIMANT

557

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# TRANSCRIPT

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OF THE

# PROCEEDINGS

IN CASE

NO. 557

*Jacob P. Leese*

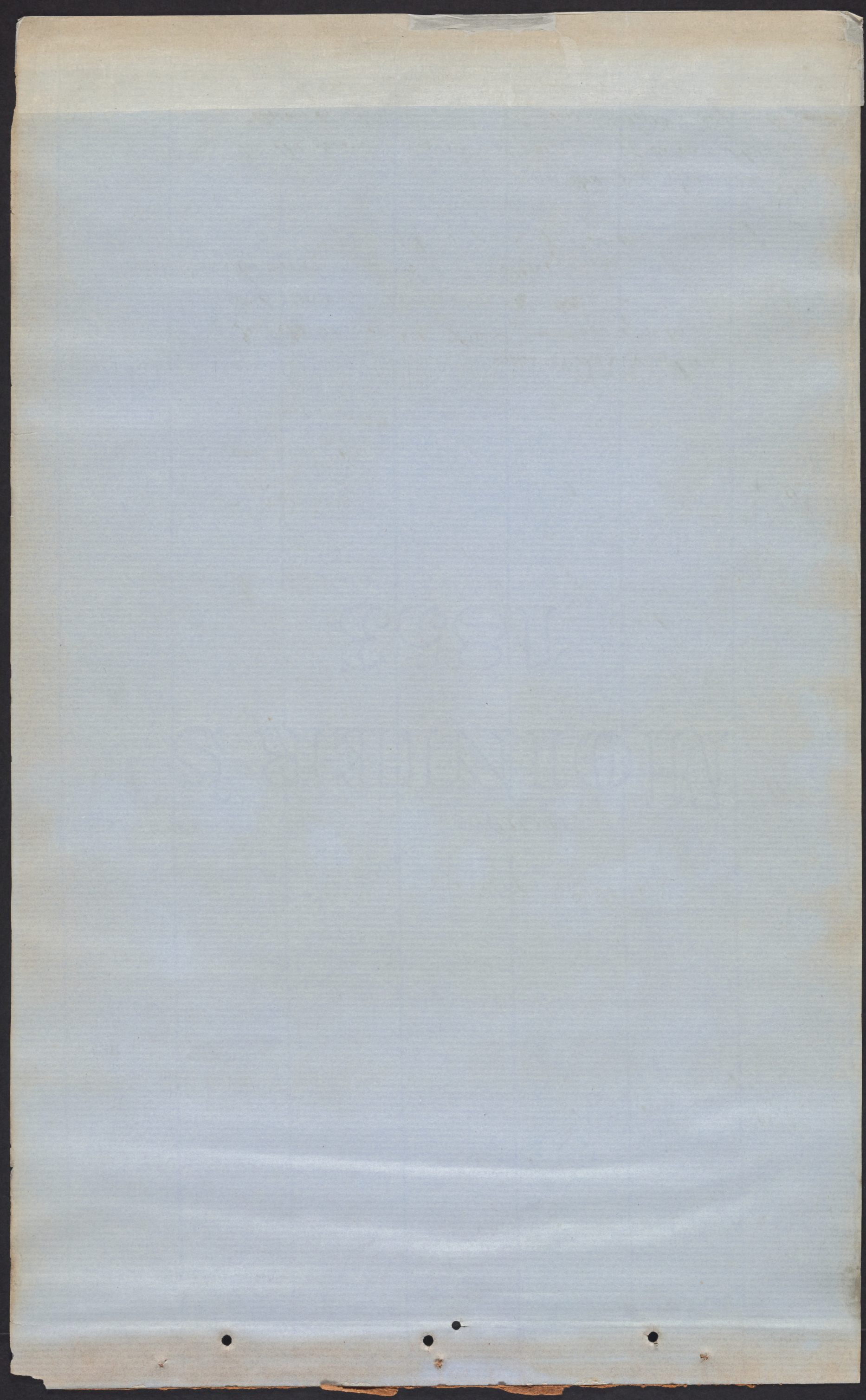
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Sausal"*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this Fifth day of July, 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 Jacob P. Sease, for the Place named "Sausal," was presented, and ordered to be filed and docketed with No. 557, 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 23<sup>d</sup> 1853.  
In case no. 557, Jacob P. Sease for the place named "Sausal" the deposition of Jose Abrego, a witness in behalf of the claimant; taken before Commissioner William Hall, with document marked W.H. no. 1 and translation thereof annexed thereto, was filed;

(Vide page 5 of this Transcript.)

San Francisco May 24<sup>th</sup> 1853.  
In the same case the deposition of Manuel Castro, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, was filed;

(Vide page 5 of this Transcript.)

San Francisco November 3<sup>d</sup> 1853.  
In the same case the deposition of David Spence, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, with a map marked no. 2, R.S. annexed thereto, was filed; (Vide page 6 of this Transcript.)

San Francisco February 11 1854.

In the same case the deposition of Jose Castro, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed;

(Vide page 8 of this Transcript.)

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San Francisco May 2 1854.

On motion of the counsel for the claimant, Case No. 557 was ordered to be placed at the foot of the calendar of the 1<sup>st</sup> Class Cases on the Trial Docket;

San Francisco July 10 1854.

In the same case the deposition of Pablo de la Guana a witness in behalf of the claimant, taken before Commissioner Peter Satt, was filed;

(Vide page 11 of this Transcript.)

San Francisco July 12 1854.

In the same case the counsel for the claimant presented the following Amended Petition to wit;

(Vide page 3 of this Transcript.)

Which Amended Petition was ordered to be filed;

San Francisco Aug 4 1854.

In the same case the counsel for the claimant presented an Amended petition, which upon motion of the said counsel and the consent of the U. S. Law Agent, was granted;

(Vide page 4 of this Transcript.)

Case No. 557 was submitted on briefs and taken under advisement.

San Francisco Aug. 15 1854.

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

(Vide page 23 of this Transcript.)

On motion of the U. S. Law Agent the following order was made, to wit;

(Vide page 25 of this Transcript.)

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To the U.S. Land Commission for the ascertaining and settling of Private Land claims in California

The petition of Jacob P Seese respectfully sheweth unto your Honorable body that he claims to be the owner of a certain tract of land called Rancho Sausal. And for further explanation alleges

That on the 2<sup>nd</sup> day of August 1834 a certain Jose Tiburcio Casero upon petition obtained from Jose Figueroa Guzman of both California, a grant of said tract called Sausal located in the County of Monterey and between the Rancho Alisal and Nutricida, containing two Spanish Square leagues more or less and that such grant was properly entered in the Archives of California

And your petitioner further saith that said lands were given and bequeathed by said Jose Tiburcio Casero to Jose Antonio Casero and Maria de la Cruz Francisco his children, who by deed bearing date the 22<sup>nd</sup> July 1852 conveyed the same to your petitioner

That said last mentioned conveyance is recorded in the Office of the County Recorder of the County of Monterey in Book A of deeds page 369 and that the Original Grant from Figueroa as well as the conveyance to your petitioner are in the possession of your petitioner and ready to be offered in evidence to honor your request

And your petitioner further saith that said Jose Tiburcio Casero during his lifetime and after his decease the heirs affirmatively, and since the 22<sup>nd</sup> of July 1852 your petitioner, has been in the full and undisputed ownership of said lands and are not aware of the existence of any other title to said land conflicting with or paramount to their own

Your petitioner therefore prays your Honorable body in consideration of the premises will confirm his claim and title thereto.

Clark Taylor &amp; Beckh Atlys.

Filed in Office July 5th 1853

Geo. Fisher Secy

No. 557  
Amended petition

Jacob P Seese Claimant.

To the Honorable Alpheus Felch and R.A. Thompson United States Land Commissioners for the State of Cal.

The Amended petition of Jacob P Seese in the above stated case respectfully represents that the Deed of conveyance executed on the 22<sup>nd</sup> July 1852 by John Casero



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and Modesta Castro his wife and Santiago Maena and  
Mareca de Lee being Francisco his wife transpiring  
and conveying the Land in this case claimed and  
set out and described in the Original petition was  
by the said Angel Comenza Rosalia "Valley de Seese"  
the wife of your petitioner. Petitioner alleges that he  
was united with said Rosalia in the lawful bonds  
of wedlock on the 7th of April 1837 and that he contin-  
ued to live with her at the time of the execution of  
said Deed and the purchase and conveyance of said  
Land, and that she is still living, the lawful wife  
of petitioner by whom he has had several children  
Petitioner is advised that under the laws of California  
now that the title to said Land vests in him both  
in Law and Equity. He further alleges that the same was  
not purchased with the separate funds of his said  
wife, but with the means of this petitioner.

Petitioner therefore asks for a confirmation to him of  
as prayed for in his <sup>petition</sup>, but in case that your  
Honors should be of Opinion, that he is the legal trustee  
of his wife, then on trust for said Rosalia. Petitioner  
alleges that by mistake in drafting his Original peti-  
tion in this case, said same conveyance of the Land  
by him claimed is alleged to have been made to this  
petitioner, whereas it was made to said Rosalia  
wife of the said petitioner. Petitioner is advised that  
under the laws of California said conveyance vests  
the title of the said property in him  
J P Seese

Personally appeared before me Peter Sott Commissioner  
Jacob P Seese who being duly sworn makes Oath and  
says that the statements contained are true as thereon set  
forth - Peter Sott Commissioner for taking testimony  
Filed in Office July 12. 1854 Geo Fisher Secy

2<sup>d</sup> Amended  
Petition

The second amended petition of Jacob P Seese claimant  
for the Rancho "Seesal" being No 557.

The petitioner further alleges that he claims confirmation  
in this case by virtue of the Grant of Pio Pico to Jose Castro  
and his sister Dona Francisca Castro, the children and heirs  
of the grantee in the Original petition mentioned, which  
last mentioned grant is for the same tract of Land dated  
August 10th 1845 and filed with the deposition of Jose  
Abrego March 23 - 1853 - Howard Cleampiece  
for claimant

Filed in Office Aug 4. 1854 Geo. Fisher Secy

5-  
Deposition of  
Jose Abrego

San Francisco March 23. 1853

On this day before Comr Solano Hall came Insi Abrego  
a witness in behalf of the claimant Jacob P Seese  
petition No 557 and was duly sworn his evidence being  
given in Spanish & interpreted by the Secretary  
The U. S. Associate Suro Agent was present.

Question by claimant

Quest. 1. What is your name age and place of residence  
Ans. My name is Jose Abrego my age is 40 years  
and I reside in Monterey

Quest. 2. Are you acquainted with the land petitioned  
for by Jacob P Seese and if so state what you know  
in regard to its possession and occupancy

Answer. I have known said land for eighteen years dur-  
ing all that time it has been in the possession of Jose  
Tiburcio Castro and his sister the original grantees  
until about a year ago when Castros family conveyed  
it to the present petitioner. Said land was used during  
all that time, for agricultural and grazing purposes  
The land is called Sacasa and is situated in Mon-  
terey County about four leagues from the Town of  
Monterey. I do not know the extent of the land  
I am acquainted with the hand writing of Pio Pico &  
Jose M. Levanillas. A paper is now shown me pur-  
porting to be a grant to Jose Castro & Francisco Castro  
dated August 10. 1845. I believe the signatures of said  
Pico & Levanillas on said paper to be genuine.  
It is hereto attached & marked A. S. No 1. The body  
of the grant I believe to be in the hand writing of  
Levanillas

Jose Abrego

Sworn and subscribed

Rafael me

Solano Hall Comr

Taken in Office March 23<sup>rd</sup> 1853

Geo Fisher Secy of

Case No. 557. Office of the Commissioners of Land  
in California.

Deposition of  
Manuel Castro

This day before Commissioner Robert A Thompson came  
Manuel Castro a witness in behalf of claimant Jacob  
P Seese who after being duly sworn deposed as follows  
Present I believe Esq. Atty for claimant and Robert  
Greenhow Esq. a spot Suro Agent.  
Question by claimants Atty. What is your name and  
place of residence?

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Ans. My name is Manuel Casto my age thirty one years  
and my residence Lower California  
Question by Same. Do you know the Rancho called San  
Joaquin formerly claimed by Jose Teodoro Casto, if so  
state what you know of its settlement occupation &  
improvement by the said Casto or his family or by  
the present claimant Jacob J. Seese

Ans. I have known the Rancho in question since the  
year 1830. Jose Teodoro Casto was then living there  
with his family. He then had a house on the place  
built of adobe, corral for cattle, he had also  
cattle and horses on the Rancho and cultivated  
large fields. He died about the year 1840 or 1841  
leaving two children Jose Casto and Francisca Casto  
his children continued to occupy said Rancho after  
his death, his daughter Francisca resided there perma-  
nently. Jose was much absent in discharge of his  
military duties, but was there occasionally. The claimant  
Seese has continued the occupation since he purchased  
the Rancho and further this deponent faith not  
Manuel Casto

Sworn to and subscribed before me this 24th day of  
August 1853

R. A. Thompson Comr.  
Geo. Fisher Secy

Filed in Office Aug 24th 1853

Deposition of  
David Spence

Case No. 557. Office of the Board of Commissioners &c  
This day before Comr. R. A. Thompson came David  
Spence a witness in behalf of Jacob J. Seese No. 557  
who after being duly sworn deposed as follows  
Testimony in behalf of claimant. Present I black atty  
for claimant & Robt. Greenhow Esq. Asst. Surr Agent  
Witness states that his name is David Spence age fifty  
five years and his residence Monterey Calif

Question by claimant's atty. Look at the document now  
shown you marked H. H. No. 1 and filed in this case  
with deposition of Jose Abrego and state what you know  
of the genuineness of the document and the signatures thereof  
Ans. I have examined said document and I have no  
doubt of its genuineness. I know the signatures of Pio Pico  
and Jose Maria Covarrubias having seen them write and where  
they occur in said document they are to the best of my knowl-  
edge genuine

Question by Same. State what you know of the occupation  
and improvement of the lands claimed by in this case

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called "Sausal" by Jose Tiburcio Casteo or his family  
Ansona. In the year 1825 or 1826 I passed by Sausal  
Rancho and Jose Tiburcio Casteo was living there  
with his family. He then had on the Sausal a house  
which they occupied. Sausal Casteo continued to occupy  
it until his death which occurred since the  
year 1840. He left two children Jose Casteo and Fran-  
cesca the wife of Santiago Moreno. The latter lived  
upon it until it was sold by them about the year  
1852 to the present claimant.

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The house I first saw on the Sausal was of wood  
When I was last on the place in 1851 there was a  
large substantial adobe house on the Sausal which  
had the appearance of having been built some five  
or six years. Tiburcio Casteo had stock on it and  
while occupied by his daughter Francisca a portion  
of it was in cultivation and there was a stock of  
cattle on it. I have been there at several Rodeos or  
parting out of cattle given by the family on the Rancho  
Question by same. Look at the map or design now shown  
you marked R. T. No 2 and here with Texas and State  
which you know of the locations that delineates  
Ansona. When I gave judicial possession to Vicente  
Casteo of the Ranch on the Southwest formerly known  
as the Rancho Nacional I measured to the Sanjon  
near the place known as Smeto de Rodeo and  
marked on the map by the word Rodeo, then stopped  
respecting the Sanjon as the boundary between Sausal  
Ranch and the Sausal as delineated on said map  
I know there is a Ranch on the East of the Sausal  
and another to the North west called Nativa and one  
to west one called Rancho of Espinosas. The location  
of the house near the Councils is accurately laid down  
on the map and the Sausal represented by dotted lines  
is the cultivated Sausal. Ever since I knew the  
Ranch in 1825 or '26 it has been known and recognized  
as an old established Ranch.

Sworn to & subscribed before I signed  
me Nov. 3<sup>rd</sup> 1853

R. A. Thompson Com

Filed in office Nov. 3<sup>rd</sup> 1853

Geo. Fisher Secy

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Deposition of  
Jose Leasto

557

United States Land Commission

San Francisco Feb. 11. 1854

On this day before Commissioner Thompson Campbell  
came Jose Leasto a witness in behalf of claimant  
Jacob J. Seese - Case No. 557. who after being duly  
sworn deposed as follows his witness being inter-  
preted by the Secretary -

1<sup>st</sup> Quest. What is your name age and place of residence

Ans. My name is Jose Leasto. I am forty three years  
age and I reside in Monterey -

2<sup>nd</sup> Quest. Are you acquainted with the Rancho called "San  
Joaquin" claimed in this case and if so where is it  
situated -

Ans. I do know said Rancho. It is situated about  
eight leagues South of Monterey

3<sup>rd</sup> Quest. Have you ever seen the original grant from Jose  
Tebunco Leasto of which the traced  
copy filed in this case and certificate by the Survey  
& General purports to be a copy.

Ans. I have seen said grant. Jose Tebunco Leasto  
was my father. He died in the year 1840 and at the  
time of his death he was Prefect of the 1<sup>st</sup> District  
of California at Monterey. My father kept his own  
papers in a desk in the office of the Secretary of  
the Prefect. In the year 1841 I came from Mexico and  
went to Monterey to look for my father's papers but  
I could not find them. As the only male child  
heir used my diligence to find the papers of my  
father but never succeeded and in consequence of  
which I petitioned for a new title - In 1845 Governor  
Pedro Pico granted to me a new title which is now  
shown me marked A A No. 1 and filed in this case  
designating therein the boundaries of the Land

4<sup>th</sup> Quest. State if the Jose Leasto and the Francisco nam-  
ed in said grant from Pio Pico are the heirs of Jose  
Tebunco Leasto and the persons who executed the  
Commissary filed in this case -

Ans. The persons named in the interrogatory are the  
heirs of Jose Tebunco Leasto and I am the Jose Leasto  
whose name whose name appears to have been  
Francisco whose whose name also appears is my  
sister and Santiago Marino is my sister's husband  
and Modestia Leasto is my wife -

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9 Question. Among the lost papers of which you spoke was there a document of precedes papers, and if so state the boundaries and extent of the land of which precedes papers was given according to the lost document.

Ans. There was such a document I need say no more.

Question. Do you know whether there was any recognized boundaries and extent of the land granted by Figueroa.

Ans. The land granted by Figueroa was in extent one square league. There were recognized boundaries on the East it was bounded by the boundary line of the Rancho del "Abisol" on the North by the boundary line of the "Rancho de la Natividad" on the North West by the Rancho of Espinosus on the West by some small lakes which are near by. On the South by lanes of the Rancho formerly called Nacional. The quantity of land embraced within the boundaries which I have just described is one square league.

Question. Do you know the boundaries mentioned in the grant made by Governor Pico and if so state the quantity of land which they embrace.

Ans. I am acquainted with said boundaries. They contain two square leagues a little more or less.

Question. Explain if you please, how it happened that two leagues were granted by Gov Pico and only one by Figueroa.

Ans. I was the party to the last petition and asked for an addition of one league to the old grant.

Question. State all you know of your own knowledge of the nature and extent of the improvements made upon the land from the date of the first grant to this time.

Ans. In 1827 the land was granted provisionally to my father who immediately built houses upon it and began to live and a few years later he died which was in 1840. In the year 1834 in the payment of three thousand dollars which the Government owes my father, a grant in fee was made to him by Governor Figueroa, at the date of this grant. My father had four houses on the land and more than two thousand varas square enclosed and under cultivation he had also barrels and about five hundred head of cattle and a few sheep and quite a large number of horses. After my father died my sister continued to live on the Rancho until she sold it and I also had some servants on the place.

Questions by a special Land Agent

1<sup>st</sup> Quest. What was the extent of the Lanza which you sold to Mr Seese

Ans. We sold one square leagues

2<sup>nd</sup> Question Did you sell him the whole of the Lanza which you the grantor possessed under the name of "El Saucal" Ans. It seemed to me that we did

3<sup>rd</sup> Quest. Did you reserve to yourselves any portion of the tract which you had possessed under the name of El Saucal?

Ans. We did reserve a part, which reservation consists of the Addition made in Pio Pico's grant which was one square leagues

Sworn to and subscribed Jose Castro before me this 11<sup>th</sup> day of February

A. D. 1854 Thompson Campbell Com<sup>r</sup>

Filed in office Feb. 11. 1854 Geo. Fisher Secy United States of America. State of California sp. San Francisco July 10. 1854

Dep. of Pablo de la Guerra

This day personally came before Peter Tott Commissioner for taking testimony to be used before the U. S Land Commission in said State Pablo de la Guerra a Mexican citizen on behalf of Claimant in case 557. wherein Jacob P Seese is the Claimant, and said Mexican being duly sworn on oath deposed in English as follows Questions by Claimant's Counsel

1<sup>st</sup> Quest. What is your Name Age and Residence

Ans. My Name is Pablo de la Guerra my age 34 years my residence Santa Barbara California

2<sup>nd</sup> Question. State what you know of the marriage of Jacob P Seese the Claimant in this case

Ans. I was present at the marriage of Jacob P Seese It was in the month of April 1837 at Sonoma in this State. He was married to Maria Rosalia Vallejo by Padre Quijos. I have known him ever since and he still lives with her as his wife, they have several children the fruit of said marriage

Sworn to and subscribed Pablo de la Guerra before me on this 10<sup>th</sup> day of July 1854 Peter Tott Commissioner

Filed in office July 10. 1854

Geo. Fisher Secy

11 1. S. D. R. Numero 219) José Ygueroa Genl. de Brigada de los Ejercitos Nacionales Mexicanos Comdt. Genl. Inspect. y Jefe sup. Politico de la Alta California. Por cuanto D. José Tiburcio Basto Mexicano p. nacimiento ha pretendido para su beneficio personal y el de su familia el Terreno conocido con el nombre del Causal colindante con los Ranchos Nacionales Eligal y Natividad. practicadas previamente las diligencias y averiguaciones conseruien segun lo dispuesto por Leyes y Reglamentos usando de las facultades q. me son conferidas y de conformidad con el acuerdo de la Coma Diputacion Territorial del dia treinta y una de Julio ultimo aprobando la concesion del citado Terreno del Causal hecha en Decreto de veinte y seis del mismo mes al referido D. José Tiburcio Basto a nombre de la Nacion Mexicana he venido en conferirle el Terreno mencionado declarandole la propiedad de el por las presentes letras y sujeto a las condiciones siguientes. 1.ª Que se sometera a la que estableciere el Reglamto. q. 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 q. se le adjudica: imponer censos, vinculo piaz a hipoteca ni otro gravamen aunque sea por caso o suado o ni pasarlo a manos muertas. 2.ª Podra cercarlo sin perjudicar las travecias caminos y servidumbres. lo disputara libre y exclusivamente destinandolo al uso o cultivo q. mas le acomode; pero dentro de un año a lo mas fabricara casa y estara habitada. 3.ª Solicitara del Juez respectivo q. le de posesion juridica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mojoneras algunos arboles frutales o olivales de alguna utilidad. 4.ª El terreno de q. se hace mencion es de un sitio de ganado mayor q. se le señalo segun esplica el disenõ q. corre en el espedto. El juez que diere la posesion lo hara medir conforme a Ordenanza quedando el sobrante que resulte

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à la Nation para los usos convenientes. Si  
 contraviniere à estas condiciones perderà su  
 2. S. D. R. derecho al terreno y será denunciabile por otro

En consecuencia mando que teniendo  
 por firme y valedero este título se tome razon  
 de el en el libro à q. corresponde y se entregue  
 al interesado para su resguardo y demas fines.  
 Dado en Monterey @ 2 de Agosto de 1834.  
 José Segueros Agustín Q. Zamorana

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Queda tomada razon de este Título sobre  
 adjudicacion de Terrenos à fojas cuarenta  
 y siete numero cuarenta y cinco q. obra en  
 la secretaria de mi cargo. En Monterey  
 à cinco de Agosto de mil ochocientos treinta  
 y cuatro.

Zamorana

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 Control a  
 portion of the Archives of the former Spanish  
 and Mexican Territory or Department of  
 Upper California, do hereby Certify that  
 the foregoing two and hereunto annexed pa-  
 ges of tracing paper numbered one and two  
 and each of which is verified by my initials  
 (S. D. K.) exhibit true and accurate copi-  
 es of two of the pages of an Unbound book  
 intitled "Títulos" on file and forming part of  
 the said Archives in this Office.

In Testimony whereof I have  
 hereunto signed my name Officially and  
 affixed my private Seal (not having a Seal  
 of Office) at the City of San Francisco Cal. the  
 twentieth day of February, A. D. 1852

Sam. D. King Survey. Gen. Cal.  
 Sealed in Office Feby 5<sup>th</sup> 1853  
 Geo. Fisher Secy.

13.  
Grant

Number 49. Jose Figueroa General of Brigades of the National Mexican Armies Commander General Inspector and Superior Chief of Upper California Whereas Don Jose Teodoro Bustos a Mexican by birth has solicited for his personal benefit and that of his family the Land known by the name of "Sanciel" bordering with the National Rancho Alisal and Natividad having previously taken the necessary steps and information concerning what is decreed by the Laws and Regulations, using the faculties in me vested, in conformity with the decree of the Most Excellent Jurisdictional Department of the Thirty first of July last approving the conception of said Land of Sanciel, made a decree of the twenty sixth of same month to the said Don Jose Teodoro Bustos in the name of the Mexican Nation I grant him the mentioned Land declaring it to be his property by these present letters and subject to the following conditions.

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1<sup>st</sup> That he shall be subject to the regulations that will be furnished for the distribution of the vacant Lands and that one and while within the grantee or his heirs shall divide or transfer the Land that is here decreed to him nor impose any tax or bond hypothecate or any other burden upon it for a period of years nor to pay it into mortmain

2<sup>nd</sup> He shall be at liberty to fence it without prejudice paths roads and servitudes he shall enjoy it freely and exclusively designating it to the use or cultivation that may best suit him best within one year at least he shall build a house that will be inhospitable

3<sup>rd</sup> He shall solicit the respective Judge to give him judicial possession in virtue of this patent by whom the boundaries will be designated placing at corners besides the land marks some fruit trees or vines ones of some utility

4<sup>th</sup> The Land of which mention is made is of one sitio of "ganado Mayor" that is designated in the map attached to the Expediente. The Judge who will give the possession will have it measured according to the range leaving the surplus that may result to the Nation for its convenient use

5<sup>th</sup> If he continues to these conditions, he shall lose the right to the Land that will be denounceable by another,

Consequently I order that holding this title for form and value it may be recorded in the corresponding book and delivered to the interested party for his safety and other ends.

Given at Monterey on the second of August Eighteen hundred and thirty four

José Figueroa (Signed) Augustin T. Samorano  
Secy

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This title of a dedication of lands is recorded on the page 47 with the number forty five. Existing in the Secretaryship under my charge Monterey August Tenth Eighteen hundred and thirty four  
(Signed) Samorano

Filed in office July 5<sup>th</sup> 1853

Geo. Fisher Secy

15-

Ri Rico Gobernador interino del Departamento  
de las Californias

Por cuanto el Sr. Yernente Coronel del  
Ejercito D<sup>no</sup> José Basto y su hermana D<sup>na</sup> Ori-  
brucia, han hecho constar que son dueños y proce-  
dores por sucesion legal, del terreno conocido con  
el nombre del Cauzal y fin de la pertenencia  
del Sr. D<sup>no</sup> José Teodoro Basto su finado Pa-  
dre que los documentos que favorecian a este  
señor han padecido estavio y pretendido de nue-  
vo para sus beneficios personales y los de sus  
familias la propiedad de dicho terreno; pra-  
ticadas previamente las averiguaciones consu-  
mentes usando de las facultades que me son  
conferidas a nombre de la Nacion Mexicana  
en decreto de este dia he venido en concederles  
el expresado terreno del Cauzal declarandole  
de nuevo la propiedad de el por las presentes  
letras, entendiendose esta de entera confor-  
midad con lo dispuesto por las leyes y regla-  
mentos de la materia a reserva de la apro-  
bacion de la Ex<sup>ma</sup> Asamblea Departamen-  
tal y bajo las condiciones siguientes.

1<sup>a</sup> El terreno de que se les hace donacion es  
de la estension de dos sitios de Ganado mayor  
procomas o menores y sus linderos son: Al Norte  
con el Rancho de la Natividad, al Sur con  
el Sanjon del Aliso, al Este con el Alisal  
y al Oeste con la Loma del Rodes rancho  
de los Espinosas y Cauzal de los Gatos  
como lo espresa el diseño que obra en el espe-  
diente. 2<sup>a</sup> Lo disputara libre y esclusiva-  
mente destinandolo al uso y cultivo que mas  
les acomode. 3<sup>a</sup> Solicitaran del juez res-  
pectivo los de la posesion juridica en virtud  
de este despacho por el cual se demarcaran  
los linderos mandando poner las mojoneras  
necesarias.

En consecuencia mando  
que sirviendoles el presente de titulo se tenga  
por firme y Valido, se tome razon de el en  
el libro respectivo, y se entregue a los interesados  
para su resguardo y demas fines. Dado en

Doc. H. H.  
H of am &  
to the Dep.  
of the Abigo

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16.

la ciudad de los Angeles @ 10 de Agosto de  
mil ochocientos cuarenta y cinco.

Pio Pico # José M<sup>a</sup> Covarrubias

Filed in Office March 23<sup>rd</sup> 1853

Geo: Fisher Secy.

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S

11

17  
Translation of  
Grant

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PAGE 18

Pío Pico Governor ad interim of the Californias  
 Whereas the Lieutenant Colonel of the Army Don Jose  
 Castro and his sister Dona Francisca have proved that  
 they are Quins and Pospas by legal inheritance of the  
 Land known by the name of Saesal, the property of  
 Don Jose Teodoro Castro, their deceased father. That  
 the documents in favor of said deceased have been  
 lost and having solicited a new for personal benefit  
 and that of their families the Ownership of said Land  
 having previously taken the necessary information using  
 the facilities conferred upon me, in the name of the  
 Mexican Nation, in a decree of this day I hereby grant  
 the Express Land Saesal declaring it anew to them  
 to be their property by these present letters, understanding this  
 to be in entire conformity with what is decreed  
 by the Laws and Regulations upon this matter, subject  
 to the approval of the Most Excellent Departmental  
 Assembly and under the following Conditions

1<sup>o</sup> The Land of which donation is made to them is  
 of two Sitios of ganado Mayor a little more or less  
 and the boundaries are on the North bounded by  
 the Rancho of La Valenciana, on the South by the  
 Sanjon del Aliso on the East by the Alisal and on the  
 West by the Mountain of Rodero. Rancho of the  
 Esponosas and Saesal de los Gatos as it is expressed  
 in the Plat attached to the Expediente

2<sup>o</sup> They shall enjoy it freely and Exclusively destining  
 it to the use or Cultivation that may best suit them

3<sup>o</sup> They shall solicit the respective Viceroy to give  
 them the deed of Pospas in virtue of this Patent by  
 which the Land shall be designated and  
 in giving the necessary Land Marks to be put  
 consequently I do Order that having the present for  
 a title it may be held firm and valid, it may  
 be recorded in the respective book and delivered  
 to the interested parties for their safety and other may  
 given at the City of Los Angeles on the tenth of  
 August Express signed and duly given  
 (Signed) Pío Pico  
 (Signed) Jose Maria Llaneras  
 Secretary

Being Doc. 14 No 11 Annexed to the Deposition of  
 Jose Abrego taken before Don Silvano Gall of the  
 in office March 23<sup>o</sup> / 53  
 Geo. Fisher Secy

18

N. 557.  
Jacob P. Lusi  
Sausal

Exhibit no 2. R. T. annexed  
to dep. of Land Office Nov.  
3, 1853.

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Filed in Office Nov. 3, 1853  
Geo. Fisher

Surv.



19

Conveyance

This Indenture made and entered into at Monterey City, State of California this twenty second day of July A.D. One thousand Eight hundred and fifty two between Jose Antonio Castro and Modesta his wife and Santiago Moreno and Maria de la Cruz Francisca his wife of the first part and Rosalia Valles de Seeso of the second part all of Monterey City aforesaid Witnesses that the said parties of the first part for and in consideration of the sum of four thousand dollars to them in hand paid by the said party of the second part the receipt whereof is hereby acknowledged and each of them hath by these presents do and each of them doth grant bargain sell and convey unto the said party of the second part all their and each of their right title estate interest claims and demands at Law and in Equity in possession or Expectancy of in and to a certain Rancho or Town or tract of Land situated in Monterey County State aforesaid on the Valley of the Salinas and known by the name of the Navesal Rancho, the same being bounded by the following Ranchos or Farms Viz "La Navesal" "Navesal" and Rancho Nacional together with all the rights privileges and appurtenances to the said Rancho Farm or tract of Land hereby conveyed or to be lette or Deed of Grant or other and all evidence of title and possession thereof belonging or in any manner appertaining which said Rancho Farm or tract of Land was originally granted by the Mexican Government in or about the year 1834 to Jose Tiburcio Castro and said grant was approved by the Territorial Department of California. And the said Jose Tiburcio Castro died in or about the year 1841 leaving a will in which he bequeathed to his son and daughter the said Jose Antonio Castro and the said Maria de la Cruz Francisca (wife of said Santiago Moreno) parties hereto, the property consisting of the Rancho Farm or tract of Land hereby conveyed which said will has been duly recorded in the Office of the Recorder of Monterey County in Book 11111 page 1 (one) so that he and to hold said Rancho or Farm "Navesal" with all improvements thereon and its rights privileges and appurtenances unto the said Rosalia Valles de Seeso party of the second part he has and assigns power. And the Original title or Deed of grant acts of

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PAGE 21

possession (judicial and other evidences of title having been lost destroyed) and the parties of the first part severally and jointly covenant and agree that they have full right and lawful authority to sell and absolutely dispose of the property hereby conveyed that the same is free from all encumbrances of any nature or kind whatever; and that they any or either of them will at all times warrant and defend the title of the said Rancho or Farm hereby conveyed unto the said Rosalejo Vallejo de Lese for here and against the lawful claims or demands of all or any person or persons claiming or to claim by from through upon or in trust for them or any or either of them their or any or either of their heirs Executors or Administrators

In testimony whereof the said parties of the first part have hereunto set their hands and seals the day and year first aforesaid -  
Jose Castro  
Modestia Castro  
Santiago Moreno  
Mare de la Cruz Francisco Castro  
Wm Johnson  
Meyar Smith

Seal  
Seal  
Seal  
Seal

State of California  
County of Monterey  
A.D. 1852 before me Richard  
in and for said County personally came Jose Castro  
and Modestia his wife and Santiago Moreno and  
Mare de la Cruz Francisco his wife to me severally  
known to be the same persons described in and who  
as Grantors thereof executed in my presence the foregoing  
Instrument and they severally acknowledged to have  
executed the same freely and voluntarily and for the  
uses and purposes therein expressed and the said  
Modestia wife of the said Castro and Mare de la  
Cruz Francisco having having heard the same recite  
over to them and being acquainted fully with the contents  
thereof were by me examined apart from and out of  
the hearing of their said husbands touching their  
consent thereto whom they severally acknowledged that  
they have executed the same freely and voluntarily  
and without being under the control or influence of  
their or either of their husbands and did not desire  
to retract the execution thereof. Witness my hand &  
official seal the day and year last aforesaid  
Wm Johnson Recorder of Monterey County

Filed in office  
Feb 5th 1853  
Geo. Fisher  
Secy

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(Conclusion of opinion)

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PAGE 22

The title acquired by the wife in this case was by purchase and not by gift, bequest devise or descent, and being so acquired during coverture was common property and subject to the rules of the State applicable to such property. Title depends on the local Law under which it has its existence for its scope and its characteristics. Under this Law in California, the title acquired by the conveyance to the wife was as much the property of the husband as of the wife, and in respect to the power of managing it and disposing of it during coverture his power was both absolute and exclusive of the wife. It was as much his property under the Law as if the deed had been made to him. If the deed had been made to him the property conveyed would have been as much her property as if made to the wife. Such is the title as made by the Law and as such we must recognize it. The husband has a fixed legal interest in his own land under the terms of the Statute which I regard as sufficient to enable him to seek a decree of Confirmation in his own name. The title acquired under such Confirmation will ex instante facti fall under the provisions of the Statute and become common property, not his alone but that of himself and wife with the incidents attached to it by the Law. The wife cannot be injured by a Confirmation to the husband, for the Law at once accedes to her the interest which belongs to her, the same Law would accede the right of the husband if a Confirmation in should be made to the wife. The title of each would seem to be sufficient to warrant a Confirmation to either; and a title to either would fully secure the interest of the other. No need the two join in the petition for a Confirmation. They are in no sense joint tenants, nor are they tenants in common, a Confirmation to One is Ex Necessitate a relinquishment of the interest of the United States to the legal Owners under the deed of Conveyance made to the wife. Under the peculiar characteristics of this property as defined by the local law applicable to the case, I can see no objection to the application made in the name of the husband alone or to a Confirmation to him. The Law appropriates the interest conveyed by a deed of Confirmation to the parties really in interest according

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To their respective rights  
A decree of Confirmation will accordingly be made

Confirmed

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PAGE 23

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557

Jacob P Leese

<sup>vs</sup>  
The United States

For the place called Suisal  
in Monterey County containing  
two square leagues of land

Opinion

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PAGE 24

By the Original and amended petitions filed in this case it appears that the petitioner bases his claim on a conveyance made to Rosalea Vallejo de Leese his wife by Jose Castro and wife and Santiago Moreno and wife on the 23<sup>rd</sup> day of July 1852. The title conveyed by this Deed is alleged to have been derived by said Jose Castro and the wife of Saca Moreno from their father Jose Felencio Castro under his last will & Testament. His title was derived from the Government under a grant made to him by Governor Figueroa. It is also claimed that after the death of their father his grant from Figueroa was mistaken or lost and his two children above named applied to Governor Pico and obtained a new grant directly to themselves. A true copy of the grant made by Governor Figueroa to Saca Jose Felencio Castro from the book of Titles in the Archives in the Secretary General's Office is given in evidence. It bears the date of August 2<sup>nd</sup> 1834. The testimony shows that Saca Jose Felencio Castro died in 1840 or 1841 leaving two children Jose Castro and Francisca who afterwards married Santiago Moreno. The petitioner has also filed in the case the grant made to Saca Jose and Francisca by Governor Pio Pico, the genuineness of which is authenticated by proof. It is dated August 10 1845 and recites the existence of the former grant to their father and their right by inheritance to the land. The depositions of the witnesses show that Felencio Castro lived on the premises as early as 1826 with his family and continued to reside there and to cultivate the land until his death. The occupation and cultivation were continued by his children above named after his death until their sale to the wife of the present claimant. The two grants above mentioned do not agree in the quantity of land granted. That to Jose Felencio Castro is for one square league which was to be segregated by judicial measurement and there is no proof in the case that such measurement was ever officially made. The grant made by Pico is of two square leagues of land a little more or less

giving with much particularity of description the boundaries by which it is encompassed and reserving no couples or Sobrante. This is clearly a grant by metes and bounds and concedes the entire premises within the specified limits. It is of no importance now to enquire why the Governor should give to one by the last grant more land than there was embraced in the first; the Deputy was one entirely within the limits of his discretion, and this discretion must be presumed to have been properly exercised. The last grant seems subject to no valid objection and must be regarded as valid. The description of the land granted is clear and explicit and the testimony of witnesses shows the object called for in the grant as boundaries are well known and their location such as the description indicates. The grantees Jose Castro and his sister Francesca must then accept this grant and the proofs of the performance of the Conditions be regarded as the Crown of the land therein described and therefore competent to convey the same by their deed to the wife of the petitioner. It remains to enquire whether under the conveyance of the title to his wife the petitioner is entitled to a decree of Consummation in his own name. The Statutes of California as to the property of husband and wife and the rights of each therein are peculiar. By the Act defining the rights of husband and wife passed April 17, 1850 all property real or personal owned by either at the time of the marriage shall be and remain the separate property of such owner; and the same rule applies to all property acquired by either after the marriage by gift bequest, devise or descent. The second section of said Act provides that all property acquired after the marriage by either husband or wife except such as may be acquired by gift bequest devise or descent shall be common property and by the 9th section the husband shall have the entire management and control of the common property with the like absolute power of disposition as by his own separate estate. Subsequent provisions abolish all tenures by the courtesy and all right of dower and provide for the final distribution of the common property upon the dissolution of the community by the death of either husband or wife or their divorce

See page 21  
for balance of this  
opinion

Nicolas P. Seese  
vs  
The United States

Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid and it is therefore decreed that the same be confirmed.

The Land of which confirmation is hereby made is situated in Monterey County and is known by the name of Sausal and was formerly occupied by Tiburcio Castro, and is bounded and described as follows, to wit: On the North bounded by the Rancho of La Natividad; on the North bounded by the Rancho of La Natividad; on the South by the Sanjon del Aliso; on the East by the Alisal and on the West by the Mountain of Rodeo, Rancho of the Espinosas and Sausal de los Catas, containing two square leagues of land be the same more or less and being the same land described in a grant of the same made by Governor Pio Pico to Jose Castro and his sister Francisca on the 10th of August 1845 which is filed in this case.

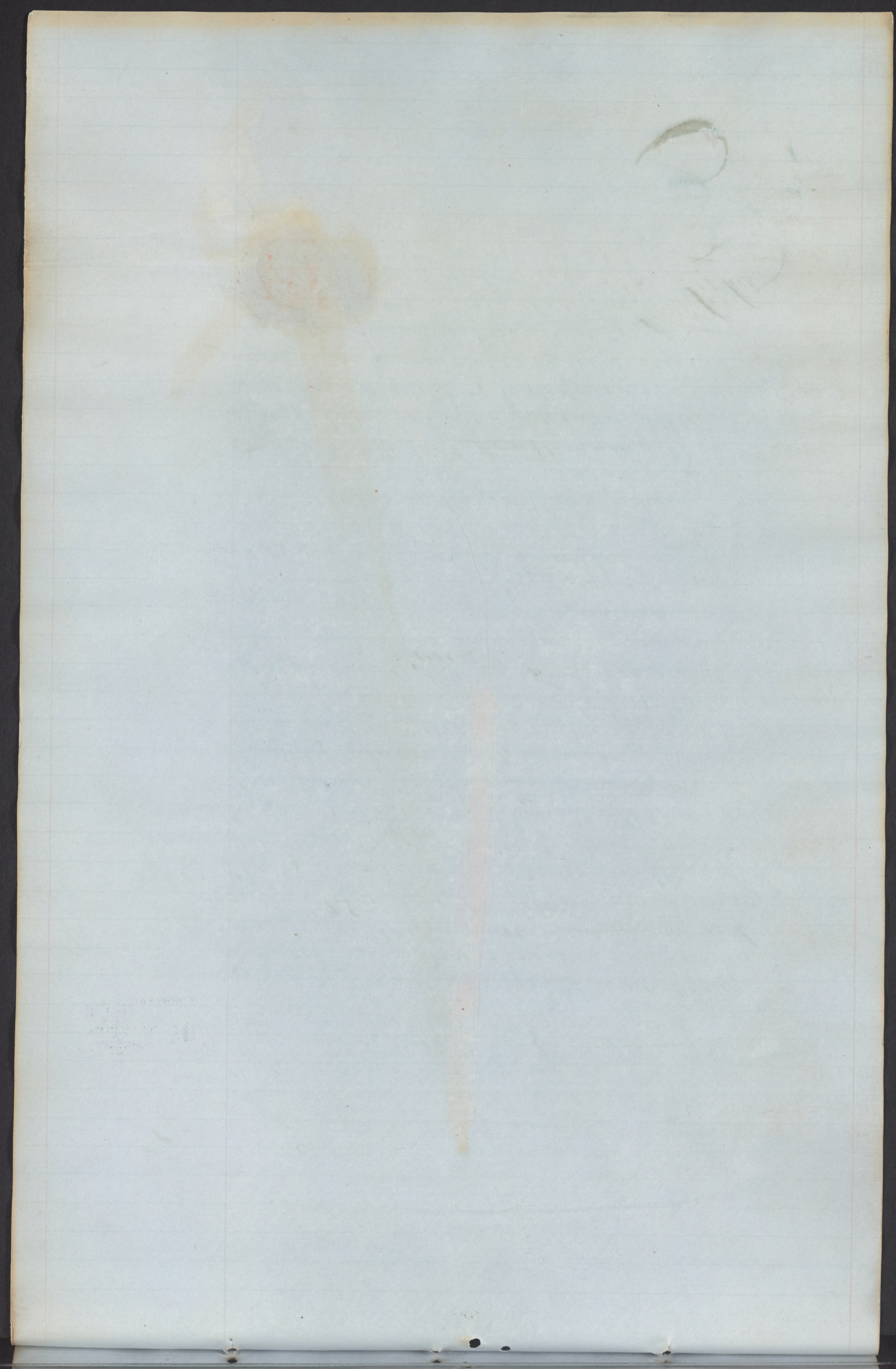
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PAGE 26

Alpheus Felch  
A. A. Thompson  
S. B. Jewell

Commissioner

Taken in office Aug 15. 1854 Geo. Fisher  
Secy

And it appearing to the satisfaction of this Board that the land hereby adjudged 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.


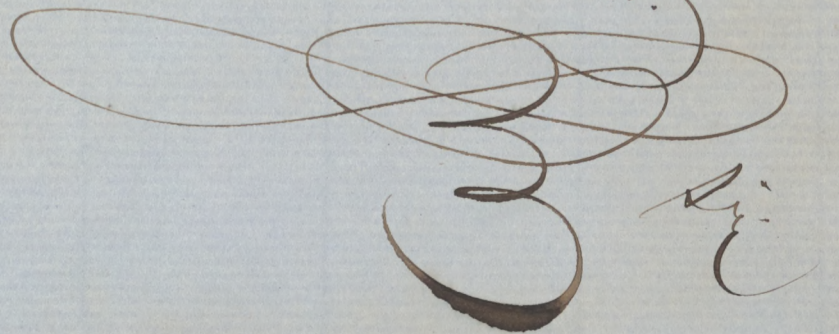
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I, *George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Twenty five* pages, numbered from  
1 to *25*, both inclusive, to contain a true, correct and full Tran-  
script 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. *5-57* on the Docket of the said Board,  
wherewith *Jacob P. Leese* is

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

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

*G. Fisher.*





190

U. S. District Court.  
Southern District of California

No. 190. *Loek*  
The United States.

vs.  
190

Jacob P. Loek,  
"Lausal."

Transcript of the Record  
from the  
Board of U. S. Land Commissioners  
In Case No. 557.

Filed Dec. 19<sup>th</sup> 1854.  
C. C. Cook.  
clerk.

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Office of the Attorney General of the United States,

Washington, 11<sup>th</sup> September 1854.

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Jacob P. Seese

or.

The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30<sup>th</sup> day of June 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

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No. Transcript on  
file - at the date of this  
Notice

Jacob P. Leise

or  
N.D.

Filed Nov 7<sup>th</sup> 1834.

G. E. Jarvis  
Clerk.

Office of the Attorney General of the United States,

Washington, 7<sup>th</sup> March 1855.

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PAGE 30

Jacob P. Luce (

vs.

The United States. )

557.

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 30<sup>th</sup> day of December 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clarking

Attorney General.

No 190

U.S.D. Court S.D.

United States

vs.

Jacob P. Luce

Appeal Notice.

Filed April 2<sup>nd</sup> 1858.

B. E. Larn.  
clerk.

Office of the Attorney General of the United States,

Washington, 7<sup>th</sup> March 1855.

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Jacob P. Lure

vs.

The United States.

} 557.

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 30<sup>th</sup> day of December 1854, the appeal in the district court of the United States for the ~~Southern~~ district of California will be prosecuted by the United States.

*Robert*

Attorney General.

e. s.

No 190

U. S. D. Court S. Dist.

The United States

vs.  
Jacob P. Luse

Appeal notice.

Filed May 11<sup>th</sup> 1855.

J. E. Jan.  
Clerk.



*Jacob P. Leese, app.*

*vs*  
*The United States, app.*

Docket No. 190.

Transcript No. 557.

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

The Petitioner of **Pacificus Ord**, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 5<sup>th</sup> day of July A. D. 1853, & July 12<sup>th</sup> A. D. 1854, *Jacob P. Leese*

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *Rancho Sausal* situate in the County of *Monterey* — State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 15<sup>th</sup> day of August A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 19<sup>th</sup> day of December A. D. 1854, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 557; reference to which it is prayed may be had and made part of this petition. That on or about the 31<sup>st</sup> day of December A. D. 1854, the Honorable *Caleb Cushing*, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and



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

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And no sufficient proof having been made of the allegations in said pe-  
tition to said Commissioners, or in support of the said claim, no decision con-  
firming the same should have been made by said Commissioners; but the

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

Wherefore, the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the same, and decree the alleged title to be invalid: with costs and general relief.

*P. Ord*

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

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No 190.

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

Jacob F. Reese,  
appx

ads.

The United States,  
applt.

Petition for Review.

Filed Nov 8. 1835.

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P. Ord. Wright.

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

TO

The President of the United States,

*Jacob P. Leese.*

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GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *8th* day of *November* in the year of our Lord one thousand eight hundred and fifty-five at the City and County of Los Angeles, in said District, by

*P. Ord U.S. Atty. praying the Court to review the decision of the U. S. Land Commissioners confirming your claim to the Rancho called "Sausal" on or about the 15<sup>th</sup> of August 1854, & which was appealed to this Court by the United States Atty Gen. on the 21<sup>st</sup> of April 1855.*

and that you, ~~and each of you~~, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, ~~and each of you~~, and the prayer of the said petitioner will be granted, with costs. *The plff will apply to the Court for the relief demanded therein.*

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *ninth* day of *November* in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

*J. E. Fox*  
Clerk.

No 190.

Marshalls Cost  
Actual Searching  
Expenses - 15.50  
Copy sum - 60  
Travelling Exp - 6.00  
\$ 761.60

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

Jacob P. Lease, appellee

vs.

The United States, appellee.

SUMMONS.

Dated Nov 9<sup>th</sup> 1857

Carroll Hunter  
U. S. Marshal

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PAGE 39

I served this summons along with the proper copy of the petition upon *Jacob P Lease* by delivering to him personally, a true copy of the original summons in the County of Monterey at his Residence (Parish) in the Southern District of California on the 29<sup>th</sup> day of November A. D. 1857.

Sworn to and subscribed before me, *Thos 10<sup>th</sup>*  
*of Dec 1857* } *W. Jones* Clerk

*E Hunter*  
U. S. Marshal.  
Per J. C. Mayes  
Dept

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

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No 190

Jacob Pleese

vs

The United States

In this case it being  
suggested by the appellers counsel  
that the transcript of the record from  
the Land Commission is imperfect  
it is ordered by the Court the District  
Attorney being notified and consenting  
thereto that the said transcript be  
returned to the Secretary of the  
said Commission by the Clerk of  
this Court that the transcript be  
amended by ~~the~~ or that a copy of  
the map referred to ~~in~~ the deposition  
of David Spencer and marked R. I. No  
2 be added to the transcript and  
transmitted to this Court

No 190

U.S. Dist Ct S Dist.

J P Leese

vs

The United States

Order to return  
Record to land  
Commissioner

Filed Dec 31<sup>st</sup> 1835.

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W Thomas  
atly for appellee

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

Jacob P Luse

vs

N. 190

The United States

The appellee comes  
and moves the court to order the  
Clerk to send the transcript in  
this case back to the Secretary  
of the Board of Land Commissioners  
that the said transcript may be  
made complete by adding  
to said transcript the original  
map of the land claimed by  
said appellee in this case  
which is marked R T No 2 and  
referred to in the deposition of  
David Spence

A. Thomas

Atty for Appellee

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No 190

U.S. District Court

J. P. Leese appellant

vs

The United States appellee

Filed Dec 31<sup>st</sup> 1855.  
J. E. Witt

Motion to perfect the  
transcript in this  
case

A Thomas  
Atty for Appellee

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

190 SD  
PAGE 44

No 190

Jacob P Leese Appellee

vs

The United States Appellants

The respondent for  
answer to the petition filed in this  
Case says

It is true that the  
land mentioned in said petition  
and in said transcript of the pro-  
ceedings before said Board of  
Commissioners lies in the Southern  
District of California and within  
the jurisdiction of this Court

But the respondent denies that  
the title to the said land is in-  
valid and avers that the same  
is valid and prays that the decision  
of said Board be affirmed and  
his title decreed to be valid

Los Angeles  
Dec 31<sup>st</sup> 1858

A Thomas  
Atty for Appellee

No 190

U.S. District Court South Dist

Jacob P Leese appdx

vs

The United States appdx

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Answer PAGE 45

Filed Aug 4<sup>th</sup> 1886.

C. S. Law

~~Amended~~ perfect

Jadint received  
of the within answer  
a copy of which I  
have received

Aug 7 1886 S. P. M.

U.S. attorney

A Thomas  
atly for appdx

The clerk will not make  
out a certified copy of this  
answer a copy having been  
served upon Pord U.S atly  
A Thomas  
atly for appdx

No. 190

In the United States  
District Court for  
the Southern District  
of California  
December Term 1858

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The United States, Appellants

vs  
Jacob P. Leese, Appellee.

This Cause  
coming on for hearing before the United  
States, District, on the 18<sup>th</sup> day of  
December 1858 at a regular term of said  
Court, on an appeal from a decision  
of the United States Commissioners  
appointed under the act of Congress  
of March 3<sup>d</sup>, A. D. 1851, to ascertain  
settle and adjust land titles in the  
State of California, on the records  
and transcript of the proceedings of  
said Commissioners in said Cause  
and the pleadings and papers in Court  
filed therein, Counsel for the  
Appellants and appellee having  
been heard, it is adjudged, and  
decreed, that, the title of said  
appellee is valid, and the same  
is hereby confirmed.

It is further ordered, adjudged and  
decreed, that, the decision of said  
Commissioners is in all things affirmed.

It is further ordered, adjudged  
and decreed, that, the lands of which  
confirmation is hereby made is situated  
in the County of Monterey in said  
District, known by the name of Sausal  
and was formerly occupied by  
Tiburcio Castro, and is bounded  
and described as follows to wit:  
On the north by the Rancho la

Natividad, on the South by the  
Sanjon del Aiso; on the East  
by the Alisal, and on the West  
by the Mountain of Rodeo, Rancho  
of the Espinosas, and Sausal de  
Las Gatos; containing two square  
leagues of land be the same more  
or less, but not to exceed in any  
case, more than seven square  
leagues, and being the same  
lands, described in a grant of  
the same made by Governor Pio  
Pico to Jose Castro and his sister  
Francesca, on the tenth of August,  
A. D. 1845, which is on file in the case

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PAGE 47

~~James M. Ogden~~  
H. S. Both these  
for the A. D. 1845

No 190

Jacob Ruse  
appellum

Deere

~~From Helga 1854~~  
Filia Dec 18<sup>th</sup> 1854  
~~Dec 18<sup>th</sup> 1854~~

Dec 18 ofius  
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Recorded in page 98-9

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California Land Claims.  
Attorney General's Office  
15 Febr'y 1857

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Mr.

In the case of the claim of  
Jacob P. Leese, confirmed to the  
claimant by the Commissioners,  
Case no. five hundred and fifty  
seven, (557), appeal will not be  
prosecuted by the United States.

I am,

Respectfully,  
Cushing

William M. Egan  
U. S. Attorney  
Los Angeles.

No. 190.

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Filed 4. March 1858,  
J. Sims Clerk,  
for W. W. Stetson,  
Deputy

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