CASE NO.
210

SOUTHERN DISTRICT

EL PIOJO GRANT

THE HEIRS OF JOAQUIN SOTO

CLAIMANT

552

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 552.

The Heirs of Joaquin Soto CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"El Rojo"

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

The Petition of The Heirs of Joaquin Soto, *for the Place named* "El Piojo." *was presented, and ordered to be filed and docketed with No.* 552 *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 February 5th 1853.

In Case No. 552, Joaquin Soto for the place named "El Piojo", the deposition of Wm. E. P. Hartnell, a witness in behalf of the Claimant, taken before Commissioner Commissioner Helena Hall, with document marked H. H. No. 1. annexed thereto, was filed:

(Vide page 4 of this Transcript.)

San Francisco Sept. 23d 1853.

Case No. 552, on motion of the Counsel for the Claimant, was ordered to the foot of the Docket.

San Francisco, Nov. 4 1853.

In the Same Case the deposition of Feliciano Soberanes, a witness in behalf of the Claimants, taken before Commissioner R. Ang. Thompson, was filed;

(Vide page 5 of this Transcript.)

San Francisco Aug. 4 1854.

In the Same Case the deposition of Manuel Castro, a witness in behalf of the Claimants, taken before Commissioner Peter Tott, was filed:

(Vide page 6 of this Transcript.)

San Francisco Aug. 8 1854.

In the same Case, on motion of the Counsel for the Claimants, the following order was made, to wit:

(Vide page 23 of this Transcript.)

San Francisco Sept. 19 1854.

Case no. 552 was submitted without argument.

San Francisco, Sept. 26 1854.

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

(Vide page 25 of this Transcript.)

And the following order was made, to wit:

(Vide page 28 of this Transcript.)

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Petition

To the Honorable Commissioners to Settle Private Land Claims in California

The petitioners Carmen Castro de Soto widow, and Bernardo Soto, Refugio Soto Jose Maria Soto Laguna Soto Teresa Soto Pedro Soto Barbara Soto Josefa, Soto and Augustin Soto children of Joaquin Soto deceased respectfully represent; That on the 20th day of August A D 1842 Juan B Alvarado Governor of California by virtue of authority in him vested granted to the said Joaquin Soto the tract of land called El Pozo in the present County of Monterey, containing three square leagues of land with the boundaries described in the grant and corresponding map in the Expediente; which original grant and certified copy of map are submitted herewith marked "A" with a translation marked "B"

That the said Joaquin Soto died in 1852 leaving the petitioners his widow and legitimate children

That the petitioners and the said Soto have been since the date of said grant, and that the petitioners now are in the quiet and peaceable possession of the said tract of land and know of no conflicting claims

That they rely for confirmation of title upon the grant and map submitted herewith upon the records in the archives of the former Government and upon such other and further proofs as they may be advised are necessary

Wherefore they pray the Commissioners to confirm to them the aforesaid tract of land

By their Attys

Hallock Peachy and Billings

Filed in office Feby 5th 1853

Geo. Fisher
Secy

Recorded in Vol 1 of Petitions on page 526

Geo. Fisher Secy

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Deposition of
W. E. P. Hartnell

San Francisco Feby 5th 1853
On this day before Wm Heland Hall came W. E. P. Hartnell a witness in behalf of the claimants Heirs of Joaquin Soto No. 552 and was duly sworn his evidence being given in English
The U. S. Apointe Law Agent was present

In answer to questions by Counsel for the claimants the witness testifies as follows

My name is W. E. P. Hartnell my age is fifty years I live in Monterey and have lived in California 30 years

I am acquainted with the signatures of Juan B Alvarado, Manuel Jimeno, Jose Ramon Estrada and Jose Maria Castillero, their signatures to the paper before me Marked H & H No 1, and filed herewith are their true signatures I know the Rancho called "El Paso" described in this paper; It was occupied by Joaquin Soto since about the date of this grant until his death, and since by his Widow and Children – He died about three months ago. He had a house and stock on his Rancho and lived there with his family –

W. E. P. Hartnell

Sworn and subscribed
Before me
Helama Hall
Com.

Filed in Office Feby 5. 1853
Geo. Fisher Secy

Recorded in Ev. B Vol 2 p 541
Geo. Fisher
Secy

Case No. 552
Deposition of
Felcno Sobranes

Office of the Board of Commissioners &c &c
This day before Com. R. Aug Thompson Came
Feliciano Soberanes a witness in behalf of the heirs
of Joaquin Soto No. 552 who after being duly sworn
deposed as follows
Testimony in behalf of Claimant - Present A. C.
Mullock Esq Counsel for Claimants -
R Greenhow Assd Law Agent
Witness states his age to be Sixty five years his
name Feliciano Soberanes and residence in Calif
Onea all his life -
Question by Claimants Attorney - Do you know the
Rancho called El Pinjo claimed in this case by
the heirs of Joaquin Soto, if so, State where it is
situated and all you know in relation to its
Occupation and improvements -
Answer. I know said Rancho. It is situated about
five or six miles from the Mission of San Antonio
to the South ward and in the County of Monterey -
It was first Occupied by Joaquin Soto about the
year 1842 or 1843. Witness cannot recollect which
he then built a house on the Land and went there
to live with his Family, and resided there until his
death which took place six or seven Month ago -
And his Family still resides there. He has occupied
the the Land ever since he went on it with horses
Cattle and Sheep, and has cultivated patches of it
Many years in various grains and vegetables
He had about a hundred head of Cattle and as
many Sheep - He generally had in cultivation about
a thousand varas, he has also on the place four
teen or fifteen Servants for whom he has also built
houses
Question by same - State what you know of the bounda
ries of the Ranch in question -
Answer. It is bounded to the Northward by the
Rancho Los Ojitos of Mariano Soberanes on the
North West side its bounded by San Miguelito
belonging to Rafael Gonzales - Another boundary is
the Tierra Rendondo. I am also acquainted with
El Garolan it is a Mountain with Springs issuing
from its side and forms part of the boundary of
the Ranch
Question by same. Do you know the Widow and Children
of Joaquin Soto, if so, Name them -

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Answer. The name of the widow is Carmen Castro
the children are Bernardo, Refugio, Jose Maria
Lugarno, Tiburcio, Pedro, Barbara, Josefa Augustina
Sworn to and subscribed Felciano Soberanes
before me Nov. 4th 1853. R. Aug Thompson Com.

Filed in Office Nov. 4. 1853 Geo. Fisher Secy
Recorded in Ev. B Vol 3 p 355
Geo Fisher Secy

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United States of America }
State of California } ss:
San Francisco July 31. 1854

"Deposition of Manuel Castro

This day personally came Manuel Castro a witness for claimants, Heirs of Joaquin Soto in case No 552 before Peter Tait Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State, and said witness being duly sworn deposed in Spanish which was interpreted by the interpreter of said Board as follows

The U. S. Law Agent is present

Questions by claimants' Counsel

1 Question - Are you acquainted with the Rancho "El Pozo" claimed in this case, if yes, where is it situated; and state all you know about its occupation and boundaries -

Answer - I am acquainted with the said Rancho it is situated in the County of Monterey - The first I knew of its occupation was in the latter part of 1844 then Joaquin Soto lived on said Ranch He had a wooden house a Corral and some of the land enclosed and cultivated, When I saw it that year the crops had been gathered, he had Cattle and horses on the place - he had about 150 head of cattle there I saw the place next in 1844 said Soto was still there, had some of his sons there with him, he had built another house on the place and made another large Corral, and enlarged his fields - Soto continued to live there and occupy the place till I went to Mexico in 1846 - and I understood he remained there till he died, his family are still living on said Rancho - The boundaries of said Rancho are on the North West - the Arroyo del Saucal a well known Spring which comes out of the hills there

This is the dividing line between this Rancho and that of Rafael Gonzales, On the South West there is a place where there is a Spring of Water the place is called Sapeques and adjoins the Land called Tierra Redonda on the East, the boundary is some low hills which divide this Rancho from the Rancho of Los Ojitos belonging to Mariano Soberanes, On the West it is bounded by the Creek or river del Nacimiento; these are all the boundaries I know

3rd Question. How far is it from the Aguajito del Gavilan to the place called Sapeques?
Answer. It is three leagues more or less—
4th. Question. What is the Average distance from the Nacimiento to the range of Low hills on the East of said Rancho?
Answer About One league a little more or less
5th Question— Look at the Diseno or Sketch in the document now shown you marked "A. J. S. No 1 annexed to the deposition of W. E. P. Hartnell" filed in this case, and State towards what point of the Compass the needle therein delineated points on the right hand side of said Diseno
Answer It points to the South.
Cross Examined by the U. S. Associate Law Agent
1st. Question. How do you know these to be the boundaries of the Rancho as you have stated?
Answer. Joaquin Soto before he petitioned for the Land described to me in Conversation the boundaries for which he intended to petition, I saw his petition and these boundaries were named in it— And when I saw on the Land in 1842 Soto again told me his boundaries— I papers were the boundaries and saw them —
2nd Question. Are the boundaries you have named prominent and Conspicuous Objects and do they so stand as plainly to Enclose or Surround said Rancho?
Answer They are all plainly defined, conspicuous Objects the Line runs from the Nacimiento to the hills and the Zapeques is a point on that line, and so the Gavilan marks the line from the river to the hills On that Northerly side of the Rancho
=0. (Reexamined by Claimants Counsel
1st. Question— State if you know when Joaquin Soto

died, whether he left a will, whether he left a widow and children if yea, State their names —

Answer. He died in 1852. I do not know whether he left a will or not. He left a widow named Carmel Castro de Soto — and nine children named as follows Bernardino, Jose Maria, Lazaro, Pedro, Augustin, Teresa Soto de Diaz, Barbara, Refugio, and another whose name I think is Josefa, Teresa is called de Diaz because she was married to Don Benito Diaz — I am sure there is no Bernardo among the children, the son is named Bernardino. Saco Soto left no other children, no descendants of deceased children that I know of — His children are all living

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Cross Examined by U. S. Law agent

1st Question. State whether you are well acquainted with Saco Soto's family, and whether you state these particulars from your own knowledge

Answer — I was well acquainted with Soto and his family, and I state these facts from my own knowledge — I know of Sotos death from information of the family and the notoriety of the fact

Manuel Castro

Subscribed and sworn to
Before me this 31st day of July 1854

Peter Lott Commissioner &c

Filed in Office Aug. 4. 1854
Geo. Fisher Secy

Recorded Rev. B Vol 5 p 251

Geo. Fisher Secy

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1.

Espediente promovido por el Ciudadano Joaquin Loto en Solicitud del paraje conocido con el nombre del

Piojo.

1842.

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2. Sello Tercero Dos Reales: Habilitado provisionalmente por la Aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Alvarado Antonio Mª Osio.

Sello Rehabilitado por la misma, para el año de mil ochocientos cuarenta y dos

Alvarado Antonio Maria Osio.

Mon.y Mz.º 10. 1842. Informe el S. Administrador del establecº de Sn. Antº si el terreno q. se solicita esta bacado con todo lo demas q. ere a continente

Espada

ocurre a V. S. con el Dor prefecto del 1er Distrito Joaquin Soto vecino de este puerto ante V. S. parece y dice q. hallandose poseedor de algn. nº de Ganado Bacuno y cabalar y no teniendo un sitio adonde tenerlo pr. aumentarlo pa el sostén en su crecida familia fin de se le den tres sitios de Ganado Mayor en el parage del rio correspondiente à la jurisdiccion de S. Antonio y sin dueño alguno (esto es desde el agua del Gavilan pa. dho Rio pa. aunque alli siembra algnos q. otro Indio ellos no me estorban pa. nada, y si V. S. tiene la dignacion de concederme este parage, colindante con D. Rafael Gonzalez y D. Mariano Soberanes y la Sierra Adonda, adonde tambien viven algos indios, sera favor à q. vivere reconocido; acompañando respetuosamte. à V. S. el Diseño en dho sitio. por tanto. A. V. S. suplico tenga la dignacion en proveer à mi favor en q. recibirè gracia y merced pr. parecerme no hago agravio à nadie pr. los indigenas q. viven alli no me estorban por nada antes bien los favorece con mis Bueyes y otras cosas q. pueda.

Monterey 8 de Marzo de 1842.

Joaquin Soto.

3 Dor prefecto del 1er Distrito

Cumpliendo con el decreto que antecede debo decir à V. S. que el terreno que se solicita en esta instancia se halla Baldio: y que el esta

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=blicmt.º de mi Cargo no tiene necesidad de el; por esta Virtud y por tener el solicitante brenes con que fomentarlo, soy de opinion se le adjudique el mencionado terreno si se estimase por V. S. de justicia.

San Antonio Mayo 17. de 1842

José de Jesus Pico.

1, Sello Tercero Dos Reales: Habilitado provision almt.º por la Aduana maritima del puerto de Monterey en el departamento de las California, para los años de mil ochocientos cuarenta y uno.

Alvarado Antonio Maria Osio.

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Sed

Rehabilitado por la misma para el año de mil ochocientos cuarenta y dos

Alvarado Antonio Mª Osio.

Excmo Sr. Gob.r de este departamento

En vista del y favorable informe del Sr. Admor. del Establecimt.º de S.t Ant.º dado à esta instancia; y q.e el interesado es mas de renovi honrados, goza de algunos brenes; la prefectura de mi cargo es de opinion q.e puede adjudicarsele este terreno p.r no obstante este Dictamen V. E. resolbera lo que crea mas de justicia.

Monterey Mayo 18 de 1842.

José R. Estrada.

Monterey 20 de Agt.º de 1842.

Vista la peticion con que da principio este espediente los informes que preseden con todo lo demas que se tuvo presente y ver convino, de conformidad con las leyes y reglam.tos de la materia declaro al C.no Domg.o Soto Dueño en propiedad del paraje nombrado el Rojo colindante con el Rancho de los Ojitos con el de D.n Rafael Gonzalez con el terreno que ocupan los indios de San Antonio llamada Tierra Redonda, y con el Agua del Gavilan. Librese el correspondiente despacho, tomese razon en el libro respectivo y diriga se este espediente à la Excma Junta departamental. El Excmo Sor Gobernador asi lo mando decreto y firmo.

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6. Prefectura — Del primer distrito } En cumplimiento de lo prebenido p.r el E. S. Gob.r en su Nota 4 del corr.te q.e me dirigio V. S, ha tomado esta Prefectura informes del terreno de q.e se hace mencion el Expediente promovido p.r D. Joaq.n Soto y el S. D.n Josè Abreço à quien se ha pedido informacion dice q.e el sitio del Piojo dista de la finca de S.n Antonio cuatro leguas q.e la Casa unica q.e hay en dho sitio es un jacal de palo pasado casi inutil y q.e los Indios q.e alli habitan estan limitados à un solo que hace alli alg.a siembra. Todo lo q.e digo à V. S. en contestacion p.a que sirva elevarlo al conocim.to del E. S. Gobernador devolviendole el Expediente.

Dios y Lib.d Monterey Agosto 2 de 1842

Josè R. Estrada

S.r Secretario del Gob.no

E. mand.e Jimeno.

4.

Here follows map

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8. Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto el Ciudadano Joaquin Soto ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre del Pozo colindante con el Rancho de los Ojitos con el de Dn Rafael Gonzalez con el terreno que ocupan los Indios de San Ant.o llamado Yerra redonda, y con el agua del Gabilan: practicadas prebidamente las diligencias y averiguaciones conservientes segun lo dispuesto p.r leyes y reglamentos, usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el p.r las presentes letras sugetandose à la aprovacion de la Excma Junta departamental y à las condiciones siguientes.

1.a podrà cercarlo sin perjudicar las travesias caminos y servidumbres: destinandolo al uso ò cultivo que mas le acomode. pero dentro de un año fabricara casa y estara habitada.

2.a Solicitara despues respectivo que le de la posecion juridica en virtud de este Despacho por el cual se demarcaran los linderos en cuyos limites pondra à mas de las mojoneras algunos arboles frutales ò silvestres de alguna utilidad

3.a El terreno de que se hace mencion es de tres sitios de ganado mayor poco mas ò menos segun esplica el diceño que corre agregado en el espedt.e respectivo. El juez que diere la posecion lo hara medir conforme à Ordenanza quedando el sobrante que resulte à la nacion para los usos que mas le convenga.

4.a Si contaviniere à estas condiciones perderà su derecho al terreno y sera denunciable p.r otro.

En consecuencia mando que teniendose p.r firme y valedero este titulo se tome razon de el en el Libro respectivo y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey a:

Office of Surveyor General of the United States for California.

I, John C. Hays, Surveyor General of the United States for the State of California and as such having in my Office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, Do hereby certify that the nine preceeding and hereunto annexed pages of tracing paper numbered from One to nine inclusive, exhibit a true and accurate copy of a certain document now on file and forming a part of the said Archives in this Office.

Seal

In Testimony whereof I have hereunto signed my name Officially and caused my seal of Office to be affixed at the City of San Francisco, this third day of October. 1853.

John C. Hays.

U. S. Surveyor Genl.
for California.

Filed in Office Janry. 19th 1854

Geo: Fisher Decry.

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Translation of Especiente

Expediente moved by citizen Joaquin Soto asking for the place known by the name of the Piojo
1842 No. 292

Stamp Three Two Reales

Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the California for the Years 1840 and 1841
Alvarado Antonio Maria Osio
Reauthorized by the Same for the year 1842
Alvarado Antonio Maria Osio

Custom House Stamp

Senor Prefect of the first Destrict

Joaquin Soto and inhabitant of this port before your Excellency appears and says; that possessing some head cattle and horses, and having no place to keep them for increasing them, for the support of his increased family, comes to your Excellency, to ask the grant of three leagues of land in the place of the Piojo "corresponding to the presidio of San Antonio and without any owner (that is from the Spring of the Gavilan to Sauce Piojo) although some Indians live there, but they do not trouble me in any way; and if your Excellency will be so good as to grant this place bounded by Don Rafael Gonzales and Don Mariano Soberanes and the "Sierra Rodonda where also live some Indians, it will be a favor for which I shall be grateful while I live - I respectfully accompany herewith to your Excellency the Map of Said place -
Wherefore I ask and beg your Excellency to act in my favor whereby I shall receive grace and favor which seems to me, no injury will result - the Indians who live there, will not trouble me in any thing, and I will favor them with my Oxen - and other things which I have
Monterey 6 March 1842 - Joaquin Soto.
(In the Margin)
Monterey March 10. 1842
"The Administrator of the Establishment of San Antonio will report if the Land asked for is vacant with all else deemed important Estrada
Senor Prefect of the first Destrict
In compliance with the preceding decree I must say to your Excellency that the Land which is asked for in this instance is vacant and that the Establishment under my charge has no Need of it
Wherefore and as the petitioner has property with which

to Stockie I am of Opinion that the said land may be granted to him if your Excellency think it just
San Antonio May 17. 1842.

Jose de Jesus Pico

Most Excellent Senor Governor of this Department
In view of the considerate and favorable report of the of the Administrator of the Establishment of San Antonio given in this instance, and as the petitioner besides possesses a good character, has some property, the Prefecture under my charge is of Opinion that this Sitio may be granted to him; But Notwithstanding this Report your Excellency will determine what you may deem most conducive to Justice.
Monterey May 18th 1842 Jose R Estrada
Prefecture of the 1st. District

In compliance with the direction of His Excellency the Governor in the note of the 7th Inst. which you sent me, this Prefecture having taken information of the land mentioned in the Espediente moved by Don Joaquin Soto, and in that of Jose Abrego of which information has been asked I say that the place of the Piojo is distant from the building of San Antonio four leagues, that the only house on said place is a mere pole Shanty almost worthless, and that the Indians who live there, have there only some Sowings. All which I say to you in answer which you will be so good as to bring to the knowledge of the Governor, returning herewith the Espediente
God & Liberty Monterey August 2nd 1842.
To the Secretary of the Government Jose R. Estrada
Citizen Manuel Jimeno ——
Monterey August 20th 1842 — Having seen the petition at the beginning of this Espediente the foregoing report and all besides presented and proper to be seen, in conformity with the laws and regulations on the matter I declare the Citizen Joaquin Soto owner in fee of the place called the Piojo bounded by the Rancho of "Los Ojitos" by that of Don Rafael Gonzales, by the land which the Indians of San Antonio occupy called "Tierra Redonda" and with the Spring of Gavilan. Let the correspondency despatch issue. Note it in the proper Book and annex this Espediente to the Most Excellent Departmental Junta. "The Most Excellent Senor Governor thus ordered decreed and signed (Here follows Copy of x

x Map and of the formal title the same as translated in Doc. marked B and filed with the petition in this case)
Filed in office June 19. 1854
Geo. Fisher
Secy

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Sello Tercero Dos Reales:
Habilitado provicional int.e por la Aduana Marítima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Jimeno Antonio Mª Osio.

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Revalidado p.r los años de 1842. y 1843.
Alvarado. Antonio Mª Osio.

El que suscribe Sr. del Gobierno del Departamento de las Californias: Certifica: Que el diseño que le demuestra à la vuelta es igual al Original que existe en la Sria de mi Cargo.
Monterey 8 de Obre de 1842.

Manl. Jimeno.

Here follows
Map.

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Dello primero Seis pesos:
Habilitado provicional mte. por la Aduana Maritima de Monterey para los años de 1842 y 1843.
Alvarado Antonio Mª Osio:

Sedal

Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto el Ciudadano Joaquin Soto ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre del Rio, colindante con los Ojitos con el de Dn. — con el terreno que ocupan los San Antonio, llamado Tierra Redonda y con el Agua que nombran de Gabilan; practicadas previamente las diligencias y averiguaciones consernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas à nombre de la Nacion Mejicana, he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras, sugetandose à la aprovacion de la Excma Junta Departamental y bajo las condiciones siguientes.

1ª Podrà cercarlo sin perjudicar las travesias caminos y servidumbres; lo disfutarà libre y esclusivamente destinandolo al uso ò cultivo que mas le acomode, pero dentro de un año fabricara casa y estarà havitada.

2ª Solicitarà del juez respectivo que le de la posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrà à mas de las mojoneras algunos arboles frutales ò silvestres de alguna utilidad

El terreno de que se hace donacion es de un ganado mayor, segun esplica que conve agregado al espediente respectivo.

El juez que diere la posecion lo hara medio conforme à Ordenanza quedando el sobrante que resulte à la Nacion para los usos convinientes.

4ª Si contravniere à estas condiciones perderà su derecho al terreno y serà denunciable p. otro.

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En consecuencia mando que teniendose por firme y valedero el presente titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines:
Dado en Monterey à Veinte de Agosto de mil ochocientos cuarenta y dos.

Juan B. Alvarado.

Manl. Jimeno. Srio.

Queda tomada razon de este de este despacho en el libro de asientos sobre adjudicacion de terrenos baldios @ 15.

Jimeno

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El Excmo Sr. Gobernador ordena que se tome razon de esta concesion en la prefectura del 1er Distrito.

Jimeno

Tomese Razon

Estada

Queda tomada razon de este Sup: Titulo en el cuaderno respectivo de esta Oficina de mi Cargo @ fojas 8 frente.

Monterey Agosto 29 de 1842

Jose Maria Castañares
Srio. inl.

Veiled in Office Jeby 5th 1858.

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Stamps Fast. Six Dollars
Provisionally authorized by the Maritime Custom House of Monterey for the years 1842 and 1843
Alvarado

(Seal of Custom House Monterey)

Juan B Alvarado Constitutional Governor of the Department of the California

Title

Whereas the citizen Joaquin Soto has for his own personal benefit and that of his family asked for the place known by the name of El Pinjo bounded by the Ranchos of Los Ojitos with that of Don Rafael Gonzales, by the Lands occupied by the Indians of San Antonio called Tierra Redonda and by the water which is named El Gurulan; the proper measures and examinations being previously made as required by laws and regulations, On the matter, using the powers which are conferred on me in the name of the Mexican Nation I have granted him the referred land declaring to him the ownership of it by the present letters subject to the approbation of the Most Excellent Departmental Junta and under the following Conditions—

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1st. He may enclose it without prejudice to the crossings roads and servitudes he will enjoy it freely and exclusively making such use or alienation of it as may best suit him, but within one year he shall build a house and it will be inhabited

2d He will request the proper Magistrate to give him the juridical possession in virtue of this patent by which the boundaries will be marked out in the limits of which, besides the bounds, he will place fruit or forest trees of some utility

3d The land of which donation is made is of (the extent of) three square leagues according to the map which goes attached to the respective Expediente

The Magistrate who may give the possession will cause it to be measured in conformity with the Ordinance, leaving the surplus which may result to the Nation for its convenient disposal

4th. If he contravenes the Conditions he will lose his right to the Land and it will be denounced by another person

In Consequence I Order that the present title being

held as firm and valid note be made of it in the proper Book and it be delivered to the person interested for his security and other purposes Given in Monterey On the twentieth of August Eighteen hundred and forty two —

(Signed) Juan B Alvarado

(Signed) Manuel Jimeno
Secretary —

Note has been taken of this patent in the book of Entries of grants of Vacant Lands at 15
(Signed) Jimeno

His Excellency the Governor orders that note be made of this grant in the Prefecture of the First District
(Signed) Jimeno

Let note be taken
(Signed) Estrada

Note has been taken of this Superintelle in the proper book of this Office in my charge at fol. 18 —
Monterey August 29. 1842

(Signed) Jose Maria Castañares
Secretary ad interim

Filed in Office February 5th 1853
Geo Fisher Secy

23

No. 552

Order to Amend

It is Ordered that leave be granted to amend the petition by changing the name of Bernardo into Bernardino it appearing the latter is the true name of the Claimant who is also called Bernardo, as set forth in the amended petition herewith filed which amended petition is in the words and figures as follows, to wit: (Vide Record of Petitions Vol II p)

Filed in Office Aug 8. 1854 Geo. Fisher Secy

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PAGE 23

Recorded in Journal Vol 4 page 2
Geo. Fisher Secy

No. 552

Claim of the heirs of Joaquin Soto to the Rancho El Rojo —

By leave of the Board thereto granted on the motion of A. C. Peachy the Claimant's Counsel, the Claimants hereby amend the Original petition heretofore filed in this case by striking out the name Bernardo wherever it occurs in the said Original and inserting instead thereof the name Bernardino, which is the true name of the Claimant called in said petition Bernardo, so that the words "Bernardino Soto" shall be substituted for the words Bernardo Soto in the said Original petition.

Gallegh Peachy & Billings
Attys. for Claimants

8 Aug 1854

Filed in Office Aug 8. 1854
Geo. Fisher Secy

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25 — No. 552
Opinion of Board by Com. R. Aug Thompson

Heirs of Joaquin Soto
vs
The United States
} El Pozo.

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PAGE 24

"The documentary evidence filed in support of this claim consists of the original grant made by Governor Juan B Alvarado to the ancestor of the present claimants, Joaquin Soto, on the 20th of August 1842 and a traced copy of the Expediente formed on the original application for the grant duly certified from the Archives in the custody of the United States Surveyor General for the State of California containing a traced copy of the map or diseno upon which the grant was made "The genuineness of the signatures of the Governor and Secretary in the original grant is proven by the deposition of William E P Hartnell — The death of the original grantee and the heirship of the present claimants his widow and children are also established by competent testimony. "The evidence also shows that in the latter part of the year 1842 and in the year 1843, the grantee lived on the premises with his family, that he had a house and corrals, cattle and sheep upon it and about a thousand varas of the land in cultivation, he continued to occupy the land until his death in 1852 since which time it has been occupied by the present claimants who are his widow and children

"The grant describes the land as that known by the name of El Pozo bounded by the Ranchos of "Los Ojitos" by that of Don Rafael Gonzales by the land occupied by the Indians of San Antonio called "Tierra Rodonda and by the water which is named El Gavilan to the extent of three square leagues with the usual conditions of the Sobrante & Ensiles for the use of the Nation —

"The deposition of Manuel Castro proves the relative position of the objects called for in the grant and delineated on the map as boundaries, and and that they embraced a tract of about three leagues in length from the North to South with an average of about one league —

It does not appear that any juricial measurement

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we have but the boundaries as described in the petit and delineated on the map made by the testimony of the witnesses is sufficient to identify and locate the ~~boundaries~~ the Land, and to show that the boundaries do not contain more than the quantity called for in by the petit, the Evidence is considered sufficient to Establish the validity of the claim and a decree of Confirmation will accordingly be Entered

Filed in Office Sept. 27. th 1854

Geo. Fisher Secy

27 No. 552 "Heirs of Joaquin Soto
vs
"The United States" } El Pioj

Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioners is valid and it is therefore decreed that the same be confirmed. The land of which confirmation is made is situated in the present County of Monterey as is known by the name of "El Pioj" being the same which was granted by the Governor Juan B Alvarado to Joaquin Soto by title issued on 20th of August 1842 and held and occupied by him until his death in 1852 and by his widow and children since and bounded as follows: On the North West by the Arroyo del Gavilan and the boundary of the Rancho of Rafael Gonzales On the East by the Range of low hills which form the boundary of the Rancho of Los Ojitos On the West by the creek ~~and~~ river called Naciente, and on the South West by the Spring called Tapeguis and the line of the Lands called Juan Rodman, containing three square leagues

For a more particular description reference to be had to the original grant and map containing in the Expediente a tracing copy of which together with said grant are filed with the petition in this case

Alpheus Felch
R. Aug Thompson
S. B. Farwell } Commissioners

Filed in Office Sept. 27. 1854

Geo. Fisher
Secy

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PAGE 26

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And it appearing to the Satisfaction of this Court that the Land hereby adjudicated is Situated in the Southern District of California; It is hereby Ordered that two transcripts of the Proceedings and the decision in this case and 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 eight — pages, numbered from 1 to 28, 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. 552 on the Docket of the said Board, wherein The Heirs of Joaquin Soto are — Claimants against the United States, for the place known by the name of El Rinji —

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Twenty eighth — day of February A. D. 1855, and of the Independence of the United States of America the seventy-ninth.

Geo. Fisher
Sec.

U. S. DISTRICT COURT,

Southern District of California.

No. 210.

THE UNITED STATES,

vs.

The Heirs of Joaquin Soto

"El Rojo."

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TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 552.

Filed, March 6th 1855.

J. E. Carr,
Clk.

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Office of the Attorney General of the United States,

Washington, 7th April 1855.

The Heirs of Joaquin Soto
vs.
The United States.
} 552.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 27th day of February 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 210

U. S. District Court
Southern District of Cal.a

The United States
vs.
The Heirs of Joaquin Soto.

Notice of Appeal
in Case No. 552.

Filed July 2d 1855.
C. E. Lean
Clerk
By A. W. Clark
Deputy

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

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

Heirs of Joaquin Soto
appellees.
vs.
The United States, appellant

Docket No. 210.

Transcript No. 552.

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

The Petition of **Pacificus Ord,** *a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the* 5th *day of* February *A. D.* 1853, *the* Heirs of Joaquin Soto *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 El Rio *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* 27th *day of* September *A. D* 1854, *the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the* 6th *day of* March *A. D.* 1855, *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.* 552; *reference to which it is prayed may be had and made part of this petition. That on or about the* 27th *day of* February *A. D.* 1855, *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 the 2nd day of July ——— A. D. 1855, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimants presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimants ~~has~~ have any valid right or title to said land claimed as aforesaid, or any part thereof.

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

said claim should have been rejected by them. And the said claimants 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 claimants or ~~his~~ their attorneys may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the ~~same~~ said claim, and decree the alleged title to be invalid: with costs and general relief.

P. Ord.

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

No. 210.

Filed this 5th January
A.D. 1857

C. Smith Clk
J. H. Coleman
Dep

UNITED STATES OF AMERICA, } SS.
Southern District of California,

The President of the United States,

TO the Heirs of Joaquin Soto

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Greeting:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against You in the District Court of the United States, in and for the Southern District of California, on the fifth day of January, in the year of our Lord one thousand eight hundred and fifty-Seven, at the City and County of Los Angeles, in said District, by P Ora praying said Court to review the decision of the United States Land Commission of the 27th September AD 1854 confirming your Claim to the Land El Peyo.

and that 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 the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this fifth day of January A. D. 1857.

J. Ames
Clerk.

J. M. Coleman
Dep

Marshals Cost
Copying summons 2.
Serving same 3.
" Petition 8.
$ 6 00

No. 210

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

Wm of Joaquin Ex
Appellee
vs
The United States
Appellants

Filed on return this 10th January
A D 1857 Wm Carey Clk
J. Alderman
Deputy

SUMMONS.

Received January 10th 1857

210 SD
PAGE 36

Edward Hunter
U. S. MARSHAL.
By M. L. Goodman
Deputy.

I served this Summons, together with a certified copy of the Petition, upon F. Billings Atty for appellee by him acknowledging service of same

at Los Angeles in the Southern District of California, on the 10th day of January A. D. 1857.

Sworn to and subscribed before me, this 10th January 1857

Wm Carey
CLERK.
J. Alderman
Dep

Edward Hunter
U. S. MARSHAL.
By M. L. Goodman
Dep

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

The United States
Appellant
vs
Heirs of Joaquin Soto
Appellee

No. 210.

Ann. No. 552

The Heirs of Joaquin Soto appear by their attorneys and for answer to the petition for review of the United States filed herein say

That their title to the tract of land called "El Rio jo" as set forth and described in their petition to the Board of Land Commissioners and in the documentary and other evidence filed in this case is a good and valid title. The land claimed is situated in the Southern District of California

And they pray this Honorable Court to affirm the decision of the Board of Land Commissioners and to decree their title to be valid

By their Attys
Hallock Reed & Billing

No. 210

The United States
appellants
vs
Heirs of Joaquin Soto
appellees

Amicus.

Filed this 19th January
A.D. 1857
C Sims clk
J H Coleman
Dep

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Halliday & Billing
Attys of Appellees

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

Hon. Isaac S. K. Ogier Judge.

December 7. 1856.

The United States
Appellants
vs.
Heirs of Joaquin Soto
Appellees.
} No. 210.

Transcript from the Board of Land Commissioners No. 552.

This cause coming on to be heard, on appeal from the decision of the Board of Land Commissioners to ascertain and settle private land claims in California, upon the Transcript of the proceedings and decision of said Board and the documentary and other evidence upon which said decision was founded, and counsel for the respective parties having been heard, it is . . . . . Ordered, adjudged and decreed: That the decision of said Board of Land Commissioners, declaring valid and confirming the claim of the said appellees, Heirs of Joaquin Soto, to the land set forth

and described in their petition to said Board of Commissioners and in the documentary and other evidence taken in this case, be and the same is hereby affirmed: and that the title of the said Heirs of Joaquin Soto to the said land is a good and valid title.

The land of which confirmation is hereby made is situated in the County of Monterey, is known by the name of "El Piojo", is of the extent of three square leagues and no more, and the same granted on the 20th day of August A.D. 1842 by Governor Juan B. Alvarado to Joaquin Soto and is bounded by the Rancho of Los Ojitos, with that of Rafael Gonzales, by the land occupied by the Indians of San Antonio called Tierra Redonda and by the water which is named El Gavilan; according to the grant and map, to which reference is had for the description.

If the land within said boundaries exceeds in quantity three square leagues then the confirmation hereby made is made to three square leagues and no more: but if the land within said boundaries is less in quantity than three square leagues then the confirmation hereby made is made to such less quantity.

Isaac S. K. Ogier
U. S. Dist Judge
for the S. Dist of Cal

No. 210

The United States
appellants
vs.
Heirs of Joaquin Soto
appellees.

Decree -
Affirming decision of
Land Commissioners &
Confirming Claims.

Filed Day 19th 1857
Geo Pierce
Clk

Recorded in page 146

California Land Claims
Attorney General's Office
17 Feb. 1857

Sir.

In the case of the claim of The Heirs of Joaquin Soto, confirmed to the claimants by the Commissioners, Case no. five hundred and fifty-two. (552), appeal will not be prosecuted by the United States.

Am.

Respectfully,
Cushing

Maitland Hall Esq
U. S. Attorney
Los Angeles

No. 210,

Filed March 4. 1858.
Geo. Ring. Clk.
for Fr. W. Stetson
Dpty.

In the matter of the } In the Probate
Estate of Joaquin Soto } Court in and
for the County of Monterey and State
of California -

To the Honorable the Probate
Court in and for the County of Monterey -

Carmen Castro de Soto Executrix
and Bernardino Soto Executor of the last
will and testament of Joaquin Soto
deceased represent to this Hon. Court
that under and by virtue of an act
of the Legislature of the State of Cali-
fornia entitled an act to authorize
the sale of the Real Estate of the late
Joaquin Soto deceased approved February
19th 1859, they proposed to sell the tract
of land situated in the County of Mon-
terey known as the Rancho del Rio
more fully hereinafter described of
which the deceased Joaquin Soto died
seized - that in conformity with the
fourth section of said act, they first
executed a bond to the State of Cal-
ifornia in the sum of eight thou-
sand two hundred dollars conditioned
for the faithful execution by them
of the duties of the trust according
to law, the said sum of eight
thousand two hundred dollars being
double the amount of the appraised
value of the said property and of the
improvements thereon as will appear
by the inventory and appraisement

thereof in the records and files of this Honorable Court, to which reference is made which bond dated March 2nd 1859 was approved by the Honorable the Probate Judge and was filed with the Clerk of this Honorable Court as will appear by the files thereof to which reference is made — that in pursuance of the authority given to them by the aforesaid act of the Legislature of the State of California they have sold the aforesaid tract of land and all the right title interest and estate and claim of the deceased Joaquin Soto and of the Widow and heirs of said Joaquin Soto therein, the same being the tract of land called the Rancho del Rojo situated in the County of Monterey State of California formerly granted by the Mexican Government to the late late Joaquin Soto and claimed by the Widow and heirs of said Joaquin Soto in the claim No 552 of the docket of the Land Commission of the United States and confirmed to said claimants by a decree of said land commission with the following description to wit —

" The land of which confirmation is made is situated in the County of Monterey and is known by the name of "El Rojo" being the same that was granted to Joaquin Soto by title issued

on the 20th of August 1842 and held

granted to Joaquin Soto by title issued

on the 20th of August 1842 and held and occupied by him until his death in 1852 and his widow and children since, and is bounded as follows, on the northwest by the Agua del Gavilan, and the boundary of the rancho of Rafael Gonzales, on the East by the ridge of low hills which form the boundary of the Rancho de los Ojitos and on the west by the creek or River called Nacimiento, and on the south west by the spring called Safiegui - and the line of the land called Tierra Redonda containing three square leagues - for a more particular description reference to be had to the original grant and map in the expediente - that they have sold the said tract of land as described to Loretto Cipriani for the sum and price eight thousand dollars cash, the said sum being the highest price they could obtain for the same - wherefore your petitioners pray the Honorable Court to make an order confirming the said sale and directing a conveyance to be executed to the said purchaser conveying all the right title interest and estate of the said testator in the premises at the time of his death and of his said widow and heirs - Carmen Castro de Soto Executrix - Bernadino Soto Executor - By their attorney John

Burke Phillips -
State of California }
County of Monterey }

Bernadino Soto executor named in the foregoing report being sworn deposes and says that he has heard read and translated to him the foregoing Petition and Return of sale, and knows the contents thereof and that they are true of his knowledge excepts as to the matters therein stated on his information or belief and as to those matters he believes them to be true - Bernadino Soto - Sworn to and subscribed before me this 2d day of March a d 1859 - Jas W Gleason Co Clerk Monterey County By Edw. L. Williams Deputy -

State of California }
County of Monterey }

I Jas W Gleason Clerk of the Probate Court in and for said County do hereby certify that the foregoing is a true full and correct copy of a document together with the endorsements thereon now on file in said Court in the Estate of Joaquin Soto deceased -

Given under my hand and the seal of said Court this the 12th day of April a d 1859 -

Jas W Gleason Clerk
By Edw L Williams
Deputy

No 210

Estate of

Joaquin Soto

Report of Sale

Filed Nov 27, 1860

C Sims Clk

Filed March 2. 1859

J. H. Gleason
Clerk

By E. L. Williams
Deputy

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This Indenture made the third day of March in the year of our Lord one thousand eight hundred and fifty nine, between Carmen Castro de Soto Executrix and Bernardino Soto Executor of the last will of Joaquin Soto deceased, residents of the County of Monterey, State of California, parties of the first part, and Leonetto Cipriani, resident of the County of San Mateo, party of the second part, Witnesseth;

that whereas the late Joaquin Soto died in the said County of Monterey and his estate was opened and his last will and testament duly proved in the Probate Court of said County and the said parties of the first part named in said will Executrix and Executor thereof were duly authorized to act as such by letters to them issued by said Probate Court, and were furthermore authorized to sell such portion or portions of the real estate of which the the said Joaquin Soto died seized or possessed in the State of California, and any right title or interest in such real estate belonging to the deceased in his lifetime as they may deem necessary and proper for the payment of the debts outstanding against the estate of the deceased, the support and education of the

family, the expenses of administration, and the final partition and distribution of the estate of the deceased among his heirs and devisees, at such time or times, on such terms and in such manner, — whether at public or private sale, as shall be most advantageous to said estate, and were so authorized thereto by an act of the Legislature of the State of California, entitled an Act to authorize the sale of the real estate of Joaquin Soto deceased, approved February 19th 1859, and in compliance with the 4th section of said act did give bond conditioned according to law in double the amount of the appraised value of the land hereinafter described, which was approved by the Probate Judge of the said County of Monterey and did thereupon sell the said property to the party of the second part for the price hereinafter stated, and make return and report of said sale to the Probate Court of the County of Monterey and the Judge of said Court did thereupon examine and confirm the said sale and order the said parties of the first part to execute and deliver a deed and conveyance of the said property hereinafter described to the party of the second part, which order confirming said sale and directing such conveyance was recorded

in the office of the County Recorder of the

in the office of the County Recorder of the County of Monterey in Book A. of orders of Probate Courts concerning real estate in Monterey County page thirty three and is hereby referred to.

Now therefore the said parties of the first part by virtue of the authority given them in said act and in pursuance of the said decree and for and in consideration of the sum of eight thousand dollars, lawful money of the United States of America to them in hand paid by the said party of the second part at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold, aliened, remised, released and confirmed, and by these presents do grant, bargain, sell, alien, remise, release, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, All that certain tract, piece or parcel of land, situate, lying and being in the County of Monterey and State aforesaid with the house and improvements thereon, bounded and described as follows, to-wit; on the northwest by the Agua del Gavilan and the boundary of the Rancho of Rafael Gonzalez; on the east by the ridge of low hills which form the boundary of the Rancho de los Ojitos, and on the west by the creek or River called Nacimiento and on the southwest by the spring called Sapegui, and the line of the land called Tierra Redonda, containing three square leagues, the same being the land that was granted to the said late Joaquin Soto by title issued on the 20th of August 1842 and held and occupied by him until his death, and confirmed to his widow and heirs by decree of the Land Commission of the United States

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in the claim No 552 of the docket of said Land Commission; Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining and the reversions, remainders, rents, issues and profits thereof; And also all the estate, right title, interest, property, possessing claim and demand whatsoever, as well in law as in equity of the said parties of the first part and which the deceased Joaquin Soto held at his death, and which have been confirmed to them said parties of the first part, or to the widow and heirs or devisees of the deceased Joaquin Soto by the said Land Commission of the United States or any court or authority of the same, or in, or to the above-described premises and every part and parcel thereof with the appurtenances; To have and to hold all and singular the above-described premises together with the appurtenances unto the said party of the second part his heirs and assigns forever.

In witness whereof the said parties of the first part have hereunto set their hands and seals the day and year first above-written.

Signed and sealed and delivered in presence the words "court", "paid", and "courts concerning real estate in Monterey County" interlined and approved before signing.

Witness John Burke Phillips
Chas. L. Williams

Carmen Castro de Soto (Seal)
Executrix

Bernardino Soto (Seal)
Executor

State of California
County of Monterey } On this Third day of March A.D. One thousand Eight hundred and fifty nine before me Edw L Williams a Notary Public in and for said County duly commissioned and sworn personally appeared Carmen Castro de Soto and Bernadino Soto to me personally known to be the individuals described in and who executed the annexed Instrument and acknowledged to me that they executed the same freely and voluntarily, for the uses and purposes therein mentioned and with the power and authority therein expressed –

In witness whereof I have hereunto set my hand and affixed my Official seal this the day and year first above written –

Edw L Williams
Notary Public
Monterey County

210 No 210

Solt
to
Apriani

Filed Nov 2d 1860
C Sims Cl

210 SD
PAGE 54

Rec'd for Recd March
3d 1897 @ 3.30 O'Clock P.M.
and Recorded in Book D of
Conveyances on page 105
and following -
Jas C Gleason
Recorder
Monterey County
By Edw L Williams
Deputy

In the matter of the Estate of Joaquin Soto Deceased } In the Probate Court in and for the County of Monterey and State of California.

In Vacation. On reading and filing the report of Carmen Castro de Soto Executrix and Bernadino Soto Executor of the last will and testament of Joaquin Soto deceased whereby it appears that the said Executrix and Executor under and by virtue of the power and authority to them given in and by virtue of a certain act of the Legislature of the State of California entitled an act to authorise and empower the Executrix and Executor of the last will and testament of Joaquin Soto deceased to sell the Real Estate of the testator at private sale approved February 19th 1859 have sold to Leonetto Cipriani for the sum of Eight thousand Dollars all that certain lot piece or parcel of land situate and lying and being in the County of Monterey State aforesaid with the house and improvements thereon bounded and described as follows to wit on the north west by the ridge of low hills which form the boundary of the Rancho Los Ojitos and on the west by the Creek or River called Nacimiento and on the south west by the Spring called

Sapeguí and the line of the land called Tierra redonda containing three square leagues and known as the Rancho Piojo - And it appearing to the Court that said sale was made in all respects in conformity with the terms and provisions of said act and that the price for which the said land was sold was reasonable and not disproportionate to its value it is on motion of John Burke Phillips of Counsel for said Executrix and Executor ordered adjudged and decreed that the said sale be confirmed and that the said Executor and Executrix do execute and deliver to the said purchaser a deed and conveyance of the said property in conformity with the terms of said sale - Dated March 2. 1859 - Wm. H. Rumsey Probate Judge -

State of California County of Monterey I James H. Gleason Clerk of the Probate Court in and for said County do hereby certify that the foregoing is a true full and correct copy of an order made by the said Court of date March 2. 1859 - In witness whereof I have hereunto set my hand and affixed my official seal this the 5 day of March A.D. 1859 - J. H. Gleason Clerk By Edw. L. Williams Deputy - seal of Court - Rec.d for Record March 3. 1859 @ 11 O'Clock

a.m. Received by request of J B Phillips Atty for Executors -

State of California }
County of Monterey }

I James O Gleason Recorder in and for said County do hereby certify that the foregoing is a true full and correct copy of a document as now remains of record in Book "I". "Orders of Probate Courts concerning Real Estate in Monterey County" on page 33 and following -

Witness my hand and seal of Office affixed this the 12th day of April a D 1859 -

James O Gleason
Recorder
By Edw. L. Williams
Deputy

Mar. 3, 1859

~~246~~ 210

No 210

Order of Court

Confirming sale

Filed Nov 2d

1860

Clerk

210 SD

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1

In the matter of the
Estate of Joaquin Soto deceased.

In the Probate Court in and for the County of Monterey and State of California. In vacation.

On reading and filing the report of Carmen Castro de Soto Executrix and Bernardino Soto Executor of the last will and testament of Joaquin Soto deceased whereby it appears that the said executrix and executor under and by virtue of the power and authority to them given in and by virtue of a certain act of the Legislature of the State of California Entitled an act to authorise and empower the Executrix and Executor of the last will and testament of Joaquin Soto deceased to sell the Real Estate of the testator at private sale approved February 19th 1869 have sold to Lemetto Cipriani for the sum of Eight thousand dollars all that certain lot piece or parcel of land situate lying and being in the County of Monterey and State aforesaid with the house and improvements thereon bounded and described as follows to wit on the north west by the ridge of low hills which form the boundary of the Rancho los Ojitos and on the west by the Creek or River called the Nacimiento and on the south west by the spring called the Sapeguí and the line of the land called tierra redonda containing three square leagues and known as the Rancho Piojó. And it appearing to the Court that said sale was made in all respects in conformity with the terms and provisions of the said act. and that the price

for which the said land was sold was reasonable and not disproportionate to its value it is on motion of John Burke Phillips of Counsel for said Executrix and Executor overed adjudged and decreed that the said sale be confirmed and that the said Executrix and Executor do execute and deliver to the said purchaser a deed of and conveyance of the said property in conformity with the terms of said sale - Dated March 2. 1859 - Wm H. Rumsey - Probate Judge -

State of California County of Monterey - I James H Gleason Clerk of the Probate Court in and for said County do hereby certify that the foregoing is a true full and correct copy of an order made by the said Court of date March 2. 1859 - In witness whereof I have hereunto set my hand and affixed my official seal this the 3d day of March a D 1859 -

Jas H. Gleason Clerk
By Edw. L. Williams Deputy

No 210

Filed this 27 day of Nov 1860
Opinion
Ord

210 SD
PAGE 60

Rec. for Recd March 3. 1859 @ 11 O'Clock am and Recorded in Book A Orders of Probate Court concerning Real Estate in Mon Key County on page 33 and following -
Jas. H. Gleason
Recorder
Monterey County
By Edw. L. Williams
Deputy

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

The United States
appellants
vs
The Heirs of Joaquin Soto
appellees

No 210

L. C. No 552

The petition of Leonetto Cipriani, by his attorney Sidney L. Johnson respectfully shows to the Court, that heretofore, on the 4th of April 1860, the United States Surveyor General for California, approved a Survey of the Rancho called El Pozo, situated in the County of Monterey, and in the Southern District of California, and that notice that said survey has been made, and the survey and plat have been approved by him, has been given by publication thereof in the Los Angeles Star, a newspaper published in Los Angeles, to wit on the 25th of August last, and is informed and believes that

the same has been published also in the Santa Cruz Sentinel, a newspaper published in the County of Santa Cruz nearest to the land, but is not informed at what date: the whole in pursuance of the first section of the Act of Congress approved June 14th 1860. Your petitioner further says that he is the sole owner of said rancho and of all claim thereto, by virtue of the Deed thereof made to him by Carmen Castro de Soto Executrix and Bernardino Soto, Executor of the Last Will of Joaquin Soto deceased, grantee of said rancho, under and in pursuance of an Act of the Legislature of the State of California, approved on the 19th of February 1859, entitled an Act to authorize the sale of the real estate of Joaquin Soto deceased; which Deed was recorded in said County of Monterey wherein said Rancho is situated, in Book D of Conveyances, on page 105 and following.

Your petitioner further shows that the said survey so approved as aforesaid, is erroneous and not in

conformity with the final decree of this Hon Court in this cause, ~~and that your petitioner will be injured thereby.~~

Therefore your petitioner prays that the Surveyor General of the United States for California be ordered to return said Survey of said rancho into this Hon Court for examination and adjudication, and that the monition required by said Act of June 14th 1860 issue; and as in duty bound will ever pray your petitioner. &c

Sidney L. Johnson
Atty for Petitioner
No 137 Montgomery st
San Francisco

State of California
Northern District
City and County of San Francisco } ss.

Sidney L. Johnson being duly sworn doth say, that he has read the foregoing petition and knows the contents thereof, and that the same is true of his own knowledge, except as to the matters therein stated on information and belief

and as to those matters, that he believes it to be true; and that affiant makes this affidavit instead of the petitioner because the petitioner is absent from the State of California.

Sidney L. Schuser

Sworn to and subscribed before me this 17th day of September, A.D. 1860,

Jno B. Williams
U.S. Commissioner

United States of America
State of California } Southern District

Ordered that James W. Manderville
U.S. Surveyor General for California
be restrained from sending on to the Land Office at Washington City the approved plat of the survey of the lands claimed in the case of the United States Appellants vs Juan Longuin Pet No 210 on the docket of U.S. District Court

said lands known by the name of

for said District, said lands known by the name of 'El Rio' and that he retain said approved survey subject to the further order of the Court until the first day of the next regular Term of said Court, to wit, the first Monday of December next –

Thus done at Chambers at the City of Los Angeles this 21st day of September A.D. 1860

Ira W. Ogier
U S Dist Judge

No 210

U. S. Dist. Court.
S. Dist of Calª

The United States
— vs —
Heirs of Joaquin Solo.
No 210
L. C. No 552

Petition for Order
for return of Survey —

Filed Nov 2d 1860
C. J. Ims Clk

210 SD
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UNITED STATES DISTRICT COURT,
FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

210 SD
PAGE 67

Heirs of Joaquin Soto
vs.
The United States

No. 210
El Rancho

It being suggested to the Court that the survey of the land claimed in this case, made under final decree, and approved by the U. S. Surveyor General for California, does not conform to said decree and is erroneous and that said survey will be to the injury of the Claimants

on application of J. D. Brent Attorney of Claimants it is ordered that the said Surveyor General return to this Court forthwith the plat of said survey, and that the said Claimants,

be allowed Twenty days, from and after the return thereof, to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information.

I. S. K. OGIER, U. S. District Judge.

UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF CALIFORNIA.
COUNTY OF LOS ANGELES.

I, C. Sims, Clerk of the United States District Court for the Southern District of California, do hereby certiy that the above and foregoing is a full true and correct copy of the original order, made and entered on the 3rd day of November 1860, in said case, No. 210 on the docket of said Court, wherein The Heirs of Joaquin Soto are claimant against the United States, as appears of record in my office.

In witness whereof I herewith set my hand and affix the seal of said Court this the 3d day of November 1860.

C. Sims, Clerk.

UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA.
THE PRESIDENT OF THE UNITED STATES,
To. J. W. MANDAVILLE, U. S. Surveyor General, for California—Greeting:

You are hereby notified that the United States District Court, for the Southern District of California, at the Special August Term of said Court, 1860, in case No. 210 on the docket of said Court, wherein The Heirs of Joaquin Soto are claimant against the United States, made and caused to be entered an order, of which the above and foregoing is a certified copy herewith transmitted to you for your information, and you are hereby required to take notice of the same.

Witness the Hon. ISAAC S. K. OGIER, Judge of the United States District Court, for the Southern District of California, this the 3d day of November 1860.

Attest my hand and the seal of said Court the day and year above written

C. Sims, Clerk.

No 210

San Francisco Nov 10 1860

I hereby certify that I have this day made personal service of this order on J. W. Mandaville U.S Surveyor General for California by leaving with him a certified copy of the same

James C Pourie
U.S Marshal
Per A W Buchanan
Dept Marshal

Marshals fees
For Service $2,00
" Mileage 30,00

Filed Nov 14, 1860
C Sims clk
By John D Wheelenberg

210 SD
PAGE 68

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

The United States
vs
The Heirs of Joaquin Soto
Leonetto Cipriani
Intervenor

No 210
District Court.

L. C. No 552
Rancho del Rio.

The said Leonetto Cipriani Intervenor, respectfully shows to the Court, that he excepts to the survey made herein, in the following respects, to wit.

1st to the North eastern line thereof, where it is made co-terminous with the Rancho de los Ojitos, on the ground that the grant, and the diseño accompanying the espediente of the grant of said Rancho to the late Joaquin Soto, and the decree of this Court herein, confirming said grant to the heirs of said Joaquin Soto to whose rights herein the said Intervenor has succeeded, referred to the then understood boundary

of said Rancho de los Ojitos, which was the ridge designated on the plat of survey, as the Sierra de las Piedras, and known by that name, or as the Sierra Pedregosa, and that said ridge was the actual boundary of said Rancho del Piojo, as possessed by the said late Joaquin Soto.

2d. That the Southeastern line of said survey is erroneous in this, that, whereas the Northeastern boundary ought to be the said Sierra de las Piedras, as shown in the first exception, the said Southeastern boundary ought to be drawn much farther to the Southeast, so as to make the quantity of three leagues, by prolonging the boundary line along the said Sierra de las Piedras, for the northeastern boundary, and for the opposite or Southwestern boundary, down the river Nacimiento, and running a line for quantity across them so as to conform to said grant, diseño and decree, from all which it appears that said rancho ought to extend in length three leagues between said Sierra de las

Piedras, and river Nacimiento.

Wherefore the said Intervenor prays that said Northeastern and Southeastern lines of said survey, be ordered to be changed, and to be run in conformity with the foregoing corrections suggested herein.

Sidney L. Johnson
& J. L. Brent
for Intervenor

Sidney L. Johnson being duly sworn says, that he has read the foregoing exceptions and knows the contents thereof, and that the same are true of his own knowledge, except as to the matters therein stated on information and belief, and as to those matters, that he believes them to be true, and that affiant makes this affidavit instead of the Intervenor because the Intervenor is absent from the State of California.

Sidney L. Johnson

Subscribed & sworn to before me this 30th day of Nov AD 1860
Butler McAllister
U.S. Com

U. S. District Court

Southern Dist of Cala

The United States

vs

The Heirs of Joaquin Soto.

Leonetto Cipriani

210 SD Intervenor

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No 210. District Court

L. C. No 552

Rancho del Pozo.

Exception to Survey

Filed Dec 3d 1860

J. C. Sims Clk

By Jomes White Dep

S. L. Johnson
J. L. Brent } for Intervenor

At a special term of the District Court of the United States for the Southern District of California, held in the City of Monterey on Wednesday the Twenty Ninth — day of January 1862. Present the Honorable F. W. Haight. District Judge.

The United States vs The Heirs of Joaquin Soto } No 210. District Court Rancho del Pio Jo L. C. No 552.

Leonetto Cipriani, Intervenor }

On motion of Sidney L Johnson of Counsel for Leonetto Cipriani, Intervenor in the matter of the survey of the above-mentioned private land claim, and on giving the Court to understand and be informed, that heretofore, on or about the 4th of April 1860, the Surveyor General of the United States for California approved a survey of the Rancho claimed in the above case, and confirmed to the Claimants; that thereafter, under and in accordance with the first section of the Act of Congress, approved June

14th 1860, defining and regulating the jurisdiction of the District Courts of the United States, in California, in regard to the survey and location of confirmed private land claims, the said Surveyor General gave due public notice, that a survey and plat had been made of said claim, and that the same had been approved by him; that thereafter, the above-named Intervenor applied to the Court to be permitted to intervene herein, as the grantee and successor in interest of the above-named claimants, and also for an order of this Court to said Surveyor General, to return said plat of survey into this Court, and this Court granted said application, and said plat of survey was accordingly returned into this Court, and is now on the files thereof, and the said intervenor filed his exceptions thereto; that after due public notice ~~by mention~~ in accordance with the rules of this Court, to all parties in interest, no other party has appeared to make objections to said survey, and the said

Intervenor, by his Counsel, now applying to discontinue and withdraw his said exceptions, and declare his assent to said survey, and there being no objection thereto: It is hereby Ordered that said Intervenor have leave to with=draw and discontinue his said ex=ceptions to said survey, and that the proceeding in opposition thereto be dismissed, and that the plat of survey aforesaid, be removed from the files and returned to said Surveyor General, together with a certified copy of this order.

F. M. Dewey Jr
Judge of the District Court
of U. S. for Southern District
of California —

U. S. District Court.
Southern District
of California

to be cut on Deeds

The United States
vs.
The Heirs of Joaquin Soto.
L. Cipriani Intervenor

D. L. No 210.
Rancho del Pájo
L. C. No 552

Order discontinuing exceptions, and dismissing proceedings in opposition to survey.

Filed Jany 29 1862
John E Wheeler Clk