

CASE No.
211

SOUTHERN DISTRICT

SAN JUSTO GRANT

FRANCISCO PEREZ PACHECO

CLAIMANT

MAR 12 1963

U.S.A.
S.S. COLLEGE
BROOKLYN - N.Y.
BROOKLYN

Sand Case 211 SD

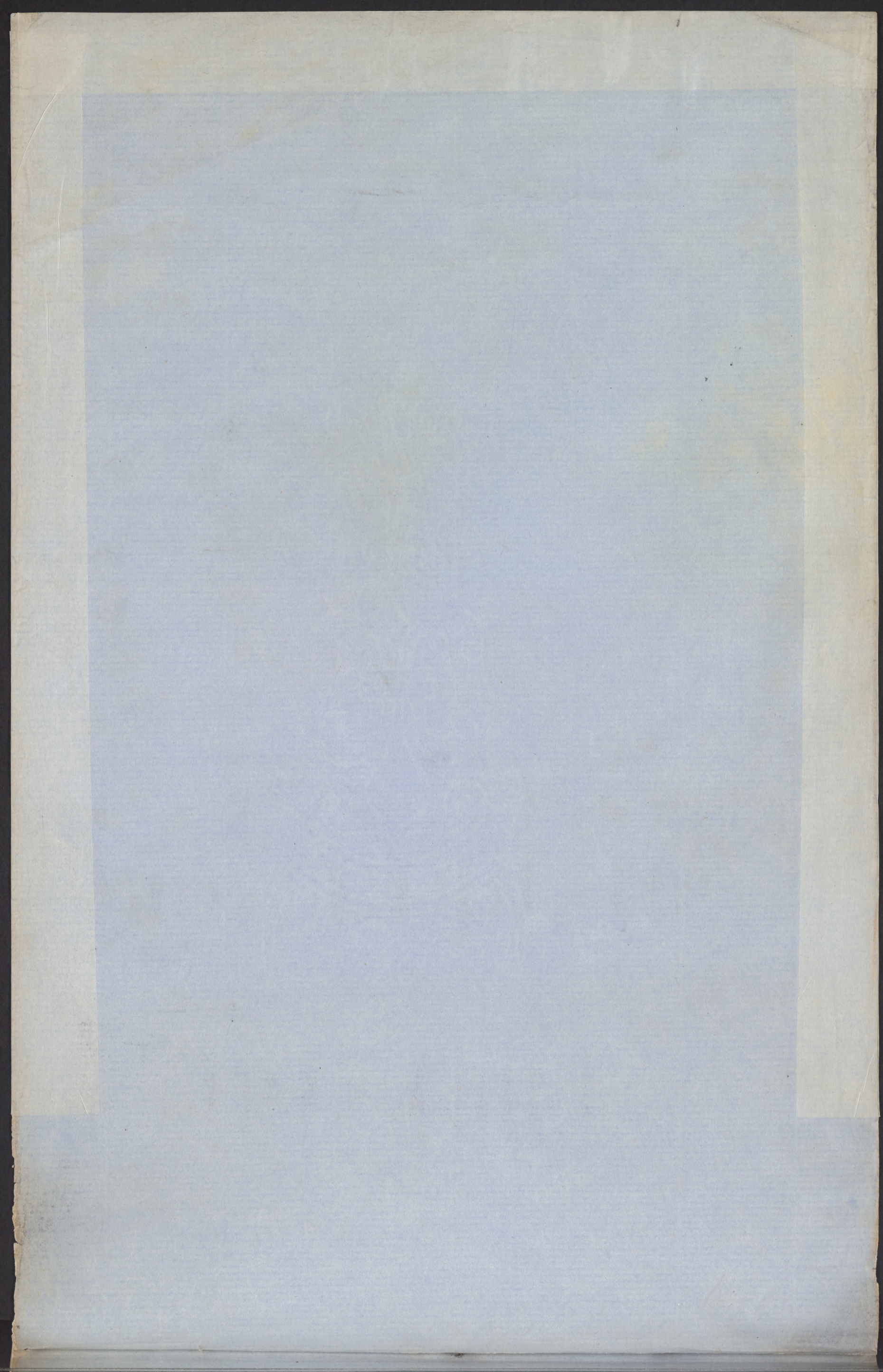
See also deed of sale from José Castro to
Francisco Pacheco for Rancho San Justo,
1844 July 26 (photostat of tracing) -
BANC MSS C-I 16 Pt I:103.

GW

4/21/94

47

Supp.



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *47*

Francisco Perez Pacheco CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Justo"

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *Seventeenth day of February*, Anno Domini One Thousand Eight Hundred and Fifty-*two*, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

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The Petition of *Francisco Perez Pacheco*,
for the Place named
"San Justo,"
was presented, and ordered to be filed and docketed with No. 47 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 2^d 1852,
In case no. 47, Francisco Perez Pacheco, the deposition of Jose Rafael Gonzalez, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton was filed;

(Vide page 5 of this Transcript)

San Francisco April 6th 1852,
In the same case the depositions of Jose Rafael Gonzalez and Cornelio Hernandez, witnesses in behalf of the claimant, taken before Commissioner Harry J. Thornton, were filed;

(Vide pages 7 & 8 of this Transcript.)

San Francisco April 12th 1852,
In the same case the Secretary filed the translation of Document "A" annexed to the deposition of Jose Rafael Gonzalez, a witness in behalf of the claimant

taken before Commissioner Harry J. Thornton, and
filed on the 6th of April 1852;

(Vide page 49 of this Transcript.)

San Francisco May 3rd 1852.

In the same case the depositions of Maximino de Tabas
and Antonio Maria Pico, witnesses in behalf of
the Claimant, taken before Commissioner Meland
Hall, were filed.

(Vide pages 36 & 37 of this Transcript.)

San Francisco May 21st 1852.

In the same case the deposition of Maria Rosana
Bernal, a witness in behalf of Ellen E. White et al.
contesting the said claim, taken before Commissioner
Harry J. Thornton, was filed.

(Vide page 39 of this Transcript.)

San Francisco February 26th 1853.

In the same case the deposition of Jose Castro, a witness
in behalf of the Claimant, taken before Commissioner
Meland Hall, with document marked Id. N. No. 1. annexed
thereto, was filed.

(Vide page 44 of this Transcript.)

San Francisco, October 5th 1853.

Case no. 49 was submitted on briefs and taken under
advisement.

San Francisco October 3rd 1854.

In the same case Commissioner Alphens Felch delivered
the opinion of the Board confirming the claim.

(Vide page 79 of this Transcript.)

And the following order was made, to wit:

(Vide page 85 of this Transcript.)

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To the Honorable the Commissioners for
settling private Land Claims in California -

The petition of Francisco Perez Pacheco respectfully sheweth that he claims the tract of land known as San Justo a description of which will be given hereafter under the following chain of title to wit -

Pacheco

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Thadros Jose Castro, a Mexican by birth and resident of the Pueblo de San Juan in the Northern portion of the present County of Monterey, on the 11th day of April 1839 made and presented his petition to Don (Mun-^{Sua Petition}nel) Alvarado then Governor of California, soliciting for himself the grant of the tract of land known by the name of San Justo and setting forth therein that the Government had previously granted the same land to an Rafael Gonzalez, but that the same had abandoned it entirely.

Wherefore said petitioner Jose Castro claimed to demand the said Gonzalez or anybody claiming under him for the non performance of the conditions of said grant.

That said Governor Alvarado referred said petition to the Alcaldes of the Municipality for report thereon, on the 12th of April 1839 -

That said Alcaldes on the 13th of April 1839 reported that said lands were waste and did not belong to anybody and that there was no obstacle to prevent a grant of said land according to the prayer of Jose Castro's petition.

That thereupon the said Governor Alvarado on the 15th day of April 1839 by virtue of the authority vested in him as Constitutional Governor of California declared the said Jose Castro to be the owner of the tract known as San Justo, stating at the same time that this said document issued by which he so declared him as owner should serve him as a sufficient title to said land.

That on the 26th day of July AD 1844 said Jose Castro made and executed a conveyance of all his right title and interest

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in, and to said Rancho de San Justo to
Francisco Perez Pacheco, your petitioner.

And your petitioner further states that
said petition of Jose' Castro reference report
and a copy of the grant made by said Govern-
or are now on file among the archives of the State
of California in the possession of the Comptroller
General of the United States of America for
California, and that duly certified copies and
translations of the same are herewith submitted
and prayed to be made a part to this petition
and further that said original grant or
deed together with the conveyance of said
Castro to your petitioner are in the possession
of your petitioner and ready to be offered in
evidence whenever required.

That the boundaries of said
land according to the terms of the grant are as
follows -

On the North by the lands of Don
Francisco Pacheco -

On the East by the Oak woods called
Pollar de San Joaquin and the Puerto del
Rosario -

On the South by the Guadalupe Mountains -
On the West by the point of the hill of the
San Juan -

That said land lies in the County
of Monterey in the neighborhood of the Old
Mission of San Juan, is known under the
name of San Justo and contains four square
leagues more or less.

And your petitioner further states
that said Jose' Castro immediately after obtain-
ing said grant took and held possession of
said land until he conveyed it to your peti-
tioner and that since the time said conveyance
was made to him your petitioner has been in
possession of it and exercised full and complete
ownership over the same -

And your petitioner further states that
he has recently been informed that a certain
Bernando and Charles White pretend to have
title to said Rancho San Justo under a convey-

conveyance from Rafael Gonzales who had
once obtained a grant of said land as afore-
said, but then abandoned it, but that said
Hernandez and White cannot have a good
and lawful title thereto, as said Rafael Gonzales
did not comply with the conditions of his
said grant and thereby lost his right to it.

Your petitioner therefore claims to be
the owner of said tract of land and prays
that your Honorable Body will confirm his
claim and title thereto -

Clark Taylor, Clerk
Atty for Petr -

Filed in Office Feb. 11th 1852.

Wm. Fisher
Secy.

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California Land Commission
San Francisco March 2^d 1852.

At Chambers.

Before me James D. Thornton
one of the Board of Commissioners to ascertain
and settle private land claims in the
State of California. came Jose Rafael Gonzales
a witness summoned to testify in behalf
of the claimant Francisco Perez Pacheco whose
petition is No. 117 on the books -

The Law Agent of the United States being
present and the said witness having been by
me first duly sworn testified as follows to wit,

Questions propounded by the Claimant -
Question 1st -

What is your name age, place of
nativity and residence at present?

Answer 1st -

Jose Rafael Gonzales, my age is
Sixty seven - my birth place the City of Mexico
and my present residence San Jose de Guadalupe.

Question 2nd -

Where have you resided for the last
fifteen years?

Deposition
of
Jose Rafael
Gonzales

WAGE

SD

Ans. 2nd - I have resided in Monterey since 1833 with few exceptions -

Quest 3rd - In what part of Monterey?

Ans - I resided at the port of Monterey.

Quest. 4. State if you held any office under the Government of Mexico in California?

Answer. I was the collector of the Customs in Monterey -

Quest. 5th - Do you know a place or Rancho in California called San Justo?

Answer - I do know it because it was granted to me -

Quest 6th. State where it is situated?

Answer. It is about one league north of the Mission of San Juan and believes it is in the present County of Monterey. Opposite the bend of the Mission -

Quest. 7. Do you know who has been in possession of San Justo. if any one has for the past six or seven years -

Ans - Francisco Perez Puchet has occupied it during that time but some made to him by the Jose Castro for valuable consideration -

Quest 8 - What was the date of your grant of which you spoke -

Ans - It was granted to me in 1836. but I do not remember the date -

Ans. 9. Did you do anything towards taking possession of it by virtue of that grant -

Ans - I did not -

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Quest. 11th. Do you know who was in possession of San Jacinto just after the year 1836 and how it was occupied thence up to the time when Pacheco took possession -

(The Law Agent objects to the above Question)

Answer - No one occupied it.

Quest 11. In what way has Pacheco occupied it since he took possession?

Ans - He occupied it with his cattle.

Quest. 12. How far is San Jacinto from the foot of Montana -

Ans - About thirty leagues -

Cross interrogatory propounded by the N S Law Agent -

Cross Int. 1st. Is San Jacinto within two leagues of the sea? -

Ans - It is not.

Cross Int. 2. Why did not you take possession of San Jacinto under the grant made to you in 1836 -

Ans - Because I had conveyed my right to another person - I did not consider myself authorized to take possession of it -

Cross Int. 3d. - What other reason if any was there why you did not take possession, have you not heard another reason in attempting to answer interrogatory 11th, in Chief - If so state that reason -

Ans - Because in 1836 a revolution broke out in California in consequence of which all Mexicans were expelled and in order not to lose

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My interest in the grant I made a transfer
to a Native Californian
Cross Inst. 4.

To whom and when did you
make such transfer -
Ans -

To the late Juan Hernandez in the
said year of 1836 -
Cross Inst 5

Did you transfer it to him to
hold for his benefit or for yours?
Ans -

For the benefit of both.
Cross Inst. 6th

Do you now claim an interest in
this Rancho? -

Ans - I claim none -

Cross Inst 7th

Why do you not claim an interest?
Ans -

Because White paid me two thousand
Five hundred dollars - The person I refer to
is Charles White an Irishman living in San
Jose who bought the interest of which
Mariano Hernandez as heir of Juan Herman-
dy might have -

Cross Inst. 8th

Has Mr White to your knowledge
any interest in this petition, has he to your
knowledge made any bargain about the
Rancho with the Claimants?

Answer to Cross Inst 8th

I do not know that White has
any interest in this petition, but I do know that
White has instituted suit in the County of
Monterey against Pacheco claiming the
said Rancho -

Cross Inst 9 -

Have you been paid anything
by the Claimant with reference to this claim
or the Rancho?

Ans -

I have not been paid anything by the

By the Claimant.
Comps Inst 1st 11th.

Have you made any bargain with the Claimant Parties from which you are to derive any advantage from this Claim if Confirmed?

Ans.

Hee has made no bargain with any one

Examination Continued by Claimant,
Inst 1st.

Where did these transactions of which you have just spoken between Gonsalves and White and between White and Hernandez take place?

Ans -

Between Gonsalves and White the transaction took place about a year ago, but between White and Hernandez I do not know the date.

Inst. 2.

Do you know when White first came to live in this Country?

Ans -

I do not know when nor how White came to the Country, I know him first as Alcalde of San Jose de Guadalupe about 21 years ago -

Inst 3 -

Do you know when Juan Hernandez died?

Answer

I do not know.

Inst 4th -

Did you leave in California in consequence of the Revolution?

Ans.

I did not leave.

Inst 5th -

Where did Juan Hernandez continue to reside after the year 1834?

Ans -

He continued to live in his house in San Jose until he died.

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Just 1th. Do you recollect when last you saw Juan Hernandez -

Answer - About three years ago I saw him for the last time when he was sick -

Just 7. Did you or Juan Hernandez in his life time ever exercise any acts of ownership over the Rancho of San Justo or attempt to take possession of it.

Ans - I know exercised any acts of ownership over the Rancho of San Justo or attempt to take possession of it? -

Ans - I never exercised any act over it myself and do not know whether Juan Hernandez ever did!

Just 8 - Have you a Rancho of your own if so when is it & how long have you had possession of it.

Ans - I have a Rancho in San Miguelito in the County of Monterey which I have occupied three ten years - distant from San Justo about thirty three leagues.

Just 9. State whether Juan Hernandez in his life time had a rancho of his own -

Answer - He had one at a place called Apo de la Cocha in the County of San Jose distant from San Justo about fourteen leagues -

Just 11th - State whether what White paid you in Cash for the sale of your interest, and how the transaction was brought about!

Ans - It was a part consideration of the Ten thousand dollars for a horse bought of White worth only four thousand and

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it was White who brought to you out that transaction -

Question 11th - How many leagues of land were granted to you in 1834?

The Law Agent objects to the above Question.
Ans - Six leagues -

Question 12. In the negotiations between you & Charles White relative to the purchase of your interest, was Pacheco's ownership of four leagues mentioned and if so what was said about it?

(The Law Agent objects to the above question)
Answer.

I received a grant of six leagues of which Castray sold four leagues to Pacheco and sold what interest I might have to Charles White in the remaining two leagues.

Question 13th.

State on what terms you have been with Francisco Perez Pacheco and whether you had been frequently with him at San Jose for the last fifteen years -

Ans - We were Countrymen & had known each other ever since. We were boys and continued on friendly terms.

I never saw him at San Justo but I met him often at his house at San Felipe which borders on San Justo -

Comp Question by Law Agent.

Question 1 - Did you ever know that Juan Hernandez ever attempted to take possession and if he ever heard him give any reason why he did not take possession of the Rancho of San Justo.

(The Claimants attorney objects to the above question)

Ans. I do not know it of my own knowledge but Juan Hernandez told me that he went to take possession of the Rancho and that Jose Castro refused and drove him off -

This was in the year 1836 soon after I had made the donation to Juan Hernandez -

Quest 2. Is Jose Castro yet alive?

Answer. He is living at Monterey?

Jose Rafael Gonzales -

Sworn to & Subscribed
Before me this 29 of March 1852.

(Signed) Henry J. Thornton
Clerk &c.

Filed in Office March 2. 1852
(Signed) Geo Fisher
Secy.

Office of the Board of Commissioners of California Land Claims

San Francisco 6th April 1852.

At this day before me Henry J. Thornton one of the Commissioners for ascertaining and settling private Land Claims in the State of California came Romulo Hernandez a witness produced in behalf of Francisco Ruiz Pacheco claimant being held on the advice of said Commissioners and after being duly sworn testified as follows.

His evidence being given in the Spanish language and interpreted by the Secretary George Fisher -

The Law Agent of the United States being duly notified & was present -

Deposition
of
Romulo
Hernandez.

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Questions propounded by Ellen E White and John Carnif Contrasts in 'note' of docket -

Quest 1. What is your name age and place of residence!

Ans. My name is Comilio Hernandez my age is thirty nine. My residence the town of San Jose de Guadalupe -

Quest 2. Whose son are you?

Ans. I am the son of Juan Maria Hernandez -

Quest 3. Is your father living -

Ans. He is dead, he died in the month of August 1849.

Quest 4. How many children did he leave and does your mother still live.

Ans. He left nine children to wit - Abina - Tomas, Jose' Mariano, Conzelio (Cruzado), Maria de Jesus, Tomas, Santiago Pedro Lauriano - Jose' de Jesus. My mother still lives and her name is Francisca F Lauriano Guterrez -

Quest 5. Do you know whether Jose Rafael Gonzales ever made a donation of his San Pedro grant to your father and if so when was it -

State if your father went to take possession of it and when he did so and who prevented him from going on it if any one. State who it was and all you know about this matter.

Objected to the question as being leading by the counsel of Pacheco -

Ans. - I do know that Jose' Rafael Gonzales made a donation of his San

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Justo grant to my father about the year 1836 or 1837 - I do not recollect the precise time - My father went to take possession of it accompanied with my mother and several of his children myself included but he was prevented from taking possession by Jose Castro - My brother Mariano Hernandez had the title papers with him at the time and was acting as the representative of my father and his family who came there at that time for the purpose of settling on the said Ranch -

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Quest 6 - Do you know the San Justo Rancho
Ans -

I do know it -

Quest 7 - Where is it?

Ans - It is situated near the Mission of San Juan Bautista -

Quest 8 - Do you know to whom it was granted

Ans - I have been told that it was granted to Angel Castro -

Quest 9 - What did Gonzalez do with it?

Ans - He made a donation of it to my father Juan Maria Hernandez -

Quest 10 - Did your father take any steps to occupy it and state all he did to take possession of it -

Ans - He has - He started with a part of his family and goods and chattels packed in carts and came as far as the Mission of San Juan Bautista when he received the Missive from Jose Castro by his cousin Angel Castro, stating not to come because he would prevent his statement that he Jose Castro had as much and perhaps

Quest 11 - Did your father take any steps to occupy it and state all he did to take possession of it -

More right to it than Juan Maria Hernandez - This was told to me by my brother Mariano Hernandez who with myself accompanied our Father on this occasion -

Quest 11 -

At what time did he make this attempt to take possession of it?

Objected to by Claimant -

Ans - It was either in the year 1836 or 1837 April or May but I do not recollect the year -

Quest 12 - Had you any conversation on the subject with Jose Castro himself -

Objected to -

Ans - I had on one occasion - I asked him why did he prevent us from settling on the land upon which he answered with a great deal of austerity - saying do not bother me.

Quest 13 -

Have you ever had any conversation with him since -

Ans -

I had none -

Cross Questioned by the Claimant -

Quest 1 - Did you see Miguel Castro at the time when he came from Jose Castro as stated in your answer to Question No 11 -

Ans -

I did not see him -

Quest. 2.

What amount of goods and effects and cattle you were removing to San Justo?

Ans -

We had about five cartloads of goods and chattels with us on the way and there were in needings to be removed about 200 head of cattle and horses.

Quest 3.

What do you mean when you say you

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that your brother Mariano was the representative of your Father at the same time that your Father was present? -

Ans - My Father being old and infirm appointed his Eldest Son Mariano to act for him in all cases and to manage his affairs, and he approved of all Marianos actions.

Quest 4. Who owned the cattle of which you have spoken?

Ans - The greatest portion belonged to my Father and the remaining to his Sons.

Quest 5. Where did your Father continue to live from that time up to his death?

Ans - At his house in the town of San José de Guadalupe -

Quest 6. Where did Mariano live from that time up to the present.

Ans - At his house in San José de Guadalupe up to the year of 1844.

Quest 7. Where has he lived since 1844!

Ans - I do not know, he is not in California

Question by Counterpart -

Quest 1. How long since he left his home?

Ans - It will be two years in September of this year.

Quest 2. How long after Gonzales donated San Justo to your Father before he attempted to mortgage -

Objected to by Claimant -

Ans - I do not recollect, but it was a very short time afterwards -

What Comment...

Cross Examination resumed.

Just 1 - Do you know the date of Gonzales donation to your Father -
Ans -

I do not know.

Just 2. Where did your Brother live between the year 1844 of which you have spoken and September 1851 -
Ans -

Upon refreshing my memory I recollect now that he lived in San Jose until September 1851 and not 1844 as previously stated -

Cornelio ^{his} Hernandez,
mark

I swore to and his mark put in my presence this 6th of April 1852.

Henry D Thornton
Clerk.

Filed in Office April 6, 1852.

(signed) Geo Fisher
Secy.

Office of the Board of Commissioners
of California Land Claims.
San Francisco April 6, 1852.

On this day before me Henry D Thornton one of the Commissioners for ascertaining & settling private land claims in the State of California came Jose Rafael Gonzales a witness produced in behalf of Francisco Ruiz Pacheco, claimant being held on the docket of said Commissioners and after being duly sworn testified as follows.

His evidence being given in the Spanish language and interpreted by the Secretary George Fisher -

Deposition
of
Jose Rafael
Gonzales

The Law Agent of the U. S. Army July 10th 1848
was present -

Questions propounded by Ellen E. White
and John Carmy Contestants in No. 4 of
docket -

Quest 1 -

What is your name age and place
of residence -

Ans -

My name is Jose Rafael Gonzales
fifty six or sixty seven years, residence San
Jose -

Quest. 2. State all you did to make the
necessary settlements and improvements of
your San Justo grant?

Ans -

That a grant was given to me by
the Government and confirmed by the Territorial
Assembly - The only act that I performed
was the planting of a cross on the top of the
hill as a land mark of my land so granted
reaching to that point - I made no settlement
nor improvement because I was prevented by
the breaking out of the Revolution by which
all Mexicans not being natives of California
were expelled the country by the Californians
in consequence of which I made a transfer
of the said grant to Juan Hernandez -

Quest 3 -

What was the contract as understood
between you and Hernandez about your
San Justo grant was he or not to take
and hold possession of the same and for
whose benefit -

The question was objected to by the Claimant
as having and secondary Evidence -

Ans -

The Contract as understood between
was that Hernandez should take posses-
sion of the land as his own property by
virtue of the donation created by me in
his favor and subsequently he was to transfer

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one half of the same to me by a legal document -

Quest 4 -

Did any one else settle upon your San Justo grant if so, and who and when the settlement was made and for what purpose the settlement was made -

Objected to by claimant -

Ans -

From the time that the grant was made to me no one settled on it. Hernandez was to have settled on it but Jose Castro the leader of the Revolution presented the settlement of Hernandez and sold the land to Francisco Puz Pacheco -

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Quest 5 -

Do you know the place called the Canada de la Puerta in the County of Monterey -

Ans -

I do know it -

Quest 6 -

Who has occupied that place since 1834?

Objected to by claimant -

Ans -

Angel Castro by concession made to him by me -

Quest 7 -

What improvements did Castro make where he resides?

Ans -

He built a house and a mill (grist) he cultivated the land and made a garden -

Quest 8 -

At what time did he make these improvements?

Ans -

In the same year 1836 immediately after I made him the concession -

Quest 9 -

Is the Canada de la Puerta within his San Justo grant or not?

Ans -

It is -

Quest 10.

How long did Angel Castro em-
ploy to reside upon your Rancho of San
Justo and cultivate the same -

Ans -

He occupied it from the time I
made the concession to him until he sold
the house to Mr Charles White but I cannot
tell the time when he sold the house as above
stated -

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Quest 11.

How long since you saw Angel
Castro living there.

Ans -

The last time I saw him living
there it was since the occupation of California
by the Americans - I was there and took
breakfast with him -

Quest 12.

How long since you passed by the
house of Angel Castro.

Ans -

Since the time above stated I have
not been that way -

Quest 13.

What was the practice under the
Mexican law in California in relation to
the announcements of grants of land previously
made -

Objected to by claimant -

Ans -

It was customary for the Governor
to notify the first grantee asking him for
a showing why he did not occupy the
land granted. if the showing was sufficient
and the reasons just and sufficient a title
was granted on the contrary the land was
granted to the Announcer -

Quest 14.

Was any notice ever given for
of any attempt to annul or favor San
Justo grant in favor of another -

Ans -

It was not -

Quest 15.

What Offices have you held either in Mexico or California under the Mexican Government?

Ans.

In Mexico I held the Office of Collector of Excise of the district of Acapulco also, and in California I held the Office of Collector of Customs of Monterey and Comissary of the Department. I held also at various times the Office of Alcalde of Monterey. was also Member of the Departmental Deputation.

Quest 16.

Look at the paper now handed to you marked A to be filed with this deposition and state what you know about the Execution and object of the same?

Ans.

I recognise the paper as above stated to have been executed by Mariano Guadalupe Vallejo, Comissary in Chief of the Military Forces in Upper California as a safeguard in my favor to return home from the town of Santa Clara when I was held as a prisoner of war by the Revolutionary party.

Quest 17.

You have stated you were ordered to leave the Country State when the order was made by whom it was made and what Cause was alleged against you?

Ans.

I do not recollect the date of the order the order was signed by José Castro the Chief of the Revolution the Cause alleged against me was that I was a Natural Mexican, all the Natural Mexicans were expelled by the Californians.

Quest 18.

You have stated you had a grant of the San Justo Ranch, who were witnesses that gave testimony before the Alcalde upon the Inquiry as to your qualifications to receive a grant under the Mexican Law.

Ans - I believe they were Francisco
Perez Pacheco, Joaquin Gomez and Simon
Castro -

Just 14. Is or not Francisco Perez Pacheco
the same person that claims the San Justo
Ranch under a grant to Jose Castro
the petitioner for which is filed in this court
Ans -

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He is the same person -

Cross Examination of Witness by
Clemway
Cross. Just 1 -

Are you the owner in possession
of a Ranch at the present time? -

Ans - I am -

Cross Just 2. What is it called and how long
have you been in possession of it -

Ans - It is called San Miguelito de la
Trinidad - I am and have been in possession
of it about two years -

Cross Just 3. When did you petition first
and when was it granted to you? -

Ans - I do not recollect the time when
I petitioned for it but it was granted to
me as soon as petitioned for -

Cross Just 4 - Had you petitioned for it as
early as 1841 -

Ans - I do not recollect the date nor the
year when I petitioned for it as already
stated above, but upon refreshing my
memory - I find that I petitioned on the
1st of May 1841, and the grant was made
on the 24th of July 1841 -

Cross Just 5. How much land was granted

to you at that time and when was it situated?

Ans. - No. Five leagues were granted to me at the time above stated called the San Miguel etc. in what is now the County of Monterey -

Comp. Inst. 6. At the time you petitioned for the San Miguel Rayos were you the owner of any other land in California -

Objected to by Courtistant -

Ans. - I was the owner of three town lots in Monterey at the time that I owned. I having donated the other as already stated to Hernandez -

Comp. Inst. 7.

Was the donation which you made to Hernandez reduced to writing?

Ans.

It was. I gave it to him in writing -

Comp. Inst. 8.

What was the date of it -

Ans. -

I do not recollect the date of it, but think it was in 1836, but upon refreshing my memory I state that it was the 14th of October 1837.

Comp. Inst. 9.

Did you make the donation to Hernandez alone or to him jointly with others -

Ans. -

To him alone and to his family under the contract into which we entered between us.

Comp. Inst. 10.

Where was your return home at the time the permit was given to you to return home -

Ans. -

At San Pontista where I had a store and from whence they carried me a prisoner -

Comp. Inst. 11.

Did Jose Castro ever present

your taking possession of San Justo from
 your donation to Hernandez.

Ans -

He did not.

Camp Just. 12.

At the time you testified
 for San Justo where did Angel Castro
 reside -

Ans -

In a Rancho called Palsinis near
 the Cañada del Rosero which joins the
 Rancho San Justo.

Camp Just 12.

How far was his house from
 the Mission Church of San Juan Bautista
 at the time you testified, if he had any house
 at his Rancho.

Ans.

I don't know whether he had a house
 or not.

Camp Just. 13.

On which side of San Justo
 did Angel Castro's Rancho be situated -

Ans -

On the South East -

Camp Just 14 -

What was the name of the creek
 that passed between the two Ranchos.

Ans -

San Pinito Creek.

Camp Just 15 -

When was this permission given
 by you to Angel Castro of which you have
 testified -

Ans -

A few days after the grant was
 made to me -

Camp Just 16.

Where were you and Castro at
 the time you gave him the permission?

Ans -

In the house of Francisco Castro at the
 Mission of San Juan Bautista -

Cross Quest 17.

Was the permission which you gave to Castro reduced to writing?

Ans.

It was not. It was verbal. Because in those days papers were not reduced to writing. The words were the same as a bond.

Cross Quest 18.

What was it you gave Angel Castro permission to do?

Ans.

I permitted him to take possession of the land and to dispose of it as his own property to build on and to use it as he thought proper. Which I granted to him in consideration of his being a native of the country and not owning a foot of land in it.

Cross Quest 19.

What land did you give him permission to dispose of?

Ans.

Of all the Canadas from whence the water runs and which I have known by the name of the Canada de Abada -

Cross Quest 20.

What is the extent of the length and breadth of the Canada?

Ans.

I cannot tell for I have never measured it.

Cross Quest 21.

Is the San Pinito Creek in the Canada de los Cueta?

Ans.

It is not. It is in an opposite direction.

Cross Quest 22.

How near the San Pinito creek did Angel Castro build the house which he built by your permission?

Ans.

About three miles more or less.

Cross Question 23.

In what part of the San Pinito Rancho is the Canada de los Cueta?

Ans. In the Southern part -
Cross Ques 13.

Was your Concepcion or permission to Angel Castro made in presence of any Alcalde Magistrate or official or before any witness?

Ans - It was before his brother Jose Francisco Castro who was the Prefect of Montevideo and the Administrator of the Mission of San Juan Bautista. Inlet to the Jose Castro of whom I have spoken -

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Cross Ques 24 - Did the said Prefect take any note or make any Memorandum of the Concepcion or permission?

Ans - He did not because as I have already stated above, it was not customary in those days to reduce every transaction to writing. A man's word was as good as his bond. I understood that Castro obtained from the Government papers that related to the same land, but I have not seen them and do not know the fact. I only heard it said so -

Cross Ques 25 - Was there anything said by you or Angel Castro at that time about his subsequently getting a grant or confirmation of the same land from the Government?

Ans - There was nothing said on the subject.
Cross Ques 26.

Was there anything said about the length of time he was to occupy the Canada by your permission?

Ans - There was nothing said about it.
Cross Ques 27.

Do you mean to say that you made a donation to Castro of the whole of the Canada in such a way that you yourself would afterwards have no right to occupy any part of it with Castro or otherwise.

Objected to by Contendant.

Ans - I did know as above stated, and nothing more or less and have considered that neither myself nor my heirs had any right to it.
 Cross Quest. 28 -

To what extent and in what way has Angel Castro occupied said Canada since that time?

Ans - Castro built the house on it as I have already stated, cultivated the land and occupied the whole Canada with team cattle and milk cows and had a large flock of sheep.

Cross Quest. 29. Did Angel Castro ever have any difficulty or dispute with Jose Castro or with Francisco Ponz Pacheco after they became the owners of San Justo about the boundaries of their respective lands.

Objected to by Contestants -

Ans. I do not know even remotely whether they had or not -

Cross Quest 30 -

Are you not intimately acquainted with Francisco Ponz Pacheco have you not frequently been at his house and in company with him on his lands?

Ans -

I am intimately acquainted with Ponz Pacheco. have been frequently at his house and have travelled on many occasions over the land, but never with him -

Cross Quest 31.

Has not Franco P Pacheco been in complete possession of all the Rancho San Justo except the Canada de la Cristey, ever since the Rancho was conveyed to him by Jose Castro?

Objected to by Contestants.

Ans. I am totally ignorant of anything embraced in the foregoing questions -
Cross Ques 32.

Q. But you know who has been in possession of San Justo at anytime since the year 1834, whose cattle have grazed upon it, and who has been the reputed owner of it.

Objected to by Contendant -

Ans. - I did not know who lived on it or who was in possession of it in consequence of the sale made by Castro to Pacheco. Pacheco was considered the purchaser, the cattle that grazed on it belonged to various persons being the contiguous neighbors from whom report Pacheco as the purchaser of the Rancho was considered the man.

Cross Ques. 33.

Q. In all your intercourse with Pacheco since he bought the Rancho of Castro did you ever let, or any claim, to it yourself or any part of it?

Ans. - I never did nor have I ever expressed upon the subject.

Cross Ques 34.

Q. When did you first hear of Pacheco's purchase from Castro?

Ans. - It might be six years ago.

Cross Ques 35 - Did you hear any talk about the contemplated purchase before it was made?

Ans. I did not hear anything talked about it until some time after the purchase was made by Pacheco exchanging cattle for the land -

Cross Ques - 36 -

Q. When did you first hear about Jose Castro getting a grant of the land?

Ans - About a year ago -
 Cross Ins. 37.

When did you first hear that
 Josi Castro claimed to be the owner of the
 Rancho of San Justo?

Ans - I do not recollect -

Cross Ins 38 - You have testified that
 Josi Castro prevented Hernandez from
 taking possession of the land. How and
 when did you come to know that fact?

Ans - I did not testify that Castro prevented
 Hernandez taking possession of the land, but
 I stated that I heard the same. It was Hernan-
 dez himself and his wife told me the same
 after the lapse of a few months from the time
 that I made the concession to Hernandez.

Cross Ins 39. What did you learn from
 Hernandez that Castro had a pretext as his
 reason for preventing Hernandez from occu-
 pying the land?

Ans - He told me that he went on to the
 land to settle and that Castro sent him word
 by his nephew Miguel Castro to leave he stated
 no reasons to me whatsoever -

Cross Ins. 40. Did Hernandez speak of
 any right which he supposed Castro had
 or any power to prevent his taking possession -

Ans - He spoke of no other right but that
 of the sword as the Chief of Revolution -

Cross Ins. 41. At what place did Hernandez
 communicate this to you?

Ans - In my own store at the Mission
 of San Juan Bautista -

Cross Ins. 42. What became of Hernandez

After this?

Ans - He went to his Rancho. El Afo
de San Cocho. Now Murphy, and from there
he went to the town of San Jose de Guadalupe
where he lived until his death -
Cross Just 43

Head Hernandez a son
named Mariano -

Objected to -

Ans - He had

Cross Just 44 -
where is he now being living?

Objected to -

Ans - I do not know -

Cross Just 45 -
Has son ever known when
he resided?

Objected to -

Ans - He always lived in the town of San
Jose de Guadalupe -

Cross Just 46 -
How long is it since he went
away from there?

Objected to -

Ans - I do not know the time when he left
I saw him and conversed with him about
a year ago at the same place -

Cross Just 47 -
Is he not reputed to have
run away, and if so, for what cause?

Objected to -

Ans - I understand it so he was charged
with homicide -

Cross Just 48 -
In what year was he a
member of the Departamental Assembly?

Ans - It was either in the year 1833 or 1834

but do not distinctly recollect which it was however before the arrival of Micheltorrena as Governor.

Quesp Quest 114. In what way did you become a Member of the Assembly?

Ans - By Election - The Elections were in the following manner. Namely, the Department of California was divided into districts. Each district elected annually an Elector. The Electors from the various districts met at the Capitol at Monterey and then elected the seven Members who composed the Departmental Assembly. The Members were elected for two years and was presided over by the Governor of this Pads. Three Members vacated their Seats after the first year and the other four after the second year of their Election. Their vacant Seats were filled by new Electors in this manner I was elected -

Quesp Quest 511 - Did you ever make any attempt to get possession of San Justo during the Administration of Chiles or Gutierrez or Alvarado, or Micheltorrena or Pico, or did you ever make any claim during either of these Administrations?

Ans - I did not, because I departed with my right, and made no longer any claim to it -

Quesp Quest 512 - Did Hernandez ever attempt to get possession, or lay claim to the land during the Administrations of the last several Governors.

Ans. I am entirely ignorant on the subject -

Quesp Quest 52. Did you ever have any conversation with Hernandez subsequent to the time when he told you that Castro refused to permit him to proceed upon the land about his (Hernandez) taking possession of San Justo.

Ans - I never did. The Subject was
 bound between us and never alluded to after-
 wards
 Cross Quest 53.

Was there anything to prevent
 Hernandez taking possession of San Justo
 during the year 1838?

Ans - I absolutely do not recollect.

Cross Quest 54.

Do you know of anything sub-
 sequent to the time when Castro refused to permit
 Hernandez to go upon the land, which could
 have prevented Hernandez from taking pos-
 session of it?

Ans - I have not learned of anything upon
 the subject referred to in the above question -
 Cross Quest - 55 -

How near to San Justo
 have you resided since 1834?

Ans - Up to about 8 months ago I have
 lived at Montano which is 12 leagues from
 San Justo, since the middle of 1837, previous
 to that I lived at the Mission of San Juan
 Bautista which is about one league from
 San Justo -

Cross Quest 56.

How far was the Cross you
 spoke of in your Examination in Chief from
 the Cañada de la Cruz?

Ans - I cannot tell the distance precisely
 It was upon the top of a hill about a mile
 distant -

Cross Quest 57.

In what direction was the
 Cross from the Cañada -

Ans - I cannot tell.

Cross Quest 58.

When did you first know of that

Cross being there?

Ans -

In the year 1833.

Quest 59.

What was it made of and how large was it?

Ans.

It was made of pine timber and about 20 feet high -

Quest 60.

What was the object of its being there in the first instance -

Ans -

It was erected by the Missionary Priests of San Juan Bautista as it was customary with them to erect crosses at many other places for the purpose of banishing idolatry among the Indians -

Quest 61.

Of how many pieces of wood was the cross composed?

Ans -

Of two pieces, one perpendicular and one horizontal?

Quest 62.

Is it standing there yet -

Ans -

I do not know.

Elaboration in Chief resumed.

Quest 1.

At what time were you taken prisoner, and how long were you deprived of liberty -

Ans.

I was made prisoner during the month of 1836 and was deprived of my liberty for 20 odd days -

Quest 2.

Were you kept as a prisoner from the time you were taken until you got the discharge of which you have spoken? -

Ans.

I was taken prisoner at San Juan

Bautista and was sent to Sonoma
Canton My arrival at Santa Clara
Jose Mariano Estrada then Administra-
tor of the Prison detained me at that
place until I received permission from
Genl Vallejo to return to my home unmolested
as already stated -

Quest 3.

Did any one after that restrain
you liberty?

Ans.

No one -

Quest 4 -

Were you ordered to leave the
County after you obtained your discharge
from Vallejo and if so by whom?

Ans.

No one interfered with me -

Quest 5.

What Offices has Jose Castro
held in California since 1836?

Ans -

He held various Offices Civil and
Military commencing his Military Career
as a Lieutenant in the Revolutionary Forces
and ascended to Lieut Colonel -

In the Civil Service he held
the Station of Pacific of the District of Monterey
he was also at one time Member of the
Territorial Assembly -

Quest 6 -

What Office did he hold under
Genl Alvarado?

Ans -

I do not recollect.

Quest 7.

What district was San Justo in?

Ans -

Monterey -

Quest 8.

Who was the acting Governor that
made the first order in your petition for
San Justo? -

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Ans.

I do not recollect the documents will show it.

Quest 9.

Have you seen the Expediente of Don Don Pedro Grant that is now on file in the Office of the Surveyor General of the United States and claimed the Signatures thereto?

Ans -

I have seen it and have Examined the Signatures they are my Signatures -

Quest 10.

Are you acquainted with the handwriting of Don Jose Castro -

Ans -

I used to be acquainted with it.

I have seen it and have Examined the Signatures

Quest 11.

Have you seen the Expediente of Jose Castro in the Surveyor's General's Office?

Ans -

I saw it day before Yesterday.

Quest 12.

Do you know the Signature of Juan Castro?

Ans.

I do know it.

Quest 13.

Is the Signature to that document purporting to be the Signature of Juan Castro his true Signature -

Ans -

It is. Juan Castro made his Signature at different times somewhat different in consequence of being a head. Since the Government authorized his Son Manuel to sign his Father's Name to public documents for the purpose of preventing frauds being committed, this is the reason why the Signatures on those Expedientes are different than I know of by my own knowledge. In the Expediente marked 1839 the Report of Juan Castro and his Signature and Serial are in the hand writing of his Son Manuel Castro as is the case with many other public documents which I have seen.

Just 14.

How and when did you learn that the Gov gave this permission to Manuel to sign Public documents for his Father?

Ans - When I cannot tell but how it is because Manuel was the Secretary of his Father and attended to all this public business and it was public and notorious in the town where they and I lived -

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Just 15 -

Did you examine the signature purporting to be that of Mariano Tobaranz at the foot of Juan Castro's report. In the original Expediente and is said signature genuine? -

Ans - I did examine it and it is genuine and he was Alcalde.

Jose Rafael Gonzalez,
Sworn to and Subscribed
before me this 6th of April 1852
(Signed)

Henry D. Thornton
Clerk
Filed in Office April 6th 1852
(Signed)
Wm. Fisher Secy

Office of the Board of Commissioners of California Land Claims

San Francisco, May 3rd 1852.

At this day before me Heclaugh Keall one of the Commissioners for ascertaining and settling private land claims in the State of California came Mariano Taboas a witness produced in behalf of the claimant Francisco Perez Pacheco, whose petition is now on the docket of the Board -

His evidence being given in the Spanish Language was interpreted by the Secretary. The Law Agent was notified & was present -

Deposition
of
Mariano
Taboas

In answer to questions propounded by the counsel for the petitioner the witness testifies as follows.

My name is Maximo Taboa and my age thirty three years & I reside in Monterey & have resided in California three years.

I know the Rancho San Justo & have known it over two years - It has been occupied by Francisco Ruiz Pacheco with Cattle to the number of from two to three thousand during that time. He has during that time had people living in the house on it.

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In answer to questions by the Law Agent the witness says he thinks the distance of the Rancho from the Sea Coast is from eight to ten leagues as I have heard the distance called. This he understands to be the nearest distance in a direct line. the greatest distance of the land from the Coast is perhaps twelve leagues.

Maximo Taboa.

Sworn & Subscribed
Before me
Nedaud Healy
Comr.

Filed in Office May 3 1852.
I signed
George Fisher
Secy.

Office of the Board of Commissioners of California Land Claims

San Francisco May 3rd 1852.

On this day before me Nedaud Healy one of the Commissioners for ascertaining and settling private land claims in the State of California came Antonio Maria Pico a witness produced in behalf of the Claimant Francisco Ruiz Pacheco, whose petition is number 117 on the docket of the Board, His Evidence being

Deposition
of
A M Pico

given in the Spanish language was interpreted by the Secretary.

The Law Agent was notified & was present.

In answer to questions propounded by the Counsel for the petitioner the witness testified as follows.

My name is Antonio Manco Pico my age forty two years & I reside in the town of the town of San Jose & have resided in California from my birth. I have lived in San Jose Calif since the year 1832.

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I have held various Offices since 1835 such as Alcalde of San Jose & attorney for the Corporation & Prefect of the District of San Jose.

I know the place called San Jacinto It is situated about one league South of the Mission of San Juan Bautista in the County of Monterey. From about the year 1839 to about 1844 it was in possession of General Jose Castro at which time he delivered the possession to Francisco Pico Pacheco. Pacheco has continued in possession to the present time -

Castro placed five hundred cows on the land, about cattle pens & also a house on it

This was done a short time after Castro obtained his title but I cannot recollect the precise time.

Pacheco has occupied it with his own stock. At times his number of cattle was as many as twelve thousand & they ranged over this land & other lands of his adjoining to it.

This distance of the land from San Jose I think is from eleven to twelve leagues

In answer to questions by the Law Agent the witness says that Pacheco had a large number of cattle ranging in the valley. A part as I understood were placed on San Jacinto & a part on other lands, but they became mixed & ranged together. The land is about ten leagues from the Sea Coast but whether more or less than that distance I cannot say.

Antonio Ma Rio.

Subscribed & sworn
Before me
Nedaud Hoall
Comm.

Filed in Office May 3. 1852.
(Signed) Geo Fisher Secy.

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Office of the Board of Land
Commissioners for California -
San Francisco May 21. 1852.

Deposition
of
Rosario Bernal

On this day before me Henry J. Thornton
one of the Commissioners for ascertaining and
settling Land Claims in California came
Rosario Bernal a witness swayed
in behalf of the contestants Ellen & White et al
in Case No 47 in which Francisco Perez Pacheco
is petitioner and being duly sworn testified as
follows. The United States Law Agent being notified
and attended. Her Evidence being given in
the Spanish language and interpreted by Geo
Fisher Secretary.

Questions by Contestants Ellen & White et al.

Question 1.

What is your name age and
place of residence?

Ans.

My name is Rosario Bernal age forty
years. My place of residence the town of San Juan

Question 2.

Do you know the Rancho San Justo?

Ans.

I do know it, it is situated about a
half a league on the other side of San Juan
Bautista.

Question 3.

Do you know to whom it was granted
if you state to whom?

Ans. It was granted to Rafael Gonzales.
Quest 4. What did he do with it?

Ans. He granted it to Juan Maria Hernandez.
Quest 5.

State whether Juan Maria Hernandez took possession of such Rancho or not, or if prevented from doing so or not?

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Ans. He did not, because he was prevented by Jose Castro.

Quest 6. State how and in what manner he was prevented.

Ans. Juan Maria Hernandez sent his son Mariano Hernandez my husband to take possession of the said Rancho, and to settle with his family on it. We started on our way to the said Rancho and arrived at the Puerto of San Juan Bautista with our goods and chattels loaded on two carts, where my husband Mariano received a written message from Jose Castro by the hands of his cousin Miguel Castro, ordering him not to go upon the said Rancho which said Mariano would not obey whereupon Jose Castro the Commandant of the Presidio of San Juan Bautista dispatched an armed force to apprehend and arrest him and which armed force came to our camp and surrounded of us where my husband was and informed me that they came by order of Commandant Castro to arrest Mariano Hernandez and prevent him from taking possession of the Rancho of San Justo.

Quest 7. Was Jose Castro even previous to your leaving the Of. de la Cacha acknowledged that the Rancho of San Justo belonged to your family or not?

Ans. He always said that the said Rancho

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was ours. I heard him say so.

Quest 8.

Did Jose Castro, Commanding General, encourage your family to move to and possess said Rancho of San Justo or not and if so when?

Ans -

He did, ask us on many occasions before we started for it, why we did not go to said Rancho.

Quest 9.

Did Jose Castro offer your family any assistance, before your going to the Rancho?

Ans.

He did offer to assist us when there as a neighbor -

Quest 11.

Have you heard any conversation between your husband and General Jose Castro, on the subject of being prevented from taking possession, and if so, state what was that conversation?

Ans -

I did hear a conversation between the said Jose Castro and my husband, which took place in my presence in which conversation my husband remonstrated with the said Castro on the subject of his preventing him (Hernandez) from taking possession of the said Rancho of San Justo, to which said Jose Castro replied that he Castro is also a native Californian and as such he desires to see that the said (Rancho de San Justo) to which Hernandez replied, that he (Castro) ought to pray to God that no other Government should be established in California, that his (Hernandez) children may not claim and deprive him of the said Rancho -

Questions by the Claimant -

Quest 1.

In what fear was it that all this happened.

Ans -

I don't know in what fear it was -

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Quest 2. Who was the Political Chief at that time of California?

Ans. Jose' Castro.

Quest 3. Did your husband Mariano Hernandez or his Father Juan Maria Hernandez ever attempt to take possession of the said Rancho after this Coarisation?

Ans. They did not.

Quest 4. Why did they not?

Ans. Because Mariano Hernandez said that he could not complain, successful, in consequence of Castro and Alvarado being alike that our would approve the acts of the other.

Quest 5. Do you know whether Castro got the land afterwards, from Alvarado and used it for himself?

Ans. I do not but I heard it stated that after receiving having deprived Mariano Hernandez of the said land, he obtained title papers for himself, but before what Magistrate or Governor I do not know.

I know that the said Jose Castro sent Miguel Castro with a stock of cattle to the said place and Miguel settled upon the land with the said cattle, about one month after the Coarisation above stated took place between Mariano and Castro and while we were yet at San Juan Bautista.

Quest 6. Up to what time did Castro continue to keep his cattle on the said Rancho?

Ans. I do not know.

Quest 7. Do you know what amount did

Charles White pay to your husband Mariana Hernandez and his father Juan Maria Hernandez for the said Rancho.

Ans.

I do not. But I was told by my husband that it was three thousand five hundred dollars. I received the money at several times, but I did not count it.

Quest 8.

Have you been on the Rancho since Pacheco bought it of Castro?

Ans.

I have not been there.

Questions propounded by the Law Agent of the United States.

Quest 1.

Was the grant which you say Gonzales exhibited to Juan Maria Hernandez exhibited before any Magistrate in California?

Ans.

I do not know, but I know that Mariano Hernandez went to San Juan Panto to receive the papers, and he brought them home and, in my presence delivered them to his father Juan Maria Hernandez.

Quest 2.

Did you read the papers?

Ans.

I did not read them.

Quest 3.

Do you know whether the land is within ten leagues of the Sea Coast?

Ans.

I do not know.

Quest 4.

How soon after the sale from Gonzales to Hernandez did your husband go to take possession of the Rancho as you have before stated.

Ans.

At least more or less than three months.
Mariano Rosario ^{the} Peral
made.

The United States Law Agent not present
& present.

Sworn to & his mark made
before me this 21st of May 1851.

Henry D Thornton
Comr. ge.

Filed in Office May 21. 1852.

(Signed) Geo Fisher
Secy.

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Deposition
of
Jose Castro.

San Francisco July 26. 1853.
On this day before Comr Hedaud Hoak
came Jose Castro, a witness in behalf of the
claimant Francisco Ruiz Pacheco petition
No 44 and was duly sworn his evidence being
interpreted by the Secretary.

The U S Associate Law Agent was present.

In answer to questions by the claimants
counsel the witness testified as follows.

My name is Jose Castro. My age is
forty four years & I reside at Monterey.

I have seen held the Offices of
Member of the Territorial Assembly, Prefect
Political Chief & Commandant General
in California.

I have claimed the original
papers in the Office of the Surveyor General
of which a paper filed in this case & marked
Exhibents 13 is an official traced copy.
I am acquainted with the hand writing & signature
of Juan B Alvarado, Filiciano Sobreros
& Manuel Sandoz & their signatures on said
original papers I believe to be genuine.

The original petition is in the hand
writing of Jose M Coronado & signed by
me. The signature Simón Castro was
written by his son who usually signed for him.

Because he was unable to write. The signet
or scroll is that of Simon Castro -

Before the said petition was
made I informed Rafael Gonzales that
I intended to apply for the land & he in-
formed me that he was going to Mexico &
did not desire to accept it & advised me
to announce it.

I had two or three conversa-
tions with him on the subject & he assented
to my applying for it.

I received the original
papers before mentioned from the Governor
& in 1841 delivered them to Francisco Perez
Pacheco when I sold to & transferred the land
to him -

A paper is now shown me & is thereunto
attached & marked N^o 26 No 1. It is the original
and of transfer of the land from myself to said
Pacheco. It was made at the time it purports
to have been.

Previous to the 15th of April
1839 when the land was granted to me it
was entirely vacant. Gonzales had taken
no steps towards occupying it.

Immediately after the grant was
made I took possession of the land & occupied
it with five hundred head of Cattle had some
portion of it cultivated had an orchard on
it & had people living on it in hats built
for that purpose & I continued this occupy-
ing it until I sold it to Pacheco as before
stated.

During that time I know of no adverse
claimant to the land. Pacheco on the sale to
him took immediate possession of the land
& placed four or five thousand head of Cattle
on it & has continued to occupy it to the present
time -

The Contesting Claimants being
present objected to the competency of the
witness alleging him to be interested in the
land -

José Castro

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Sworn & Subscribed
Before me
Widemat Hall
Comm Vc.

Filed in Office July 26, 1853
(signed) Geo Fisher Secy.

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Document
 A annexed
 to the depo-
 sition of José
 Rafael Gon-
 zales →

Comand^{te} genl
 de la alta
 Calif^a

D. Rafael Gonzalez pasa al punto
 de su residencia á seguir sus negocios
 domesticos y de comercio - Por tanto
 no se le molestará, siendo tratado como
 lo debe ser todo Ciudadano honrado
 H^{no} de la un^{da} Marzo 7 de 1837

(signed) M^{do} G. Vallejo

Tiled in office April 5th 1852

(signed) Geo. Fisher
 Secy

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1892

1892

Commandant General
Office of Upper California

4/1
An
Translation.

Don Rafael Gonzalez is going
to his place of residence to transact his own
private and mercantile business. therefore he
shall not be molested but he shall be
treated as every honest citizen should be -

Santa Clara March 7. 1837.

(signed) Mariano Vallejo.

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I certify the foregoing to be a true and correct
translation of the original filed in Office
April 1. 1852.

San Fran^{co} April 11th 1852.

Geo Fisher
Secy.

Made in Office April 10th 1852.

(signed) Geo Fisher
Secy.

The first of these
 is the fact that
 the number of
 cases is increasing
 rapidly.

The second
 fact is that
 the disease is
 spreading
 to other parts
 of the country.

The third
 fact is that
 the disease is
 becoming
 more fatal.

Espediente }
B

[1 A.D.K.]

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Expediente
Promovido por el Sr. D.
José Castro en solicitud del
parage nombrado S. Justo -

1839

No hay papel sellado

Excmo Sr Gobernador

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Monterrey
Abl 12 de 1839
Informe los
Señores Alcaldes
de esta Munici-
palidad sobre el
contenido en esta
instancia y todo
lo demas que so-
bre el particular
les ocurra

Mourrúdo

José Castro mejicano por
nacimiento y vecino de este
Pueblo ante la justificacion de
V.E. como mas sea conforme
á derecho compareces y digo: que
siendo dueño de un numero
bastante considerable de ga-
nado mayor y caballar sin
tener un terreno propio en que
ponerlo para su fomento y
prosperidad, he procurado in-
dagar en las inmediaciones
de este Pueblo un parage á
propósito que conocido con el
nombre de Sn. Justo no per-

tenece á propiedad ninguna y se halla ente-
ramente baldio. Este parage E.S. fue concedido
en colonizacion el año de 1835 por el Gobierno
Político y Exma Diputacion de este distinguido
Territorio, al Ciudadano Rafael Jenzulez, cuyo
debe constar en la escritura del Gobierno Depar-

[3 P.D.R.]

tamental; mas habiendolo abandonado este
individuo ya sea por que no lo necesita ó bien
por falta de posibilidad para cultivarlo, impetró
de V.E. tenga a bien concederme la propiedad
de el apoyada en las formalidades y diligencias
que segun reglamentos y leyes de la materia
quedaron en aquella vez practicadas

Por lo expuesto

A.V.E. suplico se digno proveer en justicia
que imploro bajo las protestas de estilo
Pueblo de Sn Juan de Castro y
Abril 11 de 1839

José Castro

Exmo Sr.

El terreno que se solicita en esta instancia se halla en la actualidad baldío, mas no pertenece a propiedad particular; por lo cual somos de parecer se le adjudique al interesado, cuyo sitio; lo que ponemos a la deliberacion de V. E. en cumplimiento del superior decreto marginal que antecede -

474

Felisiano

Sobremano

Monterrey Abril 13 de 1839

Simon Castro

211 SD

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Here follows a map marked [4 P.D.R.]

[5 P.D.R.]

Monterrey 15 de Abril de 1839 -

Vista la peticion con que da principio este Expediente, el informe de los tenores Alcaldes de este lugar y todo lo demas que se tuvo presente y ver convido, de conformidad con lo dispuesto por las leyes y Reglamentos de la materia, se declara al Sr. D. José Castro dueño en propiedad del terreno conocido con el nombre de San Juan, demarcado en el diseño que corre en el expediente que comprende cuatro sitios de ganado mayor poco mas o menos colindando con Don Francisco Pacheco, por la parte del N. por el E. desde el Rio de San Lorenzo hasta el Sto. del Rosario, por el S. con la Sierra del Gabelan, y por el O. con la punta de la Loma de la Vina, en la inteligencia que el interesado lo ocupará dentro del termino de un año sirviendole de titulo bastante el presente - En consecuencia solicitara del Juez respectivo cuando le convinga la posesion juridica, quien lo hará medir o lo terreno conforme a ordenanza - Juan B. Alvarado.

Gobernador Constitucional del Departamento de las Californias asi lo mandó decretó y firmó de que doy fé. -

Man. Jimeno - Sr. -

Juan B. Alvarado

[S. D. King]

This document was deposited in the Archives
at Monterey California on the 29th day of
June 1850 —

Edw. Haubly
Asst. Adj. Gen. U. S. Army
In charge of Public Archives
Head Qu. 10 mil Dept —

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

I Samuel D. King, Surveyor General of
the United States for the State of California,
and as such now having in my office, and
under my charge and custody a portion of
the Archives of the former Spanish and
Mexican Territory or Department of Upper
California, do hereby certify that the six preceding
and herunto annexed pages of tracing papers
numbered from one to six, inclusive, and each
of which is verified by my initials (S. D. K.)
exhibit true and accurate copies of certain
documents now on file and forming part
of the said Archives in my office —

In testimony whereof I have
herunto signed my name
officially, and affixed my
private seal (not having a
seal of office) at the City of
San Francisco, this 24th day of
December A. D. 1851.

L. S.

(Signed) Saml D King
Sur Genl Cal.

Tiled in Office February 17th
1852 —

(Signed) Geo. Fisher
Secy

There is No Sealed Paper

unsealed.

"C"
Translation

211 5D
PAGE 54

Most Excellent Sr. Governor,
I, Jose Castro a Mexican by birth and a resident of this Pueblo in the manner most conformable to law appear before the Justice of your Excellency and say that being the owner of a considerable quantity of cattle and horses without possessing any land of my own where to place them to increase and prosper I have become acquainted with a suitable place in the neighborhood of this Pueblo known by the name of San Juan which does not belong to any owner and is entirely unoccupied -

This place your Excellency was granted for colonization in the year 1835 by the Political Government and the Most Excellent Real Cedula of this country when a Territory (Estinguenda Territorio) to Citizen Rafael Guzman as will appear in the Secretary's Office of the Departmental Government but this person having abandoned it, whether it be that he no longer requires it or because he has not the means of cultivating it I request that your Excellency would be pleased to grant me the ownership thereof founded upon the formal acts and proceedings practised at that time according to the regulations and laws on the subject.

I therefore request that your Excellency would be pleased to decree according to Justice which I ample and in the customary protestations.

Pueblo of San Juan de Castro
April 11th 1834.

(signed) Jose' Castro.

Marginal decree

Montreal April 12th 1834.

The Alcaldes of this Municipality will report on the contents of this petition and on every thing else which may occur to them respecting the affair -

(signed) Alvarado.

Most Excellent Sir,

The land asked for in this petition is at present vacant, but does not belong to any private ownership. We are therefore of opinion that said place be adjudicated to the party interested, which we propose to the deliberation of Your Excellency in obedience to the foregoing Superior Municipal decree.

Montreal April 13th 1839.

(Signed) Filiciano Sobreros.

(Signed) Simon Castro.

Montreal 15th April 1839.

In view of the petition which commences this Expte. the report of the Alcaldes of this place and all the rest which was hominimud and was necessary to be looked into in conformity with the requirements of the laws and regulations on the subject. Senor Don Jose Castro is declared to be the legitimated owner of the land known by the name of San Jose despatado on the spot which accompanies the Expte. and which comprises four square leagues (Cuatro Lehas de ganajo Mayor) a little more or less bounded by the Marqueses Pacheco on the North by the Poblado de San Joaquin to the Puerto de Masana on the East, by the Guelan ridge of mountains on the South and by the point of the hill of the Vineyard on the West, it being understood that the party interested will occupy the place within the space of one year, thus presents serving him as a sufficient title -

He will consequently request the respective Magistrato when he may see fit to give him judicial possession (and he the Magistrato will cause the land to be measured according to law -

Juan B. Alvarado, Constitutional Governor of the Department of the Californias did thus Commanded Acurry Sjn. whereof I give testimony

(Signed)

Juan B. Alvarado

5-7

(Signed) Manuel Jimeno
Secretary.

Certificate of deposit in English.

This document was deposited
in the Archives at Monterey, California on the 29th
day of June 1850.

(Signed)

Ed R. S. Canby.

Asst. Capt. Genl W. S. Army - In charge of Public
Archives Head Qrs. M. Mil. Dept. -

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Certificate of being a true copy in English.

I the undersigned do solemnly
swear that the foregoing and accompanying plot
or map signed "A true Copy W & P Hartwell"
are true and faithful copies of the original
documents extant in the Archives at Monterey
"San Juan de los Rios Castro en 15 de Abril de 1837.
de Castro"

Se le Expedio 'el Titulo del paraje nombrado
San Justo' - is a true and faithful copy of an
Entry extant in the Book of Records of Land
Titles granted by the California Government
from the years 1839 to 1843 - To wit the said.
Monterey 29th June 1850.

(Signed)

W & P Hartwell

Subscribed and sworn to
before me this 29th June 1850.

(Signed)

Thomas Richards.
Justice of the Peace.

State of California
Monterey County

J. P. H. Woodside Clerk
of the County Court of Monterey County do hereby
Certify that Thomas Richards before whom the
within jurat is sworn and subscribed, is and was
at the time of administering said oath duly
qualified and elected a Justice of the Peace in
and for the township of Monterey -

Witness my hand and private seal in the ab-
sence of an Official Seal this 29th June 1851.
(Signed) P. A. Woodsides Esq
Clerk

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The undersigned do hereby certify the foregoing to be a true and faithful translation of the Spanish part and a true & correct copy of the English part of the original certified copy and that the Spanish words included under mentioned. Cozumel in the middle of my foregoing Certificate means that "on the 13th of April 1834 a title to the Rancho called San Justo was made out in favor of Don Jose Castro".

H. E. P. Hartwell
State Translator
Office of State Translator
Montgomery 4th December 1851
Ex^a C
R. P.

Filed in Office Feb. 17. 1852.
(Signed) Geo. Fisher Secy.

20

5-9

Document
"E" }

No hay papel sellado

Exmo Sr Gobernador

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José Castro mejicano por nacimiento y vecino de este Pueblo ante la justificación de V.E como mas sea conforme al derecho comparezco y digo, que siendo dueño de un número bastante considerable de ganado mayor y caballar sin tener un terreno propio en que ponerlos para su fomento y prosperidad, he procurado indagare en las inmediaciones de este Pueblo un parage á propósito que conocido con el nombre de Pto Justo no pertenece á propiedad ninguna, y se halla enteramente baldío. Este parage E.S. fue concedido en colonización el año de 1835 por el Gobierno Solitario y Exma Diputación de extinguido Territorio, al Ciudadano Rafael González, como debe constar en la Secretaria del Gobierno Departamental; mas habiéndolo abandonado este individuo ya sea por que no lo necesita ó bien por falta de posibilidad para cultivarlo, impetro de V.E. tenga a bien concederme la propiedad de el apoyada en las formalidades y diligencias que según reglamentos y leyes de la materia quedaron en aquella vez practicadas.

Por lo expuesto a V.E. suplico se digno proveer en justicia que imploro bajo las protestas de estilo

Pueblo de Pto Juan de Castro
y abril 11 de 1839

(signed) José Castro

Marginal Decree

Monterrey Abril 12 de 1839

Informe los Señores Alcaldes de esta Municipalidad sobre el contenido en esta instancia y todo lo demas que sobre el contenido

en esta instancia, y toda lo demas que sobre
el particular le ocurra —

(Signed) Mourado

Epmo for —

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El terreno que se solicita en esta
instancia se halla en la actualidad baldio,
mas no pertenece a propiedad particular,
por lo cual somos de parecer se le adjudique
al interesado cuyo sitio, lo que ponemos
a la deliberacion de V. E. en cumplimiento
del superior decreto marginal que antecede

Monterey Abril 13 de 1839 —

(Signed) Feliciano Soberanes

(Signed) Simeon Castro

Monterey 15 de Abril de 1839

Vista la peticion con que da prin-
cipio este Expediente, el informe de los señores
Alcaldes de este lugar y todo lo demas
que se tuvo presente y no conuino, de
conformidad con lo dispuesto por las leyes
y reglamentos de la materia, se declara
al Sr. D. José Castro, dueño en propiedad
del terreno conocido con el nombre de
San Justo demarcado en el decreto que corre
en el exped.º que comprende cuatro
sitios de ganado mayor poco mas ó menos
colindando con Sr. Fran.º Sackes por la
parte del N por el E. desde el Roblar de
San Inaquino hasta el Sto del Rosario,
por el S. con la Sierra del Jubilan, y por
el O. con la punta de la Loma de la Trina;
en la inteligencia que el interesado lo
ocupará dentro del termino de un año, sirviendole
de titulo bastante el presente. En consecuencia
solicitará del juez respectivo cuando le conuenga
la posesion juridica, quien lo hará medir y
terreno conforme a ordenanza. Juan B Alvarado
Gobernador Constitucional del Departamento

de las Californias, asi lo mando' decreto' y firmo'
de que doy fe

(signed) Juan B. Alvarado
(signed) Manuel Jimeno
Sr.

This document was deposited in the
archives at Monterey California on the 29th
day of June 1850

(signed) Ed R. S. Canby
Asst. Adjt-Genl U. S. Army
In charge of Public Archives
Head Qtr. 10 mil Dept.

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I the undersigned do solemnly swear that the
foregoing and accompanying plot or map signed
"A true Copy W. E. S. Hartnell" are true and
faithful copies of the original document extant
in the archive at Monterey and further that
the following -

San Juan }
Castro } D. José Castro en 15 de Abril de 1839

so le expedia el título del parage nombrado San Justo.

is a true and faithful copy of an entry extant in
the book of Record of Land Titles granted by the
California Government from the years 1839 to
1843 - so help me God

Monterey 24th June 1850

(signed) W. E. S. Hartnell

Subscribed & sworn to
before me this 29th

June 1850 -

(signed) Thomas J. Richards
Justice of the Peace

State of California }
Monterey County } S.S.

J. R. Woodside clerk of the

County Court of Monterey County do hereby
 certify that Thomas J. Richards before whom
 the within grant is sworn and subscribed
 is and was at the time of administering said
 oath duly qualified and elected a Justice of the
 Peace in and for the Township of Monterey,
 Witness my hand and private seal in the
 absence of an official seal this 29th June
 1850 —

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(Signed) R. H. Woodside
 Co. Clerk

Filed Dec. 3rd 1850 —

(Signed) R. H. Woodside
 Clerk

Filed in office Feb. 5th 1853 —

(Signed) Geo. Fisher
 Secy

There is no stamped paper.

Most Excellent Sir Governor,

"E"
Deputation's

Jose Castro a Mexican by birth and inhabitant of this Pueblo before your Excellency with all due respect does appear and says, that being the owner of a very considerable number of neat cattle and horses without having land of my own on which to place them for their protection and subsistence, I have proceeded by search in the neighborhood of this Pueblo a place for the purpose which is known by the name of San Justo, it belongs to no property whatever and is entirely vacant.

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This place El. Sir was early in colonization the year 1835 by the Political Government and most Excellent Representatives of the late Territory to the citizen Rafael Gonzalez as it must appear in the Secretary's Office of the Departmental Government besides this individual having abandoned it either because he did not find it or for the want of possibility to cultivate it, I entreat your Excellency may be pleased to grant me the ownership of it sustained by the documents and necessary steps according to the regulations and laws in the matter in this case practised and required.

I therefore beg your Excellency will be pleased to grant in justice that which I humbly request with the customary assurances.

Pueblo of San Justo Castro
April 11. 1834.

(Signed) Jose Castro.

Marginal decree

Montreal April 12. 1834.

Let the Alcaldes of this municipality report upon the contents in this instance and all that may occur to them upon this subject.

(Signed) Alvarado.

Most Excellent Sir.

The land petitioned for in this Instance is actually vacant, besides it does not belong to any particular property for which we appear so that this place may be adjudicated to the interested party, which we place before the deliberation of your Excellency in fulfillment of ~~Lower~~ the Superior Marginal Decree which precedes.

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Montreal April 18th 1834.

(signed) Simon Castro.
(signed) Feliciano Soboranz.

Montreal 15th of April 1834.

Having seen the petition with which this Expediente begins, the report of the Alcaldes of this place and all present and relating thereto in conformity with the laws and regulations of the matter let the Sr. D^o Jose Castro be declared owner of the land known by the name of San Justo marked in the plan annexed to the Expediente as comprising four "Sitios de granada Mayor" little more or less bounded by Sr. D^o Pico, Pacheco on the north, on the East from the "Koblon de San Joaquin" to the Pto. del Rosario, on the South by the "Simas del Gabilan", and on the west by the "Punta de la Loma" de la "Dina" with the condition that the interested party shall occupy it before the expiration of one year the present, serving him sufficiently as title.

In consequence he shall solicit of the proper Judge when it may suit him judicial possession who will have the said land measured according to law.

Juan B. Alvarado
Constitutional Governor of the Department of the Californias thus ordered, signed and signed it to which I certify -

(signed) Juan B. Alvarado
(signed) Manuel Amos Acos.

This document was deposited in the Archives at Monterey California on the 24th day of June 1857.

(Signed) Ed. R. S. Canby,
Capt-Adj^t Genl U.S. Army
in Charge of Public Archives
Head Quarters III^d Ind Dept.

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I the undersigned do solemnly swear that the foregoing and accompanying plat or map signed, "A true copy. W. C. P. Hartnett" are true and faithful copies of the original documents & tant in the Archives at Monterey and further that the following.

"In Juan de Castro } On Jose Castro on 15 de Abril de 1839.
de Castro }
"El Espedio el Titulo del paraje nombrado San Justo" is a true and faithful copy of an Entry & tant in the Book of Records of Land Titles granted by the Californian Government from the years 1834 to 1843 - So help me god.
Monterey 29th June 1857
W. C. P. Hartnett.

Subscribed and sworn to before me this 29th June 1857.
Thomas G. Richards
Justice of the Peace

State of California
Monterey County } J. R. K. Woodsid
} Clerk of the County Court of Monterey County
do hereby certify that Thomas G. Richards before whom the within plat is sworn and subscribed is and was at the time of administering said oath, duly qualified and elected a Justice of the Peace in and for the Township of Monterey -
Witness my hand and private seal in the absence of an official seal this 24th June 1857.

(Signed) J. R. K. Woodsid
Clerk (S. S.)

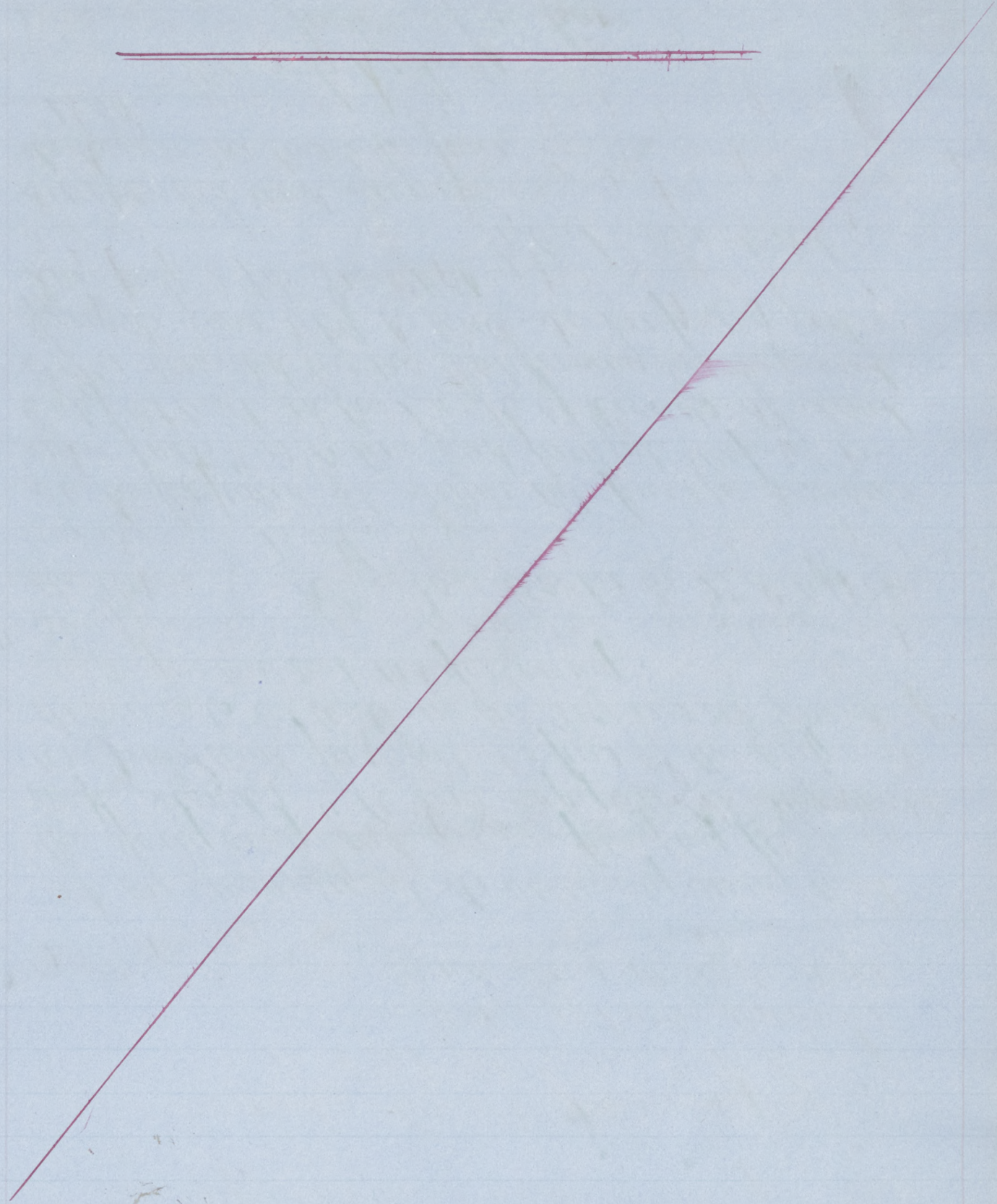
I certify the foregoing to be a true and correct translation of a Spanish paper purporting to be a grant from Gov Juan P. Alvarado to Jose Castro of a tract of land named "San Justo" filed in this Office in case No 47 Francisco Tin Pacheco, claimant for the place named "San Justo" -

Geo Fisher
Secy.

211 SD
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Filed in Office Feb 28. 1834.

(Signed)
Geo Fisher
Secy.



Sello Primero Ocho Pesos

Document
H. H. N° 1
ann. to the
deposition of
José Castro

Habilitado provisionalmente por la aduana
maritima del puerto de Monterrey, en el
departamento de las Californias, para los
años de mil ochocientos cuarenta y cuatro
y mil ochocientos cuarenta y cinco.

Micheltreña

Pablo de la Guerra

L. S.

En el Puerto de Monterrey del
departamento de las Californias
á los veinte y seis dias del mes
de Julio de el año de mil ocho-
cientos cuarenta y cuatro, ante

mi Florencio Serrano Alcalde D. Constitucion-
al y Juez de 1.ª Inst. de esta Capital
y ante los testigos de asistencia con quienes
actuo, en la forma establecida por falta de
Escribanos Publicos, á mas de los instrumen-
tales de q.º al fin se hará mención, parecio
de presente D.º José Castro cuya persona
doy fe conosco y dijo q. por si y á nombre
de sus hijos herederos y sucesores y de quien
de ellos hubiere titulo voz y fama, en
cualesquiera manera; vende y dá en venta
solemne y enagenacion perpetua por puro
de heredad para siempre jamas, á D.º Fran-
Pacheco que tambien doy fé conosco, el
Rancho llamado San Justo — constante,
de cuatro sitios de ganado mayor poco mas ó
menos, colindante con el mismo Sr Pacheco,
por la parte del N. por la parte del E.
desde el roblar de Sr. Joaquin hasta el Pu-
erto del Rosario, por el S. con la Sierra del
Gabilan, y por el O. con la punta de la loma
de la Vina; segun consta de los documentos
que presento que doy fé haber visto, y se
agregan á esta escritura; los que hubo y
adquirio en debida forma en el año de mil
ochocientos treinta y nueve; declarando no
tener vendido, enagenado ni empeñado dho.
terreno, y que está libre de todo gravamen,

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publico, perpetuo, temporal, tacito ó expreso,
 y que como tal se lo vende en la cantidad,
 precio, y cantidad de dos mil pesos los que
 han sido satisfechos con docientos nobillos
 á seis pesos, docientos vaquellas á tres pesos
 y docientos pesos mas en ~~esqueletos~~ ~~esqueletos~~, y sobre
 no parecer al presente la entrega renuncia
 las leyes de ella las de su prueba, y pago,
 del recibo como en ella se contiene; así mis-
 mo declara q^e tiene por justo precio y
 verdadero valor del mencionado rancho la
 expresada cantidad y en caso de valer mas,
 del precio en mucha ó poca suma; hace
 á favor del comprador, de sus hijos herederos
 y sucesores gracia y donacion justa per-
 petua e irrevocable que en D^{to} se llama
inter vivos con insinuacion y demas
 formalidades legales - renunciando la Ley 2^a ti-
 tulo 7^o libro 5^o de la recopilacion, y las
 demas que hablan de la lesion en mas ó
 menos de la mitad del justo precio y los
 cuatro años que prefijan para pedir su
 rescision ó suplemento los q^e d^o por pasado,
 y desde hoy en adelante se desprende y des-
 pija para siempre del dominio, posesion,
 tenorio, titulo, recurso, y otro cualquiera,
 derecho q^e le compete al enunuciado terreno
 y lo renuncia y traspasa en el comprador
 para q^e disponga de el como de cosa propia
 y le confiere poder irrevocable con libre
 franco y general administracion para q^e
 de su autoridad aprenda la tenencia y
 posesion que por derecho le compete obli-
 gándose el otorgante a q^e esta venta le
 sea cierta, segura y efectiva al comprador,
 y nadie le inquietará ni moverá pleito
 sobre su propiedad y posesion, ni contra
 el enunuciado terreno aparecerá gravamen
 alguno, y si le inquietaren saldrá á su
 defensa hasta dejarlo en quietud y pacifica
 posesion y de no conseguirlo le será devuelta

la expresada cantidad - Y a la observancia y
 validacion de todo lo referido obliga el otorgante
 todos sus bienes presentes y futuros y en ellos
 se somete al fuero y jurisdiccion de los Jueses -
 Jueces q^d de sus curias debun conocer para que
 a su cumplimiento lo compelen y apremien como
 por sentencia definitiva consentida y pasada
 en autoridad de cosa juzgada q^d por tal lo
 respecto, renunciando las Leyes q^d en el caso
 lo fueresen y la q^d del D^{no} informu
 en cuyo testimonio asi lo otorgo y firmo con
 miyo y los de asistencia, siendo los ins-
 trumentales D^{no} Jose' M^o Castanares D^{no}
 Jose' Abrego, y D^{no} Jose' de la Rosa presentes
 y vecinos - de que doy fé . -

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Otrozi -
 (Signed) Florencio Ferrano
 (") Jose' Castro

(Signed) Fran^{co} Luis Pacheco

De asso. (Signed) Ambrosio Gomez
 De asso (Signed) Jose' A. Chavez

Tiled in office Feb^y 5th 1853.
 (Signed) Geo. Fisher
 Secy

711

1882
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Handwritten text at the bottom edge of the page, likely bleed-through from the reverse side.

Crowfance
Translation
of
—

211 SD
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In the Port of Monterey in the Depart
ment of California on the 24th day of the
Month of July in the year Eighteen Hundred
and forty four before me Honoraria Tomasa
B^a Alcaide, Constitutional and Justice of
the last instance of this Capital and before
the attesting witnesses with whom I act in
Established form for want of a Notary Public
besides the instrumental witnesses of whom for
this purpose mention will be made appeared
and was present, Don Jose Castro, whose per-
son I attest that I know and he said that
for himself and in the name of his sons, heirs
and Successors and whom of them might
have title, right and publicly acknowledged
interest in whatever manner he sells and gives
in Soleum Sale and perpetual alienation that
it may pass from Fathers to Sons in favor of
perpetual and hereditary rent (por su renta de heredad)
for always and ever to Don Francisco Pacheco
whom I likewise attest that I know, the Rancho
called San Justo, consisting of four square leagues
(Sitios de ganada Mayor) a little more or
less, bordering on the same Sr Pacheco towards
North, towards West from the Roblar de S. Joaquin
up to the Port (or pass) of Rosario, towards
South, on the Sierra of Sabilup and towards
the East, on la Punta de la Loma de la Sina,
as is shown by the documents he presented and
which I attest to have seen and are attached
to this writing, which do amount he got and
acquired in due form in the year Eighteen hun-
dred and thirty nine, declaring that he has sold
alienated or pawned said land, and which is
free of all public Encumbrance either perpetual
temporal, tacit or expressed, and as such he
sells it in Co-Redemption of and for the price or
sum of two thousand dollars which has been
paid of with two hundred pesos at \$1
dollar a peso, two hundred pesos at three dol-
lars a peso, and two hundred dollars more
in produce and the delivery not being made at
present he reserves the Care of it, thus of its
proof and payment of the Negation as contained
therein - He declares likewise that he holds

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the said Consideration for a just price and true value of the mentioned Rancho and in case it is worth more he makes a grant and donation of the excess whether it be a high or low sum in favor of the purchaser his Sons heirs and Successors a just perpetual and irrevocable grant and donation which in law is called a "venta de fechos" with exhibition of the document before a Magistrate and other legal affirmations renouncing the 4th law title 4th libro 5th in the collection of laws and the other treating of donations in more or less than the moiety of the just price and the four years presented to demand its revision or supplement which laws he admits to be out of force and from this day henceforth he releases and quit claims forever his dominion possession Masterhip title claims and whatever other right there might stand in competition to the said land and he renounces it and conveys it to the purchaser that he may dispose of it as a thing of his own and he invests him with irrevocable power for free frank and general administration that by his authority he may lease give the tenancy and possession by law standing in competition to him and the grantor binds himself that this sale shall be certain secure and effective to the purchaser and that nobody shall disturb him nor having any law suit on his ownership and possession or that there against the said land shall appear any encumbrance and if he should be disturbed he will appear in his defence until he shall be left in quiet and peaceable possession and if it should not be attained the said Consideration shall be returned to him -

And for the observance and validity of all the foregoing the grantor binds his present and future personal property and therewith he subjects himself to the forms and jurisdiction of the judges who ought to take cognizance of his causes that for its fulfillment they may compel and press him as by definitive sentence demand and passed in authority of judgment which he obtains as such renouncing the law

which in this case might be in his favor and
the disability of law.

In testimony whereof he gran-
ted and signed this with me and the Assistants
Don Jose de Castanaza, Don Jose Abrego
and Don Jose de la Rosa being instrumented
witnesses present and residents of which I bear
testimony -

Francisco Jimeno.

José Castro.
Francisco Ponz Pacheco

Assistants -

Abriso Gomez
Jose de Charis.

Filed in Office Oct 3, 1853.

(Signed) by Fisher Secy.

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1881
30

"A"
Extract

Indice de los terrenos adjudicados y
personas a quienes se les ha concedido

San Justo	C. a' D ^{no} José Castro	1324
-----------	-----------------------------------	------

211 SD
PAGE 72

En este indice hay el numero
de 2133. expedientes; pero p. equivocacion
se puso en la numeracion del 329. al
340, habiendo seguido en la misma.

Manl. Jimeno

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 Cali-
fornia and as such now having in my
office and under my custody a portion of
the Archives of the former Spanish and
Mexican Territory or Department of upper
California do hereby certify that the above
and foregoing is truly taken from a doc-
-ument designated as "Index of Land Titles"
which is filed and forms part of the said
Archives in this office.

(L.S.)

In testimony whereof I have hereunto
signed my name officially & affixed my
private seal (not having a seal of office)
at the City of San Francisco Cal. the
24th June 1852.

(Signed) Saml D King Surv Genl Cal.

Filed in office July 5th 1853 -

(Signed) Geo. Fisher - Secy

[Faint, illegible handwriting covering the majority of the page]

[Faint, illegible markings or text]

To Highland Hall, Henry Thornton
and Angus Wilson sitting as a Board of
Land Commrs of San Francisco.

Motion to
intervene
Sustained.

Ellen C. White & John Carnoy
who have filed a petition for the confirmation of
a grant of land made to Jose Rafael Gonzalez
in the year 1836 by the then Acting Governor
of Upper California containing about 20
Legas more or less & called the San Justo El
Bejo, & San Barnabe which covers the same
land & in on for which Francisco Perez
Pacheco has filed a petition to confirm a
grant which he alleges was made in 1834
to one Jose Castro.

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Your said petitioners Ellen
C. White & John Carnoy pray this Board
to allow them to intervene in the case of the
said Pacheco & to controvert the validity of the
said pretended grant to Castro & that the
Board will decree or confirm the land to your
petitioners &c.

John Wilson
Atto for
White & Carnoy.

Filed in Office March 11, 1852.
(Signed) Geo Fisher
Secy.

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44

Francisco Perez Pacheco
 vs.
 The United States

for the place
 called "San
 Justo" in Monterey
 County containing four
 square leagues of land.

Opinion
 by
 Lemm
 N. S. Rich.

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47-2

The present Claimant alleges that he acquired title to the land claimed by a conveyance of the same made to him by José Castro on the 10th day of July 1831. A document executed in due form to that effect is given in evidence, and shows that he became by it the owner of all the interest in the premises which was possessed by Castro on the day of its date. Castro's title is alleged to have been derived from the Mexican Government by grant made to him by Governor Juan B. Alvarado on the 15th day of April 1834. The original grant is not presented but the Claimant has presented a traced copy of a document in the Archives of the former Government now in the hands of the Surveyor General over which in connection with other proof he relies to establish the alleged grant.

The document is the Expediente in the case containing the petition of Castro for the grant, an order by the Governor referring it for information, a report by two Alcaldes on the subject and a final decree the Governor dated April 15, 1834.

The last decree declares the applicant to be the owner of the property which is described therein by specific boundaries and the additional declaration that these presents shall serve him as a sufficient title. He is enjoined to obtain judicial possession and to occupy the place within one year. This document is evidently something more than the ordinary decree of conveyance intended to be retained in the Government Office. It is the title paper intended to be issued to the grantee and to serve him as an ineffectual title.

This title to the land emanates it could not be a perfect legal title without the approval of the Territorial Reputation and

a final document in accordance therewith but it was a legal receipt of a title and sufficient with proof of the performance of all legal conditions to entitle the party to a Confirmation of it.

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But the document in order to be available as a grant must have been delivered to the grantee. Whereas this is found among the Archives and is brought before the Court simply by a duly certified traced copy only. There is no proof in the case however which I think establishes the fact that this document was delivered to the grantee as his title paper and was returned for greater safety to the Keeper of the Archives after the conveyance of the County by the Americans.

We have abundant evidence that this was done in many instances by the holders of titles under the former government. In this case the certified copy from the Archives brings with it the copy of a certificate issued on the original dated July 29. 1850 by the then Keeper of such Archives stating that the original document was that day deposited with him.

A traced copy of an Entry on the Book of titles in the Archives shows the making of a title to the grantee on the day when this was done.

The testimony of witnesses shows their knowledge of the grant made by said Castro and the instrument of conveyance from Castro to the present claimant made as early as July 1844. Contains a certificate of the Magistrate before whom it was elicited that the document under which he held title dated in 1839 and from which the description of the land contained in the conveyance was evidently copied was inspected by him and attached to the conveyance. It cannot admit of a doubt in my judgment that this document was issued and delivered to Castro by the Governor and that he and his grantee are entitled to the full benefit of its provisions.

The land granted is described by
 Puntos and bounds of which are alleged to
 contain four square leagues of land a little
 more or less the whole of which is conceded to
 the grantee - Occupancy and cultivation soon
 after the grant are proved.

In the petition in which
 this grant was made it is alleged that a pre-
 vious grant had been issued in 1835 to Rafael
 Gonzales but that the place had been aban-
 doned and was vacant - In the reports made
 by two Alcaldes to the Governor the land is reported
 to be vacant and belonging to no private
 ownership and the testimony which is filed
 in the case shows that such was the fact -

In an early stage of the proceed-
 ings Ellen & White and others who claimed to be
 the owners of the tract originally granted to
 said Gonzales were permitted to intervene
 and contest the title of the present claimant
 holding under the grant to Castro and they have
 introduced testimony on the subject -

They have not however
 presented the grant to said Gonzales or given
 any evidence of its terms and conditions -

So far as the proof enables us to
 judge of the case it seems that Gonzales never oc-
 cupied the premises in any manner but that he
 sold out his interest to another person and
 entirely relinquished the same - that long after
 the grant was made that individual was directed
 not to take possession of the premises as he had
 no right to the same, and that he never did
 go into occupation thereof.

If the case rested
 on the proof before us we should not hesitate
 to express our conviction that all right to the
 land under the grant to Gonzales had been
 forfeited and that the same was subject to
 concession to any applicant in 1839 when
 Castro made his application for it -

We do not however deem it
 necessary to rest the decision on this point -

The petition of Castro sets out the
 former grant and the question of existing

rights under it was investigated by the Governor and his decision had on the subject - His grant to Castro was an adjudication of the invalidity of the claims of existing rights under the first grant -

This was a subject which it was peculiarly the province of the Governor to investigate and decide and this Commission would feel great reluctance in attempting to overrule his decision -

I am not prepared to say that no case could be presented in which it would give effect to a prior over a subsequent grant of the same land, but unless the strongest evidence of fraud or gross mistake was presented the question could not be entertained -

No such evidence is given in the case now under consideration - On the contrary the decision of the Governor seems to have been in accordance with justice and the Mexican law and we see no reason for annulling it by setting aside the latter grant in order to give effect to the former -

A decree of Confirmation will be entered.

Confirmed -

Filed in Office Oct 3. 1854.

Signed
Geo Fisher Secy.

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CONFIRMED

1854

Francisco Perez Pacheco.

The United States.

Acord -

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 known by the name of San Justo situated in Monterey County and now occupied by the said claimant and is bounded and described as follows to wit -

Bounded by Don Francisco Pacheco on the North, by the Roblar de San Joaquin to the Puerto del Rosario on the East by the Sierran ridge of mountains on the South and by the front of the hill of the vineyard on the West the same containing four square leagues of land, a tenth more or less. Reference to be had to the traced copy of the Expediente and the map on file in this case for further description of said land.

Alphus Felch

R. Aug Thompson

S. B. Farwell

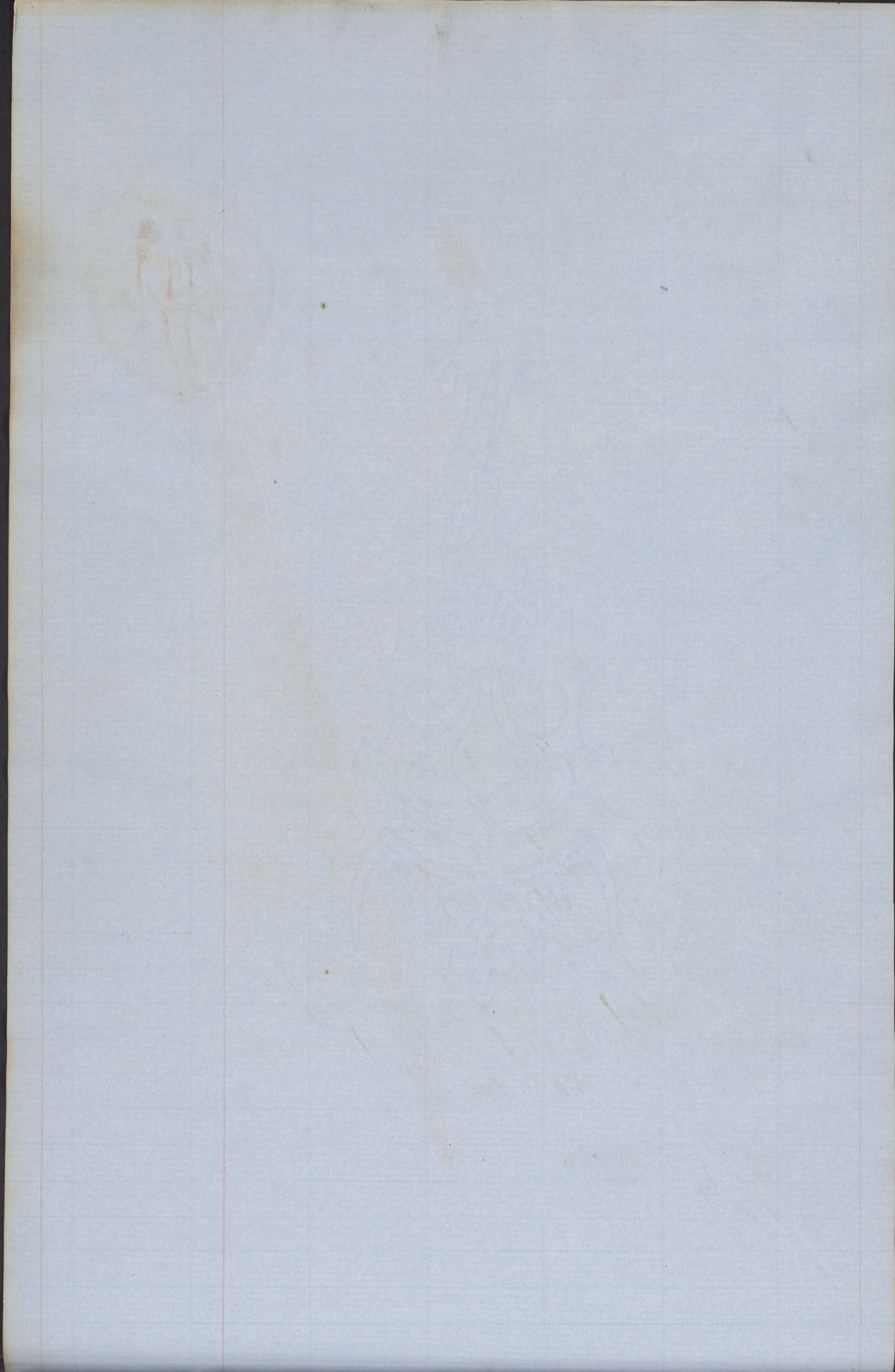
Filed in Office Oct 3. 1854.

Secy. Geo. Fisher

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And it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Southern District of California - It is ordered that two Transcripts of the proceedings and 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 Judicial District of California and the other be transmitted to the Attorney General of the United States -



Office of the Board of Commissioners,

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

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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 *Eighty five* pages, numbered from
1 to 85, 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. 47 on the Docket of the said Board,
wherein *Francisco Perez Pacheco* is
the Claimant, against the United States, for the place known by
the name of *San Justo*

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*.

G. Fisher
Geo. Fisher



U. S. DISTRICT COURT,
Southern District of California.

No. *211* *Over*

THE UNITED STATES

vs.

Francisco Perez Pacheco
"San Justo"

211
TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *47*

Filed, *March 6th*, 1855.

C. E. Carr
clk.

1705

211

Office of the Attorney General of the United States,

Washington, 7th April 1855.

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Francisco Perez Pacheco

vs.

The United States.

} 47.

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. 211.

W. S. District Court
Southern Dist. California.

The United States

v

Fran^{co}. Ruiz Pacheco,

Notice of Appeals

in Case 44.

Filed July 21 1855.

C. E. Carr

Clerk

By A. H. Clark
Deputy

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Francisco Perez Pacheco
appellee

vs.
The United States
appellant

United States Dis-
trict Court for
the Southern Dis-
trict of California
December Term
A.D. 1856.
Docket no 211
Frankfort no 47.

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"
Rancho San Justo"

And now come the above na-
med appellee Francisco P. Pacheco by atty
and in answer to the petition of review
filed in said cause by the United States
District attorney says, that the title
of the said appellee for said tract of
land known as San Justo is a good
& valid title & he therefore prays
that the said decision of the Commis-
sioner, mentioned in the said petition
of review may be affirmed and
that his title may be confirmed
& decreed to be valid by this Court

D. J. Gregory
Atty for Appellee.

I admit to the above

P. O. M.

Dist Atty.

No 211.

F. P. Reeves

appears

in

The Union Store

Answer

Filed this 28th January
1857 Edwin Clark
for the Plaintiff
J. H. Coleman
Clerk

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~~D. S. [Signature]~~

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

THE PRESIDENT OF THE UNITED STATES,

TO

Francisco Perez Pacheco

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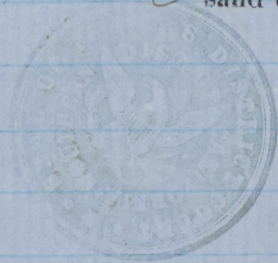
TAKE NOTICE, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *27th* day of *January* in the year of our Lord, one thousand eight hundred and fifty-*seven*, at the City and County of Los Angeles, in said District, by

GREETING:

*P. Oro U.S. Atty prays
said court to review the decision of
the U.S. Land Commissioners of the
3^d day of October 1854 confirming
your claim to the Land called
"San Surto"*

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

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this *28th* day of *January*, in the year of our Lord, one thousand eight hundred and fifty-*seven*, at Los Angeles aforesaid.



*Chris
J. McColman*
Clerk.

No 211

Marchals Court

Copying same - 60

Learning same 3.-

Petition 3.-

\$ 6. 60

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

F. P. Pacheco
adv

vs.
The Writs State
Filed on return this 28th
January 1857 Edwin Clark
J. H. Holman

SUMMONS.

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I served this Summons, along with the proper copy of the Petition, upon *T. S. Gregory*
Atty for appellee by delivering to him a Copy of
the same
at *Los Angeles*, in the Southern District of California, on
the *28,* day of *January*, A. D. 1857.

Sworn to and subscribed before me, *this* *28th* *January* 1857
Edwin Clark Clerk.

J. H. Holman
Dep.

Edward Hunter
U. S. Marshal.

Jr. McGoodman
Depy.



Juanis Perez Pacheco,
Appellee.

Docket No. 211.

The United States, Appellant.

Transcript No. 47.

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 11th day of February A. D. 1852, Juanis Perez Pacheco,

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 San Justo

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 3rd day of October 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. 47; 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 2^d 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 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 petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant, 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 ^{said claim} 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.

N^o 211.

Francis & Perry Pacheco
appellés
ad.

The United States
appellants.

Petition for Review of U.S.
acts.

Filed this 27th January
A.D. 1857
Cecilio Clark
J. H. Leonard
sep

~~with~~
In the Dist Court of the United States for the
Southern Dist of Cal: Monterey Jun 20
1857. Hon J. S. K. Ogden Judge.

Francis P. Pacheco.
appellee

N. 211.

^{vs.}
The United States.
appellant.

Proc. N. 47.

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On motion of P. Dist Atty of the U States
for the Southern Dist of Cal: and in reply
reporting to the Court that it is the
intention of the U States to prosecute further
the appeal in the above cause; it is
Ordered that the appeal in this cause
be dismissed; and that the claimant
have leave to proceed upon the decree
of this Court heretofore rendered, as
a final decree. Francis P. Ogden
U S Dist Judge

211

U. S. St. Court
South St. of Cal

J. P. Packard,

^{vs}
The U States

order to dismiss.

Appeal

Filed 3 June 17

At test
of Clerk

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Francisco Perez Pichero.

appellant

vs.

The United States

appellee

United States District
Court for the Southern Dis-
trict of California.

Term A.D. 1857.

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Docket no 211. Transcript
no 47.

In pursuance of a notice from the United States attorney General, not to prosecute an appeal from the decision of the said Court, it is hereby stipulated and agreed that no further proceedings in an appeal of said cause shall be taken on the part of the United States, or the appellee, and that the said appellee have leave to proceed under the decree of the Court herein, heretofore rendered in favor of the appellee, as under a final decree.

D. J. Gregory,

attorney for Appellee.

J. D. D.

Dist Atty U.S.

211

J. P. Pacheco

^{vs}
The United States

Stipulation

Filed 3 June 1877
per Atty Gen
S. J. Clark

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Francisco Perez Pichico } In the United States
 appellee } District Court for
 vs. } the Southern District
 The United States } of California. Term
 appellant } Term A. D. 1857.

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Transcript No 211. Doehle vs
 47. Claim for the Rancho "San Justo"

The above entitled case coming on
 to be heard at a stated term of this Court
 on appeal from the ^{decision of the} land Commissioners,
 to ascertain and settle private land
 claims in California under an act of
 Congress approved March 3rd 1857. upon a
 Transcript of the pleadings, proceedings &
 evidence before said Commissioners,
 which said Transcript has been duly filed
 in this Court, & after hearing arguments
 of Counsel of the respective parties

It is ordered, adjudged and decreed
 by the Court, that the said decision of the
 said Commissioners confirming the title of
 the said Pichico to the said said land
 described in his petition & the said Trans-
 cript, be and the same is hereby affir-
 med; and it is further ordered, adjudged
 and decreed by the Court, that the title of
 the said Francisco Perez Pichico for the said
 land is a good and valid title.

The land of which confirmation
 is hereby made is situated in the County
 of Monterey and State of said, and is
 bounded on north by a track of land known

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at the date of the grant hereinafter mentioned as the land of Francisco Perez Pacheco, on the East by the "Roblar de San Joaquin to the Puerta del Rosario," on the South by the Sanicora ridge of mountains, and on the West by the Point of the hill of the vineyard; The said Tract of land being known as the Rancho "San Justo," and containing four square leagues more or less, reference for a further and more particular description of said land hereby confirmed to be had to the grant and map, and expediente, copies of which are contained as aforesaid in said Transcript - & being the same land that was granted to Jose Castro on the 15th day of April A.D. 1839, by Juan B. Alvarado, then Governor of Upper California, & afterwards transferred to the said appellee.

James K. Ogden
Attorney at Law

211
No 211.
U. S. Dist. Court
South. Dist. of Cal.

F. P. Pacheco

vs

The U. States

Decree of Confirmation

Recorded on Page 244
also
on Page 246

Filed & June 5th 54

W. H. Taylor
Clerk

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Francisco Perez Pellico } United States, Dis-
 Appellee }
 vs. } Trial Court for the
 The United States, } Southern District
 Appellee } of California
 } June Term A.D.
 } 1857.

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Docket no. 211. Transcript no 47.
 Rancho "San José"

The above entitled
 cause coming on to be heard at a sta-
 ted Term of this Court, on appeal from
 the decision of the Land Commissioners, to
 ascertain and settle private land claims
 in California, under an act of Congress
 approved March 3rd A.D. 1857. upon the
 transcript of the proceedings and decisions
 of said Commissioners, and of the papers
 and evidence upon which said decision
 was made, all of which have been duly
 filed in this Court, Counsel for the re-
 spective parties having been heard in
 open Court.

It is considered, ordered and ad-
 judged, by the Court, that the said deci-
 sion of the said Commissioners, confirming
 the said tract of known as the "San José"
 Rancho, & described in the west grant
 & thence copies of which are contained
 in said transcript, be and the same is
 hereby affirmed, and that the title of the
 said Francisco Perez Pellico, for the said tract
 of land is a good and valid title.

The land of which confirmation is hereby
made

211 3D

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is known as the Rancho "San José," and is
situated in the County of Monterey & State
aforesaid, is bounded on the north by
a tract of land belonging to Francisco Prego
Pacheco, on the East by the "Robles de
San Jacinto," ^{to the Huerto del Rosario;} on the South by the Gavilan
Ridge of mountains, and on the West by
the Point of the hill of the vineyard, pro-
vided the quantity of land within said bounding con-
tains not more than eleven leagues; & if there be a less quantity, then
confirmation is hereby made to the land within the said bound-
aries for a more particular descrip-
tion of said land to be had to the grant
& map, and expediente, copies of which
are contained as aforesaid, in said
Manuscript - & being the same land
that was granted to Jose Castro on the
15th day of April A.D. 1839. by Juan
B. Alvarado, then Governor of Upper
California, & afterwards transferred to
the said Appellee -

James S. Ogden

— N S P's Adyco —

No. 211.

Francisco Perez Pablos,

Appellee

vs.

The United States

Appellant.

Decree

2

U. S. Dist. Court.

Southern District of California

Decree.

Filed this ~~24~~ June 1854

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Recorded in Page 246

D. J. Gregory, atty

U. S. Surveyor General's Office
San Francisco Cal.

February 14th 1865

Hon. F. M. Haight
U. S. District Judge
Southern Dist Cal^a

Sir,

I herewith return to your
Hon.^{ble} Court for inspection, two copies of
survey of Rancho San Justo; the first
being the one approved as to location by
Your Hon.^{ble} Court.

While the plat of this survey
was in transit to the General Land Office for
patent, it was discovered that an error
had been made in several courses and distances,
and the owners of this and adjoining Ranchos
applied for a correction of the survey, it
being impossible to close the lines of the latter
on those of San Justo.

It has been the opinion of this office,
and also of the Hon.^{ble} Judge of the Northern
District, that such errors could always be
corrected, but that the location could not
be altered.

In this case the monuments
fixed by the first survey have been carefully

retained, but the following differences are reported by the Examiners, as to Courses and distances. viz

Courses by Deputy Ferrel			By Examiners	
1	S. 53° E	604.11 chains	S. 57° E	585.45 chains
5	N. 73 $\frac{1}{4}$ ° E	73.41 "	N. 73 $\frac{1}{4}$ ° E	71.68 "
6	N. 83 $\frac{1}{4}$ ° E	89.03 "	N. 83 $\frac{1}{4}$ ° E	71.30 "
7	N. 3° E	488.46 "	N. 3 $\frac{1}{2}$ ° E	498.69 "
8	N. 73 $\frac{3}{4}$ ° W	560.91 "	N. 70 $\frac{1}{2}$ ° E	529.40 "
9	S. 28° W	211.00 "	S. 28° W	283.00 "
10	S. 19 $\frac{3}{4}$ ° W	162.00 "	S. 19 $\frac{3}{4}$ ° W	167.00 "

The first survey gives $33,689\frac{99}{100}$ acres - The second gives $34,619\frac{65}{100}$ acres

As the Survey is governed by monuments and the location approved for all the land contained within the boundaries established by said monuments, it of course makes no actual difference except to reconcile the surveys of the adjoining claims.

The Department takes the position that the plat of survey must be approved by the Court, and writes as follows

"There is nothing to identify the Survey before me as the one confirmed by the Court, and nothing to show why the change in the area from $33,689\frac{99}{100}$ to $34,619\frac{65}{100}$ acres was made. I have therefore to call upon you for an explanation of the matter and if the Survey now on file is correct to request that

You forward an authenticated copy of the
decree of the District Court confirming said
Survey "

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Should Your Honor see no objection,
in order that perfect justice may be done, I
would request that the former order be treated
as an interlocutory order, and the final
Survey be approved by You, and a copy of the
decree and Survey forwarded to this Office

I am Very respectfully

Your Ob^d. Servant,

L. L. Mason

U. S. Sur. Gen. Cal

No 211
W. S. DubCont
South DubCont

#

Filed Aug 19, 54
John D. Whelan

California Land Claims
Attorney General's Office

4 September 1856.

211 SD
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Sir:

In the case of the claim of Francisco
Perez Pacheco, confirmed to the claimant by
the Commissioner, ^{case no. forty-seven (47)} and also confirmed on ap-
peal by the District Court, appeal in the Su-
preme Court will not be prosecuted by the
United States.

I am

Respectfully

Curtis

Respected Old Esq

U. S. Atty for the

Southern Dist. of Cal.

V

211

Francisco Cruz Pacheco

47

Dismissed June 8. 57.

Filed this 1st Feb 1858
at San Antonio
J. Malheur
Clerk

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[Handwritten scribble]

[Handwritten scribble]

Claim for the Rancho San Justo.

211 SD

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In the U. S. District Court, for the southern District of California.

Francisco Perez Pacheco, *Appellee*,
vs.
The United States, *Appellants*. } June Term, 1857. Transcript No. 11. Docket No. 47.

The above entitled cause, coming on to be heard at a stated term of this Court, on appeal from the Decision of the Land Commissioners to ascertain and settle private land claims in California, under an Act of Congress, approved March 3d, 1851, upon a Transcript of the pleadings, proceedings and evidence before said Commissioners, which said Transcript has been duly filed in this Court, and after hearing argument of counsel of the respective parties—

It is ordered, adjudged and decreed by the Court, that the said decision of the said Commissioners *confirming* the title of the said Pacheco to the said land described in his petition, and the said transcript be, and the same is hereby *affirmed*; and it is further ordered, adjudged and decreed by the Court, that the title of the said Francisco Perez Pacheco for the said land is a *good and valid title*.

The land of which confirmation is hereby made is situated in the county of Monterey and State aforesaid, and is bounded on the north by a tract of land known at the date of the grant hereinafter mentioned as the land of Francisco Perez Pacheco, on the east by the Roblar de San Joaquin to the "puerta del Rosario," on the south by the Gavillan ridge of mountains, and on the west by the point of the Hill of the Vineyard; the said tract of land being known as the rancho "San Justo," and containing four square leagues, more or less, reference for a further and more particular description of said land *hereby confirmed* to be had to the grant and map, and expediente, copies of which are contained as aforesaid in said Transcript, and being the same land that was granted to Jose Castro on the 15th day of April, A. D. 1839, by Juan B. Alvarado, then Governor of Upper California, and afterwards transferred to the said appellee.

Filed 8th June, 1857.

A. S. TAYLOR, *Deputy Clerk*.

ISAAC S. K. OGIER, *U. S. Dist. Judge*.

U. S. District Court, southern district of California.

I, C. SIMS, Clerk of the U. S. District Court for the Southern District of California, by Deputy ALEX. S. TAYLOR, do hereby certify that the foregoing is a true and faithful copy of an original paper now on file in this office.

Witness my hand and official seal of office, this 8th day of June, A. D. 1857.

C. SIMS, *Clerk, &c.*

By ALEX. S. TAYLOR, *Deputy Clerk*.



In the District Court of the U. S. for the southern Dist. of California.

MONTEREY—JUNE TERM, 1857. HON. ISAAC S. K. OGIER, *Judge*.

Francisco P. Pacheco, *Appellee*,
vs.
The United States, *Appellants*. } No. 211. Trans. No. 47.

On motion of P. Ord, attorney of the United States for the Southern District of California, and on suggesting to the Court that it is not the intention of the United States to prosecute further the appeal in the above cause, *it is ordered that the appeal in this cause be dismissed*, and that the claimant have leave to proceed upon the decree of this Court heretofore rendered as a *final decree*.

Filed 3d June, 1857.

A. S. TAYLOR, *Deputy Clerk*.

ISAAC S. K. OGIER, *U. S. Dist. Judge*.

U. S. District court, southern district of California.

I, C. Sims, Clerk of the U. S. District Court for the Southern District of California, by Deputy Alex. S. Taylor, hereby certify that the foregoing is a true and faithful copy of an original paper now on file in this office.

Witness my hand this 8th day of June, A. D. 1857, and the official seal of this office.

C. SIMS, *Clerk, &c.*

By ALEX. S. TAYLOR, *Deputy Clerk*.



Endorsed.

U. S. District Court, southern District of California.

F. P. Pacheco,
vs.
The United States. } No. 211.

Order to dismiss appeal. Filed 3d June, 1857. Decree of confirmation.
Filed 8th June, 1857. "SAN JUSTO." *Copy*.

Filed U. S. Surveyor-General's Office, May 22d, 1858.

I, J. W. Mandeville, Surveyor General of the United States for the state of California, by virtue of the power vested in me by law, do hereby certify that the preceding pages numbered from one to four, inclusive, exhibit a true, full and correct copy of a decree of the District Court for the Southern District of California, and an order vacating appeal, together with the endorsements thereon, as the same appears on file in my office in case No. 11, on the Docket of the Board of Land Commissioners.

In testimony whereof I have hereunto signed my name officially, and caused the seal of my office to be affixed, at the city of San Francisco, California, this seventh day of June, A. D. 1858.

J. W. MANDEVILLE, *U. S. Surveyor General*.



U. S. District Court

South. Dist. of Cal.

Rancho San Justo
Near San Juan

Decree of Confirmation,
Dismissal of Appeal
etc.

U. S. District Court, Southern District of California

Filed 16 Oct. 1858
C. Sims, Clerk
by A. Taylor, Deputy

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to be entered at the office of the clerk of the court in this office. The United States E. B. Fugereco

Witness my hand on the 16th day of October 1858. C. Sims, Clerk of the Court

U. S. District Court, Southern District of California. Filed 16 Oct. 1858. C. Sims, Clerk

U. S. District Court, Southern District of California. Filed 16 Oct. 1858. C. Sims, Clerk

U. S. District Court, Southern District of California. Filed 16 Oct. 1858. C. Sims, Clerk

U. S. District Court, Southern District of California. Filed 16 Oct. 1858. C. Sims, Clerk

U. S. District Court, Southern District of California. Filed 16 Oct. 1858. C. Sims, Clerk

U. S. District Court, Southern District of California. Filed 16 Oct. 1858. C. Sims, Clerk

PAGE 20

In the United States District Court in & for
the Southern District for the State
of California

United States, Appellants
vs
Francisco P Pacheco, Appellee

Docket No 47.

"San Justo"

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The Appellee moves the Court for an
order requiring the Surveyor General
of the United States for California
to return the Survey made by him
in the above entitled cause of the
Rancho called "San Justo" situated
in Monterey County.

C J Ryland
Atty for Appellee

No 211

United States Appellate

by

J. P. Pacheco Appra

"San Justo"

Docket No ²¹¹~~47~~

Motion for an order
to return survey.

Filed in office this the
16th day of Sept 1859

C. J. Smith

211 SD

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J P Peckee
Appu 2 11
The U States

211SD
PAGE 111

James E Perrill

being duly sworn deposes and says
as follows

My name is James E
Perrill - I reside in Monterey
I am Twenty nine (29) years
of age - My occupation is United
States Deputy Surveyor under James
P. Mandeville United States Surveyor
General for the State of California
I have surveyed the
Rancho of San Justo situated
in ~~Monterey~~ Monterey County, Cal
I have the survey with me (the
return shows the survey) and de-
scribing the same, says that com-
mencing at the apud corner
between this Rancho and three
other Ranches adjoining ~~the~~
San Justo, Peckee, being one
of them - I ran in a direct line

to the point of the Hill of the Vine-
yard - thence I followed the
"Cleveland" Ridge of Mountains
until I reached "Arroyo
Soto" shown on the Map
furnished me by the Surveyor
General as being a part of land
of its boundaries, and follow-
ing said Arroyo to the "Puerto
del Rosario" - thence in a right
line from the "Puerto del Rosario"
to the "Roblar San Joaquin" and
from the "Roblar San Joaquin"
along the line of the Rancho of
J. P. Dehesa to the point of beginning
the Rancho of J. P. Dehesa lies
north of San Luis -

I have also surveyed in the
year 1858 the adjoining ~~the~~
Ranchos of "Somerales Muertos"
and "Tequisquite" and found
at the common corner of these
Ranchos an old stake estab-
lished there by the owners of
the Rancho, to wit, "San Luis"
"Dehesa", "Somerales Muertos" and
"Tequisquite" - The last two of
these Rancho I have surveyed

myself as Deputy Surveyor
which surveys, have been
approved by the Surveyor General
The Oak Grove or Roblar de
San Joaquin 2 studs around north
+ north
" east of the north East corner
of the San Justo Rancho.
I have only put on the map
the nearest corner of the Roblar
de San Joaquin, being the same
point as shown upon the
Asiento furnished me by
the Surveyor General - I found
them all natural and fixed
boundaries and well defined and
easily determined - I made the
survey in accordance with the de-
-cre of this Court following the
boundaries delineated upon the
Asiento named in the Decree and
Grant. The Rancho as surveyed
is in better shape and in a
more compact form than any
other Rancho I have surveyed
except one - There is no natural
object at the common corner
of four Ranchos - The Peduco
Rancho goes the whole 2 studs on the

North line of "San Justo"
I was enabled to find the North
West corner of this Ranch, because
my instruction directed me to
run in a direct line from
the "Roblan San Joaquin" to
the agreed or established cor-
ner of the above mentioned
four (4) Ranchos - The dis-
tance from the "Puerto del Rosario"
to the "Caveland Ridge" of mountains
is about two miles and a half
(2 1/2) - What I understand by
the "Puerto del Rosario" is the
open place or gap in the moun-
tains joining from the San Luis
to Rin to the Caveland ~~Ridge~~
Ridge of the mountains

There are over seven leagues and
a half in this Ranch

Shown & subd to
before me this the
14th day of Sept
1859
Ginsack

J. E. Torrey

No 211

A P Deane
att
The U States

Deposition of J E
Perill

Filed in Office this
the 16th day of Sept
A D 1839

Spindler

211 SD
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In the United States District Court in & for the
Southern District of California.

United States Appellants }
Francisco P. Pacheco, Appellee } Docket No 211.
San Luis

211 SD
PAGE 116

In the matter of
In this cause the Appellee having moved
the Court for an order on the United States
Surveyor General for the return of
the Survey made by him of the Rancho
San Luis located in ^{Monterey} County, under
the decree heretofore entered in this
cause in favor of the said Appell-
ant, and the parties heretofore
having agreed to a return of said
Survey as he stipulation on file
herein, it is ordered by the Court
that ^{General return} said Survey of said Rancho ^{so made by him} ~~be returned~~
and the said Survey being returned, and
the said Appellee having filed
his motion for the approval
of said Survey and for the entry
of a decree and judgment thereon
in accordance with said Survey
in favor of said Appellee and
against the United States and
the ~~estate~~ of J. E. Tenell having
been ~~been~~ sworn on the part of
Appellee & his evidence being taken
in open Court, ~~it is ordered that this~~
and the evidence being closed and
the arguments of counsel being
heard, ~~it is ordered by the Court that~~

into this cause

The Court takes the whole matter under
advisement in accordance with
said stipulation

No 211

Ad. Dist. Court
County of Dist. Cal.

A. P. Reeves)
Appn
The State)
apph

Order

Filed in office this the
16th day of Sept and
1859

J. Johnson

No 211
United States

by
F. P. Pacheco

Docket No 211

San Luis

Motion for final
judgment on
survey as returned

Filed in Office this
the 16th Sept 1859

C. Sims
Clerk

W. B. Court Southern
The United States Dist of California
J. P. Pacheco } No. 311
San Francisco

211 SD

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It is hereby stipulated
between the parties by W. Mitchell
U. S. Dist atty. on behalf of the
United States and C. J. Ryland
on behalf of the Claimant. That
the Survey heretofore made by the
U. S. Surveyor General of the lands
claimed in this case be returned
into the Court and that the said
parties may argue the motion to
approve the same made by the
Claimant's Attorney and that the
whole matter be taken under
advisement by the Court ~~and till~~
the October Term of this Court.

W. Mitchell
U. S. Dist atty.

C. J. Ryland
Atty for Claimant

Nov 21

D. P. Decher

vs
The States

Stipulation

Filed in office
this 16th day of Sept 1859
Chas. A. [Signature]

J. P. Pacheco

vs

The U. States

Rancho San Justo

Sir

211 SD

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The only question before me, in the matter of location of this Rancho is, whether by the decree of Court, it is to be surveyed to the boundaries mentioned therein, or by the quantity expressed, viz: "four square leagues, more or less," reflecting the term "more or less" as having no meaning in the U.S. Surveying System.

The deputy Surveyor, in this instance has followed the boundaries set forth in the decree, and I have approved the survey "pro forma" for the purpose of having the questions involved, decided in the U. S. Courts -

It is proper to state that under the decree as it now stands, the Department would require the Survey to embrace the extent of four square leagues and no more -

Very Resp^t

J. N. Trumbull

U. S. Surveyor

Hon J. S. K. Ogier

U S Dist Judge

San Dist Cal

No 211

J. J. Pacheco

vs

The U. S

Statement of Sur
Gen^t to accompany
return of Survey -

Filed in Office this
16th Sept 1889

C. J. S. etc

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

United States, Appellants, vs. Leake, N.º 911,

vs.
Francisco Pacheco, Appellee. } "Law Justo."

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In this cause the United States Surveyor General
having returned into Court his approved Survey
of the tract of Land called "Law Justo," finally
conformed to claimant, and the parties being
here present, and the Court having considered
the plat of said Approved Survey and the lines
thereof, and having found the same to be in exact
conformity with the final Secret Decree, it is hereby
ordered, adjudged and decreed, that the Survey
of "Law Justo," approved by the Surveyor General
~~upon~~ and now filed herein, be and
the same is hereby approved and confirmed
in all particulars.

And it is further ordered that the Clerk of this Court
transmit to the said Surveyor General, the plat
of said Survey now in file herein, together with
a certified copy of this order, in conformity with
the Rules of this Court. —

Isaac N. Ogden
U. S. District Judge

N. 111.

United States

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Span. & Mex. Paches.

8

Order of approved
General Survey.

Filed in office
this the 7th Dec^r,
1859
C. J. Smith

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

Francisco Pacheco

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by the United States } 211
} San Diego.

Now comes the claimant and suggests to the Court that the plat of survey of the land herein claimed is erroneous, originally filed ^{on Sept. 16/59} by the U.S. Surveyor General for California is erroneous, and therefore prays the Court ^{that this case be reversed, if} that its former order entered 7th Dec^r 1859, may be vacated, and an order made ^{pro} ~~pro~~ ^{pro} time approving and confirming the amended surveys of said land filed in Court by the Surveyor General on January 12 1861, in this case; and will rely in support hereof on the said surveys filed on Sept. 16th 1859, and January 12. 1861, & on letters of said Surveyor General, & such ^{in file} oral testimony as may be necessary.

James H. Gordon
Claimant's Atty

211.

F. P. Pacheco

by

U. States

Motion to vacate
former order ap-
proving survey

Filed April 9, 1865
J. L. Mitchell
Clerk of the Court
of the District of Columbia

211 SD

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In the matter of the Survey of the
Rancho "San Justo" finally confirmed
to Francisco F Pacheco.

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Upon examination of the plat
of survey, previously returned to the
U. S. District Court, it was found that
an error had been made by the draughts-
man, in platting the map from the
field notes. I have therefore thought
proper, in returning the plat, for
your final approval in accordance
with the Act of Congress of last year,
to correct this error, and transmit
the plat previously returned, to ena-
ble the Court to understand the
whole matter.

The plat now returned is in accordance
with the field notes and evidence
of James E Terrell Deputy Surveyor,
and I transmit the same, in accor-
dance with the provisions of the
Act of Congress passed June 14 1860
for the final approval of the court,
if upon examination of the same
with the testimony, the Court shall
be satisfied that it is correct.

Respy &c

How I S K Ogier
U S Dist Judge
Southern District

J. H. Murrell
U S Sur Gen

No 211

U. S. Dist Court
South Dist of Cal

J. P. Richees

^{vs}
Union State

Letter from Suror Genl

Filed Jan 4 12, 1861

Ed Mrs Elk
J. John DeChalce Depty

211 SD

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Recd Los Angeles, Calif.
Jan 11th 1861

U. S. Dist Court Southern Dist of
California -

J. P. Pacheco

N^o 211.

vs

Claim for

The U. S.

San Justo -

211 SD

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J. E. F. Beale Sur-
veyor General for the U. S. for
California, do hereby certify
that in the matter of Survey
of the said Rancho, it appears
from the records of this office
that the Survey in this case
was duly returned into this Court
by stipulation of said parties
previous to the passage of the Act
of Congress dated June 12th 1860,
and a decree had thereon, dated
Dec^r 7th 1859 - which decree has become
final -

U. S. Sur Genl Office, San Francis-
co January 20th 1864 -

J. E. F. Beale,
U. S. Sur Genl

No 211

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Filed January 24, 1864
John Wheeler
Clerk

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In the District Court of the United States in
and for the Southern District California
At a Regular Term held at
Monterey August 18, 1865.

211 SD

PAGE 132

Present Hon F. M. Waight

Francisco Perez Pacheco
vs
No 211
The United States.

In the Matter of The
Location and Survey and
Decree approving Survey
of the "Rancho San Justo"

Whereas this Court heretofore ^{December 7th 1864} approved a plat of Survey
of said "Rancho San Justo" which was approved
by J. M. Murderville Wf. Sur General April 4 1864
and which Plat was filed in the office of the Clerk of
this Court and marked "Filed ^{Sept 16th 1864} ~~Jan 12 1865~~ by ~~John O. Wheeler~~
^{C. Emerys clerk} and whereas the said
Survey so approved was returned to the office of said
Surveyor General as the final official Survey of said Rancho

And whereas the said Surveyor General did
on the 14th day of February 1865. make and sign a
report showing that there had occurred ^{errors} in the
field notes of said Survey so confirmed and approved
whereby it was impossible to make such survey there
on the ground, by following the same. And the Court
having Ordered the said Report to be filed, and also
a plat of said Rancho correcting said Errors approved
^{Corrected}
by J. W. Wesson Wf Surveyor General the 6th day of March
ad 1865. After hearing the testimony of E. Conway Chief
Clerk of said Sur General. and after hearing P. Whiting
Esq Dist Atty. and it appearing to the Court that said
Errors were clerical Errors in copying the field notes.

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And that the said Survey does not change the Exterior
boundaries of the said Survey, and the Court being
satisfied that said Survey so ^{certified} approved by several
Witnesses does not change the Exterior limits of any
adjoining Ranchos ^{or of said Rancho San Justo} and Lands. It is Ordered
Adjudged and decreed that the Survey of the
said "Rancho San Justo" ^{certified} approved March 26 1865
by S. Wilson, and a plat thereof is filed in the
office of the clerk of this Court August 18. 1865. be
and the same hereby is adopted and confirmed as
the final and official Survey of said Rancho. And the
same is hereby substituted in lieu of the said plat
filed ~~Jan 10 1864~~ ^{Sept 16th 1859} and the Clerk of this Court is
hereby directed and required to annex said last mentioned
Plat to a certified copy of this Order and decree, and
return the same to the said Surveyor General, and
this ~~said~~ decree is hereby Ordered to be entered as
of the date of said former decree approving said Survey
to wit the 7th day of December 1865 - and in substitution
of said former decree.

W. H. Haight
Judge of the Court

No 211
U. S. District Court
South Dakota

9

Filed Aug 19 65
John Doherty

In the District Court of the United States in and for the
Southern District of California
At a Regular Term held at Monterey August 48, 1865

Present Hon^{ble} J^{es} H. Haugh

Francisco Perez Pacheco

The United States

No 211

vs
The matter of the location sur-
vey and decree approving survey
of the "Rancho San Justo"

211 SD

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Whereas this Court herebefore December 7th 1859. approved
a plat of survey of said "Rancho San Justo" which was ap-
proved by J^{es} Maudeville Surveyor General, and which
plat was marked filed in the office of the Clerk of this
Court and marked "Filed Sept 16, 1859. S^{enior} Clerk" and
whereas the said survey so approved, was returned to the
office of said Surveyor General, as the final official sur-
vey of said Rancho. And whereas the said Surveyor
General did on the 14th day of December February 1865,
make and sign a report showing that there had occurred
errors in the field notes of said survey so confirmed and
approved, whereby it was impossible to make such sur-
vey close on the ground by following the same. And the
Court having ordered the said report to be filed, and also
a plat of said Rancho correcting said errors certified
by S^{enior} U<sup>nion U<sup>nion Surveyor General the 6th day of March
1865 after hearing the testimony of E^l Lerway Chief
Clerk of said Sur General, and after hearing B^{en} Whiting,
Esq. Dist^{ric} Atty. And it appearing to the Court that said
errors were clerical errors in copying the field notes
and that the said survey does not change the alterior
boundaries of the said survey. And the Court being satis-
fied that said survey so certified by said U^{nion}</sup></sup>

does not change the exterior limits or corner monuments
of any adjoining Rancho and lands, or of said Rancho
San Justo. It is Ordered Adjudged and decreed that
the Survey of the said "Rancho San Justo" Certified
March 16. 1845 by Simpson, and a Plat whereof is
filed in the Office of the Clerk of this Court August 8
1865, be and the same Survey is adopted and Confirmed
as the final and official Survey of said Rancho and
the same is hereby substituted in lieu of the said Plat
filed Sept 16. 1859 and the Clerk of this Court is hereby
directed and required to annex said last mentioned
Plat to a Certified Copy of this Order and decree, and
return the same to the said Surveyor General and this
decree is hereby Ordered to be entered as of the date
of said former decree approving said Survey to wit
the 7th day of December 1859. And in substitution of
said former decree

Fletcher M. Haught
W. D. Judge South District

Filed Aug 19. 65
James Wheeler Clerk

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