

CASE No. 222 S.D.

CASE No.
222

SOUTHERN DISTRICT

CHAMISAL GRANT

HEIRS OF FELIPE VASQUEZ

CLAIMANT

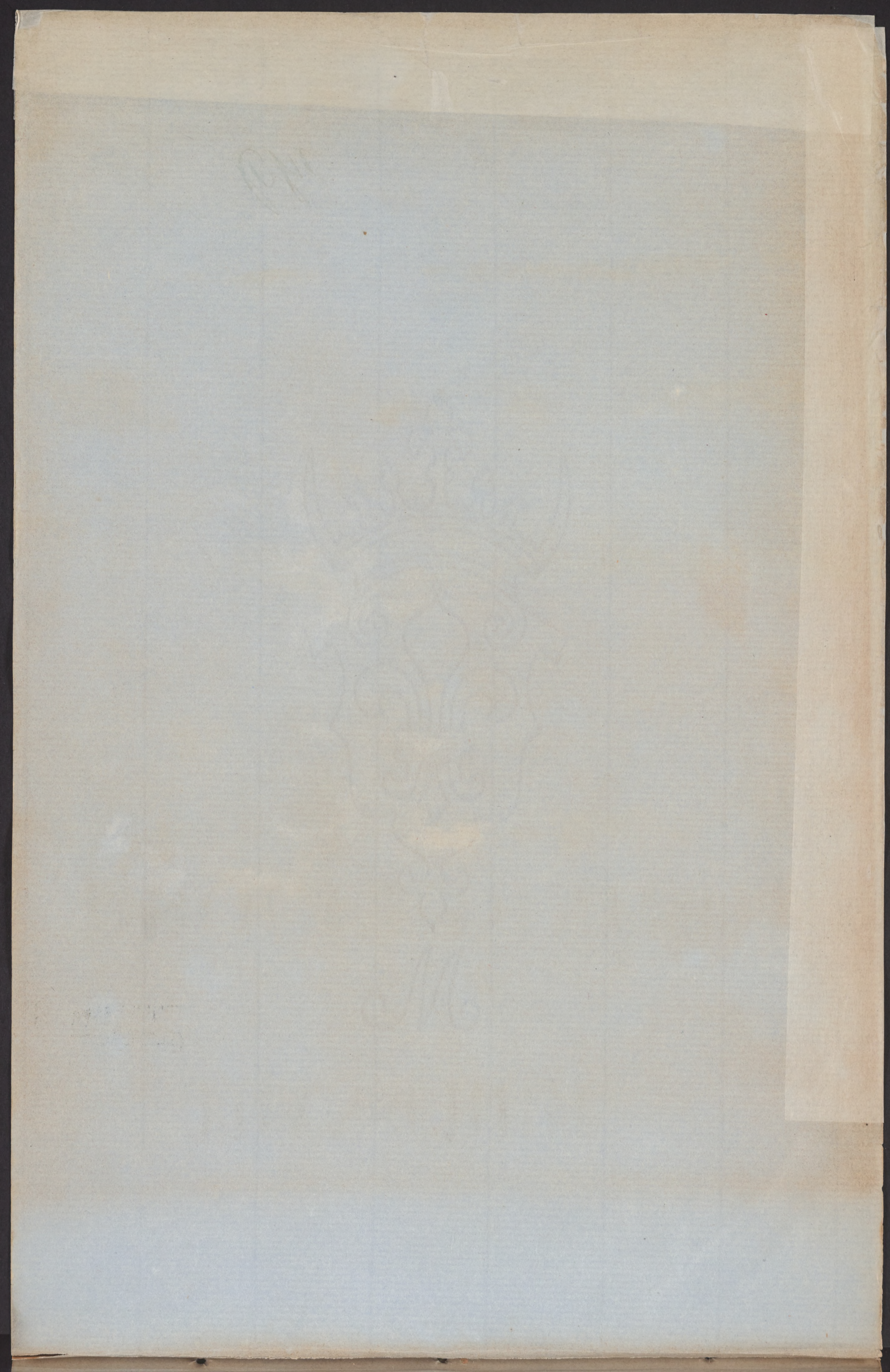
LAND CASE 222 SD pgs. 122

MAR 13 1963

MAR 13 1963

STOAK BOND

540



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 540.

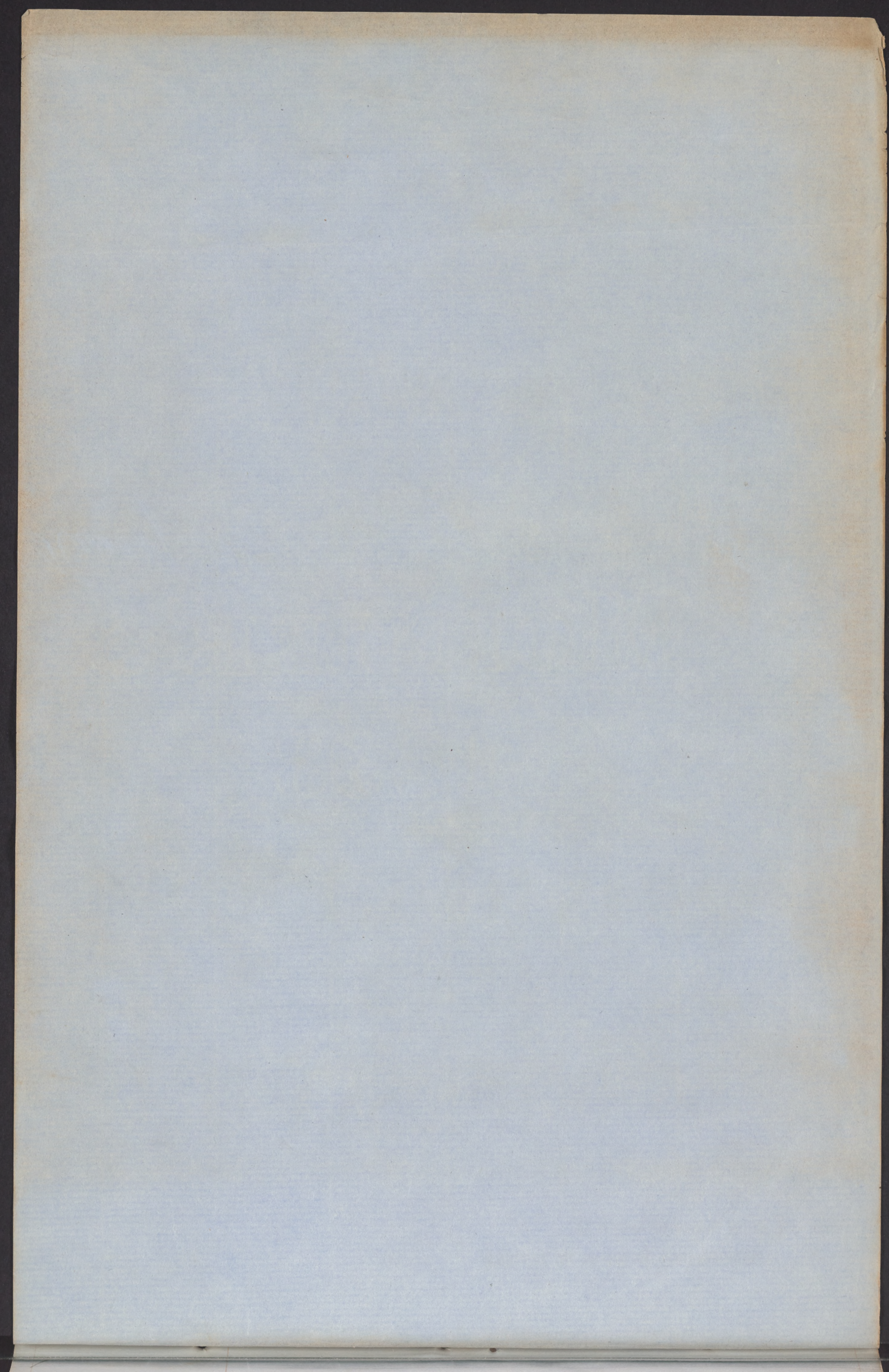
Heirs of Felipe Nasquez CLAIMANT S.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Chamisal"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of *Heirs of Felipe Vasquez*,
for the Place named
"Chamisal",
was presented, and ordered to be filed and docketed with No. 540 and
is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco February 9' 1853.
In case no. 540, the Heirs of Felipe Vasquez for the
place named "Chamisal", the deposition of Manuel
Jimeno, a witness in behalf of the claimants,
taken before Commissioner Miranda Hall, with
documents marked H. H. nos. 1 & 2, annexed
thereto was filed;

(Vide page 4 of this Transcript.)

San Francisco, Sept. 15' 1853.
Case no. 540, called, on motion of the counsel for
the claimants, ordered to the foot of the Docket.

San Francisco, Sept. 5' 1854.
Case no. 540, on motion of the counsel for the
claimants, was ordered to be placed at the foot
of the 2^d class case on the Trial Docket.

San Francisco Oct. 17' 1854.
 Case no. 540 was submitted under the Rule
 of March 21st 1854.

~~~~~

San Francisco Oct. 24' 1854.  
 In the same case Commissioner Stephen Fitch  
 delivered the opinion of the Board respecting the  
 claim:

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(Vide page 19 of this Transcript.)  
 and the following order was made, to wit:  
 (Vide page 22 of this Transcript.)

~~~~~


3
To the Honorable the Board of W. S.
Land Commissioners for ascertaining and
settling Private Land Claims in the State of
California -

Petition

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Your Petitioners Nicomedes Lugo
the widow and Juan Dionisio and Manuel
the three sons and heirs of deceased Felipe Vas-
quez all residents of the County of Monterey in
the State of California respectfully represent to
your Hon Board that they claim a tract of
land situate in the County of Monterey and State
of California on the South western side of the
Monterey River at the crossing known by as the
Pajaritos and known by the name of Chamisal
in extent one square league or thereabouts and
being bounded by the Toro the Laguna Seca
and the River that they claim the same by virtue
of a grant made unto Felipe Vasquez on the
twentieth day of November and eighteen hun-
dred and thirty five under authority of the Mex-
ican Government by Jose Castro Political Chief
ad interior of Upper California in conformity
with the law of the 18th of August 1824, and
of the Regulations of the 21st of November 1828
and approved by the Mex. Es. Imperial
Deputation on the eighteenth day of December
A. D. 1835 -

And your petitioners would further
represent to your Hon Board that judicial
possession of the same was given in due form
unto the aforesaid Felipe Vasquez by Jose
Ramon Estrada in the year 1838 and the
boundaries thereof defined as shown by the
accompanying map marked Exhibit "F."

And your petitioners further represent
that they are now, and have been ever since
the date of said grant in the uninterrupted
possession and occupancy of said land that

they built a house thereon and made other improvements thereon within the time specified in the title -

And your petitioners herewith present to your Hon Board the accompanying documents marked B, C & D, which they pray to be made a part of this petition as also a translation of the same marked "E".

And your petitioners pray your Hon Board to take this their claim into consideration and to ratify and confirm the same, and your petitioners will ever pray &c.

Wm H. McKee.

Attorney for Claimants -

San Francisco 31st January 1853.

Filed in Office Jan 31, 1853.

(Signed) Geo Fisho Secy.

San Francisco Feb 7, 1853.

On this day before me Mr William Hall came Manuel Jimeno a witness in behalf of the Claimants heirs of Felipe Pasquero petition No 3411 and was duly sworn his Evidence being interpreted by the Secretary.

The U.S. Associate Law Agent was present.

My name is Manuel Jimeno my age is forty nine years & I reside in Monterey. I am acquainted with the Rancho called Chumisal situated in Monterey County on the river Monterey & I have known it

Deposition
of
Manuel Jimeno

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5-
as a Rancho from about the year 1833 or 1834
I know Felipe Pasquez who resided on the place
from 1833 to 1834 with his family until
his decease & from that time his widow &
children have continued to reside there to the
present time.

It has been ascertained during
all that time by residence in the house with
stock & by cultivation of a portion of the land
I was informed by the parties that this house
had been burnt down & the widow & a son
of hers told me that title papers had been de-
stroyed & they applied to me for copies of such
title papers as were in the archives & the Sec-
retary of the Government furnished such copy.

A paper is now shown me &
marked H. H. No. 1. which is the copy furnished
on such request & is a true genuine copy with
my official signature thereto -

I am acquainted with the
hand writing & signatures of Ignacio Esquer
& Ambrosio Gomez & Melanio Velasco their
several signatures appearing on a paper now
shown me to be genuine -

Said paper is hereto at-
tached & marked H. H. No. 2 - Ignacio
Esquer, was Alcalde at the date of said paper.
Manuel Jimeno -

Sworn & Subscribed

Before me

Richard Hall Comm.

Filed in Office July 7, 1853.

By the District

Deputy

7 H. H. N.º 1 Dello Quinto Un Real:

Habilitado provisionalmente por la Aduana
Maritima del puerto de Monterey, en el Depar-
tamento de las Californias, para el año de mil
ocho cientos cuarenta y tres.

Micheltorena

Manuel Castañares.

map 3

(Sello) José Castro primer Vocal de la Exma
Diputación Territorial, Jefe político inter-
ino de la Alta California: Por cuanto
Felipe Vasquez mepeano por nacimiento, ha pre-
tendido para su beneficio personal y el de su fa-
milia el de su familia el terreno conocido con
el nombre de Chamisal: practicadas preva-
mente las diligencias y averiguaciones concer-
nientes según lo dispuesto por leyes y reglamen-
tos; usando de las facultades que me son con-
feridas en decreto de este día y à nombre de
la Nación Mexicana he venido en concederle
el terreno mencionado de que remanolo la propie-
dad de el por las presentes letas à reserva de
la aprobación de la Exma Diputación y bajo
las condiciones sigtes.

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1.ª Que se someterà à las que estableciere el
reglamento que se a de formar para la distribo-
cion de terrenos baldios y que entretanto ni el
agraciado ni sus herederos podran dividir ni ena-
genar el que se les adjudica, imponer censo, ni enlo-
pianza, hipoteca ni otra gravamen, aunque sea
por causa piedadosa ni pasarlo à manos muertas
2.ª Podra cercarlo sin perjudicar las traversias
caminos y servidumbres ni menos à los que se hal-
lan habiendolos en sus inmediaciones. ad-
los de ninguna manera estorbarà que tenga
sus Bueles vacas mansas y Caballada de la
misma suerte; lo disputarà libre y esclusivamte
destinandolo al uso ò cultivo que mas le acomode
pero dentro de un año à lo mas fabricara casa y es-
tara habitada.

3.ª El juez respectivo que le de la posesion juri-
dica en virtud de este despacho por el cual se
demarcaran los linderos en cuyos limites pondrà
à mas de las mojoneras algunos arboles frutales
ò silvestres de alguna utilidad.

8
2^a El Terreno de que se hace donacion es de
poco menos de un sitio de ganado mayor segun
explica el diseño que corre en el esped^{to}.

El juez que diere la posesion lo hará medido con
forma à Ordenanza quedando el sobrante
que resulte à beneficio de la Nacion para los
usos convenientes.

3^a Si con ha miere à estas condiciones per-
derà su derecho al terreno y será denunciabile
por otro. En consecuencia mando que sirvien-
dole de título el presente y benendose por
firme y valedero se tome razon en el Libro
que corresponde y se entregue al interesado p^a
su resguardo y demas fines. Dado en monterey
à diez y oete de Noviembre de mil ocho cientos
heintaycineos. José Castro.

Francisco del Castillo Negrete oero.

Castillo.- Aprobado por la Exma Diputacion
Escopialmente sacada del Libro de Ti-
tulos expedidos sobre terrenos concedidos que
existe en esta secretaria de mi Cargo.

monterey diez y ocho de Diciembre de mil
ochocientos charenta y tres.

Man^{te}. Jimeno

Keiled in Office Janry. 31st 1853

Geo: Fisher Secy

La Comision de terrenos baldios impuesta del expediente que se manda practicar p. solicitud q. hase el C. Felipe Vasquez del terreno nombrado el Chamisal no encontrando en el objecion alguna que hacer cuando en todo conforme de la ley de 18 de Agosto de 1824. y el Art. 5.º del Reglamento de Colonizacion de 25 de Mayo de 1828 la Comision ofese a la deliberacion de V. E. la proposicion siguiente.

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Se aprueba la Concesion hecha al C. Felipe Vasquez del Terreno nombrado el Chamisal concedido en 15 de 1835. sujetandose a las condiciones q. se estipularen. Monty 5. de Dh. de 1835.

Salvo Pacheco

Monterrey Die. 1 de 1835.

2. G. D. R

En sesion de esta dia acordó la Excmo Diputacion vuelva el Exped.º a la Jefatura p. que la parte interesada presente un diseño arreglado. Juan B. Alvarado D. A. m En 28 de Die.º volvió esta cop.º a la Excmo Diputacion y apue. concesion en los terminos y en siguiente.

Se aprueba la Concesion echa al C. Felipe Vasquez del parage nombrado el Chamisal en perjuicio de las tierras que ocupan los vecinos de aquellas inmediaciones y de los que han sido indicados a los colindantes que se.

Monterrey p. haut supra.

Juan B. A.---

Jose Baster Preste.

(Note by surveyor: Gen.) Dotted line, Edge of the Original defaced.)

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 custody a portion

of the Archives of the former Spanish and Mexican Territory or Departments of the former Spanish and Mexican Territory or Departments of Upper California, do hereby certify that the two preceding pages numbered 1 & 2, and each of which is verified by my initials (V. D. R.) exhibit true and accurate copies of part of an Expediente entitled. Expediente sobre el terreno nombrado El Chamisal solicitado por Felipe Vasquez 121. now on file and forming a portion of the Archives in this Office.

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Seal In testimony whereof I have hereunto signed my name, Officially and affixed my private seal (not having a Seal of Office at the City of San Francisco the 29th day of January 1853.

Saml. D. King
Surv. Genl. Cal.

Sealed in Office Jan'y 31st 1853.

Geo. Fisher Secy

Señor juez de 1.^a Instancia.

Pedro Vasquez natural y vecino de este Departamento ante V. con el debido respeto y como mejor haya lugar en derecho digo: Que habiendo pedido nueva posesion de un terreno que el finado José Ramon Estada concedio à mi finado padre cuyo parage es conocido con el nombre del Chamizal de me ha entorpecido por una representacion tumultuosa que han hecho los vecinos de los pilarcitos. en el que me niegan el derecho que tenga en dicho terreno del q. ya tenia posesion concedida cuyos documentos fueron quemados en el incendio de mi casa y para justificar debidamente suplico à V. se digno mandar por si ante si tomar juramento al Sr. Salvador Ameoquita que fue uno de los testigos en la pasada posesion.

P. D. A. V. suplico provea como pido en lo que recibire merced y justicia.

Monterey Mayo 6. de 1846.

Pedro Vasquez.

En papel comun por no haber del sellado correspondiente.

Monterey Mayo 6 de 1846.

por presentada y admitida a la presente instancia citese al testigo Salvador Ameoquita para que declare lo que oyo sobre el particular asiyo Ignacio Esquez Regidor Decano del Ilte Ayuntamiento y Alcalde de 1.^a en turno con funciones de juez de 1.^a Instancia lo proveye y firmo con los de mi casa con quienes actuo en la forma establecida.

A.

J. Esquez

ambosio Gomez # José A. Castro
Yo siete de Mayo de mil ochocientos cuarenta y seis siendo presente el vecino Salvador Ameoquita se le tomo juramento en forma de Dto por el cual oyo de ser verdad en todo lo que supiere y fuere preguntado y siendo lo por su nobre edad estado y ejercicio. digo: llamarse como queda dicho de edad de cuarenta y seis años de estado casado de ejercicio labrador y de Religion. C. A. R. Recd.
Que es lo que sabe con respecto à la posesion

Exhibit
N. N. no. 2

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del terreno conseedido à D.^o Felipe Vasquez
 contesto que habiendolo pasado el señor Alcalde
 D.^o José Ramon Estada à darle posesion al
 dho Vasquez despues de haber medido de un
 Encierro que se haya alli para la Laguna seca
 dijo; el señor Estada à D.^o Felipe Vasquez
 que no habria necesidad de tomar otra medida
 por que su terreno colindaba con el Rancho
 de su propiedad que es en tanto sabe y lo
 es que puede decir sobre el particular pues lo
 presenciò por haber sido uno de los testigos en dicha
 posesion y el mismo que llevo el Cordel que
 lo dho es la Perdada à cargo del juramt.^o que
 tiene otorgado en el que se afirmo y ratificò
 leida que le fue esta su declaracion no fir-
 mando por no saber y lo hizo yo con los de mi
 asistencia segun dho.

A. J. Coquez. A.
 Ambrosio Gomez # Juan A. Castro

Puelva esta Solicitud al intereado para
 el uso que le convenga.

J. Coquez

Filed in Office Jan'y 31st 1853

Geo. Fisher Sec'y

Stamp Fifth - All Real.

"B"

Translation.

Provided provisionally by the Customs
 House of the Port of Monterey in the
 Department of the Californias for the year
 Eight hundred and forty three -
 (Signed) (Signed)
 Micheltona Manuel Castaneda.

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Stamp
 Customs House
 Monterey

Joseph Castro First Real
 of the New Territorial Deputation. Political
 Chief ad interim of Upper California -
 Inasmuch as Felipe Castaneda
 a Mexican by birth has solicited for his
 own personal benefit and that of his
 family the tract of land known by the name
 of the Chacinal the necessary steps and inves-
 tigation concerning the same having been previous-
 ly gone through as prescribed by the laws and
 regulations. Making use of the authority conferred
 upon me by a decree of this day and in the name
 of the Mexican Nation I have granted the
 before mentioned land unto him and declare
 it to be his property by these presents, subject to
 the approval of the New Territorial Deputation
 and under the following conditions viz.
 First - That it shall be subject to whatever
 conditions may be established by the Regulations
 for the distribution of vacant lands which is
 about to be formed, and that in the mean-
 time neither he nor his heirs shall
 put nor alienate what is awarded nor place
 load, mortgage nor any other encumbrance
 whatever thereon. Even though for a pious purpose
 nor pass it into mortmain -

Second. That he may meet it in cut with-
out impeding the highways and bye ways as
also without molesting those persons at present
dwelling in the vicinity thereof who may have
their stock and tame Cows and horses.

He may Enjoy it freely and Exclusively either
for cultivation or in whatever way may best
suit him but within the space of one year at
most he shall build a house thereon and
have it inhabited -

Third -

The respective Judge may give
him the judicial possession in virtue of this
Despatch, by whom shall be designated the
boundaries at the terminations of which shall
be placed besides the land marks, some trees
either fruit or other useful ones -

Fourth - The land donated is a little less
than one sitio of Canada Mayor as represented
in the diagram annexed to the Espediente -

The Judge who may give pos-
session will have it measured according to
ordnance the surplus that may result remain-
ing for the benefit of the Nation for its own use.

Fifth - Should these conditions be violated,
he shall lose his right to the land and it will
be denounceable by another.

Consequently Order that these presents
answer him as a title and that they be caused
read as firm and valid and noted on the
corresponding Book and delivered to the intrus-
ted party for his safety and other ends -

Given at Mexico on the Seventeenth
day of November 20 Eighteen Hundred and
thirty six -

José Castro.

Francisco del Castillo.

Regre

3 regre

Castillo -

Approved by the
Honorable Departmental Assembly.

A true copy taken from the Book of Titles
Expedites on lands granted which now
exists in the Office of the Secretary in Mexico,
Montreux the eighteenth of December Eighteen
hundred and forty three -

(Signed) Manuel Ferrer.

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To His Excellency.

The Committee on vacant lands
having examined the Expediente set forth through
Philip Desguay Soliciting the land called the
"Chauisab" and finding therein no objection
being entirely in conformity with the Law of the
18th of August 1824 and of the fifth article
of the Regulations of the 21st of November 1828
the Committee offers to your Excellency the
following proposition viz:

The Concession made to the
Citizen Philip Desguay of the land called the
"Chauisab" granted on the fifteenth of November
1835 is approved, subject to the conditions stip
ulated -

Montreux 31 Dec 1835 -

(Signed)

Salvador Pacheco.

Montreux 15th December 1835.

In session of today the Hon
Deputation resolved that the Expediente be returned
to the (Secretary) Govs Office in order that the
interested party furnish a diagram in due form

(Signed)

Juan P Alvarado P L

On the Eighteenth of December this Expediente was returned to the Hon. Deputation and the Concussion was approved under the following terms viz: -

The Concussion made to the Citizen Felipe Vasquez of the locality known by the name of the "Chauriscal" is approved but without prejudice to the lands already occupied in that vicinity and which may have been granted to the (Coludantes) adjoining neighbors -

Counting that as above,

(Signed)

Juan P. Alvarado
D.S.

(Signed)

Pase Castro

Presid^{te}.

To the Judge of First Instance,

Pedro Vasquez a native and resident of this Department before your honor with all due respect and in due form of law appears and says, that he solicits anew possession of the land known by the name of the "Chauriscal" of which possession was given unto his father (deceased) by Don Ramon Estrada mas-much as the residents of the Pilarcitos have made a disorderly statement claiming his right to said land and as the papers of the possession previously given were burnt in the fire destroying his house. He entreats your honor to send for Salvador Mesquita who was one of the witnesses to the previous possession in order that being duly sworn he may in due form prove the said and he prays your honor to allow what he asks by which he will receive grace and justice -

(Signed)

Pedro Vasquez.

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Montreal May 15th.

On Common paper in the absence of the
Corresponding Stamp; Montreal 15th May 1844.

Presented and admitted the present Instance
let the witness Salvador Amisquita be sworn
in order that he may state what he
knows about the matter.

Thus I Ignacio Esquivel
Fourth Regidor of the Illustriss. Ayuntamiento
and First Alcalde in turn with the functions
of Judge of First Instance do hereby certify
with my Assistants, with whom I act accord-
ing to established form.

(signed) J. Esquivel.
Ambrosio Gomez.
(signed) Jose A. Castro.

At the seventh day of May Captain General
and forty six. Being present Salvador Amis-
quita to whom the oath was duly administered
according to law to say the truth in all that
he might know or be questioned and being
asked his name, as condition and trade he
said that he was called as above stated that he
is forty six years of age that he is a married man
a laborer and his religion Roman Catholic.

Being asked what he knows about
the possession given to Felipe Vasquez of the
aforesaid land answered that the Alcalde Jose
Ramon Estrada having gone to give possession
to said Vasquez after having measured from
one oak tree found thereon towards the Laguna
sea he (said Estrada) said to Felipe Vasquez
that it was not necessary to measure any other
line as the land aforesaid his own (Estrada)

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property or Rancho, that that was all he
knew about the matter because he was present
at the time, was one of the witnesses to said
possession and carried the measure rope
that the foregoing is the truth on oath and that
after having read this his declaration had to
confirm and ratify the same not signing
his name because he cannot write it.

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I sign this along with my
witnesses of assistance according to law.

(Signed)
Ygn^o Esquivel.

(Signed)
Ambrosio Gomez.

(Signed)
Jose A. Castro.

Let this petition be returned to the interested
party for his own use.

(Signed)
Y. Esquivel.

Filed in Office Jan 31, 1853.

(Signed)
Chas. Fisher Secy

Heirs of Felipe Vasquez
decd.

The ^{vs} United States

In the place
called Chamusal
in Monterey County con-
taining one square
league of land.

Opinion
of
Commr.

a check

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The petitioners in this case are
Pecunor Lugo represented to be the widow and
Pedro, Dionisio and Manuel, the three sons
and heirs of Felipe Vasquez deceased, and
they claim title in the land as the legal represen-
tatives of said deceased to whom they aver a
grant was made by Jose Castro Political
Chief ad interim on the 4th day of November
1835, -

The grant itself it seems from the testi-
mony was destroyed by accident but a certified
and sworn copy is given in evidence which
fully substantiates the issuing and genuineness
of the original - The approval of the Repu-
blication was obtained Decem^r 15 1835.

The grant contains no
description of the boundaries of the land granted
but refers to a map annexed to the Expediente
and requires a judicial measurement to segre-
gate the land - The map is not given in
evidence nor is there any description of the locality
or the boundaries of the premises claimed or occu-
pied and no grant given by any witness -

The only documents on this
subject filed in the case are a petition by Pedro
Vasquez dated May 6 1844 to the Judge of the
First Instance, stating that judicial possession
of the place had been given to his father in his
life time but that the testimonial thereof was
lost and asking that Salvador Musquita
one of the witnesses to the giving of the possession

might be called and claimed on the subject and the possession be given anew to him, the decree of the judge in accordance with the prayer and the record of the legitimation of said witness.

The witness stated that he was present when the judicial possession was given and described the measurement as having been made "from one oak tree found therein towards the Laguna Seca" and that the Alcaide said that it was not necessary to measure any other line as the land adjoined his own (the Alcaide's) property or Rancho."

None of the Culls of the grant are mentioned in this statement, and it contains nothing by which any portion of the boundaries are designated and affords no aid in defining the premises.

There is nothing in the grant or in the other documents and proofs by which we can ascertain any limits or boundaries to the premises claimed and nothing which could be construed in a decree by which a Surveyor could trace the lines of the land to which the deceased was entitled under his grant. We cannot therefore under the rules applied by the Supreme Court of the United States, confirm the claim.

The proofs are also defective in failing to establish the alleged relationship of the present claimants to the deceased grantee.

They claim the title of the deceased as his widow and heirs at law but no evidence that they are such is given.

The claim must be rejected.

Respectfully,

Filed in Office Oct. 24. 1851. (2d) Geo. Fisher Secy.

Wills of Felipe Vasquez deceased.

3711

The United States

Decree

In this case, on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners is not valid and it is therefore decreed that their application for a confirmation thereof be denied.

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Nephews of Felipe Vasquez

B. W. Thompson

S. B. Farwell

Attorneys

Filed in Office Oct 24, 1857

(Signed) Geo. F. Fisher

Secy.

and it appearing to the satisfaction
of the Board that the cause hereby refer-
red is situated in the Southern District
of California it is hereby recommended
that the cause be removed and of
the decision in this case and of the same
and the same upon which the same
are founded be made and accordingly
certified by the Court of which the
assessments shall be filed in the Court
of the United States District Court for
the Southern District of California and
the same be transmitted to the
Att. Gen. of the U.S.

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Office of the Board of Commissioners,

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

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I, *George Fisher* — Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twenty two* — pages, numbered from
1 to 22, 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. 540 on the Docket of the said Board,
wherein *Heirs of Felipe Vasquez* are —
the Claimant against the United States, for the place known by
the name of *Chamisal* —

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 fifth day of *May*
A. D. 1855, and of the Independence of the
United States of America the seventy-ninth.



Geo. Fisher
Geo. Fisher

U. S. DISTRICT COURT,

Southern District of California.

No. 222

222
Clerk

THE UNITED STATES

vs.

*Heirs of Felipe Vasquez.
"Chamisal"*

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TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 570.

Filed, June 6th,

1855

*J. E. Carr
clerk*

222

Reonor Hugo the widow,
& Piers, Dionisio & Man-
uel Vasquez, the heirs of
Phillippe Vasquez, deceased,
Appellants

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The United States, appellee

For the piece called "El Aguissal", in Mon-
terey County, —

H. Chas. E. Carr, Clerk,
& Paulsen, Ord. U. S. Dist.
Atty — for the Southern Dist.
of California —

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

Please Take

notice that the said appellants, intend
to prosecute an appeal from the decision
of the Board of United States Land Com-
missioners, to ascertain & settle private
land claims in the State of California, to
the said United District Court, reversed in
the above cause; said cause being number
570. on the docket of the said Commis-
sioners —

20th Oct 1855 —

D. J. Gregory
Atty for Appellants —

No. 222.

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

The Undersigned
of Philippe Boggs

vs

The United States

Writ of appeal

Filed Nov 29th 1855

J. B. Law.
Clerk.

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Niconor Lugo. }
 Pedro Vasquez. } In the United
 Dionisio Vasquez. } States District
 & Manuel Vasquez. } Court for the
 Appellants } Southern Dis-
 or } trict of Cali-
 The United States } fornia.
 Appellants }

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Docket No. 222.

Transcript No. 540.

To the Hon. J. S. M. Ogier, Judge
of the said Court—

The petition of Niconor
 Lugo, Pedro Vasquez, Dionisio Vasquez
 and Manuel Vasquez, all residents
 of the County of Monterey and State
 aforesaid respectfully shew, that here-
 tofore to wit, on or about the 31st
 day of January A. D. 1853 they presen-
 ted to the Board of United States Land
 Commissioners "to ascertain and settle
 private land claims in California,"
 a petition, claiming, the first as the
 widow, and the three latter named appel-
 lants, or heirs of Felipe Vasquez, be-
 fore that time deceased, title to a cer-
 tain tract of land, situated in the said

County of Monterey & called "24 Claim-
isal", which said tract of land is more
particularly described in the said pe-
tition, a certified copy of which is
contained in the transcript hereinafter
referred to - And your petitioners fur-
ther shew, that thereupon, to wit, on or a-
bout the 24th day of October A.D. 1854.
the said Board of Commissioners ren-
dered a final decision in the said
case, rejecting the said claim of your
petitioners, and decreeing that title to
the said tract of land to be invalid:
that afterwards, to wit, on or about
the 6th day of June A.D. 1855. a du-
bly certified transcript of the petition,
proceedings, and decision of the said Com-
missioners in said cause, and the pa-
pers and evidence upon which the said de-
cision was founded, was filed in the of-
fice of the Clerk of this said Court, mark-
ed "No 222", reference to which it is
prayed may be had, and that the same
may be considered as a part of this pe-
tition: That on or about the 29th day
of November A.D. 1855. the said petitioners,
now appellants, filed by their attorneys,
in the said Clerk's Office, a notice that
the appeal from _____

the said decision of the said Commission-
ers, to this Court would be prose-
cuted by them, these appellants -

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The said appellants further represent
and shew that their title to the
said tract of land is a good and val-
id title; and that the said decision
of the said Commissioners, ^{is erroneous} and ought
to be revised, reversed, and set aside,
for the many errors and imperfections
apparent in the said Transcript - They
further say that the said tract of land
is situated in the Southern District of
California and within the jurisdic-
tion of this Court -

Wherefore the said appellants pray
that, after due proceedings had, this Hon-
orable Court will review the said de-
cision of the said Board of Land Com-
missioners, and reverse the same, &
the decree made by them therein,
and that it will decree upon the
validity of the said appellants' title
to the said land, and decree and
decree the same to be a good and
valid title - And that they may
have such other and further relief as they
may in Equity be entitled to, together with
their costs herein expended - D. J. Gregory
Att'y for Appellants.

No 222.

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

Heirs of Felipe Vargas
deceased. — applts.

vs.

The United States.
appees.

Petition for Review

Filed Jan'y 9th 1856.

J. S. Carr
clerk.

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D. S. Gregory.

No. 202

UNITED STATES OF AMERICA,

Southern District of California,

U. S. DISTRICT COURT.

*Rem of Alex Langford
deceased - appellants*

*The United States
app^{rs}*

SUMMONS.

Received January 9th 1856

Edward Hunter
222 SD

U. S. MARSHAL.

PAGE 31

W. M. Goodman
Deputy.

I served this Summons, together with a certified copy of the Petition, upon *P. Oro*
W S Atty by delivering to him a true copy
of the same
at *Los Angeles* in the Southern District of California, on
the *10th* day of *January* A. D. 1856.

Sworn to and subscribed before me,

CLERK.

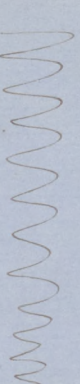
Edward Hunter

U. S. MARSHAL.

W. M. Goodman
Deputy.

March 1st
Copying summons to
Terous do Station 6.-
\$ 6.00

Ricardo Lopez
Heirs of Felipe Vasquez
Deceased
Appellants



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

The United States
Appellee.

Docket no 222.
(Trans. no 540)
Claim for Rancho "El Chino
val" in Monterey County.

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On motion of D. J. Gregory attorney
for said appellants,

It is ordered by the Court
that the said appellants & appellee or
either of them have leave to take fur-
ther testimony, to be heard on the trial
of the above entitled cause.

No 222

Heirs of Felipe Pasquel
(deceased)

Appellants

v

The United States
Appellee

U. S. Dist. Court.

Order to take further
testimony.

Filed Aug 10th 1866.

J. E. Sanborn
Clerk

222 SD

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D. J. Gregory, Atty for
appellants

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

Nicoma Lugo,

Pedro Vasquez

Dionisio Vasquez &

Manuel Vasquez, Appellants

N^o 222.

Manuscript N^o 540

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vs.
The United States Appellee

The answer of Pacificus Ord. Attorney
of the United States for the Southern District
of California, for and in behalf of the
United States, to the petition for review of
Nicoma Lugo, Pedro Vasquez, Dionisio Vasquez,
and Manuel Vasquez, for the review of the
decision of the Board of United Land Com-
missioners to ascertain and settle the
private land claims in California,
rejecting their claim to a certain tract
of land situate in Monterey County
California, called "El Chamisal":-
Says. That he denies all and
singular each and every allegation
in said petition contained. And
further this Respondent denies generally
the validity of the alleged title of
the said petitioners to the said
land claimed by them.

And the said Respondent prays
that this Hon.^{ble} Court will affirm
the decision of the said Commissioners
in said case, and decree the
said alleged title of said claim-
ants to be invalid. And for
costs and general relief.

F. V. W.

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

Served on D S Gregory Atty for the
Parties in Monterey Febry 15th 1856.
Edward Hunter
U S Marshal
By M Goodman Deputy.

No 222.

U. S. District Court
South Dist of Cal.

Heirs of Felipe Vasquez.
vs.

vs.

The United States
vs.

Ans of Usalty.

Filed Jan'y 16th 1856.

222 SD of Cal.

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P. O. D. party.

Marshals Costs

Attorney's Fees

Travel to Monterey \$6.00

\$39.00

The Heirs of Felipe Vasquez
vs
The United States

U.S. Dist. Court for the
C. Dist. of California
No. 222.

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It is stipulated in this case that the document or expediente, marked "Ex. Ch." annexed to the deposition of John B. R. Cooper in this cause, is genuine and the signatures to the same are genuine and true.

J. R. Mitchell
U. S. Dist. Atty

D. H. Ashley
Atty. for Claimants

No. 222.

U. S. D. C. S. Dist. of Cal.

Wain of Vasquez
vs
The United States

Stipulation

Filed this 19th
Sept 1860

C. Sims
cl

Mr. Ashley
\$150

Sanctation.

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Sa Laguna: Granted; to Don Gil Sanchez - - - 120
Chamisa: Granted to Don Felipe Vasquez - - - 121
Guadalupe: Granted; to Don Diego Olivera, Teodoro Aczarez, Man Sopena (pecunia) 122



X X X X X	+	+ + + + +	
La Laguna -	C.	a D. ⁿ Gil Sanchez	+
Chamisal -	C.	a D. ⁿ Felipe Vasquez	+
Guadalupe -	C.	a D. ⁿ Diego Olivera y Federico Arce y Juan Lopez (Secuano)	120.
+	.		121.
+	+	+	122.
+	+	+	+

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

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do Hereby Certify, that the *One* preceding, and hereunto annexed page, of tracing paper, numbered ~~from one to One~~ inclusive, exhibit a true, full, and correct copy, of a portion of an original document, known as the "Jimeno Index", as the same appears on file among said Archives; said portion containing, among others, the record therein, of the Rancho Chamisal, granted to Don Felipe Vasquez.

Keeper of Archives.

[Handwritten scribbles]



In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 10th day of April 1860.

[Handwritten scribbles]

J. W. Mandeville U. S. Surveyor General, for California.

EXAMINED AND FOUND CORRECT.

S. Dist. Court of the U.S.
S. Dist. of California }

Heirs of Felipe Vasquez
vs
The United States }

Traced copy from Simons Index
+
translation

Filed this 19th Sept
1860
C. J. Sims clerk

Jurisdiction
of Monterrey

Year
1833

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PAGE 43

Expediente

Concerning the tract of land called
El Chamisal.

Petitioned for by

Felipe Vasquez

121

Seal third: two vials.

Provisionally qualified by the maritime Customs of Monterey for the years one thousand eight hundred and thirty three and one thousand eight hundred and thirty four.

= Figueroa {Rubric} = Jose Rafael Gonzales {Rubric}

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Senior Commandant General
and Superior Political Chief.

Monterrey December 13th 1833

In accordance with the laws as to the matter; let the Ayuntamiento of this Capital report if the party interested obtains what is required so that his petition should be attended to; if the land he claims is within the ~~compro~~ ^{compro} of the 20 frontier leagues or the 10 coast leagues expressed by the law of 18th August 1824. If the same is irrigable land depending on seasons, or has watering places for cattle; If the same belongs to a private

Felipe Vasquez a native of the Pueblo San Jose de Guadalupe and residing in this capital, before your Excellency with the most becoming deference appears and says: that having a numerous family and being possessed of a small number of cattle to the amount of one hundred head, and forty head of horses; Prays the notorious and well known benignity of your Ex^{ty}. to grant him the locality called El Chamisal; as your Ex^{ty}. may see by the diseño hereunto appended; to foment the same and place therein my cattle and horses. And forasmuch humbly prays your Ex^{ty}. to grant him the aforesaid locality petitioned for if you should deem it to be according to justice hoping thereby to deserve this favour at the well known benignity of your Ex^{ty}.

owner, corporation or who so much exert yourself for the sake
of ~~the~~ favouring those imploring.
Eown and in general all what may serve
to explain the matter; and what is necessary &c.

the Senor D. José Figue.

Brigadier general
of the United States

Monterrey 4th December 1833.

Felipe Jasquez +

of Mexico, Commandant General Inspector and Superior Political Chief
of the Territory of upper California thus did command, decree and
sign; which I attest. — José' Figueroa {Public}
Agustin G. Zamorano {Public}
Secretary.

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In session of this day, this expediente
was laid before the Hon: Ayuntamiento
and it was resolved that the same should
be sent to the Committee on Colonisation

Monterrey January 3th 1834.

José Maria Maldonado {Public}
Member Secretary.

Senor Superior Political Chief.

page 3

Constitutional
Ayuntamiento
of
Monterrey

The Hon: Ayuntamiento of this Capital
with the object of giving to your Exclly. the informa-
tion you was pleased to ask for in your Superior
decree of 13th December of the foregoing year
did send this present petition to the permanent
Committee on colonisation and vacant lands

who have presented their opinion, and in view
thereof and for the better judgement this body
did agree to inquire of the Sr. Captain of
Cavalry Dⁿ Agustin V. Zamorano as to the
knowledge he may possess of the matter
and the corresponding communication was
directed to him.

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In session of this day considering
the answer of said Señor, the Ayuntamiento
did approve in all its parts the aforesaid
opinion of the Committee, deciding that a copy of
the communication directed to the Señor Zamorano
be taken and appended to the expediente
together with the answer and also the opinion,
for the Superior knowledge and resolution of
your Excellency.

Monterrey January 18th 1834.

Manuel Jimeno (Cesarin) {Public} = José Maria Maldonado {Public} secretary

Seal third: Two reals.

Provisionally, qualified by the Maritime Customs of Monterrey, for the years one thousand eight hundred and thirty three, and one thousand eight hundred and thirty four. = Figueroa & Rubio? = Jose Rafael Gonzalez & Rubio?

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Hon: Ayuntamiento,

The committee on colonisation and vacant lands in view of the petition of the Citizen Felipe Pasquez for the grant of the locality called El Chamisal, and in compliance with the superior decree accompanying the same, report that the petitioner is a Mexican Citizen, that the land he claims is within the compass of the ten coast leagues expressed by the Law of 18th August 1824 and belongs to the Commons of this Town according to consultation made by the most excellent Deputation to the Supreme Government in the year 1830, and further that it is situated between the boundaries of El Toro and El Tacho, localities where the horses belonging to the Nation are grazing; for which reasons the Committee offer to the deliberation of the Hon: Ayuntamiento the following proposition:

The land claimed by the Citizen Felipe Pasquez, can not be granted, the same being within the limits of the Rancho Nacional.

Monterrey 14th January 1834.

= Jose Antonio Romero & Rubio? = Jose Aguila & Rubio?

Constitutional
Ayuntamiento
of
Monterrey

In extraordinary session of yesterday,
the committee on Colonisation making report
and giving their opinion in relation to the petition
of the Citizen Felipe Pasquez soliciting for the grant
of the place called El Chamisal, did inform that
the same can not be granted for the reason of
being situated within the limits of the Rancho
Nacional, and this body bearing in mind
your communication of the 21th day of February
relating to the localities El Toro and El Tacho
who are contiguous to the locality claimed, the
Hon: Ayuntamiento have decided that an official
communication should be to you directed, re-
-questing you to participate to them, that which
is of your knowledge in this matter, so as to
enable them to report with better judgement
to the senior Political Chief; and it was enacted
according to the decision of this body who offer
to you their most distinguished consideration =

God and Liberty Monterrey January 16th 1834.

Mamuel Jimeno Casarin = Jose Maria Maldonado = secretary

A Copy Monterrey 18 January 1834.

Jose Maria Maldonado = {Public} Secretary -

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company of cavalry 5
of. 53

company of cavalry
of
Monterrey.

Acquainted with the contents
of your communication of yesterday which I
have just now received, relating to the desire
expressed by the Hon: Ayuntamiento to be informed
of the knowledge I have of the lands belonging
to the Rancho Nacional so as to be able to
report with better judgement in the matter of
the expediente brought forth by the Citizen Felipe
Paez soliciting for the locality called El
Chamisal which was the motive of your aforesaid
communication; I have to say in answer:

That it being a short time since the senior Com-
mandante General of the Territory has entrusted to
me the immediate knowledge of the Rancho Nacional,
it has not been possible for me on account of my
occupations to acquire practically the knowledge
of all the land belonging to that property of
the Nation. Nevertheless in giving you my opinion
for the information of the Hon: Ayuntamiento, I will
say that according to public notoriety the extensive
space from the boundaries of the Mission Soledad
until the Vega del Rio del Paparo together with
the whole lateral extent of the Plain has been known
as the Rancho Nacional; But at present the same
has been reduced by the dismemberment there to
made, to the space comprised between the boundaries
of Buenavista and the other Ranchos at the East
until ending at the Mouth of the River San Antonio

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who empties into the Bay of this Port.

From these boundaries when running lines in the directions of West and South you cut off that part of the lands of the Rancho Nacional mentioned by me in my communication of 21th February last and belonging to the locality for the horses of the Company under my command and the others who are left for the legal fund and commons of this capital until striking the boundaries of the mission San Carlos in its possessions adjoining the localities for the horses; It is therefore inferred that if placing the locality El Chamisal contiguous (as you indicate to me) to El Tuche and El Tor. it must belong to these localities, or more properly, to the Rancho Nacional, supposing the same to be between the three mentioned points; It results thereby that the same can not be adjudicated as private property for the reasons already expounded and others which I omit in order not to be over diffusive. Prottesting to you of my respectful consideration and distinguished esteem.

God and Liberty. Monterey January 17th 1834.

Agustin P. Zamorano (Public)

Señor Constitutional Alcalde
of this Capital.

Seal forth. official -

Provisionally qualified by the administration of Maritime Customs of Monterrey, for the years one thousand eight hundred and thirty four, and one thousand eight hundred and thirty five = Figueroa {Public} = Rafael Gonzalez {Public}.

Monterrey January 22th 1834.

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According to report of the ~~XXXX~~ Ayuntamiento of this Capital, the tract of land El Chamisal (solicited by this party) belonging to the Rancho Nacional, the same can not be alienated, being reserved for the uses the Nation finds proper to employ the same; In consequence there is no ground as to the petition of the party interested, to whom this resolution shall be communicated in order that he may solicit for another vacant locality, as he has been notified, in which case it will be immediately granted to him. The senior D. José Figueroa General of brigade of the Mexican Army, Commandant general, Inspector and Superior political chief of the territory of Upper California thus did command, decree and sign; which I attest

José Figueroa {Public} - Augustin V. Zamorano {Public} Secretary -

Seal third; two rials.

Provisionally qualified by the maritime Customs of Monterrey for the years one thousand eight hundred and thirty four, and one thousand eight hundred and thirty five = Figueroa {Rubio} = Rafael Gonzales {Rubio}

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Señor Superior Political Chief,

Monterrey 30th January
1834.

Felipe Vasquez a resident of this Capital before your Excellency with all deference says:

Let this be appended to the Expediente relating to the matter and returned for report of the Ayuntamiento of this Capital. The señor D. José Figueroa General of brigade, and superior Political Chief of Upper California, thus did Command, decree and sign. Which I attest.

That the foregoing month having solicited of your Excy. the grant of the land expressed in that memorial; locating the same in conformity with Puena Vista; and knowing that the señor Captain D. Agustín Zamorano has reported that the said land did belong to the Rancho Nacional; Recurs to the justice of Y. E. praying you will vouchsafe to take informations concerning the boundaries formally set forth by him, for the petitioner believes that the locality asked for is not within those limits, for the reason

José Figueroa {Rubio}
= Agustín V. Zamorano {Rubio}
Secretary

that not even at the time when the aforesaid Rancho Nacional was tenanted by many cattle and horses, the land was occupied by the Government, and only we the military did put thereon our droves of mares and horses. For as much I ardently pray your Excellency to take my reasons into consideration, Granting that which I have asked for, whereby I will

receive favour, swearing what is necessary, &c.

Monterrey 29th January 1834.

Felipe Masquez X

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In session of this day the present solicitation
was directed to the Committee on Colonisation

Monterrey February 1st 1834.

Jose' Maria Maldonado. (Public)
Secretary

Señor Superior Political Chief.

The Hon: Ayuntamiento of this Capital having heard the opinion of the committee on colonisation in regard to the solicitation repeated by the citizen Felipe Pasquez, has found no obstacle in the approval of the same for reason of it belonging to the Rancho Nacional; and it was decided in session of this day that said opinion should be annexed to the expediente and remitted to your Exly. for your Superior advisement and by decision of said body it was so fulfilled.

Port of Monterrey February 8th 1834.

Manuel Jimeno Casarin, { Publico }

Jose Maria Maldonado { Publico }

Secretary

Seal third two trials.

Provisionally qualified by the administration of maritime customs of Monterey, for the years one thousand eight hundred and thirty four, and one thousand eight hundred and thirty five, = Teodoro (Public) = Rafael Ponzales (Public)

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PAGE 55

Hon. Ayuntamiento.

The committee on colonisation and vacant lands in view of the second decree of the superior political chief to reopine in the matter of the solicitation brought forth by the Citizen Felipe Vasquez, say: That in all, the committee refers to what is set forth in their first opinion, thereto adding that the petitioner in his second solicitation says that the said locality was only occupied by the soldiers with their droves of mares and horses, this being sufficient reason for this committee to remain more firm in their opinion, for which motivo they do offer to your Hon. body the following proposition:

The land claimed can not be granted to him for the reasons above stated; Subject to the opinion of the Senior Superior Political Chief.

Monterrey February 5th 1834.

Jose Antonio Romero (Public) = Jose Aguila (Public).

Monterrey May 13th 1834.

Abide by what was ordered by decree of 22th January of this year, let the party interested be notified and the expediente recorded. The

senior Don José Figueras General of Brigade, Comman-
-dant General, Inspector and Superior Political Chief
of Upper California thus did Command, decree
and sign; Which I attest.

— José Figueras (Rubric) Agustín V. Zamorano (Rubric)
Secretary

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On the thirtieth day of May one thousand eight
hundred and thirty four, the party Felipe
Vasquez having applied, the foregoing decree of
the senior Superior Political Chief was made known
to him, and when acquainted therewith he said
he heard the same, contented himself therewith
and that he would solicit ^{for} another locality as
notified to him; This he answered and not
knowing to write, he made a cross, and
I the Secretary did sign hereto. He moreover
requested evidence of the decrees mentioned.

Agustín V. Zamorano (Rubric.)

X

Seal, third two rials

Provisionally qualified by the administration of maritime Customs of Monterey of Upper California for the years one thousand eight hundred and thirty four, and one thousand eight hundred and thirty five,

Figueroa / (Rubric) A. Ramirez / (Rubric).

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Señor Commandant General and
Superior Political Chief.

Monterrei

August 27th 1835.

Let this be
appended to

the foregoing

documents in

relation thereto.

and report

withall so

as to decide

Castro (Rubric)

María Nicanor Lugo, wife of the Citizen Felipe Vasquez a resident of this place, before your Excellency for as much as there may be cause appears and says, that since time past her husband is soliciting the Benignity of this government, for the grant ~~of~~ of a locality to put thereon the small amount of property in cattle and horses which he possesses for the support of his numerous family, consisting of four sons, two orphan grand-children and five daughters; and in consideration of the age and inability of my husband to manage and provide for the augmentation of said property, I recur Señor before the true justice of Y. E. praying you will vouchsafe to grant him the locality called Chamisal, the same place where I am keeping my personal property, and have my tillage, place where no one is prejudicated, and solicited by several representations as in this secretaries office must appear by the reports of this Ayuntamiento in regard to my solicitations.

Forasmuch I humbly pray G. E. you will in regard for the justice I am imploring provide in favour of my numerous family, granting to me the aforesaid locality if you deem it according to justice. Hoping to receive this favour of your benignity swearing this not to be through malice, and what is necessary &c.

Monterey 17th August 1835.

Maria Nicanor Lugo (Patrio).

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Seal third two rials.

Provisionally, qualified by the administration of the Maritime Customs of Monterrey, of Upper California, for the years one thousand eight hundred and thirty four, and one thousand eight hundred and thirty five.

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— Castro (Public)

Angel Ramirez (Public)

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Señor acting Superior Political Chief.

Monterrey 27th October
1835.

The citizen Felipe Vasquez before J. E. in

Let the Hon:
Agents amicus
of this Capital
report.

Castro (Public)

accordance to justice opposes that a representation to your predecessor dated 4th December 1833) having been made soliciting for the land called Chamisal, it was to me notified that it could not be granted to me, the said land belonging to the Rancho Nacional, and at present it being understood that the same belongs to the Commons of this Town; he petitions for the ownership of the land aforesaid, subjecting himself to the payment of the corresponding tax. Forasmuch I pray J. E. to accede to this my petition whereby I will receive favour. I swear what is necessary.

Monterrey October 16th 1835.

At request of the party interested for not knowing to write
Patricio Estrada (Public)

On the 28th day of October this was directed to the Land Commission

David Spence (Public) = José Maria Maldonado (Public)
secretary

Seal third: two reals.

For the years one thousand eight hundred and twenty six, and eight hundred and twenty seven.

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Hon: Ayuntamiento.

The Land Commission requested to opine in regard to the matter of the petition made by the citizen Felipe Vasquez finds no difficulty against the granting to him of the land by him claimed, the same belonging to the commons of this town, said locality as appears from the anterior process was not granted to him because the same was said to belong to the Rancho Nacional; In consideration of the foregoing reasons the Commission offers for the decision of this Hon: Ayuntamiento the following proposition

The locality called Chamisal may be granted to the citizen Felipe Vasquez upon the condition of paying into the municipal fund the corresponding tax. - Monterey Oct: 30th 1835.

José Joaquin Gomez (Rubric) - Miguel Arila (Rubric)

Monterey October 31th 1835.

In session of this day the Hon: Ayuntamiento of this Capital did approve the foregoing opinion and its concluding proposition, in virtue whereof it was decided that the expediente be directed to the senior Superior Political Chief as result of the

report asked for by him of this Body.

David Spence (Public) José Maria Maldonado (Public)

Monterrey November 9th 1835.

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Let this be directed to the alcalde of this Capital, before whom the party Felipe Vasquez shall produce an information by three competent witnesses, who shall be questioned on the following points: 1st if the Petitioner is a Mexican Citizen by birth, if he is married and has children and if he is of good conduct.

2^d If the land he claims

Seal third two vials,

Provisionally qualified by the administration of the Maritime Customs of Monterey, Upper California for the years one thousand eight hundred and thirty four, and one thousand eight hundred and thirty five.

Castro (Public) = Angel Ramirez (Public) =

belonge in ownership to some private individual, Mission, Corporation or Town; If the same is irrigable land depending on seasons or having watering places for cattle, and what may be the extent of the same. 3^d if he has personal rural property to occupy the same therewith and if he has the means of acquiring some.

After these steps be taken let the expediente be returned for its resolution. The Señor don José Castro first voter of the most excellent diputacion

and acting Political Chief of Upper California
thus did command, decree and sign; Which latter
= José Castro (Public) = Fidel Castillo Negrete (Public)
Secretary

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Monterrey November 9th 1835.

Duties 4 dol:

Let the present party interested be notified concerning the witnesses to be examined in conformity with the interrogatory specified within the foregoing decree; Let the requested information be received and when concluded let the expediente in its original be returned to the senior Political Chief for his determination; thus I the first Constitutional alcalde of this capital did decree, command and sign with those of my assistance. = David Spence (Public) assistance = José Maria Maldonado (Public) = ass. = J. M. Cossio (Public)

On this day the citizen Felipe Pasque was notified of the foregoing act and when understood, he said he heard the same, and presents the citizens José maria Aguila, Miguel Avila and Joaquin Alvarado, and he did not sign hereto not knowing to write, and I did so with the assisting witnesses. Spence (Public) = assist. = José Maria Maldonado (Public) = ass. = J. M. Cossio (Public)

In the port of Monterrey on the Ninth day of the month of November of one thousand eight hundred and thirty five being present the citizen

José Maria Aguila, I the Alcalde of first nomination, took his oath according to the form of law, upon which he offered to —————

Seal third two rials

page 25.

Provisionally, qualified by the administration of the maritime Customs of Monterrey, for the years one thousand eight hundred thirty four, and one thou-

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~~and eight~~ hundred and thirty five. = Castro (Aubric) = Angel Ramirez (Aubric).
————— tell the truth of what was to his knowledge when questioned; and being questioned as to his name, position, age, place of birth and Religion; he said: his name is as already stated, that he is married, is fifty years of age, his birth place Pelaya and of the Catholic Apostolic Roman faith.

Questioned according to the interrogatory, commanded in the anterior decree he said:

to the 1st. That he is a Mexican Citizen by birth, that he is married, has children and is of regular conduct and answers—

to the 2^d. That the land claimed, he knows belong to the Commons of this Town, that it has watering places for cattle, and that its extent may be little more than one league in length and three quarters of a league in width. And answers

to the 3^d. That he has cattle to occupy the same. That the aforesaid is the truth upon the oath he has taken affirming and ratifying the same after his deposition was read to him, and he signed hereto together with me and those of my assistance

= David Spence (Pubic) = Jose' Aguila (Pubic)
assist^{ce} = Jose maria Maldonado (Pubic) = J. M^a Cossio (Pubic)

On the same day the Citizen Miguel Avila
being present, I took his oath in due form, upon
which he offered to tell the truth of what was to
his knowledge when questioned; and being question-
ed as to his name, position, age, place of Birth
and Religion; He said: that his name is as
before stated, that he is married, his age thirty four
years and is of the C. A. R. faith
Questioned in the same manner as the foregoing
witness he said:

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PAGE 64
to the 1st That he is Mexican Citizen by birth, that he is
married and has children, and appears to be of good
conduct. And answers —

to the 2^d That the land he claims belongs to the Com-
=mons of this Town, that it is irrigable land
depending on seasons, and has watering places
for cattle, and that its extent may be of
about one league and a half in length, and answers

to the 3^d. That he has cattle and personal property
to occupy the same therewith. That what
he has said is the truth upon the oath he has
taken, affirming and ratifying the same after
his deposition was read to him; and he signed here-
=to together with me and the assisting witnesses

David Spence (Pubic) = Miguel Avila (Pubic)
assist^{ce} = Jose Maria Maldonado (Pubic) = assist^{ce} = J. M^a Cossio (Pubic)

This information being concluded the same is returned to the Sr Political Chief in compliance with the foregoing Decree, and for its Constancy I make hereunto this annotation and set thereto my rubric.

{Rubric}

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Monterrei November 15th 1835.

In view of the Petition forming the beginning part of this expediente, the report of the Municipal authorities, the examination of witnesses, with all other requisites deemed convenient to scrutinise;

Duties # 12.

{Rubric of Secretary}

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In conformity with the provisions of laws and regulations as to the matter; Felipe Vasquez is hereby declared to be the owner in fee of the land called El Chamisal, subject to the stipulated conditions. Let the corresponding patent be delivered, recorded in the corresponding register and this expediente directed for approbation to the most Excellent Deputation. The Señor Dn José Castro ^{Member} ~~first~~ of the M. E. Territorial deputation and acting Political Chief of upper California; thus did Command, decree and sign which I attest.

José Castro (Rubric)

Secretary:

J. Co del Castillo Negrete / Rubric.

Most Excellent Sir:

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The Committee on vacant lands informed of the expediente ordered to be practised for the sollicitation made by the Citizen Felipe Basquez for the land called El Chamisal, not finding against the same any objection to make, every thing therein being in conformity with the law of 18th August 1824 and with the art. 5. of the regulations for Colonisation of 21 November 1828; The Committee offer to the deliberation of Y. E. the following proposition:

The grant made to the Citizen Felipe Basquez of the land called El Chamisal granted on the 15th November 1835 is approved, subject to the stipulated conditions.

Monterey 5th December 1835.
Salvio Pacheco (Public)

Monterey December 7th 1835.

In session of this day the most Exlt. Deputations did decide that the expediente be returned to the office of the Political Chief, in order that the party interested should present a regular disenõ

Juan B. Alvarado (Public)

on the 28th December, this expediente was returned to the most Ex^{ta}. Deputation and the grant approved — in the following terms:

The grant made to the Citizen Felipe Vasquez, of the locality called Chamisal is approved, without prejudice to the lands occupied by the settlers in that vicinity, and those which have been adjudicated to the adjoining neighbours —

Monterey same date as above

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Jose Castro / Putricé
President.

Juan B. A —
D E Putricé

No 222
U.S. Dist. Court, S. Dist. of
California.

Heirs of Felipe Vasquez
vs
The United States

No. 222

Translation of docu-
ment "Ex. Ch."

Filed this 19th Sept
1860
C. J. Smith

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The Heirs of Felipe Vasquez In the District Court
 appellants. } of the United States
 vs. } for the Southern ^{District} of California
 The United States. }
 appellus. } The Rancho Chamisal
 Docket No. 222.

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The Deposition of John B. Cooper, taken in the above entitled Cause, in answer to the interrogatories and pursuant to the stipulation hereto attached.

John B. Cooper, being first duly sworn deposes and says as follows: In answer to the first question hereto attached. My name is John B. Cooper, aged fifty eight years, and I reside at Monterey. In answer to the second question hereto attached, the witness says - I know the Rancho Chamisal, situated in Monterey County, bounded north by the Salinas River, bounded on the East & South East by the Fordo Rancho, & Westward by the City lands of Monterey and South by the Sagunto Seco Rancho and it contains over half a league -

Square of land and not over a Square
League.

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PAGE 72

In answer to the third question
here to attached, Witness said, I
know that Felipe Vasquez, applied
for said Rancho and received a grant
for it, because I sold the Certe to
found the Rancho with, about the year
1834. or 1835.

In answer to the fourth question here to
attached, the witness said, that Jose
Castro was Civil Governor, ad interim, of
California, after the last sickness of
Governor Figueroa, who died in the
year 1834. - I think that Jose Castro
was acting Civil Governor in November
A.D. 1835.

In answer to the fifth question here to
attached, the witness said, I knew
Felipe Vasquez from the year 1826 -
to the time of his death, which happened
ten or fifteen years ago to the best of
my recollection, I also knew his wife
who is now dead, at his death he
left children, of those children I recol-
lect. Pedro, Dyonisio, Jose Maria and
another son whose name I do not recollect,

he also left daughters, Guadalupe, Dolores
and two others whose names I do not
recollect; Dionisio is dead who left
children but their names I do not know
also one or two of the daughters are dead.

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In answer to the fifth question
the witness says; Felipe Vasquez with
his family, occupied said Rancho and
lived there from very shortly after the
grant was made to him until his
death, cultivated land and kept cattle
there.

In answer to the seventh question
the witness says, I have looked at
the document marked, "E. Ch." It is a traced
copy of an original document in the
office of the U.S. Surveyor General
for California; I have compared it with
the original and it is a true, full, and
correct copy; I have seen, Jose Figueroa
Agustin B. Zamorano, Manuel Jimenez
Casarin, Jose Castro, David Spence
Juan B. Alvarado, each write and I
know their signatures, but Jose Castro
varied his signature so much at different
times that I am not so certain of his, but
I think I know it, and the signatures of
these persons, except Castro in all the places

where they occur on said original of this
traced Copy are their Signatures and are
I believe genuine, as to Castro's signature
in all places where it occurs on said original
document, I believe it to be genuine and
his true signature.

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In answer to the eighth question hereunto
attached, the witness said I believe
I have stated substantially all that
I know in reference to this matter,

John B. R. Cooper,
Subscribed and
sworn to before me this
4th day of September A.D. 1860.
at Monterey —
J. D. Callaghan,
Notary Public.

State of California }
County of Monterey } S.S.

I John D. Callaghan,
a Notary Public, duly Commissioned and qualified in
and for said County, do hereby Certify that the
foregoing deposition was taken before me
at said County on this fourth (4th) day of September
A. D. 1860, and that said witness before giving
his testimony was by me first duly sworn to
tell the truth, the whole truth and nothing but

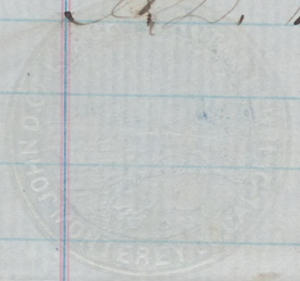
the truth, and that the testimony of said witness was by me written down in his presence at the time it was given, and after his testimony was completed, it was by me carefully read over to said witness and he corrected the same in all respects as he desired, and he then signed the same in my presence

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Witness my hand and official Seal at
said County, on this 4th day of September
A.D. 1860,

D. Callaghan,
Notary Public.



Question 1 What is your name, age, and place of residence.

" 2 Do you know the Rancho Chamisal, & if so state where it is situated, how it is bounded, and any facts you know as to its location and the quantity of land contained in the same.

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" 3 State any thing you know of a grant at any time being made of this Rancho, and if so to whom and by whom.

" 4 At what time or times was Jose Castro Governor of California -

" 5 State if you knew Felipe Vasquez & if so at what time, and if alive or dead, and if dead did he leave children and heirs, and if so who are they.

" 6 State if said Felipe Vasquez occupied said Rancho, & if so what he did there and when.

" 7 Look at the traced copy marked "Ex. Ch." and state what you know of the original of the same, and where the same is, and any knowledge

you have of the signatures to said original

Question 8 State whatever else you know relative to the subject matter of this case in whose favor soever the same may be -

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The heirs of Felipe Vasquez } In the District Court of the U.S.

The heirs of Felipe Vasquez
vs
The United States

appellant

appellee

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

The Rancho Chamisal -

Case No. 222

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It is stipulated by the attorneys in this case that testimony may be taken, to be used on the trial of the same, by depositions to be taken before John D. Callaghan, a Notary Public, at Monterey, California, and the questions to be asked the witnesses are those hereto annexed and marked from "1" to "8" — both inclusive — and by the taking such testimony further notice is waived, but the testimony is to be subject to all ^{the} legal objections.

J. N. Mitchell

U.S. Dist. Atty. for the
Southern Dist. of California

J. R. Ashley

Atty. for appellant

US Dist Court
S. Dist. of Cal.

Vasquez
vs
U.S. No 222

petition.

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"Ex. Ch."

D. R. Ashley Esqr.
#30⁰⁰ Monterey

Jurisdiccion de
Monterrey.

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Año de
1899.

Expediente

Sobre el terreno nombrado el Chamisal
solicitado por
Felipe Vasquez

~~121~~

121

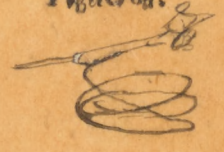
SELLO TERCERO: DOS REALES.

2

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey para los años de mil ochocientos treinta y tres, y mil ochocientos treinta y cuatro.

Figueroa.

Jose Rafael Gonzalez



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Señor Comand.^{te} G^{ral}
y Jefe Sup.^{te} Politico

Monterrey Diciembre
12 de 1833.

Felipe Varquez, Natural del Pueblo de San José
de Guadalupe, y aborindado en esta Capital: ante

De conformidad V. S. con el mas debido respeto, se presenta y
contas leyes de la mace-dise g. hallandose, con numerosa familia, y
ria informe el S^{to} con un corto numero de ganado, el sien Preses,
tamiente de esta capital y de Caballar Cuarenta: Suplica a la notu-
si el interesado en un via, y conocida bondad de V. S. sedigne el
instancias obtiene los Concederle, el sitio nombrado de Epasni-
acquiridos provienidos sab, como boca V. S. por el diseno que se
para ser atendido acompaño, para fomentarlo, reduciendo en
en su solo el dho, mi ganado, y Caballada. Y P. F.

otando, si **A. S. S.** Rendimiento Suplico sedigne el Con-
el terreno, sederle el mencionado sitio g. Solicito
que pretende esta si asi lo hayare de Just.^{ta} de g. espere merecer
comprendido en las esta gracia y la bien conocida bondad de
20 leguas simitropes V. S. g. tanto se empeña en favorecer a los
o diez literales que g. le Imploran, Jurando no ser de Malo
expresa la ley de cia, y lo nesesario de.

18 de Agosto de 1824,

Mont. 4 de D^{bre} de 1833.

si es de regado tem-
poral o abaradero,
si pertenece a propie-
dad parcial o corpo-
racion o Pueblo, con
todo lo demas que

Felipe Varquez +

crea conducense á ilustrar la materia. El Sr. D. José Figueroa General de Brigada de los Estados Unidos Mexicanos, Comandante General Inspector y Jefe Superior Político del Territorio de la Alta California, así lo mandó decretó y firmó de of. con fe.

José Figueroa

Agustín Zamora

En sesión de hoy se dió cuenta al H. Ayuntamiento con este expediente y se acordó pasar á la Comisión de Colonización.

Monterrey Enero 3. de 1834

José María Maldonado

Vocal 1.º

Sr. Jefe Superior Político.

El H. Ayuntamiento de esta Capital, con el objeto de dar á V. el informe q. se sirve pedir en su superior decreto de 13. de Diciembre



Del auto sup. para la presente solicito á la co-
mision permanente de colonizaciones y terrenos val-
dian quien presento su dictamen y visto este, p.^a
el supra dicto acuerdo esta expedida la cedula del
Sr. Comandante de Caballeria D. Agustin V. Zamorano
por conocimiento y se tiene en el particular y se le
para el oficio correspondiente.

En sesion de hoy, en vista de la contestacion
de dicho Sr. apruebo el Ayuntamiento en todas sus
partes el referido dictamen de la comision, des-
tando se haga copia del oficio dirigido al Sr. La-
morano y se acompañe al expediente con su con-
tacion asi como el dictamen para el superior co-
ordinante y Resolucion de V.

Monterrey Enero 18. de 1834.

M. de J. Jimeno
Carran

José María Q.

Secretario

SELLO TERCERO, DOS REALES.

Habilitado provisionalmente por la Administración de la Aduana Marítima de Montevideo para los años de mil ochocientos treinta y tres, y mil ochocientos treinta y cuatro.

Figueras.

José Rafael González.

222 SD

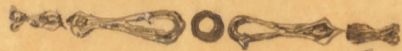
PAGE 88

Y. Ayuntamientos

La comisión de Colonización y terrenos baldíos, habiendo recibido la solicitud del Ciudadano Felipe Vasq.^{ca} relativa á que se le conceda el parage nombrado el Chamisal, y en cumplimiento del superior decreto que le acompaña, informa que el solicitante es Ciudadano Mexicano; que el terreno que pretende, está comprendido en las diez leguas litorales que expresa la ley de 18 de Agosto de 1824, y pertenece á los ejidos de esta Poblacion, segun la consulta hecha al Supremo Gobierno, por la Exma. Diputacion en el año de 1830, y antes se halla entre los linderos, del Toro y el Fuego parages donde pastea la caballería de Napo por culhas razones la comision opuso á la deliberacion del Y. Ayunt. la siguiente proposicion.

No puede considerarse el terreno que pretende el Ciudadano Felipe Vasquez, por hallarse dentro de los linderos del rancho Nacional.

Montevideo 14 de Enero de 1834
Jose Antonio Romero
Jose Aguilera



En Sesion Extraordinaria de ayer, al dar cuenta
la Comision de colonizacion con el dictamen relativo
a la solicitud que hace el Sr. Felipe Vargas para
q. se le conceda el pasaje mostrado el Examinado
Informe no pudiendo conceder por hallarse
dentro de los linderos del Puerto Nacional, y teni-
endo presente esta Corporacion la comunicacion de V.
Hra. 21 de febrero q. hace relacion a los parages
del Foz y Fuchio: estando a sus inmediaciones
el q. se pretende delivrar el Y. Ayuntamiento. se hizo
se una comunicacion oficial a fin de q. se sirva V.
comunicarle los conocimientos q. tenga en el parti-
cular para con mas acierto poder informar al
Sr. Jefe Superior Político, Y lo verifico de acuerdo
de esta Corporacion Oficiandole en una distinguida
consideracion. = Dios y Libertad Monterrey Enero
16. de 1834 = Manuel Jimenez Casarin = José
Maria Maldonado = secret.

Copia. Monterrey 18 de Enero de 1834.

José Maria
Maldonado.

secret.

8

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Mon

Compañía de Caballería
de
Monterrey

Instruido del ofi-
de V. de ayer q. acabo
de recibir, relativo a q.
el P. Ayuntamiento de
sa saber los conocim^{tos}.
q. tengo de los terrenos
pertinentes al Rancho
nacional p.^a informar
con acierto en el espe-
diante promovido por
el Ciu.^o Felipe Vargas
en solicitud del paraje
nombrado el Chamind
q. dió motivo al citado
oficio de V., debo decir
en contestacion: que co-
mo hace poco tiempo
q. el Sr. Comand. gen.
del Fuero me

tiene cometido el cono-
 cimiento inmediato del
 Rancho Nacional, no
 me ha sido posible p.
 mis ocupaciones adqui-
 rir practicamente la
 noticia de todos los te-
 rrenos q. corresponden
 a aquella finca Nac.
 no obstante, emitiendo
 a V. mi opinion
 p.^a conocimiento del
 Ayuntamiento de
 segun la notoriedad
 publica, se ha conoci-
 do q.^a Rancho Nac.,
 el vasto espacio que
 comprende desde los lla-
 dexos de la Union de
 La Soledad hasta la

Sega del Rio del Pajaro
con toda la amplitud
lateral del Llano: p.^o
hoy ha quedado redu-
cido, p.^o la demembra-
cion q. se le ha echo,
al espacio comprendido
desde los linderos de
Buenavista y de los
demas Ranchos del Este
hasta finalizar en la
demarcadura del Rio
de S. Antonio que
desagua en la Bahia
de este Puerto.

Desde aquellos linderos
trazando p.^o los linderos
del Oeste y Sur,
arribata la parte del
terreno del Rancho
nacional: lo que re-
feri en mi officio de
21 de Febrero ult.^o

q. pertenecen al Itiario
de la Caballada de
la Compañia de mi man-
do y los demas que
se desan para el fun-
do legal y ofidos de la
Poblacion de esta Capital,
hasta encontrar con los
linderos de la Mission
de S. Carlos en un po-
sicion inmediata a los
sitios de Caballada. De
esto se infiere que ci-
tando el paraje del
Chamical, inmediato,
como V. me indica, al
Acho y al Toro debe
corresponder a estos si-
tios o mas propriam,
al Rancho Nacional
suponiendolo entre los
tres puntos citados, re-
sultando p. lo mismo
q. no se puede asu-

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dicar á propiedad par-
ticular p.^a las raso-
nes expuestas y otras
q. omito p.^a no ser
mas difuso; presentan-
dole á S.^a mis conside-
raciones de respeto y
distinguido aprecio.

Dios y Libertad.
Monterrey En.º 17 de
1834

Agustin P. Zamorano

Sr. Alcade const. de
esta capital

SELLO CUARTO DE OFICIO.

14

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa.

Rafael Gonzalez.

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Monterrey Mayo 22, de 1834.

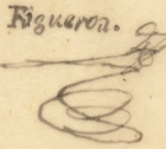
Linote perteneciente al Rancho Nacional el Terrero del Chamisal que solicita esta parte, segun informa el Ayuntamiento de esta capital no se puede enagenar por estar reservado para los usos en que tenga abien emplearlos la Nacion, En consecuencia, no há lugar á la solicitud del interesado á quien se le hará saber esta resolucion para que solicite otro parage baldio como se le tiene advertido en cuyo caso se le adjudicará inmediatamente. U.S.O.V. D. José Figueroa general de Brigada de los Ejercitos Mexicanos, Comandante general Inspector y jefe superior Politico del Territorio de la Alta California así lo mandó decretar y firmo de que soy fe.

José Figueroa

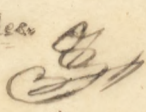
Agustin Zamora

SELLO TERCERO DOS REALES.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa. 

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Rafael Gonzalez 

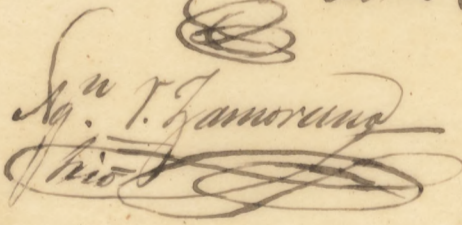
Sr. Jefe Sup^o Político

Monterrey 30 de Enero de 1834.

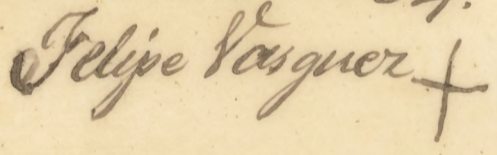
Agregue al expediente de la materia y vuelva a informe del Ayuntamiento de esta capital. El Sr. D. José Figueras general de Brigada y Jefe Superior Político de la alta California así lo mandó decretar y firmo de que doy fe. A. S. S.

Felipe Vasquez resino en esta Capital ante V. S. un todo respecto, dice que habiendo solicitado en el mes p. p. g. V. S. le concediera el Terreno q. expresa aquel memorial (q. cita en las inmediaciones de Buena Vista) y sabiendo q. el Sr. Capitan D. Agustin Zamorano ha informado q. dicho Terreno pertenece al Rancho Nacional, ocurre a la Justicia de V. S. suplicandole se digne pedir informacion de los limites q. en forma tengo señalados aquel pues cree el q. representa, q. el sitio que ha pedido no esta dentro de aquellos, limites en razon de que ni aun en la época en q. el mencionado Sitio Nacional se hallaba poblado de muchas Reses, y Caballos, se ocupaba, por el Gobierno el Terreno pretendido, y solo se ponian en el los militares nuestras Mandadas, y Caponeras P. F.

Suplico con encarecimiento, tome en consideracion mi exposicion, Considerandome lo q. tengo pedido en lo que recibire merced jurando lo necesario &c.

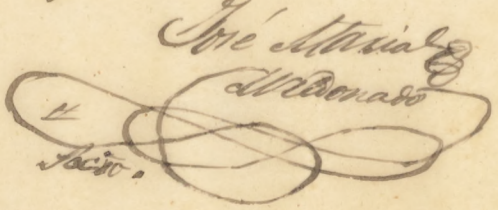


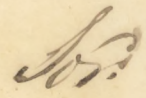
Mont. 29 de Enero de 1834.

Felipe Vasquez 

M. según de este día pasó la puerta de la Ciudad a la Comision de Colonias.

Monterrey Febrero 1^o de 1834.

José Maria 

Sr. 

Jefe Superior Político.

El Y. Ayuntamiento de esta Capital oído el dictamen de la Comisión de Gobernación relativo a la solicitud de nuevo haud del Sr. Felipe Vargas, no tuvo obstáculo en aprobarlo, en favor del pertenecer al Rancho Nacional, y se acordó en sesión de hoy se agregase dicho dictamen al expediente, y se remitiese a V. S. U. en superior deliberación, y de acuerdo de la misma corporación lo verifico.

Puerto de Monterrey Febrero 8 de 1834

Manuel Jimeno
Cararín

José María
Madrado,
1834.

SELLO TERCERO DOS REALES.

Decreto promovido por la Administración de la Aduana Marítima de Monterrey para los años de mil
ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Registrado

Rafael Gonzalez

Y Ayuntamiento.

La Comisión de Colonización, y terrenos baldíos en
virtud del segundo Decreto del Jefe Superior Político p.^a
Gobernador dictaminar sobre la instancia promovida p.^a
el Cui.^{en} Felipe Vasquez dice la Comisión que en
todo se contrae al referido en su anterior dictamen
a que se haga y q.^e el representante en su segu-
nda instancia dice q.^e aquel parage solo lo ocupa-
ban los soldados con sus caponeras y caballada ra-
son suficiente, p.^a quedar mas fundada la opinión
de esta Comisión, por el motivo que se dice a esta
y Corporación la siguiente proposición.

No se puede adjudicar el terreno
pretendido en rason del expuesto
sino el parecer del Sr. Jefe Superio-
r Político.

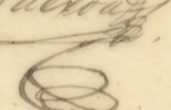
Monterrey 8 de Feb. de
1834

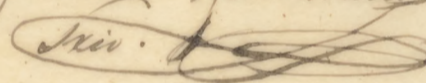
Don Antonio Romo

Jose Aguilar
Monte-

Very Mayo 13, de 1834.


Ence al mandado en decreto de 27, de
Enero deste año y hagale saber á la parte
archivandose el expediente. El Sr. Don
Jose Figueroa general de Brigada comandante
general Inspector y Jefe Superior Político de la
Alta California, así lo mandó decreto y firmó el
que doy fe.

Jose Figueroa


Agustin L. Zamorano


En treinta de Mayo de mil ochocientos
treinta y cuatro, habiendo ocurrido la
parte de Felipe Varguez se le hizo sa-
ber el decreto q. Antecede del Sr. Jefe
Superior Político, y enterado de lo dho
y q. lo oye, y que queda conforme
y q. solicitará otro papele como se
le hace saber: esto respondo y p.º.

No saber escribir hizo una carta y
la firme yo el Secut.º. asado q. se le
de testimonio. q. y decreto citado

Agustin L. Zamorano


+

SELLO TERCERO DOS REALES.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco, Figueroa A. Ramirez.

[Handwritten signature]

[Handwritten signature]

Por Comandante Gual
y Jefe Sup.º Político

Monte Rey Agosto 27 de 35. Maria Vicenor Lugo; Exposa del C. Felipe Vazquez, y residente, en este; Ante V. S. como mas aya lugar, se presenta y dice, q. ha agregase a sus tiempos, q. esta solicitando, su Exposo de la benigüedad de este Gobierno, se le conceda un pedimento de terreno en que poner los Cortos bienes de Ganado, y Caballada, q. por p.ª la sosten- cion de su numerosa Familia, compun- ta de cuatro hijos hombres dos chicos Ver- tanos, y cinco atugeres. y como Considero la edad, e inutilidad de mi Exposo, p.ª poder lo dexar a su aumento. Ocurro, yo J. F. ante la Reta Junt.ª del S. sedigne conse- dede, el Paraje llamado Chumosal, el mis- mo, en que tengo Reducido mis bienes, y la- borio lugar en q. no se perjudica a persona alguna, y solicitado p.ª varias representa- ciones, como debe contar en esa Secretaria los Informes de este Ajunt.º. Respecto a mi solicitud

[Handwritten signature]

J. F. V. S. rendidam. Suplico q. en Obsequio de la Just.ª q. imploro, provea en favor, de mi Excedida fami- lia Concediendome, el Repetido Sitio si asi lo ayare el Just.ª. Esperando de su benigüdad esta gra- tificandome no ser de Justicia y lo reservo. Dc. Mont. 17 de Agosto 1835. Maria Vicenor Lugo

SELLO TERCERO DOS REALES.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Castro.

Angel Ramirez.

[Handwritten signature]

[Handwritten signature]

Sr. Jefe Superior Politico Interino

El Ciudadano Felipe Saigues ante

Monterrey 27 de octubre de 1835.

Informe el Sr. Ayuntamiento de esta capital.

Castro.

[Handwritten signature]

V.S. conforme a derecho expone; que con fecha 4 de Diciembre de 1833. solicito el terreno nombrado Chamisal, se me diese por posesion concedida por pertenecer dicho terreno al Manantio nacional, y entendido por el pertenecer a los Ejidos de esta poblacion, solicito la propiedad del mismo terreno, rogandome a pagar el sereno correspondiente. Por tanto

A. V.S. suplico se sirva acceder a esta mi solicitud de lo qd recibire gracia, juro lo necesario.

Monterrey Oct. 16. de 1835.

A ruego del interesado por no saber

Yatruicio Estrada

[Handwritten signature]

Con fecha 28 de octubre de 1835. paso a la Comision de Fomento

[Handwritten signature]

José Estanislao Callanado.

[Handwritten signature]

SELLO TERCERO

DOS REALES.

Para los años de mil
seis y ochocientos

ochocientos veinte y
veinte y siete.

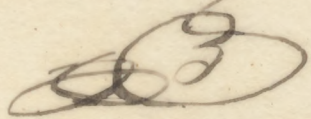
Y. Ayuntamiento.

La Comision de terreno encargada de dictaminar so-
bre la solicitud q. hace el C. Felipe Varque, no di-
ficulta poderle adjudicar el terreno q. pretende a virtud
de pertenecer a los egios de esta poblacion, cuyo parage
segun se ve en las antecedentes manifestaciones no se le
concedio por dias perteneciendo al Rancho Nacional Por
lo espuesto la comision presenta a la liberacion de
este Y. Ayuntamiento la siguiente proposicion.

Puede considerarse el C. Felipe Varque el
terreno nombrado Charanal, vago la cir-
cunstancia de pagar el canon q. le corresponde
para el foro municipal

Monterrey Oct. 30 de 1835.

Jos. Joaquín
García



Miguel Avila

Monterrey Oct. 31 de 1835.

En sesion de hoy apravi el Y. Ayuntamiento
de esta Capital el antecedente dictamen y la pro-
posicion en que concluye, y en tal virtud se
acordó para el expediente al Sr. Jefe Superior

Placio como remolador del informe que se
sirvió pedir a esta Corporacion.

M. J. Gomez

José Maria
Malonado.

Jri.

Montreuil Abril 9 de 1835

Para el Alcalde de esta Capital hanse qui-
en la parte de Felipe Vasquez produciendo
na informacion de tres artículos de los q. es un
interrogador sobre los puntos siguientes. 1º Si
el solicitante es Ciudadano Mexicano p^{ro}-
nacimiento, si es casado i tiene hijos e si es
de buena conducta. 2º Si el terreno q. pre

SELLO TERCERO DOS REALES.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco
Castro.

Angel Ramirez.

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[Handwritten signature]

[Handwritten signature]

debe pertenecer a la propiedad de algun particular
Mision Corporacion o Pueblo; si es de regadio
temporal o abrevadero i q. estension tendra 3.^o
Si tiene venas o campo con q. poblarlo i posi-
bilidad de adquirirlos, vacuadas estas diligencias
vuelva de expediente p. su resolution El Sr. Dn.
Jose Castro primer vocal de la Ema Diputa-
cion i Jefe Politico interino de la alta Cali-
fornia asi lo mando secreto i firmo a q. Asi
sea

Jose Castro

[Handwritten signature]

1.^o del Castillo

Regente

[Handwritten signature]

Monterrey Noviembre 9. de 1835.

Dros 4 p.
[Handwritten flourish]

Notifiquen al interesado presente los testi-
gos que se han de examinar con forma al
interrogatorio q. se demuestran en el antecedente

Decreto; Recivase la informacion que se pide y concluida devuelvase original al expediente al Jefe Superior pobro p. a su Resolucion Asi yo el Alcalde 1º Constitucional de esta Capital lo decrete mande y firme con los de esta

J

[Signature]

De esta

De esta

José María Maldonado

J. M.º Corio

En la fha se le notifico al Sr. Felipe Vargas el antecedente auto y entendido disp. lo oye y q. presenta a los cc. José Maria Aguila, Miguel Avila y Joaquin Alvarado y no firmo p. no saber lo hice yo y los testigos de esta

M

[Signature]

De esta

José María Maldonado

De esta

J. M.º Corio

En el Puerto de Montserrat a los nueve dias del mes de Noviembre de mil ochocientos treinta y cinco, presenta el Sr. José Maria Aguila le Recivi yo el Alcalde de primera nominacion juramento en forma de derecho vajo el cual ofrecio

SELLO TERCERO DOS REALES
Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey de la alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.
Castro. Angel Ramirez

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33

[Signature]

decia verdad en lo q supiere y fuere preguntado, y siendo por su nombre, estado, edad, patria y religion. Dijo: llamarse como queda dicho; q es casado, de cincuenta años, su pais de Selaya y C. A. R.

Preguntado. A consecuencia del interrogatorio q se manda en el anterior decreto Dijo:

A lo 1º Que es Ciudad.º Mexicano por nacim.º que es casado, tiene hijos y q es de regular conducta, y responde

A lo 2º Que el terreno q pretende sabe q corresponde a lo egido de esta poblacion; que es de abrevadero, y q su estension sera poco mas de legua de largo y de ancho tres cuartos y contera

A lo 3º Que se tiene ganado con q poblarlo; que lo dicho es la verdad a cargo del juram.º q hecho tiene en el q se apromo y ratifico toda q le fue su declaracion y lo firmo con mi go y lo de años

Jr

José Aguilar

[Signature]

de años.

De años.

José María de Malbonado

[Signature]

J. M.º Cosío

En la misma fha presente el Sr. Miguel Avila le recivi juram.º en forma por el cual sprecio decia verdad en lo q supiere y fuere preguntado, y siendo por su nombre, estado, edad

d.

parcia y Religion Disp: Namase como queda referido
que a casado; de treinta y cuatro años y C. A. P.

Preguntado Por el mismo estilo de lo fue el anterior testigo,
Disp:

A lo 1º Que es Ciudad. Mexicano por nacimiento; que es ca-
sado, tiene hijos, y que parece tiene buena conducta
y responde

A lo 2º Que el terreno de terreno, pertenece a los ejidos de
esta poblacion que es de temporal y abrevadero, y
su estension sera como de legua y media de largo, y con-
tenta.

A lo 3º Que si tiene ganado y viene con el juramento; que lo
dicho es la verdad a cargo del juram. to que tiene
hecho en el of se afirma y ratifico lida de le
fue esta su declaracion y la firmo con enigo y
los testigos de esta

J

M. J. Maldonado

Miguel Ariza

De ana
Jose Maximiliano
Maldonado

De ana
y M. Correo

En la misma forma presente al Joaquin Alva-
xado, se le recibio juram. to en forma de dno por el
cual opacio decir verdad en lo que supiere y fuere
preguntado, y siendolo por su nombre, estado, edad, pa-
rcia y Religion Disp: se llama como dicho esta de

SELLO TERCERO DOS REALES.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Castro.

Angel Ramirez.

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[Handwritten signature]

es casado, de treinta y cinco años; natural de lo pueblo de los Angeles y C. A. N.

Preguntado Por el mismo orden q. los dos testigos anteriores Dijo:

Al 1.º Que el solicitante es ciudadano Mexicano por nacimiento que es casado y tiene hijos y buena conducta, y resp.

Al 2.º Que el terreno q. pretende pertenece a los ejidos de Monterrey; que es de Abrevadero, y q. tendrá de estension como legua y media y contera

Al 3.º Que tiene vienes de campo con q. poblarlo; que lo dicho es la verdad a cargo del juram. to q. tiene hecho y lo firmo con mi go y los de año

[Handwritten mark]

Don J. N. Abarado

[Handwritten signature]

De año

Jose Maria Maldonado

[Handwritten signature]

De año.

J. M. Corio

[Handwritten signature]

Concluida esta informacion, se devuelve al S. Gefe Politico en cumplimiento del antecedente auto, y para constancia lo auto y rubrico

[Handwritten mark]

[Large handwritten signature]

Enm. S.

La comision de Terreno baldio inquesto del
expediente que se manda practicar p.^o Solicitud
q.^a hare el C. Felipe Marquez del Terreno nom-
brado el Chamisal no encontrando en el Objecion
alguna q.^a harex siendo en todo conforme ala Ley
de 18 de Ag.^{to} de 1824. y al Art.^o 5.^o del Reglam.
de Colonizacion de 21 de Noxe de 1822. la comi-
cion ofrese ala deliberacion de V.E. la proposi-
on siguiente

Se aprueba la consecion hecha al C.^o Felipe
Marquez del Terreno nombrado el Chamisal
concedido en 15 de Noxe de 1835 sujetando
se alas condiciones q.^a se estipularon
p.^o el 5 de Dtoe de 1835.

Alviro Sanchez

Monterrey Dtoe de Coahuila
1835.
Insesion de este

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

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do Hereby Certify, that the *thirty* preceding, and hereunto annexed pages, of tracing paper, numbered from one to *thirty* inclusive, exhibit a true, full, and correct copy, of an original document entitled "Jurisdicción de Monterrey. Año de 1833. Expediente sobre el terreno nombrado el Chamisal, solicitado por Felipe Vasquez" "121.", as the same appears on file in said Archives -

Keeper of Archives.

[Handwritten signature]

EXAMINED AND FOUND CORRECT.



In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this *23rd* day of *March* 186*0*.

[Handwritten signature]

J. W. Mandeville U. S. Surveyor General, for California.

No 222

U.S. Dist. Ct. S. Dist. for
California

(Expediente "121")

"Ex. Ch."

Annexed to deposition of John
B. Cooper.

Heirs of Felipe Vasquez
vs
The United States

No. 222

Filed this 19th Sept
1860

C. G. King
clerk

J. B. Cooper
H. H. H. H. H.

222 SD
540 B4

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PAGE 109

Heirs of Felipe Vasquez, deceased.

vs.

The United States

222 SD

PAGE 110

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

No. 222 - *Tramiasal* -

In this case it is stipulated as matter
of evidence that Jose Castro and Francisco
de Castilla Negrete - whose names appear on
certain documents used as evidence in this
case - are both dead.

Mr. Whiting
U.S. Dist Attorney
for the Southern Dist. Cal.
D. R. Schley
Atty. for Defendants

No. 222 —

Heirs of F. Vasquez

v.s.

The United States

Stipulation

Filed June 3, 1862

John A. Johnson
clk

[Faint, mostly illegible handwritten text, likely bleed-through from the reverse side of the page.]

Nicanor Sugo
Pedro, Dionisio,
& Manuel Vas-
quez, heirs of
Felipe Vasquez,
deceased

Dist. Court of the
U.S. S. Dist. Cal.

No. 222

"Chamisal"

222 SD

PAGE 112

The claimants presented their petition
to Land Com. Jan. 31st 1853
V. page 3. Transcript

Petition

Manuel Jimeno - knew the Rancho from
1833 or 1834 - & from that time F. Vasquez the grantee
resided on the place until his death & since then
his family has remained there. Their house was burned
& the children said their title was burned & asked a copy
from the archives - I gave H. H. No. 1

Dep. of Jimeno V. Trans. p. p. 4 + 5

H. H. No. 1 is a grant by Gov. Castro to F.
Vasquez 17 Nov. 1835

Grant

V. Trans. p. p. 7 + 8

Translation " " " 13 + 14

Approval

The grant was approved by the Depl. Assembly in 1835

Translation V. Trans. p. 9

" " " 15 + 16

Court of } Pedro Vasquez after the title was lost took pro-
 1st Instance } ceedings for the protection of the claimants before
 the Judge of 1st Instance
 V. Trans. p.p. 11 + 12
 Translation } " " " 16, 17, 18

222 SB
 PAGE 113

The D. of Land Comr^s rejected the claim
 on the grounds, that no bounds are named in the grant
 nor supplied by the evidence,² + that the claimants
 have not proved themselves heirs of the grantee
 Opinion of L. Comr. V. Trans. p.p. 19, 20
 Opinion } " " " 21
 Decree }

The claimants appealed to the
 No. of appeal } Dist. Court - V. Notice filed Nov. 29 / 55

Pet. for Review } The Pet. for review was filed Jan. 9 / 56

Ans. } The ans. of the U.S. was filed " 16 / 56

The dep. of A. B. R. Cooper
 Dep. of Cooper } was taken in Sep. 1860 + is filed; showing
residence, bounds, heirs,

Annexed to the dep. of Cooper
 Expediente } is a traced copy of an expediente
 "Ex. Ch." } in the U.S. Sur. Gen's Office -

*

222 SD

PAGE 114

Limen's Index

Traced copy from Limen's
 Index
 Filed 1860

* Sub Index of expediente marked "Ex. Ch."

- | | | |
|---|---|--------------|
| x | Pkt. for grant by Felipe Vasquez | pc. - 2 |
| | <small>Dec. 4 - 1833</small> | |
| | Report against the grant - | pc - 6 |
| | " " " " by Zamorano | pc - 9 + |
| | Further pkt. of Vasquez + order thereon | pc - 15 |
| x | " " on behalf of Vasquez + order | pc - 14 + |
| x | " " " " " " " " | pc - 20 |
| x | Report in favor of the grant | pc - 21 |
| | <small>Dec. 30 + 31 - 1835</small> | |
| | Order by Governor | pc - 22 |
| | Informe by Joaquin Alvarado | pc - 26 + 27 |
| x | Decree of Concession | pc - 28 - |
| | <small>Nov. 15 - 1835</small> | |
| | Approval of Dep. Ass'y. | pc. 29 + 30 |
| | <small>Dec. 28, 1835</small> | |

Records of hand

From Book of Titles - filed June 1860

No. 222

U. S. Dist. Ct. for the
S. Dist. of Cal.

Hernandez vs

The United States

Index -

Filed June 4, 1962

John Wheeler
clerk.

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N.º 83

Jose nuestro primer vocal de la E^{ma} Diputacion Territorial Jefe Politico interino de la alta California,

Por cuanto Felipe Vasquez Mexicano p^r nacimiento ha pretendido para su beneficio personal i el de su familia el terreno conocido con el nombre de Ahumial practicadas previamente las diligencias i averiguaciones convenientes segun lo dispuesto p^r leyes i Reglamentos; usando de las facultades q^l me son conferidas en decreto de este dia i a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado, declarandole la propiedad de el p^r las presentes letras a reserva de la aprobacion de la E. D. i bajo las condiciones siguientes.

- 1^a Que se sometera a las q^l estableciere el Reglamento q^l se ha de formar p^o la distribucion de terrenos baldios i q^l entre tanto ni el agraviado ni sus herederos podran dividir ni enagenar el q^l se les adjudica imponer senso vinculo fianza hipoteca ni otro gravamen aunque sea p^r causa piadosa ni pasarlo a manos muertas.
- 2^a Podra cercarlo sin perjudicar las traversias caminos i servidumbres, ni menos a los q^l hoy se hayan averiguados en sus inmediaciones a los q^l de ninguna manera estorvare q^l tengan sus bueyes encas mansas i laballada de la misma suerte; lo disfrutara libre i esclusivamente destinandolo al uso i cultivo q^l mas le acomode p^o dentro de un año a lo mas fabricara casa i estora abitada.
- 3^a El juez respectivo q^l le de la posesion juridica en virtud de este Despacho p^r el cual se demarcaran los linderos en cuyos limites ponbran a mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.
- 4^a El terreno de q^l se hace donacion es de un poco menos

h.

de un sitio de ganado mayor segun explica el diseño q^l corre en el Expediente. El Dues q^l tiene la posesion lo hara

medir conforme a ordenanza quedando el sobrante q^l resulte a favor de la Nacion p^a los usos convenientes.

5^a Si contraviniere a estas condiciones perdiera su derecho al terreno i sera denunciado p^r otro.

En consecuencia mando q^l serviendo de titulo el presente i teniendose p^r firme i validero se tome razon de el en el libro q^l corresponde i se entregue al interesado p^a su resguardo i demas fines ; Dado en Monterrei a 17 de Nbre de 1823. = Jose Castro = Fran^{co} del Castillo Negro = Serio.

Castillo

Aprobado p^r la E^{ma} D^{cion}

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

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I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private lands and claims in California; by virtue of the power vested in me by law, Do hereby Certify, that the ~~two~~ preceding, and hereunto annexed pages, of ~~existing~~ ^{written} papers numbered from one to ~~two~~ inclusive, exhibit a true, full, and correct copy, of a portion of the record in the Book of "Titulos," and forming part of the Archives aforesaid of the former Government, and being h^o and page 85 of said Book of "Titulos"; as the same now appears on file in my Office and in my charge and custody

[Handwritten flourishes]

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 27th day of October 1860

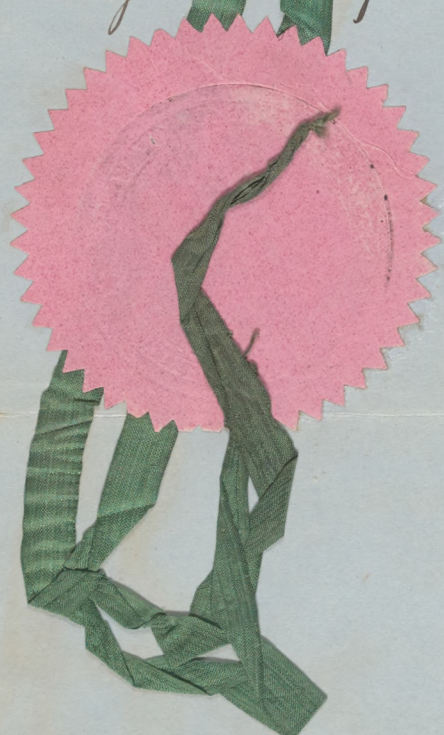
[Handwritten flourishes]

J. W. Mandeville U. S. Surveyor General, for California.

Keeper of Archives.

EXAMINED AND FOUND CORRECT.

H. C. Hopkins



Heirs of Felipe Vasquez
vs
The United States

No. 222 —

Titte to Chamisal

Filed June 4/62
John Whelan
clk

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D. R. Ashley Esq
f. l.

In the District Court of the United States for
the Southern District of California
June Term A.D. 1862

The Heirs of Felipe Vasquez deceased
vs
The United States

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no 222

This Cause coming regu-
larly on to be heard, in its order, on appeal from the
decision of the United States Board of Land Commis-
sioners to ascertain and settle the private land claims
in California upon the transcript of the proceedings
and decision of said Board of Land Commissioners,
and the papers and evidence on which said decision
was founded, and the other evidence taken and filed
in this Court, and the Counsel of the respective parties
having been heard and after Court and the case fully
considered

It is Ordered, Adjudged and Decreed
that the decision of said Board respecting the Claim
of Manuel Vasquez and others, the heirs of Felipe
Vasquez deceased, be and the same is hereby reversed.

And it is further Ordered, Adjudged and Decreed
that the title of the appellants Manuel Vasquez
and others, the heirs at law of Felipe Vasquez, decen-
ed to the land claimed in this petition in this case
and the documentary, and other evidence on file is
a good and valid title and their Claim is hereby
Confirmed

The land of which Confirmation is hereby
made is situated in the County of Monterey in
the State of California and is known and called
"El Chausal", and is bounded on the Northward
and Northeastward by the Salinas River, on the South-
ward and South Eastward by the Rancho "El Toro",
On the South Westward by the Rancho "Laguna Seca"
& on the Westward by lands Confirmed to the City
of Monterey, and the Quantity is ^{not to exceed} one square league
~~and no more~~ within said boundaries; and if the
Quantity of land within said boundaries is less
than one square league then this Confirmation is of
such less Quantity.

Thus done and signed in Open Court at Monterey
this 12th day of June A.D. 1862

Walter M. Wright

U.S. Dist. Judge South Dist. Cal.

222 SD

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No. 222
U. S. Dist Court
South Dist Cal

Hon^{ble} of Felipe Varquez
de^o

ⁱⁿ
The United States

Deene

Filed June 13, 1862
John D. Whelan
Att.

Record, Deener "A" page