

CASE No.
234

SOUTHERN DISTRICT

LOMA DEL ESPIRITU SANTO GRANT

MARIA DEL ESPIRITU SANTO CARRILLO

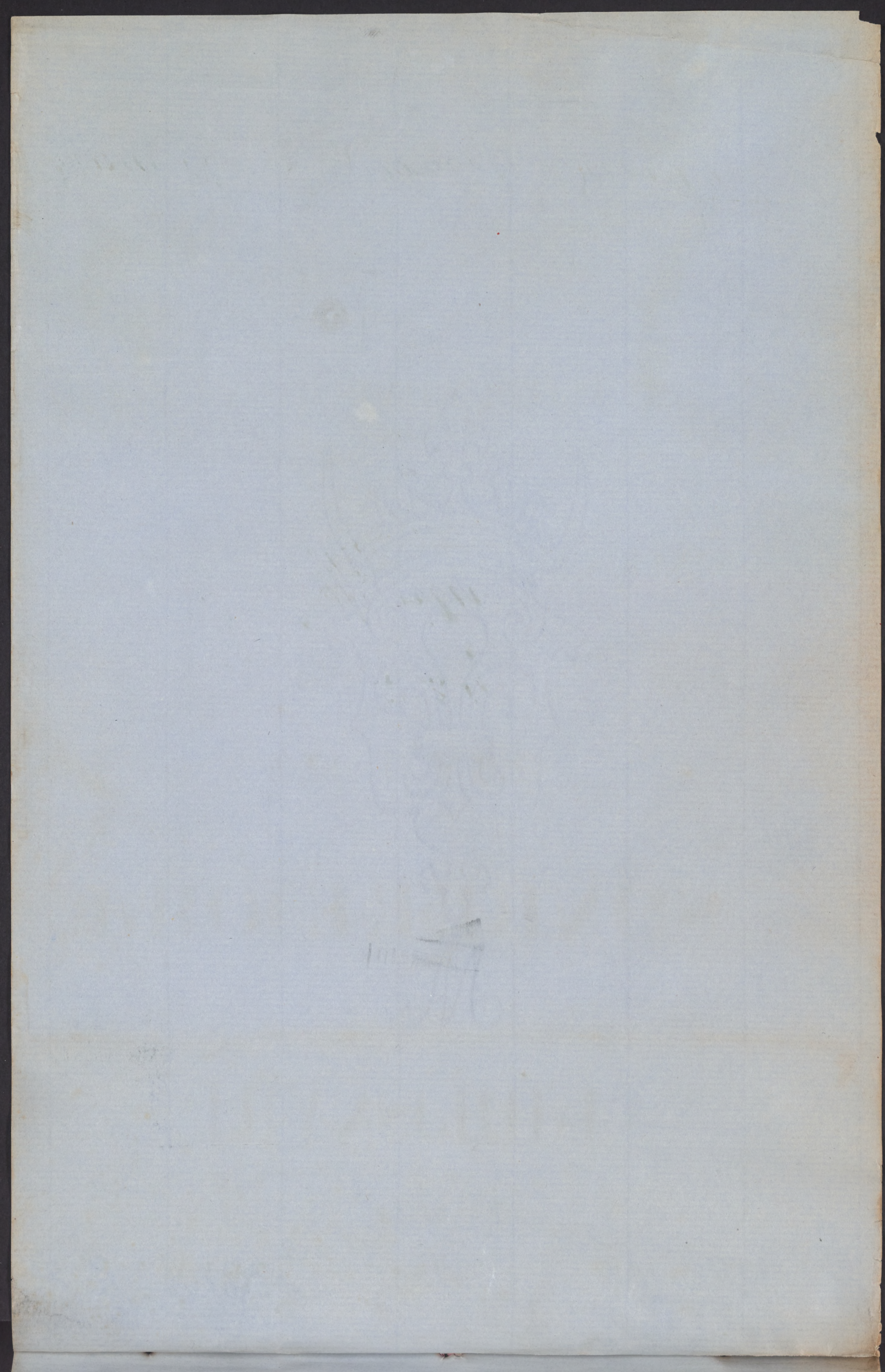
CLAIMANT

MAR 14 1963

U.S. V. ...
52N COTTON FIBER
FLOWER BOND
Manufactured

539

Wants C. H.



TRANSCRIPT

234 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 539.

*Maria del Espiritu
Santo Carrillo*

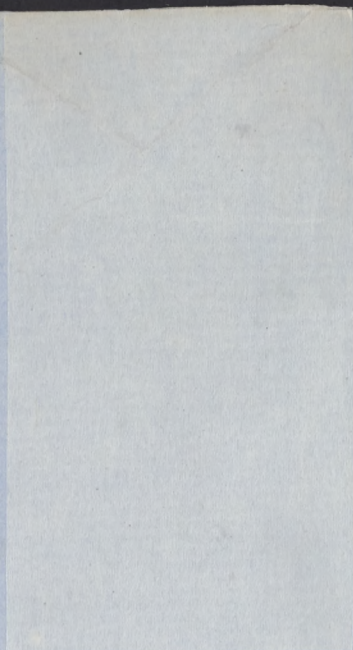
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Loma del Espiritu Santo"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this twenty ninth 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;

234 SD
PAGE 2

The Petition of Maria del Espiritu Santo Carrillo, for the Place named "Loma del Espiritu Santo," was presented, and ordered to be filed and docketed with No. 539 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 January 29 1853.
In Case no. 539, Maria del Espiritu Santo Carrillo for the place named "Loma del Espiritu Santo," the deposition of W^m E. P. Martwell, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, with document marked A. J. P. No. 1, annexed thereto, was filed;

(Vide page 3 of this Transcript.)

San Francisco September 28 1853.
Case no. 539, on motion of the Counsel for the Claimant, was ordered to the foot of the Docket.

San Francisco March 21 1854.
In the same Case, on motion of the U. S. Law Agent, in conformity to the notice served upon him by Messrs Hallcock, Peacock & Bellings, it is ordered, that their names be withdrawn hence forward as Counsel for the Claimants

San Francisco Sept. 26' 1854.
 Case no. 539, on motion of the Counsel for the
 Claimant with the consent of the U. S. Law Agent,
 was ordered to be placed at the foot of the 2nd
 Class Cases on the Trial Docket.

San Francisco November 4' 1854.
 Case no. 539 was submitted under the Rule of
 March 21st 1854 and taken under advisement
 by the Board.

San Francisco November 14' 1854.
 In the same case Commissioner S. B. Farwell
 delivered the opinion of the Board rejecting the
 claim:

(Vide page 11 of this Transcript.)
 and the following order was made, to wit:
 (Vide page 12 of this Transcript.)

234 SD
 PAGE 3

3 Petition

To the Honorable Commissioners to Settle Private Land Claims in California

The Petitioners Maria del Espiritu Santo Canillo respectfully represents

That on the 15th day of April A.D. 1839 Juan B. Alvarado Governor of California by virtue of Authority in him vested granted to the Petitioner the tract of land called Loma del Espiritu Santo with the present county of Monterey with the boundaries described in the grant and with the map accompanying the expediente which original grant is submitted herewith marked A with a Translation marked B.

234 SD
PAGE 4

That the Petitioner immediately occupied said land and has ever since retained the legal possession of it that she relies for confirmation of title upon the original grant submitted herewith upon the minutes and records relating thereto in the archives of the former Government and upon such other and further proofs as she may be advised as necessary therefore she prays the Commissioners to confirm her title aforesaid tract of land

By her Attorneys
Halluck Peabody & Bellings

Filed in Office January 29th 1853
George Fisher
Secretary

Recorded in Volume 1 of Petitions in Pages 48 and 49
George Fisher
Secretary

San Francisco January 29th 1853

Disposition of Court's day before Commissioner Hays & Thomas Wm. C. Hartman came to Maria del Espiritu Santo Canillo Petitioner Number 539 and was advised her evidence being given in English

In answer to questions propounded by claimants Council the witness testified as follows
My name is William C. Hartwell my age is fifty five years and I have lived in California thirty years

4

I am acquainted with the contents of memos B.
Alvando and Manuel Jimenez their signatures
to the document before me marked Exhibits A
& and filed herewith as genuine
W. E. P. Watwell

All Law agent present

Seen to and subscribed before me this
29th of January 1853

Harry J. Thurston
Commissioner

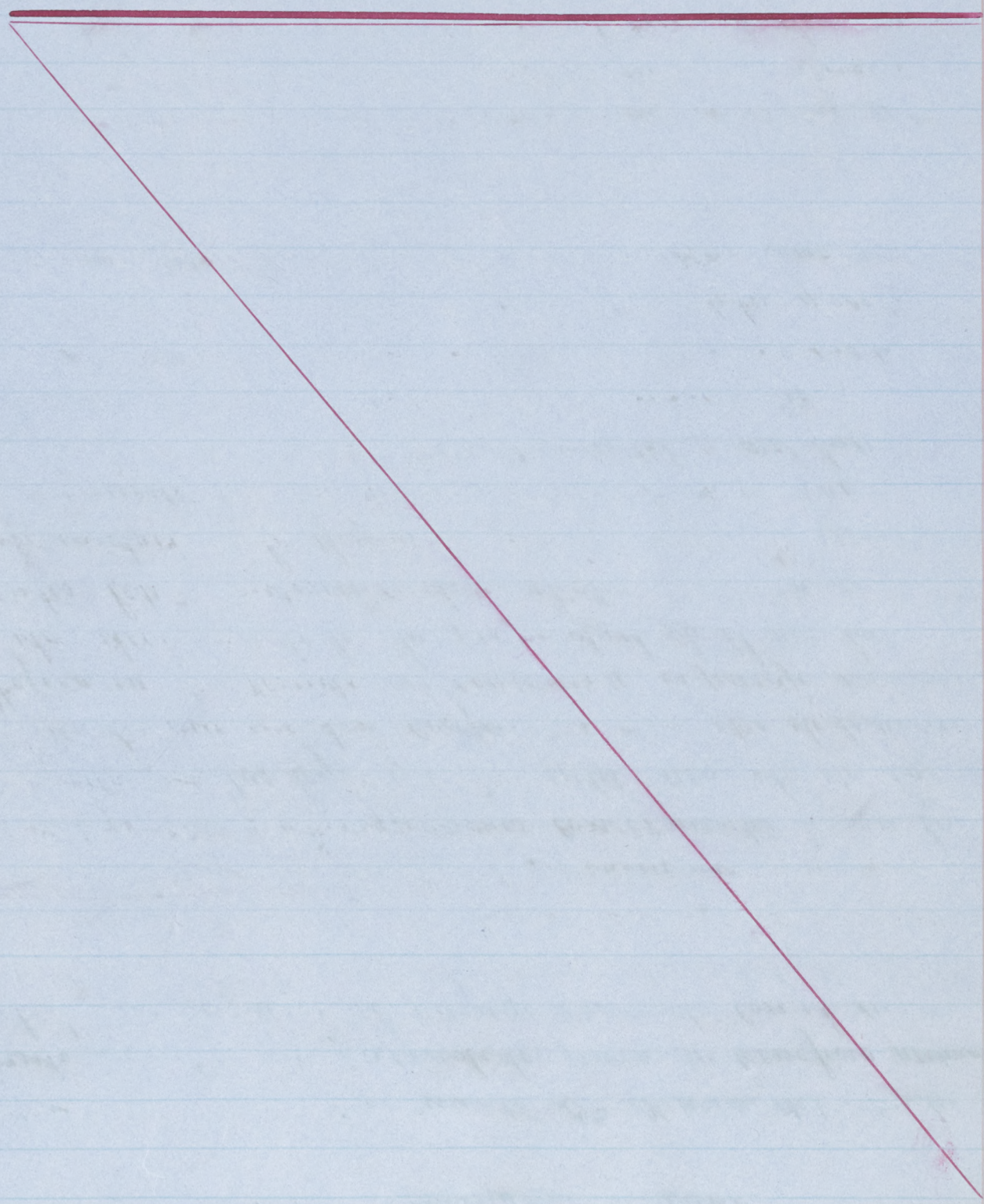
Filed in Office January 29th 1853

George Fisher
Secretary

Recorded in Endorse B. Volume 2 Page 317

George Fisher
Secretary

234 SD
PAGE 5



5
Juan B. Alvarado Gobernador Interino del Departam^{to}
de las Californias.

(Seal) Por cuanto D^a Maria del Espiritu
Santo Carrillo ha pretendido para su beneficio personal
y el de sus herederos el paraje conocido con el nombre
del Loma del Espiritu Santo, con los del Valle de San
F. Justo, con los del C. José Maria Sanchez, con el Rio del
Pajaro y Arroyo de San Benito, practicadas previamente
las diligencias y averiguaciones convenientes segun lo
dispuesto por las leyes y reglamentos: usando de las
facultades que me son conferidas a nombre de la Nacion
Mexicana he venido en concederle el paraje mencion-
ado, declarandole la propiedad de él por las pres-
entes letras, entendiendose dicha concecion con entera
conformidad a lo dispuesto por las leyes ha reserva de
lo dispuesto por las leyes ha reserva de la aprobacion

234 SD

PAGE 6

Ex libit no. de la Exma. Junta Departamental y del Supremo
Gobierno y bajo las condiciones siguientes.
1.^a Podrá cercar lo sin perjudicar las travesias
Caminos y servidumbres: lo disfrutará libre y esclusi-
vamente, destinandolo al uso o cultivo que mas
le convenga pero dentro de un año fabricará casa
y estará habitada.

2.^a Cuando se le confirmé la propiedad, solicit-
ará del Juez respectivo que le dé posesion Juridica
en virtud de este despacho por el cual se demarcarán
los linderos a cuyos limites pondrá a unos de las
mojoneras algunos arboles frutales o silvestres de
alguna utilidad.

3.^a El terreno que se le hace donacion es de
la estension que explica el diseño que corre en el Exped-
iente con sus limites respectivos: El Juez que obtiene la
posesion lo hará medir conforme a ordenanza, para
señalar los linderos, quedando el sobrante que resulte
a la Nacion para los usos convenientes.

4.^a Si contraviniere a estas condiciones perderá
su derecho al terreno y será denunciado por otro.

En consecuencia mandó que serviendo le
de titulo el presente y teniendose por firmé y validero
se tome rason en el libro que corresponde y se enteg-
ue a la interinidad para su resguardo y demas
finis. Dado en Monterey a quince de Abril
de mil ochocientos treinta y nueve. Entendiendose
este titulo en papel comun por no haber otro que

6
que corresponde.
Manuel Jimeno.

Juan B. Alvarado.
Lrio del Despacho.

Queda tomada razon de este despacho en el libro
respectivo a fojas 3^a vuelta y para constancia lo firmo.
Manuel Jimeno.

El Sr. Sr. Señor Gobernador del Departamento ha
dispuesto, se tome razon de este titulo en la Prefectura
del primer Distrito.

Jimeno.

234 SD
PAGE 7

Filed in Office Jan. 29. 1853.

Geo. Fisher.
Secy.

3049

112

Translation of Juan B. Alvarado Governor and Intendant of the Department of the Californias

Title B

{ Political Govt of }
{ Upper California }

Whenas Dn^a Maria del Espritu Santo Carrillo former personal benefactor of her Highness the said Princess by the name of Loma del Espritu Santo founded by the means of San Justo by those of the Valley of San Felipe a number of citizens were made rich by the New Pajaro and the army of San Antonio.

234 SD
PAGE 8

The proper measures and examinations being previously made as required by Law and regulations along the former confined in mean the name of the Mexican Nation I have granted to her the aforesaid place containing therein the ownership of it by these presents I do grant being understood to be in entire conformity with the provisions of the Law subject to the approval of the most Excellent Departmental Junta and to the Supreme Government according to the following conditions

1st The way and exit without prejudice to the crossings roads and frontiers and enjoy it fully and exclusively making purchase or cultivation of it as may best suit her but within one year she shall build a house (mita) and it shall be inhabited

2nd When the ownership is conferred to her she will request the proper magistrate to give her judicial possession in virtue of this Patent by whom the boundaries will be marked out in the limits of which besides the bounds he shall place some fruit or fruit trees of some utility

3rd The land of which I make mention is made up of the extent shown by the map which goes in the expediente with its respective boundaries the Magistrate who may give the possession will cause it to be measured in conformity with the ordinance in order to designate the boundaries leaving the surplus which may result to the Nation for its common use

4th If she contravene these conditions she will

8

could be right the land and it will be sub-
ject to annuities by another person

— require further that this present being her
prostitute and being held as firm and valid
note be made of it in the corresponding book
and that it be delivered to the party interested for her
security and other purposes

234 SD
PAGE 9

Given in Monterey
the fifteenth of April one thousand eight
hundred and thirty nine This title having been
issued on common paper for want of that which
was provided

(Signed) Juan B. Alvarado
Señor Manuel Jimenez

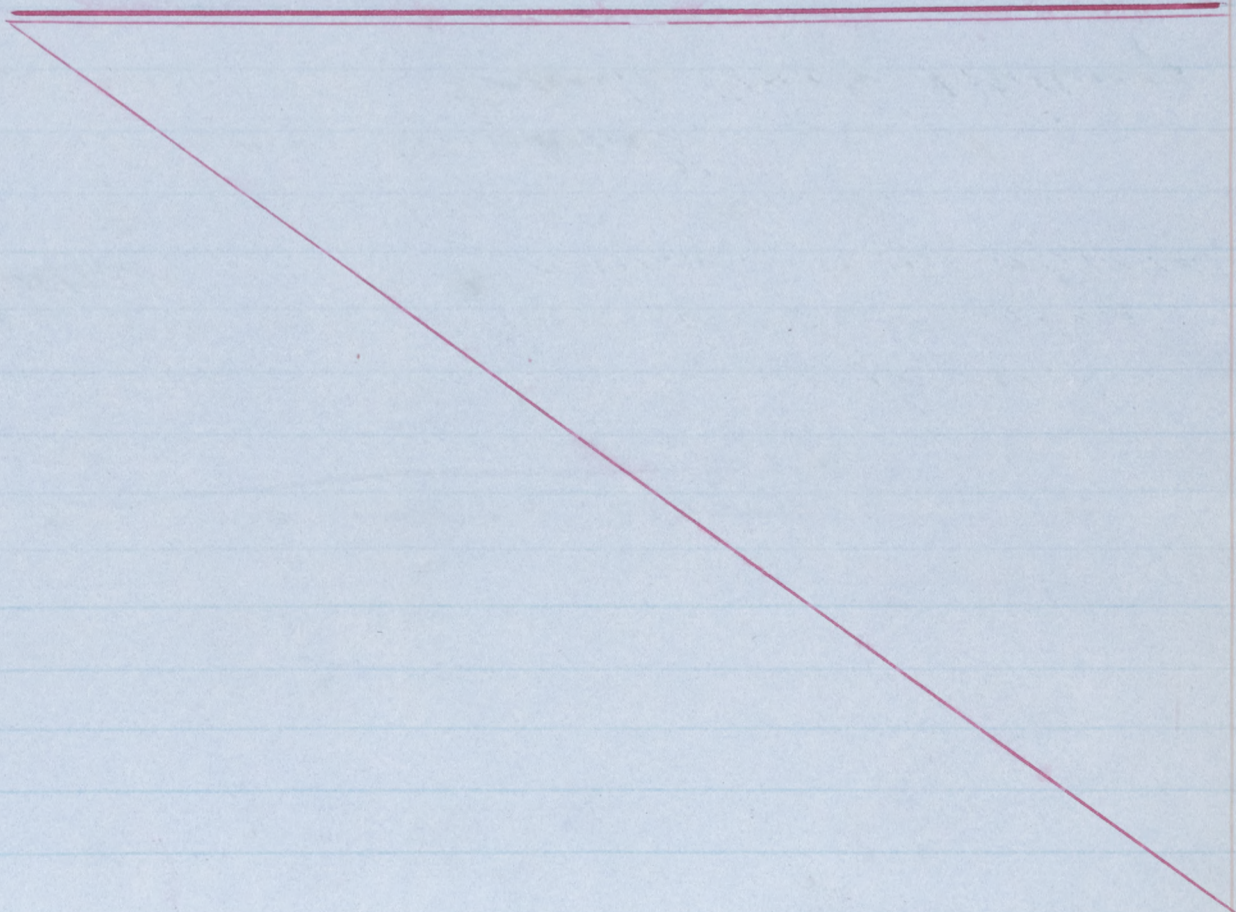
Secretary of State
note has been made of this patent in the pro-
per book as leafed over and in testimony I
Signer

Señor Manuel Jimenez

His Excellency the Governor of the Departmen-
ent has ordered that note be taken of this title
in the Prefecture of the first District

Señor Jimenez

Filed in Office January 29th 1853
George Fisher
Secretary



9

Notice of
Withdrawal

Number 539

Alumni of *Dona Maria del Espiritu Santo*
Sanillo To Loma del Espiritu Santo
In United States Law Agent
G. W.

Please take

notice that we hereby withdraw ourselves
as Attorneys for the defendant in the above en-
titled case

San Francisco March 14th 1854

Harold Peckley & Billings

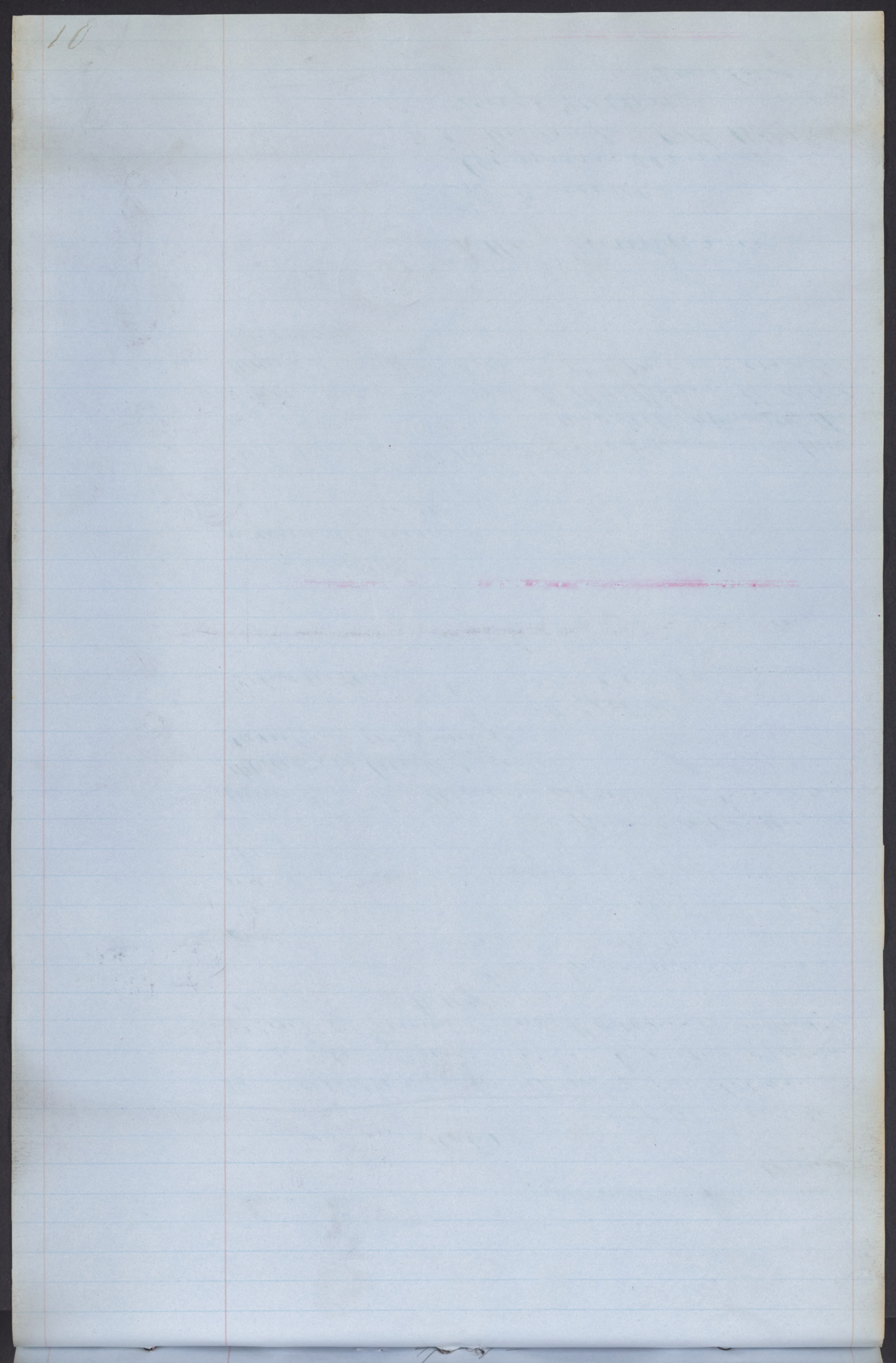
Julia in Office March 29th 1854

George Fisher

Secretary

234 SD

PAGE 10



Opium of the Maria del Espanto }
 Board } Santo Lemillo }
 } }
 } }
 The United States } }
 } }
 } }

The Petition in this case asks a Confirmation of the claim to the above named place by virtue of a grant issued by Governor Juan P. Alvarado on the 15th day of April 1849.

Which grant is valid and proven to be genuine and received in evidence there is no proof offered of the performance of any of the conditions of the Law upon which the grant was issued.

The Board are of the opinion that the claim is void and the same is hereby rejected and adjourned accordingly.

Rejected

Filed in Office November 14th 1854

George Fisher

Secretary

Dece

Number 539 }
 Maria del Espanto }
 Santos Lemillo }
 }
 The United States } }
 } }
 } }

after viewing the proofs and allegations in this case it is adjudged by the Board that the claim is not valid and the same is hereby Rejected

Alphons Felix

Wm Aug. Thompson

G. B. Farwell

Commissioner

Filed in Office November 14th 1854

George Fisher

Secretary

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

234 SD
PAGE 12

Office of the Board of Commissioners,

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

234 SD
PAGE 13

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
following *Twelve* pages, numbered from
1 to 12, 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, Case No. 539 on the Docket of the said Board,
wherein *Maria del Espiritu Santo*
Castillo is
the Complainant against the United States, for the place known by
the name of *Sancta del Espiritu Santo*.

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. 1853, and of the Independence of the
United States of America the seventy-ninth.

G. Fisher
Geo. Fisher



U. S. DISTRICT COURT,

Southern District of California.

No. 234.

234
Rock

THE UNITED STATES,

vs.

Mana del Espiritu
Santo Carrillo
"Loma del Espiritu Santo."

234
TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *539*

Filed, June 6th,

1855.

J. E. San-
ce R.

234 !

Ms 5-39

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

Maria del Espiritu Santa Carrillo } N^o 234,
vs. Appellant (Manuscript N^o 539.)

The United States, Appellee } the appeal from Judgment
Commissaries for Cal^a }
of the United States,

On Motion of P. Ord, US Attorney for the Southern District of California; and on showing to the Court that no notice of intention to prosecute the appeal in the above entitled cause, has been filed according to law: It is ordered by the Court, that this cause be dismissed.

P. Ord
US Dist Atty.

234 SD
PAGE 14

No 234.

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

Mania del Espiritu Santo
Carrillo. Applt.

vs.

The United States.
appell

Motion to Dismiss
Appeal

Filed Jan'y 25th 1856.

234 SD

PAGE 15

J. M. Watters