CASE NO.
245

SOUTHERN DISTRICT

VEGA DEL PAJARO GRANT

JUAN MIGUEL ANZAR

CLAIMANT

LAND CASE 245 SD 94 pgs.

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 279

Juan Miguel Anzar CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Vega del Pajaro"

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

The Petition of Juan Miguel Anzar, *for the Place named* "Vega del Pajaro." *was presented, and ordered to be filed and docketed with No.* 249 *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;

Los Angeles September 2d 1852.

In Case No. 249. Juan Miguel Anzar for the place named "Vega del Pajaro", the deposition of Santiago Arguello, a witness in behalf of the claimant taken before Commissioner James Wilson, was filed;

(Vide page 4 of this Transcript)

San Francisco October 8 1853.

In the same Case the deposition of José Antonio Anzar, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, with document marked A.F. No. 1. annexed thereto, was filed;

(Vide page 5 of this Transcript)

San Francisco, October 20th 1853.

In the same Case the Counsel for the claimant filed the following Stipulation, to wit;

(Vide page 46 of this Transcript)

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In the same Case the Counsel for the Claimant filed the following Affidavit, to wit:

(Vide page 45 of this Transcript.)

Whereupon the following order was made, to wit:

(Vide page 45 of this Transcript.)

San Francisco April 7th 1854.

In the same Case the depositions of Juan Isidoro Arroyo and José Canuto Berenda, witnesses in behalf of the Claimant, taken before Commissioner Peter Tait, were filed:

(Vide pages 7 & 10 of this Transcript.)

San Francisco October 24th 1854.

In the same Case the Counsel for the Claimant filed the following Stipulation, to wit:

(Vide page 46 of this Transcript.)

San Francisco, November 28th 1854.

Case no. 279 was submitted on briefs and taken under advisement by the Board.

San Francisco, December 5th 1854.

In the same Case Commissioner Alpheus Felch delivered the Opinion of the Board confirming the claim.

(Vide page 47 of this Transcript.)

and the following order was made, to wit:

(Vide page 50 of this Transcript.)

3 Petition

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Before the Honorable the Commissioners to ascertain and settle Private Land Claims in California
The Petition of Juan Miguel Anzar respectfully shows
That he claims by virtue of a right and title derived from the Spanish Government and recognised and confirmed by the Mexican Government a tract of land in said State being adjacent to the Rio Pajaro and called the Vega del Pajaro. That said tract of land was granted to Antonio Maria Castro in the 17th day of April AD 1833 by a decree issued by Don Jose Castro Subdelegado of the Province of California and authorised to grant lands in the name and on behalf of the King of Spain.

That by a decree of Don Jose Figueroa Political Chief of Upper California made on the 14th June 1833, said Grant was recognised and confirmed by the Mexican Government and judicial possession of the said land ordered to be given to the said Grantee. That in pursuance of said decree judicial possession was given on the 6th of June 1833 by the proper Officer. That the title of the said Antonio Maria Castro became and vested in this Petitioner by operation of Law and proper mesne conveyances. That the said tract of land has been in actual use and occupation of said Castro or of this Petitioner more than thirty two years.

Said tract is supposed to contain about eight thousand acres of land more or less. The Claimant is not aware of any interfering claim. A copy of the original grant also of the decree of Figueroa and of the record of judicial possession is herewith filed with a translation of the same and copies of the mesne conveyances will be filed as soon as the same can be obtained and the usual witnesses produced and proved as may be required.

By his Attorneys
Jones Tomplkins & Stodd

Filed in Office June 28th 1852 Geo Fisher
Recorded in Record of Petitions Vol Guy
1st Pages 530 and 531 Geo Fisher Secretary

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Deposition of S. Arguello

Office of the Board of Commissioners of California Land Claims Los Angeles Sept 2nd 1852

Petition of Juan Miguel Anzar for confirmation of Rancho Tejon del Rio Pajaro Case No 279 on the Docket Law Agent Consent by Robert Gunnison Esq by consent and did not object

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The Petitioner offers Don Santiago Arguello as a witness who being duly sworn testifies and says

I am acquainted with the handwriting of Jose Figueroa Augustin V. Zamorano Pablo de Sola Louis Antonio Arguello Mariano Escobar Jose Maria Maldonado

I have seen them write several times and their writing is familiar to me The signature of Figueroa on the first page of the document now exhibited to me is his genuine signature so is the signature of Zamorano on the same first page

The signatures of Sola and Arguello on the second page of said document are their genuine signatures The signature of Jose Joaquin de la Torre I also know and his signature on the third page of said document is his genuine signature

The signatures of Mariano Escobar and Jose Maria Maldonado as they appear on the fourth page of said document are their genuine signatures The signatures of the said Escobar and Maldonado occurring frequently on the following pages of said document I have examined and know their signatures occur in the said document they are the genuine and true signatures of those persons

S Arguello

September 2nd 1852
Deponent abovenamed subscribed and sworn to before me James Wilson Carson
Filed in Office September 2nd 1852
George Fisher Secretary
Recorded in Docket Book Volume 1 Page 605
George Fisher Secretary

5 Deposition of Jose Antonio Anzar

Appeal of the Board of Commissioners &c &c
This day before Commissioner Alpheus Felch came Jose Antonio Anzar witness in behalf of claimant Juan Miguel Anzar number 279 who after being duly sworn deposed as follows
Questions by Judge Thornton Attorney for the claimants

Question What are your name age and place of residence
answer My name is Jose Antonio Anzar my age is sixty years and I reside at San Juan Bautista in California
Question Are you acquainted with the Rancho which is claimed in this case if you state by whom it was first occupied and since down to the present time and how the same has been occupied

answer I know the Rancho and have known it for more than twenty years It is situated in the county of Monterey on the Pajaro river It was first occupied by the Mission authorities granted to Antonio Castro who sold it to my brother Juan Miguel Anzar more than twelve years since My brother lived on the premises until his death and since that time it has been occupied by his family

They have horses cows and cattle and part of it is fenced and cultivated my brother occupied the premises by fencing and cultivation immediately after his purchase of the Rancho

Question Look at the paper now handed you marked Exhibit No 1 with the initials A. F purporting to be a deed from Jose Antonio Castro to Juan Miguel Anzar and annexed to this Deposition and state whether you are acquainted with the handwriting of David Spence and if you identify his signature appearing on said paper is the true and genuine signature of said Spence

answer I have examined the paper and said signature is the true and genuine signature of said Spence I am acquainted with the handwriting of said Spence
Question Look on the paper now handed you

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to you marked Exhibit Number 2 with the initials A.F. purporting to be a deed from Maria Francisca Castro and husband Jose Canuto Broyda to Juan Augustin Anzar bearing date January 18th 1851 and ask you to state whether you know the hand writing of Rafelo E. Echeverria and if so whether the signature purporting to be his in said deed is the true and genuine signature of said Echeverria

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Answer I have examined the paper and the said signature is the true and genuine signature of said Rafelo E. Echeverria I am acquainted with his hand writing he was a Justice of the Peace at the time of signing the same

5 Question Do you know the lands described in the two deeds above mentioned being Exhibits Nos 1 and 2 and if you state whether they are any and what of the Rancho claimed in this case

Answer I know the lands described in the deeds they are part of the Rancho claimed in this case

6 Question Did you know Antonio Castro the original grantee of the land in question if you do state whether he is living if dead did he leave a widow and children and if so how many children

Answer I knew Anto Castro also sold the land to my brother but do not know whether he was his Father was the original grantee of the land the one I knew was the one to whom possession of the land was given. He is living

I did not know his Father but did know his brother who was a widow she had two children their names are Antonio Castro and Francisco Castro I do not know of any other children than these two

7 Question Do you know the persons named in the two Deeds above exhibited Antonio Castro and Maria Francisca Castro if you answer say

Answer I know them they are brother and sister and are the children of Antonio Castro & living his wife the widow also named

Jose Antonio Anzar

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Mr Gunkum associate Law agent attended to the taking of this Deposition but declined to propound any Questions to the witness The Testimony was given in the Spanish Language, Mr Fesler Sentang of the Commission acting as Interpreter

Subscribed and sworn to before me at San Francisco this eighth day of October AD 1853

Alphens Felch
Commissioner

Filed in Office October 8th 1853
George Fesler
Sentang

Recorded in Docket B. Volume 3 Page 239
George Fesler
Sentang

Deposition of Juan Ysidoro Arrys

United States of America }
State of California } ss }
San Francisco April 7th 1854

This day personally came before Peter Lott a Commissioner for taking testimony to be used before the Board of United States Land Commissioners in said State Juan Ysidoro Arrys a witness on behalf of the claimant in case number 279 on the Docket of said Board

In which proceeding Miguel Avila is claimant and the said witness being duly sworn on oath deposed in Spanish which was interpreted into English by the interpreter to said Board as follows to wit

The U S Law Agent is present

Question by Judge Hayes attorney for Claimant

Question what is your name age and present residence

Answer my name is Juan Ysidoro Arrys my age 73 years my present residence is the Rancho of San Joaquin belonging to Cruz Cervantes near the Mission of San Juan Bautista which is in Monterey County California I do not know whether the place where I live is in Monterey or Santa Clara County

Question how long was you born and have you constantly resided

answer Has been in the Mission Dolores of San Francisco County I have lived the greater portion of my life at Monterey where I was soldier 16 years prior to hunting in the state of California

3 Question Do you acquainted with Antonio Maria Castro, and the Rancho known by the name of Viga del Rio del Pajaro if yes state where the said Rancho is situated when the said Antonio Maria Castro took possession of it and how long and in what manner it was subsequently occupied

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Answer I was acquainted with Antonio Maria Castro he came with Juan Andrade from Loreto as a soldier he was for a time at Monterey as a soldier I know the Rancho Pajaro it is adjoining the Rancho Las Aromas I think about two leagues distant from San Juan Bautista

I think the said Castro took possession of the Rancho in the year 1829 he had a house there in which he lived with his family until he died after which time his son continued to occupy the Rancho till it was sold to Juan Anzar his surname was Antonio

There are in the Rancho small orchard and enclosures of about ten of the land for cultivation, there are horses and cattle on it Juan Anzar lived in the Rancho till he died and his family are still occupying it, the Rancho has been occupied all the time since 1829 without interruption by the persons I have named

4 Question Do you know anything of judicial possession being given of the said Rancho to Jose Antonio Castro in the name of his Father while Figueroa was Governor and also whether land marks (banderola) were placed around the boundaries whether you have seen these land marks and could you point out the spots where they were placed

answer I know Judicial possession was given to Antonio Maria Castro when this Rancho gave that of Don Juan Anzar I saw a banderola or flag which was placed at an oak tree marked with an axe that

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is the only land I have seen
5th Question Do you know the boundaries of the Rancho as it has been occupied since 1821 and Could you point them out on the land

Answer I do know them and could point them out if I was on the Ground
6 Question Is there a well running in the boundary of said Rancho called Bahuna de Canino which you could point out
Answer There is such a place and I could point it out
Cross examined by United States Law Agent
1 Question What are the boundaries which in answer to Question 5th You say you could point out
Answer Again where the road goes down to the river de Pajaro to the edge of the Chaparral and the hill which divides the Rancho from Juan Alvarez Rancho these are all the boundaries I know of
Re Examined by Claimants Counsel
1 Question Does the Rio Pajaro bound the Rancho on one side
Objected to as leading by the United States Law Agent
Answer It is bounded on one side by the Rio Pajaro and on the opposite side by the Rancho of Juan Jimeno on another side by the Rancho of Calleja and on the other side by the Rancho of El Colorado and the hill which divides it from Alvarez Rancho called Animas

Juan Ysidro Arroyo his
X mark

Subscribed and Sworn to before me this 7th day of April AD 1854
Peter Lott
Commissioner
presiding Listening &c

Filed in Office April 7th 1854
Geo Fisher
Recording

Recorded in Land Book B. Volume 1 Page 172
Geo Fisher Recording

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Deposition of Jose C Boronda

BORONDA

United States of America }
State of California ss }

San Francisco April 6th 1854

This day personally came before Peter Lott a Commissioner for taking Testimony to be used before the Board of United States Land Commissioners in said State Jose Bernardo Boronda a witness on behalf of the claimant in case number 279 on which Juan Miguel Anzar is claimant

And the said witness being duly sworn on oath deposed in Spanish which was interpreted into English by the interpreter of said Board as follows to wit

The United States Land Agent is present

Questions by Judge Hawes attorney for claimant

Question what is your name age and present residence

Answer my name is Jose Bernardo Boronda my age about 62 years my residence in Monterey County California

Question how are you acquainted with Antonio Maria Castro in his lifetime and with the Rancho known by the name of Vega del Rio del Pajaro if you state where the said Rancho is situated and when the said Antonio Maria Castro first took possession of it how long and in what manner he occupied it

Answer I know Antonio Maria Castro he was my Fathers Law and came to this country with Don Joaquin Arillaga the Governor a great many years ago

I do know the Rancho Vega del Rio del Pajaro it is situate in the County of Monterey on the River del Pajaro Antonio Maria Castro took possession of the Rancho I think in 1820 he lived there till he died

I think that was about the time when Figueroa was Governor there and there he was built on the place by Castro he made canals planted an Orchard and enclosed portions of the land

The said Castro lived on the place with his family it was their home till

his death and the family continued there after his death till they sold the place to Don Juan Anzar now deceased

I think that was in 1840 Anzar immediately took possession and established with his family his horses and cattle and went on to cultivate the land he lived in the place till he died and his family still live there

3 Question Give the names of the children whom Jose Antonio Maria Castro left and which he left and how if you know whether she is still living

Answer He left Antonio Asin and Francisca a daughter these are the only children he left Francisca is now married He left Francisco Pilar Rosario Guadalupe Thekad not other children and left no others

4 Question Name the children and tell us whom Don Juan Bautista Anzar left and how he left and how if you know how many children and which of them are still living

Answer I cannot tell their names I believe there are three they are small Children Anzar left and now married Maria Antonio Castro de Anzar who is still living with these children

5 Question In what service had Antonio Maria Castro been employed before he took possession of this Rancho

Answer He had been employed in the Military service He came as a soldier from Sonora with Don Joaquin Arillaga and continued in the same he and his son both for a long time He was at the Rancho of Monterey under Governor Sola He was in the Military service up to the time he took possession of this Rancho

6 Question Do you know of the widow and children of Antonio Maria Castro going into possession of this Rancho

Answer They did delivery the possession to said Anzar and he was recognized as the owner by the widow and children of said Castro deceased and they still recognize it as belonging to Anzar's family

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Cross examined by United States Law Agent

Question How do you know that Antonio Maria Castro occupied this Rancho in 1820 and 1821
Answer Because I saw it I have any poor memory of dates and it is occasionally hard to that I remember the time
2 Question Does and to what extent did Castro occupy the Rancho between the years 1821 and 1824 inclusive
Answer He built two of the houses within that time and cultivated his houses and crops and a portion of the land cultivated he occupied almost always

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Jose Canto Binda

Subscribed and sworn to before me in this 6th day of April AD 1854

Peter Lott
Commissioner
for taking Testimony

The above named witness appeared again in the following day and being again sworn answer as follows in the same case (to supply an omission in the interrogatories of yesterday)

The United States Law Agent being present and consenting to this form of amendment
Question by Claimants Attorney Look at the paper marked Exhibit No 2 A Framed to the deposition of Jose Antonio Arzan and state whether you executed the document at the time of its date and saw your wife Maria Francisca Castro execute the same and whether she is the daughter of Antonio Maria Castro answer before mentioned by you in the preceding deposition

Answer I did execute it and saw her execute it and she is the same daughter of Antonio Maria Castro before mentioned by me

Jose C. Binda

Subscribed and sworn to before me this 7th day of April AD 1854 Peter Lott Commissioner &c
Filed in office April 7th 1854 Geo Fisher Secy
Recorded in Book B Vol 4 Page 144
George Fisher Secretary

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Doc. J. W.
Annexed to the deposition of J. Arguello. Taken before Wilson

Jurisdicion de Monterrey. Año de 1833.

Señalamiento de linderos y posesion otorda al C. Antonio Castro del terreno llamado la Vega del Rio del Payaro.

Sello tercero Dos reales.

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. José Rafael Gonzales.

Monterrey. Junio 11 de 1833. Sor. Gefe Supr Politico.

Ocurro esta parte al Alcalde de esta capital quien en virtud de las constancias que presente para acreditar la propiedad que tiene del terreno en cuestion le dara la posesion juridica que pretende, señalandole los linderos que le correspondan, pues á su autoridad toca el conocimiento de este negocio. El Señor Gefe Superior Politico de este Territorio así lo mandó, decretó y firmo de q. doy fé.

Figueroa.

Agustin V. Zamorano. Srio.

El Ciudadano José Antonio Castro Vecino y Residente en este Puerto ante V. S. con el mas debido respeto compareso y digo: que a nombre de mi anciano Padre en virtud de su bejes y con suficiente poder, hago presente: que como Vera V. S. por el adjunto documento que acompano le fué concedido el sitio llamado la Vega del Cajiro con la estension que en el se manifiesta: pero siendo tan corto y reducido, por haberse le cercenado por D. Luis Argüello tres cuartos de legua el que considero no tenia poder pa anular una posesion legitima agraciando con este perjuicio al sitio de los Cajentos Vallejo y Pico en esta virtud y considerando q. en V. S. residen las mas amplias facultades y alta penetracion como podra subsistir una numerosa familia con que me allo! reduciendo me a no poder cultivar ni fomentar el terreno como e dho. cercenado y sujetandome en todo á la bien conocida y sabia disposicion de V. S. Informando me por el diseño que acompano de su ancho y largo probea lo que allase de Justicia

P. t. A. V. S. rendidamente Suplica se digne en virtud de que trase tres años que lo pose cultivando Proveyendo y plantando arboles frutales se digne en virtud de su bien conocida beneficencia, darme la posesion legitima y lo que en el Imploro si así lo allase de Justicia. Jurando no ser de malicia y lo necesario. Mont.y 11 de Junio de 1833.

José Antonio Castro.

Sor. Comandante.

Antonio Maria Castro, cabo Invalido de la Compañia del Presidio de Monterrey con el profundo respeto

Mision de San Carlos. 17 abril de 1820.

En atencion à los meritos del Supliente le concedo en nom bre en Nro. Augusto Monarca el Sor. Dn Fernando 7.mo q. D.G. el parage nombrado la Vega del Pajaro pa que pueda poner en el los Ganados de su pertencia y hacer las siembras q. le acomoden.

Sola.

Monterey. 8bre. 25. de 1822.

Para evitar discordias entre los colindantes que lo son de el ant- cesado se le impone su este indi viduo que deva llamar propias ó con las circunstancias que le per -mite el antecedente decreto, las tras que hay desde los linderos de la Mision de S. Juan Bautta hasta el camino Rl. que para pa Angiello

Sola Vuelta

q sumicion que devo à V.S. le hago presente q. hay ando -me determinado à poner mis pocos bienes en una situacion para su aumento y esta no poderme la faci litar V.S. á mi primer pedimento por su terreno de los avecindados de la Villa de Branciforte y parage prestado à los Ministros de la Mision de Sta Cruz a su bondad suplico se digne darme el parage que de V.S. solicito que es la Vega del Rio del Pajaro hasta llegar à los linderos de la Mision de San Juan que segun se es ancho y no se perjudica ninguna de las dos Misiones ni menos de la Poblacion de la Villa por esta fuera de sus terrenos. Estas tierras que solicito para mejor certificar à V.S. son las que sembraba el difunto Farias si V.S. adopta mi peticion en semejante parage la que espero de su benificencia para mi lagro. Y quando esto no pueda ser se sirva prestarme el inclinado parage que tengo pretendido con anuencia q. quando se me pida inmediatamente sacare mis bienes y lo entregare este espresado parage que da al Norte y lo q. pido en propiedad. Al Sur. el que espero la gracia de la bondad de V.S. Por lo que suplico rendi -damente à V.S. dire en esta peticion segun a cost -umbra su mucha benignidad y recta Justicia gracia y merced que espero de su piadoso corazon y cristiano zelo.

José de la Torre
Sno.

Sumenor Subdl. G.S. Ministro del Presidio de Monterey
17 de Abril de 1822. Antonio Maria Castro.

Pone Sollano a Mayor plan.

Sello tercero Dos reales.

Habilitado provicionalmente por la Aduana Maritima de Monterey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

Figueroa. José Rafael Gonzales.

Monterey 16 de Junio de 1833.

Derechos segun tasacion pr. el Asesor del territorio 36 ps. seis reales. T.

En cumplimiento del Superior decreto marginal de 14 del corte procedase pr mi el presente Alcalde á la medicion señalamiento de linderos y posesion Judicial que solicita el interesado en este Expediente señalandose para efectuarlo el 25 del actual para lo que se citaran con boleta de comparendo á los colindantes. Asi lo el Alcalde Constitucional lo decreté mandé y firmé con los de asist.a Marcelino Escobar. assa. José Maria Maldonado de assa. Quintin Ortega.

En la pha. presente el C. José Antonio Castro á nombre de su padre Antonio Maria se le notifico el auto q. antecede y de el entendido dijo: lo oye q. se daria pr citado y lo firmó con migo y los de asta.

M. Escobar. José Antonio Castro.

assa. José Maria Maldonado. assa. Quintin Ortega.

En la misma pha. se libraron las boletas q. se mandan en el antecedente auto y lo rubrique pa constancia. En el Rancho del Pajaro á los veinte y seis dias del mes de Junio de mil ochocientos treinta y tres en cumplimiento del auto de 16 del presente, concurriendo los CC. José de Jesus Vallejo José de Jesus Pico, Joaquin Soto y á nombre del R. P. de la Mision de San Juan Bautista con poder bastante, Pascual Garcia, colindante de este Rancho y citados para la medicion deslamto de linderos y Posecion nombré por medidores á los CC. Juan Rios y Inimidad Rosas quienes previa la aceptacion y juramento, procedieron al desempeño de su encargo. Asi lo el Alcalde lo decreté, mande y firmé con los de assa. = Entre renglones = Pascual Garcia. = Vale. Escobar.

de assa. José Maria Maldonado. assa Quintin Ortega.

En la pha. se les notificó el auto q. antecede á los colindantes y entendidos dijeron que lo oyen y firmaron con migo no haciendolo Joaquin Soto y Pascual Garcia pr. que dicen no saber.

M. Escobar. José de Jesus Vallejo. José Pico.
de assa. José Maria Maldonado. de assa. Quintin Ortega.
En la ftha. y en el espresado Rancho se les notificó el auto antecedente á Juan Rios y Trinidad Rosas y dijeron que aceptaban y aceptaron dho. encargo y juraron á Dios nuestro Señor y la señal de la Santa Cruz de usarlo fiel y legalmente a todo su leal saber y entender sin dolo fraude contra persona alguna y no firmaron por que dijeron no saber lo hice yo con los de asistencia

Sello tercero Dos reales.

Habilitado provicionalmente por la Administracion de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y tres y mil ochocientos treinta y cuatro.

Figueroa. José Rafael Gonzales.
que dan fé. M. Escobar. de assa. Quintin Ortega.
assa. José Maria Maldonado.

Incontinente Yo el referido Alcalde mandé traer á mi presencia el cordel con que se han de medir las tierras y que las medidores lo midan de cincuenta varas y lo firmé con los de assa. M. Escobar.
de assa. José Maria Maldonado. assa. Quintin Ortega.

Inmediatamente en presencia de mi el referido Alcalde los espresados Medidores tomaron un cordel de mecate y con una vara de medir usual Mejicana teniendola en la mano, midieron cincuenta Varas para hacer la referida medida y p.a constancia lo certifique.

Estando concluidas las antecesores diligencias se presentó el colindante Francisco Javier David a quien hechole saber el auto antecedente dijo: lo oye y lo firmó con migo y los de assa.

David Littlejon. M. Escobar. de assa. José Ma. Maldonado
de assa. Quintin Ortega.

En la misma ftha. Yo el presente Alcalde en vista de haver espuesto el C. Vallejo que sus heredores pertenecian hasta el camino real y que desde este se contaron los de la parte interesada, teniendo esta una huerta en la direccion del sereo q. señalaba los linderos del terreno del primero para asegurarse del cual era el renombrado camino por espresar el decreto que se halla á fojas 4 frente con fecha de 25 de 8bre de 1825 ser los que pertenecen al interesado se tomó una informacion verbal de los C. Trinidad Rosas, Joaquin Soto, Pascual Garcia, José Antonio Robles

y Juan Rios los tres primeros dijeron que en la fha en que está sentado el decreto se conveia el camino q. pasava dentro del sereo del C. Vallejo y los dos ultimos q. fueron en tal virtud se invito á los litigantes tuviesen una composicion de lo que resulto q. el C. Vallejo dijo q. se medisen desde la parte q. vajava el camino q. los tres primeros declararon y q. estaba pronto a tumbar el pedaso de sereo que correspondiera para la medicion y en atencion a que la repetida sereo solo es de ciento cincuenta y nueve varas dispuse Yo el presente Alcalde se comensará la medicion desde la vajada del camino teniendo q. meter Vallejo el repetido sereo cincuenta varas lo mas ancho siendo de mayor á menor su formacion debiendo ambas partes dejar libre el transito del camino. Asi lo Yo el Alcalde lo decreté, mandé y firmé con los de assa. = lo testado no vale. = lo entre renglones vale. =

M. Escobar. de assa. José Maria Maldonado. de assa Quintin Ortega. = En la misma fha. y en el referido Rancho siendo las nueve y cuarto de la mañana Yo el presente Alcalde mandé á los medidores nombrados se pongan para las medidas q. se le han de

Sello tercero Dos reales.

Habilitado provicionalmente por la Administracion ~~por~~ de la Aduana Maritima de Monterey para los años de mil ochocientos treinta y tres y mil ocho cientos sesenta y cuatro. Figueroa. José Rafael Gonzales.

hacer á José Antonio Castro á nombre de su padre y puestos en la vajada del camino que se relaciona anteriormente se comensó la medida teniendose el cordel al S.E. cincuenta cordeles y cincuenta al Este se puso otra sendorala y de esta al N. cien cordeles se señalo con vandenola, siguiendo toda la vega del rio al S.O. ciento dies y ocho cordeles hasto llegar donde comensó á medir y poniendose otra vendenola se dispuso se formaran mohoneras en cada una, dejando un diseño q. figure la forma del sitio medido y espresa las varas q. comprende al derredor, acompañando á este Espediente para constancia y lo firmó por ante los testigos de asistencia. = lo testado no vale. =

M. Escobar. de assa. Quintin Ortega. de assa. José Maria Maldonado.

En el referido Rancho y en el propio dia mes y año el Alcalde Constitucional de la municipalidad de Monterey despues de practicadas las medidas

del mencionado rancho por las que resultó tener trescientos cuarenta y cinco cordeles de á cincuenta V. que hacen el total de diez y siete mil dos cincuenta varas al rededor presentes los colindantes José de Jesus Vallejo Joaquin Soto José de Jesus Pico y a nombre del R. P. F. Antonio Ozuna Ministro de la Mision de S. Juan Bautista, Pascual Garcia y el colindante Franco Javier David conformes estos á escepcion del C. José de Jesus Vallejo que por la diferencia de cincuenta varas resistió el ultimo el deslamiento de linderos por la parte del camino real en razon de un cerco que tiene hecho y por informaciones que se recivió en el acto se justificó no pertenecerle el terreno en q. estaba y teniendo en consideracion la conducta con q. se agravió el C. Antonio Mª Castro en lo demas q. consta de autos: mandé q. entrase este en posesion del rancho bajo las medidas citadas y formalidades acostumbradas previniendo al mencionado Vallejo retirase el cerco á sus linderos ó promoviese lo q. le conveniera con lo que se concluyó el acto firmando los colindantes Pico Vallejo y David no asiendolo Garcia y Soto porque saber con migo y los de assª = lo testado = no vale.

M. Escobar. José de Jesus Pico.
David Littlefield de assa. José de Jesus Maldonado.
de assa Quintin Ortega.

En la ptha. se devolvio este Espediente al interesado en 7 fs utiles y para Constancia lo puse por nota y rubriquè.

Filed in office. September 2nd 1852.

Geo. Fisher. Secy.

21 b

Translation of Expediente

Three Leal Two Reales

Provisionally quantified by the administrator of the maritime Custom House of Santiago for the years 1833 and 1834

Fragoso

Santiago June 14th 1833

Let this Petition be transmitted to the Alcalde of this Capital so soon as the proofs that he produces to prove the ownership holds of the tract in question will give him jurisdiction possession which he asks for handing the corresponding boundaries as it is for him as such Alcalde to take cognizance of this Case

The Sub Supreme Political Chief of this Territory thus ordered and signed which I Testify

Figueroa

Agt Zamora Secretary

Jose Rafael Gonzalez

For Gefferior Political Chief the Citizen Jose Antonio Castro Citizen and residing in this Port. before you with most all respect appears and says that in the name of my old Father Antonio Maria Castro being unable in consequence of his age and being thus unfurnished expressly

That as you will see from the accompanying documents the site called the Vega del Pajaro of the extension therein shown was conceded to him but it being so small and reduced having been cut by Don Luis Aguilo three quarters of a league but when I consider to have no power to annul a lawful possession, farming with this injury the tract of Lieutenant Valdez and Rico by reason whereof and I believing that you have the most ample faculties and high discretion he could subsist an immense family which I have & being reduced to the impossibility of cultivating and improving the tract as I have stated to have been cut down and subjecting myself in every respect to your well known equitable decision after being informed through the accompanying sketch of its width and length you will provide what is of justice wherefore humbly prays that from the part that he possesses it for ten years cultivating raising stock and planting fruit trees you will please from your well known beneficence grant me

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PAGE 21

legal possession and all that I implore of your
justice so to do I declare it not to be false
and the necessary &c Monterey 11th June 1833

José Antonio Castro

Mission of San
Carlos 17th April
1820
In consideration of
the merits of the
Petition I concede
in the name of
August Monarch
Sr Don Fernando
the 7th whom God
preserve the place
called the Vega del
Pajaro that he may
place therein his
cattle and property
and make the fan
ning that suits
him

Sola
Monterey October
25th 1824
To avoid discord
between the neigh
bors of the party
interested the latter
is informed that
he should call
his own under
the circumstances
which the foregoing
decree affords him
the lands lying
within the boundaries
of the Mission of
San Juan Bautista
to the Honorable
Diputado to Santa Cruz
Miguel
José Joaquin de
la Torre
Secretary

Antonio Castro an
invalid a corporal of the Company
of the Rl Presidio of Monterey
with the utmost respect and
submission to your Excellency
that I being determined to place
my small stock in advantageous
its increase and which you
are unable to grant me at
any fixed Petition it being lands
of the neighbors of the Village
of Branciforte and a place land
to the Ministers of the mission
of Santa Cruz.

If my poverty
goodness you will please grant
me the place which I solicit now
and which is the Vega del Pajaro
up to the boundaries of the mis
sion of San Juan which as far
as I know is common land and
none of the missions will
be thereby injured or the people
of the Village either being
without lands. The lands
which I solicit to appraise you
better than any other which the
late Lands used to cultivate
If you will admit my petition
for such a place and I hope so
from your benificence and if
this cannot be done be pleased
to loan me the aforesaid place
which I have an entirely solitary
and when it be asked of me
again I shall immediately take
my stock away and deliver it up
the said place lies at the north
and the one I ask from omission
lies at south which favor you
goodness I hope to obtain

Therefore I humbly pray you will act in regard to this Petition as you usually do from your benignity and upright Justice from which I hope to receive from your pious heart and charitable zeal

This your humble subject who kisses your hands Antonio Maria Castro

Presidio Monterey 17th April 1820

Monterey 16th June 1833

Fresas per valuation by the assessor of the Territory 36 Dollars 1½ Reals

To fulfil the Superior decree of this 14th instant which is in the margin of the present decree, shall proceed to the measuring marking of the boundaries and judicial possession which the party interested in this Expediente solicits the 26 instant being appointed to that effect for which the adjoining neighbors shall be summoned to appear

Thus of the constitutional Alcalde decreed ordered and signed together with the assistants

Macario Escobar
witness

witness
Jose Maria Maldonado Lorenzo Ortega

On the date the foregoing order was notified to the citizen Jose Antonio Castro in stead of his father Antonio Maria and having understood it he said he knows it and admitted the same and signed this together with myself and the assistants

M. Escobar
assist

Jose Antonio Castro
assist

Jose Maria Maldonado Lorenzo Ortega

On the same day the subpoenas ordered in the foregoing order were served and in proof I attach my rubric

R. F.

at the Rancho del Pajaro Oct. 26th day of the month of June 1833 in compliance with the order of the 16th instant meeting through the citizens Jose de Jesus Vallejo Jose de Jesus his Joaquin Soto and Pascual Zacua empowered for the R. F. of the Mission of San Juan Bautista adjoining neighbors of this Rancho and summoned for the measuring marking of the boundaries and possession I appointed as measurers the

the citizens Juan Rios and Fundad Rosas who upon the acceptance and oath shall proceed to the performance of their charge Thus I the Alcalde demanded and signed it with the assistants M Estrad Pascual
Garcia M Escobar
witness witness
Jose Maria Maldonado Quintin Ortega
On the same date the preceding were notified to the adjoining neighbors and they having understood said that they knew it and they signed with myself Joaquin Lotsan Pascual Garcia and not sign it as they said they could not
M Escobar Jose de Jesus Vallejo Jose Rui
witness witness
Jose Maria Maldonado Quintin Ortega
On the date at the said Rancho the foregoing were notified to Juan Rios and Fundad Rosas and they said that they accepted and did accept said charge and swore before God an Lord and on the sign of the Holy cross (to fulfil it) faithfully and legally to the best of their knowledge and understanding without fraud against any person they did not sign as they said they could not Ideed sound the assistants which they testify
M. Escobar
witness witness
Jose Maria Maldonado Quintin Ortega
afterwards I the said Alcalde ordered to be brought to my presence the and to measure the lands such and that the measurers should measure it off fifty varas long and signed this with the assistants M Escobar
witness witness
Jose Maria Maldonado Quintin Ortega
and immediately in the presence of myself the said Alcalde the said measurers took a cord and with a usual measure holding it they measured fifty varas to make the said measure and in proof I attached my Rubric R.F.
Whereupon proceedings having been concluded appeared the Mayordomo Francisco Garcia Duarte to claim the foregoing under the name he said he was and make signs therewith

myself and the assistants M. Escobar
David Little John
witness witness
Jose Maria Maldonado Justino Ortega
On the same date the present Alcalde in virtue of the letter valley having stated that his boundaries reach to the Summit road and that from time immemorial to be those of the party interested the latter having acceded in the auction of the price which marks the boundaries of the farms lands in order to ascertain which was the true road

It being declared in the decree on page 2 bearing date the 25th October 1874 that they are those which belong to the party interested I caused to be taken a complete information from the citizens Trinidad Rosas Joaquin Soto Pascual Garcia Jose Antonio Robles and Juan Rios that the farms said that up to the date of the decree the road was blocked that crossing the pueblo valley and the latter two that it was usual for the
Abundant
the litigants merely to make a cultivation and the consequence was that the valley same is might be measured from the point where the road descends as stated by the three from another heavy ready to fall down the line of fence so as to open to the measuring and in consideration that the said fence is only four hundred and fifty three varas

The present alcalde ordered that the measuring should begin from the descent of the road valley having to deduct said fence fifty varas as the boundaries from being merely and both parties being open the passage of the road thus the alcalde dictated and signed with the assistants M. Escobar
witness witness
Jose Maria Maldonado Justino Ortega
On the same date and as the same Rancho is being equally past nine a measurement made and the appointed measures open and to the measurement of the land in which they

auto make to José Antonio Lastra in the name
of his Father and they having proceeded to
the ascent of the road before stated the me
asuring was commenced the cuadra being dem
of the 3 & fifty cuds and fifty to the East where
a little flag was stuck and from this to W
twenty seven cuds another little flag was stuck
and from this to North a hundred cuds it was
marked with a little flag following along the
River bottom to the S W a hundred and
eighteen cuds to the place of beginning and
putting up the little flags it was agreed to make
landmarks as each of them drawing a sketch
and showing the form of the site thereof and
mentioning the varas comprehended in the
circumference to accompany this exhibit
for proof and I signed it before the assistant
witnesses M Cooper
assist assist
José Ma Maldonado Quintin Ortega
at the said Rancho and on the same day month
and year of the constitutional Alcalde of the
Municipality of Monterey after the said me
asure of the said Rancho had been finished
by which resulted to have three hundred and
fifty four cuds of fifty varas each which
indicated a total of seven thousand two hundred
and fifty varas around it being present the
neighbors José de Jesus Vallejo again sworn to
José Apolinario Pico under the name of the R. Pr. Prop
Antonio Anzar formerly of the Mission of San
Juan Bautista Pascual Garcia and the Engineer
Don Francisco Jacinto David and again duly sworn
with exception of the Señor de Jesus Vallejo
who for advanced age of fifty varas objected as
last to the marking of boundaries in the form
of the Mission Road by reason of a fence which
has been made (there) and from the information
that was taken in the act the land where it
stood was proved not belonging to Mission
nor of the Concession which the Alcalde
named Lastra was found and of all other the
matter as proved by the record and the latter
to enter into possession of the Rancho under
the said measures and usual formalities

warning the said valley to withdraw the pine
of his mines or to take such steps as he finds
proper whereupon the matter ended signing the
neighbors Rio Valley and I did not deny
so Sanna and Lots as they could not with
myself and the assistants M Escobar
Jose de Jesus Rios David Leite John
assist assist
Jose Maria Maldonado Quintin Ortega

Note same date this Expediente was delivered
to the party interested in Sumpages and in
proof I noted it and attached my rubric
R G

Filed in Office June 28th 1852
Geo Fairfax
Sec

A.
Copy original Grant

Rancho la Vega del Pajaro. = Sor. Gobernador: Antonio Maria Castro Cabo Invalido de la Compañia del R. Presidio de Monterey con el profundo respeto y sumision q. debo á V.S. le hago presente q. hallandome determinado a poner mis cortos bienes en una situacion pa su aumento y esta mi poderme la facilitar V.S. a primer pedimento q. ser terreno de las arrendados en la Villa de Branciforte y parage prestado de los Ministros de la Mision de Santa, a su bondad suplico se digne darme el parage que de V.S. solicito q. es la Vega del Rio del Pajaro hasta llegar dos linderos de la Mision de San Juan q. segun si es redango y no se perjudica á ninguna de ellas dos Misiones ni menos á la poblacion de la Villa por estar purra de las terrenos. Estas tierras que solicito pa mejor lentificar a V.S. son las que sembraba el difunto Larios, si V.S. adopta mi peticion en semejante parage la que espero de su beneficencia pa mi lagro. Y quando esto no pueda ser, se sirva prestarme el indicado parage q. tengo pretendido en ausencia q. cuando se me pida inmediatamente sacaré mis bienes y se le entregaré: Este es pesado parage queda al Norte y el q. pido en propiedad al Sur d que espero lugrar de la bondad de V.S. = Por lo que suplico rendidamente obra en esta peticion gracia y merced que espero recibir de su piadosa Corazon y caritativo celo: Su menor Subdito q. S. M. B. = Presidio de Monterey 17 de Abril de 1830.

Decreto. En atencion á los meritos del suplicante le concedo en nombre de nuestro augusto monarca el Sor. D. Fernando 7.mo q. Dios que el parage nombrado la Vega del Pajaro pa que pueda poner en el los Ganados de su pertenencia y hacer las siembras que le acomoden = Sala. = Otro. Para evitar discordias entre los ciudadanos que los on del interesado, se le impone este individuo q. debera llamar propio ó con las circunstancias que le permite el antecedente decreto las tierras que hay desde los linderos de la Mision de S. Juan Bautista hasta el camino real q. pasa pr Santa Cruz. = Arguello. = José Joaq.n de la Torre = Srio.

Este Rancho se compone sus terras de una legua al Poniente al Sur Lomas y Chaparales, al Oriente un cuarto de legua Al Oriente: Lo linda con la Mision de San Bautista, lo deside el Rio de Pajaro de los linderos de la Villa y de D.n Francisco de Haro. Sus tierras son de temporal y se tiera con la manera

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que se tenale al margen sus Gonzalos.

Office of the ~~United~~ States Surveyor Gl of the United States for California.

I Samuel D King Surveyor General of the United States for the State of California and as such now having in my office and under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby Certify that the writing on the two preceding and hereunto attached pages of tracing paper numbered one and two and each of which is verified by my initials (SDK) is truly and accurately copied from two pages of an ugly bound book marked "1828. Cuaderno del Registro de los Sitios, fierros y señales que poseen los habitantes del territorio de la Nva California on file and forming part of the said Archives in this office.

In testimony whereof I have hereunto subscribed my name officially (not having a Seal of office) at the City of San Francisco Cal. this second day of March 1852.

Samuel D King.
Surveyor Gl. Calyo

Filed in office. June 28th 1852.

Jev. Fisher.
Secry.

31 1846 Rancho La Tegada Papers
Juan Bautista

Translation of a copy of original Grant

Antonio Maria Lugo an inhabitant citizen of the Congregation of the Angel Presidio of Monterey with proper respect and due submission represents to your Excellency that having asked permission of your Excellency to place his stock on a place called Simi which belongs to your Excellency, petitioned in consequence of the lands belonging to residents of the adjacent town of Santa Barbara and the place being to the missions of Santa Barbara he has gone to have the kindness to grant him the place which he solicits of your Excellency which is the reason why he has set forth to the boundaries of the mission of Santa Barbara and as he knows it is real enough and that within of the mission must be inspired thereby and has the intendant of the said of being ignorant of their lands, for the better information of your Excellency the lands which he solicits are those which the adjacent lands of your Excellency should accept his petition for the said place which limits he knows to cause prejudice your kindness, and if this cannot be will you be pleased to grant him the said place provided he petitions with the understanding that immediately upon obtaining against of his stock therefrom and surround in the arms and place his to the stock and that of which he asks the ownership to the said to which he hopes to merit from the kindness of your Excellency. Therefore humbly prays your Excellency to accept this petition with your accustomed generosity and uprightness of favor and protection which he hopes obtain from your liberality and charitable zeal. Your most humble servant who kiss your hands

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Presidio of Monterey April 17th 1820

(signed) Jose Arguello

(Decree)

Mission of San Carlos
April 17th 1820

In attention to the merits of the petition
I grant him in the name of our August
Monarch Señor Don Fernando 7th
the upon bond, preserve the place named
La Vega del Pajaro that he may put
thereupon the cattle that belong to him
and make such savings as belong and
(signed) Sola

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PAGE 31

In order to prevent disputes between the
brandee and his colindantes he is
hereby notified that he shall confine
his so far as the pursuing decree par
ticularly from the boundaries of
the Mission of San Juan Bautista to
the mouth (Boca) which leads to
Santa Cruz
(signed)

(signed) Arguello
Jose Joaquin de la Torre Sec

20 The lands of this Rancho embrace one
league to the west of the Santa Cruz
and bounds on the east on north
of a league. It adjoins the Mission of
San Juan Bautista on the east and
the Rio del Pajaro separates it from the
boundaries of the Villa and of Don
Francisco Estrada the lands therefore
transport and brands his cattle with
the mark which is shown in the margin
Hand Cutts the foregoing to be a true & correct
translation of a document in case No 279
on the Docket of the U.S. Land Commission
Witness a copy organic from
witness my official signature this 28th
day of June A.D. 1852 Sir Fisher Sec
filed in office June 28th 1852
Sir Fisher Sec

22 DR

Exhibit No 1. A. T. annexed to the deposition of José Antº Anzar.

Sello Segundo Doce reales.
Habilitado provisionalmente por la Aduana Maritima de Monterey para los años de 1839 y 1840.
(Seal) Alvarado. Antonio Maria Osio.

En el Puerto de Monterey á las once dias del mes de Mayo del año de mil ochocientos cuarenta ante mi David Spence Juez de Paz Constitucional de esta Jurisdicion y por ante los testigos de asistencia con quienes actuo en la forma establecida á mas de los instrumentales de que al fin se hara mencion parecio de presente D. José Antº Castro de esta vecindad que doy fé conozco y dijo: que por si y á nombre de la Senora su madre de quien es apoderado y de sus hijos, herederos y sucesores y de quien de ellos hubiere titulo, voz y fama en cualquiera manera, vendé y dá en venta solemne y enagenacion perpetua por Juro de heredad para siempre Jamas á D. Juan Miguel Anzar vecino de esta Jurisdicion que tambien doy fé conozco las dos terceras parte del terreno del rancho situado en el pajaro que por la testamentaria de su finado padre le pertenecen en la cantidad de mil dos cientos pesos que se pagarán en los terminos siguientes tresientos pesos en numerario: quinientos sesenta pesos en doscientos vaquillas y treinta toretes de dos años que deberá recibir el vendedor del dia diez al veinte de Julio proximo entrante y tresientos cuarenta pesos en efectos del primer buque mercante que toque en la costa ó efectos á precio de factura de los que tenga en la casa el comprador ó de la tienda que guste en Monterey. De los tresientos pesos en numerario tiene recibidos catro ciento cincuenta pesos y el resto se obligue Anzar á entregar en todo el mes de Agosto como ultimo plazo: en tal virtud y corriendo agregados a esta escritura el titulo y posesion Jurídica del dicho terreno, declara y asegura el otorgante no tenerlo vendido enagenado ni empeñado y que esta libre de todo gravamen publico, perpetuo temporal especial general tacito ó expreso: y como tal se la vende en el precio dicho: y sobre no parecer de presente la entrega, renuncia las leyes de ella, las de su prueba y pago del recibo como en ella se contiene; y asi mismo declara que el Justo precio y verdadero titulo son los referidos mil dos cientos pesos y que no vale mas y en caso de que mas valga ó valer pueda del exceso en mucha ó poca suma hace á favor del

comprador y de sus herederos y sucesores gracia y donacion pura perpetua é irrevocable que en derecho se llama entre vivos con insinuacion y demas primeros legales, renunciando las leyes que tratan de los contratos, trueques y de otras en que hay lesion en mas ó menos de la mitad del justo precio: y desde ahora en adelante para siempre se desapodera desiste quita y aparta y á sus herederos y sucesores del dominio ó propiedad, posesion, titulo accion recurso y otro cualquiera derecho que le competa al enunciado terreno lo cede y traspasa con el comprador y en quien la suya represente para que lo posea goce cambie enajene, use y disponga de él ó su eleccion como de cosa suya adquirida con legítimo y justo titulo: Y á la observancia de todo lo referido obliga el otorgante todos sus bienes habidos y por haber y con ellos se somete al fuero y jurisdicion de los señores Jueces y Justicia que de sus causas puedan y deban conocer conforme á derecho para que á su cumplimiento le compelan y apremien como por sentencia definitiva consentida y pasada en autoridad de cosa Juzgada que por tal lo recibe. renuncia las leyes que en el caso le favorezcan y la general del derecho en forma tanto: en cuyo testimonio así lo otorgó y firmó con migo y los citados testigos de asistencia los CC. Eduardo Serrano y José L. Fernandez y José L. Fernandez siendo los instrumentales los de igual clase, Antonio María Otéo Gumercindo Flores y José R. Gonzales. = David Spence. Antonio María Castro. ass. Florencio Serrano. ass. José L. Fernandez. = Instrumental Antonio Mª Otéo. Instrumental. Gumercindo Flores. Instrumental. José R. Gonzales.

Concuerda con la original que existe protocolada en el archivo de este Juzgado de mi cargo, á que me remito: Sacase para la parte este testimonio en cuatro fojas utiles de a folio: la primera del sello siguiendo y las restantes del comun por carecerse del sellado correspondiente. Siendo testigos de verla, cotejar corregir, y enmendarse los CC. José Abugo y Benito Deá. Monterrey. doce de Mayo de mil ochocientos cuarenta. David Spence. de ass. Florencio Serrando. ass. José L. Fernandez.

Filed in office. Oct. 8 de 1853.

Geo. Fisher. Secry.

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Translation of Exhibit No 1 A F annexed to the Depo of J. A. Amzar

Lead 2nd 12 Reales
Provisionally authorized by the Administrator Custom House at Monterey for the years 1839 and 1840
Signed Alvarado Signed A Pico Alcalde
Fees 3
Fees 3
At the Port of Monterey and the month of November one thousand eight hundred and forty. Appeared before the Superior Constitutional Judge Pro Tem of this Jurisdiction and before the assisting witnesses with whom I act according to Law besides the subscribing witnesses whose names shall be found at the conclusion hereof.

Personally came Don Jose Antonio Carrillo of this vicinity to me known and claimed for himself and in the name of his mother as heir adding.

His brothers and children and successors and of whom soever of them may have title or cause and power in any manner whatsoever he sells and gives in formal sale and perpetual alienation by right of inheritance forever.

Unto Don Juan Bautista Amzar resident in this Jurisdiction also to be known the land parts of the lands of the Rancho situated on the Papare which by Testimonio consists of one of his ancestors Father to wit.

For the sum of one thousand two hundred dollars to be paid as follows: three hundred dollars in cash five hundred and sixty dollars in ten hundred heifers and thirty two year olds Bulls which the said Amzar shall receive between the tenth and twentieth days of July next and three hundred and forty dollars in merchandise

from the first Merchant man that
touches on the coast.

Or goods at the factory price from those which the vendor
may have in his house or from the store
that he may choose in Mentas.

Of the
three hundred dollars in money the said
Custo has received one hundred and
fifty dollars and the said Amzor
binds himself to pay the balance
during the month of August as the
last instalment.

In witness whereof and
the title and peaceful possession of
the said land being attached to this
instrument the vendor declares and
guarantees that he has not sold, alienated
or mortgaged it.

And that it is free from
any incumbrance whatever public or private
not liable to forced judicial sale taxes or
of seizure and as such he sells it to
him for the price aforesaid

and the
aforesaid Amzor appearing the
Summons the Law respecting the
same thing of the proof of tender and
exchange from the receipt as contained
therein,

And he like wise declares the
aforesaid one thousand ~~two hundred~~
~~dollars~~ the fair price and real
value of the ~~sites~~ aforesaid and that
it is unto no more,

and in case it may
or can be unto more of the or less whether
much or little to the vendor his heirs and
successors he makes fast and durable
giving perpetuity and irrevocability which
in Law is termed intervivos with
insinuatio and all other legal
rights renouncing the Laws which
treat of contracts and exchanges and
of letters in which there is abridge upon

more or less than half of the just value and hereunto and prior he surrenders assists hits and separates himself his heirs and assigns from the dominion ownership possession title power and claims and any other right whatever which he may have to the aforesaid lands

He relinquishes and transfers it in the name and in whom may hereafter his interests that he may possess enjoy exclusive absolute use and enjoyment of it at his choice.

as a thing of his own acquired by legitimate and just title.

And for the fulfilment of all of the foregoing he binds all of his present and future property and returns to submits himself to the authority and jurisdiction of the tribunals juices and justicia where and should the cognizance of his causes according to law that they compel and coerce him to the fulfilment thereof as by a definitive sentence consented to and rendered upon the authority of the judicial tribunals such he recognizes

He renounces the laws which in the case may favor him and the general law of right in all form

In testimony whereof he thus executes it and signs with me and the aforesaid assisting witnesses Lorenzo Hernandez and Jose Z Fernandez and Antonio Maria Osio Jr Flores and Jose R Fernandez being the instrumental witnesses

signed

David Spence

signed Antonio Maria Osio

assisting witness
signed
Florencio Serrano
signed
Jose Z Fernandez
Interpreter witness
signed
Antonio Maria Asco
signed G. Flores
" Jose R. Gonzalez

I agree with the original on file in the archives of this Jurisdiction
Mr Charge which expense is made
This
testimony was made upon written
leave for the party the first of the sections
per and the balance on common
paper for the reason of that of the portion
fee.
Witness Jose Abergian Bonito
this to examine copy correct and sums
Witness May 12th 1844
signed
Lewis Spence
assisting witness
signed
Florencio Serrano
signed
Jose Z Fernandez

Satisfy the foregoing ~~testimony and~~
~~testimony~~ contained of Exhibit Number
A. P. annexed to the deposition of
Jose Antonio Ainar in case number
279 on the Docket of the United States
Land Commission
witness my official signature
this 8th day of October 1853
signed
Ben Fuller
Sec
Filed in Office October 8th 1853
Ben Fuller
Sec

39 Deed of Confirmation

This Indenture or Deed of Confirmation made this seventh day of May AD 1854 between Jose Antonio Castro and Maria Francisca Castro wife of Jose Canuto Bernda jointly with her husband of the first part and Manuela Castro de Arzar Juan Francisco Arzar Antonio Arzar and Policarpio de Guadalupe Arzar wife and children of Juan Miguel Arzar deceased parties of the second part witnesseth Whereas the said Jose Antonio Castro by deed dated May 11th 1849 executed before David Spence Alcalde and Justice of the Peace in the Pueblo of Monterey acting as well in his own behalf as in the same behalf of his Mother the widow of Antonio Maria Castro by so doing he was confirmed

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Red Grant

bargain sell and convey in fee simple absolute to the said Juan Miguel Arzar his heirs and assigns two thirds of the tract of land situated in the present county of Monterey then and still known by the name of Rancho del Rio del Pajaro and afterwards the said Maria Francisca Castro by Deed dated January 11th AD 1851 made and executed jointly with her said husband Jose Canuto Bernda did grant bargain sell and convey in fee simple absolute to the said Juan Miguel Arzar his heirs and assigns all their right title and interest in the eastern half of the Rancho or tract of land aforesaid acknowledging that the western half then already belonged to the said Juan Miguel Arzar by virtue of the aforesaid conveyance from Jose Antonio Castro which was true

And although it was the intention of the said Jose Antonio Castro in the deed first aforesaid to convey all the right title and interest as well of himself as of his said Mother so deceased in and to the whole of said Rancho and was the intention of the said Jose Canuto Bernda in deed by the deed last mentioned to convey all the right title and interest of the said Maria Francisca Castro of in and to the whole of the said Rancho or tract of land and the consideration paid in each case was for and on account of such full conveyance & although

the said Miguel Arzar in his life time and the said parties of the second part since his decease being his widow and heirs have been always recognized and acknowledged by the said parties of the first part to be the full and absolute owners of the whole of the tract of land or rancho aforesaid yet owing to the inability of the parties to produce at this time the power of Attorney referred to in the deed first above mentioned and to infirmities in the matter the execution and proof of both of said deeds as discussed by the parties of the second part that an explanatory and confirmatory document be executed in conformity with the intention of the parties as herein expressed

Now therefore this Indenture witnesseth and the said parties of the first part for and in consideration of the premises aforesaid and one hundred dollars to them in hand paid by the said parties of the second part receipt whereof is hereby acknowledged do grant bargain and sell unto them the said parties of the second part their heirs and assigns all the right title and interest of them the said parties of the first part as heirs of their said Father and Mother hereinbefore mentioned in and to the whole and every part and parcel of the aforesaid tract of land To Have and To Hold

the same with its appurtenances unto the said parties of the second part their heirs and assigns forever witness our hands and seals the date first above written

Signature of J. Antonio Castro
Antonio Castro
witnessed by Jose Bernardo Bernardo
J. L. Smith Ana Francisca Castro de Bernardo
and F. A. MacDougal mark
Signature of Ana Francisca Castro de Bernardo witnessed by
F. A. MacDougal

#2197

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State of California } ss
County of Mariposa } On this 11th day of May AD 1854 before me the undersigned Notary Public in and for said county personally appeared Jose Antonio Castro and Jose Leonardo Brown and Francisca Castro his wife to me known to be the persons described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned

And the said Francisca Antonia Castro wife of the said Jose Leonardo Brown being by me examined separately and apart from and without the hearing of her husband and the contents of the said instrument having been by me made known to her acknowledged that she executed the same freely and voluntarily and without any fear or compulsion of the said husband and that she is still satisfied therewith

In testimony whereof I have signed these presents and caused my official seal to be hereunto affixed at the county aforesaid on the day and year first above written

Seal

Joseph Monett
Notary Public
In and for Mariposa County

On the twenty sixth line of the first page the word erased and Francisca inserted before execution

Joseph Monett
Notary Public

Received for Record May 12th 1854 at 11 AM
Also Recorded in Book B. Conveyances Page 186

James H Gleason
County Recorder Mariposa County

Filed in Office Monday 28th 1854
George Fisher
Sentry

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12/27/07

43
Exhibit
No 2 A B
appended to the
Deposition of
Jose Antonio
Anzar

This Indenture made and entered into this eleventh day of January in the thousand eight hundred and fifty one in the Township of San Juan County of Monterey State of California Between Camilo Binda and his wife Francisca Castro of the first part

and Juan Miguel Anzar of the second part witnesseth that the said parties of the first part for and in consideration of the sum of seven hundred and fifty dollars in hand duly paid and receipt whereof is hereby acknowledged have bargained sold and conveyed and by these presents do bargain sell and convey unto the said party of the second part all their right title and interest in and to a certain piece or parcel of land lying and being in the township county and state aforesaid and described as follows to wit

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The eastern half of a certain tract of land (the western half of which belongs to the said Juan Miguel Anzar the party of the second part who purchased the same of Antonio Castro) bounded on one side by the Rio Pajaro and on the other sides by the Rancho Alas Animas the Rancho del Bolsado and the Rancho del Pajaro belonging to Dn Jose de Jesus Vallejo

To Have and To Hold the same with all rights privileges and appurtenances thereunto belonging nor anyone appertaining to himself his heirs and assigns forever witness whereof we have hereunto set our hands and seals the day and date above written

Witness Jose Antonio Binda
Angel J. Libarsa Francisca Binda his mark
Camilo Binda his mark

On the eleventh day of March A D 1853 before me Feofilo E. Lecheverria a justice of the Peace in and for the Township of San Juan County of Monterey State of California came personally Camilo Binda and Francisca Castro his wife to me personally known to be the same

H H

parties who executed the foregoing indenture and
wife being by me examined separately and apart
and each one acknowledge that they had signed
the said Indenture freely and voluntarily and
for the uses and purposes therein mentioned

Fredk C. Schumann
Justice of the Peace

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Filed in Office October 8th 1853
George Fisher
Sentinel

13/279

Affidavit

Juan Miguel Anzar } No 279
vs
The United States } Affidavit of Jose Antonio Anzar

This day personally appeared before me R. Aug. Thompson one of the Board of Land Commissioners for California the undersigned Jose Antonio Anzar who states that the claimant Juan Miguel Anzar has died since the presentation of the claim before this Board and that the following named persons are his widow and heirs viz

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PAGE 43

Maria Anto Castro the widow Juan Francisco Anzar Anatolio Anzar and Pascuala Anzar his heirs and children sworn to and subscribed before me this 7th day of October 1853

Fr Jose A Anzar

R. Aug Thompson
Commissioner

Filed in Office October 20th 1853
George Fisher
Secretary

Recorded in Journal Volume 3 Page 468
George Fisher
Secretary

Order of Court

Juan Miguel Anzar } No 279
vs } Order to Revive
The United States }

It being made to appear to the satisfaction of this Board by the affidavit on file of Jose Antonio Anzar that the claimant Juan Miguel Anzar died since the filing of this claim and that Maria Antonia Castro is his widow and Juan Francisco Anzar Anatolio Anzar and Pascuala Anzar are his heirs and children It is therefore ordered that this case be revived in the names of the said widow and heirs

Filed in Office October 20th 1853.
George Fisher
Secretary.

Recorded in Journal Volume 3
Page 468 George Fisher
Secretary

46

Stipulation

Juan Bugenie Anzar } number 279
vs
The United States } Stipulation

It is hereby agreed and stipulated that the affidavit of Jose Antonio Anzar filed in this case stating the death of the said claimant since the filing of the Petition in this case and that Maria Antonia Castro is his widow and Juan Francisco Anzar Antolio Anzar and Paulicinio Anzar are his heirs and children may be received as though taken regularly in the form of a deposition to prove the facts above stated and for the same purpose a copy of the same numbered in number 22.

Robert Sequeira
Associate Law Agent

Filed in Office October 24th 1853
George Fisher
Secretary

Recorded in Journal Volume 3 Page 160
George Fisher
Secretary

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Stipulation

Number 279
Claim of Juan Bugenie Anzar Poland called Rancho del Rio del Pajaro
Before the United States Board of Land Commissioners for California the following facts are admitted to be true
1st That Juan Bugenie Anzar has died since the filing of his Petition herein
2nd That Maria Antonia Castro is being his widow and that Juan Francisco Anzar Antolio Anzar and Policarpio Anzar are his only legitimate children living and
3rd That said Anzar made his last will and Testament in terms shown by a copy thereof filed in case No 22 The Law hereby consents that the said claim may be viewed in the rights of the said widow and children J. H. McKune
Filed in Office U.S. Law Agent
October 24th 1854 Geo Fisher Secretary

14/279

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Opinion of the Board

The Andrew and Wife of Juan Miguel Anzar vs The United States } For the place called Tega del Pajaro in Monterey County containing about eight thousand varas of land

Since the filing of this claim Juan Miguel Anzar the original petitioner has deceased and the case has been revived and is now prosecuted by his widow and children who succeeded to his rights in the premises claimed

The title of Juan Miguel Anzar is derived through conveyances made by the heirs at Law of Jose Antonio Castro In proof of said Castros title it is shown by the original documents duly authenticated that on the 17th day of April 1828 he obtained a decree of Juan Bolea conceding to him the premises in question for his cattle and farming purposes

That in 1833 he presented his Petition to Figueroa then Political Chief of the Territory of California accompanied by his title papers issued by Bolea and complaining that he had been wrongfully ejected by Don Luis Arguello in the limits of his land implored the interference of the Government to give him legal possession of the land, That on the 14th day of June 1833 Figueroa made and delivered to said Castro his decree recognising the right of Castro under the concession made by Bolea and referred the matter to the Alcalde to give him juridical possession and to make out the proper boundaries of the premises

That the Alcalde proceeded to execute the decree on the 28th day of the same month put the party in legal possession with a careful designation of the boundaries and made the proper record thereof The testimony shows that said Castro lived upon and cultivated the land making it his family residence from 1828 until his death that his family continued the same occupation until the place was sold to Anzar by Johnson and those heirs it has been occupied ever since

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The facts thus proved are sufficient to establish the right of said Antonio Maria Castro to the premises under an equitable title derived from the Mexican authorities

At his death Antonio Maria Castro left a widow and two children a son and daughter whom he his only heirs at Law a conveyance by the son of two undivided third parts of the entire premises being his interest and that of his mother as whose attorney he acted was made to said Arzar on the eleventh day of May 1840

It is questionable whether the husband any authority to alienate the interest of his mother in the land but as by her subsequent death he became by inheritance the owner of one half of all the interest that remained in her to the title thus subsequently acquired became in the principles of estoppel the property of his grantee

The interest of the daughter was transferred to said Arzar by conveyance made by her and her husband under date of January 11th 1851 This instrument describes the land conveyed as the eastern half only of the Rancho but it contains also an express allegation that the western half of the same belonged to said Arzar by purchase from Antonio Castro his brother.

From this declaration it is highly probable that after the death of the mother the two owners of the undivided moities of the premises had partitioned the same between themselves and held the respective shares in severalty the recital of the ownership of Arzar to the eastern half of the premises made under the state of facts have presented estop his grantee from claiming any interest in himself

But in order to obviate any difficulties which might arise as the conveyances above mentioned the present claimants have filed a deed, exciting the above conveyances declaring their intention thereby to convey the fee title to the entire premises and reserving wish all right thereto This deed bears date May 7th 1854 and is executed by the grantors in the two conveyances above mentioned

15239

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Details of the property being thus established a Decree of Confirmation will be entered

Confirmed

Filed in Office December 5th 1854

George Fisher
Secretary

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PAGE 47

Decree of Confirmation

The Widow and Heirs of Jose Miguel Anzar
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Petitioners is valid and it is therefore decreed that the same be confirmed to them to have and to hold the lands so confirmed to them in the respective proportions and estates to which they are legally entitled as the widow and heirs at Law of said Jose Miguel Anzar deceased

The land of which confirmation is hereby made is situated in Monterey county and is the same land now occupied by said Claimants and is known by the name of Rega del Pajaro and bounded and described as follows to wit

Commencing at the main road at the place where the same descends which place is known as the Bajada del Camino and running thence south east twenty five hundred varas and thence east twenty five hundred varas to the place where a white flag was stuck when the judicial possession of said Rancho was given by the Alcalde Mariano Escobar in 1833

Thence north west thirteen hundred and fifty varas to where another similar flag was placed thence north five thousand varas to a point marked in the same manner thence following along the River bottom to the south west five thousand nine hundred varas to the place of beginning containing about eight thousand acres of land more or less being the same land which was granted to Jose Antonio Castro and of which judicial measurement was made by Mariano Escobar as alcalde June 26, 1833

SD.

Reference for further description to be had to the testimonial of said grantee possession which is on file in this case

Alphens Felch

R Aug Thompson

S B Farrell

Commissioners

Filed in Office December 8th 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 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

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Office of the Board of Commissioners,

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

I, George Fisher — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Fifty — pages, numbered from 1 to 50, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 279 on the Docket of the said Board, wherein Juan Miguel Anzar is — the Claimant against the United States, for the place known by the name of "Vega del Pajaro" —

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

Geo. Fisher.

U. S. DISTRICT COURT,

Southern District of California.

No. 245. 245

THE UNITED STATES,

vs.

Juan Miguel Anzar

'Vega del Pajaro'

245

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 279.

Filed, July 2 1855

W. E. Carr

Clerk

By A. W. Clark

Deputy

245

Office of the Attorney General of the United States,

Washington, 29 June 1855.

279. "Vega del Pajaro".

Juan Miguel Anzar Claimant

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 14th day of June 1855 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

C. S.

No. 245.

U. S. District Court
Southern Dist. of California

United States
vs
Juan Miguel Anzar.

Notice of Appeal in
Case No. 279.

Filed Oct 4th 1858.
J. E. Carr,
Clk.

In the U.S. District Court for the Southern District of California

Widow & heirs of Juan Miguel Anzar ads The United States	Claim for the place called "Vega del Rio del Pajaro"

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The following facts proved by the affidavit of Ignacio Castro and Jorge Castro filed in the case of Manuel Larios & the widow and heirs of Juan Miguel Anzar ads the United States claiming the place called "Santa Ana y Quien Sabe" are admitted in this case to wit:—

That on or about the 25th day of July 1854 Maria Antonia Castro, one of the claimants in this case was lawfully married to Frederick A. McDougall and lived with him as his lawful wife until the 30th day of May 1855 when she died leaving three children of herself and ~~the~~ her former husband Juan Miguel Anzar deceased named Juan Francisco, Anatolio, and Policronio Anzar who are all minors and the only legitimate children living of either the said Juan Miguel Anzar or the said Maria Antonia Castro deceased, and that the said Frederick A. McDougall is still living.

It is therefore consented that the name of the said Frederick A McDougall be inserted as claimant in this case jointly with said three children and that the cause be revived and continued in their names.

P. O'N Dist Atty

No ~~2455~~ 245

U.S. Dist Court
Southern Dist. of
California

Widow & Heirs of
Juan Miguel
Arrar
ads
The United States

"Vega del Rio del Pozo"

Stipulation

Filed this 4th day of
Dec 1856

A Sims
Clerk

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U. S. Dist. Court — Southern dist of California

Maria Antonia Castro de Anzar et al. vs The United States	Claim for the place called "Vega del Rio del Pajaro"

On filing Stipulation & Consent of the United States District Attorney & suggestion of the decease of Maria Antonia Castro — it is moved that the name of Frederick A. McDougall be substituted and inserted as claimant jointly with the names of the present claimants, Juan Francisco Anzar, Policronio Anzar, and Anatolio Anzar, and that the case be revived and continued in their name

Horace Hawes
Atty for claimants

granted

No ~~243~~ 245

Dist Court U States

Maria Antonia Castro
ads
The United States

Motion to substitute
F A McDougal
as a party with the
original claimant

Filed this 4th Dec 1854
C Sims
clk

U. S. Dist Court – Southern Dist Calª

Fredᵏ A Mᶜ Dougall
Juan Francisco Anzar
Anatolio Anzar &
Policronio Anzar
ads
The United States
"

"Vega del Rio del Pajaro"

Index to Record

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II. Pet. of Antᵒ Mª Castro & grant to him by Govᵒ Sala dated 17 Ap. 1820 p. 14–15.29

III Recognition thereof by Gov Arguello dated Oct 25. 1824 p. 14.

IV. Judicial possession by order of Gov Figueroa of 14 June 1833 p. 16–19
depⁿ Arguello p. 4 Translations p. 21–27.31.

V. Conveyance to Anzar 3 Deeds pages 29 33.35 39.43.
Proud p. 5.6.

VI. Continuous occupation & cultivation – Depⁿ of Father Anzar p. 5. Boronda p. 10.11.12. Arroyo p. 8.

VII. Heirs of Antᵒ Mª Castro – Depⁿ of Father Anzar p. 6. Boronda p. 11.

VIII. Heirs of J. M. Anzar – Stipulation p. 46 affidavit p. 45.
Boronda p. 11.

No 245

U.S. Dist Court

F. A. McDougall
J. F. Anzar, Anatolio
Anzar & Policronio
Anzar
vs
The United States.

"Vega del Rio del
Pajaro"

Index to Record.

Filed 8th Dec 1857

C Sims
Clerk

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

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

Juan Miguel Anzar et al
vs
The United States.

Docket No. 245.

Transcript No. 279.

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

The Petition of **Pacificus Ord,** *a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the day of* A. D. 185 , Juan Miguel Anzar et al

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called Vega del Pajaro in the County of Monterey State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the day of A. D 185 , the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 2nd day of July A. D. 1855, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 279; reference to which it is prayed may be had and made part of this petition. That on or about the 14th day of June A. D. 1855, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit: on the 8th day of October A. D. 1855, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimants presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimants ~~has~~ have any valid right or title to said land claimed as aforesaid, or any part thereof.

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

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

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

P. Ord.

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

No 245

W S Dist Court
Eastn Dist of Cala

Jose M. Amizaga et al
vs
The U States

Petition of Review

Filed Dec 8th 1856
Clerk
Clerk

U.S. Dist. Court – Southern Dist. of Calª

Frederick A McDougall Juan Francisco Anzar Anatolio Anzar & Policronio Anzar ads The United States	Docket No. ~~262~~ 245 Transcript 279

245 SD
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U. States of America
Southern District of California ss

Horace Hawes of the City of San Francisco being duly sworn deposeth and saith that in the transcript sent up from the U.S. Land Commission in this case he has discovered a clerical omission on page eighteen (18) line thirty one (31) next after the word "Vanderola" where the following words ought to be inserted as they exist in the original expediente filed in the cause before said Land Commission to wit: "Y de esta al N.O. veinte y siete cordeles se puso otra vanderola", and also in the preceding line the word written "desde" reads donde in the said original. And deponent further saith that the ~~foregoing~~ following extract annexed to this affidavit is a true and exact copy ~~of~~ that part of said original expediente set forth imperfectly

on said page eighteen of the transcript beginning on line 18 with the words "En la misma fha.", and ending with the signatures on the 4th line from the bottom of said page eighteen (18) which deponent ascertains from a certified copy in his possession of the said original obtained from the Secretary of said land Commission which was copied by deponents own hand into a book now here exhibited and from which the annexed extract is taken and deponent firmly believes that it contains the true reading of that part of the original expediente to which it refers.

Sworn to & subscribed before me Dec. 8th 1856

Horace Hawes

O Smith

Transcript

Transcript from top line 18

En la misma fha. y en el referido rancho siendo las nueve y cuarto de la mañana, yo el presente Alcalde mandé a los medidores nombrados se pongan para las medidas de tierra y que se le han de hacer a Jose Ant.º Castro a nombre de su padre, y puesto en la vagada del camino que se relaciona anteriormente, se comenzó la medida, teniendose el cordel al S.E. cincuenta cordeles, y cincuenta al E. donde se puso una vanderola, y de esta al N.O veinte y siete cordeles se puso otra vanderola, y de esta al N. cien cordeles s señaló con vanderola, siguiendo toda la vega del rio al S.O. ciento diez y ocho cordeles hasta llegar donde se comenzó a medir, y poniendo se otra vanderola, se dispuso se formaran mojoneros en cada una dibujandose un diseño q. figure la forma del sitio medido y esprese las varas q. comprende al ~~rededor~~ deredor accompañando a este Espediente para constancia y lo firmo por ante los testigos de asistencia. So testado no vale — Escobar — De as.ª Jose Maria Maldonado — De as.ª Quintin Ortega.

Transcript from bottom line 4th

No 245 -

U. S. Dist Court
Southern Dist Cala

F A McDougall
J M Anzar
Anatolio Anzar
Policronio Anzar

ads

The United States

It is consented that the transcript in this case, be amended as specified in the within affidavit and extract from the original expediente —

P. O'K
Dizally

Filed Dec 8th 1859
C Sims
Clerk

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U. S. Dist Court — Southern Dist. of California

Frederick A. Mc Dougall Juan Francisco Anzar Anatolio Anzar & Policronio Anzar 245 SD PAGE 66 vs The United States	Claim for "Vega del Rio del Pajaro" Answer of claimants

And the above named claimants in answer to the petition of the U. S. Dist. Attorney on the part of the United States, say that their title to the land claimed in this case is valid, and they pray that the decision of the U. S. Board of Land Commissioners confirming their claim, may be affirmed, and that their said title may be decreed to be valid

Horace Hawes
Atty for Claimants

No 245.

U. S. Dist Court

Frederick A. McDougall
Juan Francisco Anzar
Anatolio Anzar &
Policronio Anzar
vs
The United States

Answer of Claimants.

Filed Dec 8th 1856
C Sims
Clk

U. S. Dist. Court — Southern
Dist of California

"

Frederick A. McDougall Juan Francisco Anzar Anatolio Anzar & Policronio Anzar Appellees vs The United States Appellant	Docket No. 245 Claim for the place called "Vega del Rio del Pajaro" Transcript No. 279

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PAGE 68

"

It being suggested by Counsel for appellee in the above entitled cause that the map of the place called ~~Copying of the map contained in the original Expediente~~ Vega del Pajaro given in evidence before the U.S. Board of Land Commissioners & copied into the ~~recor~~ transcript sent up to this Court, a clerical omission has been committed in said transcript by erroneously leaving off from the said copy contained in said transcript the following words to wit: "Camino de la Villa" "Del Camino a las Aromas legua y cuarto"; it is therefore hereby stipulated that on procuring and filing in this Court a ~~true copy~~ duly certified copy of said map offered in evidence ~~by the Surveyor Genl~~ as aforesaid by the Surveyor General of the U.S. for California ~~if the said original map given in evidence before the said Board of Commissioners~~, the said omissions may

be supplied and corrected on the map contained in the said transcript of record in this Court, by the Clerk of this Court, provided such omissions are proved to exist to the satisfaction of said Clerk on inspection of the certified copy so to be filed.

Los Angeles Dec. 12. 1856

F. Ord
Dist Atty.

No 245
U.S. Dist Court
South. Dist Cal.

H. W. McDougall
Juan Jose Arrax
Antonio Arrax
Pablo Arrax
vs
The United States

Stipulation

Filed Dec 12th 1856
J. Lyons
Clerk

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District Court of the Southern District of California — December Term 1856

Docket No 245
Transcript 279

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Frederick A. McDougall
Juan Francisco Anzar
Anatolio Anzar &
Policronio Anzar
Appellees

vs.

The United States
Appellant

For "Vega del Rio del Pajaro"

This cause coming on to be heard on appeal from the decision of the Board of Commissioners to ascertain and settle private land claims in the State of California under the act of Congress approved March 3d 1851, upon the transcript of proceedings, decision of said Commissioners and the papers and evidence upon which said decision was founded which have been duly returned and filed in this Court as required by law; and on further evidence taken under the order of this Court; and Counsel for the respective parties having been heard; an due Consideration had, it is by the said District Court ordered, adjudged, and

decreed that the decision of the said Board of Commissioners be, and the same is hereby affirmed, and that the title of the said Frederick A. Mc Dougall, Juan Francisco Anzar, Anatolio Anzar, and Policronio Anzar the above named appellees and claimants is a good and valid one, and the land claimed in this case is hereby confirmed to them as far as embraced within the extent and description following to wit:

The land of which confirmation is hereby made is the tract known by the name of the "Vega del Rio del Pajaro" situated in Monterey County and described as follows:

Commencing at a point on the Pajaro river and in the public road which, in the Espediente or act of judicial posession given to the original grantee in the year 1833, is designated as the "bajada del Camino"; running thence Southeasterly twenty five hundred varas, and thence Easterly twenty five hundred varas to a point where a vanderola or little flag was placed in said act of judicial posession

and survey; thence northwesterly thirteen hundred and fifty varas to a point where another similar flag was placed on the occasion aforesaid; thence Northerly five thousand varas to a point on the said river "Pajaro" which was marked in the same manner on said occasion; thence following along the channel of the river Pajaro South-Westerly five thousand nine hundred varas to the point of beginning, being the same land granted to Antonio Maria Castro by Pablo Vicente de Sola governor of the Province of California in the year 1820, and whereof judicial possession and measurment was given and made by the Alcalde Marcelino Escobar in the year 1833, to which original grant and Espediente or act of judicial possession given in evidence in this cause reference is herein made for a further and more particular description

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

No 245

U.S. Dist Court

South^n Dist. Cal^a

H.A. McDougall

Juan Fran^co Anzar

Anatolio Anzar &

Policronio Anzar

vs.

The United States

Decree

Filed Oct 14, 1856

Wm Carr

Decree page 100-1

San Francisco
Jan 17. 1857

245 SD
PAGE 72

Dr Sir

Please inform me what decision has been rendered, if any, in case of "Real de los Aguilas" No 262 and the claim of Manuel Larios for lands near San Juan Bautista No 325.

Yours Truly
Horace Hawes

C Lins Esq
Elk Tpo.

P.S. Inclosed please find certified copy of map in case "Vega del Pajaro" Auxar Transcript No 279 Docket No 245 which please filed pursuant to Stipulation which you will find on file, and enter upon the map contained in the transcript the words omitted as provided in the Stipulation

Horace Hawes

No 245

Filed this 3. February AD
1857 C Sims clk
J D H Coleman
Deputy

245 SD
PAGE 74

Office of the Surveyor General,

Of the United States, for California.

I, **JOHN C. HAYS,** *Surveyor General of the United States for the State of California, and as such, having on file in my office, and in my charge and custody the Records and papers, of the late Board of United States 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 preceeding, and hereunto annexed page of tracing paper, ~~numbered from one to inclusive~~, exhibits a true and accurate copy of a map attached to and forming part of a Document on file in Case No. 279. on the Docket of said Board of Commissioners, Endorsed "No 279 Juan Miguel Anzar Vega del Rio del Pajaro – Document J. N. annexed to the Deposition of J Argüello taken before Nelson, Filed in Office Sept 2d 1852 Geo Fisher Secy"*

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 Nineteenth day of January 1857.*

John C. Hays

U. S. Surveyor General for California.

Extract from the 2nd Section of the Act of Congress "providing for the Survey of Public Lands in California, and for other purposes," Approved, March 3d, 1855.

"The Secretary of the Interior is hereby authorized to cause an official Seal to be prepared for the Office of the said Surveyor General, [California] and any copy or extract from the plats, field notes and other records and documents on file in his office, when attested as such by the said Seal and the signature of the Surveyor General, shall, in all judicial matters, have the same force and effect as the original."

Map taken out July 23, 1937 M. E. V.B.

No. 2445

Filed this 3rd. February A.D. 1857

C. Sims clk

J. W. Coleman

Dep

Hiram Hawes

5,00

[Order of Court]

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

Frederick A. McDougall Juan Francisco Auzar Anatolio Auzar & Policronio Auzar Appellees vs. The United States Appellants.	Docket No. 245. Transcript " 279. Claim for tract of land called "Vega del Rio del Pajaro".

The Attorney General of the United States having given notice herein and said that it is not the intention of the said United States to prosecute the appeal from the Decree of the United States Board of Land Commissioners heretofore rendered in the above entitled Cause; and the Decree of said United States Board of Land Commissioners having been affirmed by this Court; Therefore, the claimants by their Attorney, and the District Attorney, in behalf of the United States, consenting thereto by written stipulation filed; it is by the Court now here Ordered, that the Order of Appeal from the Decree heretofore rendered by this Court be revoked, and that the said decree be and the same is hereby made final, and that the claimants have leave to proceed thereon as a decree of final confirmation.

Ogden
U. S. Dist Judge

[Stipulation]

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

Frederick A. McDougall Juan Francisco Auzar Anatolio Auzar & Policronio Auzar Appellees vs. The United States Appellants.	Docket No. 245. Transcript " 279. Claim for tract of land called "Vega del Rio del Pajaro."

The Attorney General of the United States having given notice that it is not the intention of the said United States to prosecute the appeal from the decree of the United States Board of Land Commissioners heretofore rendered in the above entitled Cause, and the said decree of the United States Board of Land Commissioners having been affirmed by the United States District Court; Therefore, both parties consent=ing, it is hereby stipulated, that the Order of Appeal to the Supreme Court be revoked, and that the said decree of the District Court be made final; and that the claimants have leave to proceed thereon as a decree of final confirmation.

J. M. Dist Atty.
Horace Hawes
Attorney for Claimants

Docket No. 245.
Transcript " 279.

U. S. District Court for the
Southern District of California

Frederick A. McDougall
et al.

ads.

The United States.

Stipulation. Order

Filed 4 June 57
A. J. Taylor
Deft. Clk.

The claim in this case is based upon a grant from Sola Governor of Upper California under the Spanish Sovereignty bearing date 17th April 1820 to Antonio Maria Castro an invalid Spanish soldier, the grant was recognized by the Mexican authorities and in 1833 Governor ordered judicial possession to be given to Castro, the act of possession is executed with a good deal of formality and the boundaries are well defined and the quantity of land specified. ~~The present claimants derive their title through~~ The original grantee died his heirs succeeded and the present claimants derive their title through a certain mesne conveyance from the heirs of Castro to Juan Assan who heirs they are proven to be.

~~The claim decision~~ The decision of the Commissioners ~~confirming the claim in~~ is affirmed and a decree will be entered confirming the claim according to the boundaries as described in the act of judicial possession

No 245

W D Dist Court
Southern Dist Calif

Juan Manuel Anzar
et al
vs
The United States

Opinion of the Court

Filed Dec 12th 1859
C Sims
Clk

California Land Claims.
Attorney General's Office
9 January 1857.

Sir:

In the case of the claim of Juan Miguel Anzar, confirmed to the claimant by the Commissioners, case no. two hundred and seventy-nine, (279), appeal will not be prosecuted by the United States.

I am,
Respectfully.
Cushing

Pacificus Ord Esq
U. S. Attorney.
Los Angeles.

No 245

Filed this 9th Feb.
1858 A Sims Clk
J H Heakman
Dy

U S Dist Court South Dist Cal

Juan M Anzar et al } Docket No 245
vs } For Vega del Rio del Pajaro
The United States }

Now comes J R Mitchell U S Dist atty, and suggest to the Court that the survey made and approved by the Surveyor General in this cause, is not made in conformity with the final decree therein. and that the interest of the Government will be injured thereby. Wherefore he prays the order of this Court upon said Surveyor General directing him to return such survey into Court for its further action.

J R Mitchell
U S Dist Atty

No 2453

U S Dist Court

Susan Aubzar
vs
U States

Motion for return
of Surveyor

Filed in office
this the 5th day
1860

C. Sims
Clk

United States Dist Court Southern
Dist of California

Juan M Anzar et al
vs
The United States

No 245

"Rancho del Rio del
Pajaro"

245 SD
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It being suggested to the Court
that the survey of the Land claimed in
this case made under final decree and ap-
proved by the US Surveyor General for California
does not conform to said decree and is erroneous
and that said survey will be to the injury
of the United States, on application of the
US Dist Attorney It is Ordered that the
said Surveyor General return forthwith to this Court
the Plat of said survey and that the United
States be allowed days from
and after the return thereof to file Exceptions
thereto: And it is further Ordered that a
Certified Copy of this Order be sent upon
the said Surveyor General for his information

Thos H Ogier
US District Judge

United States of America
Southern Dist of California
County of Los Angeles

I C Ord Clk
of the United States District Court for the
Southern Dist of California hereby certify
that the above and foregoing is a full
true and correct Copy of the Original
Order made in said Case No 245 on the
docket of said Court, wherein Juan M

Auzar et al are claimants - against the the United States on the 5th day of January AD 1860 as appears of Record in file in my office

In Witness Whereof I hereunto set my hand and affix the seal of said Court this the 6th day of January AD 1860

C. Sims Clerk

The President of the United States of
To W Mandeville U. S Surveyor General for California - Greeting -

You are hereby notified that the United States Dist Court for the Southern Dist of California, on the 5th day of January AD 1860 in Case No 245 on the Docket of said Court wherein Juan M Auzar et al are Claimants against the United States, made an order of which the above and foregoing is a certified Copy herewith transmitted to you for your information and you are hereby required to take notice of the same

Witness the Hon Ogden Judge of the United States Dist Court for the Southern Dist of California this the 6th day of January AD 1860

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

C Sims Clk

I served the within personally on J. W. Mandeville by delivering a copy of the same to him in the City of San Francisco on January 13th 1860

James C Pennie
U. S. Marshal
by D W Buchanan
Dept

245 SD
PAGE 87

No 245

U S Dist Court

South'n Dist Cala

Ann M Anderson et al

vs

The United States

Certified Copy

of

Order

Filed January 30th 1860

C Jones Clk

United States District Court for the Southern District of California

The President of the United States of America

To

The Marshal of the United States for the Southern District of California

Greeting

Whereas an order has been this day entered by this Court, that J. W. Mandeville Surveyor General of the United States for the State of California be Cited and admonished to appear and show Cause forthwith why he has not returned into this Court the Approved plat of the survey in the Case of Juan M. Augar et al vs. The United States, being No #245 on the Docket of said Court for the place known as "Sega del Pajaro"

Now Therefore, This is to Command you, that you Cite and admonish the said J. W. Mandeville, Surveyor General of the United States for the State of California, wherever he may be found, to be and appear before the Honorable Isaac S. K. Ogier, Judge of the United States District Court for the Southern District of California, at the Court Room in the City of Los Angeles, forthwith, that he may then and there show Cause, if any he Can, why he has not Returned the plat of survey as aforesaid

Witness, The Honorable Isaac S. K. Ogier, Judge of the United States District

Court for the Southern District of California
this Twenty first day of March AD One
Thousand Eight Hundred and Sixty One. –
Attest, my Hand and the Seal of said Court
the day and year last written above

C. L. Meix Clerk
John O Wheelen Deputy

Personally served the within upon the within named J. W. Mandeville by delivering a true copy and reading to him the Original at his Office in San Francisco California April 2nd, A.D. 1861

James C Pennie
U S Marshal
per A W Buchanan
Deputy

No 245
U. S. Dist Court
South'n Dist Calif'a

Juan M. Auzal
vs
United States

Citation

Filed this 6th day of April 1861
W. H. Mott
Clerk

United States District Court for the Southern District of California

The United States / No 245
vs
J. M. Dugan et al

245 SD
PAGE 92

In the Matter of return of Survey of the tract of land called "Vega del Pajaro" -

The above Entitled Cause coming on for hearing at an intermediate Term of this Court held at Los angeles Commencing on the first day of October 1862 and it appearing to the Satisfaction of the Court that the final Survey of the tract of land Claimed herein called the "Vega del Pajaro" had been duly made and approved by James W Mandeville then U.S. Surveyor General for the State of California and that a certified Copy of said Survey had been filed in this Court on the 3d day of December 1860 by said Surveyor General in pursuance of the order of this Court and the Exceptions thereto having

been withdrawn by the United States District Attorney, and it further appearing to the satisfaction of the Court that all of the publications and proceedings required by the rules of this Court and the act of Congress relative to approved surveys in California approved on the 14th day of June 1861 had been duly made, had, and published, and the argument of Counsel being heard, and upon the Evidence & papers on file in the case, and all things being duly considered It is ordered adjudged and decreed, by the Court, that the final survey of the tract of land called "Vega del Pajaro" claimed in this cause is in all things correct, and that the same is hereby approved. And it is further ordered that the plat of the final survey be returned to the Said Surveyor General together with a copy of this order this done in open Court the 8d day of October 1862

Hetchen M. Haight

U. S. Dist Judge, S. Dist Cal.

No 245
U. S. Dist Court
South Dist Calif

J. M. Augustine et al
vs
The United States

Decree. approving
Survey

Filed Oct 3. 1862
John S Wheeler
Clk