

CASE No. 262

CASE No.

262

SOUTHERN DISTRICT

REAL DE LAS AGUILAS GRANT

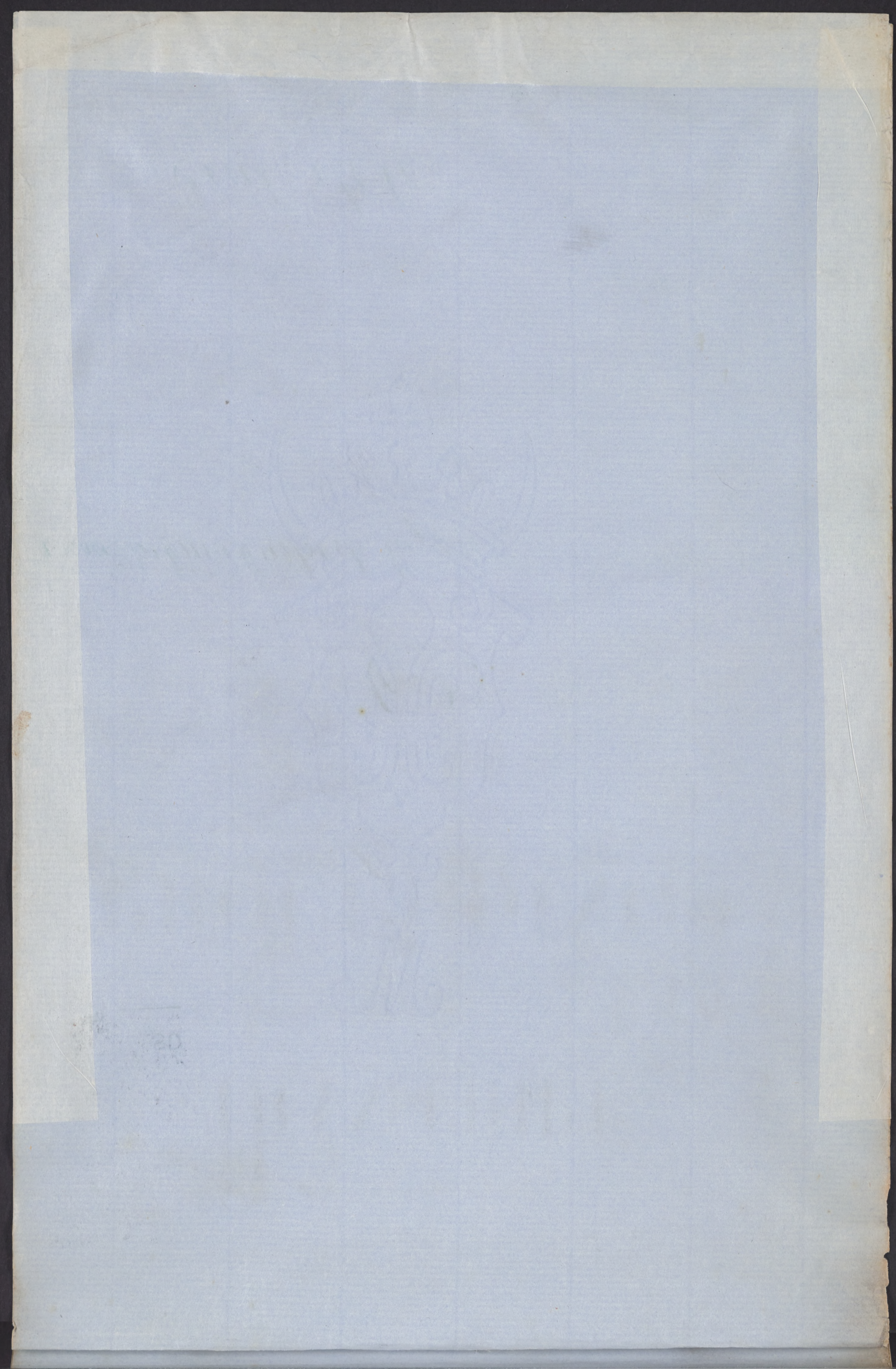
MARIA ANTONIA CASTRO DE ANZAR, ET AL
CLAIMANT

LAND CASE 262 SD 113 pgs.

MAR 16 1963

628

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TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 628

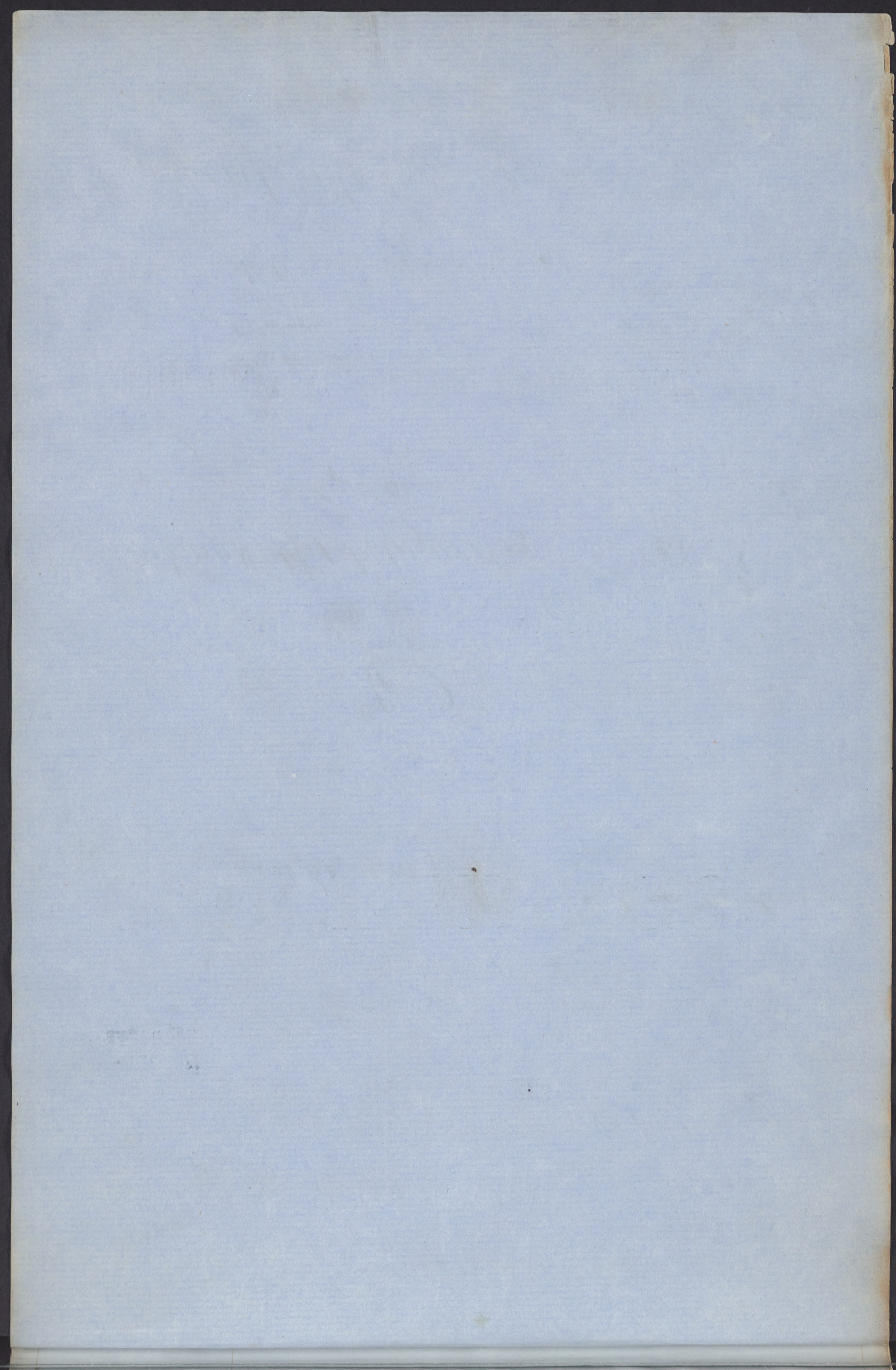
Maria Antonia Castro de Anzur, et al, CLAIMANT &

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Real de las Aguilas*"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of *Maria Antonia Castro de Anzar et al:* *for the Place named*
"Real de las Aguilas,"
was presented, and ordered to be filed and docketed with No. *628* and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

San Francisco February 25th 1853.

In Case no. *628*, *Maria Antonia Castro de Anzar et al:* for the place named *"Real de las Aguilas"* the deposition of *Marcos Larive*, a witness in behalf of the claimants, taken before Commissioner *William Hall*, was filed.

(Vide page *4* of this Transcript.)

San Francisco, October 7th 1853.

In the Same Case the deposition of *Jose Antonio Anzar*, a witness in behalf of the claimant, taken before Commissioner *Alphens Felch*, with document marked *A. F. No. 1*, annexed thereto, was filed.

(Vide page *5* of this Transcript.)

San Francisco April 6th 1854.

In the Same Case the deposition of *Jose Canuto Beronda*, a witness in behalf of the claimant, taken before Commissioner *Peter Sott*, was filed.

(Vide page *7* of this Transcript.)

San Francisco April 7th 1854.

In the same case the depositions of Juan Isidoro Arroyo and Ramon Anzar, witnesses in behalf of the claimants, taken before Commissioner Peter Sott, was filed:

(Vide pages 8 & 12 of this Transcript.)

San Francisco July 8th 1854.

In the same case the deposition of Manuel Sario, a witness in behalf of the claimants, taken before Commis-

San Francisco Oct 24th 1854, signed Peter Sott, was filed:

(Vide page 26 of this Transcript.)

In the same case the
counsel for claimants filed
the following stipulation,
to wit:

(Vide page 49 of this transcript)

San Francisco November 2nd 1854.

In the same case the deposition of Francisco Arias, witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed:

(Vide page 17 of this Transcript.)

San Francisco December 5th 1854,

Case no. 628 was submitted on briefs and taken under advisement by the Board.

San Francisco, December 12th 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the Board rejecting the claim:

(Vide page 57 of this Transcript.)

and the following order was made to wit:

(Vide page 56 of this Transcript.)

3
Before the Commissioners to
Ascertain and Settle Private Land Claims
in California -

Maria Antonio Castro
de Anzar widow of the late Mr Juan
Miguel Anzar deceased. San Francisco
Anzar, Anatolio Anzar and Policronio
Anzar Children and heirs of said deceased
give Notice that they claim a tract of land
in said State called the "Rial de las Aguas"
in the County of Monterey with the quantity
and boundaries expressed in the grant thereof
said land was granted on the 14th of January
1814 by Mr Manuel Michitoma Governor
of the Department of the Californias to
Francisco Arias and Saturnino Camiaga
and was by them conveyed to the said late
Juan Miguel Anzar - Said Mr Juan Miguel
Anzar died about the 10th day of October
1832 leaving his said Widow and Children
whereby said land became vested in them in
the proportions fixed by law -

A certified copy of the
original decree of Concession of said land with
the proceedings on which it was founded as
the same exist in the Archives of the former
Governments of California and a translation
of the same are herewith presented as a part of
this petition -

The original grant, testimonial of
said grant delivered to said grantee is not
and never has been in possession of these
Claimants and they do not know where it exists
and they ask to be allowed to introduce proof of
its issuance and contents -

By their Attorney -

James Tompkins & Strode.

Filed in Office Feb 24, 1853 - Geo Fisher Secy.

Petition

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San Francisco Feb 25. 1853.

Deposition
of
Manuel
Larios -

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On this day before Commr Holland Heald
came Manuel Larios a witness in behalf
of the claimants Maria Antonio Castro &
Uygar et al. petition No 628 and was duly
sworn his evidence being interpreted by the
Secretary -

The U. S. Associate Law Agent was present.

In answer to interrogatories by Counsel for the
claimant the witness testified as follows.

My name is Manuel Larios
My age is fifty four years & I reside at
San Juan Bautista in the County of Monterey

I know the rancho called Real
de las Aguillas - It is situated in the County
of Monterey - It is adjoining my land -

Juan Miguel Angar bought
the land of Saturnino Carriga & Francisco
Arias after the year 1811 & several years before
the war with the United States & from that
time he occupied it with stock -

His estate had been run-
ning on the land previous to his buying it -

My rancho which adjoins this
land is called Santa Ana & Quin Sabe.

In answer to interrogatories by the Associate
Law Agent the witness says

There never was any house on the
land claimed in this case -

Manuel Larios.
Witness

Sworn & Subscribed before me
Holland Heald Commr.

Filed in Office Feb 25. 1853.
(Signed) Geo Fisher Secy. 3

Office of the Board of
Commissioners to settle.

Deposition
of
Jose Anto
Anzar.

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This day before Court Stephen Tuck
Came Jose Antonio Anzar a witness in behalf
of Claimants. He A Castro de Anzar et al
No 628 who after being duly sworn depose as
follows -

Questions by Claimants -

1- What is your name age & place of
residence?

Answer -

My name is Jose Antonio Anzar
My age 60 years. My residence at San Juan
Bautista -

2. Were you acquainted with the late Juan
Miguel Anzar? If so state whether he is
dead and when and where he died and
what relation he bore to the Claimants in
this case -

Answer -

I was acquainted with the late Juan
Miguel Anzar - He died about one year
ago - He was my brother - The Claimant
Mania Antonio Castro is his widow and the
other Claimants namely Juan Francisco Ma-
tthi and Paul cronio are his children and
heirs -

3- Are you acquainted with the land
claimed in this case? If you state what you
know of its occupation when first and by
whom?

Answer -

I never was there -

4. Instruction -

Look on the document now
here presented to you marked "Exhibit No 1"
with the initials "A.F." purporting to be

6
Signed by Saturnino Careaga and Tomas
Salgado and Sr. Serrano and annexed
to this deposition and state whether you know
the handwriting of said persons and if so
whether the signatures purporting to be theirs
on said document are true and genuine
signatures respectively -

Answer -

I have seen their signatures on
other documents and believe them in this
document to be true and genuine signatures -

Sr. J. M. Anzar D.
Mr Greenhow Associate San Agent
attended at the taking of this deposition
but pronounced no question to the
Witness - The testimony was given
in the Spanish language, Mr Fisher
Secretary of the Board acting as Interpreter

Subscribed and Sworn to
before me at San Francisco this
seventh day of October 1853.

Alphus Beck
Commissioner

Filed in Office Oct 8, 1853.

(Signed)

Geo Fisher
Secy

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United States of America
State of California 3 fo.

San Francisco April 6, 1854.

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Deposition
of
Jose Canuto
Boronda

This day personally came before John Lott a Commissioner for taking Testimony to be used before the Board of W S Land Commissioners in said State Jose Canuto Boronda a witness on behalf of the Claimant in Case No. 628 on the docket of said Board in which Maria Antonio Castro de Ayar & al the widow and heirs of Don Juan Miguel Ayar deceased are Claimants and the said Jose Canuto Boronda being duly sworn depose on oath in the Spanish language which was interpreted into English by the interpreter of said Board as follows to wit -

The W S Law Agent is present.

Testimony by Judge James Attorney for Claimants -

1. Question -

What is your name age and present residence?

Answer -

My name is Jose Canuto Boronda my age about 62 years my residence in Monterey County California -

2^d. Question -

Are you acquainted with Francisco Arias and Saturnino Cariga and the Rancho known by the name of Real de los Aguilas patented for by them in January 1844 if yes where is the said Rancho situated when they took possession of it and how did they occupy it?

Answer -

I am acquainted with these two persons and know the Rancho named it is situated in the County of Monterey near the Mission of San Juan Bautista. I do not know whether they lived on the Rancho they occupied it with their cattle. I supposed they lived there. From what I saw I think they had about 400 head of cattle there. Their cattle are still there. I have seen corals there. I was mistaken in saying I supposed they lived on the Rancho. Upon reflection I believe they did not live on the place. I do not know of their living on the place. I have seen them there -

José Comento Borondo.

Subscribed and sworn to before

me on this 6th day of April AD 1852.

Peter Lott Commissioner for
Taking Testimony &c.

Filed in Office April 6. 1852.

(Signed)

Geo Fisher Secy. 3

United States of America
State of California E. W.

San Francisco April 4. 1852.

This day personally came before Peter Lott a Commissioner for taking Testimony to be used before the Board of W. & S. Land Commissioners in said State, Juan Pedro Arroyo a witness in behalf of the Claimant in Case No 625 on the docket of said Board

Representation
of
Juan Pedro
Arroyo.

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in which Maria Antonio Castro de Araya & al
are Claimants and the said witnesses being duly
sworn on oath depose in Spanish which was
interpreted into English by the interpreter of
said Board as follows to wit.

The U S Land Agent is present.

Questions by Judge Harbo's Attorney for
Claimant -

1st Question -

What is your name age and present
residence?

Answer -

My name is Juan Pedro Anaya
my age 13 years. My present residence in the Rancho
of San Jacinto belonging to Cruz Carrasquillo
near the Mission of San Juan Bautista
I do not know whether it is in Monterey or
Santa Clara County -

2nd Question -

Where was you born and where
have you mostly resided?

Answer -

I was born in the Mission Dolores
in San Francisco County - I have mostly
lived at Monterey where I was a Soldier
15 years I mean Monterey in California -

3rd Question

State if you know Francisco Ariza
and Saturnino Camacho and the Rancho
"Real de las Aguilas" if you know is said
Rancho situated and when did the parties
named first occupy it how long and
in what manner such occupancy has been
continued.

Answer.

I know the two persons named and

also the Rancho "Rial de las Aguilas" It is situated adjoining the Rancho "Quin Saco" in the former Sanction of Monterey. I think the said Oros and Cariaga first occupied the Rancho first named about the year 1814 - They continued to occupy it till they sold it to Juan Anzar who deceased in 1844. they had a small grass house there and Cattle on the Rancho about 150 head - They had a small and a large corral 2 or 3 years after this there was a large fire and the house and corrals were burned - Anzar after he bought the place continued to occupy it with his cattle till the present time -

Crops claimed by United States Law Agent.
1st Question -

How far do you reside from the Rancho "Rial de las Aguilas" and how long have you lived there?
Answer -

I live 3 or 4 leagues from it - I have lived there about 2 years - I lived in the same place in 1844 I think I left there in 1845 to go to Santa Cruz where a son of mine was living -

2d Question -

How often did you visit the Rancho "Rial de las Aguilas" in 1844?
Answer -

I passed by the place some 4 or 5 times -

3d Question -

Who was there when you passed?
Answer -
I saw some of the time some Vaqueros of Juan Anzar this was after Anzar bought

the place -
4th Question -

What part of the Rancho was
the house situated on?

Answer -

It was at a marshy place called
Real de las Aguilas, when there was a spring
rather towards the North part of the Rancho?

5th Question -

When and by whom was the
house built?

Answer -

I do not know when it was
built, nor who built it - I heard there was
a house built there after I went to Santa
Cruz - I afterwards saw it - I saw it last
year before the fire I spoke of - I never saw
the house before last year -

6th Question -

How do you know there was a
house built there in 1811, or 1815?

Answer -

I do not know it - I came from
Santa Cruz and was told there was a house
built there.

Juan Pedro Amigo &
Scroll.

Subscribed and sworn to
before me on the 1st day of
April AD 1854.

Peter Lott Commissioner
for taking testimony &c.

Filed in Office April 1, 1854.

Record,
No. 1, 1854,
Secy. 3

United States of America
State of California 3 es.

San Francisco April 4, 1854.

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Deposition
of
Ramon Anzar

This day personally came before Peter
Sott a Commissioner for Taking Testimony
to be used before the Board of U. S.
Land Commissioners in said State, Ramon
Anzar a witness on behalf of the Claimants
in Case No 628 on the docket of said
Board in which Maria Antonio Castro
de Anzar et al are Claimants and the said
witness having duly sworn on oath depost
in Spanish which was interpreted into En-
glish by the interpreter of said Board
as follows to wit -

The U. S. Law Agent is present.

Questions by Judge Heavens Attorney
for Claimants -

1st Question -

What is your name age and present
residence?

Answer -

My name is Ramon Anzar my
age 34 years my residence is in Monterey
County California -

2d Question -

State if you know Francisco
Arias and Saturnino Caruga and the Rancho
"Rial de los Aguiles" if yes where is said
Rancho situated and when did the parties
above named first occupy it how long
and in what manner such occupancy has
been continued?

Answer -

I do know the two persons named and also the Rancho which you mention - It is situated in the County of Monterey adjoining the Rancho of "Quin Sabe" the said Frias and Carraga first occupied it the year it was granted to them - I think it was in 1841 - They occupied it with Cattle, built corals and a small brush house which was occupied by the servants of Frias and Carraga who took care of the Cattle - They had about 200 head of Cattle there. They continued so to occupy the place till they sold it to Don Miguel Amador.

He occupied it till his death and his family still continued to occupy it with their Cattle -

3^d Question -

Is the Rancho "Real de las Aguilas" a place well known with certain and known boundaries; if yes what are those boundaries -

Answer -

The Rancho is well known and the boundaries are certain and well known. It is bounded on the South by the Combe of the Sierra on the North by the Rancho's "Quin Sabe" on one side by the Cerro Bonito and on the East by the Rancho del Carisquito -

Cross Examined by W. S. Law Agent.
1 Question -

How far do you live from said Rancho and how long have you resided there -

Answer -

I live about 5 leagues from the

Rancho - I have lived there since 1835
2^d Question

Did you know Francisco
Arias and Saturnino Canaga in 1844
and where did they live then?

Answer -

I did know them in that year
and they lived at San Juan Bautista
where I now live. Said Antonio Arias
was part of the time at Monterey - I frequently
saw them in 1844 and 1845 -

3^d Question -

How do you know the title
was assigned to them for the Rancho in
question?

Answer -

I saw them when they went to Mon-
terey to petition for it and when they came
back they showed me the title - I was at
their house and they took out the grant
and showed it to me and told me it was their
title - I did not read it and do not re-
collect whether any others were present.

4th Question -

Do you know what land
it granted, and the contents generally of the
document?

Answer -

I am not certain about the
contents of it, but I understood it to be a
grant for Cienas de ganada Mayor for a
Rancho that they were going to put cattle
on.

5th Question -

How and from whom did
you so understand as last stated by you?

Answer - I so understood from the claimants

who told me this was what they petitioned for, that is the only way I understood it -
6th Question -

Who went to Monterey to get the paper spoken of?

Answer -

Don Francisco Arias and Saturnino Cariaga went to get the title -
7th Question -

How do you know they went after it?

Answer -

They told me they were going to petition for the place called Real de las Aguilas that is the only way I know it. They both went to Monterey for the title. They both told me so -
8th Question -

How often did you visit the Rancho in Question in the year 1844?

Answer -

In the year 1844 I was on the Rancho Lujan Sabe attending the stock of Juan Miguel Amador and went almost every day to the Canada border which is a part of the Rancho of Real de las Aguilas. I was on the same place in 1843 and in 1845 also and was there till 1847 all the time taking care of the stock.

9th Question -

When did you first see Francisco Arias and Saturnino Cariaga on the Rancho in question and how often within a year after that?

Answer -

Immediately after it was granted to them, they went on the place to claim it - I cannot say how often within a

year thereafter I saw them there. About
four or five times I think. They asked
me to look after their cattle as I was
near there -
11th Austin -

Who built the house for
Mantivind. where was it built and what
description of house was it?
Answer.

The Indians built it, they
were employed by Sabel Anas and Cuniaga
it might have been in 1815. It was
made of brush and grass. 5 or 6 bars
long and 4 or 5 bars wide. It was not
put up for a substantial dwelling. it was
for the shelter of the Indians in the service
of Anas and Cuniaga it remained there
perhaps a year - it was burned when the
grass burned. Another was afterwards
put up.

Ramon Anas.

Subscribed and Sworn to
before me on this 4th day of
April 1852.

John Lott Commissioner
for taking testimony &c.

Filed in Office April 9, 1852.

(signed)

Geo Fisher
Secy. 3

United States of America }
 State of California } S.S.

San Francisco April 25. 1854.

Deposition
 of
 Francisco
 Arrio - }

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This day personally came before Peter
 Gott a Commissions for taking Testi-
 mony to be used before the Board of W S
 Land Commissioners in Said State
 Francisco Arrio a witness on behalf of
 the Claimant in Case No 628 on the
 docket of said Board wherein Maria
 Antonio Castro de Anzar & others are
 Claimants and the said witness being duly
 sworn on oath deposed in the Spanish
 language which was interpreted into En-
 glish by the interpreter to said Board as
 follows to wit -

The W S Law Agent is present.

Questions by Claimants Counsel.
 1st Question -

What is your name ago and present
 residence?

Answer -

My name is Francisco Arrio
 My age 46 years. My residence in the County
 of Monterey California -

2nd Question -

Are you acquainted with
 the Rancho called "Rial de las Aguilas"
 if yes where is it situated?

Answer -

I am acquainted with the
 Rancho named - It is situated in the
 County of Monterey in front of the Rancho
 of Santa Ana and Union Lake -

3^d Question -

Do you know of said tract of land having been granted to any one of you to whom and when? and how was it afterwards occupied?

Answer -

It was granted to me and Saturnino Camargo by the Government and to no other person. in the year 1844 we occupied it in June and July of the same year the grant was made in January. we placed cattle on it about June or July 1844 having just built a corral there cattle we had on the land were about 400 head. We occupied the Rancho without interruption till the time when we sold it to Don Juan Anzar about the year 1848 or 1848 said Anzar occupied the place till the present time with cattle, the same cattle we had there and others that he added.

4th Question -

When the Americans took possession of California 1846, were you and said Camargo or not in the actual occupation of said land claiming it as the owners thereof, without any dispute of your right on the part of the Government?

This Question objected to by the Law Agent as leading -

P. L.

Answer -

We were at that time in the undisputed occupancy of said land -

5th Question -

When the land was granted

to you and Canoga was any title paper
issued and delivered to you by the Gover-
nor or if yes, name the Governor.

Answer - Yes, Governor Michoud gave
us the title, and we took it home with us?

Let Question - Where is it now?

Answer. It is lost or misplaced Canoga
and I missed the paper about the
second year after the grant was made I
thought he had it and he thought I had
it when we missed it we made very dili-
gent search for it but we never could find
it and I have no idea where it is now.

Let Question - Where did you and Canoga
live in 1811 and 2 or 3 years following?

Answer. We both lived in the same house
with our families at San Juan Bautista
in Monterey County during that period.

Let Question - Did or did not most of the owners
of Ranchos in that vicinity usually reside
in the Towns before the American War?

Objected to as leading by the Law Agent.

Answer. Yes they did, on account of the fear
of the Indians.

Let Question -

Where did the owners of
Ranchos usually reside before the American
War?

Answer.

They generally lived in the Towns

an account of the Indians.
10th Question -

Look at the paper now shown
you marked "Exhibit 1." to Rep. - of
Francisco Aris "P.L." and say whether the
signature of Saturnino Cariaga thereon written
is his genuine signature and your means of
knowledge?

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Answer.

I know Cariagas handwriting. I
have seen him write and his name on the
paper is his own genuine signature -

11th Question -

Look at the paper shown
you marked "Exhibit 2 to the Rep. - of
Francisco Aris, P.L." and say whether you
recognize the natural objects designated on
the map therein contained?

Answer -

I do recognize the places named
on the map as properly representing the
places themselves -

12th Question -

During the years 1844, 1845
and 1846 - could you with safety have
lived with your family on the Rancho
of Rab de las Aguilas, if say why?

Answer.

No we could not on account
of the Indians.

Cross Examined by W S Law Agent.

1 Question -

How long did you live at
San Juan Bautista?

Answer -

I went there to live in 1844 at
San Juan Bautista and also Cariaga

we lived there till 1848.

2 Question -

How far is the place where you lived from the Rancho in Austin in this case?

Answer -

Nine leagues -

3d Question -

What was the date of the grant you lost?

Answer -

It was dated January 14th 1844

4th Question -

Where did you and Camargo live at that date? and in what business were you?

Answer -

We were living in San Juan Merchandising at Austin in that business & years that and taking care of the Rancho was all we did.

5th Question -

When, where and under what circumstances did you first see the grant mentioned?

Answer.

On the 14th of January 1844 the Secretary of Gov Micheltorena at Monterey delivered the paper to me in the presence of Camargo that was the first I saw of it.

6th Question

When and to whom did you first petition for said grant?

Answer -

In the latter part of 1843 we petitioned Gov Micheltorena for the land.

7th Question

Why did you both go to Monterey

for the grant. Why did not we go? and have far more it?

Answer.

We almost always went together to attend to our business. the distance was eleven leagues.

8th Question -

How many times did you and Camargo visit the said Rancho in 1841?

Answer.

Both Camargo or myself were in the habit of visiting the Rancho every 3 or 4 days till we sold it - we went to look after the stock - we had not confidence in the servants we had there -

9th Question -

Was any part of the land cultivated while you and Camargo occupied it?

Answer -

No -

10th Question -

How was the land described in the grant you received?

Answer -

In the title there were seven leagues three and a half for each of us and the boundaries were described in the map.

11th Question -

Were there any other words of description in the grant besides those referring to the map if you what are they?

Answer.

There were none excepting those which referred to the map -

12th Question -

Who made the map referred

to in your petition and which accompanied the Expediente referred to in the grant?

Answer -

It was made by one Lamberton a Frenchman -

13th Question -

What was the Shape of the land granted?

Answer -

It is about a league and a half wide and up than seven leagues long.

14th Question -

Were the boundaries of the Rancho straight lines or did they follow the windings of the hills and valleys?

Answer -

The Serrano Pinito, La Canada, Torreón, Corral de Sebastian Rodriguez and the Spring of (Minantial) these are the 4 points designated as the boundaries - From Serrano Pinito to the Corral runs along the top of the hills and is crooked the line from the Corral to the Canada de bordo is straight along the edge of the valley and the line along the Canada bordo is straight along the top of the hills.

15th Question -

Did you see the map before it was presented to the Governor?

Answer -

Yes it accompanied the petition -

16th Question -

Was there any representation of a house on said map if yes what house?

Objected to by Claimant's Counsel.

Answer -

There was none.

14th Question - How large was the Corral
you built at the place?
Answer.

It was about 100 varas square

15th Question - Who Established the limits
of the Rancho and how were they Established?
Objected to by Claimants Counsel
P.L.

Answer -

Where the petition was presented
the points were designated in the petition and
it was granted accordingly -

16th Question

What points were Established
therein?

Answer -

Real de las Águilas was about
the Centro. It is a valley bearing that name
for many years the Canada birds -

There is a Spring forming
a small lake the San Pío and the Corral
de Sebastián Rodríguez -

17th Question -

Do those points you have
named indicate the boundary limits of said
Rancho.

Answer.

They do -

18th Question -

Who Established those limits
and how were they Established?

Objected to by Claimants Counsel.
Answer.

The Same Commission who made
the Map, first went upon the land and

took down the names of these points which were old names by which the points had long been known.

22nd Question -

Were any lines ever established in any other way than by making them on the map?

Answer.

There was no other boundaries established nor in any other way.

23rd Question -

How far is it from the middle of the Canada de Berdo to the top of the mountains outside of the valley?

Answer.

About a half league.

24th Question -

Look at the map contained in the Expediente again show you and say what the straight lines running round outside of the map are intended to represent?

Answer -

I understand them to be the boundaries of the Rancho.

25th Question -

Were there any land marks placed to designate where these lines run?

Answer.

There were no artificial marks the natural objects were so well known.

Re Claimed by Claimants Counsel -

1st Question -

Look at the paper shown you marked "Exhibit 3" to dep of Francisco Luis G L and say whether you created it at the time it bears date.

Answer.

Yes. This is my Signature, I executed it at the time of Oath date.

Francisco ^{his} & Maria
Munoz

Subscribed and Sworn to
before me on this 25th
day of April A.D. 1854.

Peter Lott
for taking Testimony &c.

Filed in Office April 25, 1854.

(Signed)

Geo. Fisher
Secy.

W. S. Board of Land
Commission for California -
Case No 628.

Manuel Antonio Castro de
Anzar et al. Claimants,
for the place called "Rancho de los Aguilas"
San Francisco July 8, 1854.

On this day before Peter Lott Commissioner
for taking Testimony for said Board, by
Consent of Law Agent and Claimants Counsel
Came Manuel Larios a Witness on the
part of Claimant who being duly sworn
deposed in Spanish his Testimony being
interpreted and rendered in English by the
interpreter of the Board.
Quashed by Claimant.

Deposition
of
Manuel
Larios

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12. What is your Name Age and place of residence?

Answer -

My Name is Manuel Larios 54 years of age and I reside at San Juan in the County of Monterey.

2 Question -

Do you know the place called "Rial de las Aguilas" if so where is it situated and how long have you known it and what were the circumstances that induced the going to the said place that name - giving minutely according to the best of your knowledge all the explanations relating thereto and particularly filing disclaiming and establishing the point. If there is such called "Rial de las Aguilas" within the Rancho of the same name and finally state whether the place of which you speak is the same which it was said had been granted to and occupied by Francisco Anas and Saturnino Canicaga -

Answer -

I do know the said Rancho - it is situated between the "Cauada Verde" and "La Panocha" in the County of Monterey.

The name of "Rial de las Aguilas" was given to said place in 1828 in consequence of two persons by the name of Aguila having encamped there while crossing cattle -

During the months of May June & July of the said year 1828 I was encamped at the said place previous to the Simons Aguila's - I was also crossing cattle. In or about the center of the Rancho there are some Springs from the water of which there is formed a Canicaga

There is a Canada called Cuadras del
Corral del Sargento. Sebastian adjoining
on the East - The "Ranch de los Aguilas"
was granted to the said Linas and Cama-
ga and was occupied by the stock of
Don Juan Linas deceased for which
he bought it and it being contiguous to
the one he owned.

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PAGE 29

The tract of which
I have spoken is the same place said
to have been granted to Francisco Linas
and Saturnino Camaga -

Primito Linas &
Donat

Subscribed and sworn to before me
on this 8th day of July A.D. 1854.

Peter Lost Camunpinner
for taking testimony &c.

Filed in Office July 8, 1854.

(Signed) Geo Fisher Secy.

United States of America
State of California.

San Francisco Nov 25, 1854.

This day came before Peter Lost Cam-
pinner for taking testimony to be used
before the Board of W. S. Land Commis-
sioners in said State, Francisco Linas
a witness in behalf of the Claimant's
Mana Antonio Castro de Linas Et al
in Case No 625 on the docket of said Board
and said witness being sworn deposed in

Deposition
of
Francisco
Linas,
w

in Spanish which was interpreted by the interpreter to said Board as follows.

The W & Associate Law Agent is present.

Questions by Claimants Counsel.

1st Question -

What is your Name age and residence
Answer.

My Name is Francisco Aris My age 43 years. My residence in Monterey County California.

2^d Question -

Are you the same Francisco Aris who gave your deposition before in this case?

Answer -

I am the same person.

3rd Question -

Please to state whether upon the Rancho of Real de las Aguilas referred to in your former deposition there were any habitations and cultivation in the years 1844 and 1845 and 1846 and if you state what?

Answer.

In these three years there was a small house on said place which was occupied by the servants of myself and Saturnino Carraga - There was a corral there and some land cultivated in corn and vegetables by the servants and Indians who were living on said place and taking care of the stock.

This occupation and cultivation was continued till I sold my right in said Rancho to Juan Yriguel y Garza which was about the year 1844 or 1848.

Cross Examined by W & Associate Law Agent

1st Question -

Who built the small house
of which you speak in said place?
Answer.

The Indians in my employ
there built it by my orders in the same
year I recd. the grant in 1844.

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Francisco Ariza.

Subscribed and sworn to
before me on this 25th day of
November A.D. 1837,

Peter Lott
Commissioner &c.

Filed in Office Nov 24. 1837.
(Signed)

Geo Fisher
Secy. 3

1841.

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Espectiente

Promovido por los ciudadanos Francisco Arias
y Saturnino Carriaga en solicitud del puerge
nombrado el real de las Aguilas.

"Exhibit 2
to Depo of
Francisco Arias
P. L."

369.

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Sello cuarto dos reales.

2

Rehabilitado provisionalmente por la Aduana Maritima
del Puerto de Monterrey en el Departamento de las Californias
por el año de mil novecientos cuarenta y tres.

Micheltorena

Manuel Custaneres.

Monterrey. Enero 1º de 1844.

Excmo. Sr. Gobernador.

Informe el S. Srío del despacho

tramando ante los necesarios.

Francisco Bríos y Saturnino

Micheltorena.

Carringa naturales de Mejico

y residentes en este Departamento ante la Justificación del S. E.
con el debido respeto y como mas haga lugar decimos: que
hace nueve años que nos hallamos en este Departamento y
habiendolo adquirido para un grande trabajo un numero
de caberzas de ganado mayor que haciendolo a unas de
cuatrocientos que hace algun tiempo y no pudiendolo
lograr que se aumente pues es solo motivo de no tener
un terreno propio y habiendolo tenido, enagenado hemos
solicitado uno que tenga las condiciones necesarias de ser
balido y no pertenecer a corporacion o particular alguno:
y habiendolo hallado el que se conoce con el nombre de
dierra de las Aguilas con todas condiciones pedidas
3 a V. E. se obligue concedernoslo en propiedad pues a unos
de el perjuicio que llevamos dicho que sufrimos en nuestros
bienes ambos terrenos, una numerosa familia para cuyo
beneficio procuramos el fomento del referido terreno el cual
se haya al N. E. de San Juan Bautista a distancia de
veinte leguas y en su comprension comprende siete cabes
de ganado Mayor siendo su estension como manifiesta
el plano que debidamente acompaños. Por tanto
suplicamos se sirva acceder a nuestra solicitud que en
ella recibiremos gracia y justicia q. esperamos S. E.

San Juan Bautista. D. 29 de 1843.

Francisco Arias.

Saturnino Carringa.

Dispone el Excmo. Sr. Gobernador para que se presente
al Alcalde Primero de San Juan si el terreno esta balido
y todo lo demas que se ocurra y despues vuelva a
esta Ma.

Monterrey. 1º de Enero de 1844.

Manuel Arriaga.

here I am in Chap. 10

Decreto de su excelencia el Sr. Gobernador en
el que se pide el informe de esta instancia, informe que
se halla baldío y no hay inconveniente para su concesión.
San Juan Bautista 11 de Enero de 1844.

José Antonio Rodríguez.

Hno. Sr. Gobernador

628

D^o Francisco Arias y D^o Saturnino Carrizosa son hombres
de bien y tienen probabilidad de ocupar el terreno q. pretenden
el cual esta baldío y en citados de poderse conceder, si así
lo encontrare V. E. por conveniente.

Monterrey. 12 de Enero de 1844.

Manuel Simón.

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6 Monterrey. Enero 12 de 1844.

Informe el M. R. D. Ministro de la Mision D. San Juan.

Micheltorena.

San Juan Bautista. 15 de Enero de 1844.

Segun el decreto que antecede me informo de sujetos
abonados aerea del litio que se pretende otorgar que pueden
poseer lo los interesados sin perjuicio ninguno por allase
baldío ante la fta.

J. José Antonio Arar.

Monterrey. Enero 15 de 1844.

Esplítese el título respectivo.

Micheltorena.

Monterrey. 17 de Enero de 1844.

7 Vista la petición con que al principio este expediente
los informes que preceden con todo lo demás que se
tuvo presente y ver lo mismo de conformidad con los
leyes y reglamentos de la materia declaro a D^o Francisco
Arias y a D^o Saturnino Carrizosa dueños del terreno
nombrado de Real de las Águilas colindante con el
Rancho de los Pasimís y con el de Santa Ana; en extensión
de siete litios de ganado mayor. librese el correspondiente
despacho, tomese razón en el libro respectivo y obligase
este expediente a la Junta. Asamblea Departamental
para su aprobación. El Sr. Gobernador el Sr.
Manuel Micheltorena así lo mandó decretó y previó de
que obag fe.

Office of the Surveyor General of the United States for California
John C. Hayes, Surveyor General
of the United States for the State of California and as
such now having in my office and in my charge and

5 Por el decreto de su excelencia de 10 del corriente en el que se pide el informe de esta instancia, informo que se halla baldío y no hay inconveniente pa su concesión.
San Juan Bautista 11 de Enero de 1844.

José Antonio Rodríguez.

Hmo. Sr. Gobernador

628

D^o Francisco Arias y D^o Saturnino Carriaga son hombres de bien y tienen probabilidad de ocupar el terreno q. pretenden el cual esta baldío y en litigio de poseerle conceder, si así lo encontrare V. E. por conveniente.

Monterrey. 12 de Enero de 1844.

Manuel Jimeno.

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6 Monterrey. Enero 12 de 1844.

Informe el M. B. D. Ministro de la Mision D. San Juan.

Micheltorena.

San Juan Bautista. 15 de Enero de 1844.

Segun el decreto que antecede me informo de sujetos abonados acerca del litio que se pretende otorgar que pueden poseer lo los interesados sin perjuicio ninguno por allarse baldío ante la fta.

J. José Antonio Arar.

Monterrey. Enero 15 de 1844.

Escribirse el título respectivo.

Micheltorena.

Monterrey. 17 de Enero de 1844.

7 Vista la petición con que al principio este expediente los informes que preceden con todo lo demás que se tuvo presente y ver lo mismo de conformidad con los leyes y reglamentos de la materia declaro a D^o Francisco Arias y a D^o Saturnino Carriaga dueños del terreno nombrado de Real de las Águilas colindante con el Rancho de los Pasinos y con el de Santa Ana; en atención de siete litios de ganado mayor. hitrese el correspondiente despacho, tomese razón en el libro respectivo y obligase este expediente a la Junta. Attribla Departamental para su aprobación. El Sr. Sr. Gobernador El Sr. Manuel Micheltorena así lo mandó decretó y firmó de que doy fe.

Office of the Surveyor General of the United States for California
John C. Hays, Surveyor General
of the United States for the State of California and as
such now having in my office and in my charge and

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Custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California by virtue of the power vested by me by law, do hereby certify that the seven preceding and hereunto annexed pages of tracing paper numbered from one to seven inclusive exhibit a true and accurate copy of a certain Document now on file and forming part of the said archives in this office.

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 eighteenth day of April A.D. 1854.

John C. Hayes.

Surveyor G. California.

Filed in Office. April 25 of 1854.

Geo. Fisher. Secy.

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1844.

Expediente

Instituted by the Citizens

Francisco Arias and Saturnino
Cariaga soliciting the place called
"El Real de las Aguas".

364.

mm.

Fourth Stamp Two Reals

Provisionally authorized by the
Maritime Customs House of the port
of Monterey in the Department of the
California for the years Eighteen
hundred and forty three.

Micheltorina Manuel Castaneras.

To His Excellency the Governor.
Francisco Arias and Saturnino
Cariaga Natives of Mexico and now
residents of this Department before
Your Excellency with due respect and
in the most proper form do appear
and say.That it is nine years since
we are in this Department and having by
great labor acquired a number of what

cattle which some time ago excluded
from hundred head and not having been
able to increase it for the only reason
that we have had no land of our own and
we have had to put it in land of another,
we have solicited a tract that may be
vacant and not belong to any corporation
or private individual and having found
that the one known by the name of

"Sierra de las Aguas" has these requi-
sites we ask of Your Excellency that
you be pleased to grant it to us in
full property for besides the injury
above said which we have suffered
in our property both of us have a
numerous family for whose benefit
we endeavor to improve the said land
which is situated to the North East of
San Juan Bautista at the distance of
twenty leagues and in about embraces

seven square leagues of land (sitios de
granada) Mayor its location being as
shown in the sketch which we herewith
annex.

Wherefore we ask of Your
Excellency to be pleased to accede to our
petition wherein we shall receive
a favor and justice.

We swear &c.

San Juan Bautista. 5
December 29th 1843. 3

(sgd) Franco. Strias
188d) Saturnino Carasaga

(In the Margin)

Montreal Jan'y 10th / 44.

Let the Secretaries of Dispatch

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report taking previously such other reports as may be necessary.

(Signed)

Micheltuna.

As ordered by His Excellency the Governor let this Expediente pass to the 1st Alcalde of San Juan to report whether the land is vacant and whatever else may occur to him on the matter and afterwards let it be returned to this Secretary's Office.

Montreal Janry 10th 1814.

(Sgd)

Mano Jimeno

In virtue of the decree of Your Excellency in which I am ordered to make a report on this petition I report that it is vacant and that there is no inconvenience in granting it.

San Juan Bautista 11th of Janry 1814.

(Signed)

Jose Antonio Rodig3

To His Excellency the Governor.

D. Franco Arias and D. Saturnino Carrasco are good men are able to occupy the land which they solicit which is vacant and is in a condition to be granted which can be done if Your Excellency should think fit -

Montreal Jan'y 12th 1844.

(signed)

Manuel Simons.

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Montreal January 12th 1844.
Let the very Reverend Father
Minister of the Mission of San Juan
report.

(signed)

Michetta.

San Juan Bautista Jan'y 15th 1844.

In accordance to the
foregoing decree I have taken information
from persons who are acquainted
with the land which is asked for
and I say that the interested parties
must occupy it, without prejudicing
any body as it is vacant up to this
date.

Fr Jno Anto Olizar.

Montreal January 16th 1844.
Let the corresponding title be
signed.

(signed)

Michetta.

Montreal January 17th 1844

Having seen the petition
with which this Expediente begins the
foregoing reports with whatever also
was thought to be seen in conformity
to the laws and regulations on the

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Matter I declare Don Francisco Arias
and Don Saturnino Carriaga owners
of the land called Real de las Aguadas
located by the Rancho of Las Pajaritas
and with that of Santa Ana. Its
Extent seven square leagues (sitio
de ganaderia mayor).

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Let the corresponding
title be issued and let this Espe-
diente be directed to the Most Excel-
lent Departmental Assembly for its
approval.

This Excellency the Governor
General Manuel Micheltorena thus
ordered decreed and signed I certify.

I certify the foregoing to be
a true and correct translation of a
Spanish document filed in Case No
628, Maria St. Castro de Unger et
al claimants for "Real de las Aguadas"
which document is marked "Exhibit
2 to Depo of Francisco Arias PL
and filed April 25 1854.

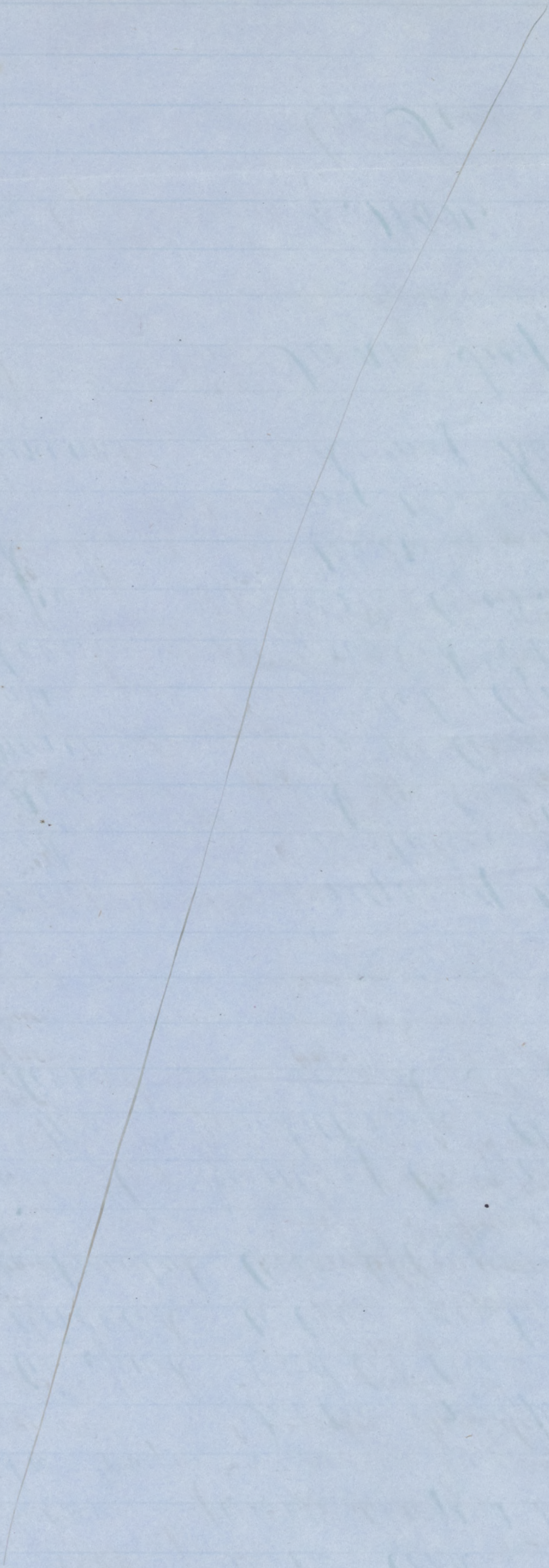
In testimony whereof I
have hereunto signed my name at
Office.

Geo Fisher Secy

Filed in Office Dec 5, 1854.

(signed)

Geo Fisher Secy



1. H!

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En el Rancho de las Aronas a los 13 dias del mes de Julio del año de 1848 siendo presentes los testigos que subseren oigo que Saturnino Carraga que pr si y a nombre de sus herederos y sucesores y de quien de ellos hubiere titulo por y fama en cualesquiera manera vende y da en venta publica y enajenacion perpetua pr siempre jamas a Dⁿ Juan Manuel Anzar la cantidad de tres y medio litos de ganado Mayor que le corresponden en propiedad en el terreno conocido con el nombre Real de las Aguilas cuyo rancho piccieron juntos ya mechas el q. Subrahe y Dⁿ Francisco Arinas el cual se compone de siete litos segun testimonio del titulo que corre apegado a esta

Exhibit No 18 Rescrita gustam^{te} con una prerroga concebido por el anexa to Depo. S. Gobernador y Comand^{te} General Dⁿ Manuel Michelt^a of Jon Antonio cuya venta la celebra por el valor y por la cantidad de mil cien pesos que tiene recibidos a su entera satisfacion debiendose reputar esta escritura aunque entera y

icial como si fuera instrumento publico pr que falta de clausula y requisito de lo suyo stano, pejuiciis o menos cubo alguno pues tal es la voluntad del que otorga obligandose con sus bienes habitos y pr haber a que esta venta le sera prime y segunda al comprador quedandole el que vende sujeto al fuero y Sanctions de las J^{ss} Jueces que de sus causas puedan y ovan conocer para que al cumplimiento de todo lo expuesto lo compelan y aporcion como pr sentencia otada en autoridad de Para ganguola.

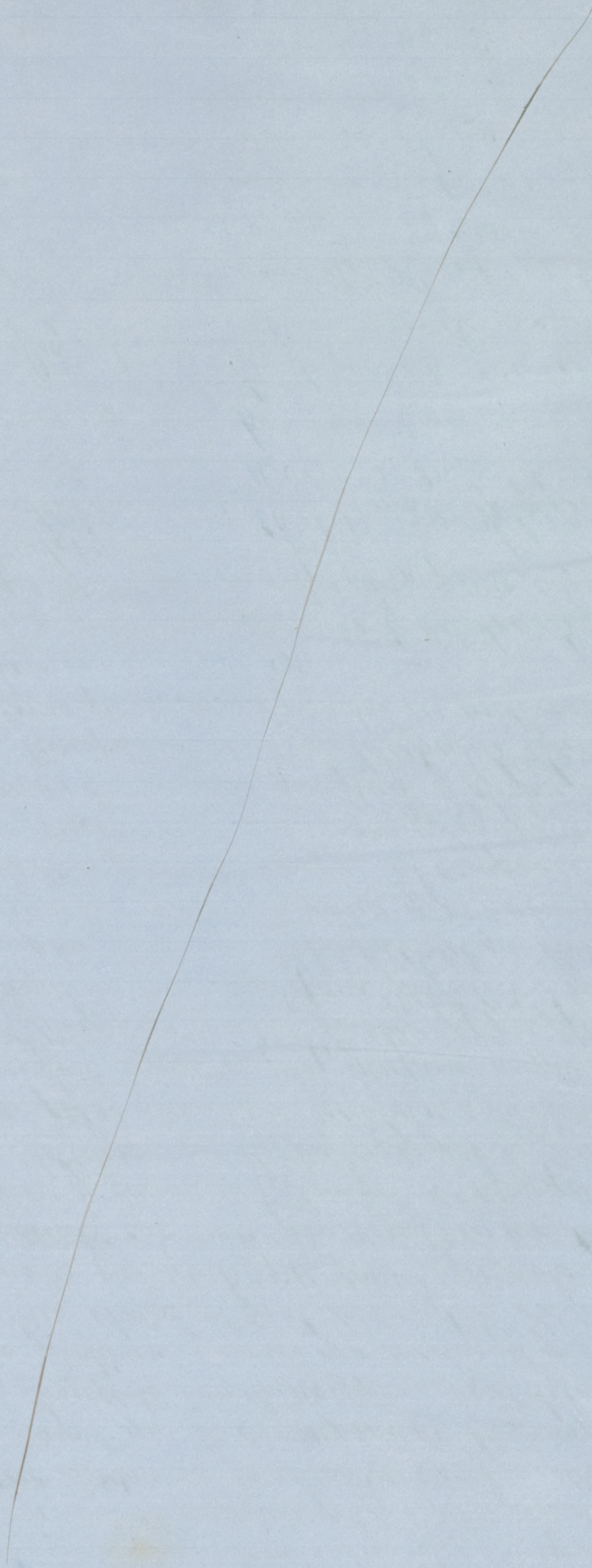
Exhibit 1 To
Depo of Francisco Arinas
P.L.

En cuya primera y validacion lo primo con los testigos en el parage oia, mes, y año citado.
Saturnino Carraga.
Jesuy T^{te} Ferran.
Tomás Selgado.

Filed in office. Oct. 7. 1853.

Geo. Fisher. Secy.

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Testament
of
Eduardo
No 1 N.F.
annexed to
Deed of
Jure Ento. Amgar

In the Rancho of las Armas
on the 13th day of the Month of
July of the year 1848 the witnesses
herein subscribed being present D
Saturnino Curiaza said that for
himself and in the name of his heirs
and successors or whomever should
represent them he grants by way of
public sale and perpetual alienation
forever unto D Juan M Amgar the
quantity of three and one half square
leagues of land Sitios de ganaderia mayor
which belong to him as the owner in full
property thereof in the tract of land
known by the name of Rancho de los
Aguilas which Rancho was solicited
in common by the subscriber and D
Francisco Arias and which contains
seven square leagues (Sitios) accord-
ing to the certified copies & testimony
of the title which goes annexed to this
and together with an Extension of time
granted by the Governor and Commandant
General D Manuel Micheltorena which
sale is made for the sum or amount
of eleven hundred dollars which he
has received to his entire satisfac-
tion and this deed though Extra-
judicial must be considered as a
public instrument so that for the
want of any clause or requisite it
may not be prejudicial to the party
for such is the wish of the party Execu-
ting it binding himself with his present
and future property to the validity
of this sale the grantor intending and

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Submitting himself to the jurisdiction
of the Judge who in the cause may
have pronounced that May Campbell
himself Judgment rendered by the
proper Tribunal.

For the validity of
which he signed it with the witnesses
at the place on the day month and
year aforesaid

(signed)

Witnesses
Saturnino Curiaza
Witnesses
J. Toranzo. Tomas Salgado.

I George Fisher do hereby certify
the foregoing to be a true and correct
translation of a Spanish document
filed in case no 628 Ma A Castro
de Anzar et al Claimants for "Real
de las Aguilas" which document is
marked "Exhibit 1 to Depo of Fran-
cisco Arias PL" and filed Oct 7th
1853.

In Testimony whereof I
have hereunto signed my name at
Office -

Geo Fisher Secy

Filed in Office Dec 5. 1854.

(signed)

Geo Fisher
Secy

1. 45

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Exhibit 3 to Depo
of Fran^{co} Anas.
P.d.

Los que suscribimos Fran^{co} Arias y Guadalupe Salgado de Arias por las presentes declaramos que desde el año de 1847 vendimos a Don Juan Miguel Anzar tres sitios y medio de ganado Mayor que poseíamos en el punto conocido por el Real de las Aguilas las cuales nos fueron concedidos en 17 de Enero de 1844 por el Excmo. Sr. Gobernador de California General Don Manuel Micheltorena segun consta del titulo que se nos concedio de siete sitios en compania de Don Saturnino Careaga de los cuales nos pertenecia la mitad; mas como al tiempo que dicha venta fue hecha, no se hizo la correspondiente escritura y solo le hicimos entrega del titulo por haber el comprador obtenido de ante mano la parte que correspondia al Sr. Careaga por la presente: otorgamos: Que hemos vendido al expresado Don Juan Miguel Anzar los mencionados tres y medio sitios de ganado Mayor en el Real de las Aguilas con los linderos expresados en el titulo ya citado en cantidad de un mil Sesenta pesos (1060.00) que tenemos recibidos a nuestra entera satisfaccion, en cuya virtud desde ahora para siempre nos desaproderamos, desistimos y apartamos de todo dominio, accion, voz, titulo u otro derecho que al mencionado terreno hubieramos tenido y tener pudiéramos: pues todo lo cedemos y renunciamos y traspasamos en el comprador, los suyos sus herederos y sucesores o quienes de uno u otras hubiesen titulo vos o lacion por venta, cambio o donacion: para que como legitimos dueños de los tres y medio sitios repetidos los vendan, cambien o den o enagenen a su voluntad y arbitrio. Infi de lo que firmamos la presente escritura. En la Ciudad de Monterrey a 25 de Mayo de 1852.

Firmado en presencia de { Fran^{co} Arias.
J. A. MacDougall. { Guadalupe Salgado.
Rafael Zuny de Cuota.

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State of California }
County of Monterey. } On this 24th day of July A. D.
1852 before me Recorder in and for said County personally
Came Francisco Arias and Guadalupe Salgado his
Wife to me known to be the same persons described
in and who as grantors thereof executed the foregoing
Instrument of conveyance and they severally acknowledged
to have executed the same freely and voluntarily and
for the uses and purposes therein expressed. And the
said Guadalupe Salgado, wife of said Arias having
been well acquainted with the contents thereof was
by me examined separate and out of the hearing of her
said husband, when she acknowledged to have
executed the same of her own free will and accord
and without being under fear or undue influence
of her said husband and did not desire to retract
the execution thereof.

Witness my hand & official seal the
day & year last aforesaid.

Wm. G. Johnson. Recorder of Monterey County.

Filed in office April. 25. 1854.

Geo. Fisher. Secy.

Recorded for Record 5th Oct. 1852 at 16. A. M. Recorded
in conveyance A pays 399. L. P. 100.

Wm. G. Johnson.

Recorder of Monterey Co.

B. 10. 45.

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Translation
of Exhibit
No 3 to
Depo of
Fico Armas
"P.L."

We the Subscribers Francisco
Armas and Guadalupe Salgado de
Armas do by these presents declare
that since the year 1844 we sold to
Don Juan Miguel Amador three and a
half square leagues of land which
we owned at the place known by the
name of Real de las Aguilas which
were granted to us on the 17th of January
1844 by His Excellency the Governor of
California General Don Manuel
Micheltoune as appears by the title given
to us for some leagues in common
with Don Saturnino Curiazo of
which one half belonged to us, but as
at the time that said sale was
made the corresponding deed was
not given and we only delivered to
him the title as the purchaser had
previously obtained the share belonging
to Don Curiazo. therefore we do
by these presents acknowledge that we
have sold to the said Don Juan
Miguel Amador the said three and a
half square leagues of land at el Real
de las Aguilas under the considerations
expressed in said title for the
sum of one thousand and sixty dollars
(\$ 1060.00) which we have received
to our entire satisfaction.

Wherefore now and
forever we renounce all and whatever
claim title interest or demand which
we may have to said land and we
transfer the same to the purchaser
his heirs and Successors or whom
soever may claim under them by

may of sale exchange or donation
in order that as legitimate owners
of the said three and a half square
leagues of land they may enjoy
them sell them exchange or make
any other use of them -

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In witness whereof we
sign the present deed at the City of
Monterey on the 25th day of May
1852.

(sd) Franco Arias -

(sd) Guadalupe Sufuado.

Signed in presence of
J. St. M. Dougal
Rafael Ruiz -
de la Mota

I Geo. Fisher Secretary of
the Board of U. S. Land Commissioners
to settle private land claims in the
State of California do hereby certify
that the foregoing is a true and
correct translation of document mar-
ked "Exhibit 3 to Depo of Francisco
Arias S. L." filed in case No 28
Maria A. Castro de Angar et al
claimants for the place called Real
de las Aguas -

In Testimony whereof
I have signed my name at office.
Geo Fisher Secy

Filed in Office Dec 5. 1854.
(Signed) Geo Fisher Secy

Before the United States Board
of Land Commissioners for California -

In the Matter of the Claim of

Mania Antonio Castro
de Amar Widow -

Juan Francisco Anzar

Anatolio Anzar &

Policronio Anzar Children

of Juan Miguel Anzar deceased

For the place called "Real de los
Aguilas" No 628 -

The following facts are admitted to be true -

1. That Juan Miguel Anzar is deceased,

2. That the above named Mania Antonio
Castro is living his Widow and that the above
named Juan Francisco Anatolio & Policronio
are his only legitimate Children living -

3. That said Juan Miguel Anzar made
his last will & Testament in terms as shown
by the Copy certified from the Probate Court
of Monterey County & filed in Case No 22
before this Board which may be referred
as evidence in the same manner with the like
Effect as the same had been duly filed in this
Case -

J. H. McRae

U. S. Law Agent.

Filed in Office Oct 24, 1854.

(Signed)

Geo Fisher Secy.

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Stipulation
of
Law Agent
seen.

Before the U S Land Commission
for California -

Mano Antonio Castro
de Anzar Widow +
Juan Francisco Anzar
Anatolio Anzar &
Policronio Anzar Children
& heirs of Juan Miguel Anzar
deceased

Claim
No 628.

for
the place called
"Riab de las
Aguilas".

vs.
The United States

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Notice of
Application
to Dist
Court for
Review.

mm.

On this day to wit Dec 14, 1854
before the Commissioners above named sitting
as a Board came the Claimants aforesaid by
their Attorney Horace Haines and pursuant
to the act of Congress in such case made & provided
gave notice of their intention to apply by petition
to the District Court of the United States
for the District in which the above mentioned
tract of land is situated for a review of the
decision of the said U. S. Commissioners re-
mained in this case and praying the said Court
to decide on the validity of this Claim.

Horace Haines.
Attorney for Claimants. 3

Filed in Office Dec 14, 1854.
(Signed)

Geo Fisher
Secy. 3

Don Antonio Castro
de Anzar & al.

The United States

For the place
called "Rial
delas Aguilas in
Monteury County con-
taining seven square
leagues of land -

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PAGE 50

Opinion
leg
Comm.
Fitch
am

The Claimants are the widow and children of Don Miguel Anzar deceased who is alleged to have been possessed of the premises in question by two deeds made to him one by Francisca Anas and the other by Saturnino Carriaga -

The title of Anas and Carriaga is alleged in the petition to have been derived from the Mexican Government by grant issued to them by Governor Manuel Michelborna on the 14th day of January 1844.

The grant is not presented and there is no proof of confirmation by the Departmental Assembly or of any act of judicial measurement or possession - Francisco Anas one of the original grantors swears to the issuing of the grant on the day mentioned and that the same was lost before the property was transferred to Anzar -

A traced copy of the Expediente from the archives shows the application of Said Anas and Carriaga for the grant in December 1843 the usual proceedings for information with a decree signed by the Governor in these words, 'Monteury 16th January 1844. Let the property be issued'. and the Expediente closes with the draught of a formal decree of concession together a Segregation -

The grant being lost it is incumbent

on the Alcantara in the first place to prove its contents. The testimony on this subject is exceedingly vague especially as to the description of the land intended to be granted.

The only witness who testifies as to its contents says that it was a grant of seven leagues of land and the boundaries were described in the map and that there were no words of description in the grant excepting those which referred to the map -

He says again that certain points were designated for the limits in the petition and it was granted accordingly and that no lines or boundaries were established in any other way than by marking them on the map and again he says that he understands the straight lines running around the outside of the map represent the boundaries of the Rancho.

In their petition for the grant the grantee describes the place solicited as known by the name of "Sierra de las Aguilas" and they ask for seven leagues "the position being shown in the Alcantara which we duly annex hereto" - And in the consequent decree of concession the only other mention of the premises in the Alcantara the land conceded is described as that called "Real de las Aguilas" bounded by the Rancho de las Pasionis and by that of Santa Ana to the extent of seven square leagues.

From all that can be gathered from the testimony there can be little doubt that the grant was in the ordinary form conceding seven square leagues of land referring to the map for the general outlines of the locality where it was to be measured put in satisfaction of the grant and requiring judicial measurement in order to segregate the land.

The petition contains no designation of points or boundaries of the land granted and resting on the document alone it is clear that it could not have been a grant by limits and bounds -

The Witness states there were no words of description in the grant excepting those which referred to the map.

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A grant might it is true be made of lands by limits and bounds referring to a map for their designation instead of reciting them and enclosing all the land within lines delineated in the map as boundaries, but grants by limits and bounds were rarely made by the Mexican authorities and still more rarely of land and such instance can be found by mere reference to an annexed plot.

While the law required a *desiño* to be presented in every case of application for a grant and reference to it was uniformly made in the title papers, it was usual only to specify the locality within which the number of leagues granted were to be measured out in satisfaction of the grant by the proper officer.

The case before us is not shown by the testimony to be any exception to this rule, soon square leagues only were granted, the necessary act of measurements not having been procured there is no segregation of the land.

And indeed I do not see him under a different hypothesis as to the character of the grant, the land could be identified by its limits and bounds.

If it be alleged to be a grant of the place by name the proof falls far short of showing established known and recognized boundaries at the time of the grant.

If it was a grant by Moses bounds alleged to be found in the petition or decree no such boundaries or practicable description are contained in those documents.

If the Map was made part of the grant and is to be understood as the description of the specific land granted, it is too vague and indefinite in its delineations to fix the boundaries. It has no scale of distances and no lines of demarcation except those which mark the outside borders of the map, and although several natural objects are mentioned in different parts of it, none is designated as a boundary of the land granted.

The uncertainty of an attempt to locate this land by reference to the map is shown in a strong light by the testimony of the witnesses above named.

In one part of his description he described the exterior lines of the map as the boundaries of the land, lines which have not a single object natural or artificial to identify them and which no Surveyor could find by any data which it presents, and in another he describes the lines as running through certain natural objects by which its exterior boundaries touch at no point be identical with the former but must fall considerably within the limits thereof.

There is then no actual segregation of the land and nothing to enable a Surveyor with any certainty to identify and define it. The Claimants cannot therefore be entitled to a Confirmation.

The grant was obtained under representation of the grantors that they

disposed the land for Cultivation as well as for stock raising.

They never lived on the place and the proof as to there being no cultivation upon it is Contradictory of a doubtful Character -

If any Cultivation was had it must have been of the most unimportant Character falling far short of the grant's proposal when the grant was made and bearing no proportion to the extent of the promise conveyed.

An adverse decree must be entered -

Refused.

Filed in Office Dec 12, 1854.

(Signed)

Geo Fisher

Secy

Manuel Antonio Castro
de Anzar & Co

The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Commissioners is not valid and it is therefore decreed that the application for a Confirmation thereof be denied -

Alphus Welch

R Aug Thompson

Filed in Office Dec 12, 1854

(Signed) Geo Fisher Secy.

Comptroller

And it appearing to the satisfaction of
 this Board that the only copy of said
 card is situated in the Southern
 District of Cal it is hereby ordered that
 two transcripts of the foregoing and
 of the decision in this case and of
 the papers and evidence upon which the
 same are founded be made out and
 duly certified by the Secretary of which
 transcripts shall be filed with the
 Clerk of the US District Court for the
 Southern District of Cal and the
 other transcripts shall be deposited
 in the US

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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 six* pages, numbered from
1 to *56*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *628* on the Docket of the said Board,
wherein *Maria Antonia Castro de Anzar, et al,*
use the Claimant against the United States, for the place known by
the name of "*Real de las Aguilas*"

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

G. Fisher
G. Fisher



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

No. 262, **262**
THE UNITED STATES,

22.

262
Maria Antonia Castro
de Anzur et al
'Real de los Aguilas'

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. *628*.

Filed, *July 12th* 1855
to C. L. Carr
clerk
By A. W. Clark
deputy

262

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

N^o. 262.

The Widow heirs of } Claim for the
Juan Miguel Anzar } tract of land
vs } known by the
The United States } name of "Real
de los Aguilas"
7 square leagues in
Monterey County

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You will please take notice that in
this case decided by the Board of
United States Land Commissioners for
California respecting the claim & numbered
in the records of said Board 628, the
transcript wherein was filed with the
Clerk of this Court July 2^d 1855, the
appeal from the decision of said Board
of Commissioners will be prosecuted
by the Claimant

Horace Hawes
Attorney for Claim-
ants.

N. 262,
U. S. District
Court Southern
Dist. of California

Widow heirs of
Juan Miguel
Anzar

by
The United States

Notice of Appeal
by Claimants -

Filed August 5th 1857

J. E. Farr.
clerk.

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

N.º 262. Maria Antonia Castro de Anazar et al
versus
The United States appellants

262SD

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Phase take notice that the appellants
in the above recited cause intend to prosecute
the appeal pending therein in this Court.

By their Attorneys
Jones & Strode
Survivors of Jones, Tompkins & Strode

N^o 262

Maria Antonio Castro de Anzar
et al — Appellants

Ads —

In Status Appelle
"

Notice of Appeal
"

Filed Sept 13th AD 1855

C. E. Carrick

By John W. Rose
" dep.

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

N^o 262. Juan Francisco Anzar et al.
appellants

vs.
The United States.

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It is moved on the part of
appellants,

That an order be entered
allowing further testimony to be taken
in the above cause by either party.

Jones & Stode, attys.
Per vivos of Jones, Josephine
Stode.

Nº 262.

Maniã Antônia Partes
de Agor, et de App' luv

Ads -

The United States
Appell's

Motion to take further
testimony.

Filed Sept 28th 1855

J. E. Jan.
clerk.

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For appellants.

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

N^o 262. Maria Antonia Castro de Anzar et al. appellants,
vs.
The United States.

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PAGE 63

The death of said Antonia Maria Castro de Anzar being suggested to the Court, and on motion of the attorney of said appellants, it is ~~ordered~~, That said cause be continued in the name of the remaining appellants, namely, Juan Francisco Anzar, Anselmo Anzar, and Paulicronio Anzar, and of Frederick L. M. Dongal, surviving husband of said Antonia Maria Castro de Anzar.

Jones & Storde, attorneys,
Survivors of Jones, Tompkins & Storde

M^{rs} Carey Jones being sworn, says, that he is one of the attorneys of the appellants in the above named cause, & that during its pendency said Maria Antonia Castro de Anzar has deceased, leaving as her children & heirs the other named appellants, & her surviving husband Frederick L. M. Dongal.

Sworn & subscribed before me
this 12. Sept. 1855;

O. E. Carr clerk,

By John W. Ross, Deputy

Carey Jones

No 262.

United States of America
South Dist. of Cal.

Maria Antonio Castro de
Anzar. et al -
Appellant

Ads -

The United States,
Appellee's

Filed Sept. 13th 1855
@ C. Canaan
By W. R. Roper

Filed L. S. McDougal

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Jones, for appellant

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

Docket No. 262

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PAGE 55

Fredrick A. M^c Dougall }
Juan Francisco Anzar }
Anatolio Anzar & }
Policronio Anzar }
vs }
The United States Appellee }
Transcript No. 628.

To The Honorable the U. S. District Court
for the Southern District of California.

The petition of the above named
appellants, claimants, respectfully sheweth -
that pursuant to the act of Congress
in such case made and provided, ~~the~~
Maria Antonia Castro and the above
named Juan Francisco, Anatolio, and
Policronio Anzar presented to the U. S.
Land Commissioners for California their
petition and claim for a confirmation
of the tract of land known by the
name of "Real de los Aquilas", sit-
uated in the County of Monterey and
within the Southern District of Cali-
fornia - ^{which petition is referred to for a description of the land claimed.} that thereupon afterwards upon
the ^{documents and} evidence given ^{in support} before the said Com-
missioners the said claim came on
to be heard and was by the said
Commissioners decided to be invalid
and rejected, and a ^{Certified} transcript of the
decision, proceedings, ^{papers and evidence} before said Land Commission

was filed in this Court on the 12th day of July 1855, and on the 3^d day of August 1855 ~~and also on the 13th~~ the said Claimants filed with the Clerk of this Court a notice pursuant to the act of Congress in such case made & provided, that they would prosecute their appeal herein. That afterwards, the said Maria Antonia Castro having died leaving a surviving husband, the said Frederick A. Mc Dougall, by an order of this Honorable Court, the ~~Case~~ ^{Cause} is revived in the name of the said Mc Dougall, Juan Francisco, Anatolio, and Policronio Auzar as above entitled.

Wherefore your petitioners pray that the decision of the said U.S. Land Commission may be reviewed by this Honorable Court - that the decision of said U.S. Land Commission may be reversed, and that this Court may confirm the title of your petitioners to the tract of land aforesaid.

Horace Hawes
Attorney for petitioners.

U. S. Dist Court
Docket No. 262

H. A. Mc Dougall

J. Fran^co Anzar

Anatolio Anzar &

Policronio Anzar

by
The United States

Petition for review

Filed this 4th day of Dec
1856

Attest
Service of Copy of
the within petition at-
tested this 4th day of
December 1856

L. Ord
Sincerely,

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Recd at San Aguil 25

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

Widow + Heirs of Juan Miguel Anzar } Claim for the place
vs } Called
The United States } "Real de los Aguila's"

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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, vs. The United States
claiming the place called "Santa Ana,
quien sabe" are admitted in this case,
to wit:-

That on or about the 25 day of July 1854,
Maria Antonia Castro, one of the
claimants in this case, was lawfully
married to Frederick A Mac Dougal,
and lived with him as his lawful
wife, until the 30 day of May 1855,
when she died leaving three children
of herself and her former husband,
Juan Miguel Anzar, deceased, named
Juan Francisco, Anacleto, 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 Mac Dougal is
still living,

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

J. M. Smith.

~~2445~~ 242
U.S. Dist. Court
Southern Dist. of
California

Widow & Heirs of
Juan Miguel Anzar
by.

The United States
"

"Test de los Aleguinos"

Stipulation

Filed this 4th day
of Dec 1834

C. Sims
clerk

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

Maria Antonia Castro
et al.

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The United States

Claim for

"Real de los
Aguilas"

On filing stipulation and admission
of facts by U.S. Dist Attorney, and
recognition of the death of Maria Antonia
Castro, one of the claimants, it is moved
that the name of her surviving husband
Frederick A. McDougall be inserted
as claimant jointly with the present claim-
ants Juan Francisco Auzar, Anato-
lio Auzar, and Policronio Auzar, and
that the case be revived & prosecuted in
their names

Horace Harves
Attorney for claim-
ants

Dec. 4. 1856

No 242.

W^o Dist Court

Mania Ant^o Castro

ad^r

The Junta States

Written to insert
the name of F^o M^o,
Dugal as joint Claimant
into the original Claimant

This was 4th
day of Dec 1854

C Sims
Clk.

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F. A. McDougall et al

vs.

N. 262.

The United States,

Comm. N. 628.

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

The answer of Pacificus Ord, Attorney
of the United States, for the Southern
District of California, for and in behalf
of the United States to the petition of
Frederick A. McDougall, Juan Francisco
Anzar, Anacilio Anzar, & Policronio Anzar,
for the review of the decision of the United
States Land Commissioners for California
rejecting the claim for the tract of land
known by the name of Real de los Aguilas
in Monterey County Cal., ~~denies~~

Said Respondent denies generally the
validity of the alleged title to said
lands; and prays that the decision
of the Board of Land Commissioners
be affirmed, & the ^{alleged} title of the claimants
& petitioners be deemed invalid.

& General Relief.

J. Ord

~~District Attorney~~ ~~for the United States~~

Attorney of the United States for the
Southern District of California

W 263

W D Post Comb
Spencer, Durban

F A M Douglass and
Co

The United States

Answer

Filed 8th Dec 1856

C Sims
Clerk

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Deposition of Abel Stearns taken before
C. Sims United States Commissioner for the
District of California at the United States
Court House in the City and County of Los
Angeles, State of California on Monday the 15th
day of December A.D. 1856, at 12 O'Clock M.,
to be used as testimony on behalf of the appel-
-lants in a certain Cause now pending in
the District United States District Court for
the Southern District of California, being
Case No. 262 on Docket of said Court, wherein
Maria Antonia Castro de Anzar et al are appell-
-ants and the United States appellee. Present
C. Ord U.S. Atty and E. O. Crosby Esq on behalf
appellants & Claimants

District of California

Fred^k A McDougall
Juan Francisco Arzar
Anatolio Arzar +
Policronio Arzar appellants

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PAGE 75

vs.

The United States Appellee

On this fifteenth day of December A.D. 1856 before ~~the said District~~ ^{J. C. Sims} U.S. Commissioner for the District of California ~~Court~~ came Abel Stearns a witness produced on the part of the above named appellants who having been first duly sworn deposed that as follows:

~~That~~ My name is Abel Stearns, I am fifty eight years of age and reside in the City of Los Angeles. I have resided twenty seven years in California. I was personally acquainted with Don Manuel Micheltorena formerly governor of California under the Mexican government and with Manuel Jimeno who held the office of Secretary of Government in the year 1844. I am acquainted with the hand writing and signatures of said Micheltorena and Jimeno having

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seen both of them write - Their re-
spective signatures and rubricas which
appear to the marginal entries upon
the Original Spanish Document now
here produced to me marked "H." and
annexed to this deposition ^{to the best of my knowledge and belief} are their
genuine signatures - the said entries
being dated Nov. 13. 1844. At the said
date the said Micheltorena held and
exercised the office of Governor of Cali-
fornia under the Mexican Government,
and the said Jimeno the office of
Secretary of Government in California.

Shorn & Lathrop
before me this

13th Dec 1856

James

W. C. Thompson

Abel Stearns

State of California
County of Los Angeles

J. C. Davis United

States Commissioner for the District of
California do hereby certify the foregoing
depositions of Abel Stearns, were taken
before me in accordance with the request
and agreement of said attorneys at the
United States Court House in the City of

Los Angeles, State of California - that the
said Abel Stearns was by me duly sworn
according to law as a witness in said case
in the Caption of this deposition mentioned
and after being so sworn, his testimony was
by me reduced to writing in his presence
and that of the said attorney, and after
having been by me carefully read to him
and by him corrected as he desired, was
by him signed in my presence

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In testimony whereof I
hereunto set my hand and
affix the seal of said Court
my private seal (there being
no official seal) this fifteenth
day of December of 1856

Wm. H. Stearns

Deposition of
Abel Stearns

Filed Dec. 15th 1856
C. L. Smith clerk
J. H. Merriam
Dep

Fourth Stamp Two Reals.

Habilitated provisionally by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the years one thousand eight hundred and forty four and one thousand Eight hundred and forty five.

Micheltorena

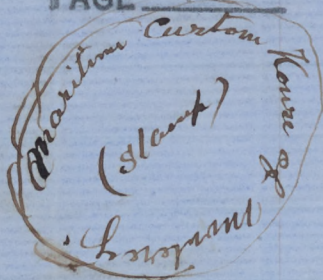
Pablo de la Guerra

(rubrica)

(rubrica)

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Most Excellent Señor Governor,

Monterey, Nov. 13. ^{to} Francisco Arias and Sat. 1844. Granted as urnino Variaga resident citizen solicited. Let it go citizens (vecinos) of the jurisd. to the Secretarys officidiction of San Juan Bautista for the annotation thereof. before your Excellency with due

Micheltorena. respect, and in the form most conformable to law, make known, that the place called Record is made of this Real de los Aquilas having licence in the Secretaryship been granted to them in of my charge, as the January last, and it not most Excellent Señor Gov having been within their error orders.

Date the Same. lishment (fundacion) by reason of its being situated, very near to the barbarous

Mora - Jimeno

Indians they hope from your Excellency's goodness that you will grant them a *proroga* prorogation (*proroga*) of one year Counted from this date in order to complete the establishment (*fundacion*) prescribed by law.

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They therefore beseech your Excellency to decree in conformity with their petition, in the which they will receive grace.

Monterey November 12.th 1844

Fran^{co} Arias

Saturnino Careaga

Translation

Felia Dec 15 to
A D 1850
C. Sims clk
J. W. Coleman
Secy

State of California
County of Los Angeles
I, J. A. Adams, Clerk of the
State Commission for the Distribution of
California, do hereby certify the foregoing
depositions

262

U.S. Dist Court
South Dist. Cal^a

Fred^o A. McPongall
Juan Fran^{co} Anzar
Anatolio Anzar &
Pichronis Anzar

vs.

The United States

Translation of
Document H.

annexed to the depori-
tion of Abel Stearns

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SELLO CUARTO DOS REALES

Habilitado provisionalmente por la Aduana marítima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena.

Pablo de la Guerra.



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Monterrey nov. 13.
de S. J. M. H.

S. J. G. H.

Fran^{co} Arias y Saturnino Carreaga
vecinos de la jurisdicción de San Juan
Bta. ante V. E. con el debido respeto
y como mas haya lugar en otra. hacen

pedido. Donde se ha
pedido. Donde se ha
pedido. Donde se ha

Micheltorena
fundación por hallarse situado muy
cerca de los indios barbaros, esperan
de la buena del V. E. les conceda

Queda tomada razón
de esta licencia en la Sra.
de mi cargo, como así lo

previene el C. G. G. H.
fha. la misma.

Mano Simero
gracia. Monterrey. Nov. 13. de 1844.

Fran^{co} Arias

Saturnino Carreaga

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Document *H.*
annexed to the deposition
of Abel Stearns

Filed 17th Dec. 1886
C. Smith clk
J. James H. Coleman
Deputy

A 262

US Dist Court

F. A. McQuay et al.

vs

United States

Depositions of
A. H. H. H.

Filed Dec 15th 1853

Chas
Clark

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State of California
Monterey County } 3

262 SD

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Frederick A McDougall,
being duly sworn, deposes and says that he resides
at San Juan Bautista in said County - that he is
the surviving husband of Maria Antonia Castro de-
ceased, and guardian of her minor children, Juan
Francisco, Anatolio, and Policronio ~~de~~ Arzoz,
joint claimants against the United States for the place
called Real de los Aguilar situated in said
County and originally granted by governor Michel-
torena to Francisco Ariza and Saturnino Cari-
aga - that deponent has caused diligent search to be
made for the said original grant or titulo in the
office of the U.S. Surveyor General at San Francisco,
the County Clerk at Monterey, and has made diligent
search among the papers and archives of the said
Arzoz family and diligent inquiry among the
neighbors, friends, and all who could reasonably be supposed
to have any knowledge of the matter and has been unable
to find said original title paper or grant, although he
learns that such a document was issued and delivered, and
deponent further says that said document is not now within
his power, or as he verily believes within the power of any
one of the claimants, but deponent verily believes that
it is lost, stolen, destroyed, or concealed by parties hostile
to the interests of the claimants.

Sworn to Subscribed
before me this 6th day
of November 1856

F. A. McDougall

W. S. Johnson
Notary Public
Monterey County

U.S. Dist Court
Southern Dist. Cal^a

"Real de las Aguilas"

Heirs of Juan Miguel
Luxury et al

^{vs}
The United States

affidavit of
H. C. McPongall

Filed Dec 17th 1855
Clerk

U.S. Dist Court - Southern Dist Cal^a

Fred^l A. McDougall
Juan Francisco Anzar
Anatolio Anzar
Policronio Anzar

"Real de los Alquilas"

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by
The United States

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Micheltoena for grant - reference to Sec'y for
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Padre of San Juan Mission - Padre informs - decree
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VII. Kinship Hith of Claimants - Stipulation of
Law agent p. 49. App. of Mc. Jones & order filed
in this Court - Stip. of Sisk Atty filed in this Court.

IX. Locality & boundaries, Decree of Concepcion and
map p. 32 & 33. Dep^{te} Larios & Arias. 23, 24, 25, 27-28.
Ord. de Tierras y Aguas p. 145, 135, 132, 122-3, 149, (N^o 11)
& No^o 8.6. p. 165.
See Record Transcript in N^o 181 page 14

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U.S. Dist Court

J A M^e Dougall
J H Anzar, Policrario
Anzor + Anathio An-
zar

by
The United States
"Real de los Aguilas"

Index to record

Filed Dec 14th 1836

Ofims
ChR

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

Widow and heirs of
Juan Miguel Anzar
Vs

The United States

Appeal from the U. S.
Land Commission for California
in the case of claim for place
called "Real de los Aguilas"

State of California

Monterey County

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Edw. L. Williams being duly
sworn deposes and saith that he is the County Clerk
and ex officio Recorder of said County and at the request of
Frederick A. MacDougal made in behalf of the claimants
in the above entitled cause, has made thorough and
diligent search among the records and papers in said
Clerk's office for the original grant of Governor Michel-
torrena to Francisco Arias and Saturnino Cariaga of
the place called Real de Los Aguilas and has not
been able to find the same, and deponent verily
believes that the same does not exist among the
records and papers of said office, and is not aware
that said original grant has ever been in said office,
nor does he know where it is to be found, or whether
it is still in existence or not.

Edw. L. Williams
County Clerk and
ex officio Recorder
Monterey County

Subscribed and sworn
to before me this 5th day of November
A.D. 1856 at said County.

D. R. Wiley
Notary Public



U.S. Dist Court
Southern Dist. Cal^o

Heirs of Juan
Miguel Azar

vs
The United States
"

Aff. of E. L. Williams

Filed Dec 19th 1884
Chas
Dist

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Montem, febrero 17 de 1844

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Vista la peticion con que da
principio Esta Expedre Las informas
que presidia con todo lo demas que
se tubo presente y ver con vino de-
claro a Don Julian Ursua,
dueno del Terrero nombrado Pa-
rocha de San Juan y las car-
resallitos, Colindat^o p^o el Norte
con los Baños que llaman del
Padre Arroyo por el ~~Oeste~~ con
~~las~~ por monte con Santa Anna
y San Joaquin por Oeste con
las Cerritas del Valle y por el
Sur con El Real de las aguilas
y la Parrochia grande en la
Estension de Cincos Sitios de
ganado mayor - Librese el
Correspondiente despacho, tornese
razon en el libro respectivo, y
dirigase ala E. Junta Depart-
mental, p^a su aprobacion
El E. J. Gobernador asi lo man-
do de ceto y firmo Hoy fue



TRACT - PANOCHO de SAN JUAN y Los Carrisalitos.

Diseño

Feb. 1844

181 S.D.

p 93

"PANOCHA DE SAN JUAN y CORRALITOS"

JULIAN URSUA, Clint.

MERCED Co.

1306-R

Mouleroy February 17. 1844.

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(Translation)
Having seen the petition with which this Expediente begins, the reports (informes) which precede with all else which was presented and which it was convenient to see, I declare Don Julian Urrua owner of the tract of land named Panoche de San Juan y los Carisalitos bounded on the north by los Baños which are called del Padre Arroyo, on the West by Santa Ana and San Joaquin, on the West by the Orillas del Valle ^{on the South by} and the Real de los Aquilas and the Panoche grande, in extent five Sitios de ganado Mayor. Let the corresponding dispatch (despacho) be issued, let record of it be taken in the proper book, and let it be directed to the Excellent Departmental Junta for its approval.

The most Excellent Señor Governor thus ordered decreed and signed which I attest.

United States of America
Southern District of California fs:

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I Columbus, Sins Clerk
of the District Court of the United
States for the Southern District of
California, do certify that the annexed
Spanish Document and Map annexed
are exact Copies extracted from the
Manuscript filed in my office from the U.S.
Land Commission for California in Case
No. 181 as docketed in this Court, wherein
the United States are Appellants vs. Julian
Ursua et al. appellees claiming the place
called "Panocha de San Juan y los
Carisalitos, said extracts being a portion
of the Copy of an Expediente given in
evidence in said Case duly certified by
the U.S. Surveyor General for California
to be such copy of an ^{original} Expediente on file
in his office and Constituting a portion
of the Archives of the former Spanish
and Mexican Governments of California,
as appears from said Transcript.

In Witness Whereof
I have hereunto set my



And affixed the
Seal of said Court
this 17th day of De-
cember 1856
Cfms
clrk

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262

W. G. Durr Comr
South " Dir (at)

Frederick A McDougall

San Francisco Aurar

Anatolio Aurar &

Policronio Aurar

by
The United States
"

~~It is certified that the
within papers may be filed
& considered in evidence~~

Filed Dec 17th 1886

Wm
OR

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United States District Court for the Southern
District of California

December Term 1854

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PAGE 98

Frederick A. Mc Dougall
Juan Francisco Anzar
Anatolio Anzar and
Poleromo Anzar

Appellants

vs
The United States

Appellee

Doc. No. 263

Transcript No. 1638

What cause coming
onto be heard on appeal from the de-
cision of the Commissioners to ascertain
and settle private Land Land claims
in the State of California under the act
of Congress approved March 3^d, 1851 is
upon the Transcript of the proceedings
decision of said Commissioners and
the papers and evidence upon which said
decision was formed all of which have
been duly returned and filed in this Court
as required by Law and upon further evidence
taken by order of this Court and Counsel for
the respective parties having been heard
on due consideration had, It is by the
said District Court now here ordered
advised and decreed that the decision
of the said Board of Commissioners be and
the same is hereby reversed and it is further
ordered, advised and decreed that the title
and claim of the said Frederick A. Mc
Dougall, Juan Francisco Anzar, An-
atolio Anzar and Poleromo Anzar

is good and valid and the Land
claimed in this case is hereby confirmed
to them.

The Land of which confirmation
is hereby made is the tract known by
the name of "Real de Las Aguilas" situated
in the County of Monterey, bounded on
the north west side by the Canada Verde
on the south west side by Sierra Bonita
on the north east ~~side~~ side by the Canada of the
Corral of Sebastian Rodriguez. Containing the quantity
of seven square Leagues of Land or ^{seven} ~~seven~~ Lijas
de Canada Mayor and no more
being the same Land described in the
Expediente and map, therein ~~set out~~
contained given in evidence in this
cause from the public archives to
which reference is herein made for a
further description of the Land herein confirmed.

Sancti Spiritus
N. J. Per. Hope

No 262

U. S District Court
Sault Ste Marie Mich

F. A. McCreary et al
appellants

^{vs}
The Minnesota State
appellees

Do or

Filed Feb 28th 1887

Spencer
Clerk

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Remains on Page 252

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court
of the United States, for the Southern District
of California

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Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California before you, _____ in a cause
between Frederick A. McLaughlin, Juan Francisco Anzar,
Anatolio Anzar, and Policronio Anzar, appellants and
The United States, appellees (No. 262, for the place
called "Real de las Aguillas") wherein the decree
was rendered in favor of the said appellants —

as by the inspection of the transcript of the record _____

_____ of the said *District*
Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*
taken by the United States _____

agreeably to the act of Congress, _____

_____ in such case made and provided, fully and at large appears.

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And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *Sixty two* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and ~~was argued by counsel:~~ *On consideration whereof, on the motion of Mr. Bates, Attorney General of the United States, and of counsel for the appellants, it is now here considered, ordered and decreed by this court that this cause be and the same is hereby dismissed. -* *(2nd Feby*

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You, therefore, are hereby commanded that such Further _____ proceedings be had in
said cause, _____

as according to right and justice, and the laws of the United States ought to be had, the said appeal
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the
first Monday of December in the year of our Lord one thousand eight hundred
and sixty two.

COSTS OF _____
Clerk \$ _____
Attorney \$ _____
\$ _____

Taxed by

Wm. H. Carroll
Clerk of the Supreme Court of the United States.

No. 204, December Term, 1862.

MANDATE

SUPREME COURT UNITED STATES.

W. Shatto vs. McConougall

Filed Sept. 22 1863
John D. McKim
Att.

U. S. District Court
District of California

Abel Stearns

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The United States

To the Hon.

Ogden Hoffman
District Judge

The undersigned, appointed by an order of this Court, a referee to ascertain and report what papers should be included in the return to the certiorari issued in this cause, begs leave to report.

That he has examined the said certiorari, and a copy of the papers on which the motion for the same was made, a printed copy of the Transcript on Appeal, the judge's notes taken on the hearing and the opinion referred to in the writ; that he has held conferences with the attorneys for appellant, Mr Sidney Johnson who was attorney for claimant before this Court, Mr Chevers who was clerk of the District Court at the time of the trial, and has furthermore inspected a certain bound book containing 87 pages on some of which certain photographs are pasted; and from the data aforesaid and his own personal knowledge & recollection, would further respectfully report and suggest as follows:

The papers called for in sections 1 & 2

of the writ, photographed at pages 19-22 & 23 were not produced at the hearing.

The same can be said of the photograph at pp. 27. 30 & 31 which is one of the grants alluded to in section 3 of the writ.

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These grants are offered as furnishing instances where Pio Pico did, ~~antedate~~ after the change of flag, sign important papers without antedating.

The following papers which were produced at the hearing, and which furnish instances of a different line of conduct, should, it seems to me, be added, in photograph, viz.

Expedientes N^{os} 570 & 572.

The signatures called for by sections 4, 5, 6, 7, 8, 9 & 10 appear to be those photographed at page 26 of the bound book; no such evidence was introduced at the hearing.

The letter called for by N^o. 11 is photographed at page 47.

The Manifest (112) is at pages 50 & 51 of the bound book. The first and last pages only are photographed. I see no cause for recommending the addition of the two intervening pages.

The *aforo* or statement of duties of the same ship called for by sec. 13, is at pages 54. 55 and 58 of the bound book. It ought to appear, in some way, that two copies in the same

handwritings were produced in evidence.

An original draft of the same has been photographed at pages 59 62 & 63. It certainly was used at the hearing.

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Abrego's letter of June 9th 1846, photographed at page 38 & called for by the writ (14) was not ~~used~~ produced in evidence that I recollect.

A letter from the same photographed at p. 34 & called for by the writ (15) was not produced in evidence.

I say as much of another letter photographed at page 35 and called for by the writ (16)

At N^o 17 the writ calls for a paper which I find photographed at pp. 43 and 46. This paper was not introduced in evidence. The ~~paper~~ Corte de Caja introduced in evidence is at pages 39 & 42 of the bound book. It is to this that the judge refers in his opinion. The first and last pages only are photographed. I can see no reason for ordering the exhibit to be made complete provided it appears is made to appear that it does not purport to be complete. The copy & translation in the transcript are quite enough.

As to the calls of the writ at N^o 18, I suggest & recommend as follows.

Photograph of Diaz' letter of May 4, 1846.

" " " promissory note of May 5 1846

(Photograph of 1st & last page of the afore
of brig Euphemia or rather admit its existence)

Photograph of the Borrador grant of Exp^{to} 552.

Of the following documents I recommend
written copies.

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So much of the Custom House account
book as relates to Diaz' account.

So much of the same as relates to Chaves.
Hartnell's letter of 16 May 1846 appointing
Diaz to be inspector at Yerba Buena.

The document which shows 15000 dollars
to have been received at the Custom House May
28th 1846. (on search it could not be recovered)

Diaz' receipt for \$232.

That part of the Acts of the Departmental
Assembly where it appears that 45 expedientes
were sent in May 8th 1846.

A traced copy of Exhibit K ~~attached~~
annexed to Black's deposition.

One page of Hartnell's index is
photographed at page 10 in obedience to
the calls of the writ (19)

In relation to several papers of
which I have spoken above as not having
been introduced in evidence, I should state,
in justice to all, that at and before the
hearing, the counsel on both sides proceeded

upon the understanding that everything in the Archives, although not directly produced ~~could~~ might be referred or alluded to in the argument.

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Numerous references and allusions of that kind were made under that understanding stipulation.

Of course I cannot surmise ~~which~~ how ^{many} much or how ^{few} little the Court may have examined of the documents in question.

The counsel for appellant have agreed to all the above suggestions and ordered the necessary photographs and copies. When the return to the writ shall have been completed as here suggested, I am of opinion that the appellate Court will be in the possession of all that is material for a thorough investigation of the cause.

Respectfully Submitted ^{Oct.} Sept. 5th 1867
Eugene L. Liss
Referee.

San Francisco Oct. 10th 1867.

Since making the foregoing report, and furnishing the same to the counsel for claimant, the suggestions therein contained

have been fully complied with, and the return
to the certiorari is complete. I recommend
that the return be made.

Eugene L. Liss
Referee

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W 262
H. S. Nat Court
Nat Coll

The United States

"

Abel Stearns

Report of Secs.

Filed Oct. 11. 1867
Geo E Whitney Clk

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[Order of Court.]

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

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Frederick A. M. Dougall

San Francisco Auxar

Anatolio Auxar &

Policronio Auxar

ads.

The United States.

Docket N^o 262.

Transcript. 628.

Claim for land
called "Real de
los Aguilas."

The Attorney General of the United States having given notice that it is not the intention of the said United States to prosecute an appeal from the Decree of Confirmation heretofore rendered by this Court in the above entitled Cause; Therefore, the claimants by their Attorney, and the District Attorney, on behalf of the United States consenting thereto by stipulation filed, it is Ordered by the Court that the Order of Appeal in this cause be vacated; that the Decree of this Court heretofore rendered be, and the same hereby is made final, and that the claimants have leave to proceed thereon as a decree of final confirmation.

[Stipulation.]

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

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Frederick A. McDougall	} Docket No. 262, Transcript " 628. Claim for land called "Real de los Aquilas."
Juan Francisco Auzar	
Anatolio Auzar & Policronio Auzar	
ads The United States.	

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 Confirmation heretofore rendered by the District Court in in the above entitled Cause; it is therefore hereby stipulated that the Order of Appeal be vacated and that the decree of the said District Court be made final and the claimants have leave to proceed thereon as a decree of final confirmation.

Docket No 262.
Transcript " 628.

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

Frederick A. McDougall—
et al—

—vs.—

The United States.—

Stipulation.