

CASE No.

267

SOUTHERN DISTRICT

LAGUNA DE TACHE GRANT

JEREMIAH CLARKE, ET AL

CLAIMANT

LAND CASE 267 SD 49 pgs.

MAR 16 1963

Plover Bond
PLOVER BOND

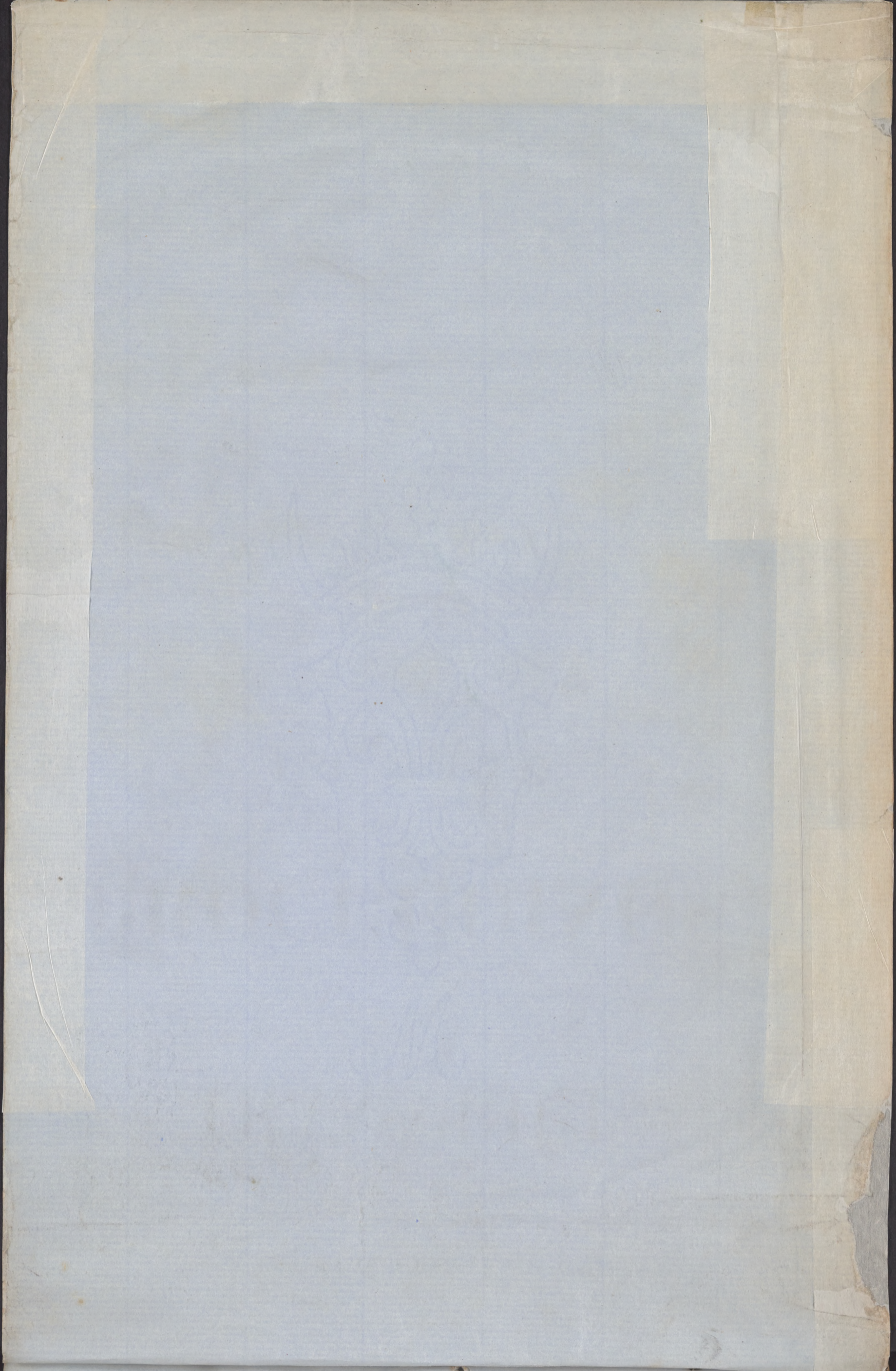
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U.S.A.



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TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 604

Jeremiah Clarke, et al. CLAIMANT &

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Suyama de Sachre"

БУДЕ

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this Eighteenth 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;

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The Petition of Jeremiah Clarke, et al: ^{part of} for the Place named "Laguna de Tache", was presented, and ordered to be filed and docketed with No. 601 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 19th 1853.
In Case no. 601, J. Clarke et al: for a part of the place named "Laguna de Tache", the deposition of William A. Richardson, a witness in behalf of the Claimant, taken before Commissioner Meland Hall, was filed;

(Vide page 3 of this Transcript.)

San Francisco September 5th 1854.
Case no. 601, was submitted on briefs and taken under advisement.

San Francisco October 19th 1854.
In the same case Commissioner Alpheus Felch delivered the opinion of the Board respecting the claim;

(Vide page 21 of this Transcript.)

And the following order was made, to wit:

(Vide page 23 of this Transcript.)

To the U.S. Land Commission for the
ascertaining and settling of Private Land
Claims in California.

The Petition of Jeremiah Clark
and Gustavas W. Beckh, residents of the
State of California respectfully sheweth unto
Your Honorable Body that they are the
owners of Tract of Land, part of the
Rancho de la Laguna de Tache and for
further explanation states:

Petition,

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That one Manuel Castro on the
10th of January 1846 / 1846 / obtained
a grant of a Tract of Land called
Laguna de la Tache, from Pio Pico
then Constitutional Governor of California,
and at that time took possession of
the same.

That on the 22nd day of November
1852 said Manuel Castro for a valuable
consideration made and executed a convey-
ance of a part of the Tract above named
to your petitioners.

That the original documents conferring
title upon said Castro are on file in
Case No. 600, and that copies thereof
as well as the conveyance from Castro
to your petitioners are in the hands
of your petitioners and ready to be
exhibited in evidence whenever required.

And your petitioners further state,
that the Land so claimed by them is
situate in the present County of Monterey
and in the Rancho de la Laguna de Tache
aforesaid, contains two Spanish square
leagues, and is bounded and described
as follows: Commencing at a point
formed by the junction of the Sanjon

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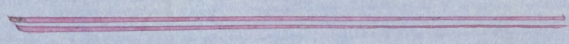
de San José and the "Rio Reyes" Thence running along the northern shore of said Rio Reyes two Spanish leguas, thence at right angles northerly one Spanish legua, thence westerly and parallel with said first mentioned line two Spanish leguas, thence along the eastern shore of said Sanjon de San José southerly one legua to the place of beginning.

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Wherefore your petitioners claim to be the lawful owners of said two leguas of land and pray that your Honourable body will make them parties to the petition filed by Manuel Castro for said Laguna de Tache before your Hon Board, And furthermore that your Hon Board will confirm and validate their claim and Bitte thereto.

Clark Taylor & Beckh
Attys

Filed in Office Feb'y 18' 1853.
Geo. Fisher



San Francisco Feby 19. 1853.

On this day before Court Neiland Hall came Wm A. Richardson a witness in behalf of the Claimant L. Clark et al Petition N^o 601 and was duly sworn his evidence being given in English

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The W.S. Associate Law Agent was present.

Questions by Claimant.

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

Deposition
of
Wm A. Richardson

Answer. My name is Wm A. Richardson My age fifty eight years and I reside in my Rancho of Sausalito, in Marin County.

Question 2nd. Look at the documents shown you the one purporting to be a grant from Pico Pico to Manuel Castro, of eleven square leagues in the vicinity of the Laguna de Tache, marked N. H. N^o 1 attached to the deposition of yourself and filed before this board in Case N^o 600. Claim of Manuel Castro, the other marked N. H. N^o 2, and filed in said Cause, purporting to be first a petition of Manuel Castro to Micheltorena with a decree of concession written upon the margin thereof, signed by Micheltorena and counter signed by Manuel Jimeno, Secretary; and second a petition of the ~~second~~ said Castro to Governor Pico, with a decree of concession written upon the margin thereof, signed Pico, the whole followed by a desing of the land petitioned for, copies of all of which are filed in this case

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State what you know concerning
said documents, and whether the
signatures thereto are genuine.

Answer, I am acquainted
with the hand writings of Don Pico, Jose
M. Covarrubias, Micheltoena, Manuel
Jimenez and that of the Petitioner Manuel
Castro, having often seen those
Gentlemen write.

Their signatures wherever they
appear on said documents are
genuine.

William A. Richardson

Sworn & Subscribed

Before me

Heiland Hall Comr.

Filed in Office July 19th 1853
Geo. W. Fisher
Sec

Approved
J. W. Fisher

7.
Pío Pico vocal mas antiguo de la Honorable Asamblea
del Departamento de las Californias y Gobernador Jus-
-tísimo del mismo.

Por cuanto el Ciudadano

Manuel Castro ha pretendido para su beneficio pers-
-onal once sitios de ganado mayor en la laguna de
Tuche del distrito de Monterey cuyo terreno le fue
concedido por mi antecesor Don Manuel Micheltorena
en decreto de 14 del Diciembre de 1823, practicadas pue-
-riamente las averiguaciones y diligencias convenientes
usando de las facultades con que me halló autorizado
por el Supremo Gobierno a nombre de la Nacion
Mexicana he venido en conceder al espresado Señor
Castro por las presentes la propiedad de once sitios
de ganado mayor mencionados de conformidad
con la ley de 18 de Agosto de 1824 y reglamento de
21 de Noviembre de 1828. y bajo las condiciones
siguientes.

1.^a Podrá cercarlo sin perjudicar las trasías
caminos y sendas viejas: lo disputará libre y voluntariamente
destinándolo al uso o cultivo que mas le convenga.

2.^a Solicitará del Juez respectivo le de la jurisdiccion
jurisdiccion en virtud de este despacho judicial se dem-
-arcan los linderos con las respectivas mamparas
respetando todo lo que fuere de la propiedad de
Don José Limantour sin cuyo perjuicio podrá valer.

3.^a El terreno de que se le hace donacion es de
once sitios de ganado mayor, compues al dicho
colindante por el S. con la laguna de Tuche y
Limantour por el N. con la Rancharia de Las
Motantes por el O. Sanjon de San José y por el E.
con el Maru.

En consecuencia mandado que teniéndose
el presente título por firme y valioso, se tome
razon de el en el libro que corresponde y se entregue
al interesado para su resguardo y otras fines.

Dado en la Ciudad de los Angeles en este

A
Copy of Grant.

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por falta de sello a diez de En.^o de mil ochocientos
cuarenta y seis.

Pro Pro.

José M^a Covarrubias. Jui.

Queda tomada razon de este titulo en el libro
respectivo.

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Angeles. fecha ut. supra.

Covarrubias.

Filed in Office. Feby. 18. 1853.

Geo. Fisher. Secy.

Recorded in Book of Rec. of Evid. vol. XIV.
page 395.

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Dio Pico, eldest member of the Hon-
-orable Assembly of the Department of
both Californias and Governor ad interim
of the same,

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Translation
of
copy Grant
"A"

Whereas the Citizen Manuel Castro has
solicited for his personal benefit eleven
square leagues of land in the Laguna de
Tache, in the district of Monterey, which
land was granted him by my predecessor
Don Manuel Micheltorena in decree of
12th of December 1843, after having pre-
-viously made the necessary investigations
and taken the necessary action, in exercise
of the powers with which I am authorized
by the Supreme Government in the name
of the Mexican Government, I have conclu-
-ded to grant said Castro by these presents
the ownership of the mentioned eleven square
leagues of land (sitios de Ganado Mayor
in conformity with the law of 18th August
1824 and regulations of 21th November
1828 and under the following conditions;

1st He may fence it without prejudice
to the crossings, roads and servitudes;
he will enjoy it freely and exclusively
appropriating it to the use or culture
that best may suit him,

2nd He will solicit of the respective
judge to give him juridical possession
in virtue of this document, by whom
the boundaries are to be marked with
the respective landmarks, bearing respect
for all that shall be the property of Don
Jose Limantour, without prejudice to whom
he may occupy it,

3rd The land granted him is eleven

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square leagues (sitios de ganador mayor) conformable to the sketch, bordering to the south on the Laguna de Tache and on Seimantour, to the North on the Rancheria de las Motontas, to the West on the Sanjon de San José and on the plain.

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Consequently I order that the present title deed being held firm and valid, it be entered in the corresponding book and delivered to the interested party for his security and other purposes.

Given in the City of Los Angeles on the common paper for want of stamped papers on the 10th of January 1846.

Pedro Pico,
José M. Covarrubias
Secretary

This title deed has been entered in the respective book.

Angeles, date ut supra
Covarrubias

Filed in Office Sep^r 16th 1853

Geo. W. Fisher
Sec

Appendix follows

Exmo. Sr. Gobernador.
 Manuel Castro Mexicano por naci-
 miento y vecino de este Puerto ante
 la justificacion de V. E. con el debido
 respeto dijo: que estando licito que
 en el parage que le fue concedido a
 D^o Jose Simuntour sobrante de q
 una de Tache, resulta un sobrante
 considerable y necesitando este para
 poner los bienes de mi pertenencia
 que se hallan en terreno de la testam-
 entaria de mi finado padre Don
 Leon Castro he de ruegar de V. E.
 que en atencion a los servicios que
 tengo prestados al Departamento
 me haya la gracia de concederme
 el mismo sobrante en estension
 de once sitios de ganado mayor.
 Por tanto A. V. E. suplico se digna
 proveer como pide de lo cual recibire
 gracia.
 Montevrey. Diciembre 7. de 1843.
 Manuel Castro.

Expediente

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Micheltovena.
 Manuel Lluens. Sr.
 L. S.
 Angeles. En: 10. de 1846.
 En vista de las obsequios
 que a compaña el titular
 adole libre le el titulo
 que ha. segun la propiedad
 segun los linderos que
 se demarcan en
 el diseño que a compaña

Exmo. Sr. Gobernador.
 Manuel Castro, natural de este
 Departamento y vecino de este
 Puerto de Montevrey, ante V. E.
 respetuosamente hago presente: que
 en 12 de Dce. de 1843, me fueron
 concedidos por el Sr. Gobernador
 y Comand^{te} Gral. D^o Manuel
 Micheltovena, once sitios de ganado
 en las inmediaciones de la laguna de Tache como
 consta por el Superior decreto visible en la instancia
 original que a V. E. debidamente acompaño, y estando
 en cierto modo pendiente a la ocupacion de dicho

Pico.

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mientras Don José Y. Simantour no tome posesion del
que en la misma laguna de Tache le corresponde
consecuentemente a la vez que el Sr. Simantour pueda decaer
-arse en obtener la referida posesion. Considerando que
esta paralización un grave perjuicio a mis intereses
he de merced de V.E. que tanto por las razones anti-
-cadas como por que el terreno de la laguna Tache
es de una grande estension se dirige esplicitamente el
título de propiedad de los espedidos once sitios
de ganado mayor para poder libremente ocupar los
sin perjuicio del Sr. Simantour y consecuentemente por el
del terreno que le pertenece y la laguna de Tache
por el norte con la rancharia de las Notuites: por el
Este con el Muro hacia a la Sierra Nevada y por
el Oeste con el Sajon de San José como explica el
diseño que tambien acompaño. P. F. a V.E. suplico
se dirija proveer como pido con respecto un presente
en papel común por no haber de sellado que
corresponde. de todo lo cual recibire gracia y justicia.
Ciudad de los Angeles. de 1846.
Manuel Castro.

The whole flawed by a plan.

Filed in Office. Feby. 18. 1853.

Geo. Fisher. Secy.

Recorded in Book of Rec. of Ev. vol XIV. page
395.

Excellent Sir Governos

I, Manuel Castro, a Mexican by birth and resident of this Port, with due respect say before you: That being sure that in the location granted to Don José Simantour called "Laguna de Tache" there results a considerable surplus and needing this to place the stock belonging to me & which now remains on the testamentary land of my deceased father Don Simón Castro, I deserve of your Excellency that in consideration of the services I have rendered to the Department you will do me the favor to grant me the same surplus in extent eleven square leagues.

Therefore I pray your Excellency to be pleased to provide as asked for, whereby I shall receive a favor.
 Monterey December 7th 1843,
 Manuel Castro

/In the margin/

Monterey December 12th 1843.

In consideration of the petitioner's services I concede to him the ownership of the surplus as he asks, instructing the Secretary to issue the respective title deed. The interested party asking for the possession as soon as Simantour may obtain possession of those lands he has been granted and may be belonging to him in that location.

Micheltorena
 Manuel Jimeno
 Secretary

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Translation
 of
 Expediente
 "B"

Excellent Sir Governor!

I, Manuel Castro, a native of this Depart-
-ment and residing in the Port of
Monterey, respectfully represent before
you;

That on the 12th of December 1843
I was granted by the Governor and Commander
General with eleven square leagues of land
in the contiguity of the Laguna de Tache,
as is proved by the Superior decree
visible in the original instance, which
I duly accompany to your Excellency,
and the occupation of said land
being in a certain measure pending
while Don José Y. Loimantour does
not take possession of what belongs
to him in the same Laguna de Tache,
considering at the same time that Loim-
-antour may be delayed in obtaining
said possession, this stand still cau-
-sing me a serious injury to my interests
I have to deserve of your Excellency
that as well for the reasons indicated
as because the land of the Laguna
de Tache is of a large extent, you will
be pleased to issue the title deeds
of ownership of the said eleven ^{square} leagues
of land, that I may be enabled to occupy
it without the prejudice of Loimantour,
and bordering to the South on the land
belonging to him and the Laguna
de Tache to the North on the Rancharia
de Las Notantas to the East on the plain
towards Sierra Nevada and to the
West on the Sanjon de San José, as
shown in the sketch I likewise accompany,

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Therefore I pray your Excellency to be pleased to provide as I ask, admitting the present on common paper, stamped paper not being had, by all of which I shall receive favor & justice,
City of Los Angeles 1846.
Manl. Castro,

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In the margin / Angeles January 10th 1846.
In view of the documents which the interested party accompanies, let the title deed be issued of ownership, according to the boundaries marked out in the sketch he accompanies.
Pico,

Filed in Office Sept^r 16th 1853.
Geo. Fisher
Sec.



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This Indenture, made the Twenty second day of November in the year One Thousand Eight Hundred and fifty two, Between Manuel Castro, of the County of Monterey and State of California, of the first part, and Jeremiah Clark, Edward W. Taylor and Gustavus W. Beckh, all of the City and County of San Francisco and State of California, of the second part,

Witnesseth;

That the said party of the first part, for and in consideration of the sum of Ten Thousand Dollars, lawful money of the United States of America, to him in hand paid by the said parties of the second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, released, remised and conveyed, and by these presents doth grant, bargain, sell release, remise and convey unto the said parties of the second part, and to their heirs and assigns forever,

All his right, title, interest claim and demand whatsoever in and to the following described premises, viz: being a part of a certain rancho situated in the County of Monterey, known as "Laguna del Gache" and granted to said to said party of the first part by Pio Pico on the 10th of January 1846 and more particularly described as follows: Commencing at a point formed by the junction of the Sanjon

Certified
copy of deed.
"C"

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de San José, adjoining the "Laguna de Saehé" and the "Rio Reyes" thence run-
 =ning Easterly along the Northern shore
 of said "Rio Reyes" two Spanish leagues,
 thence at right Angles northerly one
 Spanish Lega, thence at right
 angles and parallel with said first
 mentioned line Westerly two Spanish
 Leguas, thence at right angles, along
 the Eastern shore of said "Sanjón
 de San José" Southerly one Lega
 to the place of beginning, containing
 altogether two Spanish Square
 Leguas, more or less.

Together with all and singular
 the Tenements, hereditaments, and appur-
 tenances thereto belonging, or in
 any wise appertaining and the reversion
 and reversions, remainder and remainders,
 rents, issues and profits thereof,

To have and hold all and singular
 the above mentioned and described Prem-
 ises, together with the appurtenances,
 unto the said parties of the second part,
 to their heirs and assigns for ever,

And the said party of the first
 part, does hereby covenant and agree
 with the said parties of the second part,
 that at the time of the delivery hereof,
 the said party of the first part is the
 lawful owner of the premises above
 granted, and seized thereof in fee
 simple absolute, and that he will

Warrant and Defend the above granted
 premises in the quiet and peaceable
 possession of the said parties of the
 second part against said party of

the first part, his heirs and assigns forever.

In witness whereof the said party of the first part has hereunto set his hand and seal the day and year first above written.

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(signed) Manuel Castro L.S.
signed sealed and delivered in presence

of:
(signed) C. Spring

State of California }
County of San Francisco } ss.

On this twenty second day of November, A.D. One thousand eight hundred and fifty two, before me, F. P. Tracy, a Notary Public, in and for said County, personally appeared Manuel Castro, known to me to be the individual described in, and who executed the foregoing conveyance and acknowledged that he executed the same freely and voluntarily, for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand and affixed my Official Seal in the City of San Francisco, County aforesaid, the day and year first above written.

(L.S.) (signed) H. P. Tracy
Notary Public

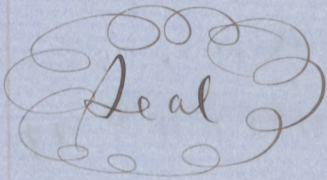
State of California }
County of San Francisco } ss.

This is to certify that the foregoing is a true and exact copy of an instrument

executed by Manuel Castro, and dated the
Twenty Second day of November, A.D.
Eighteen Hundred and fifty, before me,
a Notary Public, in and for the County
and State aforesaid.

In witness whereof, I, have
herewith set my hand and seal of Office
this Tenth day of February, A.D.
Eighteen Hundred and fifty three,

J. P. Tracy
Notary Public.



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Filed in Office Feb'y 18' 1853,
Geo. Fisher Sec

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Jeremiah Clark et al. }
 vs }
 The United States }
 }

For a part of Two Square Leagues of
 the place called Laguna de Tache in

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Opinion of
 the Board
 by Commissioner
 Alpheus Selch

The Claimants Title is alleged in their
 petition to be derived from Manuel Castro
 by conveyance made by him to them
 November 22nd 1852 and it is
 averred that Castro obtained title to
 the premises by virtue of a grant from
 the Mexican Government.

No evidence is presented of such a grant
 of the premises known by the name of
 Laguna de Tache (of which the land
 claimed in this case forms a part)
 was considered; and the claim of Castro
 under it decided not to be valid for insuffi-
 ciency of proof of the performance
 of the conditions of inhabitancy or
 cultivation.

The evidence in this case is
 much less than is that and quite
 insufficient to establish the Claimants
 right to the property.

An adverse decree must be entered.
 Rejected.)

Filed in Office Oct 13th 1854
 Geo. Fisher
 Sec

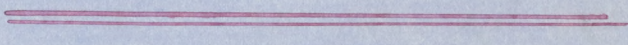
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Jeremiah Clark et al,
vs
The United States

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

Alphens Felch
R. Aug. Thompson
S. B. Farwell,
Commissioners,

Filed in Office Oct 11. 1854.
Geo. Fisher
Sec



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

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Office of the Board of Commissioners,

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

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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Seventy three* pages, numbered from
1 to *23*, 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. *001*, on the Docket of the said Board,
wherein

Jeremiah Clarke, et al, are

the Claimant against the United States, for the place known by
the name of "*Suguna de Sucho*"

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Thirtieth day of *June*
A. D. 1853, and of the Independence of the
United States of America the seventy=*ninth*.

Geo. Fisher



U. S. DISTRICT COURT,

San Francisco District of California.

No. 267. **267**

THE UNITED STATES,

vs.

Jeremiah Clarke, et al.

'Laguna de Tuche'

267
TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *601.*

Filed, *July 12th* 1855.

L. E. Leary
Clerk

By *A. H. Clark*
Deputy

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100448

601



Case No 601

On appeal from the Board
of U. S. Land Commissioners

Charles Beckh

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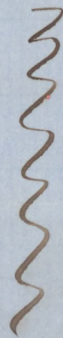
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app^{lts}

vs

The United States

app^{lee}



claim for "Laguna de
Tacht"

Sir!

Please take notice that the claimants
in the above case, will prosecute the appeal
themselves.

San Francisco
May 9th 1835

Yours respectfully
Charles Taylor & Beckh
Attys. for claimants

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

No 267.
U. S. District Court
for the Southern District
of California.

Clarke & Beeth
app^{ts}

vs
The United States
app^{ee}

Claim for "Layard
de Tsché"

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Notice of Appeal

Given May 22^d, 1857. J. C. Jan,
clerk.

Clarke Taylor & Beeth
Attys for claimants

Supt. Court of the U. States
Southern District of California

No 267 } J. J. Clarke et al }
 } v } Corn's Deed
 } The United States } No. 601

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Notice is hereby given that
the Claimants in the above en-
titled case intend to prosecute
the appeal taken therein from the
decision of the board of U. S.
Land Commissioners to the said
District Court

Sept 17th 1853

J. J. Clarke et al
for Claimants

No. 67
Glavin
vs
The U. States

Notice of Appeal

Filed Sept. 18th 1833

O. E. Carr vs
By John W. Coffey dep

Clark & Becke Case No 267 District Court
at " " 606 Land Commission
U. S.

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

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The Petition of Lemuel Clark and Gustavus W. Becke respectfully sheweth:— That this case is an appeal from the decision of the U. S. Board of Land Commissioners, to ascertain and settle private land claims in the State of California:— That the claim filed before said Board was for two leagues of land located in the Southern District of California, for a description of which land and said Petitioners title thereto reference is hereby specially made to the Petition filed by said Petitioners before said Board:—

That after considering the claim of said Petitioners and the proofs filed in support thereof, said Board on the 17th day of October A. D. 1854 decided said claim to be invalid:—

That a transcript of the Record of said proceedings was filed in this Court on the 12th day of July A. D. 1855, and a notice of appeal filed by claimant September 18th 1855.

Said Petitioners pray that said decision of said Board may be reversed, and that this Court may confirm the title of the Petitioners to said land

Clark & Becke
Atty for Claimants

No. 267

U.S. District Court, Southern District

Inmial Clark vs. et;

vs

The United States

Petition for Remission

Filed this 11th February
1857
C. Lewis Clerk
of S. H. Coleman
Dep.

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Wm. W. Hartman

19th Jan 1857

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

Luciano Blas et al.
Appellants

No 267.

vs
The United States
Appellee

For "Laguna de Sachi"

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And now comes Leon
Martinez of Counsel for Appellants in the above
intitled cause, and moves the Court here, for leave
to file in evidence in this case a certified copy of
the translation of the definitive grant by Pio Pio to
Manuel Castro for the land claimed in this case and
which said translation is included in Transcript
of case No. 255 in this Court; also certified copies
of the testimony of Sidero Villa and Jose Roman
Villa as taken in said case No. 255 and included
in the aforesaid Transcript.

Leon Martinez
of Counsel for Appels

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

Jeremiah Clark et. al.

Appellants

No 267

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Ats

The United States

Appellee

For "Luzma de Cuelo"

Isaac Hartman being duly sworn upon his oath says he is of counsel for Appellants in the above entitled cause. - That the claimants in this case derive their title through Manuel Caster the original grantee and claimant in case No. 255; and that the land claimed in this case is a part and parcel of the same claimed in the aforesaid case No. 255; and indeed precisely the same title: - That applicant did not know until recently, and in examining the Transcript in this case that there was not copy of said title in the Transcript last aforesaid: - That a copy of said title is material and necessary evidence for appellants without which they cannot safely go to trial. Also that copies of the evidence of Sidro Miller and Jose Ramon Mesa are material and necessary evidence without which Appellants cannot safely go to trial.

Isaac Hartman

Atty for Appellants

Sworn to and subscribed before me this 11th day of February A. D. 1857.

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

Jeremiah Clarke et al

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Appellants. } N^o 267.

vs.
The United States. }
Appellee } D^o N^o 601.

The answer of T. O. Attorney of the United
States for the Southern District of California
for and in behalf of the United States
to the petition for Review of said Appellants,
denies generally the allegations in said
petition, and the validity of the alleged
title of the claimants. And prays
that the Court will affirm the decision
of the Board of Land Commissioners,
and decree the said alleged title to
be invalid. And general relief.

T. O.
District Atty, U.S.

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Filed 12th February 1857
Cassius C. C. C.
J. M. Coleman
dep

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

THE PRESIDENT OF THE UNITED STATES,

TO

P. B. W. I. Atty

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GREETING :

TAKE NOTICE That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *11th* day of *February* in the year of our Lord, one thousand eight hundred and fifty-*seven*, at the City and County of Los Angeles, in said District, by

*Jeremiah Clark et al praying
Said Court to reverse the decision of the Board
of Land Commissioners of the 14th October
1854 rejecting his claim to two leagues of
land in the Southern District of California*

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

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this *11th* day of *February*, in the year of our Lord, one thousand eight hundred and fifty-*seven*, at Los Angeles aforesaid.

A. Sims Clerk.
J. H. Cochran
Dep

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Marshall's Court
Copying summons to be
having same
Petition
J. C. Co

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

J. C. Co et al

vs.
The Marine Club
Filed on return copy 12th Feb
1857
E. Hunt
J. C. Co

SUMMONS.

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I served this Summons, along with the proper copy of the Petition, upon *P. O. W.*
U. S. Atty by delivering to him personally a true
copy of the same
at *Los Angeles*, in the Southern District of California, on
the *12th* day of *February*, A. D. 1857.

Sworn to and subscribed before me, *this*
12th February 1857 *C. Sims* Clerk.
J. C. Co

Edward Hunt
U. S. Marshal.
W. H. Goodman
Deputy.

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

Clark Taylor & Beckel

No 267

Appellants

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vs

The United States

Appellee

"Saguna de Sachu"

In the United States District Attorney
For the Southern District of California

Sir,

I have notice that on the 4th day of January
A. D. 1858 at 11 o'clock A. M. of said day or as soon
thereafter as the same can be heard, the appellants
will submit said cause to the aforesaid Court
for decision.

Los Angeles, December 29, 1857.

Clark & Hartman

Attys for Appellants

Jeremiah Clarke, et al. appellants,

vs.

The United States, appellee.

No. 267,
Term No. 601.

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J. P. H. Atty. of the United States for the Southern District of California, for and in behalf of the United States, being duly sworn deposes and says, That he has been informed & believes that the alleged original Conception & grant filed before the Board of No Land Commrs in this cause, are fraudulent and antedated. That the land claimed in this cause, has for one of its pretended boundaries on the South, a tract of land alleged to have been granted by Gov. Michellevens about the year 1843 to one Jose Semantour. That he has been informed and believes that the said alleged grant to said Semantour, within the alleged Southern boundary of the land claimed by in part, by said claimant, is fraudulent and antedated. That as Attorney of the United States in this cause, he has made diligent efforts to obtain evidence of the facts of the frauds in regard to this alleged grant; but from the many obstacles and difficulties in the way of establishing the truth, he has so far been unable to obtain any sufficient evidence to establish such alleged frauds. That he believes if further and sufficient time be granted the appellee, sufficient evidence may be obtained showing that the alleged Conception and grant in this cause, are antedated and fraudulent. That he believes the said evidence may be obtained at the next term of this Court; - and that

This Motion is not made for delay, but
merely to secure the ends of justice.

P. O. M.

W. S. W. H. G.

Sworn to & Subscribed
before me this 9th of
February A. D. 1858

Le Lewis etc
of Maryland
S. J.

N^o 267.

Annuit Parker et al
vs
G. W.

Ch. W. H. G.

Filed with for Anticipation
by W. S. W. H. G.

Filed Feb 9th 1858
S. J. O. M.

This Indenture, Made the twenty second day of November in the year one thousand eight hundred and fifty two, Between Manuel Castro, of the county of Monterey, and State of California of the first part, and Jeremiah Clarke, Edward W. Taylor, and Gustavus W. Beckle, all of the city and county of San Francisco and State aforesaid, of the second part —

Witnesseth, that the said party of the first part, for and in consideration of the sum of Ten Thousand Dollars, lawful money of the United States of America, to him in hand paid by the said parties of the second part, at or before the enacting and delivery of these Presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, released, remised, and conveyed, and by these Presents doth grant, bargain, sell, release, remise and convey unto the said parties of the second part, and to their heirs and assigns forever, All his right, title, interest, claim and demand whatsoever in and to the following described Premises, viz: being a part of a certain rancho situate in the county of ~~Monterey~~ Mariposa known as "Laguna del Tache" and granted to said party of the first part by Pio Pico on the 10th of January 1846 — and more particularly described as follows; commencing at a point

formed by the junction of the Sanjon de San José, adjoining the "Laguna de Sacke" and the "Rio Reyes" thence running Easterly along the northern shore of said "Rio Reyes" two Spanish leguas, thence at right angles Southwesterly one Spanish legua, thence at right angles and parallel with said first mentioned line Westwesterly two Spanish leguas thence, at right angles, along the Eastern shore of said "Sanjon de San José" Southwesterly one legua to the place of beginning, containing altogether two Spanish square leagues more or less. —

Together with all and singular the tenements, hereditaments and appurtenances therunto belonging, or in any wise appertaining, and the reversion and reversions, remainders and remainders, rents, issues and profits thereof.

To have and to hold, all and singular the above mentioned and described Premises, together with the appurtenances, unto the said parties of the second part, to their heirs, and assigns forever. And the said party of the first part does hereby covenant and agree with the said parties of the second part, that at the time of the delivery hereof, the said party of the first part the lawful owner of the premises above granted and seized thereof in fee simple absolute, and that

he will Warrant and Defend the above granted premises in the quiet and peaceable possession of the said parties of the second part, against said party of the first part, his heirs and assigns for ever.

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In Witness Whereof, the said party of the first part has hereunto set his hand and seal the day and year first above written,

Mansel Castro

Signed, sealed and delivered
in the presence of C. Spring,

Seal

State of California }
County of San Francisco } SS

On this twenty second day of November A. D. one thousand eight hundred and fifty two, before me J. P. Tracy, a Notary Public in and for said County, personally appeared Manuel Castro, known to me to be the individual described in, and who executed the foregoing conveyance, and acknowledged that he executed the same freely and voluntarily, for the uses and purposes therein mentioned.

In Witness whereof I have hereunto set my hand and affixed my official seal, in the City of San Francisco, County aforesaid, the day and year first above written.

J. P. Tracy
Notary Public,

Seal

No 267

Mannual Curtis

to

Clark Taylor & Keck

~~~~~

Recd

~~~~~

Filed July 9th 1858
Chims
CWC

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

Merriam Glass et. al.;

Appellants;

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At

No 267.

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The United States

Appellees

In the Court of said Court
and the United States District Attorney for said dis-
trict.

Notice is hereby given that the above enti-
tled cause will be submitted to said Court on the
part of the appellants on the 10th inst at 11 o'clock
A.M. of said day, or as soon thereafter as the
same can be heard. June 2, 1888.

Leone Mentum

Atty for Appellants.

No. 267.

In U.S. District Court
for Southern District California

Jeremiah Clark et. als:

Appellants

Als

The United States

Appellee

Filed this 3rd June 1838
Clerk's Office
J. M. Coleman
Dep

267 SD

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Isaac, Hartman
Atty for Appellants

Secretaria del

Con un verdadero placer de cuenta al
 Excmo. Sr. Gobernador con la atenta
 notal de S. E. del 31 de Diciembre
 ultimo en que participa que D. Andrés
 Castillejo ha denunciado y trabaja
 una mina del oro en la jurisdicción
 de Sr. José Guadalupe, y como este
 descubrimiento promete bienes considerable
 a este país, tanto S. E. como yo, damos
 a S. E. las mas conueal entorabuena.
 Obsequios al deute con cuenta en los representacion del
 Sr. Castillejo. aceptar los Segun ade,
 de Sr. Castillejo que adjunta el remito, y

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

SD
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I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do hereby Certify, that the One preceding, and hereunto annexed page, of tracing paper, numbered ~~from one to~~ inclusive, exhibit a true, full, and correct copy, of a portion of a Book entitled "State Papers. Vol. XI. Missions. 1830. 1846.", as the same appears on file among said Archives.

Walter Buckley Hilling

EXAMINED AND FOUND CORRECT.

Keeper of Archives

R. C. Hopkins



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 30th day of November 1859.

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

Exhibit Sicario No. 3.

H. N. C.



26785