

CASE No.

289

**SOUTHERN DISTRICT**

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**BOLSA DEL PAJARO GRANT**

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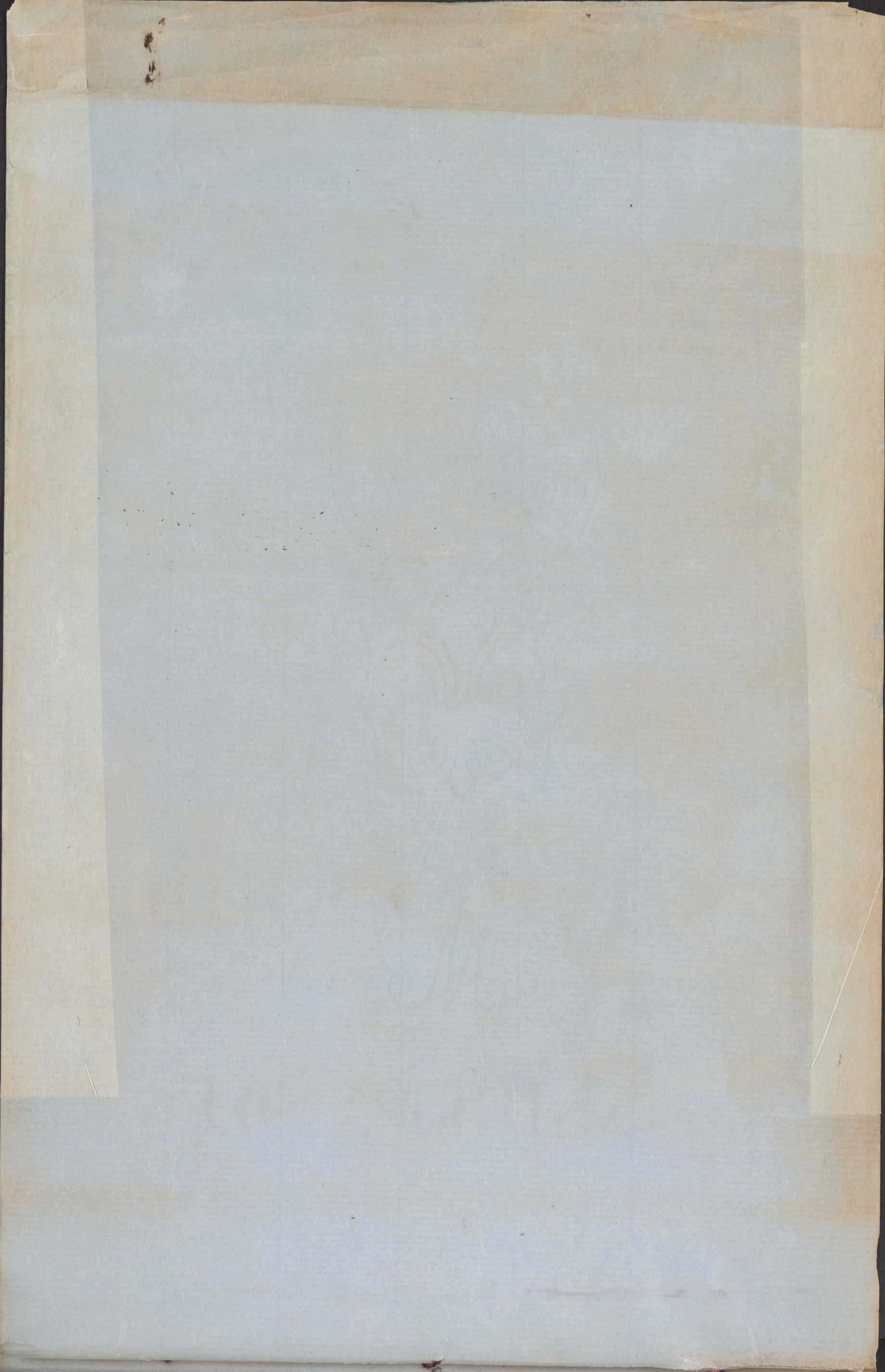
SEBASTIAN RODRIGUEZ

CLAIMANT



157

Copy



# TRANSCRIPT

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PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 187

*Sebastian Rodriguez*

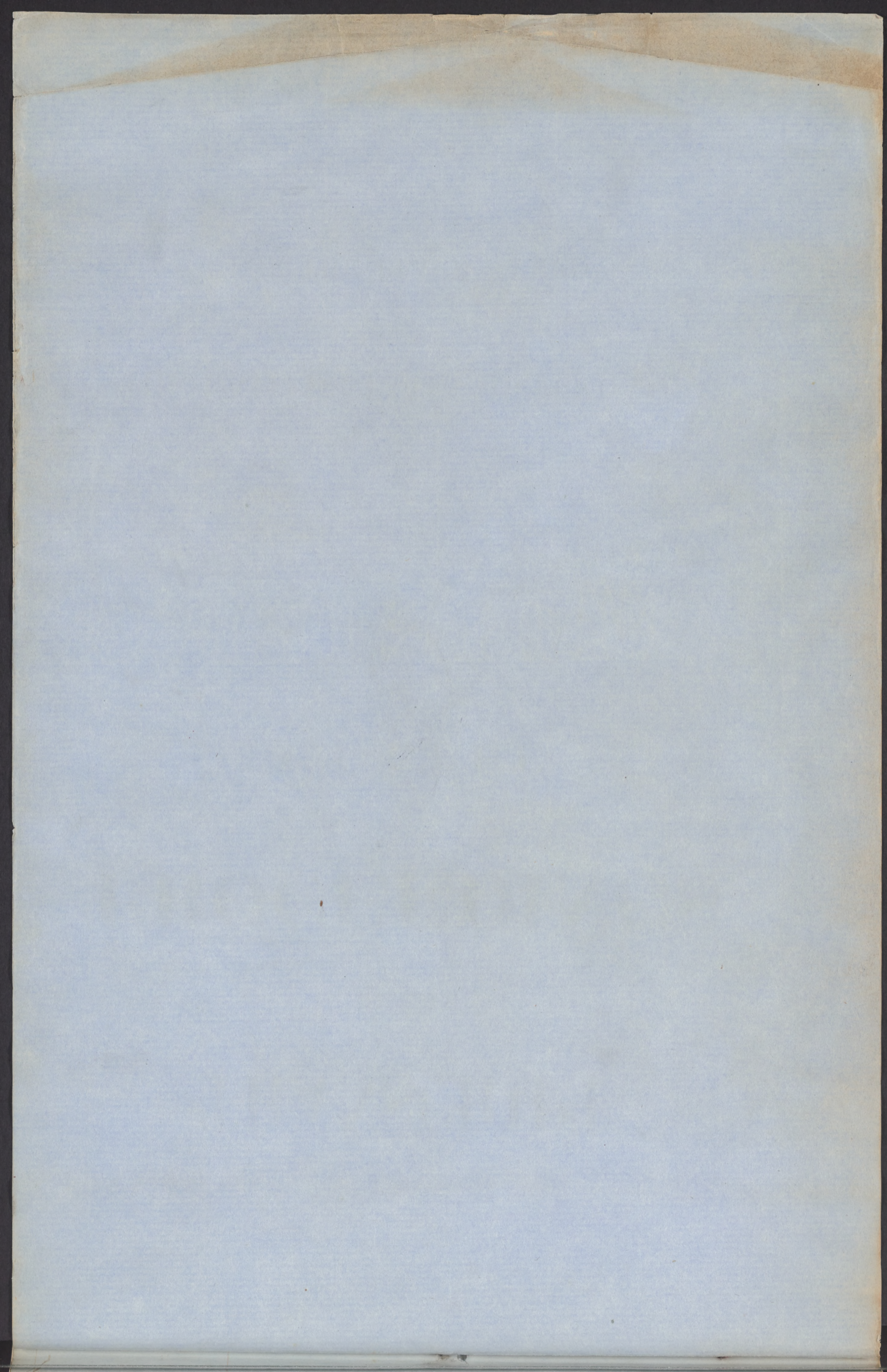
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*Bolsa del Pajaro*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

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The Petition of Sebastian Rodriguez  
for the Place named  
"Bolsa del Pajaro"  
was presented, and ordered to be filed and docketed with No. 187 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 August 31 1853.  
In Case no. 187, Sebastian Rodriguez for the place named "Bolsa del Pajaro", the deposition of W<sup>ro</sup> A. Richardson, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed;

(Vide page 7 of this Transcript.)

San Francisco September 28 1853  
In the same case the deposition of Jose Abrego, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson, with document marked "R. T. B." annexed thereto was filed;

(Vide page 13 of this Transcript.)

San Francisco December 5 1853.  
In the same case the deposition of Gabriel de la Torre, a witness in behalf of the claimant, taken before Commissioner Thompson Campbell, was filed;

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(Vide page 8 of this Transcript)

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San Francisco June 10<sup>th</sup> 1854.

Case no. 187 was submitted on briefs and taken under advisement.

~~~~~

San Francisco March 27<sup>th</sup> 1855.

In the same case Commissioner S. B. Farwell delivered the Opinion of the Board confirming the claim,

(Vide page 33 of this Transcript)

and the following order was made to wit:

(Vide page 36 of this Transcript)

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J.

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

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The petition of Sebastian Rucicquez respectfully sheweth that he had obtained a grant of a tract of Land in the year 1823 by Governor Saez Arguello, and has been in possession thereof ever since. That he lost all the documents relating to and showing the Execution of Saez's grant in the year 1827; and that being so entirely destitute and unable to make the necessary proofs of title, if required so to do, he made and presented a petition in writing to Governor Alvarado on the 27th of September 1837 soliciting the issuance of a new grant for the land so occupied by him.

That said Alvarado by a decree dated the 30th September 1837 acceded to your petitioner's pretensions, under the condition that he should obtain precedential possession from the respective Magistrate upon the proof of which the corresponding title and documents should be returned to him.

That your petitioner fully complied with the condition aforesaid and obtained precedential possession of said Land on the 6th of November 1837, and has ever since continued in the quiet and peaceable possession of said Land.

That the records of the proceedings aforesaid were submitted by your petitioner to the Government of California, but that no further measures



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were taken in favor of your petitioner  
 And your petitioner further saith that  
 his petition of the year 1857, the Governor's  
 decree and the documents of your periodic  
 report are on file in the archives  
 of California now in the possession of the  
 Secretary General of the U. S. of  
 America for the State of California, and  
 that duly certified copies and translations  
 of the same are herewith submitted and  
 prayed to be made a part of this petition

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That the land petitioned for  
 lies in the present County of Monterey  
 near the Sea Shore between the "Arroyo  
 de Pajaro and Santa Cruz; is known by  
 the name of "Rancho de Pajaro" or "Bolsa  
 de Pajaro, and containing about two square  
 leagues of land more or less -

That the boundaries as  
 fixed by the Magistrate from periodical  
 reports are as follows:  
 Commencing at a Point where three poplars  
 stand on the side of a small lagoon  
 running South East to the banks of the  
 Arroyo Pajaro, which point is the west  
 of said Rancho and is about sixty four  
 courses of fifty varas each distant  
 therefrom, bounding towards the North  
 West to the Rancho of Jose Amesti, towards  
 the North East to the Rancho of  
 Manuel Jimeno, towards South and  
 South West to the Arroyo Pajaro and  
 towards the East to a swamp which  
 obstructs the passage to the Sea

And your petitioner further  
 saith, that he has been in the quiet and  
 unobstructed possession of said land, since

5-

Since first grant was made to him in the year 1823. That he has always exercised full and unlimited ownership over it, and is not aware of the existence of any title, conflicting with or paramount to his own.

He therefore prays that your Honorable body in Consideration of his having obtained a grant in the year 1823 and in Consideration of the decree of Suprema Alouada of the 30th of September 1837 the Contents of which he fully complied with, and in further Consideration of his long and uninterrupted possession, confirm and validate his claim and title thereto.

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Clark Taylor & Beckh  
Attys for Rodriguez

Filed in Office April 20th. 1853  
Geo. Fisher Secy

Recorded in Record of Petitions  
Vol. 1 Pages 151. 152. & 153  
Geo. Fisher Secy

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*[Faint handwritten text at the bottom edge of the page, possibly bleed-through from the reverse side.]*

Deposition of Office of the Commissioners of  
William A. Lanel Claims in California  
Richardson

San Francisco Aug. 30. 1853

This day before Commissioner Alpheus Felch  
came William A. Richardson a witness in  
behalf of Beaman and Sebastian Rodriguez  
Case No. 187 who after being duly sworn  
deposed as follows

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Questions by Mr. Clark Attorney for Claimant

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

Answer. My name is William  
A. Richardson, my age fifty eight years  
and I reside at Sausalito in Marin  
County in the State of California —  
I have resided in California thirty one  
years.

2 Question. Do you know the  
Ranch called Bolca de Pajaro, if so  
state what you know about its location  
and its occupation and improvement  
by Sebastian Rodriguez.

Answer. I know the Ranch,  
was first there in 1839. It is situated  
on the main road from Monterey to  
Santa Cruz at the crossing of the river  
Pajaro. When I first saw it, there was  
on the premises a large adobe house  
and large corral, and there was nearly  
two hundred acres in cultivation, in  
wheat corn and other crops. There  
were a good many horses and cattle  
on the place. The house was well  
furnished, and looked as though  
it had been built a good many years

When I first saw it; the Rancho was then occupied by Sebastian Romoquez who was living on it with his family—

I was there again in the latter part of the year 1844. Sebastian Romoquez was still occupying the place and very thing appeared in a flourishing condition on the Rancho.

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William A. Richardson

Mr. Navarro appeared for the Suro Agent on behalf of the United States at the taking of this deposition but proposed ask no questions to the witness

Subscribed and sworn to before me at San Francisco this thirteenth day of August A.D. 1853

Alpheus Felch  
Commissioner

Filed in Office Aug. 31<sup>st</sup> 1853

Geo. Fisher Secy  
Recorded in Ev. B Vol 3 p 104  
Geo. Fisher Secy

Deposition of Office of the Board of  
Gabriel de la Torre Com<sup>o</sup> de.  
Torre

This day before Com<sup>o</sup> Thompson Campbell came Gabriel de la Torre a witness in behalf of Sebastian Romoquez, Petition No. 487 and was duly sworn his evidence being in Spanish was interpreted as follows

Mr. Greenhow Ass. Suro Agent. was present  
Sebastian. What is your name  
age and place of residence?

Answer. My name is Gabriel de la Torre. I am forty five years of age and

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I reside in Monterey, and in which place  
I was born.

2. Question. Do you know  
Sebastian Rodriguez the claimant in  
this case, and if so how long have you  
known him?

Answer. Yes I have known  
him for thirty years.

3. Question. Do you know the  
place of land claimed in this case, and  
if so what is its location?

Ans. I know the said land  
has a claim called Bolsa de Pajora,  
it is situated on the Pajaro River, and  
adjoining the lands of Jose Ameste,  
Manuel Jimeno, and the Castros, Juan  
Antonio Vallejo and Jesus Vallejo.

4. Question. Were you present at  
the giving of Judicial possession to  
Sebastian Rodriguez, and if so, state  
when it was, the name of the Alcalde and  
and the names of the assisting Alferques.

Answer. I was present at the  
giving of said possession, it took place  
on the 3d day of November A.D. 1837.  
It was given by Stephen Meenas, second  
Alcalde of the Municipality of Monterey.  
I was one of the assisting Alferques, the  
name of the other was Manuel Gonzalez.  
The Alcalde Stephen Meenas made a  
record of the proceedings of said possession  
at the time it was given, and which  
Gonzalez and myself signed as Alferques.

5. Question. How was the land  
occupied at the time said possession was  
given, and what improvements  
were made at that time?

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Ans. Rodriguez occupied the land by having three houses upon it in which he and his relations lived, he had cattle horses & hogs on the place and cultivated portions of the land, and had corals and fences. The foregoing improvements were all made previous to the time of giving the said popesim.

Q. Quest. How long had you known said land before said popesim was given and how had the land been occupied?

Ans. I have known the land ever since the year 1833 at which time it was occupied in the same way I have ascribed it to have been when popesim was given.

7. Question. Has the claimant continued to reside there ever since?

Answer. He has continued to occupy it with his family ever since, never having left it since he first went upon it.

8. Question. Look upon the document now shown to you and make B. T. C. and state whether it is a copy of the record of judicial popesim, and other documents before the Alcalde at the time said popesim was given?

Ans. I have examined the signatures and recognize it as being a copy of the original made at the time the said popesim was given.

Questions by Depoitee Geo Agent

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1 Question. On what direction do the  
Lanzas of Vallejo lie from this tract?

Ans. They lie on the other  
side of the Payano River, Sierra River  
being the dividing line

Sworn to and Subscribed

before me      Gabriel de la Torre

This 5th day of December A.D. 1853.

Thompson Campbell  
Clerk

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Filed in Office Dec. 5 1853

Geo. Fisher

Secy

Recorded in Ev. B Vol 3 p 493

Geo. Fisher Secy



*[Faint, illegible handwriting in blue ink, possibly bleed-through from the reverse side of the page]*

1855  
 1856

13 Deposition  
of José  
Abrego

Office of the Board of U.S.  
Commissioners de. de.

On this day before  
Comr. Robt. A. Thompson came José Abrego  
a witness in behalf of claimant  
Sebastián Rocaquez No. 187. who after  
being duly sworn deposed as follows

Testimony on behalf of claimant  
Present J. Clark for claimant and  
W. E. Howard U. S. Law Agent.

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In answer to questions, witness states that  
his name is José Abrego, his age 40 years  
residence Monterey and has lived in  
California 19 years.

Deceit by claimants Atty

Look upon the Document now shown  
you marked B and with the initials  
R. T. purporting to be a traced copy  
of an Expediente in the archives of  
California now in Custody of the U. S.  
Surveyor General, and state if you  
have compared said traced copy with  
said Original - if so state what you  
know of the genuineness of said Original  
and the signatures thereon?

(United States Law Agent objects to all  
proof of the genuineness of the Document  
unless the same is produced)

I have compared said traced  
copy with the said Original in the  
Surveyor General's Office and find it to be  
a true copy. I have also carefully exam-  
ined said Original, and know it to be  
a genuine Document. The petition which

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appears on the second page of said document was written in my presence by Lucinda Rodriguez the son of the petitioner Sebastian Rodriguez and also signed by him in behalf of his father who was dead at the time.

The marginal decree on said page and the signature thereto, are both in the hand writing of Juan B. Alvarado then Governor of California.

The petition on the 4th page of said document to the Alcalde, and the signature thereto are in the hand writing of Sebastian Rodriguez.

The remaining portions of the document except the signatures of G. de la Torre Sebastian Rodriguez and Tesoro Gonzales are in the hand writing of Esteban Munoz at that time Alcalde of Monterey. The said signatures wherever they occur on said document as well as that of Esteban Munoz are their genuine signatures. I know the hand writing of each and all of them having often seen them write.

Sebastian by name

State if the document now produced and shown you by the Surveyor General of California is the original document before referred to by you and whether upon examining the same you reaffirm the preceding part of this deposition?

Answer. It is the same document and upon again examining it I reaffirm what I have heretofore said.

Deceit by same.

State if you know the Land claimed in this case called Bolso del Payano and if so state what what you know of its Occupation and improvement by the Claimant.

Answer. I am acquainted with said Land, it is situated within in the County of Monterey of Santa Cruz. It is occupied at present and has been for the last fifteen years in the occupancy of Sebastian Rodriguez - He lives on it with his family has been a patron of it in cultivation and cattle on it - It has on it houses and Corrales - He has generally had twenty five or thirty acres, and had on it about two thousand head of cattle

And further Dept. South not.

Jose Abrego

Sworn to and Subscribed before me this 28th day of September 1853

A. Deq. Thompson  
Comr

Filed in Office Sept. 28. 1853  
Geo. Fisher Secy

Recorded in Eco. B Vol 3 page 217

Geo. Fisher Secy

*[Faint, illegible handwriting covering the majority of the page]*

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U.S.D.K.

1837  
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Expediente promovido por Sebastian Ro-  
driguez en pretension del parage llamado  
"Bolsa del Pajar"

B.  
Expediente

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"B" "R" I annex-  
ed to the depo-  
sition of Jose  
Abrego.

No 46

Monte Sep. 3<sup>o</sup>  
de 1837

Por cuanto a que el interesado en esta representacion ha proseedo quieta y pacificamente por el termino de ca- torce años el termino conocido con el nombre de la bolsa del Pajaro con justos titulos y con- tinuamiento de los antiguos gobernadores en esta cali- fornia cuyos do- cumentos indica haberse extraviado en la oficina es- pectiva, y que por tales motivos se encuentra sin los seguridades con- venientes para su- manecer su pro- piedad; he buido por el presente en acceder a sus peticiones a cuyo efecto dicho inte- resado cumplira' las condicio- nes siguientes: 1<sup>a</sup> Se presenta- ra' en este de- creto y el dicino

Note. These documents were deposited in the archives of the California Govern- ment by Jacinto, son of Sebastian Ro- driguez this 18<sup>th</sup> day of Nov. 1848  
N.W. Hallick.

Lieut of Capt & Secy of State  
Sebastian Rodrig.<sup>z</sup> Afins  
de premio de la Compañia de Caballeria del Puerto de Monterey ante V.S. con el respecto debido y segun aya lugar en derecho hace presente q' habiendole con- cedido el Gobor de la Pro- vincia q' lo era el firmado D.<sup>o</sup> Luis Argüello, el pa- raje nombrado la bolsa del Pajaro, cuya posesion le dio el Sr. te retirado D.<sup>o</sup> José Estrada el año veinte y tres; y el año veinte y siete cuando el Sr. Echandia recogio' los papeles de los Citios que- darun extraviados los del interesado en esta solicitud; y hallandose sin documen- tos algunos conq' acoditas q' el Citio arriba citado es suyo ocurre a la Conveida- dad de V.S. afin de q' se digno' conuiderle el para- je q' arriba espresa p.<sup>a</sup> po- der augurar la subsis- tencia de la numerosa fami- lia q' tiene. Por tanto.

A. V.S. pido y suplico

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19

del terreno al que se digue considerame la gran  
Civil pidiendo CIA q. impreso jurand  
la posesion jur- mo ses de malicia y lo us-  
dica del mun- erano,

ciado paraje.

2<sup>a</sup> Dicha au-

toridad con unan-

cia de los Coli-

dantes respectivos

lo hara' medid

Conforme a or-

denanza exponiendo el numero de varas que

resulten a su favor.

3<sup>a</sup> Concluida esta operacion volvera' este

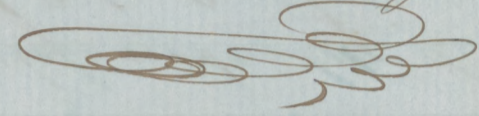
expediente al gob.<sup>o</sup> para q. la parte inte-

rerada exiva el titulo Correspondiente y se ar-

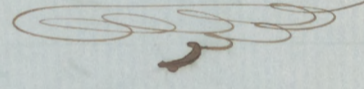
chiven los documentos.

Rancho del Paparo 27  
de Setbre. 1837

Sebastian Rodrig<sup>z</sup>.



Alvarado



J. S. D. H.

(Here follows a map)

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J. S. D. K.

Sr. Alcalde Constitucional del Puerto  
de Monterrey.

Sebastian Rodriguez. Af. de premio  
ante V. Con el respecto debido y segun aya  
lugas en derecho, que porinte q. habiendole  
decretado el Sr. Gov. del departam<sup>to</sup> ocurra  
al juez Civil p. la posesion del terreno  
q. solicita ocurre a la enuiciada ciudad del  
se digno darle la posesion judicial como  
expone el decreto de 30 del supremo para-  
do. Por tanto.

A. V. Pide y Suplica se digno con-  
siderle lo q. solicita de q. Escibira gracia  
y merced.

Rancho del Pajaro 1.º de octubre  
1837

Sebastian Rodriguez

Monterrey. Obr 5 de 1837

Por presentado y admitido p. me  
el presente alcalde a la medicion, señalam<sup>to</sup>  
de linderos y posesion judicial q. solicita  
el interesado en esta instancia J. S. D. K.  
Señalandose el dia tres del proximo  
Noviembre para lo q. se le hara saber  
a D.º Sebastian Rodriguez, para que como  
dueno por la parte q. solicita, se tenga  
por citado. Asi yo el Alcalde de D.º  
nombracion de esta municipalidad lo  
decreto mande y firme con bor de ana.

Esteban Munras

De an.º

De an.º

G. de la Torre

Judon Gonzalez.

En la fha. se le notifico el auto  
anterior a D.º Sebastian Rodriguez

y del entendido dijo; lo heye y q<sup>o</sup> se da p<sup>o</sup>  
 situdo firmando Con enigo y los de asistencia

Munras

De ana. De ana.  
 G. de la Torre Todor Guzalez

En el rancho conocido con el nombre de la  
 bolca del Pajaro, a los tres dias del mes de Abril  
 de mil ochocientos treinta y siete, en cumpli-  
 miento del auto que antende, presente  
 (S. D. H.) D. Sebastian Rodriguez, nombre  
 yo el presente juez p<sup>o</sup> medidores a los  
 Cuid. Ramon Amosquita y Juan Ro-  
 mero, quienes prebo la aceptacion y jura-  
 mento, proderan al desempeño de su en-  
 cargo. Asi yo el referido Alcalde lo  
 determine y firme con los de asistencia

Munras


De ana. De ana.  
 G. de la Torre Todor Guzalez

En la misma Jha. y en el referido  
 rancho, se les notificó a los Cuid. Ramon  
 Amosquita y Juan Romero, el auto de su  
 nombramiento y dijeron q<sup>o</sup> lo acepta-  
 ban y aceptaron dho. encargo y juraron  
 p<sup>o</sup> Dios Nuestro Senor y la Señal de la  
 Cruz de hacerlo fiel y legalmente a todo  
 su hal saber y entender sin fraude  
 vta persona alguna y no firmaron  
 p<sup>o</sup> q<sup>o</sup> dijeron no saber, lo me yo con  
 los de asistencia.

Munras

De ana. De ana.  
 G. de la Torre Todor Guzalez

7. S. D. H. Yo el referido Alcalde, mande traer el Cordel a mi jurisdicción con que se miden las tierras y q. los medidores lo midan de a cincuenta varas y lo firmo con los de asistencia.

Munras  


De ana


G. de la Torre

De ana

Rodero Gonzalez

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Ymediatamente yo el referido Alcalde mande q. los expresados medidores midieran y midieron un cordel de mate de a cincuenta varas y para constancia lo rubrico.



En el mismo paraje día mes y año, sendo las doce del día yo el presente Alcalde, mande a los medidores nombrados se dispusieran para la medida de tierra que se le ha de aver a D. Sebastian Rodriguez y puntos en el punto que están tres Alamos a la ladera de la Laguna q. esta N. W. Camino la medida tendiendo el Cordel 8 S. D. H. para el S. E. hasta la orilla del río llamado el Pajaro; en cuyo punto es la parte mas ancha del mencionado paraje y hubo sesenta y cuatro cordel de a cincuenta varas y luego se midió el Largo de otro terreno usurando la medida al N. E. al pie de dos alamos y Camino el Cordel para el S. O. hasta dar con la Ciénega q. enfunde el paso p. la Playa y tubo sesenta y cuatro cordel de a cincuenta varas; quedando este sitio envolviendo p. el N. W. con D. J. de Amante

y p. N. E. con D. Manuel Jimeno siendo los otros dos linderos, uno el rio del Pajaro y el otro la Sanga q. cupide el par p. la mas, en cuyas mediciones, mande se formaran las unhueras correspondientes q. señalen los linderos q. le pertenecen al sitio nombrado (La Bolca del Pajaro) y lo firmo con mis <sup>reputado</sup> y los testigos de asistencia = Entre renglones = el intermedio vale =

Esteban Munras

De ana.

G. de la Torre

De ana.

Theodor Gonzalez

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En el Rancho 9.5.24.1 de la bolca del Pajaro, a los tres dias del mes de Nov de mil ochocientos treinta y siete yo el Alcalde Com. de 2<sup>a</sup> Municipalidad Ciudad Esteban Munras, despues de practicadas las medidas del mencionado rancho p. la q. resulto tener dos sitios cercanos de ganado mayor: mande al Ciudad.º Sebastian Rodriguez entrarse en pacifica posesion del mencionado rancho bajo las medidas ditas, y sin las formalidades acostumbradas, p. tenerlas echas en el año de 1823 como acredita la representacion q. aca a la Jefatura Politica, cuya balidacion le autorizo y firmo con el intermedio y los testigos de asistencia

Esteban Munras

De ana.

G. de la Torre

De ana.

Theodor Gonzalez

Monterey Nbre 6 de 1837

Tomase razon en el libro de posesiones y debullare este expediente original al interesado D<sup>o</sup> Sebastian Rodriguez para q<sup>e</sup> le sirba de titulo. Asi yo el Alcalde Cont<sup>l</sup>. de 2.<sup>a</sup> Nominacion de la demarca-  
10. S. M. cion de esta municipalidad asi lo decreto mande y firme con los testigos de asistencia  
 Esteban Munras

Deana.

G. de la Torre

Deana.

Pedro Gonzalez

En la misma fha se tomo razon de este titulo en la p<sup>a</sup> 9 del Libro respectivo, y para constancia lo rubrique

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

I, Samuel D. King, Surveyor General of the United States for the State of California and as such now having in my office and under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby Certify that the ten preceding and herunto annexed pages of tracing paper numbered from one to ten inclusive and each of which is verified by my initials exhibit true and accurate copies of certain documents on file and forming part of the said archives in this office.

In testimony whereof I have herunto  
 Signed my name officially and affixed  
 my private Seal (not having a seal of office)  
 at the City of San Francisco Cal. this 14<sup>th</sup>  
 day of April 1852. Sam<sup>l</sup> D King  
 Filed in office April 20<sup>th</sup> 1852 Sur Gen<sup>l</sup> Cal  
 Geo. Fisher Secy

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2 Translation of  
Juridical paper

Señor Political Governor of the State

Sebastian Rodriguez Enseña

all honorem of the Company of Guarany of the  
Port of Monterey before Your Excellency with  
due respect and as best he may according  
to law makes known, that the Governor of  
the Province who at time, was the late <sup>Don</sup> Lucas  
Arguello, granted to him the place called  
Bolsa del Payaro, possession of which was  
given to him by the retired Lieutenant Don  
Jose Estrada, in the year Eighteen hundred  
and twenty three, and that in the year  
Eighteen hundred and twenty seven, when  
Don Eschmende called in the Rancho  
papers, those of your petition were lost,  
and being without any document to prove  
that the above mentioned place belongs  
to him, he applied to your Excellency known  
piously, in order that you would be pleased  
to grant to him the above named place  
so that he may secure the subsistence  
of his numerous family. I therefore request  
and entreat that your Excellency would  
be pleased to grant me the favor which  
I implore, seeing not to act through  
malice, and that which is necessary  
Rancho del Payaro 27th. Sept. 1837

Sebastian Rodriguez

Monterey Sep. 30th 1837

Whereas the party  
interested in this petition has quietly and  
peaceably held possession of the land  
known by the name of Bolsa del Payaro  
for the space of fourteen years with just  
title, with the knowledge of the former  
Governors of California, which documents  
he says were lost in the respective office, and

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that in consequence thereof, he finds himself deprived of the necessary security to remain on his possessions, I do therefore by these presents accede to his pretensions, to which effect said party interested shall comply with the following Conditions

1<sup>st</sup> He shall present himself with this decree and the plot of the land to the Civil Magistrate, and ask for judicial possession of the place mentioned

2<sup>d</sup>. Said Magistrate shall with the concurrence of the owners of the respective adjoining Ranchos, cause the same to be measured, according to Ordinance, expressing the number of Varas which may result in his favor

3<sup>d</sup>. This operation being concluded he will return this Expediente to the Government in Order that the party interested may receive the Corresponding title, and the documents be filed in the Archives

Alvarado

Sinn Constitucional Alcalde of the Port of Monterey.

Sebastian Rodriguez Ensign  
all honorem before you with due respect and as the case may permit here makes known, that the Governor of the Department having decreed that he should apply to the Civil Magistrate to obtain possession of the Land which he asks for, he requests of you known fully, that you would be pleased to give him the judicial possession as expressed in the decree of the 30<sup>th</sup> of last month —  
Therefore he requests and entreats that you

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would be pleased to grant him what he asks for, whereby he will receive a great favor.

Rancho del Payaro 1<sup>st</sup> Oct. 1837

Sebastián Rodríguez

Monterey Oct. 5<sup>th</sup>. 1837.

Considered as presented and admitted, I the present Alcalde will proceed to the measurement, designation of boundaries and judicial possession asked for by the party interested in this petition, appointing for carrying it into effect the third day of November next, in order to which Don Sebastián Rodríguez, must be notified to the end, that as party interested he may hold himself as summoned.

Thus I the Alcalde of second nomination of this Municipality do decree, Command and sign with the assisting witnesses.

Esteban Monas

Gabriel de la Torre

Teodoro Gonzales Assisting witnesses

On the same date the foregoing decree was notified to Don Sebastián Rodríguez who having understood it, said that he heard it and considers himself as summoned signing with me and the assisting witnesses

Monas = Sebastián Rodríguez

Gabriel de la Torre

Teodoro Gonzales Assisting witnesses

In the Rancho known by the name of the Bolsa del Payaro, on the 3<sup>d</sup> day of November, eighteen hundred thirty seven in fulfillment of the foregoing decree, and being present Sebastián Rodríguez I the



present Justices appointed as measurers, Citizens  
Ramon Amesqueta and Juan Romao, who  
having accepted the appointment and taken  
the oath will proceed to exercise their func-  
tions - Thus I the said Alcalde did order  
and sign with the assisting witnesses  
Memas

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Gabriel de la Torre }  
Teodoro Gonzales } Assisting Witnesses

On the same date, and in the said Rancho,  
the decree of appointment was notified to  
Citizens Ramon Amesqueta and Juan Romao  
who said that they accepted and did accept  
said appointment, swearing in the name of  
God our Lord, and by the sign of the cross  
that they would comply faithfully and  
legally to the best of their knowledge and  
ability, without fraud towards any person  
and they did not sign, because they said  
that they did not know how, but I did  
so with the assisting witnesses  
Memas

Gabriel de la Torre }  
Teodoro Gonzales } Assisting Witnesses

At the same moment I the said Alcalde  
ordered the Cord wherewith the lands are to  
be measured to be brought into my presence,  
and that the measurers should measure  
off fifty varas, and signed with the  
assisting witnesses  
Memas

Gabriel de la Torre }  
Teodoro Gonzales } Assisting Witnesses

Immediately afterwards I the said Alcalde

ordered the said measurers to measure a

ordered the said measurers to measure a  
hempen Cord of fifty Varas which they did  
in testimony whereof I sign with my seal  
in flourish.

(A flourish)

In the same place day, month and year at twelve  
O'clock in the day, I the present Alcalde comm-  
anded the measurers appointed to prepare for the  
measurement of land to be made to Don Sebastian  
Teun Rodriguez, who placing themselves at  
the point where there are three poplars (Alamos)  
on the side of the small lagoon situated on  
the N.W. they stretched the cord towards the  
South East measuring to the banks of the  
river Payano, which point is the lowest  
of said Rancho, and they measured sixty four  
Cords of fifty Varas each; they then meas-  
ured the length of said land commencing  
at the N.E. at the foot of two poplars  
(Alamos) and went in the direction of S.W. to  
the Swamp (Cenega) which impedes the  
passage to the beach, having measured  
two hundred and eleven cords of fifty  
Varas each; the Rancho being bounded  
on the N.W. by Don Jose Amiste and on the  
N.E. by Don Manuel Jimeno, the other bound-  
aries being, one of them the river Payano  
and the other the Swamp which obstructs  
the passage to the sea, at which limits I  
commenced the corresponding land marks  
to be placed to designate the boundaries  
belonging to the place called Bolsa del  
Payano and the party interested signed with  
me and the assisting Alcaides  
Sebastian Rodriguez. Estevan Munoz  
Gabriel de la Torre  
Severo Gonzalez Assisting Alcaides

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In the Rancho of ~~the~~ Bolsa del Pajaro, on  
 the third day of the month of Nov. One  
 thousand eight hundred and thirty seven  
 I the Constitutional Alcalde of second  
 nomination, citizen Estevan Munras, after  
 concluding the measurement of said Rancho  
 which resulted in something less than two  
 square leagues (dos sitios escasos de Guadalupe  
 Mayor.) I commanded citizen Sebastian  
 Rodriguez to take possession of the said  
 Rancho according to said measurement  
 and without the customary formalities, he  
 having performed them in the year 1833,  
 as appears by the representation made to the  
 political chief; the date of which  
 I authorize and sign with the party interes-  
 ted and the assisting witnesses -  
 Munras = Sebastian Rodriguez  
 Gabriel de la Torre  
 Teodoro Gonzales Assisting Witnesses

Monterey Nov. 6. 1837

Let a record be made in the Book of  
 possessions, and this Original Expediente  
 be returned to Don Sebastian Rodriguez  
 the party interested, in order that it may  
 serve him for a title. Thus I the Constitu-  
 tional Alcalde of second nomination of  
 the jurisdiction of this Municipality do  
 decree command and sign with the  
 assisting witnesses

Estevan Munras =  
 Gabriel de la Torre  
 Teodoro Gonzales Assisting Witnesses

On the same date a record of this title  
 was made at folio 9 of the respective

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book, in testimony whereof I sign with  
my flourish.

(A flourish)

Government Translator's Certificate at the  
end of this Expediente.

I the undersigned do hereby certify that  
the foregoing documents are correct copies  
of the Originals deposited this day in  
the Archives of the California Government  
Monterey 18th. November 1849

(Signed) M. E. P. Haunell  
Govt. Translator

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I the undersigned do hereby certify that  
the foregoing to be a true and faithful  
translation of the Original certified Copy  
now in the possession of Don Sebastian  
Rodriguez

State Translator's Office

Monterey 3d of Dec. 1851

M. E. P. Haunell

State Translator

E. C.

R. P.

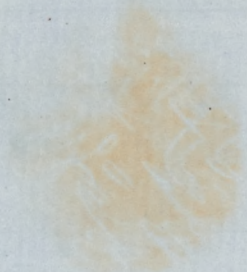
Filed in Office April 20th. 1853

Geo. Fisher Secy

Recorded in Ev. B Vol. 13 p. 450

Geo. Fisher Secy

APR 20 1853  
387 20



6406  
2D

Applicant  
of the  
Board

Number 187  
Sebastian Roarquez  
vs  
The United States

}  
}  
} Paraplace called  
} Bella Pajaro  
} containing two  
} square leagues  
} in the County of  
} Santa Clara

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The Petitioner in this case states that in  
the year 1823 he obtained a grant to the  
place in question from Governor Luis  
Aguirre and the said grant was lost

and  
the proofs show that he went into possession  
soon after the same about the year 1823  
and built a house upon it and lived in  
it with his family and paid a large amount  
of the land in cultivation and has  
lived on the place ever since

That on the  
27th day of September 1837 he presented  
his Petition to Governor Alvarado for a  
further grant setting forth the facts of the  
loss of the former one and in pursuance  
thereof the said Governor Alvarado did on  
the 30th day of the same month issue a  
grant to the said Petitioner for the land  
and directing judicial measurement  
of the same and stating in said grant  
that it was a matter pertaining with the  
former's firmness past that the  
applicant had been in possession of  
the place and thereby dispensing with the  
usual conditions of occupying and  
cultivating

The Claimant has also  
offered in evidence the proceedings of the  
Alcalde of the District in taking the meas-  
urement and giving the judicial pos-  
session of the place on the 3rd day of November

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1137 which is well authenticated. The  
Almanac seems to lack nothing to entitle  
it to a confirmation and a decree will  
be entered accordingly.  
(Confirmation)

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Filed in Office March 27th 1853  
Signed  
Geo. Fisher  
Secretary

Records in Record of Census Volume  
Page 606  
Signed  
Geo. Fisher  
Secretary

5000 20  
20

35-

Decree  
of  
Confirmation

Number 187  
Sebastian Rodriguez  
of  
The United States

}  
}  
}  
}  
}  
}

In this case after hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Rodriguez is valid and it is therefore decreed that his application for a confirmation be allowed.

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The land of which confirmation is here by given is situated in the County of Santa Cruz and known by the name of Balsa de Pajaros and contains two square leagues with the following boundaries to wit

Commencing at a place where there is three poplars on the bank of a padagon running to the South East to the bank of the river Pajaros three thousand and two hundred yards and commencing at the north East at the foot of two poplars running north west to the Swamp (being at two thousand five hundred and fifty yards

the place being bounded on the north west by the lands of Don Jose Amista and on the north East by the lands of Don Manuel Jimenez the other boundaries being the River Pajaros and a swamp running to the Sea

Reference being had for greater certainty to the report of the same accompanying the Expediente and the report of the Proceedings of the Alcalde in giving the judicial possession of the Ranch to the petitioner in this case



Alphons Felch  
 #  
 Mary Thompson

S. B. Farnell  
 Commissioner

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Filed in Office March 27th 1855

By  
 Geo. Fisher  
 Secretary

Kept in Records of Decisions Volume  
 2 page 66

By  
 Geo. Fisher  
 Secy

---

And of approving the satisfaction of  
 the Board that the land hereby adjudicated  
 is situated in the Southern District of  
 California it is hereby ordered that the  
 transcripts of the proceedings and of the  
 decision in this case and of the papers  
 and exhibits upon which the same  
 are founded be made out and duly  
 certified by the Secretary and 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

---

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 *thirty six* pages, numbered from  
to *36*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
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. 187, on the Docket of the said Board;

*Sebastian Rodriguez* is

Claimant against the United States, for the place known by  
the name of "Bolsa del Pajaro."

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Twenty sixth* day of *September*  
A. D. 1855, and of the Independence of the  
United States of America the ~~seventy~~ *eighty* ~~third~~ *year*

*G. Fisher*

*Sebastian Rodriguez*

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U. S. DISTRICT COURT,

*San Francisco* District of California

No. 289.

THE UNITED STATES,

vs 289

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*Sebastian Rodriguez*

*"Polsa del Paparo"*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 187

Filed, Oct. 4<sup>th</sup>

1855

*C. E. Carr*  
*clerk*

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

The Petition of Sebastian Rodriguez, for the place  
named "Bolsa del Pajaro", was presented, and ordered to  
be filed and docketed with No. 187, and is as follows,  
to wit;

(Vide Page 3, of this Transcript.)

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

San Francisco August 31<sup>st</sup> 1853.

In case No. 187, Sebastian Rodriguez for the Place named  
"Bolsa del Pajaro", the deposition of Wm. A. Richardson, a  
witness in behalf of the Claimant, taken before Commission-  
er Alpheus Selah, was filed;

(Vide Page 4, of this Transcript.)

San Francisco September 28<sup>th</sup> 1853.

In the same case the deposition of Jose Abrego, a witness in  
behalf of the Claimant, taken before Commissioner R. Aug.  
Thompson, with document marked "R. S. B." annexed  
thereto, was filed;

(Vide page 13, of this Transcript.)

San Francisco December 5, 1853.

In the same case the deposition of Gabriel de la Torre, a wit-  
ness in behalf of the Claimant, taken before Commissioner  
Thompson Campbell, was filed.

(Vide page 8 of this Transcript.)

San Francisco June 10, 1854.

Case No. 187, was submitted on briefs, and taken under  
advisement;

San Francisco March 27, 1855

In the same case Commissioner S. B. Maxwell, delivered the  
Opinion of the Board confirming the claim,  
(Vide page 33 of this Transcript.)  
and the following order was made to wit:  
(Vide page 36 of this Transcript.)

<sup>My</sup> Petition,

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

The Petition  
of Sebastian Rodriguez, respectfully sheweth that he had ob-  
-tained a grant of a tract of land in the year 1823, by Gover-  
-nor Luis Arguello, and has been in possession thereof  
ever since. That he lost all the documents relating to, and  
showing the Operation of said grant in the year 1827;  
and that being so entirely destitute and unable to make  
the necessary proof of title, if required so to do, he made  
and presented a petition in writing to Governor Alva-  
-rado, on the 27th, of September 1834, soliciting the  
assurance of a new grant for the land so occupied by  
him.

That said Alvarado by a decree, dated the 30th, Sep-  
-tember 1834, acceded to your petitioner's pretensions,  
under the condition that he should obtain juridical  
possession from the respective Magistrate, upon the  
proof of which, the corresponding title and documents  
should be delivered to him.

That your petitioner fully complied with the con-  
-dition aforesaid, and obtained juridical possession of  
said land on the 6th of November 1834, and has ever  
since continued in the quiet and peaceable possession  
of said land.

That the records of the proceedings afore-  
-said were submitted by your petitioner to the Govern-  
-ment of California, but that no further measures  
were taken in favor of your petitioner.

And your petitioner further saith that his  
petition of the year 1827, the Governor's decree, and the doc-  
-uments, of giving juridical possession, are on file in the  
Archives of California, now in the possession of the Survey-  
-or General of the U.S. of America, for the State of California,

and that duly certified copies and translations of the same are herewith submitted and prayed to be made a part of this petition.

That the land petitioned for lies in the present County of Monterey, near the Sea shore, between the "Arroyo del Pajaro" and "Santa Cruz", is known by the name of "Rancho de Pajaro" or "Bolsa del Pajaro", and contains about two square leagues of land, more or less.

That the boundaries as fixed by the Magistrate giving juridical possession are as follows;

Commencing at a Point where three poplars stand on the side of a small lagoon running South East to the banks of the River Pajaro, which point is the widest of said Rancho, and is about fifty four cords of fifty varas each distant therefrom, bordering towards the North West, to the Rancho of Jose Amesti, towards the North East to the Rancho of Manuel Jimeno, towards South and South West, to the River Pajaro, and towards the West to a swamp which obstructs the passage to the Sea.

And your petitioner further saith, that he has been in the quiet and undisputed possession of said land, since said first grant was made to him in the year 1823. That he has always exercised full and unlimited ownership over it, and is not aware of the existence of any title conflicting with or paramount to his own.

He therefore prays that your Honorable body in consideration of his having obtained a grant in the year 1823, and in consideration of the Decree of Governor Alvarado of the 30th of September 1837, the conditions of which he fully complied with, and in further consideration of his long and uninterrupted possession, confirm and validate his claim and title thereto.

Clark Taylor & Beech,  
Atty for Rodriguez,

Filed in Office April 20th, 1852.

Geo. Fisher, Secy.

Recorded in Record of Petitions, Vol. 1, Pages 151, 152 & 153.  
Geo. Fisher, Secy.

Deposition of William A. Richardson.

Office of the Commissioners of  
Land Claims in California.  
San Francisco Aug. 30, 1853.

This day before Commissioner Alpheus Beleh. came William A. Richardson, a Witness in behalf of Claimant-Sebastian Rodriguez, Case No. 184, who after being duly sworn deposed as follows,

Questions by Mr Clark Attorney for Claimant  
1 Question. What is your name, age and place of residence,

Answer, My name is William A. Richardson, my age fifty eight years, and I reside at Sausalito, in Marin County in the State of California. I have resided in California thirty one years.

2 Question. Do you know the Ranch called Bola de Pajaro, If so state what you know about its situation, and its occupation and improvement by Sebastian Rodriguez,

Answer, I know the Ranch, was first there in 1839. It is situated on the main road from Monterey to Santa Cruz, at the crossing of the river Pajaro. When I first saw it there was on the premises a large adobe house and large corral, and there were nearly two hundred acres in cultivation, in wheat, corn and other crops. There were a good many horses and cattle on the place. The house was old fashioned, and looked as though it had been built a good many years when I first saw it. The Rancho was then occupied by Sebastian Rodriguez who was living on it with his family.

I was there again in the latter part of the year 1844. Sebastian Rodriguez was still occupying the place, and every thing appeared in a flourishing condition on the Rancho.

William A. Richardson,

Mr Navarro appeared for the Law Agent on behalf of the United States, at the taking of this deposition, but propounded no questions to the Witness.

Subscribed and sworn to before me at San Francisco, this thirtieth day of August, A.D. 1853. Alpheus Beleh,  
Commissioner,

Filed in Office Aug. 31, 1853. Geo. Fisher, Secy.  
Recorded in C. B. Vol. 3 p. 104. Geo. Fisher Secy.

Deposition of Gabriel de la Torre.

Office of the Board of W.S. Land and Com: Co.

This day before

Com: Thompson Campbell came Gabriel de la Torre a witness in behalf of Sebastian Rodriguez, Petition No. 187, and was duly sworn his Evidence being in Spanish, was interpreted as follows;

Mr Greenhow Ass: Sec: Agent was present,

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

Answer. My name is Gabriel de la Torre I am forty five years of age, and I reside in Monterey and in which place I was born.

2 Question. Do you know Sebastian Rodriguez, the claimant in this case, and if so, how long have you known him.

Answer. Yes, I have known him for thirty years.

3 Question. Do you know the tract of land claimed in this case, and if so, where is it situated.

Ans. I know the said land herein claimed called Balsa de Pajaro, it is situated on the Pajaro river and is adjoining the lands of Jose Anesté, Manuel Jimeno, and the Castros, Juan Antonio Vallejo, and Jesus Vallejo.

4 Quest. Were you present at the giving of juridical possession to Sebastian Rodriguez, and if so state when it was, the name of the Alcalde, and the names of the assisting witnesses.

Answer. I was present at the giving of said possession, it took place on the 3rd day of November AD, 1837. It was given by Stephen Womros, second Alcalde of the Municipality of Monterey. I was one of the assisting witnesses, the name of the other was Theodore Gonzalez. The Alcalde, Stephen Womros, made a record of the proceedings of said possession at the time it was given, and which Gonzalez and myself signed as witnesses.

5 Quest. How was the land occupied at the time said juridical possession was given, and what improvements were made at that time.

Ans. Rodriguez occupied the land by having three houses upon it, in which he and his relations lived,



he had cattle, horses & hogs, on the place and cultivated portions of the land, and had corral and fences.  
 The foregoing improvements were all made previous to the time of giving said possession.

Q Quest, How long had you known said land before said possession was given, and how had the land been occupied.

Ans, I have known the land ever since the year 1833, at which time it was occupied in the same way I have described it to have been when possession was given.

Q Quest, Was the claimant continued to reside there ever since.

Ans, He has continued to occupy it with his family ever since, never having left it since he first went upon it.

Q Quest, Look upon the document now shown to you and marked B. J. D. and state whether it is a copy of the record of judicial possession, and other documents before the Alcalde at the time said possession was given.

Ans, I have examined the signatures and recognized it as being a copy of the Original made at the time the said possession was given.

Questions by Associate Deaw Agent.

Q Question, On what direction do the lands of Vallejo lie from this tract.

Answer, They lie on the other side of the Pajaro river, said river being the dividing line.

Gabriel de la Torre.

Sworn to and subscribed before me this 5th. day of December A.D. 1853.

Thompson Campbell,  
 Notary.

Filed in Office Dec. 5. 1853.

Geo. Fisher,  
 Secy.

Recorded in Gov. B. Vol. 3 p. 492.

Geo. Fisher,  
 Secy.

Deposition of José Abrego.

Office of the Board of U.S. Commissioners &c, &c.

On this day before Hon<sup>ble</sup>: Mr. Robt. A. Thompson came José Abrego a Witness in behalf of Claimant Sebastian Rodriguez, No. 184, who after being duly sworn deposed as follows,

My Testimony on behalf of Claimant  
Present, J. Clark, for Claimant, and  
W. E. Howard, U.S. Law Agent,

In answer to questions, Witness states that his name is José Abrego, his age is 40 years, residence Monterey, and has lived in California 19 years.

Question by Claimant's Atty,

Look upon the Document now shown you marked B, and with the initials R. T. purporting to be a traced copy of an Expediente in the Archives of California, now in custody of the U.S. Surveyor General, and state if you have compared said traced copy, with said Original - if so, state what you know of the genuineness of said original and the signatures thereto.

(United States Law Agent objects to all proofs of the genuineness of the document, unless the same is produced.)

I have compared said traced copy with the said original in the Surveyor General's Office, and find it to be a true copy. I have also carefully examined said Original, and know it to be a genuine document. The petition which appears on the second page of said document was written in my presence by Jacinto Rodriguez, the son of the petitioner, Sebastian Rodriguez, and was signed by him in behalf of his father who was sick at the time. The marginal decree on said page and the signature thereto, are both in the hand writing of Juan B. Alvarado, then Governor of California.

The petition on the 4th page of said document, to the Alcalde, and the signature thereto, are in the hand writing of Sebastian Rodriguez. The remaining portion of the document, except the signatures of G. de la Torre, Sebastian Rodriguez, and Teodoro Gonzalez, are in the hand writing

of Esteban Murras, at that time Alcalde of Monterey.  
The said signatures wherever they occur on said document  
as well as that of Esteban Murras, are their genuine sig-  
-natures. I know the hand writing of each and all of  
them, having often seen them write.  
Question by same.

State if the document now produced  
and shown you by the Surveyor General of California, is the  
Original document before referred to by you, and whether  
upon examining the same, you re-affirm the preceding  
part of this deposition.

Answer. It is the same document, and upon  
examining it, I re-affirm what I have heretofore said.  
Question by same.

State if you know the land claimed  
in this case, called "Bolsa del Pajaro", and if so, state  
what you know of its occupation and improvement  
by the Claimant.

Answer,  
I am acquainted with said land  
It is situated either in the County of Monterey or of Santa  
Barbara.

It is occupied at present, and has been for the  
last fifteen years in the occupancy of Sebastian Rodriguez  
He lives on it with his family, has had a portion  
of it in cultivation, and cattle on it.

He has on it houses  
and corral.

He has generally had twenty five or thirty  
acres, and had on it about two thousand head of  
cattle.

And further, Dep't. saith not.

Jose Abrego,

Sworn to and subscribed before me this 28th day of  
September A.D. 1853

R. Aug. Thompson,

Notary.

Filed in Office Sept. 28. 1853.

Geo. Fisher, Secy.

Recorded in Gov. B. Vol. 3, page 217.

Geo. Fisher, Secy.

11B. Expediente, "11B. R. 11", annexed to the deposition of José Abrego, (L.S.D.K.)

1834.

Expediente promovido por Sebastian <sup>M</sup>Rodriguez, en preten=  
sion del parage llamado, "11B Bolsa del <sup>M</sup>Pajaro."

No. 46.

[L.S.D.K.]

Mont<sup>re</sup>, Sep<sup>re</sup>. 30, de 1834.  
<sup>M</sup>Por  
cuanto a que el interesa=  
do en esta representa=  
cion ha poseido quie=  
ta y pacificamente por  
el termino de catorce  
años, el terreno convei=  
do con el nombre de la  
bolsa del <sup>M</sup>Pajaro con  
justos titulos y consen=  
timiento de los antiguos  
gobernadores en esta  
California, cuyos docu=  
mentos indica haberse  
extraviado en la oficina  
respectiva, y que por  
tales motivos se enuen=  
tra sin las seguridades  
concernientes para per=  
manecer su propiedad;  
he venido por el presente  
en acceder a su preten=  
sion a cuyo efecto di=  
cho interesado cumplira  
las condiciones siguientes:  
1<sup>a</sup> Se presentara con este  
decreto y el diseño del  
terreno al juez civil, pi=  
dendo la posesion juridica  
del enunciado parage.  
2<sup>a</sup> Dicha autoridad

Note. These documents were de=  
posited in the archives of the Califor=  
nia Government by Jacinto, son of  
Sebastian <sup>M</sup>Rodriguez, this 18<sup>th</sup> day of  
Nov<sup>r</sup>, 1848.

<sup>M</sup>J. W. Walker,  
Lieut. of Eng<sup>r</sup> & Secy of State.

Sebastian <sup>M</sup>Rodrig<sup>z</sup>, Alferoz de premio  
de la Compañia de Caballeria del Puerto  
de Monterey, ante <sup>M</sup>V. D. con el respeto  
debido y segun haya lugar en dere=  
cho, hace presente q<sup>e</sup> habiendole con=  
cedido el <sup>M</sup>Gov. de la <sup>M</sup>Provincia, q<sup>e</sup>  
lo era el finado <sup>M</sup>Louis Arquillo,  
el parage nombrado la <sup>M</sup>Bolsa del  
<sup>M</sup>Pajaro, cuya posesion le dió el  
<sup>M</sup>Gen<sup>l</sup> retirado <sup>M</sup>José Estrada el  
año veinte y tres; y el año veinte y  
siete, cuando el <sup>M</sup>Gov. Schanidia  
esejio los papeles de los citios, que  
daron extraviados los del interesa=  
do en esta solicitud; y hallandose  
sin documentos algunos con q<sup>e</sup>  
acreditar q<sup>e</sup> el citio arriba citado  
es suyo, ocurre a la conveida  
piedad de <sup>M</sup>V. D. a fin de q<sup>e</sup> se dig=  
ne concederle el parage q<sup>e</sup> arri=  
ba espresa, pa poder asegurar  
la subsistencia de la numerosa  
familia q<sup>e</sup> tiene. <sup>M</sup>Por tanto,  
A. V. D. pido y suplico

con anuncios de los colindantes  
=tes respectivos lo hara me=  
=dir conforme a ordenan=  
=za, expresando el nume=  
=ro de varas que resul=  
=ten a su favor.

4<sup>a</sup> - Concluida esta opera=  
=cion, volvera este expediente al gob<sup>o</sup> para q<sup>e</sup> la parte  
interesada opina el titulo correspondiente, y se archiven  
los documentos.

se digna concederme la graz=  
=cia q<sup>e</sup> imploro, firmando no  
ser de malicia y lo necesario,  
Rancho del Pajaro, 27 de  
Septbre 1837.

Sebastian Rodriguez,

Alvarado,

S.D.H.

(Here follows a map.)

4.S.D.K

Señor Alcalde Constitucional del Puerto de Monterey,  
Sebastian

Rodriguez, Al<sup>o</sup> de pernio, ante V. con el respeto debido y se=  
=gun para lugar en derecho, hace presente q<sup>e</sup> habiendole  
decretado el Sr. Gov<sup>o</sup> del departam<sup>to</sup>, ocurra al Juez Cibil  
p<sup>o</sup> la posesion del terreno q<sup>e</sup> solicita, ocurre a la conoci=  
=da piedad de V. se digna darle la posesion judicial como  
expresa el decreto de 30. del proximo pasado, por tanto  
A. V. Pido y suplico se digna concederle lo q<sup>e</sup> solicito,  
de q<sup>e</sup> recibira gracia y merced,

Rancho del Pajaro 1<sup>o</sup> de Octubre, 1837,

Sebastian Rodriguez,

Monterey D<sup>o</sup> 5. de 1837.

Por presentado y admitido por mi  
el presente Alcalde, a la medicion, señalam<sup>to</sup> de linderos  
y posesion juridica, q<sup>e</sup> solicita el interesado en esta instan=  
5.S.D.H. =cia, señalandose el dia tres del proximo No=  
=viembre, para lo q<sup>e</sup> se le hara saber a Don Sebastian  
Rodriguez, para que como dueño por la parte q<sup>e</sup> sol=  
=licita, se tenga por citado, Asi, yo, el Alcalde de 2<sup>a</sup> no=  
=minacion de esta municipalidad lo decreto, quando  
y firmo con los de assa,

Sebastian Munoz,

De assa  
J. de la Torre.

De assa  
Teodoro Gonzalez.

#1564.

3. 5. 11. R.



En la fha. se le notifico el auto antecedente a Don Sebastian Rodriguez, y del entendido dijo, lo oye, y qe se da p<sup>a</sup> sitado, firmando conmigo, y los de asistencia,

Wunras

De assa,  
f. de la Torre.

De assa,  
Teodoro Gonzalez.

En el rancho conocido con el nombre de la bolsa del Pajaro, a los tres dias del mes de Nbre de mil ochocientos treinta y siete, en cumplimiento del auto, qe antecede, b<sup>a</sup> S. D. K. / presente D. Sebastian Rodriguez, nombre, yo el presente juez, p<sup>a</sup> medidores a los Ciudad<sup>es</sup> Ramon Amescquito y Juan Romero, quienes prebio la aceptacion y juramento, procederan al desempeño de su encargo.

Asi, yo el referido Alcalde lo determine y firme con los de asistencia,

Wunras

De assa,  
f. de la Torre.

De assa,  
Teodoro Gonzalez.

En la misma fha, y en el expresado rancho, se les notifico a los Ciudad<sup>es</sup> Ramon Amescquito y Juan Romero, el auto de ser nombramiento, y dijeron qe lo aceptaban y aceptaron a tra encargo, y juraron p<sup>a</sup> Dios, nuestro Señor y la señal de la Cruz, de haberlo fiel y legalmente a todo su leal saber y entender, sin fraude entre persona alguna y no firmaron, p<sup>a</sup> que dijeron no saber, lo hice yo con los de asistencia,

Wunras

De assa,  
f. de la Torre.

De assa,  
Teodoro Gonzalez.

M. S. D. K. / y encontinente yo el referido Alcalde, mande traer el cordel a mi presencia con que se miden las tierras y qe los medidores lo midan de a cincuenta varas, y lo firmo con los de asistencia,

Wunras

De assa  
f. de la Torre.

De assa,  
Teodoro Gonzalez.

Ymediatamente yo el referido Alcalde mande q<sup>e</sup> los expresados medidores midieran y midieron un cordel de medida de a cincuenta varas, y para constancia lo rubrico.

En el mismo parage, dia, mes, y año, siendo las doce del dia, yo el presente Alcalde, mande a los medidores nombrados se dispongan para la medida de tierra que se le ha <sup>de</sup> hacer a D. Sebastian <sup>M<sup>o</sup></sup> Rodriguez, y puestos en el punto que estan tres Alamos a la ladera de la laguna que esta N. W. camino la medida tendiendo el cordel <sup>S. S. D. K.</sup> para el S. E. hasta la orilla del rio llamado el <sup>M<sup>o</sup></sup> Pajaro: en cuyo punto es la parte mas ancha del mencionado paraje, y hubo sesenta y cuatro cordeles de a cincuenta varas, y luego se midio el largo de dho terreno empezando la medida al N. E. al pie de los Alamos y camino el cordel para el S. O. hasta dar con la cienega q<sup>e</sup> impide el paso para la playa y tubo doscientos once cordeles de a cincuenta varas: quedando este sitio colindante p<sup>o</sup> el N. W. con D. Jose de Anesti, y p<sup>o</sup> N. E. con D. Manuel Jimeno, siendo los otros dos linderos, uno el rio del <sup>M<sup>o</sup></sup> Pajaro y el otro la cienega q<sup>e</sup> impide el paso p<sup>o</sup> la mar, en cuyas mediciones, mande se formaran las notaciones correspondientes q<sup>e</sup> señalen los linderos q<sup>e</sup> le pertenecen al paraje nombrado. (La Bolsa del <sup>M<sup>o</sup></sup> Pajaro,) y lo firmo conmigo el interesado, y los testigos de asistencia. Entre renglones = el interesado vale =.

Esteban Novas.

De asda  
h. de la Torre.

De asda.  
Dionisio Gonzalez.

9 S. D. K. En el Rancho de la bolsa del <sup>M<sup>o</sup></sup> Pajaro, a los tres dias del mes de <sup>M<sup>o</sup></sup> de mil ochocientos treinta y siete, yo el Alcalde Don <sup>M<sup>o</sup></sup> de 2<sup>a</sup> nominacion, siendo Esteban Novas, despues de practicadas las medidas del mencionado rancho por las q<sup>e</sup> resulto tener dos sitios exesos de ganado mayor; mande al <sup>M<sup>o</sup></sup> Sebastian Rodriguez entrase en pacifica posesion del mencionado rancho, bajo las medidas citadas, y sin las formalidades acostumbradas, p<sup>o</sup> tenerlas echas en el año 1828, como acredita la representacion q<sup>e</sup> aca a la jfatura <sup>M<sup>o</sup></sup> Politeca, cuya validacion le autoriso y firmo con el interesado y los testigos de asistencia. Esteban Novas

De asda. - h. de la Torre.

De asda. <sup>M<sup>o</sup></sup> Dionisio Gonzalez.



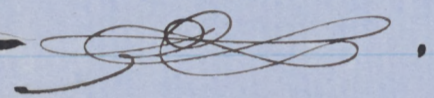
Monterey Nbre 6 de 1834.

Tomase razon en el libro de posesiones y demuel-  
= vase este expediente Original al interesado D<sup>no</sup> Sebastian  
Rodriguez, para q<sup>e</sup> le sirva de titulo. Asi yo el Alcalde  
Donst<sup>e</sup>, de la nominacion de la demarcacion de 110. S.P.K.,  
esta municipalidad asi lo decreté, mandé y firmé con  
los testigos de asistencia.

Estaban Mouras

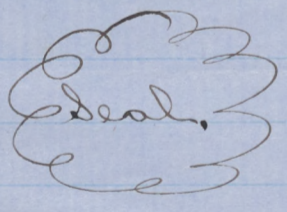
De assa-  
fy. de la Torre.

De assa,  
Teodoro Gonzalez,

En la misma fha se tomó razon de este titulo  
en la p. 9. del libro respectivo, y para constancia lo  
rubriqué. - 

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

I, Samuel D. King, Surveyor  
General of the United States for the State of California, and as  
such now having in my Office and under my charge and  
control a portion of the Archives of the former Spanish and  
Mexican Territory or Department of Upper California,  
do hereby certify that the ten preceding, and hereby annexed  
pages of tracing paper, numbered from one to ten inclusive  
and each of which is verified by my initials, exhibit true  
and accurate copies of certain documents on file and form-  
ing part of said Archives in this Office.

  
Seal.

In testimony whereof I have here-  
=unto signed my name and  
affixed my private seal, (not  
having a seal of Office) at the  
City of San Francisco, Cal. this  
14th day of April, 1852.

Sam. D. King,  
Sur. Genl., Cal.

Filed in office April 20th, 1852.

Geo. Fisher,  
Secy.

Translation of Judicial <sup>W</sup>Profession,  
 Señor <sup>W</sup>Political Governor of the State,

Sebastian <sup>W</sup>Rodriguez

Design ad honorem, of the Company of Cavalry of the <sup>W</sup>Port  
 of Monterey, before your Excellency, with due respect and as  
 best he may according to law, makes known, that the Gover-  
 -nor of the <sup>W</sup>Province, who at that time was the late Don Luis  
 Argüello, granted to him the place called Balsa del <sup>W</sup>Pajaro,  
 possession of which was given him by the retired Lieutenant  
 José Estrada, in the year Eighteen hundred and twenty three,  
 and that in the year Eighteen hundred and twenty seven, when  
 Señor Eschanda called in the <sup>W</sup>Rancho papers, those of your  
 petitioners were lost, and being without any documents to  
 prove that the above mentioned place belongs to him, he ap-  
 -plies to your Excellency's known piety, in order that you would  
 be pleased to grant to him the above named place, so  
 that he may secure the subsistence of his numerous  
 family, I therefore request and entreat that your  
 Excellency would be pleased to grant me the favor  
 which I implore, swearing not to act through mal-  
 -ice, and that which is necessary.

<sup>W</sup>Rancho del <sup>W</sup>Pajaro, 27th. Sept. 1834.

Sebastian <sup>W</sup>Rodriguez.

Monterey Sept. 30. 1834.

Whereas the party interested in this petition  
 has quietly and peacefully held possession of the land known  
 by the name Balsa del <sup>W</sup>Pajaro for the space of fourteen  
 years with just title, with the knowledge of the former  
 Governors of California, which documents he says were  
 lost in the respective office, and that in consequence there-  
 -of, he finds himself deprived of the necessary security to  
 remain on his possession, I do therefore by these presents  
 accede to his pretensions, to which effect said party interest-  
 -ed shall comply with the following conditions,

1<sup>st</sup>. He shall present himself with this decree and the  
 plot of the land to the civil magistrate, and ask for juridi-  
 -cal possession, of the place mentioned.

2<sup>nd</sup>. Said Magistrate, shall with the concurrence of the owners of  
 the respective adjoining <sup>W</sup>Ranchos, cause the same to be measured  
 according to ordinance, appraising the number of varas which  
 may result in his favor.

3<sup>rd</sup>. This operation being concluded he will return this Es-  
 -pediente to the Government, in order that the party

- interested may receive the corresponding title, and the documents be filed in the Archives.

Alvarado.

Señor Constitutional Alcalde of the Port of Monterey,

Sebastian <sup>My</sup>Rodriguez, Ensign ad honorem before you with due respect and as the law may permit him, makes known that the Governor of the Department having decreed that he should apply to the Civil Magistrate to obtain possession of the land which he asks for, he requests of your known piety, that you would be pleased to give him the juridical possession as expressed in the decree of the 30th. of last month.

Therefore he requests and entreats that you would be pleased to grant him, what he asks for, whereby he will receive a great favor,

<sup>My</sup>Rancho del <sup>My</sup>Pajaro 1<sup>st</sup> Oct. 1834.

Sebastian <sup>My</sup>Rodriguez,

Monterey Oct. 3<sup>rd</sup>, 1834.

Considered as presented and admitted, the present Alcalde will proceed to the measurement, designation of boundaries and juridical possession asked for by the party interested in this petition, appointing for carrying it into effect the 3<sup>rd</sup> day of November next, in order to which Don Sebastian <sup>My</sup>Rodriguez must be notified to the end, that as party interested he may hold himself as summoned.

This the Alcalde of second nomination of this Municipality, did decree, command and sign with the assisting witnesses,

Esteban Murras.

Gabriel de la Torre }  
<sup>My</sup>Teodoro Gonzalez. } Assisting Witnesses.

On the same date the foregoing decree was notified to Don Sebastian <sup>My</sup>Rodriguez, who having understood it, said that he heard it and considered himself as summoned signing with me and the assisting witnesses,

Murras. = Sebastian <sup>My</sup>Rodriguez.

Gabriel de la Torre }  
<sup>My</sup>Teodoro Gonzalez. } Assisting Witnesses.

In the Rancho known by the name of the Balsa del Pajaro on the 3d, day of November, Eighteen hundred and thirty seven, in fulfillment of the foregoing decree, and being present Sebastian <sup>the</sup> Rodriguez - the present justice appointed as measurers, Citizens <sup>the</sup> Ramon Anesquita and Juan <sup>the</sup> Romero, who having accepted the appointment and taken the Oath, will proceed to exercise their functions. - Thus I the said Alcalde did determine and sign with the assisting witnesses.

Winnas.

Gabriel de la Torre }  
 Teodoro Gonzalez } Assisting Witnesses.

On the same date, and in the said Rancho, the decree of appointment was notified Citizens <sup>the</sup> Ramon Anesquita and Juan <sup>the</sup> Romero, who said that they accepted and did accept said appointment, swearing in the name of God our Lord, and by the sign of the cross, that they would comply faithfully and legally to the best of their knowledge and ability, without fraud towards any person and they did not sign, because they said that they did not know how, but I did so with the assisting witnesses.

Winnas.

Gabriel de la Torre }  
 Teodoro Gonzalez } Assisting Witnesses.

At the same moment, I the said Alcalde ordered the cord wherewith the lands are to be measured, to be brought into my presence, and that the measurers should measure off fifty varas, and signed with the assisting witnesses.

Winnas.

Gabriel de la Torre }  
 Teodoro Gonzalez } Assisting Witnesses.

Immediately afterwards, I the said Alcalde ordered the measurers to measure a hempen cord of fifty varas, which they did, in testimony whereof I sign with my scroll or flourish.

( A flourish. )

In the same place, day, month and year, at twelve o'clock in the day, I the present Alcalde commanded the measurers appointed to prepare for the measurement of land to be made to Don Sebastian <sup>UP</sup>Rodriguez, who placing themselves at the point where there are three poplars (Alamos), on the side of the small lagoon situated on the N. W. they stretched the cord towards the South East, measuring to the banks of the river <sup>UP</sup>Pajaro, which point is the widest of said Rancho, and they measured sixty four cords of fifty varas each; they then measured the length of said land, commencing at the N. E. at the foot of two poplars (Alamos) and went the direction of S. W. to the swamp (Cienega), which impeded the passage to the beach, having measured two hundred and eleven cords of fifty varas each; the <sup>UP</sup>Rancho being bounded on the N. W. by Don Jose Amate, and on the N. E. by Don Manuel Jimeno, the other boundaries being, one of them, the river <sup>UP</sup>Pajaro and the other the swamp which obstructs the passage to the sea, at which limits I commanded the corresponding land marks to be placed, to designate the boundaries belonging to the place called <sup>UP</sup>Bolsa del <sup>UP</sup>Pajaro, and the party interested signed with me and the assisting witnesses, Sebastian <sup>UP</sup>Rodriguez =, Esteban Mouras, Gabriel de la Torre, Teodoro Gonzalez } Assisting Witnesses.

In the <sup>UP</sup>Rancho of the <sup>UP</sup>Bolsa del <sup>UP</sup>Pajaro, on the third day of the month of Nov. One thousand eight hundred and thirty seven, I the Constitutional Alcalde of second nomination, citizen Esteban Mouras, after concluding the measurement of said rancho, which resulted in something less than two square leagues (dos sitios sesos de ganado Mayor). I commanded citizen Sebastian <sup>UP</sup>Rodriguez to take possession of the said <sup>UP</sup>Rancho according to said measurement, and without the customary formalities, he having performed them in the year 1828, as appears by the representation made to the <sup>UP</sup>Political Chief; the validity of which I authorize and sign with the party interested and the assisting witnesses, Mouras = Sebastian <sup>UP</sup>Rodriguez, Gabriel de la Torre, Teodoro Gonzalez } Assisting Witnesses.

Monterey Nov. 6. 1847.

Let a record be made in the "Book of professions,  
and this Original Expediente be returned to Don Se-  
bastian Rodriguez, the party interested, in order that it  
may serve him for a title. Thus of the Constitutional Al-  
calde of second nomination of the jurisdiction of this  
Municipality, did decree, command and sign with  
the Assisting Witnesses.

Osteban Munras,

Gabriel de la Torre,  
Teodoro Gonzalez. Assisting Witnesses.

On the same day a record of this title was made at  
folio 9, of the respective book, in testimony whereof  
I sign with my flourish.

(A flourish)

Government Translator's certificate at the end of  
this Expediente.

I the undersigned do hereby certify that the fore-  
going documents are correct copies of the Originals,  
deposited this day in the Archives of the California  
Government,

Monterey 18th November, 1848.

(Signed) W. E. Bartlett,  
Govt Translator,

I the undersigned do hereby certify the foregoing  
to be a true and faithful translation of the original  
certified copy, now in the possession of Don Sebastian  
Rodriguez.

State Translator's Office,  
Monterey 30th. Dec, 1851.

W. E. Bartlett,  
State Translator,

E. R.  
W. E.

Filed in Office April 20th, 1852.

Geo. Fisher, Secy.

Recorded in Gov. B. vol. 13 p. 450.

Geo. Fisher, Secy.

## Opinion of the Board.

Number 184.  
Sebastian Rodriguez  
of the United States

For a place called  
Bolsa Pajaro,  
containing two square  
leagues, in the County of  
Santa Clara.

The Petitioner in this case, states that in the year 1823, he obtained a grant to the place in question, from Governor Louis Arguello, and that said grant was lost,

and the proofs shew that he went into possession of the same about the year 1823, and built a house upon it, and lived in it with his family, and put a large amount of the land in cultivation, and has lived on the place ever since.

That on the 27th day of September 1837, he presented his Petition to Governor Alvarado for a further grant, setting forth the facts of the loss of the former one, and in pursuance thereof the said Governor Alvarado did on the 30th day of the same month, issue a grant to the said Petitioner for the land, and directing judicial measurement of the same, and stating in said grant that it was a matter notorious with the Governors for many years past, that the applicant had been in possession of the place, and thereby dispensing with the usual conditions of occupancy and cultivation.

The claimant has also offered in evidence the proceedings of the Alcalde of the District, in taking the measurement and giving the judicial possession of the place, on the 3d day of November 1837, which is well authenticated.

The claim seems to lack nothing to entitle it to a confirmation, and a decree will be entered accordingly.

(Confirmed.)

Filed in Office March 27th. 1853.

(Signed) Geo. Fisher, Secretary.

Recorded in Record of Decisions, Volume 2, page 606.

(Signed) Geo. Fisher, Secretary.

Decree of Confirmation.

Number 187.  
Sebastian <sup>My</sup>Rodriguez  
vs.  
The <sup>My</sup>United States

In this case after hearing the proof and allegations, it is adjudged by the Commission that the claim of the said <sup>My</sup>Petitioner is valid, and it is therefore decreed that his application for a confirmation be allowed.

The land of which confirmation is hereby made, is situated in the County of Santa Cruz, and known by the name of <sup>My</sup>Bolsa del <sup>My</sup>Pajaro, and contains two square leagues, with the following boundaries, to wit:

Commencing at a place where there are three poplars on the side of a lagoon running to the South East to the bank of the river <sup>My</sup>Pajaro, three thousand and two hundred varas, and commencing at the North East, at the foot of two <sup>My</sup>Poplars running North West to the swamp (Bienega) ~~two~~ <sup>My</sup>Two thousand five hundred and fifty varas.

The place being bounded on the North West by the lands of Don Jose Anesti, and on the North East by lands of Don Manuel Jimeno, the other boundaries being the River <sup>My</sup>Pajaro, and a swamp running to the sea.

Reference being had for greater certainty to the plot of the same accompanying the Expediente, and the report of the <sup>My</sup>Proceedings of the Alcalde in giving the judicial possession of the <sup>My</sup>Rancho, on file in this case.

Alphus Deleh,  
<sup>My</sup>R. Aug. <sup>My</sup>Chompson,  
J. B. <sup>My</sup>Harwell,

Commissioners.

Filed in Office March 27th, 1855.

(Signed) Geo. Fisher, Secretary.

<sup>My</sup>Recorded in <sup>My</sup>Record of Decisions, Volume 2, page 606.

Signed: Geo. Fisher,  
Secretary.



And it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Southern District of California, it is hereby ordered that Two Manuscripts of the Proceedings and of the decision in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the Secretary, one of which Manuscripts 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.

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 thirty six pages, numbered from 1 to 36, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 187, on the Docket of the said Board, wherein — Sebastian Rodriguez — is the claimant against the United States, for the place known by the name of "Bolsa del Cajero."

Seal.

In testimony whereof, I hereunto set my hand, and affix my private Seal, (not having a Seal of Office), at San Francisco, California, this Twenty sixth day of September A.D. 1855, and of the Independence of the United States of America the Eightieth.

Geo. Fisher

Secretary

## Appeal Notice.

Office of the Attorney General of the United States  
Washington 10th. October. 1855.

184. "Bolsa del Pajar"  
Sebastian Rodriguez, Claimant.

You will please take notice that in the above case decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the Claimant, and a transcript of the <sup>140</sup> proceedings in which was received in this office on the 15th. day of September, 1855, the appeal in the District Court of the United States for the Southern District of California, will be prosecuted by the United States.

S. Bushing,  
Attorney General.

No. 289. Filed Nov. 20th 1855.  
S. E. Carr,  
Clerk.

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

City and County of Los Angeles, State of California,

Sebastian <sup>Mr</sup> Rodriguez, Appellee. ~~\_\_\_\_\_~~ Docket No. 289.

vs  
The <sup>Mr</sup> United States, Appellant. ~~\_\_\_\_\_~~ Transcript No. 187.

To the <sup>Mr</sup> Hon. Judge S. W. Dyer, Judge:

The <sup>Mr</sup> Petitioner of <sup>Mr</sup> Pacificus Ord, a resident of said City, County and State, Attorney of the <sup>Mr</sup> United States for the Southern District of California, who petitions in this behalf for the <sup>Mr</sup> United States, and being present here in Court, in the name and behalf of the <sup>Mr</sup> United States, represents as follows: That heretofore, to wit:

on or about the 20th day of April, A.D. 1852, Sebastian <sup>Mr</sup> Rodriguez presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a <sup>Mr</sup> Board, claiming a tract of land, called <sup>Mr</sup> Bolsa del <sup>Mr</sup> Pajaro, in the County of Santa Cruz, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to.

That thereafter, to wit: on or about the 27th day of March A.D. 1855, the said Commissioners confirmed, by final decision the said claim of said petitioner.

That thereafter, to wit: on or about the 4th day of October A.D. 1855, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 187: reference to which it is prayed may be had, and made part of this petition.

That on or about the 15th day of September A.D. 1855, the <sup>Mr</sup> Honorable Calebushing, Attorney-General of the <sup>Mr</sup> United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in ~~the~~ <sup>said</sup> cause, and the papers and evidence on which said decision was founded.

That

Hereafter, to wit: on or about the 20th. day of November A.D. 1855, the said Attorney-General of the United States, filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said case from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States.

Your petitioner further represents, that the land claimed as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court.

Your petitioner represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decision of said Commissioners in said case, filed and appealed from as aforesaid.

And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said Commissioners.

And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

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

And the said claimant, having no valid right or title derived from the Spanish or Mexican governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of Peace, Friendship, Limits and Settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A.D. 1848.

Wherefore, the said <sup>Mr</sup> Pacificus ~~Osca~~, Attorney of the United States, for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the <sup>Mr</sup> Private Land Claims in the State of California," approved March 30, 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney, may be served with a copy of this petition; and that this <sup>Mr</sup> Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the said claim, and decree the alleged title to be invalid; with costs and general relief.

<sup>Mr</sup> P. Ward,  
Attorney of the United States  
for the Southern District of California.

Filed this 5th. January 1854.  
W. Sims, Clerk.  
for J. W. Sherman  
Deputy.

California Land Claims,  
Attorney General's Office,  
22 Nov. 1855.

Sir,  
In the case of the claim of Sebastian Rodriguez, confirmed to the claimant by the Commissioners, case No. one hundred and eighty seven (187), appeal will not be prosecuted by the United States.

Respectfully,  
W. Sims,

<sup>Mr</sup> Pacificus ~~Osca~~, Esq.,  
U.S. Attorney,  
Los Angeles.

Filed February 21st 1854  
W. Sims  
Clerk.

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

Sebastian Rodriguez,  
Appellee

No. 289.

vs  
The United States  
Appellant

"La Osa del Pajaro"

Now on this day comes  
the Appellant, by their Attorney, P. Ord, Esq. U.S. Atty,  
in the last preceding case, numbered 289, whereupon  
on motion of Counsel for Appellant, and on suggesting  
to the Court, that it is not the intention of the United  
States to prosecute further the appeal heretofore taken  
in this cause.

It is ordered by the Court, that the ap-  
-peal be, and the same is hereby dismissed, and that  
the claimant have leave to proceed under the decree  
of the Commissioners, heretofore rendered as a final decree.

Done, S. M. Ogier,  
U.S. Dist. Judge.

Filed February 21<sup>st</sup> 1854.  
S. King,  
Clerk.

Office of the Attorney General of the United States,

Washington, 10. October, 1855.

187. "Bolsa del Pajaro"

Sebastian Rodriguez, Claimant.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 15<sup>th</sup> day of September, 1855, the appeal in the district court of the United States for the *Southern* district of California will be prosecuted by the United States.

*C. A. Smith*

Attorney General.

<sup>8</sup>  
No 289.

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

The United States, App<sup>r</sup>

vs.

Sebastian Rodriguez

Appeal Notice

Filed Nov 20<sup>th</sup> 1860.

U. S. Can.  
289 SD  
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187.





Sebastian Rodriguez, Appellee  
vs  
The United States, Appellant.

Docket No. 289.

Transcript No. 187.

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

The Petition of Pacificus Ord, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 20. day of April A. D. 1852, Sebastian Rodriguez

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *Bolsad del Pajaro* in the County of *Santa Cruz* State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 27. day of March A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 4. day of October A. D. 1855, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 187; reference to which it is prayed may be had and made part of this petition. That on or about the 15. day of September A. D. 1855, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit:  
on <sup>or about</sup> the 20<sup>th</sup> day of November A. D. 1855, the said  
Attorney-General of the United States filed, or caused to be filed, in  
behalf of the United States, a notice with the Clerk of said District  
Court of the United States, that the appeal in said cause from the said  
decision of the said Commissioners, in the District Court of the United  
States for the Southern District of California, would be prosecuted by the  
United States. Your petitioner further represents, that the land claimed,  
as aforesaid, is situate in the Southern District of California, and within  
the jurisdiction of this Honorable Court. Your petitioner further represents  
and insists, that the said claim is invalid; and the said decision of said  
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for  
many errors and imperfections of law and evidence, apparent in said certified  
transcript of the proceedings and decisions of said Commissioners in said  
cause, filed and appealed from as aforesaid. And your petitioner denies all  
and singular, each and every allegation in the said petition of said claimant,  
presented as aforesaid to said Commissioners. And your petitioner further  
denies that the said claimant has any valid right or title to said land claimed  
as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said pe-  
tition to said Commissioners, or in support of the said claim, no decision con-  
firming the same should have been made by said Commissioners; but the

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

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

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J. P. A.

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

N. 289.

Filed this 5th January  
1854  
C. S. S. Clerk  
J. M. Coleman  
Dep.

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California Land Claims.  
Attorney General's Office  
22 Nov. 1856.

Sir:

In the case of the claim of Sebastian Rodriguez, confirmed to the claimant by the Commissioners, case no. one hundred and eighty-seven (187), appeal will not be prosecuted by the United States.

I am

Respectfully,

*Wm. C. Gentry*

Pacific Ord Esq  
U. S. Attorney,  
Los Angeles.

✓  
N<sup>o</sup> 289.  
Sebastian Rodriguez  
ca  
The United States.  
187.

✓  
Filed July 21<sup>st</sup> 1855  
Spencer  
clerk

✓  
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Sebastián Rodríguez

adv

Monte Plata

Nº 289 -

Bolsa del Cajero -