

CASE NO.

296

SOUTHERN DISTRICT

LAND IN MONTEREY COUNTY GRANT

WIDOW AND CHILDREN
OF SIMEON CASTRO

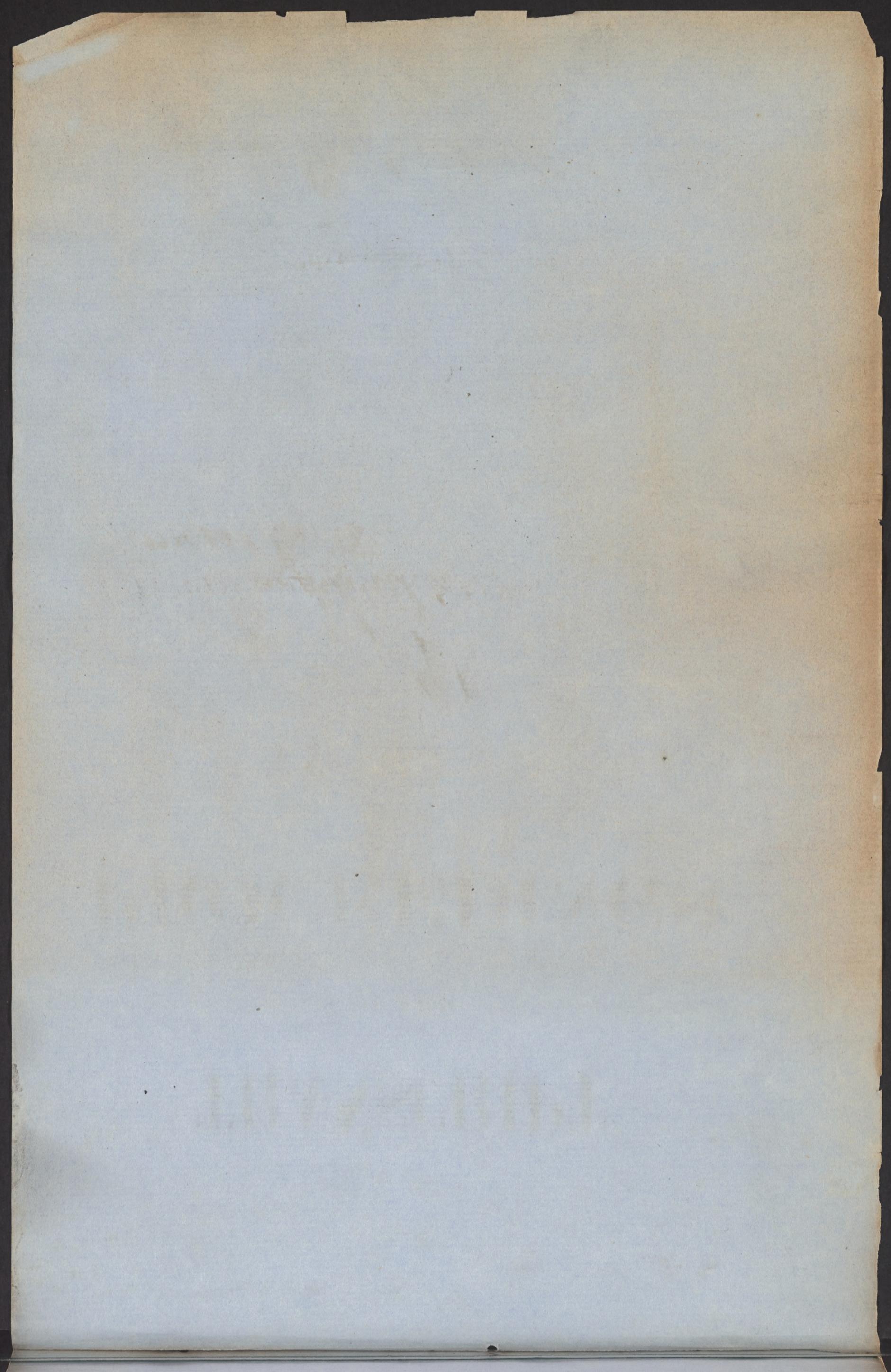
CLAIMANT

LAND CASE 296 SD 24 pgs.

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TRANSCRIPT OF THE PROCEEDINGS

I N C A S E

NO. 790.

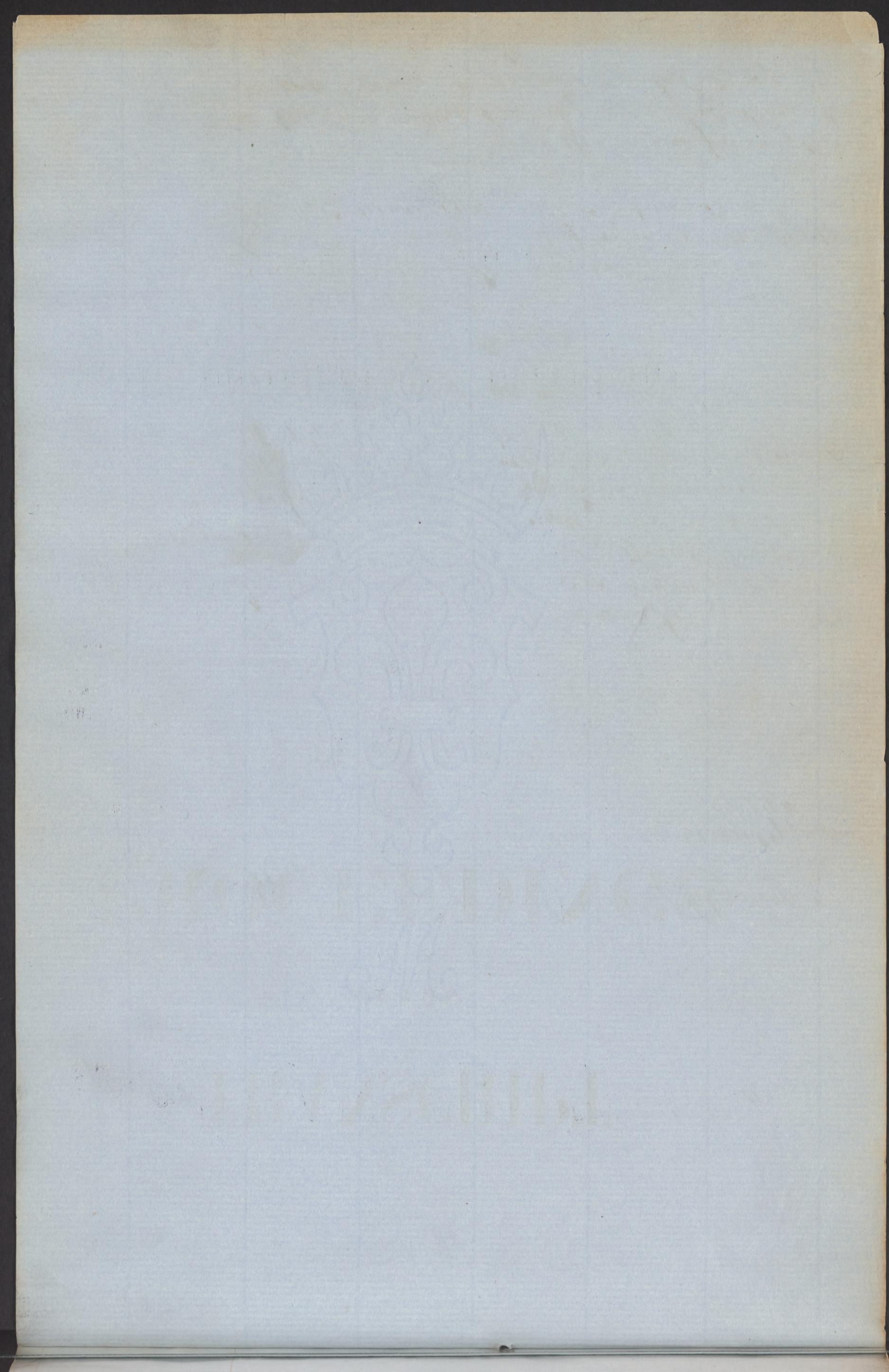
*The Widow and Children
of Simon Castro —* CLAIMANT.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Land in Monterey County."



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this Third day of March,
Anno Domini One Thousand Eight Hundred and Fifty-nine, 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 The Widow & Children of
Simeon Castro, for the Place named
_____ land in Monterey County, was
presented, and ordered to be filed and docketed with No. 790 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 December 10' 1853.
In Case no. 790, Widow and Children of Simeon
Castro for the place named "Ticlo," the deposi-
tion of Juan B. Alvarado, a witness in behalf
of the claimants, taken before Commissioner
Thompson Campbell, with document marked
"A. S. C." annexed thereto, was filed;

(Vide page 9 of this Transcript)

San Francisco January 9' 1855—
Case no. 790, on motion of the Counsel for the
Claimant with the consent of the U. S. Land
Agent, was ordered to be placed at the foot of
the 4th class cases on the Trial Docket.

San Francisco January 1855.
In the same case the deposition of Vicente
Perfecto Gomez, a witness in behalf of the
Claimants, taken before Commissioner Peter

Suit, was filed:

(Vide page 10 of this Transcript.)

San Francisco, March 13' 1855.

Case No. 790 was submitted without argument, and taken under advisement.

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San Francisco, March 20' 1855.

In the same case Commissioner Ephraim Felt delivered the opinion of the Board confirming the claim,

(Vide page 12 of this Transcript)

and the following order was made, to wit;

(Vide page 13 of this Transcript.)

S.

3 Petition

To the honorable Board of Commissioners for ascertaining
and settling private Land claims in the State of California.

Your petitioners the widow and children
of the deceased Simeon Castro of the County of Monterey
State of California. respectfully represent to your Honorable
Board. That they claim a certain tract of Land -
containing eight hundred acres in Spain situated at a
place named "El Tucio" in the County of Monterey.
distant from the City of Monterey about four leagues. that
they claim said Land in fee, by virtue of a grant made
to the aforementioned Simeon Castro under the Authority
of the Mexican Government by Don Juan B. Alvarado.
Governor of the Territory of High California bearing date
of the 12th day of June 1841.

Your petitioners further represent
that the said Simeon Castro and his wife & children
occupied said tract of Land. with the consent of the Mexican
Governor Don Juan B. Alvarado ever since 1836 as proved
by the Document annexed. and that they built upon it
had it fenced and cultivated the same until December
1852. when the fence was carried away by the flood:
and your petitioners wishing now to occupy & cultivate
again said Land do pray your Honorable Board to
take their claim into consideration and confirm the grant
thereof.

And your petitioners will ever pray

For the widow and children of Simeon Castro.

I. A. Moorehead

Filed in office March 3^d 1853.

Geo Fisher Secy.

Recorded in Vol 2 of Petitions on page 200

Geo Fisher Secy.

H

R. L.

5

Dicho Cuanto una Quartilla
Habilitado provincialm^t por la Aduana
marítima del Puerto de Monterey en el
Departamento de las Californias, para
que pague los años de mil Ocho cientos cuarenta
y seis al L. C. y mil Ocho cientos cuarenta y uno
anexo: tu Dijo Alvarado Antonio María Osio
of Juan B.
Alvarado
Decr 10th
1853.

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(Sello)

Cómo Se Gobernó

El Cuadmo Dímeo Castro
Month Junio 12 } Decimo de Esta demarcación
de 1841. un } seva ante Q. C. respectiva
qsta las pres^t am^t - Oshongo que habían
con el díceum^t P. do ocupado una parte
que se acompañó de tierras de labor en
concedido al supli } el parage del Puebo
cant^e las tierras conforme el título pion
que se mencionan, sinal que a Q. C. debí
Quelvase esta al díam^t - acompañó y deseas
interesado para qdo poseerla en propiedad
resguardarlo y demás he de merecer de Q. C. se
pines consiglos } digno concederme las
Alvarado mismas tierras que he
cultivado en la Rinconada
del expresado parage del Puebo con la
extencion de Ocho cientos Varas en
cuadro que es lo que comprenden las
referidas tierras.

P. L. a Q. C. suplico se sirva tomar en
consideracion mi pedido concediéndome
en propiedad las tierras a que me
refiero de lo cual recibrié fraccia y
justicia que juro

Monterey Junio 10 de 1841

Dímeo Castro

Montevideo 20 de Octubre 1836
Excellente Sr Gobernador.
Intencionant al Sr C. Ciudadano Simeon
licitante el usq. Castro de Esta Ciudad
solista de los tene ante Q. C. dijo: Que en
nos que menciono los años antepasados he
dejuelvasele la hecho al fincas siemhas
presente, p^r loz en tenas del Tucio
pines consigles p^r ocurrir a la o ne
Alvarecelo. Sociedades de mi fami
lie: Cosme Peña ha numerosa y como
zno del Despacho p^r disposicion del Sr

D- Lefè politico q^r se
me manolo de ocupar
el Rancho q^r ocupava con notorio per
juicio de mis costos intereses p^r que me
pue precciso abandonar mi casa y ac
codos, me leso en el caso de ocurrir a
Q. C. a fin de que se sirva concedeme
el uso de los tenas de q^r me he demandado
mentras pude amezclarse lo relativo
al Tucio en curto tiempo formalizare el
Punto que me convenza.
Pino no ser de malicia y lo necesario

Simeon Castro

Otro dí
a. Q. C. suplico me qdmita en el pte
papel p^r no haver en Esta municipalidad
del sello q^r corresponde
A. Castro

Free in Office Mch 3rd 1853

Geo: Fisher. Seery

Translation of To His Excellency the Governor

"A"

The citizen Semen

Castro, resident of this place, respectfully
represents, that having Cultivated and
Occupied a certain portion of Land at a
place named El Techo, as mentioned in
the Province of La, which I have with
diligence to your Excellency and wishing
to obtain the same in property, I beg you
will be pleased to grant me the same
hence even since Cultivated in the aforementioned
Province upon the Techo, to the value of
the hundred Varas in Agua which are
the dimensions.

I beg your Excellency to take
my request into Consideration and to grant
the property of the aforementioned Land
for which I will be thankful

Monterey June 10th. 1841

(Signed) Semen Castro

Monterey June 13th. 1841

Considering the present
of the document annexed, the lands mentioned
are granted to the petitioner.

The present will be retained to the interested
for his Secrecy and all other ends

(Signed) Alvarez

To His Excellency the Governor

The citizen Semen Castro

of this neighborhood represents to your
Excellency, that he has some years ago
Cultivated some of the land at the Techo
to supply the wants of his numerous family
and that having been obliged to sacrifice
with great loss to his small property the
rancho he used to occupy, as also his house
and plantation, he found himself in a
position which obliged him to address the
present to your Excellency, to beg that you
may be pleased to grant him the use of the
same land he used once cultivate, until the
time the offspring of his rancho may be settled to

(Signed) Semen Castro

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I beg your Excellency to receive my petition
repm Common paper there being no stamped
(Signed) Same on Quarto

Monterey Dec. 10th. 1836

The case of the
Mentioneed Same is granted to the petitioner
The present will be sent back to him for
all proposed Encs
(Signed) Alvarez

Filed in Office March 3rd 1853

Geo. Fisher Secy

Recorded in Es. B Vol 17. p 410

Geo. Fisher Secy

Office of the Board of U. S. Land Commissioners

San Francisco December 10th 1853.

This day before Commissioners Thompson Campbell and Juan B. Alvarado a witness in behalf of claimants, Widow and children of Simeon Castro. Petition No 790 and being duly sworn his evidence being given in Spanish was interpreted by the Secretary as follows.

Deposition
of Juan B.
Alvarado.

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

Answer

My name is Juan B. Alvarado - I am forty four years of age, and I live in Contra Costa County.

2nd Question.

Look upon the paper now shown you as marked A. S. b. and answer to this question and state whether the signatures of Simeon Castro and Alvarado are the genuine signatures, and if so state your means of knowledge?

Answer

I recognize the signatures now shown me on said paper as being genuine as also the signature of Carmia Buer, who was at that time my secretary ad interim. Alvarado is my own signature, and I have often seen the other two write.

3rd Question.

State what you know of the occupation and cultivation of the land claimed in this case of Simeon Castro?

Answer

I have seen during my travels between the years of 1836 and 1842 Simeon Castro cultivating land on the Monterey Ranch granted to him by me as Governor of California. He had a wooden house upon which was occupied by people in his employ, he himself lived in Monterey. He had also fences around his cultivated grounds, had some work oxen and other domestic animals and the necessary implements of husbandry.

Juan B. Alvarado

Filed in office
December 1853.

GEO. FISHER

Secretary

Recorded in the
B. Vol 3 p 512

GEO. FISHER

Secretary

Associate Law Agent Pursuit.

Subscribed & sworn to before

On this 10th day of December AD 1853.

Thompson Campbell

Compt'l

AO

United States of America S.S.
State of California

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Deposition of
Vicente P. G.
mif.

San Francisco January 17. 1855

This day came before Peter Watt Commissioner for taking testimony to be used before the Board of the Land Commissioners in said State. Vicente Perfecto Gomez a witness on behalf of the claimants the widow and children of Simeon Castro in cause No 790. on the Docket of said Board and said witness being duly sworn deposed in Spanish which was interpreted by the interpreter to said Board as follows.

The U. S. associate Law agent is present.

Questions of Mr Williams for claimant

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

Answer. My name is Vicente Perfecto Gomez. my age 30 years. my residence Mountain Cal.

2^d Question. Are you acquainted with the Rancho called Turlo. if yes. how long have you known it, and state what you know of its boundaries and its occupation of the original grantee Simeon Castro?

Answer. I am acquainted with the Rancho I have known it since the year 1836. It is bounded on the West by the "Monte del Rio". a wooded place in the River Salinas. on the east of the Lands of my father Joaquin Gomez. now deceased. on the North of the Lands of Rodriguez Espinoza, and on the South of the Rio de las Salinas.

This Rancho contained 800 Varas square I was on the place and staid one night in 1836. Don Simeon Castro and his son Manuel Castro were there and they had two or three Indians there and a house. the place was all enclosed in a fence and planted in beans. corn and other vegetables. the house was a wooden house.

3^d Question. State whether said Simeon Castro is now dead. if yes. state the names of his widow and children?

Answer Simeon Castro is deceased he left a widow named Maria Antonia Rice who is still living and seven children who are now living. named as follows Manuel Castro Jose Francisco Castro, Leandro Castro, Juana Castro. Maria Antonia Castro. Simeon Castro died before the year

4th Question. Who occupies said tract of land after

Maria Antonia Castro. Simeon Castro died before the year

1853, though I do not know in what particular year.

4th Question. Who occupied said tract of land after the death of said Simeon Castro?

Answer. It was occupied by said Jose Antonio and another of the Sons of said Simeon who is since deceased they continue to cultivate the land and keep Milch cows on it.

Cross Examined of H. S Associate Law Agent.

1st Question. How do you know the boundaries of said tract of land.

Answer. I know them from having seen them. I lived on the adjoining Rancho and I have seen the title of the land which called for the land bounded as I have described.

2^d Question. State the shape and dimensions of said Rancho?

Answer. It is square 500 varas on each side

3^d Question. Have you been on said Land since 1836?

Answer. I have been in the habit of passing said place since 1842. I have land adjoining it and when I am in want of things I used on my place have gone there to get them.

Vicente Rufino Gomez.

Subscribed & Sworn to before me
the 17th day Aug AD 1855.

Peter Scott Commissioner

Filed in office Jan 18. 1855

Geo Fisher Secy.

Recorded in Ev. B. Vol 11 p 245.

Geo Fisher Secy.

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Widow and Children
of Simeon Castro
vs
The United States
For a grant of Land 800 Varas
Span at the place called
El Tucio in Meoutay
County.

Opinion

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By the documents filed in this case duly authenticated
it appears that Simeon Castro, now deceased applied
to Governor Alvarado for a grant of the temporary use
of the land now claimed, and which he alleged that
he then had under cultivation which petition was granted
of a Marqued deem dated December 20th 1836 that
subsequently he again petitioned to the Governor for a grant
of the same in full property, and on this application the
Governor made the grant to him under date of July 12th
1841. The land solicited and conceded is described
to be that which the petitioner then cultivated and
occupied at the place named "El Tucio" and which
he had cultivated ever since the provisional grant of 1836,
the dimensions being eight hundred Varas Span.

The proof shows that said Castro built a house
on the premises as early as 1836 and cultivated the land, that
he had the entire premises enclosed by a fence 800 Varas on
each side and all under cultivation. That he continued
to possess and improve the property until his death
and his family have since occupied it. The exterior bound
aries which are the lines of the adjoining properties are clearly
stated and there can be no difficulty under the proof
in identifying the same.

A decree of confirmation
will be entered.

Confirmed

Filed in Office March 1855

Geo Fisher Secy.

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Widow and Children of
Simeon Castro
vs
The United States

In this case on hearing the
Proofs and allegations it is adjudged by the Commission
that the claim of the said petitioner is valid and it
is therefore decided that the same be confirmed.

Decree

The Land of which confirmation
is hereby made is situated in the County of Monterey at
the place named "El Tucki" and is a square of eight hun-
dred varas on each side and bounded on the West
by the Mount del Rio on the East by the Lands of Ignacio
Gomez now deceased. On the North by the Lands of Pedro
co Espinosa and on the South by the Rio del los Salmones.
The said Lands being intended to be confirmed being the
same which was cultivated and fenced in by David
Simeon Castro in his life time. Containing eight hundred
varas square.

Alpheus Felch
P. Augustus Thompson
S. B. Gannell

Commissioners

And it appearing to the Satisfaction of the Board that
the Lands hereby adjudicated are situated in the Southern
District of California. It is hereby ordered that two transcripts
sets of the proceedings and decisions in this case and of
the papers and evidence upon which the same are founded
be made out and certified to the Secretary. One of
which transcripts shall be filed with the Clerk of the
United States District Court for the Southern Judicial
District of California. and the other be transmitted
to the Attorney General of the United States.

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Office of the Board of Commissioners,

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

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I, George Fisher — Secretary to
Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing Thirteen — pages, numbered from
1 to 13, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. 790, on the Docket of the said Board,
which is in the
Widow & Children of Simon Castro
against the United States, for the place known by
the name of "Land in Monterey County."

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-first — day of August
A. D. 1855, and of the Independence of the
United States of America the seventy-eighth.

Geo. Fisher
Geo. Fisher

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U. S. DISTRICT COURT,

Southern District of California.

No. 296.

THE UNITED STATES,

v.s.

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Widow and Children of
Simon Castro.
"Land in Monterey County."

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 790.

Filed, Oct 11th.

1855

f. C. Fair.
Clerk

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Office of the Attorney General of the United States,

Washington, 10. October, 1855.

790/ "Land in Monterey County -"
The widow and children of
Silicon Castro.

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
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.

Cushing

Attorney General.

No. 296.

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

The United States, appr

vs.

The widow & children of Amron
Castro, appellee

Appeal noted.

Filed Nov 20th 1855

C. Van
Carr.

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

THE PRESIDENT OF THE UNITED STATES,

TO

296 SD Widow Castro et al
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TAKE NOTICE, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the 5th day of January in the year of our Lord, one thousand eight hundred and fifty-seven, at the City and County of Los Angeles, in said District, by

P. Ord U.S. Atty praying
Said Court to review the decision of the Board
of Land Commissioners of the 20th March
1853 Confirming your claim to the land
a tract of land near Monterey in the
County of Monterey

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

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this 26th day of January, in the year of our Lord, one thousand eight hundred and fifty-seven, at Los Angeles aforesaid.

Clerk.
J. H. Coleman
J. H. C.



No. 291

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UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA,

U. S. DISTRICT COURT.

Motion made et al
appellants
vs.
Mr. Whittier & Stark
Appellees
Date this 20th day of January 1858
At this office
of the Clerk
of the Southern District of California

SUMMONS.

Received February 3d 1858
Edward Huntly
U. S. Marshal
John Goodman
Deputy

I served this Summons, along with the proper copy of the Petition, upon ^{by order of} ~~upon~~ ^{the} ~~the~~ U. S. Dist Attorney as the case is to be dismissed

at the ^{18th day of January, A. D. 1858.}

Sworn to and subscribed before me,

Clerk.

Marshal.

James C. Penne
U. S. Marshal for the
S. D. of California

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

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



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Simeon Lester, widow of, et al

appellants.

Docket No. 296.

The United States, appellant.

Transcript No. 790.

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 3rd day of March A. D. 1853,

Widow of Simeon Lester

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 near Monterey,

in the County of Monterey State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 20th 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. 790; 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 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 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 cause from the said
decision of the said Commissioners, in the District Court of the United
States for the Southern District of California, would be prosecuted by the
United States. Your petitioner further represents, that the land claimed,
as aforesaid, is situate in the Southern District of California, and within
the jurisdiction of this Honorable Court. Your petitioner further represents
and insists, that the said claim is invalid; and the said decision of said
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for
many errors and imperfections of law and evidence, apparent in said certified
transcript of the proceedings and decisions of said Commissioners in said
cause, filed and appealed from as aforesaid. And your petitioner denies all
and singular, each and every allegation in the said petition of said claimants
presented as aforesaid to said Commissioners. And your petitioner further
denies that the said claimants ~~has~~ ^{have} any valid right or title to said land claimed
as aforesaid, or any part thereof.

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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 claimants 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 claimants or his ^{their} attorneys 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 ^{said claim} ~~same~~, and decree the alleged title to be invalid: with costs and general relief.

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P. M.

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

N. 296.

Filed this 5th January
1857 O.S. vs C.R.
J. H. Collyer
dict

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California Land Claim.
Attorney General Office
6 Feby 1857.

Sr: In the case of the claim of the
Widow and Children of Ignacio Castro,
contained in the claimants by the Com-
missioners, Case no. Seven hundred
and ninety, (790), appeal will not
be prosecuted by the United States.

I am
Respectfully,
D. Cushing

Placido Ad. Eg.
U. S. Attorney.
Los Angeles.

No. 296

Filed this 1st Feb: 1858
C. Lewis & Co
J. W. Colman
D. H.

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