CASE NO.
298

SOUTHERN DISTRICT

LAND ON MONTEREY RIVER GRANT

HENRY COCKS
CLAIMANT

SD

ALSO AVAILABLE ON MICROFILM

LAND CASE 298 SD 60 pgs.

MAR 20 1963

TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 572.

Henry Cocks — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Land on Monterey River"

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

The Petition of Henry Cocks *for* ~~the Place named~~ Land on Monterey River *was presented, and ordered to be filed and docketed with No.* 572 *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 November 8 1853.

In Case no. 572, Henry Cocks for One fourth League of land on Monterey River, the deposition of Feliciano Soberanes, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed:

(Vide page 4 of this Transcript.)

San Francisco November 10 1853.

In the same Case the deposition of David Spence, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, with documents marked A. F. No. 102 annexed thereto, was filed:

(Vide page 6 of this Transcript.)

San Francisco February 21 1854.

In the same Case the deposition of William S. Johnson, a witness in behalf of the

Claimant, taken before Commissioner Alpheus Felch was filed;

(vide page 8 of this Transcript)

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

(vide page 11 of this Transcript)

San Francisco November 30 1854.

In the same case the deposition of Manl. Castro, a witness in behalf of the Claimant, taken before Commissioner Peter Sott, with a map marked Exhibit "A. P. L", annexed thereto, was filed;

(vide page 13 of this Transcript)

San Francisco December 4 1854.

In the same case the Counsel for the Claimant filed the following Stipulation, to wit;

(vide page 45 of this Transcript)

San Francisco December 5 1854.

Case No. 592 was ordered to be placed at the foot of the 3d Class cases on the Trial Docket.

San Francisco, March 13 1855.

Case No. 592 was submitted under the Rule of March 21 1854.

San Francisco, March 20 1855.

In the same case Commissioner Alpheus Felch delivered the Opinion of the Board confirming the claim;

(vide page 47 of this Transcript)

And the following order was made, to wit;

(vide page 57 of this Transcript)

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No 572

To the Board of Land Commissioners to ascertaining and settling private land claims in the State of California

Petition

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Your petitioner Henry Cocks, a citizen of the State of California, and resident of the County of Monterey, respectfully represents to your Honorable Board that he claims a certain tract of land containing one quarter of a league more or less, situated on the Monterey river, County aforesaid. That he claims the same in fee, by virtue of a grant made to Esteban Espinosa, under the authority of the Mexican Government, by José M. Vallejo Prefect of the Town of San Juan, on the 30th day of July, 1840 and approved by Juan B. Alvarado, Governor of the department of California on the 1st day of Nov. 1842.

Your petitioner further represents that the said grantee Esteban Espinosa on the 22d day of September 1845, transferred his right and title to the said land unto Francisco Garcia, and on the day of the said Francisco Garcia transferred the above land to your petitioner in trust, for the benefit of the wife and family of the said Francisco Garcia.

Your petitioner would further represent that judicial possession of the said land, was given to the said grantee, on the 8th day of June, 1843, and the boundaries thereof designated and defined, and that he and those claiming him have been in peaceable possession of the said tract of land, ever since, and that he, has no

knowledge of any interfering claim.

Your petitioner presents herewith the original grant to the said land in the Spanish language, together with a translation of the same, and also the transfers of its original owners, and will make further proof of title if required by your Honorable Board.

Your petitioner prays that your Honorable Board take in consideration his claim to the said tract of land, and deem his title to be valid, and confirm the same, and your petitioner will ever pray

Henry Cocks

Filed in Office Feby. 9, 1853.

(Signed)

Geo Fisher Secy

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No. 572

Deposition of F. Soberanes

Office of the Board of Commissioners &c

This day before Com. Alpheus Felch came Feliciano Soberanes, a witness in behalf of claimant, Henry Cocks, No. 572, who after being duly sworn deposed as follows:

Questions by Mr. Cocks, claimant

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1st Question. What are you name, age and place of residence?

Answer. My name is Feliciano Soberanes, my age is sixty-five and I reside in Monterey County, in California

2nd Question. Do you know a piece of land in Monterey County called "Monte di los Cabrestros", if yes, please state where it is situated and what you know of the concession and occupation of the same?

Answer. I know the place. It is situated on Monterey River about four leagues from the town of Monterey, It was granted to Esteban Espinosa in 1839 or 1840. Said Espinosa immediately after the grant built a house on the land and lived in it with his family and cultivated a part of the land and had forty or fifty cows and four or five yoke of working oxen, and twenty-five or thirty head of horses on the place. He occupied from the time the house was built, with his family, until he sold the place to Francisco Garcia, I went to the Mission of Soledad to live on the first day of the year 1840, and at that time the house was already built on the place. The place was occupied from that time by Espinosa, until he sold, and from that time to the present it has been occupied by said Garcia. During all that time the land has been extensively cultivated and has had corrals, earth, fences and houses upon it

Feliciano Soberanes.

Mr Greenhow, associate
Law agent was present at this

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taking of this deposition but propounded no questions to the witness

Subscribed and sworn to before me this 8th day of November, 1853

Alphens Felch
Commissioner

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Filed in Office Nov. 8th 1853

(Signed)

Geo Fisher Gray

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Office of the Board of Commissioners &c &c

Deposition of D. Spence

This day before Com. Alphens Felch came David Spence a witness in behalf of Claimant Henry Cocks, No 572, who after being duly sworn deposed as follows:

Question by Mr. Cocks, claimant:

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

Answer. My name is Daniel Spence, my age fifty-five years and I reside at Monterey in California.

2d Question, Are you acquainted with the hand writing of José R. Estrada, Juan B. Alvarado, and Manuel Jimeno?

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if yea, look on the document now presented to you marked "Expediente y Posesion" and also marked "Exhibit No. 1." with the initials "A. F.," and annexed to this deposition and state whether the signatures appearing as thereon, are the true and genuine signatures of said Juan B. Alvarado, and Manuel Jimeno, and José R. Estrada, respectively.

Answer. I am acquainted with the hand writing of each of the persons named. The said signatures are the true and genuine signatures of said Juan B. Alvarado, Manuel Jimeno, and Jose R Estrada respectively

3d Question. Look on the paper now presented to you purporting to be a petition by Esteban Espinosa, to the Prefect of the First District with an order by Alvarado thereon which paper is marked "Exhibit No 2" with the initials of "A. F." and annexed to this deposition, and state whether the signature of "Alvarado," appearing thereon, is the true and genuine signature of Juan B. Alvarado, mentioned in your last answer?

Answer. I have examined the paper. The signature "Alvarado," is the genuine signature of said Juan B. Alvarado

4th Question. Please state what you know about the occupation and improvement of the land known by the name of Monte de los Cabestros in Monterey County

Answer. When I gave possession to Vicente Cantua, of the Rancho Nacional I think in the year 1840, Esteban Espinosa

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appeared as a colindrous proprietor and pointed out his boundaries which I inspected. I acted as justice of the peace, in giving that possession. Espinosa had some land cultivated at the time in said premises and continued in occupation of the place until his death or a short time before. The place was transferred to Francisco Garcia whose family has been in possession of the same up to this date, — Espinosa had a house on the place and was living in it when I was there as above stated. Afterwards the Garcias built an adobe house on the place, in which they lived from the time it was built. Since Garcia obtained the possession he has had cattle on it and has cultivated the ground

D. Spence

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Mr. Greenhow
Private Law Agent was
present at the taking of this
deposition but propounded
no questions to the witness

Subscribed and
sworn to before me this tenth
day of November, 1853

Stephens Field
Commissioner

Filed in office Nov 10, 1853. (Signed, Geo. Fisher, Secy.

5/2

Deposition of
W. B. Johnson

United States Land Commission
San Francisco, Feby 21, 1854

On this day before Commissioner Stephens Field came William B. Johnson, a witness on

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behalf of the claimant, Henry Cocks, case No. 572, who, after being duly sworn, deposed as follows:

Questions by Mr. Cocks, claimant

1st Question. Please state your name, age and place of residence

Answer. My name is William S. Johnson, my age is about thirty years and I reside at Monterey, in California

2d Question. Do you know any thing of a conveyance made by Francisco Garcia and wife, in 1850, to the present claimant? if so, please state what you know about it.

Answer. I knew of the making of such a conveyance. It was written by me. It was the conveyance of a Rancho called San Bernabe, a piece of land called Micho, and some other property. All of said lands are situated in Monterey County. The land called Micho is situated on the east side of the Salinas River and to the south of the road leading to San Juan from Monterey. It adjoins said road

3d Question Please look upon and examine the document now here presented to you marked "Exhibit No 1" with the initials "A. J." annexed to the deposition of David Spence, heretofore taken and filed in this case and state whether the land described in said document is the same which is described in the conveyance above mentioned

Answer. I have examined said document. The property therein described is the same mentioned in the aforesaid

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conveyance under the name of Incho, Incho is the name by which that piece of land is generally known

4th Question, Did Francisco Garcia own any other land, than that called Incho, on the east side of the Salinas river at the time of said conveyance?

Answer, He owned other land some seventy or eighty miles up the river, which was called San Bernabe. I know of his owning no other land at that time on the east side of said river, When the deed of conveyance above mentioned was made out, the parties did not present the original papers relating to the title of the land, and it was said that they were lost, and I was instructed to call the property in the deed by the name of Incho which I did. The land so called is situated about twelve miles from Monterey, The land called San Bernabe is I suppose about eighty miles from Monterey, but I do not know the precise distance

Questions by Mr. McKinne, Land Agent

1st Question How do you know that the land designated in the deed by the name of Incho, is the same described in the document here shown to you

Answer, I have known the land for the last five or six years, and my instructions at the time the deed was made from the parties to the conveyance were to transfer by the conveyance the land which I had so known; and which was the same known by the said name of Incho

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W. S. Johnson

Subscribed and
sworn to before me this 21st
day of February, 1854

Alphens Felch
Commissioner

Filed in Office Feby 21. 1854

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(Signed)

Geo. Fisher Gray

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United States Land Commission
San Francisco Feby 21. 1854

Deposition of José Abrigo.

On this day before Commissioner Alphens Felch came José Abrigo, a witness in behalf of the claimant, Henry Cocks, case No. 572, who, after being duly sworn, deposed as follows; his evidence being reduced to writing by the Secretary

Questions by Mr. Cocks, claimant

1st Question. Please state your name, age and place of residence

Answer. My name is José Abrigo, my age forty years, and I reside at Monterey in California

2d Question. Please look on the document now here presented to you purporting to be a conveyance from Esteban

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Espinosa to Francisco Garcia and marked "Exhibit No 1" with the initials "A. J." and hereto annexed as a part of this deposition and state whether you know the handwriting of Esteban Espinosa and Joaquin Buelna? and if yea, whether the signatures appearing on said document are the true and genuine signatures of said Espinosa and Buelna respectively

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Answer. I know the handwriting of both of them and believe the signatures on said document to be the true and genuine signatures of said Espinosa and Buelna respectively. I have seen them write.

3d Question. Please look at the document now here presented to you marked "Exhibit No 1" with the initials "A. J." heretofore filed in this case, attached to the deposition of David Spence; and state whether you are acquainted with the signature of Joaquin Buelna, Francisco Arce, and José Maria Villavicencio, and if yea, whether the signatures appearing on said document are the true and genuine signatures of said persons respectively?

Answer, I have examined said document and believe their signatures thereon to be their true and genuine signatures I have seen each of them write and know their several signatures

José Abrego

Mr. McKune, Law Agent was present at the time of taking this deposition but propounded no questions

Subscribed and sworn

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to the witness.

Subscribed and sworn
to before me, this 21st day of
February, 1854.

Alpheus Felch
Commissioner

Filed in Office Feby 21. 1855

(Signed)

Geo Fisher Jun

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

Deposition of Manuel Castro.

San Francisco November 29. 1854

This day came before Peter Lott, a commissioner for taking testimony to be used before the Board of the U. S. Land Commissioners in said State, Manuel Castro, a witness in behalf of the claimant Henry Cocks, in case No. 572, on the docket of said Board, and said witness being sworn deposed in Spanish which is interpreted into English by the Interpreter to said Board as follows:

The U. S. Law Agent is present

Interrogatories by the claimant in person

1st Interrog. What is your name age and residence?

Answer. My name is Manuel

Castro, my age 32 years, my residence, Monterey California

2d Question, Look at the map now shown to you marked "A.P.L." as an exhibit to this deposition, and state whether you are acquainted with the rancho called Monte de los Cabestros, and if yes, whether said is a correct delineation of said land, and state the locality and boundaries thereof so far as you know them, and your means of knowledge?

Answer, I am well acquainted with said Rancho, Monte de los Cabestros It is a tract of a quarter of a league on the Monterey river, It is on the road from Monterey to my own rancho, and I have been in the habit of passing by it very often, I have known it since my boyhood, This map is a good and correct delineation of said tract of land I have seen the boundaries and know them well, The land lies on the northeast side of the Monterey River, extending about 3/4 of a league along its bank, and extending in a northeasterly direction between parallel direct lines one league to the Sanjon the boundary of Insebio Baronda, along which sanjon it extends 3/4 of a league on the Monterey river the upper boundary is known by a fence which was built on the line by Don Esteban Espinosa the original occupant of this Rancho, as the line between him and his colindante Vicente Castro on the southeasterly side, and on the lower side there is a road which runs between the house of Agustin Moreno, and this

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land, this divides this rancho from said Martinez a distance of about 600 yards, then, the road continues to be the boundary of this tract to the Sanjon or very nearly so, the road does not run exactly straight

3d Question, State what you know about the giving of judicial possession of this tract of land?

Answer, I was now present at the giving of judicial possession, and all I know about it is that an order was given by the prefect, José R. Estrada, to the Juez of the Pueblo of Refugio in writing directing to him to measure the width of said land, which order I wrote, as the Secretary of said Prefect, and it is now to be found on file in this case, at the commencement of the Expediente, marked "Exhibit A. J. 2101" and is in my handwriting, and signed by said José R. Estrada, which I can bind do.

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4th Question, Look again in the same expediente upon the 2d page of the 5th leaf, thereof, and state whether you are acquainted with the handwriting of José Maria Villavicencio, if yea, State you means of knowledge, and also, whether or not his signature there written is genuine?

Answer, I know said Villavicencio's signature, I have often seen him write and this is his genuine signature

5th Question, State whether or not the tract of land in question in this case, is sometimes called "Noche"?

Answer, There is a tract of

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country then between said river and the Sangin called Meke and this may be embraced in it.

Manl Castro

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Subscribed and sworn
to before me on this 29th day
of November, A. D. 1854,

Peter Lott
Commissioner &c

Filed in office Nov. 30th 1854

(Signed) Geo Fisher Secy.

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Exhibit A
Ex. No. 1

Expedte.
annexed to
Depo: of David
Spence
Nov. 10th
1852.

Prefectura del primer Distrito — procederà V. à sena=lar con arreglo al titulo que presenta Esteban Espinosa las tierras que le pertenecen comenzando la medicion desde los linderos del Cno Vicente Cantua para el Rumbo de las Salinas hasta llegar al numero de mil doscientas Varas que espresa dicho titulo. y cincuenta mas.

Dios y Libertad. Monterey Marzo 8 de 1843.

José. R. Estrada

Testigos de medicion del terreno del Cno Esteban Espinosa, C.C. Vicente Cantua y Tomas Yguera los que an corrido el Cordel an sido Nicolas Albisu 2º y Encarnacion Garcia los que juraron sus pieles en su Encargo y lo formaron conmigo el juez auxiliar del pueblo del Refugio Joaquin de Asistencia Buelna

Vicente Cantua +
Tomas Yguera + Nicolas Albisu 2º +
Encarnacion Garcia +.

Se agregaron 300=50 varas de los linderos de Dn Vte= Cantua al lugar de su pertenencia, por tener su avitacion y se le quitaron para la parte de la propiedad del Cno Eusebio Baronda 300 50 - varas. Dn Esteban Espinosa queda satisfecho con las medidas que ha hecho el juez del Refugio respecto à la Orden q- acompaña el titulo de 8 de Marzo de 1843 por el Sr prefecto Cno Ramon Estrada de consiguiente an quedado el Cno Agustin Martines y el Espresado Espinosa de dejar sinco varas de Callejon

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para servicio propio y de la municipalidad
lo dt. firmo conmigo y los testigos de asisten
cia y los medidores; José Joaquin Buelna
Esteban Espinosa # Lomas Iguera
Encarnacion Garcia + Nicolas Albrin +
Dn Vicente Cantua +
Lo que certifico á 8 de Junio de 1843
José Joaquin Buelna
Esteban Espinosa # testigo Lomas Iguera +
Encarnacion Garcia + Vicente Cantua +
de asistencia Nicolas Albrin +
lo que certifico yo el juez auxiliar del pue
blo del Refugio, Joaquin Buelna como
juez de paz auxiliar del pueblo del
Refugio - José Joaquin Buelna
á Ocho de Junio de 1843.
Sello segundo doce Reales.
Habilitado provicionalmte por la Aduana
Maritima de Monterey para los años de
1839. y 1840
Alvarado Antonio Mª Osio.

Dd. José Mª Villavicencio prefecto
interino del primer Distrito del De
partamento de las Californias.
por cuanto Esteban Espinosa mexica
no por nacimiento ha pretendido para su
beneficio personal y el de su familia un
terreno de la Estension de un cuarto de
legua colindante por el Este con Dn
Vicente Cantua por el Oeste con el
Cno Linidad Espinosa y por el Norte
con Eusebio Bronda segun demuestra
la solicitud que acompaño: practicadas
previamte las diligencias y averiguaciones
concernientes usando de las facultades

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que me son conferidas por la Ley Reglamentaria de 20 de Marzo de 1837. he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras; entendiendose dicha concesion con entera conformidad à lo dispuesto por leyes y Reglamentos y bajo las condiciones sig.tes

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1.a Se sometera à lo que resolviere el Gobierno y Junta Departamental en uso de sus atribuciones al tiempo de deslindar fundos por los pueblos y pagarà el canon que le sea impuesto.

2.a podrà cercarlo sin perjudicar las travesias caminos y servidumbres; lo disfrutarà libre y esclusivam.te destinandolo al uso y cultivo que mas le acomode; pero dentro de un año fabricarà casa y estarà habitada.

3.a Solicitarà del juez respectivo la posesion juridica en virtud de este despacho quien lo harà medir conforme à Ordenanza y demarcarà los linderos con las mojoneras que al efecto convenga.

4.a Si contraviniere à estas condiciones perderà su derecho al terreno y serà denunciable por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome Razon de el en el libro respectivo y se entregue al interesado para su Resguardo y demas fines. Dado en la Sala de la prefectura en el pueblo de S.n Juan de Castro a treinta de julio de mil ocho cientos

cuarenta.

José Mª Villa.co

Franco. C. Arce 2do Ynto

Queda tomada Razon de Este titulo en el Libro de Asientos que oha en esta secretaria de mi Cargo y marcado con el N.º 16 a fª 8.

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Arce.

Alajal Novre 1º de 1842

De conformidad con lo concedido por el prefecto del primer Distrito cese posesion de un cuarto de Legua de terreno al Ciudadano Esteban Espinoza esceptuando las tierras que huviesen sido dadas à algun vecino en el lugar que menciona antes de Esta fha.

Juan B. Alvarado

Manl. Jimeno Srio.

Filed in Office Secry 4th 1853

Geo. Fisher Secry

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"Espediente
y
Superior."

No 572

Translation of
Exhibit "A.F."
No 1.

Office of the Prefect
of the
First District

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Sir:

You will proceed and
mark according to the Title, which Esteban
Espinosa will produce to you, the lands
belonging to him, the measurement is
to commence from the boundaries of the
tract of Citizen Vicente Cantua towards the
"las Salinas" as far as to complete the
number of one thousand and two hundred
varas of land as stated in the said Title
and fifty varas more

God and Liberty
Monterey the 8th day of March 1843

Signed, José R. Estrada,

To
The apipant Judge
of the Pueblo of
Refugio

Citizens Vicente Cantua and Tomas Yguera
are witnesses to the measurement of
the tract of land belonging to Citizen

Esteban Espinoza, those who can the cord, were Nicolas Albisa 2nd, and Encarnacion Garcia — having been first sworn faithfully to perform the same, they all subscribed their names hereunto, together with me the Aprisant Juez of the Pueblo of Refugio — Joaquin Buelna,

Witnesses

Vicente Cantua +
Jesus Ygnacio +
Nicolas Albisa 2nd +
Encarnacion Garcia +

The aggregate number of varas from the boundaries of Don Vicente Cantua to the place belonging to him [Esteban Espinoza] he having a dwelling house thereon, is 350 varas (ygnacio); and then we taken parallel with the land of citizen Eusebio Boronda 950 varas (ygnacio) to complete the number

Don Esteban Espinosa was satisfied regarding the measure made by the Juez of Refugio in pursuance of the order of the Honorable the Prefect citizen Ramon Estrada, bearing date the 8th day of march, 1843, attached to the title

Whereupon citizen Agustin Martinez and the said Espinosa have agreed to leave a passage of 5 varas broad for their and public use, and he signed his name hereunto together with me and the aprisant witnesses, and the measurer José Joaquin Buelna — Esteban Espinoza, Jesus Ygnacio +
Encarnacion García +
Nicolas Albisa +
Dn Vicente Cantua +

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which I attest this 8th day of June 1843.

José Joaquin Buelna

Esteban Espinoza

Encarnacion Garcia + Witness Tomas Gomez +

Nicolas Alviso + do Vicente Cantua

Which I, the assistant judge of the Pueblo of Refugio, Joaquin Buelna, as assistant Justice of the peace of the same, Pueblo, attest this 8th day of June, 1843.

(Signed)

José Joaquin Buelna

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Second Stamp Dollar & a half

Provisionally provided by the Marine Custom House of Monterey for the years 1839 and 1840

Alvarado

Antonio Mª Osio

L.S.

José Maria Villavicencio,
Prefect for the Time being of the first District of the Department of California.

Whereas, Esteban Espinosa, a Mexican by birth having petitioned for his personal benefit and that of his family a tract of land to the extent of one quarter of a league, being bounded on the east by the lands of Don Vicente Cantua, on the west by citizen Trinidad Espinosa's, and on the north by Eusebio Boronda's, as appears from the petition accompanied herewith:—

all the proceedings and investigations concerning thereto having been first had and made; in exercise of the powers conferred upon me by the laws of 20th of March, 1837, I have granted to him the said Esteban Espinosa the above mentioned tract of land, and I do by these presents declare to him the ownership thereof: the said concession shall be understood to be entirely in conformity with the provisions of the laws and regulations; and subject to the following conditions:—

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1st. He shall submit to such resolutions as the Government and the Departmental Junta in exercise of their powers shall adopt at the time of raising funds for the pueblos; and shall pay such land contributions as shall be imposed upon him.

2nd. He may enclose it without injury to the cuaporaya, roads and easements; enjoy it fully and exclusively applying it to such use or cultivation as may suit him best; but within one year he shall build a house and the same shall be inhabited

3rd He shall apply to the proper judge to give him juridical possession by virtue of this Title; who shall cause the said land to be measured according to ordinance; and shall mark out the boundaries with such land marks as shall be proper for that purpose

4th If he shall contravene these conditions he shall forfeit his right to the land and shall be liable

to be denounced by other.

Wherefore, I order that these presents shall answer as a title to him the said Esteban Espinosa, and shall be held firm and valid; a record thereof shall be made in the proper book; and afterwards it shall be delivered to him for his safety and other purposes.

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Given in the Hall of the Prefect at the Pueblo of San Juan de Castro on the 30th day of July in the year, 1840.

(Signed) José Mª Villaro
(Signed) Francº C. Arce
Secretary for the time being

A record of this title is made in the book of registry existing in this Secretary's office under my charge and marked No. 16 — page 8.

(Signed) Arce

Alisal Novr 1st 1842

In conformity with the grant by the Prefect of the 1st District let possession be given to him Citizen Esteban Espinosa of one quarter of a league of land; and those lands which might have been granted to any other incident in the said place prior to this date shall be excepted

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(Signed) Juan B. Alvarado
(Signed) Manl Jimeno
Secy.

Filed in office Feby. 9. 1854

(Signed)

Geo Fisher Secy

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Sello Cuarto una Cuartilla
Habilitado provisionalmte. por la Adua
na Maritima de Monterey, para los
años de 1839. y 1840

Exhibit
A. L. C. No 2

Alvarado Antonio Maria Osio
Sr. Prefecto del 1er. Distrito

Sello

Esteban Espinosa Vecino
de esa Villa del Rio de
Monterey (a) el hecho ante
V. S. con el Respecto debido
parece y dice: que hallan
dose ya con bastante fa
milia y pensando en hacer
su Casa ya p.a su resi=
dencia por toda su vida
y vivir con quietud toda
su vida y poder sostener
su familia y teniendo alg.n
numero de Ganado Vacu
no Caballar y Lanar ocurre
à la benignidad de V. S.
con el fin de q.e se digne
concederle dos suertes en
Gracia con el parage cono
cido con el nombre del
Monte de los Cabeotos
lindero del Cuid.no Vied.
Cantua y amas trescientas
Varas p.a solar su Casa
y Corrales en sus Ganados
Vacunos Caballar y Lanar
que tiene y conociendo la
benignidad de V. E. en favorecer à sus
subditos ocurro à Ella con el fin de q.e
se digne acceder à esta mi peticion si

Monterey Sep.re 24 de 1841 On
puede el interesa
do situarse en el
terreno q.e indica
establecer en el
su Casa, corrales
labores y pienso de
Campo haciendo
uso de las tierras
que necesite para
estos Objetos q.e e=
spectuando esto=
curria de nuevo
pidiendola propi
edad del nume
ro de Varas de
terreno que hunci
ficado.
Devuelvase le esta
misma con el
presente decreto
para su resguardo
Alvarado.

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la hallare justa. por tanto - a - V. S. pido y suplico se sirva proveer à mi favor de d.ha gracia y merced.

Monterey 25 de Febrero de 1840

Estevan Espinosa

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Sello Cuarto una Cuartilla
Habilitado provisionalm.te por la Aduana Maritima de Monterey para los años de 1839. y 1840.
Alvarado Antonio Mar.a Osio

Sello

Filed in Office Nov. 10. 1855
Geo. Fisher Secy

29 No 572

Translation of Exhibit No 2. "A 3"

Fourth Stamp Three Cents

Provisionally provided by the Maritime Custom House of Monterey for the years 1839 & 1840

Alvarado

Antonio Mª Osio

DS

To the Honorable the Prefect of the 1st District

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Your petitioner Ignacio Espinosa residing on the border of Monterey river on the "El Micho" before your Honor with due respect appears and states; That he the said Petitioner has now a tolerably large family; that he contemplates building a house for their residence permanently; and thereon to live quietly, and to provide them the necessary support; and that having a number of black cattle, horses and sheep, your petitioner applies to your Honor to the end that your Honor may be pleased to grant him two pieces of ground in the place known by the name of the "El Monte de los Calientos" being the boundary of the rancho of citizen Vicente Cantua = and further three hundred varas of land as a building for a house and corrales for the black cattle horses and sheep, which he now possesses; and that being assured of your Honor's disposition to favor your fellow subjects, your petitioner so applies to your Honor to the end that your Honor may be pleased to grant this his petition, if found just and proper

Thanks Your Petitioner

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prays your Honor will please to give such orders as may enable him to carry into effect his intended purposes

And he will ever pray &c

Monterey the 25th day of February in the year 1840

(Signed) Esteban Espinoza

(The following order was written on the margin of the above petition)

Monterey Feby 27. 1840

The petitioner may settle on the land as pointed out in his petition, build thereon a house, corrales, make his fields and place thereon his cattle; and make use of such lands as may require for these purposes; and afterwards he shall apply anew, and pray for the ownership of such number of varas of land as he may have settled upon

Let this petition be returned to him with this order for his safety

(Signed)

Alvarado

Fourth Stamp Three cents

Provisionally provided by the Maritime Custom House of Monterey for the years 1839 & 1840

Alvarado Antonio M. Osio

Filed in Office Feby 9th 1834 (Signed) Geo Fisher Secy

Conste por este documento, como he cedido el derecho de las tierras con que me agracio el Gobierno como consta del titulo que tambien queda en poder de Dn Francisco Garcia quien me ha pagado todo cuanto tengo fabricado y cuanto reconoce a ser mio por la cantidad de 2 ó Bacas mansas y 24 Bronceas y 2 Limitas de Bueyes estiendo un pedaso de tierra desde el han Loncito de los Cabrestos asta los linderos de Dn Vicente Cantua siendo testigos de Nuestro hato el Ciudadano Francisco Lugo y el de su Clase Felipe Garcia quienes se firmen con migo y el Escribano que es el Cno Joaquin Buelna hoy 29 de Sbre de 1845 El hato es con pleno consentimiento de mi familia

Esteban Espinoza

Ds asse= Francisco Lugo +
felipe Garcia +
Joaquin Buelna

Exhibit No 1. A. Se annex to Depo. of Jose Arego

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Filed in Office Feby 21st 1854

Geo: Fisher Secy

33 No 572

Translation of transfer from Espinosa to Francisco Garcia

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Be it known by these presents; that I have relinquished to Don Francisco Garcia my right to the land, which I had been granted by the Government as appears from the Title, which is also to be held by him the said Francisco Garcia, (who has paid me for all the buildings I had thereon, and whatever else known to be my property) in consideration of twenty five lean cows, and twenty nine wild ones, and two yokes of oxen; with the exception of a piece of ground from the "Zanjon" de los Cabritos" to the boundaries of Don Vicente Cantua. Citizens Francisco Lugo, and Felipe Garcia are witnesses to the bargain; and they subscribe their name, hereunto together with me and the Notary Citizen Joaquin Buelna on the 29th day of September in the year 1845.

The sale is made with free consent of my family

(Signed) Esteban Espinoza

Witness
(Signed) Francisco Lugo (Signed) Felipe Garcia
(Signed) Joaquin Buelna

Filed in office Feby 9th 1852
(Signed) Geo Parker Fay

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35 5-2

Copy of Deed

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This Indenture made and entered into this fourteenth day of May A. D. one thousand eight hundred and fifty, between Francisco Garcia and Maria Josefa Gonzales de Garcia his wife, of Monterey, State of California, of the first part and Henry Cocks, of the same place, of the second part. Whereas, certain unfortunate difficulties and differences have arisen between the said parties of the first part and their family in consequence of which the peace, quiet and happiness of the said parties of the first part and their family have been disturbed. Now, therefore, this Indenture Witnesseth, that for the purpose of settling all such difficulties and differences, and establishing the peace and happiness of such family, and for the purpose of making full and ample provision for the maintenance and support of the said Maria Josefa Gonzales de Garcia, and her children and for and in consideration of the natural love and affection which the said Francisco Garcia bears and hath towards his said beloved wife, and their children, the barefore ifine of their bodies, and for and in consideration of the sum of one dollar to them in hand paid by the said Henry Cocks, the receipt whereof is hereby acknowledged, they, the said Francisco Garcia, and Maria Josefa Gonzales de Garcia have and each of them this day hath granted, bargained, sold, delivered, remised, released, conveyed and confirmed, and by these presents do and each of them doth grant, bargain, sell, alien, remise, release, convey, and confirm unto the said Henry Cocks, his heirs, executors, administrators all their and each of their estate, right, title, interest, dower, and right of dower, claim and demand whatsoever, in and to the following described

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property real and personal, (subject nevertheless to the trusts and uses hereinafter mentioned and expressed) viz: All that lot, piece or parcel of land situate in Monterey aforesaid, with the stone dwelling house, and out buildings thereon, the same being the lot and house therein in which the said Maria Josefa Gonzales de Garcia and the said children now reside, the same lot being devised to the said Francisco Garcia, from the heirs of Julio Vasquez, deceased, by deed bearing date the 3d day of November, one thousand Eight hundred and forty six; and also that part or portion of a certain Rancho, or Farm called the "Nacho" lying on both sides the Monterey River, about twelve miles from Monterey aforesaid; such part or portion being and including all the land of every description now owned by the said Francisco Garcia, on the eastern side of the said Monterey River, and which is more particularly known or designated by the name of the "Nacho Rancho" the same being devised to the said Francisco Garcia from Esteban Espinosa; together with all houses, out houses implements, improvements (the said Francisco reserving to himself the one half of all crops of the present year, raised on said Rancho, or the one half of the net proceeds thereof,) one hundred head of cows, nine yoke of working cattle, one half of all other cattle, horses, mules, or animals of whatever description now held or owned by the said Francisco Garcia or his said wife, or the one half of the net proceeds thereof, he the said Francisco Garcia first paying and liquidating out of the proceeds of any sale, of such cattle, horses, mules, or other animals, a debt of

four thousand dollars, now due and owing by the said Francisco Garcia to the Padre Real of Santa Clara, and all and every the rights, privileges, immunities, appurtenances and advantages thereunto belonging or in anywise appertaining; And also that Rancho, or farm, situated, lying and being in or near the main road between Soledad and San Antonio known as the "Rancho of San Bernabé" de Santa Cruz, the same containing a tract of land of three leagues, little more in length, and one league a little more in width or depth, or "Tres sitios de ganado mayor poco mas", which said Rancho was derived to the said Francisco Garcia from his two sons Pedro and José Garcia by deed bearing date this fourteenth day of A.D. One thousand eight hundred and fifty, And all houses, out houses, implements, improvements, rights, privileges and appurtenances thereto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits of all the hereby conveyed and before described premises, and also all the estate, right, title, interest, possession, claim and demand whatsoever, as well in law as in equity of them the said Francisco Garcia and Maria Josefa Gonzales de Garcia, his said wife, or either of them, of, in, or to, the before described premises, and every part and parcel thereof with all and every their and each and every of their appurtenances (except such portion of Rancho or farm and of improvements as are hereinbefore excepted) to have and to hold all and singular the said hereinbefore granted

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and described premises, with the appurtenances unto the said Henry Cocks, upon the trusts nevertheless, and to and for the uses, intents and purposes hereinafter limited, described and declared, that is to say, Upon Trust, to receive the rents, issues and profits and all sum or sums of money which may be paid to or accrue to him as such Trustee, and to pay over the same to the said Maria Josefa Gonzales de Garcia, to be applied by her in whatever manner she may consider expedient, as well for the maintenance and support of herself and the said Children during the term of her natural life, as for the improvement of the said premises herein before described or for the increase of farming stock thereon, and upon her decease upon trust to sell and dispose of the said property, real and personal, hereinbefore described in the most advantageous manner, by public auction or private contract and to convey the same to the purchaser or purchasers, thereof, in his name, as such trustee, and apply the proceeds of such sale, or sales in the following manner, that is to say, to divide the same equally among all the children the lawful issues of the bodies of the said parties hereto of the first part or in case of the death of any such children leaving issue, such shares to be divided among his, her, or their legal heirs; and to pay over the portion or portions to such of them as shall then have attained the age of twenty one years, and to apply the interests of

the portion or portions of such as shall not have attained that age, towards the maintenance, education and clothing of such minor or minors, and on the attainment of such minor of the age of twenty-one years, to pay over to him or her, such portion as aforesaid and the said party hereto, of the second part, as such Trustee, shall also have free power and authority out of any funds which may accrue to him under or by virtue of these presents, to purchase in his name as such trustee as aforesaid other real or personal estate, with the consent herein in writing of the said Maria Josefa Gonzales de Garcia, and hold the same subject to the same conditions, reservations, distributions trusts and uses as the real and personal property herein before conveyed or intended so to be. And the said party hereto of the second part, his heirs, executors, and administrators doth hereby covenant, promise and agree to and with the said parties hereto of the first part, their heirs, executors, administrators and assigns, that he will hold and manage the said trust Estate upon the trusts, and for the uses, intents and purposes hereinbefore mentioned, and for the true and faithful performance of each all and every of the obligations, trusts, uses and covenants hereinbefore contained each of the said parties severally beside himself and herself unto the other of them firmly by these presents.

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In testimony whereof, the said parties hereto have hereunto set their hands and seals the day and

year firstly written within

Francisco X Garcia (Seal)
his
cruz

Maria Josefa Gonzales X de Garcia (Seal)
her
cruz

Henry Cocks (Seal)
cruz

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Witness in whose presence this
Instrument was signed, sealed
and delivered by Dna Ma Josefa
Gonzales de Garcia

J. K. Woodside
Wm G. Johnson.

Soy Testigo que Dn Franco Garcia
a firmado proviendo la cruz en
esta escritura lo mismo que la
firma de Dn Henrique Cocks,
Francos Arce, Como Testigo,
Trinidad Espinosa

State of California }
County of Monterey } ss.

On this fourteenth day
of May, One thousand Eight Hundred and Fifty,
personally appeared before me, Recorder in
and for the County aforesaid, Francisco
Garcia and Henry Cocks, generally known
to me to be the persons described in and
who executed in my presence the within
Indenture or Instrument in writing, and
they severally acknowledged that they executed
the same voluntarily and for the uses and
purposes therein expressed

Given under my hand

and seal of office, the day and year aforesaid

Wm S. Johnson
Recorder of Monterey
County.

(Seal)

State of California }
County of Monterey }

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On this fifteenth day of May, A.D. one thousand eight hundred and fifty, personally appeared before me, Recorder in and for the County aforesaid, Maria Josefa Gonzales de Garcia, the wife of Francisco Garcia personally known to me to be one of the parties described in and who in my presence executed the within Indenture, she being first made acquainted with the contents thereof, and being by me examined, separate and apart from her said husband touching her consent thereto, acknowledged that she executed the same freely and voluntarily without any compulsion or undue influence of her said husband and that she did not wish to retract the execution thereof

Given under my hand and seal of office the day and year aforesaid

Wm S. Johnson,
Recorder of Monterey
County.

(Seal)

Received for Record 15th May, 1850, at 10 O'clock, A.M.

Monterey County }
State of California } Office of the County Recorder

E. James H. Gleason

Recorder in and for the County aforesaid do hereby certify that the within and foregoing is a true copy of an Instrument recorded in Book A. of "Deeds of Trust" pages 1. 2. 3. 4. and 5, now on Record in said office, and forming part of the Records of the same

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In witness whereof I have hereunto signed my name officially and affixed my seal of office this 17th day of February, A. D. 1854.

(Seal)

James H. Gleason
County Recorder
Monterey County
per Edw L. Williams
Deputy Dith

Filed in office Feby 18 1854

Geo. Fisher
Secy.

I, George Fisher Secretary to the U. S. Land Commission to ascertain and settle the private Land Claims in the State of California, hereby certify the foregoing to be a true and correct copy of a "deed of trust" in Case No 557 wherein Henry Cocks is the claimant against the United States for the place named "San Barnabé" now on file in this office

In testimony whereof I have

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hereunto subscribed my name officially at office in the City of San Francisco California, this Seventh day of December A.D. 1854.

Geo Fisher Grey

Filed in office Dec 7. 1854

(Signed)

Geo Fisher Grey.

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No 571/2

Henry Cocks
vs
The United States

Stipulation

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It is hereby agreed between the United States Law Agent and the claimant in this case, that a copy of the deed of trust from Francisco Garcia, and his wife to Henry Cocks filed in No 571 may be used and read in evidence in this case, with the same effect as if said deed was filed herein, and that a copy thereof may be filed in this case

Dec 4. 1851.

S A McKune
U. S. Law Agent

Filed in office Dec 4. 1855

(Signed)

Geo Fisher Jr.

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Henry Cooke
vs
The United States

For a parcel of land containing one fourth of a square league on the Monterey River, in Monterey County.

Opinion of the Board delivered by Commissioner Alphens Felch

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The title of the petitioner to the land claimed is derived under a conveyance made to him in trust for certain for certain specified purposes by Francisco Garcia and wife on the 14th day of May 1850. Garcia's title was derived from Estevan Espinoza by conveyance made September 29. 1845.

The original documents which are given in evidence to establish title in said Espinosa, show that in February, 1840, he was authorized by decree of Governor Alvarado to settle on the land, build his house, and corrals, and make his fields and place thereon his cattle, and make use of as much land as might be required for these purposes, and afterwards should apply for a grant of the ownership of that which he should then occupy.

A document signed by the Prefect of the First District is also presented and proved, bearing date July 30. 1840, and purporting to be a grant of the land in ownership to said Espinosa. This is followed by a decree signed by Governor Alvarado, dated November 1. 1842, as follows

"In conformity with the grant by the Prefect of the First District let possession be given to him Citizen

Esteban Espinosa of one quarter of a leagne of land; and those lands which may have been granted to any other resident on the said place prior to the date of this shall be excepted."

If these documents closed with the Prefect's grant (evidently based on the supposition that the land was within the jurisdiction of some pueblo) the case might involve the question of the power of that officer to dispose of lands by grant, but the document signed by the Governor obviates this objection. In its legal effect it is not only a recognition of the concession according to the terms of the document signed by the Prefect, but is itself virtually a grant by the Governor and was delivered to the party with the design of making it evidence of his title; and so it must be regarded

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The land is described in the grant by metes and bounds and alleged to contain one fourth of a square league.

The proof shows that these boundaries are well ascertained lines and embrace the required quantity. The occupation of the premises by the original grantee as his residence and the continued cultivation of the land from about the time of the grant until the present is fully established

The claim appears to be meritorious and must be confirmed

Filed in office March 20, 1855

(Signed) Geo Fisher Gray.

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Henry Cooke
vs
The United States

Decree of Confirmation

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 decreed that the same be confirmed

The land of which confirmation is hereby made, is situated in Monterey County and is the same formerly occupied as his residence by Esteban Espinosa, and more recently by Francisco Garcia; and is bounded and described as follows: to wit:

Bounded on the East by the place known as the land of Don Vicente Cantua; on the west by that of Trinidad Espinosa; on the north by that of Eusebio Boronda, and on the south by the Monterey River, being one fourth of a league in width on said river, and one league in length, and containing one fourth of a square league of land, excepting that portion of the premises above described which is embraced between the Zanjon-cita de las Cabertas and the boundaries of said Don Vicente Cantua

Alphens Pelch
R. Ory Thompson
S. B. Farnum

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Filed in Office March 20. 1855
(Signed) Geo Fisher Jeg

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Order

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

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Office of the Board of Commissioners,

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

I, George Fisher — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Fifty one — pages, numbered from 1 to 51, 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. 572 on the Docket of the said Board, wherein Henry Cocks is —

the Claimant against the United States, for the place known by the name of "Land on Monterey River" —

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~~ eighteenth.

Geo: Fisher
Secy

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U. S. DISTRICT COURT,

Southern District of California.

No. 298

THE UNITED STATES,

vs.

298.

Henry Cocks

"Land on the Monterey River"

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 5-92.

Filed. Oct 4th 1855

J. E. Carr

Clk.

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Office of the Attorney General of the United States,

Washington, 10. October, 1855.

572 J. "Land in Monterey County" –

Abury Cooke 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 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 298.

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

The United States, appl.

vs.

Henry Cooks, appee.

Appeal Notice,

Filed Nov. 20th 1855.

V. Van
Clk.

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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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Henry Cocks. Appellee
ads
The United States, Appellant.

Docket No. 298.

Transcript No. 572.

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 9th day of February A. D. 1853, Henry Cocks,*

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 ~~in Monterey County~~ *in Monterey River 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. 572; 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 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 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 petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

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

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

P. Ord,

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

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No. 298.

Filed this 8th January
1857 C Sims clk
J. H. Coleman
Deft

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

THE PRESIDENT OF THE UNITED STATES,

TO

Henry Cooke

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GREETING:

TAKE NOTICE, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the 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 1855, Confirming your Claim to land on Monterey River, 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.

A Sims Clerk.

By J H Coleman

Dep

No. 298

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

Henry Cocks
Appellee
The United States
vs.
Appellant
Filed this 20th day of July 1858
Calvin Ellis
J. M. Coleman
Clk

SUMMONS.

Received February 3d 1857
Edward Hunter
U.S. Marshal
by W. L. Boorman
Deputy.

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return
I ~~served~~ this Summons, along with the proper copy of the Petition, ~~upon~~ by order of P. Ord. U. S. Dist Attorney as the case has been dismissed
at
the 15th day of January, A. D. 185 7.
Sworn to and subscribed before me,

Clerk.

Marshal.

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

In the Dist: Court of the U. States for the Southern Dist: of Cal: Monterey, June Term 1857. Hon: I. S. K. Ogier Judge.

Henry Cooke, Appellee vs. The United States, Appellant	No. ~~306~~. 298. Docs No. 572.

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On motion of P. Ord Atty of the U. States for the said District, and on suggesting to the Court that it is not the intention of the U. States to prosecute further the appeal in the above cause; it is ordered by the Court that the appeal in said cause be dismissed; & that the Claimant have leave to proceed upon the decree of the Commissioners heretofore rendered, as a final decree.

Isaac S. K. Ogier
N. S. Kirkpatrick

No 298

Henry Cooks
vs
The U States

Dismissal of Appeal

Filed 8 June 57
A. S. Taylor
Dep. Clk

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California Land Claims.
Attorney General's Office
28 Jany. 1857.

Sir:

In the case of the claim of Henry Cocks, confirmed to the claimant by the Commissioners, Case no. five hundred and seventy-two, (572), appeal will not be prosecuted by the United States.

I am,
Respectfully,
Cushing

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

No 298

Filed this 4th March 1858
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