CASE NO.
306
SOUTHERN DISTRICT

SAN BERNABE GRANT

HENRY COCKS
CLAIMANT

LAND CASE 306,
SOUTHERN DISTRICT

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 5-71

Henry Cocks — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Bernabe."

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* "San Bernabe," *was presented, and ordered to be filed and docketed with No.* 571 *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 3d 1853.

In Case no. 571, Henry Cocks for the place named "San Bernabe," the deposition of José A. Chaves a witness in behalf of the Claimant, taken before Commissioner R. Aug. Thompson, was filed:

(Vide page 4 of this Transcript.)

San Francisco, February 18 1854.

In the same Case the deposition of José Abrego, a witness in behalf of the Claimant, taken before Commissioner Alpheus Felch, was filed:

(Vide page 5 of this Transcript)

San Francisco February 23 1854.

In the same Case the counsel for the Claimant filed the following Affidavit, to wit:

(Vide page 5 of this Transcript.)

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San Francisco December 1st 1854.

In the same case the deposition of Manuel Castro, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed:

(Vide page 9 of this Transcript.)

San Francisco December 4th 1854.

In the same case the deposition of Andrew Randall, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed:

(Vide page 12 of this Transcript.)

San Francisco December 5th 1854.

Case No. 571 was submitted without argument and taken under advisement by the Board.

San Francisco March 20th 1855.

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

(Vide page 79 of this Transcript.)

S. And the following order was made, to wit:

(Vide page 82 of this Transcript.)

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

Petition

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 known as the Rancho de San Bernabe de Santa Cruz containing three square leagues more or less situated in the County of Monterey of the State of California, that he claims the same in fee by virtue of a grant made to Jesus Molina of one square league and to Petronillo Rios of two square leagues, under the authority of the Mexican Government by Juan B Alvarado Governor of the Department of California.

The one league to Jesus Molina bearing date 10th March 1841 the other two leagues to Petronillo Rios on the 8th of January 1842.

Your Petitioner further represents that the said grantee Jesus Molina on the 8th of January 1842 transferred his right & title of the one league to Petronillo Rios and that the said Petronillo Rios, on the 4th day of March 1845 transferred his right and title to the said land together with the one league acquired from Jesus Molina to Jose Garcia and Pedro Garcia and by them transferred to Francisco Garcia 4th May 1850 and by the said Francisco Garcia the above rancho was transferred in trust for the benefit of the wife and family of said Francisco Garcia to Your petitioner Henry Cocks.

Your petitioner would further represent that judicial possession of the said tract of land was given to the grantee

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Petronillo Rios on the 4th of October 1842 and the boundaries thereof designated & defined and that he and those claiming under him have been in peaceable possession thereof and that he has no knowledge of any interfering claim

Your petitioner presents herewith the original grant of the said land in the Spanish language together with a translation of the same and different transfers from the original owners and would make further proof of the title if required by the Board.

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

Henry Cocks.

Filed in Office Feb. 9, 1853.
(signed)
Geo Fisher Secy.

Office of the Board of Commissioners &c &c.

Deposition José A. Chaves

This day before Comm R Aug Thompson came José A Chaves a Witness in behalf of Henry Cocks No 571 who after being duly sworn deposed as follows.

Testimony in behalf of Claimant.
Present Claimant Henry Cocks and R. Greenhow Esq Asst Law Agent.

Witness states that his name is José Antonio Chaves his age thirty one years

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and his residence. Lower California at present. Prior to the occupation of the Country by the Americans he resided at Monterey in Upper California.

Question by Claimant

Look at the document now shown you marked with the initials R.T and herewith filed as Exhibit No 1 and state which of the signatures which occur thereon and known to you and whether they are genuine or not.

Answer.

I have examined said document I am acquainted with the signatures of Juan Balcarcelo Manuel Jimeno Antonio Maria Osio. José Maria Castanares. Serrónilo Rios Jose Lenro Fernandez (signed Fernandez) Jose A Chaves which is my own I have often seen them write and I recognise all this signatures on said document as genuine and my own signature thereon and those attested by me were made at the time they bear date.

Jose A Chaves.

Sworn to and Subscribed
before me Nov 3d 1853.

R. Aug Thompson Comr.

Filed in Office Nov 3. 1853.

(signed)

Geo Fisher Secy.

United States Land Commission
San Francisco Feb 18. 1854.

Deposition of José Abrego

On this day before Commissioner Alpheus Felch came Jose Abrego a witness in behalf

of the Claimant Henry Cocks case No 571 who after being duly sworn deposed as follows. his Evidence being interpreted by the Secretary.

Questions by Henry Cox Claimant.

1 Question.

What are your name age and place of residence?

Answer.

My Name is Jose Abrego My age is forty years and I reside at Monterey in California.

2 Question.

Do you know the Rancho of San Bernardo if you state what you know about the Concession and occupation of the same?

Answer.

I know that Rancho. In 1839 I signed for Jesus Molina a petition to Governor Alvarado for a grant of a league of land known by the name of San Bernardo said Molina not knowing how to write.

Immediately after the petition was made and before he obtained the grant said Molina went into occupation of the land. In the year 1841 the grant was made to him. He continued to occupy it from the time the petition was made until about the beginning of the year 1842. Before he occupied it there was a small adobe house on the place belonging to the Mission of San Antonio.

Molina repaired the house and built an addition of one room to it. he built two corrals and had on it over a hundred cows and cultivated a small portion of the land. He had also a few horses

About the first of 1842 he sold the Rancho to Petronillo Rios and Rios immediately took possession of it and occupied it and put on it about three hundred head of cattle.

He also took his family there and lived on the place. He built an addition to the house of three or four rooms and continued to live on it with his family until about the beginning of the year 1845.

About two months after he bought the Rancho Rios petitioned Governor Alvarado for an additional grant of land of two leagues as an extension of said Rancho.

About the middle of 1845 he sold the Rancho to Pedro and Jose Garcia and they immediately went with their brothers and sisters to live on the place. The two leagues in extension was granted to Rios in 1842 a few months after his purchase of Molina.

The father of the two Garcia's owned the adjoining Rancho on the South called San Bisio. About the latter part of the year 1845 the Indians attacked the two Ranchos above mentioned and killed a younger brother of said Garcia's and wounded one of the two above named.

The troops from Monterey went out to protect these families and they escorted them to Monterey.

In 1844 or 1845 the Garcia's put some Mexicans on the Rancho to take charge of the Rancho.

There was still some stock on it that the Indians had not destroyed. they were scattered over the place and they did not get at them.

The repairs & addition to the house were made by Molina in 1840 and he lived

in the house with his wife during the whole time that he occupied the place.

3 Question.

Look on the document now here presented to you marked "Exhibit No 1" with the initials H.T. annexed to this deposition, and purporting to be a grant of land to Jesus Molina and a transfer of the property granted by said Molina to Petronilla Rios together with a map attached thereto, and state whether you are acquainted with the hand writing of Juan B Alvarado, Antonio Maria Osio, Manuel Jimeno, Jose J. Fernandez, Manuel Castro & Francisco José Ribero; if you state whether the signatures purporting to be these on said document are their true and genuine signatures respectively.

Answer.

I have examined said document I know the hand writing of each of the persons named in the interrogatory and have seen each of them write. The said signatures I believe to be their several true and genuine signatures.

4th Question.

Please state what you know of the original document of which the last instrument in said document above mentioned purports to be a certified copy.

Answer.

Three days ago I went with Mr Cox to the Office of the Recorder at Monterey and there I saw the original document in which Jesus Molina sold to Petronilla Rios the Rancho San Bernabe on which are the original signatures.

I know myself of the sale

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and was present. This document is of the same Effect as the original which I saw at Monterey but I cannot say that it is in every respect a true copy I believe it is in substance the same.

Jose Abrego

Mr McKinne Law Agent was present but propounded no question to the Witness -

Subscribed and Sworn to before me this 18th day of February.

Alphens Felch
Commissioner.

Filed in Office Feb 18, 1854.
(signed)
Geo Fisher Secy

Deposition
Manuel Castro.

United States of America
State of California } ss.
San Francisco Nov 29, 1854.

This day came before Peter Lott Crosby Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State Manuel Castro a Witness on behalf of the Claimant Henry Cocks in case No 541 on the docket of said Board and said Witness being sworn deposed in Spanish which was interpreted by the interpreter to said Board as follows.

The U. S. Law Agent is present.

Questions by the Claimant in person.

1st Question -

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 document now shown you. Marked "A" P.L." Exhibit to this deposition and heretofore filed in this case and state whether it was executed in your presence. I mean the last three written leaves of said document and state all you know relative thereto?

Answer.

This writing on the last three written leaves of said document is a copy of an original document which was in the archives in Monterey on the 8th of January 1842 when I made this copy under the order of the Judge Jose J. Fernandez.

I wrote at that time also the Certificate at the End of said document which I signed with Francisco Jose Ribero we were witnesses to the signature of Jose J. Fernandez which was written by him in our presence and I also saw said Ribero sign it. I know it to be a correct copy of the original —

3d Question —

State what you know of the Existence and Execution of the original document of which you say you made this copy?

Answer.

The original document is a deed of sale from Jesus Molina to Petronilo Rios of the Rancho of San Bernabe in Monterey County that deed was written by me I think but I am not certain now.

I was Secretary to the Judge

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(Fernandez) at that time it was written the day before said copy was made that is January 4, 1852.

I saw it executed. It was signed by Jose f Fernandez, Petronillo Rios and by Francisco Ribero and myself as assisting witnesses. It was then placed in the archives of Fernandez the Judge of first instance and I had them in charge as his Secretary, and the document I think is still there I saw it there this year.

4th Question.

State what you know of the occupation of said Rancho of San Bernardo by Jesus Molina and Petronillo Rios.

Answer.

The first personal knowledge I had of the said occupation was in the latter part of the year 1842. I was passing by the place and saw Petronillo Rios living there with his family. I was there part of the day Rios had a large Adobe house there corrals, cattle, horses and other property. I saw enclosures but do not know what cultivation there was. He continued to live there till 1845 or thereabouts.

Manuel Castro.

Subscribed and sworn
to before me on this 30th
day of November AD 1854.
Peter Lott Commissioner &c

Filed in Office Dec 1, 1854.
(signed)
Geo Fisher Secy.

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United States of America
State of California } ss.
San Francisco Dec 5th 1854.

Deposition Andrew Randall —

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This day came before Peter Lott a Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners in said State Andrew Randall a witness for Claimant Henry Cocks in Case No 541 on the docket of said Board and said witness being sworn says on oath as follows.
The U S Law Agent is present.

Questions by Claimant in person.
1st Question —
What is your name age and residence?
Answer.
My name is Andrew Randall My age 34 years. My residence in Marin County California —
2d Question —
Do you know the Rancho called San Bernardo in Monterey County if yea state how long you have known it and whether you are acquainted with the boundaries of said Rancho, and if yea how you know them and what they are.
Answer.
I know said Rancho I have known it between four and five years I am acquainted with its boundaries. I have been on them and see them. I own the adjoining Rancho of San Lorenzo and have been in the habit of visiting it once or twice a year — said Rancho of Bernardo is bounded on the East by a range of low hills which it divides it

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from San Lorenzo the first range of low hills East of the Salinas river. On the South the line dividing this rancho from San Benito ~~and~~ Ranch belonging to James Watson runs from said range of low hills in a westerly direction to the San Antonio range of hills on the West side of the Salinas James Watson has pointed out that line to me and showed me trees which are marked on said Boundary.

The Western boundary is the San Antonio Range of hills running from said last mentioned line North about a league to a Mountain called the Cuesta a well known place where there is a Sulphur Spring at the foot of the Mountain and on the North by the Canyon of del Pino from said Cuesta Easterly to the Salinas river and then on the Easterly side of said Salinas the Arroyo of San Lorenzo forms the boundary till it strikes the low range of hills on the East which I first mentioned.

3d Question —

How much land is embraced within said boundaries.

Answer.

I should say a little less than three leagues.

4th Question —

Are the boundaries you have discribed easily found and well defined?

Answer.

They are more easily defined than those of ranchos generally. They are all Natural boundaries except the one adjoining Watson and he and the Claimant understand that boundary well and have no dispute about it —

Watsons said Rancho has been

Confirmed to him and to the same owner who formerly held both Ranchos.

Cross Examined by U. S. Law Agent.

1st Question —

When did you first know said Rancho and when and how did you ascertain its boundaries?

Answer.

I first passed over said Rancho in 1850 at that time I in connection with one other Mr C. H. St John talked of buying said Rancho from Francisco Garcia. Said St John had the papers and from the grant he learned the boundaries and Watson and Feliciano Sobranes who is Colindante on the North East have told me that their lines are where I have described them and I am Colindante on the East. and know my line.

2d Question.

What is the course, direction and length of each line of boundary. What is the form of the Rancho, and what marks the boundaries. State particularly.

Answer.

The Southern boundary along Watsons line is a little less than three leagues and runs nearly East and West.

The direction of the range of San Antonio hills is about North and South and they form the boundary about 3/4 of a league from Watsons line up to the head of the Canada del Pino. Said Canada runs from a South westerly point to the North Easterly and forms the boundary about one league to the Salinas river then the San

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Lorenzo Creek running in rather a North westerly course and emptying into the Calmia on the East side thereof forms the boundary for about two leagues to the low hills on my line. then those low hills run about North and South and divide this ranch from mine for about one league.

There are no artificial land marks that I know of excepting the marks on the trees on Watsons line these marks Watson's son has showed me in two places.

The Natural boundaries is shown discribed are plain and need no land marks.

A Randall.

Subscribed and Sworn to before me Dec 5th 1834.

Peter Lott
Commissioner

Filed in Office Dec 11. 1834.
(Signed)
Geo Fisher Secy

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~~371.~~ 571.

1. A J

A.
Grant &c

Exhibit No.
1. A. P.

Año de 1842.

Escritura publica otorgada por el Ciud.

Jesus Molina en venta del Rancho
titulado "San Bernabe" en favor del Ciud.

Petronilo Rios segun como se espresa.

Sello 1º Seis pesos.

Habilitado provisionalmte por la Aduana maritima de Monterrey para los años de 1839 y 1840.

(Seal) Alvarado. Antonio Mª Osio.

Válga para los años de 1841 y 1842.

Antonio Maria Osio.

Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto el Ciudadano Jesus Molina há pretendido para su beneficio personal y el de su familia un sitio de ganado Mayor en el parage nombrado San Bernabé, colindante al Oriente con las Lomerias muertas y con el Poniente con la cañada del Pino, siendo los limites por la parte del norte y Sur los que se señalen al rumbo de la Sierra y el Aguagito del Guinado: practicadas previamente las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas á nombre de la Nacion Mejicana he benido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras, sugetandose á la aprobacion de la Exma. Junta Departamental y á las condiciones Sigtes 1º Podrá cercarlo sin perjudicar las travesias Caminos y Servidumbres, lo disfrutará libre y esclusivamente destinandolo al uso que mas le acomode pero dentro de un año fabricará Casa y estará habitada.

2da Solicitará del Juez respectivo que le dé posesion Juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites podrá á mas de las mojoneras algunos arboles frutales ó Silvestres de alguna utilidad.

3º El terreno de que se hace mencion es de un Sitio de ganado mayor, segun esplica el diseño que corre en el Espediente. El Juez que dicre la posesion lo hará medir Conforme á ordenanza quedando el

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el Sobrante que resulte á la nacion para los usos convenientes.

4.º Si contravenieren á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En Consecuencia mando que teniendose por firme y valedero este titulo se tome razon de él en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a diez de Marzo de mil ochocientos cuarenta y uno

Juan B. Alvarado.

Manl Jimeno. Srio.

Queda tomada razon de este despacho en el libro de terrenos adjudicados. f. 2. Va Jimeno.

Here follows a map or plan.

Año de 1842.

Escritura Publica otorgada por el Ciud.º Jesus Molina en venta del Rancho Situado San Bernabé en favor del Ciud.º Petronilo Rios con titulo y diseño correspond.te.

En el Puerto de Monterey del Departamento de las Californias á los siete dias del mes de Enero de mil ocho cientos cuarenta y dos ante mi José Zenon Fernandez Juez de primera instancia de este Distrito y ante los testigos de asistencia con quienes actuo segun la forma establecida, á mas de los instrumentales de que al fin se hará mencion, pareció de presente el ciudadano Jesus Molina vecino de esta Jurisdicion, mayor de veinte y cinco años, cuya persona doy fé conozco y dijo: que por si y á nombre de los herederos y sucesores que pueda tener, pues no conoce á ninguno que le asisten estos derechos y de quien de ellos hubiese titulo, voz ó forma vende y da en venta nacional y publica y enagenacion perpetua por juro de heredad y para siempre jamas al ciudadano Petronilo Rios tambien mayor de veinte y cinco años y de esta vecindad.= cuya persona igualmente conozco, un Rancho titulado San Bernabe que le pertenece en propiedad por concesion que de él le hizo el Gobierno de este Departamento cuyo titulo original presenta y corre unido á esta escritura, colindante con el conocido por los Potos San Benito y San Lorenzo con una finca urbana en solar de cincuenta varas por lado, la que consta de veinte y cinco varas de longitud de E. á O. y latitud N. á S. siete con tres piezas utiles de piso de ladrillo, paredes dobles de adobe tapanca de madera, mas dos piezas medianas con piso de tierra, iguales paredes, sin tapacamo: cuyas cinco piezas tienen cinco piezas puertas y dos ventanas con rejas de madera y ajas de lo mismo: hallandose techada la casa de teja y toda ella en muy buen estado: y declara no tener lo vendido, enagenado ni empeñado y que esta libre de todo gravamen publico perpetuo, temporal, especial general, tacito y expreso: que como tal se lo vende en precio de y cantidad de mil doscientos pesos en las especias y tiempos que mutuamente han

convenido: y sobre de no pertenecer de presente la entregua renuncia las leyes de ella, las de su prueba y pago del recibo, como en ello se contiene. Asi mismo declaro que tiene por justo precio y verdadera valor de dicho Rancho y finca la expresada cantidad: que no vale mas y si mas valer pudiere del exceso en mucho ó poca suma hace á favor del comprador, de sus herederos y sucesores gracia y donacion pura, perpetua é irrevocable que en derecho se llama inter vivos con insinuacion y demas firmezas legales, renunciando la ley cuarto, titulo siete libro quinto de la Recopilacion y las demas que hablan de la lesion en mas ó menos de la mitad del justo precio y los cuatro años que prejuzgan para pedir su rescisi ó suplemento: los que dá por pasados; y desde hoy en adelante se sorprende para siempre del dominio posesion, titulo, recurso ó otro cualesquiera derecho que le compete al enunciado Rancho y finca y lo renuncia y traspasa en el comprador para que disponga de ellos como de cosa propia y le confiere poder irrevocable, amplio bastante y valedero; con libre franca y general administracion para que de su autoridad aprenda la tenencia y posesion que por derecho le compete lo que por no estar dada legalmente se obliga ha adquirirla por el mes de Mayo proximo siendo de su cuenta los gastos costas y costas que ocasionare.

Tambien se obliga el otorgante a que esta venta le será cierta, segura, efectiva al comprador y nadie le inquietara, ni moviera pleito en su propiedad ó posesion, ni entra el Rancho y su finca aparecera gravamen alguno: y si se le inquietare saldrá á su defensa hasta dejarlo en quieta y pacifica posesion y de no conseguirlo le será devuelta la cantidad que ha de entregar. Con las mejoras utiles que tenga el Rancho y su finca y todas las costas perjuicios y menos cabos que se le siguieren. Y á la observancia y validacion de lo referido obliga el

sus bienes presentes y futuros y con ellos se somete al fuero y jurisdicion de los Señores Jueces que de sus causas puedan y deban conocer conforme á derecho para que a su cumplimiento le compelan y apremien como por sentencia definitiva, consentida y pasada en autoridad de cosa juzgada, que por tal la reputa, renunciando las leyes que en el caso le favorezcan y la general del derecho en forma: En cuyo testimonio así lo otorgó, no firmando por no saber verificandolo el comprador y los testigos de asistencia: Siendo los instrumentales los Sres. Don Teodoro Gonzales, Don Inocencio Flores y Don Florencio Serrano, todos presentes y vecinos doy fé. = José Z. Fernandez. = Petronilo Rios. = de asistencia. Manuel Castro. = de assa. Francisco Ribero tal se halla al margen de la foja segunda frente. Yo vale. =

Es copia fielmente sacada de su original que existe protocolado en el archivo de este Juzgado á que me remito: consta de tres fojas utiles de medio pliego en papel comun por no haber en la actualidad del sellado que corresponde, corregida y concertada segun costumbre. Monterrey. Enero ocho de mil ochocientos cuarenta y dos.

José Z. Fernandez.

José Ribero. de assa. Manuel Castro.

Filed in Office. Feby. 9th 1853.

Geo. Fisher. Secy.

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B
Translation
of
A

Seal of the first Class. Six Dollars.

Authorized provisionally by the Maritime Custom House of Monterey for the years 1839 & 1840.

(Signed) Alvarado (Signed) Antonio Maria Osio

Made valid for the years 1841 & 1842.

Custom house Seal

Juan B Alvarado Constitutional Governor of the Department of the Californias —

Whereas Citizen Jesus Molina has solicited for his personal benefit and that of his family one Square league of land (un sitio de ganado Mayor) in the place called San Bernardo bounded on the East by the low hills and on the West by the Cañada del Sino the limits towards the North and South being those which may be designated in the direction of the Mountains, and the Spring of water of the Pinado, the necessary steps and investigations having been previously taken and made in conformity with the laws and regulations I have in virtue of the powers conferred upon me granted unto him in the Name of the Mexican Nation the land mentioned declaring unto him the ownership thereof by these presents letters subject to the approval of the Most Excellent Departmental Junta and to the following Conditions —

1st He may fence it in without prejudice to the Crossings roads and privileges, he shall enjoy

it fruitly and Exclusively destining it to the use or cultivation which may best suit him. but within one year he shall build a house and it must be inhabited

2d. He will request the respective Justice to give Juridical possession in virtue of this title and he (the Justice) shall designate the boundaries of the limits whereof the grantee shall besides placing the land marks plant some fruit trees or wild ones of same utility –

3d. The land whereof mention is made consists of one square league as appears by the plot annexed to the Expediente –

The Justice who gives possession will cause it to be measured according to law. leaving the overplus to the Nation for the necessary purposes.

4th If he transgress these conditions he shall forfeit his right to the land and it may be denounced by another.

I consequently command that this title being held as firm and valid a record thereof be made in the corresponding book and this be delivered to the party interested for his security and further Ends.

Given in Monterey on the tenth of March Eighteen hundred and forty one.

(Signed)
Juan B Alvarado

(Signed)
Manuel Jimeno Secy

A record of this Title has been made in the

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Book of adjudicated lands in the Province of folio 2.

(Signed) Simmo.

In the Port of Monterey in the Department of the Californias on the fourth day of the month of January Eighteen hundred and forty two before me Jose Jesus Fernandez Judge of the First Instance of this District and in presence of the Assisting Witness with whom I act in the established form besides the instrumental Witnesses whose mention will be made at the end of this writing personally appeared the Citizen Jesus Molina an inhabitant of this Jurisdiction and over twenty five years of age whom I certify that I know and said that in his own name and in that of the his and successors which he may have since he is not aware that he has any Entitled to be such and in the name of whomsoever through them may acquire title voice or fame he sells and gives in Rational and public sale and perpetual alienation by right of inheritance and forever and Ever to Citizen Petronillo Rios Also over twenty five years of age and an inhabitant of this place whom I likewise know a Rancho called Bonabo the ownership whereof belongs to him in virtue of a grant made to him by the Government of this Department the original title of which he presents and is annexed to this and bounded by Las Pozas San Benito and San Lorenzo with a house on a lot of fifty varas square and being twenty five varas long from East to West and seven in breadth and being twenty five varas long from East to West and seven in breadth from North to South with three useful rooms having brick floors double adobe walls an upper floor of wood and besides two middling sized

rooms with an Earthen floor walls of the same kind without a loft which five rooms have five doors and two windows with wooden rails and window shutters the house is covered with tile and the whole of it in very good order and he declares that said premises are not sold alienated nor mortgaged and that they are free from any Encumbrance public perpetual temporary special general tacit or express and as such that he sells the same for the price and consideration of one thousand two hundred dollars in the manner and time mutually agreed upon and whereas the delivery does not appear at the moment he renounces the laws respecting the same and those of the proof and payment of the receipt as expressed therein –

He likewise declares that he holds the said sum to be the just price and true value of said Rancho & house that it is worth no more and that if it should be worth more of the excess whether a large or small amount he makes in favor of the purchaser his heirs and successors a present and donation pure perfect & irrevocable which in law is called inter vivos with the exhibition of documents (insinuacion) and other legal securities renouncing law the fourth title seventh book the fifth of the Recopilacion and the other laws respecting damages for more or less than half of the just price and the four years stipulated for claiming the recision or supplement thereof which he considers as past and henceforth he renounces forever the dominion possession title appeal or any other right which he may have or have to said Rancho and house and he resigns and transfers the same to the purchaser in order that he may

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dispose of them as of a thing belonging to him confirming upon him an irrevocable full sufficient and valid authority with free and general administration in order that he may of his own authority take the holding and possession which by right belongs to him and which as it has not been legally given the seller binds himself to give him by the month of May next he paying the costs and expenses which may be incurred.

The Seller likewise binds himself that this sale shall be certain, sure and effective to the purchaser that no one shall disturb him nor enter suit against his property or possession nor against the Rancho and house shall any encumbrance appear and if any one should molest him (he the seller) will step forward in his defence until he have in quiet and peaceable possession and should he not do so the amount which he has to pay shall be returned to him with the useful improvements in the Rancho and house and all the costs damages and losses that may have accrued.

And for the fulfillment and validity of these stipulations the seller binds his present and future property and therewith submits himself to the authority and jurisdiction of the magistrates who may and ought to take cognizance of his affairs according to law in order that to the fulfillment thereof they may compel and oblige him as in a definitive sentence agreed to and rendered on the authority of a case already judged for as such he reputes it renouncing the laws which may favor him in the case and the general one in light of form.

In Testimony thereof he thus executed this Writing, not signing because he does not

Know how but the purchaser did so and the assisting Witnesses the instrumental ones being Don Teodoro Gonzalez, Don Gumesindo Flores y Don Florencio Serrano all present and inhabitants of this place.

In witnesses.

Petronillo Rios — Jose Y Fernandez.
Assisting Witness — Assisting Witness
Manuel Castro — Francisco Ribero

"Vale se lo" in the margin of the second page stricken out.

A copy faithfully made from the original filed in the archives of this Juzgado to which I refer. it consists of three useful folios of half a sheet each on common paper there being no corresponding sealed paper at present to be had corrected and examined according to custom.
Monday January 8th 1842.

(Signed) Jose Y Fernandez
Assisting Witness — Assisting Witness
Franco Jose Ribero. (Signed) Manuel Castro

I the undersigned do hereby certify that the foregoing to be a true and faithful translation of the original documents in the possession of the Garcias —
Monterey 14th January 1853 —
W. E. P. Hartnell
State Translator.

Filed in Office Feb. 4. 1853.
(Signed)
Geo Fisher Secy

Sello 1º seis pesos.

Habilitado provisionalmente por la Asamblea Nacional de Monterey para los años de 1839. y 1840.

Alvarado. Antonio Maria Osio.

Juan B. Alvarado, Gobernador Constitucional del Departamento de las Californias.

Por cuanto Dn Petriono Rios adquirio la propiedad del Rancho de San Bernabé por voluntad de su antiguo poseedor y ha pretendido el aumento á dicho terreno hasta lindar por el Norte con las lomas del Guisado al Oeste con las lomas bajas que dividen el terreno de San Lorenzo al Norte con la cañada del Pino y al Sur con el terreno de San Benito: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son concedidas á nombre de la Nacion Mejicana he venido en conceder le el terreno de aumento mencionado, declarandole la propiedad de el por las presentes letras sujetandose a la aprobacion de la Excma. Junta Departamental y á las condiciones siguientes.

1ª Podrá cercarlo sin perjudicar las travesias caminos y servidumbres: lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro de un año fabricará casa y ocupará el terreno.

2ª Solicitará del Juez respectivo que le dé posesion juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyos límites pondrá á mas de las mojoneras, algunos arboles frutales ó silvestres de alguna utilidad.

3ª El terreno de que se hace donacion con inclusion del que estaba concedido es de tres sitios de ganado mayor poco mas ó menos segun explica el diseño que corre agregado en el Espediente respectivo. El Juez que obtiene la posesion lo hará medir conforme á ordenanza quedando el sobrante que

C
Grant D.C.

Exhibit No. 1. annex to Depo. of José A. Chares.

que resulte á la nacion para los usos convenientes.

4ª Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que teniendose por firme y valedero el presente titulo se tome razon de el en el libro á que corresponda y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey en Abril de Mil ocho cientos cuarenta y uno.

Juan B. Alvarado.

Manuel Gueno. Srio.

Queda tomada razon de este despacho en el libro de acientos sobre adjudicacion de terrenos baldios. a fojas 11. Gueno.

El Exmo. Señor Gobernador ordena se tome razon de esta Concesion en la Prefectura del primer distrito. Comuso razon Estrada. Gueno.

Queda tomada razon de este Supr. titulo en el cuaderno respectivo á fs 5. 1ro.

Monterrey. Mayo 4 de 1841.

José Mª Castañares. Jo Srio.

Here follows a map on a plan.

Sello tercero Dos reales.

Habilitado provisionalmente por la Autoridad Marit.ª del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Jimeno. Antonio Mª Osio.

Revalidado para los años de 1842 y 1843.

Alvarado. Antonio Mª Osio.

El que suscribe Secretario del Gobierno del Departamento de las Californias: Certifico que el diseño que se acompaña rubricado y sellado por la Secretaría es igual al original que corre agregado al Expte. perteneciente a Don Poronci Rios.

Monterrey. Jbre. 26 de 1841.

Mard Gimeno.

Sello tercero Dos reales.

Habilitado provisionalmente por la Autoridad Marítima del puerto de Monterrey en el Departamento de las Californias, para los años de mil ocho cientos cuarenta y mil ochocientos cuarenta y uno.

Jimeno. antonio Maria Osio.

Revalidado por los años de 1842 y 1843.

Alvarado. antonio Maria Osio.

Sor. Juez de paz y de 1ª Instancia.

Petronilo Rios vecino de esta demarcacion ante V. como mejor haya lugar en dro. compareso y digo: que habiendose me concedido por el Gobierno Departamental un terreno que contiene tres sitios poco mas ó menos de ganado mayor, en limites del establecimiento de S. Antonio, como consta del titulo original y copia autorizada del diseño q. debidamte. acompaño: pido á V. se sirva proceder á darme la posesion Juridica y señalarme los linderos que corresponden á dho. terreno que hasta titularse desde ahora en adelante, S. Bernabé de Sta. Cruz, para no perjudicar, ni perjudiquen mis colindantes: P. á A. V. suplico se sirva proveer como pido

mandado se me entregue original el Espediente que se instruya, con este escrito y lo demas que combenga a mi seguridad que es justicia que implero jurando no proceder de malicia con lo necesario Le.

Monterey. Abro. 27. de 1842.

Petronilo Rios.

Monterey. 28 de Septbre. de 1842.

Por presentado y admitido con los documentos que espresa sitense á los circumbesinos por boletas de Comparendo y procedase á la vista de ojos, otes reconocimiento de linderos midiendose en seguida el terreno que se mesciona para todo lo cual señalo el dia siete del entretante. Octubre.

Notifiquese al interesado. José Z. Fernandez. Juez de 1a instancia del Distrito actuando por receptoria con dos testigos de asistencia á falta de escribano publico asi lo pronvello y firmó.

Fernandez. asta. José A. Chavez.

Hoy veinte y nueve del mismo mes y año se notificó al Cno. Petronilo Rios el auto anterior

Sello tercero Dos Reales.

Habilitado provisionalmente por la Aduana Maritima del puerto de Monterey en el Departamento de las California, para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Ximeno. Antonio Ma Osio.

Revalidado para los años de 1842 y 1843.

Alvarado. Antonio Ma Osio.

y enterado dijo lo oye y firma por actuada firmando para constancia.

Fernandez. Petronilo Rios.

asta. José A. Chavez.

No haviendo a un aprobado la Exma. Junta Departamental por hallarse en veso la concesion de este terreno hagase saber al interesado que la posesion juridica que se le va a dar es á reserva de dicho aprobacion doy por este acto auto asi

así lo así lo decreté, mandé y firmé: Fernandez.
assa. José A Chaves.
En la fha. se notificó el auto anterior al Lnd.do Petronilo Rios y enterado dijo lo oye y se conforma con la condicion que se espresa firmando para constancia.
Fernandez. Petronilo Rios.
assa. José A Chaves.
Hoy treinta del mismo mes y año se libraron boletas de compromiso al Mayordomo del establecimiento de S. Antonio al Cno Francisco Garcia alto. Salvador Espinosa y al Sd. Feliciano Soberanes como colindantes á dicho rancho y para que conste lo pongo por diligencia lo rubrique.
assa. José A. Chaves.
Inmediatamente nombre por mediadores
Sello Tercero (,,) Dos Reales.
Para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.
Revalidado para los años de 1842 y 1843.
Alvarado. Antonio Mª Osio.
los ciudadanos José Antonio Balencia y Bernabé Garcia para que corre inteligentes en materia de medidas companesean, aceptaran y juraren usar fiel y legalmente el encargo que se les hace: notificandose al agraciado á los colindantes y á los nombrados y por este auto lo mandé y firmé.
Fernandez. assa. José A Chaves.
Hoy dos del mismo mes año se notificó al agraciado colindantes y medidores el auto anterior y enterados dijeron lo oyen: y los ultimos aceptaron el encargo que se les hacia, jurando á Dios nuestro Señor y la señal de la Santa cruz desempeñaran fiel y cumplidamente el encargo de medidores; y para que conste firmaron los que supieron.
Fernandez. assa. José A Chaves.
Hoy siete de Octubre del repetido año mandó traer á mi presencia un cordel de cañamo; tomado

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PAGE 33

bien tirado y encerado, mandando á los medidores que á vista, ciencia y presencia de todos los colindantes y vecinos midan hasta el numero de cincuenta varas lo que verificaron con una vara de medir usual Mejicana y para que conste lo rubrique.

Estando en el Campo y tierras pertenecientes al rancho de San Bernabe hoy siete de Octubre de mil ochocientos cuarenta y dos habiendo buelto á tomar Juramento á los medidores mandé que se pusieran á hacer la medicion del terreno mencionado y para s mayor claridad puesto á caballo en compañia del interesado, circunvecinos y medidores rompieron estas las medidas del orilla de un barranco que queda hacia el O en linea recta hasta llegar de un parage donde hay una pequeña arboleda que contiene ocho ensinos y se midieron hasta el novecientas cincuenta varas quedando dichos ensinos por termino y lindero de dicho rancho: desde este punto continuaron las medidas desde la loma

Sello Tercero Dos Reales.

Para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Revalidado para los años de 1842 y 1843.

~~Anton~~ Alvarado. Antonio M.º Osio.

titulada del quinado que queda señalada por el lindero de linea recta caminando hacia el N. E. hasta llegar á la cumbre de las lomas bajas y se midieron diez y seis mil cuatro cientas ochenta y nueve varas quedando dichas lomas por termino y lindero de dicho rancho: habiendose desaparecido todo el ancho que ocupa el rio que por ser tan mouruoso no pudo practicarse por el y señalandose por ultimo lindero la orilla del barranco que se mencionó al principio de donde rompieron las primeras medidas. En tal virtud habiendo declarado las medidas que el terreno que se habia

medido constaba de tres años poco mas de ganado

Sello Tercero Dos reales.

Habilitado provicionalmente por la Aduana maritima del puerto de Monterey en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Ximeno. Antonio Mª Osio.

Revalidado para los años de 1842 y 1843.

Alvarado. Antonio Mª Osio.

mayor segun consta del titulo y diseño que presento el interesado visto y reconocido por mi los terminos y linderos de dho. Rancho de Sn Bernabé mandé al referido Petronilo Rios levantase ocho montoneras en los puntos que demuestran los iniciales A. B. C. D. E. F. G. H. calcados por mi en el diseño respectivo las cuales han de ser de piedra y Cál en alto de mas de vara: y para que conste lo firmé.

Fernandez. Petronilo Rios.

asa. José A. Chaves.

En el Rancho de San Bernabé en la misma fecha siendo como las cuatro de la tarde presente el Dn Petronilo Rios vecino de esta Capital acompañado de mi el Juez referido, los de mi asistencia y testigos tomo verdadero y corporal posesion del paraje que de le señalado y adquirido con justos titulos del Gobierno del Departamento en cuyo señal entro, paseo, arranco yerbas y arroyo tierra y esparcio por distintos rumbos asiendo otras demostraciones en señal de su juridica y legal posesion por lo cual y en vista de que asi otros autos como el de la medicion se practicaron quieta y pacificamente sin contradicion alguna, mandé que se reconozca desde ahora para en adelante al espresado Petronilo Rios por dueño y verdadero Sor. del enunciado rancho de San Bernabé con todas sus tierras, montes, aguas quien se refiere De todo lo cual pidio otro. Rios que para memoria y conservacion de sus derechos dice yo fé y testimonio

de todo lo referido y lo verifico interponiendo mi autoridad judicial y firmando con los de mi asistencia doy fé.

José Z. Fernandez. Petronilo Rios.

asta. José A Chaves.

A consecuencia del auto de veinte y ocho de Septiembre de dicho año entreguese original este Espediente á la parte del Dno Petronilo Rios, tomandose razon de el en el libro de asientos de gracias jurídica de este Juzgado ai yo el Juez espresado lo mandé y firmé.

Fernandez. assa. José A. Chaves.

Diego Petronilo Rios que hoy dia diez y siete de Marzo de mil ochocientos cuarenta y cinco he vendido mi rancho, titulado San Bernabé de Sta Cruz á los Sres. Pedro Garcia y su hermano José en el precio y quantia de cien reces que tengo ya recibidas a mi satisfacion y para resguardo de los dichos compradores doy esta constancia interesguardo les al mismo tiempo todos los papeles de seguridad que se hayaban en mi poder lo que firmo y rubrico en San Benito.

Fecho ut supra.

Petronilo Rios.

Otro Si. Para la mayor seguridad y pedimento de los enunciados compradores firma mi hijo mayor por si y a nombre de los demas hermanos menores como herederos poseedores en comprovancia de ser fiel y legal el trato.

Fecha ut supra.

Camilo Rios

Filed in Office. Feby. 9. 1853.

Geo. Fisher Secy.

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Seal of the first Class. Six dollars.

Authorized provisionally by the Maritime Custom House of the Monterey for the years 1839 and 1840.

D
Translation
of
C.

(signed) Alvarado (signed) Antonio Ma Osio

Made valid for the year 1841

(signed) Alvarado (signed) Antonio Ma Osio.

Custom House
seal

Juan B Alvarado Constitutional Governor of the Department of the California

Whereas Don Petronilo Rios acquired the ownership of the Rancho of San Bernarbe by the will of its former possessor and has solicited the augmentation of said land so as to bound on the East by the hills of the Quinado. on the East by the low hills which divide the land of San Lorenzo. on the North by the Cañado del Pino. and on the South by the land of San Bizito the necessary steps and investigations having been previously taken and made in accordance with laws and regulations

I have by virtue of the powers conferred upon me granted unto him the augmentation to the land mentioned declaring unto him the ownership thereof in the name of the Mexican Nation by these presents letters subject to the approval of the Most Excellent Departmental Junta and to the following conditions –

1st He may fence in without prejudice to the Posseyo's roads and privileges, he shall enjoy it fully and exclusively destining it to the use

or cultivation which may best suit him, but within one year he shall build a house and occupy the land.

2°. He shall request the respective Justice to give him juridical possession in virtue of this title said Justice will designate the Commissaries at the limits whereof the grantee shall besides the land marks put down some fruit trees or wild ones of some utility.

3°. The land whereof donation is made including that before granted comprise three square leagues (tres sitios de ganado mayor) a little more or less as appears by the plot which accompanies the respective expediente

The Justice who gives possession shall cause it to be measured according to law leaving the overplus to the Nation for the necessary purposes.

4th. If he transgresses these conditions he shall forfeit his right to the land and it will be subject to be denunciation by another.

I consequently command that holding the present title to be firm and valid a record thereof be made in the corresponding Book and this be delivered to the party interested for his security and further ends.

Given in Monterey on the 5th of April Eighteen hundred and forty two.

(signed)
Juan B Alvarado

(signed)
Manl Jimeno
Secretary.

A record of this title has been made in the

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Book of Entries respecting the adjudication of vacant lands folio 11.

(Signed) Simino.

His Excellency the Governor Commands this grant to be recorded in the Office of the Prefect of the first District.

(Signed) Simino.

Let it be recorded.

(Signed) Estrada.

A record of this Superior Title has been made in the respective Book on the reverse of folio 5.

Monterey May 2d 1842.

(Signed)

José Maria Castañares
Secretary ad interim –

Seal of the third Class. Two Reals.

Authorized provisionally by the Maritime Custom House of the Port of Monterey in the Department of the California for the years Eighteen hundred and forty and Eighteen hundred and forty one.

(Signed) Simino.

(Signed) Antonio Maria Osio.

Juez Justicia of the Peace of the 1st Instance

I, Petronilo Rios a resident of this Jurisdiction before you as the law may best allow appear and say that the Departmental Government having granted me a tract of land consisting of three square leagues thus Isla de Janada (Mayor) a little more or less within the limits

of the Establishment of San Antonio as appears by the original title and certified Copy of the plot which I duly accompany.

I request that you will be pleased to procure to give me the boundaries corresponding to said land which henceforth shall be called San Bernardo de Santa Cruz in order that I may not prejudice my neighboring land owners nor they me.

I therefore request that you would be pleased to decree as I ask for, commanding that the original Expediente to be formed together with this Memorial and every thing else which may be necessary be delivered to me for my security it being justice which I implore swearing not to proceed through malice and that what is necessary —

Monterey Sept. 27th 1842.

(signed) Petronido Ríos.

Monterey 27th September 1842.

Considered as presented and admitted with the documents which are expressed let the neighbors be summoned and the inspection and reconnaissance of the boundaries made after which let the land be measured, for all of which purposes I appoint the seventh day of next October —

Let the party interested be notified.

Thus I Jose J. Fernandez. Judge of the First Instance of this District acting as Judge Delegate with two Assisting Witnesses for the want of a Notary Public did decree and sign —

(signed)

Fernandez.

Assisting Witness
(signed) José A Chaves

Francisco Garcia to Citizen Salvador Espinza and to Citizen Feliciano Sobranus as neighboring land owners to said Rancho.

In testimony whereof I noted it down and signed with my flourish.

(signed) the alcaldes flourish.

Assisting Witness –
(signed) Jose A Chaves.

I, Immediately appointed as measurers Citizen Jose Antonio Valencia and Bernardo Garcia in order that they as persons acquainted with measurements may appear accept and swear to perform and faithfully the charge given to them.

Let this be notified to the party interested to the neighboring land holders and to the parties appointed and I by this act did thus command and sign –

(signed) Fernandez.

Assisting Witness –
(signed) Jose A Chaves.

On the second of the same month and year the foregoing decree was notified to the grantee the neighboring landowners and measurers who having understood it said that they heard it and the measurers accepted the charge given to them swearing to God our Lord and by the sign of the Holy Cross to comply faithfully and completely with the duty of measurers –

In testimony whereof those who knew how signed.

(signed) Fernandez.

Assisting Witness,
(signed) Jose A Chaves.

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On the twenty ninth of the same month and year the foregoing decree was notified to Citizen Petronillo Rios who having understood it said that he heard it and considers himself bound signing in testimony thereof.

(signed) (signed)

Fernandez. Petronillo Rios.

Assisting Witness
(signed) José Antonio Chaves.

The Most Excellent Departmental Junta not having as yet approved the grant of this land on account of its being in possession let the party interested be informed that the Judicial possession about to be given to them is subject to said approval and by this act said thus decree and sign.

(signed)

Fernandez.

Assisting Witness,
(signed) José A Chaves.

On the same date the foregoing decree was notified to Citizen Petronillo Rios who having understood it said that he heard it and was satisfied with the condition therein expressed signing in testimony thereof.

(signed)

Fernandez.

(signed)

Petronillo Rios.

Assisting Witness,
(signed) José A Chaves.

On the thirtieth of the same month and year summons were issued to the Mayor domo of the Establishment of San Antonio to Citizen

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On the Seventh of October of the said year I ordered a hempen cord twisted well stretched and waxed to be brought into my presence ordering the Measurers to Measure off the Number of fifty ½ varas in the presence knowledge and patience of all the Neighboring land owners which they did with a Common Mexican vara rod in testimony whereof I signed with my flourish.

(signed) the Alcaldes flourish

Being in the Country and lands belonging to the rancho of San Bernardo this Seventh day of October Eighteen hundred and forty two having again administered the oath to the Measurers —

I Commanded them to place themselves in order to make the Measurement of the said land and to make the thing Clearer having Mounted on horseback in Company with the party interested the Neighboring land holders and the Measurers they began the Measurement at the banks of a gulch which lies towards the East going in a direct line until arriving at a place where there is a small Stream grove of trees consisting of Eight Oaks and the Measured five thousand nine hundred and fifty varas said oaks remaining as the limits and boundaries of the said rancho from this point they continued the Measurement from the hill called the Zumado which was designated as a boundary in a straight line going towards the N.E. until arriving at the summit of the low hill and there were sixteen thousand four hundred and eighty nine varas, said hills remaining at the limits and boundaries of said rancho not having

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taken into account all the breadth occupied by the river which on account of the thickness of the woods could not be measured and designating as the last boundary the Edge of the gulch first mentioned where the first measurement began.

In virtue whereof the measurers having declared that the land measured comprised a little more than three leagues square leagues as appears by the title and plot presented by the party interested the limits and boundaries of said Rancho of San Bernardo having been examined and recognized by me I commanded said Petronilo Rios to erect eight land marks at the points marked with the initials A B C D E F G H placed by me in the respective plot, which must be of stone and lime of the height of more than one varas

In testimony whereof I signed.

(signed)

Fernandez.

(signed)

Petronillo Rios.

Assisting Witness
Jose A Chaves.

In the Rancho of San Bernardo on the same date it being about four O'clock in the Evening Citizen Petronillo Rios a resident of this Capital accompanied by myself the said Justice my assisting Witnesses and neighbors he took real and corporal possession of the place designated unto him and which he acquired by just titles from the Departmental Government in sign whereof he entered, walked about pulled up grass and strewed Earth in different

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directions making other demonstrations in sign of his juridical and legal possession whereofor and seeing that these proceedings as well as the measurements have taken place quietly & peacably without any contradiction I commanded that henceforth said Petronillo Rios should be acknowledged as the owner and true lord of the said rancho of San Bernabe with all its lands woods and other things therein contained, Of the whole of which said Rios requested that for the remembrance and preservation of his rights I should certify and give testimony of all that has been done which I hereby interposing my Judicial authority and signing with my assisting witnesses I give testimony.

(Signed) Jose f Fernandez.
(Signed) Petronillo Rios.
Assisting Witness.
Josi A Chaves.

In consequence of the decree of the twenty Eighth of September of this said year I delivered this original & judicial to the party interested Citizen Petronillo Rios recording the same in the Book of Entries of Juridical possessions of this Juzgado this I the said Justice did commanded & sign.

(Signed) Fernandez.
Assisting Witness.
(Signed) Josi A Chaves.

I. Petronillo Rios do certify that I sold this Seventeenth day of March Eighteen hundred and forty five, sold my rancho named San Bernabe de Santa Cruz to Citizens Pedro Garcia and his brother Jose for the price and consideration of one hundred head of cattle which I have received to my satisfaction and for the security of said purchasers I give this testimony.

delivering them at the same time all the papers of security which were in my possession signing and attaching my flourish in San Benito.
Date as above.

(Signd)
Petronilo Rios.

Furthermore.

For the better security and at the request of said purchasers my eldest son in his own name and in the name of his younger brethren as legal heirs signed in testimony of this bargain being faithful and legal.
Date as above.

(Signed)
Camilo Rios.

I the undersigned do hereby certify the foregoing to be a true & faithful translation of the original documents in the possession of the Garcias.
Monterey 17th January 1853.

H. E. P. Hartwell.
State Translator.

Filed in Office Feb 9. 1853.
(Signed)
Geo Fisher Secy

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E.

Conveyance

This Indenture made and entered into at the City of Monterey State of California this fourteenth day of May in the thousand Eight hundred and fifty between Pedro Garcia and Jose Garcia both of Monterey aforesaid of the one part and Francisco Garcia of the same place of the second part.

Witnesseth that for and in consideration of the natural love and affection which they the said Pedro Garcia and Jose Garcia have and bear towards the said Francisco Garcia their father and in further consideration of the sum of one dollar to them paid by the said Francisco Garcia at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged. They the said Pedro Garcia and Jose Garcia have and each of them hath granted bargained sold released conveyed and transferred and by these presents do and each of them doth grant bargain sell release convey and transfer unto the said Francisco Garcia his heirs and assigns forever all their estate right title interest claim and demand whatsoever in Law and in Equity of in and to all that Rancho or Farm situate lying and being in or near the Main road between Soledad and San Antonio known as well by common report as by the Titles referring thereto as Rancho de San Bernabe de Santa Cruz the same containing a tract of land with the following description and boundaries viz –

"hasta lindar por el oeste con las lomas del Sumado, al este con las Lomas Largas que dividen el terreno de San Lorenzo. al norte con la Canada del Pino y al Sur con el terreno de San Benito. the said tract of land Rancho or Farm containing by

measurement three leagues little more in length and one league little more in depth or width or "tres leguas poco mas de ganada mayor"

And all houses outhouses implements improvements rights privileges and appurtenances thereto belonging or in any wise appertaining. And the reversion and reversions rents issues and profits thereof.

To have and to hold the said Rancho or Farm hereinbefore described with all and every its appurtenances as fully and completely as the same were formerly held and possessed by the said Pedro Garcia and Jose Garcia unto the said Francisco Garcia his heirs and assigns to the absolute use and behoof of the said Francisco Garcia his heirs and assigns forever.

In Testimony whereof the said Pedro Garcia and Jose Garcia have hereunto hereunto set their hands and seals the day and year first written written.

Pedro his + mark Garcia. (Seal)

Signed sealed and delivered by said Pedro Garcia in presence of.

C. H. St. John.
Henry Cocks.

Jose Garcia (Seal)

Testigos de ver la firma de Dn Jose Garcia
Franco Arce.

Trinidad Espinoza

State of California }
County of Monterey } ss. On this fourteenth

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day of May AD one thousand Eight hundred and fifty personally appeared before me Recorder in and for the County aforesaid Pedro Garcia and Josi Garcia severally known to me to be the persons described in and who Executed the within Indenture and they Each separately 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.

Filed in Office Feb 9. 1853.
(Signed)
Geo Fisher Secy.

Deed of Trust Garcia & Wife to Cocks

This Indenture Made and Entered into this fourteenth day of May AD 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 lawful issue 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 aliened released conveyed and confirmed and by these presents do and each of them doth grant bargain sell alien release 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 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 outbuildings thereon the same being the lot and house thereon in which the said Maria Josefa Gonzales de Garcia and the said Children now reside, the same lot being derived to the said Francisco Garcia from the heirs of Julio Vasquez deceased by deed bearing date the third day of November one thousand

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Eight hundred and forty six. and also that part or portion of a certain Rancho or Farm called the "Tucho" 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 discription 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 "Tucho" Rancho. the same being deeded to the said Francisco Garcia from Estevan Espinoza. Together with all houses out houses implements. improvements the said Francisco Garcia 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 discription now held or owned by the said Francisco Garcia or his said wife. or the one half of the net proceeds thereof. to 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 any wise appertaining And also all that Rancho or farm situated lying and being on or near the main road between Soledad and San Antonio known as the Rancho de San Bernardo de Santa Cruz" the same containing a tract of land of three leagues little more in length and one

leagues little more in depth or width or "tres Cities de ganado Mayor poco mas" which said Rancho was granted to the said Francisco Garcia from his two sons Pedro and Jose Garcia by and bearing date this fourteenth day of May AD one thousand Eight hundred and fifty and all houses and houses implements improvements rights privileges and appurtenances thereto belonging or in any wise appertaining and the reversion and reversions remainder and remainder rents issues and profits of all the hereby conveyed and before described premises and also all the Estate right title interest dower and right of dower property 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 the said Francisco of in and to the before described premises and every part and parcel thereof with all and every their and each 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 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

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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 improvements 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 issue of the bodies of the said parties hereto of the first part or in case of the death of any of such children leaving issue such share to be divided among his her or their legal heirs and to pay over the portion or portions to such of them as shall have then 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 full 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 however 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 hereinbefore bounded or intended so to be.

And the said party here to of the second part his heirs Executors and administrators doth hereby covenant promise and agree to and with the said parties of the 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 and purposes hereinbefore mentioned and for the true and faithful performance of each and all and every of the obligations trusts uses and covenants here=inbefore contained. Each of the said parties personally binds himself and herself unto the other of them firmly by these presents –

In testimony whereof the said parties of hereto have hereunto set their hands and seals the day and year firstly within written.

Francisco su x cruz Garcia (Seal)

Henry Cocks (Seal)

Maria Josefa Gonzalez su x cruz de Garcia (Seal)

Witnesses in whose presence this Instrument was signed sealed and delivered by Dna Ma Josefa Gonzalez de Garcia.

P K Hoodside.
Wm T Johnson.

Soy Testigo que Dn Franco Garcia a firmado poniendo la cruz en esta Escritura lo mismo que la firma de Dn Henrique

5-5

Cocks. Francisco Arco.
Como Pattigo. 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 severally known to me to be the persons discribed in and who executed in my presence the within Indenture or Instrument in writing and they severally acknowledged that they executed the same for 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 }

On this fifteenth day of May AD 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 discribed 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.

Received for Record 15th day 1850 @ 10 O'Clock A.M.

Monterey County }
State of California }

Office of the County Recorder.

I, 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.

In Witness thereof I have hereunto signed my name officially and affixed my seal of Office this 14th day of February AD 1854.

James H. Gleason.
County Recorder
Monterey County.

by
Edw L. Williams
Deputy Dittto.

Filed in Office Feb 11, 1854.
(signed)
Geo Fisher Secy

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Affidavit

Henry Cocks being duly sworn says, that he has lost or Misplaced a certain deed Made by Francisco Garcia and Wife bearing date day of May 1850 and recorded in the County Recorders Office of Monterey County, wherein certain land contained in Folios Nos 541 and 542 filed in the Office of the U. S Land Commissioners to ascertain and settle private land claims in the State of California was conveyed to your deponent as Trustee of Maria Josefa Gonzales de Garcia.

Henry Cocks.

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

Alphens Felck
Commissioner

Filed in Office Feb 23. 1854.
(Signed)
Geo Fisher
Secy

5-8

8. 59

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Espediente

Promovido por el Ciudadano Jesus Molina en solicitud del parage conocido con el nombre de San Bernabé.

1841.

224.

Sello Tercero dos Reales.

Habilitado por la Administracion de la Aduana Maritima del puerto de Monterrey de la Alta California para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.

Gutierrez. Angel Ramirez.

Valga para los años de 1839 y 1840.

Alvarado. Ant.º Maria Osio.

Monterrey. Mayo 21 de 1840.

Informe el Adm.dor de San Antonio lo conveniente.

Alvarado.

Jesus Molina natural del departamento de Sonoma y avecindado en este Puerto ante V.E. con el respeto debido y como mas haya lugar en dro. digo. Que habiendome concedido p.r V.E. en el año p.o p.do el ranchito conocido con el nombre de S.n Bernabé, perteneciente antes á la Mision de S.n Antonio y como se me extraviaran los documentos que acreditaban la legalidad de mi posesion, me presento á V.E. p.r medio de la actual solicitud acompañando el correspond.te diseño y suplicando le se digne repetirme la concesion.

P. A. A. V.E. rendidam.te suplico se sirva acceder á mi peticion en lo que recibiré señalado merced, Jurando no ser de malicia y lo necesario.

Mont.y Mayo 30 de 1840.

A nombre del interesado. Florencio Serrano.

Excmo Señor.

En cumplim.to del Superior decreto marginal que antecede espongo: que como el interesado es casado con una hija de este Establecimiento y el terreno que se solicita se halla en la actualidad baldio soy de opinion se le adjudique si V.E. lo estimare de justicia.

San Antonio. Mayo. 23. de 1840.

José Jesus Pico.

(3)

(4) Monterrey Julio 28 de 1840.

Vuelva este espediente a la parte interesada que explique en su diseño la cantidad de tierra que solicita.

Alvarado.

8. 61

El terreno que solicita en la presente instancia es compuesto de un sitio de ganado mayor ser un medio el adjunto diceno lo que digo en cumplim.to al superior decreto que antecede.

Monterey. Julio. 21 de 1840.

A nombre del que solicita.

Florencio Serrano.

21. Sello Tercero Dos reales.

Habilitado provisionalmente por la Administracion de la Aduana maritima del puerto de Monterey de la Alta California para los años de mil ocho cientos treinta y seis y mil ocho cientos treinta y siete. Gutierrez. Angel Ramirez.

Monterey. Julio 28. de 1845.

Vuelva este Espediente al Admin.tor de S.n Antonio para que diga si en la extension de una legua de terreno que se pretende resultare perjudicado el establecimiento a sus integuos. Alvarado.

Excmo Sor.

En virtud del terser decreto que antecede en que V. E. se sirbe pedirme segunda informacion sobre el aumento de una legua de terreno en el Rancho de S.n Bernabe concedido al Lic.do Jesus Molino, casado con una neofita de esta Mision y en cumplimiento de mi obligacion soy de sentir que se le puede adjudicar al interesado la referida legua de aumento en dicho terreno sujetandose á las siguientes condiciones.

1.a Que por ningun caso perjudicará el ganado que se halla en las inmediaciones de dicho rancho perteneciente á esta Mision.

(5)

2.a Que cuidará como colindante de dichos ranchos el abisar ó dar parte de los perjuicios que observe.

Este mi poneser pero V. E. es quien aprobará o desaprobara estas mi proposiciones y hará lo que combenga; con lo que doy cumplimiento á la informacion que V. E. me pide.

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5 de 1840. Sn Antonio. Agto. 5 de 1840.

José de Jesus Pico.

Monterey. Abrro. 10 de 1841.

Vista la solicitud que da principio á este Espediente el informe del encargado de San Antn. con todo lo demas que se tuvo presente y ver convino, de conformidad con las leyes y reglamentos de la materia, declaro á Jesus Molina dueño de un Sitio de ganado mayor en el parage de San Bernabé, colindante al O. con las lomerias y al P. con la Cañada del Pino siendo los limites de N. a S. los que se señalen por la parte de la Sierra y al Aguajito del guisado. Estiendase el despacho correspondte tomese razon en el libro respectivo y dirijase este Espdte á la Exma Junta. El S. D. Juan Bto. Alvarado Gobor Constitucional del Departamto de las Californias así lo mandó, decretó y firmó de que doy fee.

Manl Jimeno. Srio. Alvarado.

(6)

Here follows a Map or Plan.

7/ Juan B. Alvarado, Gobernador Constitucional del Departamento de las Californias.

Por cuanto el ciudo Jesus Molina há pretendido para su beneficio personal y el de su familia un sitio de ganado mayor en el parage nombrado S. Bernabé, colindte al Nte con las lomerias muertas y con el Poniente con la Cañada del pino: siendo los limites por la parte del N. y sur los que se señalen al rumbo de la Sierra y al aguajito de guisado: practicadas previamente las diligencias y averiguaciones consecuientes segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas á nombre de la nacion Mejicana he venido en concederle el terreno

9. 63

mencionado declarandole la propiedad de el por las presentes letras sujetandose á la aprobacion de la E. J. Departamental y á las condiciones siguientes.

(8) 1ª Podrá cercarlo sin perjudicar las travesias caminos y servidumbres: lo disfrutará libre y exclusivamente destinandolo al uso ó cultivo que mas le convenga pero dentro de un año fabricará casa y estará habitada.

3

2ª Solicitará del Juez respectivo que le dé posesion jurídica en virtud de este despacho para cual se demarcarán los linderos en cuyos límites podrá á mas de las mayores algunos arboles frutales ó silvestres de alguna utilidad.

3ª El terreno de que se hace mencion es de un sitio de ganado mayor segun esplica el diseño que corre en el Espediente. El Juez que obtiene la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la nacion para los usos convenientes.

4ª Si contravenirere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

(9) En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de él en el libro que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterey a diez de Marzo de mil ochocientos cuarenta y uno.

Alvarado.

Office of Surveyor General of the United States for California.

I John C. Hays Surveyor General of the United States for the State of California and as such having in my office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California by virtue of the power vested in me by law, do hereby certify that the nine preceding and hereunto annexed pages of tracing paper numbered from

one to nine inclusive, exhibit a true and accurate copy of a certain document now on file and forming part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially and caused my seal of office to be affixed at the City of San Francisco this twenty First day of February a.d. 1854.

John C. Reays.

Ud. Surveyor General for California.

Filed in Office. Feby. 28. 1854.

Geo. Fisher. Secy.

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Translation of Expediente

Expediente instituted by Citizen Jesus Molina in solicitation of the place known by the name of "San Bernabé"

(1841)

(224)

2

Seal Three Two Reals

Provisionally authorized by the Administration of the Maritime Custom House of the Port of Monterey in Upper California for the years 1836 and 1837

(Signed) Gutierrez (Signed) Angel Ramirez

Valid for the years 1839 & 1840

(Signed) Alvarado (Signed) Antº. Ma. Osio

I Jesus Molina, a native of the Department of Sonora and resident of this Port with due respect appear before your Excellency, and in the best form of law represent:

That during the last year past your Excellency granted me the Rancho known by the name of "San Bernabé" which formerly belonged to the Mission of San Antonio, and as I have lost the Documents that accredit the legality of my possession I apply to your Excellency by means of the present petition accompanying the corresponding visto and pray you to have the kindness to legalize to me the concession

Therefore I humbly beseech your Excellency to be pleased to accede to my petition whereby I shall receive the grace I am seeking not to proceed from malice &c.

Monterey May 20, 1840

In the name of the interested party

(Signed) Florencio Serano

(In the Margin) Sir

Monterey May 21. 1840

The Administrator of San Antonio will report whatever may be Convenient

(Signed) Alvarado

Most Excellent Sir

In obedience to the foregoing Marginal decree I would beg to state, That in as much as the interested party is married to a daughter of this Establishment, and the land for which he petitions, is at present vacant I believe it may be adjudged to him if your Excellency should Esteem it just

San Antonio May 23. 1840

(Signed) Jose de Jesus Pico

Monterey July 23. 1840

Let this Expediente be returned to the interested in order that he may Explain in his desiro what quantity of Land he solicits

(Signed) Alvarado

In compliance with the foregoing Superior decree, the land solicited in the present petition embraces One Square leagues

Monterey July 24. 1840

In the name of the petitioner

(Signed) Francisco Suruno.

4 Seal Three Reals

Authorized by the Administration of the Maritime Custom House of the Port of Monterey in Upper California for the years 1836 & 1837

(Signed) Gutierrez (Signed) Angel Ramirez

Valid for the years 1839 & 1840

(Signed) Alvarado (Signed) Antonio Ma. Osio

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Monterey July 28, 1840

Let this Expediente be returned to the Ayuntamiento of San Antonio to state whether the locating of the one league of land which is solicited would result to the injury of the Establishment or to the Indians thereof

(Signed) Alvarado

Most Excellent Sir

In pursuance of the three foregoing decrees in which your Excellency has been pleased to require of me a second report relative to the segmentation of one league of Land in the Rancho of "San Bernardo" granted to Teiejn Jesus Molina, married to a Neophyte of this Mission, and in compliance with my duty, I am of the Opinion that the said Grant in segmentation of the said of Land of Pasture, may be granted to the interested party subjected to the following Conditions

5 1st. "That he shall in no wise entoupe the Cattle within the limits of the said Rancho belonging to this Mission

2d. "That as a boundary of the said Rancho, he shall Excite the Care of Notifying or reporting the damages that he may observe.

"This is my Opinion but your Excellency is who will approve or disapprove these my proposals, and will determine what may be proper, whereunto I Conclude the report which your Excellency requires of me

San Antonio August 3th. 1840

(Signed) Jose de Jesus Pico

Monterey March 10. 1841
Having Examined the petition at the head of this Expediente, the report of the Encargado of San Antonio, with everything Else that was Examined and necessary to investigate, in Conformity with the laws and regulations upon the Subject I declare Jesus Molina to be the Owner of one Square league of Land in the place "San Bernabé" bounded on the East by the "Lomerias" and on the West by the "Cañada de Pino" the Northern and Southern limits thereof being those which are designated towards the "Sierra" (Mountain) and the "Aguajito del Durnado" — Let the Corresponding title issue and Entry be made thereof in the proper Book and let this Expediente be returned to the Most Excellent Junta — Thus I Juan B Alvarado Constitutional Governor of the Department of the California Order decree and sign — I attest
(Signed) Alvarado
(Signed) Manl. Jimeno Secy

6 (Here follows the Map)

7 Juan B Alvarado Constitutional Governor of the Department of the California
Whereas Citizen Jesus Molina has petitioned, for his own benefit and that of his family, for One Square league of Land in the place named "San Bernabé" bounded on the East by the "Lomerias Negras", and on the West by the "Cañada del Pino", the limits on the North and South sides being those which are designated in the direction of the "Sierra" and that of the "Aguajito del Durnado", the proceedings and investigations relative thereto having been previously had according to the provisions of the laws and regulations; in the Exercise of the powers with which

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I am invested, in the name of the Mexican Nation, I have Conclude to grant him the aforesaid tract of Land, hereby declaring unto him the Ownership thereof, subject to the Approval of the Most Excellent Departmental Junta and to the following Conditions.

8 1st "He may Enclose it without prejudice to the Crossings, roads, and servitudes; he shall enjoy it freely and Exclusively putting it to the use and cultivation he may deem best; but within One year he shall build a house and it shall be inhabited

2d. "He shall request the proper Judge to give him Judicial possession thereof by Virtue of this Patent, whereby the boundaries thereof shall be designated, in the limits whereof he shall plant, besides the Land marks, some fruit trees or valid Ones of some utility—

3d. "The Land hereby granted Contains One Square league as described On the diseño annexed to the Expediente— The Judge who shall give the possession will cause it to be measured according to Ordinance the Surplus thereof remaining to the Nation for proper purposes—

4th. If he Contravene these Conditions he shall lose his right to the Land, and it will be denounceable by Another—

9 Wherefore the present title being held as firm and valid I Command an Entry to be made of it in the proper Book and that it be delivered to the interested party for his Security and Other purposes — Given in Monterey On the 16th day of March 1841—

(Signed) Alvarado

A true and Correct translation — Attest my Official Signature this 23d of February A.D. 1854

Geo. Fisher Secy

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Filed in Office Feb. 23. 1854 Geo. Fisher Secy

No. 71 1

Sello tercero Dos reales.

Habilitado provicionalmente por la Aduana Maritima del puerto de Monterey en el departamento de las Californias para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Alvarado. Antonio Maria Osio.

(Sean) Revalidado para la misma para el año de mil ocho cientos cuarenta y dos.

Alvarado. Antonio Maria Osio.

Espediente.

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Mont.y Feb.o 18 de 1842. Sor. Prefecto del 1er distrito.

Informe el S. Administrador del establecim.to de San Antonio todo lo que crea conveniente sobre este aumento.

Estrada.

Petronilo Rios, Mejicano por nacimiento Vecino de este Departam.to y casado con hija del mismo, ante V. S. como mejor proceda y el respeto debido: Digo que conbeniendo al sobrino de la numerosa familia con acento, aumentar el terreno conocido con el nombre de S.n Bernabe en limites del establecimiento de S. Antonio que hoy poseo por compra que de el hice: y no contando en el mas de un sitio de ganado mayor segun titulo y deseando que se me amplie sin perjuicio de mis colindantes hasta ocupar lo valdio que resulta hasta llegar á las lomas del Sur que no conocen dueño. Pido á V. S. se sirva concederme el aumento que pretendo, sea el que resulte de la medicion que haga el Juez que intervenga en la posesion sujetandose a que no ceceda de cuatro sitios de ganado mayor: y en caso de que el terreno me permita esta extension se me conceda la que unicamente se haya baldio y P.r A. S. suplico que habiendo por presentado este escrito con el diseño correspond.te que aunque tan a de escala proporcionada mejorar lo se sirva elevar esta solicitud al Superior Gobierno Departamental para que se digne conceder mi pretencion. Juramento no procederde malicia con lo necesario.

Petronilo Rios.

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Sr. Prefecto del Primer Distrito.

Dn Petronilo Rios q. pretende la ampliacion de terreno del Rancho que fué de Sta Molina puede V. S. acceder a su peticion en consideracion a q. ya no tiene bienes ni con que ocupar el terreno q. pertenecia a este establecimiento ni de algun modo le perjudica.

Es cuanto puedo informar a V. S. sobre el particular.

Mision de S. Ant.o 5 de Mzo. de 1842.

José de Jesus Rico.

3

Sello tercero Dos reales.

Habilitado provicionalmente por la Aduana Marit.a del puerto de Monterrey en el Departamento de las Californias para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Alvarado Antonio Ma. Osio.

(Seal) Revalidado por la misma para el año de mil ocho cientos cuarenta y dos.

Alvarado. Antonio Ma Osio.

Exmo Sor. Pob.or de este Departamento.

Atendiendo la Prefa de mi cargo á la honradez y laboriosidad del pretendiente y al informe que dá el S. Administrador del establecimiento de Sn Antonio opina que puede concederse le la gracia que solicita del sitio que demarca el adjunto diseño el que segun datos que tiene esta oficina comprende poco mas ó menos dos y medio sitios de ganado mayor sin embargo V. E. con su tino acostumbrado resolverá lo que crea conv.te

Protesto á V. E. las consideraciones de mi respeto.

Monty. Mzo. 15 de 1842.

José R. Estrada.

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Hace sellos a mas ur plan.

11. 73

Office of Surveyor General of the United States for California.

I John C. Hays, Surveyor General of the United States for the State of California and as such now having in my Office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law Do hereby Certify that the 4 preceding and hereunto annexed pages of tracing paper numbered from one to four inclusive, exhibit a true and accurate Copy of a certain document now on file and forming part of the said archives in this office.

In Testimony Whereof, I have hereunto signed my name officially and caused my Seal of office to be affixed at the City of San Francisco this twenty second day of February. 1854.

John C. Hays. U. S. Surveyor General for Calif.

Filed in Office. Feby. 23. 1854.

Geo. Fisher. Secy.

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Translation of Expediente

Seal Third Two Reales

Provisionally authorized by the Maritime Custom House at the Port of Monterey, in the Department of the Californias, for the years 1840 and 1841.

(Signed) Alvarado = (Signed) Antonio Mª Osio

Seal

Revalidated by the same for the year 1842.

(Signed) Alvarado = (Signed) Antonio Mª Osio

Monterey, February 18th, 1842.

The Administrador of the establishment of San Antonio will report whatever he may deem proper upon the subject

(Signed) Estrada

Señor Prefect of the 1st District

Teodoro Rios, a Mexican by birth resident in this Department and married to a daughter thereof, comes before Your Honor with due respect, and in the best form of law represents: That it being necessary for the support of his numerous family, to enlarge the tract of land known by the name of San Bernabé within the limits of the Establishment of "San Antonio" which he now occupies under a purchase which he made thereof; and not containing more than one square league according to the title, and desiring an augmentation thereto, without prejudice to his colindantes, for the occupation of whatever may be vacant to the "Lomas" on the East, which have no owner, he prays Your Honor be pleased to grant him the augmentation which he asks, whatever may be after the measurement is made by the Judge who shall give possession, the petitioner limiting himself to four square leagues of land or if it be less that that less quantity be granted to him. And, therefore, he prays that after

receiving this petition with the corresponding diseño which, though it has no scale, he proposes to reform, you be pleased to forward this petition to the Superior Departmental Government in order that it may be attended to; Swearing not to proceed from malice &c.

(Signed) Petronilo Rios —

Señor Prefect of the 1st District:

Your Excellency may accede to the petition of Petronilo Rios who solicits the augmentation to the land of the Rancho which belonged to Señora Molina inasmuch as she has not now property with which to occupy the land that belonged to this establishment nor in anywise will it be injured thereby

This is all I can inform Your Honor upon the subject

Mission of San Antonio, March 5th, 1842.

(Signed) José de Jesus Pico.

Seal Third Two Reales
Provisionally authorized by the Maritime Custom House at the Port of Monterey in the Department of the Californias for the years 1840 and 1841.
(Signed) Alvarado — (Signed) Antonio Mª Osio —

Seal Revalidated by the same for the year 1842.

Most Excellent Señor, Governor of this Department:—

In attention to the integrity and industry of the petitioner and the report of the Administrador of the Establishment of San Antonio, this Prefecture is of the opinion that the favor which he solicits may be granted to him, which is the place described

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in the annexed diseño which according to the data which this office possesses, embraces two and a half square leagues of land, a little more or less. Nevertheless, Your Excellency with your accustomed prudence will determine whatever you may deem convenient.

I protest to you the Consideration of my esteem,

Monterey, March 15. 1842.

(Signed) José R. Estrada

(Here follows the map)

A true and correct translation
witness my official
Signature this 23c day
of February A.D. 1854

(Signed) Geo Fisher Gray

Filed in Office Feby 23c 1855

(Signed)

Geo Fisher Gray

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1/5 71 –

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Opinion of the Board

Number 571
Henry Cocks in trust for
vs
The United States

For private claim
Rancho de San
Bernardo de
Santa Irene con
taining three square
leagues in the
County of Monterey

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The claimant has appeared in evidence in support of his claim from the following documents

A grant issued by Juan B Alvarado to Jesus Molina for one league of the lands in question bearing date the 10th day of March 1841.

Also a grant from the same to two leagues the balance of the lands claimed bearing date the 8th day of January 1842 to one Patricio Rios

Also a deed bearing date the 8th of January 1842 from Jesus Molina for the one league granted to him to the said Patricio Rios

and also a deed from the said Patricio Rios to Jose Garcia and Pedro Garcia bearing date the 17th day of March 1845

Also a deed from the said Jose and Pedro Garcia to Francisco Garcia dated the 14th day of May 1850

and also a conveyance from the said Francisco Garcia to the present Claimant in trust for the wife and children of the said Francisco Garcia

Also the report of the Surveyor General giving the judicial possession of the lands bearing date the 7th day of October 1842 all of which said documents seem to be well authenticated

The claimant has also several satisfactory

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proof of settlement and cultivation and the land is well adapted by the proofs
From
the proofs in the case we are of the opinion that the claim should be confirmed and adverse will be entered accordingly
Confirmed

Filed in Office March 20th 1855
Signed
Geo Fisher
Secretary

Recorded in Record of Decisions Volume 2 Page 363
Signed
Geo Fisher
Secretary

2/5-71-

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Decree of Confirmation

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Number 571
Juan Cochsmitrist pr
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 ordered that his application for a confirmation be granted

The land of which confirmation is hereby given is situate in the County of Nevada and is called Rancho de San Barnabe de Santa Ana, containing a little more than three Spanish leagues and is the following boundaries to wit.

On the South and South East by a line running from the base of the Sierra Juarez through a clump of oak trees lying in number to the base of the range of hill and along the base of the hills to the Arroyo de San Juan thence along said arroyo to its mouth and continuing again at the mouth of San Juan and up said Sierra to the Cañada de Pino and up said Cañada to the base of the Sierra de Juarez and thence along the base of said Sierra to the place of beginning

For greater certainty being had to the plat accompanying the Expediente and the report containing the proceedings of the Board in giving the juridical possession

Alphens Felch

R Aug Thompson

S. B. Farwell

Commissioners

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Filed in Office March 20th 1855

Attest

Geo Fisher

Secretary

Recorded in Record of Decisions Vol 2 p 564

Attest

Geo Fisher

Secretary

and it appearing to the satisfaction of the Board that the land being 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 evidence 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 returns made 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 Eighty two pages, numbered from 1 to 82, 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. 571 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 "San Bernabe"

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~~ eightieth.

Geo. Fisher.

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U. S. DISTRICT COURT,

Southern District of California.

No. 306.

THE UNITED STATES,

vs.

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Henry Cook.

"San Bernardo."

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 571.

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.

571. J "San Bernabe" –

Henry Cooks, 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 306.

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

The United States, apltt.

vs.

Henry Coats

Appeal Notice.

Filed Nov 20th 1855.
J. E. Carr
Clk.

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

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

Henry Cooks, appellee
vs
The United States, appellant

Docket No. 306.

Transcript No. 571.

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 Cooks

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 San Bernabe

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.* 571; *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 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 **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.

N.306.

Filed this 29th January
1857
C Sims clk
J S Hedeman
Dep

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

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 28th March 1855 Confirming your claim to land called "San Bernardo" in 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 4th day of February, in the year of our Lord, one thousand eight hundred and fifty-seven, at Los Angeles aforesaid.

C. Sims Clerk.

J. M. Coleman
Dep

No 306

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

Henry Cook
against

The United States
Filed this 29th day of Jan'y 1858
Lewis Dent
J. Stillesleman By

SUMMONS.

Recd February 5th 1857
Edwards Harris
Asst. Marshal
for W. W. Bowman
Dist Atty

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return
I ~~served~~ this Summons, along with the proper copy of the Petition, ~~upon~~ by order of P
Did U.S. Dist Attorney as the case has been dismissed

at
the 18th day of January, in the Southern District of California, on
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

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vs.

The United States.
Appellant.

No. 306.

Gens No. 571.

On motion of P. Ord Atty of the U States for the said Dist. 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
Dist Judge

No 306

Henry Cooke
Appln
vs
The U States
Apptee

Dismissal of appeal

Filed 8 June 1857
A. Taylor
per 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-one, (571), appeal will not be prosecuted by the United States.

I am
Respectfully,
Cushing

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

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Filed this 4th March 1858
for 8th June 1857
C Lewis clk
J S H Coleman Dep