

CASE No.

307

SOUTHERN DISTRICT

ARROYO DEL RODEO GRANT

JUAN HARNESS

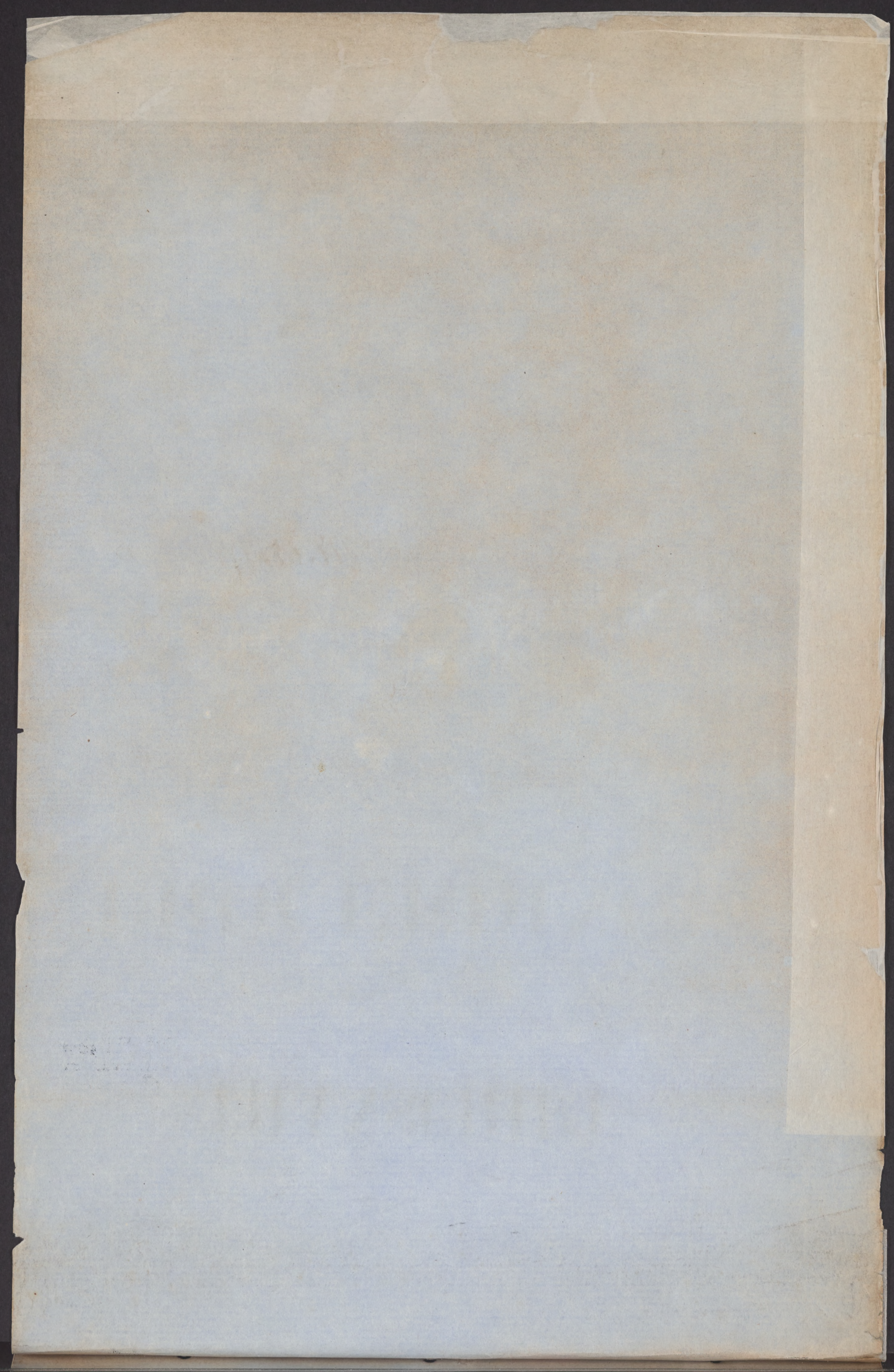
CLAIMANT

MAR 21 1963

LAND CASE 307 SD 85 pgs.

Germanizing
FLOWER BOND
5 3/4" COTTON FIBER
U.S.A.

592
C. 100



TRANSCRIPT

307 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *592.*

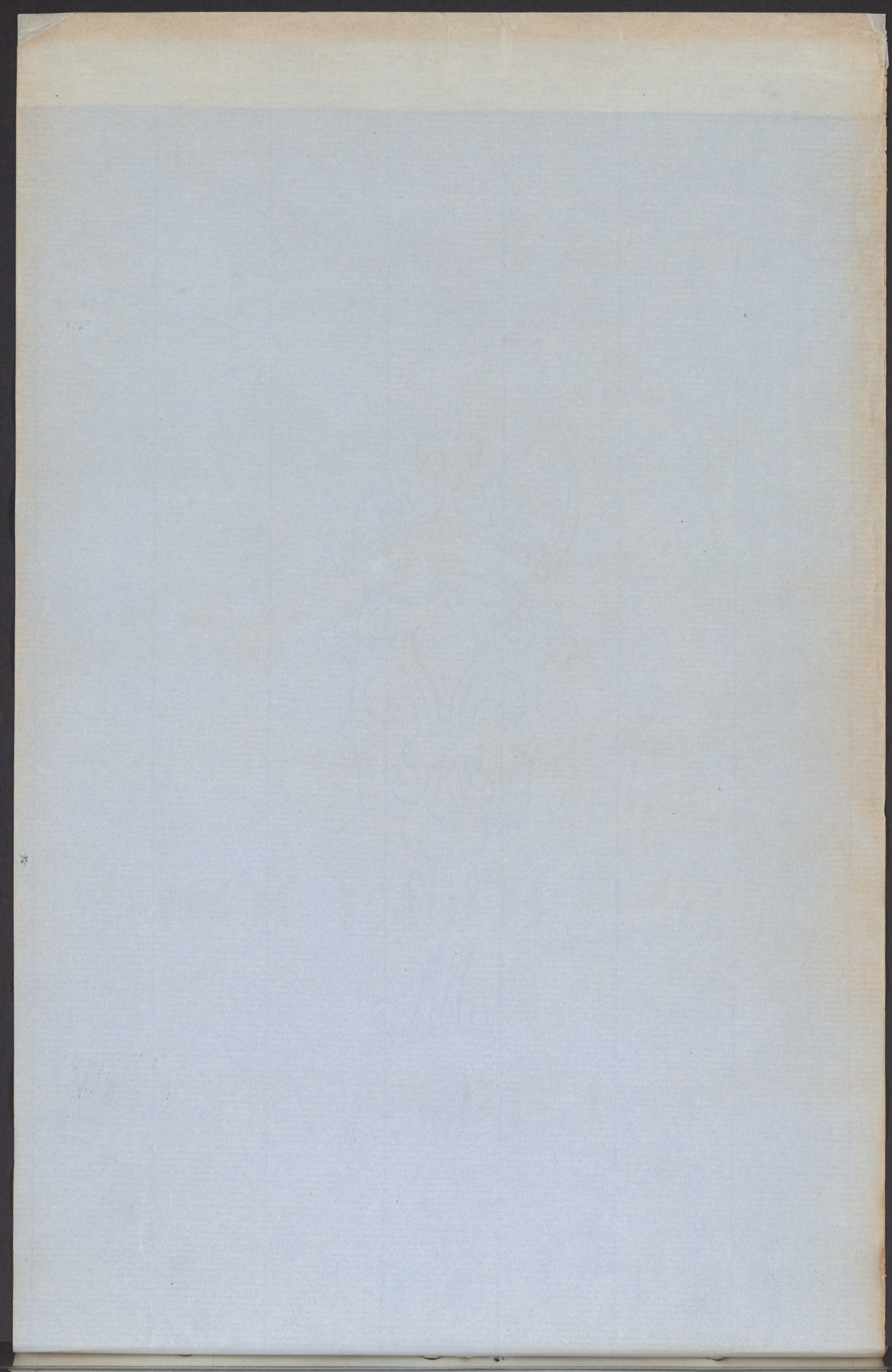
Juan Barnes, et al, CLAIMANT *S.*

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Arroyo del Rodon"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

307 SD
PAGE 2

Be it Remembered, that on this fifteenth 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 Juan Harnes et al: ~~~~~
~~~~~ for the Place named  
~~~~~ "Arroyo del Rodeo," ~~~~~  
was presented, and ordered to be filed and docketed with No. 592. 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 April 12' 1853.

In Case no. 592, Juan Harnes et al: for the place named "Arroyo del Rodeo," the deposition of Manuel Castro, a witness in behalf of the Claimants, taken before Commissioner Harry J. Thornton, with document marked No. 1. annexed thereto, was filed;

(Vide page 6 of this Transcript.)

In the same Case the deposition of Antonio M^o. Pico, a witness in behalf of the Claimants, taken before Commissioner Harry J. Thornton, was filed;

(Vide page 4 of this Transcript.)

In the same case the deposition of Aguirre Villagran, a witness in behalf of the Claimants, taken before Commissioner Harry J. Thornton was filed;

(Vide page 5 of this Transcript.)

2

San Francisco January 6' 1854.

In the same case the deposition of Joseph Bolcott, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed;
(Vide page 7 of this Transcript)

307 SD
PAGE 3

San Francisco December 5' 1854.

Case no. 592 was ordered to be placed at the foot of the 3rd class cases on the Final Docket.

San Francisco December 19' 1854.

In the same case the deposition of William McQueen, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed;
(Vide page 9 of this Transcript)

San Francisco December 22' 1854.

In the same case the deposition of John Fluk, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed;
(Vide page 11 of this Transcript)

San Francisco December 26' 1854.

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

San Francisco, March 27' 1855.

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

(Vide page 5 of this Transcript)

and the following order was made, to wit:

(Vide page 11 of this Transcript)

S.

Petition

To the Honorable Board of Land Commissioners for the ascertaining and settling Private Land Claims in the State of California

307 SD
PAGE 4

Your Petitioners Juan Harris and Juan Damben bis of the county of Santa Cruz and State of California respectfully presents to this Honorable Board that they own and claim a certain tract of land called the arroyo del Rodas alias San Vicente alias los Boyotas which was granted to Francisco Rodriguez by Governor Jose Figueroa then and there being Governor of Upper California under the Mexican Republic on the 28th day of July 1834 and which was approved by the Departmental assembly on the 29th of the same month and year last named

and that the said Governor Figueroa on the 2nd of August 1834 finally granted the same to the said Rodriguez which the said Governor had then and there full power to do by the Laws and usages of Mexico then in force in Upper California and which said grant was fully and completely made and became valid

and his ordering in the form of Procampo and the Rancos del Riego and that afterwards viz on the 12th day of May 1845 the said Francisco Rodriguez conveyed the same to your Petitioners for valuable consideration all of which will more fully appear by the original Petition

The immediate steps herein taken the foregoing grant the approval of the Departmental assembly by the final grant and conveyance as before stated all of which are herewith numbered and filed as part of this Petition

and also containing the deeds and proceedings in giving the all of which are to be found in the archives kept under the judicial possession of the said grantee Mexican land and the said Petitioners state that the said Rodriguez fully and legally complied with all the conditions

H

annexed to the said Grant and your Petitions
say they know of no interfering names
claim to the same

Any time for giving the same
may be conferred to them and when in
use may be just and proper

D. S. Gregory & John Wilson
attorneys for Petitioners

Filed in Office February 15th 1853

Geo. Fisher

Secretary

Recorded in Volume 1 of Petitions on Page
376.

George Fisher

Secretary

307 SD
PAGE 5

Depo of
A.M. Pico

San Francisco April 12th 1853

On this day before Commissioner Harry J.
Houston came Antonio Maria Pico a
witness on the part of the claimants Juan
Narros and Petitioners numbered 92 and was
asked by me his evidence being introduced by
the Secretary

Question by claimant

Question What is your name
age and residence

Answer My name Antonio
Maria Pico page 43 residence San Jose
California

Question Did you ever acquire
with the Ranch claims in this case if you
look at the company or file as exhibited
to the Depositary of Manuel Leaster in this
case which company purports to be made
by Francisco Rodriguez to the claimants
and state what you know about its execution

Answer I am acquainted
with the place and have examined the com-
pany inquiring about

It was made and
acknowledged before me as stated in my
official act being at the time of its execu-
tion first Alcalde of the Town of San
Jose

Antonio Maria Pico

5

United States Law Agent
present

Sworn to and subscribed in my
presence this 12th of April 1853

Harry S. Thornton
Commissioner

Filed in Office April 12th 1853

Geo. Fisher

Secretary

307 SD
PAGE 6

Records in volume B. Vol 2 Page 694

Geo. Fisher

Secretary

San Francisco April 12th 1853

Depe of
M. K. Villagran

On this day before Commissioner Harry
Thornton came before me in the presence
of witnesses the part of Juan Barrios and
Petition

Number 92 and was duly sworn his
oath being witnessed by the Secretary

Question by the court

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

Answer My name is Juquin
Villagran my age is sixty three years my
residence Santa Cruz California

Question are you acquainted
with the Rancho Clammy in this place and
if you state what you know about its first
occupation and possession

Answer I do know the
Rancho, it was settled about the year 1833
or 1834 by the grantee who built a house
in it and lived in it

He afterwards sold it
and it has been occupied all the time within
by him or those claiming under him to
this time

United States Law Agent
present

his
Juquin + Villagran
mark

Sworn to and his mark made in my presence
this 12th of April 1853 Harry S. Thornton
Commissioner

6

Filed in Office April 12th 1853
George Fisher
Secretary
Records in Volume B. No. 2 P. 694
Geo Fisher
Secretary

Depo of
M. Castro

307 SD
PAGE 7

San Francisco April 12th 1853
On this day before Commissioner Harry J
Thomson came Manuel Castro and others
on the part of the defendants from Harris
vs. Castro Petition No 92 and was duly sworn
his evidence being interpreted by the said
Justins by defendant

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

Answer My name is Manuel
Castro my age is thirty two years my residence
now is Lower California

Question 2 Are you acquainted
with the hand writing of Antonio Barrera
P. is Salvo Pacheco & Luis Pacheco Jose Fernandez
Jose Antonio Bolcoff Jose Figueroa Agustin
N. Zambrano and Jose Felix and if you are
admitted to document whether known to you
numbers exhibit nos and files number

and
state whether or not their signatures when
ever they occur in and upon the said doc-
ument are the genuine signatures of the
said several parties

Answer I have examined
the said document and know the hand writing
of the persons aforementioned having seen
them write and state that their signatures
when ever they occur in and upon the same
are genuine

Manuel Castro
United States Law
Agent Witness

Given to and subscribed before me this 12th
of April 1853 Harry J Thomson Commissioner
Filed in Office April 12th 1853 Geo Fisher Secy
Records in Volume B. Vol 2 Page 692

George Fisher Secretary

3/1892

Depo of
J. Bolcoff

Office of the United States Board of Land Commissioners

San Francisco January 16th 1894

This day before Commissioner Alphonse F. Delah came Jose Bolcoff a witness in behalf of claimants Juan Harris and Petitioner No 592 and being sworn his evidence being given in Spanish was interpreted by the Secretary as follows

307 SD

PAGE 8

PAGE

Question by Mr Love attorney for claimant

1 Question what is your name age and place of residence

Answer My name is Joseph Bolcoff my age is fifty seven years my residence in Santa Cruz

2 I have lived in California about thirty six years and in Santa Cruz since 1822

3 Question Do you know the Rancho called Arroyo del Rodero

Answer I do

4 Question Where is it situated and what are its boundaries

Answer It is situated in the county of Santa Cruz one and a quarter leagues east of the town of Santa Cruz on the east it is bounded by the Arroyo del Soquel

on the west by the Arroyo del Rodero on the south by the Ocean and on the north it is bounded by the forest of large Redwood trees and the mountains

5 Question Look on the map now here presented to you being part of an unperfected exhibit number 1 to the deposition of Manuel Leaster

and filed in this case and state whether said map shows the location and boundary of said Rancho

Answer I have examined it it does show the location and boundary of said Rancho

6 Question Has the Rancho

8

can know by any name if you had
answer He called the
Ranch all arroyo del Rodeo & husband
known by that name since the town
of Brown cipito was founded

Question is there any
house on the Ranch.

307 SD
PAGE 9

answer There are a
number of them Francisco Rodriguez
built the first house there the same year
he gained the title of the land I cannot
tell precisely what year it was

In the
same year that he obtained said title I
gave him the juridical possession of the
land I acted as Alcalde Rodriguez was had
already built in the place where
I gave the possession,

and he lived in it with
his family from that time till he sold to
the present claimants he moved with his
family into the house about a year before
I gave the juridical possession he had
his house built on the land and lived in
it with his family when he made the appli-
cation for a grant of the land

Question whether
as agent for Rodriguez if anyone in obtaining
the grant

answer No one besides
it himself in person

Question were there any
other persons present when you delivered
Rodriguez the possession of the Ranch
if so who

answer The assisting witnesses
were present but do not recollect their names
I must do you advise
possession according to the usual form and
custom of the country at that time

answer I did
I must do Rodriguez certificate in which any
parties of the Ranch } answer he and his
wanted a portion of it about a million and a half
of land in length & almost a hundred and he

4/3/92 + 2

9

pastured his animals on the enclosed portions of the Rancho

11 Austin almost how much land is embraced in the Rancho

answer I cannot tell you much is when I saw the possession and it is put down in the record of it but I cannot now remember

12 Austin examine the document you have presented to you purporting to be the testimonial of said judicial process now given by you being the same document above mentioned in Austin's reports and state whether the same are an original document and genuine

answer I have examined them they are original and genuine

13 Austin who was reported to own the Rancho from the time you put said Rodriguez into possession until he sold it

answer said Rodriguez was Boloff

Mr Grunbom associate Land agent was present at the taking of this deposition but propounded no questions

subscribed and sworn to before me this 17th day of January A.D. 1854

Alphonse Fitch

Commissioner

Fitch in Office January 16th 1854

George Fisher

Secretary

Records in Executive B. Volume 3 Page 111

George Fisher

Secretary

Depe. of William McQueen

United States of America 3

State of California ss 3

San Francisco December 18th 1854

This day personally came before Peter Holt a Commissioner for taking testimony to be used before the Board of U.S. Land Commissioners in said State William McQueen a witness on behalf of the claimants Juan

Harris et al on lease No 592 under Docher
said Board and said returns being sum
deposited as follows

The United States associate
Law Agent is present

Question by Mr Gregory for claimants

Question What is your name
age and residence

307 SD
PAGE 11

Answer My name is William
McLennan my age sixty years my residence
San Francisco California

Question are you acquainted
with the Rancho called del Rodero some
times Los Cayotes if you have been have you
known it and what have been your means
of such acquaintance

Answer The said Rancho
is situated in Santa Cruz County. I first
knew it about three years ago I was out
about a year

Question State what are the
Eastern and western boundaries of said Rancho

Answer The eastern boundary
is the arroyo del Rio and the western
boundary is the arroyo del Rodero

Question What is the average
distance through said Rancho between these
two creeks

Answer The average distance
between said creeks is about half a mile
it may be perhaps a mile down toward
the sea and not much less than half
a mile away

Question Look at the des-
troy in the document marked C.P. L. as
an exhibit to this deposition and mark for
file in this case and state whether it is
a correct delineation of said Rancho

Answer Yes I think it is a correct
outline of said Rancho

Cross examined by the associate Law Agent

Question How do you know said
arroyos are the boundaries

Answer I have been told so by Mr John Deane
Lambert and Mr Harris from whom I rented

3/592 +

11

the land when there was a matter of notoriety in the neighborhood when there were some two and a half years since
 before me
 Subscribed and sworn to before me on the 18th day of December 1854

Peter Holt
 Commissioner &c

Filed in Office December 19th 1854

Geo Fisher

Secretary

307 SD
 PAGE 12

Depo of
 John Fleck

United States of America }
 State of California ss }

San Francisco December 20, 1854

This day personally came before Peter Holt a Commissioner relating testimony to be used before the Board of United States Land Commissioners in said State John Fleck attorney in behalf of the claimants present and in case number 592 in the Doct of said Board and said witness being sworn deposed as follows

The United States associate Law Agent is present

Questions by Mr Sawyer

for claimants

Question What is your name age and residence

Answer My name is John Fleck my age thirty two years my residence in Santa Cruz County in California

Question Do you know the tract of land known as the Rancho of Arroyo del Rodero in Santa Cruz County claimed by John Harms and John Dubuis of your State all or part about the bounds and occupation of said Rancho

Answer I am acquainted with the Rancho claimed in this case by the parties named but do not know by the Spanish name just mentioned I have known the place since 1849 and this is on the place in question and I built a mill on the place for said Harms and Dubuis

The boundaries of the place have from hunting
had them pointed out to me by both of the said
blainants at different times

and from
having been told what they are by Spaniards
with the neighbourhood and from their being
notorious and generally recognised in the
neighbourhood

307 SD
PAGE 13

These boundaries are
the east the river Arroyo Soquel on the
south by the Bay of Monterey,

— on the west an
other creek which I think they call Arroyo
de Rodas and the north a range of hills
above the hills up from the mouth of
said creek

These boundaries embrace
a tract which is so easily found and defined
that they can be no mistake about the
locality

The average distance between
the two said creeks is a little more than
a mile

The Rancho is occupied by said Farms
and Pueblos who reside in it with
their families

and they have it nearly all
fenced and the most of it cultivated. They
have a great well water place and some
eight or ten houses

— scattered about on the
place and occupied by tenants of said blain
ants

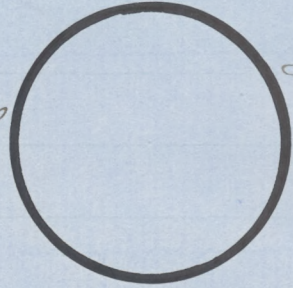
This Rancho is situated in the shape
of a wedge being widest at the Bay and
quite narrow at the hills

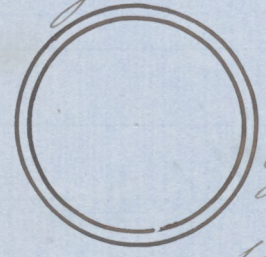
John Fleck
Subscribed and sworn to before me on this 20th
day of December 1854 one thousand eight hun
— dred and fifty four

Peter Sott Commissioner
Filed in Office December 22nd 1854

George Fisher
Secretary

13

Sello Segundo  Doce Reales
Para los años de mil ochocientos treinta y tres.



Jose Figueroa General de Brigada del Ejercito de la Republica Mexicana, Comandante General y Inspector y Jefe Superior Politico del Territorio de la Alta California.

A Expediente

307 SD
PAGE 14

Exhibit No. 1
Deposition of
Manuel Castro
Taken in N.º 592

Por cuanto el ciudadano Francisco Rodriguez Mexicano por nacimiento ha pretendido para su beneficio personal y el de su familia el Terreno conocido con el nombre del Arroyo del Rodeo Colindante con la villa de Branciforte, y el Rancho de Shoguel: practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas y de conformidad con el acuerdo de la Excelentisima Diputacion Territorial del dia veinte y nueve de Julio ultimo aprobando la comision del citado Terreno del Arroyo del Rodeo hecha en decreto de veinte y ocho del mismo mes al referido ciudadano Francisco Rodriguez: a nombre de la Nacion Mexicana he venido en conferirle el Terreno mencionado declarandole la propiedad de el por las presentes letras, sin perjuicio del aprovechamiento comun de los habitantes de la villa de Branciforte en orden a pastos, aguas, madera lina &c. sujeto a pagar el canon que se le imponga si resultare pertenecer a los Ejidos de dicha Villa cuando se arreglen sus limites y a las condiciones siguientes.

A. P. S. Exhibit to Deposition of William McQueen Dec. 18. 1854

1ª= Que se sometera a las que estableciere el

307 SD
PAGE 15

reglamento que se ha de formar para la distribución de Terreros baldíos y que entre tanto ni el agraciado ni sus herederos puedan dividir ni enajenar el que se le adjudica; imponer censo, vinculo, fianza, hipoteca, ni otro gravamen aunque sea por causa pignoricia, ni pasarlo a manos muertas

2ª= Podrá cercarlo sin perjudicar las travesías, Caminas y servidumbres; lo disfrutara libre y exclusivamente destinandolo al uso o cultivo que mas le acomode pero dentro de un año fabricara casa y estera habitada.

3ª= Solicitara del juez respectivo que le di posesion juridica en virtud de este despacho, por el cual se demarcaran los linderos en cuyos limites pondra a mas de las moho-
neras algunos arboles frutales o sembrados de alguna utilidad.

4ª= El Terrero de que se hace mención es de una legua de longitud por un cuarto de legua de latitud poco mas o menos segun explica el dibujo que corre en el expediente. El juez que deere la posesion lo hara medir conforme a ordenanza: quedando el sobrante que emette a la Nacion para los usos comunales.

5ª= Si contraviniere a estas condiciones perdera su derecho al Terrero y sera denunciabile por otro.

En consecuencia mando que teniendo por firme y valido este Titulo se tome razon de el en el Libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a dos de Agosto de mil ochocientos treinta y cuatro.

José Figueroa
Agustin V. Zamorano.
Srio.

15-

Queda Tomada razon en el libro de asuntos de Titulos sobre adjudicacion de Terreros a fojas cincuenta numero cecuenta y ocho q. obra en la Secretaria de mi Cargo. En Monterrey a seis de Agosto de mil ochocientos treinta y cuatro.

Zamorano

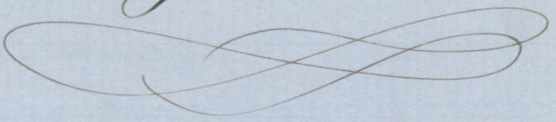
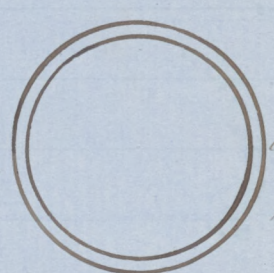


Exhibit No. 1
(Continued)

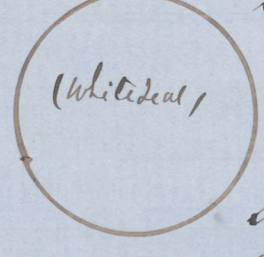
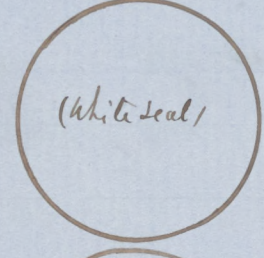
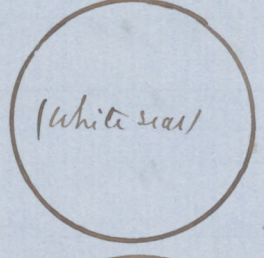
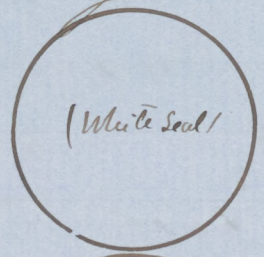
307 SD
PAGE 16

Recorded in Book A, pages 90, 91, 92, 93 & 94 & 95 of the Records Office in Santa Cruz - fee for Recording \$ 24.00 E. P. Stevens -

Sello Tercero
Para los años de mil
seis y ochocientos



Dos Reales
ochocientos veinte y
veinte y siete



Se. Alcalde Const.

El Ciudadano Fran^{co} Rodr.^z de esta vecindad ante V. dese que habiendo obtenido la Concesion propia del Terrero conocido con el nombre de arroyo de Rodas, ocurre ante V. p.^a que se sirba darle la posicion juridica conforme esta prevenido en el art.^o de del titulo de dho terreno q. solo espedio de dos Agosto del presente año que debidamente a cumplido p.^a quando obre los efectos devidos; por tanto A. V. suplico se sirba poner en la posicion que solicita. En lo q. escribira' justicia, la villa de Branciforte 16 de mes de Dbre de 1834

Fran^{co} Rodriguez

En la villa de Beauforte 17 de mes de
Dbre de 1834, En virtud de la antecedente
solicitud proceder por mi el juez a la su-
dicion señalamiento de linderos y porciones
judicial q^l solicita el interesado en este
Expediente señalándose p^a ejecutarse el
dia 18 del presente mes p^a lo q^l se cita-
ra con volutas de comparendo a los co-
lindantes; Asi yo dho. juez de 1.^a ins-
tancia lo decreto mande y firme con los
de asistencia con q^l actuo p^a Escriptoria
a falta de Escribano publico segⁿ de-
cho doy fe.

Ju^e Bolo as.^a Miguel Villagran
Juan Jov^e Felix

En la fha presente, Ciudadano Fran^{co}
Rod^{ez} se le notifico el ante q^l continue
y el interesado, Dijo q^l lo oye que se
dava p^a citado y lo firmo con mi go y
los testigos de asistencia, en la forma
establecida doy fe.

Ju^e Bolo

Ran^{co} Rodriguez

as.^a Miguel Villagran

as.^a Juan Jov^e Felix

En la fha se libraron las volutas q^l
se mandan en el anted^o ante y
p^a q^l conste lo reubrique

En Rancho del Arroyo de
Rodos diez ocho dias de mes de Dbre
del presente año, en cumplimiento del
auto de fha concurrieron los Ciudadanos

157

Colindantes de este Rancho y situado por la
medicion senam^{ta} de linderos y prouou, num-
bre por medidores a los Ciudadanos Ra-
fael Robles y Macdonio Louzana
a quienes prebra la aceptacion y juramen-
to procederan al desampino de su encar-
go, Asi yo el Alcalde lo decreté man-
de y firme con los asistencias

307 SD
PAGE 18

Jue Bolio

Asi^a Miguel Villagran +
as^a Juan Jue Felis

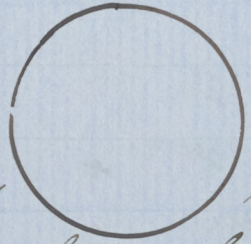
En la fha se les notifico el auto que
antecede a los Colindantes y entendidos dijo-
ron que lo oyeron y firmaron

Jue Bolio

Martina Castro +
Miguel Villagran +
as^a
as^a Juan Jue Felis

La fha y en el prouado el Rancho se
les notifico el auto que antecede a los
Ciudadanos Rafael Robles y Macedo-
nio Louzana Medidores, y entendidos
dijeron que aceptan

Sello Tercero



Don Reales

Para los años de mil
seis y ochocientos

ochocientos veinte y
veinte y siete

(white seal)

(white seal)

(white seal)

(white seal)

y septaban año en cargo de medi-
dores y jurando a Dios y la señal
de la Cruz de usando fiel y legalmente
a todo en legal saber y entender sin
dolo grande contra persona alguna
y firmo con miso ante los testigos

Jue Bolio Rafael Robles Macdonio Louzana

as^a Miguel Villagran
as^a Juan Jue Felis

Yncontinente yo el referido juez mande traer a provincia el Cordel con q. se ha de medir las terras y q. los medidores lo midan de cuenta varas y firmé con las de as.^a

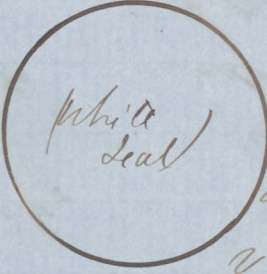
José Bolos

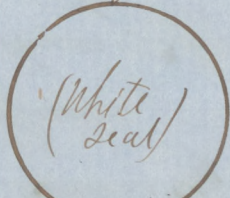
as.^a Miguel Villagrana
a.^a Juan José Félix

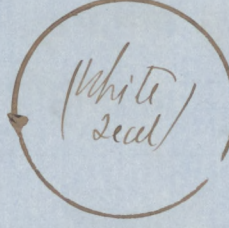
307 SD
PAGE 19

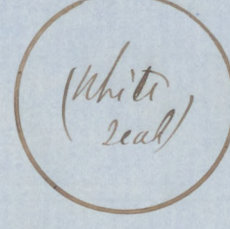
En seguida en provincia de mi el Es-
perado Alcalde y los dthos medidores
tomaron un cordel y con un vara
de medir uno Mexicano teniendo de
la mano midieron cincuenta

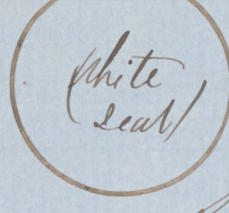
See following page

Sello Tercero  Dos Reales
Para los años de mil ochocientos veinte y
seis y ochocientos veinte y siete.

 Varas p.^a hacer la Referida me-
dición y p.^a Contancia lo rubrique

 En el mismo Rancho
y en la referida fha siendo con las dos
de la tarde yo el presente juez mandé
a los medidores nombrados se p.^a

 para las medidas de terras que han
de hacer a Ciudadano Fran.^{co} Rod.^z
y puesto el p.^a se comenzó la me-
dida teniendo el Cordel, al S hasta

 llegar a las Terras de N, en donde
se midieron cien Cordel en donde
se puso un mojón y luego desde
E. a N.W. se midio, veinte Cordel
dispuso se formara mojones en

19
Cada uno quedando el dicho dibujado en la misma forma q^d se midio el Terro declarando los d^{hos} Medidores haver sitio ganado Mayor, y p^o q^d Conste lo firmo con miyo el Ciudadano Medidores y Testigos de as.^a

Jos Robles

Medidores

Rafael Robles

Masodoro Lorenzana

as.^a Miguel Villagran +

as.^a Juan Jos Felix.

En el referido Rancho y en la fha Ciudadano vecino Fran^{co} Rod^z de la Villa de Branciforte, acompañando el juez de 1.^a y^{ta} instancia de d^{ho} lugar y Testigos dijo Ciudadano Fran^{co} Rod^z que en virtud de haverse medido las Terras de este Rancho, segun Consta, en las Dilig^{as} anteriores tomaba la verdadera Corporal y Real posesion de expresado sitio de ganado Mayor, p^o una lega de longitud y de latitud mil varas pues le pertenecian como punto en litigio obtiene de la Concesion q^d de ella se hizo con fha de dos de Agosto del presente año el Sr. Jefe Superior Político por las facultades que le son conferidas (en decreto de dos de Agosto) y de la aprobacion que de este b^uso la Exma Diputacion de este territorio en misma fha. Corriente; Entre y pacio p^o ella aranceos yerbas espacios sembrados de tierra, con sus canas de los arboles y lieros piedras a los cuatro partes de viento, e hizo otras ceremonias y actos de posesion en señal de lo q^d dijo tomar y tomaba de d^{ha} tierra y mando el citado juez de 1.^a y^{ta} instancia que desde entonces lo tubiera y reconociera por verdadero señal

307 SD

PAGE 20

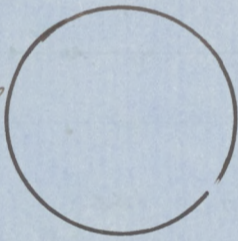
y poseidos de ella de todo referido pido dho.
 Ciudadano Fran.^{co} Rodr.^z q.^l p.^a Maura y
 Conservacion de lo venido y de sus derechos
 p.^{os} mi el repetido juez le fue entendi-
 do una constancia lo q.^l hace fue au-
 toridad con testigos asistencia con quien
 a entera en escritura al falta de escriba-
 no publico q.^l no lo hay segun derecho doy fe
 Jui Antonio Boles

307 SD
 PAGE 21

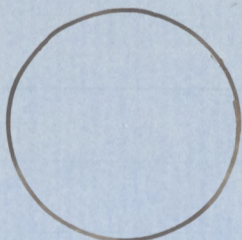
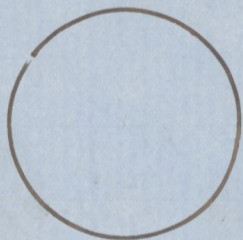
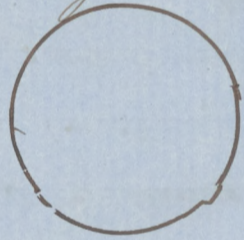
as.^a Miguel Villagran r
 as.^a Juan Jui felis

En la fha se devolbio este expediente al
 interesado en 7 fs. utiles y para constan-
 cia lo puse p.^a nota que rubrique

Sello Percero
 Para lo años de mil
 seis y ochocientos



Don Reales
 ochocientos veinte y
 veinte y siete



21

Sello Quinto medio Real

Habilitado provisionalmente por la Aduana Ma-
ritima del Puerto de Monterey, en el Departa-
mento de las Californias, Para los años de mil
ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Michel Torrea

Pablo de la Guerra

Por aus.^a del Admos
Guill^o. Ed^o. Hartnell



307 SD
PAGE 22

Exhibición /
Continuada

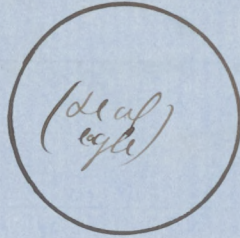
En el Pueblo de San José Gua-
dalupe a los doce dias del mes de Mayo
de mil ochocientos cuarenta y cinco ante mi
Antonio Maria Pico Alcalde
Juzgado de 1.^a Nominacion del
13 de Mayo de 1845 Juzgado de esta Municipali-
dad y ante los testigos de au-
toridad, con quienes actuo en
la forma establecida a mas
de los instrumentales de que
al fin se hara mención pa-
recio de presente el Ciudad.^o Fran-
Rodriguez y dijo que por si
y a nombre de sus sucesores y
herederos y quien de ellos tu-
biera titulo vos y causa vnde
y da en publica venta y ma-
nacion perpetua el rancho que posee
llamado San Vicente alias los Colotes
a D. Juan Harnes y D. Juan Dau-
benbin Mexicanos por naturalizacion y
Verimos de dicho Pueblo el que adquirio
por titulo dado por el finado General D.
José Riquerra entonces Gobernador de este
Departamento con fecha de Agosto
de mil ochocientos treinta y Cuatro, como
consta de los documentos que ha pre-
sentado y doy fe' he visto, el cual Rancho
en todo el derecho que a el le pertenecia

Juzgado de 1.^a Nominacion del
13 de Mayo de 1845
Con respecto de
previo consentimiento
de los Herede-
ros de Fran-
Rodriguez,
Doy testimonio
de la verdad pa-
ra en todo tiempo
dnde convinga
Fran.^o Soria

le vende a los expresados D. Juan Hames
y D. Juan Daububen en la cantidad
de ochocientas pesas de los que se le en-
tregaron al vendedor cien pesos en plata
y docientos en efectos dando igual canti-
dad en la misma forma el año entrante
y lo restante en el año cuarenta y siete
dando desde esta fecha por concluido el
Contrato y por tanto sede todo el der-
cho de propiedad comercio y procecion
que tiene de dicho terreno a los men-
cionados D. Juan Hames y D.
Juan Daububen y desde hoy en
adelante y para siempre de desapo-
derca quita y aparta de a sus herederos
y sucesores del dominio procecion y otros.

Sello Quinto medio Real

Habilitado provisionalmente por la Aduana
Mantenia del Puerto de Monterrey, en
el Departamento de las Californias para
los años de mil ochocientos cuarenta
y cuatro y mil ochocientos cuarenta y cinco
Micheltorona Pablo de la Guerra



Pa. au.^a del Admor.
Guill. Ed. Hartnell

Cualquiera derechos que
le computan al mencionado
terreno los cede a favor de los com-
pradores para que lo posean y gocen
pacíficamente y hagan de él el uso que
le combegan entre y se apoderen de
dicho terreno y tomen las posesion
que le correspondan y por donde le
computan, y a la firmeza y vali-
dacion de lo que en virtud de esta carta
hace, obliga el otorgante su persona
y bienes habidos y por haber y con
ellos se somete al fuero y jurisdiccion

23

de los Señores Jueces que del caso deban
 conocer de cualquiera estado que seare
 para que a su Cumplimiento le com-
 pelan y estrechen como por sentencia
 pasada en autoridad de cosa juzga-
 da. Renuncia todas las Leyes a su fa-
 vor, en cuya virtud asi lo otorgó
 y firmó, por ante mi y los testigos de
 asistencia en defecto de Escribanos Publi-
 cos, siendo los instrumentales los C. B. Sal-
 bio Pacheco, Dolores Pacheco y José
 Fernandez

307 SD
PAGE 24

Antonio M.^a Pico

Dolores Pacheco

Ant^a

José Fernandez

cu^a

Salvio Pacheco

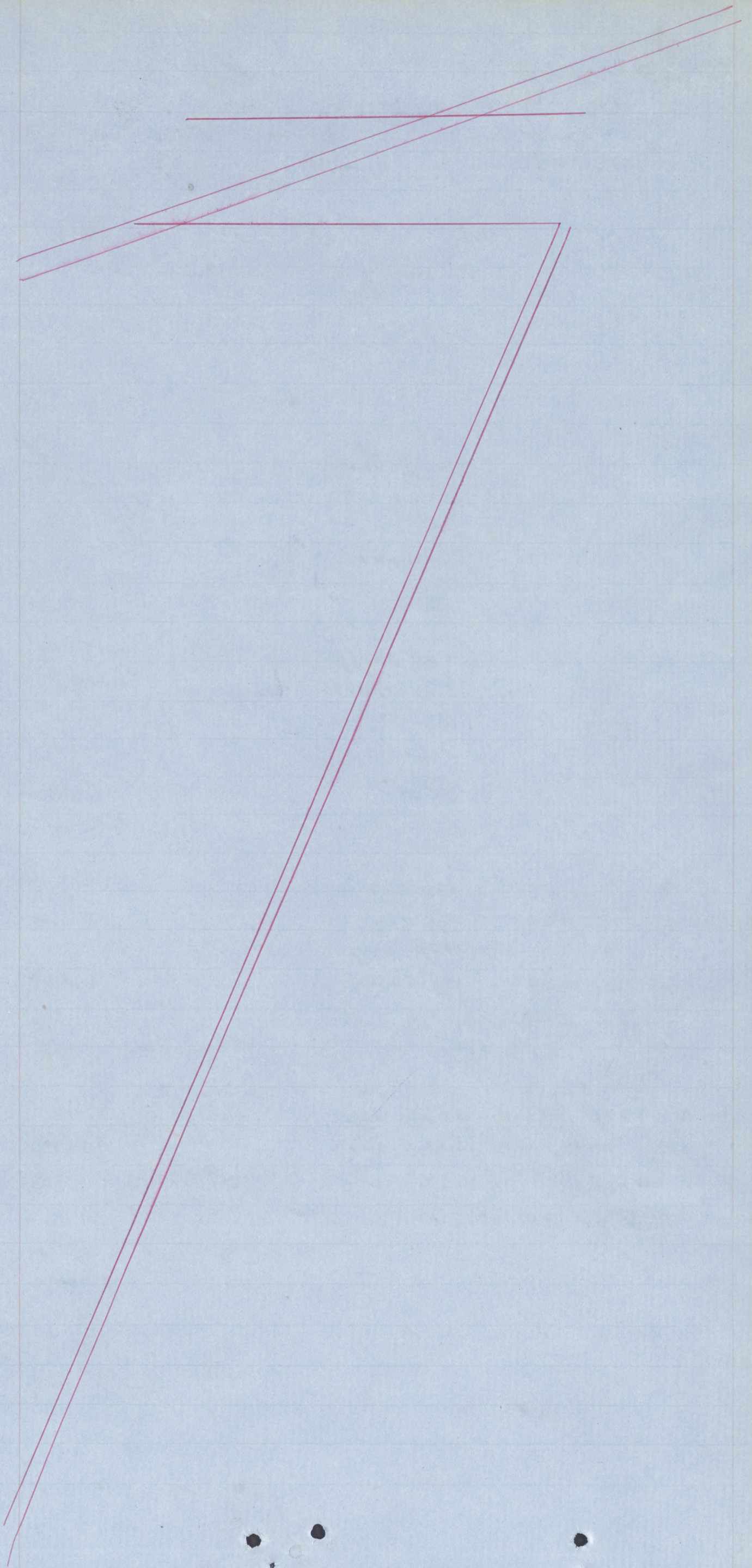
- Jesús Rodriguez
- Benita Rodriguez
- Antonia Rodriguez +
- Natibidad Rodriguez +
- Fran.^{co} M.^a Rodriguez +
- Bisente Rodriguez +
- Bernandino Rodriguez +
- Ygnacio Rodriguez +
- Escobarica Rodriguez +
- Catalina Rodriguez +

Exhibit No. 1
(Concluded)

Filed in Office
Feb. 15th 1853

Geo. Fisher
Secy

24



25B

Translation
of
A

Fifth Stamp Half a Real

Provisionally authorized by the Provisional
Council House of Representatives in the Departmen-
-t of the California for the years 1844 & 1845
Signed by the Honorable the Administrator
Guillermo Letford
Provisional Council House of Representatives

In the town of San Jose Guadalupe on the 12th day

307 SD
PAGE 25

Justice Court of Santa Cruz
May 13th 1845
In regard to the pro-
-vision consent of the
-basis of Francisco
Rodriguez

of the month of May 1845
before me Antonio Carrion
-Nico Alcalde of Justice
-creation of the Court of this
-Municipality before the
-assisting witnesses with
-whom I act in the stable

statify - I and Francisco
the same to be true before the instrumental
for all times as witnesses of whom some
may be required
signed
Francisco Loria

after
appears personally
citizen Francisco Rodri-
-guez and said that for
-himself and in the name
-of his successors and heirs
-and those who may arrive
-from them any title right
-action usells and goods

in public sale and perpetual alienation
the Rancho which previous called San
-Vicente alias Los Coyotes to Don Juan Har-
-ras and Don Juan P. Carbunbis previous
-liquidation and residents of said
-Rancho the same which he acquired from
-title given by the late General Don Jose Fig-
-ueras and General of this Department on
-the 2nd of August 1834 as is contained in
-the documents which he has presented
-and which certify to have acquired which
-Rancho with all the rights pertaining to it
-the said Francisco Rodriguez full title above
-mentioned Don Juan Harras and Don Juan
-Carbunbis for the sum of eight hundred

dollars from which amount one hundred
dollars in money and amount to the same
and two hundred dollars in goods and business
you have a similar quantity in the same
year next year and the balance in the
year eighteen hundred and forty four

307 SD
PAGE 26

This contract being concluded from this day
to the Vendor cedes all his rights of owner-
ship concession and possession of said lands
to the above mentioned Don Juan Harris and
Don Juan Turbubis and from this day
henceforth to the Vendor as possessor him-
self of said Don Juan's his heirs and assigns
- has from the dominion possession and any
other rights which may have to the
mentioned lands and he cedes them in favor
of the Purchasers that they may possess and
enjoy the same peacefully

and may make
the use thereof which may seem them to be
allows them to enter into the said lands
to enjoy the same and take possession thereof
equally to their rights

For the firmness
and validity of what he grants by virtue of
this sale the Vendor binds his person his
present property and that which may
have and he subjects himself and said pro-
- perty to the statute and jurisdiction of the
magistrates who may take cognizance of
this case that they may compel and bind
him as by a judgment passed in another
- its operis punita He the Vendor moreover
- cedes all the lands in his favor in return when
- of said agreement signed thus before me and
the assisting witnesses for want of a better
Public the instrumental witnesses being
citizens Salvo Pacheco Dolores Pacheco and
presidents, signed Antonio Moreno Puri Fran-
- cisco Rodriguez Jesus Rodriguez Benito
Rodriguez + Antonio Rodriguez + Mateo
Rodriguez + Francisco Ben Rodriguez + Benito
Rodriguez + Bernardino Rodriguez + Juan
Rodriguez + Cecilio Rodriguez + C. Rodriguez
asset S. Pacheco, S. Pacheco pres. Fernandez

27

4/5/92

| | | |
|---------------|--------|-------------|
| Stamped Thus | } Seal | Two Reals |
| For the years | | 1826 + 1827 |

307 SD
PAGE 27

To the Constitutional Alcalde
 Dn Juan Francisco Rodriguez, incumbent of
 this town before you says that having obtained
 the grant in fee of the lands known by the
 name of Arroyo del Rodero he applies to
 you that you may be pleased to give him
 the juridical possession in conformity
 with the provisions of the article 4th of
 the title to the said lands issued on the
 2nd of August of the present year which
 he hereby annexes for the proper uses

Therefore
 he begs you to give him the possession by
 petition for which he shall receive justice
 Villa de Brana de Agosto Dec. 16th 1834

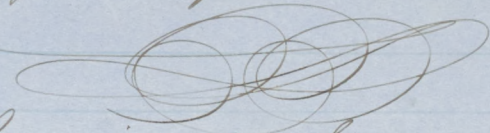
Signo Francisco Rodriguez
 In the form of Procufrate on the 17th of the
 month of October 1834 in virtue of the foregoing
 petition the judge will proceed to the pre-
 -sumption the setting of boundaries and
 giving the juridical possession solicited by
 the interested party in this expediente appoin-
 -ting for that purpose on the 18th of the present
 month to which effect the surrounding
 neighbors shall be summoned to appear

The
 judge of first instance did on an order
 sign this with the assisting witnesses with
 whom I act by delegate from present
 of an ordinary Public according to Law which
 certify
 asist. Signo Jose Bolcoff

Signo Villapan + Juan Jose Fines
 mark

On the same day before Juan Francisco Rod-
 -riguez being present was notified of the
 foregoing act and having understood
 it he said that he had heard it and
 that he was summoned to appear and he
 signed in virtue here and the assisting witnesses
 in the established form which certify
 Signo Jose Bolcoff

señor Francisco Rodríguez
assist his assist
Miguel Villagran + much J. J. Felix
On the same date the premiums provi-
- ded for by the foregoing act are issued
in witness whereof I sign with my
seal



307 SD
PAGE 28

Jose Figueroa Brigadier General of the army
of the Mexican Republic Commander in Chief
- and Inspector and Superior Political Chief
of the Territory of Upper California

Don Francisco Rodríguez Mexican citizen
- both has solicited for his personal benefit
and that of his family the lands known by
the name of Arroyo del Rodero belonging
into the Town of Branciforte and the Rancho
Arroyo del Rodero pursuant to the
legal process and made the sworn in-
- vestigations in conformity with the provisions
of the Laws and Regulations

By virtue of the
- process aforesaid in view and in conformity
with the deliberations of the Court of the
the Territorial Deputation issued on the
29th July last past approving of the Grant
of said lands called Arroyo del Rodero made
in a decree issued on the 25th of the same
month unto the aforesaid Don Fran-
- cisco Rodríguez

In the name of the Mexican
- nation I have through proper to grant
him the above mentioned lands declaring
unto him the ownership thereof by these
present letters but I shall not permit
the inhabitants of the Town of Branciforte
from the common use of pastures, waters
timber wood, &c and he shall be subject
to pay the rent with which he may be taxed
in lease of said lands should he bring to
the commons of said Town when its bound-
aries shall be determined and subject to the following
conditions, I shall submit to the conditions
established in the Regulations to be formed

for the distribution of vacant lands and that hereafter neither the grantee nor his heirs shall derive advantage from what is granted to him nor can they affect the same with any entail bond mortgage or any other incumbrance whatever nor for public purposes nor convey it to any person and he may give it without injury to the crossings roads and boundaries without injury to any and he may by appropriating it to the use or cultivation which may best suit him but within a year he shall build a house and it shall be intended 3rd He shall petition the respective judge to give him judicial possession by virtue of this Patent by whom the boundaries shall be marked out at the end of which he shall set beside the land marks some fruit trees or well or some useful ones 4th The parcel of which mention is made consists of one league ^{in longitude by a quarter of a league in} latitude a little more or less as shown in the map annexed to the Expediente

307 SD
PAGE 29

The Magistrate who shall give the possession will have in reason it according to order and the surplus which may result belonging to the nation for its common purposes 5th If he contravene to these conditions he shall forfeit his right to the land which may be demanded by another party consequently I command that this title being held as firm and valid be entered in the corresponding book and be delivered to the concerned party for his security and other ends

Given in Managua on the 2nd of August 1834
Agustin Zamora Secretary
Who has been entered in the book entitled of Grants of lands folio 30 N 48 folio in the Secretary's office under my charge
Managua August 10th 1834
Agustin Zamora

In the Parish of Arroyo del Bodeo on the 18th day of the month of December of the present year in compliance with the act of this date appears the surrounding neighbors of said Parish and myself being summoned for the measurement setting of boundaries and possession

307 SD
PAGE 30

Appointed Messrs. Lutzers Rafael Nobles and Macedonio Lorenzo who having accepted the appointment and having been sworn will proceed to the discharge of their duties the aforesaid do here and forward signatures with the assisting witnesses

Aspirid Jose Bolcoff
assist his assist
Miguel Villagran + Juan Jose Felix
witness

On the same date the foregoing act was notified to the surrounding neighbors who having understood the same said that they had heard it and they did sign it

Aspirid Jose Bolcoff
assist his assist
Martina Leator + Miguel Villagran^{his}
Juan Jose Felix^{witness}

On the same date and at the same place the foregoing act was notified to Lutzers Rafael Nobles and Macedonio Lorenzo Messrs and having understood the same they said that they accepted and did accept said appointment of Messrs

and they sworn by God and the sign of the cross to discharge their duty to the best of their ability without causing injury to any persons and they signed with their presence of the witnesses

Aspirid Jose Bolcoff
Rafael Nobles Macedonio Lorenzo
assist his assist
Miguel Villagran + Juan Jose Felix
witness

Immediately after the aforesaid Judge ordered the ropes (cables) with which the lands were to be measured to be brought before me

and that the museum should measure
off fifty varas and I signed with the witness
- the witnesses

Jose Boloff
assist his assist
Magui Villagrán + Juan Jose Fichs
mark

immediatly after before the said persons
decaldo said museum took rope and
holding in their hands came and
measured the museum off fifty varas
in order to perform the said museum
promise witness whom I signed with my
scribble

307 SD
PAGE 31

at the same hour and on the same day
at ten o'clock A.M. the present judge
ordered the appointed museum to prepare
itself for the measurement of the land
to be made in favor of the said Francisco
Rodriguez, then they began said measure-
ment and stretching the rope from the south
to the north they measured one hundred
cables (where they placed a mark
thence from the east to the north west they
measured twenty cables and placed a mark
so as plain) at each corner

The weapons
drawn in the same form that the land
has been measured and said museum
declared that was in sitio de San
Mayer four square league in extent when
of fifty varas museum and the assisting wit-
- nesses signed with me

Signed Jose Boloff
assist his assist
Magui Villagrán mark Juan Jose Fichs
Museum Museum
Kafue Noble Macidrin Lorenzo

at the same hour and on the same day
Francisco Rodriguez later on and received
of the town of Manafite accompanied by
the judge of the instance of said town and
the witnesses said that in virtue of having
measured the land herein as is stated

in the foregoing legal proceedings to the true and lawful possession of said Peter de Saur's (mayor containing me league, longitude and the town and town latitude in as much as it belongs to him according to the title of commission thereof

307 SD
PAGE 32

which he obtained on the 2nd of August of the present year from the Superior Potential Chief Executive of the present commission and from the approval of said commissions by the most excellent the Provincial Deputation on the same date he turned into the said lands pulled up grass.

Scattered hands full of earth which branches of trees turn them to the four winds and paper and other documents and acts of possession.

By which he said that he took and did take possession of said lands, the said judge of 1st instance named that from the other said citizen Francisco Rodriguez

should be considered and acknowledges as true owner and possessor thereof who asked for means of his rights in future times

From the aforesaid judge to which he is attending of the same and I do so with the authority of the assisting witnesses with whom I act by delegate power for want of assisting Public account which I certify

signed for auto Proc. off
assis
Miguel Villacant his
mark
assis
Juan J. Felix

on the same date this expediente was returned to the party concerned in seven written folios in witness whereof I wrote it down with my seal

Felix Villacant February 15th 1853
Geo Foster Secretary

33

Jurisdicción de
Branciforte N. 48

Año de
1834

307 SD
PAGE 33

Espediente
Sobre el paraje nombrado Arroyo del
Rodeo Solicitado por
Francisco Rodriguez

105

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Viguera

Rafael Gonzalez

307 SD
PAGE 34

Monterrey julio 3 de 1834

Sr. Comand^{te} Genl y Jefe Sup^{or} Politico

De conformidad con las leyes de la materia informo el Ayuntamiento de la Villa de Branciforte si el interesado en esta instancia obtiene los requisitos prevenidos para ser atendido en esta solicitud: si el terreno que pretende esta Comandancia en las veinte leguas limitadas o diez litorales que espresa la ley de 18 de Agosto de 1824: si es de regadio temporal o abrevadero: si pertenece a la propiedad de algun particular, mision, corporacion o Pueblo con todo lo demas que crea conducente a

El Sr. Fran^{co} Rodrig^o Natural de la villa de Branciforte, en este Territorio: ante V.S. con el mas debido respeto, y segun derecho hago presente, q^e abandone posesion de cantidad de Ganado Baco y Caballas y no teniendo Sitio, donde ponerlo para su procreacion, y aumento; ocurro a la bien acreditada bondad de V.S. se digno el Considerame, el Sitio Nombrado, Arroyo del Rodeo, segun lo demuestra el Diseno q^e acompaño, a la solicitud q^e pretendo V.S. N. V.S. con todo rendimiento, y con el consentimiento q^e tengo del dueño con q^e esta llevo p.^a favorecer, a estos Abitantes a los q^e con justa la ymportunan a V.S. amando la presente, sus meritos y numerosa familia, se felicita si asi lo ayase de justa acceda a esta mi solicitud de q^e recibire gracia, jurando

35-

ilustrar la materia. No ser de Malicia y lo
Evacuado que sea necesario &c.

Monst. 27 de junio
de 1834

3 Padre Ministro
de la Misión de

Fran.º Rodriguez

307 SD
PAGE 35

Santa Cruz para que esponga lo que le ocurra
El Sr. D. José Figueroa General de Brigada
Comandante General y Jefe Superior
Político de la Alta California, así lo mandó
decretó y firmó de que doy fe
José Figueroa

Agustín V. Zamorano
Srío.

Sr. Jefe Superior Político

En sesión de este día acordó este Ayuntamiento en cumplimiento del Superior decreto de V.S. con fecha 3 de Corriente acuerdo y reformas a V.S. que vecino Fran.º Rod.º tiene los requisitos prebenidos para ser atendido en su solicitud que el terreno que pretende no está comprendido en las veinte legas limitrofes ni en las diez litorales que expresa la ley de 18 de Agosto de 1824 que el terreno no es de regadío es de temporal y abrevadero de ganado de Comunidad este pueblo y no pertenece a la propiedad de ningún particular ni Misión solo Corporación este pueblo de la villa p.º estar y mediar como una legua

4 Sello Tercera Dos Reales

Habilitado provisionalmente por la Administración de la Aduana Marítima de Monterey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco
Figueroa Rafael Gonzalez

es Cuanto puede informar este Ayuntamiento V.S.

Branciforte 12 de Julio de 1834
 Jue' Bello
 Juan Jue' Felles
 Sro.

307 SD
 PAGE 36

En cumplimiento del Sup.^{or} D.^{to} de V.S.
 fha 3 del of. nos exige, digo no tener que
 informar; ni en pro ni en Contra; del Sr.
 Francisco Rod.^o p.^r ser el terreno of. pre-
 tendido perteneciente a la villa de Branciforte
 Sta Cruz Julio $\frac{12}{34}$

Fr. Ante del Real

Monte =

S. Terry Julio 22 de 1834

Pare al Alcalde de esta Capi-
 tal ante quien la parte de Fran.^o Rodriguez
 producera una informacion de tres antiguos ido-
 mos of. seran interrogados sobre los pun-
 tos siguientes: 1.^o Si el solicitante
 es Ciudadano Mexicano por nacimiento
 si es Criado y tiene hijos: si es de buena
 Conducta: 2.^o Si el terreno of. pretende
 pertenece a la propiedad de algun par-
 ticular, Mision, Pueblo o Corporacion si
 es de regadio, Temporal o abrevadero y
 of. edificacion tendra: 3.^o Si tiene bienes
 de Campo con of. poblado o posibi-
 lidad de adquirirlos. Evacuadas estas
 diligencias vuelva el expediente para
 sus resoluciones. El Sr. D.ⁿ Jue' Figueroa
 Com.^{te} General Insp.^{te} y Cefe Sup.^{te} Politico
 asi lo mando decreto y firmo' de of.
 doy fe'

Jue' Figueroa

Agustin V. Zamorano, Srio.

37

6

2

307 SD
PAGE 37

map

7 Sello Tercero Dos Reales
 Habilitado provisionalmente por la Administración de la Aduana Marítima de Monterrey para los años de mil ochocientos treinta y Cuatro y mil ochocientos treinta y cinco.
 Piñuera Rafael Gonzalez

En el puerto de Monterrey a los veinte y seis dias del mes de Julio de mil ochocientos treinta y cuatro ante el Sr. Jefe Antonio Romero 1.^o Pregidos de este Ayuntamiento compareció el vecino Jefe M.^o Solís a quien se le tomo el juramento segun forma de decir verdad y así lo ofreció.
 Preguntado = Si Fran.^{co} Rodriguez es C. Mexicano. Dijo que si.
 Preguntado = Si es de buena conducta. Dijo que si.
 Preguntado = Si el terreno que pretende pertenece a la propiedad de algun particular, Mision Pueblo ó Corporacion, Si es de egadio, temporal

o abrebadero y que estension tendrá: Dijo que no reconoce el terreno por de ninguna particular: que es de temporal y abrebadero y que su estension sera tres cuartos de legua.

Preguntado = Si tiene Juan Rodríguez bienes de campo con que poblar dicho paraje o posibilidades de adquirirlos: Dijo, que lo reconoce Capaz p.^a ello; en lo que se afirmó vajo el juramento no firmando p.^a no saber escribir poniendo una señal de Cruz y firmando dicho juez

De asist^a

Pedro Guerrero

De asist^a

Yg.^{no} Acedo

En
8 seguida Compañero Lazaro Soto y se le tomó su declaración bajo el juramento de estilo:
1.^o = Si conocia à Juan Rodríguez: Dijo que sí.
2.^o = Si es Casado y tiene hijos, si es de buena conducta si el terreno que pretende pertenece a la propiedad de algun particular, Micon Pueblo o Corporacion, si es de regadio temporal o abrebadero y que estension tendrá: Dijo que es Casado y tiene hijos que es de buena Conducta: y que el terreno que pretende no pertenece à la propiedad de ninguna particular, ni Micon, solo a Corporacion: que es de temporal y abrebadero y su estension sera de un cuarto de legua. Si tiene bienes de Campo p.^a poblarlo o posibilidad de adquirirlos: Dijo que lo conoce Capaz p.^a ello, y q.^o no tiene mas q.^o decir en lo q.^o se afirmó poniendo una señal Cruz por no saber escribir y lo firmó dicho juez

De asist^a

Pedro Guerrero

Juan Antonio Romero

De asist^a

Yg.^{no} Acedo.

39.

A Continuacion hizo dicho juez com-
parcer a Julian Espinosa a quien se le
tomo el juramento de estilo segun forma de decir

9 Sello Perera Dos Reales

Habilitado provisionalmente por la Administracion
de la Aduana Maritima de Monterrey para los
años de mil ochocientos treinta y cuatro
y mil ochocientos treinta y cinco

307 SD
PAGE 39

Verqueria Rafael Gonzalez

Verdad y asi lo ofrecio hacer.

1º = Si conoce a Fran.º Rodriguez: Dijo que si lo conoce.
por lo Mexicano; que es casado y tiene
hijos.

2º = Si es de buena Conducta: Dijo que
sabe muy bien que pose la conducta bus-
tante buena.

Si el terreno q. dicho Rodriguez pre-
tende pertenece a la propiedad de alguna
particular, Mision pueblo o corpora-
cion, si es de regadio temporal o abroba-
dero y que educacion tendra: Dijo que
el terreno que se solicita no pertenece
a propiedad de ningun particular, ni
mision y si solo a Corporacion por
estar situado a las inmediaciones de
aquella Villa y que su educacion sera
un cuarto de legua.

3ª = Si tiene bienes conocidos o posibili-
dad p.ª adquirirlos: Dijo que si; en lo
que se afirmo bajo el juramento echo
promiendo una Señal de Cruz por no
saber escribir y lo firmo en los testigos
de asistencia

+
Joa. Antonio Romero

De asista.
Pedro Guerrero

De asista.
Yf. Acido.

Mon-

- Terrey julio 28 de 1834

Vista la peticion con que dá prin-
cipio este expediente el informe de la autoridad
municipal de la villa de Branciforte: el del Pa-
dre Ministro de la Mision de Santa Cruz; las es-
posiciones de testigos con todo lo demas que
se tuvo presente y ver con vino de conformi-
dad con lo dispuesto por las leyes y Regla-
mentos de la materia, se declara al ciudadano
Francisco Rodriguez dueño en propiedad del
Terrero conocido con el nombre de Arroyo
del Rodero colindante con la villa de Bran-
ciforte y Rancho de Soquel, sin perjuicio
del aprovechamiento comun de los habitantes
de la villa de Branciforte en orden à por-
tos, aguas, lina, madera & y sujeto
à pagar el canon que se le imponga
si resultare pertenecer à los ejidos de la
espanada villa cuando se arreglen sus
limites, y à las demas condiciones que
se estipularan: Dirigase este expediente
a la Exma: Diputacion Territorial para
la duvida aprovacion, El Señor Don José
Riquerra general de Brigada Comandante
general Inspector y Jefe Superior Político
del Territorio de la alta California así
lo mandó decreto y firmo de que doy fe

José Riquerra

Agustin V. Zamorano

Srio.

Mon =

11 = Terrey julio 29 de 1834

En sesion de este dia acordó la
E. Diputacion pase este expediente à las
Comisiones unidas de Colonizacion y Terreros baldios.
Riquerra

José Maria Maldonado Srio.

41

12. E. Soc.

Las Comisiones unidas de Colonizacion y terrenos baldios a quien se paso el Expediente cuya formacion provoco por pretension qf. el Ciudadano Tran.º Rodriguez hizo del paraje nombrado Arroyo del Rodio lo han examinado con la circunspeccion qf. corresponde teniendo al mismo tpo. presente la Ley de 18 de Agosto de 1824 sus concordantes y las disposiciones generales qf. en 22 de Febre de 1828 dicto el Supremo Gobierno de la Union. Por lo dicho conclulle la Comision ofendiendole esta Excm. Diputacion la siguiente proposicion:

Se aprueba la concesion hecha al Ciudadano Tran.º Rodriguez del paraje nombrado Arroyo del Rodio Concedido en 28 de Julio de 1834 de entera conformidad con lo prevenido en la Ley de 18 de Agosto de 1824 y el art. 5.º del Reglam.º de 21 de Febre de 1828 sugeto a pagar el canon qf. se le imponga si en el arreglo grad. fuere comprendido el terreno entre los qf. se señalen p.º propios del Pueblo

307 SD
PAGE 41

Monterey Julio 30 de 1834
 Carlos Ant.º
 Carrillo Jm. T. Ortega
 Jm. Castro Jm. A. Estudillo

Dada cuenta a la E. Diputacion con el antecedente dictamen apruvo en sesion de hoy el art. con qf. Concluye qf. a la letra es como sigue.

«Se aprueba la concesion hecha al Ciudadano Tran.º Rodriguez del paraje nombrado Arroyo del Rodio Concedido en 28 de Julio de 1834 de entera

13. Conformidad con lo prevenido en la Ley de 18 de

Agosto de 1824 y el art. 5 del Reglamento de 21 de Nov. de 1828 sujeta a pagar el Canon q. se le imponga si en el arreglo grat. fuere comprendido el terreno entre los q. se señalen para profusos del Pueblo"

Y en su consecuencia se devuelve el expediente al S. Jefe Sup. Político para su curso. Monterrey Julio 31 de 1834

José Riquerra

José María Maldonado
Srio.

307 SD
PAGE 42

14 Sello Terreno Dos Reales

Habilitado provisionalmente por la Administración de la Aduana Marítima de Monterrey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Riquerra

Rafael González

— Terrey Agosto 2 de 1834

En vista del acuerdo de la Exma. Diputación Territorial del día 29 de Julio último en confirmación del Terreno del Arroyo del Rodeo pretendido por el ciudadano Francisco Rodríguez; librase el Título respectivo; tomase razón en el libro a que corresponde y entreguese al interesado para su resguardo y demás fines. El Sr. D. José Riquerra General de Brigada Comandante general Inspectores y Jefe Superior Político del Territorio de la Alta California así lo mandó, decretó y firmo de que doy fe.

José Riquerra

Agustín V. Zamorano
Srio.

15. José Riquerra General de Brigada de la República Mexicana, Comandante genl.

43

Inspector y Jefe Superior Político del Terri-
torio de la Alta California.

307 SD
PAGE 43

Por cuanto el Ciudadano Francisco
Rodriguez Mexicano p.^a nacimiento ha pre-
tendido p.^a su beneficio personal y el
de su familia el terreno conocido con el
nombre del Arroyo del Rodeo colindante
con la villa de Branciforte y el Rancho
de Shoguel; practicadas porviajante
las diligencias y averiguaciones consue-
tudas segun lo dispuesto por leyes y
reglamentos; usando de las facultades q.^{as}
me son conferidas y de conformidad
con el acuerdo de la Exma. Diputacion
Territorial del dia 29 de Julio ultimo
aprobando la Concesion del Citado terreno
del Arroyo del Rodeoicha en decreto
de 28 del mismo mes al referido Ciudadano
Francisco Rodriguez, a nombre de
la Nacion Mexicana he venido en
conferirle el terreno mencionado de cla-
rándole la propiedad de él p.^a las pre-
sentes letras, sin perjuicio del apro-
vechamiento comun de los habitantes
de la villa de Branciforte en orden
a pastos, aguas, madera, lña &c.
16. sujeto a pagar el canon que se le
imponga si resultare pertenecer a los ejidos
de dha. villa cuando se arreglen sus
limites y a las condiciones siguientes.

1ª - Que se someterá a las q.^{as} estable-
cidas el reglamento q.^o se ha de for-
mar p.^a la distribucion de terrenos
valdies, y q.^{as} entretanto ni el agraciado
ni sus herederos podran dividir ni ma-
gurar el q.^o se le adjudica; imponer
suro vinculo fianza, hipoteca ni otro gra-
vamen alguno sea por causa pñada ni para lo

a manos muertas
 2^a = Podrá sercarlo sin perjudicar los
 caminos Caminos y servidumbres lo disfru-
 tará libre y exclusivamente destinandolos al
 uso o cultivo que mas le acomode; pero
 dentro de un año fabricara casa y es-
 tará habitada.

307 SD

PAGE 44

3^a = Solicitara' del Juez respectivo q.
 le di' posesion juridica en virtud de
 este despacho p^o. el cual se demarcaran
 los linderos en cuyos limites pondrá
 a mas de las Mohonaras algunas
 arboles frutales o silvestres de alguna utilidad.

17 4^a = El Terrero de q.
 se hace men-
 cion es de una legua de latitud pero
 mas o menos segun explica el dicho
 q. Corre en el expediente. El Juez q.
 diere la posesion lo hará su d^o confor-
 me a ordenanza; quedando el sobrante
 q. esulte a la nacion p^o. los unos en-
 venientes.

5^a = Si contraviniere a estas condi-
 ciones perdura su derecho al Terrero
 y sera' denunciabla p^o. otro.

En consecuencia mando que
 cumplido p^o. firme y valido este
 título se tome razon de él en el Libro
 a q. Corresponde y se entregue al
 interesado p^o. su resguardo y demas
 fines. Dado en Monterey a 2
 de Agosto de 1832 = J^ose Pi-
 guerra = Agustín V. Zamorano
 Secretario

Office of the Surveyor General,
 of the United States for California
 J. John C. Hays Sur-
 veyor General of the United States for

45

307 SD
PAGE 45

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 Seventeen preceding, and hereunto annexed pages of tracing paper numbered from one to Seventeen inclusive, exhibit a true and accurate copy of a certain document now on file and forming part of the said Archives in this office.

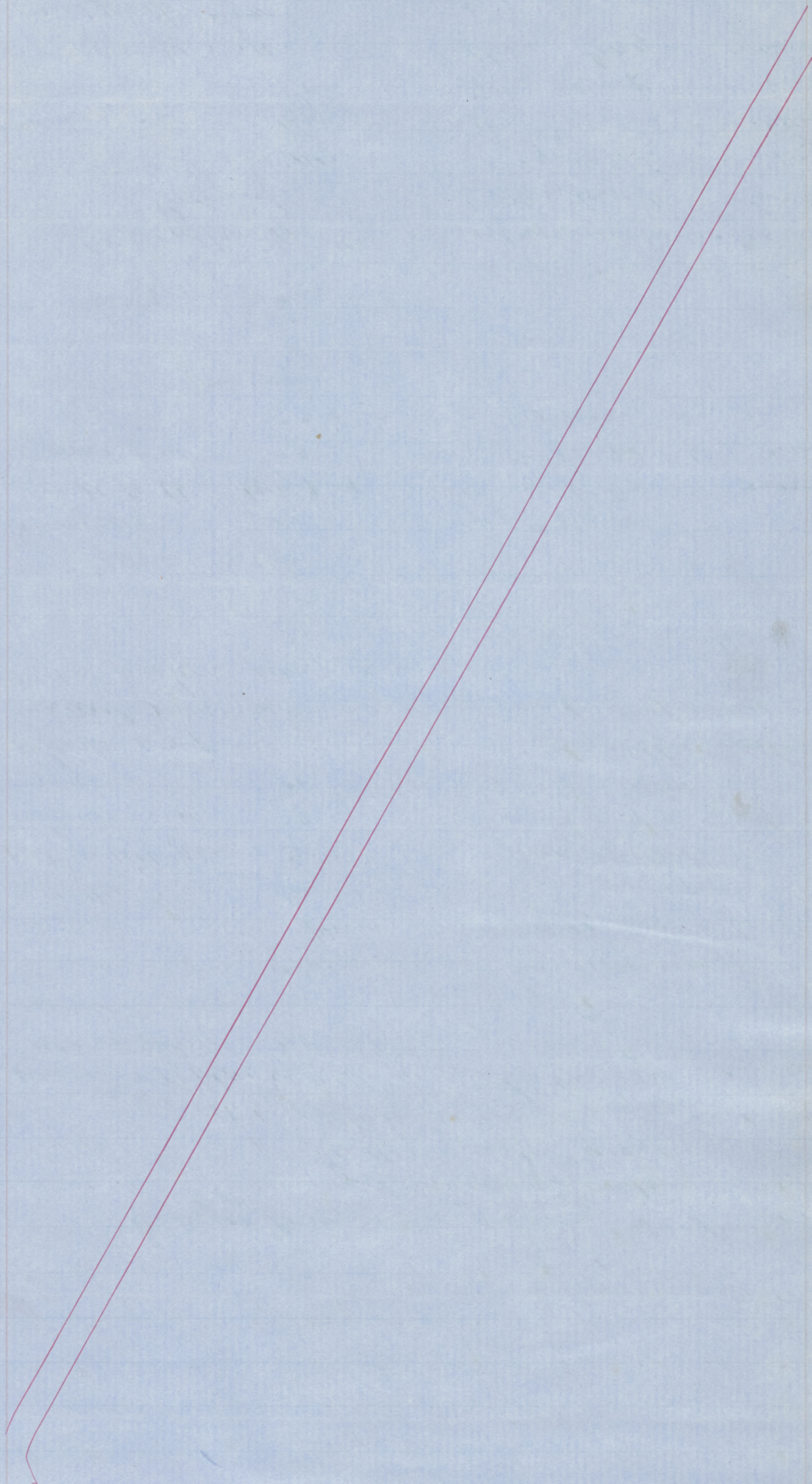
In testimony whereof, I have hereunto signed my name officially and caused my Seal of office to be affixed, at the City of San Francisco, this Twenty Second day of December 1854



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

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

46



47
Translation
of
Expediente

Stamp Two Reals

Provisionally authorized by the Maritime Custom
House of Mexico for the years 1834 and 1835 -
Signed Seguros Seguros Rafael Gonzalez
Sr. Commandant General and Superior Political
Chief

307 SD
PAGE 46

Francisco Rodriguez a native of
the town of Manizaco in this Territory before
your Honor with due respect and according
to Law set forth that being the owner of a certain
number of black cattle and horses and not having
a place wherein to put them for their rearing
and increase

I appeal to the well known bene-
volence of your Honor that you may deign to grant
me the grace named arroyo del Rodre marked
out in the plan which I accompany to this Petition
which make to your Honor with due submission
and with the knowledge of the Law
which inspires your Honor to favor the
- betants who with great appeal to the same
under such circumstances

not wanting to in-
ferme your Honor in laying before you my
wants and numerous family I do beseech your
Honor should you think deem it in justice to
accede to this my petition which I shall make
a sworn declaration that it is not done in
fraud and swearing to what is necessary &c
Mexico 27th June 1834

Francisco Rodriguez
Mexico July 3rd 1834

In conformity to the Law
on the matter of the Ayuntamiento of the
Town of Manizaco report whether the interested
party in this case has the requisite grounds
for so acts be attended to in this Petition whether
- the Law but Petitions for is comprised in
the twenty seven or ten literal leagues men-
- tioned in the Law of the 18th of August 1824

whether
it is irrigated arable or pasture land, whether
it belongs to the property of any private individ-
- ual mission corporation or Pueblo and let
it support all that which it may contain enervative to

Illustrate the matter this being done the Espediente shall be referred to the Factor Minister of the Mission of Santa Cruz so that he may report on what might be known to him

307 SD
PAGE 47

The Sr Don Juan Figueroa Brigadier General Commandant General Inspector and Superior Potestial Chief of the California (trusts) names deems and signs to which I certify

Aguid Jose Figueroa Augustin J. Zamora
Secretary
Sr Superior Potestial Chief

In today's session the Ayuntamiento complain with your Honor Superior decrete dated the 3rd instant agrees to report to your Honor that the resident Francisco Rodriguez has the requests provided for and was to be attended to in his Petition that the lands which he solicits is not comprised in the Survey made in the ten letters he has mentioned in the Law of the 18th of August 1824 that the land is not irrigated but is arable and pasture land for cattle conjointly with that of this Pueblo

and that it does not belong to the property of any private individual Mission and only to the cooperation of this Pueblo of the Town in as much as is adjoining the lands about are leagues, that this is all that this Ayuntamiento can report to your Honor

Branciforte 12th of July 1834

Aguid Jose Bolcoff
Aguid Juan Jose Felix Secretary
In compliance with the Superdicion of your Honor dated 3rd and with that which is asked of me I say that I have nothing to report either in favor or against the citizen Francisco Rodriguez in as much as the land he solicits belongs to the town of Branciforte Santa Cruz July 12th 1834

Aguid Tomas Antonio del Real
Mentary July 2nd 1834
Let this be referred to the Alcalde of this Capital before whom the party Francisco Rodriguez shall

49

1/3/92

cause to be made an investigation of these com-
- putant witnesses who shall be interrogated
upon the following points

1st Whether the Petitioner is a Mexican citizen
by birth whether he is married and has
children whether he is of good behaviour
2nd Whether the land which he solicits be-
- longs to the property of any private individual
- Mission Pueblo or corporation whether it is
irrigated arable or pasture land and what
extent it might have

307 SD
PAGE 48

3rd Whether he has rural property, where
- with to improve it or whether there is a possibility
of his acquiring any, these investigations
being had but the Expediente returned for
its deliberation to Sr Don Jose Figueroa
- leon and not General Paspartu and Super-
- vis Political being bastos and no doors
and signed to which I certify

Signed Jose Figueroa

Agustin K. Zamora

Stamp Three Pes Reals

Provisionally acting

- viz by the administration of the customs of
- Monterey for the years 1834 and 1835

Signed Figueroa signed Rafael Gonzalez
- in the Port of Monterey on the 24th day of
the month of July 1834 before the citizen Jose
- Antonio Roman Sr. Regidor of this Ayuntamiento
appears the resident Jose Maria Solito to whom
- we are from the administration the contents of
the truth and this he offers to do

Being asked

whether Francisco Rodriguez is a Mexican citizen
- he said he is being asked whether he is of a good
- behaviour he said he is,

Being asked whether

- the land he solicits belongs to the property of
any private individual mission Pueblo or
- corporation whether it is irrigated arable or pas-
- - ture land and what extent it might have be-
- - said, that he does not recognize the land as
that of any private individual that it is
- arable and pasture land and that its extent
is about three fourths of a league

Being asked whether Francisco Rodriguez has several property whom with to improve said place or whether there is a possibility of his acquiring any he said that he considers him capable of acquiring property to all of which he testified he did not signing the same not knowing how to write and said he is a cross said judge signing the same

307 SD
PAGE 43

+ signed Jose Antonio Romero assist assist
 signed Pedro Guzman signed Ignacio Acas
 then after appeared Lazarus Soto and I took his deposition according to customing with question whether he knew Francisco Rodriguez he said he did

2 Question whether he is married and has children, whether he is of a good behavior whether the land he solicits belongs to the property of any private individual mission pueblo or corporation, whether it is irrigated arable or pasture land and what extent it might have

He said that he is married and has children that he is of a good behavior and that the land which he solicits does not belong to the property of any private individual or mission and only to a corporation that it is arable and pasture land and that its extent may be about a fourth of a league

Question whether he has several property whom with to improve it or whether there is a possibility of his acquiring any he said that he considers him capable of acquiring property and that he has nothing more to say to all of which he testified he did not signing the same not knowing how to write and said judge signed the same

+ signed Jose Antonio Romero assist assist
 signed Pedro Guzman signed Ignacio Acas
 In continuation the said judge caused to appear before me Julian Espinoza to whom in due form I administered the customing oath to tell the truth and thus

57

he offers to do, I trust, whether he knows
Francisco Rodriguez his said eyes he knows
him to be a Mexican citizen that he is mar-
ried and has children

I trust whether he is of a good reputation
he said that he knows very well that he
has a reputation sufficiently good

307 SD
PAGE 50

Whether the land which said Rodriguez
claims belongs to the property of any private
individual Mission Pueblo or patron
whether it is irrigated arable or pasture
land and what extent it might have be-
said that the said petitions for does not
belong to the property of any private indi-
vidual nor Mission and that it does only
to a patron in as much as it is situated
in the vicinity of that town and that its ex-
tent may be one fourth of a league

I trust whether he has any personal property
or whether there is a possibility of his acquiring
any said year

To which I testify and
oath making as per the cross not knowing
how to write and signed the same with the
assisting witnesses

+ signed per Antonio Romero
assist assist
signed Pedro Guzman signed Ygnacio
Montano July 28th 1834

Having seen the
petition which leads this record of proceedings
(Expediente) the report of the Municipal
Authority of the Town of Branciforte that of
the Public Minister of the Mission of Santa
Luz the depositions of witnesses and all
that which was considered and found to be
in conformity with the Laws and Regulations
on the subject matter

I declare the citizen
Francisco Rodriguez owner of the
land known by the name of Arroyo de
Rodeo

Bounded by the Town of Branciforte
and Rande of Soquel without prejudicing
the common rights and privileges of the

Inhabitants of the Town to pasture water
wood timber &c and subject to pay the tax
which maybe imposed therein if it should
happen to belong to the commons (egidos)
of the mentioned Town when its limits shall
be marked out

307 SD
PAGE 51

And to the other conditions
which may be stipulated for this Expediente
referred to the most Excellent Deputacion
petition for its approval The Sr Don
Jose Figueroa Brigadier General Comman-
dant General Inspector and Superior Political
Chief of the Intendency of the local jurisdiction
has ordered decreed and signed to which I
certify

Lequis Jose Figueroa
" Augustin V Zambrano
Intending July 29th 1834

Intodays session the
most Excellent Deputacion resolved that
this Expediente should be sent to the joint
Committee on Colonization and Vacant
Lands

Lequis Figueroa
" Jose Maria Maldonado
Secretary

Most Excellent Sir

The joint Committee on
Colonization and vacant lands to whom
was referred the record of Proceedings
in relation to the Petition made by the
Sr Francisco Rodriguez for the place name
ed arroyo del Nudo have examined the same
with due circumspection taking in con-
sideration at the same time the Law of 18th
of August 1824 its applicability and the gen-
eral provisions which the Supreme Government
of the Viceroy made on the 22nd of November
1828 for which reason the Committee
privately determines upon offering to this
most Excellent Deputacion the following
proposition The Grant made to the Sr
Francisco Rodriguez of the place named arroyo del
Nudo granted on the 28th of July 1834 in conformity
with the provisions of the Law of 18th of August 1824
and with the article 3th of the Regulation of 21st

13/3 927

5-3

of November 1828 is approved, subject to the payment of the tax which may be imposed therein for the general settlement the land should be comprised among those which may be marked out as propios of the Publico

Monteury July 30th 1834

signed by Carlos de Caceres y Ortega

by Jose Caster Jose a Estudillo

Report being made to the most Excellent Deputation of the preceding reservation in today's session was approved the article with which it was and which was for now is as follows

The Grant made to the City of Fran-
-cisco Rodriguez of the place named Arroyo
de Rodas granted on the 26th of July 1834
in entire conformity with the provisions
of the Law of 15th of August 1824 and with
the article 5th of the Regulation of 21st of
November 1828 is approved subject to the
payment of the tax which may be imposed
therein if in the settlement of the Land should
be comprised among those which may be
marked out as propios of the Publico

and in
consequence thereof let the Expediente be
returned to the Sr Superior Political Chief
for its action

Monteury July 31st 1834

signed Jose Figueroa

signed Jose Maria Maldonado

Secretary

Monteury August 2nd 1834

In consequence of the reservation of the
most Excellent Quintana Deputacion of
the 29th day of July last in conformity
of the Law Arroyo de Rodas granted by
the City of Francisco Rodriguez let the
respective title be signed let it be entered
in the corresponding book and let it be del-
-ivered to the interested party for his security
and protection and the Sr Don Jose Figueroa
Brigadier General Commandant Gen-
-eral Inspector and Superior Political

307 SD
PAGE 52

55-

but not mortgaged or any other incumbrance even though it be for charitable purposes nor conveyed in perpetuity

2nd He may fence or surround meadows but not obstruct the roads crossroads and footpaths he may enjoy it fully and exclusively putting it to the use or cultivation which may suit him best but within one year he shall build a fence and it shall be completed

3rd He shall solicit the respective judge to give him judicial possession in virtue of this patent by which the boundaries shall be marked and in which limits he shall clear the land marks from fruit trees or just trees of some utility

4th The land of which mention is made is one league in length by one of a league in breadth more or less as shown in the measurement to the Esplanade

The judge who shall give possession shall cause it to be measured according to the measure leaving the surplus which may result to belong to the nation for the purposes

5th Should he contravene these conditions he shall lose his right to the land and it shall be open to demerment by any other

Therefore I declare this title being duly as form and valid registry shall be made in the corresponding book

and that it be delivered to the interested party for his security and further use

Given in Paris the 2nd of August 1834

Jose Figueroa
Augustin Zambrano

Secretary

Field Office December 23rd 1834

George Fisher

Secretary

307 SD
PAGE 54

56

1941
2D

5-9

Opinion
of the
Board

Number 392
Juan Barrios was
of
The United States

} For a place called
Arroyo de Rodas
containing one
half league in
the County of Santa Cruz

The documents in this case have been
in evidence the expediente of Francisco
Rodriguez addressed to Governor Jose
Figueroa and a provisional grant
of the said Governor issued in publicance
thereof on the 28th day of July 1834 which
provisional grant was reported to the
Departmental Assembly and their appro-
val had on the day following

307 SD
PAGE 55

On the second day of August 1834 Governor
Figueroa by the report of the Departmen-
tal Assembly issued a license in full
property to the said Francisco Rodriguez
of the place

On the 18th day of October
1834 Jose Balboa of the Constitutional
Academy of the District proceeding to
the judicial measurement of the
land and gave the possession of
the same to the said Rodriguez in
due form

On the 15th day of May
1845 the said Francisco Rodriguez
upon the same title presented petitions
all of which facts as herein stated
are fully proved

The Petitions have
also established the facts by the testi-
mony of witnesses Balboa that the
said Francisco Rodriguez had
built a house on the place herein
to the issue of the grant and was
living in the house previous to and

5-8

at the time the grant was issued
and continuing to the present time
until he was to the present time
and
they have occupied the place
since he thinks the claim of the
petitioners will establish and
a decree of confirmation will be
entered

307 SD
PAGE 56

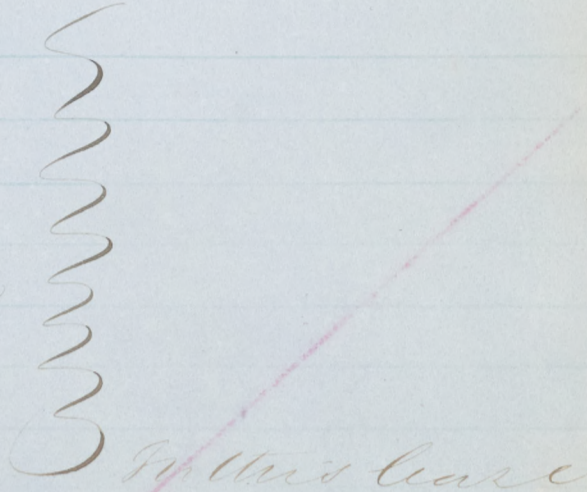
Compared
Filed in Office March 27th 1855
Signed
Geo Fisher
Secretary

Records in Records of Decisions
volume Page 603
Signed
Geo Fisher
Secretary

307 SD

59

Decree Number 592
of Juan Manuel
vs
The United States



307 SD
PAGE 57

In this case
on hearing the proofs and allegations
it is appearing by the Commission
that the claim of the Petitioner is
valid and it is therefore deemed that
his application for a compensation
thereof be granted.

The place of which
compensation is hereby given is known
by the name of the Rancho Arroyo del
Rodeo situated in the County of Santa
Cruz.

And Commencing with its
beginning at the mouth of the Arroyo de
Laque and running up said Arroyo
and being thence direct across to the
Arroyo del Rodeo.

Thence down said
Arroyo to the mouth thereof to the Bay
of Monterey thence along the said
Bay to the place of beginning.

Reference
for greater certainty being had to the
Report of the Alcalde in his proceedings
in the judicial measurement and
the map of the same accompanying
the expediente.

Alfonso Felola
Randy Thompson
SB Farnell
Commissioner

BYCE

Filed in Office March 27th 1855

Signed

Geo. Fisher
Secretary

Recorded in Record of Decisions Volume
2 page 604

Signed

Geo. Fisher
Secretary

307 SD

PAGE 58

And it appearing to the satisfaction
of the Board that the said transcript
created 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
clerk's matters to the attorney general
of the United States

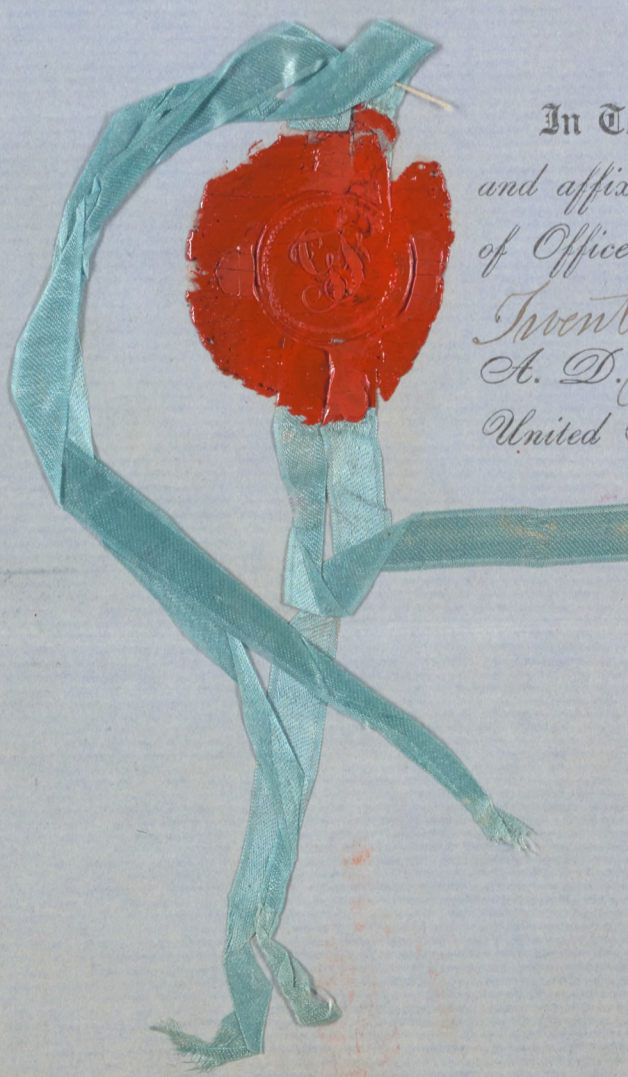
Office of the Board of Commissioners,

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

307 SD
PAGE 59

J. 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 *Sixty* pages, numbered from
1 to *60*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *592* on the Docket of the said Board,
wherein

Juan Barnes, et al, are
the Claimant against the United States, for the place known by
the name of "*Arroyo del Rodon*"



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-eighth*

J. Geo. Fisher
J. Geo. Fisher

307

U. S. DISTRICT COURT,

Southern District of California.

No. 307

THE UNITED STATES,

^{vs.}
307

Juan Barnes, et al.

"Arroyo del Rodero"

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 592

Filed, *Oct 4th* 185*5*

*J. D. Fenwick
Clerk*

307

307 SD
PAGE 60

Office of the Attorney General of the United States,

Washington, 10. October, 1855.

592. "Arroya del Rodeo"

Juan Larnes et al. Claimants.

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.

Centring

Attorney General.

No 507.

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

The United States, applt

vs.

Isaac Harris, et al.

Appeal Notice.

Filed Nov 20th 1855.

J. H. [unclear]
Clerk.

+

592

307 SD

PAGE 61

John Harris &
John Dambach
307 SD appellants
PAGE 62 as
The United States
appellants

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

No 307. "Baños
de Rados"

On motion of D. J. Gregory
att'y for appellants in the above case
It is ordered by the Court that the
said appellants have leave to withdraw
from the records of the court, docu-
ment marked Exhibit "A" with the
initials C. E. C. - filed 5th March
1856 - on having a duly cer-
tified copy of said document
with the Clerk of this Court.

No 307.

Harry D. Curtis
appears
by

The Curtis boys

Motion for order to
produce a document
from record

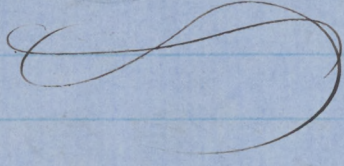
Filed July 22nd 1857
Curtis
clerk

Sello Cuarto Dos Reales

Habilitado provisionalmente por la Aduana
Marítima del Puerto de Monterey, en el Depart-
-mento de las Californias para los años de mil
Ochocientos Cuarenta y cuatro y mil Ochocientos
cuarenta y cinco

307 SD
PAGE 64

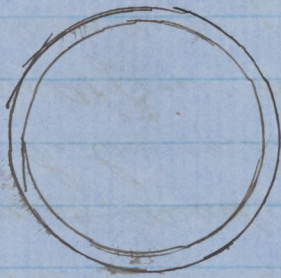
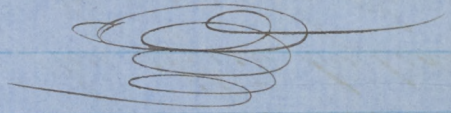
Micheltorona



Pablo de la Guerra

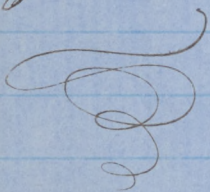
Por causa del Adm^o

Guill^o Ed. Hartzell

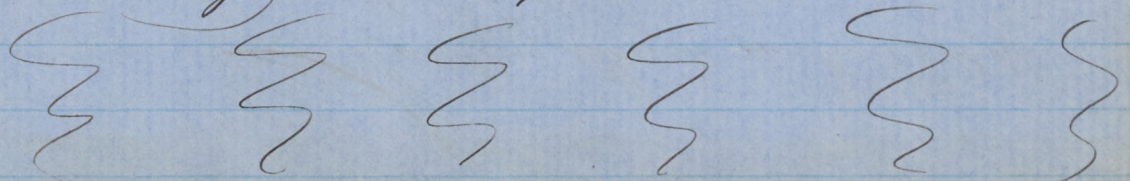


Manuel Micheltorona General
de Brigada del Ejercito Mex-
-icano. Ayudante Gral, de la
Plana Mayor del mismo, Gobernador Com-
-mandante Gral e Inspector del Departam^{to}
de Californias

Reg^{do} en
fojas 9



Habiendo D. Juan Taubertis,
Originario de Alemania, Confulido con las
condiciones y requisitos que previene la
ley respectiva que asegura el modo con
que debe concederse la Carta de Natu-
-raliza á las Etranjeros y acompañado
los documentos que lo acreditan, declaro
al referido D. Juan Taubertis por las pre-
-sentes Naturalizado en la Republica Mex-
-icana, en virtud de la autoridad que por
aquella ley se me Confiere



Montgomery Series 4 de 1844
Man. C. Michello

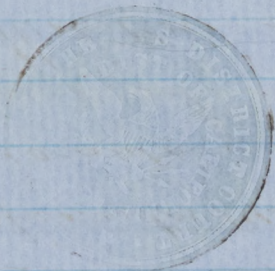
307 SD
PAGE 65

Man. Simons
Series

United States America
State of California
County of Los Angeles
J. C. Simons
Clerk of the United States District Court for
the Southern District, hereby Certify the
foregoing to be a full true and correct copy
of the Original document, with its endorse-
ments, marked "Exhibit A," with the Initials
"C. C. C." as the same appears now on file in
my office, and which Original Doc "A" is
withdrown from file of this office by leave &
order of Court of this date. By leaving this Cer-
tified Copy in its stead

In witness whereof I have to
set my hand and affix the
Seal of said Court this 22nd
January A.D. 1857

J. C. Simons
Clerk
J. McLaughlin
Dep.



No 304

"No 304 Exhibit, A.
C. E. C."

W. S. Dut Court
South Dist Cal,

Inam Barrus et al
appellees
vs
The United States
appellants

filed March 5th 1856

C. E. Carr

copy
Filed this 22nd January
A. D. 1857

W. S. Dut
J. Alexander
Clerk

307 SD

PAGE 66

Inan Barnes, et al appellees

vs.

The United States, Appellor

} No 307.

307 SD

PAGE 67

Deposition of Augustin Overa
a witness for appellees with above
cause taken on the trial thereof
in open Court March 5th 1886.
Present O. D. A. for Appellor
Rayson Norton for appellees.
The witness being duly sworn
deposes as follows

[Signature]

[Signature]

[Signature]

Ques.

What is your name age & place of residence

Ans.

My name is Augustin Overa, my age is 56 years, my residence, County of Los Angeles.

Ques.

Are you or not acquainted with named Michaelbrend former Governor of California, & Samuel Limes Secretary of State, & if so look at the paper now shown you and marked "No 307, Exhibit A. B. C." & state whether or not the signatures of Michaelbrend & Limes, of

fixed to said paper are their genuine signatures
Ans. I knew personally Richardson &
Ameno, the first as Governor, the
second as Secretary of California
and I believe their signatures to
the paper shown me to be genuine.

Augustus Oliver

Book to be subscribed
the 3rd day of March
1856, before me
J. S. Jam.
Clerk.

307 SD

PAGE 68

No 307.

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

Juan Torres, et al
appellees.

vs.

The United States,
appellants.

Filed March 5th 1856.

J. E. Carr.
Clerk.

307 SD
PAGE 69

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

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



307 SD

PAGE 70

Juan Harms and appellants
vs
The United States Appellant.

Docket No. 307.

Transcript No. 592.

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 15th day of February A. D. 1853, Juan Harms & Juan Daubenbip

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 Arroyo del Rodeo and _____ in the County of Santa Cruz State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 27th day of March A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioners. 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. 592; 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

for Mount Hagan Santa Cruz

592

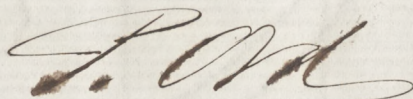
evidence on which said decision was founded. That thereafter, to wit:
on ^{or about} the 20th day of November A. D. 1855, the said
Attorney-General of the United States filed, or caused to be filed, in
behalf of the United States, a notice with the Clerk of said District
Court of the United States, that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

307 SD
PAGE 71

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

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

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



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

307 SD

PAGE 72

No. 304.

U.S. Dist Court
South West of Cal. ©

The United States
appels

vs

John James et al
appellees

Petition to Review

Filed March 5 1886

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

307 SD

PAGE 74

Juan Hernandez et al } Dockets do 307
Appellees }
vs } Grand No. 592.
The United States }
Appellants }

And now at this day come the said appellees by their attorney and say that their claim to the land mentioned in this case is good and valid -

Wherefore they pray that this Honorable Court will affirm the decision of the said commissioners and decree that the title of the said appellees to the lands claimed in this case is good and valid, and for their costs and such other or further relief in the premises as may be agreeable to equity, ~~in the premises.~~

J. S. Gregory
atty for appellees
by Myron Boston
of counsel

No. 307.

W. S. Silk Comb

Jan Heames et al

vs

appellants

The United States

Appellant

vs

Filed March 7 1886

Jean Harney et al
appellees } N. 307.

^{vs}
The U States
Appellants, } N. 592. of Transcripts

307 SD
PAGE 75.

It is admitted that Jean Harney
one of the claimants in the above
detailed cause, was at the date
by birth a Citizen of the United
States.

J. S. Gregory
atty for Appellees
by Myron Norton
of counsel
for claimants
Appellants.

No 307.

U.S. Dist Court
South Dist of Cal.

Juan Ramos, et al.
Appellees.

vs.

The United States.
Appellants.

Stipulation

Filed March 5th 1856

307 SD
PAGE 76

J. E. Fox
Clerk

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles,.....December Term, 1855.

Man Harms, et al

307 SD

PAGE 77

APPELLEES

VS.

UNITED STATES,

APPELLANT.

No. 307.

(No. 592. of Transcript.)

On Appeal from the United States Land Commission.

On motion of P. ORD, Attorney of the United States for the Southern District of California, it is hereby

ORDERED by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the said United States in the above entitled cause, rendered on or about the *Jan* day of *March* A. D. 1856.

P. Ord
S. C. C.

No 307

U.S. Dist Court
South Dist of California

Juan Ramos Gal
appellee

vs
The United States
Appellants

Notice of Appeal S.C.

Filed March 27th 1856.

C. E. Coan Clerk

By Colligan Deft

307 SD

PAGE 78

United States District Court
Southern District of California

Juan James & 3
Juan Daubenben 3

Appellus

ads

307 SD
PAGE 79

The United States
Appellants

307

No. 307

The Cause Coming on to be heard on
an appeal from the decision of the Commissioners to ascertain and
settle the private Land Claims in the state of California; under
an act of Congress approved March 3^d 1851, upon the Transcript
of the proceedings and decision, and the papers and evidence
which said decision was founded, ^{and further evidence offered in this Court} and it appearing that said
Transcript has been duly filed according to law and Counsel
for the respective parties having been heard. It is ordered adjudged
and decreed that the decision of the Commissioners be and the same
is hereby affirmed, and it is further adjudged and decreed that the claim
of the Appellus above mentioned is good and valid, and the same is
hereby confirmed to the extent of ^{in longitude by 1/4 of a league, in lat. by} one ~~league~~ league, and no more
within the boundaries called for in the grant and map to which the
grant refers, to wit; one league in length by one quarter of a league
in width and bounded on the South by the Sea; on the West by the Arroyo
del Rodes and on the East by the Arroyo Shoguel. Provided that should
there be a less quantity than one square league within the said boundaries
then Confirmation is hereby made to such less quantity.

James S. Rogie
U.S. Dist. Judge

No 307

U.S. Dist. Court
South Dist of Calif

Juan Ramos et al
appellés

vs

The United States
appellants

Recue

Rec^d 27th 1854 per 65

Filed March 7th 1856

C. E. Swan
clk

by O. Morgan
Deputy

California Land Claims
Attorney General's Office
4 October, 1856.

Sir:

307 SD
PAGE 81

In the case of the
claim of Juan James et al,
conferred to the Claimants
by the Commissioners, Case
no ~~50~~. five hundred and
ninety two (592), and
also conferred an appeal
by the District Court,
appeal will not be pros-
ecuted by the United
States - I am,

Respectfully,

P. A. S. Esq

Clatsop

U.S. Atty

vv

307

Names
Juan Holmes et al.

592

Filed 24th February 1854
Witnessed by
J. M. Coleman
Secy

✓
307 SD

PAGE 82

Rec No 41836

Juan Marnes et al

vs. Appellees

The United States

Appellant

Docket No 307

Trans No 592

"Arroyo del Rodeo"

307 SD

PAGE 83

Index of Transcript

In U.S. District Court Southern District of California

| | | |
|-----------------------|----|---|
| Page | 3 | Petition of Claimant to U.S. Commissioners |
| " | 4 | Deposition of Anto Maria Dico |
| " | 5 | Do. " M. Killagran |
| " | 6 | Do. " M. Castro |
| " | 7 | Do. " Jose Bolcoff |
| " | 9 | Do. " W. McQueen |
| " | 11 | Do. " John Fleck |
| " | 13 | Expediente in Spanish for the tract of Land called "Arroyo del Rodeo" Expediente Marked A. |
| | | Exhibit No 1 Deposition of Manuel Castro taken in 592 — A. P. L. Exhibit to Deposition of William McQueen Dec 18 1854 |
| between pages 18 & 19 | | Map |
| | | Deed from Francisco Rodriguez to Juan Marnes and |
| | 21 | Juan Ganbenin |
| | 25 | Translation of "A." |
| | 33 | Expediente for the place called "Arroyo del Rodeo" |
| | 37 | Map |
| 42 - 44 | | Grant to Land in Spanish |
| | 44 | Certificate of Surveyor General Hays |
| | 47 | Translation of Expedientes |

49 Testimony in relation to citizenship of Francisco
Rodriguez

~~42 - 44 Grant in Spanish~~

54 to 55 Translation of Grant

57 Opinion of Commissioners confirming One half
league in Santa Cruz Co.

59 Decree of Confirmation

307 SD

PAGE 84

No. 307

U.S. District Court
Southern Dist of Cal.

Juan Harnes et al
appellés
vs.

The United States
appellants

Index to Transcripts

307 SD

PAGE 85