

CASE No.

320

SOUTHERN DISTRICT

---

SAN SIMEON GRANT

---

JOSE MIGUEL GOMEZ

CLAIMANT

LAND CASE 320 pgs.65

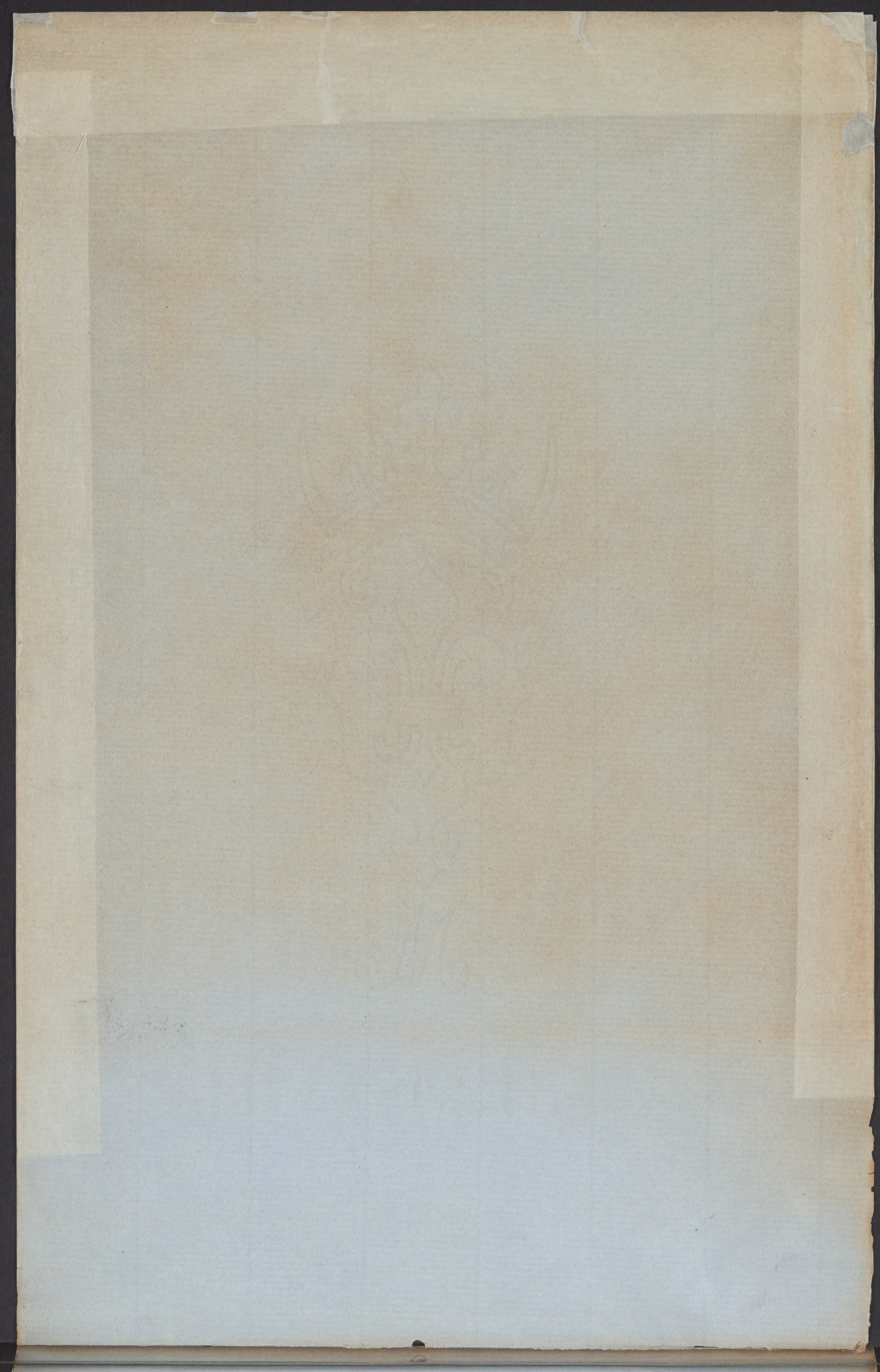
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# TRANSCRIPT

320 SD  
PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 574.

*Jose Miguel Gomez*

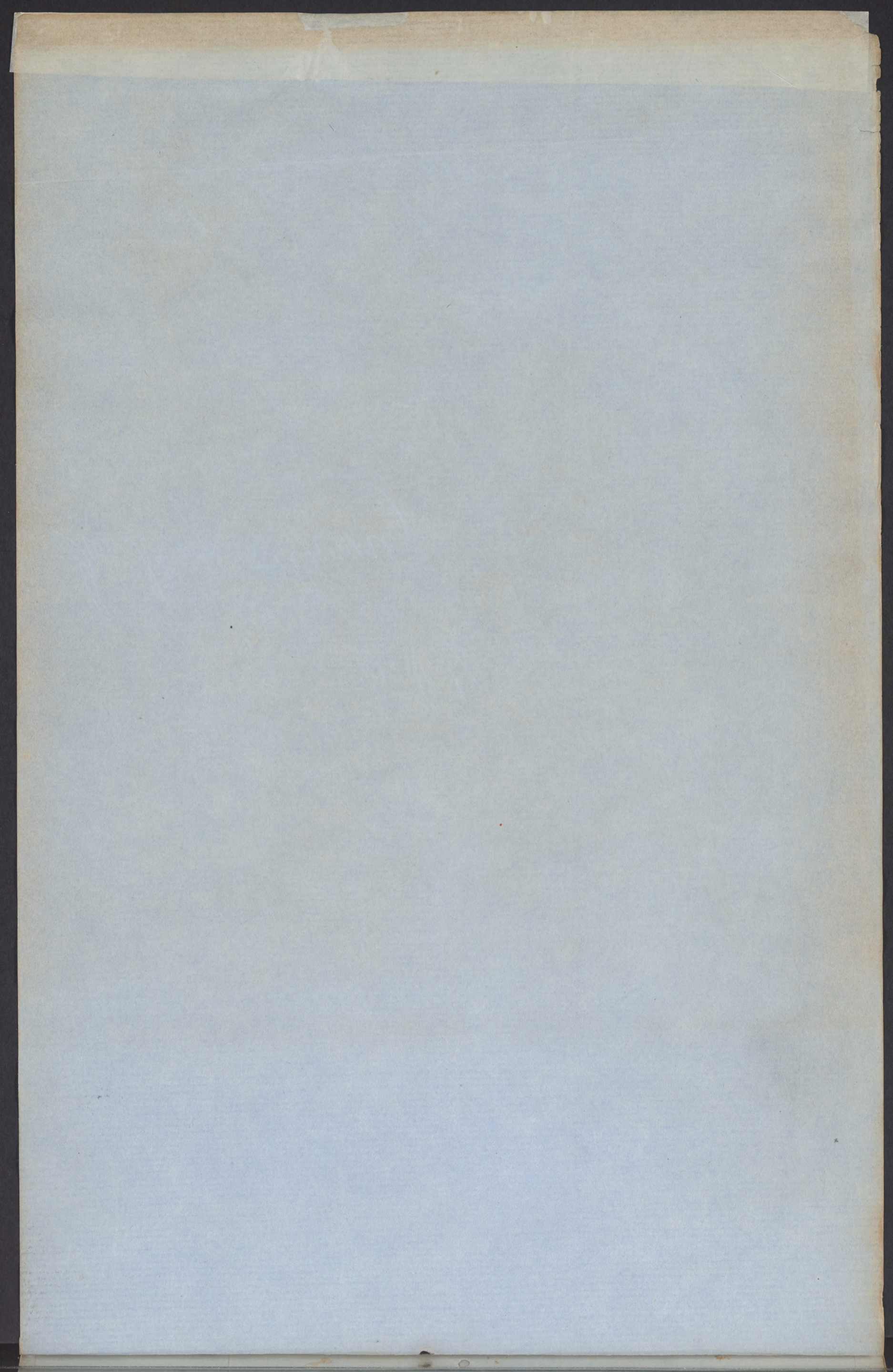
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*San Simion*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of *José Miguel Gómez*  
for the Place named  
*"San Simón"*  
was presented, and ordered to be filed and docketed with No. 504, 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 1, 1853.  
In Case No. 504, José Miguel Gómez, for the place named "San Simón", the deposition of David Spence, a witness in behalf of the Claimant, taken before Commissioner Harry S. Thornton, with documents marked H.S.T. Nos. 1+2, and translations thereof, marked "B" & "D" annexed thereto, was filed:

(Vide page 5 of this Transcript.)

San Francisco April 2, 1853.  
In the same case, the deposition of William G. Dana, a witness in behalf of the claimant, taken before Commissioner Harry S. Thornton, with documents marked H.S.T. Nos. 1+2, annexed thereto, was filed:

(Vide page 8 of this Transcript.)

In the same case, the depositions of William A. Struter,

J. H. Little and Juan B. Alvarado, witnesses in behalf of the Claimant, taken before Commissioner Harry V. Thornton, were filed:  
(vide pages 7, 9, 10 of this Transcript.)

San Francisco September 28, 1853.  
Case No 304 was ordered to be placed at the foot of the Docket.

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San Francisco, December 31, 1853.  
In the same case, the deposition of J. Mariano Bonilla, a witness in behalf of the Claimant, taken before Commissioner Thompson Campbell, was filed:  
(vide page 11 of this Transcript.)

San Francisco February 13, 1854  
In the same case, the counsel for the Claimant filed the following Affidavit, to wit:  
(vide page 45 of this Transcript.)

In the same case, the depositions of Isidro Villa and H. W. Halluck, witnesses in behalf of the Claimant, taken before Commissioner Alpheus Fish, the last with document marked "A. F. No. 1" annexed thereto, were filed:  
(Vide pages 16 & 18 of this Transcript.)

San Francisco, September 26, 1854.  
Case No. 304 was ordered to be placed at the foot of the 2<sup>d</sup> Class cases on the Trial Docket.

San Francisco, Nov. 7, 1854.  
Case No. 304 was submitted without argument and taken under advisement by the Board.

San Francisco May 8, 1855.  
In the same case, Commissioner R. Aug. Thompson delivered the Opinion of the Board confirming the claim:  
(vide page 47 of this Transcript.)  
And the following order was made to wit:  
(vide page 57 of this Transcript.)



To the Honorable Commissioners  
to settle Private Land Claims in California.

Petition.

The petitioner Jose' Miguel Gorny respectfully represents, That on the 1st day of December AD 1842 Juan B Alvarado Governor of California by virtue of authority in him vested granted to Jose Ramon Estrada the tract of land called "San Simon" situate in the present County of San Luis Obispo bounded on the North by the Rancho of Jose de Jesus Pico on the East by the Sierra on the South by the Rancho of Julian Estrada, and on the West by the Sea containing one square league of land or there more or less, as described in the title, a copy of which is submitted herewith marked "A" with a translation marked B.

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That the aforesaid grant was afterwards duly approved by the Departmental Junta and the Judicial possession given in due form.

That the said Jose Ramon Estrada died in Monterey California in the year 1844 and that his testamentary Executor on the 24th day of June AD 1844 sold and conveyed the said tract of land to Thomas B. Park a copy of which conveyance is submitted herewith marked "C" with a translation marked "D".

That the said Thomas B. Park died in San Jose in the year 1850 and that on the 6 day of AD 1850 George Bellamy administrator of the Estate of said Park under an order of the Probate Court sold and conveyed said tract of land to Henry H. Taft a copy of which conveyance is submitted herewith marked "E".

That on the day of

On 1857 the said Henry A. Tafft sold and conveyed the said tract of land to the petitioner a copy of which conveyance is submitted herewith marked "F"

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And the petitioner further represents that the original grant and title papers were taken by the said Henry A. Tafft as Counsel for this petitioner in the month of February last for the purpose of presenting them to this Honorable Board of Commissioners then sitting in the city of San Francisco, and that the said Tafft was drowned in the Bay of San Luis Obispo in the said month of February and as his body has never been found nor the said original papers the petitioner avers and verily believes that the said original title papers were then and there lost in the sea.

And the petitioner further represents that said tract of land was duly surveyed at the time of giving the Judicial possession and its boundaries duly marked out and that the petitioner and those under whom he holds have been for about ten years and that the petitioner now is in the quiet peaceable and undisputed possession and occupation of said tract of land.

That he knows of no conflicting claim.

That he desires for Confirmation of title upon the Minutes and records of said grant in the archives of the former government of California upon such of the original papers copies of which are submitted herewith as have not been lost or destroyed and upon such parole and other and further documentary evidence as he may be advised

5  
and necessary.

Wherefore he prays the Com-  
missioners to confirm to him the aforesaid  
tract of land.

By his attys.

Hallett, Peachy & Bellings

Filed in Office Dec 31. 1853.

(signed)

Geo Fisher Secy.

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Deposition of  
D. Spence

San Francisco April 1<sup>st</sup> 1853.

On this day before Comr. H. J. Thornton  
came David Spence a witness in behalf  
of the claimant J. M. Gony. Petition No  
5044 and was duly sworn his evidence  
being given in English.

In answer to interrogatories by counsel  
for the claimants the witness testified as  
follows:

My name is David Spence. My  
age is nearly 55 years. I reside in Monterey and  
have lived in California 29 years.

I was executor of the es-  
tate of Jose Ramon Estrada and as such  
sold the Rancho called "San Simcon" to  
Thomas R. Park in 1844 -

The paper shown to me  
marked Exhibit No 1 and attached to this  
deposition is to the best of my recollection  
a true copy of the contract of sale signed  
by me at the time it bears date -

Jose Ramon Estrada  
died without children and his father Ma-  
riano Estrada became his heir -

Park paid the contract  
price for the land and received a deed  
for the same and the original grant was

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delivered to Park by Mariano Estrada the  
Alcalde Marcelino Escobar or by me I have  
examined the paper marked Exhibit No 2. and  
attached to this disposition and to the best of  
my recollection it is a true copy of the original.

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One of the Conditions I remem-  
ber very well and that the payment to be  
made to the Indians was settled through  
the Commission of Monterey. I know of the  
grant at the time it was made.

J. R. Estrada died in 1843  
or 1844 and Mariano Estrada died in the  
latter part of 1846 or beginning of 1847. Park  
died in 1850 and I understood that his  
administrator sold this Rancho to Judge  
Jefft. I have understood that Judge  
Jefft was drowned more than a year ago  
in San Luis Obispo and that the original  
title papers were in his possession - Mr  
Escobar is also dead.

D. L. Spencer,

U. S. Law Agent present.

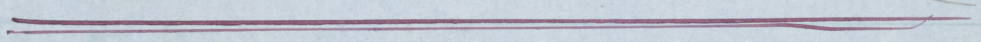
Seen to and subscribed  
before me this 1st April 1853.

Henry D. Thornton

Amr &c

Filed in Office April 1. 1853.

(signed) Geo Fisher Secy



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San Francisco April 2, 1853.

Dep<sup>y</sup> of  
G. H. Little

On this day before Comr H. J. Thornton  
Came G. H. Little a witness on behalf of  
the claimant J. M. Gomez petition No 504  
and was duly sworn his evidence being  
given in English.

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In answer to Enquiries by Counsel  
for the claimant the witness testified as  
follows.

My name is G. H. Little  
My age is 24 years I now reside in San  
Francisco and have lived in California  
4 years.

In 1851 I was County Recorder  
of San Luis Obispo and while acting  
in that capacity I recorded in the County  
Records the title papers of the San Simon  
Rancho then owned by Judge Tapp.

The originals were returned  
to Judge Tapp who was drowned at San  
Luis Obispo in February 1852 on his way to  
San Francisco -

I understood that Judge  
Tapp had the original title papers on his  
person when he was drowned and as his  
body was never found the papers are sup-  
posed to be lost.

I recognized papers Nos 1 & 2  
attached to the deposition of David Spence  
in this case as true copies to the best of my  
recollection of the originals recorded by me  
in San Luis Obispo County.

I was present on  
the Rancho when Judge Tapp occupied  
it in 1851. papers marked No 1 and No 2  
and attached to this deposition are to the best

8

Geo. Bellamy

of my recollection true copies of the deed  
from Bellomy to Juan Tafft and from  
Juan Tafft and wife to Gomez.

S. H. Little

U. S. Land Agent present.

Sworn to and subscribed  
before me this 2<sup>d</sup> of April 1853.

Henry J. Thornton

Cum &c

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Filed in office April 2. 1853.

(Signed)

Geo. Fisher Secy,

San Francisco April 2<sup>d</sup> 1853.

Depto. of  
W. G. Dana

On this day before Court H. J. Thornton  
came Wm G. Dana a witness in behalf of  
the claimant J. M. Gomez petition No 504  
and was duly sworn his evidence being  
given in English

In answer to questions by counsel for the  
claimant the witness testified as follows.

My name is William G. Dana  
My age is 55 years I reside in San Luis  
Obispo and have lived in California 26 years.

Henry A. Tafft was my  
son in law he was drowned at San Luis  
Obispo on the 6th of February 1852 he was  
on his way to San Francisco and took  
with him when he left home the title papers  
of the Rancho called San Dimas to pre-  
sent them to the U. S. Land Commissioners.

His body was never found  
and as the papers were not found in his

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luggage after his death. It was believed that they were lost on his person.

These papers were always regarded as genuine and the title to the land as a good and perfect title.

Wm G Dana.

U.S. Law Agent present.

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Sworn to & subscribed before me this 2<sup>d</sup> of April 1853.

Henry Thornton

Comr

Filed in Office April 2. 1853.

(signed)

Geo Fisher Secy.

San Francisco Apr 2<sup>d</sup> 1853

Dep<sup>o</sup> of J. B. Alvarado

On this day before Comr Henry Thornton came Juan B Alvarado a witness on behalf of the claimant Jm Gomez petition No 504 and was duly sworn his affidavit being translated by the Secretary.

In answer to enquiries by counsel for claimant the witness testified as follows.

My name is Juan B Alvarado I reside in California and am a native of this country.

I remember that in 1842 I made a grant to Don Ramon Estrada of the Rancho of San Simion. I have examined paper marked Exhibit No 2 and attached to the deposition of David Spruce and to the best of my recollection it is a true copy of the grant made by me when I was Governor in 1842.

10

Don B Alvarado.  
U. S. Law Agent present.

Sworn to and Subscribed  
before me this 2<sup>d</sup> of April 1853.

Henry D Thornton  
Cmr.

Filed in Office April 2. 1853.

(Signed)  
Geo Fisher Secy

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San Francisco April 2. 1853.

Dep<sup>o</sup> of Case Wm A Strator a witness in behalf of  
Wm A. Street the Claimant J. M. Gony petition No 504 and  
was duly sworn his Evidence being given  
in English -

In answer to Enquiries by Counsel  
for Claimant the Witness testified as follows  
My name is William B  
Strator My age is 44 years. I reside in  
San Luis Obispo and have lived in California  
10 years -

In 1851 Judge Taft dropped  
his original title papers in the road and  
picked them up and returned them to him  
Papers marked nos 1 & 2  
attached to the deposition of David Spence  
in this case and to the best of my recollection  
true copies of the originals -

I am well acquainted  
with the hand writing of Don B. Alvarado  
Manuel Jimeno David Spence and Tomas  
B Park and recognised their signatures to  
these papers as genuine. I was with Park



11  
When he took possession of San Simon in June 1845 he had purchased it some time before -

Park continued to occupy it till he died in 1850. his administrator sold it to Judge Sefft. Sefft had horses on it until about the time he sold it to Gornig Mr St. Straus.

U. S. Law Agent present.  
Sworn to and Subscribed before me this 2<sup>d</sup> of April 1853.

Henry D. Thurston Comr.

Filed in Office April 2<sup>d</sup> 1853.

(signed) Geo Fisher Secy

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

San Francisco Dec 21, 1853.

Depo<sup>t</sup> of Bonillo

This day before Commissioner Thompson Campbell Cume & Monino Binella, a witness in behalf of Jose Miguel Gornig Petition No 504 and being sworn his evidence being in Spanish was interpreted by the Secretary as follows.

Quest. What is your name age and place of residence -

Ans. My name is J. Mariano Binella I am forty seven years of age and I reside in the County of San Luis Obispo -

Quest. Are you acquainted with the rancho of San Simon and if so state where it is situated.

Ans.

12  
I do know it, It is situated  
fourteen leagues to the North west of San  
Luis Obispo and in the County of the  
same name.

3<sup>d</sup> Quest.

To whom was the rancho granted?

Ans.

It was granted to Don Jose Remon  
Estrada in the year 1842 by Governor  
Alvarado.

4<sup>th</sup> Quest.

Did you ever see the original  
title papers signed by Governor Alvarado?

Ans.

I have seen them.

5<sup>th</sup> Quest.

Be cause paper marked Exhibit  
No two in the disposition of Daniel Spence  
and say whether to the best of your knowledge  
and belief it is a true copy of said  
original grant.

Ans.

When the Indians came claiming  
indemnification for a house belonging  
to the Mission which had been burnt  
I was one of the persons appointed to  
value the house and at that time Don  
Ramon showed me the original docu-  
ment and I copied the paper now shown  
me to be a copy of that original. My belief  
is founded on the fact that reference is here  
made to that circumstance.

6<sup>th</sup> Quest.

Do you know the landmarks  
described in said grant and if so, do they  
correspond with those described in the  
original grant?

Ans.

They do correspond with the boundaries there described.

Q. Doubt.

These describe the boundaries of this Rancho?

Ans.

On the North it is bounded by the Mountain San Simón. On the East by the Arroyo de Romón. On the South by the La Playa and on the West by the Arroyo del Parador, Juan, or the Rancho of Jesus Sico. The other Arroyo divides it from the Rancho of Don Julian Estrada.

Q. Doubt.

State what you know of the occupation of this tract of land by Estrada.

Ans -

At any short time after he had met it he put upon it some kinds of broad manis and he left an Indian in charge of the Rancho who had goods that were left in his charge for the use of the servants. This was about the beginning of the year 1843.

Q. Doubt.

Do you know why Estrada did not remove them himself after building his house?

Ans.

I don't know. He was sick about that time and died directly after.

Q. Doubt.

To whom was the land sold after his death?

Ans -

It was sold to Don Thomas Part.

11 Qust.

Did he ever occupy said land?

Ans.

Yes. He occupied it immediately after he bought it.

12 Qust.

Is he living?

Ans.

No he died in 1850.

13 Qust.

To whom was the land sold after his death?

Ans.

Henry H. Teft caught it at auction.

14 Qust.

To whom was it next sold?

Ans.

Teft sold it to Jose Mijael Gomez.

15 Qust.

Did Judge Teft while he owned it occupy it?

Ans.

He did he repaired the house and had stock there but did not live there with his family.

16 Qust.

Does Gomez occupy it at this time?

Ans.

Yes he occupies it at this time from what I have seen he has about five hundred head of cattle there and a number of horses and mares.

17 Qust.

Do you know whether Judicial possession was ever given of this rancho.

Ans.

Yes. it was given  
18<sup>th</sup> Inst.

Whom and by whom?

Ans.

It was given in 1844 by Joaquin Estrada.

Question by Mr Greenhow.

1<sup>st</sup> Inst.

Who first occupied the land  
and whom was it so occupied?

Ans.

In 1843 Don Ramon Estrada  
occupied the land?

2<sup>nd</sup> Inst.

Who first lived on the land  
after the grant was made to Estrada?

Ans.

A servant of Estrada and an  
Indian by the name of Solano lived  
on the place.

3<sup>rd</sup> Inst.

Who first lived on said place?

Ans.

Thomas Parks first lived there in  
1844. Parks moved on the Rancho.

I, Mariano Bonilla  
Sworn to & Subscribed  
before me this 31<sup>st</sup> day  
of December A.D. 1853.

Thompson Campbell Comy

Filed in Office Dec 31, 1853.

(Signed)

Geo Fisher Secy.

United States Land

Commission -

San Francisco Feb. 13. 1854.

Dep. of  
Isidoro Viver

On this day before Commissioner  
Alphus Fitch came Isidoro Villo, a witness  
in behalf of Claimants for Jose Miguel  
Gomez case No 504 who after being duly  
sworn deposed as follows his evidence  
being interpreted by the Secretary.

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Questions by Mr Peachs Attorney for  
Claimant.

1 Question

What are your name and  
place of residence?

Answer.

My name is Isidoro Villo.  
My age is about forty years and I reside  
at San Luis Obispo.

2 Question.

Do you know the Rancho  
called San Simon claimed by Jose  
Miguel Gomez.

Answer.

I do it is situated in the County  
of San Luis Obispo.

3 Question.

When how and by whom was  
it first occupied?

Answer.

It was first occupied in the year  
1843 by Don Jose Ramon Estrada. I saw  
that he had on the Rancho in that  
year some Milk Cows, a band of Horses  
and some tame horses.

He had a good house with  
cist of adobe and a good cornal and he

17  
cultivated a considerable portion of the land. I saw Don Jose Ramon Estrada on the land at the same time. I lived about four leagues from the place and I was twice on the place during the life time of said Jose Ramon Estrada. Both times were in 1843 and both times I found said Estrada on the place.

After the death of said Jose Ramon Estrada the place continued to be occupied by Don Manuel Estrada his father who was also his heir. and he occupied the place until he sold it to Parks and then Parks occupied it and had a large number of cattle on it.

After Parks died the place was sold by the authorities at San Luis Obispo to pay his death and it was struck off at the sale to Judge Jefft and he sold it afterwards to Don Miguel Gomez Gomez has lived on it ever since he bought it.

A Justice.

Do you know the boundaries of the Rancho San Simon?

Answer.

I do. I have known them for a long time. The boundaries on the North is the mountains running from San Miguel to Monterey. on the South the Beach of the Ocean. on the West the Arroyo del Padre Juan which separates this land from the land of Don Jesus Pico and on the East the Arroyo de Santa Rosa which separates it from the land of Julian Estrada -

I suppose it is about half a league from the said Beach to the Sierra and from the Arroyo del Padre

from to the Arroyo de Santa Rosa & suppose to be about two leagues.

his  
Isidoro + Villa

Mr Gamhan Associate  
Law Agent was present at the  
taking of this deposition but  
propounded no interrogatory  
to the Witness

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Subscribed and sworn to  
before me at this 13th day of  
February 1854.

Alphus Felch

Commissioner

Filed in Office Feb 13. 1854.

(Signed)

Geo Fisher Secy.

United States Land Commission  
San Francisco Feb. 13. 1854.

Depo:  
H. W. Wallack

On this day before Commissioner  
Alphus Felch came H. W. Wallack  
a Witness in behalf of Claimant Jose  
Briquet Gomez case no 504 who after  
being duly sworn deposed as follows.

Questions by Mr Peck Attorney  
for claimants.  
1st Quest.

State what you know of the  
original Title papers and conveyances in  
this case?

Ans.

In the latter part of August or



beginning of Sept 1851 Judge Henry H. Jefft showed me the original papers in this claim for the purpose of having them presented to this Board of Commissioners. He was then in negotiation for the sale of this land to Jose Miguel Gomez the present claimant.

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In the latter part of September 1851 I again saw them and took a memorandum of their contents.

The papers I examined was as follows.

1<sup>st</sup> The original grant signed by Juan B. Alvarado as Governor and Manuel Jimeno as Secretary.

I know the hand writing of both having often seen them write their signatures to this paper & believe to be genuine.

The certified copy marked "Exhibit No 1 A" and filed herewith I believe to be a true copy of said original.

2<sup>d</sup> A copy of the Map or Plano certified by Manuel Jimeno as Secretary with his genuine signature.

3<sup>d</sup>. Contract of sale between David Spence as Alborno or Administrator of Jose' Raymundo Estrada deceased. It was dated some 27th 1844. and signed by David Spence & Thomas B. Park. I know the hand writing of both having often seen them write. To the best of my recollection the certified copy which constitutes a part of said Exhibit No 1 and filed herewith is a true copy of said original.

4<sup>th</sup>. A deed of conveyance of the Rancho of San Simun' to Thomas

B Park and signed by David Spence  
as administrator and by Mariano  
Estrada as father and only heir of Jose  
Ramon Estrada. This conveyance was  
dated according to the Memorandum  
I took at the time before mentioned on  
the 12th day of May 1845.

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The deed was in Spanish  
and passed before Sr Escobar Alcalde  
of Monterey. I remember that it was  
signed by Spence & Sr Estrada and Sr  
Escobar.

I have often seen said Spence  
write and have frequently seen the signa-  
tures of Sr Estrada & Sr Escobar on  
public documents their signatures I believe  
were genuine.

5th Cud from by W Bellamy as administra-  
tor of the estate of Thomas B Park to  
Henry H Jefft and dated May 31st  
1850.

I am well acquainted with Bella-  
my's signature having often seen him write  
his signature to this deed was genuine.

I remember comparing  
this deed with the Statute of California  
1838 and found it to correspond with  
the provisions of the law containing the  
order of the Probate Court for the sale by  
the Administrator & the order approving  
said sale. This deed was duly acknowledged  
both deed of transfer of San Simon to  
Jose Miguel Horny and signed and  
acknowledged by Henry H Jefft.

According to my Mom it  
was dated September 14th 1851.

Judge Jefft also showed

21  
me a copy of the proceedings of Simón  
real possession but as they were not  
duly certified as I thought he was  
looking for the original Records of the  
old Alcalde in order to procure a true  
copy. He could not find them while  
I was with him and for that reason  
retained the aforementioned original  
papers to bring them himself to San  
Francisco.

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I afterwards learned that  
he was drowned about the month of  
February 1852 on his way to San Francisco  
and that all the original papers in the case  
above referred to were lost on his person.  
2<sup>d</sup> Inst.

State what you remember of  
the map certified by Simón & whether it  
corresponded with the boundaries of the  
land as seen by you?

Ans.

I remember visiting this Rancho  
about the week of April 1844 with Doctor  
Strutts who was negotiating for the pur-  
chase of this land from Thomas B Park

We went to Park's house  
on this Rancho but found that Park had  
just left for Monterey. We staid there  
several hours and Strutts showed me the  
boundaries of.

The Mountain on the  
North and the Sea on the South, on the  
West the Rancho of José de Jesús Sico  
and on the East the Rancho of Julian  
Estrada called Santa Rosa.

It was separated from  
Sico's Rancho by a little stream called  
Padre Juan, and from Estrada's Rancho

by a little stream then called "Arroyo del Juncal" at least it was so called by Struter. I have heard it called today "Arroyo de Santa Rosa".

I have not a very distinct recollection of the map. I only remember that on seeing it in 1851 it seemed to me to correspond to the land as shown to me in 1814 by Struter -

In August 1851 I rode from San Luis Obispo to visit this Rancho to see Judge Tiff who was living there with his wife.

I met them on the road some miles from the Rancho and they returned with them to San Luis Obispo. He then had heard in San Luis Obispo which he was preparing for his family in case he sold his Rancho to Gomez the present claimant.

H. H. Heath

Mr Graham A. Everett

San Agent. was present

at the taking of this deposition

but propounded no questions -

Subscribed and sworn to  
before me this 13<sup>th</sup> February  
1854.

Alphus T. Beck

Claimant -

Filed in Office Feb. 13, 1854.

(Signed)

Geo Fisher Secy.

Sello 1<sup>o</sup> seis pesos.

Habilitado provisionalmente por la Aduana  
maritima de Monterey para los años 1839  
y 1840.

Gamb signa) Alvarado signa) Antonio m<sup>a</sup> Osio  
Doc. A. G. Valga para los años de 1842 y 1843.  
signa) Antonio m<sup>a</sup> Osio

N<sup>o</sup> 17

Emeas. to Dep. Constitucional del Departamento de las  
of. S. U. Hal California. Por Cuento D<sup>o</sup> José Ramón  
=leck

(Sello) Juan B. Alvarado Gobernador  
Estada ha pretendido para su beneficio.  
personal y el de su familia el paraje conoci-  
do con el nombre de San Simón colindante  
con el Rancho de D<sup>o</sup> Julian Estada con  
el de D<sup>o</sup> José de Jesús que en la Orena  
y la playa. practicadas previamente las  
diligencias y averiguaciones convenientes  
segun lo dispuesto por leyes y Reglamentos  
usando de las facultades que me son con-  
feridas a nombre de la Estacion Mexicana  
he venido en concederle el terreno mencio-  
ado declarandole la propiedad de el por  
las presentes letras sujetandose a la apo-  
bacion de la Coma Junta Departam<sup>o</sup>.  
y a las condiciones siguientes.

1<sup>a</sup> Indemnizara el valor de quientas pe-  
sos en que esta abaluada la finca que en  
dicho paraje se encuentra establecido o-  
tro campo linanza de esta cantidad a fa-  
vor de los Indios propietarios de los Alcom-  
des que tiene de la Comisaria como prefe-  
to del 1<sup>o</sup> Distrito.

2<sup>a</sup> podra ser usado en perpendicular tabeas  
caminos y servidumbres, lo disputara libre  
y exclusivamente destinandole al uso o  
cultivo que mas le aconvide.

3<sup>a</sup> podra pedir la posesion juridica en vi-  
tuel de este Despacho por el cual se de-  
marcaran los lindes y pondra sus moque-  
ras o algunos arboles putales de alguna  
utilidad.

4<sup>a</sup> El terreno de que se hace donacion

es de un sitio de fanada mayor poco mas  
o menos. El juez que diere la posesion le  
para mejor conforme a Ordenanza, que  
demelo el sobante que resulte a la nacion  
para los usos convenientes.

Si continuiere a estas condiciones  
perdiera su derecho al tener y sera demun-  
ciable para otro.

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PAGE 25

En consecuencia mande  
que teniendo por firme y Vale dero el  
presente se tome razon de el en el libro  
que corresponde y se en rejue al intere  
zado para su respicarlo y demers fines.  
Dado en Monterey @ 1. de Dto. de 1842  
Signed) Juan V. Alvarado

Signed) Manuel Ameno Seno.  
Queda tomada razon de este despacho  
en el libro de acientos sobre adjudicacion  
de terrenos balerios @ fofas<sup>u</sup>.

Signed) Ameno.  
Monterey Marzo 12. de 1845.

Para el presente expediente  
al Senor D<sup>n</sup> Thomas Park en Venta  
legal del Rancho que menciona Este sym-  
bol demuestran el documentu adjunto.

Signed. Sr. Escobar.  
This is to Certify that the above is a correct  
copy of the Original, and was Recorded  
this fourteenth day of July 1857  
Sello cuarto Dos Reales.

Habilitado provisionalmente por la Aduana  
maritima del Puerto de Monterey. En  
el Departamento de los Californicos, para  
los años mil Ochocientos cuarenta y cuatro  
y mil. Ochocientos cuarenta y cinco.

Signed) Michel Lorena  
Signed) Pablo de la Guerra  
por aus<sup>o</sup> del Adm<sup>o</sup>  
Guillo. Ed. Hartwell

3<sup>o</sup> Hoy hem celebrado un trato entre  
Donna Spence y Thomas B. Park  
que es lo siguiente.  
El primer como

Albacea del finado D. José Ramón O-  
 sada ha vendido el Rancho y Casa en la  
 Costa de San Miguel llamado San Di-  
 meon, En la cantidad de mil quinientos  
 pesos (\$ 1500) El segundo se obliga a  
 satisfacer la cantidad de mil ciento y  
 veinte pesos a los acreedores del finado  
 en cueros o sebo a precios corrientes En todo  
 este año y el Resto hasta el completar en  
 Efectos de su buque a precios corrientes  
 consideramos que este documento tiene  
 todo el Valor necesario hasta que haya lu-  
 gar para trasferir el título ante el juez con  
 responsal. Quedando dicho título de-  
 positado en poder de D. Juan Melan  
 según consta por su recibo

Monterey Junio 24 de 1844.

signed) Daniel Spence

signed) Thomas V. Park

I hereby certify that the foregoing are true  
 copies of the Originals as Recorded in  
 the Books of the Recorder of this County  
 Witness my private seal, in the absence  
 of a public Seal of Office, this 13<sup>th</sup> day of  
 April - A. D. 1857.

S. J. Francis J. Maguire  
 Recorder

Filed in Office July 13<sup>th</sup>  
 1854. Geo. Fisher Secy

26



Stamp 1<sup>st</sup> Six Dollars.

Provisionally authorized by the  
Maritime Custom House of Monterey  
for the years 1839 and 1840.

"B"

Alvarado Antonio Maria Esig

Translation  
of  
Title.

Good for the years 1842 & 1843.  
Antonio Maria Esig.

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PAGE 27

Juan B Alvarado Constitutional  
Governor of the Department of the Californias  
Miguel Don Jose Ru-  
mon Estrada has for his own personal  
benefit and that of his family petitioned  
for the place known by the name of San  
Simon, bounded by the Rancho of Don  
Julian Estrada by that of Don Don de  
Jesus Nio by the Sierra and the beach  
the proper measures and examinations  
being previously made as required by  
laws and regulations using the papers  
which are conferred on me in the name of  
the Mexican Nation I have granted  
him the aforesaid land declaring to him  
the ownership of it by these presents subject  
to the approval of the Most Excellent De-  
partmental Junta and to the following  
conditions.

1<sup>st</sup>. He will indemnify the value of  
five thousand dollars in which sum the  
Crediting is valued which is already  
established in the said place. Excepting  
an order for this amount in favor  
of the proprietary Indians from the  
credits surplus which as Prefect of the  
1<sup>st</sup> District he has in the Commissariat.

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2<sup>d</sup>. He may Enclose it without prejudice to the crossings roads and servitudes and enjoy it freely and exclusively making such use or cultivation of it as may best suit him.

3<sup>d</sup>. He can ask for the Semidical possession in virtue of this title by whom the boundaries will be marked out and will place the bounds or some fruit trees of some utility.

4<sup>th</sup>. The land of which donation is made is one square league a little more or less. The magistrates who may give the possession will cause it to be measured in conformity with the ordinance leaving the surplus which may result to the nation for its common uses.

5<sup>th</sup>. If he contravene these conditions he will lose his right to the land and it will be denounced by another person.

In consequence of order that this present being held as firm and valid note be made of it in the corresponding book and it be delivered to the person interested for his security and other purposes.

Given in Mexico on the 1<sup>st</sup> of October 1842.

(signed)

Juan B Alvarado

(signed)

Manuel Jimeno Secretary.

Copy has been made of this title in the book of Entries of grants of vacant lands

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au folio 4.

(signed) J. Armino.

Montevideo March 13th. 1845.

To the present Escribano  
to Sr Don Tomas Park. in by a  
Sale of the rancho which is mentioned  
as shown by the document which I  
annex.

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PAGE 23

(signed) Jose Escobar.

Field Office Dec 31. 1852.

(signed) Geo Fisher Dec 31

---

1914  
1915  
1916

Sello Cuarto. Dos Reales  
habilitado provisionalmente por la Aduana  
Maritima del Puerto de Monterey. En el

Departamento de las Californias para los  
Cajitas No. 1. años mil Ochocientos cuarenta y cuatro  
to the depo: of y mil ochocientos cuarenta y cinco.

David Spence Micheltrera

Pablo de la Llena

taken in No.

por Autos del Admor.

Guill. Edw. Hartwell

5021. H. G. G.

Sello

Apr. 10th 1853

H. G. G.

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Now have celebrated my marriage  
David Spence y Thomas B. Park que  
es lo siguiente.

PAGE 30

El primer como Albacea  
del finado D. Jose Ramon Estrada ha  
vendido el Rancho y Casa en la Costa  
de San Miguel llamado Don Ramon. En  
la cantidad de mil quinientos pesos \$1500  
El segundo se obliga a satisfacer la canti-  
dad de mil ciento y veinte pesos, a los a-  
creedores del finado en cueros o sebs a precios  
corrientes. En todo este año. y el Resto hasta  
el completar en efectos de su buque a pre-  
cios corrientes. Considerando que este docu-  
mento tiene todo el valor necesario hasta  
que haya lugar para transferir el Título  
ante el juez correspondiente. Quedando  
dicho Título depositado en poder de D.  
Juan Malain según consta por recibos.  
Monterey Junio 2<sup>o</sup> de 1844.

David Spence

Thomas B. Park

Public Office

Decr: 3/25 1852

Geo: Fisher Secy



## Stamp Fourth. Two Reales.

10  
 Translation  
 of  
 Consensus

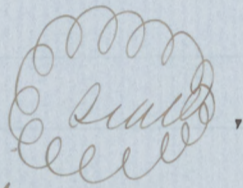
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Provisionally authorized by the Interim  
 Customs House of the port of Moctezuma  
 in the Department of the Californias for  
 the years one thousand eight hundred  
 and forty four and one thousand  
 eight hundred and forty five.

(Sgd)

Michetorona. Sig. Pablo de la Guerra  
 (Sgd) Guillo Ado Hartnett



A contract has this day been  
 executed between David Spence and  
 Thomas B Park which is the following.  
 The former as Executor  
 of the deceased Don Jose' Ramon Estrada  
 has sold the rancho and house on the  
 Coast of San Miguel called San Simon  
 for the sum of one thousand five hundred  
 dollars (\$1500). The second will  
 himself to satisfy to the debtors of the  
 deceased the sum of one thousand one  
 hundred and twenty dollars in kind or  
 tallow at current prices in all this  
 year and the rest to complete (the  
 amount) in goods from his vessel at  
 current prices.

Considering that this docu-  
 ment has all necessary validity until  
 there may be opportunity to transfer the  
 Title before the corresponding Magistrate  
 said Title remaining deposited in the  
 possession of Don Juan Malvarin as  
 appears by his receipt.

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Montgomery June 27th 1844.

(signed) David Spruce  
(signed) Thomas B Park.

Filed in office Dec 5th 1853.

(signed)

Geo Fisher Secy

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This Indenture made and entered into this 21<sup>st</sup> day of May in the year of our Lord 1850 between Geo<sup>r</sup> W<sup>m</sup> Williams of San Jose California Administrator of the Estate of Thomas B Park deceased party of the first part and Henry A Telf of San Luis Obispo State aforesaid party of the second part.

Conveyance

Exhibit No 1.  
apd. to depof  
S. H. Little  
Apr 2 1853.

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Witnesseth That pursuant to an order made by the Hon<sup>ble</sup> Probate Court of the County of Santa Clara

The said party of the first part did expose at Public Sale to the highest bidder for cash in hand in the Town of San Luis Obispo aforesaid in the State aforesaid on the 21<sup>st</sup> day of May 1851 the Rancho known as the Rancho de Simon situated lying and being in the County last aforesaid and State aforesaid and that on said sale as aforesaid the said party of the second part bid one thousand and four hundred dollars for said Rancho which being the highest bid made the said party of the first part did declare the said Rancho sold according to law to said Henry A Telf and the said party of the first part Administrator aforesaid has & by these presents does grant bargain and sell unto the said party of the second part for and in consideration of the sum of fourteen hundred dollars the receipt whereof is hereby acknowledged at the right title and interest of which the said Thomas B Park did seized in and to the Rancho Simon. Said Rancho being situated in the County

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PAGE 34

aforsaid of San Luis Obispo and being the same Rancho granted to Don Jose Ramon Estrada on the 1st of December 1842 Eighteen hundred and forty two by Juan B. Alvarado Constitutional Governor of California & sold by said Jose Ramon Estrada to Mr Thomas B Park on the 2th day of March 1845 and described as follows to wit joining the Rancho of Don Julian Estrada and the Rancho of Don Jesus Pico and the Surra and the Beach.

To have and To hold the said granted property with the appurtenances unto the said Henry A Telf his heirs and assigns forever.

(signed) Geo W Bellamy admr  
Signed Sealed and delivered at San Luis Obispo aforsaid this 21st day of May 1851.

in presence of.  
(signed) Jesus Pico  
John Milson  
L. A. Pollard

*[Handwritten scribbles]*

State of California  
County of San Luis Obispo

Personally appeared before me this 21st day of May 1851 Geo W Bellamy personally known to me to be the person described in and who executed the above and of County and acknowledged that he executed the same as administrator of the Estate of Thomas B Park deceased freely and voluntarily for the uses and purposes therein

*[Handwritten scribbles]*

Mentioned

(Signed)

S. H. Pollard  
County Clerk.

I do hereby certify that the foregoing is a true copy of a deed now on record in my office in Book A page 586.

In Witness whereof I have hereunto set my hand and private seal this 14th day of Jany 1853.

Elliot Tibbitts  
Clerk & Recorder

Filed in Office March 2. 1853.

(Signed)

Geo John Sides

Conveyance  
from  
Tipt & wife  
to  
Gomez

Exhibit No 2.  
and to depo.  
of S. H. Little  
Apr 2 1853.

This Instrument made this fourteenth day of September Eighteen hundred and fifty and between Jimmy A Tipt and Josefa his wife of the Town and County of San Luis Obispo and State of California parties of the first part, and Miguel Gomez of the same place party of the second part Witnesseth That the said party of the first part for and in consideration of the sum of Two Thousand dollars to them in hand paid before the signing of these presents and in consideration of the promise some note of the said party of the second part conditioned for the payment of the further sum of Five hundred dollars the receipt whereof (the money & note) is hereby acknowledged have granted conveyed and sold and by these presents do grant bargain and sell unto the said party of the second part

second part all their right title and interest in and to the Rancho known as the Rancho de San Simon, said Rancho being in the County aforesaid and described as follows to wit.

Commencing at the Mouth of the Arroyo said Arroyo being the boundary line between the Rancho of Julian Estrada and San Simon and running thence up said Arroyo to the summit of the Sierra thence along the Summit of said Sierra to the head of the Arroyo which forms to the boundary line between the Rancho of Jose' de Jesus Pico and San Simon thence down said Arroyo to its junction with the Sea thence along the Beach to the place of beginning containing one league of land be the same more or less.

In being the said piece of land granted to Don Ramon Estrada on the first day of December Eighteen hundred and forty two by Juan B. Alvarado Constitutional Governor of the Department of the Californias and described in said grant in the words following to wit.

"El paraje conocido con el Nombre de San Simon Colindante con el Rancho de Julian Estrada con el de Don Jose de Jesus Pico" en la Sierra de la Playa."

To have and to hold the above granted premises with the appurtenances unto the said party of the second part his heirs and assigns forever and the said parties of the first part for themselves their heirs Executors Administrators and assigns again with the said

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parties of the second part to warrant and defend the above granted premises against any person claiming or to claim from them and no other and the said parties of the first part further covenant and agree to and with the said parties of the second part to have the papers constituting the title to said Rancho presented to the Commissioners appointed by virtue of a law of the United States of America to investigate land titles in California for their approval and the said parties of the first part agree to pay all expenses incurred in such presentation of the title and the said parties of the first part further covenant and agree to and with the said parties of the second part within one month after the issuance of the patent from the Land Office of the United States of America for the said Rancho to turn over all the titles of said Rancho with the said patent to the said parties of the second part and to execute a new deed of conveyance for said Rancho.

In Witness whereof the said parties of the first part have hereunto set their hands and seals this 11th day of September 1851 at San Luis Obispo aforesaid.

(Signed) Henry H. Tapp  
 Josefa Dona de Tapp

In presence of  
 (Signed) Clemente Sanz  
 S. Henry Little

State of California  
County of San Luis Obispo

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Be it remembered that  
on this 14th of September 1851 personally  
appeared before me the within named  
Henry A. Telf, and Josefa his wife known  
to me to let the persons aforesaid in and  
who executed the within deed of conveyance  
and acknowledged that they executed the  
same freely and voluntarily for the uses  
and purposes therein mentioned and the  
said Josefa being by me examined sep-  
arately and apart from her said husband  
acknowledged that she executed the same  
freely and voluntarily and without fear  
of her said husband.

(Signed)

S. Henry Little  
Commissioner to take testimony

I hereby certify that the within is a  
true copy of a deed recorded in my  
office in Book A pages 218 & 219.

Witness my hand and  
private seal this being  
no public seal this  
19th of January 1853.

Elliot Tibbels  
Recorder.

Filed in Office March 2. 1853.

(Signed)

Geo Fisher  
Secy

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This Indenture made this fourteenth day of September Eighteen hundred and fifty one between Henry A. Taft and Josefa his wife of the Town and County of San Luis Obispo and State of California parties of the first part and Miguel Gomez of the same place party of the second part.

Copy  
Luzas of an es  
from  
Taft & wife  
to  
Gomez.

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Witnesseth that the said parties of the first part for and in consideration of the sum of Two Thousand dollars to them in hand paid before the delivery of these presents and in consideration of the promissory note of the said party of the second part conditioned for the payment of the further sum of Five hundred dollars the receipt whereof (the money & note) is hereby acknowledged have granted bargained and sold and by these presents doth grant bargain and set unto the said party of the second part all their right title and interest in and to the Rancho known as St. Simon said Rancho being in the County aforesaid and described as follows to wit Commencing at the mouth of the Arroyo said Arroyo being the boundary line between the Rancho of Julian Estrada and San Simon and running thence up said Arroyo to the Summit of the Sierra thence along the Summit of said Sierra to the head of the Arroyo which forms the boundary line between the Rancho of do Jose de Jesus Pico and St. Simon thence down said Arroyo to its junction with the sea thence along the beach to the place of beginning containing one league of land be the same more or less. It being the same

piece of land granted to Jaso Ramon Estrada on the first of December Eighteen hundred and forty two by Juan P. Alvarado Constitutional Governor of the Department of the Californias and assented in the said grant in the words following to wit.

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"El paraje conocido con el nombre de San Simon colindante con el Rancho de Don Julian Estrada. En el de Don Jose de Jesus Pico con la Sierra y la Playa.

To have and To hold the above granted premises with the appurtenances unto the said party of the second part his heirs and assigns forever and the said parties of the first part for themselves their heirs Executors Administrators and assigns agree with the said party of the second part to maintain and defend the above granted premises against any person claiming or to claim from them and the said parties of the first part further Covenant and agree to and with the said party of the second part to have the papers constituting the Title to said Rancho presented to the Commissioners appointed by virtue of a law of the United States of America to investigate and titles in California for their approval and the said parties of the first part agree to pay all Expenses incurred in such presentation of the Title and the said parties of the first part further Covenant and agree to and with the said party of the second part within one month from the issuance of the Patent



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from the land office of the United States of America for the said Rancho to turn over all the Titles of said Rancho with the said patent to the said party of the second part and to execute a new deed of conveyance for said Rancho.

In Witness whereof the said parties of the first part have unto us their hands and seals this 14th day of September AD 1851 at San Luis Obispo aforesaid.

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(signed)

Henry A. Jeff  
Josefa Dana de Jeff

In presence of  
(signed)

Clemente Lang  
" S. Henry Little

State of California  
County of San Luis Obispo ss.

Be it remembered that on this 14th day of September 1851 personally appeared before me the within named Henry A. Jeff and Josefa his wife known to me to be the persons disinterested in and who executed the within deed of conveyance and acknowledged that they executed the same freely and voluntarily for the uses and purposes therein mentioned and the said Josefa being by me examined separately and apart from her said husband acknowledged that she executed the same freely and voluntarily and without fear of her said husband.

(signed)

S. Henry Little  
Commissioner to take Testimony

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The foregoing was received for record  
at 12 O'clock noon. this 12th day of April  
A.D. 1852 & Recorded same day.

Francis D. Maguire  
Recorder

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State of California }  
San Luis Obispo County }

D. D. J. Quorum County  
Clerk and Ex officio Recorder in and  
for the County aforesaid do hereby certify  
that the foregoing is a true copy of the  
and of Henry A. Jefft & wife to my self  
born & recorded in this Office.

Given under my hand and  
private seal this being  
No Seal of Office presented  
this 24th day of February  
A.D. 1854.

D. J. Quorum  
Ex off. Recorder

Filed in Office Sept 15. 1854.

(signed) Geo Fisher  
Secy

FILED  
SEP 15 1854

In the Claim of J. M. Gomez to  
"San Simon"

Affidavit

Jose Miguel Gomez being duly sworn  
deposes and says.

That he is the Claimant  
for the Rancho of San Simon in the  
County of San Luis Obispo that the original  
title paper and Map issued by Governor  
Alvarado to Jose Ramon Estrada the  
Aunt of Cayetano from David since  
the Executor of said Estrada to Don Tomas  
Park the Aunts of transfer from the Admin-  
istrator of said Park to Joseph Henry St  
Jeffert and from said Jeffert to deposit  
were taken by said Jeffert for the purpose  
of bringing them to San Francisco to pre-  
sent them to the Board of Commissioners  
sometime about the month of February  
1853 that said Jeffert was drowned  
in the Bay of San Luis Obispo and it  
is believed that the said papers were lost  
on his person has body has never been  
found nor since his death has any trace  
been found of the papers above named  
and deposit believes them to be lost &  
cannot now be produced.

Jose Miguel Gomez.

Subscribed and sworn  
to before me the 13th day of  
February 1854.

Alphus Felch

Commissioner

Filed in Office Feb. 13. 1854.

(Signed) Geo Foster Deed

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504

José Miguel Gomez

The United States

claim for the place  
called San Simon con-  
taining 1500 league in the  
county of San Luis Obispo

Opinion of the Board  
delivered by Commissioner  
N. Aug. Thompson

The claimant in this case  
alleges title to premises described in his  
petition:

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1<sup>st</sup> A grant from Governor  
Alvarado dated Oct 4<sup>th</sup> 1842 to José Ramon  
Estrada

2<sup>d</sup> A transfer from David  
Spura, executor of said Estrada to Thos. B.  
Pork.

3<sup>d</sup> A transfer by George  
Bullmaney Admin of Thos B. Pork made by  
order of the Probate Court of said County  
on the 21<sup>st</sup> of May 1851 to Henry A. Teft

4<sup>th</sup> A conveyance from  
the said Teft and wife to the present  
claimant dated September 14. 1851

It is proved by the  
affidavit of the claimant that the originals  
of all these documents were delivered to the  
said Teft for the purpose of presenting  
the same before this Commission for the  
confirmation of the claim, and that the  
said Teft was drowned in the bay of  
San Luis Obispo while on his way to  
San Francisco for that purpose and that  
his body was never recovered. We therefore  
believe that the said original title papers  
were lost upon his person as he has  
been unable after diligent inquiry and  
search to discover any traces of them, this  
is considered sufficient to account for the

from production of the originals and to permit the introduction of secondary evidence of their contents.

All of said papers appear to have been recorded in the Recorder's office of the County of San Luis Obispo, and satisfactory proof is introduced of the due execution of the originals and that papers filed in the case are true copies of the same. The conditions of the grant appear to have been fully performed by the original grantee and the land is described with sufficient certainty to obviate any difficulty in its location and survey. This evidence is considered sufficient to establish the validity of the claim, and a decree of confirmation will be entered.

Filed in office May 8, 1855

(Signed)

Geo. Fisher Jey

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Juan Miguel Gomez  
vs  
The United States

Order of  
Confirmation

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In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioner is valid, and it is therefore decreed that the same be confirmed

The land of which confirmation is made is situated in the County of San Luis Obispo and is known by the name of San Simon being the same which was granted by Governor Juan B. Alvarado to Juan Ramon Estrada on the 1<sup>st</sup> of October 1842. to the extent of one square league to be located within the following boundaries, to-wit:

The Rancho of Don Julian Estrada; that of Don Juan de Jesus Pico; the Sierra and the beach.

For a more particular description reference to be had to the original grant and the depositions filed in the case.

A. Aug Thompson

S. B. Farnell

Commissioners

Filed in office May 8. 1855

(Signed) Geo. Fisher Gray

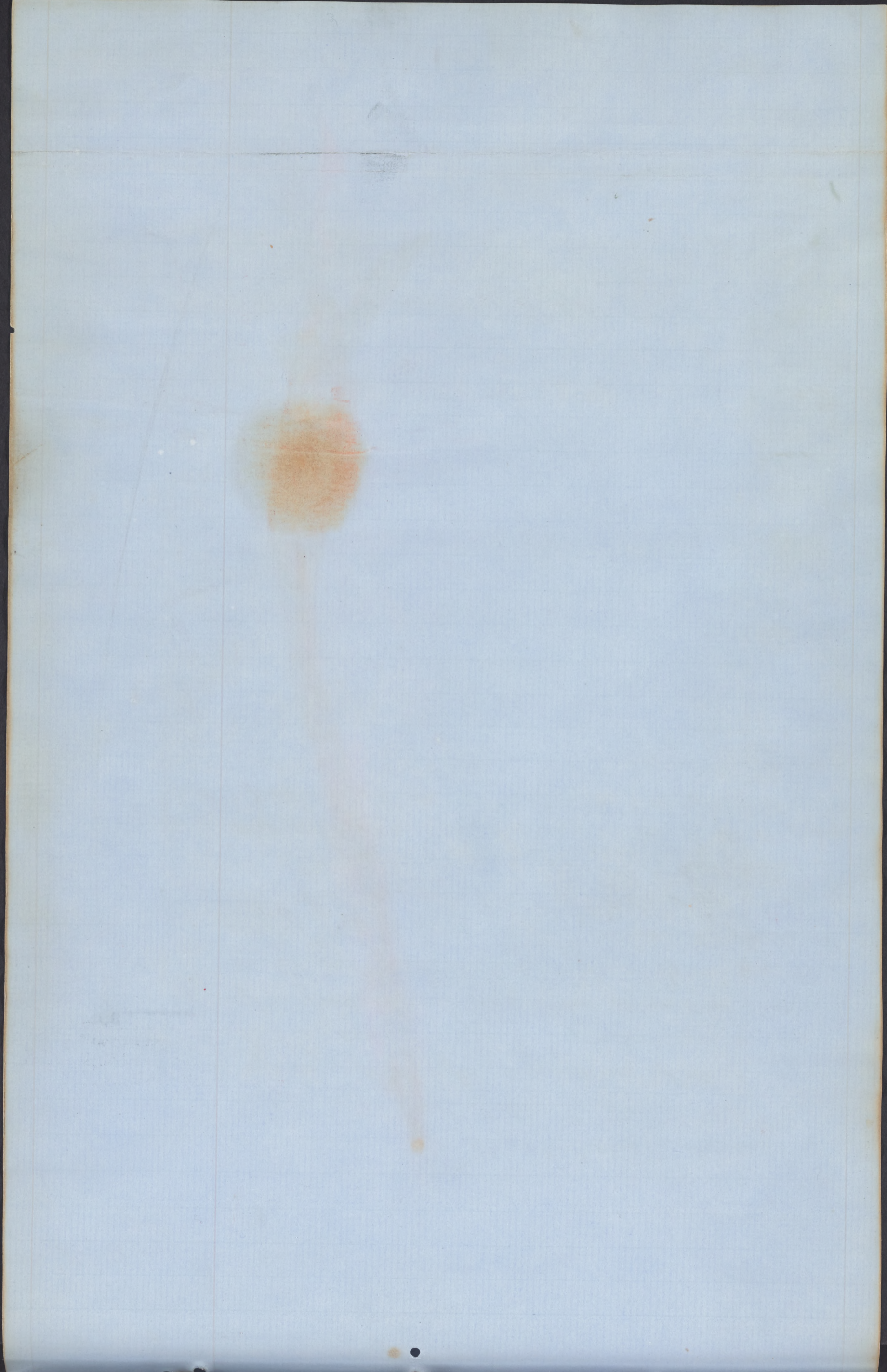
57



Order

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



Office of the Board of Commissioners,

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

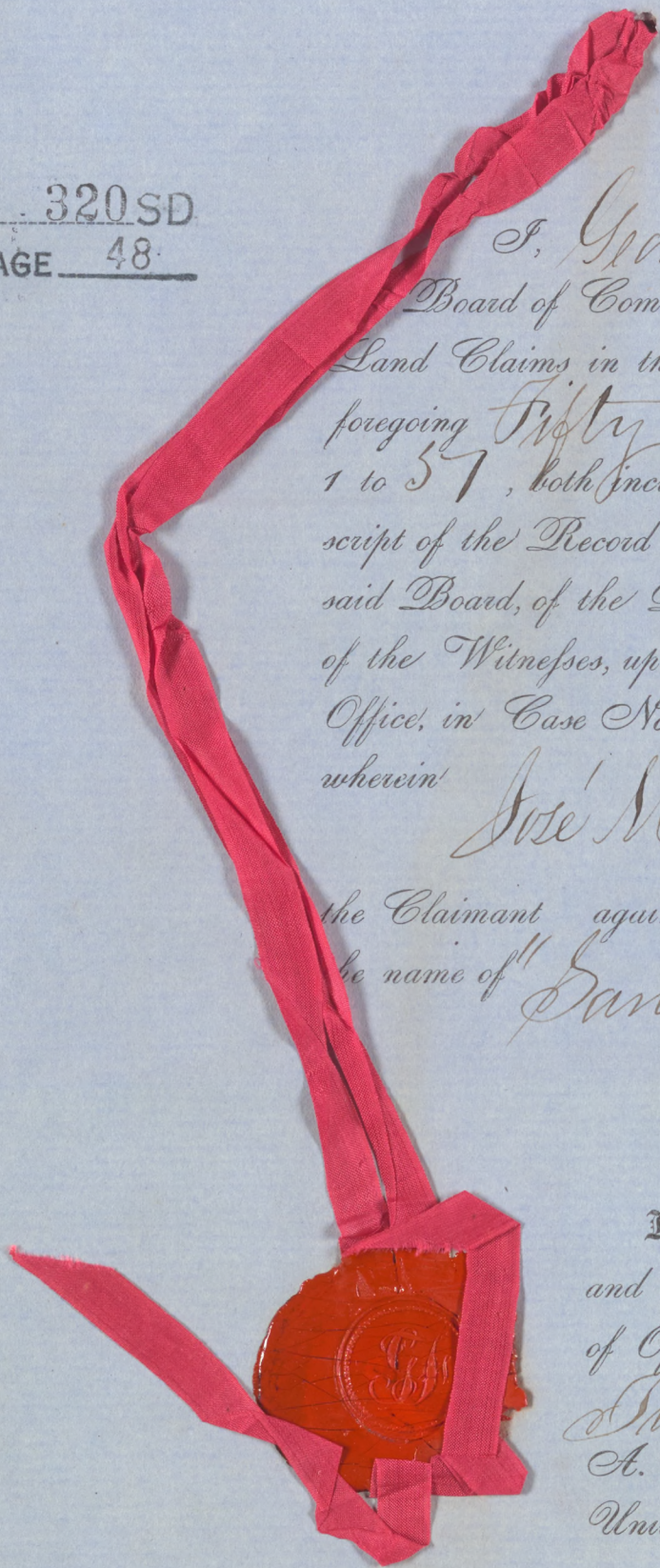
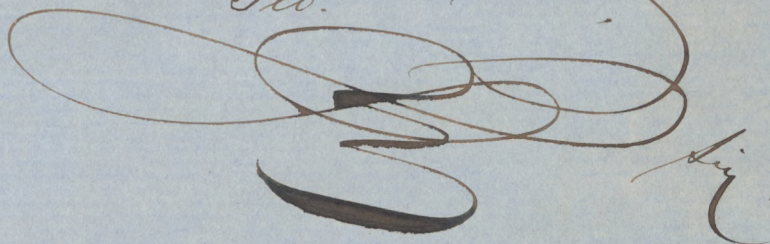
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I, *George Fisher* Secretary to  
Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Fifty one* pages, numbered from  
1 to *57*, both inclusive, to contain a true, 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. *SV4* on the Docket of the said Board,  
wherewith

*Jose Miguel Gomez* is  
the Claimant against the United States, for the place known by  
the name of "*San Simun*"

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Twentieth* day of *October*  
A. D. 1855, and of the Independence of the  
United States of America the ~~seventy-~~ *eightieth*

*Geo. Fisher*



320

U. S. DISTRICT COURT,

*Southern* District of California.

No. 320.

THE UNITED STATES,

vs.

320

*Jose Miguel Gomez*

*"San Simon."*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No. 504.

Filed,

*Oct 23* 1855.

*J. S. Jones  
clerk.*

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Office of the Attorney General of the United States,

Washington, 3. December, 1855.

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504) "San Simon"

"Jose Miguel Gomez Claimant"

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 20th day of November, 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

*Leahring*

Attorney General.

No 320.

U. S. Dist Court  
South Dist California

— " —  
Joaquin Gomez  
Appellee

vs  
The United States  
Appellants

— " —  
Notice of Appeal

— " —  
Filed Feb 12, 1856

J. E. Farr.  
Clerk

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

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



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*José M. Gomez Appellant*

*vs.*

*The United States Appellant.*

Docket No. 320.

Transcript No. 504.

**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 31<sup>st</sup> day of ~~December~~ *December* A. D. 1852: *José Mejuel Gomez*

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *San Simicon*

in the County of *San Luis Obispo* 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 28<sup>th</sup> day of *May* A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 23<sup>rd</sup>

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. 504; reference to which it is prayed may be had and made part of this petition.

That on or about the 20<sup>th</sup> day of *November* A. D. 1855, the Honorable *Caleb Cushing*, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit:  
on <sup>against</sup> the 12<sup>th</sup> day of February — A. D. 1856, the said  
Attorney-General of the United States filed, or caused to be filed, in  
behalf of the United States, a notice with the Clerk of said District  
Court of the United States, that the appeal in said cause from the said  
decision of the said Commissioners, in the District Court of the United  
States for the Southern District of California, would be prosecuted by the  
United States. Your petitioner further represents, that the land claimed,  
as aforesaid, is situate in the Southern District of California, and within  
the jurisdiction of this Honorable Court. Your petitioner further represents  
and insists, that the said claim is invalid; and the said decision of said  
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for  
many errors and imperfections of law and evidence, apparent in said certified  
transcript of the proceedings and decisions of said Commissioners in said  
cause, filed and appealed from as aforesaid. And your petitioner denies all  
and singular, each and every allegation in the said petition of said claimant,  
presented as aforesaid to said Commissioners. And your petitioner further  
denies that the said claimant has any valid right or title to said land claimed  
as aforesaid, or any part thereof.

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



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

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

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*P. Ord*  
Attorney of the United States for  
the Southern District of California.

N. 320.

Filed this 5th January  
1857 C. Sims etc  
J. A. Herleman  
clerk

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UNITED STATES OF AMERICA, }  
Southern District of California, } SS.

The President of the United States,

TO

*Jose M. Gomez*

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Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *You* in the District Court of the United States, in and for the Southern District of California, on the *5th* day of *January*, in the year of our Lord one thousand eight hundred and fifty-~~seven~~, at the City and County of Los Angeles, in said District, by

*P. Bro U S Atty praying  
said Court to review the decision of  
the U. S. Land Commissioners of the  
8th of May 1855 confirming your  
claim to the Land called  
"San Simeon"*

and that *You* are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *10th* day of *January* A. D. 1857.

*C. Lewis*  
*J. Sherman*  
*Clerk*

CLERK.

Marshals Cost

Copying Summons - 60  
Having same 3 -  
Petition 3 -  
\$ 6.60

U. S. 21

UNITED STATES OF AMERICA,

Southern District of California,

U. S. DISTRICT COURT.

*Don McComy* appellee

*The United States*

*Filed on return this 10th January 1857*

*C. Lewis* clerk  
*J. H. Coleman*  
*clerk*

SUMMONS.

Received *Jan 10th* 1857

*Edward Hunter*

U. S. MARSHAL.

*Frank Goodman*  
320 SD Dept

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I served this Summons, together with a certified copy of the Petition, upon *F. Billings*  
*Atty for Appres* by him acknowledging  
*service of same*

at *Los Angeles* in the Southern District of California, on  
the *10th* day of *January* A. D. 1857.

Sworn to and subscribed before me, *this*  
*10th January 1857*  
*C. Lewis* CLERK.  
*J. H. Coleman*  
*clerk*

*Edward Hunter*  
U. S. MARSHAL.  
*Frank Goodman*  
*Depty*

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

The United States

Appellants

vs.

José Miguel Gomez,

Appellee

No. 320

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Transcript from the Board of Land  
Commissioners, No. 504.

Gomez, appellee, appears  
by his attorneys and for answer to the  
petition of the United States filed  
herein, says:

That his title to the land  
called "San Simón" as set forth and  
described in his petition to the Board  
of Commissioners and in the documentary  
and other evidence filed in this case  
is a good and valid title.

The land claimed is situated  
in the Southern District of California:

And he prays this Honorable  
Court to affirm the decision of the  
Board of Commissioners, and decree  
his title to be valid.

Walter Leach & Pillsbury  
Attys for Appellee.

No. 320.

The United States  
appellants

vs.

Jose M. Gomez  
appellee

Answer of Appellee

Filed this 13th January  
A.D. 1859  
C. Sims clerk  
J. M. Merriam  
Deputy

Halluck & Pillsbury  
attorneys

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

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Hon. Isaac S. H. Ogier Judge

December Term A. D. 1856.

The United States

Appellant

vs  
José Miguel Gomez

Appellee.

No. 320.

Transcript from the Board of Land  
Commissioners - No. 504.

This cause coming on to be heard, on appeal  
from the decision of the Board of Land  
Commissioners to settle private land claims  
in California, upon the transcript of the  
proceedings of said Board and the decision  
of said Board and the <sup>documentary</sup> papers and <sup>other</sup> evidence  
upon which said decision was founded;  
and counsel for the respective parties  
having been heard it is  
Ordered, adjudged and decreed, that  
the decision of said Board of Land  
Commissioners confirming unto the above  
named appellee, José Miguel Gomez, the  
land described and set forth in his petition  
to the said Board of Land Commissioners and  
in the documentary and other evidence taken

in this case be, and the same is hereby affirmed, and that the title of the said José Miguel Gomez to the said land is a good and valid one -

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The land, of which confirmation is hereby made, is known by the name of "San Simón", and is situated in the County of San Luis Obispo, being the same which was granted by Gov<sup>r</sup>. Juan B. Alvarado to José Ramón Estrada on the 1<sup>st</sup> day of October A.D. 1842, to the extent of one square league and no more, to be located within the following boundaries, viz: The rancho of Don Julian Estrada, that of Don José, Jesus Pied, the River and the Beach; according to the grant proved by depositions in this case; to which grant so proved referred is hereby had for a description of the boundaries. If the land within said boundaries is in quantity less than one square league, the confirmation hereby made is made to the whole tract - but if the land within said boundaries exceeds in quantity one square league then the confirmation hereby made is made to one square league and no more.

James K. Ogden  
U. S. Dist. Judge  
for the S. Dist. of Cal.



No. 320

The United States  
Appellant

"

José Miguel Gomez  
Appellee

"

Declar.

Affirming Decision of  
Land Commission and  
Confirming Claims.

Filed Aug 13<sup>th</sup> 1857  
Office  
of the  
Clerk

Recorded in page 134

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California Land Claims.  
Attorney General's Office  
7 Febr'y 1857

Sir:  
In the case of the claim of  
Juan Miguel Gomez, con-  
firmed to the claimant by the  
Commissioners, case no. five  
hundred and four, (504),  
appeal will not be prosecu-  
ted by the United States.

I am,  
Respectfully,  
Ours,

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

No. 320.

Filed 4 March 1858,  
to Sims & Co.,  
for W. W. Stetson,  
Dypt.

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Office of the Surveyor General of the United States, }  
FOR CALIFORNIA. }

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I, J. W. MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho "San Simeon"

confirmed to J. M. Gomez.

has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the fifteenth day of September 1860; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Santa Barbara Gazette, published in the County of Sta. Barbara, State of California, being the newspaper published nearest to where the said Rancho is located, the first publication being on the 17th day of January 1861, and the last, on 7th day of February 1861; also, in the

Las Angeles Star a newspaper published in the City and County of Los Angeles, State aforesaid

the first publication being on the 2nd day of March 1861, and the last on the 23rd day of March 1861, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

(L. S.)

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 thirty first day of May 1861.

J. W. Mandeville

U. S. Surveyor General for California.

U. S. Sur Gen's Office  
San Francisco December 18th 1863

I hereby cert

to be a true full & correct copy

E. H. Dealy  
U. S. Sur Genl

W 320

W. D. G. G. G.  
J. D. G. G. G.

J. M. Gomez

M. S.

City of New York

Filed Dec 20/63

J. M. G. G. G.