

CASE No.

323

SOUTHERN DISTRICT

AGUAJITO GRANT

GREGORIO TAPIA

CLAIMANT

LAND CASE 323 SD pgs. 78

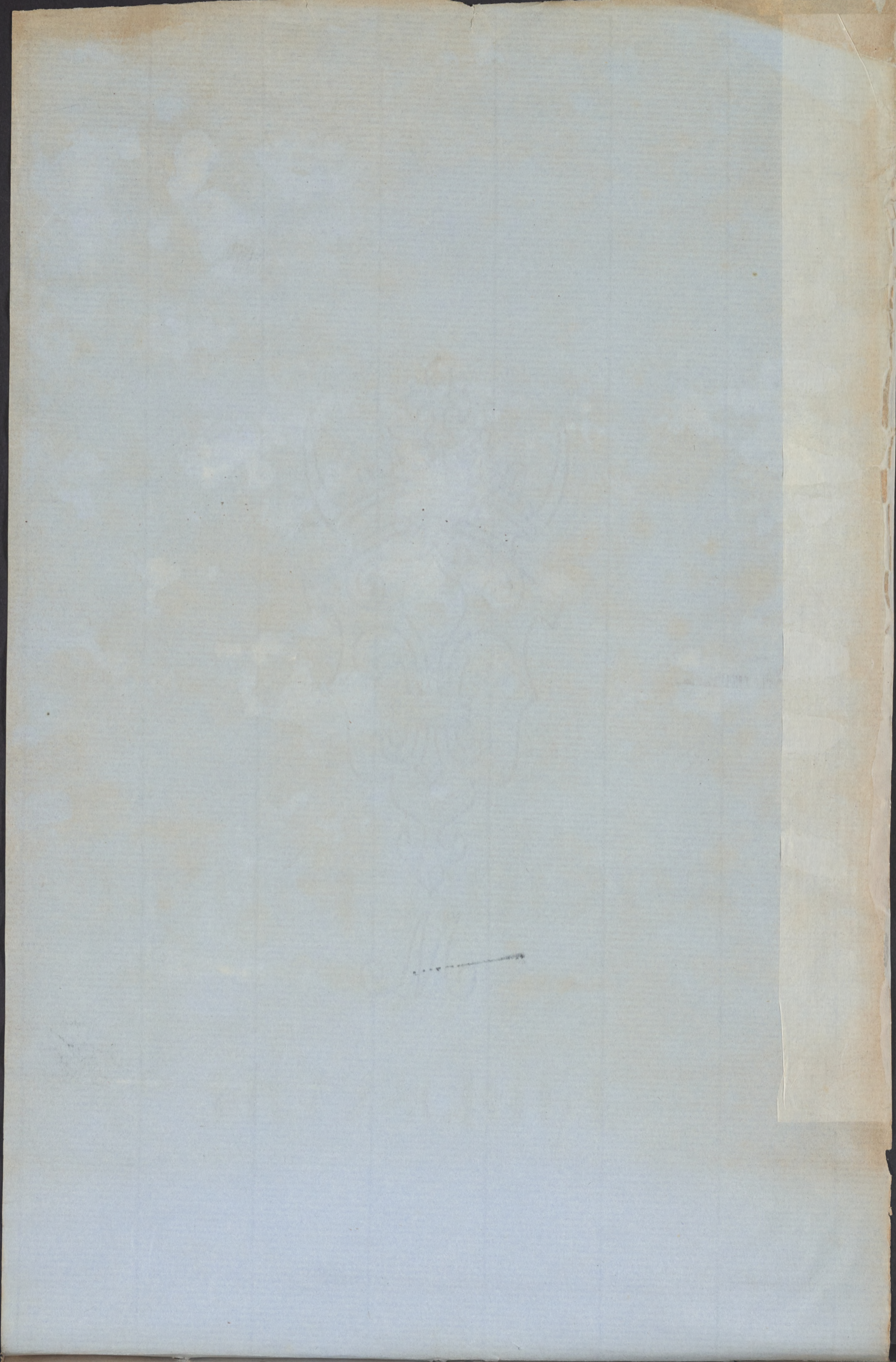
MAR 21 1963

PLOVER BOND
50% COTTON FIBER
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Deep map

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597

TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 597

Gregoria Tapia

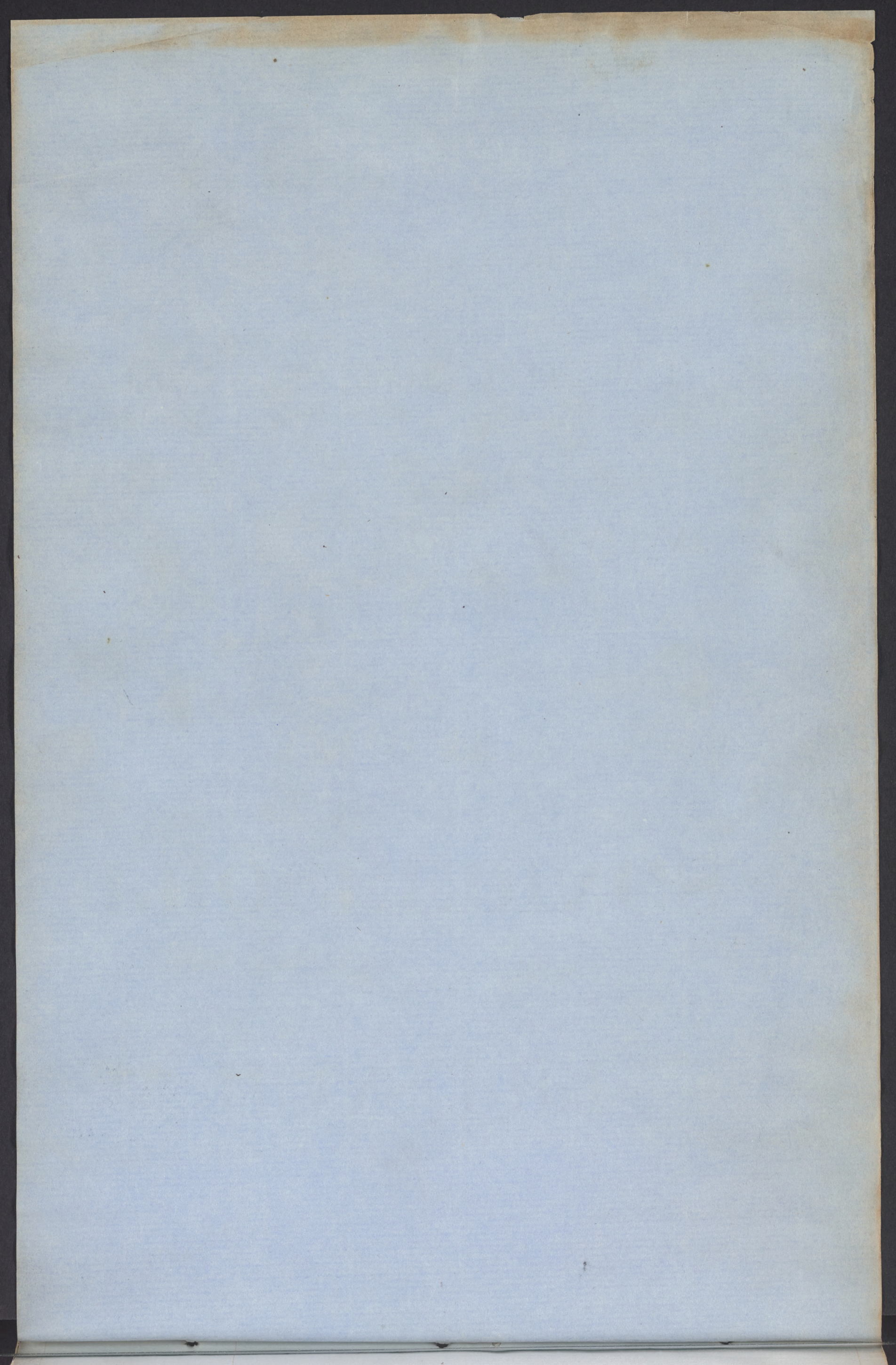
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Aguajito"



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San Francisco May 8, 1854.

In the said case, Commissioner R. Aug. Thompson de-
liberated the Opinion of the Board rejecting the claim:

(Vide page 29 of this Transcript.)

S

And the following order was made to wit:

(Vide page 31 of this Transcript.)

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3  
To the Honorable Board of Commissioners  
for ascertaining and settling private land  
claims in the State of California.

Your petitioner Gurgio Tapia,  
of the County of Monterey, State of California,  
respectfully represents to your Honorable Board,  
that he claims a certain tract of land called  
Aguajite containing one half league more or  
less, situated in the County of Monterey,  
State of California; that he claims the same  
in full by virtue of a grant made to him un-  
der the authority of the Mexican Government  
by Don Ine Figueroa, Governor of the Terri-  
tory of California, bearing date of the 13<sup>th</sup>  
of August 1835.

Your petitioner further repre-  
sent that he now has been called upon to  
present again his title after the corresponding  
despatch had been sent for approbation to the  
Departmental Assembly, which make him  
suppose that said formality has been neglec-  
ted or if said approbation has been obtained  
he, your petitioner, has no knowledge of the  
fact.

Your petitioner would further re-  
present that never any taxes or other contribu-  
tion have been asked or reclaimed of him, nor  
by the city municipality, nor by any other  
public authority.

Your petitioner further respect-  
fully represents, that said land was granted  
to him, after the commission of coloniza-  
tion, the commander of the Presidio and  
the municipal authorities of Monterey had  
given their declarations and statements; that  
he has received said lands in recompense  
for his services as military of the Mexican  
National Army, that he has no property, or

Petition.

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fortune and has a numerous family.

Your petitioner present herewith the whole despatch in the Spanish, with the translation of the title and other documents, and will make further proof of title if required by the Board.

Your petitioner pray your honorable board to take into consideration his claim to said tract of land and decree the title to be valid and confirm the same.

And your petitioner will ever pray and feel thankful.

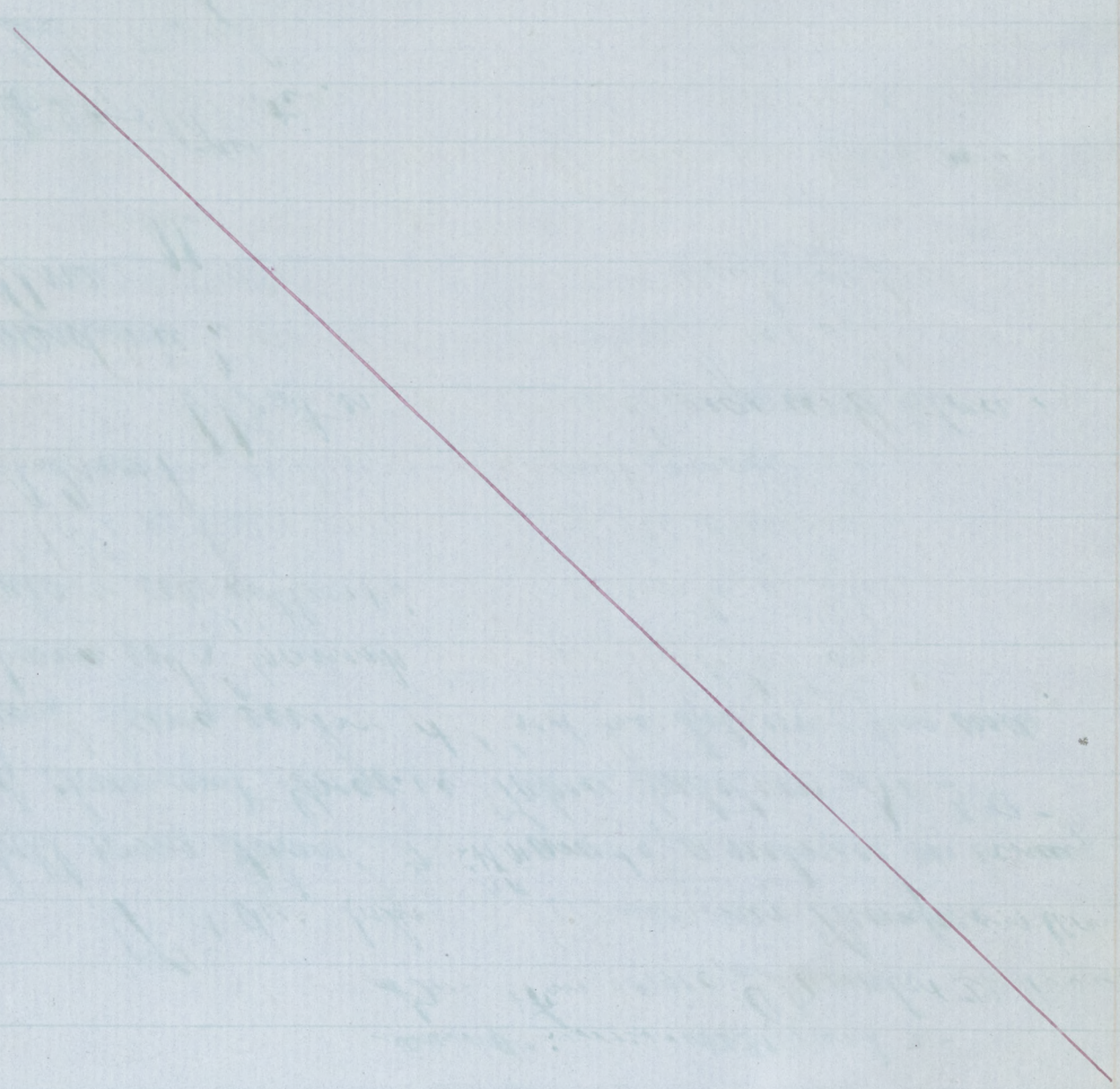
For Gregorio Tapia.  
J. Selvendant.

Filed in Office Feby 17<sup>th</sup> 1853.

Geo: Fisher.

Secy.

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Office of the U. S. Board of  
Land Commissioners &c &c.  
San Francisco, December 28 1853.

This day before Commissioner Thompson Camp-  
bell came Juan B. Alvarado, a witness in behalf  
of claimant Gregorio Tapia, petition No 397,  
and being sworn deposed as follows; his evidence  
being in Spanish was interpreted by the Sec-  
retary as follows:—

Deposition  
of Juan B.  
Alvarado—

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1 Quest.

What is your name, age and place of  
residence?

Ans.

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

2 Quest.

Look on the document now shown you,  
marked A. T. C. No 1. and annexed to this dep-  
osition, and say whether or not you have com-  
pared it with a document on file in the  
office of the United States Surveyor General  
for California? If yes, say whether this be or  
not a correct and true copy of the said docu-  
ment on file as aforesaid?

Ans.

I recognize the document now shown  
me and marked A. T. C. No 1. as a true  
and correct copy of its original now on file  
in the office of the United States Surveyor  
General's office for California, having myself  
compared them with each other.

3 Quest.

Are you acquainted with the hand  
writings of Ine Figueroa, Agustin V. Zamora-  
no, and of the various other persons whose  
signatures occur in and upon the said

original document on file as aforesaid in the office of the United States Surveyor General for California, if yes, state your means of knowledge, and whether or not the said signatures wherever they occur in and upon said original document, are the genuine signatures of the said persons respectively?

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Ans. I am acquainted with the signatures of the persons mentioned in the foregoing interrogatory, with the exception of two, viz: the petitioner Gregorio Tapia and John Rainsford; I have seen all the other persons frequently write and sign their names, and I recognize their signatures wherever they occur on said document, as the true and genuine signatures of said persons.  
H. Trust.

Are you acquainted with the land claimed in this case called Aguajito by the said petitioner Gregorio Tapia, if so, state all you know in regard to the occupation & inhabitation of the same by the said Tapia?

Ans. I know the petitioner Gregorio Tapia ever since my birth. I am also acquainted with land claimed by him in this case, I know that immediately after he obtained the grant he took possession of the premises. In the year 1836 I was invited to Tapia's house, he was living on said place at that time. I learned from others that he took possession immediately after he obtained his grant. The occasion upon which I was invited to Tapia's house, was on account of his gratitude for the grant he had received, the public authorities and the Political

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Chiefs were all present. At that time he had a house in which he lived with his family, he had corals, and had some rook, hens, cows, and other domestic animals. He had a very little farm taking it altogether. The place is about two thousand varas distant from the Plaza of Monterey. One of the boundaries of said place is the Canada de la Guarta Buja as expressed in the map. The boundary on the North is the camino del paucito as expressed on the map. The ~~Western~~<sup>Eastern</sup> boundary is a range of hills running in a South east direction. The Western boundary is a canada the name of which I do not now recollect. The said place is well known on account of its occupation and boundaries, and as I believe is now occupied by some person for the original grantee.

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Questions by the Associate Survey Agent.

1<sup>st</sup> Quest.

Were the ejidos of Monterey ever marked out and determined by order of the Government?

Answer.

The ejidos of Monterey had been provisionally determined by a decree of the Political Chief with the consent of the Territorial Assembly, but they were never measured nor marked out to my knowledge. This determination I believe was made in the year 1827, and was done with the view of having it ultimately marked out, and to lay out what we call the fundo legal. The name of the Political Chief who was at the dinner to which I have referred in the former part of my deposition was Nicholas Gutierrez.

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This was about the time when Castro gave up the Government to Gutierrez.

Juan B. Alvarado.

Summ to and subscribed before me this 28<sup>th</sup> day of December A. D. 1853.

Thompson Campbell.

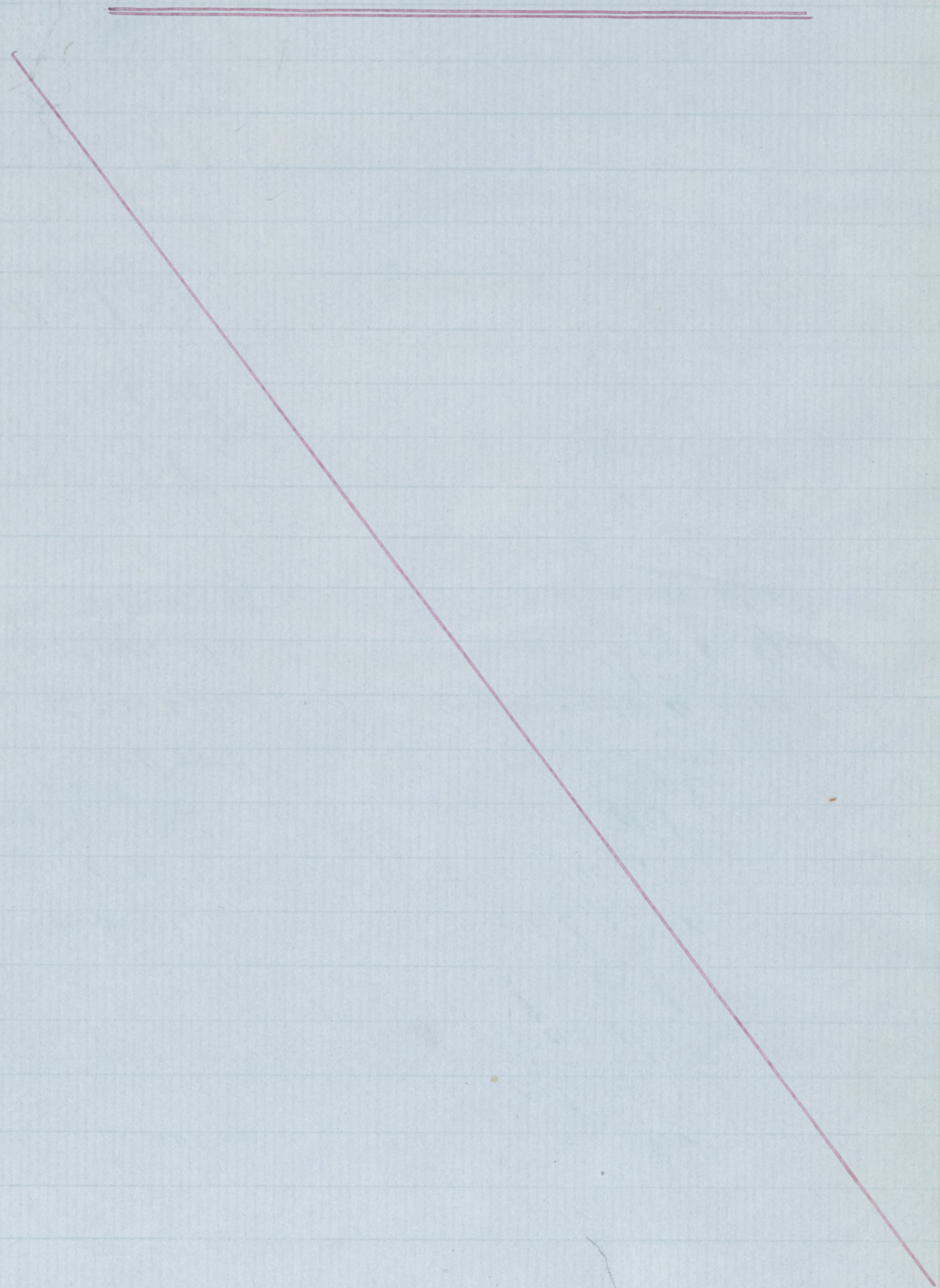
Comr.

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Filed in Office Decr. 28' 1853.

Geo: Fisher.

Secy.



Jurisdiccion de  
Monterrey.

Año de 1852.

A. T. C. no 1

Espediente.

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transered to the Depo.  
of Juan B. Alvarado  
Dec: 28<sup>th</sup> 1853.

Geo. Fisher. Sup.

Espediente

Sobre el paraje nombrado el Aguapito

Solicitado por

Gregorio Japua.

8<sup>o</sup>

Sello tercero dos reales.

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

Figueroa.

Praxael Gurreales.

Monterrey. Junio 10.  
de 1834.

Sr. Jefe Sup<sup>o</sup> Político.

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De conformidad con las leyes de la materia inprime el Ayuntamiento de esta Capital: si el contenido en esta instancia obtiene los requisitos para ser otorgado en la solicitud si el terreno que piden esta comprendido en las 20 leguas limítrofes o diez literales que espresa la ley de 18 de Agosto de 1824 si es de regadío temporal o abrevadero si pertenece a propiedad de algun particular, Mierón, Corporacion o Pueblo con todo lo demas q.

Gregorio Tapia, Solvuto Licenciado de la Comp<sup>a</sup> de Lab<sup>o</sup> de este Puerto segun acredita la adjunta certificacion: ante V.S. con el debido respeto comparece y expone que almucho poseedor de algun numero de granos mor. bacuno y labayo y curcunolo de la propiedad el terreno para establecer sus dichos bienes: en esta virtud ocurro al secta Justicia de V.S. afin de que en uso de sus facultades se digne concederme el sitio nombrado el Aguajito que se halla a las mediciones de esta poblacion como una legua escasa cuyo terreno acompaño: unas suplicas que el expresado terreno sea ejidos de dicha Poblacion me sujeto en este caso a pagar lo que se me imponga por derechos de municipalidad.

sea conveniente o ilustre la materia. Incaudo que sea pasara despues exhibite al capitán de la Comp<sup>a</sup> de este Presidio para q. esponga su informe. El Sr. Dn. José Figueroa general del Brigada, Comandante

Por tanto A. V. S. suplico se sirva proveer en mi favor de lo que recibiré merced y gracia. Jurado no ser de malicia y lo necesario.

Monterrey. 23. de Mayo de 1834.

Gregorio Tapia.

Inspector y Jefe Superior Político



de la Alta California, así lo mandó, decretó y firmó de  
que doy fe. José Figueroa.

Agustín P. Trancoso. Trío.

En Sesión de este día pasó este expediente a la Comisión  
de Colonización. Monterrey. Junio. 11. 1834.

Por ausencia del Secretario.

José Aquila.

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.

Figueroa.

Rafael González.

G. Ayunt.<sup>o</sup> Constitucional

La Comisión encargada de Colonización y terrenos  
balorios ha visto la solicitud que presenta el C. Gregorio  
Fapia relativa en que se le conceda el privilegio nomb-  
rado el Aguajota, mesa Grande y Canchala del  
segundo: en cumplimiento del Sup.<sup>or</sup> decreto que  
le acompaña: opina esta Comisión que el referido  
Fapia es Mexicano p.<sup>o</sup> nacimiento, lo que le da el  
requisito que prescribe la ley para ser admitido en  
su solicitud. El terreno pretendido, no está compre-  
ndido en la veinte leguas limitadas, y si en las diez  
leguas de que habla la ley de 18 de Agosto de 1824,  
es de temporal y abrevadero y pertenece a los criados  
de esta población aunque no están señalados pero  
distá poco menos de una legua, por cuyo motivo  
la Comisión ofrece a este G. Ayuntamiento las proposiciones  
siguientes.

1.<sup>o</sup> Puede adjudicarse le el terreno pretendido  
al C. Gregorio Fapia en talon que se promete pagar  
el censo que se le imponga p.<sup>o</sup> estos municipalidades.

2.<sup>o</sup> Que p.<sup>o</sup> dar el pleno al Sup.<sup>or</sup> decreto que  
acompaña a esta Instancia pase al Capitán de cab-  
allería de este Puerto.

Mont.<sup>o</sup> 30. de Junio de 1834.

José Antonio Romero. José Aguila.

Sr. Jefe Superior Político.

El Y. Ayuntamiento Constitucional de esta Capital con el objeto de dar a V. S. el informe que se sirve pedir con su Superior decreto de lo que actual, puso el presente expediente a la deliberacion quien prescindió e' obtamen que antecede, y como su contenido es lo que eleva informar esta corporacion lo reproduce en todas sus partes. Monterrey. Junio 29. de 1834.

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Manuel Jimeno Casarin.

Por ausencia del Secret.º José Aguila.

Con esta fha. pasó este expediente al Capitán P. Agustín V. Ramorano. Monterrey. Junio 26. 1834.

Por ausencia del Secret.º

José Aguila.

Sr. Jefe Superior Político.

El terreno solicitado por Gregorio Tapia no pertenece a las situados de caballería de mi compañía. Monterrey. Junio. 28 de 1834.

Agustín V. Ramorano.

6. Sello cuarto una cuartilla

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.

Figueroa.

Rafael Gouzales.

Agustín V. Ramorano, Capitan de la compañía de caballería permanente del Presidio de Monterrey.

Certifico: Que el vecino Gregorio Tapia sirvió en mi compañía en la carrera de las armas diez años y meses y por cumplido el tiempo de su empeño pidió su licencia absoluta ab que disfrutó en Febrero del presente año. Y para los fines que le convengan doyo a su pedimento en Monterrey a diez y siete de Mayo de mil ochocientos treinta y cuatro.

Agustín V. Ramorano.

Monterrey. Octubre 20 de 1834.

de Gregorio Tapia produccion...

Pase al Alcalde de esta Capital ante quien la parte de Gregorio Tapia, proveyó una injerencia de tres testigos notorios que seran interrogados sobre los puntos siguientes. 1.º Si el solicitante es mejicano por nacimiento. Si es casado y tiene hijos. Si es de buena conducta. 2.º Si el terreno que pertenece a la propiedad de algun particular, Mision Pueblo o Corporacion. Si es de regadio temporal, o abrevadero. y que estension tendra. 3.º Si es tiene bienes de campo con que poblarlo o posibilidad de adquirirlos.

Evacuadas estas diligencias vuelva el expediente para su resolucion. El Sr. D. José Figueroa, General de Brigada Comandante General, Inspector y Jefe Superior Político del territorio de la Alta California así lo mandó, decretó y firmó de que doy fe.

José Figueroa. Agustín N. Navarro. Sec. Montevideo. 21 de Oct. de 1834.

Por presentado y admitido. Reciban de la injerencia mandada en el decreto que antecede. Así yo el Alcalde lo decreté mandado y firmado con los de asistencia.

Manuel Linero Casarín. de aya. T.º del Castillo Negro de Aña. Juan Malaraín.

En la fha. se le notificó el auto anterior al interesado de lo que quedó entendido y no firmó por no saber lo hice yo con los de asistencia.

Casarín.

de aya. T.º del Castillo Negro. D.ña. Juan Malaraín.

Hoy día cuatro de Febrero de mil ochocientos treinta i cinco yo el Alcalde David E. Spence le hice saber al interesado el estado de este expediente p.º q. presentate en este Juzgado las testigos que se mandaba en el decreto que antecede de lo que quedó entendido i no firmó por no saber emio mandado yo con los de mi asistencia.

David Spence. de aya. T.º del Castillo Negro de Aña. Juan Malaraín.

No habiendo parecido el interesado en este expediente

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a hacer la informacion de sus testigos y así mandado se le hizo

Sello cuarto una cuartilla.

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.

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Figueroa. Rafael Lourales.

Saber de nuevo hoy quince de abril de mil ochocientos treinta y cinco de lo que queda entendido.

David E. Spence.

de aña. F<sup>co</sup> del castillo negro. aña. Juan Mcalaren.  
Monterrey. Agosto 8 de 1835.

Presente el C. Gregorio Fajia se le notifico d'auto de 21 de bre. ultimo y entendido dijo: lo oye y q. prescota por testigos a las cc. Prudencio Espinosa, Joaquin Soto y Miguel Avila y no firmo por no saber lo hizo yo con los de aña. Spence.

aña. Jose Maria Macalouado. Miguel Avila. aña.

En la pta. presente, Prudencio Espinosa, se recibe juramento en forma de derecho por el cual

*Hebe follows a mapo or plan.*

Sello tercero Dos Reales.

Habilitado provisionalmente por la administracion de la Aduana Maritima de Monterrey de la Alta California, para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa. A. Ramirez.

oficio decir verdad en lo que supiere y suene prescurado y siendo por su nombre, estado, edad patria y religion dijo llamarse como queda dicho: que es casado de treinta y tres años, natural de la Misión de la Soledad y C. A. R.

Preguntado: a consecuencia del anterior y otario que se  
 menciona en el superior decreto de 30 de Oct. pp. dijo:  
 a lo primero: que el solicitante es ciudadano mejicano  
 por nacimiento que es casado: que no tiene hijos y que  
 es de buena conducta y responsable.

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Alo 2º que el terreno que pretende sabe q. pertenece  
 a este de Monterrey: que es de regadío y de temporal  
 y que su estension segun su conocimiento sera de muchas  
 legua de largo y media de ancho y responsable:

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Alo 3º que tiene pocos bienes de campo: pero que  
 tiene posibilidad de adquirirlos suficientes para  
 poblarlo: que lo dicho es la verdad a cargo del juramto  
 que tiene hecho en el que se afirmó y ratifico leído que le  
 le fue su declaracion y no firmo por no saber lo hizo yo  
 con los de esta.

ana. David E. Spence. ana.

Los. M. Maldonado.

John Ramsford

13 Inmediatamte presente al C. José Joaquín Soto leurreio  
 el juramento que hizo en forma por el cual ofrecio  
 decir verdad en lo que supiere y fuere preguntado  
 y siendo lo por su nombre, estado civil patria y  
 religion dijo: llamarse como dicho esta que es  
 casado de treinta y cuatro años, su patria Mont-  
 y C. A. R.

Preguntado: Por el mismo interrogatorio que  
 lo fue el anterior testigo dijo:

A lo 1º que el interesado es mejicano por naci-  
 mto que es casado: que no tiene hijos ni en el futuro  
 y que su conducta es buena y responsable:

A lo 2º que el terreno que pretende sabe que  
 pertenece a esta Capital: que es de temporal  
 y tiene poco de regadío y que tendra' poco mas  
 o menos media legua de largo y un cuarto  
 de ancho y responsable:

Alo 3º que tiene algunos bienes de campo  
 y que lo dicho es la verdad a cargo del juramto  
 que tiene hecho en el que se afirmó y ratifico leído

que le fue su declaracion y no firmo p' no saber, lo hizo yo con los de esta.

de esta. David E. Spence.      año.  
Jose Maria Maldonado.      John Saunders.

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En el mismo dia mes y año presente el Sr. Miguel Abila le recivi juramento en forma de derecho bajo el cual especifico decir verdad en lo que supiere y fuere preguntado y fiavelo lo juró su nombre estado civil, patria y religion: Dijo que le llama como obispo es q. es casado, de edad treinta y cinco años. Sello tercero de los reales.

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

Figueroa.      A. Ramirez.  
natural del Presidio de Sta. Barbara y C. A. R.

Pregt.<sup>do</sup> Por el interrogatorio con que lo fueron los antecederes testigos. Dijo:

Al 1.<sup>o</sup> que el Cuat.<sup>o</sup> que solicita es mejicano por nacimiento que es casado y no tiene mas hijos que los politicos que estan en su poder hijos de su esposa y que tiene buena conducta y respetable.

à lo 2.<sup>o</sup> Que el terreno que pretende pertenece a esta poblacion que es de regadio, temporal y abrevadero y que su estension sera de tres cuartos de legua en circunferencia y respetable.

à lo 3.<sup>o</sup> Que no sabe mas sobre lo que se le pregunta que de certidumbre que tiene alg.<sup>o</sup> reses: que lo obicho es la voluntad à cargo del juram.<sup>to</sup> que tiene hecho en el que se apruio y ratifico leida que le fue su declaracion y lo firmo con miyo y los de esta.

David E. Spence.      Miguel Abila  
de esta. Jose Maria Maldonado.      Jose Saunders.

En la fha. concluida la informacion que se pide se devuelve esta exped.<sup>te</sup> al Sr. Jefe Politico en cumplimiento de lo mandado en el auto q. antecede y lo

signed my name, officially, and affixed my private  
Seal (not having a seal of office) at the City of San  
Francisco. Cal. the 28<sup>th</sup> day of January. 1853.

Saml. D. King.  
Surveyor G. Cal.<sup>o</sup>

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Filed in Office. Feby. 17. 1853.

Geo. Fisher. Secy.





To His Excellency the Superior Political Chief.

B.

Translation  
in part of  
Espediente.

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Gregorio Tapia, dismissed military of the company of Cavalry of this Port, respectfully represent himself and say: that possessing a certain number of cattle and other animals and desiring to obtain in property, a piece of land where to put said animals, he requests from the justice of Your Excellency, that you may be pleased, using of your faculties, to grant to your petitioner the place named Aguajito, situated in the neighborhood of this town, distance of about one league and of which I annex the map. And in the supposition that said tract is situated within the limits of the town. I also subject myself to pay whatever municipal taxes they may ask of me.

In consequence of which I beg Your Excellency you may be pleased to decide in my favor, for which I will feel thankful.  
Monterey 23<sup>d</sup> of May 1834.

(Signed) Gregorio Tapia.

Monterey June 10<sup>th</sup> of 1834.

In conformity with the laws on the subject the Assembly of this Capital will inform if the present petition has all the requisites necessary and if the request has to be taken in consideration. — If the land he asks for is situated within the twenty frontier leagues or the ten littoral leagues as expressed in the law of 18<sup>th</sup> August of 1824, if it is temporal, can be irrigated, or if it is a watering place, if it is the property of any person, Mission or city, and every other particular which may throw light upon the subject and finally

To send the despatch to the Captain of the  
 Presidio that he may give his declaration.  
 D<sup>n</sup> José Figueroa, General of Bri-  
 gade, General Commander, Inspector and  
 Supreme Political Chief of High Califor-  
 nia, dictate, order, affirm and sign, of  
 which I give faith.

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(Signed) José Figueroa.  
 (Signed) Agustín V. Zamorano.

Secy. —

In the meeting of this day, sent the present  
 despatch to the Commission on Colonization.  
 Monterey June 11<sup>th</sup> 1834.

By absence of the Secretary  
 (Signed) José Aquila.

Monterey 13<sup>th</sup> of August 1835.

Considering the petition at  
 the beginning of the present despatch, the  
 information of the assembly of this Capital,  
 the declaration of the Captain of Cavalry of  
 this part, the depositions of the witnesses,  
 with every other fact which was necessary  
 to know, and in conformity with the laws  
 and regulations in the matter, the citizen  
 Gregorio Tapia, is declared the right owner  
 of the land named Uquajito, with the con-  
 dition that he submit himself to pay the  
 amount which may be asked of him when  
 the limits of the city will be fixed and in-  
 dicated. — The corresponding despatch will  
 be delivered to him, copy will be taken with  
 proper registers, and the present despatch  
 will be sent for approbation to the Honor-  
 able Deputation, in which case the in-  
 terested, who will be informed of the present

decre, will again present his title to be rat-  
ified.

His Excellency D. José Figueroa, Gen-  
eral of Brigade, General, Commander and  
Inspector of the Territory of High California.  
(Signed) José Figueroa.  
(Signed) Fr. del Castillo Negrette.  
Sect.

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Monterey June 10<sup>th</sup> of 1834.  
In conformity with the laws upon  
the matter the council of this Capital  
will have to inform, if this petition contain  
all that is requisite to be attended to, and  
if the lands asked for are situated within  
the twenty limitary leagues or the ten lito-  
ral leagues as expressed in the law of the  
18<sup>th</sup> Aug. of 1824; if they are irrigable  
lands or watering places, if they are the  
property of any private person, mission,  
corporation or city, with everything else which  
may give light upon the subject or matter;  
after which the dispatch (expediente) will  
be sent to the Captain of the Company of this  
Presidio, that he may give his opinion —  
His Excy, D. José Figueroa, General, Com-  
mander, Inspector and Supreme Political  
Chief of High California, see, order, decree  
and sign, of which I give faith.  
(Signed) José Figueroa.  
(Signed) Agustín Zamorano.  
Sect.

In the union of this day, the present des-  
patch has been sent to the commission of  
Colonization. Monterey June 11/834

By absence of the Secretary  
(Signed) Don' Aguila.

The Constitutional Agent.

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The Commission charged with the colonization and vacant lands, has examined the petition of the named Gregorio Tapia, by which he requests, that the place named 'Aguasita', mesera grande y cañada de la segunda, may be granted to him in community, with the decree / supreme / this commission declare that said Tapia being a Mexican by birth, his request has to be attended to, the land asked for is not situated within the twenty limiting leagues, but is within the ten literal leagues mentioned in the law of 18<sup>th</sup> of Aug. 1824; it is temporal and a watering place, and belong to the boundaries of this city, tho' they are not indicated, being situated at a distance of a little less than a league, for which reason the commission present to the Agent. or council the following propositions.

1<sup>st</sup> The land asked for by Gregorio Tapia can be granted to him, for the reason that he promises to pay any taxes which may be imposed by the city authorities.

2<sup>o</sup> That to comply with the Supreme decree annexed to the petition it be sent to the Captain of the Cavalry of the Presidio.

Monterey 20<sup>th</sup> of June of 1834.

(Signed) Don' Aguila.

( u ) Don' Ant<sup>o</sup> Romero.

To His Excellency the  
Supreme Political Chief

The Constitutional Agents  
of this Capital, with the intention of

giving you the information as requested in your Supreme decree, has sent the present despatch to the Commission of Colonization, who opinioned as precede, and its contents comprising all what said corporation had to declare. I herewith send the whole.

Monterey June 29/834.

(Signed) Manuel Amín. Carasín  
In the absence of the Secretary.

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Thursday I sent this despatch to Captain Agustín V. Zamorano.

Monterey June 26/834.

(By absence of the Secretary)  
(Signed) José Aguila.

To His Excellency the Superior Political Chief.

The land asked for by Gregorio Tapia, do not belong to the watering places of my company.

Monterey June 28/834.

(Signed) Agustín Zamorano.

Agustín Zamorano, Captain of the Company of Cavalry of the Presidio of Monterey.

Certify that the citizen Gregorio Tapia, has served in my company as military fourteen years and some months and that having served the time required, he asked for his full discharge, which was granted to him in February of this year, to use it as he thinks proper. Monterey the 17<sup>th</sup> of May 1834.

(Signed) Agustín V. Zamorano.

Monterey Oct. 20<sup>th</sup> of 1834.

To be sent to the Alcalde of

His Capital before whom Gregorio Tapia will have to produce three witnesses, to be interrogated upon the following questions -

1<sup>st</sup> If the petitioner is a Mexican by birth, if he is married, if he has children and if he is of good conduct.

2<sup>d</sup> If the land he requests, belongs to any private person, Mission, City, or corporation. If it is temporal and irrevocable, or watering place and the extent thereof.

3<sup>d</sup> If he has any animals or if there is any probability or possibility that he may acquire any hereafter. When these formalities will have been fulfilled, this despatch will be sent back to be resolved upon.

His Exc. D<sup>o</sup> Ine Figueroa,  
General of Brigade, Commander General, Ins-  
pector and Superior Political Chief of the Ter-  
ritory of High California, I see, order, decree,  
and sign, of which I give faith.

Signed/ Ine Figueroa.  
Signed/ Augustin Zamorano.  
Sec.

Monterey 21<sup>st</sup> of Oct of 1834.

Presented and admitted. To begin the inquiry as ordered in the foregoing decree, I, the Alcalde, decree, order and sign, with my assistants.

Signed/ Manuel Jimeno Casarin.  
Assistants

Signed/ F<sup>co</sup> de Castillo Negrete.  
" Juan Malasrin.

This day it was notified to the party, interested, of what was agreed upon, but not knowing how to write, he did not sign, I signed with

my assistants. (Signed) Casarin.  
Assistants.  
(Signed) F.<sup>co</sup> del Castillo Negroto.  
" Juan Malarin.

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PAGE 26

To the day the 4<sup>th</sup> of February 1835, the Alcalde, David Spence, has made known to the interested, the contents of the present despatch, that he may present himself in this office, with his witnesses as ordered in the foregoing decree, with which he is acquainted, but he did not sign the present, not knowing to write.

(Signed) David Spence.  
(Signed) F.<sup>co</sup> del Castillo Negroto  
" Juan Malarin. 3 Assistants.

The person interested not having presented himself, with the witnesses, he has been informed again, to-day the 15 of April 1835.

(Signed) David Spence.  
(Signed) F.<sup>co</sup> del Castillo Negroto.  
" Juan Malarin. 3 Assistants.

Monterey August 8<sup>th</sup> of 1835.

Yucio Tapia, having presented himself the decree of the 21<sup>st</sup> of Oct last, was notified to him, after hearing he presented his witnesses, Prudencio Espinosa, Joaquin Eto and Miguel Arila, he did not sign, not knowing to write.

(Signed) David Spence.  
" Tri' Maria Maldonado.  
" Miguel Arila. 3 Assistants.

This day presented himself, Prudencio Espinosa, who, after being duly sworn, promises to speak

The truth of all what he knows, and having been requested to tell his name, profession, age, country and religion, answers his name to be as mentioned before, that he is married, thirty three years of age, and was born at the Mission of the Soledad.

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In consequence of the interrogatory ordered by the Supreme decree of 26<sup>th</sup> Oct he answers,

to the 1<sup>st</sup>. That the petitioner is a Mexican citizen by birth, is married, has no children, is of good conduct - his answer

to the 2<sup>nd</sup>. The land asked for belongs to Monterey, it is irrigable and temporal, and of extent as far as he knows, half a league long and half a league broad, his answer

to the 3<sup>rd</sup>. That he has few animals, but is in a position to obtain sufficient to occupy the land; that what he has declared upon oath is the truth, and confirm the same after his declaration was read to him, but not knowing to write, he did not sign - I signed with my assistants.

(Signed) David Spence

" " ) Die Maria Maldonado.

" " ) John Rainsford.

Immediately after, Ine Joaquin Beto presented himself, having been duly sworn, he offers to speak the truth of all what he knows, and having been asked for his name, profession, age, country and religion, he answers: that his name is as mentioned, that he is married, that he is thirty years of age and was born in Monterey.

Questioned by virtue of the same interrogatory before mentioned, the witness answered,

to the 1<sup>st</sup>. That the petitioner is a Mexican citizen by birth, is married, has no children, is of good conduct - his answer



to the 1<sup>st</sup>. That the interested is a Mexican citizen by birth, that he is married, that he has no children, except step children, that his conduct is good, his answer to the 2<sup>nd</sup>. That the land he asks for is known as belonging to the city, that it is temporal, and has a little irrigable land and is a little more or less one half league long and a half league broad in extent, his answer to the 3<sup>rd</sup>. That he knows he possesses some animals, that this is the truth in conformity with the oath he made, which he maintains and confirms after his testimony was read to him, but not knowing to write, he did not sign.

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Signed David Spence.  
 Assistants - " Luis Maria Maldonado.  
 " John Rainsford -

The same day, month and year presented himself D. Miguel Abila, after having been duly sworn, and by which oath he promised to tell the truth of all he knows, and having been requested to tell his name, if married, his age, country, and religion, he answers, that his name is as mentioned, that he is married, is thirty five years of age and was born in the Presidio of Santa Barbara.

Questioned by virtue of the interrogatory before mentioned, the witness answers to the 1<sup>st</sup>. That the interested is a Mexican citizen by birth, that he is married, has no children except by a former marriage or step children, and that his conduct is good, his answer to the 2<sup>nd</sup>. That the land he asks for is known to belong to the Capital, that

it is temporal and has but little irrigable land, and has one half league in length and one half league wide, more or less, he answers to the 3<sup>rd</sup>. That he knows he has some cattle and other animals, that what he has declared is the truth, which he confirms after his declaration was read to him, he has not signed, not knowing to write.

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(Signed) David Spence.  
(Signed) Ine Maria Maldonado  
" John Rainford. 3 Assistants.

This day has been closed the inquiries which have been asked and the despatch is sent back to His Excellency the Political Chief as ordered by the act which precede, and I authenticate the present by signing the same.

(Signed) David Spence.

Filed in Office July 17 1853.

Geo: Fisher,  
Secy.

29

No 597

Gregorio Tapia

The United States

Aguajito

1/2 square league of land  
Monterey County.

Opinion

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The only documentary evidence introduced by the petitioner in support of his claim is a traced copy from the archives in the office of the United States Surveyor General, of an expediente formed upon the application of the present petitioner for a grant of the premises claimed presented to Governor Pizarro on the 23<sup>d</sup> of May 1834. This document is drawn up with all the minutiae and particularity which characterized the proceedings of that office and ends with a decree of conception signed by the Governor, declaring the petitioner owner of the lands prayed for and directing the title to be issued to him. The genuineness of the signatures contained in the original expediente, with two exceptions are proved by Juan B. Alvarado, who also proves that the claimant has occupied, lived on, and cultivated the land claimed from the year 1830 at which time he had a house, tame oxen, cows, and other domestic animals and a small little farm in cultivation on the place.

There is no proof that the title was ever issued to the party, nor of its loss as avowed in his petition.

It has been repeatedly decided by the Commission that without some evidence of the actual delivery of the grant, or a other evidence of title to the grantee, and a proper foundation for the introduction of secondary evidence of its execution and contents, the mere existence of a decree of conception in the archives was not such evidence of title as would establish the validity of the claim and authorize the Board to enter a decree of

confirmation. This claim bears strong intrinsic evidence of merit, and if proper testimony of the execution, top and contents of the original grant had been adduced would clearly have been entitled to confirmation; but in the present state of the testimony a decree of rejection will be entered

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PAGE 31

Filed in office May 8. 1855

(signed) Geo Fisher Jcy

No 597 Gregorio Tapia )  
vs  
The United States )

Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioner is not valid, and it is therefore denied that his application for a confirmation thereof be and the same is hereby denied

A. Augi Thompson )  
S. B. Darrell )  
Claimant's

Filed in office May 8. 1855

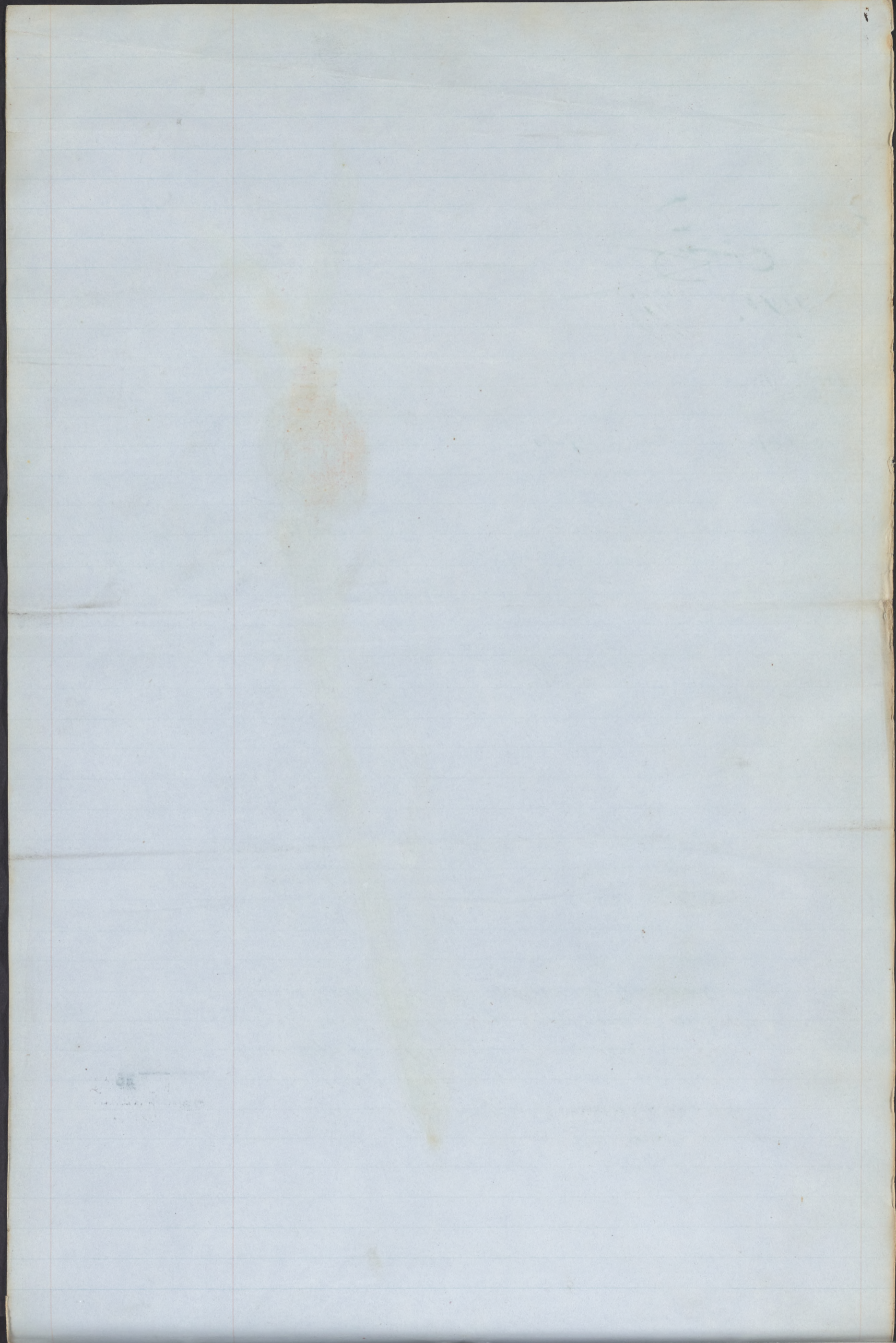
(signed) Geo Fisher Jcy

31 Order

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

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Office of the Board of Commissioners,

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

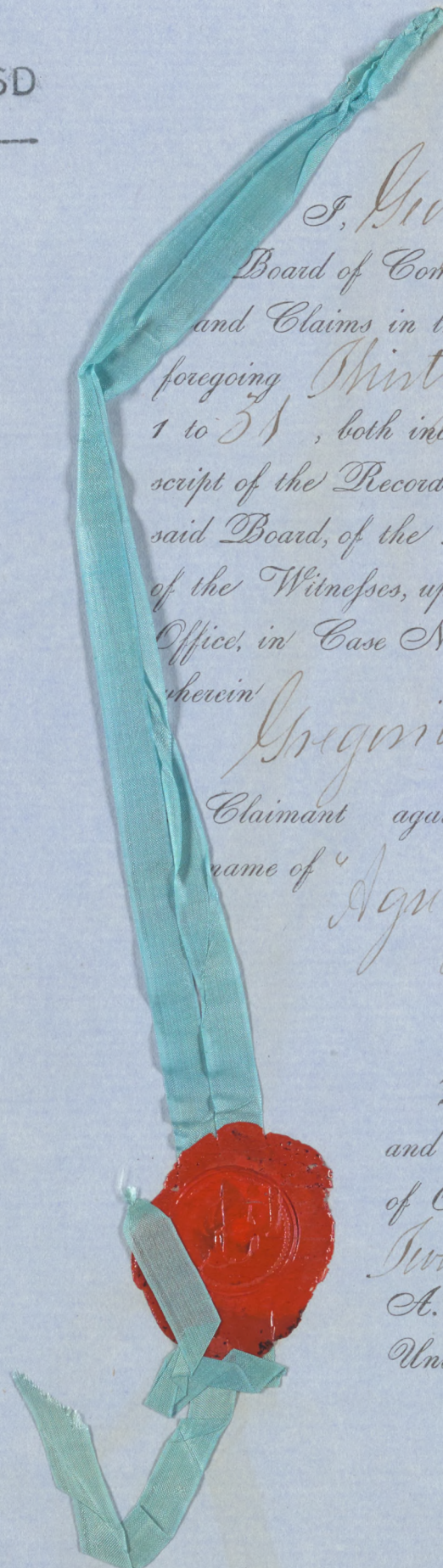
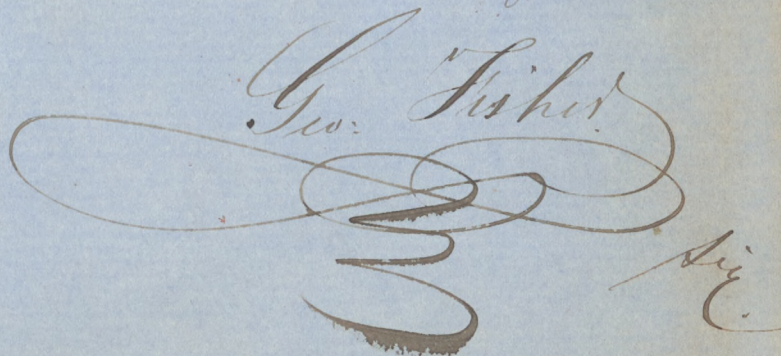
I, *George Fisher* Secretary to  
Board of Commissioners to ascertain and settle the Private  
and Claims in the State of California, do hereby certify the  
foregoing *Thirty one* pages, numbered from  
1 to *31*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the 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. *597* on the Docket of the said Board,  
wherein

*Gregorio Pasia* is

Claimant against the United States, for the place known by  
name of *"Aguajito"*

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 seventh* day of *October*  
A. D. 1855, and of the Independence of the  
United States of America the *seventy-eighth*.

*Geo. Fisher*



323

U. S. DISTRICT COURT,

*Southern* District of California.

No. 323

THE UNITED STATES,

323

*Gregorio Sapia*

*Aguajito*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *597*

Filed, *Nov. 24*

1855,

*J. C. San  
Clerk.*

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Clerks Office of The District Court of the United States for the Southern District of California.

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PAGE 34

Whereas The Commission constituted for the purpose of ascertaining and settling private Land claims in the State of California by the Act of Congress of the United States of America approved on the 3<sup>rd</sup> March 1851, entitled "An Act to ascertain and settle the private Land claims in the State of California" did on the *Eightth* day of *May* 1855 - by their decision of that date decide against the claim presented by the undersigned to the said Commissioners Which claim is No: 597 on the docket of claims before said Board and is for Land lying in the said Southern District: and the said Claimant being desirous that the said District Court should review the said decision: Now hereby files this notice in the said Clerks Office of his intention to prosecute an appeal, as is provided by the 12<sup>th</sup> section of "An Act making appropriations for the civil and diplomatic expenses of the Government for the year ending the 30<sup>th</sup> of June 1853 and for other purposes, which said act was approved on the 31<sup>st</sup> of August 1852.

To \_\_\_\_\_  
C. E. Carr  
Clerk of said Court

Gregorio Tapia  
by his counsel  
Houston, William Houston

Docket No 323

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

Gregorio Tapia, appell

vs.

The United States, appellee

Notice of appeal

Filed Nov. 12, 1853.

323 SD E. Jan.  
Cek.

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Thomson W. & S. Atty.

United States District Court,  
Southern District of California.

Gregorio Tapia for "Aguafita" of  
vs "Mesa Grande"  
The United States Monterey County

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Transcript No 323  
Docket — No 597

On this 10th day of June A.D. 1857 before me  
C. Sims, Clerk U.S. Dist. Ct. for the South. Dist.  
of California by Deputy Alex. S. Taylor,  
personally appeared Gabriel Dela Torre  
of Monterey County aforesaid who on being  
duly sworn makes oath to the following  
deposition ~~to~~ in the claim of Gregorio  
Tapia near Monterey City —

Present Jacob A. Mosenhaut on  
the part of the Claimant and  
Pacific Ord, Dist. Attorney for the  
United States

Q. What is your name, age and place of  
residence.

Ans. My name is Gabriel Dela Torre,  
aged forty nine and live in  
Monterey City

Ques. Do you know Gregorio Tapia and  
since when —

Ans. I know him since my childhood  
we were brought up together.

Q. Do you know if Gregorio Tapia ever  
received any concession of land, or have

Ans. Yes I do; he received a grant of land  
called the "Aguafita" near Monterey City.

No-323

2. About what time did he get this grant.

Ans. In 1835 about the time Figueroa was Governor of California.

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PAGE 37

Ques. Did you ever see the title papers of said rancho.

Ans. Yes, I have seen them and had them in my hand.

Ques. Do you know if the land were occupied by said Tapia and if there were any improvements on the land.

Ans. He occupied it with cattle, — horses, etc. had a sowing, and <sup>had</sup> a house built upon it.

Ques. Do you know what became of the Original title.

Ans. It was burnt — the house was burnt, and the trunk containing his clothing and title papers.

Ques. Were you on the rancho at the time of the fire — what took place?

Ans. I found Tapia standing under a tree on the rancho while the house was burning — <sup>he was crying</sup> — he said that every thing he had in the house was burnt, which made him miserable as the title papers were burnt, <sup>also</sup> which was his greatest loss.

Ques. Do you know where Tapia is and what condition <sup>of health</sup> he is in.

Ans. He is somewhere <sup>in</sup> Santa Cruz County, and said to be unwell of paralysis. I do not know if he is alive now — saw him last year.

Q. Do you know well the lands Tapia did occupy? what were they  
Ans. Yes, I do know them well - there  
land commenced near the Canada  
Baraccas and ~~at~~ which Canada comes  
out at the Huerta Vieja and runs  
up to the hills - thence it followed  
along the hills up to the lines of the Soucitas  
and ~~then~~ <sup>on one side</sup> the other limits <sup>are</sup> the Camina  
real going to the Rancho Torro and  
~~and on the other side~~ <sup>and on the other side</sup> the Canada Segunda  
~~with going up~~ going on to the Puerta Sueles of the Canada  
Segunda aforesaid.

Ques. When did Tapia leave these lands.

Ans. Shortly after the burning of his house  
about 1836, but I can't now recollect  
exactly the year

Ques. When did you see these title papers  
last?

Ans. Saw them when they were canceled  
and some six or seven days after that  
again.

Ques. By whom were these title papers  
signed.

Ans. They were signed by Figueroa;  
I was present when ~~they were present~~ <sup>the titles</sup> ~~was~~  
approved by the Departmental Assembly;  
about 1835 in the Sala of the Governor  
at the Presidio of Monterey.

Ques. What was the size of this tract of  
land -

Ans. I think the land described contained  
a league or a league and a half  
more or less, but I can't say for certain.

The testimony here closed.

Gabriel de la Torre  
Sworn to and subscribed to before me  
this tenth day of June A.D. 1857.

Alon. S. Taylor  
Deputy Clerk etc.

No 323

U. S. Dist. Court

South. Dist. of Cal.

Gregorio Tapia for  
"Aguapita" &  
of "Mass Grande"

The U. S. State

Deputin of  
Gabriel de la Torre  
Monterey 10 June 57

Filed 10 June 57

A. S. Taylor

Deputy Clerk

323 SD

attorney PAGE 39

J. A. Morenbaum

Monterey

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

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Gregoria Tapis  
Appellant

vs

The United States  
Appellee

Case No 323

"Aguajito"

Tram 537.

In the District Attorney of the United States  
For said District

Sir!

Take notice that on the 4<sup>th</sup> day of January A.D.  
1858, at 11 o'clock A.M. of said day or as soon there  
after as the same can be heard, the claimant and  
appellant will submit said cause to the aforesaid  
Court for decision. Los Angeles. December 20, 1857

Stearns & Hartman

Attys for Appellants

In U.S. Southern District

Georgia Superior

vs

The United States

Notice of Trial

Filed this 30th Dec,  
1857 Lewis Clark  
of Holmway

323 SD

PAGE 41

Stacy & Newman  
per Appelbaum

*[Faint handwritten notes on the left margin, including "DE 3D" and "Georgia Superior"]*

*[Faint handwritten notes on the right margin, including "Case No 323" and "Notice of Trial"]*



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

Maryna Dupin

Appellant.

N. 323.

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vs.

The United States. Appellee } Jan. N. 397.

The answer of P. Ord Attorney of the United  
States for the Southern Dist of Cal: to the petition  
for review in this cause, says. That he  
denies generally the validity of the alleged  
title of the Claimant. And prays that  
the Court will affirm the decision of  
the Board of Land Commissioners, and  
decree the said alleged title to be invalid,  
With Costs & general relief.

P. Ord  
Attly,

N. 323.

Gregorio Papia

ans.

The U States

Answer of MS.

Filed this 1<sup>st</sup> February  
1858  
Clerk  
of the Supreme Court  
of the U States

323 SD

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

323 SD  
PÁGE 44

Benigno Sapin

Appellant

vs

The United States

Appellee

No 323.

"Aguajito"

Pages 597.

To the Hon the Judge of the District Court aforesaid,

Says Petitioner Benigno Sapin respectfully represents that under the provisions of the Act of Congress of March 3, 1857 a petition was presented to the Board of Land Commissioners for ascertaining and settling private land claims in the State of California, praying for confirmation to the land described in said Petition and accompanying documents, to which reference is here made. That said claim was rejected on the 7<sup>th</sup> day of May 1858 by said Board of Land Commissioners. That said land is situated in said Southern District. That a transcript of the proceedings and decision of said Commissioners ~~was~~ made in this case was duly filed in the office of the Clerk of this Court on the 24<sup>th</sup> day of November A.D. 1858. And that a notice of intention to present said appeal has since been filed in said case in said Clerk's office by the Claimant and appellant.

Says Petitioner prays for a rehearing in said case upon the appeal aforesaid and that the Court will reverse the decision aforesaid of said Board of Land Commissioners, and enter a decree

of confirmation to the lands aforesaid to the Petitioners and Claimant, and for such other and further relief as to equity and conscience belongs and the nature of the case requires

Slaves & Heirs thereof  
Atty for Claimants

10323

In the U.S. District Court

San Juan District

~~~~~

Benigno Lopez

Appellant

vs

The United States

Appellee

~~~~~

Petition for Review

~~~~~

Filed this 1st day of January
1858
C. Lewis Clerk

J. M. Coleman

323SD

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Slaves & Heirs thereof

Atty for Appellee

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

THE PRESIDENT OF THE UNITED STATES,

TO

P. Ord U. S. Dist Ct

323 SD

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GREETING:
TAKE NOTICE That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *18th* day of *January* in the year of our Lord, one thousand eight hundred and fifty-*eight*, at the City and County of Los Angeles, in said District, by

*Gregorio Tapia, praying
the said Court to review the decision of
the said Commission rendered against
him on the 8th day of May 1855 rejecting
his claim to the tract of land called
"Aguajete" Situate in the Southern
Part of California*

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

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this *18th* day of *January*, in the year of our Lord, one thousand eight hundred and fifty-*eight*, at Los Angeles aforesaid.

*C. Linn
J. M. Coleman
Clerk.*

10323

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

Gregorio Espino

*vs.
The United States*

SUMMONS.

*Filed this 1st Feb'y 1858
Adm'r's cl'k
J. C. Harwood
etc*

I served this Summons, along with the proper copy of the Petition, upon *P. D.*

U. S. Attorney

at *Los Angeles*, in the Southern District of California, on

the *1* day of *February*, A. D. 185 *8*.

Sworn to and subscribed before me,

Clerk.

Marshal.

James C. Penick

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

Enrique Tapia
Appellant

Case No 323

vs

"Aguajito"

The United States

Appellee

Trans No 597.

Bece

This cause coming on to be heard on appeal from the decision of the United States Board of Land Commissioners to ascertain and settle the private land claims in the State of California under an act of Congress approved March 3rd 1851 in a transcript of the proceedings and decision of said Board, and the papers and evidence upon which said decision was founded, and the other evidence adduced before this Court, and it appearing to the Court that said transcript and the notice of appeal have been duly filed according to law and Committed for the respective parties having been heard.

It is ordered and decreed, that the decision of said Board of Land Commissioners be and the same is hereby reversed, and that the claim of appellant is good and valid in law, and the same is hereby confirmed to him as follows: the tract of land situate in the County of Monterey State of California known by the name of "Aguajito", bounded as follows, beginning at the cañada de Barracos to the foot of the adjoining hills where there is a spring, from the spring running to the Portonelo

NO 323

In District Court U.S.
Southern District

Virginia Seaman

vs

The United States

vs

Deena

Recorded in Page 258

↓ Filed this 8th February
A.D. 1858 - C. Smith, Clk
J. A. Coleman
Sgt

323 SD

PAGE 49

Shewan & Neenan

Attys. Gen. & Appellants

of the "Cañada Segunda", from thence to the line
of the "Sancito" Rancho, at the Sinders of the City
of Monterey, from thence by the common road to
a stone house called the "casas de Camellas" near
the termination of the "Cañada de Barrios", meas-
uring about three thousand ^{more or less} ~~more~~ ^{more or less} long by five
-ten hundred ^{more or less} ~~more~~ ^{more or less} wide, according to the call
of the grant in this case, and for a fuller description
of which reference is here made to the the map con-
-termined in the transcript, and the evidence on file
in the case.

Shew done in open Court this 9th day
of February, A.D. 1858.
James H. Ogden
U.S. District Judge
for the S.D. of Cal.

No. 323

John C. & H. W. ...
A.D. 1858
John C. ...
John C. ...

Gregoria Tapia

appell.

No 323 D.C.

The United States

No. 597 S. Court.

appell.

323 SD

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It appearing by inspection
of the records to the satisfaction of the Court
that notice of intention to prosecute the
appeal in this case was duly filed in
the Clerk's office of this court on the
12 of ~~November~~^{November} 1855; and that the same
has been misplaced. It is ordered that
a copy of said notice be placed on file
in the place of the one so filed and now
misplaced as aforesaid.

Isaac K. Ogden
U.S. District Judge
for the District of Cal.

No 323

Supra Papia
app'ts

vs

The United States

Order to file a
notice of appeal
in this cause

Filed February 9th
1858

Spind
Clerk

323 SD

PAGE 52

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

Gregorio Tapia

Appellant

No 323.

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vs

The United States

Appellee

"Aguajito"

Tram 557.

To the United States District Attorney, ^{for the District of Southern} and the Clerk
of the aforesaid Court.

The Claimant and Appellant hereby gives notice of his intention to present an appeal in said case from the decision of the Board of Land Commissioners ^{ascertaining and} for settling private land claims in California, to the District Court aforesaid.

Stuart & Hartman

Attys for Appellant

No 323

In U.S. District Court

Eastern District California

Gregorio Lopez
Appellant

vs

The United States

Appellee

Notice of intention to
present an appeal

Filed this 9th February
1858. G. S. Clerk
J. M. Coleman

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Stout v. Keastman

App. for App.

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court
of the United States, for the Southern District
of California

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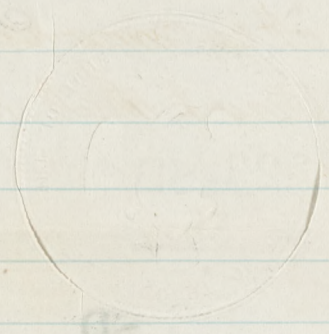
Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California before you, in a cause
between Gregorio Tapia, Appellant, and The United States,
Appellee, (No. 323, for "Aguajito") wherein the decree
was rendered in favor of the said Appellant.

No 323

UNITED STATES OF AMERICA

THE SUPREME COURT OF THE UNITED STATES



as by the inspection of the transcript of the record _____

of the said *District*

Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*

agreeably to the act of Congress, _____

in such case made and provided, fully and at large appears.

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And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *sixty three* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: ~~On consideration whereof,~~ *on the Motion of Mr Attorney General Bates of Counsel for the Appellant* it is now here ordered, adjudged and decreed by the Court that this cause be and the same is hereby dismissed
D. P. Mason

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You, therefore, are hereby commanded that such further proceedings be had in
said cause,

as according to right and justice, and the laws of the United States ought to be had, the said Appeal
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the
first Monday of December in the year of our Lord one thousand eight hundred
and sixty three

COSTS OF

Clerk..... \$

Attorney... \$

\$

Forward by

Lev. Middleton

Clerk of the Supreme Court of the United States.

No. 323

No. 221. December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

Filed October 20th

John A. ... 1864

West ...

U. States or ...

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"A"

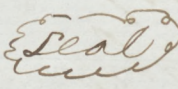
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Sea notorio a todos los que la presente
vieren que yo Gregorio Tarpia ciuda-
dano Americano y residente en el
condado de Sta Cruz en el Estado
de California de los Estados Unidos
del Norte America, que en consideracion
de la suma de mil tres-cientos
pesos que ha recibido a mi entera satisfaccion
y en moneda corriente, ha
vendido, vendido, y traspaso por si y en
el nombre de mis herederos, sucesores
y de todos de quienes hubiese oos y causas
en todo siempre y para siempre Jamas,
a D. Jose Castro natural de este mismo
Estado la tierra o terrenos llamado
aguajito mesa grande y cañada de
la Segunda que el Exmo Señor Gover-
nador del departamento de Alta
California D. Jose Figueroa me concedio
por titulo legal con fecha de 13 de Agosto
1835 cedo y traspaso en consecuencia
todo mi derecho de titulo a la referida
propiedad arriba indicado me disfun-
do quite y aparte desde ahora de todo
derecho a la parte o terrenos mencionado
y vendido y transfiero al dicho D. Jose
Castro para que pueda, por si mismo
por sus herederos o representantes ven-

vender lo trasparlo y hacer de el como
cosa propia todo que á su derecho le
convenga sin que nadie la pueda
interrumpir, ni estorvar el libre ejer-
cicio del derecho de su propiedad

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y en fee de la cual lo he firmado
con una señal de cruz ~~ante~~ ante los
testigos que subscriben en el condado
de Sta Cruz a 2 de Abril de 1853. ++

Gregorio ^{his} Tapia  Testigos de la
firma de G. Tapia - Pedro Tracy, Benigno
Gutiérrez, Manuel Oy Rodriguez -
^{mark}

State of California, County of Santa
Cruz S.S. On this 2nd day of April A.D.
1853 before me Peter Tracy County Clerk
and ex officio County Recorder in and
for the County and State aforesaid
personally came Gregorio Tapia to
me known to be the individual described
in and who executed the foregoing
instrument and who acknowledged
that he executed the same freely and
voluntarily and for the uses and purposes
therein mentioned. Witness my hand
and seal of office the day and
Escal of year last above written.
office 3

Peter Tracy, Recorder
Received for record November 7 1853

@ 10. a.m. Recorded by request of
A. Meriwheat.

State of California
Monterey County

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J. George M. Bird
County Clerk and Ex-officio Recorder
of said County do hereby certify that
the foregoing is a true full and correct
copy of an Instrument now on ^{record} file in
my office in Book "B" of Conveyances
p.p. 95 + 96.



Witness my hand and official
Seal affixed, this 13th day of
August A. D. 1862

J. M. Bird
Recorder
Monterey County
P. H. W. Day
deputy

United States

W. 323
Deed

Tayna

to
Castro

Dated April 2nd 1903

Certified Copy

Exhibit "B" S.M.

"A" (Translation of)

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Know all by these presents that I
Gregorio Larrea Citizen of the United
States and residing in the County of Santa
Cruz State of California and United States
of North America, for and in considera-
tion of the amount of one thousand
three hundred dollars current money
received by me to my entire satisfaction
have sold, do sell and convey for myself
and in the name of my heirs, successors
and all such having right or cause, forever
to D. Jose Castro a native of this State
aforesaid; The tract of land called;
Aguajito, Mesa Grande and Canada de
la Segunda, Granted to me by the most
Excell. Governor of Upper California
D. Jose Figueroa by a legal title bear-
ing date of 13th August 1835.

I do consequently sell and convey
all my right to stand in the property
above mentioned, renouncing and quit-
claiming from this present moment
all my right and title in the tract
of land aforesaid and sold. And I
convey to the aforesaid D. Jose Castro all
my right thereto in order that he may
in his name or for his heirs or assigns
sell and convey the same, and do there-

with or dispose thereof as his own property
according to his convenience without any
one having the right to interrupt him
or intervene in his actions in regard
to the free exercise of his right of
property. In witness whereof I have

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set hereunto the mark of a cross before
the subscribing witnesses in the Court
of Santa Cruz on the 2 day of April
1853 ++ Gregorio ^{his} Tapia (Seal)

Witnesses to the ^{mark} signature of G Tapia
- Pedro Tracy - Benigno Gutierrez - Manuel Rodriguez.

United States of America
South Dist California

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I John Records do
solely swear that the above and foregoing is a true
and correct translation of a document in the Spanish
language purporting to be a certified copy of the record
from the County Recorder's Office of Monterey County of a
Deed of Conveyance for certain lands in Monterey County
called "Aguajito", "Mesa Grande", "La Guada Segunda", ac-
cented by Gregorio Sapia in favor of Jose Castro
which said document or certified copy is marked
Exhibit B, 100, and duly filed in Case No. 323 on
the Docket of the U.S. District Court for the South District of California
Gregorio Sapia vs Plaintiff against the United States

Given by and subscribed before me this
12th day of August A.D. 1862
John Records Clerk
U.S. District Court

W 323
U. S. Sub Comd
South Det On Cal

Gregorio Tupia
(n)
United States

translation of
Philip "B" S. M.

"B"

To all to whom these presents shall come: I Aaron Lyons Sheriff of the County of Monterey. Send Greeting: Whereas, By virtue of an execution to me directed, issued out of the Clerk's Office of the District Court of the Third Judicial District, State of California on the ninth day of February A.D. 1860, upon a judgment recovered in said Court, on the twentyfirst day of January A.D. 1860, in favor of Jacob P. Seese and against Jose Castro for the sum of \$1689 dollars and 56 cents, together with interest on said 1689 ⁵⁶/₁₀₀ Dollars, at the rate of two and one half per cent per month, and also \$8 ⁸⁰/₁₀₀ Dollars, costs with interest thereon at ten per cent per annum, and by me received on the tenth day of February A.D. 1860, I was commanded to levy and caused to be made by distress and sale, out of the personal property of said defendant, said sum, and if sufficient personal property could not be found, then out of the real property of said defendant; and

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whereas, after the receipt of said Execution by me, and before the day of the return thereof, I did on the Eleventh day of February A.D. 1860 by virtue of said execution, levy on, seize, and take the lands herein-after particularly described, to satisfy the said Judgement, costs and charges, and did give the legal notice of the time and place of sale of the same, according to the Statute in such case made and provided, and the practice of this Court; and whereas before the day of sale arrived, to wit, on the first day of March A.D. 1860, the Hon. J. B. McKee, District Judge of the said District, granted, and made an order of said Court, staying all further proceedings under said Execution until further order of said Court, which proceedings were consequently so stayed; and whereas thereafter, to wit, on the 9th day of April A.D. 1861 an order and writ of said Court was made and to me directed requiring me to proceed and sell under said last-mentioned order, and said execution

the property so as aforesaid by me seized, levied upon, and advertised for sale under said Execution, which last mentioned order (Venditio Capons) was by me received on the 4th day of May A.D. 1861: and where-
as on said last mentioned 4th day of May A.D. 1861, I again duly advertised said property for sale and after due notice of the sale, did on the 20th day of July A.D. 1861, at 12 O'clock M., at the door of the Court House of said County of Monterey ~~to~~ sell the said lands hereinafter more particularly described, according to the Statute in such case made and provided, to Jacob P. Leese for the sum of \$1450 Dollars, he being the highest bidder and that being the highest sum bid for the same, and whereas, then and there on said last mentioned day said sum of \$1450 Dollars was to me paid by said Jacob P. Leese, and a certificate of said sale and a duplicate certificate thereof, was by me duly made and issued to said Leese, and whereas, afterward,

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to wit, on the 6th day of November
AD 1861 said Jacob W. Leese sold,
and assigned, and conveyed to Este-
van Castro, the right, title and interest
of him said Leese under and by virtue
of said sale, and sold, and transferred,
and assigned to said Estevan Castro
the said Certificate of purchase, where-
by the said Estevan Castro became en-
titled to all the rights and ~~privileges~~
benefits gained and conferred by said
sale; and whereas the time for the
redemption of said premises has fully
expired and no person has redeemed
the same or any portion thereof, from
said sale; Now therefore; Know
ye; That I Aaron Lyon the Sheriff
aforesaid by virtue of the aforesaid
Execution, and the said order of said
Court, (Venditio Exponas) made as
aforesaid, on the 9th day of April AD
1861, and said sale, and the Statute
in such case made and provided, and
in consideration of the said sum of
one thousand four hundred and fifty
dollars, to me the Sheriff as aforesaid
in hand paid, the receipt whereof
is hereby acknowledged, have granted

bargained, and sold, and by these presents do grant bargain sell and convey to said Estevan Castro and to his heirs and assigns forever all the right, title and interest of said Jose Castro in and all that tract of land situate in the Township and County of Monterey, State of California, known as and called the "Rancho Aguajito" derived by Jose Castro from one Gregorio Tapia and also called "Aguajito Mesa Grande Y. Cañada de la Segunda", and the right, title and interest in said land of said Jose Castro sold and hereby conveyed, is said Jose Castro's interest and right which he holds or held as common property or estate of himself and his wife Modesta, and as his separate estate and property in said land and rancho, and also the right, title and interest in said Rancho held by said Modesta as common property with said Jose Castro her husband, and including all such rights, titles, and interests on the 21st day of January A.D. 1860, being the day when the aforesaid judgement was entered and dock-

eted in said County of Monterey, or
at any time since; Together with all
and singular the tenements, here-
ditaments, and appurtenances thereto
belonging or in anywise pertaining
with the rents issues and profits;

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To have and to hold the said land
and premises, and every part thereof,
with the appurtenances, unto the
said Estevan Castro his heirs and
assigns forever as fully and absolutely
as if the said Aaron Lyons as Sheriff
aforesaid and under the authority
aforesaid might could or ought, to
sell and convey the same. In Witness
Whereof I have hereunto set my hand
and Seal this 19th day of February
AD 1862, Aaron Lyons (Seal)
Sheriff of Monterey County signed
sealed and delivered in presence of
G. W. Bird State of California County
of Monterey SS On this 22nd day of
May AD ~~1862~~ One thousand Eight
hundred and Sixtytwo before me
George W. Bird County Clerk and
Ex. officio Clerk of the County Court
in and for said County, personally
appeared Aaron Lyons, Sheriff

of Monterey County & me personally known to be the individual described in and who executed the annexed Instrument, and acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned. In Witness whereof I have hereunto set my hand and affixed the seal of said Court, the day and year in this Certificate first above written G. W. Bird
Clerk { County Court Seal }

Received for record May 22nd ad.
1862 at 9 o'clock & 31 minutes
A.M. Recorded at request of
J. R. Ashley by letter to A. Lyons

State of California }
County of Monterey } 4

I George W. Bird,
County Clerk & Ex Officio Recorder
in and for said County, do hereby

certify that the foregoing is a true,
full and correct copy of an instru-
ment in writing now on record in
my office in Book E of Conveyances
pages 203, 204 & 205

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Witness my hand and seal
of Office this 13th day of August
A.D. 1860

G. W. Bird

Recorder
Monterey County



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In the U.S. District Court
for the Southern District of Cal-
ifornia -

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The United States
vs
Gregorio Tapia } Docket No. 323
 } Aquayito. 3

Esteran Castro appears and shows
to the Court that on the 2^d day of
April A.D. 1853 the claimant
in this case Gregorio Tapia conveyed
the land claimed in this action to Jose
Castro and a true copy of said conveyance
is hereto attached marked "A" and further
that thereafter all the interest of Jose Castro afo-
said in said land was conveyed to said Es-
teran Castro, duly, under ^{a copy of which is} a deed hereto attach-
ed marked "B" this last conveyance hav-
ing been made and having taken effect
on the 19th day of February
A.D. 1862 and that said Esteran Castro is
now the real party in interest as claimant
and desires to have his name substituted
as party claimant in this proceeding
in place of said Gregorio Tapia - and

that all proceedings hereafter be had
in the name of said Estevan Castro as claim-
ant - Estevan Castro

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State of California
County of Monterey } ss.

Estevan Castro being duly sworn
says that all the matters above and
foregoing are true and correct -

Estevan Castro
Promised before me
the 12th day of August 1882
J. H. Whaley, Clerk
of the County of Monterey

In the preceding entitled action,
upon the petition and affidavit
foregoing, the Court is moved
to substitute the name of Estevan
Castro as claimant in place of
Gregorio Castro - Estevan Castro
in person

In the foregoing entitled action or pro-
ceeding on hearing and considering
the motion filed for a substitution
of parties, it is ordered that
Esteran Oastho be substituted as
party claimant herein in place of
Gregorio Topia —

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U.S. Dist. Ct.
S. Dist. of Cal.

No. 323

Tapia
vs
The U.S.

aff. motion, order.

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