

CASE No.

325

SOUTHERN DISTRICT

**LAND NEAR THE MISSION OF
SAN JUAN BAUTISTA GRANT**

MANUEL LARIOS

CLAIMANT

MAR 21 1963

Patented
Plover Bond
52% Cotton Fiber
U.S.A.

TRANSCRIPT

325 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 297

Manuel Sarios CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Land near the Mission of San Juan Bautista"

THE STATE OF MISSISSIPPI

THE SENATE

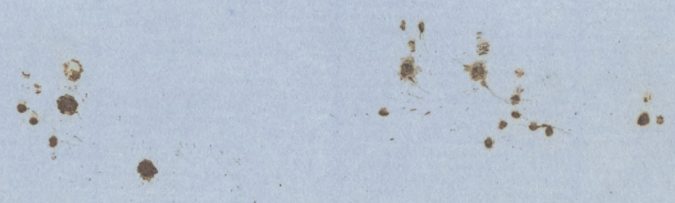
1858

1858

PROCEEDINGS

OF THE

LEGISLATURE



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *fifteenth day of August*, 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 *Manuel Larios*,

for the Place named Land near the Mission San Juan Bautista, was presented, and ordered to be filed and docketed with No. 297, and is as follows, to wit;

(Vide page *5* of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco February 26, 1853.
In Case No. 297 Manuel Larios for the place named San Juan Bautista, the deposition of Manuel Castro, a witness in behalf of the claimant, taken before Commissioner Neiland Hall with documents marked H. H. nos. — annexed thereto, was filed:

(Vide page *7* of this Transcript.)

In the same case, the deposition of Jose Castro, a witness in behalf of the claimant, taken before Commissioner Neiland Hall, was filed =

(Vide page *9* of this Transcript.)

San Francisco October 11, 1853.
Case No. 297 was submitted on briefs &

2
taken under advisement -

San Francisco February 7, 1854.
In the same case, the Counsel for the
Claimant filed the following motion
and affidavits, to wit:

(Vide pages 31 of this transcript.)
Which motion was taken under advisement
by the Board -

In the same case the depositions of Clau-
dio Vasquez and Ramon Anzar, witnesses
in behalf of the claimant taken before
Commissioner R. W. Thompson, were
filed -

(Vide pages 11 & 13 of this transcript.)

San Francisco March 21, 1854.
In the same case Commissioner Alpheus
Fitch delivered the opinion of the Board
upon the motion of the Counsel for the
Claimant, heretofore, to wit: on the 7th
February last, filed, asking leave to
file the depositions of Ramon Anzar
and Claudio Vasquez as evidence in
this case, overruling the said motion
and denying the prayer of the petitioners.

San Francisco April 4, 1854.
In the same case the Counsel for the claim-
ant moved the Board to reinstate the
case on the docket for further evidence
and rehearing and filed the following
affidavit, to wit:

(Vide page 32 of this transcript.)

San Francisco April 18, 1854
In the same case Commissioner Alpheus

3
Relieved the decision of the Board upon the motion of the Counsel for the Claimant filed heretofore, to wit - on the 4th April inst., granting the same -

Ordered, That the case be reinstated on the Trial Docket and be placed at the foot of the Calendar of the 1st Clap.

325 SD
PAGE 4

San Francisco April 25, 1854 -
In the same case the Counsel for the Claimant filed the following stipulation to wit -

(Vide pag 33 of this Transcript.)

San Francisco July 14, 1854 -
In the same case the deposition of Jose M. Covarrubias, a witness in behalf of the Claimant, taken before Commissioner Peter Lott was filed -

(Vide pag 15 of this Transcript.)

San Francisco July 17, 1854 -
In the same case, the deposition of Jose M. Aguilar, a witness in behalf of the Claimant, taken before Commissioner Peter Lott was filed -

(Vide pag 17 of this Transcript.)

San Francisco July 21, 1854
Case No. 297 was argued and submitted -

In the same case, the deposition of Manuel Castro, a witness in behalf of the Claimant, taken before the Commissioners sitting as a Board, was filed -

(Vide pag 20 of this Transcript.)

In the same case the Counsel for the Claimant filed the following stipulation to wit -

(Vide pag 33 of this Transcript.)

H

San Francisco August 25, 1854 -
In the same case the Council for the Claimant filed the following stipulation to wit:
(Vide pag 34 of this Transcript.)

San Francisco June 19, 1854 -
In the same case Commissioner R. A. Thompson delivered the Opinion of the Board confirming the Claim:
(Vide pag 53 of this Transcript.)
And the following Order was made, to wit:
(Vide pag 64 of this Transcript.)

325 SD
PAGE 5

J

Petition

Before the Honorable The Commissioners to
ascertain and settle Private Land claims in
California

The petition of Manuel Lucas
respectfully shews

That he claims by virtue
of a cedula and title derived from the Mexican
Government, a tract of Land in said State
lying near the Mission of San Juan Bautista
and supposed to contain the quantity of
about One square league according to the
provisions expressed in the grant thereof
said Land was granted

to the claimant on the 4th day of May in
the year 1839 by Don Jose Castro Prefect of
the first District of the Department of Cali-
fornia pursuant to an Order of that effect
given by Don Juan B Alvarado, Constitutional
Governor of said Department and pursuant
to the Laws and to the usages and Customs
of the said Government, and has ever since
been occupied and held in quiet
possession by the claimant

A Copy of said
grant and a translation of the same are
herewith presented and prayed to be taken
as part of this petition and the Original
will be produced and proved as may
be required.

Said Land has not been
surveyed. There is no interfering claim
to said Land, or any portion thereof known
to the claimant.

By his attorneys
Jones, Tompkins & Stone

Filed in Office Aug 5, 1852

Geo. Fisher Secy

Recorded in Record of Petitions Vol 1
Pages 192. & 193.

Geo. Fisher Secy

6

1853

Deposition of
Manuel Castro

San Francisco Feb 26. 1853

On this day before
Comm. Ireland & all came Manuel Castro
a witness in behalf of the claimant Manuel
Lemus, petition No 297 and was duly sworn
his Evidence being interpreted by the
Secretary.

The U. S. Associate Secy Agent present

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

My name is Manuel Castro, my age is thirty
one years & I reside at San Joaquin in Lower
California & am an Officer in the Mexican
Army

In 1845 I resided in Monterey
and was appointed Prefect of the First
District of California, which then embraced
the Town of San Juan Bautista or
San Juan del Castro.

The Archives of the
Prefect of the First District where San Juan
Bautista was within that District, were
sent to Monterey & Ramon Estrada took
charge of them. This was at the end of
1842. Nacio Estrada was Prefect at
Monterey when he ceased to be such by
Order of Governor Micheltorena, the Archives
went into the Office of the Alcalde at Mon-
terey who acting as Secy of the First
Instance. This had happened before I was
appointed Prefect.

I took a portion of them
such as were wanted and had them in
my Office as Prefect where they remained
until the breaking out of the war with
the United States

About that time I left
this part of the country, and moved to
Mexico leaving the Archives with my Effects

325 SD
PAGE 7

8
in my Ocean house in Monterey & during my absence some portion of them were taken away by the parties interested

On my return, finding that they had been disturbed, I took a portion of them & delivered them to Mr E P Sturtevant and a portion of them remained in my possession and are still in my possession.

325 SD
PAGE 8

Mr Sturtevant was at the time employed in the Office where the Public Archives were kept, with Mr. Milleck, as I understood, & I thought him a proper person to be entrusted with the papers. I do not recollect that there is among the papers which I now have any Order from the Governor to the Prefect of the Just Deserve to grant Licenses at San Juan Bautista, but there may be such an Order among them.

While I was Prefect I made some grants of land in small tracts being authorized to make them by authority of the Law of March 1837. They were made for settlement and agricultural purposes and were of the common lands of the Town. They also made grants of house lots in Towns. This was the custom of other Prefects my predecessor in office

Decided by Associate Law Agent.

Did you make the grants which you speak without instructions in each case from the Governor?

Answer. They were made without special instruction from the Governor but under the authority of the Law. In some cases they were made on the recommendation of the Governor.

What was the extent of the largest tract you ever granted?

Answer. I cannot positively

9
recollect, but I believe I never granted any
tract exceeding eight hundred acres
on each side.

I do not know that any com-
mon lands were ever granted by the Govern-
ment to the Union of San Juan Bautista
Aussler. I do not know of
any particular act or resolution granting
lands, the Prefects always knew how far
the Common Lands extended and they
made grants within their demarcation

325 SD
PAGE 9

Manuel Castro
Sworn and described before me
Helena Hall Com.
Filed in Office Feb. 26th 1853
Geo Fisher Secy
Recorded in Gov. B Vol 2 p 611
Geo. Fisher Secy

Deposition of
Jose Castro

San Francisco Feb 26. 1853
On this day before Comrs
Helena Hall came Jose Castro a witness
in behalf of the claimant Manuel Sarcos
Petition No. 297 and was duly sworn his
evidence being interpreted by the Secretary
The U. S. Associate Suro Agent was present

In answer to enquiries by witness for the
claimant the following testimony as follows
My name is Jose Castro, my age is forty
four years & I reside at Monterey

In the month of May 1839 I held the
office of Prefect of the First District of
California. A paper is now shown me
purporting to be a grant of ownership or
possession to Manuel Sarcos dated May 4
1834 & which is hereto attached & marked
A. B. No. 1 The paper was signed by me
as Prefect at the time it was dated

1839

Jose Ma Covarrubias was Secretary of the Prefect at the time and his signature to said paper is genuine. I had an Order from the Governr to perform the act stated in said paper, which Order was kept by me among the Archives of the Prefect, when I ceased to hold the Office. Where it is now I do not know, nor do I know what has now become of the Archives. I delivered them to my Successor in the latter part of the year 1839 or the beginning of 1840.

325 SD
PAGE 10

It was customary for the prefect to make grants of less than one league league of land. It was authorized by the Constitution of Mexico of 1836 with the consent and advice of the Governr. San Juan Bautista and San Juan del Castro are one and the same place.

Said Saneas occupied the land from the time it was granted him, with a house in which he lived, cultivated the ground there an Orchard of fruit trees & kept horses on it, and he has continued his occupancy to the present time.

I think the quantity of the land is about three leagues of a league. It was the policy of the government at that time to form a settlement at San Juan Bautista to serve as a protection against the Indians & to unite all the rancheros in a body. For that reason the Prefect was authorized to make grants.

Decisions by the separate Law Agent

Did you receive any special Order from the Governr to make the particular grant or was it made in virtue of a general Order

11
from the Govern, or was it in virtue of your
general powers as Prefect under the
Constitution?

Answer. It was by special order
from the Government in this particular case
which order was filed in the Prefect's Office
as I have before stated and it was also
made by virtue of the powers conferred
on the Prefect by the Constitution in pas-
sance of a decree unconstitutionally which
I had seen the Govern in relation to
such grants

325 SD
PAGE 11

Have any lands been a part
of the Town of San Juan Bonaventura
as Lucas Comunas or Common Lands
at the time of your making this grant?

Answer. One league of land
has been reserved as Common Land for
the first settlers of that place to be divid-
ed among them. I mean one league in
each section making four square lea-
gues of land. The land granted as above
was embraced in the four square leagues

All those lands within is the
body of the before mentioned grant.

Answer. It is in my
hand writing

José Castro
Filed in Office Feb. 26. 1853

Geo. Fisher Secy
Recorded in Ev. B Vol 2 p 612
Geo. Fisher Secy

Deposition of
C. Vasquez

United States Land Commission

San Francisco Feb 2. 1854

On this day before Com. R. C. Thompson
came Claudio Vasquez a witness in
behalf of claimant Manuel Lucas Case
No. 297 who after being duly sworn deposed
as follows, his Evidence being interpreted
by the Secretary.

Present Claimant's Atty. Wm. S. Assott's Sucr Agent

Witness states his name is Claudio Vasquez his age twenty eight years and residence Monterey County and at San Juan Bautista where I was raised

325 SD
PAGE 12

Deceased by Claimant's Atty. Wm. S. Assott in 1838 acquainted with any tract of land near San Juan Bautista lying between the "Comunero Real de in Medio" so called the Sonas of Manuel Palafox the Sonas of Don Gomez, Jose de los Santos Alcala and the Sonas of Don Juan Anson and also by what name, has been called, who has occupied it, and been recognized as its owner by the Colonados the Clergy of San Juan and the public authorities, and has there been previous to the American War any reclamation question or dispute against said right of occupying or ownership

Answer. I know said tract of land it was called San Antonio. It has been occupied by Don Manuel Saeas who has been uniformly recognized by the persons referred to in the question as its owner. I have known it ever since I can remember and during all that time it has been so recognized. I have never before said been heard or known of any question or dispute as to his said right of occupying or ownership

Claudio Vasquez

Subscribed and sworn to and

Subscribed before me Feb 9. 1855

R. A. Thompson Com

Filed in Office Feb. 7th 1854

Geo. Fishburn

Recorded in Co. B Vol 3 p 684

Deposition of United States Land Commission
Ramon Anza

San Francisco Feb. 9. 1852

On this day before Commissioner R. Aug. Thompson came ^{Ramon Anza} a witness in behalf of defendant, Manuel Lueas Case 297 who after being duly sworn deposed as follows, his credence being interpreted by the Secretary.

Question 1. What is your name age and place of residence and place of your birth?

Answer. My name is Ramon Anza, my age thirty three or thirty four and I reside at San Juan Bautista in Monterey County, and have lived there ever since the year 1835.

Question. I believe you in May 1839 acquainted with any tract of land near San Juan Bautista lying between the Camino Real de en "Medios" so called the Laguna que pasa a la Poblacion the lands of Sena Gomez of Jose de los Altila and the lands of Juan Anza and if you by what name has the said tract of land been called, who has occupied it since what time and in what manner?

Answer. I have known said tract of land ever since I lived there, it was first known as the Rancho of Don Manuel Lueas built in 1839 and after, it was known as San Antonio when I first knew it, it was occupied by Manuel Lueas, who lived on it and had stocks of cattle, horses & sheep, cows and a portion of the land enclosed and in cultivation - he has continued to live on the land ever since. His occupation has been continued and uninterrupted ever since I first knew it 1835.

Question by Same. Look at the Document now shown you marked B. D. No. 1 annexed to the deposition of Jose Custodio Garcia in this case, and state if the Land therein described is the same of which you have spoken in your preceding answer. And if you know the boundaries of it, and could point them out on the Land?

Answer. It is the same Land I am acquainted with the boundaries and could point them out on the Land - I have known the boundaries since 1840 They were shown me by the Owner - I own three small Lots adjoining it. The road from Monterey to San Juan Bautista in front of the Palace is the boundary on one side to the top of the hill looking toward the Palace one from that point the Camba or Summit of the ridge is the boundary ascending to the Sanjos of Juan Gomez to the line of Jose de los Santos Alcala, thence with Alcala's line until it intersects the line of Don Juan Anaya thence with said last mentioned line to a ditch near a small house, from thence the said ditch which borders the public road to Santa Cruz is the boundary until it intersects the boundary of the lands of the Mission of San Juan Bautista - thence with the line of said Mission to the road now first mentioned

Question by Same
Who has been recognized as the Owner of said tract of Land since the time that you first knew it by the Colonization and the Citizens of San Juan including the public authorities, and has there ever previous to the American War, to your knowledge, been any real claim question or dispute, against the said

right of occupancy or ownership?
Answer.

Mancebe Lucas has been uniformly recognized as the owner of the Saeie Rancho by the Colonosantes, Citizens and public Authorities, and so far as I know there never was previous to the above been any question or dispute, as to his right of occupancy or ownership. I am a Colonosante of Saeie Rancho and have always lived in San Juan since the year 1835.

325 SD
PAGE 15

Decision by Associate Law Agent
Do you know any instance in which the rights of Mancebe Lucas to Saeie Land have been recognized by the public Authorities?

Answer. I do not know that his rights were ever disputed.

Ramon Anzures
Presnt Clements Attorney &
U. S. Associate Law Agent

Sworn to and subscribed before me.
July 2^d. 1852

R. Aug Thompson Comr.
Filed in Office Feb 7th. 1854

Geo. Fisher Secy
Recorded in Ev. B. Vol 3 p 685
Geo. Fisher Secy

Deposition of
Jose Maria
Covarrubias

In the U. S. Land Commission
for California - Claim 2973
Mancebe Lucas for Same near
San Juan Bautista

San Francisco July 14 1854

On this day before Comr. Peter Sott Comm
issioner, for taking testimony, personally
appeared Jose Maria Covarrubias a witness
produced on the part of the Claimant in
this case, who being duly sworn deposes
as follows.

16
Question. What is your name age and
place of residence?

Answer. My Name is Jose
Maria Covarrubias, My age is forty six
years my residence is in Santa Barbara
in this State.

325 SD
PAGE 16

Please look at the docu-
ment filed in this case marked A. S. No 1
annexed to the deposition of Jose Castro
and state whether the name of "Jose
Maria Covarrubias" appearing at the bottom
of said document is your genuine signa-
ture, and when, where and under what
circumstances the said document
was executed?

Answer. The name "Jose
Maria Covarrubias" appearing at the
bottom of the said document referred to
in the preceding question is my genuine
signature. I have looked at the docu-
ment. The said document was executed
at the time of its date in San Juan
Bautista. I signed it as Secretary of
the Prefecture of the first District which
office I then held. The Prefect held
special power from the Governor to grant
Licenses in the District of San Juan
Bautista.

Tested by U. S. Law Agent

Question 1. What is the date of the docu-
ment referred to in your preceding
answer?

Answer. The said document
is dated in the month of May 1839
but I do not recollect precisely the day
containing referring to it again.

Question 2. Where did
Jose Castro live at that time.

Answer In San Bautista

Question 3. Where did you reside

17

at that time

Answer. In San Juan Bautista
Question 4. How do you know that
Jose Luis had authority to grant Lands
as stated by you on your direct
Examination?

Answer. By an "Acuerdo" given
by the Governor of the Department which
was made public

Question 5. Was it in
writing

Answer. Yes it was in writing

The Law Agent has objects to the proof
of the matter of said Order of the Governor
in this matter, the same being in writing,
Jose Ma Covarrubias
The U. S. Law Agent being present

Deceased and sworn to before me on the
14th day of July AD 1854

Peter Gott sworn for
Taking testimony de
Felic in Office July 14. 1854

Geo. Fisher Secy
Recorded in Ex. B Vol 5 p. 166
Geo. Fisher Secy

Deposition
of Jose Maria
Aguilar

Before the Board of United No. 297
States Land Commission for California
Manuel Lucas for land near
San Juan Bautista

San Francisco July 17. AD 1854
On this day before Commissioner Peter Gott
sworn for taking testimony to be personally app
eared Jose Maria Aguilar, a competent
proceeds in behalf of the claimant
who being duly sworn deposed as
follows in Spanish his testimony being
interpreted, by the interpreter to said
Board acting by Consent of the United States

Saw Agent and the claimants Counsel
Questions by claimants Counsel

1st Question. What is your name and place of residence?

Answer. My name is Jose Maria Aquino I reside in San Francisco and am 38 years of age.

2nd Question. Do you live in San Juan Bautista Calaveras, Monterey County and also what clearing what piece?

Answer. I have lived there since the latter part of the year 1838 to the end of the year 1839.

3rd Question. Please look at the Document filed in this Case marked No 1 Annexed to the deposition of Jose Castro and state whether you know the hand writing of Jose Castro and Jose Maria Covarrubias, whose names are attached to the Bottom of said Document and state whether their names as appearing thereon are or are not ^{their} genuine signatures.

Answer. I know the hand writing of the said parties, having often seen them write. Their signatures as they appear on said Document are their genuine signatures.

4th Question. Please state if you know the Land described in said Document, and if so by whom, and since what time was it occupied during your residence in San Juan Bautista.

Ans. I know the land, described in said Document. It was first occupied by Manuel Lario the claimant about the year 1834 or 1835 and continued so to occupy it, and was in the occupation of it when I left there in 1839. He had cattle and horses and Corn also

325 SD
PAGE 18

Question. Please state what you know, of anything in relation to the existence of an Order in writing from the Governor to the Prefect Don Jose Castro to make the grant of the said tract of land, state all you know in relation to this.

Ans. Sometime previous to the year 1839, I saw an Order in writing signed by Governor Juan B. Alvarado, in which Order Jose Castro, the prefect was directed to give the possession of the said land to Manuel Linares. I do not recollect precisely the year when I saw said Order, but it was sometime before 1841 and during that period Jose Castro was acting as prefect and I was employed in writing in his office. I do not know what that Order is now. On my return from Mexico whilst I was at San Juan at the office of the Alcaide in search of some papers, I learned from said Alcaide that the archives had been burnt.

325 SD
PAGE 19

Qth. Question. What do you know of Manuel Linares being employed in the Military Service, before this land was occupied by him?

Answer. In 1838 when I first came to the Country he was so employed at the Presidencia at Monterey and I understand from common report, he had been so employed since the time of the King. He belonged to the Army in favor of liberty of Mexico against Spain, after the declaration of Independence.

1828

Prop Examined by A. S. Lugo Agent
1st Question. Did you know the Contents of the Order from Alvarado to Castro of which, you have spoken.

Answer. I do, the substance

were that Castro should give possession of said Rancho.

Qd. Testimon. Will you see Manuel Lucas in possession of said Rancho?

325 SD
PAGE 20

A Answer. I did J. Ma. Aquilar Swear and sworn to before me on this 17th day of July A.D. 1854

Peter Lott Commissioner for taking Testimony &c.

Deposition of United States Land Commissioners Manuel Castro San Francisco. July 21. 1854

On this day before Commissioners sitting as a Board came Manuel Castro, a witness in behalf of the Plaintiff Manuel Lucas in Case No. 297 who after being duly sworn, deposed as follows his recollection being interrupted by the Secretary.

Questions by the Plaintiff's Counsel. Q. Testimon. 1 Please state whether you were the last Prefect in California during the Mexican Government, for the District which included San Juan Bautista, and state further whether since your former deposition was given in the Case, you have searched for the Order from Gregorio Alvarado to the Prefect Don. Jose Castro directing to make a grant for the land in this Case and if so, when in what place or whose name request and with what success

A Answer. I was the last Prefect for the District of Monterey when on the 21st San Juan Bautista. I have searched among my papers for the Order as directed

in the above question, since my former depo-
sition was taken in this case, the request
of Mr. Horacio Suarez and I also
requested the Recorers of the County of
Monterey to cause search to be made
in his Office for the said Order, through
the mediation of Estephano Castro, without
any success of finding the same. Mr
Suarez requested me to search for the said
Order, in the Capacity of Attorney Counsel
for Manuel Suarez the Plaintiff in this
Case.

325 SD
PAGE 21

Q. Question. Whether the search
you made for said Order has been made
with such diligence by you, as that you
believe that there remains no reasonable
prospect of finding it in any place with
your knowledge.

Answer. I believe perhaps
it might be found in some other Office
of the Government where there are Spanish
or Mexican Archives. I do not know
where it is at present. I believe it may
perhaps be found in the Office at Monterey
where I caused to be searched, I did
not search the Recorers Office at Monterey
but requested search to be made as
already stated in my answer to the first
question. I cannot tell whether they made
a thorough search or not, and whether
they examined any paper in the Recor-
ers Office, I charged them to make a
thorough search, but the Archives in the
said Office are not arranged (unrefused)

Question. 3d. Look at docu-
ment marked N. N. Not annexed to the
deposition of Jose Castro in this case and
state who during the term of your Prefecture
was in the possession and occupancy of the
Land therein described, and who was recog-
nized by the Departmental Government, the

The public Authorities & Citizens as the Owners thereof?

Answer. Manuel Garcia occupied the Lands during my Prefecture and he was generally recognized by all as the Owner thereof.

Q. Who examined by U. S. Law Agent
Q. No. 1. To whom did you
go out of Office of Prefect?

Answer. About
the month of December & November 1846
Q. No. 2. Who was your
Successor?

Answer. I do not know, I went
to Mexico and this country was occup-
ied by the Americans.

Q. No. 3. To whom
did you deliver the Archives of your
Office?

Ans. I refer to my Statement made
in my deposition taken before Commis-
sioner Samuel Hall on the 26th of
February 1853 in this case, for the answer
to the above question, so far as that
Statement is pertinent to this question.

Q. No. 4. Were there any
circumstances connected with this Order
of the Governor above stated, that drew
your attention thereto at the time you
were the Prefect?

Answer. I do not recol-
lect whether or not I had that Order
in my hands during the time I was the
Prefect; but I always understood that
was an Order to make a grant of Lands
to the said Garcia.

Q. No. 5. What was
the extent of the power to the Prefect to
grant Land?

Answer. The Prefects were

authorized by Law of the 30th March 1837 to grant at their option and in conformity with other Success lands in the Pueblos or the Alienation of the Pueblos, according to the circumstances of the quantities, and the lands without limiting the quantity and I now understand that they could grant as much as half a league square.

325 SD
PAGE 23

Dec 1st. 6. Had the Prefect this authority without an Order from the Government, and if so why was this Order issued at this time by the Governor?

Answer. I believe this Order of the Governor was not necessary to give authority to the Prefect. Yet some Prefects desired to act in accordance with the Governor, and have received such Orders.

Dec 1st. 7. Do you know whether there were any concessions in the said Order?

Answer. I do not remember. Dec 1st. 8. Was the petition of Manuel Lucas for the grant of land in this case made direct to the Governor, or through the Mediation of the Prefect?

Answer. I do not remember.
Manl. Lucas

Subscribed and sworn to before the Commissioners sitting as a Board this the 31st day of June A.D. 1854

Attest Geo Fisher Secy

Taken in Office July 31. 1854
Geo. Fisher Secy

Taken in Office July 31. 1854
Geo. Fisher Secy

Recorded in Ev. B page 192 Vol 5
Geo. Fisher Secy

24

1851

1000

25-

Prefectura del Sr. José Castro Teniente
1^o Distrito ^{Coronel de Caball^{er}os}
del Ejército y prefecto
del Distrito.

Doc. H. H.

Concedo y Declaro bueno en

N. l. ames: propiedad de conformidad con lo dispuesto
to the Dcho. op. coto por el Sr. Gobernador al Sr. Teniente
José Castro. de milicias D^o Man. Lucio del terreno
que a esta prefect^o solicito del Camino
Real de Enmedio hasta la bamba de la
loma que mira a la poblacion de Guaya
altuna una linea Recta hasta en contra
con los linderos de D^o Juan Ansu por la
Espalda del Remcho hasta los linderos
del Sr. Lones y los de D^o José de los
Stos Abila.

325 SD
PAGE 24

El juez que tiene posesion de
Este terreno lo hara medir conforme con
los puntos señalados.

D^o Juan Bautista 4 de Mayo de
1839.

José Castro.

José M^o Covarrubias. Aio

Recia in Office Decry 26th 1853
Geo: Fisher Secy

26

2nd
Translacion of
Title -

Prefectorship of the
First District

Doc. H. N. No. 1
To depo of José
Castro.

José Castro Lieutenant Colonel of Cavalry
and Prefect of the District

325 SD
PAGE 25

I Concede and declare owned in property
in conformity with those directed by the
Sena Governor of the Department to Sena
Secret of Metitig Don. Manuel Larios
of the tract which from this prefector
shop he solicited, from the meadows of
the high road to the crest of the Hill,
which comes to the settlement, from said
height a right line will meet with
the limits of Don. Juan Anzures, by the
back of the Rancho to the boundaries
of Sena. Gomez and those of Don Jose
de los Santos Abila.

The Survey who
shall give possession of this tract shall
cause it to be measured according to the
points designated San Bantista 4th. 1839

José Castro

José Ma. Covarrubias
Secretary

Filed in Office August 5, 1853

Geo. Fisher Secy

28

1864
1864

29 Affidavit of In the matter of the Claim No. 397
Manuel Linares of Manuel Linares for Lanzas near
San Juan Bautista

State of California }
County of San Francisco } ss

Manuel Linares being duly sworn deposes and
swears that he is the claimant and
owner of the Land referred to in the
petition of this affidavit. That he has
possessed said Land continuously &
without interruption or any dispute of
his right thereto ever since the year 1834

That on the 4th of May 1839
it was granted to him in full property
by proper Order of the Departmental
Government.

And deponent further says
that in the year 1851 he contracted with
Messrs Jones, Tompkins & Storer to present
his claim for said Land before the
U. S. Land Commission for California
and handed them his title papers —
That Mr. Tompkins one of said Lawyers
is deceased as he is informed, and that
the said Jones & Storer having submitted
his case, both left the State, leaving
deponent destitute of counsel — That
after their departure and after the case was
being submitted, he immediately came
to San Francisco retained Amasa Hayes
to attend to this claim.

Manuel Linares
Sworn to and subscribed
Before me July 3d. 1854
A. Aug. Thompson
Comm.

325 SD
PAGE 26

Affidavit of Horace Haines

San Francisco County
Horace Haines
upon his Solemn Affirmation says that he believes that the Claimant before named has a just right to the Confirmation of his said Claim according to the Mexican Success, having fully examined the case, and that the deposition of Ramon Anzur and Claudio Vasquez taken and filed Feb. 3. 1854. Contain material and important testimony fully to be considered in the determination of said Claim

325 SD
PAGE 27

Horace Haines
Affirmed and subscribed
before me Feb. 7. 1854.

Motion

In the Case No. 297 above named Horace Haines for the Claimant prays leave to file the depositions of Ramon Anzur and Claudio Vasquez taken before Comr. Thompson Feb 2d siene potunc, or if refused, that the Case may be reinstated for hearing in the Court which the Hon. Commissioners may direct

Horace Haines
Attorney for Claimant
Feb. 7. 1854

Subscribed and sworn to before me
Feb. 14. 1854

Alpheus Felch Commissioner

Filed in Office Feb 7th 1854

Geo. Fisher Secy

3/ Appearance of Board of U. S. Land Commissioners
Horace Haines for California

State of California
County of San Francisco

In the matter of the Claim of Manuel
Lucas No. 297. for Lanzas near San
Juan Bautista

325 SD
PAGE 28

Horace Haines states that he is of counsel
for Claimant. That he was retained as
such after the case was submitted to the
Board in Oct last. That the case was
in his opinion improperly submitted
without further proof. That soon after
the case was so submitted the Counsel
who to that time had been employed
for the Claimant, left the State (except
Georg Tompkins who was dead) and
have not returned. That the submission
of the case without sufficient proof and
preparation was wholly the fault of
Counsel and of the Claimant.

That it was submitted without even
a brief or any argument in behalf of
Claimant, so far as this department has
been able to discern. That the Claim-
ant however has a just and valid
right to the land claimed and has been
prevented for nearly or quite twenty years
as department is informed by depositions
taken in the case, and persons who
propose to know the fact. That the
Order to make the grant of 14th of
May 1839, the right of Jose Castro to
make it, and the validity of the claim
of Lucas can be fully ^{established} ~~proved~~ ^{established} ~~proved~~
as department readily believes, and if not
established it is in no manner the
fault of the Claimant but of his Counsel
who submitted his case Horace Haines.

Sworn & subscribed before me
this 4th day of April 1854

Thompson Campbell
Comr.

Motion

No. 297

Manceel Lucas for James near
S. Secun Pote.

325 SD

PAGE 29

Motion to reinstate the Case on the Docket
for further Evidence and Rehearing

Thomas Manceel
for Plaintiff

April 4. 1854

Filed in Office April 4. 1854

Geo. Fisher Secy

33 Stipulation

Before the U. S. Board of
Land Commissioners for California

In the matter of the claim of Manuel
Lopez No. 297. for the land near
San Juan Bautista

It is stipulated and
agreed that the depositions of Cecilio
Vasquez & Ramon Araya taken Feb. 2^d
1854 before Commissioner R. A. Thompson
after the case had been submitted, shall
be filed and received in evidence in
the same manner and with the like
effect, as if they had been regularly
taken while the case was open for
proof.

J. H. McKinnon Law Agent
Attest 22d 1854 Grace Stevens Secy
for Claimant.

Filed in Office April 25. 1854

Geo. Fisher Secy
Recorded in Journal Vol 3 p 649
Geo. Fisher Secy

Stipulation

Before the U. S. Board of
Land Commissioners for California
Claim No. 297

Manuel Lopez for land near San Juan
Bautista

It is admitted by the Law Agent
that the claimant has caused search to
be made with due diligence in the archives
remains in the office & charge of the
Surveyor General of the U. S. for California
for the area from the Surveyor to the Prefect
Don Jose Castro when the latter refers to
in his deposition, relating to the granting
of the land in question and that said
area cannot be found.

July 21. 1854

Louis Blandino
U. S. Ass. Law Agent

Filed in Office July 21. 1854

Geo. Fisher Secy
Recorded in Journal Vol 3 p 730.

325 SD
PAGE 30

34
Reputation

Before the U. S. Land Commission

Manuel Lueas } Claim 297
nos }
United States }

325 SD
PAGE 31

In a document entitled
dated Oct 7 1842 signed by Governor
Alvarado & Rey Simons, Manuel Lueas
is expressly recognized as owner of the
Rancho (See Doc. A Claim No. 686)
It is a part to Sr. Manuel Antonio Jimenez
of part "Los Cameros" which is described
in said document as bounded by the
Rancho of Sr. Juan Anzures (the Arroyos
No. 20 Confirmed) by that of Don Juan
Gomez (Claim No.) and by that of Don
Manuel Lueas "Ranchito of San Antonio
No. 297-

Also in another document thereof
annexed dated 13 Feby 1843 and signed
by Jose Castro, Manuel Lueas is again
recognized as the owner, and an agreement
which took place between him & Jose
de los Santos Abila respecting boundaries
in presence of the prefect and Secretary
is referred to as

The Commissioners may refer
to the papers above mentioned for any
purposes they may deem relevant to
this case. No. 297.

Lueas Blancos
U. S. Land Agent
Honorable Thomas Foreman

in Office Aug 25. 1854
Geo. Fisher Secy

Recorded in Journal Vol 3 pag 19
Geo. Fisher Secy

Año de 1843.

A

Escritura publica en favor de D.

A. P. L. Ca. Juan Anzar Otorgada por D. Patonilo

libri to Depo.

of Juan B. Rio con poder bastante de la Seno
Alvarado.

March 14.
1855

as D^a Antonia Huaref de Un teneno
constante y una casa pincada en el

Mismo.

Dello Quarto Dos Reales:

Habilitado provisionalmt.^{te} por la Aduana
maritima del puerto de Monterey en el
Departamento de las Californias para
los años de mil ochocientos cuarenta y
tres.

325 SD

PAGE 33

Micheltorena

Manuel Castaneda

(2^{do}) En la Capital de Monterey a
catorce de Julio de mil ochocientos
cuarenta y tres, ante mi José J. Lemann
Juez de Paz de esta demarcacion
en la 1^a de las Casas Juadas en La Cruz
y de 1^a instancia del distrito a cuando
en los testigos de la asistencia a falta de
todo Escribano a mas de los instrumentales
de que al fin se hara mencion parecio de
presente el Sr. patronilo Rios y dijo: que
a nombre de su poderante lo que por si
sus herederos, sucesores y de quien de
ellos hubiere titulo hoy y en adelante
da en venta publica y Enajenacion pefe-
tua por fin de heredad y para siempre
jamas a D. Juan Amador un terreno que
adquirio con justo titulo del Gobierno del
Departamento su fecha siete de Octubre
de mil ochocientos cuarenta y dos con
stante de un sitio de ganado mayor y se
halla situado en el paraje nombrado los
Carneros y colindado con el comprador
en D. Joaquin Soto con D. Joaquin Go-
mez y con D. Manuel Larios; en su titulo
doy fe habra visto y mande unir al tes-
timonio de esta Escritura que se ha
de entregar al interesado; asi como tam-
bien corre unidos una Nota del señor
Jefe de su fecha diez y seis de Agosto.

37

de mil ochocientos treinta y nueve.
y dos Certificaciones del teniente Coronel y Comandante militar de esta plaza D^o José Castro que acreditan el derecho que le asiste a la Linaca así al terreno como a una casa pñca de en el que igualmente vende al susodicho Amzar, declarando como de Elaca que es de su propiedad, levantada a su costa y mención y que esta libe de toda gravamen público, perpetuo, temporal general Especial Tacito o expreso y como tal vende el terreno y Casa en precio y cuenta de doscientos cincuenta pesos en plata de buena moneda a unada y común que deba percibir el Refenido Amzar en el termino de un mes; y sobre no parecer de presente la Corteza renuncia las leyes de ella las de oro pñca y pago del Recibo como en ello se contiene así mismo de clara que tiene por justo precio y verdadero Valor de dicho Remcho y Casa la enunciada cantidad que no vale mas y o mas o vales pñca del Excesos en mucha o poca suma hace a favor del comprador y de sus herederos y sucesores para siempre y donación para siempre e inrevocable que en derecho se llama inter vivos con manucción y demás formas legales, renunciando la ley 2^a título 4^o lib. 3^o de la recopilación y las demás que hablan de la lección en mas o menos de la mitad del justo precio y los cuatro años que se pñca para pedir su rescisión o suplemento los que de por pasados; y de de hoy en adelante se de depende y de ofo para siempre

325 SD
PAGE 34

325 SD
PAGE 35

-me del dominio posecion señora, titulo
 u otro recurso que le compete al enun-
 ciado Rancho y Casa y lo Renuncia y traspa-
 se en el comprador para que disponga de
 ellos como de cosa propia y le compere su
 der irrevocable en libre franca y general
 Administracion para que de su autoridad
 aprenda la Real tenencia y posecion q.
 por derecho le compete. Obligando de el
 Otorgante a que Esta venta le sea cer-
 ta segura y efectiva al comprador y nada
 le inquietara ni moviera pleito sobre su
 propiedad y posecion ni contra la casa
 apareciera fravamen al punto y si se le in-
 quietare saldra a su defensa hasta
 dejarlo en quieta y pacifica posecion y de
 no conseguirlo le sera devuelta la expres-
 ada cantidad de doscientos cincuenta
 pesos que recibira el Otorgante con las
 mejoras utiles que tenga y todas los
 costos; perjuicios y menudeabos que se le
 siguieren. La Observancia y Valida-
 cion de todo lo referido obliga al Otorgante
 los bienes de su poderante, presentes y
 futuros y con ellos se comete al juez y
 jurisdiccion de los señores jueces que
 de sus causas pueden y deban conocer
 conforme a derecho para que a su cum-
 plimiento compelan y apremien a su
 poderante por haber renunciado espe-
 cialmente las leyes 2. tit. 12. part. 5. y
 tit. 3. lib. 5. Recopilacion como sen-
 tencia dada consentida y no apelada
 en autoridad de cosas juzgadas. y por
 ultimo Renuncia las leyes que en el
 caso la favorecan y la general de el dho
 en forma. En cuyo testimonio asi lo

34

en forma. En cuyo testimonio así lo
Otorgo y firmo en este Registro con mi
y los de mi asistencia siendo los instru-
mentales. D. Felencio Senano D. José M.
Campina y D. Ignacio Croco presentes
y vecinos doy fe.

José L. Fernandez

Petronilo Pios. - Juan Miguel Amzar
Asista - Asista -

José Ant. Chavez # José Francisco Alvarez
Es copia fielmente sacada de su Registro
hoy día de su Otorgamiento y al que en ca-
so necesario me Remito. Va en un pliego de
papel del sello cuarto, sin ninguna conse-
cion; siendo testigos de Verdad copias con certior
D. Enrique Camberton.

Monterey catorce de julio de 1843.

José J. Fernandez

Asista - Asista -
José A. Chavez # José R. Alvarez.

prefectura del 1.º
Distrito un - } Mientras adquiere V.
la propiedad - del terreno que ha solicitado
llamado los Peñascales puede V. establecer
su casa en la parte de la Canada de los
Carneros que comprende la misma soli-
situd y hacer allí las siembras que necesite
para la subsistencia de su familia.

Lo que digo a V. para su satisfaccion
y como Resultado de su Carta con nú-
mero de 14. del corrte mes.

Dios y libertad D. Juan de Castro
Agosto 16. de 1839.

José Castro.

A. D. José de los Santos Abila
sello tercio Dos Reales:

Habilitado provisionalmente por la Adua-
na Maritima del puerto de Monterey en

325 SD
PAGE 36

el Departamento de las Californias, para los años de mil Ocho cientos cuarenta y mil ochos cientos cuarenta y uno.

Linero Antonio Maria Osio.

Revalidado p^o los años de 1842 y 1843.

Alvarado Antonio M^o Osio

325 SD
PAGE 37

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

Por cuanto D^a Maria Antonia Lineros ha pretendido para su beneficio personal y el de su familia una parte del terreno que se conoce con el nombre de los Cameros, colindante con el Rancho de D^o Juan Anzures con el de D^o Joaquin Soto con el de D^o Joaquin Gomez y con el de D^o Manuel Laros: practicada o periamt^o las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y Reglamentos; usando de las facultades que me son conferidas a nombre de la Excmo. Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por la o presente o letas sujetandose a la Aprobacion de la Excmo. Junta Departamental y bajo las o condiciones siguientes.

1^a podra ser arbol sin perjudicar las traversas caminos y servicios: lo disputara a bre y Escribiamt^o de otinanclo al uso y Cultivo que mas o le acomode; pero dentro de un año fabricara Casa y estara habitada.

2^a Solicitara del juez Respectivo que le de la posesion juridica en virtud de este Despacho por el cual se demarcaran

los limites en cuyo termino podra como

este Despacho por el cual se demarcan

los linderos en cuyos limites pontra à mas de las mofoneras; al puros arboles putales ò silvestres de alguna utilidad.

3º El terreno de que se hace donacion es de un sitio designado mayor segun Copli ca el diseño que corre apegado al Coepe M. Respectivo.

El juez que diere la posesion lo hara me diu conforme à Ordenanza quedandole el sobrante que Resulte à la Clacion para los usos comnientes.

2º Si en tan niere à estas condiciones perdiera su derecho al terreno y sera elimin erable por Oho.

En conoe cuencia mand do que temendose por firme y valider el presente titulo se tome Razon de el en el libro Respectivo y se entregue à lo interesado (dello tercer Dos Reales.

Habilitado porcion almente por la Adua na Mantima del puerto de Monterey en el Departamento de la California para los años de mil Ocho cientos cuarenta y mil Ocho Cientos cuarenta y uno.

Jimeno Antonio M^a Osio.

Revalidado para los años de mil Ocho cientos cuarenta y dos y 1843.

Alvarado Antonio M^a Osio)

para sus asignados y demas fines.

Dado en Monterey à siete de Octubre de mil Ocho cientos cuarenta y dos

Juan B. Alvarado. Mem. Jimeno Oro queda tomada Razon de este despacho en el libro de Asientos sobre adjudica cion de terrenos Valdios à pesos 16

Jimeno

325 SD
PAGE 38

41

Sello Cuarta (Una Cuartilla)
para los años de mil ochocientos
cuarenta y mil ochocientos cuarenta y
uno.

Revalidado para los años de 1842 y 1843
Estado Antonio M^o Osio

325 SD
PAGE 39

El C^{no} Castro Teniente Coronel y Co-
mandante del Cuadrón de Calis
y actualm^{te} Com^{te} Militar de esta plaza
Certifico que el año de 1839 que fui prefecto
de este Distrito el mes de Julio del mismo
año el C^{no} Manuel Larios Teniente de
auxiliares se presentó a la misma en
donde como limitan el terreno que tenía
solicitado dejando una parte a favor del
C^{no} José de los Santos Arica libre y respon-
sablem^{te} en cuyo fundam^{to} apoyé la
nota de 16 de Agosto del año espedido
que tiene en su poder como en las demás
informaciones necesarias, habiendo re-
conocido previam^{te} con presencia de mi
año que lo era Don José M^o Covarrubias
el terreno que indicó de que hizo de costam^{to}
el Repente Larios y para los fines que al
interesado convenga doy este apercibido
ser la Verdad bajo mi palabra de honor
en Monterey @ 12 de Julio de 1843.

José Castro

Sello Cuarta (Sello) Una Cuartilla
para los años de mil ochocientos
cuarenta y uno.

Revalidado para los años de 1842 y 1843
Estado Antonio M^o Osio

El C^{no} José Castro Teniente Coro-
nel y actualm^{te} Comandante de esta
plaza

de este Distrito al Estender la nota

43

certifico que el año de 1839 que fué pre-
s. de Este Distrito al Excmo. Sr. Comandante la nota
Oficial de 16. de Agosto del mismo año rela-
tiva a permitir al Sr. José de los Dom-
tos Civila establecer su Casa y lavaderos
en una parte de los Carreros estaba in-
formado por algunos testigos de la pose-
sion que se dio a D^o Juan Amador que
aquel terreno quedo fuera del termino
de donde este debia poner sus moloneras
y que tambien estaba cierto que lo habian
ocupado al Sr. Amador que en aquella
pta lo tenian abandonado y para los fines
que convenga a los interesados doy este
asegurando ser la Verdad bajo mi pa-
labra de honor en Monterey, a 12 de Julio
de 1853.

José Castro

Filed in Office

March 1. 1853.

Geo. ^{W.} Fisher Secy

325 SD
PAGE 40

44

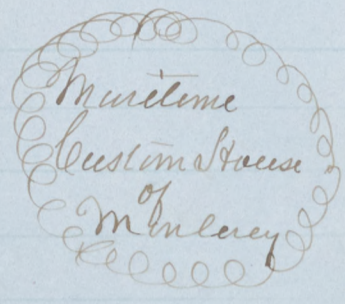
H 5

Translation

Anno Domini 1843

A in No. 680
A P. Loto de po
of J. B. Alva
oudo -

Record of the Deed in favor of Don Juan Meyra granted by Don Pedro Nelo Rios with full authority to do so from Mrs. Dona Antonia Senares to a tract of Land Comprising One Square League and a house erected upon the same Ranch



325 SD
PAGE 41

Seal Worth Two Reals (20cts)
Established provisionally by the Maritime Custom House of Monterey in the Department of the Californias for the year One thousand and Eight hundred and forty three
Michelena Manuel Custanias

At this Capital City of Monterey on the fourteenth day of July One thousand and Eight hundred and forty three, before me Jose L Fernandez Justice of the Peace of this Jurisdiction, under the 11th Article of the plan adopted and sworn to at Toluca and also of the Primary Law of Courts of this Justice acting jointly with two assessors being Alencopos in default of one Public Notary, and together with the instruments hereinafter mentioned personally appeared the Citizen Petronio Rios who having full power thereon from the Señora Dona Antonia Senares said:

That in the name of her Con-
Stituent, who for herself her heirs and
successors and of whomsoever of them may
have full estate and right thereon, he
(P Rios) sells and conveys in public
sale and in perpetual alienation, by right
of inheritance and force unto Don Juan
Meyra a piece of Land which she obtain-
ed under her own title from the Government
of the Department, whose amount of Area
be One thousand and Eight hundred and
forty two Comprising One Square League (un-
tillo de ganado Mayor) situate at the

place called "Las Cañeros" and which is
 contiguous to the possessions of the purcha-
 ser to those of Don Joaquin Goto Don Joaquin
 Gomez and of Don Manuel Larios; which
 said title thereby certify to have seen and
 ordered the same to be attached to the
 copy of this record which is to be delivered
 to the interested party; and I furthermore
 certify that there is annexed thereto a note
 from his Honor the Prefect, dated August
 sixteenth one thousand eight hundred and
 thirty nine, and two certificates from the
 Lieutenant Colonel and Military Comm-
 andante of this place which prove the
 legal right of Mrs. Sanchez both to the
 land and to a house erected thereon
 which (land) he (P. Pios) also sells into
 the aforesaid Anaya declaring as he hereby
 declares that she is the lawful owner
 of the same, that it was put up at her
 cost and by her order, and that it is free
 from all public perpetual temporal, gen-
 eral, special, tacit or expressed incum-
 brance and as such he (P. Pios) sells
 both the land and the house in the
 price and for the sum of two hundred
 and fifty dollars of silver, of good coin
 and current money, which he shall
 receive from the above mentioned Anaya
 in the term of one month, and after not
 present at said delivery he renounces
 the success relating to the same - those
 relating to its proof and payment as
 therein contained - He likewise declares
 that the amount aforesaid is the just
 price and true value of the said land
 and house, that it is not worth more
 and if it should be worth more, of the
 excess thereof, whether of great or small
 amount he makes in favor of the purch-
 aser and of his heirs and successors a

47

325 SD
PAGE 43

a grant and donation, just perfect and irrevocable, the which in Law is termed inter vivos, by this present Exhibit and the other Condonary legal formalities renouncing the 4th Law till 7th Book 5th of the Collection of the Statutes - and each other Laws as relate to damages in more or less than the One half of Estimated Value, and to the four years preferred, within which to ask for its rescission or restitution which period he considered as having elapsed - and from this day henceforth, he gives away and abandons forever the Dominion, possession, Ownership, title or other right which she (Mrs Sanchez) may have to the aforementioned Rancho and house, and he (Rios) renounces and transfers the same unto the purchaser (Anzun) that he may dispose of them, as if they were his own; and he (Rios) empowers irrevocable authority upon him (Anzun) with free full and general commission therein that he (Anzun) may from his said authority begin the tenure and possession which by Law he is entitled to therein. The grantor binding himself that this sale shall be certain done and effected unto the purchaser, and that no one shall molest him therein, nor enter suit against his said property and possession and that no embarrances shall appear upon said house; and if he should be molested, that he (the grantor) shall defend him unto the quiet and peaceable possession thereof - and seeing so to do, the aforementioned sum of Two hundred and fifty dollars shall be returned to him (the purchaser) which the grantor shall produce together with the irrevocable arrangements he (the purchaser) may have made, and the Expenses, Damages and losses which may therein ensue to him -

48

325 SD
PAGE 44

and for the performance and validity of all of the above mentioned he (Reis) pledges the property of his Constabulary as well in possession as in expectancy, and with them he solemnly to the decision and satisfaction of their Honors, the Judges who may be duly authorized to take Cognizance of his Causes, provided by Law, that they may compel and oblige his Constabulary unto the fulfillment thereof, he hereby expressly renounces the Law; Tit: 13 Sec 5th. Law 9th tit; 3^a lib 5th of the Collection of the Statutes as a sentence given by Consent and not appealed from as in a Case of a sentence passed on a thing tried, signed and affirmed; and lastly he renounces the Law which may protect him in Civil Cases, and also the general one of right in Law

In testimony whereof I myself thus signed and signed this in this Book of Records together with those acting as my witnesses herein: Messrs, Don Florencio Serra, Don Jose Maria Campora and Ignacio Rosco, being the instruments and Citizens, have personally present attested. Jose T Fernandez. Petronio Reis Juan Manuel Anaya
Cpl. Jose Antonio Chavez. asst. Jose Francisco Alvarez

This is a true Copy taken from the Record made on this the day of its execution and to which I refer in case of need, it is written on a sheet of stamped paper bearing Seal South and with all attention what a true Don Enrique Camblor being witness to the Copying and Collating thereof. Monterey February 17th of July A.D. 1843

asst. asst.
Jose A Chavez Jose T Alvarez

49

Office of the Prefect of the First District
San:

Whereas according you being
part in possession of the same which
you have solicited and called "Los
Penascales" you can put up your house
on the part of the "Cananea de los Camer-
os" Comprehended in the same petition
and there on Cellerole such fees as you
may require for the support of your family
I communicate this to you for your satisfaction
and as the result of your previous
letter the 14th Inst.

Good & Security - San Juan de los Rios
August 16th 1839

Jose Castro
To Don. Jose de los Santos Abila

Seal Three Two Reals (2500)
Established provisionally by the Maritime
Custom House of Monterey in the Department
of the Californias for the years One thousand
and Eight hundred and forty and One
thousand and Eight hundred and forty one
Nemo Antonio Mateo Osio

Re-Established for the years 1842 & 1843
Alvarado Antonio Mateo Osio

Don B. Alvarado Constitutional Governor
of the Department of the Californias
Whereas Dona Maria
Antonia Sanchez has solicited for her person
al benefit and that of her family a part
of the same which is known by the name
of "Los Carneros" belonging upon the Rancho
of Don Juan Anzur, upon that of Don
Joaquin Gomez and upon that of Don
Manuel Sanchez; all the preliminary legal
consequences and formalities having
been taken as provided therein by the Laws
and Regulations, by virtue of authority
in me vested, and in the name of the

325 SD
PAGE 45

Mexican Nation, I do hereby grant unto her the aforementioned Land - declaring the Ownership thereof to be in her by these present letters patent, subject to the approbation of the Most Honorable Junta of the Department and under the following Conditions

1st. She shall be authorized to fence the same with good settlement to the public's openings roads and rights of way; he shall enjoy the same freely and exclusively, making such use of, and cultivating it in such manner as she shall deem best. but she shall thereon within one year erect a house which shall be inhabited.

2^d. She shall select from the Competent Judge, three Decrees papers thereof to be given to her in virtue of this decree, by whom the boundaries shall be marked out, and at the limits of which, in open view of the monuments some fruit or other useful trees shall be placed.

3^d. The land of which grant is made is one square league in extent (en sitio de ganadero Mayor) as shown by the plan which is attached to the Corresponding Decree.

The Judge who shall give papers thereof shall cause the same to be measured as provided by the Decree and the remainder thereof shall come to the Nation for its purposes.

4th. Should she fail to comply with these Conditions she shall lose her title to the Land, and it shall be subject to appropriation by another person.

Wherefore I Command that this present title being here as binding and valid, a record of the same be made in the Book relating

57

to the same, and that it be delivered to
the party interested for her security and
Other Ends -


Given in Monterey this seventh
day of October One thousand Eight hundred
and forty two

Juan B Alvarado
Manuel Jimeno Secy

A record of this Decree has been made
in the Book of Records relating to grants
of Lands at page 160

Jimeno

325 SD
PAGE 47

Seal French  One Centella (3 cts)

For the years One thousand Eight hundred
and forty and One thousand Eight hundred
and forty one

Re Established for the years of 1842 & 1843

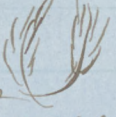
Estadado Antonio Maria Osio

The citizen Jose Gaspar Secutman Colonel
and Commandant of the Regular Troop
of Horse of California and at present
Military Commandant of this Port.

I certify that in the year 1839 while I held
the Office of Prefect of this District in
the Month of July of the same year the
Citizen Manuel Lucas Lieutenant of the
Auxiliary Troops presented himself at my
Office, and there and then, did agree to
diminish the extent of the Land which
he had solicited, relinquishing a portion
of the same in favor of Don the Citizen Jose
de los Santos Ariza, freely and voluntarily
in consideration whosoever, and of all other
necessary information I issued the note dated
16th of August of the aforementioned year
which he now has in his possession. The

Don José María Covarrubias, the Land of which he makes the abovementioned, and for such uses as the party interested may have, I give this declaration the same to be the truth under my word of honor. At Monterey this 19th day of July 1843

Jose Castro.

Seal Fourth  One Centella (3 cts)
For the years One thousand Eight hundred
and forty and One thousand Eight hundred
and forty One

Revalidated for the years 1842. & 1843

Estrada Antonio Maria Osio

The citizen Jose Castro Lieutenant Colonel
and at this time Commandante of this Port

I certify that in the year 1839 while I held
the Office of Prefect of this District at
the time of writing the official note of
the 16th of August of the same year in
which I authorized the citizen Jose de
los Santos Avila to erect his house upon
and to cultivate a portion of "Las Cameros"
I was informed by some witnesses to the
populace given to Don Juan Anaya, that
Don José María was without the limits in
which he was to place his monuments
and that it was also true that some
Indians who had occupied it had at
that time abandoned it, and for the uses
which may arise the parties interested,
give this declaration the same to be the
truth upon my word of honor.
At Monterey this 19th day of July 1843

Jose Castro

Filed in Office March 1. 1843

Geo. Fisher Secy

53

Opinion of Manuel Lanzas
Borne by
Com. Thompson

vs
The United States
Lanzas near San Juan
Bancosta Monterey Co.

This is a claim for about one square league of land and purports to be founded on a grant made by Jose Bustro, Prefect of the District, on the 4th of May 1839 in pursuance of an Order to that effect from the Governor of the Department, the Original of which is filed in the case and is purposed to be genuine.

325 SD
PAGE 49

It is in proof that the claimant has occupied the premises ever since the year 1835; that he had on it a house in which he resided with his family, stocks of Cattle Sheep and horses; and portions of the land enclosed and in cultivation, which occupation has been continued up to the present time.

It further appears from the evidence that the right of possession and ownership over the land claimed has been exercised by the claimant and recognized and respected by the adjoining land holders and the public authorities of the Department with out question or dispute from the date of the grant up to the time the Americans occupied the Country - These facts are certainly sufficient to raise a strong Equity in favor of the Claimant - Several legal objections are however raised to the validity of the grant which we will now proceed to consider

The first of these having reference to the absence of the

Conditions of Occupation or Cultivation and the insufficiency of the description to locate and identify the land are in a great measure removed by the recent decisions of the Supreme Court upon those points - We may remark however in relation to them, that the evidence shows that all these conditions had been amply complied with prior to the making of the grant; and we find that it was a common custom of the Government of California to omit those conditions in the ordinary Colonization grants, where the fact of their prior performance by the applicant was brought to his knowledge -

The descriptions contained in that document, taken in connection with the other evidence in the case are also in our opinion sufficient to fix the location of the land and enable the Surveyor to establish its boundaries.

The Confirmation of the Claim is resisted on other grounds which go to the validity of the grant itself; and as these objections have an important bearing on other cases now pending before the Commission for decision, they claim from us our most attentive consideration. They are

1st. That if the grant is held to be the grant of the Prefect by virtue of his own Authority, it is invalid, because that officer did not possess the power to make grants of Land - And

2^d. If it was made by virtue of the Order of the Governor referred to in the grant it

55

of the Order of the Government referred to in the grant it is especially invalid because the latter officer had no authority to delegate to another the power of disposing of the public domain conferred on him by the laws and regulations of the Supreme Government. In attempting to ascertain the precise extent of the powers and authority conferred on the public functionaries in California by the laws of Mexico, we meet with almost insuperable difficulties.

325 SD
PAGE 51

The constant succession of revolutions which have characterized his history from the commencement of his political existence as a nation and the incessant change in his Organs and other Successors dependent upon those political circumstances, has rendered it almost impossible to ascertain what particular system or what laws were in force at any one time.

The authorities themselves seem to have had very vague and indefinite ideas of the nature and extent of their powers, or of the source from which they were derived. Sometimes they refer to the Spanish Constitution of 1811 and the laws of the Cortes passed under it as the authority for their official acts; sometimes to their own Constitution of 1824 and the laws of Congress and again to some special Order of the Supreme Government.

The Revolution of 1836 resulted in the destruction of the State Governments and the Federal System and the adoption of a new

Constitution which came into effect on the first of January 1837 by which the Territory of the Republic was divided into Departments, Districts and Partidos, at the head of each of which is constituted a Chief Executive Officer.

The Organic Law of the 30th of March 1837 designates the Officers who shall preside respectively over those political divisions and defines their powers and duties. An examination of those provisions shows that they established a complete system of Colonization radiating from the Chief Executive head of the Nation down to the Justices of Peace of the Towns.

It consisted first of the Presence of the Republic whose jurisdiction in connection with the General Congress extended over the entire Nation.

Secondly: The Governors of the Departmental Courts - Thirdly the Prefects of the Districts - Fourth the Sub Prefects of the Partidos, and Fifth the Ayuntamientos and Alcaldes or Justices of the Peace of the Towns, as their population or other circumstances entitled them to the one or the other Organization.

The power of the Prefects to grant the Common lands of the towns is claimed to be derived from the 7th Article of this Law under the head "De los Prefectos" which is in the following terms:

"They (the Prefects) shall regulate (conformar) Executive (Gubernativamente) and conformably to

57

the Lawes the distribution of (repartem
ento) of the Common Landes (terrenos
Comunes) in the Towns (Pueblos) of
the Districtes where there is no litigation
pending in the tribunals respecting
them, reserving to the parties their right
to appeal to the Governour, who with
due further Cause will decide the
Matters as may be proper with the
Concurrence of the Departmental Junta

325 SD
PAGE 53

It is Contained by
the aforesaid Law Agent that this
Section gives to the Prefect no power
to dispose of the Public Landes by
grant, but simply a right to regulate
by prescribed rules by which the distribu-
tion shall be governed. The first
he says is a high prerogative, the
second the Subordinate Executive
power, and with this latter the Prefect
deems invested by Law and with no
greater Authority. If the Spanish
Lance meant ("enreglar") simply meant
to regulate, and it stood alone in
the Article, and without qualification
the Construction has Contained for would
be clear and correct one, but a reference
to the Dictionary will show that its
technical meaning, in which sense
it is used here is "to adjust the admin-
istration of provinces, and to enact
Laws for them. Taking this meaning
in Connection with the word "Gobernar
establecimientos" translated Executive which
immediately follows it would appear
plainly to imply that the Prefect
was not only invested with the
power to adopt general regulations
for the distribution (repartemiento) the
word generally used to signify the
granting of the Common Landes of the

325 SD
PAGE 54

Pueblos but also with the authority
 to execute or carry them into effect by
 granting the lands with a right of
 appeal to the Governor or Departmental
 Council, to whom the general admin-
 istration of the public lands of the
 Department was committed.
 It is true that the power to grant
 lands is a prerogative of the Government
 but like all other sovereign or prerog-
 ative powers it can only be exercised
 by means of subordinate agents, and
 the object of the articles under con-
 sideration appears to have been to commit
 to the Administration and distribution
 of the Common lands of the towns to
 the Prefects, subject to the Supervisory
 and appellate authority of the Governor
 in the same manner as the general
 disposition of the public lands of
 the Department was entrusted to the
 latter, this is clearly implied by the
 use of the word "Gubernamental" to
 denote the Constitution of the Associate
 Law Agent would make that word
 more superfluous, without force or
 meaning, whereas from its frequent
 occurrence in other parts of the Law
 it is very clear that it is a definite
 meaning and was not used without
 a purpose.

An examination of this
 Organic Law of the 20th March 1837
 under the two general heads "De
 Los Gubernadores" and "De los Prefectos"
 will show that the enumeration of
 the functions, powers and duties of
 the two Offices were, with some
 exceptions almost identical within
 the sphere of their respective jurisdic-
 tions, and that its general effect was

59

to confer on the Prefect the same authority over the Subject Matters committed to his charge in the district which were exercised by the Governor in the Department; the powers of the former however being exercised in the Subordination to and under the General Supervision of the latter, to whom he was directly responsible.

The destruction of the Communal Lands of the Towns being therefore committed to the Prefect to administer gubernatively, or as it might be denoted with governmental functions, would necessarily include the power to make or refuse grants of those lands in the same manner as the Governor makes or refuses to make grants of the other public lands of the Department, reserving in the former case the right of appeal to the Governor and Assembly.

This Construction appears also to be in accordance with that given to the Law by the Mexican Authorities—

The general rule laid down by the Supreme Court in Construing Statutes is to adopt the Construction made by the Courts of the Country by whose legislation the Statute was enacted." 5th Petus 264. In order to ascertain the local Construction of the Law of Mexico where no reports of judicial proceedings are made or published, we must look to that put upon it by those to whom the Administration of the Law was committed, as recognized and acquiesced in by the other constituted authorities— The reason of the rule above

325 SD
PAGE 55

325 SD
PAGE 56

would clearly justify such a course as in the absence of judicial authority it furnishes the only means by which we can ascertain the construction given to the law by the Government which created it - Adopting this view then it is very clear that the law we are considering conferred on the Prefects the power to grant the Common lands of the Towns -

Jose Castro who made the grant filed in this case and Manuel Castro, whose depositions are taken and filed in the case - both of whom filled the office of Prefect affirm the existence of this power, and that it was exercised by them on various occasions by the virtue of their office, under the authority of the Constitution of 1836 and the Law of March 20th 1837 -

The legality and validity of the grants made by them so far as we have been able to ascertain have never been called in question, and in the present case at least the rights of the parties to the premises appear to have been generally acquiesced in by the adjoining proprietors, and were properly recognized by the authorities of the Department in subsequent official acts, the existence of which is admitted by stipulation with the U.S. Associate Law Agent.

The construction thus put the law by the Mexican authorities together with the uniform recognition of and acquiescence in its correctness is in our opinion equivalent to a judicial exposition of its true intent

and meaning and as such should be
the rule of construction in the United
States. He claims—

But the grant in
this case purports upon its face to be
made in obedience to an Express Order
of the Governor, and it is contended
on the part of the Claimant that
this authority of the Governor was
sufficient to give validity to the grant
even if the Prefect did not otherwise
possess the power to make it.

325 SD
PAGE 57

To this it is objected
on the part of the United States, that
although the Governors possessed the
general power to make grants of
Land in their respective Depart-
ments, yet it was ~~never~~ a special
personal trust which they had
no right to delegate to another.

The views of the
Associate Survey Agent on this question
are upon general principles undoubtedly
very correct but are much doubted
whether they can with propriety be
applied in all their strictness to the
Mexican Survey now under consid-
eration.

The right of substitution or the
delegation of the power to alienate
the "propios" and "terrenos" including
lands as well as other property of
the towns with the consent of the
Departmental Junta, is expressly given
in the 9th Article of the Law of 20
of March 1837 and under the head
of "de los Gubernadores".

The Prefects
were mere Creatures of the Governor—
They were appointed by him, were
removable at his pleasure and

325 SD
PAGE 58

Exercised all their functions in subjec-
tion to his Authority, in the 3^d Section
of the 63^a Article "de los Prefectos" he
is expressly enjoined to Execute the
Orders of the Governor, and from all
his acts an appeal lay directly to
that Officer, whose decision in the
Matter was final.

Whether therefore
we regard the provisions of the 9th
Section above quoted as an Exception
to the Rule or as the recognition by
implecation of a general right of
delegation or delegation of his
power over the Subject Committee
to his Chief, the Controlling Author-
ity over the Prefects given him by the
Law, would in our Opinion authorize
if that Officer acting under his Orders
to make such a provisional grant
as would when Coupled with the
long continued Occupation and subse-
quent recognition by the Authorities
which is shown in this case, give
him a right in Equity to demand the
legal title from the Government -
In either aspect of the question we
think the Claimant is entitled to
a Confirmation and a decree will be
entered accordingly.

Taken in Office June 19. 1855.

Geo. Fisher Secy

Recorded in Record of decisions
Vol 3 pag 76

Geo. Fisher Secy

63

Decree

Manuel Larios }
vs. }
The United States }

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 Monterey near the town of San Juan Bautista, being the same which was granted to the present claimant by Jose Castro on the 4th of May 1839 and has been held and occupied by him ever since.

It is bounded by the line known as the "Camino Real de Inmigrantes" as far as the top of the hill which looks toward the "Poblacion" by the lances of Sena Gomez those of San Juan Enson and those of Jose de los Santos Alcala for a more particular description reference to be had to the original grant and the deposition of Ramon Enson filed among the papers in the case.

R. Aug. Thompson }

S. B. Fawcett }

Commissioners

Filed in Office June 19. 1855

Geo. Fisher Secy

Recorded in Record of decisions
Vol 3. Page 81

Geo. Fisher Secy

325 SD
PAGE 59

64

325 SD
PAGE 60

And it appearing to the satisfaction
of the Board that the land hereby
designated is situated in the
Southern District of California It is
Ordered that two Transcripts of the
proceedings and decision in this case
and of the papers and evidence
upon which the same are founded
be made out and duly certified by
the Secretary One of which Transcripts
shall be filed with the Clerk of
the United States District Court
for the Southern Judicial District
of California and the other be trans-
mitted 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.

325 SD
PAGE 61

J. George Fisher Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Sixty four* pages, numbered from
1 to *64*, 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. *29* on the Docket of the said Board,
wherein

Manuel Larios is
the Claimant against the United States, for the place known by
the name of "Land near the Mission of San Juan Ban-
tista."

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



J. G. Fisher
J. G. Fisher

325

U. S. DISTRICT COURT,

Southern District of California.

No. 325

THE UNITED STATES,

vs.

325

Manuel Acosta
Land near the Mission of
San Bautista

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 297

Filed, *Nov 24th* 1855

J. E. San
cut.

325

Office of the Attorney General of the United States,

Washington, 31 Dec. 1855.

297. "Land near the Mission San
Juan Bautista"

Manuel Larios, 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 3rd day of Dec. 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clarking

Attorney General.

No. 325.

U. S. Dist Court
South Dist California

"
Manuel Larios
appellee

vs

The United States
appellants

"
Notice of Appeal

"
Filed Feb'y 12th 1858

325 SD
PAGE 63

C. E. Jones
clerk

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

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



325 SD
PAGE 64

Manuel Larios
ad
The United States

Docket No. 325

Transcript No. 297

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 5th day of August A. D. 1852, Manuel Larios

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 near the Mission of San Juan Bautista in the County of Monterey State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 19th day of June A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 24th day of November 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. 297; reference to which it is prayed may be had and made part of this petition. That on or about the 3rd day of December A. D. 1855, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit: on the 12th 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.

325 SD
PAGE 65

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

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

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

325 SD
PAGE 66

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

No 325

W D Hunt
Supt. Dist of Cal

Maam Laris
ad
The United States

Patron of Rev

Miss Dic 1836
Cfms
clerk

U.S. Dist Court - Southern District of
California

Manuel Larios

atty.

The United States

Docket No. 325

Transcript N^o 297

325 SD

PAGE 68

And the above named Claimant for answer to the petition of the U.S. District Attorney on the part of the United States, says that his title to the land claimed in this case is valid, and he prays that the decision of the U.S. Board of Land Commissioners confirming his title and claim thereto may be affirmed, and that his said title be decreed by this Honorable Court, to be valid

Horace Hawes
Attorney for Claimant

U. S. Dist. Court

Mamuel Larios

vs

The United States

Docket No 325

Transcript No 297

Answer of
Claimant -

Filed this 12th December 1856

C Sims Clk
of A. Coleman
(Depy)

U. S. District Court for the Southern District
of California

Manuel Larios

vs

The United States

Claim confirmed by

U. S. Land Commission

for Land near San Juan

Bautista

325

SD

70

PAGE

State of California

Monterey County

Manuel Larios being duly sworn

says that the land claimed in this case was granted to him by Jose Castro Prefect of the first District by an original Document dated May first 1839, by virtue, and in obedience to an express order of Governor Alvarado, as recited in said original Document, but although deponent has made the most diligent inquiry for said order of the Governor, he has not been able to find it, nor is it at present, nor has it at any time been under his control, nor has deponent any knowledge where it can be found, but deponent verily believes that it has been lost or destroyed, or else stolen by parties hostile to his interests.

Sworn to & subscribed before

me this day of November

1856 -

W. S. Johnson

Notary Public

Monterey Cal

Manuel Larios



U.S. Dist Court
Southern Dist Cal^a

Manuel Larios
vs.

The United States

Applicant of
Man^l Larios

Filed this 19th December
A.D. 1855 C. Sprin^g ckr.
for W. Coleman
clerk

325 SD
PAGE 71

U.S. Dist Court

Manuel Larios

ads

The United States

Pocket No 325

Index to Record

Transcript No. 297

325 SD
PAGE 72

Brief No 9
II.

I

Grant of May 4, 1839 to Larios p. 23.

II.

Was made by governor order - so says the grant itself p. 23 rep of Cerverias p. 16.

H. Brief § 37.
Ord. de J. Q. p. 101
note & ib. art. 9.
ib. p. 96-97. 17-19.

José Carto p. 10. Aguilar p. 19 Manuel Carto p. See Ordo. Administrativo p. 199. 38-9.

III

Larios' title subsequently recognized by government &c. Stip. of law agent & papers ref to - p 34 Depⁿ of Claudio Varguez p. 12 Ramon Anzar p. 13 Man^l Carto p. 22.

IV.

Has been occupied and cultivated by Larios whose family lived on it from 1834 to the present day - Depⁿ of José Carto p. 10 Ramon Anzar p. 13 Claudio Varguez p. 12 Aguilar p. 18 M. Carto p. 22

V.

Description and boundaries - the orig^e grant p. 23. Depⁿ of Ramon Anzar p. 14 Claudio Varguez p. 12

VI.

Due search for governor order - Stipulation of law agent p. 33. Depⁿ of M. Carto p. 21-22 Aguilar p. 19 José Carto p. 10. Act of Larios filed in this Court. Hawes brief No. 37. Ordo Ad^o p. 199 also 38-9. 143. 222. 225. 310
324.

U.S. Dist Court

Mount Larios

ad,

The United States

Docket No. 325

Manuscript No 297

Index to record

Filed this 19th December

A. D. 1856

C. Pinwell

J. M. Coleman
clerk

325

SD

PAGE

73

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

The United States
vs appellant

Docket No 325

by
Manuel Larios
Appellee

Transcript No. 297

325 SD

PAGE 74

This cause coming on to be heard on appeal from the decision of the Commissioners to ascertain and settle private land claims in the State of California under the act of Congress approved March 3^d 1837 upon the transcript of proceedings decision of said Commissioners and the papers and evidence upon which said decision was founded which have been duly returned and filed in this Court as required by law, and on further evidence taken under the order of this Court, and Counsel for the respective parties having been heard, on due consideration, had, it is by the said District Court now here, ordered, ad

judged and decreed that the decision and decree of the said Commissioners be, and the same hereby is, affirmed, and that the title of the said Manuel Larios appellee, to the land claimed in this case is good and valid and the land so claimed is hereby confirmed to him.

325 SD
PAGE 75

The land hereby confirmed to said Claimant is situated in the County of Monterey near the town of San Juan Bautista, and is the same which was granted to him by Jose Castro, Prefect of the first District by order of the Governor by a document bearing date May 4th 1839, a copy whereof is contained in the transcript in this case, and to which reference is herein made. It is bounded by the road which at the date of said grant was known as the "Camino real de en medio" as far as the summit of the mountains which overlook the town; also by lands which at said date were known as lands of Don Juan Anzar, those of Señor Gomez,

23

325 SD
PAGE 76

and those of José de los Santos
Atila. For a further and more
particular description reference is
made to the aforesaid grant
and the depositions of Ramon
Anzar and Claudio Varquez con-
tained in the transcript. Thus
done and ordered in open Court
this twenty third day of December 1858.

Wm S. Ogden
U.S. Dist. Judge
District No. 1 of Cal

U.S. Dist Court
Southern Dist. of
Cal a

U States
Appellant
vs
Manuel Larios
Appellee

Decree

Filed 23, December, 1858.

W. Sims, Clerk

per W. W. Stetson,

325 SD

W. W. Stetson,

PAGE 77

Recorded in page 281



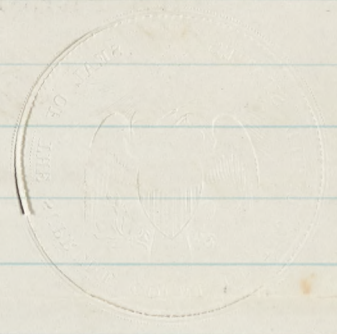
THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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

Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California before you, in a cause
between The United States, appellants, and Manuel Sarios,
appellee (No. 325 for lands near the mission of San Juan
Bautista). wherein the decree of the said District Court
was in favor the said appellee, and against said appellant-

21
325



325 SD
PAGE 79

1873
354

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.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *sixty four* 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 Speed of Counsel for the appellants it is now here ordered adjudged and decreed by this Court that this cause be and the same is hereby dismissed.*
16 Jan 7

325 SD
PAGE 80

You, therefore, are hereby commanded that such _____ 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 *Salmon P. Chase* Chief Justice of said Supreme Court, the
first Monday of *December* in the year of our Lord one thousand eight hundred
and *sixty four*

COSTS OF _____
Clerk..... \$ _____
Attorney... \$ _____
\$ _____
=====

Trusted by

Geo. Middleton

Clerk of the Supreme Court of the United States.

No. *109* *325*
December Term, 1864.

MANDATE
SUPREME COURT UNITED STATES.

Dr. State vs. Davis

Filed Oct 17. 65
John W. Johnson
Att

In the U.S. District Court for the Southern District of California,

Mamuel Larios } Docket No.

^{ads}
The United States } Transcript No. 297.
Appellant

325 SD
PAGE 82

This cause coming on to be heard on appeal from the decision of the Board of Commissioners to ascertain and settle private land claims in the State of California under the act of Congress approved March 3. 1851 upon the transcript of proceedings, decision of said Commissioners, and the papers and evidence upon which said decision was founded which have been duly returned and filed in this Court as required by law, and upon further evidence taken under the order of this Court, and Counsel for the respective parties having been heard; on due consideration had, it is by the said District Court ordered, adjudged, and decreed that the decision of the said Board of Commissioners be and the same hereby is affirmed, and that the title of the said Mamuel Larios the above named appellee is a good and valid one, and the land claimed in this case is hereby confirmed to him.

The land of which confirmation is hereby made is situated in the County of Monterey and near the town of San Juan Bautista and is bounded and described as follows:

On one side by the public road which

on the 4th of May 1839 (the date of the grant given in evidence in this case) was known by the designation of the "Camino real de en medio," until the said road reaches the top summit of the ridge of hills which overlook the town of San Juan; also on other sides by lands which at the aforesaid date were known as the lands of Señor Gomez, of Don Juan Anzar, and of Jose De los Santos Abila; also on another side by a ditch bordering upon or running near the public road leading to Santa Cruz and by the lands at the same date last aforesaid pertaining to the Mision of San Juan Bautista. For a further description reference is hereby made to the original grant from Jose Castro Prefect to the present claimant dated May 4th 1839, and the deposition of Ramon Anzar filed in evidence in this case before the Land Commissioners copies whereof are contained in the transcript.

Thus signed and entered in open Court
this day of A.D. 1857.

325

SD

PAGE 83

Docket No. 325

U.S. Dist Court
Manuel Larios

ad

The United States
C C

Deere

325 SD
PAGE 84