

CASE No.

333

SOUTHERN DISTRICT

POTRERO DE SAN CARLOS GRANT

JOAQUIN GUTIERREZ

CLAIMANT

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333

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TRANSCRIPT

333 SD

PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 271

Joaquin Gutierrez

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Potrero de San Carlos*"

PROCEEDINGS

OF THE

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

333 SD
PAGE 2

Be it Remembered, that on this *fourteenth of June*, 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 *Joaquin Gutierrez*,
for the Place named
"Potrero de San Carlos",
was presented, and ordered to be filed and docketed with No. 271 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco February 3rd 1853.
In case no. 271, Joaquin Gutierrez for the place named "El Potrero de San Carlos," the deposition of Wm. E. P. Martrell, a witness in behalf of the claimant, taken before Commissioner Melancthon Hall, with document marked N. N. no. 1, annexed thereto, was filed;

(Vide page 5 of this Transcript.)

San Francisco February 20th 1854
In the same case the Counsel for the claimant filed the following Affidavit, to wit;

(Vide page 39 of this Transcript.)

San Francisco Feb'y 21 1854,
In the same case the depositions of Gabriel de la Torre and José Abrego, witnesses in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed;

(Vide page 17 of this Transcript.)

San Francisco Sept. 19' 1854.

Case no. 271 was ordered to be placed at the foot of the 2^d class Cases on the trial docket,

333 SD
PAGE 3

San Francisco Sept. 26' 1854.

In the same case the deposition of Juan B. Alvarado, a witness in behalf of the claimant, taken before Commissioner Peter Lott, was filed,

(Vide page 17 of this Transcript.)

San Francisco October 31' 1854.

Case no. 271 was submitted on briefs and taken under advisement by the Board.

San Francisco May 29' 1855.

In the same case the Counsel for the claimant filed an Amended petition;

(Vide page 19 of this Transcript.)

Whereupon, on the motion of said Counsel, with the consent of the U. S. Associate Law Agent, it is

Ordered, That said petition be made a part of the records in this case,

San Francisco June 5' 1855.

In the same case Commissioner S. B. Farwell delivered the Opinion of the Board confirming the claimant's,

(Vide page 44 of this Transcript.)

And the following order was made, to wit:

(Vide page 46 of this Transcript.)

Petition

To the Hon. Commissioners to Settle Private
Land claims in California.

The Petitioner Joaquín Tuberoso respect-
fully shows.

That on the 28th day of October A^D 1837
Juan B. Alvarado Governor of California, by
virtue of authority in him vested granted to one
Frueturso, the tract of land called "El Potrero"
in the Valley of Carmelo, in the present County
of Monterey, containing One square league
of land, a copy and translation of which
original title are submitted herewith marked
"A"

That the said grant was subsequently
approved by the Deputation

That in or about the year 1845, the
said Frueturso died in California, leaving
his widow, Agnina, his sole heir.

That in the year 1845, his said Widow
Agnina sold and conveyed the said tract of
land to the petitioner, who immediately took
the possession of said land and has ever
since occupied and cultivated it

That the original conveyance being lost
the said Agnina on the 7th day of April A^D
1852 sold and conveyed away all her in-
terest in the said land, a copy of which
last conveyance is submitted herewith marked
"B"

That for more than 15 years the said
Frueturso his widow Agnina and the Pe-
titioner have been and the petitioner now
is in the quiet peaceful and undisturbed
possession and occupation of the said tract
of land

333 SD

PAGE 4

4
of land.

That he knows of no conflicting claim,
That the said land has not been sur-
veyed by the Surveyor General of the United
States, but that its boundaries are well
known.

That he relies for confirmation of title
upon the original papers copies of which are
submitted therewith, upon the minutes and
records in the Archives now in charge of
the Surveyor General, and upon such other
and further proofs as he may be advised
are necessary.

Wherefore he prays the Commissioners
to confirm to him the tract of land

By his Attornies

(signed) Hallock Peckham &
Billings.

Filed in Office June 11th 1852.

(signed) Geo. Fisher
Secy

Deposition
of
W. E. P. Martnell

333 SD
PAGE 6

San Francisco

Feb. 3^d 1853,

On this day came before Com^r Meland
Hall came W. E. P. Martnell a Witness
produced on the part of the Claimant Joaquin
Gutierrez Petition N^o 271 and was duly
sworn his evidence being given in English

The U. S. Associate Law Agent was
present.)

In answer to questions propounded by Claimant's
counsel the Witness testified as follows

My name is W. E. P. Martnell, my age is
55 years, I have resided in Monterey County 30
years.

I am acquainted with the hand writing of
Juan B Alvarado having often seen him write
his genuine signature to the paper before me
is genuine. I know the Rancho called "El
Potrero de San Carlos" it is but a few miles
from Monterey The Indian Francisco first
occupied that land as early as 1837. He con-
tinued its occupation until his death and
afterwards his widow Juana lived on it -
He died about 3 years ago. He had a house
and stock on it and was always considered
to be the owner and to have a good title
to the land, said paper is hereto attached
marked Y. Y. N^o 1.

(Signed) W. E. P. Martnell

Sworn and Subscribed

Before, (Signed) Meland Hall
Com^r

Filed in Office February 3^d 1853

(Signed) Geo. Fisher
Secy

6

7

Deposition
of
Jose Abrego

333 SD
PAGE 7

United States Land Commission
San Francisco Feb 21st 1854

On this day before Com^r Stephen Field came Jose Abrego a Witness in behalf of the Claimant Joaquin Gutierrez case No 271, who after being duly sworn deposed as follows this evidence being interpreted by the Secretary

Questions by Mr. Wallcut Attorney for the Claimant.

1st Question Please state your name age and place of residence.

Answer,

My name is Jose Abrego. I reside in Monterey and my age is forty years.

2nd Question Do you know the land called Petrero de San Carlos if yea please state what you know of its occupation?

Answer,

I know the land. I first knew it in 1838 and it was then occupied by an Indian, a native of the Mission of San Carlos, whose name was Fructuoso del Real. He has upon it a small house in which he lived with his family and had enclosed and under cultivation about three hundred varas of the land and had a corral and a few milk cows on the place. He lived there to my knowledge four years after that and I understood he lived there until his death about the year 1850. I saw Joaquin Gutierrez living on the place with his family.

3rd Question, Do you know the Rancho called

8
called San Francisco, if you where is it situated.

Answer. I know the Rancho, It adjoins the one above spoken of and is situated on the East side of it. The Temascalitas is a point on the boundary line dividing these two ranchos. It is a small hill. Below this hill and near an arroyo there is a large Redwood tree on the line. The boundaries of the Rancho of San Francisco were established by David Spence who was the Alcalde.

333 SD
PAGE 8

11th Question. What is the Northern Boundary of the Potrero de San Carlos.

Answer. It is bounded on the North by the lands of the Indians and the entrance to the Canada. The fence which encloses the lands of the Indians is the boundary of this Rancho on that side of it.

Questions by Mr. McKim Law Agent

1st Question How do you know that Spence gave the possession of San Francisco.

Answer. I know it because when I bought a part of the Rancho I saw the testimonial of judicial possession which was signed by said Spence. Spence also told me where the boundaries were and what marks designated them, I also heard it from report but was not present when the possession was given and do not know it in any other way than above stated. There were no monuments set up for the boundaries of the Rancho —

9
2^a Question, What is the shape of the
Haucho Potrero de San Carlos.

Answer. The shape of the Haucho
is irregular, its length is considerably greater
than the width. The average length is about
one league and a half, and may be in some
places one league in width. It is all hills
excepting about six hundred varas of the
land. At some places it may be as narrow
as one fourth of a league.

(signed)

José Abrego

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

(signed)

Alphus. Thelw.
Comm^r

Filed in Office February 21st 1854

(signed)

Geo. Fisher
Acy

10

Deposition
of
Gabriel de la
Torre,

333 SD
PAGE 10

United States Land Commission
San Francisco Feb. 21st 1854

On this day before Commissioner Alpheus
Tilch came Gabriel de la Torre a witness
in behalf of the Claimant Joaquin Gutierrez
case No 271 who after being duly sworn
deposed as follows his evidence being re-
ported by the Secretary

Questions by Mr. Wallace Attorney for
the Claimant

1st Question Please state your name
age and place of residence?

Answer. My name is Gabriel
de la Torre my age is forty four years
and I reside at Monterey in California.

2^d Question Do you know the Rancho
called Polero de San Carlos, if you where
is it situated.

Answer. I know the place so called
- it is situated in the County of Monterey

3^d Question When did you first know
this Rancho and by whom was it then
occupied

Answer. I have known it ever
since the Mission occupied it about two
years before 1837. it was occupied by an
Indian whose name was Fructuosa
del Real. He occupied it during those
two years, cultivated a portion of the land
and had horses and cattle on it. after this
said Indian made an application to
Governor

333 SD
PAGE 11

Governor Alvarado for a concession of a league and a half of the land which was granted to him and he continued to occupy the same place until he died which was some seven or eight years ago. After his death it was occupied by his widow and children until about a year ago at which time the widow died. The widow's name was Iginia I did not know her to have any other name. They had three children one was named Josefa another Godosia and the third Estefana was the oldest. They had no other children, some six years before the widow died she solicited Joaquin Putumay to live on the place with her and offered him the use of the land for taking care of her as long as she lived. He agreed to that and moved on to the place and continued there until her death and still lives on the place.

In 1837 there was a small wooden house on the place and about a year after the Indian above mentioned built an adobe house on it. He had in 1837 and before that as well as after he had about four hundred varas square of the land enclosed and under cultivation. He had on it about twenty five mares and some other horses five or six yokes of Oxen and some sheep and much cows. The piece of land which he cultivated was the only piece of land on the place which was fit for cultivation, the rest was all hills and he kept his stock upon it.

Putumay now lives on the place

and has there two houses, two corals, five or six hundred head of cattle two bands of Mares of about thirty each and about forty tame horses and some hogs. He cultivates the same land that was enclosed by the Indians,]

333 SD
PAGE 12

4th Question Do you know who wrote the original petition for a grant of the land to the Indians

Answer, My father wrote it

5th Question, Who made the grant.

Answer, Governor Alvarado, He made it on the fourth of January 1840. I saw the grant when my father delivered it to the Indians. The Indians brought it from the Governor and delivered it to my father and after examining it he gave it back to the Indians and sent me with the Indian to show him where the land would be. On the same day the boundaries were pointed out to the Indians by Marcelino Escobar Alcalde of the Mission of San Carlos or Carmelo. I was with Escobar when he pointed out the boundaries.

6th Question, Please mention the boundaries which were marked out by Escobar at that time.

Answer, They began at the Temascalitos and pointed out as one of the boundary marks a large hollow red wood tree standing near the bank of the Arroyo Don Estevan Munros the owner of the

84

the adjoining Rancho called San Francisco is the boundary between the two Ranchos. The boundary line of the Rancho runs from this place to the place called the Barranca Blanca and separates this Rancho from that called San Francisco. The length of this line cannot exceed one thousand varas. On the North side the Rancho is bounded by the lands of the Indians which are situated between it and the River Carmel, On the South it is bounded by a grove of trees on the top of a mountain called La Sierra de los Pales Colorados and on the West it is bounded by the Rancho San Jose.

333 SD
PAGE 13

7th Question. Do you know a place called La Boca de Sobro?

Answer. I do. It is the entrance to this Rancho, on the North side and is situated adjoining the lands of the Indians. It is one of the boundaries of this Rancho and designates the boundary between it and the lands of the Indians.

8th Question. Are Marcelino Escobar the Alcalde and your father living.

Answer. They are both dead.

Questions by Mr. McHune Law Agent

1st Question. How far is this Rancho from the Sea coast.

Answer. About a league and a half.

2nd Question. What is the shape

15-
of the Gaucho.

Answer. It is ~~an~~ oblong and irregular in form but is longer than it is wide. The tree above mentioned as a landmark is situated on the Eastern side of the Gaucho.

3^d Question Near which corner is it?

Answer. I do not understand the points of the compass well enough to say whether it is at the North or South of East.

4th Question What direction is the Barranca Blanca from that tree?

Answer. In a direction West of North towards the North West. This line of the Gaucho is a straight line

5th Question Is there any artificial mark at the Redwood tree indicating it to be a line?

Answer. There is not the tree was pointed out to the Indian as the boundary. There is no other large tree near there.

6th Question. What is the Barranca Blanca?

Answer. It seems to have been a slide from the mountain where it is now left white. It is very steep and is a large precipice. I did not go to it but they pointed it out as the boundary. The Alcalde pointed it out to the Indian as his boundary. On the
North

333 SD
PAGE 15

North side of the Rancho I do not know any marked boundary between this land and that of the Indians, Between this land and that of the Indians. Between this land and San Jose I do not know of any boundary except the grove of Redwood trees on the top of the Mountain I know that the boundary of San Jose was previously marked out. There was a pile of stones placed towards the river as a monument in the boundary of it. The lands of the Indians above mentioned were fenced in. The Alcalde stated that the line of this Rancho was to the fence of the Indians. They had more than three leagues in length on the river fenced in. Each Indian had about four hundred varas of land.

Q. Question: Did this land ever belong to the Mission

A. Answer: It did, but they gave it to the Indian Fructuoso del Real. They gave it all to him in 1840. Previous to that it was occupied by the Mission

(Signed) Gabriel de la Torre
Subscribed and sworn to
before me this 21st day of
February 1854

(Signed) Alphus Felch
Comr

Filed in Office Feb 21st 1854
(Signed) Geo. Fisher
Secy

17
Deposition
of
John B. Alvarado

United States of America
State of California

San Francisco Sept 25th 1854

This day came before Peter Solt
Commissioner for taking testimony to be
used before the Board of U. S. Land Com-
missioners in said State

333 SD

PAGE 16

The U. S. Associate Land Agent is present
Questions by Capt. Hulck for Claimant.

1st Question What is your name age and
residence

Answer. My name is Juan B. Al-
varado, my age 45 years, my residence Contra-
costa County, California

2nd Question. Do you know the Rancho called
El Petero de San Carlos in Monterey County
if yea, state what you know about any title
to said land

Answer I know said Rancho and
I recollect to have given a title of said land
to an Indian of the Mission of San Carlos
named Fructuoso del Real whilst I was
Governor of California. I do not remember
the date. It was a grant made in the usual
form a title (in propiedad) in property, after
the grant was made the land was measured and
set off by a justice of Peace under my order
as Governor for the purpose of settling the division
of this land from the adjoining owners

3rd Question Look at the document now shown
you

18
you purporting to be a traced copy of the Expediente
in this case marked "A. P. S.", annexed to
this Deposition, and heretofore filed in this
case, and state whether you recognize the papers
therein as those upon which you issued the same
title)

333 SD
PAGE 17

Answer, Upon examining this document
I recognize the writings contained in it as copies
of the original papers upon which I made said
Grant after the concession and the measurement
by the Justice of the Peace and his report
thereof on the 8th and 9th pages of said document
I recollect, to have approved and ratified
the grant according to the measurement of said
Justice, which appears on page 10 of said
document)

Cross. Examined by W. S. Associate Survey
Agent.

Q. Question, Was there any particular cir-
cumstance connected with this grant enabling
you to recollect having made such grant without
any doubt...

Answer Yes my memory of the trans-
action is the more distinct from the fact that
after I had given a provisional grant to the Indian
a controversy arose between him and some of the
neighbors as to the Indians proper title and I
ordered the Alcaldé to investigate the matter
and ascertain the limits of the Indians claim
which he did, and made report to me and
then I confirmed the grant to the Indian ac-
cording to that report which is embraced in
the document before mentioned

(Signed) Juan. B. Alvarado

79
Subscribed and sworn
to before me, September 23rd 1857

(signed)

Peter Lott.

Comm^r & J

Filed in Office Sept. 26th 1857

(signed)

Geo. Fisher

Secy

333 SD
PAGE 18

Amended
Petition.

To the Honorable Commissioners to settle private land claims in
California
The petitioner Joaquin Gutierrez joining with him Maria
Eufania, submits this amended petition, respectfully re-
presenting, that on the 28th day of October A.D.
1837, Juan B. Alvarado, Governor of California by virtue
of authority in him vested, granted to one Francisco
del Rio, the tract of land called "El Potrón" in the
valley of Carmel in the present county of Monterey
containing one square league of land a little more
or less, a copy and translation of which said
grant being submitted herewith marked "A."
That subsequently, viz: in the month of January
A.D. 1840, the boundaries of said land were established
by the Magistrate of the Pueblo of San Carlos under
the direction of Gov. Alvarado and the proper map
and description of said land filed in the office
of the said Governor, who on the 4th day of
January A.D. 1840 issued a complete and full title for
said land to said Francisco. That in or about
the year 1845, the said Francisco died in Cal-
ifornia leaving a widow Ignacia and three daughters, Maria
Josefa, Maria Teodosia and Maria Estefana & no
only him. That in the year 1845 his said widow
Ignacia and the said daughters Maria Josefa and

333 SD
PAGE 19

Man in Dodasia sold and conveyed all their interest in said tract of land to the petitioner who immediately took the possession of said land and has ever since occupied and cultivated it. That said original conveyance being lost the said Ignace and the said daughter executed new instruments of conveyance to the petitioner on the 7th day of April A.D. 1852 and the 26th day of August A.D. 1853 conveying to him all their interest in said land. It is further represented that the said Ignacia has widow and heirs and the petitioner Joaquin Gutierrez has occupied this land for more than 15 years having fences and other improvements on it and cultivating large portions of it every year, that the boundaries of said land are fully defined in the expediente, a certified copy of which is filed in this case and that there are no conflicting claims, that they rely for confirmation of title upon the originals fully filed herewith upon the records of the former government of California and such other and further proof as has been or may be submitted, Therefore they pray that this claim may be confirmed for undivided sixth parts to the said Gutierrez and one undivided sixth part to said Maria Estefana

Halleck Leach & Bellings
Attys for claimants

Widow in office May 25, 1855
(signed)

Geo. Fisher Esq

22h.

333 SD
PAGE 20

Expediente

Promovido por Fructuoso del Real en pretencions
del paraje nombrado el Potrero.

115.

Monterrey, Oct^{ra} 5 de 1837. Exmo. Sr. Gobernador.

Fructuoso del Real, natural de
Gutierrez el padre Mtro la Mision de San Carlos anti V.
de la Mision de San Carlos. Como mejor haya lugar en
alvarado.

El Gobernador.

que no siendo lo Superior para
El solicitante Fructuoso del Real es necsito de que posea que consisten de cinco
esta Mision y tiene las llantas de bueyes, doce bucos
tierras que demuestran mareas y diez y ocho bestios
su solicitud. El terreno Caballeros los cuatrocientos
que prescrite esta com de tierra (que segun el regla
-preescrito en las lo miento de secularizaciones) se han
leguas literales y en todo eladas ocurre a V.S. a sup
tar no limitados que si con los tenga la dignacion de
expresa la ley de 14 de concederle; sin parage conveito
agosto de 1826. pretense bajo el nombre de Petrero; el
a esta Mision como que rural esta obsecupado aunque
es el señalado para la pertenec a la subsecrita Mision
Comunidad o tiempo de la longitud sera de una legua
la secularizaciones de ella y p. A. V.S. recieve la Suplicio
para hay la comunit de que se sirra atender su
-ancio de que as expone solicitud gracia a que perpetuara
que se representa unig su accionimiento.

-uno de los empujados. Como no ser de Mision y lo
tienen las tierras que necesitan.
se le repartieren y por
lo mismo se alla batolio y
puede adjudicarse le es de

temporal y abradino su extension sera como legua
y media y menos de una de ancho desta de
esta Mision como una legua. Es cuanto debo
informar a V.S. obsequiando su Superior Decreto
de 5 del presente.

San Carlos 6 de Set. de 1837.

F. J. M^o del Refugio Buenos del Real.

Monterrey, Oct^{ra} 9 de 1837.

Puede el interesado en esta representacion
ocupar el terreno que pretense sin molestar
los bienes de la Mision de San Carlos que
puedan pasar por aquellos campos. devolviera
esta instancia a ocupandolo el ordeno de la
extencion que solicita para plantar los terrenos

333 SD
PAGE 21

B. D. K.

Tramites correspondientes. Alvarado.

Monterrey. Oct^{ra} 28 de 1837.

En esta fha. se expidió al intereudo el correspondiente titulo de posesion por el cual se le adjudicó provisoriamente el terreno.

Valga para los años de 1839 y 1840.

Alvarado.

Nat^o. M^a Ocio.

4. S. D. K. Monterrey. Dhe. 18 de 1839.

Suprime el Duen de Par del Pueblo de San Carlos.

Alvarado.

Excmo Sor. Gobernador.

Puntalon Real del Pueblo de San Carlos y de Santa Catalina.

Yo que oficio Labrador; ante V. E. con el mayor respeto me presento a V. E. con el mayor respeto para que se posea el sitio llamado el Potrero que la bondad de V. E. tubo a bien darme en propiedad y como las muchas atenciones con que V. E. a estado a estos tiempos, no me acordado lugar a importunar su atencion: y ha honra lo ago suplico como a nuestro Verdano padre Le pido el estender me el titulo de dho. sitio por el poderme presentar al Jefe competente para recibir la posesion Judicial que es de ley.

P. A. N. E. Suplico se pida a V. E. a este mi solicitud de que reciba gracia.

Monry. 17 de Dhe de 1833.

Puntalon Real.

5. S. D. K.

Curador de Par del Pueblo de San Carlos.

Por el mes de Marzo se me presento el interesado diciendome la posesion Judicial del terreno llamado el Potrero que V. E. con fha 28 de de Otre de 1837 se otorgo el con el presente, mas como el dicho titulo vera que es a tenor de la aprobacion o des aprobacion de la Exma Diputacion.

Se lo adverti diciendole que todavia no se habia dado la posesion Judicial que el pretendia y asi que lo mas con hecha de del corriente se me presento por mi escrito. De estos sucesos advertiendome que sabia que puntalon solicitaba la posesion Judicial del Potrero, y que el año de 1835 se le habia dado a el la posesion Judicial por don David Espende que era Alcalde en aquel año de terreno llamado La Francisquita y que el dicho terreno del Potrero era comprendido en la

333 SD
PAGE 22

que se le dio: culla representacion la entregue al Sr.
Don Manuel Jimeno p^a que la entregue a V. E.

Por culla motivo teno un sabido de lo
decidido ante a quien de las cosas proua pertenecer dicho
terreno. Espero de la Sabia penetracion de V. E. se
digne decidir a quien pertenese para entonses lo
pueda cumplir con el Superior Decreto en la Gu^a
de V. E. lo que alidamente a cumplimiento.

333 SD

PAGE 23

Di^s y libertad. En Carlos. Dho. 19
de 1839. Marcelino Escobar.

(Excmo Sr. Gab^o Español)

Monterrey. Dho. 30. de 1839.

Con presencia de la solicitud que formo el
presente expediente el Sr. Pres. de San Carlos del Pueblo de
San Carlos para que el interesado Fructuoso del Real
recluse su instancia y el objeto a la parte de
terreno que resulte no pertenecer al Sr. Dⁿ Esteban
Munras teniendo presente los documentos de
proseccion que le acreditan y de el mismo los documentos
para proceer. Alirado.

E. S. D. K.

Conjudo de San Carlos. } Cumpliendo con la orden
de V. E. que corre en este expediente por el terreno
de Dⁿ Esteban Munras llamado San Francisco y
acompañado de un nombre de conseruantes de
estos terrenos, y siendo presentes dicho Sr. Munras
y Fructuoso en vista de los documentos de ambos
me pare donde puede demandar: desde las tenas
calinas que son los linderos; de suerte al noroeste
quente a linea recta una barranca blanca que
esta al salir del Potrero camino de San Francisco
lo que sirva a los dos interesados de lo que
quedaron conformes reconociendo sus limites de
sus terrenos. Por lo que no habiendo Fructuoso aqui por
cuer, salido despojado de ninguna parte de terreno
noble a dicho Esteban su inst^a y objeto mas V. E.
resolva lo que fuere de su Superior aprobacion.

Di^s y libertad.
Pueblo de San Carlos. En. p. de 1840.
Marcelino Escobar.

Excmo Sr. Gab^o Depart^e

Nota: Los linderos del disco que esta demostrado
arriba, es de entoncia al terreno...

525

Nota: Los linderos del diseño que esta demostrado arriba, es perteneciente al terreno que pretendo Fructuoso son al O colindante con el Rancho de D^{no} Esteban Mercurio por la parte de la Cañada de Petreño al P. con las tierras de los Yndios, al S. con los palos Calamitos que están por la parte de la Sierra y al N. con el Rio y tierras de los Yndios.

10
333 SD
PAGE 24

Office of the Surveyor General of the United States for California.

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

In testimony whereof I have herewith signed my name, officially and caused my seal of office to be affixed at the City of San Francisco this sixteenth day of January. 1854.

John C. Hays.
U.S. Surveyor Gen.
Cal.

Filed in Office. Sept. 15. 1854

Rev. Fisher. Secy.

26

Translation
of Expediente

Expediente

Moved by Fructuoso del Real asking for
the place called "El Potrero"

333 SD
PAGE 25

N^o 115

Monterey Oct 5th
1837

The Father
Minister of the
Mission of
San Carlos
will report
(signed)

Alvarado

Most Excellent Sr. Governor

Fructuoso del Real, a
native of the Mission of San
Carlos, before Your Excellency
in due and legal form appears
and represents to the upright
justice of Your Excellency, that
not being sufficient the four
hundred varas of land allotted
(according to the regulation of
secularization) were given to me for the sup-
port and increase of the five Wicks of oxen
12 tame cows and 18 horses which he has
he comes to your Excellency praying that you will
be so good as to grant him the place known
by the name of "El Potrero" which is unoccupied
although it belonged to said Mission. The length
will be one league

Wherefore he repeats to Your Excellency the
petition that you will be so good as to attend to
this request - for which he will be for ever grate-
ful

He makes the necessary oath that he acts
not from malice &c.

San Carlos Oct 5th 1837
(signed) Fructuoso de Jesus ^{del} Real
+

Most Excellent Senor Governor

The Petitioner Francisco del Real is a Neophyte of this Mission and has the property mentioned in his petition. The land asked for is within the 10 littoral leagues but not in the 20 border leagues mentioned in the law of August 18th 1824 it pertains to this Mission as marked out for the community at the time of its secularization but there is this circumstance that with the exception of this petitioner none of the emancipados (free) (Indians) retain the property which was divided among them, and for this reason the land is vacant and may be granted; it is dependent on the seasons and pasture land its length is about a league and a half - and less than half a league wide, and distant from this Mission about a league.

This is what I have to report to Your Excellency in obedience to your order of the 3rd inst.

San Carlos Oct 6th 1837
(signed) Fr. Jose Maria del Refugio Zubares
del Real.

Monterey Oct 9. 1837

The petitioner in this proceeding may occupy the land which he asks for without molesting the property (stock) of the Mission of San Carlos which may pasture on those fields: he will - return this proceeding accompanied by a sketch of the extent which he asks for in order to pass it through the corresponding proceedings

(signed)

Alvarado

Monterey October 28. 1837

On this day there was issued to the Petitioner the corresponding title of concession by which the land was given to him provisionally

(Public of Alvarado)

Good for the years 1839 and 1840

Alvarado,

Antonio M^a Oriz

333 SD
PAGE 27

Monterey Dec. 18th
1839.

The Justice of
the Peace of
San. Carlos
will report

(signed)

Alvarado

Most Excellent Sir, Governor
Fructoso Real of the
Pueblo of San Carlos a
married man, and by trade
a farmer before Your Excellency
with due submission makes rep-
resentation That it is now
two years that he has pos-
sessed the place called "El

Petere" which the goodness of your Excellency
gave me in ownership, and as the many
occupations of Your Excellency within that time
have not allowed me to importune your at-
tention. I now pray you as our true Father
to make out to me the Title of said place
with which I may present myself to the
competent Judge to receive the juridical pos-
session according to law

Wherefore I pray Your Excellency
to grant what I ask by which I shall
receive grace

Monterey December 17th 1839

(signed)

Fructoso Real +

Office of the Justice of the Pueblo of San Carlos

333 SD
PAGE 28

In the month of March the party interested presented himself asking the judicial possession of the land called "El Potrero" which Your Excellency on the 28th of October 1834 was so good as grant to him, but as said title says subject to the approbation or disapprobation of the Most Excellent Deputation I returned it to him telling him that I could not yet give him the judicial possession which he asked. It remained thus, when on the 16th of the present Don Esteban Munoz presented himself in writing advising me that he knew that Tructuro was soliciting the judicial possession of the Potrero, and that in the year 1835, the judicial possession had been given to him by Don David Spence, who was Alcalde in that year, of the place called San Francisco, and that said land of the Potrero was included in the measurement then made which representation I gave to Senor Don Manuel Jimeno, in order that he might deliver it to Your Excellency.

Wherefore Senor not knowing positively to which one of the two said lands belonged I waited till the wise penetration of Your Excellency should decide to whom it belonged in order that I might then comply with the Superior decree on the petition of Tructuro which I duly send herewith

God and Liberty

San Carlos, Dec. 19. 1839.

signed

Marcelino Escobar

To the Most Ex^{ta} Senor
Governor of the Dept

Monday Dec. 30th 1839

In view of the Petition which forms the present Expediente, the Senor Justice of the Peace of the Pueblo of San Carlos will cause the Petitioner Fructuoso del Real to confine the petition and Map to the vacant land which does not belong to Senor Don Estevan Mauros, having present the documents of possession which accredit it and returning those documents for approval.

(Signed)
Alvarado

Office of Justice of the Peace of the Pueblo of San Carlos,

In compliance with the order of Your Excellency which goes in the Expediente I went to the land of Don Estevan Mauros called San Francisquito accompanied by a man having knowledge of these lands, and being present said Senor, Mauros and Fructuoso, in view of the documents of both I put myself where I could mark out from the "Tomascalitos" which are the boundaries from South^{East} to North West in a right line to a Barranca Blanca which is at the issue or out let of the Potrero Road to San Francisquito, which I signified to the two parties interested, and which they assented to recognizing them as the boundaries of their lands. Wherefore as it appeared to me that Fructuoso was not deprived of any part of his land. I did not direct him to reduce his petition and map but your Exc^y will determine what is your Superior approbation

God and Liberty

Pueblo

333 SD
PAGE 29

Pueblo of San Carlos. July 4th 1840

(Signed)

Marcelino Escobar

Most Excellent Señor
Departmental Governor

333 SD
PAGE 30

Here follows the Map or Design

Note -

The boundaries of the maps which is shown above as belonging to the land asked for by Tructuro are at the East bounded by the Rancho of Don Estevan Munras by the part of the Canada de Póbrero on the West by the lands of the Indians on the South by the Pálos Colorados which are on the side of the Mountain and on the North by the river and the lands of the Indians

Filed in Office Sep^r 13th 1854

(Signed)

Geo. Fisher
Secy

with
...

Por quanto Fructoso natural de la Ex-Mission de S^{to} Carlos ha pretendido en propiedad una legua de tierra en el parage llamado Potrero perteneciente al establecimiento dicho y previos los correspondientes informes de su buena conducta he tenido por decreto de esta J^{ta} en acceder a su pretencion en la inteligencia que no molestará a los bienes de la Ex-Mission dicha que lleguen a usetar por aquellos tiempos y a reserva de la aprobacion o desaprobacion de la Ex^{ta} Diputacion o quien oveya pasar el expediente respectivo.

Monterrey, Oct: 28 de 1837.

Juan B. Alvarado.

333 SD
PAGE 31

Know all men by these presents that I Juina widow of Fructoso the grantor of the land described in the foregoing Grant have granted, bargained and sold and by these presents do grant, bargain and sell unto Joaquin Gutierrez of the City of Monterey State of California in consideration of the sum of one Dollar lawful money to me by him paid which I have received all and every right title claim interest and Demand whatever in and to the foregoing Grant and the land therein described and all and every the appurtenances thereto thereto belonging. - To have and to have hold the same unto the said Joaquin Gutierrez, his heirs and assigns to his and to their use and disposal forever.

In testimony whereof I have hereunto set my hand and Seal this seventh day of April A.D. One thousand eight hundred and thirty two.

Witnesses
Manuel Bañales. The mark of Juina.
Wm. Johnson.

State of California
{ County of Monterey. } On this 7th day of April of A.D. 1832 before me Recorder in and for said county personally came Juina, an Indian woman to me known to be the same person described in and who as grantor thereof, executed in my presence the foregoing Conveyance and who acknowledged to have executed the same for the uses and purposes therein mentioned

34

therein named.

Wm. Johnson.

Recorder of Monterey County.

Filed in Office and annexed to the Depo. of Wm. S. P.
Martnell. July 8. 1853.

Geo. Fisher. Secy.

333 SD
PAGE 32

MSGE

Copy
and
Translation
of
Grant

333 SD
PAGE 33



Por cuanto Fructuoso natural de la Ex. Misión de S. Carlos ha pretendido en propiedad una legua de tierra en el parage llamado, El Potrero, perteneciente al establecimiento dicho, y previos los correspondiente informes de su buena conducta, he venido, por decreto de esta fecha, en acceder á su pretension en la inteligencia que no molestara a los bienes de la ex Misión dicha que lleguen a pastar por aquellas campos y a reserva de la aprobación ó des-
-aprobación de la Exma. Diputación a quien debora pasar el Expediente respectivo

Monterey October 28 de 1837. (signed)

Juan B. Alvarado

(Translation)



Whereas Fructuoso, a native of the Ex. Mission of San Carlos has asked for in fee, one league of land in the place called El Potrero pertaining to the said establishment, and having seen the accompanying reports of his good conduct I have by decree of this date acceded to his petition, with the understanding that he shall not molest the stock of the said Mission which go to pasture in those fields with the reservation of the approbation or disapprobation of the Excellent Diputacion to whom the respective Expediente ought to be passed

Monterey October 28th 1837

(signed)

Juan B. Alvarado

36

Filed in Office June 14th 1852

(Signed)

Geo. Fisher
J. Day

333 SD

PAGE 34

37

Conveyance
to
Cutiérrez

333 SD
PAGE 35

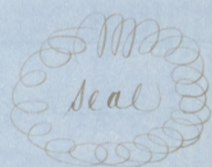
Know all men by these presents that I. Iginia widow of Tructoro the Grantee of the land described in the foregoing Grant have granted bargained and sold and by these presents do grant bargain and sell unto Joaquin Cutierrez of the city of Monterey. State of California, in consideration of the sum of One dollar lawful money to me by him paid, which I have received, all and every right, title claim, interest and demand whatever in and to the foregoing Grant and the land therein described and all and every the appurtenances thereof and thereto belonging

Do have and to hold the same unto the said Joaquin Cutierrez, his heirs and assigns to his and their use and disposal forever.

In testimony whereof, I have hereunto set my hand and seal this seventh day of April A.D. One thousand eight hundred and fifty two

Witness

(Signed) Manuel Parales
(") W^m S. Johnson
The mark of
+
Iginia



State of California
County of Monterey

On this 7th day of April A.D. 1852, before me Recorder in and for said county personally came Iginia an Indian woman, to me known to be the same person described in and who as Grantor thereof, executed in my presence the foregoing conveyance, and she acknowledged to have executed the same for the uses and purposes therein named

(Seal)
Recorder
Seal

(Signed) W^m S. Johnson
Rec^r of Monterey County

38

Filed in Office June 14ⁿ 1859.
(Signed) Geo. Fisher
Jcy

333 SD
PAGE 36

333 SD
PAGE 36

N^o 271

Claim of Joaquin Gutierrez

To
"El Potrero de San Carlos"

Affidavit

333 SD
PAGE 37

Joaquin Gutierrez, being duly sworn deposed and says that he is the claimant for the above entitled tract of land, that the formal paper title given by Governor Alvarado to Fructuoso de Real in the year 1840 is to the best of his knowledge and belief lost or destroyed; that he knows not where it is to be found and cannot produce it before this Commission that he believes the same was lost by Fructuoso in his life time or by his willow after his death

(Signed)

Joaquin Gutierrez

Subscribed and sworn to
before me this 20th day of
February 1854

(Signed) Alphon. Felch
Commissioner

Filed in Office February 20th 1854

(Signed) Geo. Fisher
Secy

40

Conveyance

333 SD
PAGE 38

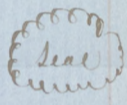
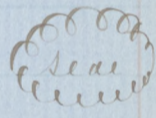
This Indenture made the Twenty fifth day of August A.D. One thousand Eight Hundred and fifty three, Between Maria Josefa de los Dolores and Maria Teodorica of the first part and Joaquin Gutierrez of the County of Monterey State of California of the second part -

Witnesseth that the said parties of the first part for and in consideration of a piece tract or parcel of land situate and lying in the valley of Carmel and adjoining the land now owned in said valley by William Foach and being of the following dimensions to wit (3) Hundred (Three hundred) yards more or less along the boundary line of the said land of William Foach and following along the Carmel river little more or less. Five hundred and forty nine yards thence back from the river little more or less (Three Hundred) (300) yards thence to place of beginning about Five Hundred and forty nine yards, to us delivered this day upon the signing and delivery of these presents hath remise released and quit claimed and by these presents do remise release and quit claim unto the said party of the second part his heirs and assigns forever, all the interest that we do or have possessed in and to that certain tract or parcel of land situate and being in the place called or named El Potrero and being One league square of land same was conceded to our father named Fructoso Peal in the year, 1837, 28th day of October A.D. 1837 by Juan B. Alvarado. To have and to

333 SD
PAGE 39

and to hold unto him the said party of
the second part together with all and
singular the tenements hereditaments and
appurtenances thereunto belonging or in
anywise appertaining and every part
and parcel thereof together with all im-
provements therein as far as our interest
in the same is confined to him the said
party of the second part his heirs and
assigns forever.

In testimony whereof we have
hereunto set our hands and
seals this 25th day of August One
thousand Eight hundred & fifty three
(signed)

Witnesses (signed) Maria Josefa de los Dolores 
J. N. Gleason (signed) Maria + Teodoro 
Sabel Abrego (signed) mark

State of California, County of Monterey
On this 25th day of August AD 1853
before me Co. Recorder in and for said
County personally appeared before me Maria
Josefa de los Dolores and Maria Teodoro
to me known to be the same persons described
in and who executed the foregoing instrument
of Conveyance and they severally acknowledged
to me that they had executed the same freely
and voluntarily and for the use and pur-
poses therein mentioned



Witness my hand and seal of
Office this day above written
(signed) J. N. Gleason
County Recorder Monterey Co

Filed in Office. Sept 15th 1854
(signed) Geo. Fisher

Opinion of Joaquin Gutierrez et al vs For a place called
 Bona by The United States Del Pano de San
 Com. Furwell One square league
 in the County of Monterey.

333 SD
 PAGE 40

In this case the petitioners have offered in evidence in support of their claim a true and properly certified copy from the archives of the Surveyor General's Office of an Especiente of one Francisco an Indian for the above named place and also a provisional grant from the Governor, and a copy of a subsequent grant to the same party issued by Governor Juan B. Alvarado, dated the 22nd day of Dec. 1837. The proofs in the case show that the grantee died some years since leaving a wife and three children his heirs, and that subsequent to the death of the grantee the widow died leaving the children named Josefa, Teodora and Estefana and that subsequent to the death of the widow, two of the children Josefa and Teodora conveyed by deed to the claimant Joaquin their interests leaving one third interest in the claimant Estefana. The aforementioned deed was executed on the 25th day of August 1853 and is properly certified.

The original grantee is proven to have been in the actual possession at the date of the first Conception and that he continued in the possession until his death and that his heirs

44

and the present elements have been
fixed ever since -

We think his claim
a valid one and a decree of confirma-
tion will be entered copying to the
parties their respective shares -
(Confirmed)

333 SD

PAGE 41

Filed in office June 5. 1855
Geo. Fishu Secy

Recorded in Record of Decisions
Vol 3 page 56
Geo. Fishu Secy

BYGE

Decree

Joaquin Gutierrez et al
vs
The United States

333 SD
PAGE 42

In this case after hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners is valid and it is therefore decreed that their application for a Confirmation thereof be allowed, two undivided thirds to the petitioners Gutierrez, and one third to the petitioner Estefan.

The of which Confirmation is hereby made is called El Pothero de San Lucas situate in the County of Monterey and contains one square league and will be located agreeably to the Calls of the grant with reference to the map accompanying the Expediente on file in the case and reference being had to the depositions on file in this case.

R. Aug. Thompson

S. B. Furwell

Commissioners

Filed in office June 5. 1855

Geo. Fisher Secy

Recorded in Record of Decisions Vol 3
Page 57-

Geo. Fisher Secy

46

And it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Southern District of California. It is hereby ordered that 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 District of California and the other be transmitted to the Attorney General of the United States.

333 SD

PAGE 43

Office of the Board of Commissioners,

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

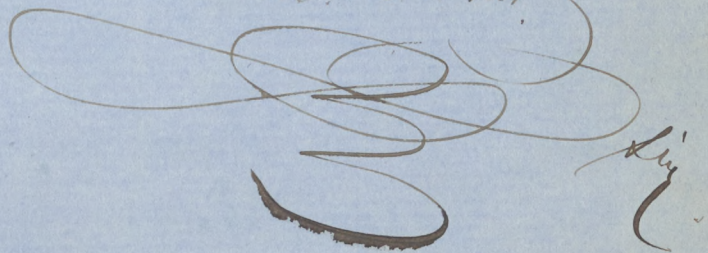
333 SD
PAGE 44

I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Forty six* pages, numbered from
1 to *46*, 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. *271*, on the Docket of the said Board,
wherein

Joaquin Gutierrez is
the Claimant against the United States, for the place known by
the name of *El Potrero de San Carlos*.

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-eighth*

G. Fisher



333

U. S. DISTRICT COURT,
San Francisco District of California.

No. 333.

THE UNITED STATES,

^{vs.} 333

Joaquin Gutierrez & Co.
Placeros de San Carlos

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *274*

Filed, *Nov. 24th* 185*5*

Office of the Attorney General of the United States,

333 SD

PAGE 45

Washington, 31 Dec. 1855.

"*271. Porteros de San Carlos.*"

Benjamin Gutierrez, 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.

Clusting

Attorney General.

No. 333.

W. J. Dub Court
South Dist California

Joaquin Gutierrez
Appellee

vs

The United States
Appellants

Writ of Appeal

Filed Feb 12 1856

J. E. Sanz
333 SD

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

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



Joaquin Gutierrez, Appellee.

333 SD

Docket No. 333.

PAGE 47

The United States, Appellant.

Transcript No. 271.

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 14th day of June A. D. 1852, Joaquin Gutierrez

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called ~~El Potrero de San Felipe~~ 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 5th 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. 271; 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 ^{or about} 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.

333 SD

PAGE 48

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

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

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

J. Ord

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

N^o 333.

Filed this ~~2nd~~ ^{3rd} January
1857
Admin est
J. A. Coleman
Dep

11
10

In the Dist. Court of the U. States for the Southern Dist. of Cal:
Monterey, June term 1857. Hon. J. S. K. Ogier Judge.

333 SD

PAGE 51

Joquin Gutierrez
Appellee

N. 333.

vs.
The United States.
Appellant

Trans N. 271.

On motion of P. Ord Atty^{gen} of the U. States for the said Dist. &
on suggestion to the Court that it is not intention of the U. States to
prosecute further the appeal in the above cause, it is ordered
by the Court that the appeal in said cause be dismissed & that the
claimant have leave to proceed upon the decree of the Commission-
ers heretofore rendered as a final decree.

Charles K. Ogier
U S Dist Judge

No. 333

Joachim Cubierez
vs

The U. States

General of Appeal

Filed & presented by
A. S. Taylor
Deputy Clerk

333 SD

PAGE 52

California Land Claims

Attorney General's Office

9 January 1857

333 SD

PAGE 53

Sir:

In the case of the claim of G.
aquin Gutierrez, confirmed to the claimant
by the Commissioner, case no. two hundred
and seventy-one, (271), appeal will not
be prosecuted by the United States.

I am,

Respectfully,

Chauncey

Pacific Ad Eq

U.S. Attorney,

Los Angeles.

No 333

Filed 4 March 1858
for 800 June 1852
S. Smith clerk
J. M. Coleman
Secy

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

THE PRESIDENT OF THE UNITED STATES,

TO

Joaquin Gutierrez

333 SD

PAGE 55

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

*I, Ord U.S. Atty praying said Court
to review an decision of the Board of Commissioners of
the 5th of June 1855 Confirming your claim
to the land called
"El Paturo"
in County of Monterey*

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

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this *30th* day of *January*, in the year of our Lord, one thousand eight hundred and fifty-*seven*, at Los Angeles aforesaid.



*C. Smith
& J. Coleman
Clerk*

Clerk.

No. 333

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

Joachim Guenther
vs
The United States

Filed on return the 20th
Jan'y 1858 *Edwin Clark*
J. M. Coleman

333 SD
PAGE 56

SUMMONS.

Received Feby 3^d 1858
Edward Hunter
U.S. Marshal
W. M. Goodman
Depty.

return
I served this Summons, along with the proper copy of the Petition, upon *upon* by order of *J*
Edw. U.S. Attorney as the case has been dismissed

at _____, in the Southern District of California, on
the *18th* day of *January*, A. D. 1858.
Sworn to and subscribed before me,

Clerk.

Marshal.

James C. Peunie
U.S. Marshal for the
S.D. of California