

CASE No.

340

SOUTHERN DISTRICT

ISLAND OF SANTA CRUZ GRANT

ANDRES CASTILLERO

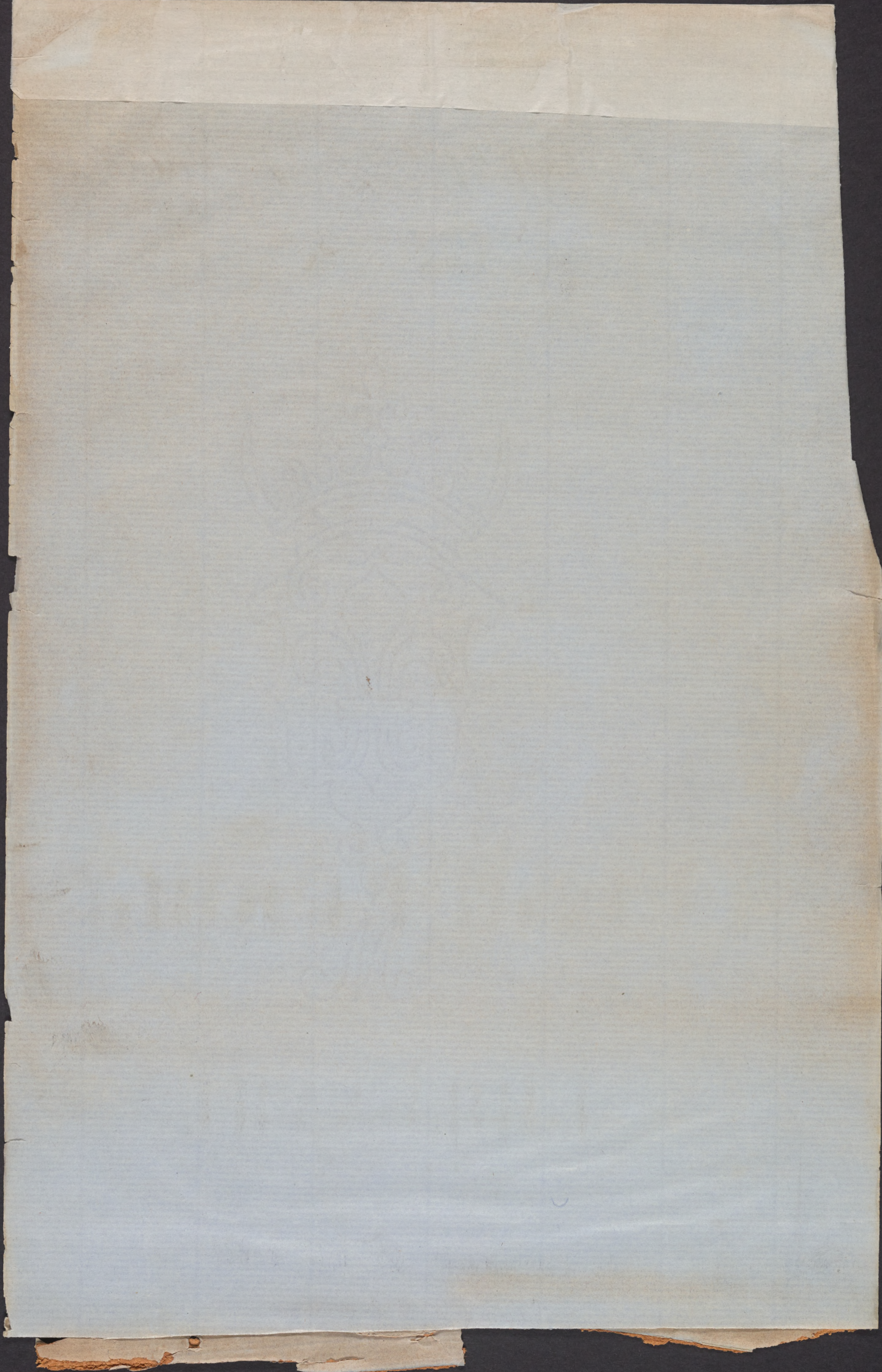
CLAIMANT

MAR 23 1963

Registered
PILOVER BOARD
100% COTTON FIBER
U.S.A.

176

July



176 Dep
wants two sp. documents in Spanish

TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO.

176

Andres Castillero

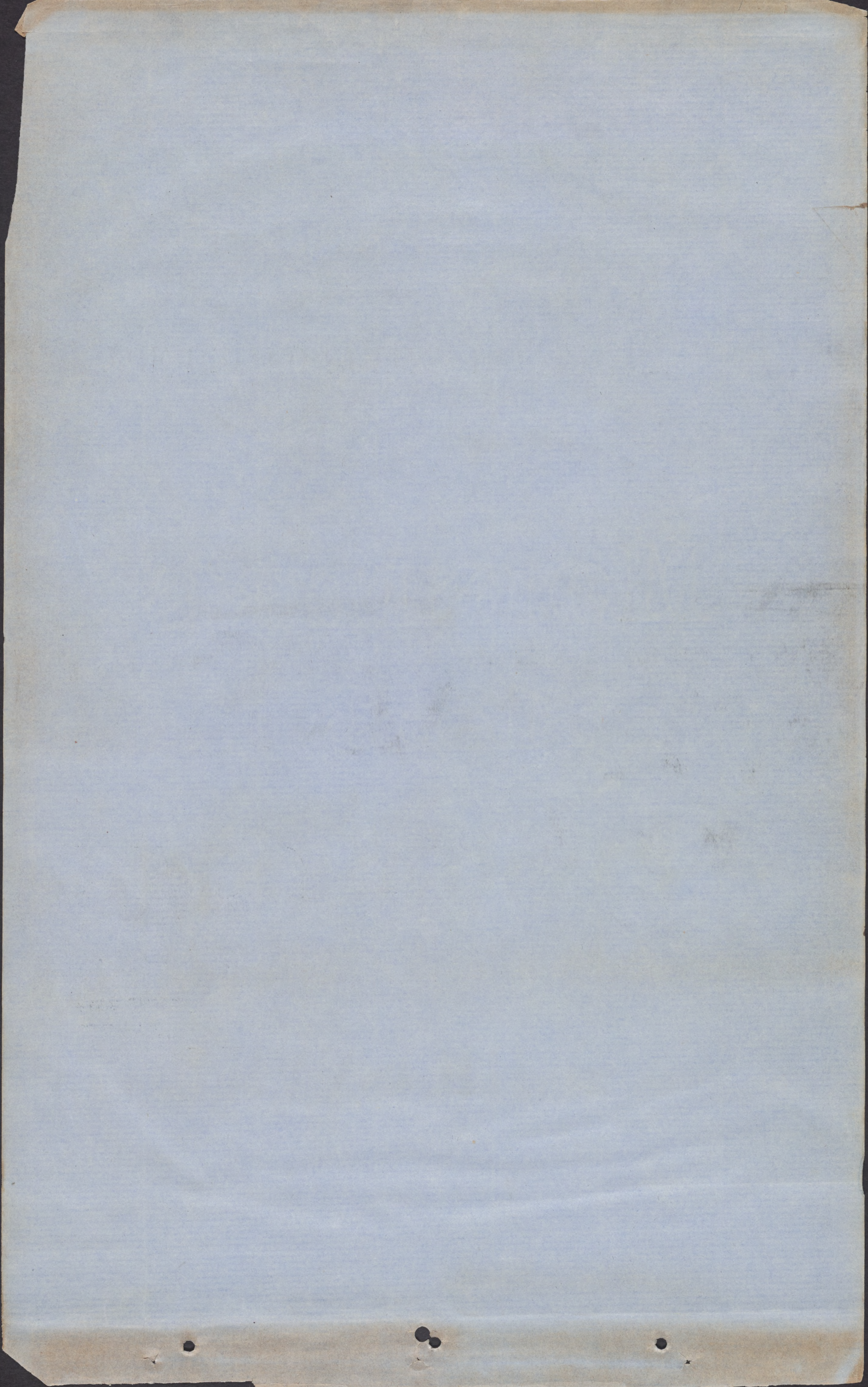
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Island of Santa Cruz."



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *thirteenth day of April*, 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 *Andres Castellero* for the Place named

"Island of Santa Cruz" was presented, and ordered to be filed and docketed with No. 176 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 March 29 1853
In case No 176, Andres Castellero for the Island of Santa Cruz, the counsel for James B. Bullen presented a supplemental petition, which was ordered to be recorded, and filed among the papers in the case;

(vide page 4 of this Transcript)

San Francisco Sept 23, 1853
Case No 176 was ordered to the foot of the docket

San Francisco Sept 19, 1854
Case No 176 was ordered to be placed at the foot of the 2^d class cases on the trial docket

San Francisco Sept 25, 1854
In the same case the counsel for the claimant filed the following stipulations, to wit:—
(vide page 26 of this Transcript)

San Francisco Oct 23, 1854

In the same case the Counsel for the Claimant
filed the following affidavit, to wit: "
(vide page 27 of this Transcript)

ooooo

San Francisco Oct 24, 1854

Case No 76, on motion of the Counsel upon
affidavit heretofore filed, and with the consent
of the United States' Law Agent was ordered
to the foot of the 4' Clap cases on the Trial
docket

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PAGE 3

ooooo

San Francisco March 15, 1855

Case No 76 was submitted on briefs and taken
under advisement by the Board

ooooo

San Francisco July 30, 1855

In the same case Commissioner S. B. Yarnall
delivered the opinion of the Board confirming
the claim

(vide page 38 of this Transcript)

ooooo

and the following order was made, to wit:
(vide page 40 of this Transcript)

746

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To the Honorable Commissioners to
Settle Private Land Claims in California -

Petition

The petitioner Andres Castillo
respectfully shows

That on the 20th day of
July A.D. 1835 The President of Mexico directed
the Governor of the Department of the Californias
to grant to him one of the Islands on the coast
of California.

That in accordance with the
said order on the 22^d day of May A.D. 1851 (?)
Don B. Alvarado Governor of California by
virtue of Authority in him vested granted
to the petitioner the Island of Santa Cruz
situated in the San County of Santa Barbara
all of which is shown by the original papers
copies of which are submitted herewith mark-
ed A with translations marked B.

That the said tract of land
has not been surveyed by the Surveyor General
of the United States and that from the
nature of the case no survey is required
the boundaries being natural.

The petitioner further shows
that he has been in possession of the said
tract of land for some 12 years and knows
of no conflicting claim -

That he relies for confirma-
tion of title upon the original papers and
the records in the Archives now under the
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 aforesaid tract of
land.

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By his Attyys.
Healuck Peachy & Bellings

Filed in Office April 18th 1853.

(signed) Geo Fisher Secy.

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Supplemental Petition Before the Honorable Commissioners to settle Private Land Claims in California.

In the Claim of Andres Castillero No 176 on the docket of the Secretary of the Commission -

And now comes James R Rottin and files this his petition supplementary to the petition of said Andres Castillero and respectfully represents. That in the year 1850 one undivided half of the said Island of Santa Cruz was sold at Public Auction for taxes by the Sheriff of Santa Barbara County and duly conveyed to Francisco de la Guerra and by him the said Francisco de la Guerra and wife conveyed to this petitioner as will be shown by the original Mexican Conveyances which will be adduced in Evidence and duly proved.

Wherefore the petitioner prays the Commissioners on the final hearing of the petition of said Castillero and of this petition and the Evidence adduced to confirm to him the undivided half of said Island.

Filed in Office
March 2. 1853.

(signed)
Geo Fisher
Secy.

By his Attyys
Healuck Peachy & Bellings.

This Supplemental Petition is admitted and consented to by the original petitioner.

Healuck Peachy & Bellings Attorneys for Castillero

1.5-

Espediente.

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Espediente Promovido por el Sr. Capitan

S. S. D. H.

D^{no} Andres Castellero en presencion de la Isla

llamada Santa Cruz.

año de 1839.

187'

S. S. D. H.

Espediente

Ferros Promovido al S. Castelleros.

1839.

6
3 SDH.

Juan B. Alvarado, Gobernador Interino
del Departamento de las Californias.

En atencion a los meritos del Sr. Capitan
D.^o Andres Castellero y teniendo a la vista la orden
expresa que dirige a este Gobierno Departamental
el Supremo de la nacion para que puedan concederse
a los nacientes las Islas Agasentes a la costa de
este suelo y mas particularmente fundado en la
comunicacion oficial que se le dirige por el Ministerio
de lo Interior, para que de toda preferencia se
adjudique en propiedad al expresado Sr. Castellero
la Isla que el mismo determine, he recibido en conceder
le la que esta al frente de la costa de Sta. Barbara,
conocido con el nombre de Sta. Cruz por los buidos
que ella naturalmente tiene, por lo cual se omite
señalar su demarcacion, como bastantemente conocido.

En consecuencia mando que sirviendole
de titulo el presente al expresado Sr. Castellero y
teniendo por firme y valido se tome razon de
el en el libro a que corresponde y se entregue al
interesado para su resguardo y demas fines. Dado
en Monterey a seis de Marzo de mil ochocientos
treinta y nueve, el cual va estendiendose este
titulo en papel comun por no haber del Sello
que corresponde.

4 SDH.

5 SDH.

Ministerio de lo Interior.

Dato. Señor: Recibo dignos de toda confia-
-nacion y recompensa los servicios q. ha prestado
a la Nacion y a es Departamento, el Capitan
D.^o Andres Castellero cooperandolo eficazmente
al restablecimiento del orden y a la obediencia de
las leyes Constitucionales, me manda el Excmo.
Sr. Presidente, recomendarlos muy eficazmente
a V. S. y a esa Junta Departamental, a fin de que
antes de que se proceda al reparto que debe
hacerse conforme a las leyes y segun se previene
en orden de esta fha. de los terrenos de las

9. 7
islas adyacentes a esa península, se asigne a aquel individuo el que deje en las inmediatas al lugar que donde debe residir con la tropa que está a sus ordenes = Tengo el honor de comunicarlo a V. E. para su inteligencia y efectos correspondientes. = Días y libertad. Mexico. Julio veinte de mil ochocientos treinta y ocho. = Pesado. = Excmo. Sr. Gobernador del Departamento de California

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Villa de los Angeles.

6214. Es copia sacada a la letra de su original, la cual se le devolvió al Sr. D^o Andres Castillero en el momento de sacarse la presente que autorizo y firmo a pedimento del expresado Sr. Castillero por autos los testigos de mi as^{to} en la Ciudad de los Angeles Departamento de California a los diez y siete dias del mes de Mayo de mil ochocientos treinta y nueve y en este papel como prueba del Sello respectivo. Doy fe.

Fiducio Zapata.

atm. Narciso Botello.

atm. Carlos Ganti.

4. DK.

Monterrey s. de
Mayo de 1839.

Excmo. Sr. Gobernador del Departamento.

De entera conformidad con lo que se pide en esta solicitud, otorgandose el título de Concesion de la Isla de Sta Catalina en favor del Sr. Capitan D^o Andres Castillero y digo sus tenientes el expedite.

El C^{mo} Presnte D. Peña. me vino de este Puerto ante la Justificacion de N. E. como apoderado del Sr. Capitan D^o Andres Castillero por el ocurno que mas conforme sea a' dro. paneseo y digo: Que por la orden que original a con junto a N. E. se dispone que en la Concesion de las Islas adyacentes a las costas de este Departamento sea mi preferente preferido en lo que el mismo serate el efecto y habiendome indicado por sus motivos que lo que mas le conviene solicitar es la de Sta Catalina, esta en frente de la rada.

Alvarado.

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88 D.K.

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de Sr. Pedro, me presento en su solicitud esperando que V. E. fundado en la estaada Ministerial orden a que me refiero se sirva concederle la en propiedad mandando que el expediente corra los tramites de estilo hasta la aprobacion de la Junta Departamental de lo cual se me mande dar el testimonio correspondiente admitiendome en el presente papel comun por no haber del sellado correspondiente.

S. E. se servira obrar de entera conformidad en lo que quedara obsequido la respetiva orden Superior y mi poderante recibire la gracia que solicito en su nombre. Mont. Mayo 5. 1839.
L. Casme D. Pena.

9 D.K.

Excmo. Sr. Gobernador.

El C. Jose Ant. Aguirre Comerciante del Puerto de Sta. Barbara ante V. E. con el debido respeto y en los terminos que sean mas conformes en derecho me presento y digo: que la Salvo del Sr. D. Andres Castilleros, Diputado nombrase por este departamento al soberano Congreso Nacional me nombro apoderado p^a que representara su persona y derechos me estension en la pretension de una de las Ylas allacenter a este referido departamento que por disposicion suprema debe ser atendido de preferencia y como al confiarase sobre su honor este entago me dio las instrucciones de mi poderante q. la isla Santa Catalina que antes le fue ofrecida, carece abundantamente de todo lo necesario para el fomento tanto de los bienes de campo como del ramo de agricultura a que es indispensable desear en ellas. Por lo espuesto a V. E. pido reverentemente a cede a esta mi solicitud esperando alcausar de la Sursuivas de V. E. la justicia que mas le parezca en ser de maldicia y lo necesario S. Digueme admitirla en papel comun por no haber del sellado respectivo. San Pedro Mayo. Ocho y siete de mil ochocientos treinta y nueve.

10. S. D.K.

Jose Ant. Aguirre.

3. 9

(Seul) Monterey. 22 de Mayo de 1839.

En atencion a los meritos del Señor. Capitan Don Andres Castillero, y teniendo a la vista la orden expresa que dirige a este Gobierno Departamental el Supremo Gobierno de la Nacion para que puedan Concederse a los nacionales las Islas adyacentes a la Costa de este suelo, y mas particularmente fundado en la comunicacion oficial que se le dirige por el Ministerio de lo Interior de fecha 20 de Julio ultimo para que de toda preferencia se adjudique en propiedad al expresado Sr. Castillero, la Isla que se le determine. he venido en concederle la que esta al frente de la punta de Sta. Barbara conocida con el nombre de Sta. Cruz por las lindes que ella naturalmente tiene por lo cual se omite señalar su demarcacion como bastantemente conocida.

En consecuencia mandado que serviere de titulo el presente decreto y el despacho que se le estienda al expresado Sr. Castillero, se tiene por hecho en el Libro a que corresponde. El Sr. Don Juan B. Alvarado Gobernador del Departamento de las Californias asi lo mandado, decreto y firmo de que doy fe. Alvarado.

Mansel Jimenez. Tri del despacho.

12/22/39 Juan B. Alvarado Gobernador Interino del Depto de Californias

En atencion a los meritos del Sr. Don Andres Castillero y teniendo a la vista la orden expresa que dirige a este Gobierno el Supremo de la Nacion, para que puedan concederse a los nacionales las islas adyacentes a la Costa de este suelo y mas particularmente fundado en la comunicacion oficial que se le dirige por el Ministerio de lo Interior para que de toda preferencia se adjudique en propiedad al expresado Sr. Castillero la Isla que el mismo determine, he venido en concederle la que esta al frente de esta punta de Sta. Pedro

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H. S. D. K

12/22/39

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conocido con el nombre de Sta Catalina por los
sinderos que ella naturalmente tiene por lo cual
se omite describir en demarcacion como bastante
conocido.

13.5.24.

Pha.

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De cetera conformidad con lo que se pide en esta
solicitud estendiendose el titulo de concecion de la
Isla de Sta. Catalina en favor del Sr. Capitán
D^o A. E. y cuyos tramites el expediente hasta su
final conclusion segun estile libranzose conclu-
sion segun estile libranzose. al solicitante el abo-
namento que corresponde.

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

I Samuel D King, Surveyor
General of the United States for the State of Calif^a
and as such now having in my office and under my
charge and control a portion of the archives of the former
Spanish and Mexican Territory or Department of Upper
California Do hereby Certify that the thirteen preceding
and herewith annexed pages of tracing paper numbered
from one to thirteen inclusive and each of which is verif-
ied by my initials (S D K) exhibit true and accurate
copies of certain documents now on file and forming
part of the said archives in this office.

In testimony whereof I have herewith
signed my name officially and affixed my private
Seal (not having a seal of office) at the City of
San Francisco this eleventh day of January 1852.

Samuel D King.

Survey^r Cal^a.

Filed in office Oct. 21st 1852.

Geo. Fisher.

Secy.

176 Expediente moved by the Senior Don Andres
Castellero asking for the Island called
Santa Cruz. Year 1839

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Expediente of lands belonging to the Senior
Castellero

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1839.

Translation of Expediente
Juan B. Alvarado, Governor ad interim of
the Department of the Californias

In attention to the merits of the Senior Captain
Don Andres Castellero, and having in view
the express order decided to this Government
by the Supreme Government of the nation
that there may be granted to nationals the
Islands adjacent to the coast of this soil
and more particularly based on the official
communication which is directed by the ministry
of the Interior, that in all preference there be
adjudicated in fee to the said Senior Castellero
the island which he himself may select, I
have granted to him that which is in front
of the Roadstead of Santa Barbara, known
by the name of Santa Cruz by the boundaries
which it naturally has wherefore it is
omitted to point out its demarcation as it is
sufficiently known.

Consequently, I order
that this present serving as a title to the
said Senior Castellero, and being held as
firm and valid, note be taken of it in
the corresponding book and it be delivered
to the party interested for his security
and other ends.

Given at Monterey the sixth
day of March 1839, which title is made
enter on paper, there being none of

22^d of May 3

11
the corresponding stamp.

Ministry of the Interior:

Most Excellent General

Being worthy of your consideration and recompense the services which the Captain Don Andres Cortillero has rendered the nation and this department co-operating efficaciously in the reestablishment of order and obedience to the Constitutional laws, the Most Excellent General President orders me to recommend them very efficaciously to Your Excellency and to the Departmental Junta in order that, before proceeding to divide out, as ought to be done, conformably to the laws, and as is directed in the order of this date, the lands of the islands adjacent to that peninsula, they be assigned to said individual that which he may select nearest to the place where he ought to reside with the troops which are under his orders.

I have the honor to communicate this to Your Excellency for your information and the corresponding action.
God and Liberty, Mexico July 20. 1838.

Perada

The most Excellent General Governor of the Department of California }
Villa of Los Angeles }

This is a copy taken literally from the original, which is returned to Senior Don Andres Cortillero immediately on taking the patent, which I authorize and sign at the request of the said Cortillero before the witnesses of my apartment, in the city of Los Angeles, Department of California the 17th day of the month of May 1839, on this common paper there being none of the respective seal. I certify

Fibencio Tapia

12

Aspiring Witness
Marcos Batella

Aspiring Witness
Carlos Rami

Most Excellent Governor of the Department;

Monterey, March 24, 1839
In entire conformity with what is asked in this petition, make out the title of conception of the Island of Santa Catalina in favor of the Senior Don Andres Casteller, let the expediente pass through the proper forms. Obviate the granting of the islands adjacent to the coasts of this department my principal shall be preferred in that one which he may select for that object, and it being indicated to me by his instructions that the one which it suits him best to ask for is that of Santa Catalina which is in front of the road instead of San Pedro, I present myself in petition for it, hoping that your Excellency, founded on the said ministerial order to which I refer, may be so good as to grant it in you, ordering that the expediente may pass through the usual forms to the approbation of the Most Excellent Departmental Junta, for which purpose there may be ordered to be given to me the corresponding testimony; admitting the present or common paper, there being none of the corresponding seal.

The licentiate Joaquin A. Pena, resident of this part, before the justification of your Excellency, as the attorney in fact of Senior Captain Don Andres Casteller, in manner most conformable to law, appears and says: That by the order, the original of which is sent herewith to your Excellency, it is directed that in the granting of the islands adjacent to the coasts of this department my principal shall be preferred in that one which he may select for that object, and it being indicated to me by his instructions that the one which it suits him best to ask for is that of Santa Catalina which is in front of the road instead of San Pedro, I present myself in petition for it, hoping that your Excellency, founded on the said ministerial order to which I refer, may be so good as to grant it in you, ordering that the expediente may pass through the usual forms to the approbation of the Most Excellent Departmental Junta, for which purpose there may be ordered to be given to me the corresponding testimony; admitting the present or common paper, there being none of the corresponding seal.

Your Excellency will be so good as to act in entire conformity with what the said superior order directs, and my principal will receive the favor which I solicit in his name

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Montevideo March 5. 1839.

L. Casare de Pena.

Most Excellent Senior Governor.

Citizen José Antonio Aguirre, a merchant of the Port of Santa Barbara before your Excellency with due respect and in manner most conformable to law presents himself and says: That on the departure of the Señor Don Andrés Castillejo named deputy by this department to the Supreme National Congress, he appointed the attorney in fact in order that representing his persons and rights I might make petitions to one of the Islands adjacent to this said department, in which by supreme disposition he ought to be attended to in person, and as on conferring on me this charge, said Señor gave me the corresponding instructions for that purpose. They are Excellency to be so good as to grant mine, in favor that one which is found in front of the port of Santa Barbara known by the name of Santa Cruz, as I am well informed and according to the instructions of my principal. The Island of Santa Catalina which was formerly offered wants absolutely all the necessaries for proper empowerment of stock or agriculture to which it is indispensable to use it. Wherefore I beg that this petition may be acceded to, Hoping to obtain, from the benignity of your Excellency the justice which I implore. I swear it is not from malice and what is necessary, desiring to admit this on common paper for want of the respective sealed.

San Pedro March 17. 1839

José Antonio Aguirre

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Seal Monterey, May 22, 1839.

In attention to the merits of the Senior Captain Don Andres Castillero and having in view the express order which the Supreme National Government directed to the Departmental Government that there might be granted to nationals the islands adjacent to the coasts of this soil, and more particularly based on the official communication which is directed by the Ministry of the Interior dated the 20th of July last, that in all preference there be adjudicated in fee to the said Senior Castillero, the island which he himself may select, I have granted to him that which is in front of the roadstead of Santa Barbara, known by the name of Santa Cruz, by the boundaries which it naturally has, for which cause it is omitted to point out its demarcations as it is sufficiently known.

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In consequence I order that serving as a title the present decree and the dispatch which is issued to the interested party Senior Castillero note be taken of it in the Book which corresponds. The Senior Don Juan B. Alvarado Governor of the department of the Californias created decree and signed of which I certify

Alvarado
Mannuel Jimeno
Secretary of state.

Juan B. Alvarado Governor ad interim of the department of Californias:

In attention to the merits of the Senior Captain Don Andres Castillero and having

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in view the express order which the Supreme Government of the nation directed to this departmental Government, that the islands adjacent to the coasts of this soil might be granted to nationals and more particularly based on the official communication which was directed by the Ministry of the Interior that in all preference they might be adjudged in favor to said Senior Captain the island which he himself might select; I have granted him that which is in front of the settlement of San Pedro known by the name of Santa Catalina by the boundaries which it naturally has wherefore it is omitted to point out its demarcation, as it is sufficiently known.

In entire conformity with what is asked in this petition make out the title of grant of the island of Santa Catalina in favor of the Senior Captain Don A.C. and let the expediente pass the forms to its final conclusion as usual; issue to the petitioner the document which corresponds.

Filed in office

116

Dup. 805.

Ministerio de lo Interior.

Excm. Sr.

Siendo dignos de toda consideracion y recompensa los servicios que ha prestado a la nacion y a ese departamento el Señor Don Andrés Casti A. P. L. amonedero, cooperando eficazmente al restablecimiento del orden y a la obediencia de las leyes Constitucionales me manda el Excm. Sr. Presidente recomendarlos muy eficazmente a V. E. y a esa Junta Departamental afin de que ordene que se proceda al reparto que debe hacerse conforme a las leyes y segun se le previene en orden de esa Jta. de los terrenos de las Islas adyacentes a esa Península, se asigne a aquel individuo el que elija en las mas inmediatas, al lugar donde debe residir con la tropa que este a sus ordenes.

Tengo el honor de comunicarlo a V. E. pa su inteligencia y efectos correspondientes.

Dios y libertad. Mexico. Julio 30

de 1838.

Pesado.

Villa de los Angeles.

E. L. Gobernador del Departamento de Calif^{nia}.

Filed in Office. Sept. 26. 1854.

Geo. Fisher.

Secy.

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[Faint, illegible markings]



2. 18

Juan B. Alvarado, Gobernador Interino del Departamento de las Californias.

(seal) En atencion a los meritos del Señor Capitan D.^o Andres Castellero, y teniendo a la vista la orden espresa que dirige a ese Gobierno Departamental el Supremo Gobierno Nacional para que pueblan concederse a los nacionales las Yslas

B.P.L. annexed to arguements a las costas de este suelo y mas particular
Deposition of Juan Alvarado. Sept. 25.th 1854. que se le dirige por el Ministerio de lo Interior de fecha 20 de Julio ultimo para que de toda preferencia se adjudique en propiedad al expresado Sr. Castellero la Ysla que el mismo determine: he resuelto en concederle la que esta al frente de la punta de Sta Barbara, conocida con el nombre de Sta Cruz por los linderos que ella naturalmente tiene por lo cual se omite señalar su denominacion como actualmente conocida.

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En consecuencia mandado que sirviendo le de titulo el presente al expresado Sr. Castellero y teniendo por firme y valido se tome razon en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a veinte y dos de Mayo de mil ochocientos treinta y nueve. Estendiase este titulo en papel comun por no haber del que compund.

Juan B. Alvarado.

Manuel Jimeno. Siv del despacho.

Queda tomada razon de este despacho en el libro de asuntos de titulos sobre adjudicacion de terrenos a p.^a nueva.

Jimeno.

Filed in office. Sept. 26. 1854.

Geo Fisher. Secy.

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311
Office of Minister of the
Interior.

Most Excellent Sir -

B.
Transmittion
of
Title papers.

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The services rendered to the Nation and to that Department by Captain Don Andres Castillero by Efficaciously cooperating in the reestablishment of order and obedience to the Constitutional laws being worthy of all consideration and recompense.

His Excellency the President has ordered me to recompense them being Efficaciously to your Excellency and to the Departmental Junta in order that before proceeding to grant away in conformity with the laws and as directed in the order of this date the lands of the Islands adjacent to that peninsula there be assigned to that individual (the one) which he may select nearest to the place where he may be stationed with the Troops under his orders.

the lands of the islands
X

I have the honor to communicate it to Your Excellency for your information and corresponding action -
God and Liberty.

Mexico July 20, 1838.

(signed)

Desado -

To His Excellency The Governor of
the Department of California
Villa de los Angeles.

Monterey 22^o May 1839.

In consideration of the Merits of Captain Don Andres Castillero and in view of the Express

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orders which the Supremo National Government directed to this Departmental Government that there be granted to Nationals (Citizens) the Islands adjacent to the coast of this land and more particularly leased on the Official Communication from the Office of the Minister of the Interior of the 20th of July last directing that in all preferences there be granted in fee to the said Sr. Castellero, the Island which he himself may direct.

I have granted to him that which is in front of the anchorage of Santa Barbara known by the name of Santa Cruz with the boundaries which it has naturally wherewith it is omitted to designate its limitation as being sufficiently well known.

In consequence I order that serving as a Title this present decree, and the despatch written out to the said Sr. Castellero note be taken of it in the corresponding Book.

Sr. Dⁿ Juan B. Alvarado Governor of the Department of the Californias thus ordered decreed and signed of which I certify,
(signed)

(Signed)

Alvarado

Manuel Jimeno
Secretary of Despatch

Filed in Office April 13th 1852.

(signed)

Geo Fisher Secy.

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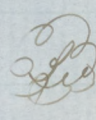
Whereas the owner of certain lands lying in the County of Santa Barbara and State of California being the whole of the South Eastern half of the Island of Santa Cruz has neglected to pay the tax by law imposed on said land and whereas said lands were on the twentieth day of November A.D. 1850 offered to public sale in the manner prescribed by law in such case provided and whereas at such sale Francisco de La Guerra offered the highest price for said lands namely the sum of twenty six dollars:

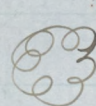
Now this Indenture made this twentieth day of November in the year one thousand eight hundred and fifty between Antonio Maria de la Guerra Treasurer of the said County of Santa Barbara and the said Francisco de la Guerra Witnesseth.

That the said party of the first part in consideration of the said sum of twenty six dollars to him paid by the said party of the second part the receipt whereof is hereby acknowledged doth by these presents grant sell and convey unto the said party of the second part and to his heirs and assigns forever all of the aforesaid South Eastern half of the Island of Santa Cruz in the County of Santa Barbara and State of California. Together with all the tenements hereditaments and appurtenances thereto belonging and all the rents issues and profits thereof.

To Have and To Hold the above described premises with the appurtenances unto the said party of the second part his heirs and assigns to his and their own proper use and benefit forever.

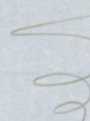
In Witness whereof the aforesaid parties have hereunto set their hands and seals the day and year first above written -

Ant^o. Madela Guerra 
 Ferrero

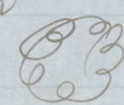
Francisco de la Guerra 

Signed sealed and delivered
 in presence of,

Nicholas Aden
 Guill^o. Carrillo

State of California
 County of Santa Barbara 

On this twenty third day of November A.D. one thousand eight hundred and fifty personally appeared before me N. J. Kinchman County Clerk of Santa Barbara County Antonio Maria de la Guerra, known to me to be the person described in and who executed the foregoing Instrument who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

N. J. Kinchman
 County Clerk 

Filed in Office Dec 24, 1854.

(Signed)

Geo Fisher Secy

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Deed

This Indenture made this day of June and Eighteen hundred and fifty one between Francisco de la Guerra of Santa Barbara in the State of California and Concepcion his wife parties of the first part and James R. Patton of the City of San Francisco State aforesaid party of the second part

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
Witnesseth That whereas Antonio Maria de la Guerra Treasurer of the County of Santa Barbara aforesaid did sell at public auction for Taxes and by deed of Conveyance dated the twentieth day of November A.D. 1850 release grant and convey unto the said Francisco de la Guerra the South Eastern half of the Island of Santa Cruz in the County of Santa Barbara aforesaid together with all the tenements hereditaments appurtenances rents issues and profits thereto belonging which said deed of Conveyance is recorded in Vol 1 of deeds pages 16 and 17 of the Records Office of said County of Santa Barbara and is hereby referred to and made a part of this Indenture.

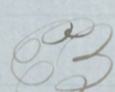
Now therefore the said parties of the first part for and in consideration of the sum of One hundred and thirty dollars to them in hand paid by the said party of the second part the receipt whereof is hereby acknowledged have remise released and quit claimed and by these presents do remise release and quit claim unto the said party of the second part his heirs and assigns forever all the above described piece or parcel of land viz the South Eastern half of the Island of Santa Cruz lying and being

in the said County of Santa Barbara together with all and singular the tenements hereditaments and appurtenances thereto belonging or in any wise appertaining and the rents issues and profits thereof and also all right title interest Estate property claim and demand whatsoever as well in law as in Equity of the said parties of the first part of in and to the above described premises and every part and parcel thereof with the appurtenances.

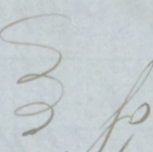
To Have and To Hold all and singular the above mentioned and described premises together with the appurtenances unto the said party of the second part his heirs and assigns forever.

In Witness whereof the said parties of the first part have hereunto set their hands and seals the day and date first above written.

Francisco de la Guerra 

Concepcion Guerra 

Signed Sealed and
delivered in presence of
J. M. Coomrathias
Guillermo Carillo.

State of California
County of Santa Barbara 

On this thirtieth day of December in the year one thousand eight hundred and fifty and before me personally appearing Francisco de la Guerra and Dána Concepcion his wife personally known to me to be the persons described in and who executed the within Instrument

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9/17/53

and they acknowledged to me that they executed the same for the purposes therein mentioned. And the said Dona Concepcion in a private communication by me apart from her husband acknowledged that she executed the same freely and without any fear or compulsion of her said husband

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Es
sub
ced

In Witness whereof I Raimundo Carrillo a Notary Public duly Commissioned and sworn in and for the County of Santa Barbara have hereunto set my hand and my private seal an account of not having yet obtained any seal of my said Office on the day and year just above written

Raim^o Carrillo
Notary Public.

Filed in Office Dec 24th 1853.

(signed)

Geo Fisher Secy.

Stipulation

Claim of Angres Castillero to the Island of Santa Cruz.

It is hereby stipulated between the Law Agent of the United States and the Attorneys, for the Claimant, that the deposition of Juan B Alvarado, in Claim No 105, this day taken together with the documents marked respectively "A. J. L." & "B. J. L." annexed to the said deposition shall be read and considered as in and to =

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ance in this case Excepting so much of
the said deposition of said Alvarado as
relates to an alleged agreement between
the claimant in this case and one Jose
Antonio Aguirre that the former agreed
give to the latter a certain part of the
Island of Santa Cruz which part of the
said deposition the Attorneys of the
claimant will not offer in evidence
but which the Law of the United States
may offer as evidence in behalf of the
United States if he think fit -

Louis Branding
Esq. Law Agent -

Heathcote Peachy & Bellamy
Attys for Claimant.

Sept 23rd 1854.

Filed in Office Sept 25. 1854.

(signed)

Geo Fisher Secy.

United States of America 2
State of California 300

San Francisco Oct 23. 1854.

Assistant
Sgt. of W.C.
Baron

This day came before Peter Lott Commis-
sioner for taking testimony to be used
before the Board of U.S Land Claims =
juries in said State.

William C. Baron being
duly sworn deposes and says that he is the
duly authorized Agent and Attorney in fact
of Andres Castillero the Claimant in this

Case that the said Castillos now resides near the city of Mexico in the Republic of Mexico that on account of the civil war in that part of Mexico cutting off all communication between the Capital and Acapulco for the 9 months last past he has been unable to communicate with his said principal the claimant in this case that he has recently ascertained that an important witness in this case one Jose Antonio Carrillo is now a resident of the Southern District of California in either the County of Los Angeles or Santa Barbara that he is advised by Counsel and believes that the testimony of said Carrillo is important and necessary in this case that he hopes and expects to procure the testimony of said Carrillo in the course of the next four weeks he therefore prays that this claim may be placed at the foot of the 4th class on the Calendar of the claimant's case that since ascertaining the importance of the testimony of said witness he has used due diligence to obtain it and that this prayer is not made for unnecessary delay but to secure the ends of Justice -

Wm. C. Barron

Subscribed and Sworn to
Before me on this 23^d day of
October A.D. 1854.

John Lott
Clerk

Filed in Office Oct 23. 1854.

(Signed)
Geo Fisher Secy

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United States of America
State of California

San Francisco Sept 25. 1851.

Deposition
of
Juan B Alvarado
taken in Case
No 805 &
made part of
this case by
stipulation

This day came before Peter Lott
Commissioner for taking Testimony to be
used before the Board of U. S Land Commis-
sioners in said State Juan B Alvarado
a Witness on behalf of the Claimant Jose
Antonio Ayame in Case No 805 on the
docket of said Board and said Witness
being sworn deposed as follows in Spanish
which was interpreted into English by the
interpreter to said Board.

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The U. S Associate Law Agent is present

Questions by Judge Sutherland for Claimant.

1st Question.

What is your name age and
residence!

Answer.

My name is Juan B Alvarado
My age 45 years My residence Contra Costa
County California.

2^d Question.

Look at the document now
shown to you marked "A. J. L." and annexed
to this deposition and state if you have before
seen said document if you state where
when, and the circumstances, and state also
whether you know the signature of Jesus
thrust signed is his genuine signature and
your means of knowledge thereof?

Answer.

I recognize this as a document
which I received at Santa Barbara.

think in 1838. I received it at the hand of Captain Andres Castiello, he brought it to me as Governor of the California from the Minister of the Interior of Mexico.

This signature of Sisado is genuine. I have frequently seen his hand writing in official correspondence between him and myself when I was Governor and he Minister of the Interior.

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3rd Question -

Look at the printed stamp at the head of said document and state whether it is in conformity with the usual style of official communications from the Ministry of the Interior of Mexico?

Answer.

Yes, this is a form which was used by said office. I have seen other documents and received them officially bearing the same stamp.

4th Question.

State how such documents were usually transmitted from the Supreme Government to the Governors of California.

Answer.

They were generally sent by some special messenger or a carrier or by parties interested as the case might be. Documents like this might come enveloped or open depending upon the care of the carrier.

5th Question.

Look at the document now shown you marked "B.I." and related to this deposition and state whether you recognize the same as genuine whether your name there subscribed is your

genuine signature written at the date of said instrument and whether you know the signature of said Manuel Jimeno if you have means of knowledge and whether his signature to said document are genuine?
Answer.

I recognize this as a genuine document. It is a grant which I signed this is my genuine signature and the signature of said Jimeno here is genuine.

He was my secretary and I have often seen him write.
Att. Justicia.

State to whom you sent or delivered these two documents which have been exhibited to you in this deposition?
Answer.

I remember to have sent them to Don Jose Antonio Aguirre I considered him interested in the said Island and also the representative of Don Andres Castellero in the matter.

7th Justicia.

State whether Andres Castellero ever told you that Jose Antonio Aguirre was interested in said Island if you what that interest was.
Answer.

Yes. Said Castellero told me that said Aguirre was interested in the Island, that he (Castellero) had promised him (Aguirre) that he should have one half of the Island for taking care of it and he accordingly requested him to attend to getting the papers pertaining to the Fito -

It was publicly known at the time that said Aguirre had a half

interest in said Island.

5th Question.

State if you know when Andres Castellano left this Country?
Answer.

The last time he left this Country when he went to Mexico was I think in 1846 or 1847.

6th Question -

When was it that Castellano told you of Aguero having a half interest in said Island?

Answer.

It was I think in 1835 before he returned to Mexico.

10th Question.

Was the document before referred to marked "B.P.L." assigned to be a document of final title in the grant or was it contemplated that further steps should be taken for the purpose of making it complete?

Answer.

It was intended to be a perfect and complete title in Castellano and there was nothing more contemplated to be done in the matter nothing more was needed.

11th Question -

Why did you not insert in that grant the usual conditions requiring the building a house and the occupancy and cultivation of the land.
Answer.

Because the Supreme Government did not require it in the order from Pineda the Minister of the Interior.

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Marked "A B L" and filed herewith
and because I myself saw no necessity
for it.

12th Question.

Why was this grant not
made subject to the approval of the
Departmental Assembly?

Answer.

Because the Territorial Junta
had authorized me to act as I might deem
proper in such cases.

13th Question.

State whether a grant
made like this by the order of the Supreme
Government required the approval of the
Departmental Assembly to give it defini-
tive validity?

Answer.

It did not.

Crops Examined by U. S. Law Agent.
14th Question.

Was it customary for the
Minister of the Interior to give instruc-
tions concerning grants and was it in
his power so far as you know to dispense
with the usual petition for grants?

Answer.

The Minister of the Interior
might have had the power I do not
know what powers were delegated to him
by the Supreme Government.

15th Question.

Look again at document
marked "A B L" herein before referred to
and state whether there is any thing
therein contained dispensing with the
approval of the Departmental Assembly

and the usual conditions of grants and if you state the words?

Answer.

There is nothing in this order requiring the approval of the Departmental Assembly or requiring any conditions to be required of the grantee.

3rd Question -

Did not the said last mentioned document require grants of Islands and lands mentioned in said document to be made in conformity with the laws then in existence?

Answer.

I do not know what the law was at that time respecting the granting of Islands. Except the order which I received about the same time that I received this document from the General Government.

4th Question -

State the purport of the last order to which you refer in your last answer?

Answer -

It was an order for granting adjacent Islands to the citizens of Mexico.

5th Question.

Did said order prescribe any terms on which said Islands should be granted?

Answer.

I do not remember any such terms there may have been such I only know that it contained an order for granting the Islands adjacent to the Coast.

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6th Question.

Is there any material departure in that order from the usual orders to grant land coming from the Supreme Government if you state the difference.

6th Question objected to by Claimants because the orders are written documents and best testimony to their contents.

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Answer.

I understood that there is a difference between said order and the usual orders coming from the Supreme Government to grant lands. What those differences are I am not now prepared to show I cannot recollect unless I had other orders here with which to compare and point out wherein they differ.

The order of which we are speaking was an order to grant Islands and the others were not.

7th Question.

When the Supreme Government intended to dispense with conditions in the granting of lands was it not always done in Express terms?

Answer.

The circumstances usage and customs of the country were such that Express terms were not necessary in order to dispense with such conditions so far as the power of the Supreme Government was concerned.

8th Question.

Could the Departmental Assembly empower the Governor to act as he

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pleased in granting lands?
Answer.

It could.

Of the Question -

Where and how was such
power given to you by the Departmental
Assembly?

Answer.

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In 1837, 1838, 1839 and
perhaps in 1840 - I was Empowered to act
according to my discretion in granting
lands at such times as it might deem
necessary when the said Departmental
Assembly was not in Session -

It was by general
Consent of the Members in 1839 and 1840.

There was an act passed
in 1837 & 1838 giving such power.

Juan B. Alvarado,
Subscribed and sworn to
before me Sept 25, 1854.

Peter Latt Comr &c.

Filed in Office Sept 26, 1854.

(Signed) Geo Fisher Secy.

1846

Andrus Castillos

The United States

For the Island of "Santa Cruz" in the County of Santa Barbara.

Opinion

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The petition was offered in evidence a grant which is on file in case No 895. in the Secretary's office of this Commission and which is made evidence in this case, together with the deposition of Juan B. Alvarado, to which the said grant is attached by written stipulation of the parties to the record.

The grant was issued by Governor Juan B. Alvarado and bears date the 22^d day of May 1839, and purports to have been issued in pursuance of special orders of the President of Mexico in consideration of valuable services rendered on the part of the said grantee to the government, which said instructions are also on file in case No 895 and made evidence in this case by said agreement. Subsequent to the filing of the petition on the part of Castillos, a supplemental petition has been filed by leave of the Board in behalf of James H. Patton for one half of the island basing his claim upon a tax title and in support of the claim on the part of Patton, he has offered in evidence a deed executed by the Treasurer of the County of Santa Barbara to one Francisco de la Guerra and a deed from Guerra to the claimant Patton, but the claimant Patton has failed to furnish the board with any proof that the tax sale was conducted under the provisions of the statute of California regulating the mode of selling lands for the payment of delinquent taxes, or that the Sheriff who sold the land for taxes was the Sheriff, at the time the sale was made or that the treasurer who

executed the deed was the real business at the time of executing the same.

We do not think the proofs on the part of Balten sufficient to entitle him to a confirmation to any part of the premises. But the evidence on the part of the original petitioner is sufficient in our opinion to entitle him to a confirmation and a decree will be entered accordingly.

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Confirmed

Filed in office July 3, 1855

(Signed)

Geo. Fisher Juez

176 Andrus Cartellus
Secur

vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner Cartellus is valid and it is therefore decreed that his application for a confirmation thereof be allowed.

The land of which confirmation is hereby given is the Island of "Santa Cruz" in the county of Santa Barbara; having for its boundaries the water's edge.

A. Auger Thompson
S. B. Karnell

Commissioners

Filed in office July 3, 1855
(Signed)

Geo. Fisher Juez

H. V.

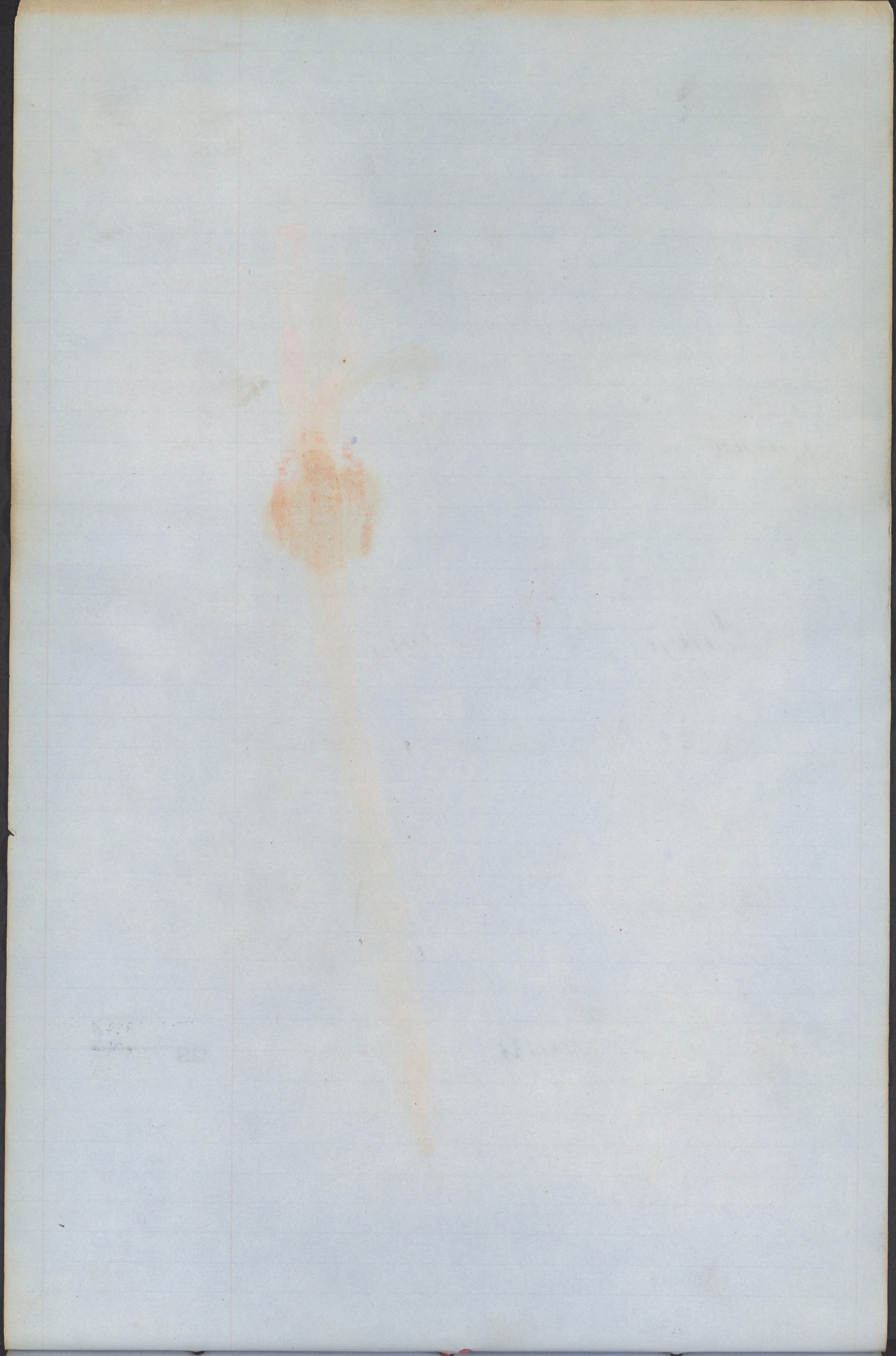
Order

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

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TYPE

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Office of the Board of Commissioners,

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

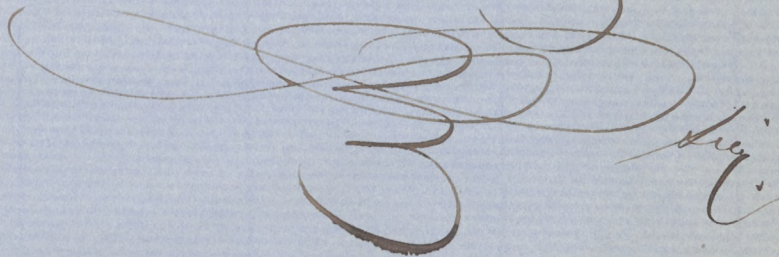
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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Forty* pages, numbered from
1 to *40*, both inclusive, to contain a true, correct 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. *17* on the Docket of the said Board,
wherein

Andres Castillero is
the Claimant, against the United States, for the place known by
the name of "*Island of Santa Cruz*."

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Twenty first day of *November*
A. D. *1854*, and of the Independence of the
United States of America the *seventy-eighth*.

G. Fisher
Geo. Fisher.



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U. S. DISTRICT COURT,

San Francisco District of California.

No. 340

THE UNITED STATES,

vs.

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Andres Castellero et al
Island of Santa Cruz

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS.

In Case No. 176.

Filed,

December 6 1855

C. E. Carr Clk

By Jan. L. Dummer

Depty.

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Office of the Attorney General of the United States,

Washington, 31. Dec. 1855.

176.) "Island of Santa Cruz"
Andres Castillero 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 18th day of December, 1855 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clark

Attorney General.

No 340

U. S. District Court
South. Dist. California

 "
Andres Castellero

appellee

^{vs}
The United States

appellant

 "
Notice of appeal

 "
Filed February 12th 1856.

J. E. Carr
Clerk

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

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



Andres Castellero, Appellee,
ad
The United States, Appellant.

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Docket No. 340.
Transcript No. 176.

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 13th day of April A. D. 1852, *Andres Castellero*

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 *the Island of Santa Cruz*.

in the County of *Santa Barbara* 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 3rd day of July A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 6th day of December 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. 176; reference to which it is prayed may be had and made part of this petition. That on or about the 18th 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.

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

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

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

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

N^o 340.

Fine Sunday 5th 1857
L. M. M. M.
G. M. M. M.
sup

Deposition of James Barn Shaw taken
before United States Commissioner
for the Dist of California at the United
Court house in the City of Los Angeles on
Wednesday the 7th day of January A.D. 1859
at 2 O'clock P.M. by consent and agree-
ment of the parties to be used as testimony
in behalf of the claimant in a certain
Cause now pending in the United States
Dist Court for the Southern District of
California being Case No 340 on the Docket
of said Court wherein the United States
are appellants and Andres Castellero is ap-
pellee Present Plrd W. S. D. Neffly on
behalf of the appellants and J. W. Billings
Esq on behalf of appellee

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Adams Castles No 341
app
ad

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The United States
app

Island of Santa Cruz

Damus B Shaw being duly sworn answers to the following interrogations as follows

Ques What is your name and place of Residence -

Ans My name is Damus Baron Shaw am 42 years of age and reside in the County of Santa Barbara - Cal

Ques Are you acquainted with the Island of Santa Cruz off Santa Barbara, if so, state how long you have known it and what connection if any, you have had with its occupation or possession?

Ans I am there but acquainted with it since the year beginning of the year 1851 - I have been the agent for the claimant, Adams Castles, in this case for this Island since the year 1851 and am still such a agent

Ques As such agent, state what you have done on said Island for its accoutre,

Ans I have paid the taxes on it since 1851 and have placed cattle - horses & sheep on it - built houses and made corrals and cut Roads on it -

Ques Refer more particularly to the years of these improvements & expenditures and

Ques. How much -
Ans. At the Commencement of 1853 I began to place the stock on it. Since that time I have expended thirty five thousand dollars (\$35,000). I have given my personal attention to the Island as the local agent, both of the original owners, and of the Commercial agents of the claimants, who are W. Bolton, Barron & Co of San Francisco.

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Ques. What is the quantity of Land in the Island?
Ans. It will not average more than seven & a half leagues long - and little ^{more than} a league & a quarter (1 1/4) would be ~~say~~ the maximum estimate.

Expl. Ammunition by
Pl'd W. Dist atty

Ques. When does Juan de Castillero now live in Mexico - the City of Mexico -
Ans. In Mexico - the City of Mexico -

Ques. How long has he been living there?
Ans. I do not exactly know but I think ~~since~~ ^{since} the year 1849.

Ques. Did you ever see him in California -
Ans. No -

Ques. What was his business in Mexico?
Ans. He was Capt of Artillery in the Mexican Army.

Ques. When you ^{first} went on the Island in 1853

was it inhabited & if so, by whom
and in what manner?

Ans Yes - by a person named James
W. Boy - He was sailing pig - had
a little shanty on the Island - (He is
340 SD not ^{now} the Island now,

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Quest When did he leave the Island
and for what Reason -

Ans He left in 1853, having sold
his pig, I requested him to leave
regarding him as an intruder -

Quest Do you know how long W. Boy had
been living there?

Ans From December 1852 to October
1853

Quest Have you ever been on the Island
of you, how long continuously?

Ans I have - Since 1853, I have
been in the constant habit of going
there & remaining several days at
a time - Making my legal domicile
at Santa Barbara, But I have always
had persons living on the Island
taking care of the property

Quest How have you obtained your informa-
tion in regard to the State of the Island

Ans By sailing around it and riding
over it

Quest Have you paid the taxes for
the whole or a part of the Island since
1851 -

Ans I have paid it for the whole
since 1851 - In 1851 the taxes amount

Quest to about \$437 Dollars forty five Dollars

And since then the ~~tax~~ taxes have
been gradually increasing and this
year amounted to (\$373) Three hundred
seventy three dollars

Qust What number of acres was this Island as-
sessed at this year?

Ans It was not assessed by acres -
It was assessed at the assessed value
of (\$10000) Ten thousand dollars
not specifying any amount of land
One year it was assessed by grants
by the amount being 24 sitios

Wm. Sube,
before me, this
7th day of June 1857

J. B. Shaw

United States of America
Western Dist of California
State of California
Los Angeles County

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I James United States
Commissioner for the Dist of California
hereby certify the foregoing deposition
of James Barron Shaw was taken before
me on the part of the Plaintiff, in accordance
with the agreement and request of the said
attorney at the United States Court house
in the City of Los Angeles, State of California
that the said ~~James~~ James B. Shaw was by
me duly sworn according to Law as a
Witness in said Cause in the caption of the
deposition mentioned and after being
so sworn, his testimony was by me re-
duced to writing in his presence: and
that of the said attorney and after having
been by me carefully read to him and
found correct as he desired was by
him signed in my presence



In testimony whereof I have
written at my hand and
affixed my private seal
(there being no official seal)
this 7th January A.D. 1837

James
Wilson

No 340
MS Dist Court
Doubtful Don Carter

Anson Castetter
ads
The United States
Depository of
J.B. Shaw
J.B. SHAW

Filed Aug 7th 1857
C. J. Shaw
clerk

United States of America, }
Southern District of California. } SS.

TO

The President of the United States,

Andres Castillero

340 SD

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GREETING :

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

*P. Oro U.S. Atty praying
said court to review the decision of the
U.S. Law Commissioners of the 3^d
of July 1855 confirming your claim
to the land called*

The Island of Santa Cruz.

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 *8th* day of *January* in the year of our Lord one thousand eight hundred and fifty-~~seven~~ at Los Angeles aforesaid.



Clerk
J. H. Coleman
sep

Clerk.

340.

Marshals Cost

Copying Summons 50
Serving do 3.
Copy Petition 2.
\$ 6.00.

United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Andres Castillero

vs

The United States

SUMMONS.

Received January 7th 1857.

Edward Hunter
U.S. Marshal

Geo. Mc Goodman
340 SD Deputy.

I served this summons along with the proper copy of the petition upon *F. Billings* Attorney for Appellee by him acknowledging service

at the *City of Los Angeles* 8th day of *January*

in the Southern District of California or A. D. 1857.

Sworn to and subscribed before me, this 8th day of *January* 1857
W. S. Sins Clerk
J. Mc Goodman Depty

Edward Hunter
U.S. Marshal.
Geo. Mc Goodman
Depty.

No. 340.

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

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The United States, Appellant.) Transcript No. 176
vs.)
Andres Castillero, Appellee.) Answer of Appellee.

Andres Castillero, appellee, appears by his Attor-
=neys, and for answer to the petition of the
United States, filed herein, says;

That his title to the land called
Isla de Santa Cruz, as set forth and described
in his petition to the Board of Commissioners
and in the documentary and other evidence
filed in this case is a good and valid title
The land claimed is situate in the Southern
District of California.

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

Hallam Beachy & Billings
Atty for Appellee

No. 340.

The United States, appellants
vs.

Andres Castellano, appellee

Answer of Appellee

Filed this 8th January 1854
Edwin Clark
J. McColman
Secy

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Andrus Peck & Billings
Attys for Appellee

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

Hon Isaac S. K. Ogier Judge

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December Term 1856

The United States

Appellant

vs.

No. 340

Andres Castillero

Appellee

Transcript from the Board of Land
Commissioners No. 176.

This cause coming on to be heard, on
appeal from the decision of the Board
of Land Commissioners to settle private
land claims in California, upon the
transcript of the proceedings and decision
of said Board and the documentary
and other evidence upon which said
decision was founded, and upon other
evidence taken and filed in this Court,
and counsel for the respective parties
having been heard, it is

Ordered, Adjudged and Decreed
That the decision of said Board of
Land Commissioners confirming unto the
the above named appellee, ~~Andres~~
Castillero, the land set forth and described

in his petition to the said Board of Land Commissioners and in the documentary and other evidence taken in this case, be and the same is hereby affirmed, and that the title of the said Andres Castillero to the said land is a good and valid one.

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The land of which confirmation is hereby made is the Island known by the name of "Santa Cruz" - situated in the County of Santa Barbara - being the same granted to Andres Castillero by Governor Juan B. Alvarado on the 22^d day of May 1839 - and is in extent of eleven square leagues and no more - and has for its boundaries the water edge - If the quantity of land within said boundaries is less than eleven square leagues the confirmation hereby made is made to such less quantity; but if the quantity within said boundaries exceeds or amounts eleven square leagues then the confirmation hereby made is made to eleven square leagues and no more.

James H. Quinn
U.S. District Judge
for the S. Dist. of Cal.

No. 340

The United States
Appellants
vs.

Andres Castellero
Appellee.

Decree -

Affirming the decision
of Board of Land Com-
missioners - and
Confirming Claim

Filed Aug 14th 1857

Chief
Clerk

Record in page 141

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At a Stated Term of the District Court of the United States for the Southern District of California, held at the Court Room in the City of Los Angeles, on the nineteenth day of March in the year of our Lord one thousand eight hundred and sixty one.

Present:

The Hon. Isaac S. K. Ogier,
District Judge.

The United States	Dist. Court No. 340
v.	Land Com. No. 176
Andres Castillero.	"Island of Santa Cruz."

And now at this day comes J. B. West Esq, claimant's counsel, and presents the mandate of the Supreme Court of the United States, affirming the decree of this Court in this cause, as more particularly appears by reference to the said mandate; whereupon, and on motion of the said counsel It is Ordered, that the said mandate be filed and made part of the record of this Court in this cause; and that said claimant may proceed under

the said mandate, and under the de-
-cree of this Court as thereby affirmed.

Charles D. Ogden
U.S. District Judge
for the S.D. of Cal.

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N^o. 340

U. S. District Court,
Southern Dist. Cal.

The United States

v.

Andres Castillero.

Order to file mandate.

Filed March, 18, 1861

Attest
J. John O. Whelan Deputy

UNITED STATES OF AMERICA, SS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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

340 SD
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greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California _____ before you, _____ in a cause

between The United States, appellants, and Andres Castellero,
appellee, the decree of the said District Court was in
the following words, viz:—

"It is ordered, adjudged and decreed that the
decision of said board of land Commissioners, confirming
unto the above-named appellee, Andres Castellero, the
lands set forth and described in his petition to the said
board of land Commissioners, and in the documentary
and other evidence taken in this case, be and the same is
hereby affirmed, and that the title of the said Andres Castil-
lero to the said land is a good and valid one. —

"The land of which confirmation is hereby made is the
island known by the name of "Santa Cruz", situated in the
County of Santa Barbara, being the same granted to Andres
Castillero by Governor Juan B. Alvarado on the 22^d day of
May, 1839, and is in extent of eleven square leagues,
and no more, and has for its boundaries the water's edge.
If the quantity of land within said boundaries is less than
eleven square leagues, the confirmation hereby made is
made to such less quantity; but if the quantity within said
boundaries exceeds eleven square leagues, then the confir-
mation hereby made is made to eleven square leagues,
and no more." _____

UNITED STATES OF AMERICA

THE PRESIDENT OF THE UNITED STATES OF AMERICA



30/11

as by the inspection of the transcript of the record _____

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

agreeably to the act of Congress, _____

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

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And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *fifty nine* 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, *it is now here ordered, adjudged and decreed by this court that the decree of the said District Court in this cause be and the same is hereby affirmed.* *2^d April*

340 SD

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

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

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

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

Paied by Wm. L. Carroll
Clerk of the Supreme Court of the United States.

No. 340
No. 90, December Term, 1859

MANDATE
SUPREME COURT UNITED STATES.

N. State vs Cartiers

Wash March 18, 1861
Wm L. Carroll
Clerk of the Supreme Court

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

The United States
v
Andres Castellero

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And now on this day comes
J. G. Brent, Claimants Counsel, and moves
the Court for leave to file the mandate
of the Supreme Court of the United States
affirming the Decree of this Court in this
cause heretofore entered, which said mandate
is now shown to the Court, and have the
same made a part of the record in this
cause, and also for leave to Claimant to pro-
ceed under said mandate, and under
the decree of this Court thereby affirmed

J. G. Brent

Atty for Claimants

No 340

U. S. District Court
Southern Dist. Cal

The United States
v
Andres Castellero

Motion to file mandate

Filed March 18, 1861
J. L. M. Clerk
J. J. Whelan Deputy

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

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L. Upson

I, ~~J. W. MANDEVILLE~~, United States Surveyor General, for the State

of California, do hereby certify that the Rancho Island of

Santa Cruz

confirmed to Andres Castillero

has been surveyed by this office, and that the survey and plat was approved by

the U. S. Surveyor General, on the twentieth day of May

1863; that I have caused to be published, once a week, for four weeks suc-

cessively, in two newspapers, to wit: the Visalia Delta

published in the County of Tulare

being the newspaper published nearest to where the said Rancho is located, the

first publication being on the seventh day of April 1864,

and the last, on the twenty-eighth day of April 1864; also, in the

Los Angeles News

a newspaper published in the City and County of Los

Angeles

the first publication being on the fourth day of April 1864,

and the last on the twenty-fifth day of April 1864, a notice

that the said land had been surveyed, and a plat made thereof, and the survey

and plat approved by me. And I do further certify, that the said survey

and plat were retained in my office during all of said four weeks, and until the

expiration thereof, subject to inspection; and I further certify, that no order

for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name

officially, and caused my Seal of office to be affixed, at the City

of San Francisco, this fifth

day of

May 1864



L. Upson

U. S. Surveyor General for California.

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U. S. District Court

South District

A. Castellano

U. States

Certif of Juror Genl

Filed Nov 10/64

J. Whelan

340 SD

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