

CASE No.

350

SOUTHERN DISTRICT

LAND NEAR THE MISSION OF
SAN JUAN BAUTISTA GRANT

RUFINA CASTRO, ET AL
CLAIMANT

rti.

DD

Land Case # 350
Southern District

La

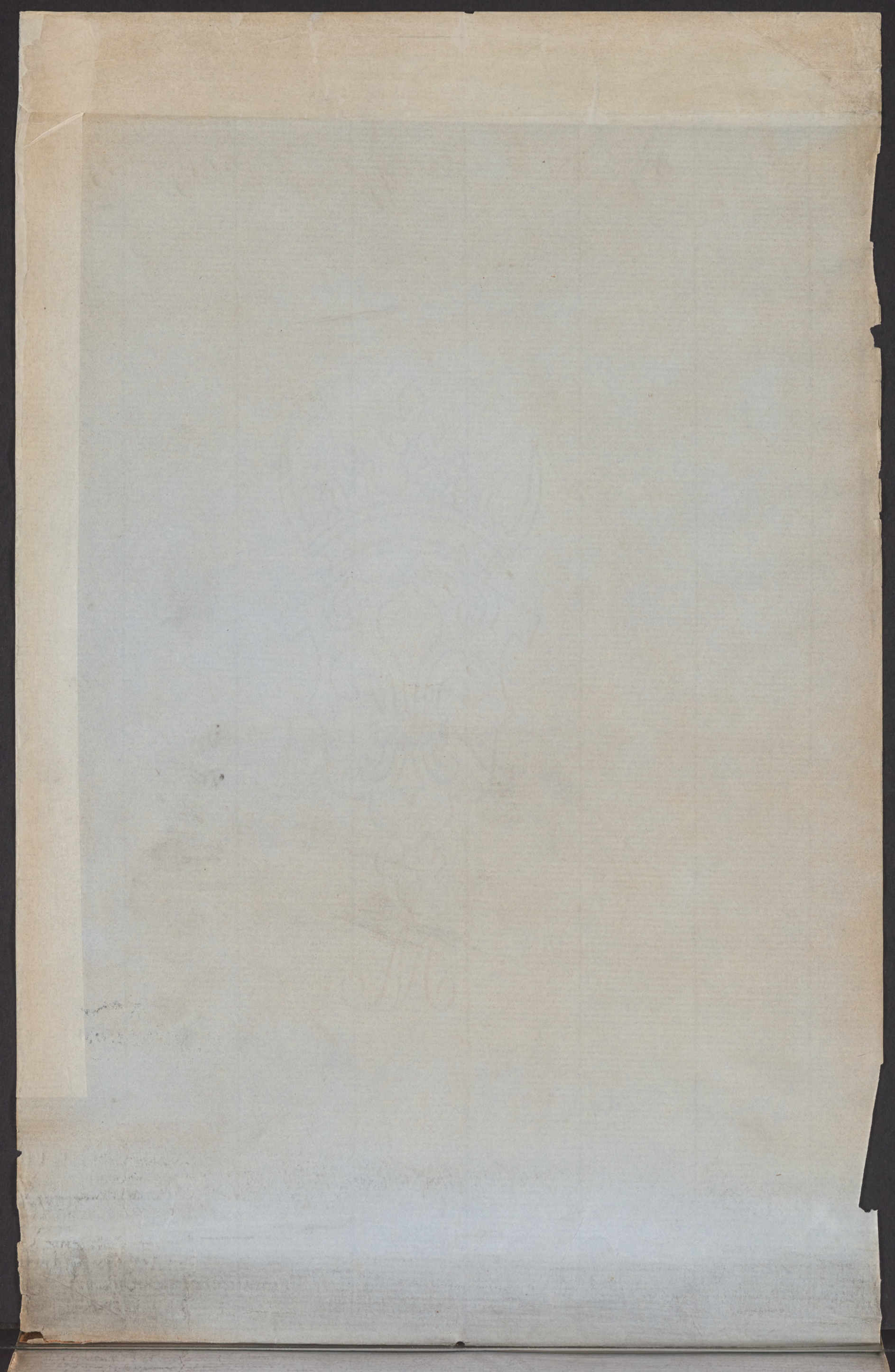
**USE MICROFILM
INSTEAD OF ORIGINALS**

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SPR COLLEGE ODILEKI

607

Dup



TRANSCRIPT

350 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO.

607.

Regina Castro, et al. CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE ~~PLACE~~ NAMED

land near the Mission of San Juan Bautista.

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 nineteenth of February, Anno Domini One Thousand Eight Hundred and Fifty-three, 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 Rufina Castro, et al. for the Place named Land near the Mission of San Juan Bautista was presented, and ordered to be filed and docketed with No. 607 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 4th 1853.
In Case no. 607, Rufina Castro, et al. for lands near San Juan Bautista, the deposition of Ine Castro, a witness in behalf of the claimant, taken before Commissioner Henry S. Stanton with document marked N. J. T. annexed thereto, was filed;

(vide page 4 of this Transcript)

San Francisco Oct. 4th 1853.
In the same case the deposition of Ine Antonio Cruzar, a witness in behalf of the claimant, taken before Commissioner Stephen Felchua, filed;

(vide page 6 of this Transcript)

San Francisco Oct. 11th 1853.
Case no. 607 was submitted on briefs & taken under advisement.

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San Francisco July 3rd 1855.

In the same case Commissioner D. Aug. Thompson delivered the opinion of the Board confirming the claim;

(see page 3 of this transcript.)

And the following order was made, to wit:

(see page 5 of this transcript.)

~~~~~

S.

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Before the Commission to settle Private Land Claims in California

Petition

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PAGE 4

Da Rufina Castro, Maria Antonio, Jose Manuel Ignacio Antonio, Rosa Concepcion & widow & Jose Chedrew and heirs give notice that they claim by virtue of a title derived from the Mexican Government two certain tracts of land situated in Santa Clara County in said State and consisting of a building lot of one Hundred varas front by two Hundred varas in depth and of four "Suertes" or farming lots of two Hundred varas square each. Said lands were granted to Dr. Mariano Castro on the 15<sup>th</sup> May 1834 by Dr. Jose Castro Prefect of the first District of the Californias pursuant to law and to an order to that effect made by the Governor of said Department. Said grantee died about the year 1848 leaving said Da Rufina his widow and Jose Chedrew to wit, Maria Antonio Jose Ignacio Ignacio Antonio Rosa, Concepcion &c. his heirs the present claimants whereby the title to said lands rested in them -

The original grant of said lands and a translation of the same are herewith filed -

By their Attorneys,  
Jons. Crockett & Baker,

Filed in Office Feb 19, 1853.  
Signed,  
Geo Fisher Secy.

Deposition  
of  
Jose Castro

San Francisco March 4, 1853.  
On this day before Comr. H. S. Thornton  
Case Jose Castro, a witness in behalf of the  
Claimants Rafael Castro et al. Petition No 604  
and was duly sworn his evidence being intro-  
duced by the Deputies.

In Answer to Interrogatories by Counsel  
for the Claimant witness testified as follows.  
My Name is Jose Castro. My  
Age is forty four years. I reside at Monterey  
In the Month of May 1839  
I held the Office of Prefect of the First District  
of California - A paper is now shown me  
purporting to be a grant of ownership or pos-  
session to Mariano Castro dated first month  
of May 1839 for a lot of 100 varas in front  
by 200 varas in depth another of one hun-  
dred varas square and four fourths or farming  
lots which paper is hereto attached marked  
No. 1 & 2.

The paper was signed by me  
as Prefect and at the time it bears date.

Jose Maria Covarrubias was  
Secretary of the Prefect at that time and his  
Signature to said paper is genuine.

I had an order from the  
Governor to perform the act stated in said paper  
which order was left by Messrs. [unclear] me  
among the archives of the Prefect when I  
ceased to hold the office, when it is now I do  
not know, nor do I know what has become  
of the archives -

I delivered them to my successor  
in the latter part of the year 1839 or beginning  
of 1840.

It was customary for the Prefect to

5-  
make grants of less than one square league  
of land and it was authorized by the Constitu-  
tion of Mexico of 1836 with the consent and  
advice of the Governor.

San Juan Pontista  
and San Juan de Castro are one and the  
same place -

Said Mariano Castro occupied  
the said lands from the time of the grant -  
He built a house and had a garden on the  
ceding lots and used the farming lots for  
agriculture -

He and his widow and  
children have continued so to occupy them  
ever since -

It was the policy of the Government  
at that time to form a settlement at San  
Juan Pontista to serve as a protection against  
the Indians by settling among the rancheros  
in a body and for that reason the Prefect was  
ordered to make grants -

Question by the Associate Law Agent.

Did you receive any special order from  
the Governor to make this particular grants  
or was it made in virtue of general order  
from the Governor or was it in virtue of your  
general powers as Prefect under the Consti-  
tution?

Answer.

It was by a special order from  
the Governor in this particular case, which  
order was filed in the Prefect's Office as  
prototipo stated and it was also made by  
virtue of the powers conferred on the Prefect  
by the Constitution and in pursuance of a verbal  
understanding which I had with the Governor  
in relation to such grants.

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Question.

Had any lands been assigned to the town of San Juan as Tini's Commons or common lands at the time of your making this grant?

Answer.

One league of land was reserved as common land for the first settlers at that place to be divided among them - I mean one league in each direction from the center making four square leagues of land -

The land granted was shown was included in the four square leagues.

Question.

Whose hand writing is the body of the before mentioned grant.

Answer.

It is in my hand writing -  
Jose Castro.

W. S. Law Agent present.

Sworn to & Subscribed  
before me this 14th March 1853,  
St J. Thornton Comr &c.

Filed in office March 14. 1853.  
(Signed) Geo Fisher Secy

Office of the Board of Commissioners to &c &c.

This day before Comr. Alpheus Tulek came Jose Antonio Anzar, a witness in behalf of Claimants Rufina Castro & Gab. Probit who after being duly sworn depose as follows.

Deposition  
of  
Jose Ant Anzar

4  
Questions by Claimant

What is your name age and place of residence?  
Answer.

My name is Jose Antonio Amzar. I'm  
age 44 years and my residence San Juan  
Bautista in California.

Are you acquainted with the original grantee  
of the land claimed in this case. If you state if  
you know whether he is dead or not and  
whether the Claimants in this case are his  
widow and children and heirs.

Answer.

I know the grantee Mariano Castro  
who died about the year 1848 before the filing  
of the claim in this case. Refugio Castro one of  
the Claimants was his widow and the other  
Claimants viz Maria Antonio Jose Maria  
Ygnacio Antonio Rosa Concepcion and  
Miguel are his heirs and children.

Fr. J. A. Amzar.

Mr Greenhow Associate Law  
Agent attended at the taking  
of this deposition but propounded  
no interrogatories to the witness -

The testimony was given in  
the Spanish language Mr Fisher  
Secretary of the Board acting as  
Interpreter.

Subscribed and Sworn to  
before me at San Francisco this  
some day of October A.D. 1853.

Cephus Dick

Commissioner

Filed in Office Oct 7, 1853.

Witness

Mr Fisher Secy

8

*[Faint, illegible handwriting]*

9  
Prefectura del 1.<sup>er</sup> Distrito.

José Castro Fomento Coronel de Caballería del  
Ejército y Prefecto del Distrito.

Concedo de conformidad con lo dispuesto por el  
Sr. Gobernador del Departamento a Don Mariano  
Castro un solar de seis varas de frente y doscientos  
de fondo sin varas en cuarta al frente de su  
casa en el lugar que ocupa con su huerto y las  
cuatro suertes de tierra que habra en el fin con  
del Cajano sin perjuicio de los Guadidos que allí  
tienen terrenos convecidos.

San Juan Bautista, Mayo, 19 de 1839.

José Castro.

José María Corrales. Ayo.

Certific No. 1. to dep-  
osition of José Castro  
in no. 67.

March. 2<sup>do</sup> 1853.

Geo. Fisher.

Secy.

Filed in office. Feby. 10. 1853.

Geo. Fisher. Secy.

10

*[Faint, illegible handwriting, possibly bleed-through from the reverse side of the page]*



Prefecture of the 3<sup>rd</sup> District  
Jose Castro Lieutenant Colonel of Cavalry in the Army and Prefect of the District

n<sup>o</sup> 181  
Translation of Grant.

I hereby grant as directed by His Ex<sup>ty</sup> the Governor of the Department to Don Mariano Castro a plot of ground solar of one hundred yards  $3\frac{2}{3}$  varas front and two hundred yards deep a square of one hundred yards in front of his house being the spot which is occupied by his garden and the four pieces of land (suertes) de tierra which he cultivates on the finca on the Pajar, without detriment however to the Indians who there have lands which have been granted to them.

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San Juan Pontisteg May 14, 1839.  
Jose Castro.  
Jose Ma Covarrubias  
Secretary.

Received for Record 9<sup>th</sup> Oct 1851 at 11. AM - Entered in "Acts of Grants" page 33.

(Signed)  
Wm S Johnson  
Recorder of County Co

Filed in Office Feb. 14, 1853.  
(Signed)  
Geo F. Fisher Secy.

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607  
Rufina Castro et al  
vs  
The United States

Opinion of the Board  
delivered by Commissioner  
S. Aug Thompson

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This is claim by the widow and  
heirs of Mariano Castro, deceased,  
for a building lot one hundred by two  
hundred varas, a garden lot one hundred  
varas square, and four suertes or farms  
lots each two hundred varas square  
situated within the common lands of  
the town of San Juan Bautista

It is founded on a grant made  
by José Castro, prefect of the District  
dated May, 19<sup>th</sup> 1839. The original  
grant is introduced and proved to be  
genuine. This claim involves the  
same questions which were decided  
by the Board in case No 297,  
Manuel Larino vs The United States,  
and a decree will be entered in favor  
of the present claimants in accordance  
with the principles laid down in the  
opinion delivered in that case

Filed in Office July 3, 1855

(Signed)  
Geo Parker Jey

607 Rufina Castro et al  
 vs  
 The United States

Proof of Confirmation and allegations, it is adjudged by the Commission that the claim of the petitioner is valid and it is therefore decreed that the same be confirmed

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The land of which confirmation is made is situated within the limits of the common lands of the town of San Juan Bautista, and consists of one building lot, one hundred varas front by two hundred varas deep, one garden lot in front of the house of the original grantee, one hundred varas square, and four quintos or farming lots of two hundred varas squares each, as shown by the original grant filed in the case to which reference is hereby made for a more particular description

A. Aug Thompson

S. B. Parmelee, *Comis*

Filed in office July 3, 1855

(Signed)

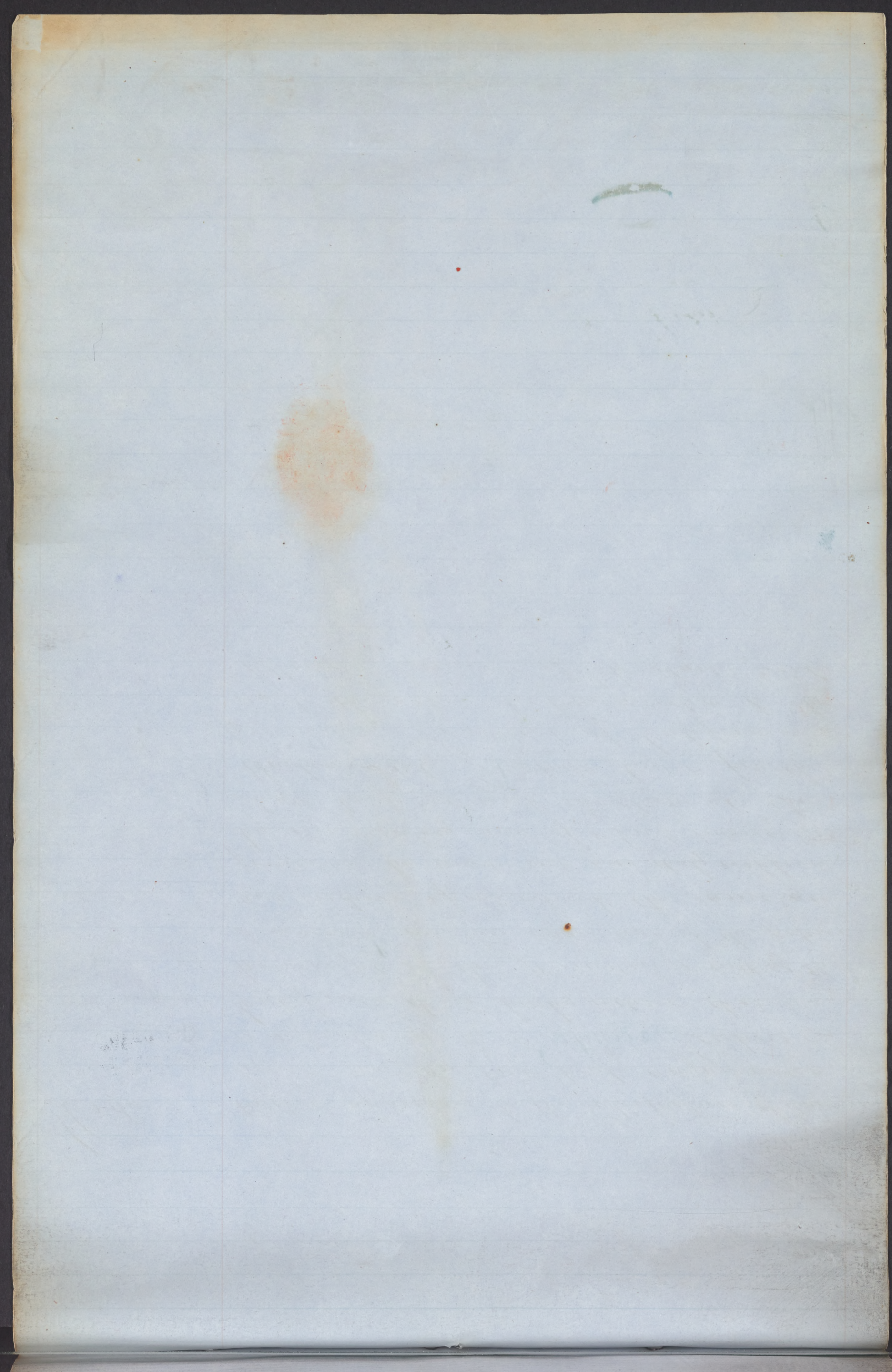
Chas Parker Juez

Order

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



Office of the Board of Commissioners,

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

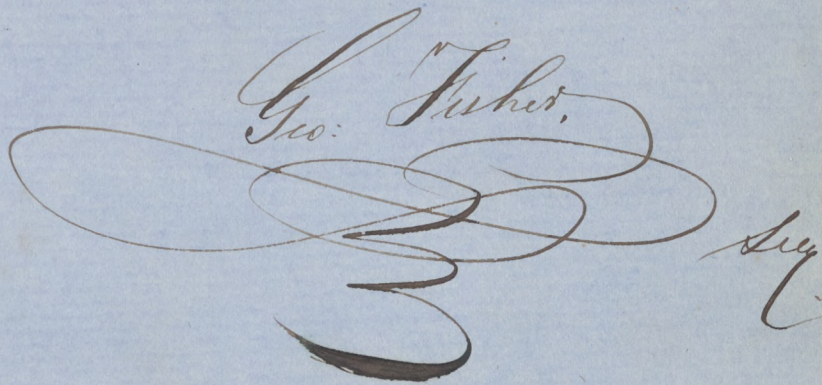
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I, *George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Fifteen* pages, numbered from  
1 to 15, both inclusive, to contain a true, 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. 67 on the Docket of the said Board,  
wherein

*Regina Castro, et al, are*  
the Claimant, against the United States, for the place known  
the name of "land near the Mission of San Juan  
Bautista."

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. 1855, and of the Independence of the  
United States of America the *seventy eighth*.

*Geo. Fisher,*



*Sy*



350

U. S. DISTRICT COURT,  
*Southern* District of California.

No. 350

THE UNITED STATES,

vs.

350

*Rubina Castro et al.*  
*Land near San Juan Bautista*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS.

In Case No. *607*

Filed, *December 1<sup>st</sup>* 1855

*C. C. Carr Clk.*

*By James R. Sumner*  
*Depty.*

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350 SD.

Office of the Attorney General of the United States,

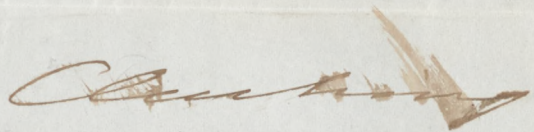
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Washington, 31. Dec. 1855.

607. "Land near the Mission of  
San Juan Bautista -"

*Pupina Castro et al. Claimants*

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 18<sup>th</sup> 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.



Attorney General.

No. 350.

U.S. Dist. Court  
South Dist. Calif<sup>ca</sup>

Rufina Castro et al

Appellees

ads

The United States

Appellants

Notice of appeal

Filed July 12<sup>th</sup> 1856

J. E. Fox,

350 SD CLK

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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.



*Rufina Castro, et al,*  
350 SD *vs* *appellus* Docket No. 350.  
PAGE 17 *The United States, Appellant.* Transcript No. 607.

**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 19<sup>th</sup> day of February A. D. 1853; *Rufina Castro et al*

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 <sup>two</sup> ~~a~~ tracts of land ~~called~~ *near San Juan Bautista* in the County of *Monterey* State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 3<sup>rd</sup> 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 6<sup>th</sup> 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. 607; reference to which it is prayed may be had and made part of this petition. That on or about the 18<sup>th</sup> 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: <sup>namely</sup> on the 12<sup>th</sup> day of February, - A. D. 1856, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimants presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimants <sup>have</sup> 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 petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimants 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 claimants or <sup>their</sup> attorneys may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the <sup>said claim</sup> ~~same~~, and decree the alleged title to be invalid: with costs and general relief.

*P. Ord*

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

N. 350.

*Prayer Book*  
Filed this 5th January  
1857  
Clerk  
J. H. Colman  
clerk

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

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Rufina Castro

The <sup>vs</sup> United States

Now this day  
on Motion of J. J. Pappas Esq., Attorney for  
Claimant. It is Ordered that a decree  
in this case be entered in accordance  
with the Mandate of the Supreme Court  
of the United States, and that said  
Mandate be filed and made a part  
of the records in said case

Edw. Hoffman  
Dist. Judge

W S Dist Court  
Dist of California

Rufina Castro

The United States

Order on Mandate

Dated April 5. 1857

Geo. L. Graham  
at

W. S. District  
Court

350 SD

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W. S. District  
Court



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

TO

The President of the United States,

*Rafael Castro et al*

350 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 Board  
of Land Commissioners of the 3<sup>rd</sup> July  
1853 confirming your claim to the land  
near San Juan Bautista in the  
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 *31<sup>st</sup>* day of *January* in the year of our Lord one thousand eight hundred and fifty *seven* at Los Angeles aforesaid.



*Colvin* Clerks.  
*J. M. Coleman*  
*Dep*

No. 357

United States of America,  
Southern District of California,  
U. S. DISTRICT COURT.

Rufino Castro et al  
appellus

vs

The United States  
appellee

SUMMONS.

Received February 20, 1858  
Edward Hunter

J. M. Goodman  
350 SD Deputy

Filed 10th July 1858  
L. S. C. W.  
J. M. Goodman  
Sub

I served this summons along with the proper copy of the petition upon Rufino Castro

at San Juan Bautista in the Southern District of California on  
the 3<sup>rd</sup> day of June A. D. 1858.

Sworn to and subscribed before me,

Clerk.

} James C. Penne <sup>U.S.</sup> Marshal  
for the Southern District of  
California

At a stated term of the District Court of the  
United States for the District of California, held  
at the Court Room in the City of San Francisco  
on <sup>Monday</sup> ~~Friday~~ the <sup>22<sup>nd</sup></sup> ~~Fifth~~ day of April 1867

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Present Hon: Edwin Hoffman  
District Judge

Rufina Castro et al  
Appellees

The United States  
Appellants

}  
}  
} No 350  
}

And now comes Joseph  
J. Papp Esq the Attorney for the Claimants herein and  
presents the Mandate of the Supreme Court of the United States  
in the above entitled Cause Whereupon it is Ordered,  
adjudged and decreed that the said Mandate be filed  
in this Cause, and made a part of the record thereof  
And it is further Ordered, adjudged, and decreed  
that the Claimants be and they hereby are allowed  
to proceed and to hold their lands as the same is  
decreed <sup>under</sup> in the Decree of the District Court of the  
United States, in and for the Southern Judicial  
District of the State of California <sup>as under final decree</sup> to which <sup>reference</sup>  
is hereby made for greater certainty

Done in Open Court this 22 day of April 1867

Edwin Hoffman  
District Judge

U. S. Dist. Court  
Dist. of California

Rufina Castro

vs

The United States

Deena

Filed April 22 1874

Geob. C. Lusk

Att

for Plaintiff

350 SD

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J. D. Rapp  
Atty for Plaintiff

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

Regular Term 1863  
October 19<sup>th</sup>  
Monterey August 11, 1863

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Am. Fletcher W. Knight, Judge

Rufus Castro et al  
Appelles

vs

The United States

Appellants

No # 350

Lands near San Juan

This Cause coming  
up on appeal from the decision of the Board of United  
States Board of Land Commissioners to ascertain and  
settle private land claims in the State of California,  
on a transcript of the proceedings and decision of  
said Board and the papers and evidence upon which said  
decision was founded, and it appearing to the Court  
that said Transcript had been filed according to  
law.

It is Ordered adjudged and decreed, that the deci-  
sion of said Board of Commissioners be and the same  
is hereby confirmed, and the title of the appellees  
to the lands claimed by them be held to be good and  
valid. The land of which Confirmation is hereby  
made is situated within the Common lands of the

Town of San Juan Bautista, and consists of one building lot, one hundred varas front by two hundred varas deep; One garden lot in front of the house of the original grantee, one hundred varas square; and four Suertes or farming lots of two hundred varas square each, as shown by the original Grant filed in the Case to which reference is hereby made for a more particular description. This done and signed in open Court this, the 11<sup>th</sup> day of ~~August~~<sup>October</sup> ad 1863

Mitchell M. Haight  
Judge of said Court

W 350

U. S. Dist Court  
South Dist Cal

Rafael Castro et al

"

The United States

Deere

Filed October 19, 1863

John Wheeler  
Clerk

350 SD

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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

350 SD

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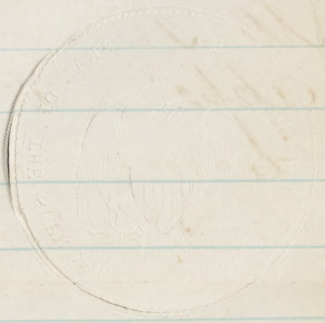
Greeting:

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 Rufina  
Castro et al, appellees, (No. 350 for "Sands near  
San Juan") wherein on the 19<sup>th</sup> day of October A.D.  
1863, a decree was rendered in favor of said Appellees.



UNITED STATES OF AMERICA

THE FEDERAL BUREAU OF INVESTIGATION



as by the inspection of the transcript of the record \_\_\_\_\_  
 \_\_\_\_\_ of the said *District*  
 Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*  
 agreeably to the act of Congress, \_\_\_\_\_  
 \_\_\_\_\_ in such case made and provided, fully and at large appears.

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And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *sixty four* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and ~~was argued by counsel: On consideration whereof,~~ *on the motion of Mr Attorney General Speed of Counsel for the appellants, it is now here ordered, adjudged and decreed by this Court that this cause be and the same is hereby dismissed.* 16 Jan:

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

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

Witness the Honorable *Salmon P. Chase* Chief Justice of said Supreme Court, the  
*first* Monday of *December* in the year of our Lord one thousand eight hundred  
and *sixty four*.

COSTS OF \_\_\_\_\_  
Clerk..... \$ \_\_\_\_\_  
Attorney... \$ \_\_\_\_\_  
\$ \_\_\_\_\_  
\_\_\_\_\_

Traced by *L. W. Middleton*  
Clerk of the Supreme Court of the United States.

No. 155. *December* Term, 1864.

MANDATE  
SUPREME COURT UNITED STATES.

*U. States vs. Barksdale*

*112 50 fee paid by*

*350 SD*

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