

CASE NO.

82

NORTHERN DISTRICT

---

SAN PEDRO GRANT

---

FRANCISCO SANCHEZ

CLAIMANT

Land Case

82 ND

61 pages

OCT 10 1962

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TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 352

*Francisco Sanchez*

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"San Pedro."*

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 twenty second day of September, 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 Francisco Sanchez,  
for the Place named  
"San Pedro"

was presented, and ordered to be filed and docketed with No. 352 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 January 22<sup>nd</sup> 1853.  
In case No. 352 Francisco Sanchez for the place named "San Pedro" the deposition of Michael L. Sen, a witness in behalf of the claimant, taken before Commissioner Henry J. Thomson with document marked W. J. S. No. 1 annexed thereto, was filed.

(Vide page 4 of the Transcript)

San Francisco March 30<sup>th</sup> 1853.  
In the same the deposition of M. S. Vallejo, a witness in behalf of the claimant taken before Commissioner Henry J. Thomson was filed.  
(Vide page 5 of the Transcript)

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San Francisco Sept. 6<sup>th</sup> 1853.

Case no. 352 called; The names for the claimant read the evidence, argued, submitted and taken under advisement by the Board.

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San Francisco December 13<sup>th</sup> 1853.

In the same case Commissioner Thompson Campbell received the opinion of the Board confirming the claim:

(See page 11 of this Transcript)

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Petition

containing & settlement of Land titles in California.  
Your petitioner Francisco Sanchez a  
native Californian & a citizen of the state of Cali-  
fornia respectfully sheweth. That upon the petition  
of your petitioner & after obtaining in due form the  
necessary information, Juan B. Alvarado Consti-  
tutional Governor of Alta California, did on the  
26<sup>th</sup> day of January U. S. 1839 by virtue of the  
power in him vested grant to your petitioner in  
due form of law the tract of land hereinafter described  
& gave to your petitioner as his title thereto a grant,  
which with its translation is herewith filed, the  
said tract being known as San Pedro. That imme-  
diately thereupon your petitioner entered into pos-  
session of said land & has remained in quiet and  
exclusive possession thereof, residing thereon with his  
family & using the same for agricultural & grazing  
purposes ever since. That the said land is bounded  
on the North by the Rancho de la Merced, at present  
owned by the heirs of Francisco de Haro & originally  
granted to Antonio Golindo, on the East by the  
Rancho Pambon owned by the heirs of Jose San-  
chez, on the West by the Sea Coast & on the South  
by a line beginning at a point on said coast two  
leguas southward from the nearest point of the said  
Rancho de la Merced & running Easterly at right  
angles to said coast to the said Rancho of Pambon.  
Your petitioner therefore claims to be the owner of  
said tract of land & he respectfully prays that his  
title thereto may be confirmed by your honorable  
board.

Clarke, Taylor & Beckw.  
Atty's for Pt.

Filed in Office Sept 22<sup>d</sup> 1832  
Geo. Fisher. Secy.

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San Francisco Jan'y 22<sup>nd</sup> 1853  
On this day before Comr Harry J. Thompson  
came Nicholas A. Den a witness in behalf of the  
claimant Francisco Sanchez, petition No 352 &  
was duly sworn his evidence being given in English.  
The U.S. Associate Law Agent was present.

Questions by Claimant.

Deposition of  
Nicholas A. Den.

Quest 1<sup>st</sup> What is your name, age & place of residence.

Answer. My name is Nicholas A. Den age forty  
years & my residence Santa Barbara.

Quest 2<sup>nd</sup> Look at the document now shown you  
marked Exhibit A, & attached to your deposition  
purporting to be an original grant from Juan B  
Alvarado to Francisco Sanchez of the land known  
as San Pedro. State what you know concerning  
said document & whether the signatures attached  
thereto are genuine.

Answer I have examined the document above  
exhibited marked No 1 & filed with this deposition  
I have no doubt of its genuineness, I am well  
acquainted with the hand writing of Juan B  
Alvarado & Manuel Jimeno, having often seen  
them write & state that their signatures in & upon  
said document are their genuine signatures.

N. A. Den.

Shown to & subscribed before  
me this 22<sup>nd</sup> of Jan'y 1853.

Since acknowledged  
R. Gumbow

Asst<sup>l</sup> Law Agent

Harry J. Thompson  
Comr

Filed in Office Jan'y 22<sup>nd</sup> 1853.

Geo. Fisher.  
Secy

On this day before Comr Wiland Hall came Jose



On this day before Comr Hiland Hall came José de la Cruz Sanchez a witness in behalf of the claimant Francisco Sanchez petition No 352 & was duly sworn, his evidence being interpreted by the Secretary -

The U. S. Associate Law Agent was present.

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Questions by Claimant.

Deposition of José de la Cruz Sanchez.

Quest 1<sup>st</sup> What is your name, age & place of residence?

Answer. My name is José de la Cruz Sanchez, my age, fifty six years, & I reside on my rancho of San Rafael in San Francisco County -

Quest 2<sup>d</sup> State what you know concerning the Rancho of San Pedro, how long it has been occupied, by whom & in what manner.

Answer. I know the Rancho of San Pedro, it is situated in the County of San Francisco. This rancho has been occupied some sixteen or seventeen years, by my brother Francisco Sanchez, who has lived thereon with his family during that time & up to the present day, having built thereon a house & corral & cultivated every year a portion of the said Rancho.

Sworn & Subscribed

Before me

Hiland Hall. Comr

Filed in Office March 15<sup>th</sup> 1853.

Geo. Fisher. Secy

Deposition of M. G. Vallejo.

San Francisco March 17<sup>th</sup> 1853.  
On this day before Comr Henry J. Thomson came M. G. Vallejo a witness in behalf of the claimant Francisco Sanchez, petition No 352 & was duly sworn, his evidence being given in English.

Questions by Claimant.

Quest 1<sup>st</sup> What is your name, age & place of residence & how long have you lived there -

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Answer. My name is Mariano Guadalupe Vallejo,  
my age is forty five years, my residence is Sonoma,  
in the State of California where I have lived all my  
life.

Quest 2. Are you acquainted with the Rancho of San  
Pedro claimed in the present case, if yea, state what  
you know of its occupation —

Ans. I am acquainted with this place it was oc-  
cupied by the grantee before the date of the grant.  
He lived in a house upon the place, cultivated it,  
& raised stock on it. He has continued to live  
there & use it ever since down to the present time in  
the same manner.

M. G. Vallejo.

W. S. San Agent present.  
Sworn to & subscribed before me  
this 17<sup>th</sup> of March 1853.

Harry S. Thornton.  
Clerk Sec

Filed in Office March 30<sup>th</sup> 1853.

Geo. Fisher,  
Secy.

de las Californias.

(Seal) Por cuanto el Ciudadano Fran<sup>co</sup> Sanchez ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de San Pedro, dentro de los límites del distrito q. acompaña a su solicitud: practicadas previamente las diligencias convenientes segun lo dispuesto por las leyes y reglamentos de la materia, usando de las facultades que me son conferidas a nombre de la nacion Mexicana he venido en concederle el terreno mencionado, declarandole la propiedad de él por las presentes letras constitucionales dicha concesion en entera conformidad a las leyes a usura de la aprobacion o desaprobacion de la Santa Junta Departamental y bajo las condiciones siguientes.

1. El agraviado ni sus herederos podran servir ni enajenar el que se le adjudicó, ni ponerle censo, vicario, fianza, hipoteca ni otro gravamen aunque sea por causa piadosa, ni pasarlo a otros muertos.

2. Deba tenerlo sin perjudicar las haciendas comunales y servidumbres, lo de adelante libre y escluyentemente destinado al uso o cultivo que mas le acomode.

3. Solicitara al Juez respectivo que se de la posesion legitima o Sumaria en virtud de este despacho por el cual se demarcaran los límites y pondran sus mojones.

4. El terreno de que se le hace mencion es juramentado el q. se expresa en la solicitud del interesado y se demarca en el Oficio que corre agregado al expediente: colucio con el rancho de Banibini La Meneed y la Costa; el Juez que lo poseiere pasara aviso a este gobierno del numero de sitios que comprende.

En consecuencia mandado que serviendo de titulo el presente y teniendose por firme y valioso se tome razon de él en el libro respectivo que correspondiere y se entregue al interesado para su resguardo y Demas pnes. que convenguen.

Dado en Sta Barbara, a 26 de Enero de 1839. Man. B. Arroyave.

En la misma fha. queda tomada razon en el libro respectivo. Man. L. Obeso. Sec.

Filed in Office. Jan. 22. 1853. Geo. Fisher Sec.

Office of the Surveyor General of the United States for Calif<sup>a</sup>  
 I Samuel D. King, Surveyor Genl. of the  
 United States for the State of California and as such  
 now having in my office a portion of the archives of the  
 former Spanish and Mexican Territory a Department  
 of Upper California do hereby certify that the annexed  
 and preceding sheet of tracing paper exhibits which  
 is identified by my initials (S. D. K.) exhibits a true  
 and accurate copy of a plan or map forming part  
 of Expediente 86 which is on file and forms part  
 of the said archives in this office.

In testimony whereof I have hereunto signed  
 my name officially and affixed my private seal (not  
 having a seal of office) at the City of San Francisco  
 Cal. this 12<sup>th</sup> day of March 1852.

Samuel D. King. Surveyor General  
 Calif<sup>a</sup>

Filed in Office. September 22<sup>nd</sup> 1852.

Geo. Fisher  
 Secretary

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Translation of the vested Grant.

For as much as the Citizen Francisco Sanchez has solicited for his personal benefit and that of his family the land known by the name of San Pedro, within the boundaries of the map which accompanies his petition, having previously taken the necessary action according to the requisitions of the laws & regulations upon the matter, using the powers vested in the name of the Mexican Nation, I have now ceded the land mentioned, declaring it his property by these presents, this cession being to be construed in entire conformity with the laws, as subject to the approbation or disapprobation of the Most Excellent Departmental Assembly, under the following conditions:

1<sup>st</sup> Neither the grantee nor his heirs will be able to divide or sell what is ceded to them, nor to impose upon it any sort of obligation, caution, hypothecation or other incumbrance nor for pious purposes, nor to convey it in mortmain.

2<sup>d</sup> He may enclose it, without prejudice to the ways, roads & servitudes. He will enjoy it fully & exclusively, appropriating it to such culture & use as may best suit him.

3<sup>d</sup> He will ask the proper Justice to give him lawful or juridical possession in virtue of this despacho, who will designate the boundaries & place their marks.

4<sup>th</sup> The land granted is precisely that which is described in the petition of the party & which is designated in the map attached to the expediente, bordering upon the Ranchos of Buzitani, the Merced & the Coast. The Judge giving him possession will advise this Government of the number of leagues it contains.

Consequently I order that these presents serving him as a title & being held as firm and valid, be entered in the appropriate book, be delivered to the party for his protection & other convenient ends.

Given in Santa Barbara this 26<sup>th</sup> of July 1839.  
Juan B. Alvarado

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(Flornick)

On the same day an entry was made in the appropriate book

Mannul Somers.

Nico

(Flornick)

Filed in Office Sept 22<sup>nd</sup> 1832.

Geo: Fisher.  
Secy

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Francisco Sanchez  
vs  
Rancho de San Pedro.  
The United States.

The grant in this case bears date the 26<sup>th</sup> day of January A. D. 1839 & is signed by Alvarado whose signature is proved to be in his hand writing. In Opinion by Comr addition to the original grant the claimant has placed Thompson Campbell on file a traced copy of the map which accompanied the original petition. This is all the documentary proof filed in the case. The proof of inhabitancy & cultivation adduced by the claimant, is ample & shows that he has continued to reside on the land not only since the date of his grant, but for several years before that time. There is no proof of approval by the Departmental Assembly or that any judicial measurement was ever made. The only difficulty which stands in the way of a confirmation of this claim is, the vagueness & uncertainty of the proof upon which the party relies for a description of the boundaries. Notwithstanding the grant is made by notes & bounds, it is necessary that those bounds should be distinctly understood. The grant recites that the land granted is within the limits of the map, which accompanied the petitioner's application, & the fourth condition of the grant recites that the land is precisely the same which is expressed in the petition & marked out in the map. The petition & map are both referred to in the grant & for the purpose of describing the land granted are made a part of the grant, & the boundaries therein set forth are delineated, have the same force as if they had been inserted in the grant itself. The petition & map were both material, but the party has failed to produce the petition, to which special reference is made in the fourth condition, & which would most likely have explained the map, which as it now stands

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is exceedingly ambiguous, & affords but little information on the question of boundary. According to the description given in the fourth condition of the grant the lands were bounded on one side by the Rancho of Purisima, on an other side by the Rancho called Merced, on an other side by the Coast. Sufficient appears on the face of the map to show the three sides, are thus bounded. According to the map the sea bounds the western side, the Rancho Merced bounds the Northern side, & the Purisima is the boundary on the Eastern side. The Southern boundary is undefined in the grant, & the map does not contain any delineation by which it can be ascertained. But I think as the Purisima is the boundary of the eastern side, that a line drawn from the extreme Southern end of the Purisima ranch in an <sup>Eastern</sup> course to the sea, would close the boundaries in a manner very way consistent with the terms of the grant, & a line drawn in the manner I have indicated would agree with the delineations of the map as well as correspond with the calls of the grant. This is a case where the map could have been greatly aided by proof alimda & where the original petition would have been of somewhat service. The Ranchos referred to are well known & I have no doubt at the time the grant was made, their boundaries were well understood & may now be ascertained by the Officer who will make the survey without much difficulty. The claim will therefore be confirmed.

Filed in Office Jan'y 17' 1854.

Geo: Fisher Secy



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Francisco Sanchez.

vs  
The United States.

Decree of  
Confirmation.

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In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the said petitioner is valid, & it is therefore decreed that the same be confirmed. The lands of which confirmation is hereby made are known by the name of the Rancho de San Pedro & are the same lands now occupied by the said Francisco Sanchez, & are bounded & described as follows, on the North by the rancho called la Merced, which was originally granted to Jose Antonio Galindo, on the East by the Rancho called Buriburi, on the South by a line beginning at a point on the Western boundary line of the said Buriburi, two leagues Southwaly from the said Northern boundary & running West to the Sea, & on the West by the sea coast. Reference for further description to be had to the Map which forms part of document marked C & filed in this case.

Alpheus Felch.  
Thompson Campbell.  
R. Aug. Thompson. Commissioners.

Filed in Office Jan'y 17 1854.

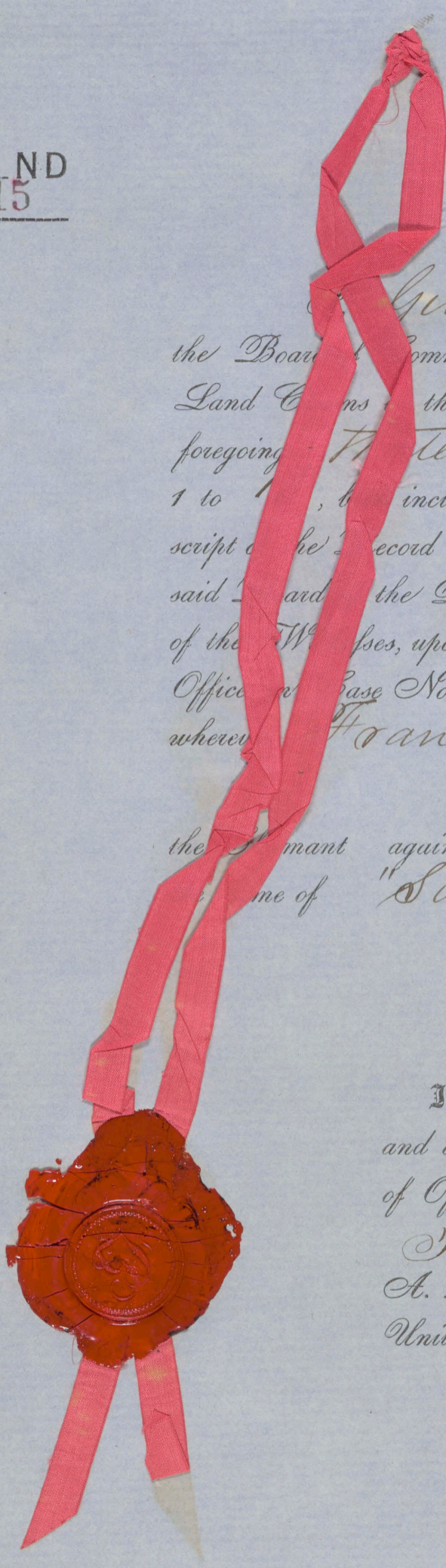
Geo. Fisher.  
Secy.

2228 22 folios

Office of the Board of Commissioners,  
To ascertain and settle the Private Land Claims in the State of California.

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 thirteen pages, numbered from  
1 to 13, 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 as Case No. 353 on the Docket of the said Board,  
wherein Francisco Sanchez is

the Plaintiff against the United States, for the place known by  
the name of "San Pedro".



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 third day of August  
A. D. 1854 and of the Independence of the  
United States of America the seventy-ninth

Geo. Fisher.  
*[Handwritten signature]*

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MD

U. S. DISTRICT COURT,  
Northern - District of California.

No. 82 -

THE UNITED STATES,

vs.

*Francisco Sanchez*

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 352

Filed, *Aug 23<sup>d</sup>* 1854

*Wm A Moore clerk*



Office of the Attorney General of the United States,

Washington, 30th November 1854.

Francisco Sanchez,

vs.

The United States

} 352.

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 August 1854 the appeal in the district court of the United States for the ~~Northern~~ district of California will be prosecuted by the United States.

Clarking

Attorney General.

<sup>of</sup> 36 No 89 — 38

U. S. District Court  
Northern District

The United States

vs —

Francis Sanchez —

↑

Appeal Notice —

Lid January 8. 1855,  
John A. Monroe,  
Clerk

To the Honorable District Court of  
the United States in and for the  
Northern District of California.

The United States  
Appellants  
vs  
Francisco Sanchez } No. 82.

The petition of the United States by  
their Attorney represents: that this cause  
is an Application for a review of the  
decision of the Board of Commissioners  
whereby the claim of the said Appellee  
was confirmed as appears by reference  
to the records in the case.

That a transcript of the said Records  
was filed in this Court on the  
day of \_\_\_\_\_ that a notice of  
Appeal was filed on the \_\_\_\_\_ day of \_\_\_\_\_  
and that the land claimed  
lies in the said District.

That the said claim is invalid:  
Wherefore appellants pray that the said  
decision of the Board be reversed &  
that this Court decree the said title  
to be invalid. Respectfully,  
Albassell  
Asst. U.S. Atty.

U. S. District Court

No. 82.

The United States  
Appellants

vs

Francisco Sanchez

Petitioner

Filed June 27, 1853,

by Chevers  
Deputy

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A. Glassell  
Att. U. S. Atty.

District Court of the United States  
Northern District of California

The United States  
Appellants  
vs  
Francisco Sanchez

No. 82. (d. C. Docket No. 352)

Francisco Sanchez the Appellee  
and claimant in the above entitled cause  
in answer to the Petition therein filed avers  
and says that his title to the land claimed  
is valid.

He therefore prays that the decision  
of the Board of Land Commissioners be affirmed  
and the title of the said claimant be  
deemed to be valid.

J. Clark Atty for  
Claimant



U. S. District Court

No 82.

The United States

Appellants

vs

Francisco Sanchez

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Answer

Filed June 27, 1858,

by Cherres  
Deputy

J. Clarke Atty for  
Appellants.

California Land Claims.  
Attorney General's Office  
3 Febr'y 1857.

Sr:

In the case of the claim of  
Francisco Sanchez, confirmed  
to the claimant by the Commis-  
sioners, case no. three hundred  
and fifty-two, (352), appeal  
will not be prosecuted by the  
United States.

I am,

Respectfully,  
Cushing

Wm. D. Landis Esq  
U. S. Attorney,  
San Francisco.

In the District Court of the U.S.  
for the Northern Dist of Cal.,

The United States

Francisco Sanchez

} D.C. 82; S.C. 352.

In pursuance of a notice from the U.S. Attorney Gen, herewith annexed, it is hereby stipulated and agreed that the appeal taken in this case from the decision of the U.S. Land Commission be dismissed; that the notice of intention to prosecute said appeal, filed in this Court, be withdrawn, and that claimant have leave to proceed under the decree of the Land Commission heretofore rendered in his favor, as under Final Decree, San Francisco Mar 20th 1857

Wm Blanding  
Dist Atty

F. G. Sanchez  
To Claimant  
Client

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352

U. S. Dist Court

The United States

v

Francisco Sanchez

Stipulation

Filed March 20, 1857,

W. H. Chew,  
Deputy.

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At a Stated Term of the District Court of the  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court Room, in the City of SAN FRANCISCO,  
on *Friday* the *20th* day of  
*March* in the year of our Lord one thousand  
eight hundred and fifty-seven.

Present:

*The Honorable* OGDEN HOFFMAN, *District Judge.*

*The United States*  
v  
*Francisco Sanchez*

*D.C. 82; L.C. 3520.*

*The Attorney General*  
*of the United States having given notice*  
*that appeal will not be prosecuted*  
*in this case; and the U.S. Attorney having*  
*entered into a stipulation to that effect;*

*On motion of the District Attorney*  
*it is ordered adjudged and decreed*  
*that the appeal in this case from the*  
*decision of the U.S. Land Commission*  
*be dismissed and that claimant have*  
*leave to proceed under the decree of the*  
*said Land Commission in his favor*  
*as under Final Decree,*

*Ogden Hoffman*  
*U. S. Dist. Judge*

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United States District Court, Northern  
District of California.

*The United States*

vs.

*Francisco Sanchez*

ORDER.

*Vacating appeal*

Filed *March 20,* 1857

*John A. Monroe,*

CLERK.

By *W. H. Chevers*

DEPUTY.

At a Stated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of SAN FRANCISCO, on Monday the tenth day of October in the year of our Lord one thousand eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

vs.

Francisco Sanchez

D. C. No 82  
L. C. " 352

It being suggested to the court that the survey in this case is erroneous to the prejudice of the claimant, on motion of Whisenand & Rose of counsel for claimant it is ordered by the court that the Surveyor General of the United States for California return into this court the plat of the survey made by him of the land claimed herein together with the report of the deputy surveyor thereon on file in his office; and that a copy of this order be served on the Surveyor General aforesaid; and it is further ordered that the claimant have five days from the date of the return of said survey in which to file objections thereto.

No 82.

District Court of the United States

IN AND FOR THE

Northern District of California.

The United States,

vs.

Franco Sanchez.

Order to return subpoenas  
and allowing 5 days to file  
objections thereto.

Filed October 10, 1859.

H. A. Cheves Clerk.

Deputy.

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

Clerk's Office,

of the said Court.

I hereby Certify the foregoing to be a true copy from the Minutes

By

Deputy.

Clerk.



The United States  
vs.  
F. Sanchez.

Herewith I return the Survey made in the above case, approved, "pro forma" by me.

The Decree calls for the Rancho "La Merced on the North On the East by the Rancho called "Puri-Puri." On the South by a line beginning at a point on the Western boundary line of the said Puri-Puri, two leagues Southly from the said Northern boundary, and running West to the Sea. - And on the West by the Sea Coast."

By the terms of the 3<sup>d</sup> clause of the Instructions from the General Land Office, you will observe that "where the terms of the Decree are specific, they must be exactly observed in fixing the locality of, and surveying the claim." - In order to have all the facts shown, the Deputy has produced the line of the original Diseno, as found on the ground, and shown on his plat by a black dotted line, and extending

U States

of

J Sanchez

In matter of  
Survey of Rancho  
San Pedro -

Statement  
of Sur Gen<sup>l</sup>

Filed Oct: 28, 1859.

H. A. Cheever,  
Clerk.

from the South East corner of the  
Survey, from post marked "S. P. 22"  
in a South Westerly direction to  
the Pacific Ocean; the house  
of Francisco Sandoval, the  
Engin<sup>l</sup>er's house being situated from  
the present Survey.  
The Deed above referred  
to being specific, my only course  
was to stricts obey the same,  
without reference to my opinion  
I might have in the matter.  
I would further state,  
that no specific quantity is  
mentioned either in the original  
papers, or in the Deed of  
Grant,

Wm. J. Sawyer  
Sur Gen<sup>l</sup>

J. M. Brown

W. J. Sawyer

Wm. J. Sawyer  
Sur Gen<sup>l</sup>

W. J. Sawyer

The United States } District Court of  
vs } the United States  
Francisco Sanchez } for the Northern  
District of  
California

The claimant Francisco Sanchez objects to the survey made by the United States Surveyor General for California and approved by him "pro forma" on the 21st October 1859 on the following grounds to-wit  
1st That the southern line of said survey is incorrect in being run due west to the ocean instead of being run southwesterly along the dotted line of said map of survey which is shown by the diseño found in the record to be the west line intended by the original grant, and by the decree of <sup>the</sup> land commission, which refers to said diseño; and that said dotted line is further shown to be true line by the position of the dwelling house and other improvements

of the claimant and by the admission  
of the colindantes as will be proved  
to the court;

also by the direction of the  
easterly line of this survey, or westerly  
boundary of the Baniburi, which  
was assumed by the Land Commission  
as represented in the Diseño to  
be a north and south line, when  
in reality it runs ~~from~~ a southeast-  
-erly course, and the west line  
intended in the original grant,  
and in the decree of the Land  
Commission is a line at right angles,  
or nearly so to the general course  
of the westerly boundary of the  
Baniburi, which would correspond  
with the said dotted line:

that the error of the Surveyor General  
in this Survey consisted in following  
literally and strictly that part  
of the decree which made the  
southern boundary run west to  
the ocean and not following ~~that~~  
and giving due effect to that

part of the decree which refers to the original diseño; that by the diseño only can the decree be interpreted so as to avoid the absurdity of cutting off the whole settlement of the claimant;

2<sup>nd</sup> That the easterly or northeasterly boundary is incorrect in this, that the beginning post at the northernmost point of said survey is to the southwest of the lake known as the Laguna Alta instead of being at a point on the northwestern side of said Laguna Alta and running thence to the Cañada San Andrés as contended for by the claimant in a protest filed by him in the Land Office against the survey of the Buriburi, which survey is still pending on the protest aforesaid;

That along the line so claimed by the claimant and acquiesced in by the former owners of the Buriburi the claimant <sup>made</sup> a ditch fence or rampart of earth at an expense of three thousand dollars all of which is lost to the

claimant of the line herein objected is  
maintained.

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Wherefore the claimant  
prays that the survey be rejected  
and a new ordered to be made  
so as to give the claimant for his  
southern boundary that represented  
by the black dotted line on the  
returned plat of survey and for his  
northeasterly boundary a line running  
from the Laguna Alta to the Canada  
San Andres giving to claimant  
the ditch fence or eastern rampart  
aforesaid.

Thomas & Rose  
Attys of Claimant

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No 82

United States

vs

Francisco Sanchez

In the matter of the  
survey of the Rancho of  
San Pedro

Objections of Claimant  
to survey

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Due service of the  
within objections  
acknowledged this  
1<sup>st</sup> of November 1859

Lally R. Wise

Att. U. S. aty.

Filed November 5. 1859.

W. A. Cheard  
Clerk

At a Sated Term of the District Court of the UNITED STATES OF AMERICA, for the Northern District of California, held at the Court House, in the City of SAN FRANCISCO, on Friday the second day of December in the year of our Lord one thousand eight hundred and fifty-nine,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

*The United States*

*No 82*

*S. C. No 352*

vs.

*Francisco Sanchez*

*Rancho de San Pedro*

This cause came on to be heard upon exceptions to the survey and was argued by counsel for the respective parties and due deliberation had in the premises.

Wherefore it is now ordered, adjudged and decreed that the survey of the Canal claimed in this case, made by the U. S. Surveyor General for California under the final decree heretofore entered herein, the field notes of which survey were approved by said Surveyor General on the 21<sup>st</sup> of October 1859 and a certified copy of the plat of the same was filed in this court pursuant to its order on the 28<sup>th</sup> of October 1859, be, and the same is hereby declared erroneous so far as the southern line or boundary thereof is concerned, and that the same be annulled and set aside.

And it is further ordered, adjudged, and decreed that the said U. S. Surveyor General for California cause a resurvey of said Canal to be made in conformity with the true intent and meaning of the said final decree, to-wit; the said southern line, instead of being run due west from the point of beginning on the line of the Barilbari is to be run in the direction of that which is marked as the southern line upon the *diviso* which is filed in the claim, and which is determined by the natural objects represented thereupon, and indicated by the dotted line upon said map filed herein by said U. S. Surveyor General as the line intended to be followed; that said line be so run from said point on the ~~eastern~~ boundary of the Barilbari Rancho to the Pacific Ocean; thence for ~~said~~ the westerly boundary along the coast of said ocean to the northerly boundary of said rancho of San Pedro; and that the northerly and easterly boundaries of the Rancho de San Pedro be run from the point which is, or may be determined to be, the northwesterly corner of said



No. 82,  
District Court of the United States  
IN AND FOR THE  
Northern District of California.

The United States,

vs.

Francisco Sanchez,

Order respecting survey,  
and directing re-  
survey.

Filed December 2nd, 1859.

W. H. Cheever, Clerk.

By

Deputy.

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

Clerk's Office,

of the said Court.

I hereby Certify the foregoing to be a true copy from the Minutes

By

Deputy.

Clerk.

Francisco Sanchez, as said Sanchez now represented to be  
own on said grant.

And it is further ordered that a certified  
copy of this order be served upon the said W. S. Fairmyer  
General for California for his information and guidance.

By the Clerk  
W. H. Cheever

In the U S District Court  
Northern District of California

The United States

vs  
Francisco Sanchez

N<sup>o</sup> 82

William L. Ryder being  
deputy from depositions and says that he is  
informed and believes that the Survey  
of the Rancho San Pedro in the above  
entitled cause, made by the authority  
and under the instruction of the United  
States Surveyor General for California  
is erroneous and not in conformity  
with the decree of the Board of  
Land Commissioners <sup>of this Court</sup> that the Eastern  
boundary line of said San Pedro  
Ranch is dependant upon the de-  
termination of the Western boundary  
of the Buñ Buñ ranch. That  
the Survey made of said Buñ Buñ  
ranch has been objected to upon  
the grounds of want of conformity  
with the decrees of the decree of  
Confirmation, and entire departure  
from the decree and grant

that until the Buri Buri ranch is located by an approved survey, the Eastern boundary of the San Pedro ranch cannot be settled

William C. Taylor

Shown to, and subscribed before me. Nov. 27. 1860.

W. H. Chivers.

N. P. Com...

N<sup>o</sup> 82

W. A. Davis Esq  
Northern Dist of Cal

~~\_\_\_\_\_~~  
The United States  
"  
Francis S. Sawyer  
~~\_\_\_\_\_~~  
Offt of W. C. Ryder  
~~\_\_\_\_\_~~

Filed Nov. 28, 1860,  
W. C. Chesnut,  
Clerk.

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C. Burham  
per J. P. [unclear] General

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At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the CITY OF SAN FRANCISCO, on *Wednesday* the *28th* day of *November* in the year of our Lord one thousand eight hundred and sixty,

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States,

v.

*Francisco Sanchez,*

IN LAND CASES.

District Court No. *82,*

Land Com. No. *352,*

AND now at this day on application of *Calhoun Benham* Attorney for *the United States* IT IS ORDERED, that the Surveyor General of the United States for California return into this Court, on or before Wednesday, the *19th* day of *December* A. D. 1860, his Official Survey and Plat of the land finally confirmed in the above entitled cause, known as "*San Pedro*," and situated in the County of *San Mateo* in said District; AND IT IS FURTHER ORDERED, that the United States Marshal for this District serve upon the said Surveyor General, without delay, a certified copy of this order, and make due return hereon.

No. 82

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Fran<sup>co</sup> Sanchez,

ORDER TO RETURN SURVEY.

Returnable 19th Dec: 1860

Issued 28th Nov: 1860

Filed Dec: 5. 1860.

M. A. Cheves,  
Clerk.

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Forwarded provisionally by copy on 27th March 1860  
U. S. Surveyor General for California this 28th  
November 1860

U. S. Marshal Office  
San Francisco Nov 28/60  
J. G. Johnson  
W. S. Marshall  
P. J. Sanchez  
Deputy

United States of America,) SS.  
Northern District of California. )

THE PRESIDENT OF THE UNITED STATES OF AMERICA,  
To the Marshal of the United States for the Northern District  
of California,

GREETING:—

WHEREAS, objection has been made to the official survey and location of the land finally confirmed, in case No. 82, to *Francisco Sanchez* known as "*San Pedro*", and situated in the County of *San Mateo* in said District.

NOW THEREFORE YOU ARE HEREBY COMMANDED, in the name of the President of the United States of America, to give due notice to all parties having, or claiming to have, an interest in such survey and location, that they be and appear before the District Court of the United States for said District, sitting in Land Cases, on or before Wednesday, the *19th* day of *December* A. D. 1860, at 11 o'clock, A. M. (if that day shall be a day of jurisdiction, and if not, on or before the next Wednesday thereafter,) then and there to intervene for the protection of such interest, or their defaults will be taken. And what you shall have done under this writ do you then and there make return thereon.

WITNESS, the Hon. OGDEN HOFFMAN, Judge of said Court, at San Francisco, in said District, this *28th* day of *November* A. D., 1860.

*M. A. Chever*

CLERK.

The within Motion was received by me on  
*Wednesday* the *28<sup>th</sup>* day  
of *November* 1860, and in obedience thereto  
I have given due notice, as therein commanded, by causing  
the publication of said notice, for *3* consecutive  
Wednesdays, in the *San Francisco Herald*, commencing  
on the *5<sup>th</sup>* day of *December*  
1860; and for *3* consecutive Saturdays, in the  
*San Mateo Co. Gazette*  
a paper published nearest the land, commencing on the  
*1<sup>st</sup>* day of *December* 1860.

Dated San Francisco, *Dec 19* 1860.

*P. L. Solomon*  
U. S. Marshal.

By *J. L. Bell*  
*D. H.*

*No. 82.*

UNITED STATES DISTRICT COURT,  
Northern District of California.  
IN LAND CASES.

THE UNITED STATES.

v.

*Franco Sanchez,*

MONITION.

Returnable *19<sup>th</sup> Dec:* 1860.

Issued *28<sup>th</sup> Nov:* 1860.

Filed *December 19:* 1860.

*W. A. Cheever.*

Clerk.

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PAGE *44*



At a Stated Term of the DISTRICT COURT OF THE UNITED STATES OF AMERICA, for the Northern District of California, held at the Court Room, in the CITY OF SAN FRANCISCO, on *Wednesday* the *19th* day of *December* in the year of our Lord one thousand eight hundred and sixty.

Present:

*The Honorable* OGDEN HOFFMAN, *District Judge.*

The United States,

v.

*Francisco Sanchez,*

IN LAND CASES.

District Court No. 82,

Land Com. No. 352.

AND now at this day the United States Marshal having made return upon the Monition heretofore issued in this cause, that he had given due notice as therein commanded; on motion of *Mr. Benham*, Attorney for *the United States*, proclamation was made that all parties having, or claiming to have, an interest in the survey and location of the land finally confirmed in the above entitled cause, appear and intervene for the protection of such interest; *Calhoun Benham*, U. S. Attorney, and *J. J. Papp* appeared in behalf of *the United States*, and *Messrs Johnson, and Rose* for *the claimant*, no other party appearing

whereupon IT IS ORDERED, that the default of all parties not appearing as aforesaid be and the same is hereby entered.

No. 82.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES,

v.

Fran<sup>co</sup> Sanchez.

ORDER ON RETURN OF MONITION.

Filed December 19. 1860.

W. A. Chevers.

Clerk.

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U S District Court  
Northern District of California

The United States

No 82.

Francisco Sanchez

The United States by Calhoun  
Benham, their attorney, except to the Survey of the  
San Pedro ranch herein, made by the United States  
Surveyor General for the State of California, and  
for Cause of Exceptions, allege as follows

First. Said Survey is erroneous in this, that the  
Northern and Eastern boundaries of said ranch  
are dependant upon the location of the Southern  
boundary of the Muced ranch, and the Western  
boundary of the Burturi ranch, and that neither  
of said Surveys have been approved: but, on the  
contrary Exceptions have been filed against the  
Burturi ranch which remain undisturbed

Second That the Southern boundary of said "San  
Pedro Ranch" is erroneous in this that instead  
of its being run westerly so as to include the  
the houses and improvements upon said Ranch  
it is run so southerly as to convey to claimant  
three quarters of a league of land more than

No 82

U.S. Dist. Court  
Northern Dist of California

The United States

Francisco Sanchez

Exceptions to Survey  
by United States

Filed Jan 10, 1861,  
W. H. Chenevis  
Clerk

82 ND  
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It is certified to  
Messrs the United States Magistrate that the  
said Sanchez should be admitted

To Bureau  
U.S. Dist. Ct.

J. P. P. P.  
atty in chief

At a stated term of the District Court of the United States for the Northern District of California, held at the Court room in the City of San Francisco, the sixth day of November, A D 1861.

Present the Hon Ogden Hoffman,  
District Judge.

The United States, } No 82.  
vs }  
Francisco Sanchez. } Rancho of San Pedro.

It appearing to this Court that the land claimed in this case was confirmed to the claimant Francisco Sanchez, by a decree of the Board of United States Commissioners appointed under the Act to ascertain and settle private land claims in the State of California, duly filed in the records of said Commission on the 17<sup>th</sup> of January 1854: that afterwards an appeal therefrom to this Court was taken on behalf of the United States, and pending the same herein, stipulations were filed herein by the parties - whereby the farther prosecution of

said appeal, was abandoned on the part of the United States, and thereupon an order was made and entered in this Court on the 20<sup>th</sup> of March 1857, dismissing said appeal, and the claimant was allowed to proceed under the said decree of said Land Commission, in his favor, as under a final decree: That under said order the Surveyor General of the United States for California, caused a survey to be made of the land confirmed: That on application, made on behalf of the said claimant, and by order of this Court, a certified copy of the plat of the survey so made, was filed herein on the 28<sup>th</sup> of October, 1859, and exceptions to said survey were made on behalf of the said claimant, and on Friday the 2<sup>nd</sup> of December, 1859, the cause came regularly to a hearing on the said exceptions, and by a decree of that date, herein filed, the same day, the said survey was adjudged to be erroneous and it was ordered that the Surveyor General of the United States for California should cause a new survey to be made without delay, and in conformity with

the order. That thereafter, the said Surveyor General, in obedience to said Order, did cause a new survey to be made of said tract of land confirmed as aforesaid, which said, new survey, was approved by him on the fourth of February, 1860. That thereafter, to wit, on the 28<sup>th</sup> of November, 1860, on application made to this Court, on behalf of the United States, the said Surveyor General was ordered to return said, new survey into this Court, and pursuant to said order a copy of the plat of said, new survey was filed in this Court on the 8<sup>th</sup> of December, 1860, and, on a motion duly issued and published, returnable herein on the 19<sup>th</sup> of December, 1860, the parties hereto appeared, and the defaults of all other parties were duly entered on said day 19<sup>th</sup> of December 1860. That on the 10<sup>th</sup> of January, 1861, exceptions to said survey were filed on behalf of the United States, and the cause came this day regularly on to a hearing on the said exceptions; and all parties being present by their attorneys, and being heard, and it not being denied that said, new

survey was made, in all respects, in conformity with the decree herein made on the 2<sup>nd</sup> of December, 1859, and the orders therein contained, and the Court being satisfied that the same is correct, and ought to be approved.

Now Therefore, it is Ordered Adjudged and Decreed, that the land known as the Rancho of San Pedro, situated in the County of San Mateo, in the State of California, and in the Northern District thereof, containing within its exterior boundaries Eight thousand, nine hundred and twenty six acres, and forty six hundredths of an acre, be and the same is hereby, finally confirmed to the said Francisco Sanchez. And it is further adjudged and decreed, that the land hereby finally confirmed to the said Francisco Sanchez, is the same land as that represented on said new plat of survey approved by the Surveyor General of the United States for California, on the fourth of February 1860, and herein filed on the eighth of December 1860, marked



"Approved Nov: 6<sup>th</sup> 1861. Ogdun Hoffman, U.S. Dist. Judge"  
and that for a more particular  
and exact description of the exterior  
boundaries of the land so confirmed  
and surveyed, said plat be referred  
to and made part hereof.

And it is farther Ordered, that  
a certified copy of this Decree  
(except the plat) be served upon  
the said Surveyor General for California  
by the United States Marshal for  
this District.

Ogdun Hoffman  
U. S. Dist Judge

<sup>39</sup> No 82.  
U. S. District Court  
Northern District  
of California

The United States  
vs.  
Francisco Sanchez

No 82  
Rancho of San Pedro.

Order of final Confirmation,  
and approval of Survey

Filed Nov. 7. 1861.  
W. A. Chevers,  
Clerk.

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At a Stated Term of the DISTRICT COURT OF THE  
UNITED STATES OF AMERICA, for the Northern District of  
California, held at the Court Room, in the City of SAN FRANCISCO,  
on *Tuesday* the *15<sup>th</sup>* day of  
*April* in the year of our Lord one thousand  
eight hundred and ~~sixty~~ *sixty two.*

Present:

The Honorable OGDEN HOFFMAN, District Judge.

The United States

v.

Francisco Sanchez

No. 82

On reading and filing a  
stipulation by the attorneys of the respective  
parties to the above entitled cause, to the  
effect that no appeal will be taken from the  
final decree of this Court made and entered  
on the 7<sup>th</sup> November, 1861; on application of Sidney  
L. Johnson Esq, attorney for claimant, It is  
Ordered, that the survey and location of  
the land so confirmed as aforesaid stand as  
finally approved and determined within the  
meaning of the 5<sup>th</sup> section of the Act of June  
14, 1860: and it is further ordered that a  
certified copy of this order may be served  
by the U. S. Marshal upon the Surveyor General  
of the U. S. for California.

Ogden Hoffman  
Dist Judge

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UNITED STATES DISTRICT COURT,  
Northern District of California.

*The United States*

vs.

*Francisco Sanchez*

*Order that survey stand  
finally approved,*

Filed *April 15,* 1862,

*M. H. Cheever,*

CLERK.

By

DEPUTY.

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

The United States

Francisco Sanchez.

3710 82.

It is hereby stipulated and agreed by and between the parties to the record in the above entitled cause, by their respective attorneys, that no appeal will be taken to the U. S. Supreme Court from the final decree of this Court made and entered on November 7<sup>th</sup> 1861; and that an order may be entered declaring the survey and location of the land, so confirmed as aforesaid, finally approved and determined.

San Francisco, April 4. 1862.

Wm. H. Sharp  
Atty of the U. S.

J. P. Rapp  
Counsel in aid of U. S. Atty  
Sidney L. Johnson  
Attorney of claimant

82

U. S. District Court

The United States

v

Francisco Sanchez

Stipulation that no  
appeal will be taken  
from Final Decree.

Filed April 15, 1862.

W. H. Chevers,  
Clerk.

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The United States } No 82  
vs }  
Francisco Sanchez }

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No 82

The U. States

vs

Francisco Sanchez

Incl. to the  
Record

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J. Clarke atty



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Office of the Board of Commissioners,

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

San Francisco, August 23<sup>d</sup> 1854

John A. Morrow Esq.  
Clerk of the U. S. District Court for the  
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31<sup>st</sup>, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 352 on the Docket of the said Board, wherein

Francisco Sanchez is the Claimant against the United States, for the place known by the name of San Pedro and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. Fisher  
