

CASE No.

297

**NORTHERN DISTRICT**

---

LOTS AT THE MISSION DOLORES GRANT

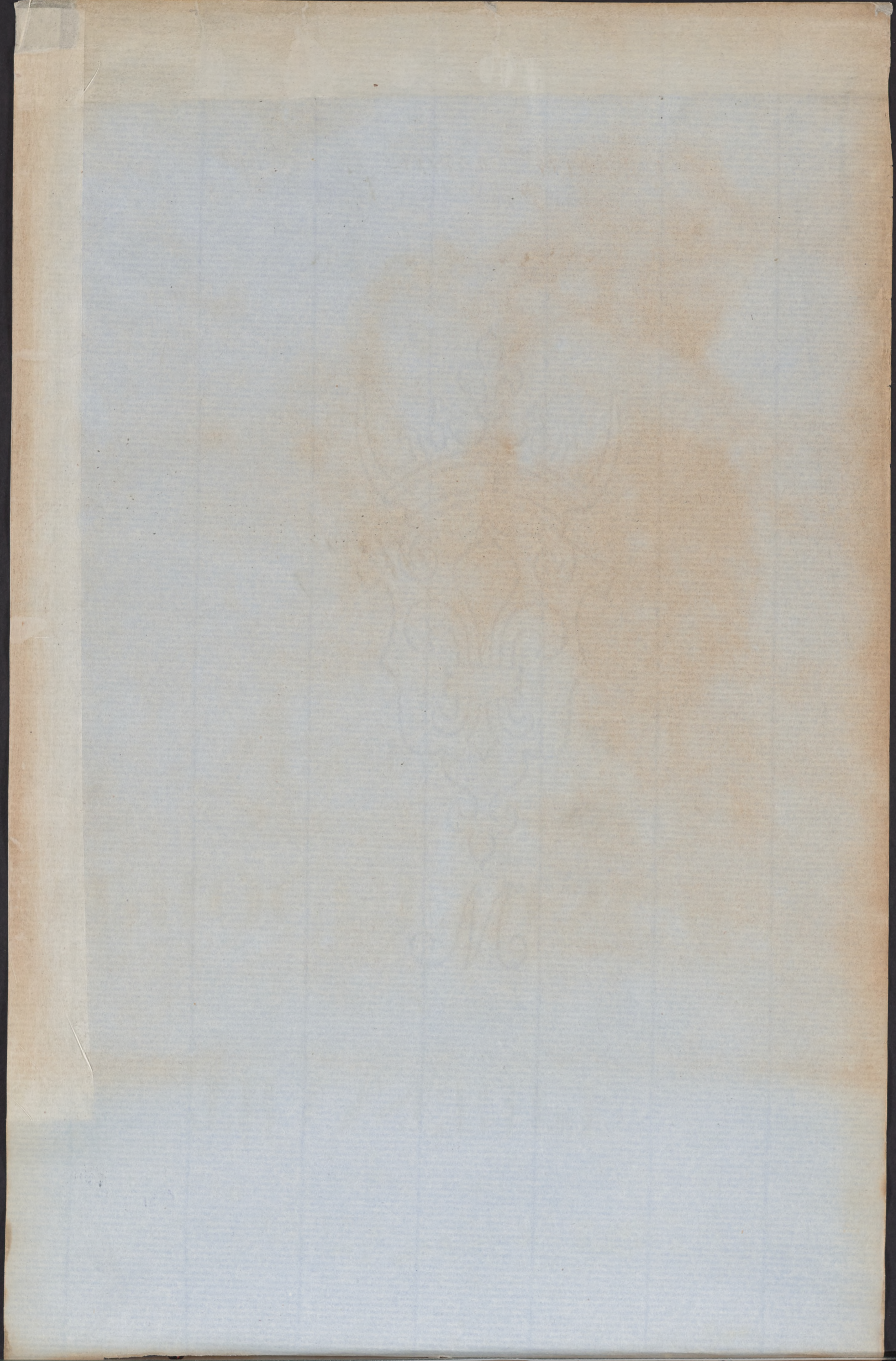
THOMAS J. SMITH

CLAIMANT:

NOV 21 1962

134  
52% COTTON FIBRE  
BROADBOND  
Manufactured

5  
Dup



TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 5

*Thomas J. Smith*

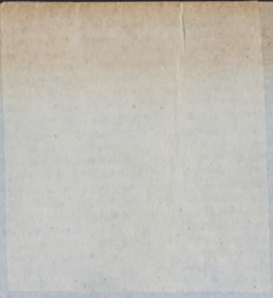
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*Lots at the Mission Dolores.*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

297 ND  
PAGE 2

Be it Remembered, that on this *twenty first day of January,*  
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 *Thomas J. Smith,*  
for the Place named  
*lots at the Mission Dolores,*  
was presented, and ordered to be filed and docketed with No. *5* and  
is as follows, to wit;

(Vide page *3* of this Transcript.)

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

*San Francisco February 17 1852,*  
In Case no. 5, Thomas Jefferson Smith for lots  
at the Mission Dolores, the claimant files  
the following Supplemental Petition, to wit,  
(Vide page *7* of this Transcript.)

*San Francisco October 16 1854,*  
Case no. 5 was ordered to be placed at the foot  
of the 2<sup>nd</sup> Class Cases on the Trial Docket,

*San Francisco November 14 1854,*  
Case no. 5 was ordered to be placed at the foot  
of the 4<sup>th</sup> Class Cases on the Trial Docket,

*San Francisco January 16 1855,*  
Case no. 5 was submitted without argument  
and taken under advisement by the Board,

2

San Francisco March 21 '1855,

In the same case Commissioner S. B. Farnell  
delivered the Opinion of the Board respecting  
the claim.

(Vide page 5 of this Transcript.)

N.

And the following order was made, to wit,

(Vide page 11 of this Transcript.)

*[Faint signature]*

297 ND  
PAGE 3

To the Hon. The Commissioners for receiving



3 Petition

To the Hon. The Commissioners for settling  
Private Land claims in California

The petitioner Thomas  
Jefferson Smith respectfully sheweth  
That he is the owner of three fifty vara  
Lots situated in the Mission Dolores  
City of San Francisco, being known as  
Lots Nos. 9, 5 & 6 - On a certain map or  
Chart thereof known as a map of the  
200 vara Lot adjoining the Canal, and  
immediately opposite & South of the  
Church garden, belonging to Mission  
Sanctus and Robert J. Peck and  
recorded in Mission Book of Records  
in the County Recorder's Office of San  
Francisco on page 44

That said lot  
was granted to Domingo Felix by a  
grant a Copy which is annexed, that  
said Felix deeded the same by assignment  
on said grant a Copy of which assign-  
ment is also annexed. Conveyed said  
Lots to said Sanctus and Peck and  
said Sanctus and Peck by deeds  
dated 7th March 1850 and 11th March  
1850 Conveyed two of said fifty vara  
Lots to Thomas Jefferson Smith since  
deceased and whom petitioner is  
the father and sole heir and the other  
of said Lots was conveyed by Sanctus  
and wife to Geo. H. Hager and  
Thomas Jefferson Smith, Deeds of  
deed dated 28th of May 1850 and  
subsequently said Hager released  
his interest to petitioner -

Your petitioner therefore

297 ND  
PAGE 4

H

may his title to said lands may be  
Confirmed

Your petition also states  
the Original Documents are in his  
possession and ready to be produced  
when required.

Thos. Jeff Smith

Sworn to before me  
this 21<sup>st</sup> January 1853

John H. Deonille  
Notary Public

297 ND  
PAGE 5

To the Governor of the Department  
Domingo Feliz Merino, by  
both and residing in the establishment  
of Dolores presents himself with the  
greatest respect before your Excellency  
and says that being desirous to be able  
to possess and cultivate the ground for  
the benefit of his family he solicits your  
Excellency that he will deign to Concede  
to him in his name Two hundred square  
varas in the spot which lies the pen  
(Course) which belonged to that Establis-  
ment and to the North of the same, as  
it will be a benefit which he will re-  
ceive from your Excellency, he humbly  
supplicates your Excellency to Concede  
to him what he requests, for which he  
will give thanks - this not being on  
sealed paper because there was none  
to be had

Establisment of Dolores July 15<sup>th</sup> 1843  
Domingo Feliz

(In the margin)

5-

(In the margin)

Monteury July 20th 1843

See the Potenciale attached of the part of  
San Francisco report Concerning the contents  
of this petition and with that information  
send this back for further determination

Alonzo

San Francisco July 26th 1843

By virtue

of the Superior Decree which precedes, on  
information I inform your Excellency that  
the Petition has the requisites of the Decree  
and that the Land which he claims  
is accurate and not occupied by the  
Community of the Establishment of  
Dolores. Your Excellency will determine  
what may be right in the premises

Francisco Sanchez

Monteury August 20th 1843

In conformity  
with the preceding information, and by  
virtue of the Mission of San Francisco  
being declared merged, and about to unite  
itself into a town, by these Resolves I  
have conceded to the petitioner the  
Citizen Domingo Felix, already a resident  
of that place the two hundred acres of  
Land which he claims for his use & planting

The authorities of San Francisco will  
acknowledge the same for the purposes  
intended

Juan B Alonzo



Amended  
Petition

To the Hon Commissioners of the General Land  
Office in California

The Amended petition  
and Supplemental Petition of Thomas  
Jefferson Smith, to a petition heretofore  
filed before your Honorable body

297 ND  
PAGE 8

Respectfully sheweth  
that in his former Petition he omitted to  
set forth a Copy of the Original grant  
required to in said petition, such grant he  
hereto Annexes

And further that he owns  
also <sup>the</sup> One half, being the Northern half of  
a fifty acre lot known on the map or  
plot referred to in his said former petition  
as Lot No 11 (Eleven) and that same was  
conveyed from the Spanish government  
by grant required to in said petition heretofore  
filed to Domingo Felix, by Felix to  
Sanchez and Pezley, by Sanchez to  
Semenowich, by Semenowich to Successor  
by Successor to your petitioner, the title deeds  
of which & the Records thereof are ready  
to be produced to your Honorable body  
whenever necessary

He therefore prays that he  
may receive a patent for the piece of  
Land mentioned in this petition, and that  
this petition may be taken as part of the  
former One filed by him.

Thomas Jeff Smith

Sown to before me  
this 24th July 1853

Filed in Office Feb 17. 1853. Geo. Fishu Secy  
Recorded Journal Vol 1 page 158 Vol 1  
Geo. Fishu Secy

8

9  
Sor. Gobernador del Departamento.

Monterrey. Julio 20  
de 1813.

Suprime la autor-  
idad politica del  
Pto de San Francisco  
Sobre el Contencioso en sembras para el beneficio de  
esta solicitud y con su familia: solicita de V. E. de  
dicho suprime o mande que concederle doscientas varas  
esta parte de nuevo para resolver.

Alvarado.

Domingo Felis Mexicano por naci-  
miento y azeidado en el establecim<sup>to</sup>  
de Dolores, ante V. E. con el mayor  
respeto se presenta y dice: que teni-  
endo que formar una casa y  
sembrar para el beneficio de  
esta solicitud y con su familia: solicita de V. E. de  
dicho suprime o mande que concederle doscientas varas  
esta parte de nuevo para resolver.

Siempre estaba el corral de dicho  
establecimiento y al ct. de el: pues  
seña beneficio que recibira de V. E.  
P. F. a V. E. Suplica recurridamente  
se le conceda lo que pide de lo  
que recibira merced y gracia. no siendo esto en  
papel sellado por no haberlo: jurando lo  
necesario.

que recibira merced y gracia. no siendo esto en  
papel sellado por no haberlo: jurando lo  
necesario.

Establecimiento de Dolores. Julio 15. de  
1813.

Domingo Felis.

San F<sup>co</sup> Julio 26 de 1813.

En virtud del Sup<sup>to</sup> decreto q. antecede  
sobre informacion dese a V. E. que el solicitante  
obtiene los requisitos de la ley. y el terreno que  
pretende de halla legalio y no lo ocupa la  
Comunidad del establecimiento de Dolores:

V. E. resuelva lo que tenga a bien.

Francisco Sanchez.

Monterrey. Ag<sup>to</sup> 20 de 1813.

De conformidad con el  
suprime antecedente y en virtud de hallarse  
autorizada la Division de San Francisco  
en estado de erigirse en poblacion por las partes  
he venido en concederle al interesado el Ciudad  
ano Domingo Felis vecino ya de dicho

297 ND

PAGE 9

B.

Espediente.

Recorded in V.

Book 6. pages 93 to

95.

Geo. Fisher. Sup.

Lugar las doscientas varas de terreno q. pretende para casa y labores. Lo tendrán entendido así las autoridades de San Francisco para los fines conuig.<sup>tes</sup>  
Juan B. Alvarado.

297 ND  
PAGE 10

Pro. Conste por este que yo Domingo Felis Vecino de esta mision de Dolores he vendido a los Sres. R. T. Ridley y W<sup>m</sup> Lindero por la cantidad de cinco mil pesos 500 \$. siendo voluntad de mi esposa de lo que no puedo hacer del terreno que he vendido en favor de los tres-compradores Firmando el presentes documentos ante la señal de la Cruz por no saberlo hacer ante el Subjeto del distrito de San Francisco y los testigos de cas.<sup>a</sup>

Mision de Dolores. Domingo Felis.  
Octbre. 8 de 1849. M<sup>de</sup> de Los Angeles.  
F<sup>co</sup> Guerrero. Testigo. F<sup>co</sup> Yago.  
Subjeto. William Pefe.

United-States of America.  
State of California }  
County of San Francisco. } On this thirtieth day of July. a.d. one thousand eight hundred and fifty personally appeared before me, a Notary Public in and for said County, Francisco Guerrero of the City of San Francisco, personally known to me to be the person whose name is subscribed to the foregoing instrument as a witness thereto and said witness testified that the said Domingo Felis & M<sup>de</sup> de las Cruces were personally known to him & known to him to be the persons described therein and who executed the same and that such witness subscribed this name to said instrument as a witness thereof.  
In Testimony whereof I have hereunto set my hand & affixed my seal of office the day & year in this certificate first above written.



May 22 year in this certificate just above written.  
Thos. Jeff. Smith. Notary Public. San Francisco.  
Recorded in book "D" of Miscellaneous Records page  
393. August 3<sup>o</sup> 1850. at 10. A.M. in the County  
Recorder's Office.

John A. Mc Glyn.  
County Recorder.

Land Little two square yards on the ground for-  
mally occupied by the carnal of the Mission and  
granted by the Governor to Domingo Felix who  
disposed of same to Ridley Landers.

October 8<sup>th</sup>

Amnt. 393. Recorded. Received for Record Aug 3.  
1850 at 10. A.M. Recorder's fee paid. \$ 6.00

Filed in office. Feby. 17. 1853.

Geo. Fisher. Secy.

2.11

297 ND  
PAGE 11

Expérience de l'homme de bien  
L'homme de bien est celui qui  
a fait le bien de son cœur  
et non de son intérêt  
Il est celui qui aime  
le prochain comme soi-même  
et qui cherche à le servir  
avec pureté de cœur  
et de conscience  
et de foi  
et de charité  
et de patience  
et de douceur  
et de mansuétude  
et de gentillesse  
et de bonté  
et de miséricorde  
et de compassion  
et de pitié  
et de sympathie  
et de fraternité  
et de solidarité  
et de coopération  
et de collaboration  
et de concorde  
et de paix  
et de justice  
et de vérité  
et de droiture  
et de pureté  
et de sainteté  
et de gloire  
et de honneur  
et de respect  
et de révérence  
et de crainte  
et de respect  
et de révérence  
et de crainte  
et de respect  
et de révérence  
et de crainte

13<sup>of</sup>  
Translation of  
Expediente

To the Governor of the Department  
Domingo Feliza  
Mexican by birth and a resident in the  
Establishment of Dolores appearing before  
Your Excellency with deep respect  
and says:

297 ND  
PAGE 12

That having to build a house,  
and plant for the support of his family  
he prays Your Excellency to be pleased  
to grant to him two hundred square  
varas (varas cuadradas) in the place where  
the Council of Science Establishment was  
situated, and finally thereof, and  
it will be a favor which he will  
receive from Your Excellency

Therefore he prays  
again Your Excellency to grant him what he  
solicits wholly, he will receive favor  
this not being on stamped paper for  
the count of it. Making the necessary  
Oath

Establishment of Dolores July 15<sup>th</sup>  
1843

(Signed) Domingo Feliza

Monterey July 20. 1843

The Municipal  
Authority of the Port of San Francisco  
will report on the foregoing petition and  
with said report, the petitioner will  
appear again for a further resolution  
(Signed) Alvarado

San Francisco July 24, 1843

In Conformity  
with the foregoing decree asking for a  
report, I beg leave to say to Your Excell  
ency that the petitioner possesses the legal  
qualifications; and the land which he  
solicits is vacant and is not occupi  
ed by the Community of the Establish  
ment of Dolores Your Excellency will  
determine whatever you may deem proper  
(Signed) Ramon Sanchez

Monterey August 30. 1843

In Conformity with the foregoing report and since the Mission of San Francisco is secularized and in a Condemn paper to be erected into a Pueblo, I have by these presents granted to the petitioner Citizen Domingo Veliz residence of said place, the two hundred acres of land which he solicits to be held as such and cultivated.

The municipal Authority of San Francisco will so condescend to give their guarantee  
(Signed) Juan B. Alvarado

297 ND  
PAGE 13

Be it known by these presents that I Domingo Veliz residence of this Mission Dolores, have sold to Messrs J. J. Reddy and all Successors for the sum of five thousand Dollars (\$5000) with the Consent of my wife, the land which I cannot retract as I have sold the same to the said purchaser. Making the sign of the Cross for a Signature, on account of inability to write, in presence of the Sub Prefect of the District of San Francisco and the assisting Alcaides Mission of Dolores October 8. 1849

(Signed) Domingo Veliz X  
( ) Ma. de los Angeles X

(Signed) Fran<sup>co</sup> Guerrero  
Sub Prefect

Alcaide (Signed) Alcaideam de la  
( ) Fran<sup>co</sup> Ynigo

Attest And Correct Translation  
Alcaide My official Signature  
this 17th. Valencia A.D. 1852

Selected in Office July 17. 1852  
Geo. Fisher Secy  
Geo. Fisher Secy

15-Opening of  
Board by  
Gen. Farnwell

Thomas J Smith }  
                          } as  
The United States } Claim for three fifty  
                          } years lots in the  
                          } Museum building

In this case the claimant has not  
presented any evidence of title  
whatsoever, and the claim being entirely  
without merit will be rejected and  
and a decree entered accordingly

297 ND  
PAGE 14

Rejected

Filed in office March 20 1855  
Geo. Fishu Secy  
Recorded in Record of Decisions  
Vol 2 page 693  
Geo. Fishu Secy

Thomas J Smith }  
                          } as  
The United States }

In this case on hearing the proofs  
and allegations it is adjudged by  
the Commission that the claim of  
the petitioner is invalid and it is  
therefore decreed that his application  
for a Confirmation be denied -

Alpheus Felch }  
R. A. Thompson }  
S. B. Farnwell }  
Commissioners

Filed in office March 20. 1855  
Geo. Fishu  
Recorded in Record of Decisions  
Vol 2 page 693 -  
Geo. Fishu Secy

16

And it appearing to the satisfaction of  
 the Board that the land hereby being  
 located is situated in the Nathan  
 District of California it is hereby  
 ordered that two transcripts of the  
 proceedings and decision in this case  
 be made and duly certified  
 by the Secretary of and the papers and  
 records upon which the same are  
 founded be made and duly  
 certified by the Secretary One of which  
 transcripts shall be filed with the  
 United States District Court  
 for the Nathan District  
 of California and the other be trans-  
 mitted to the Attorney General of the  
 United States.

297 ND  
 PAGE 15

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 *Sixteen* pages, numbered from  
1 to 16, 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. 5 on the Docket of the said Board,  
where

*Thomas J. Smith* is  
the Claimant against the United States, for the place known by  
the name of "Lots at Mission Dolores."

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 sixth* day of *September*  
A. D. 1855, and of the Independence of the  
United States of America the ~~seventy~~ *eighty eighth*.

*Geo. Fisher*  
*Geo. Fisher*

U. S. DISTRICT COURT,

*Northern* District of California.

No. *297* - **297**

THE UNITED STATES,

vs.

*M D*

*J. J. Smith*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *5*

Filed, *October 1* 1855

*J. A. Moore,*

*Clerk*





297 ND  
PAGE 17

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

San Francisco, Sept. 26<sup>th</sup> 1855.

J. A. Monroe 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 31st, 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. 5— on the Docket of the said Board, wherein

Thomas J. Smith is —  
the Claimant against the United States, for the place known by the name of "Lots at Mission Dolores."

and request your receipt for the same.

I am, Respectfully,  
Your Obedt Servant,

Geo. Fisher