CASE NO.
334

NORTHERN DISTRICT

PART OF SOULAJULLE GRANT

MARTIN F. GORMLEY

CLAIMANT:

LAND CASE 334 ND 56 pgs.

247

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# TRANSCRIPT

OF THE

# PROCEEDINGS

## IN CASE

NO. 247.

Martin F. Gormley — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR part of THE PLACE NAMED

"Boulajulle"

**Office of the Board of Commissioners,**

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

**Be it Remembered,** *that on this* twenty seventh *day of* May, *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* Martin M. Gormley *for* "the" *Place named* "Sonoyaille" *was presented, and ordered to be filed and docketed with No.* 247 *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 November 10th 1853.

In Case no. 247, Martin M. Gormley for part of the place named "Sonoyaille", the Counsel for the claimant filed the following Stipulation, viz:

(Vide page 5 of this Transcript)

San Francisco December 31st 1853.

In the same Case the counsel for the claimant filed the following Stipulation, viz:

(Vide page 6 of this Transcript)

San Francisco November 28th 1854.

Case no. 247 was ordered to be placed at the foot of the 3rd class cases on the Trial Docket.

San Francisco December 19th 1854.

Case no. 247 was submitted under the Rule of 21st of March 1854.

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San Francisco April 17th 1855.

In the Serrie Case Commissioner R. Ang. Thompson delivered the Opinion of the Board rejecting the claim;

(Vide page 35 of this Transcript)

N.

and the following order was made, viz:

(Vide page 36 of this Transcript.)

To the Board of Commissioners for ascertaining and settling private land claims in the State of California.

Petition.



Your petitioner Martin F. Gormley, of Sonoma County in the State of California, respectfully represents to your Honorable Board that he claims a certain tract of land situated in Marin County, in said State of California, containing one half league of land more or less being a part of the tract of land called the Rancho of Ramon Mesa or "Shlapille" situated in said Marin County.

That he claims the same one half square league of land in fee by virtue of a grant made to Juí Ramon Mesa alias Ramon Mesa, of three square leagues of land, under the authority of the Mexican Government by Manuel Micheltorena Commanding General and Governor of the Department of the Californias, bearing date the 29th day of March A. D. 1844, and approved by the Territorial Deputation on the —

Your petitioner further represents that the said Juí Ramon Mesa on the 29th day of January A. D. 1850 transferred his right in said one half square league of land to your petitioner Martin F. Gormley by deed bearing said last mentioned date, which deed is herewith filed and marked — to which reference may be had for a particular description of said land.

Your petitioner would further represent that judicial possession of said tract of land called Shlapille was given to said grantee on the — day of — and the boundaries thereof designated and defined, and that he and those

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claiming under him have been in the peaceable possession thereof ever since; and that he has no knowledge of any interfering claim.

Your petitioner presents herewith a copy of the original grant of said land in the Spanish language together with a translation of the same. The original is on file in your Secretary's office in case No 233. which is the claim of Joshua S. Brackett to another part or parcel of the said tract of land called Sulaguille, and your board are respectfully referred thereto as well as to a certified copy of the Espediente in the original Spanish filed in the same case, a correct translation of which is herewith filed marked —

And your petitioner will make such further proof of title as may be required by the Board.

Your petitioner prays your Honorable Board to take into consideration his claim to said half league of land and decree his title thereto to be valid and confirm the same.

And your petitioner will ever pray.

Sonoma May 25th 1852.

Martin F. Gormley.
By Robert Hopkins

Filed in Office May 27th 1852.
Geo: Fisher
Secy.

No 233.

Stipulation



It is hereby stipulated and agreed by Robt Greenhow, the Acting U. S. Land Agent that the testimony or deposition of José Ramon Mesa, this day taken before Judge Felch, Commissioner, in the case No. 233. shall be considered as taken in the following cases, viz: 234. 245. 246. 247. and 797. The same referring to the original grant under which the claims designated by the above mentioned numbers are embraced.

San Francisco, Nov. 10th A. D. 1853.

(Signed) Robert Greenhow.
Actg. Land Agent. U. S.

(Signed) Robert Hopkins
Atty for Claimant.

I George Fisher, Secretary to the U. S. Board of Land Commissioners, do hereby certify the foregoing to be a true and correct copy of the Stipulation on file in this office in case No 233. wherein Joshua S. Brackett is the claimant for the place named Soulajulle.

Witness my hand
Geo: Fisher.
Secy

Filed in Office November 10th 1853.
Geo: Fisher.
Secy.

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We agree that the evidence taken in No 233. relative to the Rancho granted to Ramon Mesa shall be used by either party, and be equally applicable to No 234. 245. 246. 247 and 797 involving the same grant. Dec. 31st 1853.

(Signed) Shattuck, Spear & Bristol
Ass Claimants.
(Signed) Robert Greenhow.
Asst. Law Agent. U.S.

Stipulation.

I George Fisher, Secretary to the Board of U. S. Land Commissioners, do hereby certify the foregoing to be a true and correct copy of a Stipulation on file in case No 233.

Witness my hand.
Geo: Fisher.
Secy.

Filed in Office December 31 1853.
Geo: Fisher.
Secy

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

This day before Comr Alfheus Felch, came José Ramon Mesa, a witness in behalf of claimant Joshua S. Brackett, No 233. who after being duly sworn, deposed as follows— The Secretary Mr Fisher acted as Interpreter.

Deposition of José Ramon Mesa.



Questions by Mr Spear, Attorney for the claimant.

1 Question.

What are your name, age and place of residence?

Answer.

My name is José Ramon Mesa, my age is twenty nine years, and I reside in the County of Contra Costa in California.

2 Question

Look on the paper now here exhibited to you purporting to be a grant by Governor Micheltorena to José Ramon Mesa, and marked Exhibit No 1. with the initials A. F. and annexed to this deposition, and state whether you recognize the document and if so what it is?

Answer.

I cannot read or write, but I know that this paper is the title to my Rancho. I know that Micheltorena and also Jimeno signed this paper. They signed it in my presence.

(The witness pointed out the signature of each on the document)—

3 Question.

State what you know about the occupation and improvement of the Rancho named in the grant and called Sanlaquelli?

Answer.

The same year when the grant was made to me I settled on this land, built a house and lived in it, put some cattle and horses on the place and built a corral and enclosed and cultivated some of the ground, and made a garden, planted some fruit trees and grape vines. I think I planted something like two hundred fruit trees there at that time. I lived on it about four years from the time I first settled on it, after which I retired to Sonora in consequence of sickness and left my brother on the place, occupying it for me. When my brother left the place, another man occupied it for me. During all this time we had some men in our employment living on said Rancho. It was so occupied up to the time I sold it. I sold the greater part of it to Vasquez and the remainder to some Americans.

4 Question.

What are the boundaries of the Rancho above named?

Answer.

It is bounded on one side by the lands of the Rancho known by the name of Laguna de San Antonio, on one side by the land known by the name of Nicacio, and on another side by the boundary of the land of Juan Martin. There is a small creek near the house of permanent water. There is also a water hole near where the house stood.

5 Question.

Did you ever receive juridical

Did you ever secure juridical

9 possession of the property?

Answer.

I never did. The same year when I was about getting judicial possession the Americans took possession of the country.

6 Question.

Have you any interest at the present time in the land?

Answer.

I have not.

7 Question.

Did you ever apply for juridical possession of the land? if nay, why not?

Answer.

I never did apply for it, because I was afflicted with a sore leg for eleven years so that I could not move and did not get well until about two years ago.

8 Question.

In what country is the said Rancho situated?

Answer.

I do not know in what County it is. It was in the jurisdiction of San Rafael at that time.

José Ramon his X mark Mesa.

Mr Gunther, Associate Law Agent was present at the taking of this deposition but propounded no questions to the witness.

Subscribed and sworn to before me this tenth day of November 1853.

Alpheus Felch. Commissioner.

Filed in Office Nov. 10 1853.
Geo: Fisher.
Secy.



Office of the U. S. Board of
Land Commissioners &c &c.
San Francisco, Decr. 31 1853.

Deposition of James Hanes.

This day before Commissioner Thompson Campbell came James Hanes a witness in behalf of claimant, Joshua T. Brackett, petition No 233. and being sworn deposes as follows.

1 Quest.

What is your name, age and place of residence?

Ans.

My name is James Hanes, I am fifty eight years of age, and I reside in Marin County.

2 Quest.

Are you acquainted with the Rancho called Sinajulli?

Ans.

I am acquainted with it. I lived eight years within about half a mile of it. I know of Juan Ramon Mesa living on said place about two years, he had a house, corals & cattle there, and when he left the place his brother Dick Jonesin after having lived there about twelve months they sold and left. Ramon Mesa first settled there about the year 1845.

3 Quest.

Look on the map now shown you which

and marked B. and state whether the net

Look on the map now shown you which

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is a part of the expediente filed in this case and marked B. and state whether the natural objects represented on said map as the boundaries of said Rancho, are so plainly designated that a survey could locate the land?
Ans.

There is a creek running right through the rancho and empties into Temales Bay. The said tract of land lies between the region of country called Nicacio and the Laguna San Antonio, and that the line dividing the rancho from the lands of John Martin has been settled by a Justice of the Peace.



Questions by Mr Gruenhow.

1 Quest.

How long did José Ramon Mesa live upon the land himself?
Ans.

He lived there about twelve months, it might be a little more, he left the place before the Americans took possession of the country, tho his brother then lived on it for eighteen months when he left, since which time no one has lived on it. No person to my knowledge has pretended to use it in any way since that time.

Re-examined by Claimant.
1 Quest.

Do you know whether Ramon Mesa by himself and brother occupied said Rancho until he sold it to the present claimants?
Ans.

They did so occupy it, by having cattle on it, and the first year they cultivated a part of it. After Ramon Mesa's brother

left the place as I have before stated, they never worked or lived on said place, they kept some horses there.



2 Quest.

Who was living on the Rancho at the time the Americans took possession of the country?

Ans.

No one was living on it at that time.

3 Quest.

At what time did the Americans take possession of the country?

Answ.

It was either in the year 1846 or 1847. I don't remember which.

4 Quest.

You state that Ramon Mesa settled on said place in the year 1845 that he lived there about one year, and that then his brother took possession and lived there eighteen months, will you now state whether you are clear in your recollection that Ramon and his brother occupied the place for two years and a half altogether.

Answ.

Yes, some where thereabouts.

Questions by Mr Greenhow.

1 Quest.

Are you certain that neither Ramon Mesa nor his brother, nor any other person acting under them lived on the land, at the time when the Americans took possession of the country?

Answ. No, they did not, they had left

Other. No, they did not, they had left

183 before that.

his
James X Hawes.
mark

Sworn to and subscribed
before me this 31st day of
December A. D. 1853.
Thompson Campbell.
Comr.

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PAGE 14

Filed in Office Dec. 31st 1853.
Geo: Fisher.
Secy.

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Deposition of José de la Rosa —

Case No 233.
United States Land Commission.
San Francisco, Jan. 14. 1854.

On this day, before Commissioner R. Aug. Thompson, came José de la Rosa, a witness in behalf of claimant, Inkya D. Brackett, case No 233, and after being duly sworn, deposed as follows, his evidence being interpreted by the Secretary.

Present Claimants' Atty & U.S. Asst. Law Agent.

Witness states his name is José de la Rosa, his age sixty three years, and residence Sonoma, Cala —

Question by claimant Atty.

Do you know José Ramon Mesa and the Rancho de Sonajille, if so state who was in possession of said Rancho at the time of the first occupation of the country by the Americans?

Answer.

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I know said Mesa and the s.d Rancho. At the time of the American occupation of the country, it was in the possession of said Mesa who was living on it - immediately after he obtained this grant he built a house on it.

José de la Rosa.

Sworn to and subscribed
before me Jan. 14' 1854.
R. Aug. Thompson.
Comr.

Filed in Office Jan. 14' 1854.
Geo; Fisher
Secy.

15—

1. G. D. K.

1844

B.

# Espediente

Promovido por el Ciudadano José Ramon Mesa en pretencion del paraje conocido con el nombre de Soulajulle.



365

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D. 2/235.

Sello cuarto dos Reales

2. S. D. K.

Habilitado provisionalmente por la Aduana marítima del puerto de Monterey, en el Departamento de las Californias para los años de mil ochocientos cuarenta y sinco.

B.

Espediente continued.

Micheltorena. Pablo de la Guerra

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Sello

Exm.º Señor Gobernador

Monterey Mz.º 21 de 1844.

Infd. el S. Frio del Despacho tomando antes los qd. interesa

Michelt.a

El Ciudadano Jose Ramon Mesa, natural de este Departamento y vecino de la jurisdiccion de Sonoma, ante V. E. respetuosamente en derecho y como mejor proceda, digo, que desde el ano pp.do dirijo á V. E. una instancia en solicitud de un paraje conocido con el nombre de Saulajille. inmediato á la Exmision de San Rafael, y como sin duda esto habrá padecido estravio me voy precisado á ocurrir de nuevo á la generosidad de V. E. á fin de que en vista del informe que dubidamente acompaño del encargado de dicho Establecimiento me haga la gracia de concederme el terreno indicado colindando por el Sur y el Oeste con el paraje llamado Nicacio, por el Norte con la Laguna de San Antonio y por el Este con el Rancho de Juan Martin, cuya estension es de tres sitios de ganado mayor segun esplica el diseño que á V. E. tambien adjunto

Exmo.

3. S. D. K

3. S. D. K el diseño que á V. E. tambien adjunto

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el cual estoy ocupando hace como medio año con una pequeña casa un corral huerta y bienes semovientes con consentimiento del respetido encargado, por lo que y en atencion á once años de servicio que presto en la carrera de las armas y de que actualmente doy como mayordomo de la predicha Exmision espero que V. E. tomara en consideracion mi pedido.

Expediente B. continued.



Por tanto á V. E. rendidamente suplico se digne acceder á mi favor de lo cual recibire gracia y justicia, jurando lo necesario &c.

Monterey Marzo 21. de 1844

No se firmar X.

Sor. Gobernador.

El informe unico que se podia pedir, era el del encargado de San Rafael, el cual ya da su parecer segun consta por la certificacion que acompaña el interesado, y siendo favorables, y estando el terreno valdio se le puede poner en este mismo Espediente un decreto de concesion provisional mientras la Secretaria se desocupa de los negocios que V. E. quiere mandar á Mejico por conducto de la Goleta California; pero no obstante la Sup.r disposicion de V. E. sera lo mas conveniente.

4. S. D. K.

Monterey 22 de Mz.o de 1844

Mand. Jimeno

Monterey, Mz.o 27 de 1844

Conf.

Michelta.

18

D. 4/233.

Exmo. Sor Gobernador.

Expediente B. continued

El interesado esta muy empeñado para que se le estienda el titulo, por que dice que vive muy lejos para volver á concluir su asiento, y si V. E. gusta que se estienda el titulo del terreno que pretende el cual esta valdio, no pertenece á ninguno, y los informes son favorables.

Monterey 29 de Mzo. de 1844

Manl. Jimeno

Cangl.

Michelt.



5. G. D. R.

Monterey 29 de Marzo de 1844

Vista la peticion con que da principio este espediente, los informes que preceden con todo lo demas que se tubo presente y de ver convino, de conformidad con las leyes y reglamentos de la materia: declaro dueño en propiedad del terreno nombrado Pulajulle al Ciudadano Ramon Alesa, colindante con la Laguna de San Antonio, con el terreno de Nicacio y con el Rancho de Dn. Juan Martin en estension de tres sitios de ganado mayor. Librese el correspondte despacho, tomese razon en el Libro respectivo y dirijase este espediente á la Exma. Asamblea Departamental para su aprobacion. El Exmo Sor Gobernador General de Brigada del Ejercito Mejicano Ayudante General de la Plana Mayor del mismo, asi lo mandó decretó y firmó de que doy fee.

Ben Map

7. G. D. R.

firmo de que doy fee.

19 7. S. D. K. El que suscribe encargado del Establecimiento de San Rafael.

Certifico: que el terreno llamado Gualajige que se halla bastante distante de la Misión, estaba valdio y le di licencia á Ramon Mesa Mayordomo de la misma para que fuera á establecerse alli por no pertenecer á propiedad particular ni corporacion, y lo verifico hace como seis meses, poniendo en el una pequeña casa, corral, huerta y ganados; y que este Establecimiento, tiene tierras suficientes para sus bienes y labores, y no necesita de dicho terreno.

Expediente B. continued.



San Rafael 10 de Marzo, 1844
Timoteo Murphy

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

I Samuel King, Surveyor General of the United States for the State of California, and, as such, now having in my Office and under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the Seven preceding and hereunto annexed pages of tracing paper numbered from one to seven inclusive, and each of which is verified by my initials (S. D. K.) exhibit true and accurate copies of certain documents on file

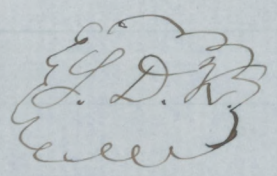
20 D. 5/233 3

6. L. D. K

Here follows a map

and forming part of 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 Sixth day of March A. D. 1852.



Jam. D. King
Surv. Genl. Cal.

Filed in Office May 20th 1852
Geo: Fisher
Secy.



19

23

Fourth Seal, Two Reals.

Provisionally authorized by the Maritime Custom House of the Port of Monterey, in the Department of the Californias for the years 1844 & 1845.

Micheltorena. Pablo de la Guerra.

Copy of Translation of Espediente.

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(seal)

Monterey March 21st 1844.

Let the Secretary of State report upon the same, taking previously such information as he may deem necessary.

(Signed)
Micheltorena.

To His Excellency the Governor.

The citizen José Ramon Mesa, a native of this Department and resident of the jurisdiction of Sonoma before your Excellency respectfully and in due form of law, say; That since last year I addressed Your Excy a petition soliciting a tract of land known by the name of Sandajillé in the vicinity of the Ex-Mission of San Rafael, and as said communication has doubtless been mislayed, I am now compelled to renew my application to the generosity of Your Excy, to the end that in view of the report I herewith annex of the person in charge of said establishment you will do me the favor to grant me the land above referred to, bounded on the South and West by the land called Nicacio — On the North by the Lagoon of San Antonio, and in the East by Juan Martin's Rancho, the extent of which is three sitios de ganado mayor (square leagues) as is shown by the map which also accompanies this to Your Excellency; said land I have been occupying about one half year, with a small house, a corral (cattle pen) garden and personal estate with the consent

of the aforesaid person in charge, for which reason, and in view of the fact of the eight years service I bore the arms of my country, and my actual services as Steward of said Mission, I trust that Your Excellency will take my request into consideration. Therefore I humbly beseech that Your Excellency will deign accede to my request by which I shall receive favor and justice; making the necessary oath &c.



Monterey, March 21st 1844.

I know not how to write ✗

To His Honor the Governor.

The only information which could have been asked, must have been from the administrator of San Rafael, who has already given his opinion as is evidenced by the certificate which the interested party therewith annexes, all of which being favorable, and the land vacant, a decree for a provisional grant may be made on these my proceedings, whilst the Secretary concludes the matter which Your Excellency desires to send to Mexico by the Schooner California. Nevertheless Your Excy's superior disposition of it will be deemed the most proper.

Monterey March 27th 1844.

Manl. Jimeno.

Appd.

Micheltorena

To His Excellency the Governor.

The interested party is very anxious that his title should be issued to him, because he says that he lives at the great a

because he says that he lives at the greatest



distance to return for the purpose of completing said business, and if Your Excy please the title to the land petitioned for can be made to him, the same being vacant land and not pertaining to any one, while the reports are favorable.

Monterey March 29th 1844.

Manl. Jimeno.



Appd.

Micheltorena.

Monterey March 29th 1844.

In view of the petition which heads these proceedings, the preceding reports with every thing else bearing on the subject all in conformity with the laws and regulations in the matter, I declare the citizen Ramon Mesa to be owner in fee of the land of called Sanlajillé, bounded by the Lagoon of San Antonio, by land of Nicacio and by the Rancho of Juan Martin, said land being to the extent of Three "sitios de ganado mayor" (square leagues)—

Let the corresponding patent be issued and be recorded in the proper book, and let these proceedings be transmitted to the Exct. Departmental Assembly for their approval.

His Excellency the Governor Brigadier General of the Mexican Army, Adjutant General of the Staff of the same, thus did command, decree and sign, which I attest.

The undersigned Administrator of the establishment of San Rafael.

Do hereby certify, that the

land called Sanlapillé, is far enough from this ex-Mission, that it was vacant and I gave permission to Ramon Mera, Steward of the same, for the purpose of establishing himself therein, as it did not belong to any private individual or corporation, that he went on and has occupied it these six months, and there built a small house, a corral, (cattle pen) and cultivated a garden and had cattle therein, and that this establishment has lands sufficient for its own stock and tillage and needs not the aforesaid land.
San Rafael March 10th 1844.

(Signed) Timoteo Murphy.

Office of the Board of Commissioners
California Land claims.

I certify the foregoing to be a correct copy of a translation of an Expediente filed in office in Case No 233.
San Francisco May 24th 1852.

Geo: Fisher.
Secy.

Filed in Office May 27th 1852.

Geo: Fisher.
Secy.

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D.
Grant.

Exhibit No. 1.
A. F. annexo to Dep.: of
Jose Ramon Micheltorena. Pablo de la Guerra
Alex.



Sello Tercero un Peso.
Habilitado provisionalmente por la Aduana Maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ocho cientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Sello

El Ciudadano Manuel Micheltorena General de Brigada del Ejercito Mejicano, Ayudante General de la Plana Mayor del mismo, Gobernador Comand.te General é Inspector de Departam.to de las Californias

Por cuanto el Ciudadano Ramon Meza ha pretendido para su beneficio personal y el de su familia, el parage conocido con el nombre de Potlajulle, colindante con la Laguna de San Antonio, con el terreno nombrado de Nicacio y con el Rancho de Dn. Juan Martin: practicadas previamente las diligencias y averiguaciones consecuientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas, a nombre de la Nacion Mejicana he venido en concederle el terreno mencionado, declarandole la propiedad de él por las presentes letras, sujetandose á la aprobacion de la Exma. Asamblea Departamental y bajo las condiciones siguientes.

Exhibito No. 1
Continued



1ª No podrá venderlo, enagenarlo, ni hipotecarlo, imponer censo, vinculo, fianza hipoteca ni otro gravamen alguno.

2ª Podrá cercarlo sin perjudicar las travesias caminos y servidumbres; lo disfrutará libre y esclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro de un año fabricará Casa y estará habitada.

3ª Solicitará del Juez respectivo que le de la posesion jurídica en virtud de este despacho por el cual se demarcará los linderos en cuyos limites pondrá amas de sus mojoneras algunos arboles frutales ó silvestres de alguna utilidad.

4ª El terreno de que se hace donacion es de tres sitios de ganado mayor poco mas ó menos, segun esplica el diseño respectivo. El Juez que diere la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la Nacion para los usos convenientes.

5ª Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome razon de el en el libro á que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterey á veinte y nueve del mes de Marzo de mil ochocientos cuarenta y cuatro.

Manl. Michaltorena

Manl. Jimeno. Secio.

Manl. Jimeno. Grev.

29

Queda tomada razon de este Despacho en el Libro respectivo á fle. 8.

Jimeno.

Filed in Office May 20th. 1852.

Geo: Fisher

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Third Seal, One Dollar.

Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the year 1844 and 1845.

Micheltorena. Pablo de la Guerra.

C.

Copy of Translation of Title.

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(seal)

Citizen Manuel Micheltorena, Brigadier General of the Mexican Army, Adjutant General of the staff of the same, Governor, Commandant General and Inspector of the Department of the Californias.

Whereas the citizen Ramon Mesa, has petitioned for his own personal use and that of his family for the land known by the name of (Sanlajulle) bounded by the Lagoon of San Antonio, the land called Nicaico, and the rancho of Juan Martin; and whereas the requirements and investigations of the laws and ~~investigations~~ regulations have been complied with, now by virtue of the power invested in the name of the Mexican Nation, I have thought proper to grant unto him the above mentioned land, declaring the same by these presents to be his property, subject to the approval of the Excellent Departmental Assembly under the following conditions.

1st. He shall not sell, alienate, mortgage, nor subject it to entail, bond, security nor to any other encumbrance whatsoever.

2d. He may fence it, without obstructing ensings, roads and servitudes. He shall enjoy it fully and exclusively applying it to whatever use and culture may best suit him but within one year he shall build thereon a house which shall be inhabited.

3d. He shall solicit from the respective Judge

the judicial possession of said land by virtue of this patent, by which the boundaries shall be marked out, at the limits of which there shall be set besides the proper land marks some fruit trees or else wild ones of some usefulness.

4th. The land of which donation is made is of three "sitios de ganado mayor" (square leagues) a little more or less, as is shown by the respective map. The judge who may give possession will cause the same to be measured equitably to ordinance, leaving the sobrante (excess) which may result to the Nation for such uses as may be deemed proper.

5th. If he contravene to these conditions he shall forfeit his right to said land, and it shall remain open to denouncement by any other person.

I therefore command that using this title as firm and valid, the same be entered in the corresponding book, and then delivered to the interested party for his own security and further ends.

Given in Monterey, this 29th day of March 1844.

(Signed) Manl. Micheltorena.

(Signed) Manl. Jimeno. Secy.—

This patent is recorded in the proper book at folio 8. (Signed) Jimeno.

Filed in Office May 20th 1852.

Office of the Board of Commissioners of California Land claims.

Filed in Office May 27th 1852. Geo: Fisher Secy.

I certify the foregoing to be a correct copy of a translation filed in Office in case No 233.

San Francisco May 24th 1852.

Geo: Fisher. Secy.

33

E. Transfer. José Ramon Mesa. To Martin F. Gormley —

334 ND
PAGE 32

Know all men by these presents, That I, José Ramon Mesa, of District of Sonoma, Territory of California, for and in consideration of the sum of Four thousand dollars, to me in hand paid by Martin F. Gormley of the Dist and Territory aforesaid, the receipt whereof is hereby acknowledged, have bargained, sold transferred and conveyed and by these presents do bargain, sell, transfer and convey all my right, title and interest of in and to all that certain tract or parcel of land lying and being in District and Territory aforesaid, and bounded and described as follows, being a part of the tract of land known as the Rancho San Ramon as granted to the said Mesa by Micheltorena, Governor of California A.D. 1843, the boundary of said part commencing at South West corner of the lot of land deeded to Connell and Watkins by deed bearing date sixth day of Dec, A. D. 1849, and running Westwardly along the line of Deep Canyon, Two miles and one fourth, thence running Eastwardly Two miles, thence South Two miles and one fourth along the line of Connell and Watkins to the place of beginning; the part hereby conveyed containing in area one half league of land or four and a quarter miles more or less — To have and to hold the above bounded and described lot of land, together with all the privileges and appurtenances thereto belonging, unto the said Martin Gormley his heirs and assigns forever.

In witness whereof I hereunto set my hand and seal this 29th day of Jany, A. D. 1850.

Signed, sealed & delivered in the presence of witness

José Ramon Mesa. (seal)
his mark

Witness. T. O. Meily.
Israel Boolkman.

Personally appeared before me the within named Juc Ramon Mesa, known to me to be the person whose name is subscribed to the within instrument, and acknowledged the same to be his act and deed and executed for purposes therein mentioned.

Wm. M. Fuller.
Alcalde.

Done before me, this 29th day of Jany A. D. 1850.

Filed for Record Jany 29th 1850. Recorded in Book page 98. Archives of Sonoma—

Filed in Office May 27th 1852.
Geo: Fisher.
Secy.

35

No. 247.

Opinion

Martin F. Gormsley
vs.
The United States

For a part of the place called "Sanlajulle", containing 3 sq. leagues in Marin Co.



This claim is for a part of the rancho the title to which was considered in Case No. 233, and for the reasons assigned in the Opinion delivered in that case, is rejected.

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Filed in Office April 17, 1855.
Geo. Fisher
Secy.

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No. 247.

Decree.

Martin F. Gormsley
vs.
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 not valid, and it is therefore decreed, that his application for a confirmation thereof be, and the same is hereby denied.

R. Aug. Thompson
J. B. Farwell } Commissioners.

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Filed in Office April 17, 1855.
Geo. Fisher
Secy

Order.

And it appearing to the satisfaction of the Board that the Land hereby adjudicated is situated in the Northern District of California, it is hereby

Ordered, That two Transcripts of the proceedings and decision in this Case and of the papers and evidence upon which the same are founded, be made out and duly certified by the Secretary, one of which shall be filed with the Clerk of the United States District Court for the Northern 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.

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 following, Thirty Six — pages, numbered from 1 to 36, both inclusive, to contain a true, correct and full Transcript 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. 24 on the Docket of the said Board, wherein Martin M. Gormley is — claimant against the United States, for the place known by the name of "Part of Sausajulle." —

**In Testimony Whereof,** I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Eighth — day of November A. D. 1855, and of the Independence of the United States of America the ~~seventy~~ eightieth.

Geo. Fisher.

Sec'y

U. S. DISTRICT COURT,

Northern District of California.

No. 334 —



THE UNITED STATES,

*vs.*

(N D)

Martin F. Gormley

# TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 247.

*Filed,* November 7 — 1855 —

John A. Morrow,

Clerk.

Martin F. Gormley
v.
The United States } Transcript No 334



To
The Judge of the District Court
for the Northern District of California.

The Petition of Martin F. Gormley
respectfully showeth.

That your Petitioner on the
27th day of May 1852 presented his Petition
to the United States Land Commission for part of
a tract of land in the present County of Marin
and known as the "Tonlajulle" or "San Ramon"
Ranch. That he derives his title by Mesne
Conveyances from Jose Ramon Mesa to whom the
said Ranch was granted by Manuel Micheltorena
on 29th March 1844. That the claim was
rejected by the Board on the ground that the Ranch
was called "Tonlajulle" in the Grant, while in the
Mesne Conveyances it was called "San Ramon":
and for the description of the land and his title
thereto, he refers specially to his Petition and
the documents and evidence laid before the Board

That the Transcripts was filed in this
Court on the 7th day of Nov 1855 and
Notice of appeal was served on the Dist. Attorney and
filed with the Clerk on the 28th day of Dec. 1855

Your Petitioner therefore prays this

Honorable Court for a reversal of the decision of the Board and that his title may be confirmed by the proper Decree.

Wm Blanding
Atty for Petr

No 334

U. S.

District Court.

Martin F. Gormley

v. } Transcripts No 334.

United States

Petition of Appeal.

Blanding

for Pltff.



Service acknowledged
this Dec. 22. 1855
A. Hassell
Asst U.S. atty

Filed Dec. 22, 1855
J. Owens
Deputy.

Martin F. Gormley
v.
The United States } Transcript No 334

It is hereby stipulated and agreed that the Depositions of Jose Ramon Mesa and Jacob Martin, filed in the case of The United States v. Joshua L. Brackett Transcript No 329 may be considered as put in, in this case and be used at the trial of the same

A. Russell
Asst U.S. Atty

No. 334.

District Court

Martin F. Gormley

v. } Transcript No. 334

The United States

Stipulation

Filed Dec: 22. 1853,

J. Chevers,

Deputy.

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

Martin F. Gormley
v.
The United States } Transcript No 334

To
The United States Dist. Atty
Sir

Please take notice that the claimant in this case intends to prosecute an appeal from the decision of the Board of the United States Land Commission, rejecting his claim.

Wm Blanding
Atty for Applt.

No 334

U. S. Dist Court.

Martin F. Gormley

v. } Trans^{t} 334

The United States

Filed Dec. 22. 1855.

J. Chevers

Deputy.

Notice of appeal

Blanding

for Appelt.

334 ND

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Service acknowledged

22 Dec 1855

A. Hassell

Asst. U.S. Atty

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

The United States
Appellees
vs
Martin F Gourney

No. 334.

The United States by their Attorney deny the validity of the title set out in the petition of the said Appellants: and pray that the decision of the Board of Commissioners be affirmed, and that the said title be decreed to be invalid.

A. Russell
Asst. U. S. Atty

No. 334

U.S. Dist. Court.

The U. States
vs
Martin F. Gourmley

Answer

Filed Dec: 22, 1855,
by Chevers
Deputy.

334 ND
PAGE 45

A. Grassell

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 Monday the third day of ~~August~~ March, A. D. 1856.

Present:

The Hon: Ogden Hoffman,
Dist Judge

The United States
ads
Martin J. Gormley

} D.C. 334 ; L.C. 247.

This cause came on to be heard on appeal from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, under the act of Congress approved 3d March 1851, upon the transcript of the proceedings and decision of the said Board of Commissioners, and the papers and evidence on which the said decision was founded, and it appearing to the Court that the said transcript has been duly filed according to law, and the cause having regularly come to a hearing, it is by the Court hereby Ordered Adjudged and Decreed that the said decision

be, and the same is hereby reversed, and it is likewise Ordered Adjudged and Decreed that the claim of the appellant is a good and valid claim, and that the same be and is hereby confirmed.

The land of which confirmation is hereby made is a portion of a tract called "Soulajulle" in Marin County, (granted to Jose Ramon Mesa, March 29. 1844) and is bounded and described as follows: Commencing at the Southwest corner of the lot of land deeded by said Mesa to Cornwell and Watkins, Decb. 1849, and running westwardly along the line of Capt Cooper, two miles and one fourth, thence running Eastwardly two miles, thence South two miles and one fourth along the line of Cornwell and Watkins to the place of beginning, containing in area one half league of land or four and a quarter miles more or less; reference for a more particular description to be had to the grant, map, and transfer filed in the case: Provided, that the land above described be found within the exterior boundaries of the said original grant made to Jose Ramon Mesa by Gov Manuel Micheltorena on the 29 day of March 1844;

but if the whole of the above described lands be not found within the exterior boundaries of said original grant, then only such quantity thereof as may be found therein, is hereby confirmed.



Ogden Hoffman
U. S. Dist Judge

334

U. S. District Court

The United States

ads

Martin T. Gormley

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Decree

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Filed March 3, 1856.
W. H. Chevers,
Deputy.



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Blanding & Blanding
attys for Gormley

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

The United States

ads } D. C. 334 : L. C. 247.

Martin J. Gormley

In pursuance of notice from the Attorney General of the United States, it is hereby stipulated and agreed that no further appeal be taken in this case on the part of the United States, and that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree.

San Francisco July 21. 1897.

P. Della Fove

U. S. Att,

Blanding & Blanding
Attys for Clt.

334

U. S. District Court

The United States

ads

Martin F. Gormley

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Stipulation.

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Filed Aug: 7, 1857.
W. D. Cheves,
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 Room, in the City of San Francisco, on Friday the Seventh day of August in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

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

| | |
|---|---|
| The United States<br>ads<br>Martin J. Gormley | D.C. 334: L.C. 247. |

The Attorney General of the United States having given notice that no further appeal will be taken in this case, and a stipulation to that effect having been entered into by the U.S. Attorney:

On motion of the District attorney it is Ordered, Adjudged and Decreed that claimant have leave to proceed under the decree of this Court heretofore rendered in his favor, as under Final Decree.

Ogden Hoffman
U. S. Dist Judge

334

United States District Court, Northern District of California.

The United States

vs.

Martin J. Gormley

ORDER.

vacating appeal

Filed August 7, 1857

John A. Monroe,
CLERK.

By W. H. Chivers
DEPUTY.

The U. S
vs
Martin T. Gourley —



This claim in this case being for a portion of the tract the original title whereof has been adjudged to be valid in case No 329 and the conveyance to the present claimant of the portion demanded by him appearing to be regular a decree of confirmation must be entered for so much of ~~his~~ the land claimed by him as is within the boundaries of the tract whereof the original grant is produced —

M. S 334
Gormley

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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, ~~Oct. 27~~ Nov. 8th 1855

J. A. Munroe 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. 247 on the Docket of the said Board, wherein Martin F. Gormley is the Claimant against the United States, for the place known by the name of Part of Gondajulle

and request your receipt for the same.

I am, Respectfully,
Your Ob't Servant,

Geo. Fisher