CASE NO.

95

NORTHERN DISTRICT

MUNIZ GRANT

MANUEL TORRES

CLAIMANT

LAND CASE

ND 95 36 pages



Nov 14 1977 photolab - M7 complete

43

95 ND
PAGE 1

# TRANSCRIPT

OF THE

# PROCEEDINGS

## IN CASE

NO. 43

Manuel Torres CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Muniz".

1



**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* Seventeenth day of February, *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* Manuel Torrez *for the Place named* "Muniz"

*was presented, and ordered to be filed and docketed with No.* 43 *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 1st 1853.

In Case No. 43 Manuel Torrez for the place named "Muniz" the deposition of Ignacio Pacheco, a witness in behalf of the claimant, taken before Commissioner Leland Hall was filed;

(Vide page 6 of this Transcript)

In the same case the deposition of Gregorio Briones, a witness in behalf of the claimant, taken before Commissioner with document marked Exhibit B annexed thereto was filed;

(Vide page 5 of this Transcript)

In the same case the deposition of William A. Richardson, a witness in behalf of the claimant taken before Commissioner Leland Hall, with document marked Exhibit B, annexed thereto, was filed;

(Vide page 7 of this Transcript)

2



San Francisco September 15th, 1853.
Case No. 43 called; Submitted on Briefs on both sides and taken under advisement by the Board.

San Francisco Decem. 27 1853.
In the same case Commissioner Thompson Campbell delivered the opinion of the Board confirming the claim;
(See page 17 of this Transcript)

3

Petition of Manl. Jones

95 ND
PAGE 4

To the Honorable the Commissioners for settling of private Land claims in California - The petition of Manuel Jones a resident of the present County of Mendocino and State of California respectfully Showeth

That on or about the 8th of October 1844 he made and presented his petition to Manuel Micheltorena then Governor of California, soliciting for himself the grant of a tract of Land situate North of the Russian River in the present County of Mendocino and containing four sitios de ganado mayor.

That such solicitation was referred by said Governor to the Secretary of State for report, on the 8th of October 1844 and by him transmitted to Jacobo P Leese then first Alcalde of Sonoma for the purpose of inquiring of the bordering Land holders whether such Land was unoccupied and liable to be granted

That said Jacobo P Leese reported thereon, that said Land was waste and did not belong to any village Corporation or individual

That thereupon after due inspection of the petition references and reports, Pio Pico, then Governor ad interim of California by a decree bearing date the 4th of December 1845 declared the said Manuel Jones to be the Owner of the tract of Land petitioned for, and directed the proper documents to be made and delivered to him.

That a formal grant was issued on the same day and delivered to your petitioner

That the original of such petition references and reports and decrees, and a copy of such grant together with a map of the premises are now on file among the archives of the State of California now in the possession of the Surveyor General of the United States for the State of California, and that duly Certified Copies and translations of said Documents

are herewith Exhibited and prayed to be taken as part of this petition, but that the said original grant which had been in possession of your petitioner from the time of its date, has been lost during the last revolutions and wars of this Country, but your petitioner is able and ready to prove the Execution and Contents of the same whenever required so to do.

That said land is situated in the County of Mendocino and bounded as follows - On the South by the Russian river and the lands of Don Esteban Smith

On the West by the shore of the Pacific Ocean

On the North by the settlement of Rofs

On the East by a line running along the mountain ridge about One leagues distance from the sea shore to the Russian river aforesaid

That your petitioner has ever since said grant was made to him resided on the said land and has always Exercised Exclusive and Acknowledged Ownership over said Sitios de ganado Mayor

That said Lands are known under the name of Rancho de Muniz and measure Four Square leagues in Extent

Your petitioner therefore claims to be the Owner of said tract of Land and prays that Your Hon. Board will confirm his claim and title thereto -

Clark Taylor & Beckh
Attys for Petr

Filed in Office Feby 17th 1852
Geo. Fisher Secy

5

Deposition of G. Briones

95 ND
PAGE 6

San Francisco Feby 1. 1853

On this day before me Wm. Hilland Hall came Gregorio Briones, a witness in behalf of the claimant Manuel Torres - petition 43 and was duly sworn his evidence being interpreted by the Secretary The U. S. Associate Law Agent was present

Questions by Claimant.

Quest. 1. What is your name age and place of residence

Answer. My name is Gregorio Briones, my age is Fifty six years, my residence at the Barlenas Rancho Marin County

Quest. 2d Look at the document now shown you marked Exhibit B and now attached to the deposition of Ignacio Pacheco, purporting to contain a certified copy of the a grant made to Manuel Torres by Pio Pico in the Month of 1845 of a certain piece of Land called Rancho de Muniz. State whether you have seen the Original grant of which this purports to be a certified copy. State where and when you have seen it, Also state whether you know what has become of it.

Answer I have seen the Original grant in the beginning of the year 1846 in the hands of Jose de los Santos Berreyesa, who was Alcalde of the District of Sonoma at that time. He read it to me and it contained the very same matters as this certified copy - I have not read it myself because I cannot read.

Quest 3d. State what you know in regard to Manuel Torres having had possession of said Land, in what manner he had possession and how long he was in possession of it -

Answer - I know that Manuel Torres took possession in the year 1844 - that is to say One year previous to the time of obtaining his grant, that he kept possession of the same until the present time, by having a house, corrals, cattle and

Other stock thereon — Gregorio Briones
Sworn and subscribed
Before me Niland Hall Comr

Filed in Office. Feby 1. 1853
Geo. Fisher Secy

San Francisco Feby 1. 1853

Deposition of Ig. Pacheco

On this day before Com Hall came Ygnacio Pacheco a witness in behalf of Claimant Manuel Jones petition No. 43 and was duly sworn, his evidence being interpreted by the Secretary
The U. S. Associate Law Agent was present
Questions by Claimant.
Quest 1. What is your name age and place of residence
Answer. My name is Ignacio Pacheco, my age is Forty six and my place of residence on my Rancho of San Jose Marin County
Quest. 2d Look at the document now shown you marked Exhibit B and now attached to your deposition purporting to contain a certified copy of a grant made to Manuel Jones by Pio Pico in the month of December 1845 of a certain tract of land called Rancho de Muniz. State whether you have seen the Original grant of which this purports to be a certified copy. State when and where you have seen it. What you know concerning its genuineness and that of the signatures attached thereto, Also if you know, what has become of it.
Answer. I have seen and read the Original grant in the house of Manuel Jones. I know that the signature attached to said Original grant, was that of Pio Pico and that it was genuine having often seen his writing
Question 3d State what you know in regard to Manuel

Torres having had possession of said land, in what manner he had possession, and how long he was in possession of it?

Answer. I know that Manuel Torres took possession in the year 1844 that is to say one year previous to the time of obtaining his grant. That he kept possession of the same until the present time by having a house Corrals, Cattle and other stock thereon

Ygnacio Pacheco



Sworn and subscribed
Before me Heland Hall Comr
Filed in office Feb. 1. 1853 Geo. Fisher Secy

San. Francisco Feby 1. 1853

Deposition of Wm. A Richardson

On this day before Comr. Heland Hall came Wm. A. Richardson a witness in behalf of the claimant Manuel Torres petition No. 43 and was duly sworn his evidence being given in English

The U. S. Associate Law Agent was present

Questions by Claimant

Quest. 1st What is your name age and place of residence

Answer – My name is William A Richardson, my age is fifty seven and my place of residence is on my Rancho Sausalito in Marin County

Question 2d Look at the document now shown you marked Exhibit B and filed in this cause, purporting to be a tracing copy of an Espediente certified by the Surveyor General of California, purporting to contain a copy of a grant made to Manuel Torres by Pio Pico in the month of 1845 of a certain tract of land called Rancho de Muniz. State if you have ever seen the original grant of which this Espediente purports to contain a copy. State where and when you saw it, what you know concerning its genuineness and that of the signatures attached thereto, and what has become of it.

Answer. I have often seen and seen said Original grant during the year 1845 and the early part of 1846 I know that the signature attached to said Original grant was that of Governor Pio Pico - I am well acquainted with the signature of said Pio Pico having often seen him write. I know that said Original grant was put into the possession of Jose Berryesa first Magistrate of Sonoma about the first of the year 1846 - I know that in the disturbances of the revolution of that year many of the papers in the said Berryesas possession, was lost, and was told by him that the said grant with many other documents in his possession were lost at that time

Quest. What do you know of the occupation of the Lands mentioned in said grant -

Answer. It is now in the possession of Manuel Torres the claimant, and has been in his possession since the year 1845 - He has used it all that time principal for the purposes of pasturage, but to some extent for that of agriculture.

Wm A Richardson

Sworn and subscribed
Before me Roland Hall Comr

Filed in Office Feby 1. 1853
Geo. Fisher Secy

9

1 S. D. K.

1845



Espediente
promovido por Don Manuel Torres
en pretención del terreno nombrado
Alaniz

4188

10

95 ND
PAGE 11

2 S. D. K.

Sello Quinto Medio real
Habilitado provisionalmente por la Aduana marítima del puerto de Monterrey en el Departamento de las Californias, para los años de mil ocho cientos cuarenta y cuatro y mil ocho cientos cuarenta y cinco.

Michelt.ena

Pablo de la Guerra
por aus.a del Adm.or
Guill.o Ed.o Hartnell

Adn marit.a de Mont.y

E. S. Gobernador

Expediente
B

Monterrey Oct.e 8 de 1844
Inf.e el S. Sr.io del Despacho, tomando los y. crea necesarios al efecto.
Michelt.a

Manuel Torres, natural de la Republica Peruana y havecindado en este Departamento en la Juris=diccion de Sonoma, ante V. E. con el debido respeto y como mas haya lugar, me presento y digo: Que deseando dedicarme al naciente y hermoso ramo de la Agricultura y cria de ganado como unico ramo q.e es de tan vital importancia en este paiz, y hallandome con un num.o considerable de bienes semovientes y no teniendo un terreno propio en que fomentar estos intereses q.e a fuerza de algunos sacrificios he conseguido, he tenido a bien suplicarle á V. E. se sirva consederme en propiedad un terreno que se halla baldio desde donde llegan los limites o linderos del Sor D. Esteban Smith rumbo N. en estension de cuatro sitios de ganado mayor poco mas o menos, siendo sus linderos al S. el Rancho del Sor Smith, al O. el mar, al Poniente la ensenada, y al N. con el establecim.to que pertenecia á los Rasos cuyo diseño a su debido tiempo presentare

3 S. D. K.

P. T. a V. E. pido y suplico provea como llevo pedido, de lo que espero recivir merced y gracia.

Monterrey Octbre 8 de 1844
Manl. Torres

11 — 40

Como dispone el E. S. Gobernador dirvase informar el S.r Alcalde 1.o de Sonoma sobre el contenido de la precedente instancia.

Monterey 10 de Obre de 1844

Manl. Jimeno

Juzgado 1.o de Sonoma

95 ND
PAGE 12

El terreno que se hace mencion es baldio, no pertenece á Pueblo ni individuo alguno y el dho terreno está colindante por el Sur con el Rio Ruso y el de D. Esteban Smith, y por el Poniente con el Mar.

Sonoma Octbre 24 / 844

Jacob P. Leese

4 S.D.K.

Sello quinto medio real

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 ocho cientos cuarenta y cinco

Michel Torena — Pablo de la Guerra

Guillo. Edo. Hartnell

Adna. marit.a de Monty

Angeles Diciembre 4 de 1845

Vista la peticion con que dá principio este espediente, el informe del Alcalde 1.o de Sonoma con lo demas que se tuvo presente y ver convino, de conformidad con la ley de 18 de Agosto de 1824 y reglamento 21 de Noviembre de 1828, declaro a D.n Manuel Torres dueño del terreno conocido con el nombre de Munoz en estencion de cuatro sitios de ganado mayor poco mas o menos segun demuestra el diseño respectivo. Librese el correspondiente titulo, y reservese el espediente para someterlo a la aprovacion de la Soma Asamblea Departamental. Pio Pico, Gobernador interino del Departamto de las Californias, así lo mandé, decreté y firmé, de que doy fe.

5 S.D.K.

Pio Pico

José Mª Covarrubias Srio

Proof

12 — 4

7 S. D.K.

Pio Pico, Vocal decano de la Asamblea Departamental y Gobernador provisional de las Californias

43

Porcuanto D.n Manuel Torres ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Muniz, colindante con el rancho de D. Esteban Smith, con el mar, con la Sierra y el establecimiento de Ros; practicadas previamente las averiguaciones concernientes, usando de las facultades que me son conferidas a nombre de la Nacion Mejicana, he venido por decreto de este dia en concederle el espresado terreno, declarandole la propiedad de el por las presentes letras, de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828, a reserva de la aprobacion de la Soma Asamblea Departamental y bajo las condiciones siguientes.

95 ND
PAGE 13

1.a Podrá cercarlo sin perjudicar las travecias, caminos y servidumbres; lo disfrutará libre y esclusivamente destinandolo al uso y cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada.

8 S. D.K.

2.a Solicitará del Juez respectivo le dé la posesion juridica en virtud de este despacho, por el cual se demarcaran los linderos con las mojoneras necesarias.

3.a El terreno de que se le hace donacion es de la estencion de cuatro sitios de ganado mayor, poco mas o menos, segun esplica el diseño que obra en el espediente; el Juez que diere la posesion lo hará medir conforme á ordenanza.

En consecuencia mando que teniendose el presente titulo por firme y valedero, se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en la Ciudad de los Angeles en papel comun por falta del Sellado, a cuatro de Diciembre de mil ocho cientos cuarenta y cinco

Office of the Surveyor General of the United States for California

13

95 ND
PAGE 14

I, Samuel D. 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 custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the eight preceding and hereunto annexed pages of tracing paper numbered from one to eight inclusive, and each of which is verified by my initials (S. D. K.) exhibit true and accurate copies of certain documents now on file and forming part of the said archives in my 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, this Seventh day of October AD 1851

Sam D. King
Surv. Gen. Cal

Filed in office Feby 17th 1852
Geo: Fisher
Sec

Annex.d to the depo. of Gregorio Briones taken before Comr Hiland Hall Feb. 1st 1853
Geo: Fisher
Sec

Most Excellent Sr Governor

Expedientes

Espediente

Monterey Oct 8th 1844 — Let the Secretary of State report on the subject and take the necessary informe tiving he may think proper (Signed) Micheltorena

95 ND
PAGE 15

Most Excellent Sr Governor

I Manuel Jones a native of the Republic of Peru and a resident of this Department in the jurisdiction or District of Sonoma do appear before Y. Ex with due respect and says with the best legal forms That wishing to devote myself to the new and interesting pursuit of agriculture and the rearing of cattle which is the only pursuit of a vital importance in this Country, and as I find myself the Owner of a considerable number of moveable property or Cattle and not having suitable lands whereon to foment said property which I have acquired by dint of some sacrifices. I have thought of requesting Y. Ex. to be pleased to grant me the Ownership of a tract of Vacant Lands from the place to which the boundaries of Don Esteban Smith reached on a Northerly direction, to the extent of four square leagues (Four Sitios de ganado Mayor) more or less, its boundaries towards the South being the Rancho of Sr. Smith, to the East the Sea, to the West the Sierra nica, or the Mountain Ridge and to the North the settlement which belongs to the Rufgeans the Sketch of which I will present in due time Therefore I beg and request of Y. Ex. to provide in conformity to my solicitation, in which I shall receive Mercy and Favor

Monterey October 8th 1844

(Signed) Manuel Jones

The Senor 1st Alcalde of Sonoma will report concerning the contents of the preceding memorial, as it has been ordered by his Excellency the Governor

Monterey Oct. the 10th 1844

(Signed) Manuel Jimeno

1st Justices of Court of Sonoma

That tract of Land of which mention has been made is vacant and is neither Town nor ancient property, said tract of land borders towards the South on the Russian River and the lands of Don Esteban Smith and towards the West on the Sea

Sonoma October 24th 1844

(Signed) Jacob P Leese

Angeles December the 4th 1845

After examination of the Memorial heading this Record of Proceedings and the report of the 1st Alcalde of Sonoma together with whatever else it was thought fit to attend to, in conformity to the Law of August the 18th 1824 and the regulation of November the 21st 1828 – I declare Don Manuel Jones to be the owner of that tract of Land known under the designation of Muniz to the extent of four "sitios de ganado mayor" more or less as appears from the respective sketch. Let the corresponding title be delivered to him, and let the record of proceedings be kept in order that it may be submitted to the approval of the most Excellent the Assembly of the Department. I Pio Pico Governor ad interim of both California will order decree and sign it to which I certify –

(Signed) Pio Pico

(Signed) Jose McLeod Arrillaga
Secretary

Pio Pico, Senor member of the Assembly of the Department and Governor ad interim of both Californias

Whereas Don. Manuel Jones has solicited for his personal benefit and that of his family the grant of that tract of land known under the designation of Muniz having as its boundaries the Rancho of Don. Esteban Smith, the

sea, La Sierra and the settlement of Rosa, after having taken the corresponding investigations, exercising the powers conferred on me in the name of the Mexican Nation I have by a decree of this day, granted him the aforementioned tract of land declaring it to be his property by the present letters patent in conformity with the laws of August the 18th 1824 and regulation of November the 21st 1828 subject to the approval of the most Excellent the Assembly of the Department and on the following Conditions

1st He may enclose it without any prejudice to the roads paths and servitudes, he will enjoy it freely and exclusively appropriating it to the use and culture that may best suit him, but within one year he shall build a house thereon and it shall be inhabited

2d He shall solicit from the respective Judge to give him juridical possession in virtue of this document by whom the boundaries are to be defined with the necessary land marks.

3d The tract of land granted is of an area of four sitios de ganado mayor more or less, as it appears from the inspection of the sketch accompanying the record of proceedings; and the Judge who shall give the possession of it is to have it measured according to ordenances.

Therefore I order that the present title being held as firm and valid, be entered in the respective Book, and be delivered to the party concerned for his security and other convenient purposes

Given in the City of Los Angeles on common paper wanting of stamped one on the 4th of December 1845

Elx.d.c
B. P.

Filed in Office Feby 17th 1852
Geo. Fisher Secy

17

Manuel Torres
vs
The United States

Rancho de Muniz 4 Square Leagues Mendocino County

95 ND
PAGE 18

The petitioner in this case represents in his petition that on the 4th day of December A D 1845 he obtained from Governor Pio Pico a grant of the place called Muniz containing four square leagues of Land
The petitioner represents that the said grant so obtained had been lost and that he is not able to produce it but that he is able to prove its contents
In support of the foregoing averments, and in proof of the claim set up by the petitioner to the Land in question he has placed on file a certified tracing copy of the Espediente taken from the Archives now on file in the United States Surveyor Generals Office for this State, he has also placed on file a certified tracing copy of a note of said grant taken from the Book of titles deposited in said Surveyor Generals Office. The petitioner has proved by the depositions of witnesses the genuineness and loss of the original grant and that the copy attached to the Espediente is a true copy of the original. The petitioner having established a foundation for the introduction of secondary testimony by showing first, the genuineness of the original grant, and second, its loss, the only question is, whether the secondary evidence produced by the petitioner establishes his right as set forth in his petition. The Espediente which is in evidence, contains first the petition and map of the party to the Governor asking him for the place called Muniz and which is therein described by metes and bounds, secondly, the order for information by the Governor, and the report of the proper officer, thirdly, the first decree of concession and fourthly the copy which the party offers as a substitute for the original

grant. The traced copy of the entry made in the book of titles, is a mere memorandum of the opening of the grant which corresponds as to date, the name of the grantee, the location of the land granted, and the quantity, with the petition asking for the grant. The first decree of concession and with the copy attached to the Espediente taking these circumstances in connection with the testimony of the witnesses. I think there can be no doubt but that the copy attached to the Espediente should be admitted as legal evidence in the cause. The depositions on file show that the claimant had taken possession of the place called Muniz one year previous to the time of obtaining his grant, and has kept possession of it ever since, by having a house, canals and stock thereon. The witness uses the general term possession, which is a very unsatisfactory way of proving the actual inhabitancy of the party, he however qualifies it, by stating the particular acts of possession which although they do not show affirmatively that the party actually lived upon the land, still I think inhabitancy may be inferred, from the facts stated, I am therefore of opinion that a substantial compliance with the terms of the Law is shown by the testimony in the cause.
The question of boundary, on account of what seems to be an evident mistake of the party himself in the description of the Land given in his petition to the Governor, needs some explanation. The party in his petition bounds his tract on the East by the sea and on the West by the Sierra, but the stretch of the Land which accompanies the petition represents the sea where it should be on the West side of the tract, and it would be rather difficult to bound a tract of land of land in this country with the sea on any other side

19

Manuel Jones
vs
The United States

95 ND
PAGE 20

In this case on hearing the proofs and allegations it is adjudged that the claim of the said petitioner is valid, and it is therefore decreed that the same be confirmed The Lands of which confirmation are hereby made are known by the name of Muniz and are the same now occupied by Manuel Jones and bounded and described as follows, to wit, On the South by the Rufugan River On the west by the sea on the North by the Rufugan settlement as it was under stood at the time the grant was made and on the East by the Sierra, Containing in all four square leagues - Reference for further description to be had to the Opinion filed in this case and to the map which is made a part of the document marked B and filed in this case

Alpheus Felch
Thompson Campbell
R. Aug Thompson
Commissioners

Filed in Office Dec. 27th 1853
Geo. Fisher Secy

the points of the Compass are not given in the grant which is clearly intended to be made by metes and bounds. The map is referred to and made part of the grant. The map shows the land to be bounded on the South by the Refugian river which divides the Mung tract from the Rancho of Jesus Smith, on the West by the Ocean and on the East by the Sierra, the Refugian Settlement on the North is not designated on the map, but there can be no difficulty I think in Ascertaining the precise locality of the Land granted as the grant calls for four leagues, and by beginning the Survey at the point where the Refugian River empties into the Sea and running Northwardly four leagues thence Eastwardly one league, thence along the Sierra to the Cumian river and and thence to the place of beginning, the land would be bounded in Conformity with the grant, and the discription as delineated on the Map

We are therefore of Opinion that the claim should be Confirmed

Filed in Office Dec. 27th 1853
Geo. Fisher Secy

95 ND
PAGE 22

**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 foregoing Twenty pages, numbered from 1 to 20, 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. 43 on the Docket of the said Board, wherein Manuel Torres is

the Claimant against the United States, for the place known by the name of "Muniz"

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

Geo: Fisher
Sec.

95 ND

U. S. DISTRICT COURT,

Northern District of California.

No. 95

THE UNITED STATES,

*vs.*

Manuel Torres

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 43.

*Filed,* Sept 13th 1854

Jno: A Brown.
Clerk.

No. 43

Office of the Attorney General of the United States,

Washington, 30th November 1854.

Manuel Torres
vs.
The United States. } 43.

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 30th 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.

Cushing

Attorney General.

No 95

U. S. District Court

Northern District

The United States
vs
Manuel Torres

Appeal Notice

Manuz
Sep 13/57

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

95 ND
PAGE 24

District Court of the United States Northern District of California

The United States
Appellant
vs
Manuel Torres

No. 95 (L. C. Docket No. 43.)

Manuel Torres 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 is valid.

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

J. Clarke Atty
for Claimant

U. S. District Court

No. 95

The United States
Appellants

vs.

Manuel Torres

Answer

Filed June 27, 1855,
by Chaves
Deputy.

95 ND
PAGE 26

J. Clarke Atty.
for Claimant

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

The United States
Appellants
vs
Manuel Torres

No. 95.

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 and that this Court decree the said title to be invalid. Respectfully yrs

A Glassell
Asst. U S Atty.

U. S. District Court

No. 95

The United States
Appellants
vs
Manuel Torres

Filed June 27, 1850.
by Clerk
Deputy

Petition

95 ND
PAGE 28

S. G. Lowell
Asst U. S. Atty.

**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 Thursday the Seventh day of May in the year of our Lord one thousand eight hundred and fifty-seven.

Present:

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

The United States
v
Manuel Torres
} D.C. 95: L.C. 43.

The Attorney General of the United States having given notice that appeal will not be prosecuted in this case: and a stipulation to that Effect having been entered into by the Dietrict Attorney:

On motion of the U.S. 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

95

United States District Court, Northern District of California.

The United States

vs.

Manuel Torres

# ORDER.

Vacating appeal

Filed May 7th 1857

John A. Monroe,

Clerk.

By W. H. Chevers

Deputy.

95 ND

PAGE 30

California Land Claims.
Attorney General's Office
2 January, 1857.

Sir:

In the case of the claim of Manuel Torrel, confirmed to the claimant by the Commissioners, Case no. forty-three (43), appeal will not be prosecuted by the United States.

I am,
Respectfully,
Cushing

Wm. Blanding Esq
U.S. Attorney,
San Francisco.

In the District Court of the U.S.
for the Northern Dist of Cala

The United States
v
Manuel Torres } D.C. 95; L.C. 43.

In pursuance of a notice from the Attorney General of the United States, hereunto annexed, it is hereby stipulated and agreed that no further appeal be prosecuted 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. May 7 1857

Wm Blanding
Dist Atty

J. Clarke
Atty for Claimant

95
43

U. S. Dist Court

The United States
v
Manuel Torres

Stipulation

Filed May 7, 1857.
W. H. Chevers,
Deputy.

95 ND
PAGE 33

No 95

The U. States
vs
Manuel Torres

U.S. Dist. Court
N. Dist. of Cal.

Index to the Record

Page 9 to 13. Expediente, copy of Grant

" 14 to 16 Translation of Expediente containing copy of Grant.

" 5 Deposition of E. Briones

" 6 Deposition of Ignacio Pacheco

" 7 Dep. of W. A. Richardson (Each of these Depositions prove the genuineness of the original grant, its loss, and the fact that the latter part of the Expediente is, as it purports to be a correct copy of such original grant also that claimant built a house upon the land resided thereon and made improvements, continuously, from the time of the grant, to the giving of the Deposition

" 17 & 18 Opinion of the Board

" 19 Decree of confirmation

At departure should Don appear to obtain copy and decree

U. S. Dist. Court
Northern Dist. of Cal

No 95

The U. States
vs
Manuel Torres

Index to the
Record

95 ND
PAGE 35

J. Clarke

**Office of the Board of Commissioners,**

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

San Francisco, Sept. 13th 1854

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. 43 on the Docket of the said Board, wherein Manuel Torres is the Claimant against the United States, for the place known by the name of "Muniz"

and request your receipt for the same.

I am, Respectfully,
Your Ob't Servant,

Geo: Fisher.

Sy