CASE NO.
178

NORTHERN DISTRICT

SAN MATEO GRANT

JOSE DE LA CRUZ SANCHEZ

CLAIMANT

LAND CASE 178 ND pgs.307

NOV 2 1962

FEB 27 1963

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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 672

José de la Cruz Sanchez CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Mateo"

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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 First day of March, Anno Domini One Thousand Eight Hundred and Fifty-three, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of José de la Cruz Sanchez, for the Place named "San Mateo," was presented, and ordered to be filed and docketed with No. 672 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 September 15 1853.

In the same Case the deposition of William A. Richardson, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed;

(Vide page 4 of this Transcript)

San Francisco Sept. 5 1854.

Case no. 672, was submitted on briefs and taken under advisement by the Board.

San Francisco Sept. 19 1854.

In the same Case Commissioner R. Aug. Thompson delivered the opinion of the Board, rejecting the claim;

(Vide page 27 of this Transcript.)

In the Same Case the following order was made, viz:

(Vide page 31 of this Transcript.)

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3 Petition

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To the Board of Land Commissioners for the ascertaining and
settling of Private Land Claims in California
The Petition of Jose de la Luz Sanchez respectfully represents
to your Honorable Body that on the 22nd of December
1836 he made and presented his Petition in writing to
the Governor of California soliciting for himself the
grant of a tract of land hereinafter described and known
by the name of San Mateo that said Petition on the
20th of March 1837 was assigned for further information
to the Alcalde of San Francisco and that he represented there
upon that said land was only occupied by a few Indian
families who did not work the same

That on the 3rd of July
1840 Governor Alvarado declared by Decree that your
Petitioner ought to be attended to in his Petition but
as there was no other vacant land in the neighborhood
which might be given to the Indians living in San
Mateo your Petitioner should not obtain a formal grant
to said land until such Indian families could be
provided for but that your Petitioner should for all
future times have the preference to any other person
who might apply for it afterwards

And your Petitioner
further saith that he made many applications during
the following six years showing that said Indi-
an families had left the land Petitioned for by
him and that it might now be granted to him with-
out prejudice to any body but that he could not
succeed in obtaining a formal grant

That said
land is situate in the Mission county of San Francisco
is known by the name of San Mateo and bounded
on the South by the San Mateo Creek on the East by the
Estuary on the North by the Rancho of Benitoni
and on the West by the Sierra containing eleven
square leagues more or less

Your Petitioner there-
fore submitting to your Honorable Body all the original
documents showing the proceedings taken in this
matter prays that your Honorable Body will con-
firm and validate his claim and title to said
land

Clarke Taylor and Burch
Attorneys for Sanchez

Filed in Office March 1st 1853 Geo Fisher Secretary

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Recorded in Vol 2 of Petitions on Page 54
Geo Fisher
Secretary

Deposition of William A Richardson

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Office of the Board of U S Commissioners &c &c
This day before Commissioner Alpheus Felch came William A Richardson a witness in behalf of Claimant Jose de la Cruz Sanchez No 672 who after being duly sworn deposed as follows
Questions by Mr Clarke Attorney for the Claimant
1 Question What are your name age and place of residence
Answer My name is William A Richardson my age fifty eight years and I reside at San Cetito Marin County in California
2 Question Look on the document here presented to you marked Exhibit No 1 with the initials A F annexed to this Deposition and purporting to be an Expediente in the case of an application for a grant of land to Jose de la Cruz Sanchez and state what you know of the genuineness of the several papers of which the same is composed and of the several signatures thereto
Answer I have examined the document I believe the several papers of which it is made up to be genuine The signature of Francisco De Haro appearing six times in said documents that of Jose de la Cruz Sanchez appearing four times thereon that of Manuel Vinvin appearing twice in the same Francisco Guerrero appearing twice thereon G. Hinchley appearing four times thereon those of Jesus Noe and Francisco Arce each appearing once thereon are the true and genuine signatures of these persons respectively
I am acquainted with the hand writing of these persons respectively and have seen each of them write I am also acquainted with the hand writing and signatures of Manuel Micheltorena and Manuel Vinvin and Juan B Alvarado and have seen each of them write
The signatures of Micheltorena Alvarado and Vinvin the first appearing four times the last two once each in said document are the true and

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genuine signatures of said Manuel Michelorena and Manuel Jimeno and Manuel Alvarado

3 Question Please state what you know relative to the occupation of the land referred to in said documents
Answer when I first came into the country in 1832 it was occupied by the Mission as a sheep farm and had a little cultivation on it by the Mission San Francisco de Assis They occupied it until the war in 1846

The cattle of the Sanchez family also used to range in the land in the year 1835 and from that time until the war of 1846 The Sanchez family resided at Buri buri adjoining the same land

Jose de la Cruz Sanchez the Claimant is one of the family.

William A Richardson

Mr Greenhow Associate
Law Agent was present at the taking of this Deposition but declined to put any Questions to the witness
Subscribed and Sworn to before me at San Francisco this 15th day of September AD 1853
Alpheus Felch
Commissioner

Filed in Office September 15th 1853
Geo Fisher
Secretary

Recorded in Ex B Vol 3 Page 195
Geo Fisher
Secretary

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Pueblo de S. Juan de Castro. Marzo 20 de 1837.
Informe lo conveniente el Sor. Alcalde de San Francisco pida el interesado respectivo y devuelva el Expediente á la Prefectura.

Castro.

Sor Jefe Politico.

El ciudadano José de la Cruz Sanchez vecino del Presidio de San Francisco y natural del estado de su residencia a. V. S. en debida forma: hace presente que siendo dueño de algun numero de ganado Mayor, bacuno y caballar necesita para su seguridad y establecimiento de la propiedad de un terreno En tal virtud ocurre al fin de que en uso de sus facultades se digne Conceder le el terreno medio entre el que posee Don José Sanchez (mi padre) de Barburi al norte y el de las Pulgas á Doña Soledad Ortega al sur que llaman de S. Mateo. Por tanto. A. V. S. Suplico proveer conforme a Justicia en mi presente Solicitud que hago en papel comun por no haber del sellado correspondiente. Juro lo necesario de S. Francisco 22 de Diciembre de 1836.

José de la Cruz Sanchez.

here follows map or plan.

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Ynforme. En cumplimiento de lo prevenido en el Supr decreto de 20 de Marzo ultimo que se halla al margen de la Solicitud que hace el ciudadano Jose de la Cruz Sanchez por el parage de San Mateo en 22 de Diciembre de 1836, informe con respecto á las circumstancias que faborescan á este interesado, debo decir: que el pretendiente obtiene los requisitos de ley para ser atendido: que aunque el terreno que pide, lo ha reconocido por pertenencia suya la Ex mision de San francisco: esta solo ha ocupado una pequeña parte de el en labores para trigo y maiz. pero un necesitad porque anteriorormente en las inmediaciones de la misma Mision, se hacian estas, como lo acreditan las señales de los labores y aun la publica voz ~~de los laborios~~ de las gentes mayores: y si ahora se berifican alli sera causa la ambicion de acumular terrenos los antiguos misionarios: y lo mas del terreno ha estado vacio de vienes cemovientes de pertenencia á la Mision: Su estension N. S. sera de una legua poco mas ó menos y a O. S. igual á la Dha. con poca diferencia: linda á N. con el rancho de Buriburi de D. José Sanchez, y hay á mas de las circumstancias dhas. este rancho y el llamado Laguna de la Merced á Don Francisco de Haro, intermitidos: de manera que el repetido de San. Mateo, queda desprendido mas de cuatro leguas de terreno del circumferente á la Mision: Al Sur linda con el rancho de las Pulgas de Dona Soledad Ortega.

El diseño del esprasado parage de S. Mateo es el que se acompaña, del cual asi como del presente hiforme hara S. S. el uso que convenga. Establecimiento de Dolores. Abril 20 de 1839.

Francisco de Haro.

San Juan de Castro. Octubre 1º de 1839.

Elevese al Exmo. Sor. Gobernador Interino del Departamento para que S. E. se sirva resolver lo que estime de Justicia.

En ausensia del Sor. Prefecto.

Juan Miguel Anzar.

Monterrey. 4 de Obre. de 1837.

En vista de lo que representan los Indios de San Francisco para que no les quite el parage de San Mateo que ha pretendido Don Jose de la Cruz Sanchez

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en instancia de 32 de Dbre. de 1836, he venido por decreto de este dia disponer: que no ha lugar á la solicitud del Susodicho Sanchez, unicamente le asistira el derecho de preferencia a otro, en caso de que se disponga en algun tiempo poderse adjudicar el dicho terreno á algun particular. El Senor. D. Manuel Jimeno Casarin primer vocal propietario de la E. Junta Departamental de las Californias en ejercicio del Gobno del mismo asi lo mandó, decretó y firmó.
Manuel Jimeno. Franco C. Arce. Oficial 1o

Monterey 5. de Octubre de 1839.
Vuelvase el Espediente al interesado para que lo presente cuando á su derecho le convenga
Jimeno

San Juan. Julio 3. de 1840.
Siendo el interesado en este espediente preferido en la concecion del paraje de S.n Mateo en caso de darse á algun particular y hallandose el Gobno dispuesto á disolver la comunidad de la Mision de San Franco ofreciendo á los neofitos que se reduzcan en el, para que puedan vivir como hombres libres el interesado sera atendido en la solicitud que hace siempre que preceda la voluntad de los Indijenes a quienes en presencia de testigos reunirá el Juez de paz de aquella Mision y les recibira libre y espontanea voluntad en el momento en que se ordene la disolucion indicada donde el mas circunstanciado informe a continuacion de este decreto para en vista de todo resolver lo conveniente.
Alvarado.

Sor. Juez de Paz.
José de la Cruz Sanchez vecino de esta Jurisdicion ante V.S. en debida forma comparece y espone: que habiendo solicitado de la Superioridad Departamental la concesion del terreno de S. Mateo en consecuencia de ser de corto pertenencia de la Mision de San Francisco de Asis: y estar los destinado para sus labores á la neofia: esto sin duda ha sido el obstaculo para que no se me haya concedido mas teniendo un decreto á mi favor espedido por el S. Don. Manuel Jimeno en tiempo que fué Gobernador

Monterey abril 29 de 1844.
Informe el S.rio del Despacho.
Micheltorena.

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Int.º Sobre dha. pretension el cual obra en mi poder. y ultimamente obtenido el espontaneo conocimiento de la neofia misma para que lo pueda ocupar atendida mi protesta de no perjudicarlos en sus labores en tal concepto y en el de ratificarme en mi proposito: ocurro á V. afin de que se sirva hacer, comparezca los necesarios en el Juzgado de su cargo: y anté los testigos de assa. intregue la correspondiente informacion sobre su uno. consentimiento: para que este documento me sirva de seguridad en los consiguientes ocursos que a consecuencia de la citada investigacion, debe hacer anté la Superioridad Departamental: devuelto que me sea este Documento y lo en el actuado. Por tanto. A V. Suplico haya como pido en mi presente solicitud lo que haya en papel comun por no haber del sellado correspondte. Juro lo necesario. D. D. D. Micion de San Francisco de Asis. 13 de Mayo de 1840.

José de la C. Sanchez.

En el Establecimiento de Dolores á los 25 dias. Mayo 1840.

Ante mi Francisco Guerrero Juez de paz de esta Jurisdicion, hize comparecer á los neofitos del establecimiento de Dolores para aser les saber la presente solicitud y que dijeron sin perjuicios de las personas y lugares lo que hubieren esponer con respecto á dha. solicitud y me respondieron, en los atta q. hera in firma voluntad el ceder el parage de S. Mateo en favor de Don José del C. Sanchez, con tal de que no se les perjudicará en las partes ondé ellos abitan y que lo queriar de un compañiero con ellos: y haviendoles echo varias reflexiones con respeto á su adimiento se ratificaron con mi Yo, el Alcalde Crispo y todos sus subditos en lo que an Dho. antes. Siendo del ante de D. Manuel Sanchez, por lo que doy el presente al interesado. Francisco Guerrero.

Sello Cuarto Dos reales.

Habilitado provisionalmente por la Aduana Maritima del puerto de Monterrey, en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena. Pablo de la Guerra.

(Seal) Exmo. Sor. Gobor.

José de la Cruz Sanchez vecino de la Jurisdicion de San Francisco anté V. E. con el debido respecto me presento y digo, que por los adjuntos documentos

me presento y digo, que por los adjuntos documentos

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Monterrey. Abl 30. 1844.
Informe el Srio del Despacho Conserviente a lo que sobre esto mismo se ha ocupado.
Micheltorena

numerado de uno á cuatro Sra V. E. las repetidas solicitudes que hice pidiendo en propiedad el parage llamado Sn Mateo y por fin obtuve solo la gracia de ser preferido a otro individuo llegado el tiempo de poderse adjudicar. Hoy que no se puede consid-erar como Micion el punto de San Francisco, por el abandono en que esta y por la falta de bienes y brazos: los muy pocos Indios que quedan, es Volunt-ad de ellos el que si el Gobierno tiene a bien, se me conceda en propiedad el espresado parage por la seguridad que tienen del bien que les resulta y es el de no carecer de alimento que es lo principal y poder buscar alli mismo, lo necesario para vestir segun sus trabajos. En este espuesto Suplico a V. E. se sirva conceder me lo que pues con esto Yo y mi numerosa familia recibiremos mucho favor y tambien se le agradeceran los Indios que lo desean y allan sin recurso alguno para viviré entre gentes. Juro. de de. Monterrey. Abril. 30 de 1844.
Exmo. Sor. José de la Cruz Sanchez.

Exmo. Sor. Gobernador.

Hace algun tiempo que Don José de la Cruz Sanchez ha pretendido el terreno nombrado San Mateo y nunca se ha podido conceder por que en el tiempo los Indios sus casas y labores unico terreno con que cuentan para subsistir asi es que soy de opinion que tenga en su poder estos documentos el Sor. Sanchez para cuando esté el parage en estado de concederse. La Superior Det-erminacion de V. E. sera la mas asertada.
Monterrey. abril. 30 de 1844. Manuel Simeno.

Monterrey. Abl. 30. de 1844.
Conforme p. advertido que la nueva solicitud q. origine o procure á los Indios: para haun aparece valdio el terreno, por el solo hecho le haga perder toda accion ó derecho y se estienda en actitud y como primero denunciantes del parage cual quiera otro ciudadano
Micheltorena.

Sor. Alcalde de 1a nominacion.

José de la Cruz Sanchez, vecino de esta Jurisdicion ante V. en debida forma comparese y esponga: que tengo qe marchar á Monterrey con objeto de hacer una soli-citud auté el Superior Gobierno del Departamento

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que no solamente sera benefica a mi en lo particular, sino que de lograr el buen exito de ella resultará tambien favorable á todos por ser la que me inspira el dirijirme á la fuente de la proteccion: promoveer de algun modo lo de que se nos auxilié con brasos operarios para el fomento de nuestra agricultura, y cuanta de ganados &c. que nos son tan de primera necesidad para el sostenimiento de nuestras familias y obligaciones anexas: asi como para el mismo de la jurisdicion a que pertenecemos: cual es, pretender la libertad de la neofia que oy (se puede decir) se halla en una casi total inacion é inutilidad publica en la notoriamente arruinada; ex-Mision de San Francisco de Asis con perjuicio aun de la misma neofia y siendo esto evidente y palpable: con esta probabilidad me he atendido á la indicada pretencion: y esperando obtener un buen resultado de los rectos consideraré del Exmo Sor. Gobernador Gl. en aviso de futuros inconvenientes y para allanar los que puedan presentarse ocurro A V. afin de que en uso de sus atribuciones se sirva instruir una informacion de los testigos necesarios idoneos que declaren en forma sobre los puntos siguientes.

Monterrey. Abril 22. de 1844.

Informe el S. Srio del Despacho tomando otros informes si lo cree necesarios.

Mi Meltorena.

1º Sobre el estado actual en que se halla la Ex-Mision a que me contraigo, en cuanto a existencias y haberes para el mantenimiento y sorten aun de su corta comunidad de Indigenos: con que recursos cuanta para su fomento y el de los distintos ramos de yndustria agricultura y demas que han estado antes bajo de su proteccion y recortes y por ultima el estado unico del corto numero de neofitos de ambos sexos que existen y en que son ocupados en lo mas del tiempo: en la actual situacion en que se haya de arruinamt. y esterminio la presita Ex-Mision: con todo aquello que conduzca á la Justificacion i pro de mi intento para los fines ya indicados: y concluidas que sean se me de lo practicado, original que sea el uso que me convenga. P. T. A V. S. pido obre conforme a Justicia y se sirva admitir el presente en papel comun por no haber del sello que corresponde. Juro lo necesario &c. S. Francisco de Asis. Abril. 6. de 1844.

Francisco de la C. Sanchez.

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Jusgado de 1ª nominacion de S. Francisco de Asis.

Abril 12 de 1844. = Por presentado y admitido el escrito que antecede y en vista de lo que pide la parte contenida en el. Yo el Alcalde de 1ª nominacion de la Jurisdicion ciudadano Guillermo Fukley: hice comparecer à Don Francisco Guerrero vecino de la misma Jurisdicion y preguntado en forma sobre los puntos a que se contrae el presedente escrito, de que fué enterado que tenia que decir sobre el particular: dijo que esta notorio el deplorable estado de arruinamento en que se haya la ex-Mision de San Francisco tanto en sus casas como en sus haberes: pues si esisten algunos en pié es por estar ocupados por vecinos que las sostienen apesar de que se hallan en deplorable estado: y las que ocupan los pocos neofitos que ecisten (en tpos) estan abondanados lo mas y amenazando ruina En cuanto a haberes para la sostension y fomento: tambien esta notorio su estermanio: pues solo consisten, en unas cuantas lleguas viejas: caballos en igual estado: bueyes lo mismo, y una que otra se mortrenca; y aunque ignora que tenga algunos recursos esteriores conque pueda constar para su resablecimiento: los interiores, esta á la vista que no tiene ningunos: esquilmos por consiguiente casi ning-unos produse.: y lo de ser muy cortas siembras de trigo apena pueden subvenir á la mantencion de la Mayord-omia y su familia: subiendo esto solo mero entreteniendo á la muy poca neofia que existe y se emplea en ellas. a que se agrega el fomento de mi holganoria e inutilidad publica que el resto de neofia; consiste en un corto numero de ello y los mas de abandanado edad; y en general descontentos por la demandas que padesen: pues siempre estan enbuettos ~~mis~~ en la miseria a desnudes y ambre por los ningunos recursos con que cuentan mis terrenos estan como valdios y ocupados con bienes ó particulares: pues como ha dho. la Ex-Mision no las posee: que es cuanto tiene que decir sobre lo que se le ha preguntado; y en fin de ser asi verdad: lo firmo auté mi el presente Juez oy dia de la fha.

Francisco Guerrero. Guillermo Hinkley.

De assa. Francisco de Marro. assa. Condelario Valencia.

A continuacion hice comparecer Yo el referido Juez a D. Jesus Noes, vecino tambien de la Jurisdicion y en la misma que al antecedente: haviendo sido preguntado sobre los puntos a que se contrae el escrito que precede: dijo: que el actual estado en que

se haya la ex-Mision de San Francisco de Asis; esta
á la vista: y es bien notaria su deplorable situacion
9. si no cuenta con algunos recursos esteriores por su rest-
-ablecimiento: los que tiene en el interior son: sin ning-
-unos: por solo consisten en una poca de lleguada
Vieja: caballos lo mismo y bueyes por consiguiente: una
que otra nes mostrenca; y brasos para sus trabajos, muy
abansados y discontentos por los padecimientos de desnudes
ambres y falta de recursos para su mantenimiento: esq-
-uilmos no produce casi ninguna y del unico renglon
y es de las cortas siembras de trigo que apenas dan la man-
-tencion de la Mayordomia y su familia: y en lo que
estan lo mas del tiempo empleados y siempre ociosos
regularmente: las casas de la ex-Mision estan aband-
-onadas lo mas y en deplorable estado y las que ocup-
-an los vecinos son las unicas que estan en mejor pié
que es cuanto tiene que decir; y de ser verdad lo que
ha declarado lo firmó ante el presente Juez y los
de assa.

J. D. Jesus Noes. Guillermo Hinckley.
assa. Francisco de Haro. assa. Candelario Valencia.

A continuacion comparecio tambien José Cornelius
Bernar vesino o tambien de la Jurisdicion y habiendole
enterado de los puntos a que se contrae el escrito que
presede y preguntado sobre que: tenia que decir en el
particular dijo: ser verdad hablarse la Ex-Mision
de S. Francisco de Asis muy Deteriorada y en una
casi total ruina y esterminio: que sino cuenta con
recursos exteriores para su restablecimiento: no tiene
casi ningunos interiores: pues no quedan mas que
unos cortos restos de caballada vieja: unas acaso antes
llegaran en el mismo estado y bueyes y acasa una
que otra res mostronca: esquilmos solo de muy cortas
cosechas de trigo que apenas bastase á la mantencion
del Mayordomo y su familia: y en cuyas siembras y
cuidado se emplea la poca neofia que existe, siendo
esta causa que este lo mas del tiempo de onora: que
otra neofia esta tambien en muy deplorable estado
de desnudes, ambre y miseria por no tiene recursos
ni libertad para arbitrar ni substancia: lo que
motiva sus ~~documentos~~ su discontento y por ultimo
que lo mas de abandonado edad: que es cuanto puede
decir y de ser asi la verdad: lo firmó ante el

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el presente Juez y los de su assistencia oy dia de la fha.
José Bernar. Guillermo Hinkley.
assa. Francisco de Haro. assa. Candelario Valencia.

Hayandose concluidas estas diligencias entreguese al interesado para los fines que le convengan así lo decretó mandó y firmé oy dia de la fha.
Guillermo Hinkley.
De assa. Francisco de Haro. De assa. Candelario Valencia.

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Filed in Office. March 1st 1853.

Geo. Fisher.
Secry.

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17 Translation of Original Expediente

Sor Political Chief

I the Citizen Jose de la Cruz Sanchez a resident of the Presidio of San Francisco and native of the State in which I have my residence represent before you in due form That being owner of some number of black cattle and horses I need for its security and establishment the ownership of a tract of land. In consideration hereof I apply to you that in exercise of your powers you will be pleased to grant me the intermediate tract of land between that which Jose Sanchez my Father possesses called Bombini to the north and that of Las Pulgas belonging to Dona Soledad Ortega to the South called San Mateo Therefore I pray you to provide conformable to justice in this my solicitation which I make on common paper as the corresponding stamped paper is not to be had I swear to the necessary &c San Francisco 22nd of December 1836

In the margin Jose de la Cruz Sanchez

Pueblo de San Juan de Castro March 20th 1837

The Alcalde of San Francisco will report what is convenient and demand the respective plot and return this Expediente to the Prefecture

(Plot) Castro

(Report) In compliance with the provision in the superior decree of 20th of March last found in the margin of the solicitation which the Citizen Jose de la Cruz Sanchez makes for the location of San Mateo under date 22nd of December 1836 to report respecting the circumstances which may be in favor of the interested party I must say that the Petitioner is possessed of the legal qualifications in order to be attended to That though the Ex Mission of San Francisco recognises the land asked for as its own property yet this mission has only occupied a small portion of it for sowing of wheat and maize &c but without any necessity because this husbandry was formerly carried on in the immediate neighborhood of the Mission itself as is proved by the marks of the tillage and even the public opinion of the eldest people and if it is now carried on there it will be on account of the old Missionaries ambition to accumulate

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lands and most of the land has been rid of stock belonging to the Mission Its extension to North and South will be one league little more or less and to west and East an equal extent with little difference It bordens to North with the Rancho of Bimbini belonging to Don Jose Sanchez and besides the foregoing circumstances this Rancho and that called Laguna de la Merced belonging to Don Francisco de Haro are intermitted in such a manner that the said Rancho of San Mateo is disjoined of more than four leagues of land in circumference to the Mission To South it bordens on the Rancho de las Pulgas belonging to Da Soledad Ortega

The plot of the said location of San Mateo is hereby accompanied of which as well as of the present report you will make the use that may suit your Establishment of Dolores April 20th 1839

Francisco De Haro

San Juan de Castro October 1st 1839

Be it transmitted to the Excellent Sir Governor ad interim of this Department that his Excellency may be pleased to resolve What he shall deem to be just

In the absence of the Prefect Juan Miguel Anzar Monterey October 4th 1837

In view of what is represented by the Indians of San Francisco so that they be not deprived of the location of San Mateo which Don Jose de la Cruz Sanchez has solicited in his instance of 22nd of December 1836 I have concluded by decree of this days date to resolve

That there is no occasion for the solicitation of the above named Sanchez there being only the right of preference to another party in his favor in case at any time it should be resolved that the said land can be adjudicated to any particular Individual

Manuel Jimeno Casarin first proprietary member of the Excellent Assembly of the Department of both Californias in exercise of the Government of the same

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thus did order decree and sign it Manuel Jimeno
Francisco Acer 1st Official
Monterey October 5th, 1839 Be the Expediente returned
to the interested party that he may present it when
it may suit him as to his right Jimeno
San Juan July 3rd 1840

The interested party in this
Expediente being prepared in the grant of the location
of San Mateo in case it be given to any particular
individual and the Government being disposed to
dissolve the community of the Mission of San Fr-
ancisco offering the converts to settle them that they
may live as free men the interested party will at
any time be attended in the solicitation he makes
when previously the will of the Indians has
been known when the Justice of the Peace of that
municipality will assemble in presence of witness
-ses and ask them for their free and spontaneous
will in the moment in which the indicated
dissolution is ordered giving the most circumst-
-antial report in continuation of this decree
so as in view of all to resolve what is expedi-
-ent Almeida

Sor Justice of the Peace

I Jose de la Cruz Sanchez resident of this jurisd-
-iction appear before you in due form and represent
That having solicited of the Departmental Admi-
-nistration the grant of the tract of land called
San Mateo in consequence of being recognised
as the property of the Mission of San Francisco
de Asis and to be appropriated to the husbandry
of the converts has this no doubt been the obsti-
-cle for its not having been granted me but
having a Decree in my favor issued by Don
Manuel Jimeno at the time he was Governor
ad interim on said solicitation which is in
my possession and the Spontaneous consent
of the Converts themselves having at last been
obtained to the effect that I can occupy it
owing to my assurances not to prejudice them
in their husbandry. In such an understan-
-ding and that you will validate my design I
apply to you that you will be pleased to summon
the necessary persons to appear in the Justices
court in your charge and before attesting

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intresses institute the corresponding report in their said consent that this document may serve me as security in the following applications which in consequence of said investigations I must make to the Departmental administration when this document and other acts in the premises may have been transmitted to me

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Therefore I pray you to do as asked for in my present solicitation which I make on common paper as there is no corresponding stamped paper to be had I swear to the necessary etc Mission de San Francisco de Asis 13th of May 1840

Jose de la Cruz Sanchez

In the establishment of Dolores on the 25th of May 1840 Before me Franco Guerrero Justice of the Peace of this jurisdiction made to appear the comments of the Establishment of Dolores to make them acquainted with the present solicitation and that they might say without prejudices to their persons and homesteads what they might have to represent with respect to said solicitation and they answered me in a loud voice that it was their last will that the location of San Mateo be ceded in favor of Don Jose de la Cruz Sanchez provided that he does not prejudice them in the places where they dwell and where a companion of theirs might wish and they having made various reflections with respect to their concession they ratified it with me Alcalde Cuspo and all his infirmos in what they had said above being before Don Manuel Sanchez wherefore I give the present to the interested party

Franco Guerrero

Excellent Sir Governor

Jose de la Cruz Sanchez resident of the jurisdiction of San Francisco present myself before you and with due respect say that by the adjoined documents mentioned from me to, from your Excellency will see the repeated solicitations I have made in asking for the ownership of the location called San Mateo and at the end I only obtained the form to be preferred to another individual when the time of its being capable of adjudication (had arrived)

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now at present the District of San Francisco can not be considered as a Mission on account of the abandoned state in which it is and by want of stock and by hands the very few Indians remaining are willing that if the Government thinks fit I be granted the said location in ownership by reason of the security they have of the benefit resulting to them and which is not to want food which is the principal thing and to be enabled to look and for the necessary clothing on the spot according to their lafor In this supposition I pray you Excellency to be pleased to grant me what I ask for thereby will I and my numerous family receive a great favor and the Indians who wish it and find themselves without any resources to live between people will also be much obliged for it I swear &c Monterey October 30th 1844
Excellent Sir Yours Jose de la Cruz Sanchez
In the Margin
Monterey April 30th 1844 The Secretary of State will report as to what in this matter has been determined

Michiltorena

Excellent Sir Governor
There is some time since Don Jose de la Cruz Sanchez has solicited the tract of land called San Mateo and it has never been capable of being granted because the Indians have their houses and tillage in it the only land in which they calculate to subsist Therefore I am of opinion that Sanchez has in his possession documents to show when the location is in a state of being granted
Your Excellency superior determination will however be more appropriate Monterey April 30 1844

Manuel Jimeno

Monterey April 1844 Agreeable on account of having been advised that the Indians drive or procure the least usefulness from it and as the land appears to be vacant from this fact alone they will be made to lose all cause of action or right and whosoever other citizen will be understood to be in a position and as the first denunciator of the location

Michiltorena

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Sor Alcalde of the first Nomination
I Jose de la Cruz Sanchez an sident of this jurisdiction appear before you in due form and represent that I have to go to Monterey for the purpose of making a solicitation before the Superior Government of the Department which not only will be beneficial to myself in the premises but also to secure a successful termination of it it will likewise result favorable to all parties

as my incentive to address myself to the fountain of protection is to promote to a certain extent that which aids us with operative brands for the improvement of our agriculture and bred of cattle etc which are of so permanent a necessity for the sustenance of our families and thus with connected obligations as well as for the same causes to the jurisdiction to which bee belong which is to claim the liberty of the Convents who at present (so to say) find themselves in almost a total inactivity and public uselessness in the notoriously ruined Ex Mission of San Francisco de Asis with prejudice even to the Convents themselves and this being evident and palpable this probability has decided me to make the mentioned solicitation and expecting to obtain a good result from the high consideration of the Excellent Sor Governor General in view of future inconveniences and to remove those which might present themselves I apply to you that in view of your attributes you will be pleased to institute a report of the necessary Indians witnesses who will declare themselves formally about the following points 1st about the actual state in which the Ex Mission which I contract for is about the amount of stock and chattels for the maintenance and subsistance even of its limited community of Indians with what resources they reckon to protect it and promote the distinct branches of industry agriculture and others which before had been under its protection and resort and finally about the very state of the small number of Convents of both sexes,

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existing and in what they are occupied for the most time and the actual situation in which the aforesaid Ex Mission is of ruin and dissolution together with all that which might be conducive to the Justification in favor of my design for the purposes already indicated and when they may have been concluded to give me the acts in original for the use that may suit me Therefore I ask you to act conformable to justice and to be pleased to admit the present on common paper as the corresponding stamped paper is not to be had I swear to the necessary &c San Francisco April 6th 1844

Jose de la Cruz Sanchez

Justice court of the first Nomination of San Francisco de asis April 12th 1844.

The foregoing writing ~~having~~ been presented and admitted and in view of what the party there in mentioned asks I the Alcalde of the first Nomination of this Jurisdiction the Citizen Guillermo Hinkley made the resident Don Francisco Guerrero of the same Jurisdiction appear and having been formally interrogated as to the points set forth in the present writing with which he was made acquainted what he had to say on the subject he said

That he is well appraised of the deplorable state of ruin in which the Ex Mission of San Francisco is as well as to the houses as to its stock for if there are any houses standing at all it is owing to them being occupied by residents who sustain them in spite of being in a deplorable state and the most of those which the few counts now existing occupy are abandoned and threatened with ruin as to stock for the sustenance and improvement the dissolution is also notorious for it only consists of some few old mans horses in an equal condition even likewise and each animal goes astray as without anyone and although he is ignorant of whether it may have some exterior resources on which to cultivate its reestablishment yet the interior resources are apparently more consequently

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the produce is almost nothing and the crop of the very small wheat fields can scarcely suffice for the maintenance of the Superintendent and his family this sowing only sowing as mere entertainment for the very few convents existing and employed in the sowing thereof to which is added encouragement to the public idleness and uselessness of the rest of the convents thereon consisting in a small number and most of them in an advanced age and in general being discontent on account of the state of nudity under which they suffer for they are always enveloped in the misery of nakedness and hunger on account of having no means to reckon on these lands are equivalent to being vacant and are occupied with stock of other persons for as he has said before the Ex Mission does not possess any which is all he has to say to what he has been interrogated about and in testimony of this being the truth he signed before me the present Justice the day and year above named

Franco Guerrero Guillermo Hinckley
Assistants Assistants
Francisco de Haro Candalaria Valencia

In continuation I the said Justice made to appear Don Jesus Noe likewise ansedent of the aforementioned jurisdiction who having been interrogated about the points set forth in the preceding writings said that the actual state of the Ex Mission of San Francisco de Asis is apparently and notoriously a deplorable one and that it is without any resources on which to calculate its reestablishment

The resources it has in the interior are almost none as they only consist in a few old mans horses and Oxen in consequence of which each animal goes astray as without an owner and it is abandoned of hands for the labor and who are discontent with their suffering from nudity hunger and want of means for their maintenance It produces almost no crop and the only income is from the small wheat fields which scarcely furnish for the maintenance of the Superintendent

and his family and on which they are for the most time employed and always regularly idle Most houses in the Ex Mission are abandoned and in a deplorable condition and those which the residents occupy are the only ones that are in better repair which is all he has to say and in testimony of the truth of what he has declared he signed this before the present Justice and the Assistants

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Jose de Jesus Noe Guillermo Hinckley
Assistants Assistants
Francisco De Haro Candelaria Valencia

In continuation Jose Cornelio Bernas also of this Jurisdiction likewise appeared and having been made acquainted with the points set forth in the preceding writing and interrogated what he had to say about the matter he said

That it is true that the Ex Mission of San Francisco de Asis is very much deteriorated and in an almost total ruin and desolation that it has no exterior resources on which to calculate for its re establishment

That it has almost no interior resources than there is left but a few heads of old horses a few mans and even in the same condition and each animal goes astray as without any owner Produce only a very small crop of wheat which scarcely suffices for the maintenance of the Superintendent and his family and in the sowing and care of which the few convents existing are employed

This being a cause that they for the most time are idle that said convents are also in a very deplorable condition from nakedness hunger and misery on account of not having neither resources nor liberty to furnish means for their subsistence which causes them discontent and lastly they are in advanced age This is all he can say and in testimony of this being the truth he signed it before me the present Justice and the assistants the day and year first above written Jose Bernas Guillermo Hinckley

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Francisco de Haro Candelario Valencia
These acts being concluded let them be del-
-ivered to the interested party for the purposes
that may suit him. Thus decreed and signed
the day and year first above named
Guillermo Hinchley

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Assistants
Francisco de Haro Candelario Valencia

Filed in Office October 10th 1853
Geo Fisher
Secretary

27 Opinion of the Board

Jose de la Cruz Sanchez
vs
The United States } San Mateo

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The only documentary testimony filed in support of this claim consists of an original Expediente containing the preliminary proceedings upon the application of the present claimant for a grant of the land lying between the Ranchos of Bumbuni and Las Pulgas known by the name of San Mateo

The first paper contained in the document is the original Petition of Jose de La Cruz Sanchez praying for a grant of the land in question dated December 22nd 1836 Upon this Petition after several references and reports Manuel Jimeno first Vocal of the Departmental Assembly acting as Governor makes the following decree dated October 4th 1837

In view of what is represented by the Indians of San Francisco so that they be not deprived of the location of San Mateo which Don Jose de La Cruz Sanchez has solicited in his instance of the 22nd of December 1836 I have concluded by decree of this days date to resolve that there is no occasion for the solicitation of the above named Sanchez there being only the right of preference to another party in his favor in case at any time it should be resolved that the said land can be adjudicated to any particular individual

This is followed by an order signed Jimeno dated 5th of October 1839 directing the Expediente to be returned to the interested party that he may present it when it may suit him as to his right Then follows in the order of time some additional Testimony in support of the application and a decree of Governor Alvarado of which the following is a Copy San Juan July 3rd 1840 The interested party in this Expediente being preferred in the grant of the location of San Mateo in case it is given to any particular individual

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and the Government being disposed to disolve the community of the Mission of San Francisco offering the Convents to settle thereon that they may live as firemen The interested party will at any time be attended in the Solicitation he makes whom previously the will of the indians has been known whom the Justice of the Peace of that Municipality will assemble in presence of witnesses and ask them for their fire and spontaneous will in the moment in which the indicated disolution is ordered giving the most circumstantial report in continuation of this decree so do in view of all to resolve what is expedient

Signed Alvarado

No further action appears to have been had in the Matter until April 1844 when Sanchez renewed his application by a new or supplemental Petition to Governor Michel torena accompanied by several depositions taken before the Alcalde of the 1st Nomination of the jurisdiction of San Francisco going to show the utter ruin and abandonment of the Mission of San Francisco and the helpless and distitute condition of the Indians belonging to it This new Petition was referred to the Secretary of State who on the 30th of April 1844 makes the following report

Excellent Señor Governor

There is some time since Don Jose de la Cruz Sanchez has solicited the tract of land called San Mateo and it has never been capable of being granted because the Indians have their houses and tillage upon it the only land on which they calculate to subsist

Wherefore I am of the opinion that Sanchez should retain in his Possession these documents until the time when the place shall be in a condition to be granted Your Excellency's superior determination will however be more appropriate M. Monterio This report is followed by a decree of Governor Michel torena of the same date of which the following is a translation agreeable But let it be understood that if he causes or gives the least Annoyance to the Indians with the object of showing that the land is vacant

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by this act alone he shall lose all claim or right to the land and any other person may be considered as the first denouncer of the place

Michel Torena

Note The Translation of the Expediente filed by the Claimant is exceedingly inaccurate and the two last documents cited as from Translations made in the Office of the Commission

This decree is the last paper in the order of time contained in the Expediente and with it all action both on the part of the Government and the Claimant appears to have ended The genuineness and authenticity of the several papers comprising the Expediente are duly proven by the deposition of William A Richardson This constitutes the whole Testimony in the case

There is no proof whatever that the claimant ever was in possession of the land or exercised or claimed any exclusive ownership of it the only evidence upon this point is that the cattle of the Sanchez family sometimes ranged over it

This evidence so far from establishing any right or title in the Claimant proves that his repeated applications for a grant of that land were either refused or postponed until the land could be shown to be in a condition to be granted and the only concession in favor of the Petitioner was an intimation that he should be preferred in case the Government should thereafter conclude to grant the premises

This is clearly insufficient to invest the claimant with any such incipient right or equitable interest as would have bound the conscience of the Mexican Government or that of the United States which succeeded it, to perfect into a complete title, the whole matter remained in the discretion of the Government & he might have refused to grant at all or he might have granted to any other person without violating any principle of Law or Equity The claim is not sustained by any principle or authority which has been prescribed for the Governance of the Commission and must therefore be rejected

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Filed in Office September 19th 1854
Geo Fisher Secretary

Decree

Case No 672

José de la Cruz Sanchez } San Mateo
vs
The United States

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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 denied

Alpheus Felch
R Aug Thompson
S B Farwell
Commissioners

Filed in Office Sept 19th 1854
Geo Fisher
Secretary

And it appearing to the satisfaction of this 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 of the decision in this case + of the Papers and evidence upon which the same are founded be made out and duly certified by the Secretary one of which Transcripts shall be filed with the Clerk of the United States District Court for the Northern District of California and the other be transmitted to the Attorney General of the United States

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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 Thirty one — pages, numbered from 1 to 31, 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. 672 on the Docket of the said Board, wherein José de la Cruz Sanchez is — the Claimant against the United States, for the place known by the name of "San Mateo"

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this Thirty first — day of January A. D. 1855, and of the Independence of the United States of America the seventy-ninth.

Geo: Fisher.

Sy

U. S. DISTRICT COURT,

Northern District of California.

No. ~~[illegible]~~ 178 –

THE UNITED STATES,

EL 178 1

vs.

EL 178 1 ND

José de la Cruz Sanchez.

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 672 –

Filed, February 5th 1855,

John A. Monroe

Clerk

Case No. 672 — On appeal from the Board of U. S. Land Commissioners

José de la Cruz Sanchez
app't

as

The United States
app'lee

claim for "San Mateo"

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Sir!

Please to take notice that the claimant in the above case will prosecute the appeal therein.

San Francisco
May 9th 1855

Yours respectfully
Clarke Taylor & Heath
Att'ys. for claimant.

To the Clerk of the U. S.
District Court for the Northern
District of California —.

No 178

U. S. District Court
the Northern District
of California.

Jose de la Cruz Sanchez
appt

vs

The United States.
apl.

claim for "San Mateo"

Notice of Appeal

Filed May 9th 55
Lucas A Monroe
Clk

Clarke Taylor & Beckh.
Attys for claimant

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

José de la Cruz Sanchez
Appellant
vs
The United States

No. 178 L. C. Docket
No. 672

Your Petitioner José de la Cruz Sanchez respectfully shows that heretofore viz. on the 28th day of February 1853 he filed before the United States Board of Land Commissioners for California a petition for the confirmation of his claim to a tract of land situate in the Northern District of California viz. in the County of San Francisco for a description of which land, and the title of your petitioner reference is hereby made to said Petition.

That after hearing said Petition with the proofs and the arguments of counsel in the cause the said Board on the 19th day of September A. D. 1854 rejected said claim as invalid. That on the 5th day of February 1855 a transcript of the record of said cause was filed in this Court; by virtue whereof and by force of the Statute in that case

made and provided an appeal to this Court was duly effected.

That on the 9th day of May 1855 your petitioner filed in this Court a notice of her intention to prosecute said appeal.

Your Petitioner prays that the decision of said Board may be reversed and that this Court may confirm his title to the said land

Respectfully
J. Clarke Atty.
for Claimant

U. S. District Court

No. 178

Joseph la Cour Claucher
Appellant
vs
The United States

Petition
Filed June 30, 1855,
by Chevers
Deputy

J. Clarke Atty for
Claimant

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

The United States
ads
Josè de la Cruz Sanchez } D.C. 178 : L.C. 172

The United States by
their attorney deny the validity
of the title set out in the petition
of the appellant and pray that the
decision of the U. S. Land Commission
be affirmed and that the said title
be decreed invalid.

San Francisco Dcf 12. 1857

Wm Blanding
U. S. Atty.

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U. S. Dist Court

The United States
ads
Jose de la Cruz Sanchez.

Answer

Filed Feby 12. 1857.
W. H. Chever.
Deputy.

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Wm Blanding
U. S. Atty

Enter on Minutes & make cert'd copy

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

The United States

v.

Jose de la Cruz Sanchez,

claimant for the place called

San Mateo.

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On motion of Gregory Yale, attorney for the claimant, and ~~by~~ the ~~consent~~ of the District attorney, being present it is ordered that the case be opened for further testimony and argument, and that the claimant be allowed ninety days time from this date within which to take additional evidence before the commissioner of this court; and that he be allowed twenty days from the date of this order within which to amend the petition by properly setting forth the legal effect of the title papers contained in the expedients in the case — And that the Counsel for adverse claimants be notified of this order

Dated March 7th, 1868.

Ogden Hoffman
Distt Judge

Case 178

United States
v
Jose de la Cruz Sambor

Order reopening ctes case for further evidence and argument.

7th March, 1868

Filed March 7 1868
Geo. E. Whitney
Clk
by
A. D. Smith D.C.

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United States District Court
of California

The United States
Vs
Jose de La Cruz Sanchez

Under the order of this Court entered on the 7th inst., that the claimant should file an amended petition within twenty days stating the legal effect of the Expediente in this case, as an amendment of the Original petition filed before the Board of the Land Commissioners, the claimants in this case respectfully say, that the Mexican Authorities granted to him the Land described in the said Expediente as his absolute property and that the said land as private property was confirmed to him by the Treaty between the United States and Mexico, which the United States are obligated under the said Treaty and the Law of Nations to execute by confirmation.

Gregory Yale,
March 28th, 1868. for Claimants

Copy of the within amended petition served on me this 28th day of March 1868

R. F. Morrison
Acting U.S. Atty

178
U.S. Dist Ct
Dist Cal

The United States
J. D. Carey Sanches
Amended Petition

Tues Mch 31 1868
Cal Exhibit
on
Issue
[illegible]

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It appearing to the Court that this suit is brought to procure a confirmation of the claim to a certain tract of land alleged to have been granted to Jose dela Cruz Sanchez, by the Mexican Government, and it further appearing that the evidence now offered is offered to prove that a certain other alleged grant for the said land was forged, invalid and ante dated; And the Counsel for the United States having stated that said last mentioned grant and the confirmation thereof, and the patent therefor have not been offered in evidence, nor will the same be in any way relied on or introduced in evidence to defeat the claim and alleged grant now before the Court;

And that the Counsel for the Claimants insisting that all evidence as to the existence or validity of grants for the said land other than the alleged grant now before the Court is irrelevant and immaterial, and that the claimants claim be restricted in his proofs to evidence tending to show the grant under which he claims to be valid; And that the validity ^or invalidity^ of alleged grants to persons not parties to this suit, cannot now be attacked, and all inquiries into the same are irrelevant and inadmissible,

It is now ordered and adjudged that the said objection be sustained and that the said questions be disallowed,

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U S Dist Ct

The United States

Sanchez

Order

Ended sent May 14/68

Geo Ewhitney

Ct

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vs
The United States.

The above case having been referred to the Commissioner the ~~claimant~~ Counsel for claimant put certain questions to Pio Pico a witness on the stand which were objected by the Counsel for the U. S. on the ground that the same ~~and the~~ ~~wider~~ were irrelavant and inadmissible, the ~~said~~ examination of the witness was adjourned & the matter referred to the Court for decision —
The suit is pending in this Court on appeal from the decision of the late Board ~~for ascertaining~~ of Land Commissioners
The claimant relies for confirmation on an alleged grant from the former government of Mexico.
~~It also~~ Another claim for the same land was also presented to the Board confirmed by them

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and a patent therefor issued to one W. D. M. Howard.

~~It is now~~ The claimants counsel now offers to show that this alleged grant was forged invalid and antedated, and to prove this puts the questions objected to to Pio Pico a witness called by himself and the person by whom the grant alleged to be fraudulent purports to have been made. The Counsel for the U. S. object on the ground that ~~the so~~ neither the said grant, the confirmation thereof nor the patent to W. D. M. Howard have been offered in evidence and that until ~~they are~~ so offered ~~all~~ any ~~investigations~~ inquiry into the validity thereof ~~are~~ is inadmissible —

I think it clear that the objection is well taken.

The claimant must recover if at all on the strength of his own title. ~~It is no way tends to show prove that he~~

Proof that another pretended title is had in no way tends to show claimants title to be good.

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The lands in controversy may be embraced within the limits of several adjoining ranchos — The claimants of those ranchos are not in court nor can they as such become parties to this proceeding. They are therefore not in a position to resist any attack that may be made on their titles — and if allowed to appear the record would be encumbered by proofs wholly irrelevant to the issue now before the Court. It is true, that in this case the U. S. are represented by Counsel who are understood to represent parties claiming under the patent to Howard. But they appear in the name of the U.S. and by leave and request of the District Attorney. The U. S.

have relinquished all title to the lands in controversy, that fact naturally permits those who claim under the U.S to appear in opposition to the claim now set up.

I see nothing in these circumstances which should affect the decision of the points now presented.

The only issue now before the Court is, did the present claimant obtain a valid legal or equitable title from the former government? If he did, he is entitled to a confirmation - if not his claim must be rejected, no matter how many other invalid claims may have been made for the land & may have or confirmed for the land.

If true as the existence of any grants alleged to be invalid should be held on to defeat the equitable title set up by the claimants, the loi

4 Once now offered to show that ~~has~~ those grants ~~has~~ are forged and fraudulent would no doubt be admissible.

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U S Dist Ct

Dist Cal

The United States

v

Jose de la Cruz Sanchez

Opinion

Filed May 14, 1868

Geo E Whitney

Cl

by Sneall

[illegible]

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

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The United States
vs
Jose de la Cruz Sanchez,
Claimant for the place
called San Mateo.

Case numbered 178 on the
Calendar of Land cases in
this Court.

I hereby Substitute Gregory Yale,
Attorney at Law, practising in this
Court, as my Sole Attorney for the
prosecution of the above named
claim in this Court, in lieu of
Jeremiah Clark, or of Clark,
Peck & Campbell, and of all
other attorneys who have heretofore
appeared for me in the prosecution
of this case, with full power, as such
attorney to take all the necessary steps
which in his judgment may be
necessary and proper, under the
rules and practice of this Court, to
prosecute the claim to a final deter-
mination in this Court, or in any other
Court to which it may be carried by

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me as Claimant for the Rancho San Mateo, & by the United States, reference being had for a more particular description of said Rancho to the petition, the amended petition, and to the Expediente in this case.

This Substitution to take effect from the 7th day of March 1868.

Hereby satisfying and confirming all matters and things which the said Gregory Yale has done and performed in the premises, as attorney at law, in this Cause, since that day.

Given under my hand and Seal this 26th day of April 1870

J. Dela C. Sanchez

Witness
Jose M. Sanchez

Copy here

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

The United States
vs
Jose de la Cruz Sanchez,
Claimant for the place called San Mateo.
No. 178 Dist Court

The claimant, José de la Cruz Sanchez,
in the above entitled case, having
substituted and appointed, by an instrument
in writing under his hand and seal
bearing date on the 26th day of April
1870, Gregory Yale, a practicing attorney
in this Court, his sole attorney for the
further prosecution of the said claim,
dating back to the 7th day of March A.D.
1868 in lieu of all other attorneys whose name
appear of record for him, and ratifying
and affirming the acts of the said Yale
as his said attorney in this case, from
said date.

Now, therefore, upon the applic-
:cation of the said claimant, it is
hereby ordered, that the said Gregory
Yale be appointed and substituted as
the sole attorney of the said claimant

for the prosecution of said claim, in lieu of all other attorneys, which name appear of record for the said claimant in this case, and that the change and substitution take effect from the 4th day of March, 1868, as in said instrument, now here before me, is provided.

Dated May 16th 1870.

Ogden Hoffman

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

No. 178
San Mateo

The United States
vs
Jose de la Cruz
Sanchez

Substitution and
order of Gregory
Yale as attorney
for claimant.

Filed this 16th day of
May AD 1870
Edw'd B. Cotter Clerk
By N. D. Grimwood
Dep. Clerk

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

The United States

vs

José de la Cruz Sanchez
Claimant for San Mateo.
No. 178. Dist Court.

Sir:

Take notice, that I have been, by order of Court entered on yesterday, upon the application of the claimant, substituted as his sole attorney in the prosecution of this claim, in lieu of all other attorneys heretofore appearing for him, to take effect from the 4th day of March 1868.

Dated May 14th 1870

Gregory Yale
Attorney &c

To L. D. Latimer Esq
U. S. District Attorney

U. S. Dist Court
Cal
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The United States
vs
José de la Cruz
Sanchez, claimt
for San Mateo

Notice of
Substitution of
Gregory Yale Esq
as attorney for claimant

I acknowledge service
of a copy of within notice
L. D. Latimer
U. S. atty
May 17/70
Filed May 17th 1870
Edwd. B. Copper
Clerk

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Señor Political chief

The citizen Jose de la Cruz Sanchez resident of the Presidio of San Francisco and native of the State of your residence, to you in due form: makes known that being the owner of some number of horned Cattle and horses needs for their security and the establishment of the property a tract of land. Hence it is that he applies to you in order that in use of your authority, you may be pleased to grant to him the middle land, between the one that Don Jose Sanchez (my father) posesses called Buri Buri to the north and that of Las Pulgas of Doña Soledad Ortega to the South; which is called of San Mateo..

Wherefore to your honor (V.S.) I pray you to decree in conformity with justice this my present petition which I make on common paper there not being any of the corresponding seal. I declare all that is necessary &c.
San Francisco December 22nd 1836

Jose de la Cruz Sanchez

Marginal Decree
Pueblo of San Juan de Castro March 20th 1837
Let the Alcalde of San Francisco inform that which is convenient: let him ask for the corresponding plat (Diseño) and let him return the expediente to this Prefectura

Castro

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Report

In compliance with the requirements in the Superior decree of the 20th ult: of March ult: which is found on the margen of the petition that the citizen Jose de la Cruz Sanchez makes for the track of San Mateo on the 22d of December 1836: In report concerning the circumstances which favour this interested party: I must say; that, the petitioner has the requirements of law that he may be attended to: that although the land which he asks for, has been considered by the Ex-mission of San Francisco de Asis as its property: (pertenencia) the said Mission has only occupied a small portion of it for the sowing of wheat, corn &c. but without necessaty; as before: these same labours were made in the vicinity of the same Mission which can be proved by the signs of cultivation of the land, and even by the public voice of antient people: and, if at present they are made there, the ambition of the old Missionaries to accumulate lands must be the reason; and the rest of the land has been without movable property belonging to the Mission. Its extension from North to South may be of one league a little more or less: and from East to West, the same with little difference. It bounds on the North with the Rancho of Buri Buri of Don Jose Sanchez, and besides the circumstances above mentioned this Rancho and the one called Laguna de la Merced of Don Francisco de Haro, are interposed: so that the aforesaid of San Mateo remains at a distance of more than four leagues of land from the circumference of the Mission. On the South it

bounds with the Rancho of Las Pulgas of Doña Soledad Ortega. The plat (diseño) of the aforesaid tract of San Mateo is the one with which this goes accompanied of which the same as of the present report your honor (S.S.) will make the use that you may think proper.
Settlement of Dolores April 20th " 1839

Francisco de Haro

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San Juan de Castro October 1st " 1839
Let this be forwarded to the Most Excellent Governor (ad interim) of the Department that his Excellency may be pleased to resolve that which he may deem just.

In absence of the Prefect.
Juan Miguel Anzar

Monterey - October 4th " 1839
In view of what the Indians of San Francisco — represent in order that they may not be deprived — of the place called San Mateo which Don Jose de la Cruz Sanchez has applied for in his petition of the 22d " of December 1836: I have by decree of this day ordered: that the petition of the above named Sanchez cannot be granted, only he shall be aided by the right of preference to any other, in case it should be ordered at any time, that the said land can be adjudicated to any particular individual.
Señor Don Manuel Jimeno Casarin first member of the Most Excellent Junta of the Departments of the Californias in exercise of the Government of the same so

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ordered, decreed and signed.

Manuel Jimeno

Francisco Arce
1st Officer

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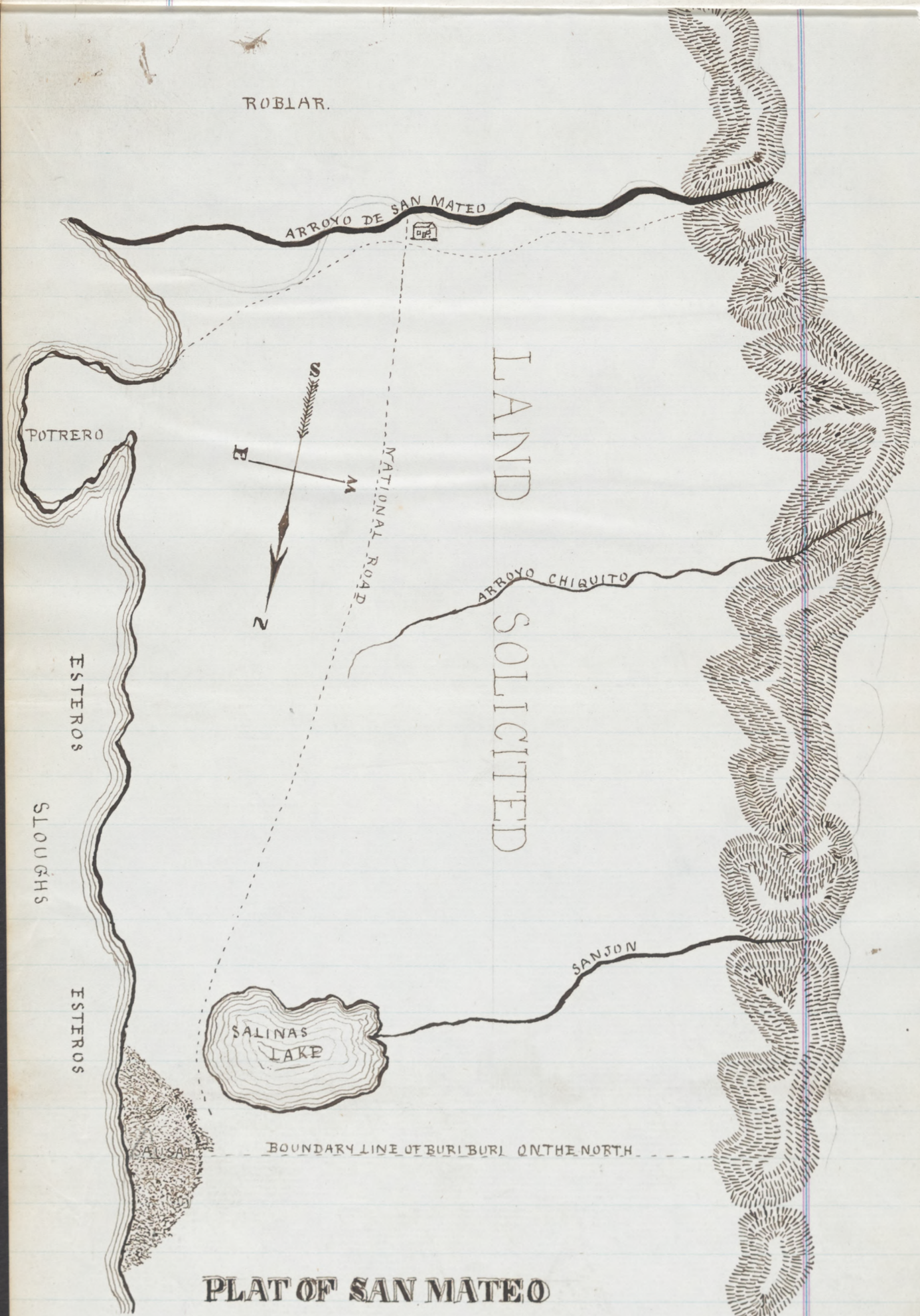
Monterey October 5th 1839.
Let the Expediente be returned to the interested party in order that he may present the same when to his right it shall be necessary.

Jimeno.



PLAT OF SAN MATEO

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Plat of San Mateo

Diocese

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"San Mateo."

José de la Cruz Sanchez, Cmsr

San Mateo Co

400 R

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Monterey April 29th 1844
The 1st Secretary of State will report.
Micheltorena

Senor Justice of the Peace

Jose de la Cruz Sanchez resident of this Jurisdiction before you in due form appears and states: that having solicited of the Departamental Superiority the concession of the land of San Mateo in consequence of it being recognized as belonging to the Mission of San Francisco de Asis: and having been destined to the Neophytes for their sowing grounds: this without doubt has been the obstacle for which it has not been granted to me.
Nevertheless: having a decree in my favour given by Don Manuel Jimeno during the time that he was Governor (ad interim) concerning said provision and which I have in my possession: and and lastly having obtained the spontaneous will of the same Neophytes that I may be able to occupy it hearing my protest of not troubling them in their works.
In virtue of which, and that I may be ratified in my purpose; I apply to you that you may cause a necessary number of them to appear in the office (Juzgado) of your charge; and before the witnesses of your assistance make known to them the corresponding information upon their said consent: that this Document may serve me as security in the necessary steps that in consequence of the cited investigation I must make before the Departamental Superiority: so soon as this document and the one upon which has been acted will be returned to me.
Wherefore, to you I beg to do as I ask in my present petition which I make on common paper there being none

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of the Corresponding seal. I declare all that is necessary &c.- Mission of San Francisco de Asis May 13th " 1840

Jose de la Cruz Sanchez

In the Establishment of Dolores on the 25th " of May 1840

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Before me Francisco Guerrero Justice of the Peace of this jurisdiction I caused to appear the Neophytes of the settlement of Dolores to make known to them the present petition, and that they might say without prejudice to their persons and homes, whatever they had to say with regard to said solicitude, and they answered me in a loud voice that is was their greatest wish to cede the land of San Mateo in favor of Don Jose de la Cruz Sanchez, provided: that they would not be troubled in the portions upon which they live, and that they desired him to be as a friend with them. And having made several reflections to them respecting his petition, the Alcalde Crispo and all his subjects ratified with me what they had said before in presence of Don Manuel Sanchez for which reason I give the present to the interested party.

Francisco Guerrero

San Juan July 3d 1840

The interested party in this Expediente being prefered in the Concession of the tract of San Mateo in case it should be granted to any particular individual and the Government being disposed to disolve the Community of the Mission of San Francisco offering to the Neophytes permission to establish themselves in it, that they may be able to live as free men: the interested party shall be heard in the petition which he makes; provided the consent of the indians precedes: who the Justice of the Peace of that Municipality shall call together and in presence of witnesses shall ask them their free and spontaneous will, at the moment that the mentioned dissolution will be ordered, giving the most circumstancial report in continuation of this decree, that in view of all this, that which is convenient may be decreed.

Alvarado

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Señor Alcalde of 1st Nomination

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Jose de la Cruz Sanchez resident of this Jurisdiction before you in due form appears and says: that I have to go to Monterey with the object of making a petition before the Superior Goverment of the Department which will not only be beneficial to me in particular but also for obtaining the good result of the same: It will be also beneficial to all being the desire with which I am inspired; to direct myself to the source of protection; to make mention in some way for us to be aided with working hands for the Encouragement of our agriculture and the raising of cattle &c. which are to us of such absolute necessaty for the sustenance of our families and many obligations: the same as for the number of the Jurisdiction to which we belong which is to pretend the liberty of the Neophytes that to day (it may be said) find themselves in a nearly total state of inaction and public inutility in the notoriously ruined Ex Mission of San Francisco de Asis; in detriment furthermore of the same Neophytes; and this being evident and palpable; with this probability I have decided myself to make the indicated pretention; and hoping to obtain a good result from the upright considerations of the Most Excellent Governor General; in view of future embarrassments; and to overcome those which may present themselves: I apply to you that in use of your attributions, you will make out a report of the necessary credible witnesses who may testify in form upon the following

Monterey April 29th 1844
The Secretary of State will send other reports if he deems it necessary.
Micheltorena

points.

1st Upon the present Condition in which the aforesaid Ex-Mission finds itself; with regard to the necessaries of life for the mantainance and Keeping of even its limited number (Community) of Indigenous; with what means does it count upon for its encouragement and that of its distinct branches of Industry, Agriculture and the rest that have heretofore been under its protection and care; and lastly the very condition of the limited number of Neophytes of both sexes that exist; and in what they are occupied the most of the time in the present situation of ruin and destruction in which the above named Ex-Mission finds itself: with all that which should be to the justification, in favour of my interest, for the ends already mentioned: and that after they be completed, whatever has been effected be given to me in original for the use that may be convenient to me.

Wherefore to you I beg that you act in justice and be pleased to admit the present on common paper there not being any of the corresponding seal. I declare all that is necessary &c.

San Francisco de Asis
April 6th 1844

Jose de la Cruz Sanchez

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Justice of 1st Nomination of San Francisco de Asis April 12th 1844

The foregoing instrument having been presented and admitted and in view of what the party named in it asks for: I William Hinckley Alcalde of 1st Nomination of the Jurisdiction caused Don Francisco Guerrero resident of the same Jurisdiction to appear, and having been questioned upon the points to which the above instrument refers, the contents of which were made known to him, as to what he had to say upon the subject. He said: it is truly notorious:- the deplorable state of ruin in which the Ex-Mission of San Francisco finds itself, not only in its buildings but also in its property; for if any of them are extant, it is because they are occupied by neighbours that repair them, notwithstanding; they are in a deplorable condition: and the ones that the few neophytes occupy (at times) also are abandoned nearly always and threaten ruin. With regard to the property for the sustenance and Encouragement; its destruction is also notorious: for, they consist only of a few old mares, horses in equal condition, oxen the same and a stray beef here and there and I even ignore of its having any external revenue upon which it counts for its reestablishment.
It is evident that means of its own it has none; consequently they have scarcely any produce from cattle; and that which they derive from their limited sowing grounds of wheat barely provides for the mantainance of the administrator and his family; this serving only as a mere pastime to the very few neophytes that exist and occupy themselves in working:

to which may attributed the encouragement of their indolence and public inutility. That the rest of the Neophytes consist of a small number and the most of them of an advanced age, and generally dissatisfied for the nakedness in which they are, as they live in a state of nakedness and hunger: for the reason of they not having means upon which they can crumb their lands are as vacant and occupied by the property of other individuals: since as he stated, the Ex-Mission does not own them: which is all that he has to say (testify) concerning what has been asked him, and he believes it so to be true. He signed before me this present Judge on the day of this date

William Hinkley

Francisco Guerrero

(Of. Assistance)
Francisco de Haro

(Of assistance)
Candelario Valencia

In continuation I the above named Judge caused Don Jesus Noe to appear resident also of this Jurisdiction and in the same as to the foregoing: having been questioned upon the points to which the preceding refers: he said that the actual condition in which the Ex-Mission of San Francisco de Asis finds itself can be seen, and its deplorable situation is truly notorious: that if it does not depend upon some external funds for its reestablishment: those which it has on hand are almost none: these only consisting of a few old mares, horses the same and oxen as a matter of

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course, a wild beef here and there and working hands very few and far advanced in age, and discontented on account of their sufferings from nakedness and hunger, and want of means for their mantainance. Produce from cattle it has scarcely any and from the only branch is that of their limited sowing grounds of wheat which surely scarcely yield enough for the mantainance of the administration (Mayordomia) and family, and in which they are occupied most of their time and always idle generally The houses in the Ex-Mission are abandoned most of the time and in a desolate condition: and those which the neighbours occupy are the only ones that are more firm: which is all he has to testify: being what he has declared true, he signed before the present Judge and the assisting witnesses.

William Hinkley

Jose de Jesus Noe

(Assist.)
Francisco de Haro

(assist)
Candelario Valencia

In continuation appeared also Jose Cornelio Bernal resident of the Jurisdiction; and having been made acquainted of the points relative to the instrument that precedes: And having been questioned as to what he had to say upon the matter, he said; it to be true that the Ex-Mission of San Francisco de Asis found itself very much deteriorated and in a nearly total ruin and desolation;

that if it does not count upon external means, it has no internal ones: for only small remains are left of old (caballada) horses, a few mares in the same condition, oxen and may be a wild or stray beef here and there: Produce only from the very limited harvests of wheat which are scarcely enough for the mantainance of the administrator and his family and in which sowings the few Neophytes that exist employ themselves, this being the cause why they are most of the time in idleness. That said Neophytes are also in a very deplorable condition of nakedness, hunger and misery for not having means, nor the liberty to earn their living which gives rise to their discontent and the most of them of an advanced age; being this all that he has to testify and which in truth is so: he signed it before the present Judge with the assisting witnesses on the day of this date

Jose Bernal

William Hinkley

(of assist)
Francisco de Haro

(of assist)
Candelario Valencia

These formalities having been concluded, let them be delivered to the interested party for the uses he may deem convenient. Thus I decreed and signed on this day and date

William Hinkley

(of assist.)
Francisco de Haro

(of assist)
Candelario Valencia

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Seal fourth (Tres reales)

Provisionally authorized by the maritime custom-house of the port of Monterey in the Department of the Californias, for the Years of one thousand eight hundred and forty four and one thousand eight hundred and forty five.

Michel Torena

Pablo de la Guerra

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Monterey April 30th 1844.

The Secretary of State will report in accordance with what has already been resolved upon.

Michel Torena

Most Excellent Governor

Jose de la Cruz Sanchez resident in the Jurisdiction of San Francisco, before your excellency with due respect present myself and say: that by the accompanying documents which are numbered from one to four Your Excellency will observe the repeated petitions that I made asking in property the place called San Mateo and ultimately I obtained only the grace of being prefered to any other individual, when the time should arrive for it to be adjudicated. San Francisco at present can no more be considered as a Mision for the abandonment in which it is, and for the want of property and working hands (brazos). It is the will of the very Indians (few) that are left: that if the Government deems it proper, the expressed land of San Mateo may be granted to me in property for the security they have of the good that results to them and it is, that they may not want for food which is the principal thing, and to be able to get on the premises

the necessaries for clothing according to their earnings. — In view of this I beg that your Excellency vouchsafe to grant to me what I ask: for with this, my numerous family and myself will receive a great deal of favour and also the Indians themselves who desire it and find themselves without means to live in our community will be thankful to you. I declare &c. &c. Monterey April 30th 1844.

José de la Cruz Sanchez

To the Most Excellent Sir.

Most Excellent Governor

It is already some time that Don José de la Cruz Sanchez has applied for the land called San Mateo, and it has not been possible to cede it, as within it the Indians have their houses and their farms; the only land upon which they count, for their mantainance, so that I am of opinion that Mr Sanchez retain these documents in his custody until the land shall be subject to concession. The superior determination of your Excellency will be the most proper.

Manuel Jimeno

Monterey April 30th 1844

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Monterey April 30th 1844

In conformity: let it be known that the least hostility that he may originate or cause to the Indians in making it appear that the land is vacant; for the sole act he shall loose all claim or right and henceforth let it be understood and any other person shall be considered as first denunciator of the place..

Micheltorena

The foregoing is a correct translation from the original Spanish on file in the Archives of the Office of the U. S. Surveyor General.

R. C. Hopkins
Keeper of Archives

Mch. 3d 1868.

San Francisco.
March 3d 1868

Exhibit No. 1

No. 672

A. L.

U. S. Land Commission

Jose de la Cruz Sanchez

San Mateo

Expediente

Filed in Office March 1st 1853

Geo Fisher

Secry

A. L. L. Exhibit to the Deposition of Jose de la Cruz Sanchez in No. 559 March 21st 1855.

Recorded.

in Rec. of Exhibits vol. 12th p. 497 to 504.

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No 178 N.D.

Exhibit T.E.W.
No 2.

Filed November 5th 1870
Edwd B Cotter Clerk
By A D Grimwood
D.C.

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United States District Court
District of California

United States

against

José dela Cruz Sanchez
claimant for the Rancho San Mateo

The Commissioner of the Court is hereby notified that further testimony will be taken before him in behalf of the claimant, on Tuesday January 5th. at 11. a.m. And that he is requested to cause a certified Copy of this notice to be made & be served on the Counsel for the United States.

Gregory Gale
Atty for Claimant

Dec 28th. 1868.

A true copy of the notice to take testimony
filed in my office on the 28 Dec 1868.

Attest &c. Geo. W. Whitney, Clerk of U.S. Dist Court
By A.D. Grimwood Deputy

U S Dist Court

Dist of Cal a

No: 178. N.D.

United States

vs

José de la Cruz Sanchez

Certified Copy of Notice

& Take testimony

Filed November 5th 1870

Edw D Botts Clerk

By N D Grimwood

Deputy

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Sor. Gefe Politico

El Ciudadano Jose de la Cruz Sanchez Vesino del Prer.o de S. Francisco y natural del Estado de la Residencia a V. en devida forma; hase presente, que siendo dueño de algun numero de ganado mayor vacuno y caballar necesita para su seguridad y establesimiento de la propiedad de un terreno en tal virtud ocurre al afin de que en uso de sus facultades se digne concederle el terreno medio, entre el que posee D. Jose Sanches (su padre) de Buriburi al N.te y el de las Pulgas de D.a Soledad Ortega al Sur; que llaman de S. Mateo. Por tanto,

A V. S. suplico provea conforme a justicia en mi presente Solicitud, que hago en papel comun p.r no haber del sellado correspond.te juro lo nes.o &c.

S. Francisco 22 de Dbre de 1836.

Jose Dela Cruz Sanhez

Pueblo de S. Juan Castro Marso 20/837

Informe lo conveniente el Sor. Alcalde de S.n Francisco pida el diseño respectivo y devuelva el espediente a esta Prefectura

Castro

Informe

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En cumplimiento de lo prevenido, en el Sup.r Decreto de 20 de Marzo ult.o que se halla al margen de la Solicitud que hace el Ciudadano Jose de la Cruz Sanchez, por el parage de S. Mateo, en 22 de Dezembre de 1836.; informe con respecto a las circunstancias que faborescan a este interesado; debo decir: que el pretendiente obtiene los requisitos de ley para ser atendido: que aunque el terreno que pide, lo ha reconocido por pertenencia suya la Ex mision de S. Francisco; esta, solo ha ocupado una pequeña parte de el en labores para trigo y mais &c. pero sin nesecidad porque anteriormente en las inmediaciones de la misma Mision, se hacian estas, como lo acreditan las señales de los laborios, y aun la publica voz de las gentes mayores; y si ahora se berifican alli sera causa la ambicion de acumular terrenos los antiguos misioneros; y lo mas del terreno, ha estado vacio de vienes el movientes de pertenencia de la Mision: su estencion N. S. será de una legua poco mas o menos; y O. L. igual ala dha con poca diferencia: Linda a N. con el rancho de Buzibuzi de D. Jose Sanchez, y hay amas de las circunstancias dhas. este rancho y el llamado Laguna de la Merced de D. Francisco de Haro, intermitidos; de manera, que el repetido de S. Mateo, queda desprendido mas de cuatro leguas de terreno del Cir

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cunferente ala Mision: Al Sur linda con el rancho de las Pulgas, de Dª Soledad Ortega.

El Diseño del espresado parage de S. Mateo, es el que se acompaña, del cual, asi como del presente informe hará S. S. el uso que convenga. Establesimiento de Dolores Abril 30 de 1839.

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Francisco de Haro

Sn. Juan de Castro Octubre 1º de 1839

Elevese al Exmo. Sor. Gobernador interino del Departamento para que S. E. se sirva resolver lo que estime de justicia.

En ausencia del Sor. Prefecto.

Juan Migl. Anzar

Mon

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terey) 4 de Obre de 1837 —

En visto de lo que representan los indios de San Fran.co p.a que no se les quite el parage de San Mateo que ha pretendido D. Jose de la Cruz Sanchez en instancia de 22 de Dbre de 1836 —, he venido por decreto de este dia disponer, que no ha lugar á la Solicitud del Susodicho Sanchez, unicam.te le asistira al derecho de propiedad á otro, en caso de que se disponga de algun tiempo podrán adjudicar el dicho terreno á algun particular. El Sr D. Man.l Jimeno Casarin primer vocal propietario de la E. Junta del Departam.to de las Calif.s en ejercicio del Gob.no del mismo Asi lo mando decreto y firmó.

Man.l Jimeno

Fran.co C. Arce
Oficial 1.o

Mon

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terrey 5 de Octubre de 1839.

Vuelvase el espediente al interesado para que lo presente cuando á su derecho le combenga

Jimeno

S.n Juan Julio 3 de 1840.

Siendo el interesado en esta expediente prefenido en la consecion del paraje de S.n Mateo en caso de darse á algun particular y hallandose el gob.no dispuesto á devolver la comunidad de la Misma de S.n Fran.co ofreciendo a los neofitos que se radiquen en él, para que puedan vivir como hombres libres el interesado será atendido en la solicitud que hace siempre que preceda la voluntad de los indigenas, a quienes en presencia de testigos Venera el Juez de paz de aquella municipalidad y les pedirá da libre y espontanea voluntad en el momento en que se ordene la disolucion indicada donde el mas circunstanciado informe á continuacion de este decreto para su vista de todo resolver lo conveniente

Alvarado

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Sor Juez de Paz

Jose de la C. Sanchez vecino de esta Jurisdiccion: ante V. en debida forma comparece y expone: que haviendo solicitado de la Superioridad Departamental la concesion del terreno de S. Mateo: en consecuencia de ser reconocido pertenencia de la Mision de S. Fran.co de Asis; y estarles destinado para sus Laborios ala Neofia; esto sin duda ha sido el obstaculo para que no se me haya concedido: mas teniendo un decreto a mi fabor expedido por el Sor D. Manl Gimeno en tpo que fue Gobernador Intº sobre dha. pretencion el cual obra en mi poder; y ultimamente obtenido el espontaneo consentimto de la Neofia misma para q lo pueda ocupar atendida mi protesta de no perjudicarlos en sus labores en tal concepto y en el de ratificarme en mi proposito; ocurro a V. a fin de que se sirba hacer comparecer los Nesesarios en el Juzgado de su cargo, y ante los testigos de assa. motreya la correspondte. informacion sobre su dho consentimiento; paraque este documto me sirba de seguridad en los consiguientes ocurrios que a consecuencia de la citada investigacion, debo hacer ante la Superioridad Departamental; debuelto que me sea este documento, y lo en el actuado. Por tanto.

Monterrey Abl 29. de 1844 —

Ynfl del 1. Srio del Despacho.

Mechtra

Exmo.

A V. suplico haga como pido en

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mi presente solicitud, la que hago en papel comun pr no haber del sellado correspondte juro lo. necesº &c.

Mision de S. Franco de Asis 13 de Mayo de 1840.

Jose dela C. Sanchez

En el Establecimto de Dolores alos 25 dias Mayo de 1840

Ante mi Franco Guerrero Juez de Paz de esta jurisdicion hice compareser à los Neofitos del Establecimto de Dolores para aserles saber la presente solicitud y que dijeron sus perjuicios de sus persona y hogares lo qe tubieron qe exponer con respecto à dho solicitud y me respondieron en bos alta qe hera su ultima boluntad el ceder el parje de S. Mateo en fabor de D. Jose dela C. Sanches, con tal de que no se les perjudicara en las partes onde ellos abitan, y que lo querian de un compañero con ellos; y habiendoles echo varias riflecciones con respecto à su adimiento se ractificaron con migo, el Alcalde Crispo, y todos su subditos en lo qe an dho antes siendo dela te de D. Manuel Sanche, por lo qe doy el presente al interesado.

Franco Guerrero

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SELLO CUARTO DOS REALES

Habilitado provisionalmente por la Aduana maritima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena. Pablo de la Guerra.

Exmo Sor Gobor

ADA MARITA DE MONT.

Monterrey Ab 30 de 1. 844

Ynf. del Sor Srio. del Despacho consecuente alo q. sobre esto mismo se ha acordado

Micheltorena

Jose de la Cruz Sanchez vecino de la jurisdiccion de Sn Franco ante V.E. con el debido respeto me presento y digo que por los adjuntos documentos numerados de uno a cuatro vera V.E. las repetidas solicitudes que hice pidiendo en propiedad el parage llamado Sn Mateo, y por fin obtuve solo la gracia de ser preferido a otro individuo llega el tiempo de poderse adjudicar. Hoy, ya no se puede considerar como mision el punto de Sn Francisco, por el abandono en que esta, y por la falta de bienes y brazos los muy pocos Yndios que quedan, es voluntad de ellos el que si el Gobierno tiene a bien, se me conceda en propiedad el espresado parage por la seguridad que tienen del bien que les resalta, y es el de no carecer de alimentos que es lo principal, y poder buscar alli mismo, lo necesario para vestir segun sus trabajos. En este supuesto suplico a V.E. se sirva concederme lo que pido

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S S S

pues con esto yo y mi numerosa familia recibiremos mucho favor, y tambien se lo agradeceran los indios que lo desean y se allan sin recurso alguno para vivir entre gentes. Juro &c. Monterey Abril =30 de 1844

Exmo Sor.

Jose de la Cruz Sanhez

Exmo Sor. Gobernador.

Hace algun tiempo que Dn José de la Cruz Sanchez ha pretendido el terreno nombrado San Mateo, y nunca se há podido conceder por que en él tienen los Indios sus Casas y lavores, unico terreno con que cuentan para subsister; así és qe soy de opicion que tenga en su poder estos documtos el Sor Sanchez para cuando esté el parage en estado de concederse.

La supor determinacion de V.E. sera la mas asertada

Monterey

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Abril 30 de 1844.

Manl. Jimeno

Monterrey Abl. 30 de 1844.

Conforme; y advertido q. las unico Utilidad q. origina o procura a los Indios; pa. hacer aparecer ocasion el terreno, pr. el ilo. hecho les haga perder toda accion o derecho y se entienda en actitud y como primera denunciante del parage cualquiera otro Ciudadano.

Michelena

Sor Alcalde de 1a. Nominacion

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Monterrey Abl. 22. de 1-8 [illegible]

Ynf. el S. Srio del Despacho tomando otros informes si los cree necesarios

Michelena

Jose de la Cruz Sanchez, vecino de esta jurisdiccion ante V. en devida forma comparezco y expongo: que tengo que marchar a Monterrey, con objeto de hacer una solicitud ante el Superior Govo. del departamento; que no solamente será benefica ami en lo particular sino que de lograr el buen concepto de ella; resultara tambien faborable a todos; por ser la que me inspira el dirigirme ala fuente de la proteccion; promover de algun modo la de que se nos asistie con brazos operarios para el fomento de nuestra Agricultura; y crianza de ganados &c. que nos son tan de primera necesidad para el sostenimiento de nuestras familias y obligaciones anexas; asi como para el mismo de la jurisdiccion aque pertenesemos; cual es, pretender la libertad de la Neofia que oy (se puede decir) se halla en una casi total inaccion e inutilidad publica en la notoriamte. arruinada, Ex-micion de S. Francisco de Asis; con perjuicio aun de la misma Neofia; y siendo esto evidente y palpable: con esta provavilidad me he decidido ala indicada pretension; y esperando obtener un buen resultado de las rectas consideracs. del Exmo. Sor. Gobernador Genl., en ovio de futuros inconvenientes y para allanar los que puedan presentarse; Ocurro a V. afin de que en vio de sus atribuciones; de serba instruir una informacion de los testigos necesarios, idoneos, que declaren en forma sobre los puntos siguientes.

Exmo.

1o. Sobre el estado actual en que se halla la Ex-micion aque me contraigo; en cuanto a existencias y haberes para el mantenimiento y sosten ame de su costa comunidad

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de indigenas: conque ecuarios cuenta para su fomento y el de los distintos ramos de industria, agricultura y demas, que han estado antes bajo de su proteccion y resortes y por ultimo el estado mismo del corto numero de Neofitos de ambos sexos que existen; y en que son ocupados en lo mas del tiempo; en la actual situacion en que se haya de arruinam.to y esterminio la presta da Ex-mision; con todo aquello que conduzca ala Justificacion en pro de mi intento para los fines ya indicados; y concluidas que sean; seme de lo practicado, original para el uso que me convenga. &. &.

A. V. pido obre conforme a Justicia; y se sirba admitir el presente en papel comun, por no haber del Sell.o q.e corresponde juro lo necesario &. S. Francisco de Asis Abril 6. de 1844.

J.e de la C. Sanchez

Juzgado de 1.a Nominacion de S. Francisco de Asis. Abril 12 de 1844.

Por presentado y admitido el Escrito que antecede y en vista de lo que pide la parte contenida en el Yo el Alcalde de 1.a Nominacion de la jurisdiccion Ciudadano Guillermo Hikley; hice compareser a Don Francisco Guerrero vecino de la misma jurisdiccion y preguntado en forma sobre los puntos aque se contrae el presedente Escrito, de que fue enterado que tenia que decir sobre el particular: Dijo que esta vien notorio; el deplorable estado de arruinam.to en que se haya la Ex-mision de S. Francisco tanto en sus Casas como en sus haberes; pues si existen al

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guesas en pie; es por estar zaupadas por vecinos que
las sostienen apesar de que se hallan en deplora-
ble estado; y las que ocupan los pocos neofitos
que existen (en tpos) estan abandonadas lo mas
y amenazando ruina: en cuanto a haberes para
la sostencion y fomento; tambien está notorio su
esterminio; pues solo consisten; en unas cuantas
llegas viejas, caballos en igual estado; bueyes
lo mismo; y una que otra res mostrenca. y aunq.
ignora que tenga algunos recursos esteñores conque pue
da contar para su restablecim.to; los interiores, esta
ala vista; que no tiene ningunos: esquilmos por
consiguiente casi ningunos produce; y lo de un muy
cortas siembras de trigo; apenas pueden subenir ala
mantencion de la mayordomia y su familia; sin
biendo esto solo de mero entretenim.to de la muy po
ca neofia que existe y se emplea en ellas; aque
se agrega el fomento de su holgazaneria e inutili-
dad publica; que el resto de neofia; consiste en
un corto numero de ella; y los mas; de abanzada
edad; y en general descontentos por la desnudez q.e
padesen; pues siempre estan embueltos en la miseria
de desnudez y ambre; por los ningunos recursos
conque cuentan; sus terrenos estan como valdios; y
ocupados con vienes de particulares; pues como ha
dho, la ex-mision no los posee; que es cuanto tiene
que decir sobre lo que se le ha pregentado; y en fe
de ser asi verdad lo firmó ante mi el presente Juez
oy dia de la fha.

Fran.co Guerrero

Guillermo Huckley

Ante
Francisco de Haro

Ante
Candelario Valencia

A continuacion hice comparecer yo el referido Juez; a

15

D. Jesus Noe; vecino tambien de la Jurisdiccion; y en la misma que al antecedente; haviendo sido preguntado sobre los puntos a que se contrae el Escrito que precede: dijo: que el actual estado en que se haya la ex-mision de S. Francisco de Asis; esta a la vista; y es vien notoria su deplorable situacion; que sino cuenta con algunos recursos exteriores p.r su restablecimiento: los que tiene en el interior son: casi ningunos; por solo consisten en una poca de llegada vieja. Caballos lo mis y bueyes p.r consiguiente; una que otra res-mostrenca; y brazos para sus trabajos, muy abansados, y descontentos por los padecimientos de desnudez ambre y falta de recursos p.r su mantenimiento: esquilmos no produce casi ninguno y del unico renglon, es de las cortas siembras de trigo que apenas dan la mantencion de la mayordomia y su familia; y en lo que estan lo mas del tiempo empleados; y siempre ociosos, regularmente; las casas en la ex-mision estan abandonas lo mas y en deplorable estado; y las que ocupan los vecinos son las unicas que estan en mejor pie: que es cuanto tiene que decir; y de ser verdad lo que ha declarado; lo firmó ante el presente Juez y los de asta

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J. D. Jesus Noe

Guillermo Henckley

en asta
Francisco de Haro

en asta
Candelario Valencia

A con

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tinuacion: Comparecio tambien Jose Concho Bernal vecino tambien de la Jurisdicion; y haviendole entera do de los puntos a que se contrae el escrito que presede: y preguntado sobre que: tenia que decir el particular: Dijo: ser verdad hallarse la ex mision de S. Francisco de Asis muy deteriorada y en una casi total ruina y esterminio; que uno cu esta con recursos esteriores p.a su restablecimiento: no tiene casi ningunos interiores; pues no quedan mas que unos cortos restos de Caballada viejos; unas en antas leguas en el mismo estado, y bueyes y acaso una que otra res mostrenca; esquilmos solo de muy cortas cosechas de trigo que apenas bastan ala man tencion del mayordomo y su familia; y en cuyas siem bras y cuidado se emplea la poca Neofia que existe siendo esto causa que este lo mas del tiempo de ono ra; que dha Neofia esta tambien en muy deplorable estado; de desnude; ambre y miseria por no tiene re cursos ni libertad p.a cerbitrar su subsistencia; lo que motiva su descontento; y por ultimo que los mas de abanzada edad: que es cuanto puede decir; y de ser asi la verdad: lo firmó ante el pres.te Juez; y los de su asesor; oy dia de la fha.

Jose Bernal

Guillermo Henckley

de asra

Francisco de Haro

de asra

Candelario Valencia

Hayando

17 te concluidas estas diligencias; entreguense al interesado para los fines que le convengan: asi lo decreto y firme oy dia de la fha.

Guillermo Hinckley

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m. assa
Francisco de Haro

m. assa
Candelario Valencia

Exhibit No. 1.

A.F.

No. 672

U.S. Land Commission

in Rec. of Evid. vol 12
p. 497 to 504.

José de la Cruz Sanchez

"San Mateo"

Expediente. —

Filed in Office March 1st
1853

Geo: Fisher
Dy

A. P. L. Exhibit to the
depositions of Jose de la
Cruz Sanchez on Nos. 559.
March 21. 1855.

Recorder

Clarke, Taylor & Beckley

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

Lauren Upson.

I, ~~E. F. BEALE~~, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the **Archives** of the former **Spanish** and **Mexican** Territory, or Department of **Upper California**, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, **Do Hereby Certify**, that the 18 preceding, and hereunto annexed page , of tracing paper, numbered from one to 18 inclusive, exhibit a true, full and correct copy, of the Espediente of the grant to José de la Cruz Sanchez for the place named "San Mateo", as the same is on file in my office

Keeper of Archives.

EXAMINED AND FOUND CORRECT.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 23 day of March 1868

L. Upson U. S. Surveyor General, for California.

No. 178 ND

672134

Traced Copy

of

"San Mateo"

papers

by J. A. Forbes Jr
State Translator

Exhibit G.E.W.
No. 1.

Filed November 5th 1870
Edwd B Cotter Clerk
By A D Grimwood
D.C.

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U. S.
vs
José de la Cruz Sanchez

Taken in Court.
José Antonio Alviso — sworn
L. A. Forbes Sr. Interpreter
I am 76 years old — born in San Francisco at the Presidio — lived there until I & I went into the Service at 15 years of age at the Presidio — Continued in Military Service from 15 to 18 years I was Mayor Domo at Mission of San Francisco — I was Soldier in Spanish Service before the Mexican Revolution — was Mayor Domo of Mission five years — was appointed by Father Duja as Missionary Priest —
Know claimants in this case have known him since I was 19 or 20 years old — knew him when he was very young — He was one of the sons of José ~~José~~ Antonio Manuel Sanchez

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one of my daughters married
a brother of the claimants
The boundaries of the place
called San Mateo are one
from the Las Juntas down the
San Mateo creek to the shore of
the bay the other is the
dividing line of José Antonio
Sanchez — the another is
from the Cañada de San
Andres to the Bay —
I know the boundaries be-
cause I was present when
the land was measured
to José ~~de la Cruz~~ Antonio Sanchez —
José de la Cruz Sanchez did
not take possession of that land
of San Mateo
Neither brother José Isidro Sanchez
was the one that took possession
now of the land of San Mateo
José Isidro was in possession
for José de la Cruz — He
built a good adobe house
and corrals — The house
was situated near the
boundary of José Antonio Sanchez

3

It was built by José Pedro Sanchez my son in law. He built it by permission of José de la Cruz - I don't know how long he occupied it but he was there when the Americans came there - He died and his wife returned to my house -

He occupied all the rancho it was full of cattle and horses and bands of mares - He did not till that land He sowed on his father's land -

José de la Cruz Sanchez ~~had~~ maintained the Indians on the rancho at his own expense - They sowed & tilled the ground with his permission The relations to him were very amicable -

I know that José de la Cruz Sanchez obtained that land from the Government - We lived all together nearly in one

4 and I could not fail to know. A brother of mine José Maria Alvisu also solicited the land - he solicited it alone - not with any person. A brother of José de la Cruz did not solicit jointly with my brother - He wanted to buy José de la Cruz's rights but he would not sell. My brother did not obtain any thing - he is dead -

Prop Examined

I ceased to be Mayor Domo of the mission about 10 years before the Americans came after I left the mission I lived on my fathers rancho at Alvisu until Americans came

I know that José Isidro took possession for his brother because I was there every day and he was my son-in-law I saw with my own eyes

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José de la Cruz give possession to José Isidro - He had solicited the property and considered himself the owner A man dont require to know how to dance to do a thing like that He merely told him to go and hold possession as he was afraid that another might solicit and obtain it as my brother did solicit but could not get it as José de la Cruz was before him —

~~This was~~ When José de la Cruz gave José Isidro the possession the house was already built as José Isidro thought it was within the limits of his Rancho But when it was found not to be and José de la Cruz made a petition for the land José Isidro wished to buy the land on which the house was but José de la Cruz refused

6

And told him to go and live there for him
José Isidro had been living in the house a very little time before it was discovered not to be within limits of José Antonio Sanchez rancho, by the Survey of the latter—

Deeds assumed
Isidro Sanchez paid for the building of the house
The Padres of the Mission built the house near the Arroyo creek— The had grain in it and a chapel to say Mass— one part a granary and the other a chapel
The Indians lived in a part of the house—in the granary— This was before José de la Cruz obtained the land—
The house was not occupied as a granary & chapel after José de la Cruz obtained the

land— When he solicited the land the Priests no longer had their temporalities— After that it was occupied by the Separated Souls for it was left empty—

There was a very small corral or inclosure for sheep to the South of the house of José Isidro or Chino Sanchez—

The other corral was to the N. West further up near the foot of the hills—

At the mouth of the San Mateo there was a kind of Island on which there was a small corral— it was not of much consequence— Further up there was another in which there were 200 hogs and still further up there was another I dont know the year but it was while we were all established there— for José Isidro was a man who had plenty and not little

8 José de la Cruz occupied these corrals whenever he pleased he put in his horses and bands of mares

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After José de la Cruz solicitation no one claimed the land or disputed his right to the land — no body —

Cross Examination resumed
The cattle of ~~all~~ the sons of José Antonio Sanchez pastured on the San Mateo Rancho José Isidro Jose Manuel & Jose de la Cruz's cattle pastured there —

~~Signa~~
Exn closed
Signature of witness dispensed with by consent
Taken before me
this 18th May A. D. 1869
Ogden Hoffman
Dist Judge

No. 178 ND.

U.S. District Court.
District of California

The United States
vs
José de la Cruz Sanchez

Deposition of José Antonio Alviso.

Filed November 5th 1870
Edw'd B Cotter Clerk
By A D Grimwood D.C.

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

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The United States

vs.

José de la Cruz Sanchez

No. 178

Be it Remembered, that on this 26th day of March A. D. 1869 at my office in the United States Court Building, in the city of San Francisco, personally appeared before me H. F. Lardner a Commissioner, to take acknowledgment of Bail and Affidavits, etc., duly appointed by the Circuit Court of the United States, for the District of California, Angel Alviso a witness on the behalf of the Claimant in the above entitled suit.

Gregory Yale Esq., appeared as Counsel for the Claimant and Sidney L. Johnson + Esq., as _____ for the _____.

And the said Witness, having been by me first cautioned and sworn, to testify to the truth, the whole truth, and nothing but the truth, in the cause aforesaid, did thereupon depose and say as follows, that is to say:

Examination in chief by _____

Question:—What is your name, age, occupation, and place of residence?

Answer:—My name is Angel Alviso; my age is 43 years and upwards; my occupation is Farmer; and my place of residence Alviso

Question:— 2d

2

How long have you known José de la Cruz Sanchez?

Ans.

I was very young probably 10 yrs more or less when I first knew him.

Ques 3.

Where was you born?

Ans.

In the Pueblo of San José.

Ques 4.

What is the name of your father?

Ans.

José Antonio Alvias.

Ques 5.

Where did you first know José de la Cruz at what place?

Ans.

At the Mission Dolores.

Ques 6.

Where next.

Ans.

At the Mission then at San Francisco & on the ranchs

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3

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Ques 7.
What ranch.
Ans.
At his fathers rancho of
Buri Buri.
Ques 8.
Do you know the rancho
of San Mateo?
Ans.
Yes sir.
Ques 9.
State the boundaries if you
know on the North & South,
& between what land it lies.
Ans.
On the South by San Mateo
Creek and on the South
by the Salinas Creek,
between ~~Ques~~ 12. the Buri
Buri and the rancho
Las ~~Pulgas~~ Pulgas.

(Objected by Counsel of the
United States that the
boundaries of said ranchos
are determined by their
grants surveys & patents)
& that parole evidence is incompetent

4.

Ques 10.

Do you know whether José de la Cruz occupied the San Mateo ranch & if so at what time did you first know him to occupy it?

Ans.

Yes many years I dont know whether it was in 1836 or 1837 but during those years I dont know until when for I lived there afterwards & I dont know ~~whether~~ when they were driven out of it,

Ques 11

In what manner did he occupy it by cultivation and what other means?

Ans.

When I saw him first occupying the ranch it was with stock, afterwards he cultivated it,

Ques 12.

What did he cultivate?

Ans.

Wheat, Barley beans & corn.

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Ques 13.

Do you know how many cattle there were upon it belonging to José de la Cruz Sanchez?

Ans.

I dont know how many there were belonging to him.

Ques 14.

How many head of cattle were there on the ranch?

Ans.

There was about 600, head a little more.

Ques 15.

~~How many~~ Were there any horses & mules on the ranch if so how many?

Ans.

There was, I cant tell the number of them, a great many horses.

Ques 16.

What part or parts if any of José de la Cruz cultivate?

Ans.

I saw him cultivate two parts San Mateo & Salinas Creek.

Ques 17.
Did you ever live on the San Mateo & if so what part of it?

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Ans.
Yes, in the house where Jose Pedro Lunchen lived.

Ques 18.
How long did you live there?

Ans.
I think I lived there about 5 or 6 years.

Ques 19.
Did you ever live on the Burri Burri.

Ans.
Yes sir.

Ques 20.
How long on the Burri Burri?

Ans.
I cant remember exactly I lived there many years, I grew up there.

Ques 21.
State how long you lived on the two Ranchos together.

Ans.

I dont remember exactly perhaps 16 or 17 years probably more.

Ques 22.

On which of the two ranches did you live the longest period?

Ans.

I dont remember on which I lived the most. I was very small when on the Bravo Bravo.

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Ques 23.

With whom did you live while on the Llano Mates?

Ans.

With José Lidro Sanchez.

Ques 24.

Was he related to you by Marriage & how?

Ans.

Yes, he was my brother in law. He married my sister.

Ques 25.

What sort of a house did you all live in?

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Ans.
In an Adobe house,
about 50 or 60 feet long, I
dont know the width.

Ques 26.
How far was that house from
what was then understood
to be the Buena Buena line?

Ans.
About 200 odd or 300 Varas.

Ques 27.
Was the land about the
house cultivated on the San
Mateo side & if so how, in
what manner.

Ans.
By the side of the lake there
was green herbs and above
the ~~lake~~ house there was wheat
& barley. below there was
vegetables & Above wheat &
barley.

Ques 28.
~~Said~~ Was there a Mayor Domo
at your brothers in laws place
& if so who was he, State
his name,

9.

Ans.

I didn't know any other Major Domo except myself at that time.

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Ques 29.

Do you know when the house your brother in law lived in was built?

Ans.

More or less in 1845 or 1846,

Ques 30.

Can you not come nearer to the period.

Ans.

I dont know exactly, it was in the years of 1844 or 45 or 46, all that I know is that when the Americans came here the roof & the walls was on, but the windows & doors were wanting.

Ques 31.

Did your brother in law & family occupy it in that condition before the Americans came?

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Ans.

Yes sir.

Ques 32.

What do you mean by the time the Americans came, do you refer to the California revolution, the Bear flag revolution under Fremont, or to the landing of troops at Monterey & San Francisco?

Ans.

I mean that when the Americans came here the house had no windows and doors. I mean to say that when the Americans came here the house stood there, I mean at the landing of troops at Monterey & Yerba Buena & the Bear flag revolution under Fremont.

Ques 33.

Was there any other house on the San Mateo side built there before this Adobe was built near the Burri Burri.

Ans.

There was a little frame house near the Adobe house.

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Ques 34,
Who lived in that frame house.
Ans.
Some mex who ~~was~~ brother in law Sanchez use to work on the Adobe house,
Ques 35.
~~Was any part of that~~
Was there any portion of the Ramirez ranch cultivated before the house was built, near where the house was built;
Ans.
Yes,
Ques 36,
Who cultivated it;
Ans,
Don José de la Cruz Sanchez,
Ques 37,
How long had he been culti=
=vating it before the Adobe was built!
Ans,
I remember to have seen him plant there when I lived on the ~~Don~~ Rafael rancho for 4 years I saw him plant. I mean by

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Rancho Rafael rancho the Burrí Burrí, 3 or 4 years before the house was built,

Ques 38.

By whom was the Adobe caused to be built;

Ans.

~~It was caused to be made~~ I know by Don José Lidro & José la Cruz Sanchez,

Ques 39.

Who paid for it;

Ans.

Don José la Cruz Sanchez,

~~Ques 40.~~

~~Whose land was it as understood between the parties at the time the house was built.~~

~~Counsel for N.S. Objects to the question on the ground that it calls for the witnes's inference as to their understanding~~

Ques 40.

Were you ever present at any one or more Conversations between your brother in law & José de la Cruz about the ownership of the land on which the Adobe was built, if so, State the Conversations or Conversation as near as you can remember?

Ans.

Yes I heard some Conversation after the House was built Don José Lidro bargained for the purchase of the land, and Don José de la Cruz told him that he could not sell it. Don José de la Cruz told him that he could live there, and when his Sons grew up they could sell it to him.

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Ques 41

Do you know whether your brother in law ever claimed the land as his or whether he recognized José de la Cruz as the owner.

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Ans.
He never claimed it as his own, but recognized José de la Cruz as the owner.

Ques 42.
Do you know of the Indians on the San Mateo ranch & formerly from the Mission?

Ans
Yes sir.

Ques 43.
~~At the~~ When did you first know of the Indians?

Ans.
For many years.

Ques 44.
About how many were they at the time you first knew them?

Ans.
There were about 300 Indians when the Missions were discontinued.

Ques 45.
Did they all remain on the San Mateo ranch or did they scatter about in different parts of the country?

Ans.

They scattered about afterwards

Ques 46,

How many Indians were there left on the San Mateo Ranchos when Jose de la Cruz commenced the cultivation of the ranch?

Ans.

There were more or less 50 or 60 Indians Young & old.

Ques 47.

Do you know whether Jose de la Cruz cultivated any other part of the San Mateo Ranch except near the Salt Lake or near where the Adobe was built, & if so what part

Ans.

He cultivated at San Mateo near the Creek.

Ques 48.

What did he cultivate there.

Ans.

He cultivated wheat barley & the Indians cultivated

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Also Items & Conn.

Ques 49.

Were there any corrals on the San Mateo ranch & if so where were they situated.

Ans.

The corral that I knew of on the ranch was one that José Isidro Sanchez had near the Adobe house. About 300 yards from the Adobe house on the San Mateo side, that is the only one I knew of on the San Mates ranch there was another small corral near the house where they drove tame horses.

Ques 50.

Where did the principal number of Indians on the ranch live at the time you estimated their number at 50 or 60.

Ans

At San Mates.

17

Ques 51.

What was the conduct of the Indians towards José de la Cruz and what was his conduct towards them.

Ans.

They looked upon him as their Lord.

Ques 52.

Who assisted José de la Cruz in herding his cattle and taking care of them.

Ans.

The Indians.

Ques 53.

Who assisted him in gathering his crops.

Ans.

The Indians also.

Ques 54.

Did any one assist and teach the Indians how to cultivate and if so who?

Ans.

So the young ones my uncle José de la Cruz taught them, there were

Some old Indians who knew how to work but couldn't because they were too old.

Ques 55.

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Did any one furnish the Indians meat and other provisions and if so who?

Ans.

José de la Cruz.

Ques 56.

Do you know of the old Mission house on the San Mateo Creek?

Ans.

Yes Sir.

Ques 57.

What sort of a house is it.

Ans.

An Adobe house.

Ques 58.

Who occupied it at the time you first knew it?

Ans.

The Mission Dolores.

Ques 59.

Who occupied it after the Mission was discontinued?

Ans.

After the Mission was dis=
=continued there were some Indians there,

Ques 60,

Do you know whether José de la Cruz ever occupied it & if so in what Manner,

Ans,

With the Indians he was,

Ques 61,

For whom did the Indians occupy it?

Ans.

For Don José de la Cruz Sanchez,

Ques 62.

Did José de la Cruz Sanchez occupy and cultivate the ranche of San Mateo with the Per=
=mission of the Indians on the ranch,

Ans.

I dont know whether it was with the permission of the Indians he cultivated

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the ranch with the Indians and they cultivated with him.

Ques 13.

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Did the Indians assist Jose de la Cruz in the cultivation of the ranche San Mateo near the Salt Lake, about where the adobe was built,

Ans.

Yes.

Testimony closed until Saturday the 29th inst at 10 O'Clock A.M.

Direct Resumed.

Mch 27, 1869

Ques 1.

Who supported the old Indians who were not able to work?

Ans.

José de la Cruz Sanchez.

Ques 2.

~~Did any~~ one besides your uncle teach the young Indians how to work their farms? If

~~Qu~~ who?

Ans.

~~Question would~~.

Ques 2.

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Is Jose la Cruz Sanchez your uncle by marriage or was he a blood relation?

Ans.

He was just cousin to my mother I think.

Ques 3.

Had the Indians Separate patches of land ~~had~~ ~~their~~ marked on their own account.

Ans.

No the fence was all in common, they had all in common under fence, within the fence they work=ed Separately in the same farm.

Ques 4.

Had the Indians, horses ploughs or oxen of their own to work these Separate patches of land?

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Ans.

No Sir.

Ques 5th

By whom if any one were the purchased horses Oxen & ploughs to work their farms.

Ans.

The animals which I knew knew to have belonged to Jose de la Paz Sanchez.

Cross Examination.

Ques 1.

Have you any interest in this Claim if so what interest -

Ans.

None.

Ques 2.

Has anybody promised you anything for coming to testify in the matter of this claim.

Ans.

No Sir

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Ques 3.

Do you expect to receive anything? any money, any land, or any benefit or advantage in case the Claimant Succeeds in this Claim?

Ans.

No sir.

Ques 4.

Where do you live at present do you live on your own land or on land that you have rented or occupy by permission of another?

Ans.

I live on rented land, in Alviso County of Santa Clara.

Ques 5.

Do you cultivate any land for your own account if so, how much and where is it?

Ans.

I do cultivate about 30 acres more or less, belonging to Juan Ignacio Alviso.

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Ques 6.

Are you related to Jose de la Cruz Sanchez in any other way than the relationship of your mother which you have just mentioned?

Ans

I dont know of any other but that.

Ques 7.

What relation does Teodora Alicia De Vega bear to you

Ans.

She is my sister.

Ques 8.

How old were you when you say you left your fathers house to reside with your sister and her first husband Jose Rubio Sanchez on the rancho of Buri Buri?

Ans.

I dont remember I was very young at that time. I never left my fathers house but my father kept me at the house of Jose

Pedro Sanchez when I was young.

Ques 9.

Did your father live there also?

Ans.

No sir.

Ques 10.

What do you mean then by saying that you did not leave your fathers house?

Ans.

I mean to say that my father sent me to the house of Jose Pedro and then I came back on business & removed back.

Ques 11.

Do you mean to say then that you did not live with Jose Pedro Sanchez? but passed backwards & forwards between his house and your fathers as occasion might require.

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Ans.
No sir I lived in his house, in the house on the Burri Burri rancho, I mean ~~Ques~~ the house on the Burri Burri rancho where José Isidro Sanchez lived.

Ques 12.
Where did your father live at that time?

Ans.
At the Mission Dolores.

Ques 13.
Again I ask you to explain what you mean when you say that you never left your fathers house?

Ans.
I mean to say that I lived on the Burri Burri rancho & from there I came to the Mission to Church about once a month or twice a month & returned.

Ques 14.
How old were you when José Isidro Sanchez made

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you his Major Domo?

Ans.

I dont remember how old I was when he made me his Major Domo

Ques 15.

Were you married at that time?

Ans.

No Sir.

Ques 16.

Where were you living at the time when he first made you his Major Domo?

Ans.

On the Bueri Bueri house,

Ques 17.

What did you have to do at that time as Major Domo,

Ans.

I was Major Domo of the Camp, of the field taking care of Stock, giving rodeos, and marking the animals which belonged to him

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Ques 18.

Was Jose Sanchez the father of Jose de la Cruz Sanchez living or dead when you first went to live on the Burri Burri?

Ans.

He was living.

Ques 19.

How many houses were there at that time on the Burri Burri rancho? I mean ranch houses occu=
=pied by him or any of his family?

Ans.

When I first knew the ranch there was only one.

Ques 20.

Where was that house situated what part of the rancho is it standing now?

Ans.

It was on the rancho Vego. Was it was called I dont know what they

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call it now, North west of the house of José de la Cruz Sanchez. I mean the house where he lives now. In a narrow. I don't know whether the house is standing now, since they moved to the other Adobe houses.

Ques 21.

What persons of the family of José Sanchez were living in that house when you first went there?

Ans.

With family of José Ledro Sanchez lived there only.

Ques 22.

Did any other son of José Sanchez then live there?

Ans.

Yes sir, they went back and forward from San Francisco.

Ques 23.

How long after you first went there was it before José Sanchez the father

died.

Ans.

I dont remember I was very small when I first went there. When he died I was about 18. I was grown.

Ques 24.

Where was Jose la Cruz Sanchez living all this time?

Ans.

He first lived at San Francisco, that was the first time I knew the ranch when his father died he was living on the rancho

Ques 25.

How long did he continue living in San Francisco after you first knew the rancho?

Ans.

I dont remember how long he continued living there.

Ques 26.

When his father died at what house was Jose de la Cruz living?

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Ans.
He lived in an Adobe house which he had.
Ques 27.
By what part of the rancho was that house situated?
Ans.
I dont know its present name, His house was close to my fathers house
Ques 28.
Who built that house and how long before my fathers death was it built
Ans.
I dont remember, I lived ~~there in the house with my brother Antonio~~
I lived with my sister in the house of Jose Sanchez,
Ques 29.
How long did Jose la Cruz Sanchez continue to live in that house near his fathers house of which you speak after the death of his father

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32.

Ans.

He remained there until the Americans put him out.

Ques 30.

Where did he go to live after the Americans put him out?

Ans.

When the Americans put him out I wasn't here, when I next saw him he was living where he does at present, this side of the Adobe houses where he and his father used to live, by the rancho Buena Buena,

Ques 31.

Did José La Cruz Sanchez have a Major Domo while he was living in the house near his father on the Buena Buena Rancho or during any part of that time.

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Ans.
I didn't know of his having any Major Domo.

Ques 32.
Had he any cattle at that time pasturing on the Bruni Bruni Ranche, & if so how many?

Ans.
Yes sir; I can't say what number as all the cattle were mixed together, he had more than the other brothers,

Ques 33.
Who took care of his cattle, branded them, held his rodeos, and attended to his ranch business generally.

Ans.
He & the same young Indians, they all helped each other, all the brothers I mean, as the cattle was in common

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Ques 34.
Do you mean to say that the brothers Sanchez had all their cattle in common?

Ans.
They had it all on the rancho together with that of the deceased José Sanchez.

Ques 35.
Didn't you say yesterday that each brother had his separate stock?

Ans.
I think not.

Ques 36.
How then do you say that José La Cruz Sanchez had more stock than his brothers.

Ans.
It was known because there were more cows with his mark than with the others.

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Ques 37.

Did not all the cattle of the deceased father and of the brothers herd and pasture together under charge of the same vaqueros?

Ans.

Yes I saw that they all took equal care.

Ques 38.

How many brothers were there who had stock on the Burri Burri ranchos?

Ans.

I dont know as to the sisters those of the brothers who claimed cattle of their own besides that of their father they were four. ~~besides~~

Ques 39.

Who were those brothers name them?

Ans.

Jose la Cruz, Francisco Sanchez, Manuel Sanchez, José Sidro Sanchez.

Ques 40.

Did each brother have a Separate brand for his own Cattle?

Ans.

Yes Sir.

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Ques 41.

Were the rodeos held for all the cattle of the deceased father and of the Sons together, or did any of them have Separate Ro=
=deos for their Separate Cattle.

Ans.

Altogether, At that time all held together.

Ques 42.

What were the rodeo lines for the Burri Burri ~~rodeo~~ Cattle.

Ans.

We used to come to Lon Mates after Cattle, Sometimes we found it nearer.

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Ques 43.
Where were the Buzzi Buzzi cattle pastured or herded; was it within the limits of the Buzzi Buzzi rancho or did they range also over the San Mateo rancho,

Ans.
They pastured on San Mateo sometimes,

Ques 44.
Do you know when Francisco Sanchez got the rancho San Pedro on the coast of the ocean;

Ans.
Yes I know but I dont remember what year it was,

Ques 45.
Was that rancho co-terminus with the Buzzi Buzzi rancho -

Ans.
I heard it said that it was co-terminus with the Buzzi Buzzi,

Ques 46
Where did Francisco Sanchez keep his cattle after he got that rancho?

Ans.
At San Pedro.

Ques 47.
You say that Jose la Cruz Sanchez paid for building the Adobe House in which his brother Jose Dibro Sanchez went to live near the Laguna Salinas, how do you know that he paid for it?

Ans.
Yes sir, I know because I heard conversation between them.

Ques 48.
At what time did you hear this conversation & at what place.

Ans.
I dont remember at what time. On the rancho Buena Buena

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Ques 49.
Was it after the house was finished or before,

Ans.
Before Jose Ludis Sanchez came from his fathers house, long before the house was finished.

Ques 50.
Was it before the house was begun?

Ans.
Yes sir,

Ques 51.
What was the conversation you speak of, tell all about it?

Ans.
The conversation which I heard was, speaking about the cattle of Jose la Cruz & José Ludis Sanchez that Jose Ludis told José la Cruz Sanchez or asked him what he was doing on the rancho Bruno Burris that having that land on the San Mateo, Why did

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he not go to the San Mateo, then José de la Cruz answered, that he didn't want to go because of the house which he had on the Buri Buri, then José Pablo Sanchez asked him to sell to him the house on the Buri Buri rancho, then José de la Cruz told him no, that if he wanted, he could go to San Mateo and he would build him a house there, then José Pablo Sanchez communicated to me that he was going to the San Mateo rancho, that José de la Cruz had promised to put him up a house in San Mateo, that he brought after living in San Mateo to purchase the land from José la Cruz after living there, for which he would buy.
After he was there

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he proposed to purchase the land. Joze de la Cruz told him that he would not sell it to him that when his Children grew up they could sell it to him. he told him to take care of the place, that when his Children grew up they could sell to him, that he would lose his trouble for taking care of it.

Ques 52.

About what time was this Conversation?

Ans.

I dont remember whether it was in 1843 or '44 that I heard this Conversation.

Ques 53.

Who built the house worked at the house; made the adobes & made the Carpenters work?

Ans.

I dont remember the old Carpenters name it was

an old American, the Indians ~~Ques 52~~ that José la Cruz had made the adobes and Indians worked at the house I dont recollect what Indians, the Indians who worked at the house lived in San Mateo,

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Ques 54.

Do you know how long the Carpenter was at work on the house,

Ans.

No Sir,

Ques 55.

Do you know how much the Carpenter charged for his labor or what his bill was for his services in the construction of the house,

Ans.

No Sir,

Ques 56,

Is that Carpenter living or dead?

Ans.

I dont know whether he is alive or dead I haven't seen him,

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Ques 57.
Where did that Carpenter live at that time.
Ans.
I dont know where he lived, I think he lived at San Fernando. He was a man that I didnt know.

Continued until 2 o clock P.M.,

Cross Examination resumed.

Ques 58.
Did you move or did you go with Jose Ledro Sanchez into the new Adobe house near the Salinas Laguna:
Ans.
Yes Sir.
Ques 59.
In what year was that:
Ans.
I dont remember what year I think it was '44 or 45.

Ques 60.
Was it before or after the Americans came here?

Ans.
Before the Americans came.

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Ques 61.
How long before?

Ans.
I dont know & cant tell the time.

Ques 62.
How long did you remain there?

Ans.
I remained there, cant tell the time exactly 4 or 5 years I think.

Ques 63.
Did you remain there as long as your Sisters and brother in law remained there?

Ans.
No sir.

Ques 64.
What did you do while you were there?

Ans.
I was Major Domo.
Ques 65.
Did you have charge of the cultivation of the land for José Ledro Sanchez?
Ans.
Not of the land.
Ques 66.
Who had charge of that?
Ans.
He and I, sometimes I took charge of the cultivation also.
Ques 67.
What land did he, or you for him cultivate?
Ans.
We cultivated this side of the Salinas creek near the esteros.
Ques 68.
Did neither you nor the cultivate any land on the other side of the Salinas creek?
Ans.
There was a little piece

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near the house where they cultivated.

Ques 69.

Was the land cultivated with a plow.

Ans.

Yes Sir.

Ques 70.

Who plowed the land?

Ans.

We plowed ourselves and other men who were there.

Ques 71.

What other men were there?

Ans.

There were two or three Indians which he brought from Sonoma.

Ques 72.

Who cultivated the other land on the Land Mateo Rancho?

Ans.

José la Cruz Sanchez, and José Pedro Sanchez cultivated a small piece near the house.

Ques 73

Who had charge of the cultivation of José la Cruz Sanchez

Ans.
Himself, I didnt know any one else but he and the Indians.

Ques 74.
What did the Indians get for their labor?

Ans.
I dont know what they received, Jose la Cruz used to come here to the Ships and get some provisions for them.

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Ques 75.
Was that all the Indians got for their labor?

Ans.
I dont know as they received any thing else, I know that they used to receive provisions but I dont know whether they received it for their labor.

Ques 76.
What was done with the crops?

Ans.
They would be appointed them

because at that time they could not be sold.

Ques 77.

Who consumed them.

Ans.

The Indians themselves.

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Ques 78.

What profit or advantage did Jose la Cruz Sanchez derive from the cultivation or crops:

Ans.

I dont know what profit or advantage excepting the consumption.

Ques 79.

Did he consume any part of them himself or his family or those employed by him, if so what portion of them:

Ans.

He consumed the portion that belonged to him as he cultivated Separately from the Indians.

Ques 80.

Were you living with your brother in law José Lidio Sanchez

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when any Americans took possession of the San Mateo rancho or any part of it?

Ans.

Yes Sir,

Ques 81.

What part did they take possession of?

Ans.

The first I saw of the American taking possession it was at the Cañada of San Andreas, above the Cañada

Ques 82.

Did any others come upon the rancho while you were there?

Ans

I left for Alviso at that time.

Ques 83.

Were you not there when Howard came upon the rancho.

Ans.

No Sir.

Ques 84,
How long after the Amer=
=ican flag was hoisted
before you left for Alviso,
Ans
Probably 4 or 5 yrs after
I cant tell exactly.

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Examination in Chief
resumed,
Ques 1,
~~Did they not~~ After reading
to the witness Ques 75 and
his answer, ~~Question~~ Witness is
asked on the re exam=
=ination this question,
viz:
Did they not also
receive cattle from Jose
de la Cruz ~~cattle~~ to
slaughter for meat when
wanted by them?
Ans.
Yes sir,
Examination Closed at 3:14 Mch
27th —
Sworn & subscribed
before me
H. F. Lardner
U.S. Comr.

Angel his + Alviso
mark.

No 178 ND

U. S. Dist Court
Dist of Calif.

The United
States
— vs —
José de la Cruz
Sanchez.

Deposition of
Angel Alviso.

Filed November 5th 1870
Edw'd B. Cotter Clerk
By R. D. Grimwood
D. C.

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

The United States

VS.

José de la Cruz Sanchez

No. 178.

Be it Remembered, that on this 20th day of March A. D. 18 69 at my office in the United States Court Building, in the city of San Francisco, personally appeared before me W. H. Gardner a Commissioner, to take acknowledgment of Bail and Affidavits, etc., duly appointed by the Circuit Court of the United States, for the District of California, Teodora Alipio de Vega Sanchez a witness on the behalf of the Claimant in the above entitled suit.

J. C. Alvarado Was Sworn as Interpreter.

~~Esq., appeared as~~

for the _____ and _____ Esq., as _____

_____ for the _____.

And the said Witness, having been by me first cautioned and sworn, to testify to the truth, the whole truth, and nothing but the truth, in the cause aforesaid, did thereupon depose and say as follows, that is to say:

Examination in chief by _____

Question:—What is your name, age, occupation, and place of residence?

Answer:—My name is _____; my age is _____ years and upwards; my occupation is _____; and my place of residence

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25th March 1869.

Parties present by consent.

Gregory Yale Esq. on behalf of claimants and.

Sidney L. Johnson Esq & S. M. Wilson Esq. on behalf of the United States.

Teodora Alviso de Vega ~~Sanchez~~ sworn -

Ques 1.

Are you a widow.

Ans.

No I am married.

Ques 2.

What is your present husband's name.

Ans.

Juan de Dios Vega - is the name of my present husband.

Ques 3.

What was the name of your first husband?

Ans -

Jose ~~sj~~ Sidro Sanchez

Ques 4.

Was he the brother of José de la Cruz Sanchez your present?

Ans.

He was.

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Ques 5.

State your age or as near about it as you can?

Ans.

61 or 62 yrs more or less.

Ques 6.

State if you can when you were married to your first husband?

Ans.

I dont remember it is so long since?

Ques. 7

How old were you when you were married to your first husband?

Ans.

About 15 or 16 yrs I was not 15 yet.

Ques 8.

When did he die and where at?

Ans.

We died at Mrs Reeds in this city about 12 or 14 yrs ago

Ques 9.

Are you acquainted with the rancho known as San Mateo?

Ans.

Yes I am acquainted with it.

Ques 10.

State generally the location of it if you know?

Ans.

I know the San Mateo creek bordering with the Sanchez rancho.

Ques 11

What is the name of the Sanchez rancho referred to?

Ans.

Rancho Buri Buri.

Ques 12.

State whether you ever lived on the San Mateo ranch with your husband and if so how long?

(Question withdrawn)

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Ques 13.

Where did you live after your marriage with your first husband?

Ans.

At the Mission of Dolores.

Ques 14.

How long did you live at the Mission Dolores after you were married?

Ans.

Lived in San Francisco until we removed to my father in laws ranch.

Ques 15.

What sort of a house did you live in at your father in laws ranch?

Ans.

Adobe house.

Ques 16.

How long did you live in that house with your husband?

Ans.

Lived there about 10 or 12 yrs until we built a house on the other side.

Ques 17

Where was that house situated?

Ans

Near the house of my brother Jose de la cruz, there were two houses close to each other.

Ques 18.

On what rancho was that house built if you know?

Ans.

On the rancho of Mrs Sanchez rancho of my father in law,

Ques 19.

How long did you live in that house?

Ans.

About 10 or 12 yrs.

Ques 20.

Where did you live next.

Ans.

On the San Mateo lands.

Ques 21.

Counsel for the United States object to the last answer and to any evidence tending to show occupation on the tract of land known as the rancho

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San Mateo on the ground.
that such occupation was
illegal & prohibited by the
General law & also by the
Special orders & decrees of the
Mexican Government of Cali
fornia relating to said tract
of land.)

Ques 21.

What sort of a house did you
live in on the San Mateo
lands?

Ans -

Adobe house a large house.
I dont know how big it was.

Ques 22.

Who built that house?

Ans.

My husband built it by
permission of My brother
José de la Cruz Sanchez.

Ques. 23 -

Who paid for it?

Ans -

My brother José de la Cruz -

Ques 24.

When did you leave that
house?

Ans.

I dont remember when I left it. I left it when I was put out of it.

Ques 25.

In what manner were you put out?

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Ans.

I dont know ~~how~~ I was put out, I was put out with all my family.

Ques 26.

State whether by any legal proceedings or by force?

Ans.

By force I was put out, they put me out by force.

Ques 27.

State whether the party who put you out by force did any injury to the house?

Ans.

They injured the house because up to date it is all in pieces.

Ques 28.

Do you know who the parties were who drove you and your family out by force

and tore the house down".

Ans.

I dont know the parties there were 6 or 7 of them who put us out of the house.

Ques 29.

Did your husband have any other ranch of his own while he lived with his family in this adobe house in San Mateo,

Ans.

We had an interest in the ranch of ~~his~~ Senor Sanchez his father.

Ques 30th.

State whether her husbands father was not living at that time;

Ans.

He was not living at the time I was put out of the ranch.

Ques 31.

State whether your husband claimed this place on the San Mateo as his own property or recognized the ownership to be in his — N.

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Ques 31.
Who claimed the house on the San Mateo ranch as his property if you know?

Ans.
I think those who are on the rancho now I dont know who, those who put me out,

Ques 32.
Do you in your last answer refer to the time when this house was build & when your husband occupied it and before you were driven out, or at the time you were driven out,

Ans
I think before I was put out because when I was put out I was living in the house,

Ques 33.
Who claimed the property when you first went into the house?

Ans.
Nobody claimed it because we were in the right of Jose de la Cuesta,

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Ques 34.

Do you mean to say that Jose de la Cruz did not claim it at that time?

Ans.

He didnt claim it from us as we were living there under his ~~possession~~ permission.

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Ques 35.

State whether your husband claimed any property in the house or ranch as owner?

Ans.

He claimed ownership in the house because he built it there by the consent of my brother Jose de la Cruz, but not in the ranch because it did not belong to him.

Ques 36.

State who did at that time claim the ranch as belonging to him if any one.

Ans.

I didnt recognize any other owner excepting Jose de la Cruz who lived there.

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my brother José de la cruz petitioned for it but I dont know whether it was granted to him or not.

When I was a young girl I knew that the mission had a tribe of indians there.

Ques 37.

By living in the adobe on the Law Mates, state whether the land among was planted, and if so in what:

Ans.

The land I lived on was not planted.

Ques 38.

State whether your husband had any cattle there or whether there was any cattle on the ranch, & if so to whom they belonged.

Ans.

My brother had cattle there which belonged in common among the Lunchez, the heirs, as much to my brother as any of them.

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Ques 39

State whether or not there was any garden for cultivating vegetables:

Ans.

There was a little there my little orchard I used to plant things, the balance was crops.

Ques 40.

Where were those crops planted on that ranch:

Ans.

~~I don't know~~ From my house up to the house of my brother Jose de la Cruz on the San Mateo land -

Ques 41.

Can you state the number of head of cattle,

Ans.

There were more or less 5 or 6 thousand head, more perhaps on the ranchos,

Ques 42.

Who was acting as Mayor Domo at that time while you occu=pied the San Mateo ranch,

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Ans.

I did not know any other Mayor Domo but the one we had in the house, Angel Alviso Now present. ~~Dues~~. My brother.

Ques 43

What ~~is~~ the name of your father?

Ans.

José Antonio Alviso,

Ques 44

Do you know of any Indians being on the San Mateo Ranch at the time you lived there?

Ans.

There were Indians there but they were on account of José de la Cruz at the time they were there.

Ques 45,

State whether the Indians were civilized & peaceable or not;

Ans.

They were civilized Indians Good Indians Not wild Indians.

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Ques 46.

State what you know if any thing about José de la Cruz having the consent of the Indians to occupy the ranch San Mateo?

Ans

I knew that it was with the consent of the Indians that he occupied the rancho.

Ques 47,

State whether the Indians ever attempted to disturb your family and what their conduct was while you were there towards the family?

Ans.

Never, they were very good to the family, the Indians have always been good.

Ques 48.

State if you know what the conduct of José de la Cruz was towards the In-
=dians on the ranch

Ans.

He was very good to the Indians if they were in need of anything he gave it to them.

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Ques 49.

Do you know anything about the Indians having small farms of their own on the San Mateo:

Ans.

Yes they had small farms, small as they had no means with which to work,

Ques 50

State if you know who rendered them assistance in working their small farms: & ~~th~~ taught them how to cultivate.

Ans.

My brother Jose de la Cruz.

Ques 51.

Where were you born?

Ans.

At the Mission of San Jose,

16.

It is agreed by Counsel on both sides that all the testimony tending to show occupation or possession of the land claimed shall be considered as taken subject to the objection stated on behalf of the U.S. under question 29 in the examination in Chief of this witness —

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Cross Examination by Counsel for the U.S.

Ques 1.

Where do you live at present.

Ans.

I live on the land belonging to Alviso opposite New Dicks, a rancho which my father formerly owned, a part of which I rent at present, near the town of Alviso.

Ques 2.

How large a portion of that land do you rent at present, the land of Alviso where you now live.

Ans.

I rent two acres ~~where~~ where my house is situated, and whatever I farm I rent afterwards.

Ques 3.

How long have you lived there.

Ans.

After the death of my husband here I moved up there.

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Ques 4.

Do you mean after the death of your first husband Jose y Pedro Sanchez

Ans.

Yes after his death.

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Ques 5.

Was your first husband living when you say you were turned out of the house on the San Mateo rancho?

Ans,

He was living still.

Ques 6.

Where did you go to live after that?

Ans.

I came down to a Pescadero this side of San Mateo I had a little frame house there.

Ques 7.

How long did you live there?

Ans.

Lived about 2 yrs there.

Ques 8.

Did you live there until the death of your first husband?

Ans.

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I lived there until the run me out of there. My husband was dying here in San Francisco.

Ques 9.

Who ran you out of there?

Ans.

I dont know there were so many persons, the Judge & Sheriff from San Mateo, I was not there I was in San Francisco, My husband was sick here in San Francisco I came here with him, when they wrote me a letter stating that they were throwing my things out of my house.

Ques 10.

How far was this house in the willow grove, or, Sancelito from the house which you say you lived in on the San Mateo rancho?

20,

Ans.

About 2 or 3 miles not more perhaps,

Ques 11,

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How far was the house which you say you lived in on the San Mateo rancho from the San Mateo Creek,

Ans.

The distance was very great from the house I lived in from the creek. I dont know what distance. ~~As I~~ This house I lived in was ~~about the~~ almost on the boundary of the Burri Burri rancho.

Ques 12.

How long after you left it before it was torn down?

Ans,

I think it did not last 2 or 3 months, before they tore it down, as I left & I never saw it again.

Ques 13.

Have you ever visited the place or seen the ruins since?

Ans.

I have seen nothing since now that I pass on the Cars, I dont want to see what I lost.

Ques 14.

Was it before or after the arrival of the Americans that you were turned out of this house;

Ans.

After ~~the~~ the Americans ruled & Governed here I was turned out.

Ques 15.

Do you know whether that house stood on the Buri Buri rancho as now surveyed or not;

Ans.

I think it never was in the Survey of the Buri Buri ranch.

Ques 16.

Do you know where the boundary line of the Buri Buri is now;

Ans.

I have not seen the surveys now, but while I lived there I thought the small creek was the boundary line,

Ques 17.

On which side of that little creek did your house stand?

Ans.

The Lawrences side,

Ques 18.

How far from the little creek?

Ans.

I dont know what distance as I never took notice of measures, about 20 or 30 yards, probably more,

Ques 19.

Did you get water out of the creek for the use of the family?

Ans.

Yes I took from the creek, and near the house I had a well & I took from there also to drink,

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Ques 20.

Have you any interest in this claim?

Ans.

I think I may have an interest there, I think I have a right.

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Ques 21,

What share or interest do you claim for yourself?

Ans.

How say from San Mateo: why did they put me out of my house,

Ques 22.

What do you expect to get if José de Cruz Sanchez gets the rancho of San Mateo?

Ans -

I cant have nothing except the damages of putting me out with my family from there,

Ques 23.

Has any body promised to pay you anything for those damages?

Ans.

No Not up to date as nothing

had been said or moved about the matter.

Ques 24.

At whose solicitation did you come here as a witness?

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Ans.

They went after me, I suppose on account of my brother José de la Cruz.

Ques 25.

Who went after you?

Ans.

Mr Alvarado the interpreter & Mr J. D. Marks here present.

(Mr Alvarado accompanied Mr Marks to point out the residence of these parties)

H. F. L. Comr.

Ques 26.

Has anything been given to you or promised you for coming to testify in this Matter?

Ans.

They have not promised me anything but I suppose I will be paid to come here.

25

Sworn & Subscribed
before me this 25th
March 1869,
H. H. Gardner
U.S. Comr.

her
Teodora X Sanchez
mark.

Testimony closed until
2 o'clock P.M.

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U. S. Dist Court.
Dist of Cal^a.
No. 178 N.D.

The United States
vs.
José de la Cruz
Sanchez.

Deposition of
Teodora ~~Sanchez~~.
Alviso de Vega.

25 Mch 69 10

Filed November 5th 1870
Edwd B Cotter Clerk
By A D Grimwood
D.C.

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

The United States

VS. No. 178.

Jose de la Cruz Sanchez

Be it Remembered, that on this 25th day of March A. D. 1869 at my office in the United States Court Building, in the city of San Francisco, personally appeared before me C. P. Lardner a Commissioner, to take acknowledgment of Bail and Affidavits, etc., duly appointed by the Circuit Court of the United States, for the District of California, Pedro Evencio a witness on the behalf of the Claimant in the above entitled suit.

Sidney L. Johnson & D. M. Wilson Esq., appeared as Counsel for the U. S. and Gregory Yale Esq., as Counsel for the Claimant

J. C. Alvarado was sworn as interpreter.

And the said Witness, having been by me first cautioned and sworn, to testify to the truth, the whole truth, and nothing but the truth, in the cause aforesaid, did thereupon depose and say as follows, that is to say:

Examination in chief by Gregory Yale Esq.

Question:—What is your name, age, occupation, and place of residence?

Answer:—My name is Pedro Evencio; my age is 40 years and upwards; my occupation is Laborer; and my place of residence House of Jose la Cruz Sanchez

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Ques 1.

Where were you born?

Ans.

At the Mission of Dolores.

Ques 2.

Is your father & mother living or either of them?

Ans.

They are dead.

Ques 3.

State whether you belonged to the Christian Indians or not at the Mission Dolores.

Ans -

Yes sir.

Ques 4.

Mr. (Counsel for the U.S. object to the testimony of this witness in this case on the ground that it is incompetent because of his race & color.)

Ques 4.

How many Indians were they there at the time you were old enough to know any thing about the matter

Ans.
About 80 including boys.
Ques 5.
Did you at anytime leave the Mission with your parents and where did you go to if so?

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Ans.
We lived at the Mission and we lived in San Mateo.
Ques 6.
How old were you when you left the Mission for San Mateo?
Ans.
My father asked permission when I was very young. He was 50 yrs of age when he asked permission to move to San Mateo. I wasn't born when my father went to San Mateo.
Ques 4.
How old were you when you first found yourself at San Mateo.
Ans.
I don't know I was raised

there. My father used to come to the mission and then used to go to San Mateo.

Ques 8.

How many of those Indians then belonging to the Mission & living on the San Mateo Rancho are now alive?

Ans

Only myself & an uncle of mine.

Ques 9.

How old is your uncle?

Ans.

About 70 yrs.

Ques 10.

How long have you known José de la Cruz now present?

Ans.

Since I grew up I have known him.

Ques 11.

What part of the San Mateo Rancho did your father live?

Ans.

Back of the house of Howard

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near the creek

Ques 12.

What kind of a house did he live in.

Ans.

A frame house with a roof of tiles.

Ques 13.

~~Did you know the Chinaman~~ Jose de la Cruz

Did you ever see Jose de la Cruz at that part of the ranch & if so what was he doing?

Ans.

We used to go around the ranch, looking after his cattle & seeing the Indians.

Ques 14.

How many times have you seen him at that part of the ranch, and running through how many years?

Ans.

I cant say I have known him since I was small and cant say running through

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how many years.

Ques 15

Do you know how many head of cattle were pastured on that part of the ranch & to whom they belonged:

Ans.

More or less 5 or 6 thousand head of cattle belonging to José de la Cruz Sanchez.

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Ques 16.

Had Sanchez a corral on that part of the ranch & if so where was it situated:

Ans.

It was above a large lake known as San Mateo.

Ques 17.

Had he any other corral on the ranch & if so where was it situated?

Ans.

I didnt see any other one except that one, it was a large corral.

Ques 18.

Do you know of any Potrero situated on the ranch & if so, what part.

Ans.

There was no other Potrero except down below there was a kind of enclosure where they used to drive stock.

Ques 19.

What do you mean by below, or what part of the bay?

Ans.

Towards the bay where there is a house belonging to Mr Howard, towards the bay below.

Ques 20.

Do you know whose cattle & horses were driven into the Potrero of which you speak.

Ans.

Of the Sanchez's

Ques 21.

Do you know of any Adobe houses having been built on the San Mateo ranch if so how many & where were they situated?

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Ans.

Yes sir there were two one stands yet the other was at a little distance, it is down, it was near the other, about 30 yards from the house which stands.

Ques 22.

Was there any other on any other part of the ranch?

Ans.

Yes there was one down by the side of Burri Burri.

Ques 23.

You say your father lived in a wooden house near the Arroyo of San Mateo built behind Howard's House what sort of a house was the Howard house of which you speak?

Ans.

It was a wooden house the first I have seen,

Ques 24

Did the Priests at the Mission Dolores have any house on the San Mateo ranch &

if so where was it situated?
& what kind ~~of~~, of a house was it!

Ans.

That adobe house which is still in San Mateo,
Where the town of San Mateo is this side of the creek.

Ques 25,

Are we now to understand you that there were 2 adobe houses on the San Mateo Ranch.

Ans.

Yes Sir,

Ques 26.

Who occupied that adobe near the arroyo built by the Priests of the Mission at the time you & your father lived in that part of San Mateo?

Ans.

There were other Indians in the adobe house & we were in our house,

Ques 27,

State whether the Indians planted that part of the

ranch & what they planted & whether they planted by themselves or without assistance or if with assistance by whom was it rendered'.

Ans.

Yes they planted wheat beans, Corn, Senor de la Cruz ~~planted~~ assisted us loaning us horses & oxen.

Ques 28.

Did any body else plant on that part of the ranch & if so who?

Ans.

I didn't know any body else who planted except the Indians & Jose de la Cruz.

Ques 29.

What did he plant and who assisted him if any body in gathering his Crops.

Ans.

He planted wheat, beans Corn, and the Indians assisted him to gather his crop.

Ques 30.

Had the Indians any Cattle of their own & if not how

were they supplied with meat?

Ans.

They had no cattle of their own they used to ask Don Jose de la Cruz Sanchez for meat & he used to kill a steer, head of cattle, & give it to them

Ques 31.

Who assisted Jose de la Cruz, on that part of the rancho in taking care of his stock if any body,

Ans.

I dont know we used to assist him ourselves, when he went after his cattle the Indians used to help him to drive it to his rancho.

Ques 32.

How many times a week did Jose de la Cruz visit that part of the rancho if you know

Question withdrawn.

Ques 33

How often did José de la Cruz visit that part of the ranch, San Mateo. Ans.

He lived on the other rancho Buri Buri he had another house, Sometimes used to go three times a week, others twice a week.

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Ques 34

State whether he ever stayed overnight on that part of the ranch of San Mateo & if so where he slept at that time.

Ans.

Sometimes he used to sleep at my fathers house at other times at the adobe house below.

Ques 35.

What was the conduct of the Indians towards José de la Cruz Sanchez and what was his conduct towards them.

Ans.

They conducted themselves well because they thought he was a very good man they

thought a good deal of him, he thought a great deal of them whenever they asked him for anything he gave it to them.

Ques 31.

State if you know whether José de la Cruz had his cattle there & planted that part of the ranch with the consent & permission of the Indians?

Ans.

Yes sir.

Examination in Chief closed.

Cross Examination by the U. S.

Ques 1.

When you went from the Mission of Dolores to San Mateo, did you remain at San Mateo for a long time or did you return to the Mission of Dolores one or more times.

Ans.

We came sometimes ~~from~~ to the Mission of Dolores, we used to come to church and then we returned.

Ques 2.

How often did you come to church at the Mission?

Ans.

Sometimes we came twice a year at others once.

Ques 3.

Who is the first Priest at the Mission whom you recollect.

Ans.

I only recollect the father who baptized me, father Tomas.

Ques 4.

Do you recollect when you were baptized?

Ans.

No.

Ques 5.

Do you recollect your first Communion?

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Ans.

I dont remember it.

Ques 6.

Do you know what Priest officiated when you made your first Communion.

Ans.

I dont recollect.

Ques 7.

Do you recollect when the Americans arrived here?

Ans.

No Sir.

Ques 8.

Do you recollect when there was a change of Government when the Alcaldes were Americans & didnt Speak Spanish.

Ans.

I dont remember.

Ques 9.

How do you know that you are 70 yrs old.

Ans.

I Know by others who are of my age.

15.

Ques 10.

Where does your uncle live?

Ans.

Where the house of José de la Cruz Sanchez is situated.

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Ques 11.

Do you go to hear Mass now, if so how often.

Ans.

Not now because I dont understand the language of the Priests.

Ques 12.

How long since you have been to Confession -

Ans.

I dont remember.

Ques 13.

Do you know who was the last Priest to whom you confessed.

Ans.

No sir I dont remember.

Cross Examination Continued until to morrow at ½ past nine o'clock.

March 24th 1869.

Cross Examination resumed.

Ques 14.

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Do you remember when Mr Howard first came to the San Mateo rancho?

Ans.

No Sir.

Ques 15.

Do you remember to have seen him there?

Ans.

I dont Know him.

Ques 16.

Do you remember of seeing any Americans there, or people who spoke English & did not speak Spanish?

Ans.

I dont remember.

Ques 17.

Did you ever hear of the war between the Americans and the California.

Ans.

I dont Know anything about that

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Ques 18.

How long have you been living at the house of Jose de la Cruz Sanchez.

Ans.

I have lived there always, all my life, have no other place to live.

Ques 19.

On what rancho is that house?

Ans.

On the Buri Buri rancho

Ques 20.

Didn't you say that you lived on the rancho San Mateo with your father, that you were brought up there?

Ans.

When Howard drove us off we had no place to go we went to Jose de la Cruz Sanchez house.

Ques 21.

How do you know that Howard drove you off when you say you don't know Mr Howard & never did know him?

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Ans.
Because I hear say it is Howard I dont Know him.

Ques 22.
Who told you that Howard drove you off?

Ans.
Ourselves who were in our house when he put us out, they said it was Howard I dont know him.

Ques 23.
Who said it was Howard?

Ans.
I dont remember who said but I Know Howard drove us off.

Ques 24.
Were you married when Howard drove you off.

Ans.
Yes.

Ques 25.
Is your wife living?

Ans.
Yes.

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Ques 26.
What was her name before marriage?
Ans.
Her name was Pastora,
Ques 27.
Where were you married & by what Priest?
Ans.
At the Mission of Dolores I dont remember the name of the Priest,
Ques 28.
Did the Priest speak your language?
Ans.
No,
Ques 29.
How long was it before Howard drove you off that you were married,
Ans.
I dont remember I had three Children when Howard drove me off.
Ques 30.
Were those Children baptized?

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Ans

Yes.

Ques 31,

What were there names?

Ans

One is named José, the other Encarnacion + Marie,

Ques 32,

How old was the oldest child when Howard drove you off?

Ans,

They died small, young.

Ques 33.

Were they living when Howard drove you off?

Ans.

No they were dead.

Ques 34

Then when Howard drove you off you had no chil=
=dren living?

Ans.

No.

Ques 35

Have you any children now, if so how many?

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Ans.
I have four.
Ques 36.
How old is the oldest child?
Ans
About 9 years.
Ques 37.
Where was he born?
Ans.
At the rancho of Mr de la Cruz.
Ques 38.
Was he the first one born on the rancho Burri Burri?
Ans.
Yes sir I think I dont remember well.
Ques 39.
Have you lost any children that were born on the Burri Burri rancho?
Ans.
Yes.
Ques 40.
Were they born before the oldest child you have now or after?
Ans.
~~after~~. Those who were born

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on the rancho Buri Buri
& died after the oldest.

Ques 41

What is the name of your eldest child.

Ans

Pedro,

Ques 42.

How long was it after Howard drove you off that Pedro was born?

Ans.

I dont remember,

Ques 43.

Where were your children buryed,

Ans.

At the Mission Dolores.

Ques 44.

Were they buryed by the Priest?

Ans.

Yes.

Ques 45.

Do you recollect what Priest buried any of them,

Ans.

I dont know the Priest

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Ques 46.
How long had the Children that died on the rancho of San Mateo been dead when Howard drove you off?
Ans.
I dont remember,
Ques 47
How old was the youngest of those that were born on that rancho when he died?
Ans.
I dont know because he died young.
Ques 48.
How old were you when you got Married?
Ans.
About 15 years.
Ques 49.
How old was your wife?
Ans.
15 years also my age.
Ques 50
What was her family Name?
Ans
Pastora ~~Alva~~ Heloi

Ques 51.

Where were you living at the time you were married?

Ans.

San Mateo.

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Ques 52.

In what house, with whom?

Ans.

With my father a frame house with roof of tile. ~~Ques 53~~ which we had there?

Ques 53.

Did José de la Cruz Sanchez come on the rancho of San Mateo or have cattle there, at the time you were married or about that time?

Ans.

He had before I was married.

Ques 54.

How long was it before you were married?

Ans.

I dont remember,

Ques 55,

About how long, was it 1 year or 2 years or 3 years,

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Ans.

I dont remember I was ~~born~~ brought up & raised there & I saw cattle belonging to José de la Cruz. I cant say anything ~~for~~ for I dont remember.

Ques 56.

Did José de la Cruz Sanchez come on that rancho with cattle & land your father animals to plow with & give your father beef as far back as you can remember? is that what you mean to say?

Ans.

Yes sir.

Ques 57.

Do you know the boundary line between the San Mateo rancho & the Buri Buri rancho?

Ans.

I know the San Mateo creek is the boundary line & this side where there was an Adobe house.

Ques 58.
On which rancho was that adobe house.

Ans
On San Mateo.

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Ques 59.
How near was that adobe house to the boundary line?

Ans.
I dont remember.

Ques 60.
Say about how far was it?

Ans.
I dont know because I dont know where the exact boun=
=dary line is, but I know it is on the San Mateo,

Ques 61.
If you dont know where the boundary line is, how do you know that the adobe house was on the San Mateo rancho?

Ans.
Because I have heard it said.

Ques 62.
How long have you heard it said so?
Ans.
I dont remember, but for many years I have heard it said said that it was the San Mateo rancho.
Ques 63
Who lived in that Adobe house?
Ans.
The wife of Jose Lidio Sanchez
Ques 64.
Did she live there alone or did her husband live with her?
Ans.
With her husband.
Ques 65.
Do you know when they first went to live there?
Ans.
No sir.
Ques 66.
Were they living there when you were a child as far back as you can recollect?

2/1/12

Ans.

No.

Ques 67.

Do you recollect their building that house?

Ans.

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Yes I dont remember.

Ques 68.

Were you married when they first went to live there?

Ans.

Yes.

Ques 69.

How long had you been Married when they went to live there?

Ans.

I cant say for I dont Know the ~~length~~ of time Number of yrs.

Ques 70.

Had you any Children born when they went to live there?

Ans.

Yes.

Ques 71.

Was that adobe house near the Laguna or on which side of the Laguna?

Ans.
Yes above the laguna.

Ques 72.
Was there a creek there near it?

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Ans.
There was a little creek.

Ques 73.
On which side of that creek was the house.

Ans.
On the Law Mateo side.

Ques 74.
Where was the canal that you spoke of was it between the house & the laguna or above the house?

Ans.
Above the house on the side of Law Mateo.

Ques 75.
Were there any Willow trees near there?

Ans.
No willow trees there except on the Burri Burri ranch.

Ques 76.
Was there no Willow grove on the San Mateo Ranch?
Ans.
Yes.

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Ques 77.
Where on what part of it?
Ans.
Where there is a Potrero near the bay.
Ques 78.
Was that the only willow grove on the San Mateo rancho?
Ans.
That is the only one which I remember.
Ques 79.
How far from the laguna? was the nearest Willow grove on the Buri Buri rancho?
Ans.
I cant say it is near San Mateo.
Ques 80.
What did José Ledio Sanchez do on the rancho San Mateo?

Ans.

Be planted.

Ques 81.

Did he take care of the cattle pastured on the Dan Mateo rancho?

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Ans.

I dont know whether he took of it José de la Cruz went around.

Ques 82.

To whom did the cattle belong

Ans.

They belonged to him & to all of the brothers of José de la Cruz;

Ques 83.

Did the cattle all have the same mark?

Ans.

No, each one had his mark.

Ques 84.

About how many cattle were there in all?

Ans.

There were about 5 or 6 thousand head of cattle.

Ques 85.
Did all the brothers Sanchez have Some Cattle?
Ans
Yes.

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Ques 86.
How many brothers were there?
Ans.
I dont remember I dident Know them all.
Ques 87
Had José la Cruz Sanchez have any other rancho than the Buri Buri & San Mateo?
Ans.
I dont Know he had a house on Buri Buri.
Ques 88.
Do you Know the Arriada de Raimundo?
Ans.
I Know Arriada Raimundo but I dont Know where it is.
Ques 89.
Do you Know the Laguna Raimundo or the Laguna

Canada Ramundo.

Ans.

I know the Canada Ramundo but I dont whether it is there.

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Ques 90.

Have you ever been there?

Ans.

No but I have passed by there.

Ques 91.

Did José de la Cruz Sanchez have a house there beyond the laguna?

Ans.

I dont know whether it was his there was a house there.

Ques 92.

What kind of a house & how near the laguna.

Ans.

There was an Adobe house I cant tell how far for I never travelled there much

Ques 93.

Who lived there?

Ans

I dont Know for I never

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traveled there much in passing by & used to see it.

Ques 94,

Did you ever go there with José de la Cruz Ramirez

Ans.

No Sir,

Ques 95.

Did you ever know of his going there, having a home or a ranch there?

Ans.

I don't remember.

Ques 96.

Do you say that José de la Cruz Ramirez sowed barley or wheat or beans & corn or any thing on the San Mateo rancho?

Ans.

Yes.

Ques 97.

On what part of the San Mateo rancho?

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Ans.
This die near Burui Burui.

Ques 98.
Did you & the other Indians help him?

Ans.
Yes sir.

Ques 99.
Was this before or after your Marriage?

Ans.
Before.

Ques 100.
How many years before your Marriage?

Ans.
I dont remember.

Ques 101
How many crops 1, 2, 3 more or less?

Ans.
I dont remember.

Ques 102.
Can you say that it was more than one crop before you were Married?

Ans.
He planted all the time

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Ques 103.

Do you recollect any ~~time~~ season before you were married when he did not make any ~~season~~ crop there,

Ans.

I dont remember he always planted.

Ques 104,

Was it always at the same place that you have mentioned near the Burri Burri?

Ans.

He planted always with the Indians on the San Mateo.

Ques 105,

Didn't you say a little while ago that the place where Jose de la Cruz planted was on that part of the San Mateo ranch near the Burri Burri rancho?

Ans.

He planted there also.

Ques 106.

Did he plant at both places every year?

Ans.

Sometimes he did not plant in Saw Mates & other times he planted in both places.

Ques 107.

Was this crop that you speak of that he made near the Saw Mates creek, his crop or the crop of the Indians?

Ans.

It was for him and for the Indians.

Ques 108.

Did you work at these crops?

Ans.

Yes sir.

Ques 109.

How old were you when you first began to work?

Ans.

Cant say.

Ques 110.

Did you work before you got married?

Ans.

Yes.

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Ques 111.

How many years more or less.

Ans.

I cant say for I dont remember.

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Ques 112.

Did you work when you were 10 yrs old.

Ans.

I dont remember.

Ques 113.

Does your boy Pedro work.

Ans.

He is dead.

Ques 114.

What is the name of your oldest child you have now living.

Ans.

Sr is a girl, Marie

Ques 115.

What is her age.

Ans.

I dont know how old she is.

Cross Examination

Closed —

Re-Direct Ex-

Ques 1.

How did you happen to leave San Mateo with your family & go to José de las Cruz's to live?

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Ans.

Because Howard drove us off.

Ques 2.

You have stated in answer to a question that you had lived at José de la Cruz Sanchez all your life, explain this statement & state how old you were when you left San Mateo to go to José de la Cruz on the Burri Burri ~~Ans.~~ when Howard drove you off from San Mateo

Ans.

I lived at San Mateo for José de la Cruz, I dont know I cant say I dont remember how old.

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Ques 3.

Do you mean to say that the Indians helped José de la Cruz to plant on the San Mateo ranch near the Burri Burri & near José Sidro ~~Chisi~~ Sanchez house or on the other end of the ranch along & about the San Mateo creek where the Indians resided principally?

Ans.

Yes sir, we helped him & then we planted ourselves, near the house of José Sidro Sanchez.

Ques 4.

Did they assist him to work on both parts of the ranch?

Ans.

Yes sir.

~~Ques 5.~~

Sworn & subscribed before me this 21st March 1869.

Pedro + Evencio

H. F. Lardner
W. S. Comr.

Adjourned until 2 P.M.

No 178. ND

U. S. Dist Court

Dist of Calª.

The United States

-vs-

Joze de la Cruz

Sanchez.

Deposition of

Pedro Evencio.

25 mch 67 15.60

Filed November 5th 1870

Edwd B Cotter Clerk

By A D Grimwood

D.C.

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

The United States
vs;
Jose de la cruz Sanches
claimant for the place called
San Mateo.

On motion of Gregory Yale, attorney for the claimant and the District Attorney being present it is ordered that the case be opened for further testimony and argument and that the claimant be allowed ninety days time from this date within which to take additional evidence before the commissioner of this court; and that he be allowed twenty days from the date of this order within which to amend the petition by properly setting forth the legal effect of the title papers contained in the expediente in this case — And that the counsel for adverse claimants be notified of this order.

Dated March 7th 1868.

Ogden Hoffman
Dist. Judge.

Endorsed. Filed March 7. 1868.
Geo E Whitney. Clk
by A. W. Smith D.C.

Filed 23 March 1868
Geo. E. Whitney
Clerk

I, GEO. E. WHITNEY, Clerk of the Circuit Court of the United States for the District of California, and ex-officio Clerk of the District Court of the United States in and for said District, hereby certify that the foregoing is a full and true copy of

the Order Entered

in the above entitled action, and filed in my office on the 7th day of March A. D. 186 8

Attest my hand and the seal of said District Court this 12th day of March A. D. 186 8

GEO. E. WHITNEY, Clerk.

By [signature] Deputy Clerk

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R. Y. Morrison Esq
Act US Dist Atty and all parties interest

~~Sir~~

You are hereby notified that in pursuance of the within order I shall proceed to take testimony on behalf of the Claimant on Monday 23d March 1868 at my office in San Francisco at 12 o'clk M of that day

12th Mch.

[signature]

12 March 1868

Service of copy of above this day is hereby admitted and also of the above notice

San Francisco Mch 12th 1868

R. Y. Morrison
Acting U.S. Atty

Gregory Yale Esq.

Received upon me this 12th day of March 1868 the above order and notice.

Henry L. Johnson

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

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The United States

VS.

José de la Cruz Sanchez

No. 178.

Be it Remembered, that on this 23d day of March A. D. 1868 at my office in the United States Court Building, in the city of San Francisco, personally appeared before me ~~Samuel Neall~~ Ted E. Whitney a Commissioner, to take acknowledgment of Bail and Affidavits, etc., duly appointed by the Circuit Court of the United States, for the District of California, ~~a witness on the behalf of the in the above entitled suit.~~

R. F. Morrison Esq U.S. Atty, S. M. Wilson and Sidney L. Johnson Esqs, appeared as Counsel for the United States and Gregory Yale Esq., as Counsel for the the Claimants

~~And the said Witness, having been by me first cautioned and sworn, to testify to the truth, the whole~~ truth, and nothing but the truth, in the cause aforesaid, did thereupon depose and say as follows, that is to say:

Examination in chief by _____

Question:—What is your name, age, occupation, and place of residence?

Answer:—My name is John Willis; my age is ____ years and upwards; my occupation is _____; and my place of residence _____

~~**Question**:—~~

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Mr. Yale on behalf of Claimants offered in evidence traced copy of the Expediente on file in the office of the Surveyor General, in this case, certified by the Surveyor General, and marked "Exhibit P.&W. No 1."

He then offered in evidence a translation of the above Expediente from Spanish into English — Certified to be correct by R.C. Hopkins Keeper of Archives on 30 March, 1868. and marked "Exhibit P.&W. No 2."

Mr. He then offered the depositions (certified copies) of Jose de la Cruz Sanchez and A. Depuyster, witnesses produced in behalf of the United States in the case of The United States vs. W.D.M. Howard, being Land Case No. 409 in the Northern District (on pages 29 & 35 deposition of Sanchez, taken on the 21st day of March 1855, before Peter Sot a Commissioner appointed by the Board of Land Commissioners to take depositions — the deposition of Depuyster on pages 35 & 41 n taken on the 23d day of March, 1855, before the same Commissioner — both of said

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being contained in the Transcript from the Board of Land Commissioners in Case No. 409.). Said depositions were offered separately

To the depositions of each of the witnesses it is objected on the part of the United States that they are incompetent, that they were taken in a different cause and between different parties, and upon different issues; and are also irrelevant — that the United States are not bound by the same as admissions and that ~~that~~ as to the deposition of said Sanchez the additional objection is made that his said deposition is likewise incompetent, because of his interest in this claim now and at the time of giving his said deposition.

By consent of parties the further taking of testimony on the part of claimants was adjourned to Thursday next the 26th day of March, 1868, at 2 o'clock at the same place.

Jno. E. Whitney
Comr U.S. Cir. Court Dist of Cal

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R. C. Hopkins sworn
Counsel present as before:- March 26th, 1868.
I reside in City San Francisco -
resided here 18 years - have had
charge of Spanish Archives nearly
13 years.

As Keeper of the Spanish Archives
I am familiar with the papers
composing the Spanish Archives
relating to land grants of the
late Mexican and Spanish Government

This document - is an Expediente
of a grant or concession to José
de la "Cruz Sanches for" San
Mateo" - It was filed before
the Board of Land Commissioners
on 1st March 1853, as shown
by the endorsement thereon
On the expiration of Board
Land Com, the papers of that
Board were transferred to the
Surveyor Genl Office, and they
have been in my possession
ever since as Keeper of the
Archives.
I am familiar with the hand

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writing of most of the Mexican officials and Citizens of California

I am familiar with the hand writing of Francisco de Haro Manuel Jimeno, Francisco Arce, Juan B. Alvarado, Manuel Micheltorena, Jose de la Cruz Sanches, Francisco Guerrero (Jose de Jesus Vob) Guillermo Hinckley, who were ~~former~~ officials of the former Mexican Government, also Juan Migid Anzar a government official, also Jose Castro a former official.

My familiarity with the hand writing of Mexican Government officials has been acquired not from having seen the parties write but from having seen their hand writing and signatures in the Archives—

From my knowledge so derived my opinion is that ~~from~~ the signatures of the persons mentioned as found in this Expediente are all genuine

same the signature of Jose de la Cruz Sanches as found on the 11th page, and of that I am doubtful

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The marginal decree on page 9 of the paper extending to page 11 on which the signature of Michelorena appears is unquestionably genuine,

~~The~~ The signature of Jose de la Cruz Sanches on page One ~~to of~~ the petition ~~is genuine~~ ~~in to~~ the Expediente dated 22 Dec. 1836 is genuine

The signature to the document concluding ~~on pa~~ with the signature of Jose de la Cruz Sanches dated 13 May 1840, on page 8 of the Expediente is Genuine

The signature of Jose de la Cruz Sanches concluding document on page 13 of Expediente is Genuine, — dated Apl 6 1844

There is no doubt that this is a genuine document. The whole of it —

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The archives in relation to Land Grants consist of 579 so called Complete Expedientes and 314 incomplete ones — these were found in the office of the Secretary of State of the Mexican Government ~~when~~ the same ~~was~~ was taken possession of by the Military authorities of the United States — This Expediente is not from either of those classes but was filed before the Land Commission when the claim was presented before the Land Commission for confirmation

At that time the office of Secy of State was in Los Angeles, and the Archives were in that office in that place when the Military authorities took possession ~~of the~~

Q ~~Are there any papers in the Archives~~

Q Are there not many Expeditions genuine in all respects, which came to your possession from the Board of Land Commissioners, under similar circumstances which you state this Expedient came to your possession, as keeper of the Archives

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Ans Yes. There are several, the number I cannot state.

(It Question and answer objected to by Counsel for United States on the ground that the Evidence called for by the question is irrelevant, incompetent and that it raises collateral issues concerning the Genuineness or effect of other documents or Expeditions not in evidence in this case, not particularized, so as to be the subject of Cross Examination.

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(At this stage of the examination the Counsel for the Claimant Mr. Yale called upon the Counsel representing the United States Messrs Wilson & Johnson to state whether they make any objection to the genuineness of this original expedente as presented by Hopkins the witness who produces it from the Archives, and ~~to which~~ the genuineness of which no objection was made on the former argument of this case.)

(The Counsel for the United States expand that they are ~~incompetent~~ uninformed as to what took place on the former trial and reserve to themselves on the part of the United States to contest every material issue that may arise in this case.)

Examination of Mr Hopkins being suspended by Consent of Counsel subject to being recalled by Counsel for Claimant

7

or United States

R. C. Hopkins.

Subscribed & sworn this
26 March 1868 Before me
Fed. E. Whitney
Comr U.S. Cir.t Ct.
Dist. of Cal.a

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April 1st 1868.

Parties present by their counsel.
as before

Juan D. Alvarado sworn on behalf of
Claimants
~~Juan Governor of Ut~~

Q What years was you Governor of Upper California

Ans From 1837 to 1842, Political Chief and Governor

Q The attention of the witness is called to the Original Expediente in this case to a decree signed by him dated July 3, 1840 and asked if that is his genuine signature and whether it was dated at the time and place it purports to be — "San Juan"

Ans Yes, I wrote it at the time and place ~~of~~ designated in the decree

The witness is called upon to examine the paper on preceding page 5 in the Spanish language dated on 4th October 1837 purporting to be signed by Manuel Jimeno

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dated at Monterey and Francisco C. Arce (first official) and to state whether the signatures of these parties are genuine

Ans. They are genuine. I am acquainted with their handwriting I have seen them write.

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Witness is shown a document dated 5 Oct. 1839 Monterey in the same original Expediente signed "Jimeno", and asked if the signature in that paper is also genuine.

Ans. It is.

To your decree dated 3 July 1840 of which you have already spoken contained in this Expediente in your hand writing, and whether it was based upon the preceding papers of the 4th of Oct 1839 and the 5th of October 1839 and the preceding ~~Peto~~ papers in the Expediente

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Ans Yes Sir, I acted in that in consequence of the antecedent papers -

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(Counsel for the U.S. objected to the question and answer on the ground that the papers must speak for themselves and that the testimony of the witness, appreciating their effect, is incompetent)

Ques. Did you know the Petitioner Jose La Cruz Sanches at the date of your decree July 3. 1840

Ans Yes Sir. I knew him as an aged Californian in 1822 in San Francisco - I knew his father and all the family. His father was an officer at the Presidio San Francisco

Ques. What was your intention as Political Chief and Governor of Alta California in the decree of July 3. 1840 in making this decree so far as respected the right of Jose de la Cruz

Sanches to the land or place called San Mateo

Ans. (Objection on part U.S. that question is incompetent that the intention must be derived from the paper itself and any intention of the officer distinct from his intention expressed in the document incompetent irrelevant and immaterial)

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Ans It was my intention by this decree to grant Jose de la Cruz Sanches the Rancho San Mateo as soon as the Indians who occupied a portion of the land consented thereto, or abandoned the place

Ques. Had the Indians who occupied that place a title to it under the Mexican Government in any form

Ans. I think they had not

(Objection by U.S. as incompetent)

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Q Had the establishment of the Mission Velarde at the date of the decree or on 22 Dec 1836 the date of Petition of Claimant as shown on page 1 of Orgnal expediente any title to that place

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Ans No.
(same objection)

Q Were these Indians to whom you refer as occupying a part of the land Neophites belonging to the Ex Mission Velarde Yes

Ans Yes, I think so, belonging to the Ex Mission. I never was on the place, never saw them. But I suppose they were Indian families belonging to the Ex-mission

Q The witness is shown the orgnal expediente and is called upon to examine the different signatures from 1 to 17 inclusive, and state whether he is acquainted

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with the handwriting of parties
who names ~~are~~ appear thereon
by their own signatures, and
state whether ~~he~~ he has seen
them write, and knows their
hand writing, and if they are
genuine.

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Ans. I am acquainted with signatures
of Castro, De Haro - Pimeno,
Arce, Micheltorena, Guerra,
Hinckley, and wherever they
occur in the expediente are
genuine. I have seen them
write and know their hand
writing

Q The attention of witness is called
to page 5 & 6 of Expediente to an
original decree dated 5 October
839, wherein it is stated "that
the Expediente be returned to the
interested party in order that
he may present the same when
& ~~th~~ his right it shall be
necessary —" — and is asked
whether it was customary
among the Mexican officials to

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as stated in this decree to return the Expedientes relating to land grants to the parties interested

Ans, Yes it was customary for the Mexican Officials to return the ~~Petitions~~ Expedientes to the interested party while the steps were going on

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~~Ans~~

Q The witness is called to

Ex ad to 2° O'clk P.M.
tomorrow.

Thursday Apl 2d 1868
Examination Resumed
Parties by attys all present

Q When did Micheltorena leave California

Ans ~~March or April~~ In 1845 – February or March according to my best recollection

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Q. Know what part of Calefornia did he leave

A. He left Los Angelas by Sea

Q. Who succeeded him as Authority as Political Chief

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Ans Don Pico

Q Who succeeded him as Military Commander

Ans. Either Genl Castro or Vallejo dont remember who

Q Was he forced from the Country or did he leave by consent of Calefornians

Ans He left at consent of Calefaenians & himself

Q. Had a compromise ~~between~~ been arraigned between him and the Calefornia Authorities

Ans Yes. In the Valley of San Fernando near Los Angelas

He took his troops with him

Q Do you know when Alcalde Hinkley died about what time

Ans I think in 1846. I think little before the Americans came, or about same time

Q When you stated in your evidence on yesterday, that you were not acquainted with the place called San Mateo referred to in the Expediente, did you mean to say that you were not acquainted with the boundaries of the place or that you did not know the location generally

Ans I know the place, but I dont know the boundaries I know that the Rancho of San Mateo is a place between the Sea of the Bay and Buri Buri Rancho and the ~~Hills.~~ Pulgas and the Hills. I have passed

through that section of the Country, and there was a house built by the ~~Russian of the People~~ mission^ of Delores.
I dont Know when it was built — built a long time ago.

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The old Mexicanaries gave it the name of San Mateo I think so.
I Know the name from early days

Q Witness is shown Original Expediente and his attention drawn to decree of 3d July 1840, and is requested to state whether the Maps or diseños, which appears on page 2 of the Expediente was before him or presented to him at the time he wrote the decree of 3d July 1840.

Ans. Yes Sir. I recollect of having seen the diseño at the time

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Q The witness' attention is called to his decree of 3rd July 1840 at page 6, and also the Return of the claimant Jose de la Cruz Sanchez at page 7. & 8. on 13 May 1840, and of the Informa on page 8 dated on the 25. May 1840 signed by Francisco Guerrero, and asked whether these two papers ~~are~~ were before him at the date of his decree on the 3rd July 1840.

Ans They were — I do not mean to say that the Marginal decree on page 7. dated 29. april 1844 of Michaltorena was there at that time, according to the best of my recollection

Q What was the nature of the occupation of the Indians at the date of your decree 3rd July 1840?

Ans ~~A~~ Objection by U.S. on ground of competency, the witness having already stated that as he knew was grant

information)

Ans. The Indians occupied certain portions of the land next to the bay & made a small cultivation there that is, according to my information. I never did see the Indians there myself.

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(Answer objected to by U.S. atty the ground of being hearsay.)

Q. ~~Do~~ Have you any personal knowledge that other portions of other tribes of Californio Indians formerly connected with missions of the Department occupied portions of the public land with the consent of the Mexican Government after the dissolution of the Missions in 1832

Ans Yes. 4 Indians occupied different portions of

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the public lands after the Missions were dissolved ~~cor~~ called Mission lands Small Rancherias or farms for the purpose of cultivation ~~of the Government or rather~~ by the toleration of the Government, not that they had any title, except in certain cases where titles were given to individuals Indians.

Q At the date of your decree on the 3rd July 1840 as appears on page 6 of Original Expediente, when you had the Informa of Francisco Guerra of the 25 May 1840 as appears on page 8 of Original Expediente before you, what was the reason that you did not make an absolute grant to José de la Cruz Sanchez

Ans Ques objected to on part U.S.

on the ground that decree must speak for itself) —

Ans Because I was not satisfied of that Information.

I was not entirely satisfied and according to procure information from my Secretary Simeno it was necessary to take more evidence in that matter

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Q Have you to any knowledge of any further testimony being taken regarding that matter while you were in office

Ans ~~I do not except what I see in this Expedente while I was in~~

~~I have no further knowledge of it except what I now see in this Expediente before me~~

Ans So I have not, and all I know about it, is what I now see in this Expediente before me —

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Q Did you regard your decree of 3rd July 1846 provided the Indians were protected by the Claimant as a promise from the Mexican Government to make an absolute Grant to Sanches

(objected to as incompetent, irrelevant and leading.)

Ans This ~~is~~ decree is a promise to make an absolute Grant to Sanches, and such was my intention to make an absolute grant to Sanches as is plain from the decree - according to my answer of yesterday when the consent of the Indians was obtained

(Answer objected to by U.S. as incompetent)

Q Was there any other obstacle in making the grant at the date

of your decree except the desire of the Government to protect the Indians from want or the necessaries of life.

A. There was no other obstacle That is the only reason.

Q. Do you know whether Mr Diamond Sanches took possession of this land, and took charge of the Indians & made them a part of his family establishment, protected and took care of them.

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Ans (Objection as leading)

Ans I know from information that he did as he said he would protect the Indians ~~to~~ to satisfy ~~that~~ the Government that he was acting in good faith in order to secure his Grant from the Government

(Ans. objected to as he says

evidence —

Cross Examination waived by US

Sworn & subscribed before me this 2nd Apl 1868.

Jneall Com'r US Cir Ct

Juan B. Alvarado

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Further taking of Testimony adjourned to 2 O'clk P.M. tomorrow.

Friday Apl 3rd 1868.

Mr Hopkins a witness on behalf of Claimant, the further evidence continued by consent of parties adj to Tuesday next 6th inst

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11 May, 1868.

Parties present by Consent

Gregory Yale and Harvey S Brown, Esq. on behalf of Claimants and

Sidney L. Johnson Esq & S. M. Wilson, Esq. on behalf of the United States

The Claimant at the request of Gregory Yale & Harvey S Brown his attorneys offer Don Pio Pico formel "Governor of California" now present ~~from the latter part of 1844~~ ~~and~~ being duly summoned as a witness in this behalf and propounds the following question after having been first duly sworn

Question A deposition dated on the 19th day of April 1854 purporting to have been taken before G. Thompson Barrill, a Commissioner appointed under the late Board of Land Commissioner ~~of 1851~~ under the Act of Congress March 3, 1851, to settle Land claims &c, in California, (said deposition being in the English language

and interpreted to the said witness by a competent Interpreter, is asked the question whether he gave the said deposition in case No. 559 in the Land Commission and No 409 in the U.S. District Court for the Northern District of California?

I. Alexander Forbes Jr was duly sworn to act as Interpreter;

The Counsel for the United States (Thompson & Wilson) object that the question is irrelevant & immaterial.

Ans. Probably I did. I see that my signature is there.

~~The Counsel for the Claimant offers the witness to prove that he as proven~~

Ques. Are you acquainted with the place or Ranch called San Mateo now in San Mateo County in this State?

Ans. I do know it.

Ques. Were you acquainted with that place

on the or about 7th day of August, 1846?

Ans. I knew it by name, at that date.

Ques. At what time did you leave Alta California for Lower California after the Americans had taken possession of Alta California, or on your way to Mexico in your capacity as Governor?

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Objected to by the Counsel for the United States as irrelevant & immaterial.

Ans. I think in August or September. I do not remember very well. I think that on the 7th of September 1846 I started from my rancho Santa Margarita down. My rancho may be about 30 leagues from the line between California & Mexico. I went overland into Lower California.

Ques. What was the occasion of your going at that time?

Question propounded subject to the same objection as the preceding.

Ans. The reason of my going was that I had not the necessary means in my country

& Carry on the war against the United States. The Commandante General went away & left me.

Ques. Where were you at in the State of California on the July 1846 when Commodore ~~Stockton~~ Sloat took possession raised the American Flag at Monterey?

Same objection as to the preceding question.

Ans. I do not know whether I was at San Louis Obispo. I think it was near San Louis Obispo that I received the news that the Commodore had taken the Plaza of Monterey

Ques. Were you then the Governor of Alta California?

Objected to as immaterial & irrelevant and as involving a question of law.

Ans. Yes, sir.

Ques. Where were you at when Commodore Stockton in command of a portion of

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the American Fleet took possession of San Pedro?

Objects to as immaterial and irrelevant.

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Ans. I did not know at what time he took possession of the Port of San Pedro. I do not remember when Dwar.

Ques. As Governor of California before the war between the American Government and the Mexican Republic took place, did you not in your official capacity as Governor of Alta California make many grants of land under the Colonization laws of 1824 and the Regulations of 1828, to Citizens of California?

Objected to as immaterial & irrelevant.

Ans. I made several.

Ques. Did you ever make a grant or attempt to make a grant under the same laws and Regulations to any person or persons of land in California after the American forces took possession of Monterey or any other portion of what is now called California

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after the 7th of July, 1846.

Objected to by the United States as immaterial and irrelevant, and also because if such grants were made they themselves are the best Evidence — and can only be proved by the grants themselves.

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Ans. I do not remember now whether I made any. But it may happen that ~~since~~ after the Americans took Monterey I gave some; if so they must be signed by me.

Ques. Did you ever sign any grant after the American forces took Possession of California in which the date was put so far forward as to make it appear on the face of the grant that it was dated or given by you as Governor anan said laws before the 7th of July, 1846?

Objected to as immaterial & irrelevant.

Ans. I do ~~not~~ not remember whether I gave any; if I gave any they must be signed by me. That cannot be

The question being again interpreted to

Friday May 15th Examination
Continued –

Ques On what part of the present State of Cal were you born?

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Ans – At San Gabriel in Los Angeles Co –

Ques Were you much acquainted with this part of the State up to the time of the change of ~~Government~~ – Flags

Ans – No Sir I did not Know the town of Yerba Buena or Mission of Santa Clara, or Mission Dolores –

~~Ques~~

Ques Were you ever up in this part of the State at all before the change of flags?

Ans I was once here at the Presidio of San Francisco in the year 1821

Ques How old was you then?

Ans 21 yrs

Ques What was your business here at that time, was you in the service of the Mexican Government

Ans No sir - Private business -

Ques Were you at that time acquainted with the place called the Rancho of San Mateo now in the Co of San Mateo?

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Ans No sir I did not know where it was situated.

Ques Did you know at that time what farming land were connected with the Mission property of Dolores?

Ans No sir.

Ques Do you now know where the place called San Mateo Rancho is situated?

Ans I know when I have passed by they have told me & pointed out the place I ~~came up~~ in. Probably I may have passed by there when I came to the Presidio in 1821

Ques Did you come from Los Angeles when you came to the Presidio in 1821 by land or by sea?

Ans By the main road - by land,

Ques Did you notice who lived upon the place now called Las Nutes Ranchos at that time or in whose possession it was, or whether the land was vacant?

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Ans - I did not notice anything I started from the Presidio of Monterey & came to the Presidio of San Francisco without noticing any particular place!

Ques How long did you remain at the Presidio of San Francisco at that time?

Ans - I do not remember how long I may have stopped two days I cannot remember very well two or three days at the utmost.

Ques Did you ever revisit this part of the Country between the year 1821 and the change of flags?

Ans So Sir,

Ques ~~At what time did you succeed to the Chief Authority of California State the date & the year?~~

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Ques At what time did you succeed to the Chief Authority of California, State the day & the year; and under what circumstances?

Ans- In the year 1844 - On account of a revolution there was here in the Country at first I had the charge of the Govr as first Member, & afterwards I received the appointment from the General Govt.

Ques How did you become First Member of the Departmental Assembly

Ans By the order of the law. By elections made by the people - then a meeting of the Electors and they elected one of their members to the position of 1st Member or 1st Vocal - When a vacancy occurred in the Governorship then the 1st Vocal became Governor

Ques Were you not as early as 1832 a Member of the Departmental Assembly wherein 1832 & 1833 1st Vocal & Governor ad interim?

Ans In the year 1831 in Nov there was a pronunciamiento in the Country by which the Political Chief was suspended & the Command was left to me as 1st Vocal,

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Ques What was the location of the Capital of Calr from 1832 to 1846, at what place?

Ans The Capital was recognized to be at Monterey & in 1846 at Los Angeles -

Ques Under what circumstances & at what time in 1846 was the Capital removed from Monterey to Los Angeles?

(On answer to the inquiry of the Counsel for the US states the Counsel for the Claimant stated the object of the question to be to show how it was that the Public Archives of the Mexican Govt were removed from Monterey

to Los Angeles in 1846, at what date in 1846, where they were at the change of flags and whether the writers ever saw the expediente in this Case numbered 692 –)

Ans The circumstances were that an order was received from the Supreme Govt ordering that the Capital should be at Los Angeles & as the Authority was in me & I wished to carry into effect the orders of the Govt & fulfilled them – the Govt declared Los Angeles as a city & the Capital. I do not recollect the date of that order. It was a long time before the 20th of May 1846. I do not remember the Minister who issued the Order –

Ques – The Expediente in this Case is now presented to the writers & he is requested to carefully examine the same & having looked at the same he is Asked

Ques When did you first see or hear of this Expediente?

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Ans- I never saw or heard of it before the present day,

Ques Were not the decrees of the Governors of Calr made within the General Scope of their Authority in reference to the Alienation of the lands belonging to the Nation to Mexican Citizens, binding upon their successors in Office?

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Counsel for the United States object to this question on the ground that the matter inquired of is a question of law

Ans- Of course they were obliged or bound to sustain them,

Ques Have you carefully read the Decrees of Alvarado & Micheltorena as they appear in this Expediente?

Ans- Yes I have read them,

Ques Had this expediente been presented to you for your consideration while Gov of Calr, what would have been your action thereon & why would you have thus acted.

No 178. ND

N.S. District Ct.

Dist. of California

José de la Cruz Sanchez

v.

The United States

Depositions of Hopkins,
Alvarado & Pico.

Filed November 5th 1870
Edw'd B Cotter Clerk
By N D Grimwood Dep. C.

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United States District Court, District of California

The United States
vs
José de la Cruz Sanchez

Land Case No: 178
N.D. Rancho San Mateo

Let Judge Stanly withdraw from the files of the above entitled cause the following named papers, to be returned within five days: viz.

✓ 1. Deposition of Pedro Brencio, filed Nov: 5. 1870
✓ 2 " " Hopkins, Alvarado & Pico, " " " "
✓ 3 " " Angel Alviso " " " "
✓ 4 " " Teodora Alviso de Vega " " " "
✓ 5 " " Jose Antonio Alviso " " " "
✓ 6 Exhibit G.C.W. No 2. " " " "

San Francisco January 14. 1871.

Ogden Hoffman
U.S. District Judge
Dist Cal a

Received from A.B. Cotter Clerk U.S. Dist Court the above mentioned papers.
San Francisco Jany 14. 1871

Jno. A. Stanly

Returned all the above named papers January 16th 1871. Cotter Clerk

No: 178 ND

U.S. District Court
Dist of Cal^a

The United States
vs.
Jose de la Cruz
Sanchez

Order and
Receipt for papers

Filed January 14th 1871
Edwd B Cotter Clerk
By A D Grimwood Jr D.C.

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

The United States
vs.
José de la Cruz Sanchez

Claim for San Mateo Rancho
No 178 Dist Ct
" 672 Land Com

The appeal in the above entitled cause is hereby dismissed and the decree of the Land Commission permitted to stand as the final decree herein. The Court & Clerk are hereby respectfully requested to make all necessary orders and entries to consummate such dismissal.

Nov 9th 1872.

J. de la C. Sanchez

In presence of
D. Sullivan

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

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The United States
vs.
José de la Cruz Sanchez

State of California
City & County of San Francisco ss.

A. D. Splivalo of lawful age being duly sworn deposes and says that José de la Cruz Sanchez whose name appears subscribed to the annexed Stipulation and who is the claimant in said case, is personally known to this affiant and that this affiant was personally present and saw the said Sanchez sign said Stipulation on the 9th day of November 1872, and that this affiant thereupon witnessed the same and that before signing the same said Stipulation was translated and explained to said Sanchez in the presence of this affiant - said Sanchez speaking Spanish only and this affiant speaking & understanding both Spanish and

English -

Subscribed and sworn
to this 9th day of
November AD 1872 before
me A.H. Grimwood
U.S. Commissioner
Dist of Cal

Dan'l D Appleton

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No 178-

US Dist Court
Dist of California

The United States
vs
José de la Cruz
Sanchez
Claimant of
San Mateo Rancho.

Stipulation to dismiss
the appeal to US
Dist Court.

Filed November 11th A.D.
1852.
Edw R Cotter Clerk
By J D Grimwood
Deputy Clerk

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

The United States
vs
José de la Cruz Sanchez
Claim for the Rancho of San Mateo

No 178 Dist Ct
" 672 Land Com"
November 11th 1872.

On this day came the attorney for the United States and suggested the death of Gregory Yale Esqr the attorney for the claimant José de la Cruz Sanchez, and the appearance of said claimant on his own behalf; and on motion of said attorney for the United States and on the written stipulation of said Sanchez duly presented, proved and filed, consenting and directing that his appeal to this Court from the decree of the United States Land Commission should be dismissed It is ordered that the said appeal be and the same is hereby dismissed.

Ogden Hoffman
District Judge

No 178

U S Dist Court
So Dist of Cal

The United States
vs
José de la Cruz
Sanchez

Order Dismissing
appeal.

Filed November (11th)
eleventh: A.D. 1872
Edw R Cotter Clerk
By J D Grimwood
Deputy Clerk

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District Court of the United States
District of California

The United States
— vs —
José de la C. Sanchez

D.C. No. 178
L.C. No. 672.

To, Messrs. L. D. Latimer U.S. Attorney, S. M. Wilson, and Sidney L. Johnson.

Please take notice, that Counsel for Claimant herein, will proceed to take testimony on behalf of Claimant, before me Edward B. Cotter, a Commissioner of the United States for the District of California for the taking of bail and affidavits etc, etc, at my office No. 14 U.S. Court building, at San Francisco on Monday the second day of May next, at 2 o'clock P.M.

Attest my hand, this 25th day of April A.D. 1870

Edwd. B. Cotter
U.S. Commissioner

Service of a copy of the within notice is hereby acknowledged.

L. D. Latimer
U. S. Attorney

Wilson H. Cuttenden
Sidney L. Johnson
by Edward Janin

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San Francisco Cal.
May 2d 1870.

Present: All the parties. On motion of U. S. Attorney, examination of witnesses on within notice adjourned until Tuesday next at 2 o'clock P.M.

Edwd. B. Cotter U. S. Commr.

U. S. Dist Court
Dist of California
No. 178

The United States
— vs —
Jose de la C. Sanchez

Notice of taking testimony

San Francisco May 10th 1870

Present: All the parties. Examination adjourned until Tuesday next at 2 o'c. P.M.

Edwd. B. Cotter U. S. Commr.

San Francisco
May 17th 1870

Present:

All the parties. On motion of Counsel for the U. S. examination adjourned until Tuesday next at 2 o'clock P. M.

Edwd. B. Cottes
U. S. Commissioner

San Francisco
May 24th 1870

Present:

All the parties
On motion of Counsel for the U. S. examination adjourned until Thursday next at 2 o'clock P. M.

Edwd. B. Cottes
U. S. Commissioner

San Francisco
May 26th 1870

Present:

All the parties
By consent of all parties examination adjourned until Tuesday next at 10 o'clock A. M.

Edwd. B. Cottes U. S. Commr.

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The United States

VS.

José de la C. Sanchez

No. 178 D.C.
No. 673 L.C.

Be it Remembered, that on this 31st day of May A. D. 1870 at my office in the United States Court Building, in the city of San Francisco, personally appeared before me Edward B. Latter a Commissioner, to take acknowledgment of Bail and Affidavits, etc., duly appointed by the Circuit Court of the United States, for the District of California, Ephraim Fravel a witness on the behalf of the Claimant in the above entitled suit.

Gregory Yale Esq., appeared as Counsel for the Claimant and Hon. W. L. Ashley & A. P. Crittenden Esq., as Counsel for the United States,

And the said Witness, having been by me first cautioned and sworn, to testify to the truth, the whole truth, and nothing but the truth, in the cause aforesaid, did thereupon depose and say as follows, that is to say:

Examination in chief by Counsel for Claimant

Question:—What is your name, age, occupation, and place of residence?

Answer:—My name is Ephraim Fravel; my age is 62 years and upwards; ~~my occupation is~~ ; and my place of residence is San José.

Question:— 2.

State the place of your birth, & when you arrived in California?

Ans.

I was born in Pennsylvania and I arrived in California in the middle of October 1833. I came here in the whaleship "Helvetius." landing in the bay of Yerba Buena as it was then called.

3.

State where you have resided since, if in California, at what points?

Ans.

The first five years I resided in San Pablo on the Castro ranch, from there to the Mission San José, resided there five years, from there to San José where I have resided ever since.

4.

State whether you were acquainted with the Sanchez family - the father and sons, - if yes give their names?

Ans.

I was acquainted with them, the fathers name was I think José. José de la Cruz Sanchez, Francisco Sanchez, Manuel Sanchez, were the principal sons, that I was well

acquainted with.

5

Was the father in any office at the time you knew him?

Ans.

I think he was just out of office at the time ~~he~~ I came here. He was Commandant at the Presidio.

6.

Where did the Sanchez family reside at the time you first came here, including the father and the sons you have named?

Ans.

It was after I came here that I became acquainted with them— a year or so— I was slightly acquainted with them— had seen them a few times. The father resided here at the Presidio, the sons were here off and on, with him, sometimes they were on the father's ranch joing on the Mission Dolores. It went by the name of the Sanchez ranch.

7.

State whether you know anything about the San Mateo ranch, whether it was occupied

at any time by José de la Cruz Sanchez, if so, state the character of that occupation?

Ans.

What I know about that was some years afterwards — about 1843 or 1844, — I saw cattle and horses belonging to him, and a house he built there, and a man called Chino Sanchez lived there. and Indians also lived about there taking care of the horses and cattle for José de la Cruz. Chino Sanchez was a brother of José de la Cruz.

8.

On what part of the San Mateo ranch was that house built?

Ans.

Close to the pond or Laguna near the roadside

9

How long did you notice that house standing there?

Ans.

Until 1846 or 1847 or about there, it might have been later, I cannot be certain about that time.

I couldn't ~~X~~ be certain whether it was an adobe or sticks filled in with adobe, it was one of them.

10.

Do you know whether the house had been torn down or removed, when it disappeared?

Ans.

Nothing more than hearsay. I think I recollect hearing that it was torn down.

11.

What opportunities had you of seeing the extent of the occupation of the ranchs by Jose de la Cruz Sanchez, were you stopping there, or merely paping through?

Ans.

I paped through quite often, stopping there several hours at a time. I ate fruit there, watermelons and muskmelons, beyond the house he had built there with the Indians, at the place called "Milpas." They cultivated there Watermelons, Muskmelons, beans, Onions green corn and Peas.

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12.

Was any part of the ranchs cultivated by the Rancheros, in barley or wheat?

Ans.

I think I saw several patches of grain - small patches - not very large, but I could'nt say whether they were barley or wheat. They were some distance from the house.

13.

Did the old Californians at that period give much attention to the cultivation of grain, beyond what was necessary for domestic use?

Ans.

No sir. It was not customary at all except at the Missions in later years. The farmers never raised more than was necessary for their own use, and seed for the following year. When the Russians came here about 1835 or 1836 and they were the first sales of grain that I knew of in California, they carried it away in ships and skin launches, which held about eighteen or twenty thousand

baskets

14.

State if you know how many Indians were on that ranche in care of the claimant, and what they were doing there?

Ans.

It is pretty hard for me to tell that, I have seen forty or fifty there taking care of his horses and cattle, and I have seen less.— scattered about, some hunting, and some gathering wild seed.

15

State if you know what tribe they belonged to, and whether or not they had a rancheria there?

Ans.

They had a rancheria on the other side of the creek near the knoll. It was nearly all destroyed when I saw it — the ruins of it. Some of them belonged to the San Mateo Indians, and some to the Mission Dolores. There might have been other tribes mixed in with them but I don't know.

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16.

Do you know whether or not after the Missions were secularized, any Indians were sent to the San Mateo ranch?

Ans.

I do not know that. I don't know whether they were sent anywhere, because I was in the Mission of San Jose until 1825 and there were Indians there yet. The Missions were taken out of the Priests hands and placed in charge of Administradors during the ~~time~~ of administration of Alvarado as Governor and Castro as General.

17.

Do you know whether any part of the San Mateo ranch was ever used as a Mission farm, for the Mission Dolores.

Ans.

All I know is there were the roads of an old building there. I enquired what it was for, and they said it ~~was said~~ it was built for an old Mission building. I never saw it occupied. I never knew of their sending Indians up there.

Answer objected to by Counsel for the U. S. as hearsay and not responsive to the question.

18.

Do you know, if so state by what means, whether or not the Indians on the rancho acknowledged the claimant as their head and protector, and whether he was there exercising his claim as owner by their consent?

Objected to as immaterial and irrelevant.

Ans.

I know it by the Indians themselves, by José de la Cruz himself and by his brother Chino, but I never saw him on the ground to talk to him, but I saw the Indians on the ground, and have talked with them, they most all spoke good Spanish. I spoke Spanish with them.

19.

State to what general use the old Californians appropriated their large ranchos except in cultivating grain?

Ans.

Grazing. Raising cattle, horses and mares.

20.

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How many cattle and horses had the claimant on this ranch?

Ans.

I couldn't say I never ran them counted. I should judge ~~about~~ between two and three hundred head of cattle, & couldn't say how many horses and mares perhaps 100 or 150 of them more or less. I don't recollect seeing any hogs 2. or sheep. There might have been some in back. on the good grazing land over in the hills.

21.

State what you know of the Indians having been at work for the claimant whether he supported them, allowing them to take his cattle, and articles grown on the ranch, for food, whether he gave them ~~food~~ clothes, and allowed them the privilege of staying there?

Objected to as leading.
Question withdrawn.

22.

State if you know whether the Indians used his cattle or not, and whether or not it was by his permission?

Ans.

Yes sir, they used his cattle with his permission. I know that from him and them both. They had the privilege too of sowing, and raising onions watermelons and muskmelons for their own use, or to give away as they pleased. I never saw anything but friendly feeling among them, they would eat together, drink and smoke together.

23.

Among the Sanchez brothers which one of them was most domestic in his habits and disposition, and was more of a farmer than the others?

Objected to as irrelavent.

Ans.

Jose de la Cruz, was the most reserved, but about his farming I don't know whether he or

Francisco were the best. The other

Francisco were the best. The other two were more worldly-inclined to rove about— I mean Francisco and Manuel.

24.

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Was the claimant married when you first knew him?

Ans.

I don't recollect.

25.

When did the Indians disappear from that ranch?

Ans.

It was after the Americans came in.

Cross Examination
Questions by Counsel for U. S.

Ques: 26.

When you first landed here, how long did you remain in Yerba Buena?

Ans.

Eight days.

27.

Where did you go then?

Ans.

I crossed the bay over to San

Pablo in a whale boat.

28.

How long did you then live in San Pablo?

Ans.

I went from here to San Pablo, then went to Martinez came back to San Pablo and stopped there five years.

29.

Before you went to live at the Rancho of San José, had you ever been on the San Mateo ranch?

Ans.

No sir.

30.

Were you ever at the San Mateo ranch during the time you lived at the Rancho of San José?

Ans.

No sir.

31.

In what year did you go to the town of San José to live?

Ans.

In 1843.

32.

In what year were you first at

the San Mateo ranch?

the San Mateo ranch?

Ans.

Soon after I went to San José between 1843 and 1844. I went there once or twice I think, with Peter Davidson.

33.

Who did you find there the first time you were on the ranch?

Ans.

I found Indians there.

34.

Did you see any of the Sanchez family there?

Ans.

Not the first time—nor the second I don't think.

35.

In what year did you first see any of the Sanchez family on the ranch?

Ans.

I think it was between 1843 and '44 that I saw Ichino, and I think a nephew of his.

36.

In what year did you become acquainted with José de la Cruz Sanchez, was it before or after you

went to the town of San José to live?

Ans.

It was before.

37.

Down to 1849, how often were you on the San Mateo ranch?

Ans.

It is a hard thing to tell- a great many times backwards and forwards.

38.

Did you ever see José de la Cruz Sanchez on the San Mateo ranch?

Ans.

Yes sir, I ~~never saw him~~ met him several times this side. I did do not know how far this ranch extended this way to his fathers house.

39.

Where did that house which you say he built, stand in reference to the creek and the road?

Ans.

It stood close by the road side and close by the little creek this side of the San Mateo creek, on the right hand side of the road going South.

40

How far this side of San Mateo creek?

Ans.

I couldn't say how it was. I never measured it, nor paid particular attention.

41.

Was it as much as a mile?

Ans.

Yes, or more.

42.

Are there any ruins of that house now visible?

Ans.

I could not say - I passed by in the cars and couldn't see. I suppose I could tell if I were to go there and look around horseback or afoot.

43.

How far did it stand from the line of the present railroad to San José, and on which side of the railroad?

Ans.

That I cannot tell, because I do not know on which side of the old mail road the railroad is built.

44.

When did you first see that house?

Ans.

I think it was between 1844 and 1845 as near as I can recollect.

45

Did you see anybody building it?

Ans.

No sir, it was built when I saw it and they were living in it.

46

Was it there the first time you ever went on the ranch?

Ans.

No sir.

47.

How do you know that José de la Cruz Sanchez built it?

Ans.

By the occupants - Chino - and by the Indians that I asked.

48.

How do you know that the cattle and horses which you saw on the ranch belonged to José de la Cruz Sanchez?

Ans.

By themselves, by Chino, by the Indians, and by a good many outsiders - Spaniards - I enquired around there.

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49.

Who built the Adobe house that stood on the West of the road, a little this side of San Mateo creek?

Ans.

I don't know of any Adobe house there, I don't recollect seeing any.

50

How large was this house which you say was built by José de la Cruz Sanchez?

Ans.

About Twenty five feet square.

51.

Was the road which crossed this ranch going from San Francisco to San José in 1843 and '44, the same road that was travelled in 1849 and 1850?

Ans.

I expect it was, there might have been some little changes, I don't know of any changes except

where the road might have been overflowed in very heavy rainy seasons.

52.

Was the crossing at San Mateo creek the same?

Ans.

Yes sir.

53.

Did you not travel that road in 1849 and 1850?

Ans.

I don't think I did. I don't recollect that I did.

54.

Did you travel on that road across the San Mateo ranch, in 1848?

Ans.

I think I did, in the forepart or just before 1848.

55

Was there not an Adobe house on that ranch near the road in 1848?

Ans.

There might have been I have no recollection of it - other than

this house of José de la Cruz.

36.

You say that you saw patches of grain on the ranch, some distance from the house. Was that grain planted by the Indians or by José de la Cruz Sanchez?

Ans.

I did'nt see it planted, but suppose it was done by the Indians, as no Spaniards ever planted in those times.

37.

Do you know anything more about it, except that you saw some patches of grain there?

Ans.

No sir.

38.

How many of the Indians that you saw on that ranche, did you ever talk with?

Ans.

I suppose I might have talked with a dozen more or less, I don't think I talked to many more.

39.

What is the distance from the San Mateo ranche, to the Sanchez

ranchos?

Ans.

I don't know

Q.

Don't the two ranchos adjoin?

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Ans.

I suppose they do.

Q.

How do you know that the horses and cattle you saw on the San Mateo ranch, did not belong to the Sanchez ranch?

Ans.

I never said they did not belong to the Sanchez ranch. I said they belonged to José de la Cruz, if not all, the greater part. I enquired around from one to another.

Q.

Did you know the mark or brand of the cattle belonging to the Sanchez ranch?

Ans.

I would'nt know it now, but I knew it then. I used to know all the brands belonging to different ranchos, but could'nt tell them

now.

Deposition closed.

Ephraim Travel

Subscribed and sworn to this
31st day of May A.D. 1870 before me

Edwd. S. Potter

U. S. Commissioner

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No. 178

U. S. Dist. Court
District of California

The United States

vs.

José de la C. Sanchez

Deposition of
Ephraim Travel
for Claimant

Filed November 11th 1872
Edw'd B Cotter Clerk
By S. W. Grimwood
Deputy Clerk

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United States District Court
District of California

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United States

against

Jose de la Cruz Sanchez
Claimant for the Rancho San Mateo

The Commissioner of the Court is hereby notified that further testimony will be taken before him, in behalf of the claimant, on Tuesday, January 5th at 11 A.M. and that he is requested to cause a certified Copy of this Notice to be made to be served on the Counsel for the United States

Gregory Yale
atty for Claimant

Dec. 28th 1868

GEO. E. WHITNEY, Clerk.

By Chas. W. Grant
Deputy Clerk.

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United States District Court
District of California

United States
against
Jose de la Cruz Sanchez
Claimant for the Rancho San Mateo

The commissioner of the Court is hereby notified that further testimony will be taken before him, in behalf of the claimant, on Tuesday, January 5th at 11 A.M. and that he is requested to cause a certified Copy of this Notice to be made to be served on the Counsel for the United States

Gregory Yale

I, GEORGE E. WHITNEY, Clerk of the Circuit Court of the United States for the District of California, and ex-officio Clerk of the District Court of the United States in and for said District, hereby certify that the foregoing is a full and true copy of

Notice

on the 28th day of Dec in the above entitled action, filed in my office A. D. 186 8

Attest my hand and the seal of said District Court this 28th day of Dec A. D. 186 8

GEO. E. WHITNEY, Clerk.

By Chas. W. Grant
Deputy Clerk.

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We consent to the adjournment of the within Examination until Monday Jan 18th 1868 at 11, o'clock A M —

Wilson & Cuttender
S L Johnson
By S M Wilson
Attys for U.S.

U.S. Dist. Court
Dist. of Cal.
United States
vs
Jose de la Cruz Sanchez
Notice to take testimony
Rec'd 28th Dec 1868

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U. S.
vs
José de la Cruz Sanchez } No. 178

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Della Torre —

Petition shows that Sanchez applied in 1836 for the land and from time to time renewed it — but now obtained it — The grant was studiously withheld because the tract was occupied by Indians The Expediente is undoubtedly genuine —

It must be rejected There was no grant nor even a promise of one — only a promise of a preference whereon the land came to be colonised — But not constat that they would ever have granted it —.

Clarke

The most we could insist upon is that we have an inherent equity.

The promise given him was that as soon as the land was grantable it should be granted to him.

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In 1845 a inforne was required of the Alcalde whether the convenience of the Indians required that the land should be granted. The report was favorable—

178

Inde la C. Sanchez

Notes of Argument

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