

CASE NO.

185

NORTHERN DISTRICT

TEMALPAIS GRANT

HILARIA SANCHEZ

CLAIMANT

LAND CASE 185 ND pgs. 40

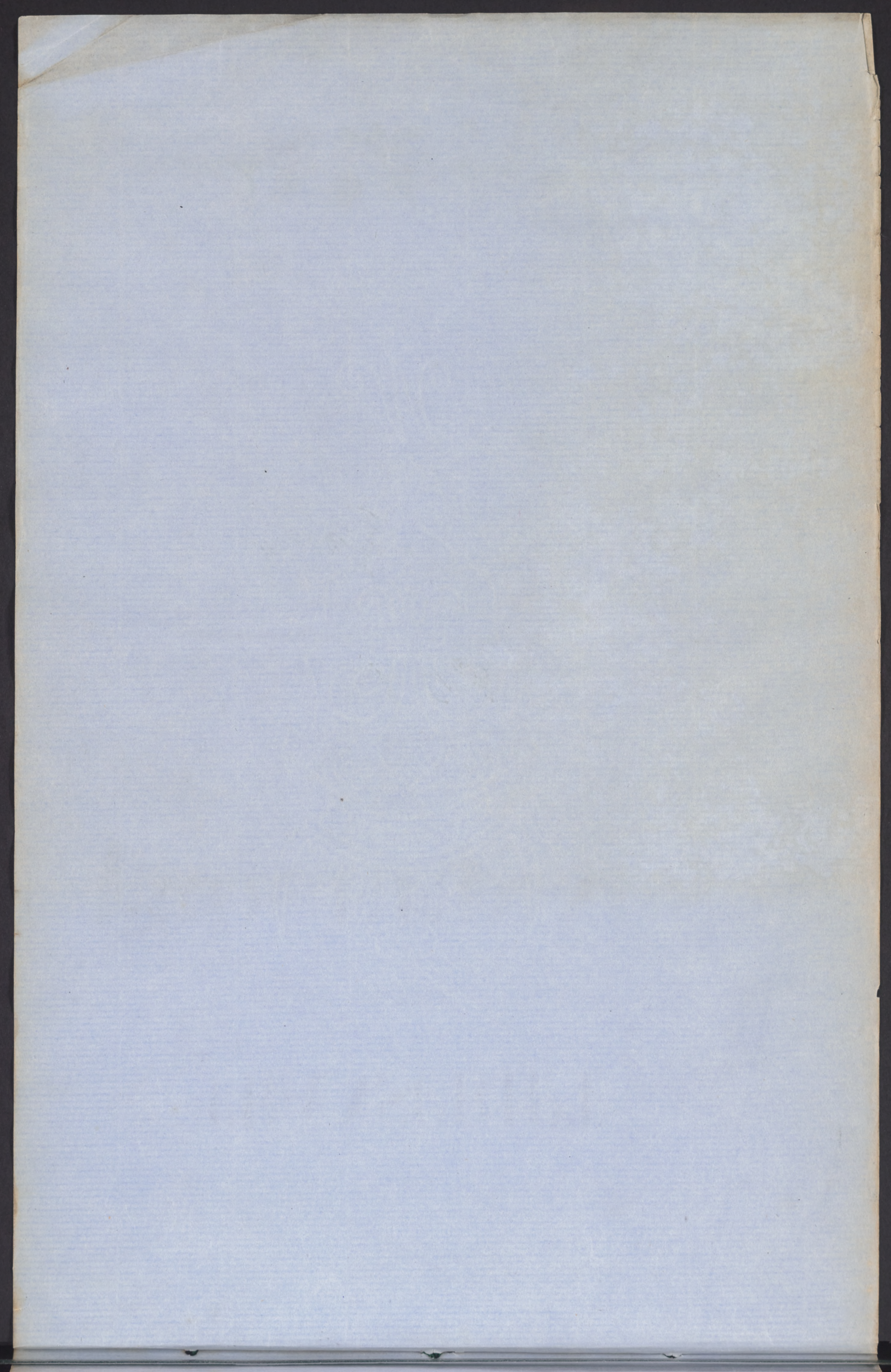
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Continued

493

Sup



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. *493.*

Miluria Sanchez

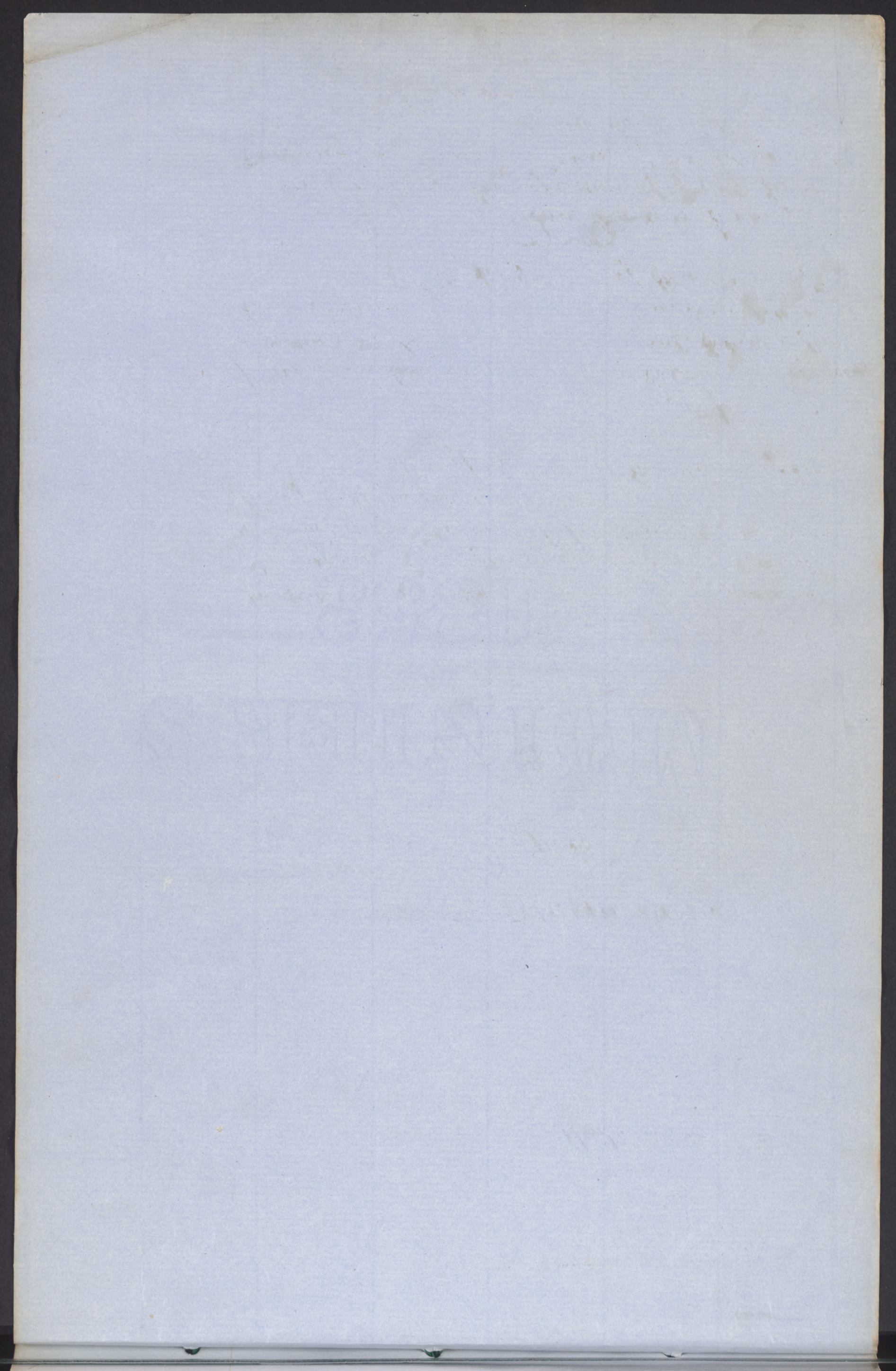
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Ternapais"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *Thirtieth day of December*, Anno Domini One Thousand Eight Hundred and Fifty-two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of *Milaria Sanchez*,
~~~~~ for the Place named  
~~~~~ "*Temalpais*,"  
was presented, and ordered to be filed and docketed with No. 493 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco, January 6' 1853.
In case no. 493, *Milaria Sanchez* for the place named "*Temalpais*," the deposition of *Anares Pied*, a witness in behalf of the claimant, taken before Commissioner *Harry J. Thornton*, was filed:

(Vide page 4 of this Transcript.)

San Francisco January 20' 1853.
In the same case the deposition of *Candelario Valencia*, a witness in behalf of the claimant, taken before Commissioner *Harry J. Thornton*, was filed:

(Vide page 5 of this Transcript.)

San Francisco January 31' 1853.
In the same case the deposition of *Jose de Jesus Valencia*, a witness in behalf of the claimant, taken before Commissioner *William Hall*, was filed:

(Vide page 6 of this Transcript.)

San Francisco August 30th 1853.
Case no. 493 was called, and ordered to the foot
of the Docket.

San Francisco June 9th 1854,
Case no. 493 was, on motion, ordered to be placed
at the foot of the Calendar of the First Class
cases on the Trial Docket.

San Francisco June 30th 1854,
In the same case the deposition of Anara Pido,
a witness in behalf of the claimant, taken before
Commissioner R. Aug. Thompson, with document
marked R. T. annexed thereto, was filed;

(Vide page 7 of this Transcript.)

San Francisco Aug. 4th 1854,
Case no. 493 was submitted without argument,

San Francisco September 23rd 1854.
In the same case the counsel for the claimant
filed the following Affidavit of the claimant, to
wit:

(Vide page 17 of this Transcript.)

San Francisco Oct. 3rd 1854.
In the same case Commissioner Alpheus Felch
delivered the opinion of the Board rejecting the
claim;

(Vide page 19 of this Transcript.)

and the following order was made, to wit;

(Vide page 23 of this Transcript.)

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To the Honourable Commissioners to Settle
Private Land Claims in California

The Petitioner Hilaria Sanchez/de Reed
respectfully shows;

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Petition

That on the 25th day of November A.
D. 1845th Pio Pico Governor of California
by virtue of Authority in him vested
granted to the Petitioner the Tract
of Land Called "Lemelpais" situate in the
present County of Marin, containing two
square leagues of land a little more or less
as described in the Decree of grant and the
accompanying map; all of which is
shown by the original Expediente, a
certified copy of which from the Archives
in the charge of the U. S. Surveyor General
is submitted herewith marked "A", with
a Translation marked "B".

And the petitioner further represents
that a complete and formal patent,
exactly corresponding to the decree of grant
submitted herewith, was issued to her
on the 25th day of November A. D. 1845th,
which patent has been lost or destroyed.

That the said grant was
duly approved, and that the petitioner
has been for some ten years and now
is, in the quiet and undisputed pos-
session of said tract of land;

That she knows of no conflicting claim,
That she relies for confirmation of title upon
the original Expediente, a certified copy
of which is submitted herewith; upon
the notes and records relating thereto in the
office of the Surveyor General; and upon
such other and further proofs as she may
be advised are necessary;

Wherefore she prays the Commissioners to
confirm to her the aforesaid tract of land.

By her Atty
Halleck Beachy & Billings

Filed in Office Decr 13th 1852. Ge. Fisher Sec

San Francisco July 6th 1852,
On this day before Court Harry J. Thornton
Andres Pico, a witness in behalf
of the Claimant Hilario Sanchez
Petition No 493, and was duly sworn
his evidence being interpreted by the
Secretary.

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The U.S. Associate Land Agent was present.

Deposition
of
Andres Pico

My name is Andres Pico, my age is
42 years, I was born in California
and live in Los Angeles.

Question 1. Examine the decree in the
Expediente marked "A" filed with the petition
in this case, and say what you know about
the original title, corresponding to the decree
mentioned in said Expediente.

Answer. I received the full title
from the Governor, and according to the request
of the grantee I sent it to Francisco Guerrero
in November or December 1843 from
Los Angeles to San Francisco.

Ques 2. Is Francisco Guerrero
living or dead

Answer. He is dead, he died in 1851.

U.S. Land Agent Present.

Sworn to & subscribed before me
on this 6th of July 1853,

Harry J. Thornton,

Filed in Office July 6th 1853,
E. J. Fisher Secy

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Deposition
of
Candelaria
Valencia,

San Francisco July 20th 1853,
On this day before Court Harry I. Thom-
-ton Carré Candelaria Valencia, a
witness in behalf of the Claimant Hilario
Sanchez. petition No 493, and was
and sworn his evidence being given
in Spanish and interpreted by
the Secretary.

1st Question, What is your name
age & place of residence?

Ans. My name is Candelaria Valencia,
my age 42 years; I live at the Mission
of Dolores, and have lived in California
all my life.

2nd Question, State what you may
know with regard to the occupation
of the Rancho of Ternalpais.

Ans. I know the Rancho of Ternalpais,
it is the property of Doña Hilario Sanchez;
I was there in the year 1844;
it was then occupied with cattle and
horses. There were about two
or three hundred head of cattle on it,
belonging to her, she lived on the ad-
-joining Rancho belonging to her husband

Candelaria Valencia

Notice Accepted,
R. Greenham W.S.,
County Agent.

Sworn to and Subscribed
Before me this 20th of July 1853,
Harry I. Thomson,
Court &c

Filed in Office July 20th 1853,
Geo. Fisher Sec

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San Francisco, Jan'y 31th 1853
On this day before Court Holland Hall
Came Jose de Jesus Valencia a witness in behalf of the claimant
-ant. Milena Sanchez - Petition No 493 and
was duly sworn, his evidence being interpreted
interpreted by the Secretary.

Questions propounded by Claimants Counsel.

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1. What is your name age and residence?

Deposition
of
Jose de Jesus
Valencia,

Ans. My name is Jose de Jesus Valencia;
My age is 45 years. I now reside in
the County of San Francisco.

2. Say what you know about the Rancho
of "Temalpais," & its occupation!

Ans. I had charge of Juan Reeds
cattle, some 10 years ago and lived on the
Rancho of San Clemente; the cattle of
Dona Gloriana Sanchez then occupied the
Rancho of "Temalpais"; I took care of
them for her; they have since con-
-tinued to occupy it; "Temalpais" lies
next to San Clemente.

Jose de Jesus Valencia
mark.

Sworn & Subscribed
Before me
Holland Hall
Cm.

Filed in Office Jan'y 31th 1853,
Geo. Fisher Sec

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Case No 493.

United States Land Commission
San Francisco June 30th 1854.

On this day, before Commissioner R. Aug. Thompson, came Andres Diez, a witness in behalf of Claimant, Helaria Sanchez in Case No 493. who, after being duly sworn, deposed as follows, his evidence being interpreted by the Secretary,

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Present A. Peachy Esqr Counsel for Claimant, and L. Blanding Esqr Associate Land Agent.

Deposition
of
Andres Diez

In answer to Questions witness states his name is Andres Diez, his age forty three years and residence Los Angeles Cal^a

1st Question by Claimant's Counsel, State if you know any thing of the Title of Helaria Sanchez to the Rancho of "Temalpais" claimed in this case, if yes, state what you know in relation to said Title and its contents?

Answer. In the year 1843 while I was here at the North, Helaria Sanchez delivered me a petition asking for a grant of the Rancho of Temalpais, which petition I presented to Governor Diez Diez, upon which the Governor issued a grant to said Sanchez of said Rancho, and delivered the same to me. I sent said grant to Francisco Guerrero by direction of said Sanchez, I saw and read said Title, it was signed by Diez Diez as Governor and Jose Maria Corvambias as Secretary.

I know the hand writing of said Governor and Secretary having often seen them write and I know that their signatures on said Title were genuine.

It granted to said Sanchez the place called Temalpais adjoining the Rancho of Sancilito and Paulinas and containing

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two leagues more or less

2nd Question by same,

Who was Hilaria Sanchez, and where did her husband live?

Answer. She was the widow of Juan Ruiz, her husband before I came to this part of the Country, I understood he lived on the other side of the Bay of San Francisco on the Rancho called "Corte de Madera del Presidio"

3rd Question by same,

Why did the Governor deliver the Title of Hilaria Sanchez to you?

Answer. He delivered it to me because I was the Agent to said Sanchez to procure said Title.

Cross Examined by W. S. Associate Law Agent.

1st Question. How long was said Grant in your possession, and state whether there were any circumstances that called your attention particularly to the terms of the Grant, and if so what they were.

Answer. Said Grant was in my possession about eight days; as I was the Agent of Hilaria Sanchez to obtain the Grant my attention was called particularly to it, to see if it was in accordance with the petition.

2nd Question by same

State if you know or when said Grant was lost or destroyed.

Answer. I did not know anything of the loss of said Title until the year 1848 when I saw Hilaria Sanchez who informed me she had not received it.

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I then informed her that I had sent it to Cuernavaca according to her directions.

3rd Question. By same. Examine the petition contained in the traced copy of the Expediente from the Archives filed in this case marked "A" and with the contents R. I. thereto annexed and state whether it corresponds with the petition referred to in your answer to question 1st.

Answer. Both the petition and map corresponds with those taken by me to the Governor and referred to in said answer.

4th Question. By same.
How or by whom did you send said title from Los Angeles to Francisco Cuernavaca

Answer. I do not know whether I sent it by mail or by a vessel but I think by the latter conveyance as there was great irregularity and insecurity in the mails.

Andres Bico

Sworn & Subscribed

Before me June 30th 1854,
R. Aug. Thompson
Covr.

Filed in Office June 30th 1854,
Geo. Fisher Sec

(Span 200 follows)

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1845.

Espediente promovido por D^{na} Hilario Sanchez
en pretension del terreno de Cerualpaiz.

map 10

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441.

here follows a map or plan.

Exmo. 1.º Gobernador de la A. C.

Anges. Octubre
27 de 1848.

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Pase a la Comisión de Minas de San Rafael y establecida en el mes para que me informe si el terreno San Clemente ante V. E. con tanto respeto que se pretende y en la mejor forma de derecho me puede concederse - esto y digo que desde el año de mil por el Gobierno ochocientos treinta y siete, mi finado es sin perjuicio de - poseso D.º Juan Benol, debo a las superiores tener y en seguida manos del Gobierno Departamental, una vuelta al Gob.º para resolver.

Gloria Sanchez, natural de este Dep. - antam.º vecindada en la jurisdicción de San Rafael y establecida en el mes para que me informe si el terreno San Clemente ante V. E. con tanto respeto que se pretende y en la mejor forma de derecho me puede concederse - esto y digo que desde el año de mil por el Gobierno ochocientos treinta y siete, mi finado es sin perjuicio de - poseso D.º Juan Benol, debo a las superiores tener y en seguida manos del Gobierno Departamental, una vuelta al Gob.º para resolver. Representación solicitando el aumento de los sitios de ganado mayor por mas o menos en el pumage conocido por el nombre de Tenulpair segun consta en el diseño q. acompaño el cual lo solicito porque en el que yo poseo he muy corto, estal de agua y pastos y este que solicito en el tiempo que mi esposo lo solicito se hallaba valido y hora nuevamente se que muchos lo procuran, una comid - unuulo que yo lo tengo hace muchos años solicitando me ver precisada a elevar este duplicatorio a las superiores manos de V. E. afin de que igualmente

hago presente que hace siete años que se halla aguanado un ganado en el referido terreno a unas colindar con el rancho de mi propiedad hacia el poniente; por el rumbo S. E. con el rancho de D.º Guillermo Richardson, a la cuchilla de la Ataguna y por el rumbo N. O. con el rancho de los Banleres y el fin del Cerro de Tenulpair, estos obsecu - entos de esta pretension que ha de autemas tengo hecho han sido extraviados pero existe en mi poder el supremo decreto que V. E. dio, cuya copia certificada por el Alcalde anterior de San Fran.º la que acompaño a V. E. con el objeto de que se horiente de ella: y aun se agrega que en el año de mil ochocientos cuarenta y uno paso S. E. una orden al Juez de paz de San Francisco para que fuesen medidos estos terrenos y el Sr. Comandante General en aquella epoca Don Mari - ano Guadalupe Vallejo se opino a la Superior det - erminacion y contesta a dicho Juez de paz que se seria admitido, como autoridad para dar posesion

en un punto de la frontera, y a pocos dias

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ni medir tierras en este punto de la frontera y a pocos dias comencio a su hermano Don Salvador Vallojo quien dio posesion al Sr. Dⁿ Guillermo Richardson, atropellando el Superior decreto y orden librada por V.E. al Jefe de Par de San Francisco y si V.E. quiere informarse mejor de todo lo acaecido puede pedir los estos documentos al Juzgado de San Francisco de estos envuolvi estos p^a estan arrolados: Por tanto:

A. V. E. Rendidamente suplico se sirva acceder a mi favor si ha a lo hallase por justicia merced que espero recibir y siempre estare reconocida, subiendose admitir me esta en papel comun por no haber en este punto del sello a que corresponde.

Rancho de San Clemente. Agosto 21 de 1845.

María Sanchez.

Atlixco Noviembre 25 de 1845.

Vista la peticion con que ella principio este expediente el impreso de la comision de Misiones con los planos que se tuvo presente y ver convenio: de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de noviembre de 1828 declaro a Doña Maria Sanchez dueña del terreno nombrado Cerro - alpais colindante con el rancho de Sauscilito yal de los Baulenes y de las utereras de dos sitios de ganado mayor poco mas o menos segun demuestra el diseño que obra en el expediente. Reservase este para someterlo a la aprobacion de la Excm. Asamblea y librese a la parte agraciada el titulo correspondiente. Don Juv. Diez Gobernador provincial de las Californias asi lo mande decreté y firmé de que doy fe.

José M^o Covarrubias. Seco.

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

I Samuel King, Surveyor General of the United States for the State of California and as such now having in my office and under my charge and custody a portion of the archives of the former Spanish and Mexican Territory of Upper California, do hereby certify that the six preceding and herewith annexed pages of tracing paper numbered

from one to six inclusive and each of which is verified by my initials (S.D.H.) exhibit true and accurate copies of certain documents now on file and forming part of the said archives in my office.

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In testimony whereof I have hereunto signed my name officially and affixed my private seal (not having a seal of office) at the City of San Francisco this thirteenth day of October A.D. 1851.

Samuel H. King

Surg. General. California.

Filed in Office. Dec^r 13th 1852.

Geo. Fisher. Secy.

To His Excellency the Governor of Upper California,

Angeles October
27th 1845.

Let it
pass to the Com-
mittee on Missions
that it may
report whether
the land peti-
-tioned for may
be granted
by the Gov-
-ernment without
injury to a
third person,
and in contin-
-uation return
it to the Govern-
-ment, that it
may decide,

I, Hilaria Sanchez, a native
of this Department, settled in
the jurisdiction of San Rafael
and established in the Rancho
of my ownership named San
Clemente. before Your Excellency
with all respect in the best
form of law, appear and say;
that in the year eighteen
hundred and thirty seven
my deceased husband, Leon
Juan Red, sent up to the Super-
-ior Courts of the Departmental
Government, a representation,
soliciting the addition of two
square leagues a little more
or less, in the place known
by the name "Jermal paiz", as
appears by the map which
I transmit herewith; the
which he asked for because that which
I possess is very small, with little
water and pasture, and that which my
husband petitioned for was at the time
he asked for it, vacant, and now again
I know that many persons are endeavoring
to obtain it, but considering that I
have asked for it many years ago,
I find myself obliged to elevate this peti-
-tion to the superior Courts of Your Excellency
to the end that I also represent that
for seven years past my cattle
have become accustomed to range on the
said land, which besides adjoining
my rancho on the west, on the south
east by the Rancho of San Guillermo
Richardson, to the ridge of La Laguna;
and on the N.W. by the Rancho de las
Bauenas and the end of the Cerro de
Jermal paiz; the documents of which
previous petition have been lost

But the Supreme decree which Your Excellency gave still exists in my power, copy of which, certified by the former Alcalde of San Francisco, I transmit to your Excellency, that you may be informed with regard to it; and I also add that in the year One Thousand Eight Hundred and forty one. His Excellency gave orders to the Justice of the Peace of San Francisco that these lands should be measured, and the Commanding General at that time Don Mariano Guadalupe Vallejo, opposed the superior decision and made answer to said Justice of the Peace, that he would not be acknowledged as an authority competent to give possession and measure lands at this point of the frontier, and a few days after he commissioned his brother Don Salvador Vallejo who gave possession to Don Guillermo Richardson, acting contrary to the superior decree and order issued by Your Excellency to the Justice of the Peace of San Francisco, and if Your Excellency wishes to be better informed of all that has happened, you can call for these documents from the Court of San Francisco de Asis, where they are on file;

Wherefore I earnestly pray Your Excellency to be pleased to decide in my favor if you should find it just, a favor which I hope to receive, and I will be always grateful having the goodness to admit this on common paper, there being none of the corresponding stamps in this place.

Rancho of San Clemente

August 21st 1845,

Signed, Maria Sanchez.

Angeles November 20th 1845.

Having seen the petition with

which this Expediente commences, the report of the Committee on Missions, with such other information as was presented and proper to be considered: in conformity with the Law of August 18th 1824 and Regulation of November 21st 1828.

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I declare Doña Hilaria Sanchez owner of the land named "Temalpais", bounded by the Rancho of Sansalito, and that of "Las Baulinas" and of the extent of two square leagues, a little more or less, as shown by the map which exists in this Expediente.

Let this be retained in order to submit it to the approval of the Most Excellent Assembly, and let the corresponding title issue to the party favored.
Don Pico Pico, provisional Governor of the Californias, thus ordered, decreed, and signed, to which I certify,

(Signed) José M^a. Covarrubias
Secretary

Filed in Office Dec^r. 13th 1852.

Ce^r. Fisher

Sec.

N^o 493. Temalpais

Affidavit

Hilario Sanchez, the claimant in this case makes oath as follows: That in the year 1845 she petitions the Government of California for a grant of the land called Temalpais, the same which she claims in this case; and that she sent her petition and design to the Governor by Andres Pico, whom she constituted her agent to present the same and to receive the corresponding title for her.

That she was informed by her said agent that the title had been issued and delivered to him for her, and that he Andres Pico

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had sent it to her by Francisco Guerrero
That at that time the Claimant was a widow living
at her Rancho of San Clemente or Corte de Medera
del Presidio in the now County of Marin with
no agent to attend to her business, and that
Francisco Guerrero was living near or at the Mission
of Dolores. That Francisco Guerrero told the
Claimant that he had in his possession certain
very important & valuable papers belonging to
her but he never delivered them to her.
That since the death of Guerrero the Claimant has
used all the means in her power to recover
her title papers without success.

That the affiant never saw the said concession
but that the petition she sent to the Governor
by Andres Pico is exactly copied and set forth
in the traced copy made in the office of the
U.S. Surveyor General for the State of
California, and filed in this case;
That it is impossible for the affiant to learn
where the original concession is & therefore she
cannot produce it.

The affiant further states that the traced
copy of the map annexed to the said petition
to the Gov^{rn} is an exact copy of the design
which accompanied her said petition, and
that the track of land claimed in this
case, as appears by the said documents
adjoins the Rancho of San Clemente or Corte
Medera del Presidio, the title to which
has been confirmed by this commission
to the affiant and her children, as widow
and heirs of the late Juan Reed.

And further the affiant saith not,
Gloria ^{then} Sanchez de Reed
maker

Subscribed & Sworn to
before me on this 23rd
day of September A.D. 1854.
Peter Ladd, Commissioner
for Taking Testimony &c.

Filed in Office Sept 23rd 1854,
Geo. Fisher Sec.

493.

Hilario Sanchez }
vs }
The United States }

For the place called "Tomalpais"
in Marin County, containing
two square leagues of land.

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The claimant alleges that a grant of the land was made to her by Governor Pico Pico on the 20th day of November 1845. The grant is stated to be lost or destroyed.

The evidence relied on to show that such a grant was made consists of a traced copy of the Expediente from the Archives and the testimony of Andres Pico on the subject.

Opinion by
Commissioner
Alphens Pelch.

The Expediente contains the petition of the claimant for the grant; a marginal decree therein directing information to be taken and a decree of concession; but it is remarkable that neither of the two last mentioned documents bear the signature of the Governor. Andres Pico swears that the grant was issued and delivered to him, and that he forwarded it to Francisco Guerrero by direction of said grantee.

The claimant has filed her own affidavit showing that she never received the grant. She states that she was informed by Guerrero that he had received certain very important and valuable papers belonging to her, but she does not state that she even applied to him for their delivery or that search has been made among his papers for them.

The showing establishes the presumption that the grant came to the hands of Guerrero as the agent of the claimant.

The rule of law is well settled that when a written instrument is traced to the hands of a third person secondary evidence of its contents cannot be received unless he be called and testify to its loss or destruction or if from death or other casualty, this cannot be effected proof be given of diligent search and

enquiry in such places and of such persons as might reasonably be expected to supply the document.

Search among the papers left by Suemore on enquiry of his Executors & Administrators or heirs, would seem the best that could suffice to show an honest effort to procure the absent grant.

There is no evidence that this has been done, and in my judgment the proof does not show sufficient to let in secondary evidence of the contents of the paper.

But if the grant was made as is alleged by the witness and its contents such as they are described by him to be, still this claim could not be sustained under the proofs.

The witness does not state the contents of the grant, but says that it was issued according to the petition; of course we must presume that the usual conditions of inhabitancy or cultivation were imposed.

All that is shown on the subject is that the claimant's cattle occupied the place before the grant was made and continued afterwards to do so.

She never lived on the premises or cultivated any portion of the land.

Her residence was on the adjoining Rancho, but that was the property of her husband.

We see no reason to suppose that there was any intention to relieve her from the usual conditions of the land; on that the fact that she lived upon an adjoining rancho owned by her husband could have that effect.

A decree adverse to the claimant must be entered.

Rejected

Hilaria Vanches }
 vs }
 The United States }

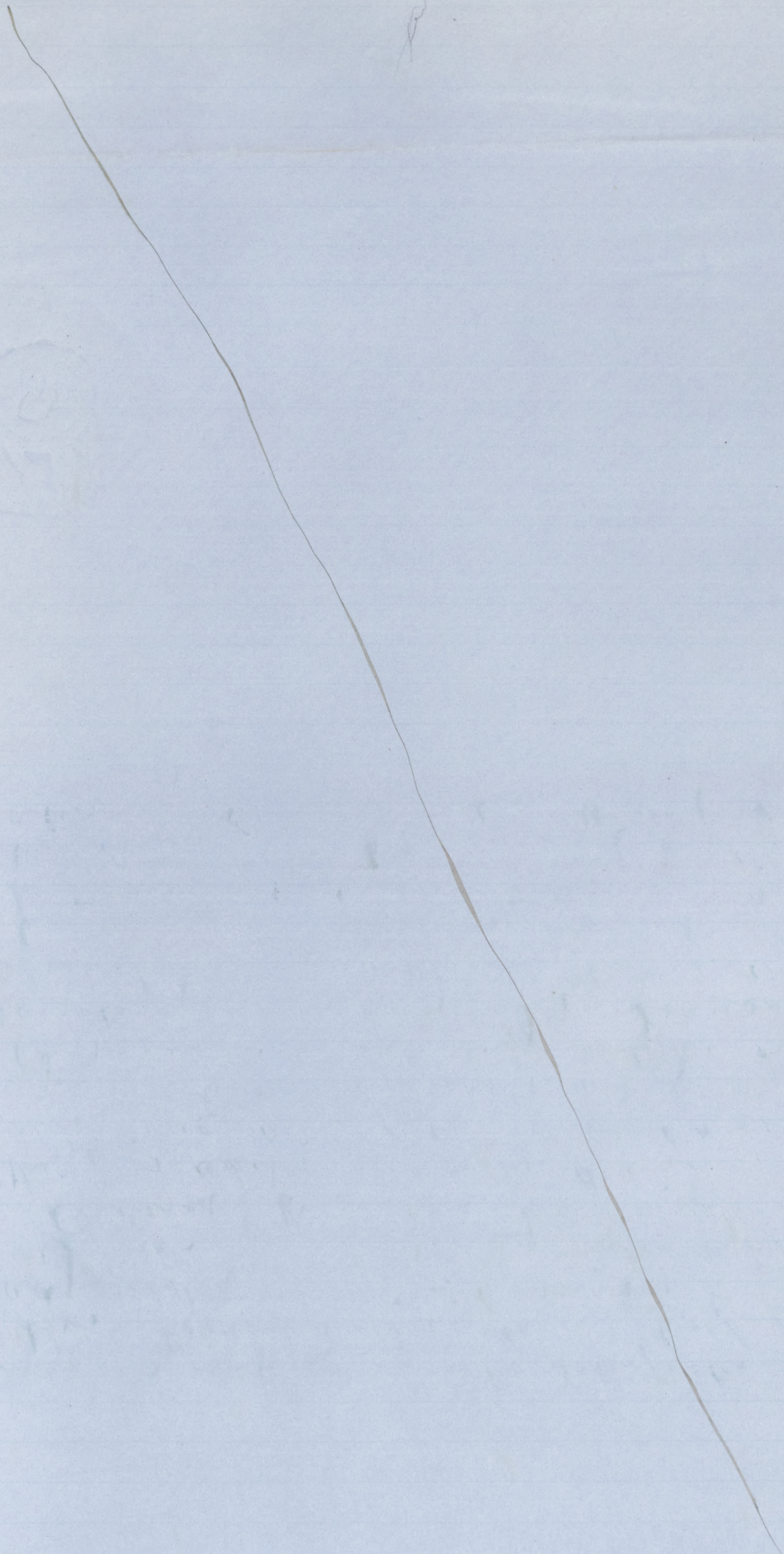
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In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is not valid; and it is therefore decreed that her application for a confirmation thereof be denied.

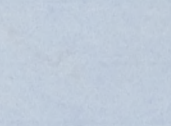
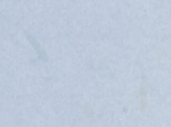
Decree

Alphens Felch
 R. Aug. Thompson
 S. B. Darwell,
 Commissioners

Filed in Office Oct 3, 1854.
 Case: Fisher's Sec.



And in 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 proceeding and of the decisions in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Northern District of California and the others be transmitted to the Attorney General of the United States.



Office of the Board of Commissioners,

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

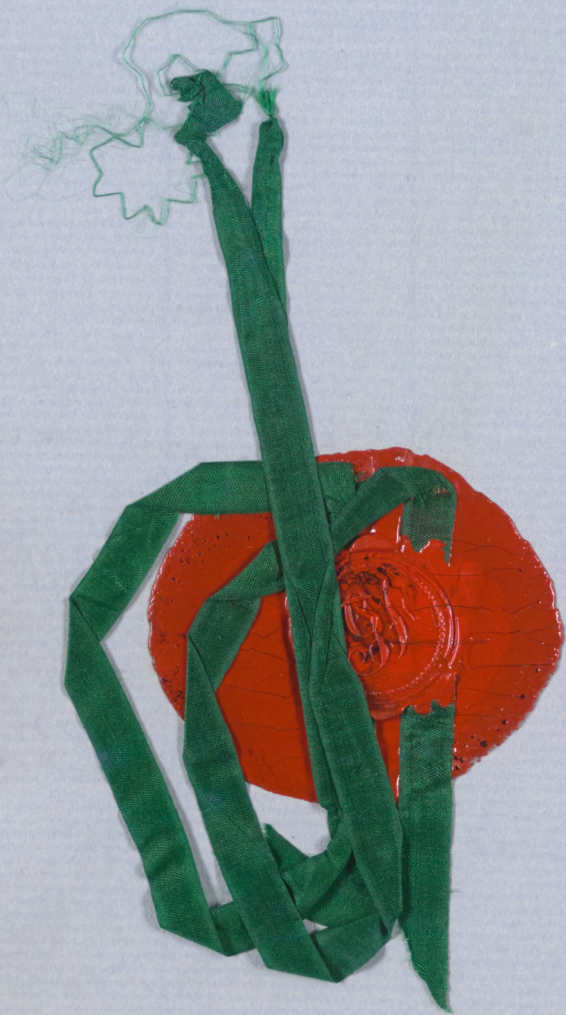
I, *George Fisher* — Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twenty Three* — pages, numbered from
1 to *23*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *493* on the Docket of the said Board,
wherein

Hilario Sanchez is —

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

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

G. Fisher
G. Fisher



J. S. DISTRICT COURT,
Northern District of California.

No. *185*

THE UNITED STATES,

185
vs.

Melania Sanchez ^{*ND*}

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *493*

Filed, *April 3^d / 11* 185*5*,

Wm. A. Moore,
clerk

867118-493

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

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Milaria Sanchez de Reed Notice of intention to prosecute
Appellant the appeal from the
vs decision of the Board of
The United States. United States Land
Appellees Commissioners.

Milaria Sanchez de Reed Claimant of the Rancho
called "Simalpais", situate in the County of Marin,
in the northern District of California, hereby gives
notice of her intention to prosecute an appeal from
the decision of the Board of Commissioners in her claim
for the said land, which was presented to the said
Board of Commissioners, and by them rejected. Her
claim being that which is numbered on the Docket
of said Board of Commissioners no. 493, the transcript
whereof as filed in this office is numbered, &c.

Halleck Peck & Billings
Attys for Appnt.

20. April 1855

No. 185

U. S. District Court
Northern District of California

Milania Sanchez de Reed
Appellant

vs

The United States
appellees.

in

Notice of intention to
prosecute appeal.

Halleck Teachey & Billings
Attys for appelt.

Filed April 20, 1855,
by W. H. Chevers
Deputy,



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

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Hilaria Sanchez (de Reed) }
Appellant }
vs }
The United States. }
Appellees. }

The Petition of Hilaria Sanchez de Reed, respectfully shows
to this Honorable Court.

That on the 25th day of November A.D. 1845, Pio Pico,
Governor of California, by virtue of authority in him vested,
granted to the petitioner the tract of land called "Tomalpais",
situate in the present County of Marin, containing two square
leagues of land, a little more or less, as described in the decree
of grant and accompanying map; all of which is shown by
the original Expediente.

And the petitioner further represents that a complete and
formal patent exactly corresponding to the decree of grant
submitted herewith was issued and delivered to her on the 25th
day of November A.D. 1845, which patent has been lost or
destroyed.

That said grant was duly approved by the Departmental
Assembly of California, and that the petitioner has been
for some ten years and now is in the quiet and undis-
puted possession of said tract of land; and has duly performed
and fulfilled all the conditions of the grant.

Your petitioner further shows that the said tract of
land is situated in the Northern District of California.

Your petitioner further shows that on the _____ day of
A.D. _____, she presented her claim for the said
tract of land before the United States Land Commissioners,
appointed under the act of Congress passed on the 3rd March
1851, entitled "An act to ascertain and settle the private land
claims in California" when sitting as a Board, and prays

the said Board to confirm it; and that the said Board on the day of A.D. 18 , decided on the validity of the said claim and rejected it.

Your petitioner prays that the transcript of the report of the Board of Commissioners, on the claim presented to them as aforesaid, and the documentary evidence, and testimony of the witnesses on which it was founded, which is filed with the Clerk of this Court as directed by the 12th Section of the act of Congress passed on the 31st August 1852, entitled "an act making appropriations for the civil and diplomatic expenses of the Government, for the year ending the thirtieth June 1853, and for other purposes," may be held and considered as part of this petition.

Wherefore your Petitioner appealing from said decision of the Board of Commissioners, present this petition to the Honorable the District Court for the Northern District of California, being the District Court of the District in which the land claimed is situated, and he prays this Honorable Court to review the said decision of the said Board of Commissioners, and to decide upon the validity of his claim, and to make a decree confirming it.

Halleck Plachy & Billings
Atty for Applicant

20. April 1855.

No 185

U. S. District Court
Northern District of California

Melaria Sanchez de Reed
Appellant

vs
The United States.
Appellee.

Petition on appeal

Hall & Beachy & Bellinger
Attys for appellee

Filed April 20. 1855,
by W. H. Chavez
Deputy.

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

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The United States
Appellee } No 185
vs
H. S. De Read
Appellant

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

Wm Blomding
Dist Atty.

The United States
vs

Answer

185-
U. S. Dist Court.

The United States
appellees

vs
Hilaria Sanchez
appellant

Answer

Filed Dec: 16, 1856,
W. A. Church,
Deputy

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Wm Blanding
U. S. Dist Atty.

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In the District Court of the United States

FOR THE NORTHERN DISTRICT OF CALIFORNIA.

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The United States,

v.

Milaria Sanchez

IN LAND CASES.

Dist. Court No. 185

Land Com. No. 493

BE IT REMEMBERED, that on this 6th day of November A. D., 1867, at the City of San Francisco, in the District aforesaid, before me, WM. H. CHEVERS, a Commissioner duly appointed by the Circuit Court of the United States for the Districts of California to take acknowledgments of bail and affidavits, and also to take depositions of witnesses, in civil causes depending in the Courts of the United States, pursuant to the Acts of Congress in that behalf, personally appeared Josefa de Haro Denniston a witness produced in behalf of the Claimant in the above entitled cause, now pending in said Court under the Acts of Congress to ascertain and settle the private land claims in the State of California, who, being duly sworn, testified as follows: his evidence being interpreted by Augustin Guerrero a sworn interpreter.

PRESENT: J. A. Sharp Esq. of Counsel for Claimant, and H. H. Sharp Esq. U. S. Atty. for the U. S.

QUESTIONS IN BEHALF OF THE Claimant

Question 1st,

What is your name, age, and place of residence?

Ans.

My name is Josefa de Haro Denniston, I reside at the

Mission Dolores San Francisco
County, and my age is thirty
six years.

2.

What was the name of your
first husband?

Ans.

Francisco Guerrero.

3.

Were you his wife at the
time of his decease. State
also the time of his decease?

Ans.

I was, he died in 1857.

4.

Did you have charge of his
papers after his decease?

Ans.

I did.

5.

State if you examined his
papers for the purpose of
finding the title papers
of Hilaria Sanchez to the
ranch called Temalpais,
if so, when you made such
examination, and whether
you found such title papers?

Ans.

Ans.

I did examine the papers for such a purpose, I looked for them two or three days after my husband died, but could not find them.

b.

Have you ever looked carefully since that time for such papers?

Ans.

I have looked for them two or three times since, but I could not find them.

c.

Were your said husband's papers out of your possession after his decease, and before you looked for examined them the first time?

Ans.

They were not.

Cross Examination

Questions by the U. S. Atty.

Quer. 8.

At whose request did you make such examinations?

Ans.

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After my husband died, I looked over his papers, I thought there was a paper of that kind, but I did not know where it was. I was not looking for this particular paper at that time. I afterwards looked for it at the request of Mrs. Reed, who is Hilariat Sanchez the claimant.

Did you ever see the papers of which you have spoken, before the death of your said husband?

Ans.

I did not.

10.

Did you ever hear there were any such papers, except through the said Mrs. Reed?

Ans.

I knew there was such a paper, but I did not know what they it contained. I knew it because I heard Guerrero and two other gentlemen talk of it.

11.

men talk of it

11.

Can you state what kind
of a title paper it was, or
it's date?

Ans.

I knew there was a paper
of that kind but I never saw
it.

Joseph ^{see} Demitose
Subscribed and sworn to this
6th day of November A.D. 1861. before me

W. A. Cheverus,

A. S. Comm^r

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No 185.

UNITED STATES DISTRICT COURT

Northern District of California.

IN LAND CASES.

THE UNITED STATES

v.

Hilaria Sanchez,

DEPOSITION OF

Josefa de H. Demington,

on part of *Claimant,*

Filed *December 9th* 1861.

W. H. Cheever,

Clerk.

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U. S. District Court
District of California

The United States }
vs } No 185.
Milana Sanchez }

Solomon H. Sharp Esq
Attorney for Plaintiff
Sir -

Please take
notice that on Tuesday next the 2^d
day of November A.D. 1864 at the
City of San Francisco at the opening
of the Court that day or so
soon thereafter as Counsel can be
heard the argument in the above
entitled Case will be heard
San Francisco November
2^d 1864.

Yours &c
Peter Lake
U. S. Attorney

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State of California
City and County of San Francisco

Thomas M. Jewett of
lawful age, being duly sworn deposes
and says, that he is a Clerk in the
United States District Attorney's office;
that on this 7th day of November A. D.
1867, service of a copy of the within notice
was made by him on Solomon S. Sharp
Esq. Attorney for Hilana Sanchez. By
viewing the same at his office.

I
Sworn to and subscribed
before me this 7th day
of November 1867.

Thomas M. Jewett

James S. Ford

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U. S. District Court

The U. States

vs.
Hilario Sanchez.

Notes
and affidavits

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Filed Nov. 12. 1867

Geo. C. Whitney

Clk. C.
by Small

W. C.

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

San Francisco, March 30th 1853

John A. Monroe Esq.

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

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31st, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 493 on the Docket of the said Board, wherein *Mitua Sanchez* is the Claimant against the United States, for the place known by the name of "Temalpais" and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

G. Fisher.