

CASE NO.

90

SOUTHERN DISTRICT

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SANTA CLARA O' EL NORTE GRANT

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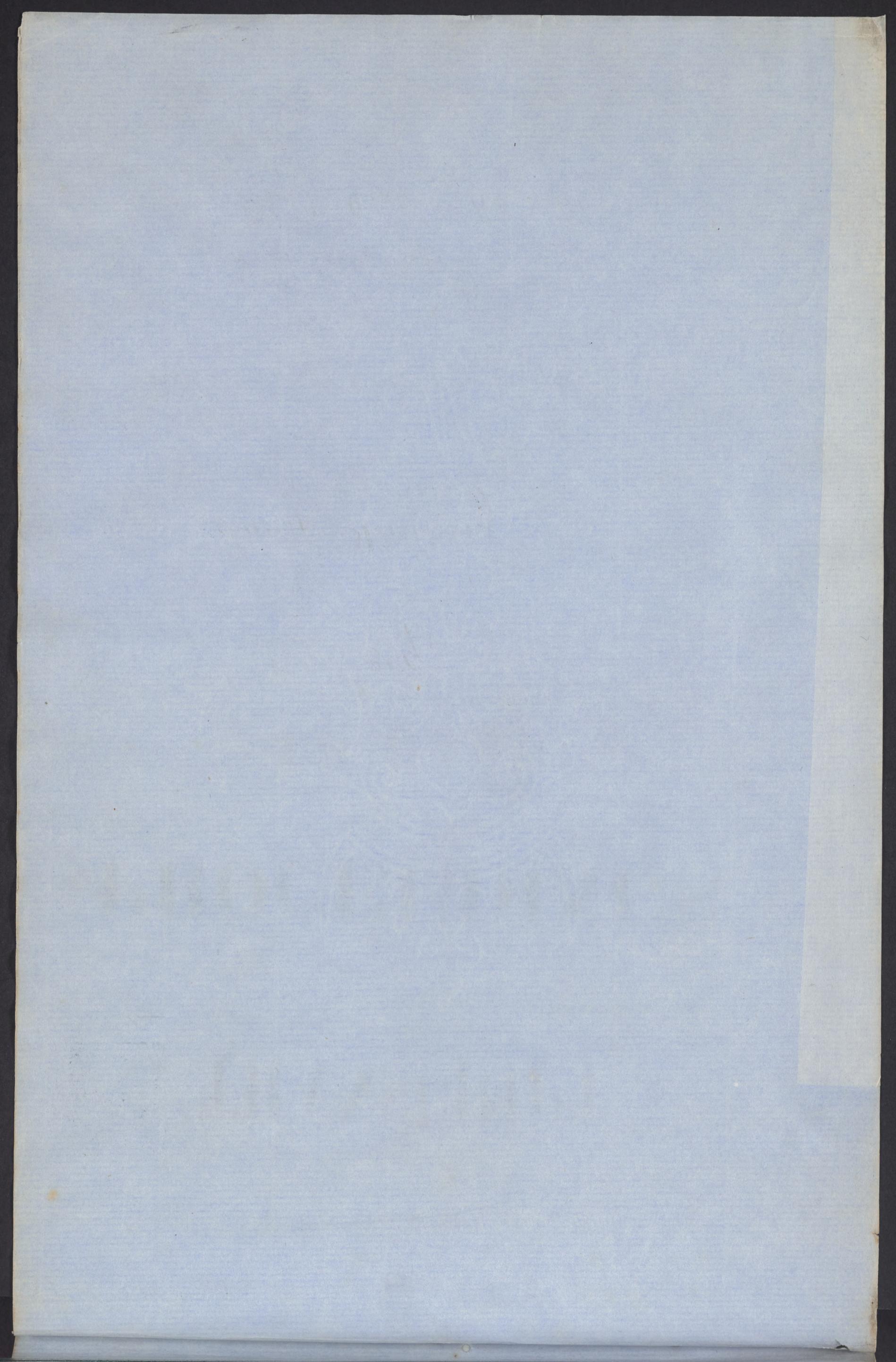
JUAN SANCHEZ

CLAIMANT

LAND CASE 90 SD 55 pgs.

FEB 21 1963





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# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 389.

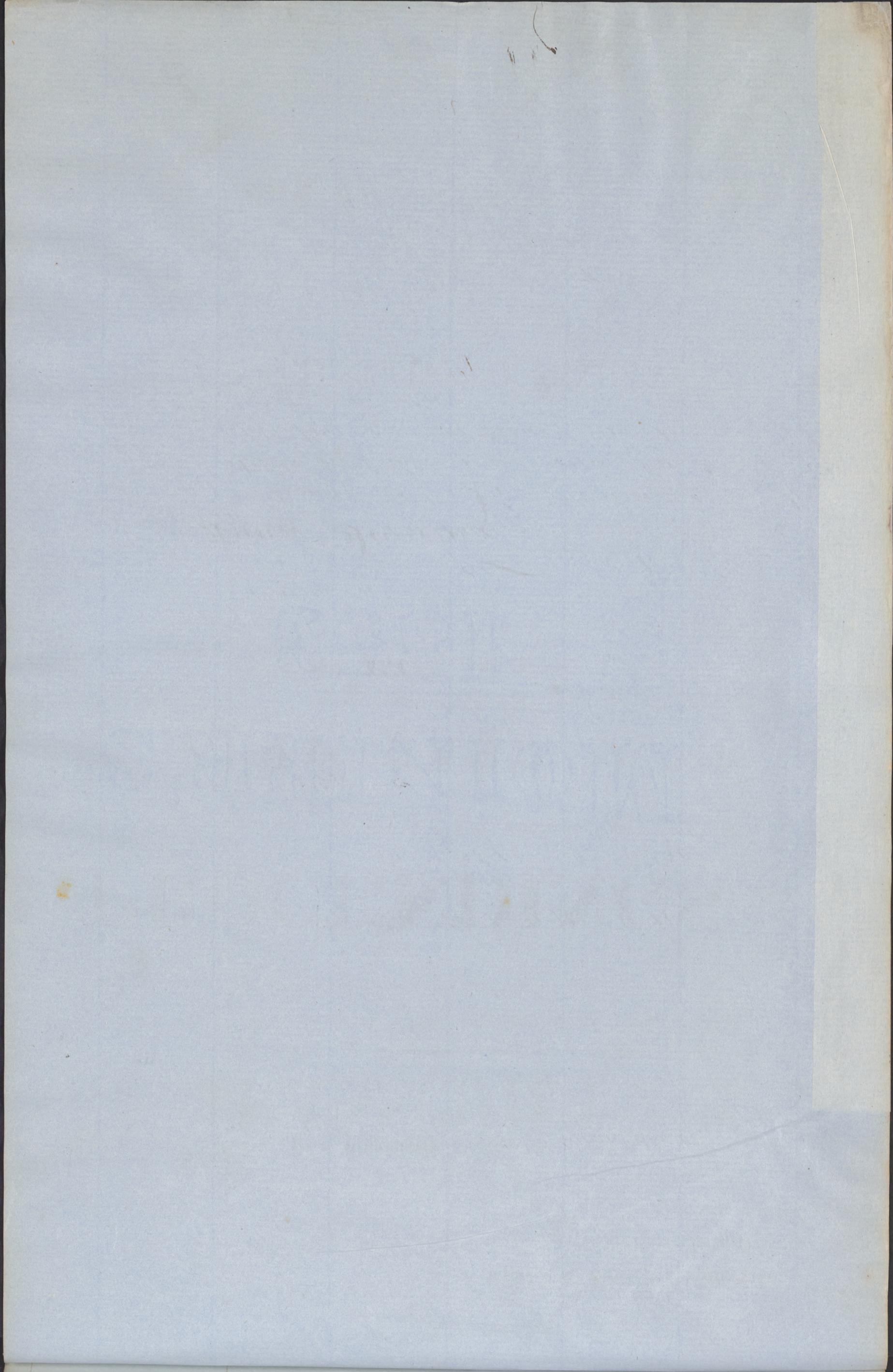
*Juan Sanchez* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Santa Clara O'El Norte"*



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 ninth day of October, 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;

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The Petition of Juan Sanchez  
for the Place named  
"Santa Clara, & El Norte"  
was presented, and ordered to be filed and docketed with No. 389 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;

Los Angeles October 18<sup>th</sup> 1852.  
In Case No. 389 Juan Sanchez for the Place named "Santa Clara & El Norte," the deposition of Ignacio del Valle a witness in behalf of the claimant, taken before Commissioner William Hall with documents marked A, B, C, and D, with translations thereof marked a, b, c, and d, were filed;

(Vide page 4 of this Transcript)

Los Angeles October 20<sup>th</sup> 1852.  
In the same case the deposition of Jose Antonio Carrillo, a witness in behalf of the claimant, taken before Commissioner William Hall was filed;

(Vide page 5 of this Transcript)

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San Francisco Sept. 26' 1853.  
Case no. 389 called; Submitted on briefs  
and taken under advisement.

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San Francisco Jan. 24' 1854.  
In Case no. 389 Juan Sanchez for the place  
named "Santa Clara" Commissioner R. G. May,  
Thompson ~~announced~~ the opinion of the  
Board confirming the claim;  
(See page 3 of the Transcript)

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To the Hon Commissioners for ascertaining & settling private land claims in California.

Petition.

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Juan Sanchez respectfully represents:  
That on the 6<sup>th</sup> of May 1837 Juan B. Alvarado, then Governor of California, by virtue of the laws in force at the time, granted him a tract of land called Sta Clara or El Norte, within designated natural boundaries - which land lies within the limits of the present County of Santa Barbara.

That this grant was confirmed by the Departmental Junta on the 20<sup>th</sup> of May 1837.

That judicial possession of the land was given him in due form on the 29<sup>th</sup> of July 1842.  
That he knows of no other claim to any part of this land.

He files herewith the original grant & decree of confirmation, marked Exhibit A. a copy of the act of Judicial Possession, marked Exhibit B. with translations of each, severally marked Exhibit a. & b. & relies upon said papers & such further evidence as he may produce for the confirmation of his title - for which he prays.

W. V. Britton  
Atty for Claimant.

Filed in Office Oct 9<sup>th</sup> 1852

Geo. Fisher  
Secy.

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Office of U.S. Land Commission. Los Angeles.  
 On the 18<sup>th</sup> day of October 1852 before me  
 Miland Hall, one of the Commissioners for ascertaining  
 & settling private land claims in California, personally  
 appeared Ignacio del Valle, a witness produced on  
 behalf of Juan Sanchez, claimant of Sta Clara in the  
 case which is No 389 on the docket of said Commission.  
 Deposition of \_\_\_\_\_, who having been duly sworn testified as follows.  
 Ignacio del Valle. The Associate Law Agent of the United States having  
 been notified & attending.

Question First. What is your name & age. Where do  
 you reside?  
 Answer. My name is Ignacio del Valle. I am forty four  
 years of age & reside in Los Angeles, California.  
 Question Second. Are you acquainted with the signatures  
 of Juan B. Alvarado, Victor Prudon, & Jose L. Fernandez?  
 Answer. I am.  
 Question Third. Examine the document on file in  
 this case marked Exhibit A which is now shown  
 you & say whether or not the signatures of Juan B.  
 Alvarado & Victor Prudon to the grant & approval  
 of Jose L. Fernandez to the certificate in the claims  
 of Prudon to the certificate which follows the grant  
 are genuine.  
 Answer. I have examined the document referred to.  
 The said signatures are all genuine.  
 Question Fourth. Who was Governor of California  
 on the 19<sup>th</sup> of May 1837? Who was then acting  
 Secretary? Who was Secretary of the Departmental  
 Govt on the 11<sup>th</sup> of December 1840?  
 Answer. Juan B. Alvarado was Governor on May  
 1837. Victor Prudon & Jose J. Fernandez were each  
 acting Secretaries at different times about these periods  
 but I cannot specify the times when they actually acted.

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Question. Are you acquainted with the signature of Joaquin Carrillo. If so, examine the document on file in this case marked Exhibit A. now shown you, & say whether or not the signature on the same is or is not the signature of said Carrillo.

Answer. I am acquainted with the signature of said Carrillo & his signature at the foot of said document is his genuine signature.

Question. What office did said Carrillo hold during the year 1842.

Answer. He was Justice of the Peace at Santa Barbara during the whole of that year.

I  
sworn & subscribed  
Before me  
Ygnacio del Valle  
Notary Public  
Holland Hall.  
Corner

Filed in Office Oct 28<sup>th</sup> 1852. Geo. Fisher.  
Secy.

Deposition of  
Jose Antonio  
Carrillo.

Office of the U.S. Land Commission  
Los Angeles Oct 20<sup>th</sup> 1852.

On this day before Holland Hall one of the Commissioners for ascertaining & settling private land claims in the state of California, came Jose Antonio Carrillo, a witness produced in behalf of the claimant Juan Sanchez, whose petition is No 389 on the books of the Commission & was duly sworn, his evidence being given in Spanish was interpreted by the Secretary.

The U.S. Associate Law Agent was notified  
Present -

In answer to questions by the counsel for the claimant the witness says.

My name is Jose Antonio Carrillo, my age is fifty seven & I reside in Los Angeles & am a native of California.

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I am acquainted with the rancho called Santa Clara. It is situated near the Mission of San Buena Ventura, in the county of Santa Barbara. It is occupied by Juan Sanchez & has been occupied by him ever since about the time it was granted him, which I think was about the year 1838, but am not certain as to the precise year. He built two houses on the land when he commenced occupying it under the grant & has continued to reside on the land ever since. He has kept cattle & horses and cultivated the land. He had stock on the land before it was granted to him & lived in the vicinity. As soon as he obtained the grant he built houses & moved on it.

I am acquainted with the hand writing & signature of Don J. Fernandez. He was Secretary of the Departmental Assembly December 11<sup>th</sup> 1840. A paper is now shown me being Exhibit A. filed in this case. The signature Jose J. Fernandez on said paper I believe to be genuine. I know of no adverse claim to the land.

Jose Ant<sup>o</sup>. Carrillo.

Sworn & subscribed  
Before me

Richard Hall.  
Comm.

Filed in Office Oct 20<sup>th</sup> 1852.  
Geo. Fisher. Secy.

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Expediente

Promovido por el Indij<sup>o</sup> Juan Sanchez en solicitud del paraje llamado Sta Clara al norte.

1834.

Expediente Certijical.

(146.)

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Sta Barbara. Abril 25 de 1834. Gov<sup>no</sup> Int<sup>o</sup> del Estado.

1834.

Juan Sanchez vecino de esta municipalidad

Informa el Ayuntamiento con el mejor respeto hace a. S. presente como de esta Municipalidad mas haga lugar en dho. Digo y necesidad de sentarse solo en esta instancia de un terreno pa<sup>o</sup> cultivar y en ar un numero obtiene todos las uguitas de Ganado y otros bienes que produzcan legales pa<sup>o</sup> ser atendido la subsistencia de mi numerosa familia en su solicitud si el y hallandose un paraje en las inmediaciones terreno que pretende es de la Ex. Misión de Sta Buenavistura, cuyo baldio; si no parece estable o inierto no lo necesita pues se halla a la propiedad de alguna actualmente baldio, conocido con el nombre particular, individuo o de Sta Clara al norte, Suplico a. S. si sera sueldo o Misión, o si adjudicarlo en propiedad, conforme pretensivelo a alguno a las leyes de colonizacion de dho. terreno de dho. ultimos se halla comprado de dho. el dho. respectivo. P. en estado de adquirir se tanto a. S. Suplico se sera admitir esta en colonizacion. Inmediata mismo representativo, deprecandole que estas informes, pasari buya en papel comun por no haber de la balvera estas uijor sellos conres pendiente.

mes al expediente al Sta Barbara. Abril 24 de 1834.

Gov<sup>no</sup> para su resolución  
Atarado.

Juan Sanchez.

Dono [illegible] [illegible]

Por. Ayuntamiento.

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La comision a quien V.S. se ha servido confiar para que dictaminar sobre el expediente que formó la solicitud del Ciudadano Juan Sanchez en pretension del paraje nombrado Sta Clara en observancia del decreto del Gob<sup>no</sup> fho. 25 de abril de 1837 es por lo que al interesado, obtiene todos los requisitos de la ley; para ser atendido en su solicitud, que el terreno que pretende sea ya baldío, y en estado de adjudicarse en subasta conforme a la ley de 18 de Agosto de 1826 y el art<sup>o</sup> 5 del reglamento de 21 noviembre de 1828; pues aunque sea conocido por otra pertenencia, si la demarcacion de Sta Buenavista sea a la vez calificada con la ocupacion necesaria, y por consiguiente en estado de adjudicarse conforme a las leyes citadas el que representa es 9<sup>mo</sup> Mexicano, de buen nombre, tiene buena conducta y bienes con que pagar los por lo que sea acordar a ser amparado por la ley y por las consideraciones del Gobierno a quien representa por tanto opese la comision a la deliberacion de v.S. tal y como se propone. Puede el Gobierno adjudicar en propiedad al Ciudadano Juan Sanchez, el paraje nombrado Sta Clara.

Sta Barbara 18 de Mayo de 1837. Santiago Dago Santos

En Sesion del dia de hoy aprueba el Ayuntamiento la proposicion del dictamen antecedente; acordando hacer el expediente al Gobierno para su resolucion.

Fho. ut. supra. Diego Diaz.

Secretario. Benito Diaz. Sta Barbara. Mayo 18 de 1837

Vista la peticion con que da principio este expediente el informe del Ayuntamiento y todo lo que por conducto de conformar con lo dispuesto por leyes y reglamentos de la materia, se otorgará al Ciudadano Juan Sanchez, dueño en propiedad del terreno conocido con el nombre de Sta Clara, demarcado en el plano que acompaña en su solicitud y bajo las limitaciones que en el se espresa, sujetandose a las condiciones que previene la ley de 18 de Agosto de 1826 y el reglamento del 25 nov<sup>o</sup> 1828. Dirrese el despacho

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Conespondiente y tomese rason en el libro respectivo y dirigirse  
 este Expediente a la Santa Depuacion para su debida aprobacion  
 -acion en cuyo caso el interesado a quien se haya sabido este  
 decreto presentará no obstante este título pa que se le librasse.  
 Asi lo ordena el Sr. D. Juan B. Alvarado Gobernador Int<sup>o</sup> del Reyno  
 y Puerto de la Santa Depuacion, asi lo decreto, mandó y firmo  
 de que doy fe. Juan B. Alvarado.

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Sumo. Lor.

La Comision de terrenos baldios impuesta del Expediente procedido  
 por el C. Juan Sanchez en solicitud del terreno nombrado Sta  
 Clara al norte no encuentra in conveniente alguno pa concederle  
 el sitio que prescude, con el y de la Correccion provisional proven  
 -ido a la deliberacion de r. d. la siguiente proposicion 1<sup>o</sup> se acuerda  
 al C. Juan Sanchez el terreno conocido con el nombre de Sta  
 Clara al norte por tener los requisitos que previene la ley de 18  
 de Mayo de 1826. y el art. 5. de 21 de Nov<sup>o</sup> de 1825.

Sta Barbara. Mayo 12 1834.

José A de la Guerra. José M. Estaneta.

Sta Barbara. Mayo 20 de 1834.

En Sesion de hoy. se dispensaron los tramites, a la propo  
 -sion del dictamen q. antecede que fue aprobada por mayoría  
 absoluta de votos.

Antonio Guerra. José Maria Covarrubias. Sec.

Office of the Surveyor G of the United States for California.  
 I. Samuel D. King, Surveyor General of the  
 United States for the State of California and as such now  
 having in my office and under my charge and custody  
 a portion of the archives of the former Spanish and  
 Mexican Territory a Department of Upper California  
 under and by virtue of the 2<sup>nd</sup> Section of the act of Congress  
 providing for the Survey of Public Lands in California and  
 for other purposes do hereby certify that the eight preceding  
 and hereto annexed pages numbered from one to eight inclusive  
 and each of which is verified by my initials (S.D.K.) exhibiting  
 a true and accurate copy of a document on file and forming  
 part of the archives in this Office.

In testimony whereof I have hereto signed my name  
 officially and affixed my private seal, in view of the Seal of office  
 of the City of San Francisco Cal this 29<sup>th</sup> day of June 1853.

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~~ms~~

1853.

Samuel S. Knapp.

Surgeon G. Cal.<sup>n</sup>

Filed in Office. Sept. 20<sup>th</sup> 1853.

Geo. Fisher.

Secy.

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Expediente presented by the citizen Juan Sanchez  
soliciting the place called Santa Clara or El Noto.  
(1837) 140.

To his Excellency the Governor of the State.

Translations of  
Expediente

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I Juan Sanchez, a resident of this municipi-  
-pality, with the utmost respect, appear before your Excellency  
in the manner most frequent in law, & say that  
needing a piece of land to cultivate, to raise a number  
of cattle & for other property, which will produce a  
subsistence for my numerous family, & there being  
a place known by the name of Santa Clara, or El Noto  
in the vicinity of the Ex Mission of San Bruno Nueva  
which establishment does not require it as it is now  
vacant, I pray your Excellency to adjudge it to me in  
full property, conformably to the laws of coloniza-  
-tion, & I humbly present the proper map of said land.  
Wherefore I pray your Excellency to receive this request,  
excusing its being on common paper there being  
none of the proper seal.

Santa Barbara. April 29, 1837.

Juan Sanchez.

Sta Barbara April 25. 1837.

Let the Ayuntamiento of this municipality report,  
whether the petitioner possesses the legal requisites to  
have his request granted, whether the land solicited  
is vacant; whether it is the private property of any  
individual, pueblo or mission, or whether, if belong-  
-ing to the latter, it is in a condition to be granted  
in colonization in conformity to the laws. These  
reports made, let the expediente be returned to  
the Government for its decision.

Alvarado.

Map accompanying petition.

To the Ayuntamiento

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The committee to whom it has been referred to present a resolution upon the expediente made by the petition of Juan Sanchez praying for the tract of land called Santa Clara, in pursuance of the decree of the Government dated April 29<sup>th</sup> 1837, reports, that the party possesses all the legal requisites to have his application granted; that the land which he desires is vacant & in a condition to be granted in colonization conformably to the law of the 18<sup>th</sup> of August 1824 & to Art 5<sup>th</sup> of the regulation of the 21<sup>st</sup> of November 1828, since though it is known to belong to the Exp. Mission of San Buena Ventura it is vacant & unoccupied & consequently in a state to be granted according to the said laws; that he who solicits it is a Mexican citizen of good conduct, & has cattle with which to stock it, & for this reason has a right to be favored by the law & by the govt which represents it. Whereupon the committee offers for the year deliberation the following proposition - The Govt may adjudge in full property to the citizen Juan Sanchez, the place called Santa Clara.  
 Sta Barbara May 18. 1837  
 Santiago Lugo. Santiago Burke.

In session the 18<sup>th</sup> the Ayuntamiento approved the foregoing proposed decree, ordering that the expediente be returned to the Government for its determination -  
 Date as above.  
 Benito Diaz. Diego Olvera.

Sta Barbara May 18 1837  
 In view of the petition with which this expediente began, the report of the Ayuntamiento full which is proper to be seen, in conformity with what is

decreed by the laws & regulations on the subject, I declare the citizen Juan Sanchez owner in property of the land known by the name of Santa Clara as marked out on the map presented with the petition, & with boundaries therein shown, subject to the conditions imposed by the law of the 18<sup>th</sup> of August 1824 & regulation of the 25<sup>th</sup> of Novr 1828. Let the proper decree be issued & recorded in the proper books, & let this expediente be remitted to the Most Excellent Deputation for its approval, in which case the party to whom this decree is to be made known, shall present his title and area, that it may be consolidated. Thus Juan P. Alvarado Gov. ad. int. of the state & President of the Most Excellent Deputation of the same, decreed, ordered & signed - as I certify -  
Juan P. Alvarado.

Most Excellent Sir

The Committee on vacant lands, to which was referred the expediente of the citizen Juan Sanchez, soliciting the tract of land called Santa Clara or El Norte, perceives in objection to granting the place he asks. The committee concludes by presenting for your deliberation the following proposition.

1<sup>st</sup> The land known by the name of Santa Clara or El Norte is granted to the citizen Juan Sanchez he having the requisites prescribed by the law of the 18<sup>th</sup> of August 1824 & the 5<sup>th</sup> of the 27<sup>th</sup> of November 1828.

Sta Barbara May 19, 1837.  
José de la Guerra y Carrillo. José R. Estrada.

Sta Barbara May 20, 1837

In session to day the foregoing proposed decree was taken up and adopted by an absolute majority of votes -

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Antonio Pulmar, Don M. Coarabias.  
Prot-

Filed in Office Sept 20 1853.

Geo. Fisher  
Secy.

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*[Faint, illegible handwriting covering the majority of the page, possibly bleed-through from the reverse side.]*

25 802.01  
8. 11. 50.

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El Cuid' Juan B. Alvarado, Gobernador 3to del Estado libre  
Gobierno de la Alta California, y 1o de la Exma. Diputacion  
erejido en Congreso Constituyente.

Inhibit. A.

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Por cuanto el Sr. Juan Lopez Sanchez Mexicano por  
nacimiento ha solicitado para su beneficio personal y el de su  
familia el terreno conocido con el nombre de Sta Clara o la  
norte dentro de los linderos del obispo y acompaña a su solicitud  
practicadas por ~~ante las autoridades~~ ~~concurriendo~~ segun lo  
dispuesto por leyes y reglamentos de la materia, usando de las  
facultades que me son conferidas a nombre de la nacion Mej-  
icana, en virtud en concederle la propiedad del terreno  
y solicita entienda a esta. Concesion. con entera conformidad  
a las leyes, a reserva de la aprobacion o desaprobacion de la  
Exma. Diputacion y bajo las condiciones siguientes.

1o. El agraciado ni sus herederos podran permitir ni pagar  
el que se les adjudica, imponer le censo, vusculo, fianza, hipo-  
teca ni pasarlo a manos ajenas.

2o. Podra cercarlo sin perjudicar los derechos caminos  
y servidumbres: lo disfrutara libre y esclusivamente destinandole  
lo al uso o cultivo que mejor le acomode.

3o. Cuando se le confiere la propiedad, Substancie del  
Pues respectivo que le da la posesion Juridica en virtud de  
este despacho por el cual se demarcaran las linderos en lugares  
limites y pondran sus mojones.

4o. El terreno de que se le hace donacion es puramente  
el que se expresa en la solicitud del interesado y se demarcará  
en el terreno que correspondo al expediente; y el Jueq que lo  
prociacione, pasará aviso a este Gobno del numero de sitios  
que comprende.

En consecuencia mandado que serviese de titulo el presente  
y teniendose por firme y valido, se tome razon en el  
libro que corresponde y se entregue al interesado para  
su resguardo y demas fines.

Dado en la Ex-Mision de Sta Barbara a 6 de  
Mayo de 1837. Juan B. Alvarado. Peter Gordon. 1o Jtvo.

Sta Barbara. Mayo 20 de 1834.

In sesion de hoy aprubo la suma Diputacion en  
-esta en Congreso el dictamen de la concesion de terrenos baldios  
y que a la letra dice. "Se conceda al S. Juan Sanchez Ateneo  
Conocido con el nombre de Sta Clara al Norte por tener los req-  
-uisitos que previene la ley de 18 de Agosto de 1826 y el art 5  
del Reglamento de 21 noviembre de 1828.

Sta Barbara Mayo 19 de 1834. José Ant<sup>o</sup>. de la Guerra.  
y Carillo. = José A. Estrada. Juan B. Atravado.

Victor Puelon. Sr. Ant<sup>o</sup>. = El intercedido aguevara  
surgado un pleigo de a seis p<sup>o</sup> conforme a la ley. Victor  
Puelon.

Sello tercero Las Reales.

Habilitado provisionalmente por la Aduana Maritima del  
Puerto de Monterey en el Departamento de las Californias por  
las autos de mil ochocientos Cuarenta y mil ochocientos Cuarenta  
y uno. Dimeu. Antonio Ant<sup>o</sup> Ocho.

(Leut) y Francisco Leot<sup>o</sup> de la S. Junta del Departamento del  
-as Californias, en cargo de interinamente del Despacho del mismo.

Certifico que el plan que consta en la planilla a la vuelta  
esta fielmente heado en su original, executado en el expedi-  
-ente respectivo que obra en la oficina de mi cargo y para  
que conste dond<sup>o</sup> convinga firmo la presente en Monterey  
a once de Diciembre de mil ochocientos Cuarenta y .

José Y. Fernandez.

Done present

on 12/11/1834

Sor. Juez de Paz. Juan Sanchez ante V. comparece y dice;  
 que habiendolo obtenido la concesion propia del teniente  
 - cido con el nombre de Sta Clara ocurrió a V. para que le  
 sirva darle la proteccion para el caso conyugue este probando  
 en el articulo 3º del titulo de Dho. teniente que le expedio en  
 seis de Mayo de mil ochocientos treinta y siete que debidamente  
 a comparencia y aprobado por la misma Junta el día y del mismo  
 día, mes y año por tanto a V. suplico se sirva ponerme en la  
 proteccion que solicita con lo que recibire justicia. Sta Barbara  
 Julio 8 de 1862. Juan Sanchez. Sta Barbara. 26 de Julio  
 de 1862. En virtud de la antecedente solicitud procedase por  
 mi el presente Juez a la nominacion de alcaides de lincheros  
 y proteccion Judicial que solicita el interesado de este expediente  
 sea mandarse para efectuarlo el día 29 del corriente mes  
 para lo que se sitan con boletas de comparendo a las  
 colindantes. así yo el mencionado Juez lo decreté, mandé y  
 firmé con las testigos de asistencia, con quienes actué por  
 receptor a falta de escribano publico. Doy fei. Joaquin  
 Carrillo = de acta. Francisco Lopez. De apo. Valentin Costa  
 En la fha presente D. Juan Sanchez se le notificó el auto  
 antecedente y del interesado dijo lo que estaba por  
 citarlo y lo firmó con nigo y las de mi asistencia.

Joaquin Carrillo. Juan Sanchez. = José Carrillo = de apo.  
 Francisco Ortega. = En la misma fha. se libraron las  
 boletas que se mandó en el antecedente auto y para  
 que consta lo rubricó. = En el Rancho de Sta Clara  
 al norte de los 29 días del mes de Julio de mil ochoci-  
 -entos Cuarenta y Dos, en cumplimiento del auto del  
 26 del corriente mes, comparecieron los Ciudadanos  
 José Carrillo, como colindante de las partes, José Ruiz  
 por Colleguas, Valentin Costa por la colonia y Rafael  
 Gonzalez por la nominacion de Sta Barbara y sitados para  
 las mociones a las cui<sup>tas</sup> Antonio Mendez y Diego Ruiz  
 quienes previa la aceptacion y juramento procedaron  
 al cumplimiento de su encargo, así yo el Juez lo decreté

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mudé y firmé con las testigos de asistencia. Lo aquí con los  
de esta. Francisco Ortega. de esta. José Cavillo = En la misma  
fha. se les notificó el auto que antecede á las colindantes y con-  
-enadores, dijeron que lo allen y firmaron con miyo y les de-  
mi asistencia = Joaquín Cavillo = Francisco Ortega. = José Cavillo  
Valentín Cota. = Rafael Gombales. = José Cavillo = En la misma  
fha. y en el expresado Rancho se les notificó el auto que ant-  
expusieron nombradas medidas á las colind. Antonio Mendon  
y Diego Ruiz y entrados, dijeron que aceptaron y aceptaron esto  
en cargo y juraron por Dios nuestro S. y la señal de la Sta Cruz  
de hacer lo fiel y legalmente á todo lo legal, saben y entender  
sin dolo ó fraude contra persona alguna y para saber firmar  
hicieron unas unas Cruz y firmó con las testigos de mi auto.  
Joaquín Cavillo = Diego Ruiz = Antonio Mendon. Joaquín  
Cavillo. Francisco Ortega.

Incrutivamente yo el Juez mandé traer á mi presencia el auto  
con que se han de medir las tierras y que las medidas les  
mistas de cincuenta varas y lo firmé con las de mi asistencia.

Joaquín Cavillo Fran<sup>o</sup> Ortega = José Cavillo = En la misma  
fha en presencia de mi el referido Juez los expresados medidores  
tomaron un cordel de ueta y con una vara mexicana de  
medir tomados l. en la mano, medieron en cincuenta varas  
para hacer la referida medición y para constancia lo que  
En la misma fha. y en el expresado Rancho siendo como las  
diez de la mañana yo el presente Juez mandé á los medidores  
de ponga por la medición que ha de hacer del terreno de  
Sta Clara al norte para que el mencionado D. Juan Sanchez  
tome posesion de él y paradas en la villa del camino real  
esperaron la medición, tomando al rumbo al Norte hasta la  
punta de la loma del punto en donde habiendo llegado  
dijeron haber ciento ochenta cordelas desde de este punto rumbo  
norte asta el pie de la loma del río Colorado se midieron  
cincuenta y cinco cordelas, desde este punto rumbo norte hasta  
la punta de la loma que esta contigua al río se midieron  
ciento cuarenta cordelas y desde este ultimo punto punto hasta

donde comensaron las medidas, se midieron ciento cincuenta  
y tres Cordeler, habiendose con eluyas esta medida resulto  
tener el paraje medido, treinta y un mil ciento cincuenta  
varas de circunferencia y habiendose echo el señalamiento  
de linderos en la punta del porito en el pie de la toma de  
Sanayo Colorado en la punta de la toma que esta contigua  
al Rio y en el camino real de la villa del Rio, mande firmarse  
mohonesas y por constancia lo firmo por auto con los testigos  
de a certencia. Joaquín Carillo de atto. Fran<sup>co</sup> Ortega.

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Joaquín Carillo. = En la misma fha y por el mismo modo se  
mande que en virtud de haberse medido el terreno y  
haberse echo el señalamiento de linderos se pongan en pro-  
-cion Paralelos. Sr. D. Juan Sanchez y, notifiquese a los  
colindantes y firme por auto los testigos de a certencia.  
Joaquín Carillo de atto. Francisco Ortega. José Carillo  
En la fha se les notifico a los colindantes, José Carillo, como  
dueño de las presas, José Ruiz de Colleguas, Valentín Cota  
de la colonia y Rafael Longares por la Audiencia de S<sup>ta</sup> Buen-  
-ar<sup>a</sup> el autemio y entendidas diligencias que se ollen y firmaron  
con miyo y las de a certencia. Joaquín Carillo = Valentín Cota  
Rafael Longares = José Carillo = Francisco Ortega = José Carillo

En el Ranchito de S<sup>ta</sup> Clara al norte se echo como a las diez  
de la tarde del mismo dia, mes, y año el Sr. Juan Sanchez  
Vecino de S<sup>ta</sup> Barbara a comprando del Juez y test-  
-igos con unimo Leyen digo de tomar la recabada, Corp-  
-oral y real posesion del espresado terreno de S<sup>ta</sup> Clara  
al norte y por haber le pertenecido con S<sup>ta</sup> título que  
obtuvo del Gobierno politico de este Departamento con fha  
6 de Mayo de mil ochocientas treinta y siete, entre y  
por D<sup>to</sup>. terreno, aranceo yerbas, espacio primarias de  
tierra, rompio tomas de las arboles e hizo otras demosta-  
-ciones en recabada posesion en señal de lo que dize  
tomar y que tomaba de dichas tierras y mande yo el  
Ctario Juez que desde entonses lo tubiesen y se enosen  
al mencionado Sr. Sanchez, por cordelero Dueno Sr.

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90 SD  
PAGE 21

y poseedor de ella y de todo lo referido, pidió al respectivo Don  
Sanchez, que por memoria en lo que veniendo y concurrencia  
y de sus derechos por mí el Puro le fuese estudiada una constancia  
lo que así fue ha sido dada. Siendo testigos de existencia los  
Señores José Carrillo, Francisco Ortega con quienes actuó en  
receptoría a falta de escribano público que lo hay. Segundo.  
Doy fe. Joaquín Carrillo - Francisco Ortega. José Carrillo.

Joaquín Carrillo, Jefe de paz del distrito municipal  
-ial de Sta Barbara. Certifico que la antecedente copia es  
la copia fiel y legalmente de la original que obra en el archivo  
de este Juzgado que hoy se hizo a mi cargo.

Sta Barbara. Dto. 24 de 1852.

José Carrillo.

Filed in office. Oct. 9th. 1852.

Geo. Fisher.

Secy.

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To the Justice of the Peace.

90 SD

PAGE 22

Exhibit C.  
Translation of the 6<sup>th</sup> of May 1837  
Act of Judicial by the Judge the 17<sup>th</sup> of the same month & year.  
Possession. Whence I beseech you to give me the possession  
annexed to the  
deposition of  
Agencia del  
Valle. Oct  
18<sup>th</sup> 1852.

Juan Sanchez appears before you & says that  
having obtained the proper concession of the land known  
by the name of Sta Clara, he applies to you to give  
him judicial possession according to what is pro-  
vided in the 3<sup>d</sup> art of the little Co's Land, issued  
Translation of the 6<sup>th</sup> of May 1837 herewith presented, & approved  
Act of Judicial by the Judge the 17<sup>th</sup> of the same month & year.  
Possession. Whence I beseech you to give me the possession  
annexed to the

Juan Sanchez.  
Sta Barb<sup>a</sup> July 8<sup>th</sup> 1842.

Sta Barb<sup>a</sup> 26<sup>th</sup> July 1842.

In virtue of the foregoing petition  
I will proceed to measurement, making of bounda-  
ries & judicial possession which the party in this  
expediente wishes, fixing for its execution the 29<sup>th</sup>  
of this month, in order that the adjoining owners  
may be cited to appear. - Thus I the said Judge  
decreed, ordered & signed with assisting witnesses  
with whom I act for want of a Notary Public as  
I certify.

Joquin Carrillo  
argy Fran<sup>co</sup> Lopez. argy. Valentin Cota.

On the same day, Don Juan Sanchez being pre-  
sent, was notified of the foregoing decree, & being  
so informed said that he heard it. He was then  
cited & signed with the assg witnesses -  
Joquin Carrillo.  
argy Jose Carrillo. argy Fran<sup>co</sup> Ortega.

On the same day the citations ordered by the preceding  
decre were issued, in proof whereof this is certified  
upon the rander of Sta Clara al Norte on the 29<sup>th</sup>

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90 SD  
PAGE 23

of July 1842, in fulfillment of the decree of the 28<sup>th</sup> inst, the citizens Jose Carrillo, owner of las juvas, Jose Ruiz for Calleguas, Valentin Cota for la Cede-  
ma & Rafael Gonzales for the Mission of S. Buen-  
av, adjoining owners, cited for the measurement  
designations of boundaries & possession, met together  
& named as measurers Antonio Menendez and  
Digo Ruiz, who, after acceptance & the oath, proce-  
ded to the discharge of their duties. Thus & the  
Judge decreed, ordered & signed with ass & witnesses.  
Joaquin Carrillo.  
arg Fran<sup>co</sup> Ortega. arg. Jose Carrillo.

On the same day the preceding decree was notified  
to the adjoining owners & parties who said that they  
heard it & signed with me, (those who knew how)  
& the ass & witnesses.  
Joaquin Carrillo.  
arg Fran<sup>co</sup> Ortega. arg Jose Carrillo.  
Valentin Cota. Rafael Gonzales. Jose Carrillo.

On the same day & on the said rancho the decree  
in which the measurers are named was notified to  
Antonio Menendez & Digo Ruiz, who being informed  
said that they accepted the charge & they took an  
oath by Our Lord God & the sign of the cross to dis-  
charge it faithfully & legally to the best of their  
knowledge & understanding without deceit or fraud  
against any person, & not knowing how to sign  
they made their marks & signed with ass  
& witnesses.  
Digo Ruiz - Joaquin Carrillo  
Antonio Menendez arg. Jose Carrillo -  
arg. Fran<sup>co</sup> Ortega.  
Immediately the Judge, ordered the cord

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to be brought into my presence with which the land is to be measured & that the measure measure it fifty varas long & I signed this with the assent of the witnesses.

Joaquin Carrillo

arg. Franc. Ortega Arg. José Carrillo.

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PAGE 24

On the same day in my presence the said measure took a ~~and a~~ ~~with a~~ ~~Spanish~~ ~~vara~~ ~~meas-~~  
-ured fifty varas of it, for the said measurement -  
In testimony whereof I certify it.

On the same day & in the said ranchos being ten o'clock in the morning, I, the said Judge ordered the measure to proceed with the measurement to be made of Sta Clara al Norte in order that the said Juan Sanchez might take possession of it, & being on the bank of the river in the highway the measurement was begun, running Eastward to the point of the Loma del Pezón 180 cords, Thence towards the North to the foot of the Loma del Arroyo Colorado, 150 cords, Thence towards the West to the point of the Loma, which is near the river 140 cords. Thence to the place of beginning 153 cords, the measurement being finished shows the circumference of this place to be 39. 150 varas; & having designated as corners the foot of the hill of the Arroyo Colorado, the point of the hill near the river, & the highway on the bank of the river I ordered that monuments be established, & as evidence signed this decree with the assent of the witnesses.

Joaquin Carrillo

arg. Franc. Ortega - Arg. José Carrillo.

On the same day I, the said Judge, ordered that in virtue of the measurement of the land & the designation of its boundaries, that Don Juan Sanchez be put in possession & that this be notified to the

595  
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adjoining owners. I signed this as a decree before  
the assy witnesses -

Joaquin Carrillo.  
assy. Franc Ortega, assy. Jose Carrillo

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On the same day the adjoining owners were noti-  
fied of this, Jose Carrillo of Los Pinos, Jose Ruiz  
of Calleguas, Valentin Cota of La Colonia and  
Rafael Gonzalez of the Mission of S. Antonio, being  
informed, they said that they heard it & signed  
this with me & the assy witnesses.

Valentin Cota. Joaquin Carrillo  
Rafael Gonzalez, Jose Carrillo. assy. Franc Ortega.  
assy. Jose Carrillo.

On the ranch of Sta Clara al Norte, about 6 o'clock  
in the afternoon of the same day, month & year,  
Don Juan Sanchez, resident of Sta Barbara accom-  
panied by the Judge & witnesses, with the in-  
tention, as he said, of taking the true, corporal  
& real possession of the said land of Sta Clara al  
Norte, because had belonged to him by a just  
title obtained from the Political Govt of this Dept.  
dated May 6<sup>th</sup> 1837 entered upon & passed  
through said land, tore up grass, scattered hand-  
fuls of earth, broke branches from trees and  
performed other ceremonies as a sign that he  
took & was taking, as he said, true possession of  
said land, & the said Judge ordered, that  
henceforth the said Sanchez should be held and  
recognized as the true owner, master & possessor  
of it - & the said Sanchez asked, that as witness  
for the future & the preservation of his rights,  
the said Judge would make a record of all the  
preceding which was thus done. Jose Carrillo  
& Franc Ortega being the assisting witnesses

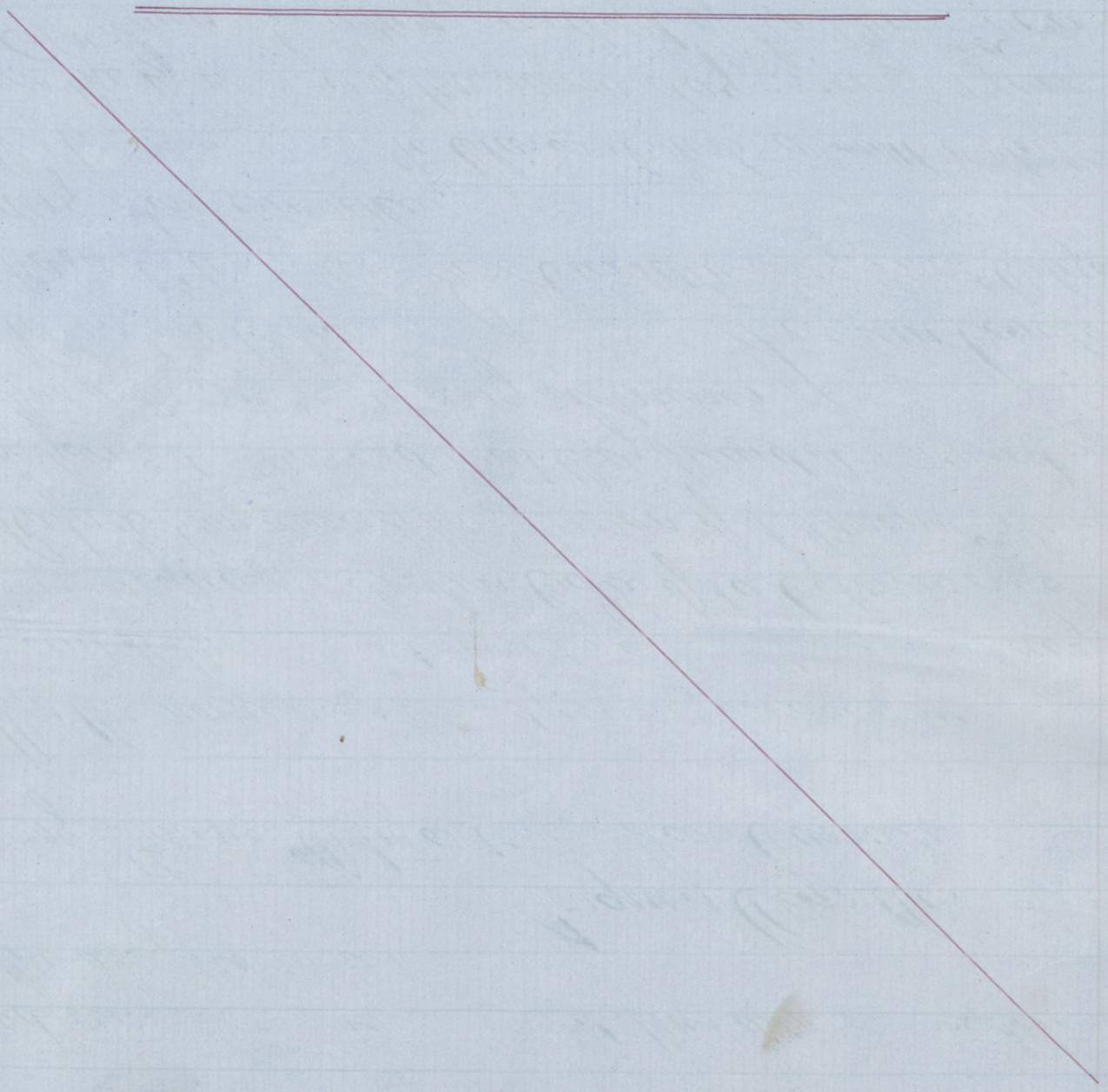
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with whom I act legally for want of a Notary Public  
(there being none) according to law - as I certify.  
Joaquin Camille.  
arg. Fran<sup>co</sup> Ortega. Arg. Jose Camille

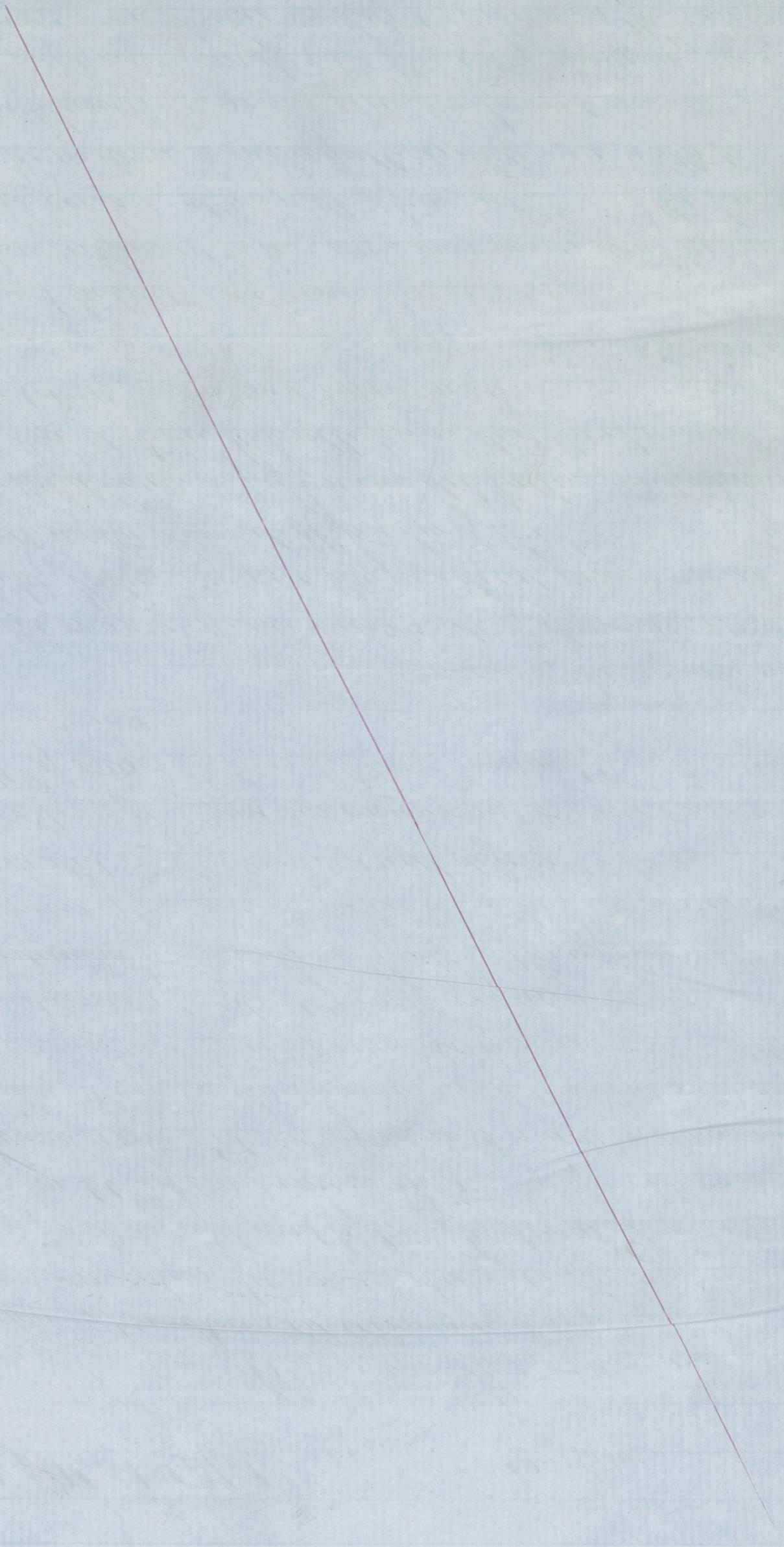
90 SD  
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J. Joaquin Camille Judge of the Peace &  
of the 1<sup>st</sup> Instance of Simsa Pabstara.  
Certify, that the foregoing copy is faithfully &  
legally drawn from its original in the Archives  
of this Court now in my charge.  
Sta Barb<sup>a</sup>, Nov 24<sup>th</sup> 1849.  
Joaquin Camille.

Filed in Office Oct 9<sup>th</sup> 1852.  
Geo: Fisher.  
Secy



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Juan Sanchez  
 vs  
 Santa Clara, in the County  
 The United States of Santa Barbara.

Opinion of the  
 Board by Comr made by  
 Thompson.

90 SD  
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This claim is founded on a grant made by Gov. Juan B. Alvarado to the claimant in the name of the Mexican Nation dated the 6<sup>th</sup> of May 1837 & duly approved by the Territorial Deputation on the 20<sup>th</sup> of the same month. No specific quantity of land is granted, but reference is made in the grant to the petition of the grantee & the designs or map which accompanied it, for the identification & location of the land granted. And the officer giving the juridical possession is required to report to the government the number of leagues it contains. The boundaries delineated on the map are well defined & the act of juridical possession & measurement executed on the 29<sup>th</sup> of July 1842, ascertain the quantity to be about three square leagues.

The genuineness of the signatures to the original grant & certificate of approval, & that of the Justice who gave the juridical possession as well as the official character of the latter are duly by the deposition of Agnacio del Valle. The deposition of Jose Antonio Carrillo proves that the claimant had sick on the land before he obtained the grant, & lived in its vicinity, that as soon as he obtained the grant he built two houses on it & went there to reside & has continued to live there ever since, that he has kept horses & cattle on it & has cultivated the land. The evidence shows a full compliance with the conditions of the grant, & as the boundaries are well defined on the map & in the act of juridical possession the original of which is filed & proven in the case —

There will be no difficulty in the location & survey of the land - The claim is therefore confirmed -

Filed in Office July 24 '1854.  
Geo. Fisher.  
Secy.

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No 389

Decree of Confirmation vs Juan Sanchez vs Santa Clara in the County of Santa Barbara. The United States. of Santa Barbara.

In this case on hearing the proofs and allegations, it is adjudged by the Commission that the claim of the petitioner is valid, & it is therefore decreed that the same be confirmed. The land of which confirmation is made is situated in the County of Santa Barbara, & is known by the name of Santa Clara or El Noste being the same which was held & occupied by the claimant from the year 1837 up to the time of filing his petition before this board, and is bounded as follows. Beginning on the bank of the Rio de Santa Clara in the highway marked on the map filed with the Expediente as the Camino del Arroyo running Eastward 180 cordels of 50 varas each to the point of the Loma del Norte - Thence towards the North 150 cordels of the same length, to the Loma del Arroyo Colorado; Thence towards the West 140 cordels to the point of the Loma which is near the river - Thence 153 cordels to the beginning - Reference for a more particular description thereof to be had to the original grant, & map filed

Must be to be had to the original grant & map filed

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with the Expediente, & the record of proceedings of the  
act of judicial possession filed in the case.

Alphons Felch.  
Thompson Campbell.  
R. Aug. Thompson.

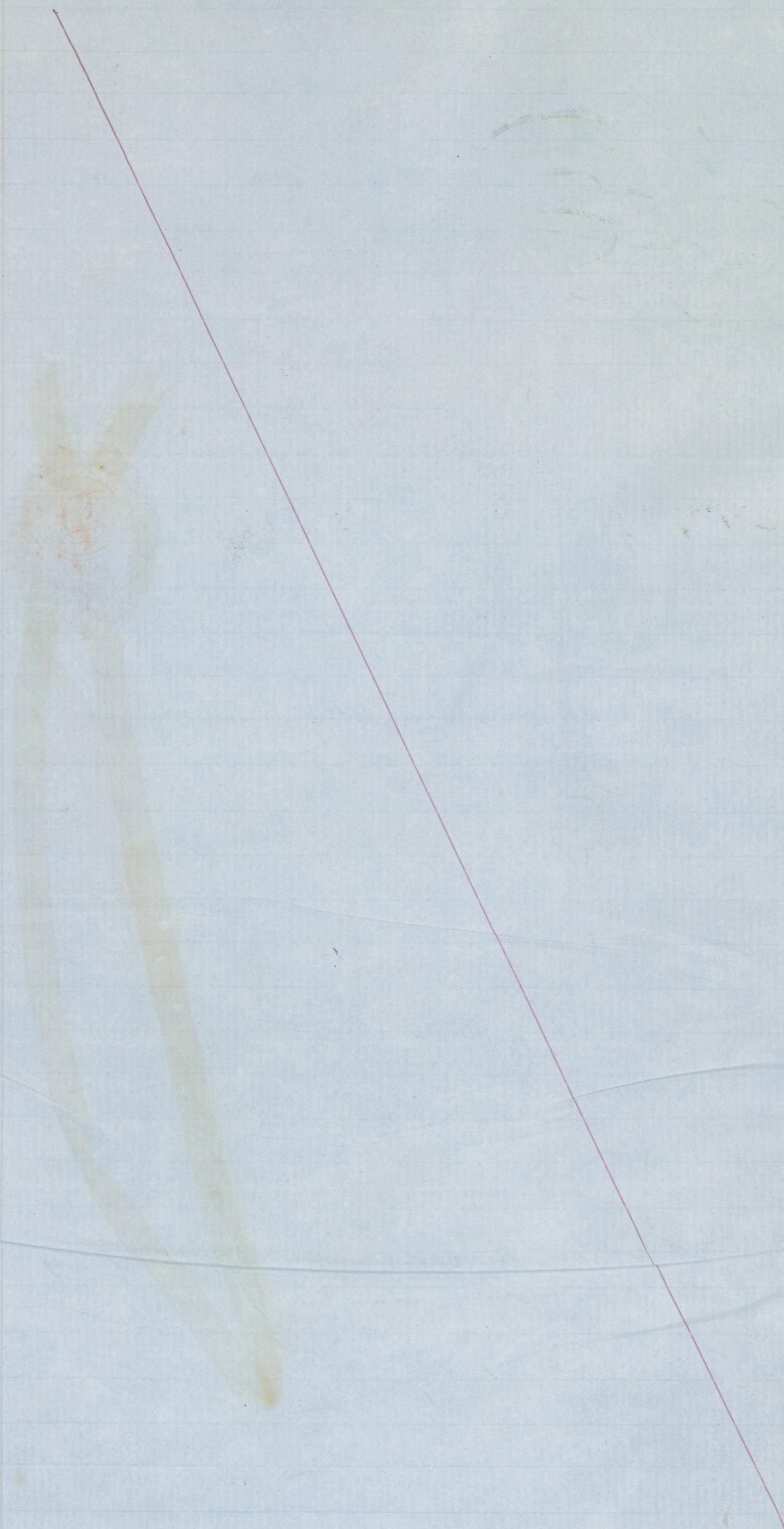
Filed in Office Aug 24 '1854.

Geo. Fisher  
Siccy.

4 3/4 x 1/2

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Office of the Board of Commissioners,

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

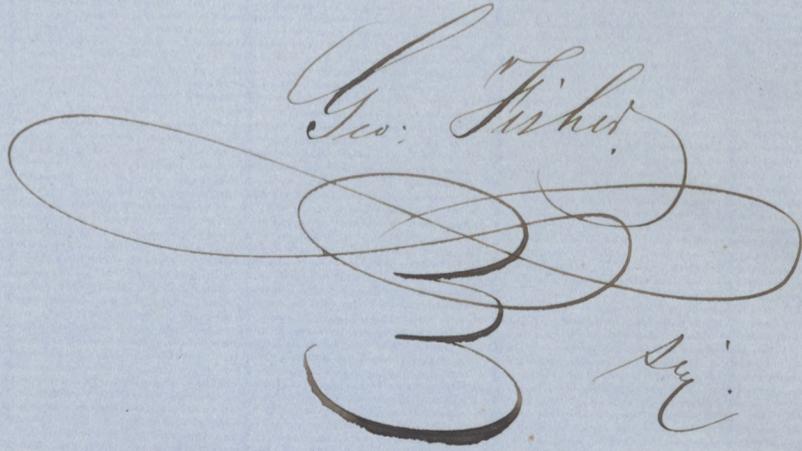
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PAGE 30

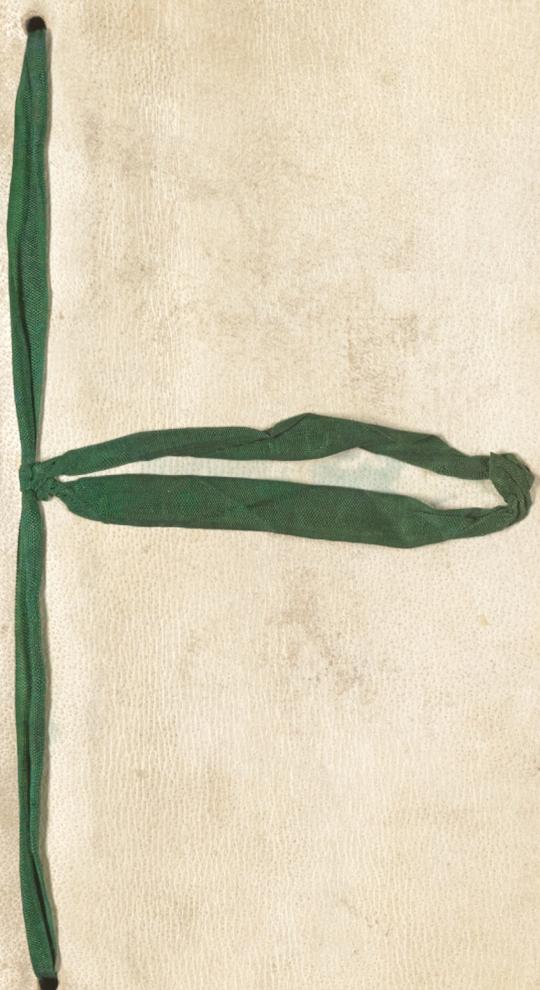
I, *George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *thirty four* pages, numbered from  
1 to *34*, both inclusive, to contain a true, correct and full Tran-  
script of the Record 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. 389 on the Docket of the said Board,  
wherein

*Juan Sanchez* is  
the Claimant against the United States, for the place known by  
the name of "Santa Clara O'El Norte"

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*twelfth* day of *September*  
A. D. 185*4*, and of the Independence of the  
United States of America the seventy=*ninth*

*G. Fisher*





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S. DISTRICT COURT,  
District of California.

90. Docket 90

THE UNITED STATES,

vs.

Juan Sanchez.

vs. Clara O'el Norte.

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 389

90

September 20th 1852

W. H. Carter  
Clerk

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90.

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Office of the Attorney General of the United States,  
Washington, 30th November 1854.

*Ivan Sanchez*  
vs. *The United States.* } 389.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of August 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

*Cushing*

Attorney General.

✓ N<sup>o</sup> 90.

U. S. District Court

Southern District

The United States

vs.

~~Fernando Trias~~

Juan Sanchez.

Appeal notice -

Filed Jan'y 10<sup>th</sup> 1858.

J. E. Farr.

clerk.

90 SD

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United States of America, }  
Southern District of California. } SS.

TO

The President of the United States,

*Juan Sanchez.*

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GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you,~~ in the District Court of the United States, in and for the Southern District of California, on the *thirteenth* day of *August* in the year of our Lord one thousand eight hundred and fifty-*five* at the City and County of Los Angeles, in said District, by

*Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States, praying the Said Court to review, upon the grounds therein set forth, the decision of final Confirmation of the Board of U.S. Land Commissioners to Ascertain and settle the private land claims in the State of California, to the claim of Juan Sanchez for a tract of land called Santa Clara a El Norte in the County of Santa Barbara Cal. and presented by you to said Commissioners on about the 9<sup>th</sup> day of October A.D. 1852. and by them confirmed on the 24<sup>th</sup> day of January A.D. 1854*

and that you, ~~and each of you,~~ are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs. *the Plaintiff will apply to the Court for the relief demanded therein.*

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *Tenth* day of *September* in the year of our Lord one thousand eight hundred and fifty-*five* at Los Angeles aforesaid.

*B. C. Jan.*  
Clerk.

Marshall, Cost  
Copying summons 60  
Learning P.P.S. 6.00  
50 numbers each @ 6.20  
\$228.80

No 90.

United States of America,  
Southern District of California,  
U. S. DISTRICT COURT.

Juan Sanchez

vs  
90 SD  
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The United States.

SUMMONS.

Received Sept 12<sup>th</sup> 1855  
Edward Hunter  
U. S. Marshall  
Lured No. 5-10  
Get Copies Dept

I served this summons along with the proper copy of the petition upon *Juan Sanchez* by delivering to him personally a true copy of the original summons in Santa Barbara - Co.

at *San Buenaventura* in the Southern District of California or  
the *fifth* day of *November* A. D. 1855.

Sworn to and subscribed before me, *this 10<sup>th</sup>*  
*of Dec. 1855.* *J. Man.* (Clerk.)

*E. Hunter*  
U. S. Marshal.

*Per Get Copies Dept*

In the District Court of the United States, for the Southern District of California, Los Angeles County, State of California

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Juan Sanchez  
vs  
The United States. (Transcript No. 389)

To the Honorable Isaac S. H. Ogier, Judge of the District Court of the United States for the Southern District of California.

The petitioner of Pacificus Ord. (of Los Angeles County) Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States; and being present here in Court in his proper person, in the name and behalf of the United States, represents as follows.

That heretofore, to wit, on or about the 9<sup>th</sup> day of October A.D. 1852, Juan Sanchez, presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, claiming the tract of land called Santa Clara or El Monte in the County of Santa Barbara, in

the words and figures following. Viz.

" Juan Sanchez respectfully represents;

" that on the 6<sup>th</sup> of May 1837 Juan B

" Alvarado, then Governor of California,

" by virtue of the laws in force at the

" time, granted him a tract of land

" called Sta Clara or El Norte, within

" designated natural boundaries-which

" land lies within the limits of the

" present County of Santa Barbara.

" That this grant was confirmed by

" the Departmental Junta on the 20<sup>th</sup> of

" May 1837. That, <sup>judicial</sup> ~~possessed~~ possession

" of the land was given him in due

" form on the 24<sup>th</sup> of July 1842. That

" he knows of no other claim to any part

" of this land.

" He files herewith the original grant

" & decree of Confirmation, marked Exhib-

" it A a copy of the act of <sup>judicial</sup> ~~possessed~~

" possession, marked Exhibit B with

" translations of each, severally marked

" Exhibit A & B & relies upon said papers

" and such further evidence as he may

" produce for the Confirmation of his

" title- for which he prays."

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Your petitioner further represents that  
thereafter, to wit, on the 24<sup>th</sup> day of  
January A.D. 1854, the said Commission  
is confirmed by final decree the  
said claim of the said Juan Sanchez  
in the words and figures following, to  
wit,

" In this case on hearing the proofs and  
" allegations, it is adjudged by the  
" Commission that the claim of the  
" petitioner is valid, & it is therefore  
" decreed that the same be confirmed.  
" The land of which confirmation is made  
" is situated in the County of Santa  
" Barbara, and is known by the name of  
" Santa Clara or El Monte being the same  
" which was held & occupied by the claimant  
" ant from the year 1837 up to the time  
" of filing his petition before this board,  
" and is bounded as follows. Beginning  
" on the bank of the Rio de Santa Clara  
" in the highway marked on the maps  
" filed with the expediente as the Camino  
" del Conejo and running eastward 100  
" Cords of 50 varas each to the point of the  
" Coma del Posito. Thence towards the  
" north 150 Cords of the same length,

" to the Loma del Arroyo Colorado;  
 " Thence towards the West 140 Cordils to the  
 " point of the Loma which is near the  
 " river - thence 153 Cordils to the beginning.  
 Reference for a more particular descrip-  
 " tion thereof to be had to the original  
 " Grant, & maps filed with the Expediente,  
 " & the record of ~~the~~ proceedings of  
 " the act of juridical possession filed  
 " in the Case.

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- " Alpheus Felch
- " Thompson Campbell
- " A Aug Thompson"

That thereafter, to wit, on the 20<sup>th</sup> day  
 of September A.D. 1854, a duly certified  
 transcript of the said decree and pro-  
 ceedings, and the papers and evidence  
 on which it was founded in said Cause,  
 was filed in the office of the <sup>clerk of the</sup> District  
 Court of the United States for the  
 Southern District of California and  
 marked N<sup>o</sup> 90 (Transcript N<sup>o</sup> 389); reference  
 to which it is prayed may be had  
 and made a part of this petition.  
 That on the 30<sup>th</sup> day of August A.D. 1854,  
 the Honorable Caleb Cushing Attorney

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Li

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General of the United States received a duly certified duplicate of said Transcript of said final decree and proceedings of said Commissioners in said Cause (N<sup>o</sup> 389) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 10<sup>th</sup> day of January A. D. 1855, the said Attorney General of the United States, filed or caused to be filed, on behalf of the United States, a notice with the said Clerk of said District Court for the Southern District of California, that the appeal in said Cause of Juan Sanchez vs, the United States, from the decision of said Commissioners to ascertain and settle the private land claims in the State of California, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States.

Your petitioner further represents that the land claimed as aforesaid is within the jurisdiction of this Honorable Court. And your petitioner further represents, and insists that the said decree of said Commissioners is erroneous, and ought to be reviewed, reversed and set

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aside, for many errors and imperfections of law and evidence, apparent in said Certified transcript of said Cause, now on appeal from said Commissioners to this Honorable Court. And your petitioner further represents that the said Claim is invalid, and the said decree erroneous, on the following grounds.

I. And the said Attorney denies all and singular each and every allegation in the said petition of said Claimant to said Commissioners of said date. And he further denies that any grant for said land was ever made as alleged in said petition. And he denies further that the said Claimant has shown any or sufficient evidence of the validity of the said Claim.

II. That the said alleged grant of Juan B. Alvarado was made in violation of the 4<sup>th</sup> article of the Colonization laws of Mexico, of the 18<sup>th</sup> of August A.D. 1824, in this; that the land granted, as alleged by Claimant, was and is within ten leagues of the sea Coast; and there is no evidence shown by Claimant, that the Supreme General Executive power of Mexico

previously approved of the Colonization of it.

7  
previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of the Sea Coast. And it is denied that such previous Consent of said Supreme General Executive power of Mexico, in such Case was ever had.

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III. That at the date of the said alleged grant the said land claimed as aforesaid was occupied by, and in the possession of the Missions of the Territory of Upper California; and it was held and occupied, particularly by the Mission of San Buenaventura; and could not therefore be colonized.

IV. That the said alleged grant has not the Conditions required by, and is not made in entire Conformity with the laws of Mexico of the 18<sup>th</sup> day of August A.D. 1824, and the regulations for the Colonization of the Territories of Mexico of the 21<sup>st</sup> of November A.D. 1828.

V. That the said alleged grant of land by Juan B. Alvarado, to said Claimant of said date, does not contain any sufficient description of the locality, extent, and boundaries of the land claimed, by which it can be identified and surveyed:

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PAGE 42

That the petition and maps therein referred<sup>to</sup>, as shown by the said Claimant, does not show with certainty the locality, extent and boundaries of the land alleged to have been granted. And the said alleged grant is vague, ~~and~~ indefinite, and void.

VI. That the said alleged grant is not executed upon the lawful stamped paper: and no reason appears in said alleged grant for its being executed upon common paper: And it is therefore void.

VII. That there is no evidence that the said alleged grant was ever approved by the Supreme Government of Mexico, and it is denied that it was ever approved by said Supreme Government.

VIII. That <sup>the</sup> said Claimant shows no definitively valid grant, or title, for said land. And it is denied that he ever had or has a definitively valid title or grant for said land.

IX. That the pretended copy of the <sup>judicial</sup> ~~judicial~~ act of possession and survey of said land by Joaquin Carrillo, dated 24<sup>th</sup> November 1842, alleged to have been granted as aforesaid, is not executed upon the lawful stamped paper: that it is not executed

stamped paper: that it is not executed

9  
and authenticated according to law. That  
that the said portented Copy of said  
alleged <sup>judicial</sup> ~~judicial~~ act, is not signed by  
the said Joaquin Carrillo, with the two  
assisting Witnesses as required by law.  
And it is invalid.

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X. That the said alleged <sup>judicial</sup> ~~judicial~~ act of  
possession and survey, by said Joaquin  
Carrillo, dated the 29<sup>th</sup> of July 1842, was  
not made according to the said alleged  
grant and the petition and map referred  
to therein; Nor <sup>according to the</sup> ~~under~~ ordinance, or law.  
And it is vague and indefinite.

XI. That there is no evidence that the  
said Joaquin Carrillo, had on the 29<sup>th</sup> of  
July 1842, lawful authority to survey and  
give the <sup>judicial</sup> ~~judicial~~ possession of the said  
land to said Claimant, and it is denied  
that said Carrillo, had, at said time law-  
ful authority to survey and give the  
<sup>judicial</sup> ~~judicial~~ possession of said land, to said  
Claimant, as alleged.

XII. That there is no sufficient evidence  
that the said Claimant performed the Con-  
ditions of the said alleged grant, and the  
requirements of the law. And it is denied  
that he performed the Conditions of the  
said alleged grant, and the requirements

of the law

XIII. That there is no sufficient evidence that the said Claimant built a house <sup>upon</sup> upon the said tract of land, and that it was inhabited within one year from the date of the said alleged grant; and that he cultivated the said land. And it is denied that he built a house upon the said land, and that it was inhabited within one year from the date of the said alleged grant; and that he cultivated the said land.

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And no sufficient proof having been made by said Claimant of the allegations of his said petition, or in support of his said Claim filed as aforesaid, no decree ought to have been made, or grounded thereon; but the said petition ought to have been dismissed, and said Claim rejected by said Commissioners, upon the grounds aforesaid. And the said Claimant having no valid right or title, derived from the Spanish, or Mexican Government, to the said land claimed by him as aforesaid, the lawful right, or title, in and to the said land, was acquired by, and it now belongs

to the said United States, by virtue of the  
Treaty of Peace, Friendship, Limits, and  
Settlement, with the Republic of  
Mexico, dated at the city of Guadalupe  
Hidalgo, February 2<sup>nd</sup> A. D. 1848.

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Wherefore the said Pacificus Ord, Attorney  
of the United States, for the Southern Dis-  
trict of California, for and in behalf of  
the United States, by reason of the premises,  
and in pursuance of the act of Congress  
entitled "An Act to ascertain and settle the  
" private land Claims in the State of Cali-  
" fornia" Approved March 3<sup>rd</sup> A. D. 1851, and  
the laws and Statutes in such Case made  
and provided, prays that the said Juan  
Sanchez, may be served with a copy of  
this petition; and that this Honorable  
Court will review the said decision, or  
final decree of Confirmation, of said  
Commissioners to ascertain and settle the  
private land Claims in the State of  
California, and decide on the validity of  
the said Claim of the said Juan Sanchez,  
for said land claimed and Confirmed  
as aforesaid; and that the same may  
be decreed invalid, And all such other  
orders, Judgments, or decrees, as may be  
just, with Costs, and general relief.

(over)

*F. O. M.*

*Attorney of the United States  
for the Southern District of Cal<sup>a</sup>*

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✓ No 90

U. S. District Court  
S. District of Cal<sup>a</sup>

Juan Sanchez

ad.

The U. States

Petition of U. States  
for Review.

Filed August 13<sup>th</sup> 1835

C. E. Farr  
clerk.

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P. Ord. Dist. atty.

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

Juan Sanchez, appellee,

vs.

No 90.

The United States, appellant

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Juan Sanchez, the appellee in the above entitled  
cause, by his attorney, Myron Norton, comes  
into Court, and for answer to the petition for  
review filed in this case by the United States,  
respectfully represents: That his title to the land  
called "Santa Clara or El Norte" as set forth  
and described in his petition to the Board of U.  
S. Land Commissioners, and in the documentary  
and other evidence filed in said cause, is a  
good and valid title. ~~Said~~<sup>The</sup> land claimed  
is situate in the County of Santa Barbara  
in the Southern District of California,

wherefore he prays this Hon Court to  
affirm the decision of the Board of Commis-  
sioners, and to decree his title to be valid, and  
for costs and general relief.

Myron Norton  
att'y for Appellee

Marshals Court

Severing Answer B3.

No 90.

U. S. District Court  
with District of California.

Juan Sanchez.  
appce.

— vs. —

The United States  
applt.

Answer of appellee.

Filed Dec. 17th 1855

J. E. Lane  
clerk.

90 SD

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Myron Norton,  
atty for appellee.

P. Ore

I have served this answer on ~~J. Thomas~~ Atty  
for ~~Juan Sanchez~~ <sup>W. State</sup>; by delivering to him a true  
Copy of the same at Los Angeles Dec 27th 1855

Edward Hunter

U S Marshals

per Mr L Goodman  
Deputy

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

Second Term A.D. 1856

Juan Sanchez  
Appellee

No. 90.

vs

The United States

"Santa Clara i el Norte"

Appellant

This cause coming on  
to be heard, on appeal from the final decision  
of the Board of United States Land Commis-  
sioners "to ascertain and settle the  
private land claims in the State of  
California," under an Act of Congress  
approved March 3<sup>d</sup> 1837, upon a Transcript  
of the proceedings, papers and evidence  
had and taken before the said Board.

And it appearing that the said  
Transcript and a notice of the intention  
of the Appellants to prosecute the said  
appeal have been duly filed with the clerk  
of this Court. And counsel for the respective  
parties having been heard.

It is Ordered,  
adjudged and decreed by the Court that  
the decision of the said Commissioners  
be and the same is hereby affirmed,  
and that the title of the said Appellee  
Juan Sanchez to the lands claimed in  
this case be decreed to be good and valid.

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The lands of which confirmation is hereby made are known by the name of "Santa Clara ó el Norte", and are the same now occupied by the said Juan Sanchez, and situated in the county of Santa Barbara, and were granted to the said Juan Sanchez on the sixth day of May A.D. 1837, by Juan B. Alvarado then Governor of California, and are bounded and described as follows to-wit: Beginning on the bank of the River Santa Clara, in the highway marked on the map filed with the Expediente in this case as the "camino del Conejo", and running eastward 180 cords of 50 varas each, to the point of the loma del Posito; thence towards the north, 150 cords of the same length, to the foot of the "loma del arroyo Colorado"; thence towards the west, 140 cords to the point of the loma which is near the river, thence 153 cords to the place of beginning. Reference for a more particular description being had to the original grant, and map filed with the Expediente, and the record of judicial possession on file in this case. Provided that if the lands hereby confirmed and above described, are of the extent of more than eleven square leagues, then confirmation

is hereby made of eleven square leagues

eleven square leagues, then confirmation

is hereby made of eleven square leagues  
and no more; and if the said described  
lands are of the extent of less than eleven  
square leagues, then confirmation is  
hereby made of such less quantity.

Wm S. Dix  
W. S. Dix Judge  
for the S. Div. of Cal.

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No 90.

U. S. Dist Court South  
District of California

Juan Sanchez  
Appellee  
vs

The United States  
Appellants

Decece

Filed Jan<sup>y</sup> 19<sup>th</sup> 1857  
C. Sims  
clerk

Recorded in page 148

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California Land Claims.  
Attorney General's Office  
26 January 1857.

Sir,  
In the case of the claim of  
Juan Sanchez, confirmed to the  
claimant by the Commissioner, case  
no. three hundred and eighty-nine,  
(389), appeal will not be prosecuted  
by the United States.

I am,

Respectfully,

Anthony

Francis Old Esq  
U. S. Attorney,  
Los Angeles.

No. 95.

Filed 4 March 1858  
D. Sims. Clerk.  
for W. W. Stetson,  
Deputy.

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*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page]*