CASE NO.
99

SOUTHERN DISTRICT

SAUCITO GRANT

JOHN WILSON, ET AL

CLAIMANT

LAND CASE 99 SD 67 pgs.

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 614

John Wilson et al CLAIMANT'S

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Sancito

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of John Wilson et al, *for the Place named* "Sausito,"

was presented, and ordered to be filed and docketed with No. 614, *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 March 2nd 1853.

In Case No. 614, John Wilson et al; for the place named "Sausito", the deposition of Jose Castro a witness in behalf of the claimants, taken before Commissioner Harry I. Thomson, with document marked H. J. T. No. 1, annexed thereto was filed!

(Vide page 5 of this Transcript)

San Francisco Oct. 5th 1853.

Case No. 614, was called, submitted on briefs and taken under advisement by the Board.

San Francisco Feb. 7th 1854

In the same Case Commissioner Thompson Campbell delivered the opinion of the Board confirming

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The Claim;

(Vide page 45 of this Transcript)

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

Petition of John Wilson et al

The petition of John Wilson Joseph H Swain and George W Hanes of Monterey County California respectfully represent.

That on the 22nd of May 1833 Jose Figueroa then Governor of upper California granted to Graciano Manjares a citizen of California a certain tract of land called "Sauceito" of of the extent of One league in length, by a half league in breadth, joining the places known as "Leandro" "Chamisal" "Los Galos" and the Hills, in the present County of Monterey;

That on the 17th of May 1834 the said grant was approved by the Excellent Territorial Deputation; and that on the 11th of September 1835 the said Graciano Manjares received judicial possession of the said Land granted and approved as aforesaid.

That on the 3rd of August 1841 the said Graciano Manjares conveyed to Augustin Escobar of Monterey all of the said tract of land called Sauceito granted as aforesaid. That on the 8th of September 1851 the said Augustin Escobar conveyed the said tract of Land called "Sauceito" to your petitioners. Your petitioners allege that the said tract of Land a Rancho of Sauceito was settled upon ~~improved~~ and occupied by the said Original Grantee, about the time it was granted by the said Gov. Jose Figueroa; and been ever since occupied by the said Original Grantee and those claiming under him. Your petitioners herewith present the Original grant of Gov. Figueroa to Graciano Manjares, with the approbation of the Most Excellent Departmental Assembly, and the Original Act of judicial possession, with translations; and also the conveyances from Graciano Manjares to Augustin

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Escobar and from Escobar to your petitioners as aforesaid
The premises considered your petitioners pray that the
said Grant of Gov. Figueroa to the said Buenaventura
Manzanes may be decreed valid, and that their
title to said tract of Land may be confirmed.
And general relief — as in duty bound &c

P. Ord
Atty for Petrs

Filed in Office Feby 23rd 1853
Geo. Fisher Sec'y

Deposition
Jose Castro

San Francisco Feb. 24th 1853

On this day before Wm. S. G. Thornton came Jose Castro - a Witness in behalf of the claimants John Wilson et al. petition No. 614 and was duly sworn his evidence being interpreted by the Secretary.

Questions by Claimant

Question 1st What is your name age and place of residence

Ans. My name is Jose Castro, my age is forty four, my residence is Monterey California

Ques. 2d Are you acquainted with the hand writing of Jose Figueroa, Augustin V. Zamorano, Francisco del Castillo Negrete, David Spence, Jose Maria Maldonado Eugenio Montenegro, Juan Antonio Munoz and of Simeon Castro, and if you, look upon the document now here shewn you and marked Exhibit No 1 filed herewith and say whether the signatures of those persons who are named above wherever they occur in and upon the said document are their genuine signatures.

Ans. I have examined the document marked Exhibit No 1 to this deposition, am well acquainted with the signatures of the persons above named, having often seen them write and say that their names where written on on said document, are their genuine signatures

Quest. Are you acquainted with the tract of Land claimed in this case called Sanchez and if so state what you know about its occupation & settlement

Ans. I am acquainted with this place, it was occupied by the grantee from the time of the grant for five or seven years and he had a dwelling house upon it where he resided with his family. It was stocked by him with cattle and a portion of it cultivated by him. It was

Occupied by Augustin Escabar some two or three years ago—

Jose Castro

U. S. Law Agent present
Sworn to and subscribed before
me this 24th of February 1853
Henry L Thornton Comr &c

Filed in Office March 2d 1853
Geo. Fisher Secy

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1844.

Espediente

Promovido por D. José María Abrego en Solicitud del Terreno nombrado

Punta de Pinos

Nº 402.

2. Sello Cuarto Dos Reales. Habilitado provisionalmte. por la Aduana Maritima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ocho cientos cuarenta y cinco

Michelorena

Pablo de la Guerra
Por ausa. del Administor
Guillo. Edwo. Hartwell

Excmo Sor.

Monterey Septe. 5 de 1842 Sor. Sor. del Sno. del despacho tomando otros si los cree necesarios. Michelta.

José Abrego. C. Mejicano y vecino de esta Capital ante V. E. hace presente q. siendo hoy dueña del Sorreno conocido con el nombre de Punta de Pinos por compra legal q. hisè à los dueños à virtud de la aprovacion de V. E, la que fue por la imposibilidad q. tenian para fomentarlo; y siendo el dicho terreno sumamente pequeña segun consta por los documentos q. acompaño no puede serme util sin cercarlo y para hacer este crecida gasto me veo en la necesidad de pedir se me dè libremente sin ninguna restriccion; atendiendo à q. ya se han dado algunos terrenos de la manera indicada y tambien à lo insignificante del mencionado terreno, no saliendo nadie; perjudicado con esto. Por lo que suplico à V. E se me conceda esta gracia si se encontrare justo, anotandose solamente en el titulo q. existe, y quedando la posecion

ya dada. Monterey Setiembre 1º de 1844
José Abrego

3. Como dispone el E. S. Gobernador se vase informar el S. Alcalde 1º de este lugar sobre el contenido de la presente instancia
Monterey Sbre 14 de 1844.
Manl. Jimeno.

Por Sto. del despacho.
Cumplido con lo prevenido en el Supr. Decreto qe. antecede digo à V. Sa. que en Sesion del dia 24 de Agosto pro. acordò el Ilse. Ayuntamiento de esta Capital quedasen reducidos los ejidos de esta poblacion à media legua por viento comenzando à medir desde el punto centrico de ella

4. Cullo acuerdo tube el honor de remitir a S. E. el Por Gobernador para que lo pasase à la Escma Junta Departamental pra su aprovacion. Mas como esta fue disuelta en esos dias han quedado demarcados dhos ejidos en los terminos ya espresados. Por lo qe. en Vista de lo espuesto V. Sa. se servirá disponer lo qe. encuentre de Justicia.
Monterey Sbre. 19 de 1844
Marcelino Escobar

5 Escmo Sr. Gobernador
Por el ultimo acuerdo del I. Ayuntamiento de este lugar sobre que se le demarquen sus corresptes. ejidos segun el informe que antecede, se ha dispuesto que se pidiere à la E. Asamblea Departamental para su aprovacion pra. que se señale pra. dicho objeto media legua por cada rumbo

tomando por centro esta poblacion. Haciendo merito de este acuerdo del Ayuntamt.o y considerando que varios estan en las circunstancias que el del Señor Abrego, de no haber se comprendido dentro de estos ejidos no encuentro alguno inconveniente p.a que V. E. a bien acceder à la pretencion del expresado D. Abrego. Si V. E asi lo encontrase por conveniente. Monterey Obre 1.o de 1844

Mand.o Simeno Rio del despacho

Monterey Setbre 20 de 1844. Como apruba el Ilustre Ayuntamento de este Gobierno

Michel Tr.a

6. El Ciudadano Manuel Michel Torena General de Brigada del Ejercito Mexicano Ayudante General del mismo Gobernador Comandte. Gral è Inspector del Departamento de Californias.

Por cuanto D. Josè Abrego ha adquirido legalmt.e el derecho conseccion y posecion que obtuvo Josè M.a Armenta del terreno conocido con el nombre de punta de Pinos que comprende la parte de Costa desde la punta de Antones hasta la de Apreces y vuelve por la linea recta D. O. N. B à la referida punta de Antones y habiendose practicado las diligencias correspondientes he venido en declarar y declaro en conformacion dueño de dho paraje al mencionado D. Josè Abrego sugetandose à las condiciones siguientes.

1.a No podrá venderlo, enagenarlo ni hipotecarlo. 2.a Podrà cercarlo sin perjudicar las travesias, caminos y servidumbres

lo disfrutará libre y esclusivamente des=
=tinandolo al uso ó cultivo que mas le a=
=comodo. 3ª El terreno de que se hace do=
=nacion es de la estencion que demuestra
el diseño respectivo y segun la posesion pu=
=blica que ya se tiene dado. 4ª Si con=
=travinieses á estas condiciones perderá
su derecho al terreno y será denunciable
por otro. En consecuencia mando que
sirviendole de titulo el presente se tome
razon de el en el libro respectivo y se entregue
al interesado para su resguardo y demas
fines. Dado en Monterey á Cuatro de Oc=
=tubre de mil ochocientos cuarenta y
Cuatro. Queda tomada razon de este Des=
=pacho en el libro á que corresponde á fojas
10.

Office of Surveyor General of
the United States for California.
I, John C. Hays, Surveyor General of
the United States for the State of Ca=
=lifornia, and as such, having in my Office
and in my charge and Custody a portion
of the Archives of the former Spanish and
Mexican Territory or Department of Upper
California, by Virtue of the power vested
in me by law, Do hereby certify, that the
Seven preceeding, and hereunto annexed
pages of tracing paper, numbered from one
to Seven inclusive, exhibit a true and
accurate copy of a certain document
now on file and forming a part of the
said Archives in this Office.

12.

99 SD
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In Testimony whereof I have hereunto signed my name officially and caused my seal of Office to be affixed at the City of San Francisco this Twenty Ninth day of September. A. D. 1853.

John C. Hays

U. S. Surveyor General for California

Filed in Office Septbr. 29th 1853

12.00

Geo: Fisher Secy.

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Monterrey 1835.

Concesion y Posesion del Rancho de S. Matias (a) Sausito al Ciudo Graciano Manzanares el dia 21 de Febro de 1835.

Sello Tercero Dos Reales. Habilitado pro=
=visionalmt. por la Aduana Maritima del
puerto de Monterey para los años de mil
ocho cientos cuarenta y mil ocho cientos
cuarenta y uno

Simeno Antonio Maria Osio

En el Puerto de Monterey à los
treinta dias del mes de Agosto
de mil ocho cientos cuarenta y
uno, ante mi Simeon Castro Jues
de Paz Constitucional de esta demar=
=cacion, y por ante los testigos de Asistn.
con quienes actuo por falta de Escribano
Publico, à mas de los instrumentales que
al fin se mencionaron pareció de presente
el Ciudadano Graciano Manjarres
vecino de esta Capital à quien doy fe co=
=nosco y dijo: que por Si y à nombre de sus
hijos, herederos y sucesores, y de quien
de ellos hubiere titulo, Voy y fuma en
cualquiera manera vende y da en Venta
publica y enagenacion perpetua por juro
de heredad y para siempre jamas, al de
su clase Agustin Escobar de esta vecin
=dad cuya persona tambien doy fe conozco
un Rancho titulada San Matias à Paso
=sito que le pertenece en posecion y pro=
=piedad por consecion que de el hizo el
Gobierno de este departamento, segun con
=sta del titulo original que presento y
corre agregado à esta escritura, colindante
con los parages nombrados Leñadero Cha=
=misal, los Gatos y Lomeria del Sur
con las fincas que existen en dicho terreno

el que declara no tenerlo vendida ni enge=
=nada, que está libre de todo gravamen
publico, perpetuo y temporal, especial es
=presso y general y como tal lo vende en pre
=cio y cuantia de doscientos pesos que
el comprador le tiene entregados y el otor
=gante há por recibidos en moneda à
su satisfaccion y sobre no parecer la en
=trega renuncia las leyes de ella, la de
su prueba y pago del recibo como en ella
se contiene; asi mismo declara que tiene
por justo precio y verdadero valor del men
=cionado Rancho, puercas y bienes, raices, qf.
en el se hallan la espresada cantidad
que mas no vale y si mas valer pudiere
del exceso en mucho ò poca suma, hace
à favor Dello Tercero Dos Reales. Habi
=tado provicionalmte. por la Aduana ma=
=rtima del Puerto de Monterey, en el De=
=partamento de las Californias, para
los años de mil ochocientos cuarenta y
mil ocho cientos cuarenta y uno.

Jimeno Antonio Maria Osio

del Comprador y sus herederos
gracia y donacion pura, perfecta
è irrevocable que en Dro, se llama
inter Vivos con insiniacion y demas for
=mesas legales; y al efecto des-de hoy en
adelante se desprende y aparta para siem
=pre del dominio, posesion titulo recurso
y otro cualquiera Dro; que le competa en
el enunciado Sitio; todos los que hasta
al comprador para que disponga de el
como de cosa propia; para lo que le confiere

poder irrevocable con libre, franca y general administracion obligandose el otorgante a que esta Venta le será cierta segura y efectiva al comprador à quien nadie le inquietarà ni moverá pleito alguno y en caso contrario saldràn à su defensa las leyes que en la materia pudiesen favorecer al vendedor hasta dejar en quieta y pacifica posecion al susodicho otorgante y de no conseguirlo le será devuelta la cantidad espresada con las mejores que tenga el Rancho y todas los costos menoscabos y perjuicios que se le siguieren. Y à la observancia de todo lo referido se obliga el otorgante con sus bienes presentes y futuros; sometiendose con ellos al fuero y jurisdiccion de los Sres Jueces que de sus causas deban conocer; para que à su cumplimiento lo compelan y apremien como por sentencia difinitiva pasada en autoridad de cosa juzgada; En cuyo testimonio asi lo otorgo poniendo una cruz por no saber firmar y haciendolo yo, con los de asistencia siendo los instrumentales D. Benito Dias, D. Lorenzo Serrano, y D. Joaquin Escamillo presentes y vecinos de que doy fè. Simeon Castro. // Graciano Manjarrez // De ruego Manuel Castro y Cruz // De ruego Gabriel de la Torre.

Es copia sacada fielmente de su Original lo cual certifico yo el Juez que subscribe. Y fha la misma.

Simeon Castro.

De as.ª — De a.ª

Manuel Castro — Gabriel de la Torre

Sello segundo — Doce Reales

Para los años — de mil ochocientos veinte y

seis y ochocientos — veinte y Siete.

José Figueroa General de Brigada de los Ejercitos nacionales mejicanos; comandante General Inspector, y Jefe superior Politico de la Alta California.

Por cuanto Graciano Manzanares ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de el Saucito colindante con los parages nombrados Leñadero Chamisal los Gatos y la Lomeria del Sur; practicadas previamente las diligencias y averiguaciones consiguientes segun lo dispuesto por leyes y Reglamentos: usando de las facultades que me son conferidas en decreto de diez y ocho del corriente à nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propriedad de el por las presentes letras; entendiendose dicha concesion con entera conformidad à lo dispuesto por las leyes y sin perjuicio del aprovechamiento comun del pueblo por lo respectivo à pastos, aguas, leña, madera &c. y sugeto à pagar el canon para los fondos, de propios por ser terreno perteneciente à los ejidos de Monterey à reserva de la aprovacion ò desaprovacion de la Excelentisima Diputacion Territorial y del Supremo Gobierno y bajo las.

condiciones siguientes. Primera Que se someterá à las que estableciere el Reglamento que se ha de formar para la distribicion de terrenos Baldios y que entretanto ni el agraciado ni sus herederos podrán dividir ni enagenar el que se les adjudica imponer censo, Vinculo fianza, hipoteca ni otro gravamen aunque sea por causa piadosa ni pasar à manos muertas. Segunda. Podrà cercarlo sin perjudicar las havecias, caminos, y servidumbres: lo disfrutarà libre y esclusivamente destinandolo al uso ò cultivo que mas le acomode; pero dentro de un año à lo mas fabricara casa y estarà havitada; Tercera Quando se le confirme la propriedad solicitarà del Juez respectivo que le dè posesion juridica en Virtud de este Despacho; por el cual se demarcarán los linderos en cuyos limites pondrà à mas de las moneras algunos arboles frutales ò silvestres de alguna utilidad. Quarta: El Terreno de que se hace donacion es de una legua de longitud por media legua de latitud que equivale à medio sitio designado mayor segun esplica el diseño que corre en el expediente; el Juez que diere la posesion lo harà medir conforme à Ordenanza, para señalar los linderos quedando el sobrante que resulte à la Nacion para los usos combenientes. Quinta Si contraviniese à estas condiciones perderà su derecho al terreno y serà denunciable por otro. En consecuencia mando que

surviendole de Título: el presente y teniendose por primè y valedero se tome razon en el Libro à que corresponde y se entregue al interesado para su resguardo y demas fi=neos. Dado en Monterey à Veinte y dos de Mayo de mil ochocientos treinta y tres.

José Figueroa

Agustin V. Zamorana Secro.

Queda tomada razon de este despacho en el libro de asientos de Títulos sobre adjudicaciones de terrenos à fojas dos Obra en el Archivo de la Secretaria de mi Cargo. Monterey Mayo veinte y dos de mil ochocientos treinta y tres.

Zamorana.

Sello Tercero Dos Reales: Habilitado provicionalmt. por la Administracion de la Aduana Maritima de Monterey para los años de mil ocho cientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa Rafael Gonzalez

Testimonio

Proposicion de la Comision } De aprueba la concecion èchа al Cno. Gracciano Manjarrez del paraje nombrado Sausito concedido en 22 de Mayo de 1833. de entera conformidad con lo prevenido en la ley de 18 de Agosto de 1824 y en el Artº. 5º del Reglamento de 21 de Noviembre de 1828. Monterey Mayo 19 de 1834. Carlos Antº. Carrillo. José L. Ortega. José Castro. José A. Estudillo. Monterey 17 de Mayo de 1834

Acuerdo de la Exma Diputacn. } En Sesion de este dia se à= provò pr. la Sexma Diputacn.

la proposicion del dictamen antecedente mandado se devuelva el expediente al Sor Gefè superior Politico p.a los fines consiguientes. Josè Figueroa # Juan B. Alvarado Secrio. Monterey Nbre 14 de 1835. En vista de la Decreto del A. G. Politico } aprovacion otorgada en el dia de hoy p.r la Excma Diputacion Territorial libese testimonio de ella i o este decreto à la parte del C.no Graciano Manzanarreo en conformacion à la concecion del Terreno conocido con el nombre de Sausalito cuya concecion la obtuvo en 22 de Mayo de 1833. El Sor D.n Josè Castro primer vocal de la Excma Diputacion Territorial y Gefè A. Politico de la Alta California asi lo mando decreto y firmo de qf. doy fe.
Josè Castro # Feranc.o del Castillo Negrete Secrio. Concuerda à la letra con su original qf. queda archivada en esta secretaria del Gobierno Politico qf. esta à mi cargo en el legago de espedientes sobre Terrenos aprovados p.r la Excma Diputacion señalado con el numero uno al qf. me remito y p.a su constancia. lo firmò en Monterey de la Alta California a tres de Septiembre de mil ocho cientos treinta i cinco Srio
Dros $4 $m Franc.o del Castillo Negrete
Sello Tercero Dos Reales. Habilitado provisionalmt.e por la Administracion de la Aduana Maritima de Monterey para los años de mil ocho cientos treinta y cuatro y mil ocho cientos treinta y cinco
Figueroa Rafael Gonzales

Sr. Alcalde 1.o constitucional.
Graciano Manjarrez, Ciudadano Mexicano dice: Que habiendo obtenido la concesion propria del Terreno conocido con el nombre del Saucito: ocurre à V. para q.e se sirva darle la posesion juridica conforme está prevenida en el articulo tercero del titulo de dicho Terreno que se le espedio en 22 de Mayo de 1833. que original dividamente acompaña; è igualmente la confirmacion respectiva para que todo obre los efectos deseados: Por tanto A. V. suplico se sirva ponerla en la posesion q.e solicita, en lo que recibirà merced y justicia. Juro V.c

Monterey Septiembre 9 de 1835.

Graciano Manjarres +

Monterey Setiembre 10 de 1839.
Derechos 19 p.s 4.o / Por presentado y admitido, procedase por mi el presente Alcalde à la medicion, señalamiento de linderos y posesion judicial q.e solicita el interesado en esta instancia, señalando para executarlo el dia veinte y uno del presente mes; para lo que se citaran con Boleta de comparendo à los Colindantes. Asi yo el Alcalde constitucional de primera nominacion lo decretè, mandè y firmè con los de a.s a seg.n dro:

Y

Dca.s Dav.d E. Spence Dca.s
Josè Maria Maldonado # Eugenio Montenegro

En la Pha se le notifico el auto q.e antecede al C. Graciano Manjarres y entendido dijo lo oyo y q.e se dá por citado y no firmo

por q.e dijo no sabia lo hice yo con los de a.da
M. D.ca Spence D.ca
José Maria Maldonado Sr.o # Eugenio Montenegro
Dello Tercero Dos Reales. Habilitado pro=
=vision alm.te por la Administracion de la
Aduana Maritima de Monterey de la
Alta California, para los años de mil o=
cho cientos treinta y cuatro y mil ochocien
=tos treinta y cinco
Castro. Angel Ramirez
En la misma fecha se libraron las Boletas
q.e se mandan en el anterior auto y p.a
R. const.a lo anotò y rubrico.
En el rancho de D. Matias (a) Suacito à
los veinta y un dias del mes de Setiembre
de mil ochocientos treinta y cinco en cum
=plimiento del auto de dies del presente
mes y presentes los colindantes de este
rancho citado p.a la medicion señalamiento
de linderos y posecion nombrè por medidores
à los Ciudadanos Avelino Robles y Co=
=merigildo Gonzales quienes previa la acep
=tacion y juramento; procederan al desem
=peño de su encargo. Asi yo el referido Al=
=calde lo determinè y firmè con los de a.da
no haciendolo los Colindantes por no saber
J. Doy fè D.ra D.a D.n C. Spence
José Maria Maldonado. Eugenio Montenegro a.sa.
En la misma fha. se les notifico à los colin=
=dantes el antecedente auto y enterados
dijeron lo oyen y lo firmaron con migo y los
de mi asistencia en la forma establecido.
M. segun derecho de q.e doy fè.
Spence

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De asª De. asª
Josè Mª Maldonado # Eugenio Montenegro.
En la misma fha; y en el espresado rancho se
les notificó à los ciudadanos Avelino Robles
y Comerigildo Gonzales el auto de su nom
y aceptaron -bramiento y dijeron qe. aceptaban dicho
encargo y juraron por Dios nuestro Señor
y la Señal de la Cruz de usarlo fiel y
legalmente à todo su leal saber y enten=
=der sin fraude contra persona alguna y
no firmaron por no saver lo hisè yo y lo firmo
M asª Lo testado (no ve) Spencer
Josè Maria Maldonado. asª Eugenio Montenegro
Incontinente, yo el referido Alcalde, mandè
traer (Dello tercero Dos Reales) Habilitado
provicionalmte. por la Aduana de monterey
de la Alta California, para los años de
mil ochocientos treinta y cuatro y mil ocho
cientos treinta y cinco.
Castro Angel Ramirez
à mi presencia el Cordel con qe. se han
de medir las tierras, y qe. los medidores
lo midan de cincuenta varas y lo firmò
M. con los de asª Spencer Deasa
Josè Maria Maldonado # Eugenio Montenegro
Inmediatamente en presencia de mi el
repetido juez, los espresados medidores to=
=maron un cordel de Mecate y con una vara
de medir actual mejicana midieron cin
cuenta vs. para hacer la medida y para
R. constar lo rubrique. En el mismo parage
dia, mes y año siendo las once del dia
yo el presente Alcalde 1º constitucional
mande à los medidores nombrados de

despongan para la medida de tierras q.e
se le han de hacer al Ciudadano Graciano
Manjarres y puestos en el leñadero se hizo
la referida medida en la forma siguiente
Desde el punto à los gatos p.a el rumbo del
Este, cuatro mil quinientas varas de
largo y de este punto para el Sur, tres mil
varas de anchos. De la casa, habitacion
del interesado para el Norte, un mil dos-
-cientos cincuenta v. y para el Sur, un mil
setecientos cincuenta V.s de ancho, en cu
-yas mediciones, mandè se formaran las
mohoneras convencionales q.e señalen
los linderos que le pertenecen. El terreno
medido corresponde à medio sitio de gana
-do mayor y lo formaron los Colindantes
y testigos de assist.a no haciendolo el
interesado p.r no saver. Dav.d E. Spence
J Jos.è M.a Maldonado ff. Eugenio Montenegro
En el Rancho del S. Matias (a) Sausito
à los once dias del mes de Setiembre de mil
ochocientos treinta y cinco, yo el Alcalde 1.o
constitucional de Monterey Ciud.d David
E. Spence despues de practicados las me
-didas del mencionado Rancho por las q.e
resultò tener medio sitio de Ganado mayor
y presentes los colindantes D. Juan Anto
-nio Muños y D. Esteban Munras, siendo
conformes con los demas q.e consta de autos
(Sello tercero Dos Reales) Habilitado pro=
-vicionalmente por la Administracion
de la Aduana Maritima de Monterey
de la Alta California, para los años de
mil ochocientos treinta y cinco y mil ocho

cientos treinta y cinco
Castro. Angel Ramirez
mandò q.e entrase ~~en posesion~~ el C. Gracia=
=no Manjarres en pacifica posesion del
nominado Rancho bajo las medidas ci=
=tados y formalidades acostumbrados
en estos casos; lo que verifico de luego a
luego arrancando Yerbas, y haciendo de=
=mostraciones como dueño del terreno
q.e se le ha dado posesion, cuya validacion
lo autorisó y firmó en el nominado rancho
y en el dia citado con los colindantes y
testigos de asistencia no haciendolo el
interesado p.r no saver.
Juan Antonio Muñoz
Dav.d C. Spence. Esteban Munras.
Josè M.a Maldonado # Eugenio Montenegro
Monterey Set.e 12 de 1839
Tomese razon en el libro de posesiones y de=
=vuelvase este Espediente original al inte
=resado para que le sirva de titulo. Asi yo
el Alcalde de primera nominacion de esta
Capital lo decretè mande y firmè con
los de as.a Dav.d C. Spence.
Josè Ma Maldonado # Eugenio Montenegro
En la misma fecha se tomó razon de esto
titulo en la f.a 44.a del libro respectivo, y se de
=volvio el espedt.e original al C. Graciano
Manjarres en 1/2 utiles en cumplim.to
del auto que antecede y para const.a lo anoto
y rubrico.
Received for Record 21st April 1851 at 10
O.clock. Recorded in deeds of Grants Page
44. Wm. S. John Doul. Recorder of
Monterey County

26

Sello Tercero Dos Reales.
Habilitado provicionalmt. por la admin-istracion de la Aduana Maritima de Monterey para los años de mil ocho cientos treinta y cuatro y mil ocho cientos treinta y cinco.

Castro

Angel Ramirez

Sealed in Office March 2nd

Geo: Fisher Derry

$6.50

27

D

Espediente

Second Seal — Stamp — twelve reals.
For the years One thousand Eight hundred
and twenty six and Eight hundred & twenty seven

(Stamp)

99 SD
PAGE 28

Jose Figueroa General of Brigade of the National Mexican Army, Commandant General, Inspector and Superior Political Chief of Upper California

(Stamp)

In as much as Graciano Manjares has solicited for his personal benefit and that of his family the Land known by the name of the "Sauceito" joining the places known as "Leandro" "Chamisal" "Los Gatos" and the Hills to the Southward: The preliminaries and investigations required by laws and regulations having been previously gone through; by virtue of the power conferred on me by decree of the Eighteenth of the present month - in the name of the Mexican Nation, I have concluded to grant him the said land declaring it to be his property by these presents this grant being understood to be made in entire conformity with the provisions of the laws and without prejudice to the common right of the town in regard to pasture, water, fire wood, lumber &c. and subject to the payment of a tax for the land fund, it being land belonging to the Outsides (or common) lands of Monterey reserving the approval or dissent of the Most Excellent Territorial Deputation and the Supreme Government and under the following conditions

First - That he shall submit to such conditions as may be established by regulations which will be made for the distribution of vacant lands and that meanwhile neither the Grantee nor his heirs can divide nor alienate that which is granted - impose rent, encumbrance bond mortgage nor other obligation even though it

for a charitable purpose, nor transfer it in mortmain
second. He can enclose it without prejudicing the
highroads, ways and crossroads, he shall enjoy it
freely and exclusively destining it to the use or culti
vation which best suits him, but within one year
at furthest he shall build a house and it shall
be inhabited
Third. When the title of Ownership shall be confirmed
he shall solicit of the proper Justice that he may be
given the public possession in virtue of this docu
ment, and by which they shall mark the boundaries
within which boundaries he shall place besides
the land marks some fruit trees or other trees of
some utility
Fourth. The land of which donation is given made
is one league in length by half a league in width
which is equivalent to half a (Sitios de ganado mayor)
league of land, as is explained by the map which
accompanies the preliminary proceedings (Espediente)
The Justice who may give the possession shall have
it measured in conformity to law, in order to fix the
boundaries, the surplus which results belonging to
the Nation for such uses as it may seem proper
Fifth. If he should violate these conditions he shall
lose his right to the land and it shall be denounceable
by others.
In consequence I order that these presents serving as
a title and holding these as binding and valid, be
recorded in the corresponding book and delivered
to the party interested for his security and otherwise
Given in Monterey on the twenty second day of May
One thousand eight hundred and thirty three
Signed Jose Figueroa
Augustin V Zamorano Secy

This despatch is recorded in the Book of Records of Titles of Grants of Lands on page two, which belongs to the Archives of the Office of Secretary in my charge Monterey. May twenty second of One thousand Eight hundred and thirty three-

(Signed) Zamorano

Third Seal Two Reals
Supplied provisionally by the Administration of the Maritime Custom House of Monterey for the years One thousand Eight hundred and thirty four and one thousand Eight hundred and thirty five.
Figueroa Rafael Gonzalez

Report of the Committee

Testimony
The grant made to the Citizen Graciano Manjares of the place named Saucito granted on 22d May 1833 in entire conformity with the provisions of the law dated of 18 August 1824 and in the 5th Articlo of the Regulations of the 21st Nov 1828 is approved
Monterey - May 10th 1834 - Carlos Antonio Carrillo
Jose J Ortega - Jose Castro - Jose A Estudillo.
Monterey 17th May 1834

Resolution of the Most Excellent Deputation

In Session of this day, the Most Excellent Deputation approved the report of the foregoing opinion, ordering that the preliminary proceedings proceeding (Espediente) be returned to the Superior Civil Office (Gefe) for the proper ends - Jose Figueroa
Juan B Alvarado Secy

Decree of the Sup: Political Chief

Monterey Sept 14th 1835
On sight of the approval made this day by the Most Excellent Deputation of the Territory, upon testimony thereof and of this decree, On behalf of the Citizen Graciano Manjares in confirmation of the grant of the Land known by the name of the Saucito

which grant he obtained on the 22d of May 1833
Jose Castro - President of the Most Excellent Terito
rial Deputation and Superior Political Chief of
Upper California - Thus I order decree and sign of
which I bear testimony - Jose Castro - Franco del
Castillo Negrete Secy

This agrees litterally with the Original which rema
ins recorded in the Secretary's Office of the Civil
Government, which is under my charge in the bun
dle of preliminary proceedings (Expedientes) on
(titles to) lands, by the Most Excellent Deputation
marked with the number One, that which was trans
mitted me, and in Witness thereof I sign it in
Monterey, of Upper California on the thirteenth
of September One thousand Eight hundred and
thirty five

Signed Fco Castillo Negrete
Secretary

Third Seal Two Reals

Supplied provisionally by the Administration of the
Maritime Custom House of Monterey for the years
1834 and 1835

Figueroa Rafael Gonzales

To the 1st Constitutional Alcalde

Sir -

Graciano Manjares a citizen of Mexico says that having
obtained the proper grant of the land known by the name
of "Sancito" applies to you to be pleased to give him the
juridical possession, conformable to the provisions of the
third Article of the title to said land, which was
issued on the 22d of May 1833 which Original property
accompanies this - and also the proper approval, to
the effect that the desired ones may be obtained

81

He therefore prays that you may be pleased to grant him the possession he solicits by which he will receive favor and justice - He swears &c - Monterey September 9th 1835

(Signed) Graciano Manzanes

Fees 19 dolls 4 r

Monterey September 10th 1835

99 SD

PAGE 32

Presented and admitted - Proceed by the authority of me the present Alcalde to the measurement, fixing of boundaries and judicial possession which the interested party in this instance solicits, fixing the time for its execution the twenty first day of the present month for which time citations to appear shall be issued to the neighboring farmers - Thus I the Constitutional Alcalde of the nomenclatura decree order and sign with assistants according to Law

(Signed) David Spence

Asst. Asst.

Signed Jose Maria Maldonado (Sgd) Eugenio Montenegro

On that date notice of the foregoing act was given to the Citizen Graciano Manzanes, and understandingly he said that he heard it and considered himself cited and did not sign, say that he did not know how and I did so with the assistants (Signed) Spence

Asst. Asst.

(Sgd) Jose Maria Maldonado (Sgd) Eugenio Montenegro

On the same date were issued the citations that were ordered in the foregoing act and in witness I note and place rubric

In the Rancho of San Matias, Alias, Sancilos on the twenty first day of the month of September One thousand Eight hundred and thirty five in compliance with the act of the tenth of the present month and being present the neighboring farmers of this Rancho cited for the measuring fencing the boundaries and possession I named

for measures the citizens Abelucio Robles and Esmenigeldo Gonzales, who prior to their acceptation and Oath will proceed to the performance of their trust. Thus I the said Alcalde ordered and signed with the assistants the neighboring farmers not doing it, not knowing how to write I bear testimony (Signed) David Spence

Asst

(Signed) Jose Marco Maldonado (Sig.) Englucio Montenegro

On the same date the neighboring farmers were notified of the foregoing act and having understood it they said that they heard, and they signed with me and the Assistants in the form established by law of which I bear testimony

(Signed) Spence

1 Asistt Asistt

(Signed) Jose Marco Maldonado (Sig.) Englucio Montenegro

On the same date and in said Ranch the citizens Abelucio Robles and Esmenigeldo Gonzales were notified of the act of their appointment and said that they did accept and they accepted said trust, and swore by God Our Master and the sign of the cross to use it faithfully and legally to the best of their knowledge and understanding without fraud against any person, and they did not sign, not knowing how to write - I did so with the assistants (Signed) Spence

Assistt Assistt

Jose Marco Maldonado (Sig.) Englucio Montenegro

(Note by the translator - At the foot of the foregoing act, in the original, are the words "that part blotted or erased is invalid." Referring to the erasure of words in the original immediately I the said Alcalde ordered that the line with which the measurement of the land was to be taken

be brought into my presence, and that the measurers should
[illegible] and I signed with the

be brought into my presence, and that the measurers should there of measure fifty varas And I signed with the Apostolic- (Signed) Spence

Assistt

(Sgd) Jose Marco Maldonado (Sgd) Eugenio Montenegro

Immediately in the presence of me the said Justice, the said measurers took a hair line and with a usual measure can one vara measure measured fifty varas to make the measurement, And in testimony I place my rubric

In the same place day month and year I the 1st Constitutional Alcalde present, Ordered the appointed measurers to arrange themselves for the measurement of the lands which is about to be done for the Citizen Grace and Manuel and having placed them in the "Leandro" the said measurement was made in the following manner. From this point to "Los Golos" in the direction of the East, four thousand five hundred varas in length, And from this point to the South, three thousand varas in width- From the dwelling house of the party interested, to the North One thousand two hundred and fifty varas and to the South, One thousand seven hundred and fifty varas in width, at which measurements I ordered that the corresponding land marks be formed, which mark the boundaries which belong to him- The land measured corresponds to a half (Sitio de ganado Mayor) league of land and the neighboring farmers signed with me and the assisting witnesses, the interested party not joining, not knowing how to write- (Signed) David Spence

Assistt Assistt

(Sgd) Jose Marco Maldonado (Sgd) Eugenio Montenegro

In the Rancho of S. Marcos (alias) Sancelo on the Eleventh day of the Month of September, One thousand Eight hundred and thirty five- I the first Constitutional Alcalde of

Monterey, the citizen David E Spence after making the measurements of the said Rancho, by which it is found to contain a half league of land (medio sitio de ganado mayor) and the neighboring farmers Don Juan Antonio Munros and Don Esteban Munros, being present, and being conformable to what appears to have taken place. I adjudge that the citizen Graciano Manjares should enter in peaceable possession of the said Rancho under the foregoing measurements and the customary formalities in like cases which he verifies by immediately pulling up herbs and doing acts of as owner of the land of which possession had be given him the validity of which I authorize and sign in the said Rancho on the day aforesaid with the neighboring farmers and assisting witnesses, the interested party not doing so, not knowing how to write

(Signed) David E Spence
" Juan Antonio Munros
Esteban Munros

Assists
(Sgd) Jos. Marco Maldonado

Assists
(Sig.d) Eugenio Montenegro

Monterey Sept. 12th 1835

Make record in the book of possessions and return this original document (Espediente) to the interested party to serve him as a title. Thus I the Alcalde of first nomination of this Capital, order decree and sign with the assistants

(Signed) David E Spence

Assists
(Sgd) Jos Marco Maldonado

Assists
(Sig.d) Eugenio Montenegro

On the same date a note of record was taken of this title on page 4 of the respective book and the original document returned to the citizen Graciano Manjares in 7 pages written on. in compliance with the foregoing

act. and in witness I note the same and place my

act. and in witness I note the same and place my rubric

Received for record 21st April 1851 at 10 A.M.
Recorded in Deeds of Grants C page 44. W S Johnson
Recorder of Monterey County –

Third Seal Two Reals

Supplied provisionally by the Maritime Custom House of the Port of Monterey in the Department of the California for the years One thousand Eight hundred and forty and One thousand Eight hundred and forty One

Antonio Maria Osio

Seal of the Custom House

In the port of Monterey on the third day of the month of August of Eighteen hundred and forty one, before me Simeon Castro, Constitutional Justice of the peace of this district, and before the assisting witnesses with whom I act for want of a Notary Public as also the parties (instrumentales) of whom mention is hereinafter made, personally appeared the Citizen Graciano Manzanes inhabitant of this Capital whom I bear testimony, I know, and says that for himself and in the name of his children, heirs and successors and of such of them as has title, voice or interest in any manner whatever, sells and gives in public sale and perpetual transfer as right of property and for ever, to him of his order, Augustin Escobar of this vicinity, whose person I bear testimony, also I know, a Rancho entitled "San Matias" alias "Sausito" which belongs to him in possession and property by part which the Government of this Department of this made thereof to him as appears by the original title which he presented and which is annexed to this instrument opening, joining the places named "Leandro" "Chanequal" "Los Gatos" and hills to the South with the buildings which stand on said land the which he declares

he has not sold nor alienated, that it is free from all obligation, public, perpetual and temporary special, express and general, and as such he sells it in the price and amount of Two hundred dollars which the purchaser has delivered him and which the grantor acknowledges received in money to his satisfaction, and as the delivery (payment) does not appear to be now made, he renounces the laws thereof, that of its proof and payment, by receipt as is contained therein - he also declares that the said amount is the just price and true value of the said Ranch buildings and real estate thereto belonging, that it is not worth more, and if possibly it could be of more value to the purchaser and his heirs, be it much or little in amount, presents and makes just perfect and irrevocable donation, which by law is known as inter vivos, by judicial intebulation hereof (con insinuacion) and other legal process - And from this effect from to day hence forward he separates and removes himself, in rem, from the ownership, possession, title appeal and whatever other right he has in the said place, all of which he transfers to the purchaser in order that he may dispose thereof as his own, to which end, he confers irrevocable power, with free privilege and general administration, the grantor obliging himself that this sale shall be certain, sure and effective to the purchaser, whom none shall disturb, nor move any law suit; And if on the contrary, the laws which govern this matter in favor of the grantor shall defend him, until the quiet and peaceable possession of the grantee is left him. And if not allowed the same amount shall be returned, with the improvements which said Ranch may have. And all costs deteriorations and damages which may be received

and to the observance of all the foregoing, the grantor

and to the observance of all the foregoing, the grantor binds himself with his present and future property with the same, submitting himself to the power and jurisdiction of the Judges who ought to be cognizance of his affairs in order to their fulfilment they may compel and oblige him as by final sentence executed by authority of a suit adjudged.
In testimony whereof he thus executed this, placing a cross, not knowing how to write his name, which I do for him, with the assistance the parties (instrumentales) being D Benito Deay. D Florencio Serrano and D Joaquin Escamilla all present and of this vicinity of which I bear testimony
Simeon Castro – Gaccano Manzanes X
de Asista Manuel Castro – de Asista Gabriel de la Torre
This is a copy faithfully taken from its original, the which I the Justice who sign, certify – Date the same
Simeon Castro
Assistant – Manuel Castro. Assistant – Gabriel de la Torre

Filed in office July 23. 1853
Geo. Fisher Secy

38

16

Conveyance from This Indenture made and entered in the City of

C

Conveyance from Escobar to John Welsm et al

This Indenture made and entered into in the City of Monterey State of California, this eighth day of September A.D. 1851 by and between Augusten Escobar and Maria Antonia Brandon his wife, parties of the first part, and John Welsm Joseph H Swain and Geo. C Hanes parties of the second part all parties of Monterey City aforesaid Witnesseth- That that the said parties of the first fu and in Consideration of the sum of Two Hundred ($200-) to them in hand well and truly paid, the receipt whereof is hereby Acknowledged as also in Consideration of a certain deed of Conveyance this day made and Executed by said parties of the second part in favor of said parties of the first part wherein is Conveyed to them the said parties of the first part a certain House & Lot together with the improvements thereon standing, situate in Monterey City aforesaid, have this day granted bargained sold and Conveyed and by these presents do grant bargain sell and Convey unto the said parties of the second part their heirs and assigns all their right title interest and estate, claim and demand of in and to that certain piece or parcel of land lying and being situate in the County of Monterey State of aforesaid and known as the Rancho "San Malias" or "Sausito" and being derived to said Augusten Escobar from Macarro Manjares by deed bearing date 30th August 1841 and duly recorded in the Office of the County Recorder of Monterey County in Book of Conveyances A. page 239= Together with the hereditaments improvements and appurtenances thereunto belonging or in anywise appertaining- To have and to hold the above granted bargained premises, unto them the said parties of the second part their heirs and assigns forever In witness whereof we have hereunto set our hands and

and seals, the day and date first aforesaid

James T Gardner — Augustine his X mark Escobar (Seal)

P. R Underwood — Maria Anta Bonda (Seal)

State of California }
County of Monterey } ss

On this Eighth day of September A.D. 1851 before me County Recorder in and for the County aforesaid Came Augustine Escobar and Maria Antonia Bonda his wife to me severally known to be the same persons described in and who as grantors thereof executed the foregoing instrument in my presence and they severally acknowledged to me to have freely and voluntarily executed the same, for the uses and purposes therein mentioned and the said Maria Antonia Bonda upon a private examination separate and apart from her said husband and without his hearing acknowledged that she had Executed the within instrument (the contents thereof having been first made known to her) freely and voluntarily and without undue force or coercion of her said husband and that she did not wish to retract the Execution thereof

In Witness whereof I have hereunto set my hand and Official seal the day and date first aforesaid

P. R Underwood
Co Recorder
Monterey Co Cal

Seal

Filed in Office Feby 23d 1853
Geo. Fisher Secy

41

1844

Proceedings had at the request of Don Jose Maria Abrego in reference to the Land known as the Punta de Pinos

No. 402

Fourth Seal twenty five cents

Provisionally legalized by the Maritimo Custom house of the Port of Monterey in the departmente of the California for the years Eighteen hundred and Forty four and Eighteen hundred and Forty five

Pablo de la Guerra in the absence of the Administr. Guillermo Ed Hartwell

Monterey Sept 5. 1844
The Secretary will report on the within petition and on other facts if he thinks it necessary
Micheltorena

To his Excellency

Jose Abrego a citizen and resident of this Capital submits to you, that being on this day owner of the land known by the name of Punta de Pinos as per a legal sale made to him by the owners according to your opportune granted on account of the impossibility on the part of said owners to comply with the conditions of the grant, and said land being exceedingly small as appears by the accompanying documents, it can be of no use to me unless I fence it in and in order to go to that expense I find myself in the necessity to ask that a full grant without restriction be made to me of said land in as much as already on account of the insignificance of the land, and no one sustaining any injury from the grant - Wherefore I pray that you may grant me this favor of just, mentioning the same in the existing title and that the possession already given remain below

Monterey September 1st 1844 José Abrego

As ordered by his Excellency the Governor, the first alcalde of this place will report on the averments of the present petition

Monterey September 17th 1844

Manuel Jimeno

42

To the Secretary of State.

According to the provisions in the above Superior decree I report to you that at the sitting of the 24th day of August last, the honorable Assembly of the Capital ordained that the limits of this City be reduced to half a league, beginning from its centre, which Resolution I had the honor to transmit to his Excellency the Governor in order that he should lay it before the Departmental Assembly for it approval. But in as much as at that time said Assembly was not in Session, said limits remained settled as before stated. Wherefore you may act as justice may require. September 19. 1844

Marcelino Escobar

To his Excellency

According to the last resolve of the honorable the Asembly of this place in relation to the settlement of the limits of the City and as appears by the above report. It was ordered that the approval of the Departmental Asembly should be prayed for in order to make one half a league in the direction of the four points of the compass, starting from the centre of the City. Taking into resolution of the Ayuntamiento into consideration as well as the fact that several Ranchos are in the same situation as that of Senor Arrigo which is not be included within the limits. I see no difficulty for your Excellency to accede to the prayer of said J. Arrigo should you see no inconvenience. Monterey September 17th 1844

Manuel Jimeno

Ordered as advised by the Asembly and the Secretary of State of this Government. Micheltorena

The citizen Manuel Micheltorena General of Brigade

The Citizen Manuel Micheltorena General of Brigade of the Mexican Army Ayudante General of the Supmo Govno, General Commandante and inspector of the departmentos of the California

Whereas Don Jose Abrego has acquired legally the concession, possession and the rights which Jose Mcn Remondez obtained to and of the land known by the name of Punta de los Pinos which lates in that part of the shore from the point of the Aulones to that of the Japonesa returning by the right line from S W to N.E. to the aforesaid point of Aulones and having attained the necessary information - I hereby declare the said Don Jose Abrego the owner of the aforesaid land He conforming himself to the following Conditions

1st He shall not have the right to sell, alienate, or mortgage it.

2. He shall have the right to inclose it without prejudice to the roads crossroads and servitudes He will enjoy it freely and exclusively applying it to the use and cultivation which to him shall seem best

3. The land referred to herein is of the size indicated by the sketch and the surveyor's possession, already given

4. If he should not conform with the above conditions the land may be granted to others -

Wherefore I Order that this be used as his title and that entry be made in the proper books and it be delivered to the party for his protection and other ends

October 4th Eighteen hundred and forty four

Entry hereof has been made in this Office in the Books corresponding to folio 10 -

Filed in Office Sept. 29th 1833

Geo. Fisher Secy

44

45 * John Wilson, Josiah S. Swain } Rancho de el Sauzito

45 *

John Wilson, Josiah S. Swain and George W. Harris
vs
The United States

Rancho de el Sauzelo
Half of One Leagues

Opinion of Board by Commr Thompson Campbell

The petitioners in this case rely for a confirmation of their claim upon the following documentary and verbal proofs which they have adduced and placed on file -

First. An Original grant made by Governor Figueroa bearing date the 22nd day of May A.D. 1833 to one Gaceano Manjares -

Secondly - The record of approval made by the Departmental Assembly on the 17th day of May 1834 together with the testimonial of said approval issued by the Governor on the 13th of September A.D. 1835. Thirdly - The record of Judicial measurement made on the 10th of September A.D. 1835 -

Fourthly - A deed of Conveyance from the Original grantee to One Augustin Escoban bearing date the 3rd day of August A.D. 1841

Fifthly - A deed of Conveyance from the said Agustin Escoban to the petitioners bearing date the 8th of September A.D. 1847

All the foregoing documents are shown to be properly proved and authenticated and their genuineness is satisfactorily established

The petitioners have further shown by the deposition of Juan Castro that the place called "Sauzelo" had been occupied by the grantee from the date of his grant for from five to seven years, that he had a dwelling house upon it, in which he resided with his family, that it was stocked with cattle and that a portion of the land was cultivated - The Witness also states that afterwards the same place was occupied by Augustin Escoban the immediate

grantee of the petitioners. The proceedings in this case show more than a mere substantial compliance with the terms and conditions of the Law, they show a scrupulous exactness in the observance of its forms and requirements, worthy of all commendation. The proof too in regard to the settlement and cultivation is full and ample, and indeed the whole case is an illustration of the Law and of the policy which the Mexican Government had in view in providing rules and regulating for the colonization of the public domain.

The record of Judicial measurement clearly designates the land granted, and makes its identity certain. A decree of confirmation will be accordingly entered.

Filed in Office Feby 7. 1854
Geo. Fisher Secy

John Wilson. Joseph S. Lewis

47

John Welsm. Joseph St Swain
and George le Sarris
vs
The United States

Decree

In this case On hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners is valid and it is therefore decreed that the same be confirmed - The lands of which confirmation are made are known by the name of "Sancelo" and bounded and described as follows, to wit: Commencing at a point called Lencero and running thence East four thousand five hundred varas to a place called "Los Solos" thence running south three thousand varas in width, then beginning at the dwelling house formerly occupied by the Orignal grantee and running north to the place of beginning One thousand two hundred and fifty varas, from said house running south One thousand seven hundred and fifty varas thence East in a line parallel to the first line four thousand five hundred varas to the southern termination of the second line, making in all about one half league of land. Reference for further description to be had to the record of said measurement, which forms part of document marked D. and filed as evidence in the case and also to the Orignal grant

Alpheus Felch
Thompson Campbell
R Aug Thompson
Commissioners

Filed in office Feby 7. 1854
Geo. Fisher Secy

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 forty eight pages, numbered from 1 to 48 both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 614 on the Docket of the said Board, wherein

John Wilson et al are

the Claimant s against the United States, for the place known by the name of Saucito

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

Geo: Fisher.
Sec'y.

99

U. S. DISTRICT COURT,

Southern District of California.

No. 99 Docket

THE UNITED STATES, Applt.

vs.

John Wilson et. al.

for Sancito. in Monterey Co.

1/2 a League

99

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 614.

Recd 27 Sept. 1852

Filed, 28 do 1854

A. L. Taylor

Dp. Clk.

99

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

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.

John Wilson et al
appellees
vs.
The United States. Appellant.

Docket No. 99.

Transcript No. 614

TO THE HON. ISAAC S. K. OGIER, JUDGE:

The Petition of ~~Pacificus Ord~~ Cameron E. Thom, a resident of said City, County, and State, acting 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 the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 23d day of February A. D. 1853, John Wilson et al presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called Sancito in the County of Monterey State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 27th day of February A. D 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 28th day of September A. D. 1854, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 614; reference to which it is prayed may be had and made part of this petition. That on or about the 13th day of September A. D. 1854, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit: on the 27th day of February — A. D. 1855, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, 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 situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimants presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimants ~~has~~ have any valid right or title to said land claimed as aforesaid, or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimants having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said ~~Pacificus Ord,~~ Cameron E. Thorn, acting Attorney of the United States for the Southern District 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 California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimants or ~~his~~ their attorneys may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the ~~same,~~ said claim, and decree the alleged title to be invalid: with costs and general relief.

Cameron E. Thorn
Acting Attorney of the United States for the Southern District of California.

No. 99.

U S Dist Court
So Dist Cala

John Nelson
ads
The States

Petition

Filed Dec 24th 1854
Chas
Clk

Office of the Attorney General of the United States,

Washington, 17th January 1855.

John Wilson et al.
vs.
The United States. } 614

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 13th day of September 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.

No. 99

U. S. District Court
Southern District

The United States
vs.
John Wilson et al.

Notice of appeal from Atty Gen.

Filed Feby 27th, 1855.
C. E. Carr
Clk.

99.

Office of the Attorney General of the United States,

Washington, 17th January 1855.

John Wilson et al.
vs.
The United States.
} 614.

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 13th day of September 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.

No. 99.

U. S. Dist Court.
Southern Dist of Cal.

The United States,

— vs. —

John Wilson, et al.

Appeal Notice.

Filed March 8th 1855.
C. E. Carr
Clk.

John Wilson et al.
appellees
vs.
The United States

In the United States District Court for the Southern District of California
December Term
A.D. 1856.

Case no. 99. for the place called Sonsito.

The above entitled cause, wherein John Wilson, Josiah H. Swain, and Benj C. Harris, are claimants and appellees, coming on to be heard at a stated term of said Court, on appeal from the decision of the Board of Land Commissioners to ascertain and settle private land claims in California, under the act of Congress ~~to ascertain and settle the~~ approved the 3rd day of March A.D. 1851. upon the transcript of the proceedings and decision of said board, and the papers and evidence upon which said decision was made, all of which have been regularly filed in this Court—

It is ordered, adjudged & decreed by the Court, that the said decision of the said Commissioners, confirming unto the said appellees, the tract of land claimed in said case, known as "Sonsito," be and the same is hereby af-

firmed, and that the title of the said appellees, for said tract of land, is a good and valid title.

The land of which confirmation is hereby made, is one league in length by one half a league in breadth, and no more; is situate in Monterey County California, is known as the Rancho Sonito, and the boundaries of which and description of said land are as follows: Commencing at a point called Leonitas and running thence Easterly four thousand five hundred varas, to a place called "Los Galas"; thence running Southerly three thousand varas, in width, then beginning at the dwelling house formerly occupied by the original grantee, and running North ~~to the place of beginning~~ one thousand two hundred and fifty varas; from said house running South, one Thousand seven hundred and fifty varas, thence East, in a line parallel to the first line, four thousand five hundred varas to the Southern termination of the second line; reference for further description to be had to the original grant, and record of juridical measurement, copies of which are contained in the said transcript, & according to which said grant, and measurement,

Confirmation of the said land is hereby made.

Geo. W. P. Ogier
U. S. Dist. Judge
for the S. Dist. of Cal.

No 94

U S D Ct Clerk
Austin, Dist of Tex

John Wilson et al
ads
U States

Decree

Filed Dec 29th 1856
Sims

99 SD
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Recorded on Page 217

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

Wm. G. S. K. Ogier Judge

John Wilson et al
appellees.

vs.

The United States, appellant.

No. 99.

Docket No. 614.

The Answer of John Wilson and others appellees in the above cause —
to the petition of the United States for review — does — That the title under which they claim the tract of land called Sancito is valid. And they pray that the decision of the Board of Land Commissioners be affirmed — And their title decreed valid. And general relief.

D. S. Gregory
Atty for appellees.

No 99.

John Wilson et al
appellants
vs
The United States

Filed the 29th of Dec 1854
Clerk

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

Hon Isaac S K Ogier Judge

The United States
vs. appellant
John Wilson et als
appellees

Docket No. 99 "Rancho Sancita"

Transcript from the Board of Land Commissioners No. 614

The Attorney General of the United States having given notice that the appeal to the Supreme Court from the decision of this Court in the above entitled cause will not be prosecuted by the United States and a stipulation having been entered into by the United States District Attorney and the attorney of the claimant that the order granting an appeal to the Supreme Court heretofore made in this cause be vacated and that the decree of this Court heretofore rendered in this cause may by order of this Court be made final.

It is ordered adjudged and decreed that the order granting an appeal to the Supreme Court heretofore made in this cause be and the same is hereby vacated and that the claimant have leave to proceed under the decree of this Court heretofore rendered in this cause, as under a final Decree.

Isaac S K Ogier
U S Dis Judge

In the U.S. District Court Southern District California -

No. 99.

The United States
vs
~~James Meadows~~
John Wilson

~~Stipulation~~ and order concerning same -

Filed Feby 2nd 1858
Wm M. Smith
Clk

99 SD
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to be filed on the minutes

The United States
Appellant
vs.
John Wilson et al.
Appellees

United States District Court for the Southern District of California.

Docket no 99.
Rancho "Sanchito"

The Attorney General for the United States having given notice of intention not to prosecute the appeal in the above cause, & his letter of such notice being filed herewith—

It is therefore hereby stipulated and agreed by and between the parties hereto, P. Ord Esq — Atty acting for the U.S. and D. Gregory for said appellees, that the decree of the said Court heretofore rendered in said cause, be & the same is hereby made final; & that the said appeal be dismissed—

P. Ord Atty.
D. Gregory
Atty for Appellees.

#99
U. States Dist. Court
Southern District

United States
vs
John Wilson

Stipulation to make
decree final.

Filed Feby 2d 1858
C Sims
Clk

99 SD
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California Land Claims.
Attorney General's Office
2 Febry 1857.

Sir:

In the case of the claim of John Wilson et al, confirmed to the claimants by the Commissioners, case no. six hundred and fourteen, (614), appeal will not be prosecuted by the United States.

I am,
Respectfully,
C Cushing

Miciah Ord Esq
U.S. Attorney.
Los Angeles.

No. 99

John Wilson

Philadelphia 2d 1828
Grimes
CR