CASE NO.
105

SOUTHERN DISTRICT

LOMERIAS MUERTAS GRANT

JOSE SANCHEZ

CLAIMANT

LAND CASE 105 SD 50 pgs.

132

Southern District

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 132

José María Sanchez CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Domenias Muertas."

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

The Petition of José Maria Sanchez, *for the Place named* "Somerias Muertas," *was presented, and ordered to be filed and docketed with No.* 132, *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 1st 1853.

In Case No. 132, José Maria Sanchez for the place named "Somerias Muertas," the deposition of José Castro, a witness in behalf of the claimant, taken before Commissioner Hiland Hall, with document marked A. A. No. 1, annexed thereto was filed;

(Vide page 7 of this Transcript)

San Francisco, Aug. 8th 1853.

In the same Case the deposition of José de la Rosa, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, with document marked A. A. F. annexed thereto, was filed;

(Vide page 4 of this Transcript)

San Francisco Aug. 8th 1853.

In the same Case the following order was made to wit;

(Vide page 27 of this Transcript)

In the same Case the deposition of Samuel C. Stead, a witness in behalf of the Claimant, taken before Commissioner Alpheus Felch, was filed;

(Vide page 6 of this Transcript)

San Francisco, Oct. 11 1853.

Case No. 132 was submitted on briefs on both sides and taken under advisement by the Board.

San Francisco, March 14 1854.

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

(Vide page 28 of this Transcript.)

San Francisco Aug. 15th 1854.

In the same Case, on Motion of the United States Law Agent, the following Order was made to wit;

(Vide page 31 of this Transcript)

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Petition of Jose Ma Sanches

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To the Honorable the Board of Commissioners appointed to ascertain and settle the private Land Claims in the State of California.

The petition of Jose Maria Sanches states; that on the 16th day of August A.D. 1842 John B Alvarado Constitutional Governor of the Department of California in the exercise of power in his vested, and by virtue of laws then in force granted to Jose Antonio Castro in property a rancho a tract of Land called Lomerias Muertas situated in what is now known as the County of Monterey, State of California and bounded and described as set forth in title papers to said Land a copy of which part is herewith filed Marked Exhibit A A translation of said Copy is herewith filed Marked Exhibit B

That on the 8th day of September A.D. 1844 the said Jose Antonio Castro granted the aforesaid conveyed in due form all his title and estate in the tract of Land above set forth to Jose Maria Sanches the petitioner

The title above referred to points One and a half leagues of the pecuiar size (de gandado mayor) more fully explained by its respective plat, a copy of which said plat duly certified is herewith filed Marked Exhibit D

That this land has not been surveyed by the Surveyor General.

That there is no known interfering claim to the same

That the said Castro since obtaining the grant and and the said Sanches after the conveyance aforesaid have been in the continued and uninterrupted possession of said Land

That this petitioner relies for the support of the claim herein mentioned upon the papers now submitted the evidence relative to said claim existing in the Archives of the former Governments of this Territory said Archives now under the Charge of the Surveyor General and such other proof as may be pertinent to said claim

The petitioner prays that this Hon. Board will hear such evidence as may support this claim and decree a Confirmation of the same

And he will ever pray &c.

Thos. B. Gordon Atty

Filed in Office March 30th 1852

Geo. Fisher

Secy

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Deposition of
Jose de la Rosa

Office of the Board of Commissioners of California
Land claims in California

San Francisco August. 6th 1853

This day came before Alpheus Felch One of the Commissioners to ascertain and settle private Land claims in the State of California Jose de la Rosa a witness produced in behalf of the claimant Jose Maria Sanchez being case No. 132 On the Docket of the Commissioners and after being duly sworn deposed as follows

Question by Judge Thornton Attorney for Claimant
1. Question. What are your name, age and place of residence
Answer. My name is Jose de la Rosa, my age is sixty two years and my residence is Sonoma in Upper California
2d Question. Are you acquainted with the hand writing of Ambrose Gomez, Gregorio Castanares and Jose Antonio Castro? If your, look upon the paper which is now shown you marked Exhibit "A" with the initials A. F. and state whether the signatures of the above named persons to the said document are their genuine signatures, and what you know of its execution?

Answer. I have often seen each of them write and know their signatures. Their signatures to this paper are genuine I was present at the execution of the instrument and saw them sign it.

3rd Question. Is the paper above mentioned the document to transfer the title to the property described therein and is it executed in the usual mode of making sales at that time.
Answer. This is the paper which was delivered at the time of the sale, and it is executed in the form of law as used in this country at that time to transfer title

4th Question. Was it signed in duplicate
Answer. It was. And this is the One given out to the party
Jose de la Rosa
Mr Greenhow Assistant Law Agent was present at the taking of this deposition, but declined to put any questions to the Witness. The testimony was given in the Spanish language.

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Mr Greenhow by consent of parties acting as interpreter.

Sworn and subscribed before me
at San. Francisco this sixth day of
August A.D. 1853

Alpheus Felch
Commissioner

Filed in Office August 6th 1853
Geo. Fisher
Secy

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Jose Maria Sanchez } Land Claims Mentas
vs
The United States } No. 132

Deposition of Saml. C Hecox

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Office of the Board of Land Commissioners
San Francisco August 6th 1853

This day personally appeared before me the undersigned Alpheus Felch One of the Board of Commissioners to ascertain and settle private Land claims in the State of California, the Subscriber Samuel C Hecox who being duly sworn deposeth and saith that he was well acquainted with Jose Maria Sanchez who presented the claim in this behalf; that the said Sanchez departed this life intestate On the day of December last, leaving the following named persons his only heirs and children viz- Vicente Sanchez, Pedro Sanchez, Cabeno Sanchez, Gregorio Sanchez and Guadalupe Sanchez

Question by U. S Law Agent

How do you know that the above named persons are the only heirs of the late Jose Maria Sanchez the claimant - State what you know of the marriage and family of the said claimant

Answer. I know it by being intimately acquainted with the family, and living in the family during the last four years. The above named persons are all the children of said Jose Maria Sanchez - I knew Mrs Sanchez the Mother of these children. They lived together as husband and wife and were reputed to be married

Samuel C Hecox

Subscribed and sworn before me
this sixth day of August A. D. 1853

Alpheus Felch
Commr pro

Filed in Office Aug 8. 1853. Geo. Fisher Secy

San Francisco March 1. 1853

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Dep. of
Jose Castro
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San Francisco March 1. 1853

On this day before Wm. Leland Hall came Jose Castro a Witness in behalf of the claimant Jose Maria Sanchez petition No. 132 and was duly sworn his evidence being interpreted by the Secretary -
The U. S Upsala Law Agent was present.
In answer to inquiries by Counsel for the claimant the Witness testified as follows

My name is Jose Castro, my age is forty four years and I reside in Monterey.
I know the Rancho called Los Medanos Muertos.
It is situated in the County of Monterey about One League from San Juan Bautista. It was granted to Jose Antonio Castro about the years 1839 or 1840 As I think Within a few days after the Grant was made he built a house on the Land put cattle on it and cultivated it. He lived on it from that time, for two or three years. Jose Maria Sanchez succeeded him in the Occupancy and he is Occupying it now having continued on the Occupation of it from the time Castro left it
Said Castro jointly with two or three of his Sons Sold the Land to Sanchez. I had knowledge of the Making of the grant at the time it was made
I am acquainted with the hand writing and signatures of Juan B Alvarado and Manuel Jimeno
A paper is now shown me purporting to be a grant to Jose Antonio Castro dated 16 August 1842 and is hereto Attached Marked A. A. No. 1. The signatures of Juan Alvarado and Jimeno on said paper I believe to be genuine

Jose Castro

Sworn and Subscribed
Before me Leland Hall Com

Filed in office March 1. 1853
Geo. Fisher Secy

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1.

Expediente Promovido por el Ciudadano José Antonio Castro en Solicitud del terreno que se espresa

1842

291.

Sello Tercero Dos Reales. Habilitado provisional.mte. por la Aduana maritima del puerto de Monterey, en el departamento de las Californias, para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Jimeno Antonio Maria Osio.

Revalidado para los años de 1842 y 1843.

Por prefecto del 1er. Distrito.

Monty Agto: 8 de 1842. Informe el D. Juan si la denuncia y se hace de este sitio ni legal se tiene ni ha tenido el D. Covarrubias en el si ha fabricado casa en el y si habe las razones p. q. no lo habita ni locativa.

Estimado de mi numerosa familia; solicito de V. S el sitio de las Lomas muertas al E. del Arroyo de San Benito frente del Pueblo de San Juan de Castro cuyo sitio fue concedido al ciudadano José Mª Covarrubias hace tres años quien en dho tiempo no lo ha ocupado: En tal virtud y por lo que tengo espuesto me veo precisado á solicitar y denunciando como Baldio. P. V. S. Ruego se sirva dispensarme de

Estado. Monterey Agto. 8 de 1842. La denuncia hecha en esta solicitud p. Dn. Antº Castro es legal p. en convertirse valdio.

Dn. Antº Castro Cabo licenciado de la compañia de Monterey natural de la Villa de Sinaloa y vecino del Pueblo de San Juan de Castro de este Departamento ante V. S. con el debido respeto hace presente: Que habiendo hecho servicios en la Milicia por 14 años á la Nacion estar cargado de familia con diez y ocho hijos y teniendo en propiedad dos cientos (200) cabezas de ganado menor y cuarenta (40) de mayor. No teniendo un sitio propio para el cultivo y fomento de estos cortos bienes para la mantencion

a.b.s

el terreno que pretende Dn. José Ma. Covarrubias y no ha tenido nunca ni tiene en la actualidad en el referido sitio ni bien ningunos tampoco ha fabricado casa ni lo ocupa de ninguna manera ignoro los motivos q. tenga y p. eso no los expongo. Es cuanto tengo q. informar sobre el asunto y en cumplimiento de lo dispuesto p. esa Prefectura

Jeronimo Arias.

concederme dho terreno el que contendra poco mas de un sitio y medio de ganado mayor protestando no ser de malicia y lo necesario. Monterey Agto. 6 de 1842. Ant.o Castro.

Dello Tercero Dos Reales: Habilitado provicionalmte. por la Aduana Maritima del Puerto de Monterey, en el Departamento de las California para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Ximeno: Antonio Ma. Osio

Revalidado para los años de 1842 y 1843.

Alvarado Antonio Ma. Osio

Excmo. S. En Vista del informe q. antecede dado p. el Juez de Paz de S. Juan y de otros q. esta judicialmte. a adquirido la Prefectura de mi cargo el sitio que se solicita se halla Baldio y en total abandono p. la persona à quien se confirio; resultando de aqui q. su denuncia es legal y q. puede adjudicarse al interesado. Sin embargo V.E resolvera lo que estime conveniente. Protesto à V.E. los respetos de mi Consideracion. Monterey Agto. 9 de 1842. José R. Estrada.

5 Monterey 16. de Agosto de 1842. Vista la peticion con que da principio este expedte. los informes que preceden con lo demas que se tubo presente y ver convino declaro al Cno. José Ant.o Castro dueño del terreno que forma las Zomerias muertas del Este del Arroyo de Sn

Benito colindante con el Rio del Pajaro por la parte del Norte con el Rancho de Dn. Justo al Sur con el del Cno. Josè Mª Sanchez al Este y con el Arroyo mencionado de Dn. Benito Librese el correspondte. despacho tomese razon en el libro respectivo y diriyase este espediente à la Exma Junta. El Escmo S. Gobernador asi lo mandó decreto y firmo.

6.

Here follows

Map

Yo Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias. Por cuanto el Ciudadano Josè Ant.º Castro ha pretendido para su beneficio personal y el de su familia Las Lomerias muertas al Este del Arroyo de S.n Benito colindante con el Rio del Pajaro por la parte del Norte con el Rancho de S.n Justo, al Sur con el del C.no Josè Sanchez al Este y con el Arroyo mencionado de S.n Benito practicadas previam.te las diligencias y averiguaciones concernientes segun lo dispuesto p.r leyes y reglamentos de la Materia usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el p.r las presentes letras sugeto à la aprobacion de la Exma Junta Departamental y à las condiciones siguientes 1.ª Podrà cercarlo sin perjudicar las haciendas caminos y servidumbres, lo disfrutarà libre y esclusivam.te destinandolo al uso o cultivo que mas le acomode pero dentro de un año fabricarà casa y estarà habitada. 2.ª Solicitarà del Juez respectivo que le de posesion juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites pondrán à mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad. 3.ª El terreno de que se hace donacion es de un sitio y medio de ganado mayor poco mas ò menos segun esplica el diseño q.e corre en el esp.te respectivo. El juez que diere la posesion lo harà medir conforme à Ordenanza que dando el sobrante que resulte à la nacion para los usos que mas

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le convengan. 4.ª Si contravniere a estas condiciones perderá su derecho al terreno y será denunciable por otro. En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterey á diez y seis de agosto de mil ocho cientos cuarenta y dos.

9.

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

By Virtue of the Second Section of the Act of Congress providing for the Survey of the public Lands in California and for other purposes. approved March 3rd 1853. I. John C. Hays Surveyor General of the United States for the State of California, and as such having in my Office and in my Custody a portion of the Archives of the former Spanish & Mexican Territory or Department of Upper California do hereby certify that the nine preceeding and hereunto annexed pages of tracing paper numbered from one to nine inclusive exhibit a true and accurate copy of a certain document now on file and forming a part of the Land Archives in this Office

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 5th day of August. 1853.

Filed in Office Sept. 8th 1853. Geo. Fisher Secy. } John C. Hays Sur: Genl. Cal.

Record of Proceedings instituted by the Citizen Jose Maria Castro Soliciting the Land mentioned therein. (1843)
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Translation of Expediente

Seal Third Two Reals
Provisionally authorized by the Maritime Custom house of the Port of Monterey in the Department of the California for the years 1840 and 1841
Simeno Antonio Maria Osio
Made good for the years 1842 & 1843
(Signed) Alvarado (Signed) Antonio Maria Osio

Seal

Sir Prefect of the 1st District
I Jose Antonio Castro commissioned Captain of the Company of Monterey native of the Town of Senalora and resident of the Pueblo of San de Castro of this Department, with the due respect to your Sor. Sherwich, that having for seventeen years served the Nation in the Military; being burdened with a family of Eighteen Children and having as property two hundred head of Sheep and forty head of large cattle, not having a suitable place for the increase and protection of this costly property for the support of my numerous family I solicited of your Sor. the Sitio de las Lomas Muertas to the East of the "Arroyo" Creek of San Benito in front of the Pueblo of San Juan de Castro which (Sitio) place was granted to the Citizen Jose Ma Covarrubias three years ago, who in such time has not occupied it - Wherefore and for that which I have represented. I find myself compelled to solicit and denounce it as Vacant.
Therefore I humbly beseech your Sor. will design grant me such Lands which may contain little more than One and a half Square leagues. I solemnly swearing this not to be done in Malice and all that is necessary.
Monterey August 6th 1842. (Signed) Anto. Castro

Monterey August 8th 1842
Let the Judge of San Juan report whether the Denunciation which is made of this place is legal whether the Covarrubias has or has had property upon it, whether he has built a house upon it and

and whether he knows the reasons why he neither inhabits upon it nor cultivates it.

(Signed) Estrada

Monterey August 8th 1842

"The denunciation made on this petition by D Antonio Castro is legal on account of the Land which he solicits being found to be vacant. D Jose Ma Covarrubias never has had at any time nor has he at present on the regence to place any property whatsoever much lep has he built a house or occupied it in any manner whatsoever I do not know the reasons he has and therefore I do not Explain them. This is all I have to repor on the matter and in compliance with that which is ordered by this Prefecto

(Signed) "Franco. Arcas

Seal "Three Two Reales
Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the California for the years 1840 and 1841
Jimeno Antonio Maria Osio
Made good for the years 1842 & 1843
Alvarado Antonio Ma Osio

Seal

Most Excellent Sir

In consideration of the preceding repor made by the Justice of the Peace of S. Juan and of other informations which the Prefecture under my charge has obtained extra judicially, the place petitioned for is found to be vacant and entirely abandoned by the person to whom it was conceded resulting therefore that its denunciation is legal and that it can be granted to the interested party. Notwithstanding your Excellency will decree that which it deems convenient I repeat your Excellency of the respect of my consideration

Monterey August 9th 1842

(Signed) Jose R Estrada

Monterey 16th August 1842

In consideration of the petition with which begins this Espediente and the preceding informations with all that is presented and found convenient I declare the Citizen Jose Antonio Castro owner of the Lands formed by the "Lomas Muertas"

to the East of the creek of Sn Benito, bounded by the river del Pajaro on the North, by the rancho of Sn Justo on the South, by that of the Citizen Jose Ma Sanchez on the East and by the Montereno creek of Sn. Benito. Let then be expedited the corresponding decree, let a registry be taken in the respective book and let this record of proceedings (Expediente) be despatched to the Most Excellent Senior. "The Most Excellent Sr Governor thus has ordered decreed and signed Juan B Alvarado

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Constitutional Governor of the Department of the California —

Whereas the Citizen Jose Antonio Castro has solicited for his personal benefit and that of his family the Lomerias Muertas to the East of the creek of Sn. Benito bounded by the Rio del Pajaro on the North, by the Rancho of Sn. Justo on the South by that of the Citizen Jose Sanchez on the East and by the Montereno creek of Sn. Benito; the proper steps and investigations being previously complied with as required by the laws and regulations on the matter in virtue of the power in me vested, in the name of the Mexican Nation I have determined to concede to him the mentioned land declaring in him the ownership thereof by these presents subject to the approbation of the Most Excellent Junta Departmental and to the following conditions 1st He may enclose it without entirely with the crossings roads and avenues; he may enjoy it freely and exclusively, destining it to the use or culture that may best suit him, but within one year he shall build a house and it shall be inhabited 2d He shall solicit the respective Magistrate to give him juridical possession in virtue of this decree by which the Magistrate shall mark out the boundaries within which besides the land marks he shall place some fruit trees or forest trees of some utility 3d The land of which donation is made is of one and a half square leagues as shown by the (diseno) plat annexed to the respective (Expediente) record of proceedings — The Judge who shall give the possession shall cause it to be surveyed in conformity to Ordinance the (Sobrante) surplus that may result remaining to the Nation for its most convenient use

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4th If he contravene these conditions she shall lose his right to the Lands and it shall be denounceable by another

Therefore I order that this title being below as aforesaid and duly be registered in the respective book and it be delivered to the interested party for his security and further ends

Given in Monterey on the 16th August 1842

Filed in Office Sept. 8th 1853

Geo. Fisher
Secy

Sello primero Seis Pesos: Habilitado por la Aduana Maritima de Monterey para los años de 1842 y 1843.

Alvarado Antonio Mª Osio

Juan B. Alvarado Gobernador Constitucional del departamento de las Californias. Por cuanto Dn. Josè Antonio Castro, ha pretentido para su beneficio personal y el de su familia el sitio de las Domecias muertas, al Este del Arroyo de San Benito; colindante con el Rio del Pajaro por la parte del Norte en el Rancho de Dn. Josè Castro al Sur con el rancho del ciudadano Josè Maria Sanchez al Este, y con el Arroyo mencionado de San Benito: practicado previamente las diligencias y averiguaciones consernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas à nombre de la Nacion Mejicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sugetandose à la aprobacion de la Excma Junta Departamental y bajo las condiciones siguientes. 1ª Podrà cercarlo sin perjudicar las haveras, y servidumbres: lo disfrutarà libre y esclusivamte. destinandole al uso ò cultivo que mas le acomode pero dentro de un año fabricarà casa y estarà habitada. 2ª Solicitarà del Juez respectivo que le dè posesion juridica en virtud de este despacho por el cual se demarcaràn los linderos en cuyos limites pondrà à mas de las mojoneras algunos algunos arboles frutales ò silvestres de alguna utilidad. 3ª El terreno de que se hace mencion es de un sitio y medio de ganado

caminos

mayor segun esplica el diceño que corre en el Espdte. respectivo. El Juez que diere la posesion lo hará medir conforme à Ordenanza quedando el Sobrante que resulte à la Nacion para los usos convenientes. 4ª Si contravinere à estas condiciones perderà su derecho al terreno y serà denunciable por otro. En consecuencia mando que teniendose por firme y valedero se tome razon de el en el libro respectivo y se entregue al interesado p.ª su resguardo y demas fines. Dado en Monterey à diez y seis de Agosto de mil ocho cientos cuarenta y dos.

Juan B. Alvarado: Mnl. Jimeno Srio

Queda tomada razon de este despacho en el Libro de acuentos sobre adjudicaciones de terrenos Valdivis à foja. 15. Jimeno

El Excmo Señor Gobernador ha dispuesto se tome razon de esta concesion en la Prefectura del 1er. Distrito

Jimeno

Filed in Office March 1st 1853.

Geo: Fisher Secy.

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Sello primero — Seis pesos
Habilitado por la Aduana Maritima de
Monterey para los Años de 1842 y 1843
Alvarado Antonio Ma. Pico

Aduana Mar.ma
Del Monte

Juan B Alvarado Gobernador
Constitucional del Departamento
de las California —

Whereas Don Jose Antonio Castro has asked for his personal benefit and that of his family the tract de las Llomerias Muertas on the East of the Arroyo of San Benito bounded by the Río del Pajaro on the North by the Rancho of Don Jose Castro on the South by the Rancho of the Citizen Jose Maria Sanchez on the East, and by the Said Arroyo of San Benito, the proceedings and investigations required by the Laws and regulations, having been first made in the, in the Exercise of the powers conferred upon me, in the name of the Mexican Nation I have thought fit to grant him the said Land declaring it his property by these presents subject (Sujetandose) to the approval of the Most Excellent Departamental Junta and upon the following conditions

1. He can enclose it without interfering with the rights crossings and servitudes may enjoy it freely and Exclusively, employing it for such use or cultivation as he may think proper, but within One year he shall build a house upon it which shall be occupied

2d He shall apply to the proper Judge to put him in Judicial possession in virtue of this authority (Dispatch) The Judge shall determine the boundaries upon which the said Castro, besides placing monuments, shall plant some fruit trees or timber trees of some utility

3d The land referred to contains a league and a half of the greater size (de ganado Mayor) as laid down upon the plan which accompanies the proper papers (segun esplica es decir que corre con el expediente respectivo) The Judge who shall give the possession shall cause it to be measured, in conformity to law, the surplus which may be found remaining to the nation for its Own uses.

4. If he violate any of the conditions he shall lose his right to the land and it may be denounced by another

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Wherefore I order that this title, being regarded as firm and valid shall be recorded in the proper book and be delivered to the party interested for his protection and other uses

Given in Monterey the Sixteenth of August One thousand Eight hundred and forty two

Juan B Alvarado
Manuel Jimeno
Secy

The above is recorded in this Office in the Book of Entries relative to Adjudications of Vacant Lands in page 15.

Jimeno

Filed in the Office March 30th 1852

Geo. Fisher
Secy

Del Quinto Medio Real. Habilitado provi=
sionalmte. por la Aduana Maritima del puer
to de Monterey en el departamento de las Ca
lifornias, para los años de mil ocho cientos cua
renta y cuatro y mil ocho cientos cuarenta y
cinco.

Michel Torena Pablo de la Guerra
Por ausa. del Admor. Gullo. Edd. Hartwell

En el Puerto de Monterey del departamto
de las Californias à los ocho dias del
de setiembre del año de mil ocho cientos
cuarenta y cuatro: ante mi Gregorio Castañare
Regidor decano y Alcalde segundo en turno de es
ta Capital y ante los testigos de asistencia con
quienes actuo por falta de escribano y à falta de
escribano publico, ymas de los instrumentales
de qe. al fin se hará mencion parecio de presente
Don Josè Antº. Castro con sus dos hijos Bautista
y Mariano Castros cuyas personas doy fe co=
nozco y dijo el primero qe. por si y à nombre de
sus hijos herederos y suseceores y de quien de ellos
hubiere titulo voz y fama en qualquiera ma
nera vende y da en venta solemne y enagena
cion perpetua por juro de heredad para siempre
jamas à Dn. Josè Maria Sanchez que tambien
doy fè conozco un sitio de Zomerias muertas al
Este del Arroyo de San Benito colindante
con el Rio del Pajaro por la parte del Norte
con el Rancho De Dn. Josè Castro al Sur con
el Rancho del Ciudn. Josè Maria Sanchez
al Este con el Arroyo mencionado de San
Benito y segun el documto. que presento de
consecion de dho terreno que doy fè haber
visto y se agrega à esta Escritura siendola
venta la cantidad de mil ciento y veinte
cinco pesos de qe. da por recibidos à su sa=

tisfaccion declarando no tener vendido enagenado ni empeñado dho Rancho y q.e está libre de todo gravamen publico, perpetuo, temporal especial tacito ò espreso y como libre de tal se lo vende en el precio dicho; y sobre no parecer de presente la entega renuncia las leyes de ella, las de su prueba y pago del recibo como en ellas se contiene y asi mismo declara q.e el justo precio y verdadero valor del terreno son los referidos Dellos Quinto medio Real: Habilitado provision al M.te por la Aduana maritima del puerto de Monterey, en el departamento de las Californias para los años de mil ocho cientos cuarenta y cuatro y mil ocho cientos cuarenta y cinco

Michel Serna Pablo de la Lucra

Dos mil ciento veinte y cinco pesos q.e no vale mas y si mas valer pudiera del exceso en mucho ò poca suma hare à favor del comprador de sus herederos y sucesores gracia y donacion pura perpetua è irrevocable que en derecho se llama inter Vivos con insinuacion y demas formas legales y en consequencia desde hoy en adelante para siempre se desapodera, deciste quita y aparta, del dominio ò propiedad posecion, titulo voz, recurso, ocurso y cualesquiera otro derecho q.e le competa en el mencionado terreno y lo cede y traspasa en el comprador para que lo posea goze cambie, enagene use y disponga de el à su eleccion como de cosa suya adquirida con legitimo y justo titulo à cuyo efecto le confiere poder irrevocable con libre, franca y general administracion y à la observancia de todo lo referido obliga el otorgante sus bienes

presentes y futuros y con ellos se somete al
fuero y jurisdiccion de los Sres Jueces que en
sus causas deban conocer para q.e à su compli
miento lo compelan y apremien como por sen
tencia difinitiva, consentida y pasada
en autoridad de cosa juzgada q.e por tal
la recibe renuncia las Leyes q.e en el caso
le fuboresean y la gral del Dro en forma
En cuyo testimonio asi lo otorgò y firmo con
migo y los de asistencia siendo los instrumentales
los Ciud.os Josè de la Rosa, Josè Ant.o Chaves
y Josè D. Adonoju presentes y vecinos de q.e
yo el referido Juez doy fee. Gregorio Castañares
Josè Ant.o Castro: de asist.a. Ambrosio Gomez
de Assà: Mariano Bonilla.
Es copia q.e certifico, sacada fielmente de
su Original en el dia de su otorgam.to siendo
testigos de verla copiar corregir y concertar
el Ciud.o Ambrosio Gomez doy fee.
Ambrosio Gomez # G. Castañares # J. Ant.o
Castro.

Filed in Office Aug: 6th 1853.

Geo: Fisher Secy.

Stamp required for receipt by the Maritime Custom House
of the Port of Monterey in the Pacific

5th Seal — Half Real

Temporarily provided by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the years 1844 and 1845

Mechetrano

Pablo de la Guerra
Por Ausencia del Admor
G. Wm Stanwell

Mot
Custom House
of
Monterey

In the Port of Monterey of the Department of the Californias 8th day of the Month of September of the year 1844 before me Gregorio Castañares Senn Regidor and 2d Alcalde within at this Capital and before the Witnesses whom I use for pothonolo real purposes, lacking a public Scribe, besides those appearing at the Conclusion personally appeared Jose Antonio Castro with his two Sons Benesto and Marciano Castro whom I personally know, the the first named said that for himself and in the name of his heirs and successors, and of him who from them might derive title claim and representation in any wise he sells and grants in Solemn Sale and Alienation perpetual "in perpetuo" for ever "perpetuo" to Jose Maria Sanchez whom I also personally know, a tract of Somerras Muertas (blank hills) to the East of the Arroyo (Creek) of San Benito adjoining the river Pajaro On the North with the Rancho of D Jose Castro, On the South the Rancho of the Citizen Jose Maria Sanchez On the East with the said Arroyo of San Benito and according to the deed of Concession of said Land presented by him which I affirm to have seen which is annexed to this instrument the sale being for the sum of $1125— which he confesses to have received to his satisfaction he declares that he has not sold nor pledged said Ranch and that it is free from all encumbrance either public or private temporary Specie but in express and as such and free he sells the same to the purchaser for said amount, and whereas there appears no delivery the titles on the subject and those prescribing proof thereof and the payment of the relative receipt, consequently he declares that the just price and true value of the land are the $1125— that it is worth no more and if it were the excess be it more or less he makes unto the purchaser his heirs and successors, gift and concession perpetual right of possession irrevocable which in

Law is termed Inter vivos with legal presumption (insanum) and other legal force, and therefore from this date he forever relinquishes, remises quits and delivers the control or fee, possession title claim recourse hereof any other right that connects him with said land and he puts and alienates the same to the buyer that he may possess enjoy exchange convey use and dispose of the same at his choice as his property acquired under just and legitimate title for which effect he confers irrevocable power with free unchained and general administration and for the observance of all what is set forth the quantos binds himself his present and future goods and with them he submits to the Statute and jurisdiction of the Judges proper to the pancella, that they compel him to fulfil the same, and decree as if in final judgement, consented and signed of a chose adjudicated and as such he admits it, he renounces the laws which in the premises shall favor him and any legality wholsome - In testimony whereof he thus executes and signed with myself and those attesting the instrumentales, being the citizens Jose de la Rosa, Antonio Chaves and Jose S Ocampo present and neighbors of which I the same Judge give faith - Negro Casamares, Jose Antonio Castro - Apostamts Ambrosio Gomez Marcian Bonello

A copy to which I certify, taken faithfully from the Original on the day of its Execution, being a a Wednesday of seeing it copied corrected & compared the citizen Ambrosio Gomez I give faith

G Castanares

Ambrosio Gomez J. Antonio Castro

Filed in Office Oct. 11 1833

Geo. Fisher

Secy

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105 SD
PAGE 28

Jose Maria Sanchez } Los Angeles No. 161
vs
The United States }

It appearing to the satisfaction of this Board that the Claimant Jose Maria Sanchez who presented this claim, has since died intestate and that Vicente Sanchez, Refugio Sanchez, Catalina Sanchez, Gregorio Sanchez are his heirs & law therefore upon Motion it is Ordered that the same case be and is hereby revived in the names of the said heirs

Filed in office August 8th 1853
Geo. Fisher
Secy

On motion of A. C. Peachy it was Ordered by the Board that the will of Juan de Malain as filed and proved in case No. 152 may be filed in case No. 151 & 154 and shall be considered as being in evidence in said cases and as proved to the same extent as it is proved in the case it was originally filed It is further Ordered that the Secretary shall file certified copies of said will in cases 151 & 154 together with certified copies of the depositions by which the same is proved in the case in which the said depositions were taken

Filed in Office Feb 14. 1854
Geo. Fisher Secy.

Cuneiform Tablets, Sequeira Tablets

"Vicente Sanchez Refugio Sanchez
Leandro Sanchez Gregorio Sanchez
and Guadalupe Sanchez heirs of Jose Sanchez deceased
vs
The United States

Las Lomas Muertas One and a half League.

"The petition in this case was originally filed in the name of Jose Maria Sanchez but it having been made to appear to the satisfaction of this Commission that the said Jose Maria had since the filing of his said petition departed this life, and that the said petitioners are his children and heirs, to the hearing and submission of this case were substituted on the record in the place and stead of their deceased father: their heirship to the said deceased Jose Maria having been established by satisfactory proof

"The evidence upon which the petitioners rely for confirmation of their claim consists - first, of an original grant duly proved to be genuine, made by Governor Alvarado to One Jose Antonio Castro and which bears date the 16th of August 1842 - 2dly A deed of Conveyance from the said Jose Antonio Castro and his two Sons Bautista and Mariano Castro to the said Jose Maria Sanchez deceased for the said place called "Lomas Muertas" which deed is proved to have been executed in conformity with the laws then in force and bears date the 8th day of September A.D. 1844 -

"There is no proof that any approval was ever made by the Departmental Assembly and no proof that any judicial possession was ever given

It is proved by the deposition of Jose Castro, that Jose Antonio Castro, the original grantee within a few days after the ~~[illegible]~~ the grant built a house on the land that he put cattle on it, cultivated it and that he lived upon it until he sold it to Sanchez and that he succeeded him in the occupancy of the place

I think this proof shows a substantial compliance with the conditions of the law

"The Grant defines the boundaries of the land granted with more than usual accuracy and the thirteenth section of the grant defines the quantity granted to be One and a half Square leagues as laid down on the map - By reference to the map which is filed as evidence in the case, it will be found that the

boundaries as there delineated correspond with the calls in the grant and the scale of varas annexed to the Map when applied to the same shows that the limits as there laid down do not contain more than the quantity granted -

A decree of confirmation will therefore be entered

Filed in office March 14. 1854
Geo Fisher Secy

Domingo Sanchez Gregorio Sanchez

30

Vicente Sanchez Refugio Sanchez
Candelario Sanchez Gregorio Sanchez
and Guadalupe Sanchez heirs of
Jose Maria Sanchez deceased
vs
The United States

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 their application for a confirmation of the same is according partial. The lands of which confirmation are hereby made are known by the name of "Somerias Muertas" are bounded and described as follows to wit; On the North by the Rio del Payaro, On the South by the Rancho of Don Jose Castro, On the East by the Rancho of Jose Maria Sanchez and on the West by the Arroyo of San Benito containing in all One and a half Square Leagues - said Lands are hereby confirmed to the said petitioners and to the other legal heirs of the said Jose Maria Sanchez - Reference for further description to be had to the hereto copy of the map marked Exhibit D filed as evidence in the cause

Alpheus Felch
Thompson Campbell
R. Aug. Thompson
Commissioners

Filed in Office March 14th 1854
Geo. Fisher
Secy

land hereby adjudicated, is situated in the Southern District

And it appearing to the satisfaction of this Board, that the land hereby adjudicated, is situated in the Southern District of California it is hereby

Ordered, that two Transcripts of the Proceedings and of the decision in this case and of the papers and evidence upon which the same are founded, be made out, and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

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

I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing thirty one — pages, numbered from 1 to 31, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 132 on the Docket of the said Board, wherein José Maria Sanchez is Claimant against the United States, for the place known by the name of "Lomerias Muertas" —

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

Geo: Fisher.

105

U. S. DISTRICT COURT,

Southern District of California.

No. 105. Docket

THE UNITED STATES,

vs. 105.

José María Sanchez,

"Lomerias Muertas."

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 132.

Filed, November 8th, 1854,

J. E. Carr.
Clerk.

105

No. 132

Office of the Attorney General of the United States,

Washington, 17th January 1855.

José Maria Sanchez
vs.
The United States. } 132.

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 October 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.

S.C

No 105.

U. S. District Court
Southern District

The United States
vs.
José Ma. Sanchez

Notice of Appeal from Atty. Gen.

Filed Feby 27th 1855.
C. E. Carr
clk.

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

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

José Maria Sanchez. appe
ads
The United States. appt.

Docket No. 105.

Transcript No. 132.

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

The Petition of **Pacificus Ord**, *a resident of said City, County, and State, 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* 30th *day of* March *A. D.* 1852, José Maria Sanchez

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 ~~Lomas Mue~~ Lomerias Muertas situate 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 14th day of March A. D 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 8th _____ day of November 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. 132; reference to which it is prayed may be had and made part of this petition. That on or about the 30th day of October 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 or about 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 claimant, presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimant has 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 claimant, 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,** 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 claimant, or his attorney 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, and decree the alleged title to be invalid: with costs and general relief.

P. Ord

Attorney of the United States for the Southern District of California.

No 105.

U. S. Dist Court
South. Dist of Cal.

Jose Maria Lanalor
Appl'ee

vs.

The United States
Appl't.

Petition for Review.

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

P. Ord. Atty.

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

TO **The President of the United States,**

Jose Maria 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 8th day of November 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 P. Ord. U. S. Dist. Atty. for the South Dist. of California praying the Court to review the decision of the U. S. Land Commissioners of the date of March 14th 1854, confirming your claim to a tract of land of land called "Lomerias Muertas" situate in the County of Monterey, State of California, & which has been appealed to this Court by the Attorney General of the United States.

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.~~ or the Pltff 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 November in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. E. Carr
Clerk.

Marshals Cost
Copying Summons — 50
Serving do — 3.—
do Petition — 3.—
$ 6. 50

105

United States of America,

Southern District of California,

U. S. District Court.

Jose Maria Sanchez, Appellee

vs. } No 105

The United States, Appellee

SUMMONS.

Recd Novr 18th 1855.

105 SD
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I served this summons along with the proper copy of the petition upon Alonzo Thomas Attorney for Jose Maria Sanchez by delivering to him personaly a true Copy of the Orizenal Summons

at the City of Los Angeles in the Southern District of California on the 8th day of December A. D. 1855.

Sworn to and subscribed before me, this 8th of December 1855 C. E. Carr (Clerk.)
By Jamb. R. Dummer
Depty.

Edward Hunter
U. S. Marshal.
per M. S. Goodman
Depty.

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

Vicente Sanchez, Refugio Sanchez,
Catlina Sanchez, Gregorio Sanchez &
Guadeloupe Sanchez &

No 165

vs

The United States

The respondents for answer to the petition filed in this cause answer and say
It is true that the land mentioned in said petition and in said transcript of the proceedings before said Board of Commissioners lies in the Southern District of California and within the jurisdiction of this Court. But these respondents deny that the title to said land is invalid and aver that the same is valid and pray that the decision of the said Board be affirmed and their title be decreed to be valid

Los Angeles
Decr 31st 1855

A Thomas
atty for appellees

No 105

U S Dist Ct S Dist

The Heirs of J M Sanchez

vs

The United States

105 SD
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Answer

Filed Jany 7th 1856.
C. C. Pain
Clk

I admit service of the within answer a copy of which I have received

Jany 7th 1856 P. Ord
U.S. attorney

A Thomas
Atty for appellees

The Clerk will serve upon the appellees a certified copy of this answer by leaving them received upon the U S Atty

P. Ord
U S Attorney

A Thomas
Atty for appellees

California Land Claims.
Attorney General's Office
18 September 1856.

Sir:

In the case of the claim of José Maria Sanchez, confirmed to the claimant by the Commissioners, Case no. one hundred and thirty-two, (132), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am
Respectfully
Cushing

Pacificus Ord Esq.
U. S. Atty for the
Southern Dist. of California

105

Jose Maria Sanchez

132

Filed 24th February 1857
A Shiras Clk
J H Coleman
Dep

Recd. Oct. 21 1856

105 SD

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IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles,.....December Term, 1855.

Jose Maria Sanchez et al

105 SD

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APPELLEES, VS. UNITED STATES, APPELLANT.	No. 105. (No. 132 of Transcript.) On Appeal from the United States Land Commission.

On motion of P. ORD, Attorney of the United States for the Southern District of California, it is hereby

ORDERED by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the said United States in the above entitled cause, rendered on or about the 1st day of February A. D. 1856.

P. Ord
Dist Atty.

No 105

U S Dist Court
Southern Dist of California

Jose Ma Sanchez et al
Appellees
ad
The United States
Appellants

Notice of Appeal &c

Filed March 5th 1856
C. E. Carr Clerk
By O. Morgan Depty

Vicente Sanchez
Refugio Sanchez
Candelaria Sanchez
Guadalupe Sanchez
Gregorio Sanchez
heirs of Jose Maria Sanchez
(dec'd) Appellees,

v.

The United States

} United States District Court for the Southern District of California

December Term 1855.

No. 105. Claim for the Rancho "Los Merias Juncitas"—

The above entitled cause coming on to be heard at a stated term of said Court on appeal from the decision of the Land Commissioners to ascertain & settle private land claims in California under an act of Congress approved March 3rd 1851. upon the transcript of the proceedings and decision of said Commissioners, and the papers and evidence upon which said decision was based, all of which have been duly filed in this Court, & Counsel for the respective parties having been heard.

It is ordered, adjudged and decreed by the Court, that the said decision of the said Commissioners, confirming unto the said vicente, Refugio, Candelaria,

Guadalupe, Gregorio Sanchez; heirs of Jose Maria Sanchez as aforesaid, the land described in the work and grant, copies of which are contained in the said transcript be and the same is hereby affirmed and that their title for the said land is a good and valid title.

The land of which confirmation is hereby made is situate in Monterey County, California, is of the extent of one and one half square leagues and no more, is known as the Rancho "Lomerias Muertas", and is bounded on the North by the Pajaro River; on the South by the Rancho "San Justo"; on the East by the Rancho known at the date of said grant, as the Rancho of Jose Maria Sanchez, and on the West by the Arroyo "San Benito" - provided said quantity of one and one half square leagues be contained in the said boundaries, as described in the said work & grant; & if there be less than said quantity in said boundaries, then said less quantity is hereby confirmed - for further description reference to be had to said grant & work copies of which are contained as aforesaid in said transcript.

Isaac S. K. Ogier
U S Dist Judge
for the S Dist of Cal

No 105

Vicente Sanchez & others
heirs of Jose Maria Sanchez
(dec'd)
Appellees
vs
The United States
Appellant

Decree.

Filed this 23 January
1857 A Pirie Clk
J H Hughman
Dep

Recorded in page 155

D. T. Gregory.