

CASE NO. 94
SOUTHERN DISTRICT

94

SOUTHERN DISTRICT

A LOT OF GROUND AT SAN GABRIEL GRANT

FRANCISCO SALE

CLAIMANT

LAND CASE 94 SD

41 pgs.

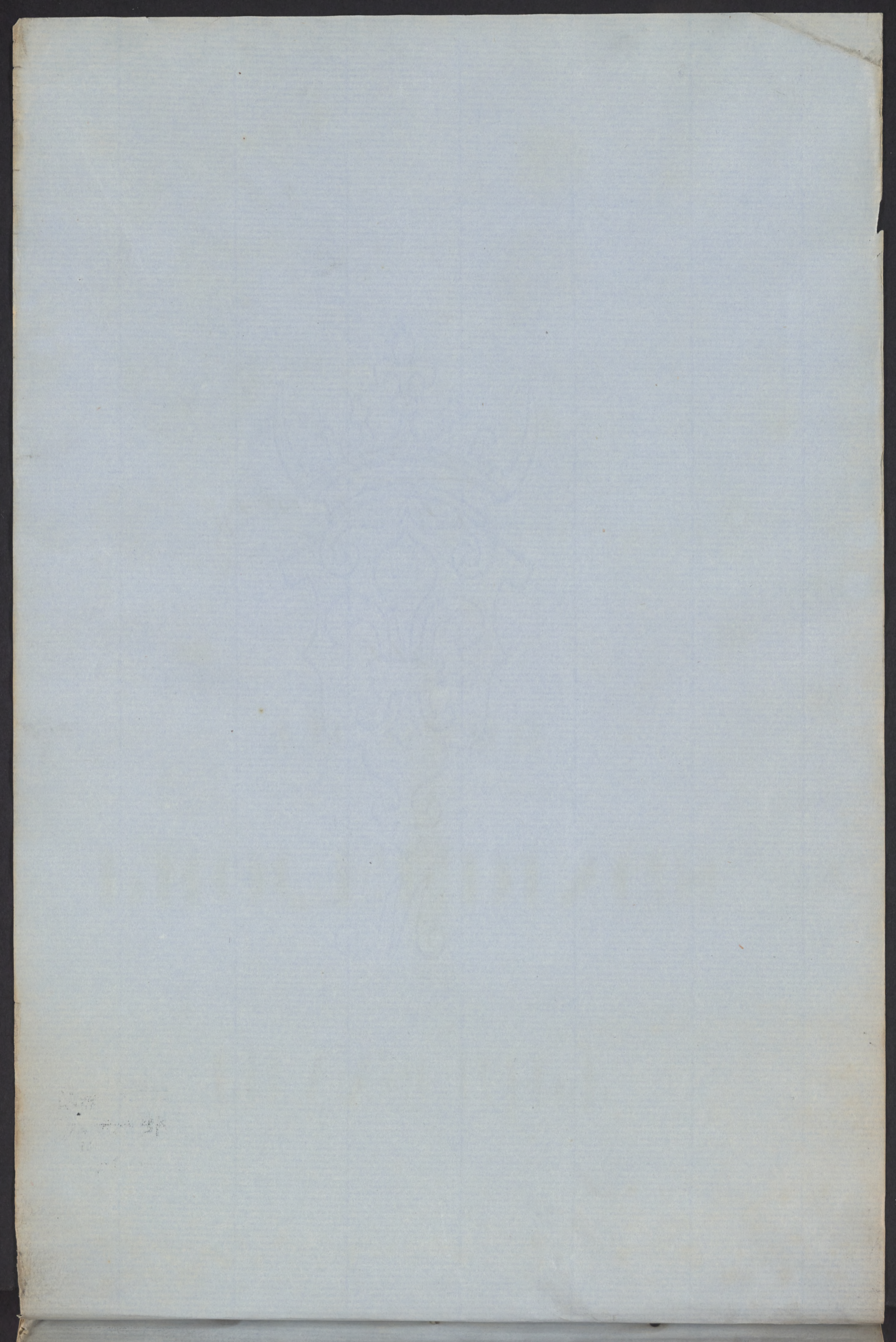
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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 448

Francisco Salas

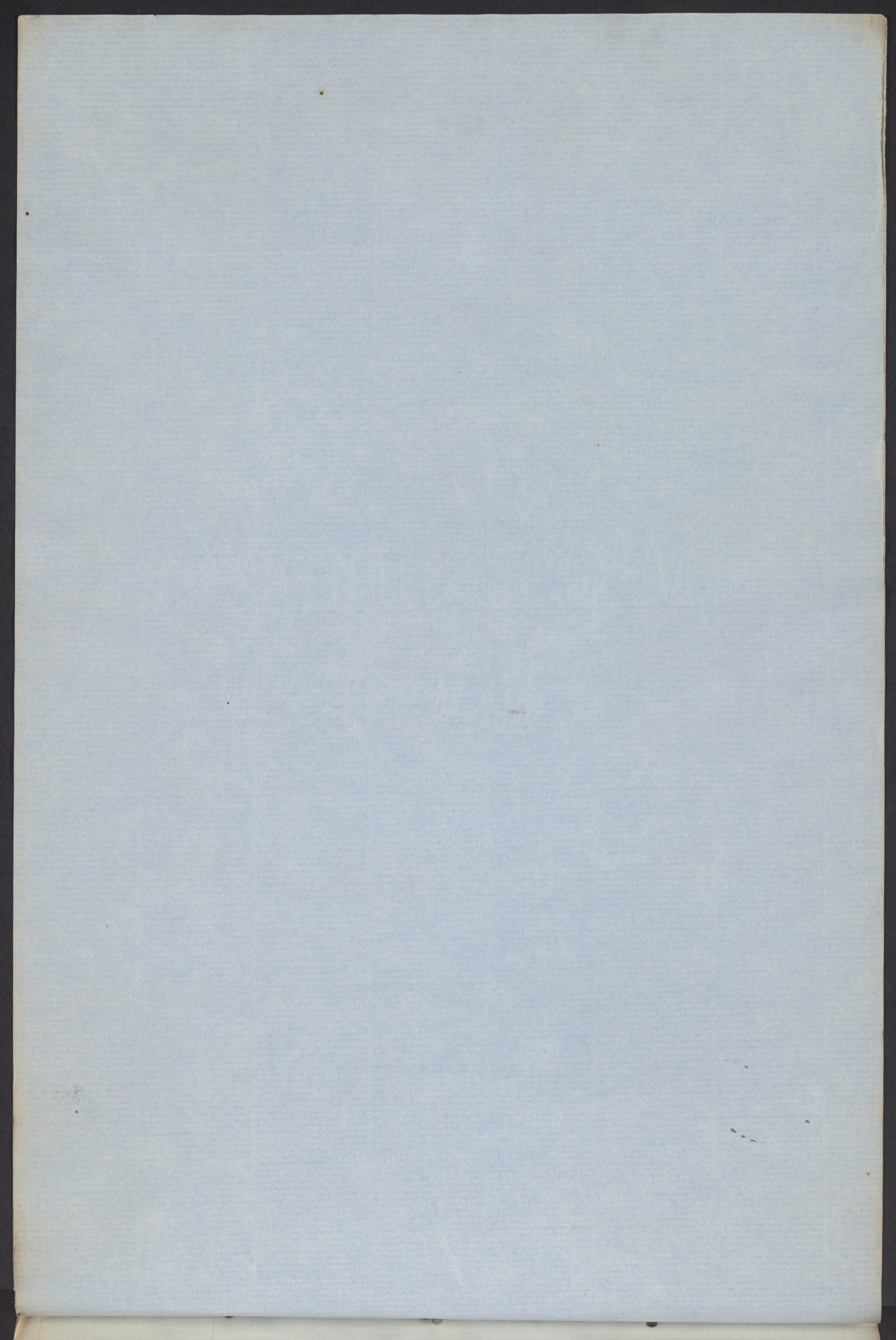
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

'A lot of ground at San Gabriel'



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this first day of November, 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 Francisco Sales
for the Place named

"A Lot of ground at San Gabriel"
was presented, and ordered to be filed and docketed with No. 448 and is as follows, to wit:

(Vide page 3 of this Transcript.)

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

Los Angeles November 5th 1852.

In Case no. 448 Francisco Sales for a lot of ground at San Gabriel, the deposition of Hugo Reid, a witness in behalf of the claimant taken before Commissioner Melana Hall with document marked A. H. No. 1 and Translation thereof marked B, annexed thereto as filed;

(Vide page 5 of this Transcript)

San Francisco September 1st 1853.

Case no. 448 Called. The Counsel for the claimant read the Evidence; Argued, Submitted and taken under advisement by the Board.

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San Francisco January 17th 1854

In the same case Commissioner Robert W. Thompson received the opinion of the Board confirming the claim;

(see page 11 of this Transcript)

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Petition

To the Honorable Board of M & L Land Commissioners
Appointed to settle private Land claims in Cal
ifornia

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The Petition of Francisco Sales respectfully
Presents

That on or about the 18th day of June
A.D. 1845, Pio Pico, then Governor of California,
in the name of the Mexican Nation, by virtue of the
laws then in force, the usage and customs of
the country affecting grants of land in California
granted in full property unto your petitioner the
tract of land as the Ex Mission of San Gabriel
in the present county of Los Angeles containing
about three hundred and fifty varas in length
by two hundred and fifty varas in breadth
being very well and planting grounds as
described in the papers and maps relating to said
grant of land, That the original grants of said
land together with papers relating to judicial
possession of the same are now in the possession
of your petitioner ready to be produced & proved,
and copies of the said grant and papers are herewith
filed as part of this petition, That your petitioner
has constantly occupied said lands since the
date of said grant and is now in the peaceable
and quiet possession of the same, There is
no conflicting claim thereto known to your
petitioner and said lands have not been im-
paired by the U.S. Surveyor General for California
The evidence upon which your petitioner
relies in support of this claim consists of the
records relating to this grant in the archives
now in custody of the U.S. Surveyor General
for California, original papers in the

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possession of your petitioner, and the testimony
of witnesses to be produced before your Honor
Board

C O Crosby
of counsel for claimant

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Filed in Office Nov Dec 1857
Geo Fisher
Clerk

Deposition of
Hugo Reid

Los Angeles Nov 5th 1852

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PAGE 6

On this day before Court H. Hall came Hugo Reid a witness in behalf of the claimant Francisco Luis Peltion No 448 and was duly sworn, his evidence being given in English

The U S Associate Law Agents were present

In answer to questions by counsel for the claimant the witness testified as follows;

My name is Hugo Reid, My age is forty one years, I reside at San Gabriel in the County of Los Angeles & have resided in California for nineteen years

I am acquainted with the hand writing and signatures of Pio Pico and Juan Sarmiento and Felipe Reid,

A paper is now shown me purporting to be a grant to Francisco Luis dated 18th of April 1843, with a certificate of the giving of possession attached to the same dated May 30 1843,

The signatures of the said several persons on said paper, I believe to be genuine, I was a Justice of Peace at the date of said certificate and gave the possession as therein stated my genuine signature being thereto affixed, said paper is now covered and marked H H No 1, said Luis has occupied the land from the time possession was given him as before stated He built a house within less than a year

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in which he tried, *Alantia arnyma* and has
found in the land. He has run and written
it to the museum time, man has lately built a new
above house on it.

Henry Reid

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Sworn and Subscribed Before Me
Helena Hall
Clerk

Filed in Office November 5th 1852

Geo Fisher
Sey

Care Lib 8. 92.
H. P. 11. 11. 11. 11.

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PAGE 8

El ciudadano Don Pico primer vocal de la misma Asam-
blea y Gobernador interino del Departamento de California).

Don Juan Francisco Sales de la Misión de S^{ta}
Gabriel ha pretendido para su beneficio personal y el de
su familia el la propiedad de un terreno de sesenta y cinco
varas de largo y ochenta y cinco de ancho que
queda al noroeste de dicha Misión entre esta y el Huerto
de S^{to} Perfecto Hugo Peid, y que tiene ocupado un viuelo
y arboles frutales; practicadas las diligencias correspondientes
segun leyes y reglamentos, usando de las facultades que me
son conferidas a nombre de la nacion Mexicana por decreto
de este dia he venido en concederle la propiedad del terreno
que solicita entendiendo esta de entera conformidad con las
leyes y sujeta a la aprobacion de la misma Asambla Depart-
amental bajo las condiciones siguientes.

1^a El terreno de que se le hace donacion es de sesenta y cinco
varas y cincuenta de largo y ochenta y cinco de ancho
de tierras de viuelo y labores; El Jefe respectivo le otorga la
posesion en vista de este despacho haciendo figurar las lindas
correspondientes.

2^a Lo disfrutara libre y esclaramente destinado solo al
uso que mas le convenga.

En consecuencia mando que se le entregue el pres-
ente y se le entregue por firme y valido se tome rason de el
en el libro respectivo y se entregue al interesado para su en-
juno. Dado en Monterey los Angeles a diez y ocho de
Abril de mil ochocientos y cinco.

Don Pico.

Man Gaudini Sriv.

Queda tomada rason de

este Superior despacho en el libro respectivo. Fecha et supra.

Gaudini. { Atmuni tudr aumitar } Estado presente
de Justicia { Manuel Antonio

por parte de la miseria, Don Felipe Peid y Prospero testigos
mano de sesenta y cinco varas del noroeste al sudoeste por el
oriflo de un Yajon y tirando el cordel rumbo Nor. Este llegamos

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à uno de los caminos usado por la Misión y un alcayote ó
unas que ciento noventa y una varas, no quize pasar dicho
camino, pero por el lado opuesto y el camino reunió lo medi
trescientas y cuatro varas hasta el mismo camino, quedandose
arreglado sin perjudicar camino de un; el interesado se quedó
satisfecho y habiendolo fijado las huellas una de las testigos
firmó con miyo y el otro por no saber firmó por un
Cruz. San Gabriel Mayo 3 de 1845.

Presentamos. Felipe Reid. J. Hugo Reid.
Carpenter.

Filed in office Nov. 5. 1852.

Geo. Fisher.

Secretary.

Li.

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3/4/48

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My citizen Pío Pico Senior Member of the Most Excellent the Assembly and Governor ad interim of the Department of the California as

Translation of

NH No 1,
annexed to the
deposition of
Hugo Roca

When as Francisco Gato of the Mission of San Gabriel has claimed for his personal benefit and that of his family the ownership of a tract two hundred and fifty in breadth, situate to the north west of San Mission betw

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PAGE 10

— on the same and the garden of Don Perfecto Hago Roca, which is with various and fine trees, The proper proceedings having been taken according to laws and regulations, In the exercise of the powers conferred upon me in the name of the Mexican Nation, by decree of this day I have come to grant unto them the ownership of the tract which he solicits, this grant being understood as in perfect conformity with the laws and subject to the approbation of the Most Excellent the Departmental Assembly under the following conditions

1st The tract hereby granted to him two hundred and fifty rods in length and two hundred and fifty in breadth, being vineyard and planting grounds, the competent Magistrate will make delivery of possession to him on being this Patent concerning the appropriate boundary lines to be assigned.

2d He may enjoy it fully and exclusively and bring it to the use which best may be proved him, In consequence I order that these presents proving him for a title and being held as firm and valid be entered of record in the appropriate Book and delivered to the party in interest for his protection

Given at Los Angeles on the 18th day of April one
thousand eight hundred and forty five

Pio Pico

Juan Bandini Secretary

This Superior Patent is entered of record in the
Appropriate Book, same date as above

Bandini

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Assisting Justices 3

Court 3 In presence of Manuel Antonio
in behalf of the Mission, Don Felipe Ruiz and
Prospero as witnesses I measured three hundred +
fifty varas from North West to South East
along the bank of a ditch and drawing the line on
a north west course we came to one of the roads
used by the Mission and the number of varas
did not reach to more than one hundred and
ninety ones, I did not wish to pass said road but
on the opposite side and on the same course
I measured to find three hundred and four varas
to the same road, the matter being thus settled
without prejudice to the community; the
party in interest remained satisfied and the
Indians being fixed one of the witnesses
subscribed with me and the other not
knowing how to sign affixed the cross,

San Gabriel May 3^d 1845.

In presence of
Felipe Ruiz
Prospero +

P. Hugo Ruiz

Filed in Office Nov 1852

Geo Fisher

Clerk

4/4/18

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Opinion

Case No 448

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Francisco Sales 3
 of 3
 The United States 3
 in the city of Los Angeles 3
 3

This is a grant made by Governor Pio Pico to Francisco Sales of the Mission of San Gabriel, for a lot of land three varas and a fifty varas in length by two varas and a fifty in breadth, lying north west of the Mission and between it and the Encomienda of Puerto Huelmo. The original grant and proceedings of judicial possession are in evidence and true genuineness has been proven. A copy of the original deposition of the witness proves that the judicial possession was given by him in his capacity as Justice of the Peace and that the certificate thereof was duly executed by him at the time it bears date.

The grant is dated on the 18th of April 1845, and the certificate of the possession on the 3rd of May 1845.

The witness further proves that the grantee Sales has occupied the land from the time he gave the possession, that he built a house within less than a year in which he lived, planted a vineyard and enclosed the same. That he has continued to reside on it ever since and has recently built a new adobe house. The boundaries are sufficiently well defined in the act of judicial possession and the cause being all found in

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there can be no difficulty in its identification
and location

The claim is confirmed

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Filed in Office January 17th 1834
Geo Fisher
Sery

7448

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Case N^o 448

Docu. of Confirmation Francisco Sales

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as
The United States Lot at San Gabriel in
the County of Los Angeles

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioner is valid and it is therefore decreed that the same be confirmed. The land of which confirmation is made is a lot near San Gabriel containing three hundred and fifty varas in length with an average width of about two hundred and fifty being the same which was held owned and enclosed by the claimant at the time of filing his petition before this Board and is bounded as follows running from North west to South East along a ditch three hundred and fifty varas, thence North East one hundred and ninety one varas to a road thence along said road North West three hundred and fifty varas, thence South West three hundred and forty varas to the beginning as now held and enclosed by said claimant Reference for a more particular description thereof to be had to the original grant and to the certificate of Indian Possession on file in the case.

Alphons P. Rich

Thompson Campbell
R. Aug. Thompson

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Filer willfrie January 17th 1837
Geo Fisher
Secy

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Office of the Board of Commissioners,

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

I, *George Fisher* Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *fourteen* pages, numbered from 1 to *14*, 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. *448* on the Docket of the said Board, wherein

Francisco Salas is the Claimant against the United States, for the place known by the name of *Plot of ground at San Gabriel*



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

Geo. Fisher.
G. Fisher

94
U. S. DISTRICT COURT

Southern District of

No. 94 *Due*

THE UNITED

STATES

Francisco

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dot at Sa

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *448*

Filed, *September 20th 1852*

W. A. Carter

clerk

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94.

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

Francisco Sales }
vs. } 448.
The United States. }

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

Cushing

Attorney General.

N^o 94.

U. S. District Court

Southern District

The United States

vs -

Francisco Sales -

Appeal notice -

Filed Jan'y 10th 1855.

f. s. fair

ck.

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

Francisco Sales

vs

et al (Transcript N-448)

The United States

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

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

That heretofore, to wit, on or about the 1st
day of November A. D. 1852, Francisco
Sales presented a petition to the Commis-
sioners to ascertain and settle the private
land claims in the State of California,
claiming a lot of ground at San Gabriel,
in the County of Los Angeles, in the words
and figures following, viz.

" To the Hon^{ble} Board of U. S. Land
" Commissioners appointed to settle private

" land claims in California

" The petition of Francisco Sales respectfully
 " represents That on or about the 18th day
 " of April A. D. 1845, Pio Pico, then Governor
 " of California, in the name of the Mexican
 " Nation, by virtue of the laws then in force,
 " the usage and Customs of the Country
 " affecting grants of land in California
 " granted in full propriety unto your
 " petitioner the tract of land at the ^{site} ~~place~~
 " of San Gabriel in the present County of
 " Los Angeles containing about three hun-
 " dred and fifty varas in length by two
 " hundred and fifty varas in breadth
 " being Vineyards and planting grounds
 " as described in the papers and maps
 " relating to said grant of land, That
 " the original grant of said land together
 " with papers relating to juridical possession
 " of the same are now in the possession of
 " your petitioner ready to be produced and
 " proved, and copies of the said grant and
 " papers are herewith filed as part of this
 " petition, Your petitioner has constantly
 " occupied said lands since the date of
 " said grant and is now in the peaceable
 " and quiet occupation of the same, There

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" is no conflicting claim thereto known
 " to your petitioner and said lands have
 " not been surveyed by the U. S. Surveyor
 " General for California. The evidence
 " upon which your petitioner relies in
 " support of this claim consists of the records
 " relating to this grant in the Archives now
 " in custody of the U. S. Surveyor General
 " for California, original papers in the
 " possession of your petitioner, and the
 " testimony of witnesses to be produced before
 " your Hon^{le} Board"

Your petitioner further represents that
 " thereafter, to wit, on the 17th day of January
 " 1854, the said Commissioners confirmed, by
 " final decree the said claim of the said ~~xxxxx~~
 " Francisco Sales, in the words and figures
 " following, to wit,

" In this case on hearing the proofs and
 " allegations it is adjudged by the Com-
 " mission that the claim of the petitioner is
 " valid and it is therefore decreed that the
 " same be confirmed. The land of which
 " confirmation is made is a lot near San
 " Gabriel containing three hundred and
 " fifty varas in length with an average
 " width of about two hundred and fifty
 " being the same which was held ~~xxx~~

" occupied and enclosed by the Claimant
 " at the time of filing his petition before this
 " Board and is bounded as follows running
 " from North West to South East along a
 " ditch three hundred and fifty Varas, Thence
 " North East one hundred and Ninety one Varas.
 " to a road thence along said road North
 " West three hundred and fifty Varas, Thence
 " South West three hundred and four Varas
 " to the beginning as now held and enclosed
 " by said Claimant Reference for a more
 " particular description thereof to be had
 " to the original grant and to the Certificate
 " of Juridical possession on file in the Case

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- " Alphens. Felch
- " Thompson Campbell
- " R. Aug Thompson"

That thereafter, to wit, on the 20th day of
 September A.D. 1854, a duly certified transcript
 of the said decree, and proceedings, and the
 papers and evidence on which it was found-
 ed in said Cause, was filed in the office
 of the Clerk of the District Court of the
 United States for the Southern District of
 California and marked N^o 94 (Transcript N^o 448);
 reference to which it is prayed may be had
 and made a part of this petition.

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That on the 30th day of August A. D. 1854, the Honorable Caleb Cushing attorney General of the United States received a duly Certified Duplicate of said transcript of said final decree and proceedings of said Commissioners in said Cause (N^o 448) and the papers and evidence on which said decree was founded.

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

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

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reviewed, reversed, and set aside, for many errors and imperfections of law and evidence, apparent in said Certified transcripts of said Cause, now on appeal from said Commissioners to this Honorable Court.

And your petitioner further represents that the said Claim is invalid, and the said decree erroneous, on the following grounds.

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

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

III. That the said alleged grant has not the Conditions required by, and is not made in entire conformity with the laws

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of Mexico of the 18th day of August AD 1824, and the regulations for the Colonization of the Territories of Mexico of the 21st of November AD 1828.

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IV. That Pio Pico Governor of California had no lawful authority to grant the land claimed: it being within the limits and belonging to the Pueblo of San Gabriel.

V. That the alleged grant does not describe the location, and boundaries of the land claimed, so that it can be identified and surveyed. That there is no map of the land shown. That the said alleged grant is not executed upon the lawful stamped paper. And no reason appears therefor for its being upon common paper. And it is void for uncertainty.

VI. That the records, papers and maps, in the U.S. Surveyor General's office for California relating to this alleged grant and relied upon in support of the same, are not produced by said Claimant.

VII. That the said Claimant fails to show that the said alleged grant has ever been approved by the Departmental assembly of California, or the Supreme government of Mexico.

VIII. That the alleged act of judicial possession was not made by a Justice of the Peace having lawful authority to perform the alleged judicial act. That no judicial possession could be lawfully given, before the Confirmation of said grant by the Departmental assembly.

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IX. That the alleged act of judicial possession of said land, was not made according to the said alleged grant; nor according to the ordinance or law. That it is not signed by two Competent assisting Witnesses, knowing how to write. That it is vague and indefinite in the description of the land. That it is not executed upon the lawful stamped paper; and no reason appears therein for its being upon Common paper.

And no sufficient proof having been made by said Claimant of the allegations of his said petition, or in support of his claim filed as aforesaid, no decree ought to have been made, or grounded thereon; but the said petition ought to have been dismissed, and said claim rejected by said Commissioners upon the grounds aforesaid. And the said Claimant having no valid

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right, or title, derived from the Spanish, or Mexican Government, to the land claimed by him, as aforesaid, the lawful right, or title in and to the said land, was acquired by, and it now belongs to the said United States, by virtue of the treaty of peace, friendship, limits and settlement, with the Republic of Mexico dated at the City of Guadalupe Hidalgo, February 2nd 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 3rd A D 1857, and the laws and statutes in such case made and provided, prays that the said Francisco Sales may be served with a copy of this petition; and that this Honorable Court will review the said decision, or final decree of Confirmation of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said Francisco Sales, for said land claimed

and confirmed as aforesaid; and that the same may be decreed invalid. And all such other orders, judgments, or decrees as may be just. With Costs and General relief.

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J. Ord.

Attorney of the United
States for the South^a dist^t of Cal^a

No. 94.

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

Francisco Sales, appellee

vs.

The United States, appellee.

Petition of U.S. atty for
review.

Filed Aug 24th 1855

C. E. Farr,
clerk.

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

Francisco Sales

Appellee

vs

The United States

Appellants

Case No. 94.

Transcript No. 448

Land in Exemption of San Gabriel

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And now comes the above named
Appellee, Francisco Sales, by Scott and Brent
his attorneys, and for answer to the Petition for
Review filed in this case by the Appellants,
says,

That his title to the lands claimed
by him in this case, and described in the said
Petition for Review and in the Transcript of
the proceedings of the Board of United States
Land Commissioners, therein referred to, is
good and valid.

Therefore, this Appellee prays the
Judgment of this Honorable Court, that the
decision of the said Board confirming his
title to the said lands may be affirmed,
and that his title to the said lands may be
decreed to be valid, and that he be dismissed
thence with his costs, and such further or gene-
ral relief as to Equity and Conscience belong
& the nature of his case may require

~~Scott & Brent~~
Attorneys for Appellee -

Marshalls cost for dinner
\$3.00

I send this answer on P. Box N.S. Atty by delivering to him
a copy of the same at his office this Dec 5-1855
Edward Hunter
W.S. Marshall

Case No. 94 -
U.S. Dist. Court, South
Dist. of California

Francis Sales -
Appellee

vs.

The United States
Appellant.

Judges

This case is 1855

J. S. Jones
et al.
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West & Brewster, Appellees Atty.

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

Francisco Sales

Appellee

vs

The United States

Appellant

Case No 94.

Lot in Es-Mission of
San Gabriel.

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This cause coming on to be heard on
Appeal from the final decision of the Uni-
ted States Board of Land Commissioners to
ascertain and settle the private land claims
in the State of California under an act of
Congress, approved March 3^d 1851, on a Trans-
cript of the Proceedings and decision of the
said Board and of the Papers and Evidence
upon which said decision was founded and
it appearing to the Court that said Transcript
and the Notice of Appeal have been duly fi-
led, according to law, and Counsel for the re-
spective Parties having been heard -

It is ordered, adjudged and decreed that
the said Decision of the United States Board
of Land Commissioners be, and the same
hereby is affirmed, and it is further adjud-
ged and decreed that the claim of the above
named Appellee is good and valid, and
the same is hereby confirmed to him -

The land hereby confirmed is a tract
of land lying to the North west of the Mission
of San Gabriel, between said Mission and
the Garden occupied in April 1845 by one Per-
fecto Hugo Reid; being the same land occu-
pied formerly occupied and enclosed by the Ap-

petite and on which he resided, to the extent
of Three hundred and fifty varas in length
and two hundred and fifty varas in breadth
said land to be located as near as may be, ac-
cording to the Judicial Possession which is here-
by referred to.

Francisco J. O'Neil

U S Dist Judge

Case 94
U S Dist Court South

Dist of California

Francisco J. O'Neil

Appellee

vs

The United States

Appellant.

Deceit

Filed Feb. 21st 1876.

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Recorded on Page 207

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles, December Term, 1855.

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Francisco Salis

APPELLEE,

VS.

UNITED STATES,

APPELLANT.

No. 94.

(No. 448. 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 20. day of February A. D. 1856.

P. Ord

Dist. Ct.

No. 94.

U.S. Dist Court
South Dist of California

Franco Sales Appellee
vs
The United States Appellants

Notice of Appeal S.C.
Filed March 17th 1888
W. E. Canham
By Callaghan Deputy

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

TO

The President of the United States,

San Francisco Sales.

94 SD

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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 *twenty fourth* day of *August* in the year of our Lord one thousand eight hundred and fifty-*five* at the City and County of Los Angeles, in said District, by

P. Ord. U.S. Dist attorney for the Southern District of California, praying the Court to review, upon the grounds therein set forth, the decision of the Board of U.S. Land Commissioners, appointed to ascertain and settle private land claims in the State of California, confirming, &c or about the 17th of Jan'y 1854. Your claim to a piece of land near San Gabriel,

and that you, ~~and each of you~~, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, ~~and each of you~~, and the prayer of the said petitioner will be granted, with ~~costs~~. *The plff 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 *seventeenth* day of *October* in the year of our Lord one thousand eight hundred and fifty-*five* at Los Angeles aforesaid.



J. E. Lane
Clerk.

No. 94.

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

Francisco Sales, appellee

vs. adv.

The United States,
appell.

SUMMONS.

Remued Oct 17th 1855
Edward Hunter
U. S. Marshal

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I served this summons along with the proper copy of the petition upon *Francisco Sales* by delivering to him personally a true copy of the same

at *the City of Los Angeles* in the Southern District of California on
the *17th* day of *October* A. D. 1855.

Sworn to and subscribed before me, *17th of*
Oct 1855. }
C. C. Can Clerk }
By J. W. R. Dep

E. Hunter
U. S. Marshal
By R. S. Jones,
Deputy.

California Land Claims
Attorney General's Office
4 October, 1856-

Sir;

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In the case of the
claim of Francisco Sales con-
firmed to the claimant by
the Commissioners, (Case No.
four hundred and forty-eight
,448) and also confirmed
an appeal by the District
Court, appeal in the
Supreme Court will not
be prosecuted by the United
States. I am

Respectfully,

P. Ortega
U. S. Attorney

Clayton

VV

94

Francisco Libs

448

Filed 24th February 1837
at Sims cky
of M Coleman
Dep

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Rec Nov 4 1856

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

Francisco Sales, } Case No 94
Appellee }
ad } Transcript No 448.
The United States }
Appellant } Lands in S. Gabriel.

In this case, it being suggested to the
Court, ^{by J.R. Scott, Attorney for Appellee.} that the Transcript of the Record
from the United States Land Commission
is imperfect, in this, that the dimensions of
the tract of land claimed herein, are not
correctly given ^{copied from the original} in the Copy of the Title
contained in said Transcript, it is by the
Court;

Ordered — the United States District
Attorney being notified and consenting there
to, that the Transcript of the Record in this
case be transmitted by the Clerk of this Court
to the Secretary of the said Land Commission
in order that the same may be amended
and a ~~cor~~ perfect copy of the original docu-
ments may be presented to this Court.

Swett & Brent

Case No. 94.
U.S. Dist. Court, Southern
Dist. of California.

Francisco Sales -
Appellee
vs
The United States
Appellant.

Order to return Transcript.

Filed Dec 19th 1897

C. E. Jones
Clerk

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J. R. Scott.