

CASE NO.
237

SOUTHERN DISTRICT

NOCHE BUENA GRANT

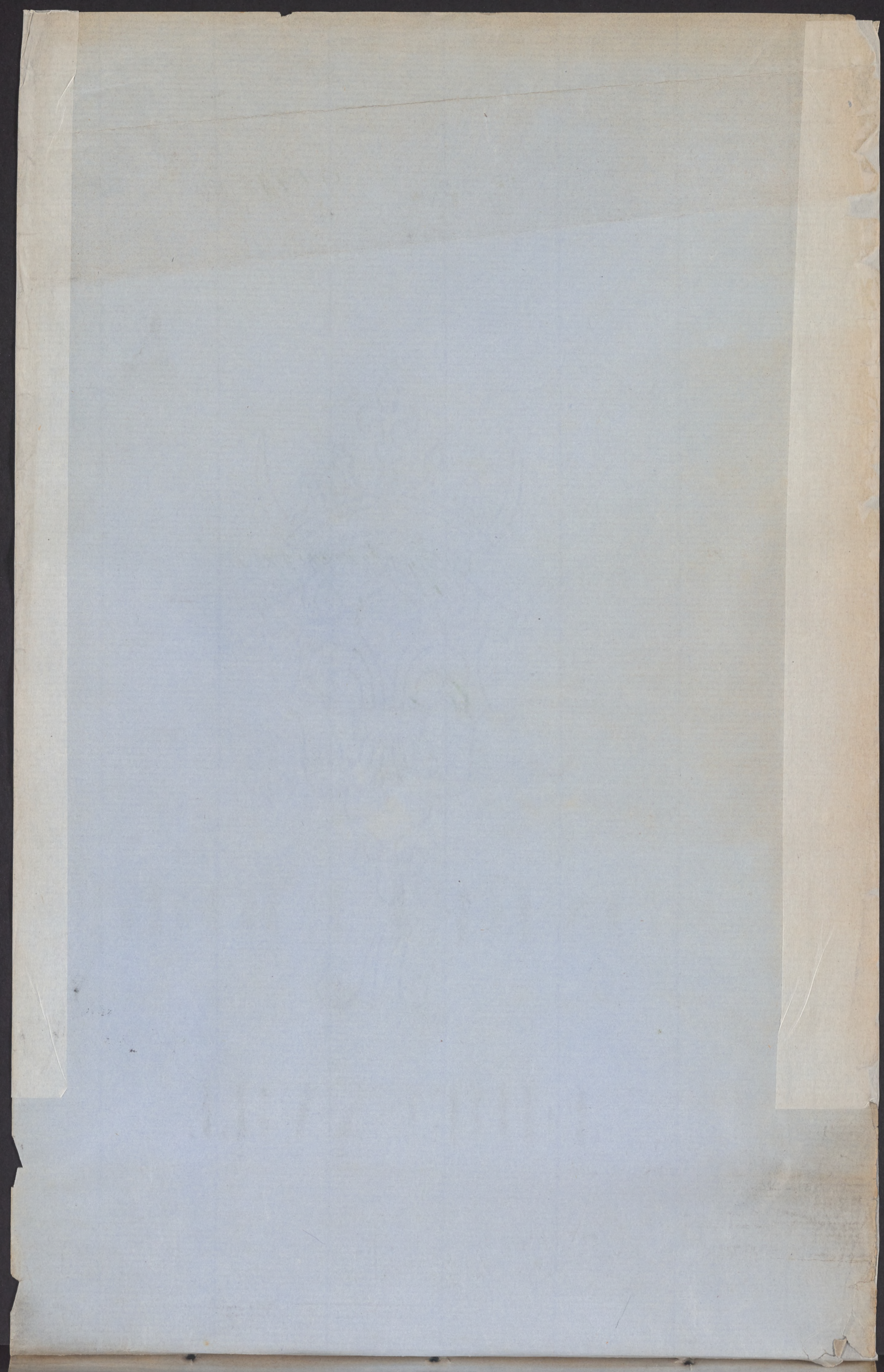
JOSE AND JAIME DE PUIG MONMANY

CLAIMANT

MAR 14 1963

D. E. V.
S28 COLTON HEEB
BLOOMER BOND
D. E. V.

702



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 702

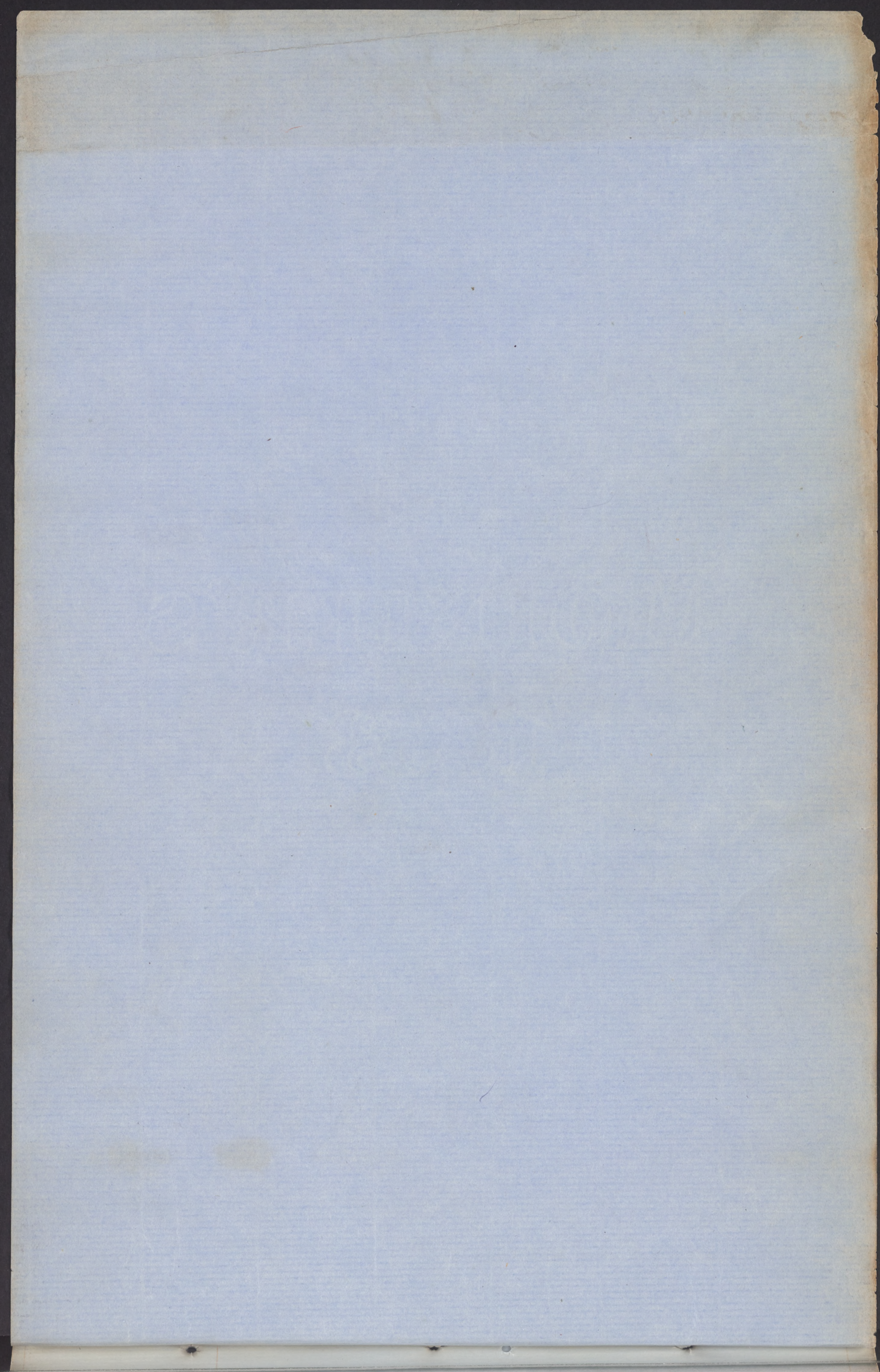
Jose & Juana de Puy Morra CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Noche Buena"



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 Second day of March, 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 Jose and Jaime de Puig-Mormany, for the Place named "Roche Buena", was presented, and ordered to be filed and docketed with No. 702 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, August 29th 1853.
In case no. 702, Jose & Jaime Puig-Mormany for the place named "Roche Buena", the deposition of Manuel Castro, a witness in behalf of the claimants, taken before Commissioner Thompson Campbell with document marked (A) Thompson Campbell, annexed thereto, was filed:

(Vide page 4 of this Transcript.)

San Francisco June 7th 1854
Case no. 702, on motion, was ordered to be placed at the foot of the 1st class cases on the Final Docket,

San Francisco June 30th 1854.
In the same case the deposition of Jose Abrego, a witness in behalf of the claimants, taken before Commissioner Peter Sott, was filed:

(Vide page 5 of this Transcript.)

San Francisco August 19th 1854,
 Case no. 402 was submitted without argument,

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San Francisco October 24th 1854,
 In the same case Commissioner S. B. Farwell
 delivered the opinion of the Board confirming
 the claim;

(Vide page 33 of this Transcript.)

and the following order was made to wit:

(Vide page 35 of this Transcript.)

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To the U.S. Land Commission for the ascertainment of Private Land Claims in California
The Petition of Jose and Juan de Prig Monroy respectfully represents to your Honorable Body that Don Juan Antonio Monroy in the month of September 1835 solicited and obtained from the Territorial Deputation of California the grant of a tract of land hereafter described and that in the month of December of the same year he obtained of the proper authorities the juridic possession of said land. That said Monroy for a valuable consideration conveyed said land to your Petitioners and that they are in possession thereof.

And your Petitioners further state that the original grant a certified copy of which is in the Archives of California together with the documents of juridic possession a duplicate submitted to the inspection of your Honorable Board and that the Expediente showing the proceedings taken by said Monroy to obtain the grant aforesaid will be furnished hereafter.

That said land is situate in the present county of Monterey is known by the name of Roche Buena or Rancho del Rey or Huerta de la Nacion contains one square league more or less and is surrounded by the Ranchos of Gregorio Monzanos and by the Cañada de Divisor. And your Petitioners further state that said Juan Antonio Monroy has been in the quiet and peaceable possession of said land from the year 1834 up to the time of conveying to your Petitioners and that from the time of the execution of said conveyance your Petitioners have been and still are in the quiet and undisputed possession of said land and are not aware of the existence of any title conflicting with or superior to their own.

Wherefore they claim to be the lawful owners of said land and pray that your Honorable Board will confirm and validate their claim and title thereto.

Carke Taylor & Beck
Attorneys for Claimants
Filed in Office March 2nd 1853 Geo Foster Secy

Depositor
4 of
Manuel
Castro

Office of the Commissioners of Land Claims
in California

San Francisco Aug 29th 1853

This day before Commissioner Thompson Campbell
came Manuel Castro a witness in behalf of
claimant Jose Juan Paez in many
Case number 702 who after being duly sworn
deposed as follows

That he is a Law Agent present
What is your name and place of residence
My name is Manuel Castro I am thirty one
years of age and reside in Lower California

Look on the document in Spanish you mar-
ked (A) purporting to be a grant from Jose Castro
to the claimant followed by documents of judicial
possession state all you know of the genuineness
of said documents and the signature there
to

I have examined said documents and I am
acquainted with all the signatures Jose Castro
Francisco de Castro Requena Juan Antonio Paez
as David Espino Jose Maria Mendonza
J. M. Cassin

I have seen all the persons whose
signatures are attached and they are all genuine
whenever they occur on said documents

State what you know of the possession occupation
and improvement of said Rancho by means the
grant or by others under him

In 1835 and 1836 Mexicans occupied the land
having servants and cattle on the land but being
united at Monterey being an affair of the
Government The Rancho is about one league from
Monterey

He cultivated a portion of the land and
carried on the Dairy Business In 1836 he was
banished from the country in consequence of
a revolution and understood that he left an
agent to take charge of his property

I also under-
stood that the personal property was sold and
the land was abandoned that is he abandoned the
land but not his claim to the same as I understood

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and finally I understand that the widow sold the claim to the land in 1849. There are people living there at this time I think the name of the mission is about Pisco. Mission built a house and built a wall to surround the roads and established a Ferry Boat for the purpose of shortening the distance between the Rancho and Monterey he had about seven hundred (700) head of cattle on the place

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and had a Garden and fruit trees some of the fruit trees are still alive. I understand the house was built soon after the Grant was made in the year 1835.

The Law Agent objects to the above answer on the ground that is hearsay evidence

Questions by the Law Agent
When did you first see said Rancho
You first saw it in the year 1830

Mmanuel Custer
Sworn to and subscribed before me this 29th day
of August A.D. 1853

Thompson Campbell
Commissioner
Filed in Office August 29 1853
Geo Fisher Secretary
Records in Indian B. Volume 3 Page 103
Geo Fisher
Secretary

Disposition of United States of America
Jose Abrego State of California ss. 3
San Francisco June 30. 54
This day personally came before Peter Lott a Com-
missioner for taking testimony to be used before
the Board of M. S. Land Commissioners in said
State Jose Abrego a witness on behalf of Jose and
Joaquide Puig Monmany the claimants in case
No 402 on the docket of said Board and said
witness being duly sworn in oath depone in
Spanish which was interpreted into English by
the interpreter to said Board as follows to wit
The U.S. Associate Law Agent is present
Questions by claimants Council
1st Question what is your name age and place
of residence

Answer My name is Jose Abonji my age is 41 years I reside in Monterrey

2nd Question All you acquainted with the Rancho called Noche Buena or Huerta del Rey in Monterrey county if you know far and in what direction from the City of Monterrey

Answer Yes I know the said Rancho It is 2 miles East from the City of Monterrey

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3rd Question Did you know Juan Antonio Munos if you knew did you know him

Answer I know him first in 1834 He was then a captain of Artillery and I know him till he died

4th Question State what you know of his taking possession of said Rancho

Answer Said Munos invited me and others to witness the giving the possession of said Rancho to him near the end of the year 1835 I was and Juan Melarini, David Moore Dodson Gonzales Guzman Casto and Samuel of the Officers who were stationed there also went to see the same. I saw the judicial possession given

5th Question Have you seen any monuments marking the boundaries of said Rancho

Answer On the day on which judicial possession was given there were three trees marked with the brand of the owner of the Rancho (Munos) and in one place a pile of stones

6th Question How near to the lake called Laguna Grande does the boundary of this Rancho begin

Answer The boundary comes to within 400 or 500 varas of the west part of said Laguna

7th Question When did said Munos die

Answer He died at Mazatlan I do not recollect positively the time It might have been about 1839 or 1840

8th Question Had said Munos any horses stock or cattle on said Rancho

Answer Some two months after the grant he was furnishing an old Doe horse and had in the place some 300 head of cattle and about 50 head of horses

3/7/02

Cross examined by United States Associate Law Agent

Mr Austin who was the officer who gave the judicial possession

Answer David Spurr who was alcalde and justice of the Peace

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2nd Austin Did you ever see and read the grant if you did the boundaries of the Rancho as given to Minors compared with those called for in said grant

Answer Have seen it several times and read it I did not pay such particular attention to it as to say that the boundaries compared though I believe they do

3rd Austin If you passed over the boundaries of said grant then among Minors and explained them and what is the shape of said Rancho

Answer The shape of the Rancho is an oblong square form there are four points marked on three lines marked and on each of them there marks were made about the central part of each line

The Rancho is half a league wide and one and a half league long but embraces about three quarters of a league of good land

Jose Urzija

Subscribed to and sworn to

Before me on this 30th day of June A.D. 1854
Peter Lott Commissioner
for taking Testimony &c

Filed in Office June 30th 1854

George Fisher
Secretary

Recorded in Endorse B. Volume 4 Page 724
George Fisher
Secretary

8

1911
1912



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Monterey

1835

Confeccion y procecion del Rancho de
Noche Buena (o Huerta del Rey) al C. Juan
Antonio Muñat el dia 24 de Diciembre del
año citado.

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Soy de José M.^a Muñat.

Sello Primero Seis Pesos

Habilitado provisionalmente por la Administración de la Aduana Marítima de Monterrey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Viguera

A. Ramirez

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José Castro Primer vocal de la Exma. Diputación Territorial i Jefe Político interino del Territorio de la Alta California.

Por cuanto el C.^{no} Juan Ant.^o Muiol ha pretendido p.^o su beneficio personal i el de su familia el terreno conocido p.^o cuenta de la Nación; practicadas previamente las diligencias i averiguaciones convenientes segun lo dispuesto p.^o leyes i Reglamentos; usando de las facultades q.^e me son conferidas en decreto de este dia i a Nombre de la Nación Mexicana he venido en considerar el terreno mencionado declarandole la propiedad de el p.^o las presentes letras i p.^o decreto de 15 de Set de 1835 de la Exma. Diputación i bajo las condiciones siguientes

- 1.^a Que se sometera a las q.^e estableciere el Reglamento q.^e se ha de formar p.^o la distribucion de terrenos baldios i q.^e entre tanto ni el agraviado ni sus herederos podran dividir ni enajenar el q.^e se les adjudica, imponer censo vinculo fianza hipoteca ni otro gravamen aunque sea p.^o causa p.^oadora ni pasarlo a manos muertas.
- 2.^a Podra ser usado sin perjuicio las haciendas comunales y servidumbres; lo disputara libre y exclusivamente destinandole al uso q.^e mas le acomode.
- 3.^a Solicitara del Juez respectivo q.^e le de posesion juridica en virtud de este Despacho p.^o el cual se demarcaran los linderos en cuyos limites pondran a mas de las mchuras algunos arboles frutales o silvestres de alguna utilidad.
- 4.^a El terreno de q.^e se hace donacion es de poco mayor de un sitio de ganado mayor segun se aplica el Dicm.^o q.^e Corre en el expediente el Juez q.^e dare la posesion lo hara medir conforme a ordenanza p.^o señalar los linderos quedando el sobrante a favor de la Nación p.^o los usos convenientes.

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Dns. 2.^o 5.^a Si contraviniere a estas Condiciones perderá su derecho al terreno i será denunciado p.^o otro. En consecuencia mando q.^e sirviendole de título el presente i limiendose p.^o firme i validero de tome error en el libro q.^e corresponde i se entregue al interesado p.^o su resguardo i demas fines. Dado en Monterrey a veinte de Noviembre de mil ochocientos treinta i cinco - Estando - 15 de 1835 vale

José Castro
Srio

V.^o del Castillo Negro

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Dns. 1.^o 5.^a Cuda tomada error en el libro q.^e corresponde a folios ochenta y seis i señalado con el número ochenta i cuatro q.^e obra en la Secretaria de mi Cargo. Monterrey Noviembre 20 de 1835

Castillo

Received for Record 20th September 1851
at 10 A. M. Recorded, the two foregoing pages
in Book 'C' Deeds of Grants on pages 49450
P. R. Woodrife

Recorder of Monterey Cy
by Wm. S. Johnson
Dep. Co. Recorder
Monterey Cy.

Sello Viceroy Don Raul

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey de la Alta California para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco
Castro Angel Ramirez

S.^o Alcalde 1.^o Constitucional

El C.^o Juan Ant.^o Muñoz hace a V. presente q.^e habiendo obtenido la propiedad del terreno llamado Guerra de la Nación i siendo equisito usarlo el tomar posesion del mencionado terreno: suplica a V. se sirva darle la indicada posesion.
Monterrey Dize 22 de 1835. Juan Antonio Muñoz

Monterey Dic. 22 de 1835

Por presentado y admitido, proce-
dase p.^a mi el presente alcalde a la medicion, si-
nalamiento de linderos y juriscion judicial que
solicita que solicita el interesado en esta instan-
cia señalándose para efectuarse el veinte y cua-
tro del presente mes para lo que se citaran
con voluta de comparendo a los Colindantes
Asi yo, el Alcalde 1.^o de esta Capital lo
deseo mande y firme con los testigos de as.^a

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De as.^a Don E. Spence De as.^a
Jm^a Maria Maldonado J. M. Curio

En la fha se les notifico el auto q.^o
antecede al Sr. Antonio Munos y en turbido
Dijo lo oye y q.^o se da p.^a citado firmando
en miq.^o y los de as.^a

De as.^a Juan Antonio Munos De as.^a
Jm^a Maria Maldonado J. M. Curio

En la fha se libraron las volutas y p.^a
Const.^a lo auto y rubrico.

Sello Vicario Dos Reales

Habilitado provisionalmente por la Administracion
de la Aduana Maritima de Monterey
para los años de mil ochocientos treinta y cua-
tro y mil ochocientos treinta y cinco.

Riqueras Rafael Gonzalez

Chu de Nolke buena o. huerta de la
Nacion Diciembre 24 de 1835

Para la medicion, sinalamiento
de linderos y juriscion de D.^o Juan Antonio
Munos, nombre por medidores a los ciu-
dadanos Juan Garcia y Margarito Lina-
es, quienes firman aceptacion y juramto
prenderan al desempeño de su encargo
Asi yo, el Alcalde 1.^o de Monterey lo
deseo, mande y firme con los de asis-
tencia

De as.^a Don E. Spence De as.^a
Jm^a Maria Maldonado J. M. Curio

El unico Colindante de este rancho q.^o lo es el Sr. Graciano
Manjares, no asistio por enfermedad, y lo auto y rubrico.

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En la misma fha presentados los Ciudadanos Juan Garcia y Marguino Jimenez se les notifico el auto de su nombram^{to} y entendidos dijeron lo oyen, que aceptaban y aceptaron jurando por Dios nuestro Senor y la señal de la cruz conforme a derecho, de usarlo fiel y legalmente a todo su tal saber y entendido sin fraude contra persona alguna y no firmaron por no saber, lo hice yo y la de asistencia

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De an^o J. M.^o Corio
Jui' Maria Maldonado

En el mismo parage dia, mes y año, los expresados medidores en presencia de mi el Alcalde Jimenez un cordel de mecate y con una vara de medir unal mexicana midieron cincuenta varas para hacer la medida, y puestos en el plano Oeste de la Laguna grande se comensó dicha medida para el Noroeste hasta la Cañada del divisado de las vivoras y hubo ciento cincuenta y dos cordels de la cincuenta varas: puestos en los siguientes
Sello Puro Dos Reales

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Montevideo para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco

Riquerra Rafael Gonzalez
Mes, se volvió a comensar hasta el lindero de Graciano Mangares en la Cañada S. Este, hubo cincuenta cordels, en cuyas mediciones mande se formaran las mochas correspondientes que señalen los linderos que le pertenecen. El terreno corresponde a poco menos de un sitio de ganado mayor, y lo firme con los testigos de asistencia

De an^o J. M.^o Corio
Jui' Maria Maldonado

En el rancho de Noche buena (o) huerta de la Nación a los veinte y cuatro dias del mes de Diciembre de mil ochocientos treinta y cinco, yo el Alcalde despues de practicadas las medidas del mencionado rancho, por tal

que resulto tener mas menos de un sitio de ganado
mayor, con lo demas que sea conuino y consta de
autos, mande que entrase en posesion del no-
minado rancho D. Juan Antonio Munos
vajo las medidas citadas y formalidades con-
tambradas en estos autos, lo que verifico de luego
a luego arrancando yervas y haciendo demas-
traciones como dueño del terreno de q. se le ha
dado posesion, cuyas validaciones le autorizo y
firmo con el interado y testigos de an.º

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Juan Antonio Munos
De an.º D. W. E. Spence De an.º
Jne Maria Maldonado J. M.º Corio

Monterey Di.º 25 de 1835

Tomase razon en el libro de pose-
ciones y devueltose este expediente original al
interado para que le sirva de titulo. Asi yo, el
D. David E. Spence, Alcalde Constitucio-
nal de primera nominacion en esta Muni-
cipalidad, lo declaro -

Letto Virrey Don Manuel

Habilitado provincialmente por la Administracion
de la Aduana Maritima de Monterey de la alta
California para los años de mil ochocientos trin-
ta y cuatro y mil ochocientos treinta y cinco.

En la fha de este titulo se tomo razon de este
titulo en la fha y fe del libro respectivo y se
devueltio original al interado en 3.º y 4.º
y 1.º Constancia lo auto y eubrico

En la fha de este titulo se tomo razon de este
titulo en la fha y fe del libro respectivo y se
devueltio original al interado en 3.º y 4.º
y 1.º Constancia lo auto y eubrico

Received for Record 20th September
1851 at 10 A. M. Recorded in Book "C"
Deeds of Grants pages 49. 50850
P. R. Woodruff

Recorded of Monterey Co.
by W. J. Johnson
Dep. Co. Recorder
Monterey Co.,
Filed in Office Aug. 29 1853
Geo. Fisher
Secy.

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Translation
of Grant and
Judicial
Possession

Provision
Grant and Possession of the Rancho of Roche
Bueno a Huerta del Rey to the Citizen Juan
Antonio Muñoz on the 24th of December said year
Jose Castro first Member of the Excellent Junta
cal Deputacion and Political Chief Administration
of Upper California

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Whereas the Citizen Juan Antonio Muñoz has solicited for his personal benefit and that of his family the land known as Huerta de la Nación after having previously taken the necessary action and made the necessary investigations according to the requirements of Law and Regulations in regard to the proceeds in the State by deed of this date concluded in the name of the Mexican Nation to grant him the sum of land and to assign his property by the present letters patent and by the Excellent Deputacion de 15th March 1835 and under the following conditions

1. That it be subject to the conditions which shall be established by the Regulations to be made for the distribution of vacant lands and that in the meantime within the grantee or his heirs shall have the power to divide or alienate what land is adjudicated to them and to subject it to mortgages and mortgage many other incumbrances though it be for a charitable purpose or to convey it into mortmain
 2. He may fence it without prejudice to the cows which he has and continues he will enjoy it fully and exclusively appropriating it to the use or culture that best may suit him
 3. He will solicit of the respective Judge to give him judicial possession in virtue of this document by whom the boundaries are to be marked with the extremities of which he sees the land marks he will put some points or columns of some usefulness
 4. The land granted is a little less than one square league (sitio de Guadalupe) as expressed in the plot attached to the Escondite
- The Judge who shall give the possession will cause it to be surveyed conformable to ordnance

for the marking of boundaries leaving the same
plus in favor of the nation for common purposes
5. He should violate these conditions he will lose
his right to the land and cannot be defended by any
other party,

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Consequently I order that the present survey being
settled and being held from and valid as
set out in the corresponding book and delivered
to the interested party for his security and other
purposes. Given in Montevideo on the 20th November
1835 enacted to the 15th November 1835 which
is to be right
Jose Castro

Dec 20th Francisco del Castillo Regente
Dec 20th. Enacted with the corresponding book on folio 86
and number with the number 84 deposited in the
Secretary Office in my charge Montevideo
Nov 20th 1835, Castillo

Received for the 20th September 1835 at 11 AM
Received the two foregoing pages in book of Decree
of Grants on page 49 and 50
K Woodside

Recorder of Montevideo County
By William J Johnson
Deputy County Recorder Montevideo County
By Constitutional Alcalde

The citizen Juan Antonio Munos represents to
you that having obtained the ownership of the
land called Quinta de la Nacion and it being a
massing requisite to take possession of the mentioned
land I pray you to be pleased to give me the indicated
possession Montevideo December 23rd 1835
Juan Antonio Munos

Montevideo December 24th 1835
This having been presented and admitted I the
present Alcalde will proceed to the measurement
marking of boundaries and general possession
solicited by the interested party in this instance
assigning for its execution the 24th present for
which the owning land owner will be summoned
to appear thus did I the Alcalde of this Capital
decreed and sign I Decree Spence
assistants assistants
Juan Maria Maldonado Jose Maria Corrales

On the same date the citizen Juan Antonio
Munos was notified of the foregoing and having

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had an understanding of it he said he had heard it and that he accepted of said signing with me and the assistants Francisco Mendez

Spencer assistants
Jose Maria Maldonado J. Ma Corri
On the same day the witnesses were made out and to attest it I subscribed my flourish
(Flourish)

Rancho de Roche Buena or Huerta de la Buena
December 24th 1835

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For the mensuration marking of boundaries and possession to D. Juan Antonio Pineda I appointed as measurers the citizens Juan Garcia and Margarita Linares who after Pineda accepted and oath will proceed to the discharge of their office thus did I the first Alcalde of Montevideo de cue and sign with my assistants

Spencer
Jose Maria Maldonado J. Ma Corri
Humbly binding said run to this Rancho Graua and Manjines did not appear on account of sickness and I attest it by subscribing my flourish
(Flourish)

Under the same date the citizens Juan Garcia and Margarita Linares being present they were notified of the decree of their appointment and having had an understanding of it they said they had heard it, that they accepted and did accept swearing by God our Lord and the Sign of the Cross conformable to Law to discharge faithfully and legally to the best of their ability and understanding without fraud against any person and they did not sign on account of not knowing how I did together with the assistants

Assistants
Assistants
Jose Maria Maldonado J. Ma Corri
In the same place and on the same day month and year the said measurers in presence of me the Alcalde took value of things and with several Mexican Vara measure they measured fifty varas to make the mensuration and siting out from the best man of the Laguna Grande said mensuration was commenced at the north corner to the cañal and divided into four varas and measured one hundred fifty two lines of fifty varas each. And on Las Negras

they commenced again up to the boundary of
Francisco Manceros in the corner south
East measuring fifty lines in which mens-
urations found a corresponding land marks
to be made so as to mark the boundary be-
longing to him the land measured corresponds
to a little less than one square league (Litis
de Gaudos Mancos) and I sign with the attes-
ting witnesses David Spence

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assistants Assistants
Jose Maria Maldonado J. Ma. Corri
On the Ranch where known as Hermitude
La Racion on the 24th day of the month of Dec-
ember 1835 the Alcalde after having finished
the measurements of the said Ranch which is
found to be a little less than one square league
with whatever else to the future and shown in
the census found that I or Juan Antonio
Munoz should enter into possession of the
said Ranch under the said measurement
and customary formalities in this case
which he immediately thereafter accomplished
by pulling up grass and making demarcations
around a corner of the land of which he has
been in possession the validity of which I can
thence and I sign with the interested party and
attesting witnesses

Franco Antonio Munoz David Spence
assistant assistant

Jose Maria Maldonado J. Ma. Corri
Mounted December 25th 1835 Let this be entered in
the book of Possessions and return this Espe-
quite in original to the interested party that it
may serve him as title Thus did I David Spence
Constitutional Alcalde of the first Municipality
in this Municipality deage non and sign with
the attesting witnesses David Spence as assigne
Jose Maldonado J. Ma. Corri on the same day the title
was entered on folio 7 in the respective book and return
to the interested party in original consisting of 5 folios
& the other is a duplicate copy Flemish (Flemish)

Received for Record 20th September 1851 at 10 am Recorded
in bookle I was of Grants pages 49 50 & 51 N. Woodside
Recorder of Montevideo by Wm. Johnson Dep. Rec. Montevideo
Filed in Office Oct 14th 1853 Geo. Fisher Secretary

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Sello segundo (official Seal.) cuatro pesos.

En la Ciudad de Mexico, a veinte y siete de Enero de mil ochocientos cuarenta y nueve. Ante mi el Escribano y testigos Dona Manuela Cruz Vicola del Capitan de Artilleria Don Juan Antonio Munoz su albacea testamentaria fideicomisaria tenedora de bienes tutora y curadora adbona de sus menores hijos nombrada por tal en el testamento que otorgo dicho su marido en la plaza de Maratlan a seis de Octubre de mil ochocientos cuarenta y cuatro ante el Teniente Coronel Don Francisco Castillo Negrete Capitan Ayudante de la misma plaza, y el secretario Don Josebio Ruiz, Teniente Ayudante de la misma, el cual se me ha manifestado, y oha agregado al expediente de que tuvo mencion, Dona Amada Munoz Cruz y Salcedo en union de su legitimo marido Don Gregorio Salcedo y este tambien a nombre de Don Joaquin Munoz en virtud de la autorizacion que este le estendio para intervenir en las actuaciones y escritura de venta que se me espresaria ante el Alcalde del pueblo de Tescam? Don Francisco Biquera en diez y ocho del corriente ante los testigos de asistencia Don Ignacio Perez y Don Efraclito Padilla, en union de su menor hermano Don Jose, universales del referido Capitan Don Juan Antonio Munoz como sus unicos hijos nombrados por tales en el relacionado testamento, residentes por ahora en esta Capital a quienes oyo se convec dijeron: Que dicho Capitan Don Juan Antonio Munoz obtuvo en mil ochocientos treinta y cinco del Gobierno y Asamblea Departamental de la Alta California un terreno poco mas o menos de un sitio de ganado Mayor a tres leguas de Monterrey y un solar de cien varas de fondo y cimentada de frente a orillas de la misma Ciudad. Que habiendo sido espulsado de alli se vio

en la necesidad.

(See page 2.)

Sello cuarto. (Seal) un real.
 En la necesidad de abandonar sus intereses que no
 tubo tiempo ni aun para encargarlos à alguna
 persona que los ocupara. Que los acontecimientos
 posteriores han echo pasar aquel pais al dominio
 extranjero dejandoles una sombra de derecho. Que
 para poder enagenar ese derecho ocurrieron al tenor
 Cues primero de lo civil en esta ciudad licenciado
 Don Cayetano Ybarra por el oficio publico que es
 à cargo de Don Daniel Mendez, solicitando licen-
 -cia para hacer su enagenacion por medio de
 escrito que presentaron acompañando el referido
 testamento en veinte del corriente y previo el con-
 -vencimiento que hizo del escrito la misma Dona
 Manuela Cruz el tenor. Que mandó en la
 propia fecha que siendo como era útil al menor
 Don José Muñoz la venta que se expresaba
 autorizaba à dicha Dona Manuela para que
 vendiese los terrenos expresados, bajo la calidad
 de que hecha la escritura se presentase para la
 aprobacion. En veinte y tres de este mes presento
 otro escrito en que espone que para mejor cum-
 -plir lo mandado y asignar el precio justo de los
 terrenos habia ocurrido al ex. Prefecto de Monterey
 Capitan Don Manuel Castro por el convenio que
 tenia de aquellas tierras para que lo fijara y de
 facto lo hizo en quinientos pesos segun el documento
 que acompaño y por el Solar fijó cien pesos. Que en
 consecuencia habia trasladado la venta de uno y otro
 al Doctor Don Jaime De Ping en las cantidades exp-
 -resadas que no medió à la ratificacion del tenor

Sello Cuarto (Seal) Un real.

Que suplicando se que ratificando el Documento el
 Capitan Castro cumpliera su informe sobre los puntos
 que tubiere a bien y resultando conforme à su intencion
 aprobar la venta como estaba ajustada. a que se
 mandó que reconocidos con juramento el Capitan
 Castro el documento expresado se diese cuenta con los
 resultados. Se practicó el reconocimiento prebeuido, en
 -viola se proveyo el auto cuyo tenor es como sigue.
 Auto: Mexico Enero veinte y cuatro de mil ochocientos
 cuarenta y nueve. = Vistos. Y en consideracion a la
 corta cantidad que se versa y à la utilidad que
 resulta al menor de la venta de los terrenos de que

en autoriza a Dona Manuela Cruz de Moraga para que a nombre de su menor proceda a celebrar la venta en los terminos que expresa el escrito de veinte y tres del corriente bajo la calidad y de que las costas de este expediente sean satisfechas por el Comprador, reponiendose en consecuencia el papel correspondiente de las actuaciones y tambien de que la presente correspondiente a dicho menor se destine en su provecho y de todo lo que se pondra constancia en la Escritura respectiva. Y para mayor validez y firmeza el señor Juez interpuso su autoridad y judicial decreto en cuanto ha lugar por derecho. Lo proveyo y firmo el señor Juez de Letras de lo civil de esta Capital Licenciado Don Cayetano Barra. Oydor. Barra. Daniel Meneses.

Se hizo saber el mismo dia a
Sello Cuarto (seal) Un real.

Dona Manuela Cruz quien contesto que como la parte que correspondia a su hijo menor era la sexta del precio, la destinaria para sus alimentos, ropa de su uso y educacion para lo que indudablemente no alcanzaba; pero pero que su obligacion maternal supliria lo demas: a que se defirio un auto de veinte y cinco del mismo y respecto a la duda que consulto al oficio se mandó que en atencion a que los terrenos de que se trataba estaban situados en pais extranjero se podia librar testimonio de la escritura de venta sin necesidad de aviso a la oficina de Contribuciones y por lo respectivo al valor del porter otorgado por Don Joaquin Munoz el actuario obrase bajo su responsabilidad. Indiquiendole la misma Dona Manuela Cruz que el otorgamiento de la escritura de venta fuese ante el presente Escribano a que se defirio en auto de ayer segun todo por menor consta del relacionado expediente que devolvi al oficio del espresado Mercedez a que me refiero: y no restandole otra causa que reducir a efecto la escritura correspondiente por el tenor de la presente y aquella via y forma que mas haga lugar en derecho otorgan por si y a nombre de sus herederos y sucesores o quien de ellos hubiere titulo por o recurso en cualquiera manera venden en venta real y enagenacion perpetua por juro de heredad, los mencionados terrenos con todo cuanto les toca y pertenece de hecho y de derecho sus entracos, Salidas, usos costumbres, derechos y servidumbres sin reservar cosa

con alguna en favor y para los Doctores Don José y Don Jaime Puig y Monmany de man común e insolidum en precio de Seiscientos pesos que les dan y de cuya entrega me piden de fe y la doy de haber pasado esta suma de Manos de dichos Doctores a las de los otorgantes en moneda de plata doble del curso corriente Mexicano con todo a toda su Satisfacion a mi presencia y la de los testigos infrascriptos y estienolen a su favor al resguardo mas eficaz que a su seguridad convulsera y declaran que dicha cantidad en el justo valor de los referidos terrenos que no valen mas y caso que asi sea del exeso que intervenga haen gracia y Donacion a los compradores pura, mere, perfecta e irrevocable que el derecho llama intervinos, valedera para Siempre con las insinuaciones y demas firmenas legales, renunciando la ley primera titulo once, libro quinto de la recopilacion que trata de la lesion o engaño en las ventas.

Sello cuarto (seal) un real.

y otros contratos y el remedio de los quatro años en ella fijados para pedir rescision del Contrato o suplemento de su legitimo precio que dan por pasados como si lo estuvieran y desisten de la testamentaria del expresado Capitan Don Juan Antonio Munos del derecho de propiedad dominio y senorio que a los expresados terrenos ha tenido y los ceden renunciando y transieren en los compradores y los suyos para que dispongan de ellos a su arbitrio como de cosa suya propia habida y adquirida con justo titulo de venta, cual lo es esta, de la que concienten se les dé copia a cada uno y lo mismo de los titulos de dominio que tienen y les entregan originales de los que se sacará copia para el protocolo por si se extraviaren dichos originales, de donde podrá sacarse testimonio si lo pidieren, declarando que los terrenos estan libres de todo gravamen e hipoteca pues solo el terreno que esta dentro de la Capital de Monterrey paga censo a aquillo y llustre Ayuntamiento. Y obligan a la testamentaria del Capitan Abitor a la ericcion y saneamiento de dichos terrenos en tal manera que siempre y en todo tiempo les serian ciertos y seguros, a los compradores y a ellos ni a cosa alguna que les pertenecia, salvo a tercero que mejor derecho pretendia, ni les seria puesto pleito, embargo ni contradiccion y si saliere o pleito se les moviere sacaran la cara a la voz y defensa

y lo seguirán y firmen a su costa hasta dejarles en
 pacífica posesion y si señalar no pudieren, les devolvamos
 el precio Sello cuarto (Seal) Un real.
 de la venta y les pagaran todo cuanto en ellos labaren
 aumentaren y mejoraren. Costos de unos perjuicios y nuevos
 Cabos que se les siguieren y creciesen de ferido su monto
 y liquidacion en el simple juramento de los actos sin
 otra prueba de que les toman: consintiendo en que con
 solo el presente documento se tenga por tomada la
 tenencia y posesion de los citados terrenos. Y al cumplimí-
 ento de todo lo relacionado, obligan los bienes de la
 testamentaria del Capitan Muñoz presentes y futuros
 con sumision a los señores Jueses que de sus causas
 deban conocer para que a lo dicho les compelan como si
 fuese por sentencia consintida y pasada en autoridad
 de cosa juzgada: renuncian las leyes de su favor y
 defensa con la general del derecho. Y estando presentes
 los Doctores Don José y Don Jaime de Puig y Monmany
 de esta Realidad a quienes doy fe conocer impuestas del
 tenor de esta escritura la aceptaron en todas sus partes
 segun se contiene, y lo mismo la venta de los terrenos que
 incluye en el precio de seiscientos pesos que tienen entregados
 y por lo tanto queda cerrado el contrato que se obligan
 a pagar el censo que correspondia al terreno que esta
 dentro de la ciudad de Monterrey con cuya calidad
 le fué adjudicado al Capitan Don Juan Antonio Muñoz
 por aquel Ayuntamiento. Y firmaron a excepcion de Dona
 Manuela Cruz que espreso no saber, a su nombre
 lo hizo su menor hijo Don José Maria Lindo testigos
 Don José Malolomado Don José Espinola y Don
 Sello cuarto (Seal) un real.

Ygnacio Orozco de esta Realidad. Doy fe. Atxola Muños
 de Salcedo = Por orden de la Señora mi madre y por mi.

José Maria Muños = Gregorio Salcedo. =

Jaime de Puig y Monmany = José de Puig y Monmany
 José Lopez Guero Escribano Nacional y Público. =

Hacese para la parte de los comparecientes tres
 ohas despues de su fecha y va en siete fojas de los
 sellos Segundo y Cuarto Viejo y Corriente: conejido
 Doy fe. : Entre renglones = Documentos = Vale.
 J. G.

José Lopez Guero. Excmo Nac^o y p^o =
 José Ramon Malo, Diputado al Congreso general
 de la Republica y Gobernador de este Distrito.

25-
Certifico que el signo y firma con que se halla autorig-
-ado el anterior testimonio son los mismos que uso
y acostumbra el escribano D. J. Lopez Guano en todos sus
actos publicos, a los cuales se les da entera fe y credito
en esta Capital. Y para que conste oloose conuenga ponga
la presente en Mexico a siete de Febrero de mil ochocientos
cuarenta y nueve.

Jose R. Santos.

Wthg. Consulate of the U.S. of America, Mexico. Feb^r
20. 1849.

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I the Undersigned Consul of the United
States of America for the city of Mexico, hereby certify
that the signature of Jose M. Malo, subscribed to the
preceding certificate is in the proper hand writing
of said person, who is well known to me, and was
at the time of subscribing the same, Governor of the
in full exercise of said office and that all his official
acts are entitled to full faith and credit as such.

In testimony of which I have hereunto set my
hand and affixed the Consular Seal the day and
year first before written.

Registro. D. folio 31. John Black. Consul.
Año de 1849.

Escritura de venta de unos terrenos ubicados en la
Alta California que otorgaron con licencia judicial
la viuda e hijos del capitán de artilleria D. Juan
Antonio Murros a favor de los Doctores D. José
y D. Jaime Puig Monmany como dentro se expresa.

Filed in Office Sept. 19th 1853.

Geo. Fisher.
Secy.

2 Translation
of
Inventory

Stamp

In the City of Mexico on the twenty fourth of January
one thousand eight hundred and fifty five before me a
Notary Public and Notary Don Manuel Lopez
widow of the Military Captain Don Juan Antonio
in witness his testamentary Executive trustee property
holder tutress and Guardian ad bona of his minor
Sons appointed as such in the testament made by
her said husband in the public town of Mazatlan
on the 6th of October 1844 before the Lieutenant Colonel
Don Francisco Castillo Regente Captain Adjutant
of the same fortress and the Sentries Don E. Ruiz
Lieutenant Adjutant of the same which testa-
ment has been shown me and is attached to the
Expediente of which mention will be made

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Don
Alcázar Muñoz Cruz y Salgado to gether with his
legitimate husbanda Don Eugenio Salgado and
the latter also in the name of Don Joaquin
Muñoz by virtue of the Authority which the latter
exercised to him to intervene in the Deeds and
Bill of Sale which will be expressed to me before
the Alcalde of the Pueblo of Toluca Don Fran-
cisco Requena on the twenty eighth instant before
the attesting witnesses Don Ignacio Ruiz and Don
A. Padilla his in common with their minor
brother Don Jose Manuel his of the said Cap-
tain Don Juan Antonio Muñoz as his heirs
appointed as such in the said Testament at
present residents in this Capital whom I attest
that I have said

That said Captain Don Juan
Antonio Muñoz in the year eighteen hundred thirty
five obtained of the Government and Departmental
Assembly of Upper California a tract of land
a little more less than six square leagues or there
abouts from Monterey and abounding with fine
timber and was in depth and fifty or more
the sea shore in the same City, that having
been expelled therefrom he saw himself in the ne-
cessity of abandoning his interests that he had not
time to put it in charge of some person who
might occupy it, that subsequent events have
caused that Country to pass on to foreign dominion
leaving them a shadow of right that to be recalled

to eliminate this right they applied to the first
 civil judge in this city the licenciate Don Cay-
 etano Acuna through the public officer in his
 charge from Don Daniel Mondrag soliciting
 license to make her valuation by means of a mi-
 nistry presented accompanied by the said testa-
 ment on the 20th instant and after the minors
 recognition a which the said Doña Manuela
 Cruz took of the writing the judge under today's
 date ordered that the sale be passed therein being
 as it was useful to the minor Don Jose Mondrag
 he authorized said Doña Manuela to sell the
 said lands under the condition that when the deed
 is made it be presented for approval

On the twenty
 third of this month she presented another writing
 in which she represents that for the better compliance
 with the order and to assign the first price of the
 lands she had applied to the Ex. Prefect of Sonora
 Don Manuel Castor by reason of
 the knowledge he had of these lands that he would
 fix the price and in fact he did fix it to five
 hundred dollars according to the document she
 accompanied and the remaining lot he fixed to
 one hundred dollars

That in consequence each
 other had been treaty of sale to Doctor Don
 Juan de Puy for the said considerations which
 she submitted to the ratification of the judge saying
 him that Captain Castor ratifying the document
 he would fully make his report in the points he
 might think expedient and resulting according
 to the instruction he would appraise of the Dallas if
 was adjusted wherefore it was ordered that Captain
 Castor recognizing the said document with oath
 he would give an account of the results

after the
 anticipatory recognition was taken the following decree
 was then upon presented the tenor of which is as follows
 Decree Mexico January 24th 1849 Her Majesty's
 ratification of the small sumaguan and the writing
 resulting to the minor for the sale of the lands
 in treaty Doña Manuela Cruz de Mondrag is au-
 thorized in the name of her minor to proceed to eff-
 ect the sale on the terms expressed in the writing

of twenty third instant in the condition that the costs of this Expediente be settled by the purchaser replacing in consequence in corresponding paper legal instruments and also that the gift belonging to said Minors be appropriated to his benefit and of all of which there will be put a record in the respective deed and for greater validity and firmness the judge returned with his authority and judicial decree as per as is consistent with law

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The learned Judge in civil matters in this Capital the Licentiate Don Benigno Hara Sopinaco and signed in of which I bear testimony
Hara

On the same day Doña Mariana Cruz was acquainted here with who assumed that as the said conspiring to her minor son was the mother of the said she would appropriate it for his aliment, clothing for his use and for his education for which it undoubtedly did not suffice but that her maternal obligation would supply the rest to which effect she was communicated a decree dated 25th instant and respecting the doubt about which she consulted this Office it was noted that in view of that the lands in question are situated in a foreign country there might be taken testimony from the bill of sale without the necessity of notice to the tax collector Office and respecting the validity of the power of attorney made by Don Joaquín Munguía that the acting should be made in his responsibility

Thereafter the said Doña Mariana Cruz demanded that the execution of the bill of sale should be before the present notary regarding which it was submitted to a decree of yesterday's date as in every detail appears from the said Expediente which returned to the office of said notary to which I refer and there not lacking any other thing than to carry the corresponding deed into effect by the tenor of the present and in that way and form which best may be consistent with law being consistent with the laws and in the name of their heirs successors

and who of them shall or may have title vote
or be cured in whatsoever manner to sell the
said lands by real sale and purchase ac-
- cording to the right of inheritance with all their
- entire outlets uses easements rights and ser-
- vitudes in as far as they therein appertain and
belong in fact and by right without reserving any
- thing in favor of said notary Don Juan and
- Don Juan Pujy Mon in any personally and
in common in consequence of the bounds and
- easements which they give them and the delivery of
which they ask me to attest and I do attest that
this sum has passed from the hands of said Do-
- tors to those of the purchasers in current silver
money of the present Mexican Empire in the
- presence of their entire satisfaction in the presence of my
self and the undersigned witnesses

And they
- give in their form the security which most ef-
- fectively may be conducive to their safety and
they declare that the said sum is the just
- value of the said lands that they are not with-
- out and in case they might they make a
- grant and donation of the intervening excess
to the purchasers to be done some perfect and
- irrevocable which the law calls inter vivos to
be always valid in the exhibition of this document
- before any Magistrate and by other legal aff-
- firmations they renounce the said title 11 Feb
5th of the Republication which treats of damages
and debit in sales and other contracts

And
- the sum of the five years therein fixed to
demand or recission of the contract or the sum-
- ment to its legitimate price which they admit
- admit of force and the Executive of the said le-
- ptain Don Juan Antonio Ramirez enli-
- - ghtens the rights of property dominion and
- mastership she has had to said lands and
- they can renounce and transfer them to the
- purchasers and their assigns that they desire
- that of as their will as a thing of their own
- and acquire with just title of sale which this
- is of which they consent each one to be given
- a copy and likewise of the titles of Dominion

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they have and they deliver them to them in original form which a copy will be drawn for the purpose to be used as such in case the said originals should be lost from whence testimony may be drawn if asked for declaring that the lands are free of all incumbrances and mortgage since the land which is within the Capital of Montevideo only pays taxes to the Illustrissimos Ayuntamiento

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And they said the Executors of Captain Ramirez to the eviction and quantity of said lands in such a manner that all ways and at any time they will be certain and secure to them the purchasers and rather to them than anything belonging to them shall there come forth any third party claiming better right nor shall there be instituted against them any Law suit or to be placed any embargo or interdiction and if any such claim shall come forth or any Law suit be instituted against them

They will appear in defence and they will follow it up and conclude it at their cost until leaving them in peaceable possession and if they should not be able to gain it they will return them the price of the sale and pay them in full for all they may have incurred or added to and improved the lands the costs damages expenses and detriments which may have been accrued and incurred to them.

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The account and liquidation thereof being submitted to the simple oath of the Plaintiffs without any other proof to establish it consenting that by the present agreement alone the tenants and possessors of said lands may be held and taken account for the fulfillment of all the foregoing the said the Executors of Captain Ramirez in his present and future property with submission to the judges who ought to take cognizance of their causes so that they may compel them to the fulfillment of what is stated as above by compulsion of the Law passed in contempt of a Law suit they renounce that Law in their favor and defend with the disabilities of Law. Amalthe Doctus In que and In

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Juan de Puy y Munnery of this place when
satisfied that Munnery pursued after being
acquainted with the terms of this deed accepted
in every particular and is and likewise
the sale of the lands including the sum of
two dollars which they have obtained in and
therefore the contract is closed and they bind
themselves to pay the taxes corresponding to the
Land lying in the City of Montevideo which
stipulation was adjudicated to Captain
Don Juan Munnery by that Ayuntamiento

And
they signed with exceptions of Doña Remedios
being who alleged not to know him then name
and Don Munnery Don Jose Munnery Don Jose
Maldonado Don Jose Espinola and Don Ignacio
Prosero of this place being witnesses Satisfied
is Alameda Munoz de Salvador Mayor of my
masters my brother and for my self Jose Munnery
Munoz Guzman Salcedo Juan de Puy y Munnery
Jose de Puy y Munnery Jose Lopez Guzman
Notary and Public Notary

This was drawn for
the party purchasers three days after its date
and consists of seven folios of the current law
and 4th stamp correct Satisfied in entering
of documents is good

(Plumish)
Jose Lopez Guzman

Notary and Public

Jose Ramon Mulo Deputy of the General Con-
gress of the Republic and Mayor of this District
Certify that the Plumish and signature with
which the foregoing testimonial is authorized
and the same as used and usually authorized by
the Notary Don Jose Lopez Guzman in all his
public acts to which is given entire faith and
credit in this Capital and that is my faith
and what I quit

I give the present in Montevideo
on the 7th of February 1849 Jose R Mulo
(Certificate of the American Consul in Mexico
Mexico in Mexico October 17th 1853)

George Fisher
Secretary

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10/702

Opinion of the Board

José and Juana de Puy }
Miguel vs }
The United States }
} claim for a place called
} Arce in the county of
} Monterey and containing

The claimants in this case ask a confirmation of title derived from the lands of Juan Antonio Muroz the grantee from the Mexican Government. The claimant has filed a grant issued by the least to the Government the 20th of November 1835

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And also a certified copy of the proceedings of the Alcalde of the District in which he certifies that he proceeded on the 4th day of December to the measurement of the said Rancho and to the giving of judicial possession of the same the proceedings of which said documents satisfactory proof has been presented

The grant contains the usual conditions and it is in evidence that the grantee within one year from the date of the grant built a house thereon and that it was occupied by his servants and that within the year he cultivated a part of it and had about three hundred head of cattle on the place and kept a Dairy thereon

The proof of the conditions of the grant is satisfactory and one of the opinions that the grant to the said Muroz is valid. The claimant has also filed in file a sentence in this cause documentary evidence of the proceedings of a judge of a court in the city of Mexico had on the 23rd day of February 1849 by which proceedings the said judge authorized the widow of the said Muroz Doña Manuela Muroz and her children to convey the premises to the present claimant

All of which children were of lawful age except Don Jose Muroz who appeared at the time was an infant. In pursuance of the aforesaid authority the said Doña Manuela in behalf of herself and the infant son and the heirs of lawful age made a formal conveyance to the claimant of the premises before a Notary Public of the city of Mexico the proceedings of which is satisfactorily

authenticated & non suams to be seen what additional terms were conferred upon the basis of mining to convey the estate by the interposition of the court in Mexico

We are clearly of the opinion that the Court in Mexico possesses the power to authorize the sale of real estate located in this state and belonging to infant heirs the acts of the court in the premises so far as the infant heir was concerned are coram non jure and clearly void

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It is not necessary to enquire what effect the order of the Court had in the premises as to the rights of the balance of the parties making the conveyance for it appears that they are of lawful age and fully competent in law to contract without the interposition of the Court

No objection appears to the conveyance from the heirs of mining except that of the infant heir which appears to be one unavailing with the Board thereof all of the opinion that the grant should be confirmed to an undivided five parts and a demurrer will be entered accordingly

Conferencia

Relia in Officio October 24th 1854

Geo F. Fisher

Secretary

Decree of Jose & Jennie de
Confirmation

Pablo & Jennie de
The United States

In this case after hearing the proofs and allegations it is adjudged and decreed

that the claim is valid and the same is hereby confirmed with the following description and boundaries in the county of Monterey and State of California by the name of Pablo & Jennie de
on the North West side of the Cañada de San
- abrocelas from 7650 varas to a place called
Las Mesquitas thence to the boundaries of Graeme
thence South East 2300 varas to the place of beginning
containing at the less than one square league. A. Fitch

A. A. Thompson

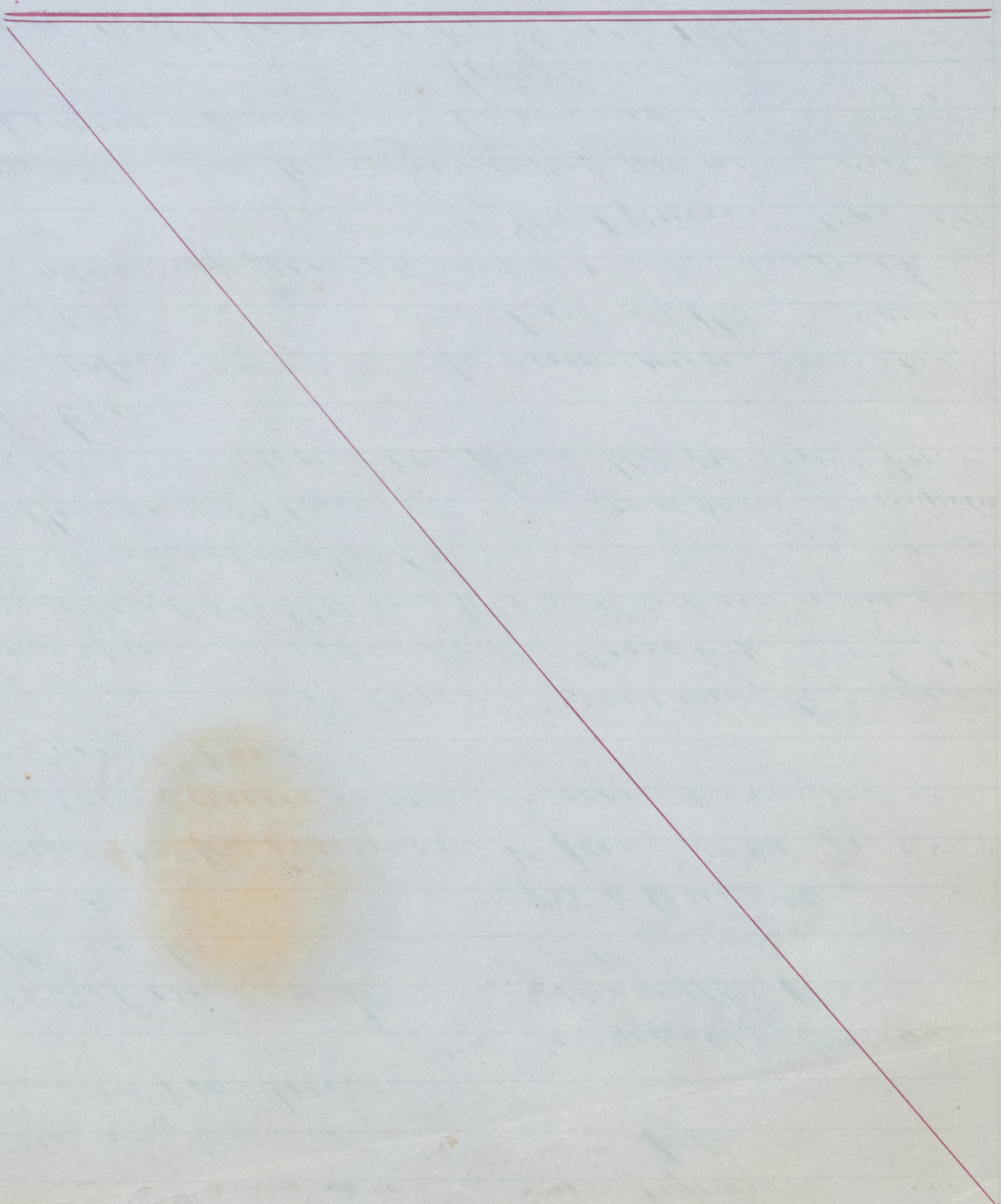
J. B. Fenwick

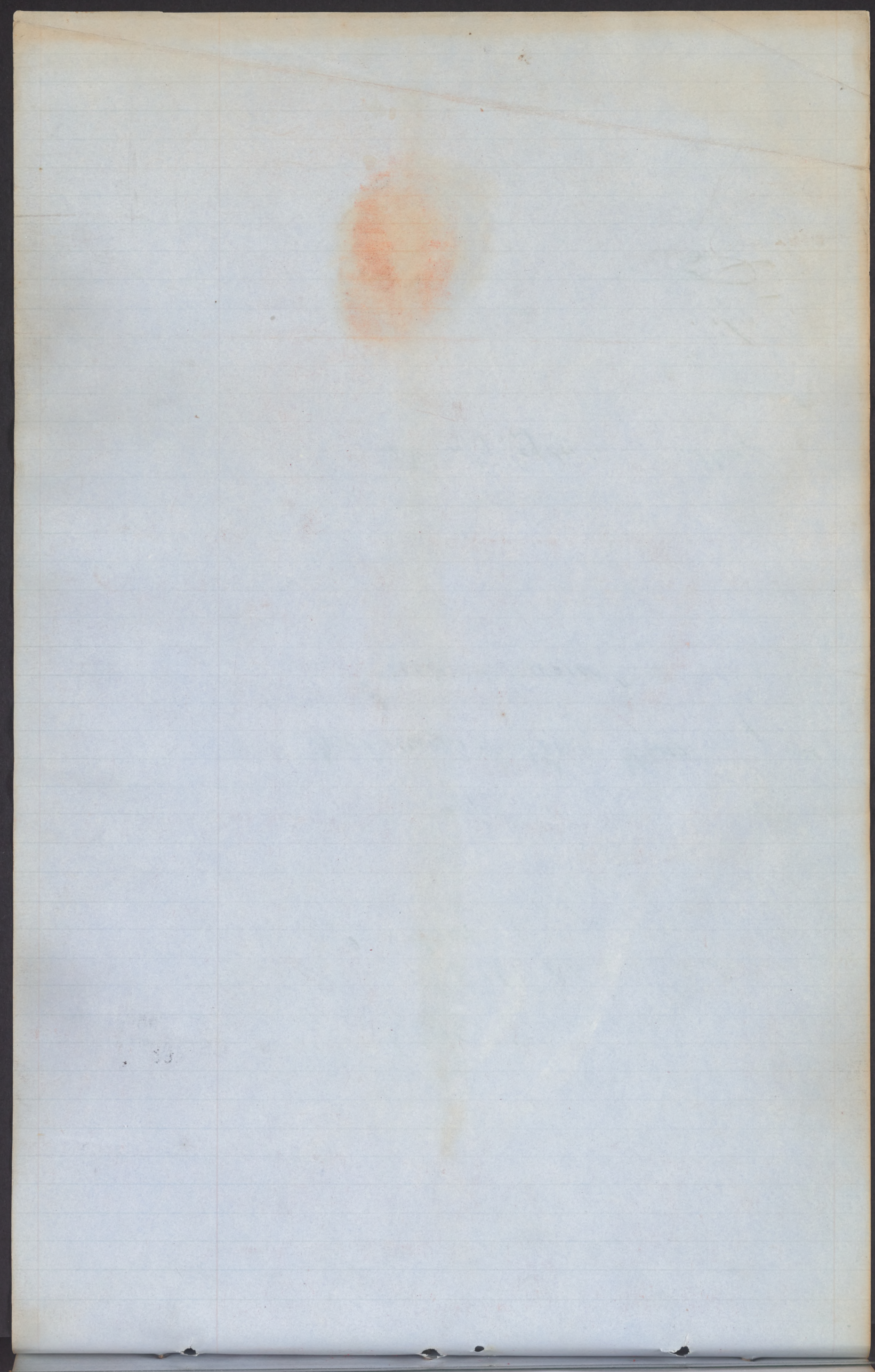
Relia in Officio Oct 24. 1854 Geo F. Fisher Secretary

Confirmation

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And it appearing to the satisfaction of this Board that the said Hugh Adams is situated in the Southern District of California it is hereby ordered that two Transcripts of the Proceeding 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 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.

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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 five* pages, numbered from
1 to *35*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *702* on the Docket of the said Board,
wherein *Jose y Jaime de Prig Monmany* are
the Claimant against the United States, for the place known by
the name of "*Noche Buena*"

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 fifth day of *May*
A. D. *1855*, and of the Independence of the
United States of America the seventy=*ninth*.



Geo. Fisher
Secretary

U. S. DISTRICT COURT,
Southern District of California.

No. *237* *Case*

THE UNITED STATES

vs.

José & Jaime de Pruy

Minors of "La Buena"

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *702*

Filed, *June 6th* 185*5*.

L. E. San. Beck

237

237 SD

PAGE 35 Office of the Attorney General of the United States,

Washington, June 19th 1855.

782.) Roche Buena.

Isid and Jaime de Pina. Monuments,
Claimants.

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 16th day of March 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Very Respectfully

Clayton

Attorney General.

No. 237

U. S. District Court,
Southern Dist of Cal.^{no}

United States

vs

José & James Ruiz Merinero,

Notice of Appeal
in Case no. 402.

Filed July 21 1855
L. E. Leav
Clerk
By A. H. Clark
Deputy

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UNITED STATES OF AMERICA, }
Southern District of California, } SS.

The President of the United States,

TO *Jose & Juana de Pery Manny*

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PAGE 37

Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *you* in the District Court of the United States, in and for the Southern District of California, on the *fifth* day of *January*, in the year of our Lord one thousand eight hundred and fifty-~~seven~~, at the City and County of Los Angeles, in said District, by *P Ara* praying said Court to *review the decision of the United States Land Commissioners of the 24th day of October A.D. 1854 confirming your claim to the Land called Archa Buena*

and that *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 the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *sixth* day of *January* A. D. 1857.

Chris CLERK.
J. M. Chapman
Secy

No. 237

Marchals Cost
Copying Summons - 60
Serving same 3.-
Petition 3.-
\$ 6.60.

UNITED STATES OF AMERICA,
Southern District of California,
U. S. DISTRICT COURT.

Case of *Summa de Pruzellammy*
vs
The United States
appellts

Return this 12th
February 1857 - *Lesins* vs
J. A. Holman
Clerk

SUMMONS.

Received Feb 3^d 1857
237 SD

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Edward Hunter

U. S. MARSHAL.

J. M. Goodman
Deputy

I served this Summons, together with a certified copy of the Petition, upon *Isaac Hartman Esq* Atty for Appellees by delivering to him a true copy of same

at *Los Angeles* in the Southern District of California, on
the *12th* day of *February* A. D. 1857.

Sworn to and subscribed before me, this
12th February 1857.
Lesins - CLERK.
J. A. Holman
Clerk

Edward Hunter
U. S. MARSHAL.
J. M. Goodman
Deputy



Don J Jaime de Ruiz Murrany
appellant
vs.
The United States, appellant.

Docket No. 237.

Transcript No. 702.

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 2^d day of *March* A. D. 1853, *Don J Jaime de Ruiz Murrany*

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 *Noche Buena*

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 24th day of *October* A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 6th day of *June* A. D. 1855, 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. 702; reference to which it is prayed may be had and made part of this petition.

That on or about the 16th day of *March* A. D. 1855, 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: ^{about} on the 21st day of July — 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.

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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, 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 ^{said claim,} ~~same,~~ and decree the alleged title to be invalid: with costs and general relief.

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P. M.

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

N^o 237.

Filed this 5th January
A.D. 1857
C. Sims clk
J. W. Coleman
Dep

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

✓ José & Camilo de Ruiz Monomay
Appellus

Case No. 237

vs

"Noche Buena"

The United States

Appellant

Transcript No 702

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This cause coming on to be heard on appeal from
the decision of the United States Board of Land Com-
missioners to ascertain and settle the private land
claims in the State of California, under an Act
of Congress, approved March 3rd 1851, and a Transcript
of the decision and proceedings of said Board and
of the papers and evidence upon which said de-
cision was formed, and it appearing to the Court
that said Transcript and the notice of Appeal have
been duly filed according to law, and learned
for the respective parties having been heard.

It is
advised, adjudged and decreed that the decision
of said Board of Commissioners be and the same
is hereby affirmed, and that the claim of the ap-
peller is good and valid and the same is hereby
confirmed to them as follows, situate in the County
of Monterey State of California, known by the name
of "Noche Buena", commencing on the north west
side of the Canada del Divisadero de las Montañas
near to a place called ~~Montañas~~ ^{San} ~~Montañas~~ ^{Antonio}
near to the town
of San Antonio, thence east 2500 varas to the place
of beginning, containing a little less than an Spanish
league, reference being here had to the act of Indign
Bosquion for a more particular description.

✓
J. S. [Signature]
for the [Signature] of Cal

No 237

In U.S. District Court, Eastern Dist

Loe & Samir de Ruiz Monamang
Appellus

vs

The United States
Appellants

Done

Filed this 11th February
1867

C. Sims clk
J. Coleman

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Recorded in page 173

Done and read 14 July 1867

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

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Jose v J de Puz Monomery
Appellus

vs
The United States

Appellant

No 237. In District Court.

Now come Sloan & Hartman Attorneys for the
claimants and Appellus in the above entitled
cause, and for answer to the Petition of the Uni-
ted States for Review in said cause say, that
the title by which and ^{under} which they claim the
land in this case called "Nacha Grande", and which
is more fully described in the title papers to the
same, and to which reference is here made, is val-
id. And they pray that the title of claimants
to said land being confirmed, and for gen-
eral relief.

Sloan & Hartman
Atty for Appellus

No 237

In District Court U.S. for Southern Dis

trict of Louisiana de Bruce Moncomery

vs

The United States

Answer to Petition for Remission

Filed 12th February 1857
testis etc
J. H. Holman
Deput

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Stuart Mearns
Att. Appellus

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California Land Claims
Attorney General's Office
12 Feb - 1857

Sir: In the case of the claim of
John and Jane de Ruiz Monmany,
confirmed to the claimant by the Com-
missioners, Case no. Seven hundred
and two, (702), appeal will not
be prosecuted by the United States -

I am,

Respectfully,

Anthony

Recipient, Ad Esq
U. S. Attorney,
Los Angeles -

No 237

Casey Ruiz Momenary

Filed July 27 1838
Chas
OK

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

Ben. Isaac S. L. Ogier Judge -

The United States
vs Appellant
Jose and Jaime Ruiz
de Monmany

Docket no 237

Appellees

Transcript from the Board of Land Commissioners No

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 case 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 case 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 case 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 case as under a final Decree -

Isaac S. L. Ogier
At 5 o'clock

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

N^o 237.

The United States

vs

Jose and Jaime Ruiz
de Morrongy -

defendants and over
concerning same -

Filed July 2^o 1858
C. W. R.
C. R.

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The United States } United States District
Vs. Appellant } Court for the southern
Jose and Jaime Puig de } District of California
Monmany }
Appellees }

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Docket No 237

Transcript No. 702.

The attorney general for the United States having given notice of intention not to prosecute the appeal in the above cause and his letter of such notice being filed herewith

It is therefore hereby stipulated and agreed by and between the parties hereto P. O. [unclear] [unclear], acting for the U. S. and D. S. Gregory for said appellees that the decree of the said Court heretofore rendered in said cause be and the same is hereby made final, and that the said appeal be dismissed.

P. O. [unclear] [unclear]

D. S. Gregory
Attorney for Appellees

#237
U. States Dist. Court
Southern Dist.

United States

vs

Jose & Juana Ruiz
de Monnany

Stipulation for
final decree.

Filed Feb'y 27 1858
C. J. [unclear]
[unclear]

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