

CASE No.
221

SOUTHERN DISTRICT

LOS OJITOS GRANT

MARIANO SOBERANES

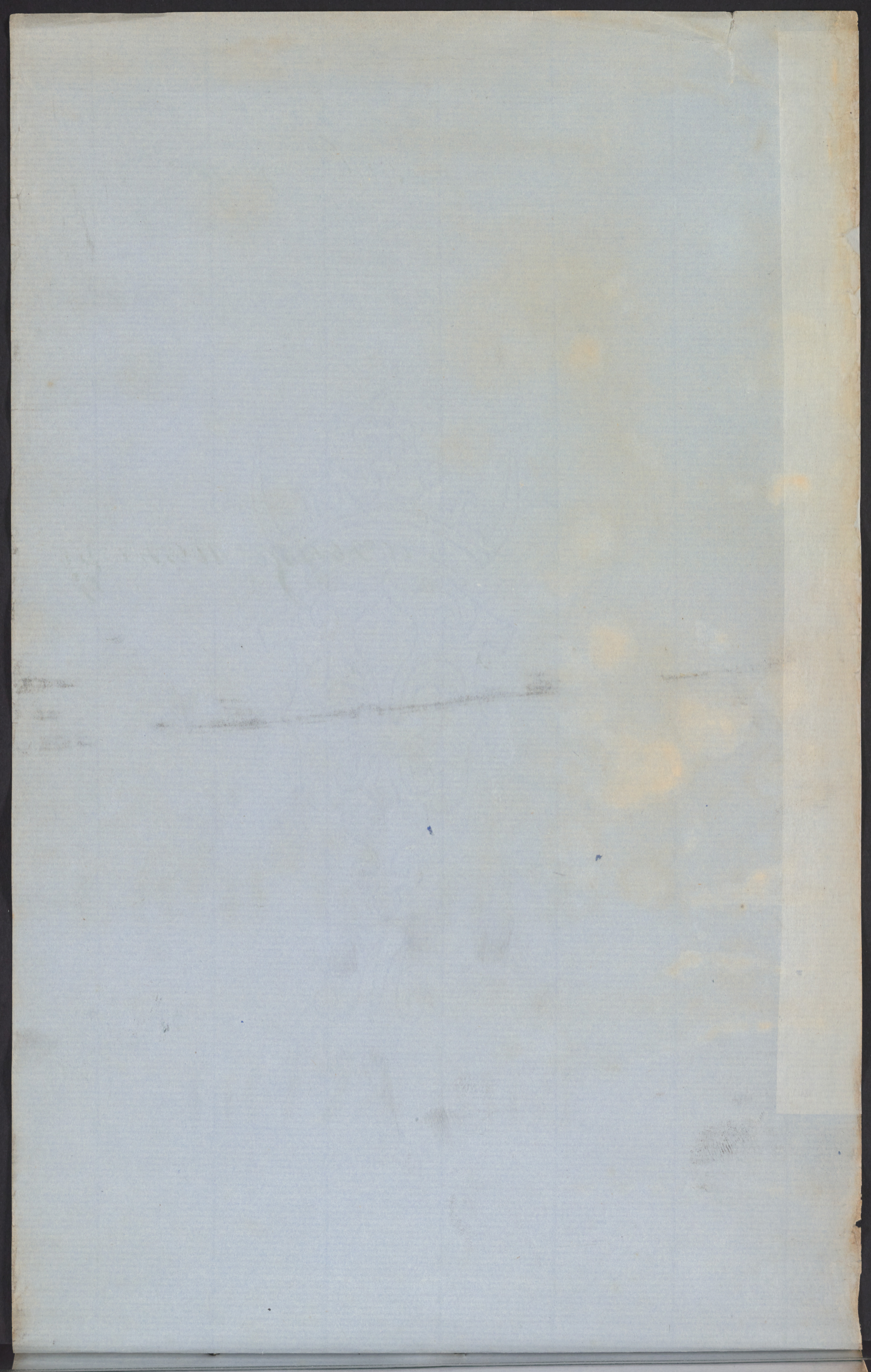
CLAIMANT

MAR 13 1963

U.S. DEPT. OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535

3-4-4

Sup



TRANSCRIPT

221 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *544*

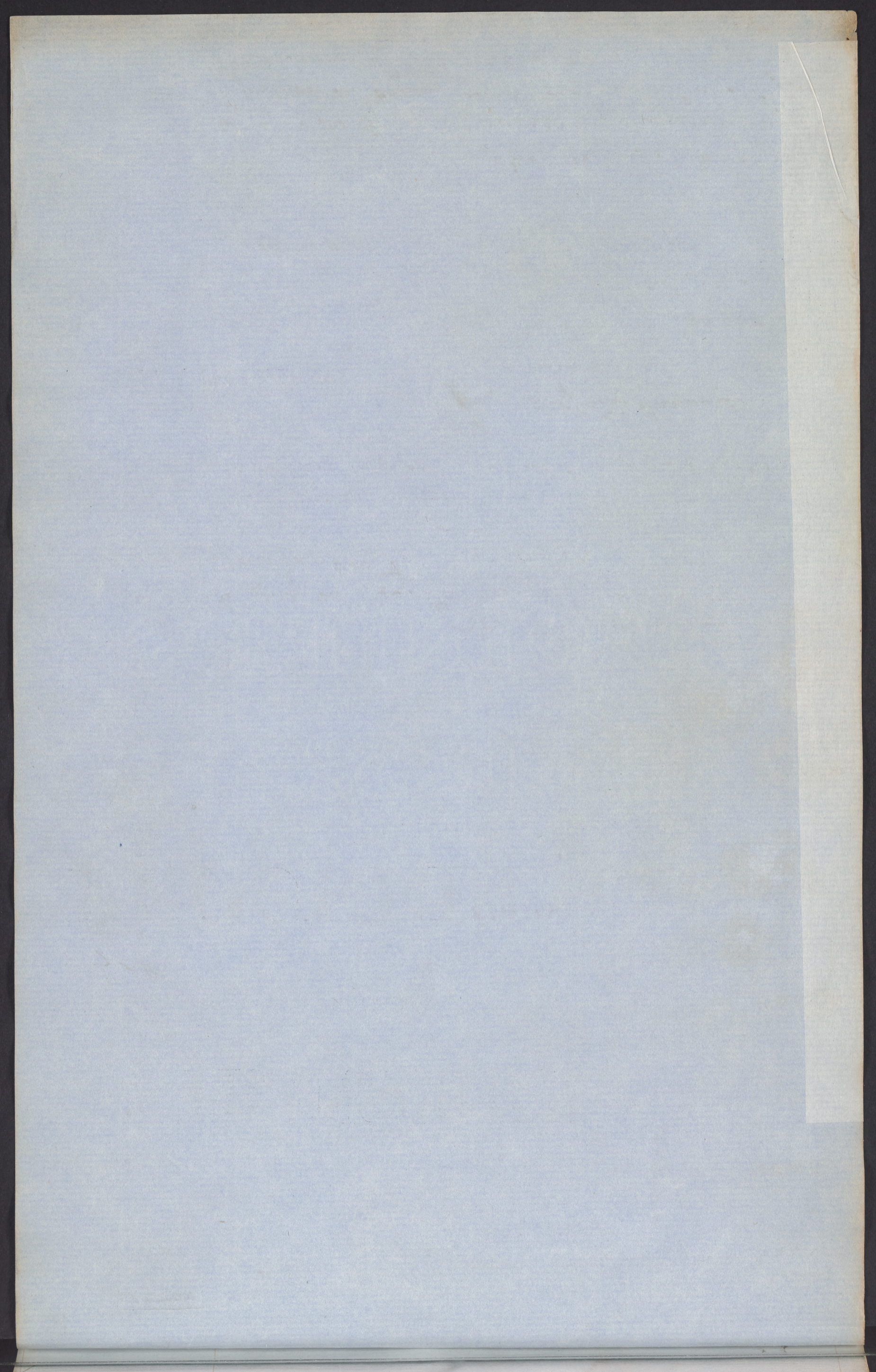
Mariano Soberanes CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Los Ojitos"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this
Anno Domini One Thousand Eight Hundred and Fifty-
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;

221 SD.

PAGE 2

The Petition of Mariano Soberanes
for the Place named
"Los Ojitos,"
was presented, and ordered to be filed and docketed with No. 544 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 February 3^d 1853.
In Case no. 544, Mariano Soberanes for the place
named "Los Ojitos," the deposition of Wm. C. P.
Mattrell, a witness in behalf of the Claimant,
taken before Commissioner Melinda Hall, with
document marked W. H. no. 1, annexed thereto was
filed.

(Vide page 3 of this Transcript.)

San Francisco Sept. 23^d 1853.
Case no. 544 was called, on motion of the Counsel
for the Claimant, ordered to the foot of the Docket.

San Francisco Nov. 3^d 1853.
In the same Case the deposition of Feliciano Soberanes
a witness in behalf of the Claimant, taken before
Commissioner R. Aug. Thompson, was filed;

(Vide page 5 of this Transcript)

~~~~~

San Francisco September 19<sup>th</sup> 1854.  
Case no. 544 was submitted without argument.

~~~~~

San Francisco Sept. 26th 1854.

In the same case Commissioner S. B. Fairwell
delivered the opinion of the Board confirming
the claim.

(Vide page 19 of this Transcript.)

and the following order was made, to wit;

(Vide page 21 of this Transcript.)

~~~~~

221 SD

PAGE 3



To the Honorable Commissioners to settle Private Land Claims in the California

Petition

The petitioner Mariano Soberanes respectfully shows; That on the 5th day of April A D 1842 Juan B Alvarado Governor of California, by virtue of Authority in him vested granted to the petitioner the title of Land called Los Ojitos Situated in the present County of Monterey and containing two square leagues of Land a little more or less, with the boundaries described in the grant and corresponding Map filed with the Especimante in the Archives of the former Government, which Original grant is Submitted herewith marked A with a translation. Marked B

221 SD  
PAGE 4

That the petitioner was in possession and occupation of said tract of Land previous to the said grant, and has continued said possession ever since, and he knows of no conflicting claim  
That he relies for Confirmation of Title upon the Original grant Submitted herewith, upon the Records of the former Government and upon such Otha and Testa proofs as he may be advised are necessary  
Wherefore he prays the Commissioners to Confirm to him the aforesaid tract of Land -

By his Atty

Halleck Peachy & Billings

Filed in Office Feb. 4 1852. <sup>3</sup>

Geo Fisher Secy

Recorded in Vol. 1 of Petitions on pages 515 & 516

Geo. Fisher Secy



5-

San Francisco July 3<sup>d</sup> 1853

Deposition of On this day before Law I Hall a witness in behalf of the Claimant Mariano  
Ed. E. P. Hartwell Sobranes petition 544 and was duly sworn his  
evidence being in English

The U. S. Associate Law Agent was present  
My name is Ed. E. P. Hartwell my age 55 years  
reside in Monterey and have lived in California  
30 years -

221 SD

PAGE 5

I am acquainted with hand writing of Juan B. Alvarado and Manuel Jimeno; their signatures to the papers before me marked A A not are their genuine signatures I know the Rancho called Los Ojitos and described in these papers it has been occupied by the Claimant Mariano Sobranes since 1841. He has had a house and carals and sowing grounds on it, and a large stock of cattle and horses, he lives there still with his family.

Sworn and Subscribed Ed. E. P. Hartwell  
Before me Helona Hall Law

Filed in Office July 3<sup>d</sup> 1853

Geo. Fisha Secy

Recorded in Ev. B. Vol 2 p 537

Geo. Fisha Secy

Case 544

Deposition of  
Fel. Sobranes

Office of the Board of Commissioners de de de  
This day before Law R. A. Thompson came Feliciano  
Sobranes a witness in behalf of Mariano Sobranes  
No 544 who after being duly sworn deposed as follows -  
(Testimony on behalf of Claimant)

Present At the Hall of Counsel for Claimant R. A. Thompson  
Agent de parte Law Agent -

In answer to Question - Witness states that his name  
is Feliciano Sobranes age sixty five years and residence  
San Soledad Monterey County and has lived in  
since his birth

Question - Do you ever know the Rancho called  
Los Ojitos if so where is it situated and who occupies it?

Answer - I know such Rancho, it is about three  
leagues the Mexican of San Antonio in the County of  
Monterey and on the main road and fifteen or  
twenty leagues from La Soledad by the main  
road and is now occupied by Don Mariano  
Sobranes with his family - He has on it a large adobe  
house with a tile roof about fifteen hundred square

6

of cattle and some few hares  
Deceased by same. When dead he just buried a horse  
On said Land and bequits Occupation  
Answer. He just buried a horse on it in 1842 Occupied  
and it with his family the same year and has con-  
tinued to reside on it to the present time.

221 SD  
PAGE 6

He at that time placed on the Rancho 7 or 8 hundred  
red head of cattle and a number of hares. He  
obtained some buried horses and enclosed a  
piece of Land for sowing and has every year  
since cultivated some portions of it in wheat barley  
corn and beans &c He has also cultivated a garden  
and fruits. He had altogether about ~~from~~ a mile  
of Land enclosed and in cultivation. Although he  
has been on the Rancho several times every year since his  
first Occupation in 1842 and was there within the  
last month. The part of the Land not enclosed  
was used as pasture for his cattle & horses and for  
fire and timber for the use of the Rancho. I can  
also see some layers of Land

Deceased by same. Do you know the fact of in  
the San Antonio River called in the grant filed in  
this case "punta papa del Rio de San Antonio" and  
is it well known point

Answer I do and it is a well known locality I also  
know the place called Ju in the grant and known  
and known as the Cañada de Tolon it forms the  
boundary of said Rancho on the side next the  
Mission of San Antonio and runs down to the San  
Antonio River I also know the other two boundaries  
called Ju in said grant called the Sierra Grande  
and the Terraneros they are well known and well  
defined boundaries. The Land contained in these  
boundaries, is the same known by the name of Los  
Ojitos and occupied by the claimant as above  
stated

Alcetano Tolobanco

Seen and subscribed before me  
this 3<sup>d</sup> of Nov 1853

Alleg Thompson Com

Filed in Office Nov 3<sup>d</sup> 1853 Geo. Fisher Secy

Recorded in E. B vol 3 p 347  
Geo. Fisher Secy

of

221 SD  
PAGE 7

*Espediente*

*Promovido por D<sup>o</sup> Mariano Soberanes en solicitud  
del parage conocido con el nombre de los Oyotós.*

*275.*

8  
Sello tercero Dos reales.

Habilitado provisionalmente por la Intendencia Marítima del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Diueno.

Antonio M<sup>a</sup> Osid.

Monterrey. Nov<sup>re</sup> 15 de 1821.

Sor. Prefecto del ser distrito.

Pase al Administrador de

El Ciu<sup>o</sup> Mariano

S<sup>o</sup> Antonio para que en su

Soberanes Mejicano por

vista informe lo conveniente.

nacimiento y vecino del

Estrada.

puerto de Monterrey espone

Que por el Documento que debidamente acompaña se le permitia establecerse en el terreno de los Oyitos por hallarse baldio, hoy sola esta la propiedad de este terreno conforme a la ley de colonizacion para el beneficio de una crecida familia: para lo cual acompaña el diseño correspondiente manifestando a la vez tener emprendidos trabajos de mucha consideracion y haber metido nuevecientas cuarenta y siete labores de ganado vacuno en dicho terreno y no haberse establecido ningun indigena en el expresado sitio. P. F. A. V. S. Suplica reverentemente le conceda el pargue mencionado protestando no obrar con malicia y lo necesario.

Monterrey. Nov<sup>re</sup> 11. de 1821.

Mariano Soberanes.

S. Antonio Nov<sup>re</sup> 21. de 1821.

Sor. Prefecto.

El terreno q. solicita esta baldio y sin ocupacion por ningunos bienes de este establecimiento en el hay una casa perteneciente a esto mismo; mas aunque ha estado destinado para habitacion de algunos oyitos estos no le ha cuidado ni habitado: por que en tal virtud pueden concederse al interesado el terreno y casa.

José de Jesus Pico.

Exmo. Sor.

En atencion al informe que a lo antecedente solicitud hace el que el C. Admin<sup>or</sup> del establecimiento de San Antonio, la Prefectura de mi cargo opina: que puede concederse el terreno y casa que pretende el Ciu<sup>o</sup> Mariano Soberanes. mas apesar de este obitamen

Sello tercero dos reales.

Habilitado provisionalmente por la Intendencia Marítima

9

del puerto de Monterrey en el Departamento de las Cal-  
-ifornias para los años de mil ochocientos cuarenta  
y mil ochocientos cuarenta y uno.

Asi mismo.

Antonio Maria Osio.

V. E. decretara lo que sea de su superior aprobacion.

Monterrey. Enero 24 de 1842.

José R. Estruella.

Monterrey. 5 de Abril de 1842.

map 11

221 SD  
PAGE 9

Vista la peticion con que da principio este expediente  
y los informes respectivos con todo lo demas que se  
tuvo presente y ver combino de conformidad con  
las leyes y reglamentos de la materia, declaro a  
D<sup>o</sup> Mariano Sobervieses dueño del rancho conocido  
con el nombre de los Coyitos, colindante al oriente  
con el primer paso del rio de San Antonio al Pon-  
-iente con el terreno del establecimiento de San  
Antonio por la parte de la Cañada de Teyon al  
Norte con la Sierra grande y al Sur con las lomas  
libresele el correspondiente despacho, tomese rason en el  
libro respectivo y dirijase este expediente a la Santa  
Junta Departamental para su aprobacion. El Excmo  
Sr. D<sup>o</sup> Juan P. Alvarado Gobernador Constitucional  
del Departamento de las Californias asi lo mande  
decreto y firmo de que doy fe.

There follows a map or plan.

11  
Juan B. Alvarado, Gobernador Constitucional del departamento de las Californias.

Por cuanto D<sup>o</sup> Mariano Soberanes ha pretendido para su beneficio personal y el de su familia el parage enveido con el nombre de los Coyitos colindante al oriente con el primer paso del Rio de S<sup>o</sup> Antonio al Poniente con el terreno del establecimiento de S<sup>o</sup> Ant<sup>o</sup> por la parte de la Cantada de Tolon al N. con la Sierra Grande y al S. con los Serranios practicadas previamente las diligencias y averiguaciones conseruientes segun lo dispuesto por las leyes y reglamentos de la materia usando de las facultades que me son conferidas o nombre de la Nacion Mexicana he venido en con concederle el terreno mencionado declarandole la propiedad de el por las presentes letras y sujetandose a la aprobacion de la Intna Junta D. y a las condiciones siguientes

1<sup>o</sup> Podra cercarlo sin perjudicar los tranvias caminos y servidumbres lo disputara libre y exclusivamente destinandolo lo al uso o cultivo que mas le acomode.

2<sup>o</sup> Solicitara del Jues respectivo q. le de posesion Juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites podra a mas de las moyaneras algunos arboles frutales o silvestres de alguna utilidad.

3<sup>o</sup> El terreno de q. se hace mención es de dos sitios de ganado mayor poco mas o menos segun explica el diseño que corre agregado en el expediente respectivo. El Jues q. tiene la profesion lo hara medir conforme a underrando quedando el sobrante que resutte a la Nacion para los usos convenientes.

4<sup>o</sup> Si Contraviene a estas condiciones perdara su derecho al terreno y sera irremediable por otro.

En consecuencia mando que teniendose por firmada y validada este titulo se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterey a cinco de Abril de mil ochocientos cuarenta y cinco.

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

J. John C. Wags Surveyor General of the United States for the State of California and



11  
as such now having in my office and under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California by virtue of the power vested in me by law do hereby certify that the nine preceding and hereunto annexed pages of tracing paper numbered from one to nine inclusive, each and every of which is verified by my initials (J. S. H.) exhibit true and accurate copies of a certain document now on file and forming part of the said archives in this office.

221 SD  
PAGE 11

In testimony whereof I have hereunto signed my name officially and caused my seal of office to be affixed at the City of San Francisco this twenty seventh day of February a.d. 1854.

J. S. Hays.

U. S. Surveyor General  
for California.

Filed in office. Sep<sup>r</sup> 15. 1854.

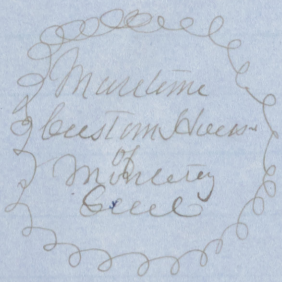
Geo. Fisher. Secy.



13  
Espediente

Stump Third Two Reales

Provisionally Authorized by the Maritime Custom House of the Port of Monterey on the Department of the Californias for the years 1840 & 1841



221 SD  
PAGE 12

Simón Antonio María Obis  
Senor Prefecto of the 1st District.  
Citizen Mariano Soberanes a Mexican by birth and a resident of the Port of Monterey represents; That, by the Decree of the 11th June herewith he was permitted to establish himself on the Land of "Los Ojitos" by its being vacant; he now solicits the Ownership of said Land for himself to the Law of Colonization, for the benefit of a large Family; for which purpose he accompanies herewith the Corresponding Map. Showing at the same time that he has commenced works of much importance and that he has placed none hundred and forty seven head of Cattle on said Land; and that there is no Mexican settled on the said place wherefore he daily prays your Excellency to grant him the said place, protesting that he acts not from malice, and what is necessary is  
Monterey Nov. 11th 1841  
Mariano Soberanes

(In the margin)

Report to the Administrators of San Antonio that seeing it he may report what is convenient, Estrada

San Antonio November 12th 1841

Senor Prefecto; The Land which is asked for is vacant and without occupation by residence of the Establishment; There is a house on it pertaining to the same; but although it was destined for the habitation of some Neophytes, these have not taken care of it nor lived on it; wherefore the Land and house may be granted to the petitioner

Jose de Jesus Pico

Most Excellent Senor: In view of the report to the preceding petition, made by the Senor Administrador of the Establishment of San Antonio, the Prefecture under my charge is of opinion that the Land & house which Citizen Mariano Soberanes asks for may be granted; Notwithstanding this report your Excellency will decide what may be your Superior approbation  
Monterey January 24th 1842

Jose R Estrada

Monterey April 5th 1842

Having seen the petition with which this Expediente begins and the respective reports, with all else present, and proper to be seen, in conformity with the laws and Regulations on the matter I declare Don Mariano Sobreros owner of the place known by the name of "Las Ojitos" bounded on the East by the just copy of the "Rio de San Antonio" on the West by the same of the Establecimiento of San Antonio by the part of the Canada of Tolon; on the North by the Sierra grande (high Mountain range) and on the South by the Sombras (range of hills) See the corresponding title issue, take note of it in the respective Book, and direct this Expediente to the Most Excellent Departmental Junta for its approbation - The Most Excellent Sr. Don Juan B. Alvarado Constable <sup>General</sup> of the Department of the Californias, thus ordered decreed and signed of which I certify

(Here follows copy of Map and also copy of title the same as translated in Dec. marked "13")

Filed in Office Sept. 15. 1854

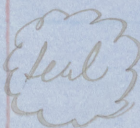
Geo. Fisher Secy

H. H. No 1.

H. H. No. 1  
annexed to depo  
of N. E. P.  
Hartnell.

Habilitado provisionalmente por la Aduana Mexicana  
de Monterey para los años de 1839 y 1840.

Abogado Antonio Maria Osio.



Valga para el año de 1842.

Abogado. Antonio M<sup>a</sup> Osio.

Juan B. Alvarado Gobernador constitucional del  
Departamento de las Californias.

Por cuanto el ciudadano Mariano  
Sobranes ha pretendido para su beneficio personal y  
el de su familia el passage conveido con el nombre de  
los <sup>ojitos</sup> coludante al O con el primer paso del rio  
de San Antonio <sup>con el terreno del establecimiento de San Antonio</sup> por la parte de la Bañada de Jolon  
al cr. con la sierra grande y al S. con las Terrazas  
practicadas ~~previamente~~ las diligencias y averiguaciones  
conserisientes segun lo dispuesto por leyes y reglamentos  
usando de las facultades que me son conferidas a  
nombre de la Nueva Mexico he venido en concederle  
el terreno mencionado

221 SD  
PAGE 14

... sujeto a la aprobacion  
de la Exma. Junta Departamental y bajo las condiciones  
siguientes.

1<sup>o</sup> Podrá cercarlo sin perjudicar las tenencias  
caminos y servidumbres lo disfrutará libre y exclusivamente  
destinando lo al uso o cultivo que mas le acomode  
pero dentro de un año e estará habitada la  
Casa y ocupado el terreno.

2<sup>o</sup> Solicitara del Jues respectivo que le de la  
posesion juridica en virtud de este despacho por el  
cual se demarcaran los limites en cuyos limites  
podrá a mas de las rayoneras algunos arboles fru-  
tales o silvestres de alguna utilidad.

3<sup>o</sup> El terreno de que se hace donacion es de  
dos sitios de ganado mayor segun explica el diseño  
que here agregado en el Expediente respectivo. El Jues  
que ohere la posesion lo hará medir conforme a  
ordenanza quedando el sobrante que resulle a la nacion  
para los usos convenientes.

4<sup>o</sup> Si contraviniere a estas condiciones perderá  
su derecho al terreno y sera denunciado por otro.

En consecuencia mando que teniendo  
por firme y validero el presente titulo se tome razon  
de el en el libro respectivo y se entregue al interesado  
para su resguardo y otras fines. Dado en

Monterrey a cinco de Abril de mil ochocientos cuarenta y dos.

Juan B. Alvarado. Manuel Jimeno. Srío.  
Queda tomada razon de este titulo en el libro de  
cientos sobre adjudicacion de terrenos baldios a pajas  
p.

Juan B. Alvarado.  
El Srío. Señor Gobernador ha dispuesto se tome razon  
de esta concecion en la Prefectura del 1º distrito.  
Jimeno.

221 SD  
PAGE 15

Filed in office. Feby. 1. 1853.

Gen. Fisher.  
Secy.

Translation of  
Title

Stamp First Six Dollars

Provisionally authorized by the Maritime Custom  
House of Montevideo for the years 1839 & 1840

Alvarado

Antonio Maria Osio

~~Alvarado~~  
Monsieur  
House of  
Montevideo

Don Juan B. Alvarado, Constitutional Governor  
of the Department of the Lulefancias -  
Whereas Citizen Mariano Soler has for his own  
personal benefit and that of his family asked for the  
place known by the name of "Los Ojitos" bounded  
on the East by the first prop of the river of San  
Antonio, on the West by the Canal of the Establish-  
ment of San Antonio, on the North by the Sierra  
grande Canal on the South by the "Sierritas" the  
proper measures and examinations being previously  
previously made as required by laws and regu-  
lations, using the process which are conferred on me  
in the name of the Mexican Nation I have per-  
mitted him the proposed Land Sale at the oppo-  
sition of the Most Excellent Departmental Justice  
and under the following conditions

1st. He may use it without prejudice to the  
Carpings, roads and streets; He will enjoy it  
freely and exclusively, dedicating it to the use  
or Cultivation which may best suit him, but  
within one year the house will be inhabited  
and the Land Occupied

2nd. He will request the proper Magistrate to give  
him judicial possession in virtue of this patent  
by which the boundaries will be marked out  
in the limits of which he will place besides  
the boundary some fruit or fruit-trees of some  
utility.

The Land of which donation is made is of two  
3<sup>rd</sup> Square Leagues, as shown by the map which  
is attached to the respective Expediente - The  
Magistrate who may give the possession will  
cause it to be measured in conformity with the  
Ordinance bearing to the Nation for its Communi-  
cations, the Surplus which may result

4th. If he contravene these conditions he will lose  
his right to the Land and it will be denounce-  
able by another person

In consequence I order that the present title being  
held as firm and valid note be made of it

221 SD  
PAGE 16

in the respective Book, and that it be delivered  
to the respective party person interested for his  
Security and other purposes  
Given in Monterey on the 5th of April One  
Thousand Eight hundred and fifty two

Signed Juan B Alvarado

Note has been made of this title in the books  
of grants of vacant Lands on folio 10

221 SD  
PAGE 17

Juan B Alvarado

His Excellency the Governor has directed that  
note be made of this grant in the prefecture  
of the 1st District

(Signed) Lemus

Filed in office Feb 1 1853

Geo. Fisher Secy

221 SD



19 No 544

Mariano Soleranes

Claim for a place called  
"Los Ojetos" in the County of  
Monterey for two square  
Leagues of Land

Opinion

vs  
The United States

221 SD  
PAGE 18

The petitioner in this case asks for a confirmation of his grant of the above named premises and presents in evidence a grant issued by Juan B. Alva under the then Governor of California bearing date the 5th day of April 1842 defining the boundaries with clearness which said grant is proved to the satisfaction of the Board to be genuine.

The grant seems to have been duly referred to the Departmental Assembly for their approval but no action had thereon by the Assembly.

It also appears by the proofs that the petitioner at the time of his application for his grant was in possession of the premises and had therein a large amount of stock and continued occupation & cultivation of the same up to the time of his filing his claim herein, and that he has fully complied with the requisitions of the Mexican Colonization Law so as to entitle him to an equitable right to a confirmation of his grant, and it is therefore the opinion of the Board that the said grant should be confirmed.

Confirmed

Filed in office Sept. 27. 1854

Geo. Fisher Secy

No. 544 Mariano Soleranes }  
vs } Los Ojos  
The United States }

Decree

In this case after hearing the proofs and allegations the Board are of opinion that the claim herein is valid and that the said grant should be confirmed with the boundaries to conform with those contained in the grant and map which accompanies the same, which said boundaries are as follows to wit:  
On the East by the first cropping of the Rio de San Antonio, On the West by the Land of the Establishment of San Antonio, by the part of the Canada of Tolon, On the North by the Sierra Grande (high Mountains) and on the South by the Range of Soles; embracing two leagues of Land and Situate in the County of Monterey

221 SD  
PAGE 19

Alpheus Felch }  
R. A. Thompson }  
S. B. Furwell }

Commissioner

Filed in office Sept 27th 1854  
Geo. Fisher Secy.

And it appearing to the satisfaction of this Board that the said survey certificate is situated in the Southern District of California, it is hereby ordered that two transcripts of the proceedings and of the decision in this case and the papers and evidence upon which the same are founded be made out and certified by the Secretary one of which transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California and the other be transmitted to the Attorney General of the United States

Office of the Board of Commissioners,

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

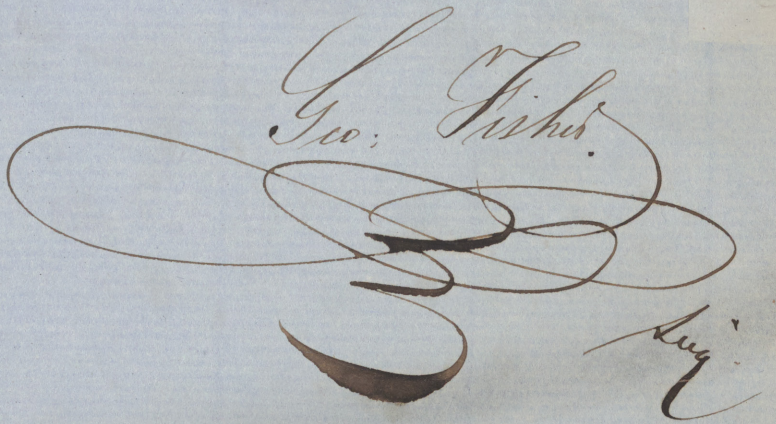

221 SD  
PAGE 20

*J. 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  
going *Twenty* pages, numbered from  
*21*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
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. 544 on the Docket of the said Board,  
in  
*Mariano Suberanes* is

Claimant against the United States, for the place known by  
the name of "*Los Ojitas*."

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Thirtieth* day of *March*  
A. D. 1855, and of the Independence of the  
United States of America the seventy-ninth.

*J. Fisher*  
Geo. Fisher.



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

No. 221. | **221**

THE UNITED STATES,

vs.

*Mariano Gobernador*  
*"Los Ojitos"*  
**221**

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *544*.

Filed, *April 10th* 1855.

*C. E. Farr.*  
*clerk.*

**221**

*No 544*

No 221.

The N. S. appellants vs. Mariano Sahuanes, appellee.

221 SD

PAGE 21

The Transcript (No 544) in this case contains:

II Petition to Commissioners p 3.

III Deposition of W. E. P. Hartwell p 5.

Proves genuineness of signatures to grant, and that claimant has been in the possession of this land since 1842 and has had houses, corrals and cattle on it.

IIII Deposition of T. Soheranes pp 5 & 6.

Proves occupation of this land by grantee since date of grant, improvements &c, also the boundaries of the land.

IV Expediente from office of Surveyor Genl. pp 7 to 11. contains petition, grant, decree of concession, map, and copy of formal title.

V. Translation of expediente. pp 13 to 14.

VI. Original grant. pp 15 & 16. Genuinely proved by Hartwell.

VII Translation of grant pp 17 & 18.

VIII. Opinion of Commissioners p 19.

IX. Decree of Confirmation p 20.

Proceedings in U. S. Dist Court.

|                                    |       |                             |
|------------------------------------|-------|-----------------------------|
| 1 <sup>st</sup> Transcript         | filed | April 10 <sup>th</sup> 1855 |
| 2 <sup>d</sup> Notice of appeal    | "     |                             |
| 3 <sup>d</sup> Petition for Review | "     | Oct 20 <sup>th</sup> 1855   |
| 4 <sup>th</sup> Answer             | "     | Oct 20 <sup>th</sup> 1855.  |

Remarks. The evidence in this case proves the occupation and improvement of the land by grantee immediately after date of grant. All conditions subsequent have been

strictly performed, except the meridional  
Possession. The grant is for quantity - 2  
square leagues - and the location and  
boundaries are well defined in the  
grant and delineated on the maps  
in the Expedientes

221 SD

PAGE 22

No 221

The M. S. appellants  
vs  
Mariano Suranes Appellee

Judge of Case

Filed May 3<sup>d</sup> 1853

C Eland

by Morgan  
Deputy

221SD

PAGE 23

Hallam Peckham & Billings  
Attys for Appellee

Office of the Attorney General of the United States,

Washington, 7th April 1855.

221 SD

PAGE 24

Mariano Sobreros

vs.

The United States.

} 544.

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 10th day of February 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.



No 221.

U. S. District Court  
Southern Dist. of Cal<sup>ns</sup>

The United States

vs

Honourable Soberanes.

Notice of Appeal.  
in Case no. 544.

Filed July 20 1853

C. E. Carr

clerk

By A. H. Clark  
deputy

221 SD

PAGE 25

No 221

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

221 SD  
PAGE 26

The United States, appellants  
vs.  
Mariano Soberanes appellee } Transcript No. 544

In this case it being suggested by counsel for appellee that the Transcript of the Record from the Board of Commissioners is imperfect, it is ordered by this court, the District Attorney, being notified and consenting thereto, that the original Transcript be returned to the office of the Secretary of the Commissioners by the clerk of this court, that the said Transcript may be amended, or that a perfect copy of the original documents may be submitted to this court.

In this case it having been ordered by the court that the Transcript be returned by the clerk of this court to the Secretary of the Board of Commissioners for amendment, it is hereby stipulated and agreed that no rights of the United States or of the claimant are to be affected by said order.

Hallam Peachey & Billings  
Attys for appellee  
P. Ord Ad Dist Atty.

Title incorrectly copied

No 221

The United States  
vs.

Mariano Soberanes,

stipulation and order to  
return transcript for  
amendment.

Filed Oct 20<sup>th</sup> 1855

J. C. San.  
clerk

~~W. H. H.~~ of the United States  
in the United States District Court for the  
Southern District of California.

221 3D  
PAGE 28

~~The United States, appellants~~ } N. 227.  
~~vs~~ } (Transcript No 544.)  
Mariano Soberanes, appellee }  
The United States, app. }

The petitioner of Pacificus Ord, Attorney of  
the United States for the southern district of  
California, for and in behalf of the United  
States, respectfully represents: That on or about  
the 1<sup>st</sup> day of February A D 1852 Mariano Soberanes  
petitioned the United States Land Commissioners  
for the State of California claiming the tract  
of land called "Los Ojitos" <sup>in the County of Monterey, Cal. or containing two square leagues a little more or less</sup>; That on or  
about the 27<sup>th</sup> day of September A D 1854 the said  
Commissioners confirmed the said claim;  
That thereafter, to wit, on or about the 10<sup>th</sup> day  
of February A D 1855 the Honorable Caleb Cushing,  
Attorney General of the United States, received  
a duly certified transcript of the proceedings  
with the evidence and decision of said  
Commissioners in said cause. That thereafter,  
to wit, on or about the 2<sup>d</sup> day of July A D 1855  
the said Attorney General filed, or caused  
to be filed with the clerk of this Honorable  
Court, a notice of the intention of the United  
States to prosecute the appeal in said cause.

That on or about the 10<sup>th</sup> day of April A.D. 1855  
the said Commissioners filed or caused to be filed  
in the office of the clerk of this Honorable  
court a duly certified transcript of their  
proceedings with the evidence and decision  
in said cause. That the land claimed lies  
in the Southern District of California and  
within the jurisdiction of this Honorable  
court.

221 SD  
PAGE 28A

And this <sup>The allegations of</sup> petitioner denies generally <sup>that</sup> ~~that~~  
And further this petitioner denies that  
the said claimant has any valid right  
or title to said land, claimed as aforesaid.

Wherefore the said petitioner prays that  
the said Mariano Soberanes, or his Atty,  
may be served with a copy of this petition,  
and that after due proceedings had, the  
said decision of the said Commissioners  
may be reviewed, reversed and set aside,  
and that this Honorable court will  
decree the said claim or title to be invalid,  
with costs and general relief.

J. M.

Attest Atty.

South Dist of Cal.

No 221

~~The United States~~

Mariano Soberanes.

<sup>vs</sup>  
The United States  
Petition of M. Soberanes  
for Review

Filed October 20<sup>th</sup> 1858.

D. C. Caw Atty  
By J. W. Ross Dep

221 SD

PAGE 29

P. Ord. U.S. Atty.

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

The United States, appellants }  
vs. } Answer of appellee  
Mariano Soheranes, appellee }

221 30

PAGE 30

Mariano Soheranes, appellee, appears by  
his Attorneys, and for answer to the petition  
of the United States filed herein, says:

That his title to the land called "Los  
Ojitos," as set forth and described in his  
petition to the Board of Commissioners, and  
in the documentary and other evidence  
filed in this case is a good and valid  
title. The land claimed is situate in the  
Southern District of California.

Wherefore he prays this Honorable  
Court to affirm the decision of the Board  
of Commissioners and to decree his title to  
be valid.

Hallenk Peachy & Billing,  
Attys for Appellee.

Master's cost for taxes

\$3,00

No 221

The Master's costs, Appellate

at

Maximo Johannes

Appellate

Answer of Appellee

Filed October 20 1855

D. B. Van Dyke

By W. M. Van Dyke

221 SD

PAGE 31

Hudson & Prueby's Printing  
Atty for Appellee

Served this answer on I Presd U.S. Atty by delivering to him  
a copy of the same at his office this 20<sup>th</sup> 1855

Edward Hunter  
U.S. Marshal



United States District Court  
Southern District of California

Mariano Goberanes  
Appellee

December Term 1855

vs

No 221

The United States  
Appellants

Transcript from Land  
Commissions No 544

221 SD  
PAGE 32

This cause coming on to be heard on an appeal from the decision of the Commissioners to ascertain and settle the private Land Claims in the State of California under an act of Congress approved March 3<sup>d</sup> 1851: Upon the Transcript of the proceedings and decision, and the papers and evidence which the said decision was founded: And it appearing that the said Transcript has been filed according to Law and Counsel for the respective parties having been heard: It is hereby ordered adjudged and decreed that the decision of the Commissioners be and the same is hereby affirmed, and that the claim of the said Appellee is good and valid, and the same is hereby confirmed to the extent of two square leagues and no more, within the boundaries described in the Grant and map to which it refers to wit; on the East, the first crossing of the River of San Antonio; on the West, lands of the Establishment of San Antonio on the side next the Laguna de Solon; on the North, the Sierra grande, and on the South, the Serranios. Provided that should the quantity of land within said boundaries be less than two square leagues then Confirmation is hereby made of said less quantity

James R. Ogden  
U S Dist Judge

No. 221.

U. S. Dist. Court  
South Dist of California

Mariano Sobranes  
appellee

vs

The United States  
appellant

Penit

Number 1857  
page 43

Filed March 7<sup>th</sup> 1856

C. E. Can  
clerk  
by O. Morgan Deputy

221SD  
PAGE 38

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

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

221 SD

PAGE 34

*Mariano Sobresano*

APPELLEE,

VS.

UNITED STATES,

APPELLANT.

No. 221.

(No. 544 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 7 day of January A. D. 1856.

*P. Ord*  
*dist atty.*

No. 221.

W. S. Dubfont  
South District of California

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Mariano Goberanus  
appellatus  
ad  
The United States  
appellantes

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Appeal Notice. S. C.

Filed March 27, 1885  
C. E. Law cor  
By O. Morgan depy

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221 SD

PAGE 35

California Land Claims

Attorney General's Office

4 Oct. 1856.

Sir:

221 SD  
PAGE 36

In the case of the claim of Mariano Sobranes, confirmed to the claimant by the Commissioners, Case no. five hundred and forty four (544,) 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. Orolog

U. S. Atty

Centring

221

Mariano Sobranz

544

221 SD

PAGE 37

Nov 4 1886

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

Hon. Isaac S. W. Jewell, Judge.

December Term 1857

The United States  
Appellants  
vs  
Mariano Soberanes  
Appellee

ocket No 221

Transcript from the Board of Land Commission No 544

In pursuance of a letter from the Attorney General  
of the United States, herewith annexed, giving notice  
that in the above cause the appeal in the Supreme  
Court will not be prosecuted by the United States;  
it is hereby stipulated and agreed by and between  
the parties that the order granting an appeal  
to the Supreme Court heretofore made in the  
above cause be vacated, and that the decree of  
the Court heretofore rendered in this cause may  
by order of the Court be made final

I. M. Dittell.

Walter S. Peck, Attorney  
at Law of appellee.

U.S. Sub Court  
South Dist Cal,  
No 221

The United States  
Appellant  
vs  
Mariano Saberales  
Appellee

Shiptation  
to vacate order of  
Appeal to Supreme Court

Filed this 5th February  
1857  
Clerk of  
J. McColman

221 SD  
PAGE 39



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

Hon Isaac H. Guilford, Judge,

December Term 1850

221 SD  
PAGE 40

The United States

Appellants,

Marcus Cobern

Appellee

Rocket No 221

Transcript from the Board of Land Commissioners No 544

The Attorney General of the United States having  
given Notice that the appeal to the Supreme Court from  
the decision of this Court in the above entitled Cause will  
not be prosecuted by the United States. And a stipu-  
-lation having been entered into by the United States Dis-  
-trict Attorney and the Attorneys of the Plaintiff  
that the order granting an appeal to the Supreme  
Court heretofore made in this Cause be vacated  
and that the decree of this Court heretofore rendered  
in this Cause may by order of the Court be made  
final, &c.

Ordered, adjudged and decreed, that the

U. S. Dist Court  
Southern Dist Cal.  
No 221

The United States  
Appellant

vs  
Manuel Saberales  
Appellee

Order  
Vacating Appeal

Filed Feb 27, 1857  
J. S. D. Budge  
Clerk

Order granting an appeal to the Supreme Court  
heretofore made in this cause be and the same is  
hereby vacated, and that the Claimant have leave  
to proceed under the decree of this Court heretofore  
rendered in this cause as under a final decree  
Gave et al vs  
R. S. D. Budge

Office of the Surveyor General of the United States, }  
FOR CALIFORNIA. }

*J. W. Mander*

J. J. W. MANDEVILLE, United States Surveyor General, for the State "of California, do hereby certify that the Rancho "Los Coyotes,"

confirmed to *M. Soberanes*

has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 4<sup>th</sup> day of September 1859; that I have caused to be published, once a week, for four weeks, successively, in two newspapers, to wit: the "Pacific Sentinel", published in the County of Santa Cruz, State of California, being the newspaper published nearest to where the said Rancho is located, the first publication being on the 2<sup>nd</sup> day of August 1860, and the last, on the 14<sup>th</sup> day of September 1860; also, in the "Los Angeles Star" a newspaper published in the City and County of Los Angeles, State aforesaid, the first publication being on the 25<sup>th</sup> day of August 1860, and the last on the 15<sup>th</sup> day of September 1860, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 31<sup>st</sup> day of

May, 1861  
*J. W. Mander*  
U. S. Surveyor General for California.

A full, true and correct copy of the original on file in this office.

San Francisco }  
Feb 27. 1868 }

*J. W. Mander*  
U. S. Sur. Gen.

221

The United States  
S. J. Roberts

Washington  
D. C.

Recd July 27. 1868  
J. C. Whitney  
Debt  
G. Small

221 SD

PAGE 43

not in Reg

The United States, appellants }  
vs }  
Manano Sobearnes, appellee }

221 SD  
PAGE 44

The claimant in this case has produced in evidence before the Commissioners, a grant from Governor Alvarado to himself bearing date the 5<sup>th</sup> April A.D. 1842, for the place called Orfitas to the extent of two square leagues. The genuineness of the grant was fully proved, and it was also proven the claimant was in occupation of the premises previous to the date of the grant, and that he has been in such occupation ever since. The grant describes the land by certain definite boundaries, — The 3<sup>rd</sup> condition limits the quantity to two leagues and refers to the map which accompanies the expediente for a description of the land, this map is therefore to be looked upon as part of the grant, from the map the extreme limits of the tract are easily to be ascertained, and the grant is for two square leagues.

within those boundaries. This being  
the case decided within the rule  
laid down by the Supreme Court  
in the *McManis* Case, the  
Claimant is therefore entitled  
to a confirmation of his claim  
to the extent called for in the  
Grant within the given limits  
shown by the map. And a  
deed will be entered & con-  
firmed.

221 SD  
PAGE 45