

CASE NO.

377

SOUTHERN DISTRICT

THREE SUERTES OF LAND IN
MONTEREY COUNTY GRANT

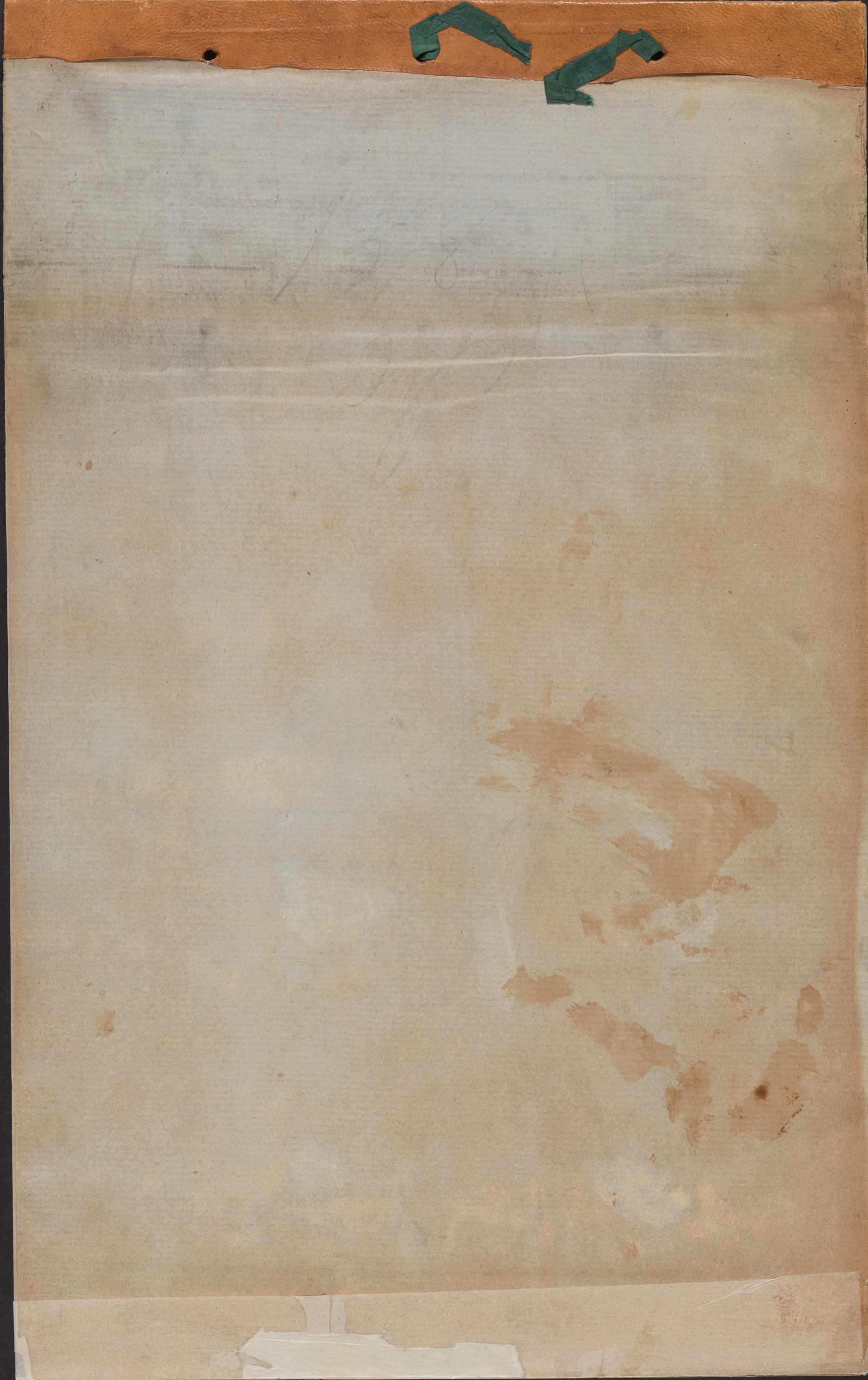
JAMES STOKES

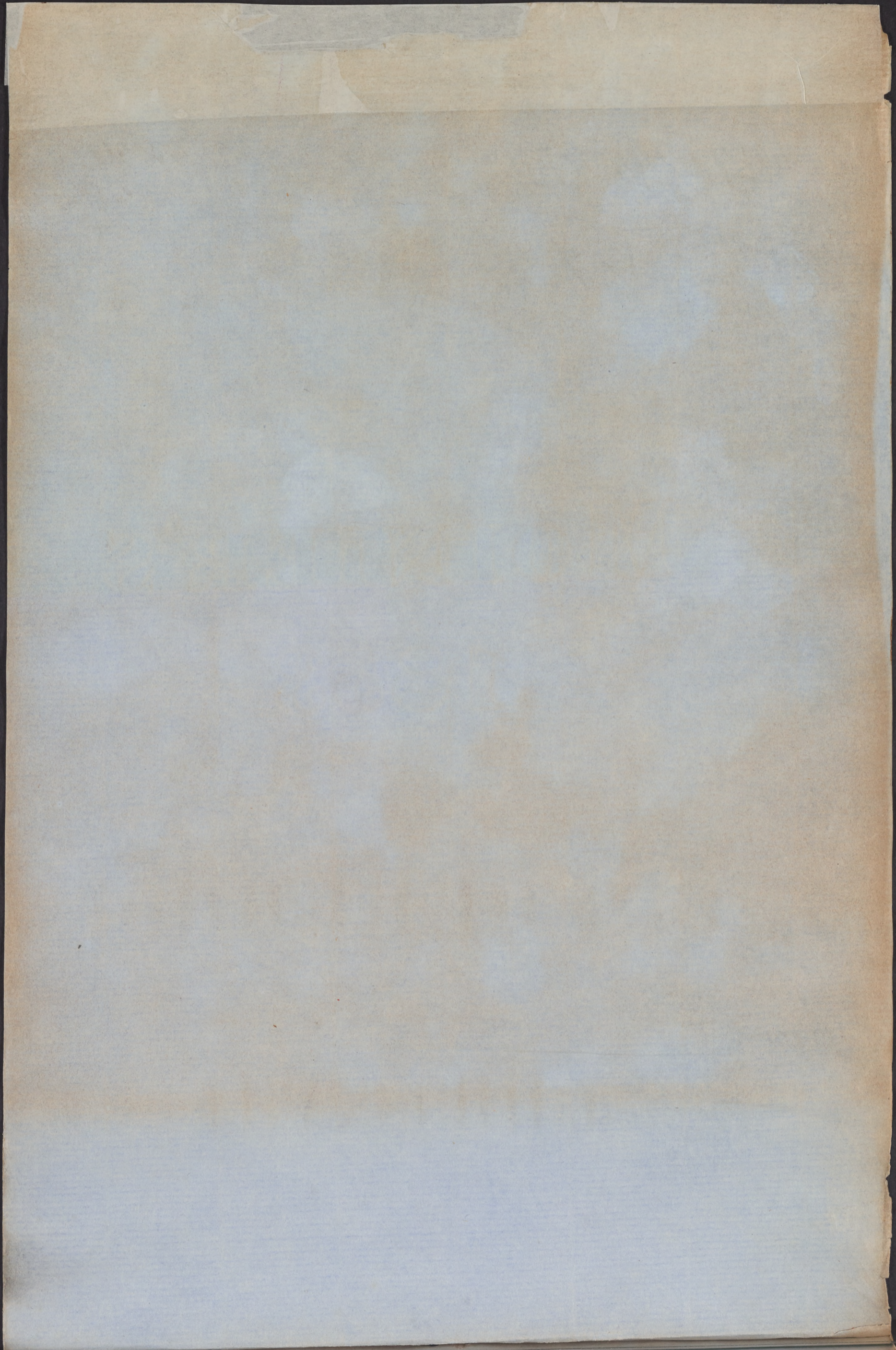
CLAIMANT

BLOWER BOARD

5% COTTON FIBER

U.S.A.





TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *758*

James Stokes

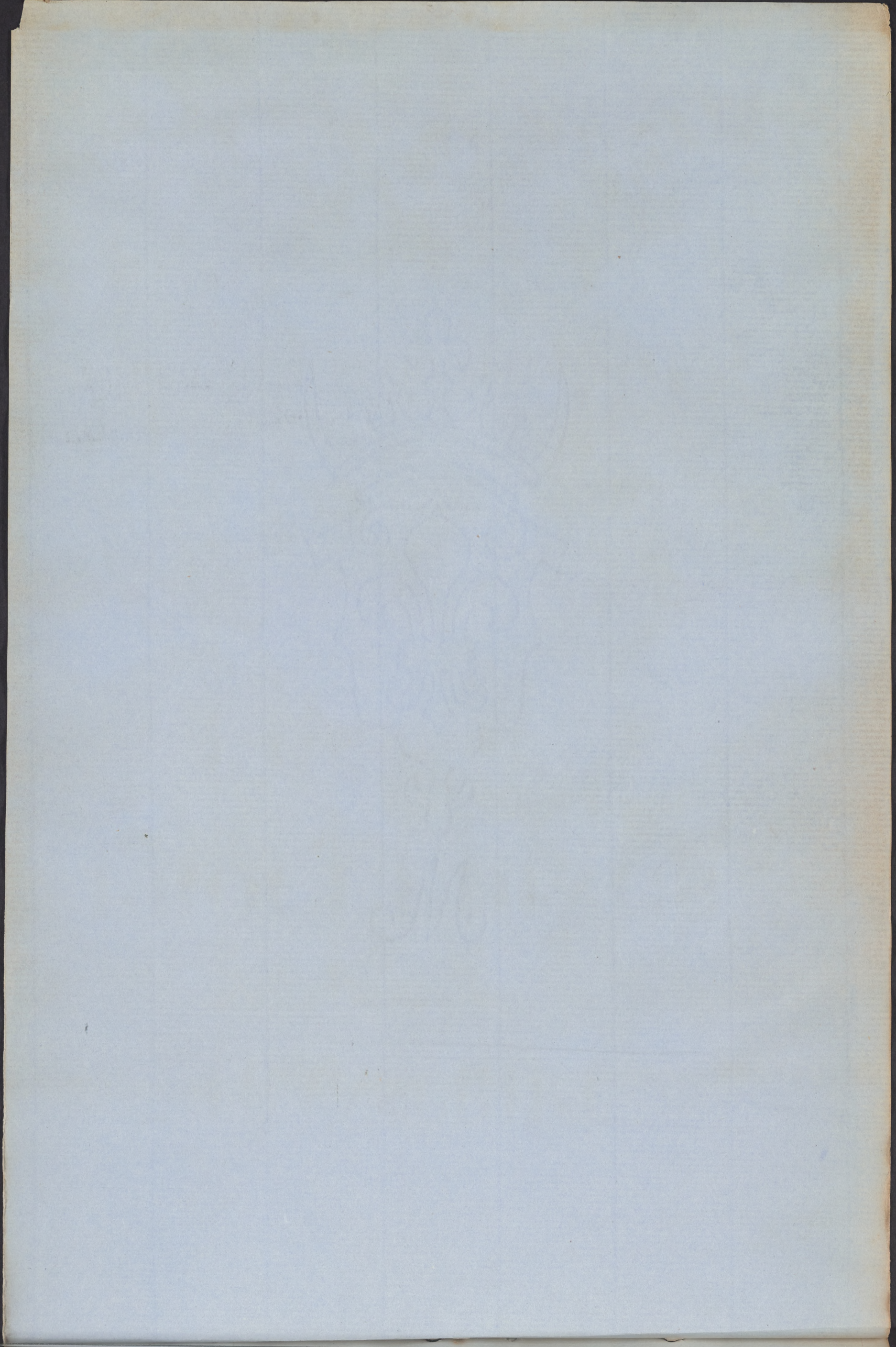
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Three Quarters of Land in Monterey Co.



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 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;

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The Petition of James Stokes _____
_____ for the Place named

Three Suerter of Land in Monterey County was presented, and ordered to be filed and docketed with No. 758 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 April 8, 1853
In case No 758, James Stokes for three Suerter of land in Monterey County, the deposition of Manuel Castro a witness in behalf of the Claimant, taken before Commissioners Hiland Hall with documents marked H. H. Nos 1, 2, & 3, annexed thereto, was filed.

(Vide page 5 of this Transcript)

In the same case the deposition of P. E. Echeverria a witness in behalf of the Claimant, taken before Commissioners Hiland Hall, was filed.

(Vide page 4 of this Transcript)

San Francisco December 22, 1853
In the same case the deposition of Jose Castro a witness in behalf of the Claimant, taken before Commissioners Peter Lott, was filed.

(Vide page 7 of this Transcript)

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San Francisco January 9th 1855.
Case No 758 was submitted on briefs and taken
under advisement.

San Francisco October 2, 1855,
In the same case Commissioner Alpheus Felch
delivered the opinion of the Board rejecting
the claim.

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(Vide page 23 of this Transcript)
and the following order was made, to wit,
(Vide page 25 of this Transcript)

To the Hon. John M. ...
Land Commission for the settlement of

To the Hon. the Board of
Land Commissioners for the Settlement of
Private Land Claims in California.

Petition

The petition of Amos Stokes
of Monterey respectfully sheweth, That he
is the Claimant of a tract of Three Quarters
of land in or near the bounds of the Town
or Campesino of San Juan lying in the
County of Monterey.

That the same was granted
to Jose Canuto Boronda on the 2^d day of
January AD 1843 by Jose R Estrada Prefect
of the District according to the laws then in
force and the usages and customs in such cases.

That said Canuto Boronda
was duly given and said grantee occupied
the same until the 14th day of August 1844
when by and of that date he sold and con-
veyed the same to four petitioners who had
ever since held the same.

That there is no known
conflicting claim and your petitioners rely
upon the documentary evidence copies
whereof are herewith filed as Exhibits
and the testimony of witnesses to be produ-
ced and examined before this Hon Board

All of which is respectfully sub-
mitted for such action as the nature and
justice of the case may require.

February

1853

D P Belknap
of Counsel for Claim

Filed in Office March 2. 1853.

Witness my hand
Geo Fisher Secy

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Deposition
of
Tosilio &
Echeverria.

San Francisco Apr. 8th 1853.
On this day before Comm. Melinao Hall
Came Tosilio E. Echeverria a witness on
behalf of the Plaintiff James Stokes petition
No 458 and was duly sworn his Evidence
being interpreted by the Secretary.

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The U.S. Associate Law Agent was present.

In answer to inquiries by Counsel
for the Plaintiff the witness testified as
follows.

My name is Tosilio E. Echeverria
My age is thirty three years and I reside in
San Francisco.

I know Jose' Canuto
Boronda & his hand writing & I also know
the hand writing of Angel Libriza who is
my father in law. A paper of known date
purporting to be a transfer from said Boron-
da & is marked S. N. 3 & attached to the
deposition of Manuel Castro, this day taken

The signatures of said Boron-
da & Libriza on said paper I believe to be
genuine. Said Libriza was Alcalde at the
date of the writing to which his name is
attached -

Tosilio E. Echeverria.

Sworn & Subscribed
Before me

Melinao Hall
Comm.

Filed in office April 8. 1853.

(Signed) Geo Fisher Secy.

San Francisco April 18 1853.

Deposition
of
Manuel Castro

On this day before Comr. Nelson Hall
came Manuel Castro a witness on the part
of the Claimant James Stokes Petition No
458 and was duly sworn his Evidence being
interpreted by the Secretary.

The W & S Associate Law Agent
was present -

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In answer to Enquiries by Counsel for the
Claimant the witness testified as follows.
My Name is Manuel Castro, my
Age is thirty one years of age & I reside
in Monterey. I have always lived in Califor-
nia -

A paper is now shown me purport-
ing to be a petition to the Prefect for a
grant of land dated 4 Dec 1813 & proceed-
ings endorsed on it & is hereto attached mar-
ked H. H. No 1.

I am acquainted with the
hand writing & signatures of Jose Castro,
Carrato Toronta, Jose R Estrada & Fran-
cisco Arias & believe their signatures on
said paper to be genuine. The signature
of Estrada in the margin being that of the
said Jose R Estrada who was Prefect
at the date of said paper - said Arias was
Judge at San Juan Bautista at the time.

A paper is also shown me pur-
porting to be a testimonial of Judicial pos-
session which is hereto attached & marked
H H No 2 -

I am acquainted with the hand
writing & signature of Gabriel J Romero
Jose No Bravo & Francisco Diaz & believe

their signatures to said paper to be genuine
Palomo & Rosuro. was at the date of said
paper a Justice of the Peace.

Another paper is also shown
purporting to be a transfer from Jose
C. Rosada to James Stokes & is hereto
attached & marked H H No 3.

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I am acquainted with the
hand writing & signature of Jose Fernandez
& believe the signature on said paper purporting
to be his, to be genuine.

What do you know of the authority of the
Prefect of said San Juan Bautista to make
grants of the description of this?
Answer.

According to the law of the 24th
of March 1837, the Prefecto had authority to
grant common land & the Prefect had an
order from the government of California
to make such grants.

What do you understand by common lands?
Answer.

The lands enclosed within the
jurisdiction of each Magistrate's district
The Prefects could grant lands for farming
purposes & Meadows only for building purposes.

Questions by the Associate Law Agent.

Where is the Town of Sufare situated?
Answer.

In the immediate vicinity of San
Juan Bautista, about half a league from
it.

Do you know that any lands

Do you know that any lands were ever assigned to the town of Pajaro by the government of California as Common lands?

Answer,

I do not understand that Pajaro was a separate town from San Juan Bautista.

It was part of the Mission & was at first occupied by Indians. When the Mission was secularized lands being granted them there -

Lands were also granted to others who were not Indians in the same locality.

Do you know that any lands were ever assigned as common lands to San Juan Bautista?

Answer,

I do not know.

Manuel Castro,

Sworn & Subscribed

Before me,

Holland Healt

Notary,

Gave in Office April 8, 1853,

(Signed)

Geo Fisher,

Secy.

United States of America
State of California
San Francisco Dec. 21, 1854.

Deposition
of
Jose Castro

This day came before Peter Lott Com-
missioner for taking testimony to be used
before the Board of U.S. Land Commis-
sioners for taking testimony in said State

State Jose Castro, a witness on behalf of the Claimants James Stokes in Case No. 458 on the docket of said Board and said witness being sworn, deposed in Spanish which was interpreted by the interpreter to said Board as follows.

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The United States Associate Law Agent is present.

Testifies by Mr. Becknap for Claimant -
1st Question.

What is your name age and residence?

Answer. My name is Jose Castro my age 26 years my residence in Monterey California 2d Question.

Do you know the three Sierros of land granted to Jose Antonio Boronda lying near the Es Mision of San Juan and if you state what you know of their occupation?

Answer -
I do - In the month of June & July '43 I passed by there and saw cultivation wheat & barley beans corns melons a little of every thing. There was a small brush house in which Boronda and his family were living. As to the I know not as to the matter of occupation.

Question. What do you know of the authority of the Prefect of the District to grant Sierro lands.

Answer. By the Constitution of 1836

By the Constitution of 1836
Prefects were invested with the power to
make grants of Surtos & Common lands
of the Pueblos.

Beside this the Governor
of California gave the authority Especial
to the Prefect of the First District to grant
Surtos lands - These three Surtos are
located in the First District.

Cross Examined by the U.S. Associate
Law Agent.

Justin -

How do you know these three
Surtos were granted?

Answer.

I was in San Juan at the time
with my family. There were only some
four or five families there. That of Boronda
was one and whatever happened in one
family and was generally known to all the
rest and Boronda told me at the time
he had petitioned for the Surtos and they
had been granted to him -

Justin -

How was that order from the
Governor authorizing the Prefect of the 1st
District to grant Surtos lands made -

Answer.

It was in writing - It was sent
to me when I was Prefect by the Governor.
Estrada was Prefect after me and could
have acted under the same order sent to me.

The authority was not given
to the person but to the Office of Prefect
of 1st District
Jose Castro.

Subscribed and sworn to
before me on this 21st day of
December AD 1854.

Peter Lott
Commissioner

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Filed in Office Dec 22, 1854.

(Signed) Geo Fisher Secy

Sello Forcer Dos Reales:

James Stokes

Habilitado provisionalmente por la Aduana
maritima del Puerto de Monterey, en el
Departamento de las Californias, para
los años de mil ochocientos cuarenta y
mil ochocientos cuarenta y uno.

Doc. H. H. C. 1
annexa to De
no of Manuel
Castro taken
before Leon
Hilena Hall

Lineno Antonio Maria Osio
Rehabilitado por la misma, para
el año de mil ochocientos cuarenta
y dos.

Alvarado Antonio Maria Osio
Subprefecto del 1º Distrito

Monterey D. R. 11/1821/2.

Monterey 13 de Dic. de
1821/2.

El Ciudadano Jose
Bautista Boronda me

Informe el Sr. Juez de
San Juan si las suertes
de tierra que se solicita
están baldios con todo lo
demas que crea conint.
Estada.

peano por naciemto y
he sido del pueblo de
San Juan en este Depar
tamt. ante D. C. con
el mayor respeto hago
presente que siendo
me de necesidad

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para atender a la prohibicion de las semillas del
ensayo de mi cerza; el cultivar un pedazo
de tierra de p.ª Coearlo y beneficiarlo debera
tener en propiedad y habiendolo tenen baldio
en el pueblo del pajaro de esta jurisdiccion
suplico a U. se sirva concederme, con este
objeto tres suertes de tierra en otro pueblo af.
colidado con el teno de D.ª Juan Yguera
y el escopito Martin. Por tanto suplico pro
vea como pido en que se oñbre gracia

Monterey D. R. 11 de 1821/2
Jose Bautista Boronda

D. Juan Bautista 31. de Dic. de 1821/2
pasa esta instancia a esa prefectura a af.
el teneno af. pretende el interesado si esta
baldio p.ª lo af. informa este juzgado seg.
se pide el informe.

Verame. Lina
Monterey 2 de Enero de 1821/3.
se le conceden por esta me.ª las tres suer-
tes de tierra que pretende el interesado
en esta solicitud, el juez de paz de San

12

In em midra otras tenas para consentim^{to}
del solicitante.

Jose R. Costada

^{my} Lileam Office. April 7th 1853

Geo. ^{my} Nishw Acery.

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Seal Finca Dos Reales.

Translation of
Dec. H.H. No 1,
annexed to depo. of
Manuel Castro.

Provisionally authorized by the Maritime Custom
House at the Port of Monterey in the Department
of the Californias for the years 1840 & 1841.
Obisno (signed) Antonio M. Osis.

Seal Revalidated by the same for the year
1842.
(signed) Obisno (signed) Antonio M. Osis.

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Monterey 13. Dec'r
1842.

Senior Prefect of the 1st district
Monterey, Dec. 7. 1842.

His Honor the
Judge of San Juan
will report whether
the suertes petitioned
for are vacant and
what else he may
deem proper
(signed) Estrada

Citizen Javi Canuto
Beronda, by birth a Mexican
and resident of San Juan
in this department appears
before Your Honor and most
respectfully represents: That
he is under the necessity of
planting a small piece of
land for the support of his family and in
order to cultivate and enclose the same he
should like to become the owner thereof, and
there being vacant land in the Pueblo del
Sajaro in this jurisdiction he prays Your
Honor to be pleased to grant him for this
purpose, three suertes of land in said Pueblo,
adjoining the land of Don Juan Higuera
and that of Martin, the neophyte, Wherfore
he prays you to determine accordingly to his
petition whereby he will receive a favor

Monterey December 7, 1842

(signed) Javi Canuto Beronda

San Juan Dec. 31. 1842

Let this petition
be returned to said Prefect because the land
asked for is vacant which I report in favor
of the order therefor

(signed) Frances. Osis.

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Monterey Jan^y 2^o 1843.

This Prefecture grants to the petitioner the three suertes of land which he asks in this petition. The justice of the price of San Juan will measure said lands for the information of the petitioner

(signed)

José R. Estrada

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A true and correct translation

Witness my hand this 8th April, 1853

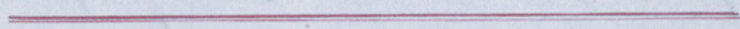
(signed)

Geo. Fisher
Jury

Filed in Office April 8th 1853

(signed)

Geo. Fisher
Jury



Dello Tercero (gelo) Dos Reales
para los años de mil ochocientos cua-
renta y mil ochocientos cuarenta y uno
Revalidado para los años de 1842 y 1843
Alvarado

Doc: H. H En Comision de D. Juan Bautista en ochu
No. 2 amisa del mes de Febr^o de 1843. se les notifico
to Depo: of mand en nom hermita a los Cu^o Jose Bravo
Ces to haken Jose Lera^o Dias y Arango los dos primeros
de fore Com^o de asistencia y el tercero medidor. y dije
H. Hall. ron of. aceptaban y aceptaron dicho en ca
go y juraron por Dios y la Real de Ca^o de
Buenos de cumplir fiel y legalm^{te} a todo ou
saber y entender sin fraude contra persona
alguna. Lo firmaron conmigo el juez del
expresado punto.

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Jose M. Bravo # Balvino L. Rom^o
Terc^o Dias.

Incontinenti yo el referido juez mande
traer a mi presencia el Cordel con of.
se han de medir las tierras y of. el medidor
lo midiera descincuenta var^o medidos con
una vara v. usual para medir las tierras
y lo firme con los de assist^o

D. M. Bravo # Balvino L. Rom^o
Jose Arango - Tercer^o Dias.

En el paraje del Pajaro siendo a las diez de
la mañana yo el presente juez, mande
medir las suertes de tierra de D. Canuto
Boronda y comensado del Sanjon lindero
de Andres Doming^o p^o el Norte, se guido fi-
nalizar al lindero de D^o Lera^o Dias. Mas
que son de cargo fondo 24 Cordel es los tres
suertes de tierra que son 1200 Varas de
cuya constancia lo firmo con los de assist^o

D. M. Bravo Balvino Rom^o
Terc^o Dias

En el D. Juan Baut^o en el mismo dia
mes y año yo el juez constitucional del
expresado despues de practicadas las me-
didas del mencionado terreno con of. se
demarcan en la ante cedente medicion
present^o los colindantes B^o Juan Guerra
y^o Dias fueron conformes con las mas of

se convino mande entrasen en posesion
a Don Canuto Borronda en las suertes de
tierra bajo las medidas y formalidades
acostumbradas se le ha dado pacifi-
ca posesion y autoriso esta solicitud fir-
mando con los de mi asistencia

Don Bravo # Balvino L. Bravo
2^o de Dias

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Filed in Office Apr 8th 1853.
Geo. Fisher Clerk

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1858

Seal Thine (Seal)

Dno Rialto
1841 and 1841

For the years

Translation of
Doc. H. H. No 2

Revahidated for the years 1842, & 1843.

annexed to dep. of (signed) Abreuado
Manuel Castro

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In the Excmo. Diputación of San Juan Penitente on
the eighth day of February, 1843 citizens José
Bravo, José Francisco Diaz and José Orange were
notified of their appointment, the first two apudantes
and the third measurer, and they said that they
accepted and they did accept said trusts and
made oath in the name of God and the holy
Cruz to discharge them faithfully and legally
to the best of their understanding and ability
without fraud against any person. They signed
it with me the judge of said place

(signed) Balvino G. Romero
(") José Ma Bravo
(") Francisco Diaz

Whereupon the said judge ordered a cord
to be brought before me with which the lands are
to be measured and that the measurer measured
it fifty varas with the usual vara for the
measurements of lands, and I signed it with
the apudating witnesses

(signed) José Orange (signed) Balvino S. Rom
apudating witnesses
(signed) J. M. Bravo
(") Francisco Diaz

At the place of "El Pajar" it being 10
o'clock P.M. the present judge ordered the
said surtious of land to be measured for
Don Camilo Berenda and commencing at
the Rancho, the boundary of the Indian Anicic
on the north and running to the boundary

of Don Francisco Arias, which said suits of land are in length and depth 1/4 acres, which is 1200 varas. In testimony whereof I sign it with the assisting witnesses

(signed) Balvino Romo
(signed) J. M. Bravo
(signed) Franco Diaz

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In San Juan Bautista on the same month and year I, the constitutional Judge of the said place having concluded the measurements of the land aforesaid as described in the foregoing act of Measurement citizens Juan Figueroa and Franco Arias, the colonists being present were satisfied with every thing else proper to be examined. I ordered Don Camilo Beronda to take possession of the three suits of land according to the measurements and the usual formalities, payable possession has been given him and I authenticated this petition signing with my assisting witnesses

(signed) Balvino Y. Romo
(signed) J. M. Bravo
(signed) Franco Diaz

A true and correct translation
with my hand this 8th
day of April 8. 1853
(signed) Geo. Fisher

Filed in Office April 8th 1853
(signed) Geo. Fisher

Doc. H. H. N.
3 in Mexico to
Depo of man.
Certs taken
before Com.
H. Hall.

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Jose Camilo Boronda Mexicano por nacimiento y vecino del pueblo de San Juan Bautista dice que por el presente en aquella via y forma que mas haya lugar en derecho, cierto y sabedor del que en este caso le corresponde y por si y en nombre de sus herederos y sucesores y de quien ellos hubiere titulo legitimo y causa en cualquiera manera vendida y da en venta real y enagenacion perpetua para siempre jamas a Don Santiago Stokes un terreno de su propiedad en el pueblo del pajaro de tres suertes de tierra que colinda con el terreno de Don Juan Figueroa y el de el Crefito Martin y como suyo lo vende en la cantidad de cuatrocientos cincuenta pesos plata de los que se da por recibidos fiel y eficazmente. y por lo cual declara que dicho terreno se goza o disputara cierto y seguro al comprador; que nadie y o le inquietare ni movera pleito, o aldra a la defenza y le segurara en todas expensas hechas ejecutoriarlos, dejar al comprador en libre uso quieto y pacifica posesion, y de no conseguirlo le restituirá la cantidad que haya desembolsado las mejoras que hubiere echo y todas las perjuicios que por su causa se le siguieren e irrogaren. Igualmente renuncia la ley 2. titulo 1.º partida 8.ª novisima recopilacion que trata de los contratos de Ventas y otras de que ai lecion en mas o menos de su justo valor. Tambien renuncia el fuero y domicilio que le pueden favorecer. Y para la presente validacion de todo lo referido en la prestada escritura, obliga su persona, sus bienes presentes y futuros y con ellos se somete al fuero y jurisdiccion de los señores Jueces que en este negocio deban conocer para que lo compelan y apremien por todo rigor de derecho y via ejecutiva, como por sentencia definitiva de juez competente pasada en autoridad de cosa juzgada consentida y sin mas recurso; renuncia las leyes de su favor y defenza con la general del

sobre su posesion
y o le inquietare
o movere

6768

derecho en forma. En cuyo testimonio firmo
 el presente.
 J. Benito Borda # Estifanes Boronda
 Jeremias Boronda # Maria G. Castro
 Testigo James Lequin + José J. Boronda
 " J. Hart. José Fernandez
 " Joaquin G. Castro. Alcalde L. G.

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Certifico que el anterior contrato fue celebrado en mi delante y con todas las formalidades de estilo quedando satisfechos los vende-
 dores y comprador.
 Pueblo de S. José Agto. 14 de 1849
 José Fernandez

Registrado el presente a fojas diez y ocho
 vuelta y diez y nueve frente del libro res-
 pectivo.
 San Juan Bautista Ab. 3 de 1850
 Angel Lebrija
 alcd. 1º

Derechos con copia
 cinco pesos recibidos.

Filed in Office April 8th 1853
 Geo. Fisher Secy

Translation of these presents,
Transfer
Exhibit D

Doc. N. H. No. 3 to
Dep. of Manuel
Castro.

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José Canuto Beronda,
Mexican by birth, and neighbor of the
Pueblo of San Juan Bautista says that by
Translation of these presents, in that manner, and from such
Transfer comparable to law certain and correct, which
Exhibit D comprehends to this case, and for himself and
in the name of his heirs and successors, and
whichever of them may have title, view and
cause in any manner whatsoever, he sells
and conveys in real sale, and perpetual alien-
ation forever to James Stetis a piece of land,
of his own property in the pueblo of "El Cajero,"
of three quarters of land which borders with the
land of Don Juan Figueroa and the civilized
Indian Martin, and as his own he sells it
for the sum of four hundred and fifty
dollars in silver which have been received
in hand truly and in fact, and for which
he declares that said land shall be safe
and certain to the purchaser, that no one
shall molest him or bring suit for the
possession, enjoyment or benefit of it,
and should any one molest or disturb he
will appear in defence and will pursue it
through all expenses, until he shall accomplish
it, and leave the purchaser in the full use and
quiet peaceful possession, and if not he will
return to him the sum which he may have
paid, whatever it may be, and all injuries
which may come on account thereof he will
contribute to him. Likewise he renounces
the law 2^o title, 1^o partida 5th new recapitulation
which treats of contracts of sale, and other
matters which are set forth, more or less,
according to the true effect. Also he renounces
whatever of the statute and domestic law can
favor him. And by these presents that the
matters referred to in this instrument may be
valid, he obligates his person, his goods present
and future, and with them he subjects himself
to the law and jurisdiction of the Hon. Judges
which in this business they should know, so

as to compel and enforce all the rigor of the law and executive practice, as by definitive sentence of a competent judge passed by authority of a tribunal with effect and without recourse. He renounces the law in his favor and defense with everything in the form of law.

In testimony whereof he signs these presents
J. Carr Borrero, Epifanio Beronda

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Witness + Francisco Beronda +
" Juan Lynn Maria F. Castro +
" J. Hart
" Joaquin F. Castro José J. Beronda +
José Fernandez - 2^a Alcalde

I certify that the foregoing contract was made before me, that the formalities of custom were observed, and the sellers and purchasers mutually satisfied
Puerto of San José Aug 17. 1849
José Fernandez

Recorded at folios 18 & 19 of the register book
San Juan Bautista April 15. 1850
Angel Tibrija
Alcalde

Fees for }
copying }
\$5 paid }

A true and correct translation
Witness my hand this 2^d day
of March, A.D., 1853.

Filed in Office March 2^d 1853

Signed
Geo. Fisher Jay

230 Opinion of James Stokes vs The United States } For three Sections of
Bonds by } Land in Monterey
Comr Felch } County

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A conveyance of the land claimed from Jose Canuto Boronca to the petitioners and a grant thereof to said Boronca made by the Prefect of the first District, Jose A Estrada, are presented as the basis of this claim. The grant is dated January 2. 1843.

In several cases the Commission has had occasion to consider the effect of Prefect grant, and have held that, that Officer has no power of disposing of any, but the Common lands of the Pueblos of his District, and that to establish title under a Prefect grant, the claimant must prove the land granted to be of such Common lands. (See Cases 297. 29. and 753). The proof in this case fails to show the land claimed to be of this description, and therefore the grant, so far as appears by the proofs, is without authority. Two of the witnesses speak of the Prefect, being also authorized specially by the Governor to make grants. The terms and conditions of such an authorization are not stated with sufficient distinctness to enable us to know anything of its validity, its extent or its character. We cannot infer from what is said enough to give validity to this grant under power derived from this Council, or

even to discuss the question whether the Governor could delegate his authority so as to authorize another to cede away the National Domain. The language of the Act seems intended to convey the idea simply that the Governor gives his consent for the Prefect to make grants of land for the common benefit to the People, and nothing more.

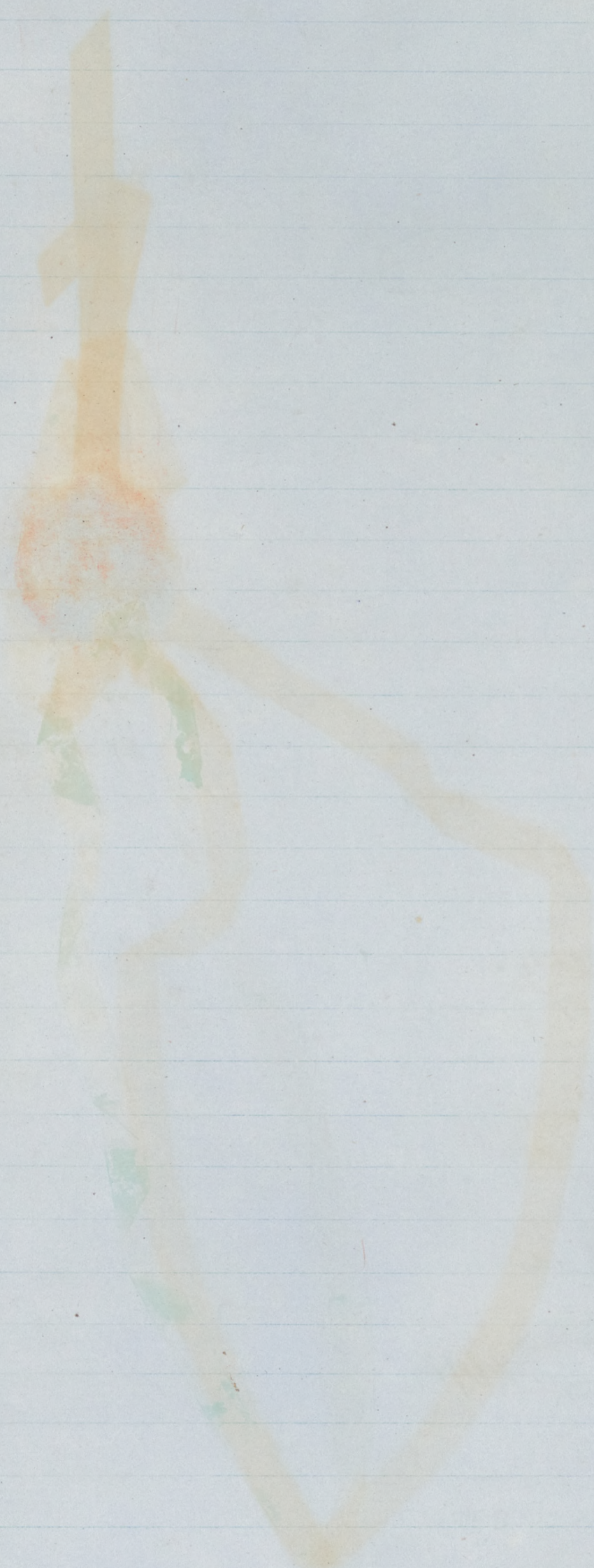
Whether the Prefect's power to make this grant depended on such authority given by the Governor, or on the Constitution and the Law of 1837, it was a restricted authority in the Prefect, and the grant could be sustained only by proof that the premises were of the description of lands which he was authorized to grant.

Such evidence is not given in the case, and the validity of the grant is therefore not sustained.

Respectfully

Filed in Office Oct. 2nd 1855

Geo. Fisher Secy



1200

377 SD
PAGE 27

Office of the Board of Commissioners,

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

I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twenty five* pages, numbered from
1 to *25*, 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. *758* on the Docket of the said Board,
wherein

James Stokes is

the Claimant against the United States, for the place known by
the name of *Three Quarters of land in Monte-*
County

In Testimony Whereof, I herewith set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
Seventeenth day of *January*
A. D. 1856, and of the Independence of the
United States of America the *seventy-eighth*.

Geo. Fisher



377
U. S. DISTRICT COURT,
San Francisco District of California.

No. *377*

UNITED STATES,

vs. 377

James Stokes
Three Lots in Monterey Co.

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

Case No. *754*

Filed, *Jan 6th* 1856.

f. J. San.

377

1856

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

James Stokes Chmt. & appt. } No. 758 of U.S.
vs } Land Comm.
The United States apper. }

Sir, Please take
notice that it is the intention of the claimant
in this cause to prosecute an appeal from
the decision and decree of the Hon. The
Board of Land Commissioners of the United
States in and for the State of California and
from the whole and every part thereof,
made in the case filed with said Board
as No. 758, and being the claim of
James Stokes for three quarters of land near
the Mission of San Juan, in the County
of Monterey and Southern District of
California - said appeal being taken
from the said Board of Land Commis-
sioners to the Hon. the District Court of the
United States in and for the Southern District
of California

Yours &c.

James Stokes
Chmt & appt.

Wm Bell Knapp of Counsel
for Chmt -
20 Court Block
San Francisco

To
J. C. Carr Esq.
Clerk of
Southern District

~~111~~
No. 377
U. S. Dist Court

James Stokes

vs

The United States.

3 Suertes near San Juan

no. of appeal

Filed Oct. 23rd 1835

D. C. Cancro

By W. B. Ross

377 SD

PAGE 28

D. B. Bellman
for appt.

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

Hon. J. S. K. Ogden Judge.

James Stokes

Appellant

N^o 377.

vs.
The United States.
Appellee

Dist N^o 758.

On Motion of P. Od United States Attorney
for the Southern District of California; and
on showing to the Court that the appellant
in the above entitled cause has failed
to file a notice with the Clerk ^{of this Court} of his
intention to prosecute the appeal in the
said cause within the time allowed
by law: It is ordered by the Court
that the appeal in said cause be finally
dismissed.

P. Od
U.S. Atty.

Dec. 22. 1836.

No. 377

U.S. Dist. Court

No 377

James Stokes
appellant

^{vs}
The United States
appellee

Motion & order for
Dismissal

Filed this 22nd December
A.D. 1855
Clerk
of the Court
Dep