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*Sutton et al. v. Bancroft et al.*

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integrity of his documentary evidence, and no suspicion exists unfavorable to the bona fides of his petition, or the continuity of his possession and claim. He has been recognised as the proprietor of this land since 1840.

Under all the circumstances of the case, the court is not willing to disturb the decrees in his favor.

Decree of the District Court affirmed.

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WILLIAM B. SUTTON, SAMUEL L. GRIFFITH, AND JAMES SUTTON,  
COPARTNERS UNDER THE FIRM AND STYLE OF SUTTON, GRIFFITH, & Co., PLAINTIFFS IN ERROR, *v.* STACY B. BANCROFT,  
THOMAS BEAVER, AND OTHERS, COPARTNERS UNDER THE FIRM  
AND STYLE OF BANCROFT, BEAVER, & Co.

Where parties were sued on a promissory note executed by them, did not pretend to have any defence, entered a false plea which was overruled on demurrer, refused to plead in bar, and had judgment entered against them for want of a plea, this court will affirm the judgment with ten per cent. damages.

THIS case was brought up by writ of error from the District Court of the United States for the western district of Arkansas.

It was submitted on a printed brief by *Mr. Watkins* for the defendants in error, no counsel appearing for the plaintiffs in error.

*Mr. Watkins* stated the case, and said that the judgment was rendered on the 22d of May, 1856, since which time the hands of the plaintiffs below have been tied from having execution, and the plaintiffs in error have never appeared in this court, nor have they taken any steps to prosecute their writ of error.

The defendants in error now ask for an affirmance of the judgment, with exemplary damages for delay.

*Mr. Justice GRIER* delivered the opinion of the court.

*United States v. Pico et al.*

The plaintiffs in error were sued on a promissory note executed by them. They did not pretend to have any defence. They entered a false plea, which was overruled on demurrer. They refused to plead in bar. Judgment was entered against them in due form, for want of a plea.

They do not pretend to allege any error in the proceedings. The judgment is therefore affirmed, with ten per cent. damages.

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THE UNITED STATES, APPELLANTS, *v.* FRANCISCO PICO AND OTHERS.

Where the archives of California show that a petition for land was presented to the justice of the peace and military commandant at New Helvetic in 1846; that a favorable report was made on the 1st May, 1846; that the prefect certified, on the 18th May, 1846, that the land was vacant; that the Governor, on the 11th of June, 1846, made an order for a *titulo* in form, and the claimant produced from his custody a *titulo* dated at Los Angeles on the 20th of July, 1846, there is a departure from the regular and usual mode for securing lands under the colonization laws.

The *titulo* bears date on the 20th of July, and the 7th of July, 1846, is the epoch established by the act of Congress of 1851 and the decisions of this court, at which the power of the Governor of California, under the authority of Mexico, to alienate the public domain, terminated.

The evidence that the claimant occupied the land in 1847 is not satisfactory, or that he made any assertion of claim or title until the presentation of the claim in 1853 to the board of commissioners.

THIS was an appeal from the District Court of the United States for the northern district of California.

The nature of the claim is stated in the opinion of the court.

The case was argued by *Mr. Stanton* for the United States, and by *Mr. Gillet* for the appellee, upon a brief filed by himself, and adopting also a printed argument by *Messrs. Stanly and King*.

The points made by *Mr. Stanton* were the following:

1. There was no petition to the Governor soliciting the land agreeably to the regulations of 1828.