

CASE No.

140

SOUTHERN DISTRICT

SAN JUAN GRANT

JUAN PACIFICO ONTIVERAS

CLAIMANT

LAND CASE 140 SD pgs. 129

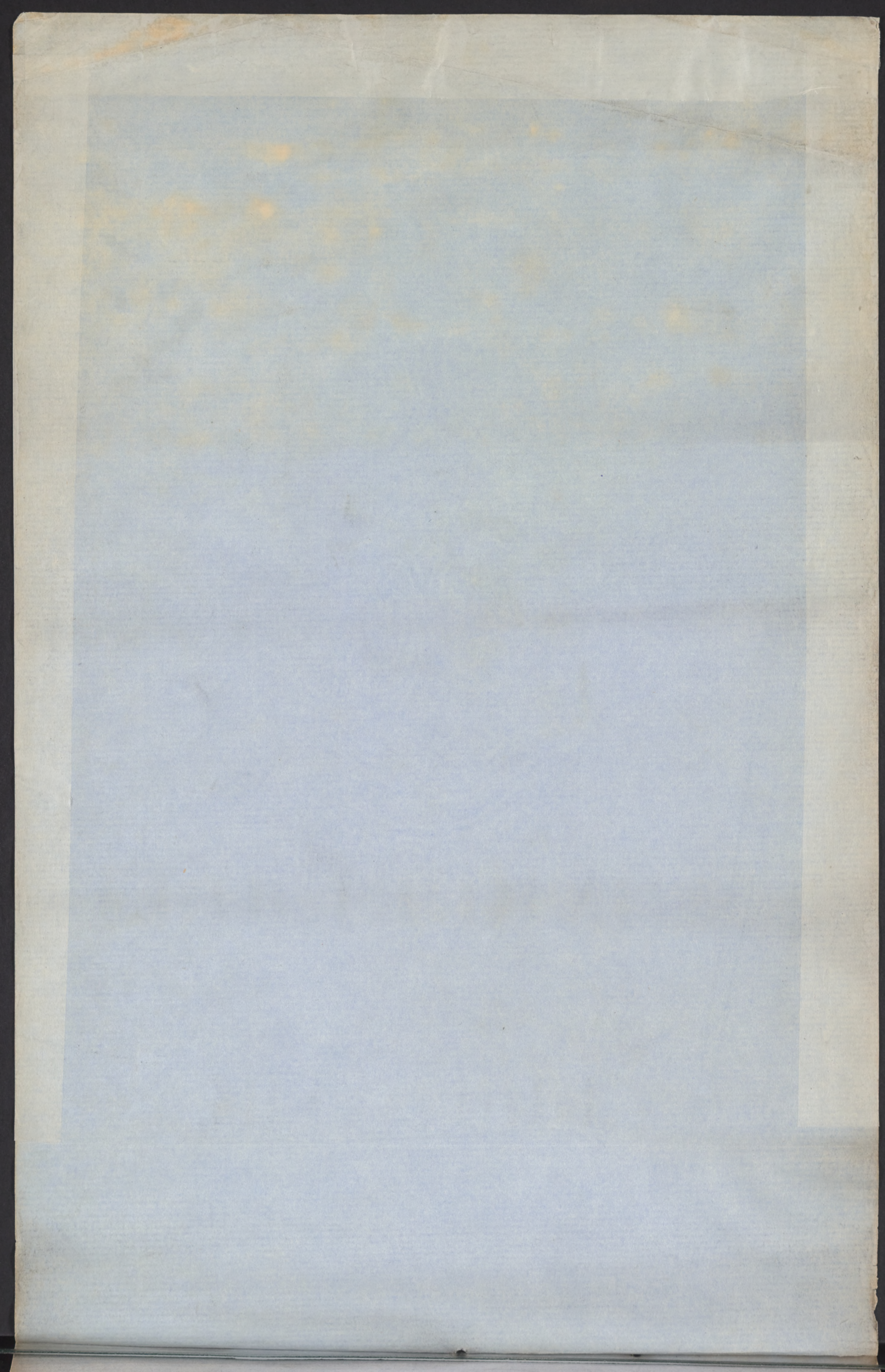
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Government
Plover Bond
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U.S.A.

490

Southey's Journal



TRANSCRIPT

140 SD

PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 440

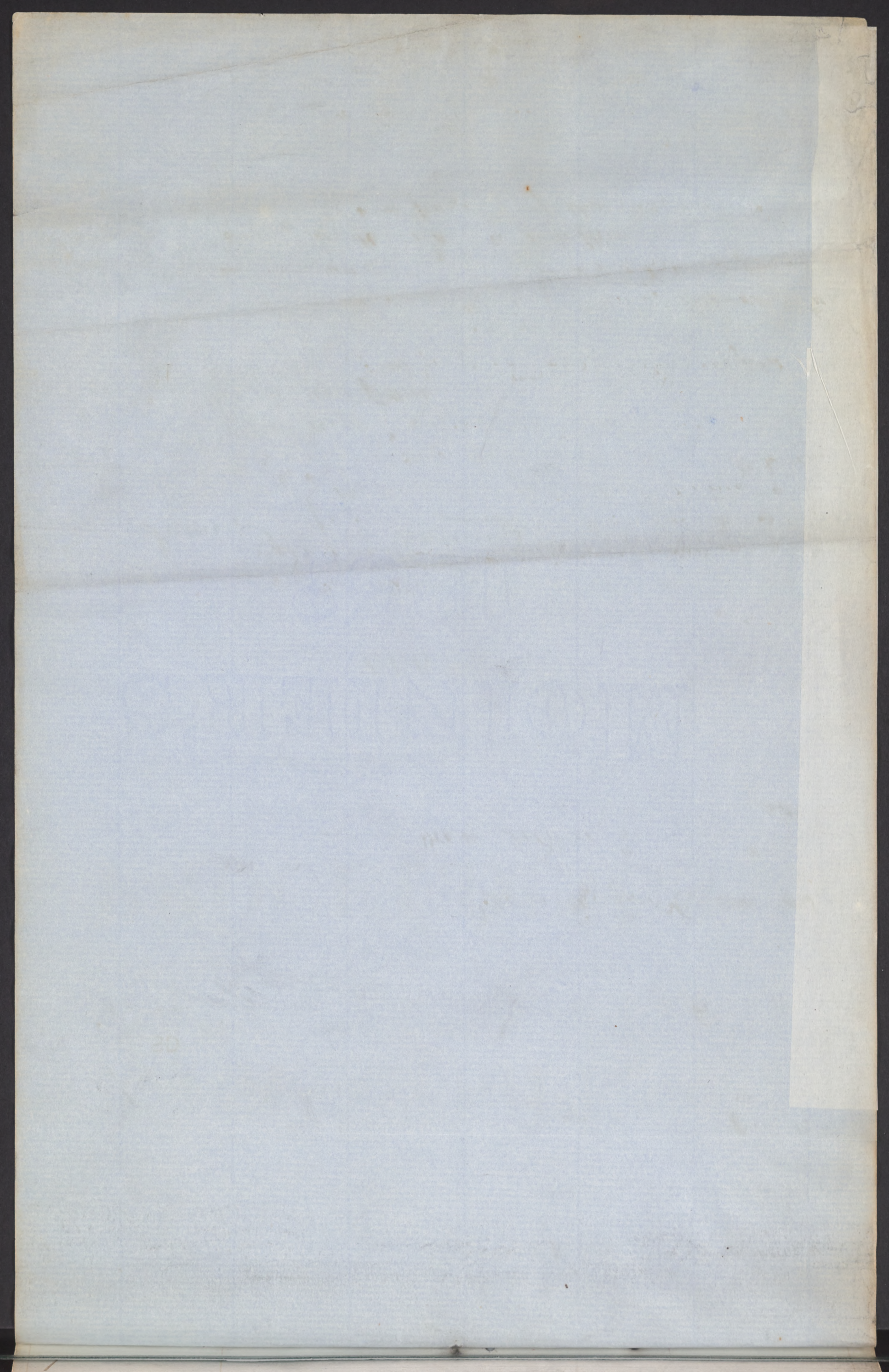
Juan Pacifico Ontiveros CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Juan"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *first day of November*, Anno Domini One Thousand Eight Hundred and Fifty-Five, 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 *Juan Pacifico Ontiveras*,
for the Place named
"San Juan,"
was presented, and ordered to be filed and docketed with No. 440, 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;

Sos Angeles, November 4th 1852,
In Case No. 440, *Juan Pacifico Ontiveras* for the place named *"San Juan,"* alias, *"Cajon de Santa Ana,"* the deposition of *Abel Stearns*, a witness in behalf of the claimant, taken before Commissioner *Meliana Hall*, with documents marked *H. H. nos 1, 2, & 3,* and translations thereof marked *B,* annexed thereto, was filed;

(Vide page 5 of this Transcript.)

In the same Case the deposition of *Bernardo Torba* a witness in behalf of the claimant, taken before Commissioner *Meliana Hall*, was filed;

(Vide page 7 of this Transcript.)

San Francisco, Aug, 19th 1853,
Case no. 440, called, The Counsel for the claimant lead the evidence, argued, submitted and taken under advisement by the Board.

San Francisco, April 11 1854,
In the same case Commissioner R. Aug. Thompson
delivered the opinion of the Board rejecting the
claim;

(Vide page 19 of this Transcript.)



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San Francisco, August 15 1854,
In the same case, on motion of the United States
Law Agent, the following order was made to wit;
(Vide page 24 of this Transcript.)



To the Hon the Board of U S Land Commissioners
appointed to settle private Land claims in Califor-
nia

The Petition of Juan Pacifico Antuinos respectfully
sheweth that on or about the thirteenth day of May
1837 Juan B. Alvarado then Governor of California
in the name of the Mexican Nation, by virtue of the
laws then in force, the usages and customs of the
Country, and long grant of land in California
granted in full property unto your Petitioner the
tract of land and Rancho known by the name of
San Juan (a) Cajon de Santa Ana containing
about 4 square leagues of land as described
in the Papers and maps relating to said grant
of lands that copies of the said papers and maps
now in the possession of your Petitioner are herewith
filed as part of this Petition and as soon as copies
can be procured from the Archives under the custody
of the U S Surveyor General for California in your
Petitioner's name leave to file the same as part
of this Petition.

And your Petitioner further sheweth that he is
informed and believes the above described grant
has been approved by the Departmental Assembly
of California and that a record of the same is
now in the Archives in the custody of the U S Sur-
veyor General for California, a copy of which
your Petitioner prays leave to file as part of this
Petition as soon as the same can be obtained
and your Petitioner further sheweth that some
time in the year A D 1837, your Petitioner made
application by Petition to the proper Office in having
jurisdiction of such subject matters to be placed in
providual possession of said lands and that
providual possession was duly granted your
Petitioner, That a part only of the Papers relating

to said lands are possession are now in the possession of your Petitioner as the balance have been lost or mislaid and cannot be found

That copies of all such papers as your Petitioner now has in his possession are herewith filed as part of this Petition

And your Petitioner further shows that said lands have always been in the peaceable and quiet possession of your Petitioner from about the date of said grant and are now in the quiet and undisturbed possession of your Petitioner

There is no conflicting claim to said lands known to your Petitioner

Said lands have not been surveyed by the US Surveyor General for California

The evidence upon which your Petitioner relies in this case are the Records of this grant papers and maps in the custody of the US Surveyor General for California, Original Papers in the possession of your Petitioner relating to said tract of land and the testimony of witnesses to be produced before your Honor Board

Respectfully submitted for such action as the Justice and Nature of the case may require

G O Crosby

of Counsel
for Applicant

Filed in Office Nov 1st 1852

Geo Fisher

Secretary

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Los Angeles November 4th 1852

Deposition of On this day before to wit Hall came Abel Stearns - was a witness in behalf of the Utamant Man Pacific Antieras Petition No 44 and was duly sworn his evidence being given in English

The U S Associate Sam Ogden was present In Mission to inquire by Counsel for the Utamant the witness testified as follows

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My name is Abel Stearns, my age fifty four years, I reside in Los Angeles, I have lived in California over twenty three years

I am acquainted with the hand writing and signatures of Juan B Alvarado and Victor Prudon A paper is now shown me purporting to be a grant to Juan Pacific Antieros of land called San Juan dated May 13th 1837, The names of the said Alvarado and Prudon appearing on said paper I believe to be their genuine signatures said paper is here annexed and marked A A No 1

A paper is also shown me purporting to be a testimonial of the approval of the said grant by the Territorial Deputation dated May 18th 1837, The names of the said Alvarado and Prudon to said paper, I believe to be their genuine signatures said paper is here annexed and is marked A A No 2

A Map is also shown me with a Certificate of Manuel Trujano upon it dated July 19th 1837, The signature of said Trujano on said Map I believe to be his genuine signature,

I was employed by Patricio Antieros as I think in 1835 to make a diagram of land which he was about to petition for and the Map now before me appears to be a copy of one made by me at that time He called the land Coyotes Bigos and Rancho de Santa Ana I am acquainted with the land and believe the land granted on the paper mentioned

till paper to be the same land as shown in the map
with the exception of a piece mentioned in the grant
as ceded to Nido. I suppose that when the son of Patricio
applied for the land he gave it a different name
from that given by the father and called it San
Juan Cajon de Santa Ana San Juan Nido is both
unnixed and numbered N N 3

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I think the father petitioned the Governor for the land
and that before any action was taken on his
petition he died and then the son then petitioned
and obtained the grant before mentioned

I am acquainted with the named writing and sig-
-natures of Sr. Juan Bonifacio Botello and
Bernardino Lopez

A paper is now shown me purporting to be a pe-
-tition of Juan Pacifico Centeno as for Juan and Pos-
-sessor of said land dated September 13th 1837
with an Order of the first Alcalde referring the
-petition to the second Alcalde dated September
18th 1837 The signatures of said Juan Botello
and Lopez on said paper I believe to be genuine
The petition is in my own hand written and also
the signature of the name of said Centeno as he
made his mark in my presence as now shown as
Believe Juan Pacifico Nido unnixed and numbered
N N 4

I know the land it is on the River Santa Ana about
ten leagues from this Place in an easterly direction

The land was occupied the land ever since the
time it was granted to him He was chosen some the
same year and afterwards a better one he lived on it
I has ever since resided on the land He has had a three
-four or fifteen hundred head of cattle on it a stock of
horses, requires by the Associate Law Agent,

Do you know how this map came to be attached to the
-Certificate of Patricio Centeno for a tract called Los Alamos

Answer I do not
 know the land mentioned in the grant as ceded by
 Nito included in the map
 Answer I think it is

Abel Stearns

Sworn and Subscribed

Before me

Richard Hall

Comr

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Filed in Office November 4th 1852

Gen Fisher

Secretary

Deposition of Las Angeles Nov 4th 1852
 Juan Manuel Gorda On this day before Gen Richard Hall Comr
 Juan Manuel Gorda a witness in behalf of the Commandant
 from Pacific Centrovers Section No 440 and
 was duly sworn his evidence being substantiated by the
 Secretary

The U.S. Associated Law Agent was present

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

My name Juan Manuel Gorda My age is fifty one
 years and I reside in the County of Los Angeles

I know the Rancho San Juan Cazon de Santa
 Ana It is situated about twelve leagues from
 this place in a Southwesterly direction I never know
 it was mine I was a boy It now belongs to Gen
 Pacific Centrovers then for many years belonged to the
 Mission of San Gabriel I mean then the mission

for much occupy the land as they occupy nearly
all the country.

In the case possession was given of the Rancho
to Juan Pacifico Onto was by Antonio Machado
who was Regidor I cannot tell the time when it took
place.

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It was during the time Alvarado was Governor
I was present and was one of the adjoining neigh-
bors and a witness to the giving of the possession

In answer to inquiry by the associated Land Agent
At the time possession was given it was known
by the name of Las Lagunas

It is now called San Juan
Buenas Yervas

Given and Subscribed

Before me
Antonio Hall
Comr

Filed in office Nov or Dec 14th 1852
Geo Fisher
Clerk

El Ciudadano Juan Bautista Alvarado, Gobernador del Estado y Presidente de la única diputación del mismo.

Por cuanto el Ciudadano Juan Paez físico boticeros ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de San Juan (a) Cajon de Santa Rosa itua con el inclusion del pedazo de tierra, vendido por D. Juan L. Nieto, dentro de los límites del terreno que acompaña a su solicitud, practicadas previamente las diligencias y exigencias necesarias segun lo dispuesto por las leyes y reglamentos de la materia, esueto de las facultades que me son conferidas a nombre de la nacion Mexicana, he resuelto en lo concerniente al terreno mencionado, declarando la propiedad de él por las presentes letras, entendiéndose dicha conseruacion con entera conformidad a las leyes o reserva de la aprobacion o desaprobacion de la Legislatura al aprobacion y bajo las condiciones siguientes.

1^a Degravado en sus herederos podran dividir o enajenar el que se les adjudica imponerle censo, vinculo, finca o hipoteca ni otro gravamen aunque sea por causa piousa, ni pasarlo a manos muertas.

2^a Podra tenerlo sin perjudicar las haciendas comunales y de rindumbres lo que para una letra y es elvivamente desahucio o lo al uso o cultivo que mas le acomode.

3^a Cuando se le conceda la propiedad solicitada de su respectivo teniente la proteccion juridica en virtud de este despacho por el cual se demarcan los límites y puden sus pertenencias.

4^a El terreno de que se hace donacion es precisamente el que se expresa en la solicitud del interesado y se demarcan en el terreno y el Juz que lo proteccion pasara cono a este Gobierno del mismo territorio que comprende.

En consecuencia mande que devandole de titulo el presente y teniendolo por firme y ratificado, se tome razon en el libro respectivo y se entregue al interesado para su resguardo y otros fines convenientes.

Dado en la Ex. Nacion de Mexico a Treinta y Nueve dias del mes de Mayo de 1853

1834. Juan B. Navarro.
Victor Puchon Sec. Yut^o.

Present in Office. Nov. 1^o 1852.

Geo. Fisher.

Secretary.

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Santa Barbara. Mayo. 18 de 1834.

En sesion de hoy se abrió la Sesion deputacion vigintiava en Congreso Constituyente, el objeto es de la Comision aludida que a la letra es como sigue.

"Se concede a Don Juan Pacifico Cortáez un - brazo de tierra en el Cajon de Sta Ana, con inclusion jurada de tierra cedida por Don Juan I. Méta, y el ojo de agua que en otro parage está sin impedir que sus ruidos sean los que siempre habido en seccion del tiempo que la recibe que en sus labores.

Santa Barbara. 14 de Mayo de 1834.

José N. Estrada.

Juan B. Navarro.

Juan B. Navarro.

Victor Puchon.

Sec. Yut^o.

Present in Office. Nov. 1. 1852.

Geo. Fisher.
S.D.

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Manuel Jimeno Casarín Primer vocal propietario de la
Junta Local del departamento de las Californias, ex gerente
del Gobierno del mismo.

En la Secretaría de este Gobierno como un expediente
pertenciente a Don Patricio Batizana sobre el paraje
nombrado los Altamitos y que se agregó en su tiempo
igual o la copia que se demuestran la a la usetta.

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Morisco. Julio 19 de 1839.

Manuel Jimeno.

Filed in office. Nov. 21st 1852.

J. Fisher.

Secretary.

Jose Joaquin Hernandez

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a.

Ser. Alcalde 1. Constitucional

El Sr. Juan Pacifico Ontiveros de esta Ciudad, ante V. Segun haya lugar y el derecho lo conecido, espone lo siguiente. El arriendo conseguido por decreto del Gobierno Superior del territorio con fecha 13 de Mayo de mil ochocientos, el adjunto titulo un titulo como en ella se espone, y para que pueda cumplir con lo que dispone la ley en asegurarme la propiedad como corresponde.

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Q. V. Suplico de V. S. me sea dada la posesion jurídica segun otro decreto, si gustare voluntin este en papel comun por no haver del sello q. corresponde.

Juramento no ser de malicia y lo necesario
Ang. 13 de Septe de 1837. - no se firmo y pongo
la señal de la Cruz.

Juan Pacifico Ontiveros.
Angelen. Septe 13 de 1837.

Por presentado y admitido con su auto ha lugar. Ocurro el virreinato al Sr. Alcalde 2. de esta Ciudad por un promisin a este de mi cargo sus cuantias faxes hacer como solista. Mi Yo J. H. Alamo Alcalde 1. Constitucional de esta referida Ciudad lo prometo y firmo y firmo por ante mi y las de mi asistencia.

J. H. Alamo. Aho. Mariano Choleto
Aho. Bernardino Lopez.

Acta in office. Nov. 11. 1852.

J. H. Alamo.

Secretary.



Exhibit B
Translation
Grant and Possession

The Citizens Juan Bautista Alvarado Governor
of the State and President of the Most Excellent the
Deputation of the same
Whereas the Citizen Juan Pacifico Centeno has a
Grant and Possession for his Personal benefit and that of his family
the tract of land known by the name of San Juan (a)
Cajon de Sta Ana including the piece of land assigned
by Don Juan J. Nieto within the boundaries of the State
Yucatan to his Petition the proceedings in that behalf
having first been taken according to the tenor of the
Law of the Regulations affecting the matter in the
exercise of the powers conferred upon me in that name
of the Mexican Nation, I do now grant unto him the
aforesaid tract of land including with him the ownership
thereof by the present letters said grant being in
-entire conformity with the laws
and sanction of the approval or disapproval of
the Most Excellent the Deputation and under the
following conditions

440

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- 1st The Party in interest shall not shall his
have power to enclose nor alien the tract
now designated to them to sell them it with out
change of all bond mortgage nor other in cum-
-branch even for a religious cause nor to enclose
it to mortmain
- 2d He may enclose it without prejudice to the cross
roads high ways and rights of way he shall
enjoy it freely and exclusively reserving it to the
cultivation and use that may suit him
- 3d When the ownership be called to him
he shall solicit the competent Magistrate to
give him judicial possession by virtue of this
Patent such Magistrate shall assign his bound-
-aries and the grantee shall place his usual
marks
- 4th The tract hereby granted is hereby what is

expressed in the petition of the Party in interest and is
marked in the Plan and the Judge who delivers poss-
- sion shall inform this Government of the number of
folios it contains

Whence I order that this present and showing as
institute can being held as forms and valid be
entered of record in the appropriate book and
returned to the Party in interest for his protection
and further knowing was

Given at the Ex Mission of Santa Barbara May
13th 1837

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Juan B Alvarado
Victor Pando Intero
ad interim

Santa Barbara May 18th 1837

In session of to day the Most Excellent the Deputation
elected into a constituent Congress approved the
report of its committee which is literally as follows
Granted to citizen Juan Pacifico Cortes as the land
called San Juan (a) Cayon de Sta Ana including
the well assigned by Don Juan J. Nieto and the
spring of water in said town without awaiting its
comments from the comite they have always held
except during the time he may require the same for
his land survey

Sta Barbara 14th May 1837

José A Estrada Francisco J. Alvarado

Juan B Alvarado
Victor Pando
Intero ad Interim

The grantee shall annex a duplicate sheet of stamped
paper of ^{the} six dollar class in order to conform to
the law

Victor Pando

To Whom the First Constitutional Decree
 The Citizen from Pacific Territories resident of this
 City before you according as the Law may give him
 rights and leave sets forth the following,
 Having obtained by Decree of the Superior Government
 of the Territory dated 13th May last the numbered title of
 the tenet as the same set forth and in order to be able
 to comply with what the Law exacts to secure me the
 ownership according to my right

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I beseech you to be pleased to give me the judicial
 possession according to said Decree, As Pleaded had
 and this on common Paper, there being some of the
 requisite stamps

I make oath that I do not proceed through Malice
 adding the other necessary qualifications &c

Mexico 13th Sept 1837

I do not know how to write my name and those
 who with the form of the Decree

From Pacific Territories

Mexico September 18th 1837

The same being presented and admitted to all
 legal intent ordered that the party in interest apply
 to the Hon 2^d Decree of this City, this being under
 my charge being too much engaged to do what is
 requested I did it under first Constitutional De-
 -cree of this said City have so provided ord-
 -ered and subscribed in presence of my attesting
 witnesses according to Law

Edo Ybana

Attest Antonio Botello

Attest Bernardino Lopez

Filed in Office November 18th 1853

Geo Fisher

Clery

1881
1882

19
Cameron

Case No 441
Don Pascua Centurias
of
The United States
San Juan a Cajon
de Santa Ana

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This is a claim for an indefinite quantity of land known by the name of San Juan a Cajon de Santa Ana reference being made in the petition of the claimant to the papers filed in the case for the necessary description of the premises granted. These papers consist of the original grant and copy of approval a certified copy of a map purporting to belong to the Expediente of Don Pascua Centurias relating the piece called Alamos and a request from the grantee to proper Judge praying for the judicial possession of the land together with the decree of the latter referring the matter to the 2d Alcalde.

The genuineness of the signatures to all these documents is most certainly established by the testimony of Abel Stearns, who also proves actual possession and residence on the land by the grantee from the year in which the grant was made.

The only remaining question is whether the documents refused to furnish such a description of the land as would enable it from the Public Land and enable a surveyor to locate and identify it.

The only description mentioned in the grant is in the following words, The tract of land known by the name of San Juan a Cajon de Santa Ana including the piece of land assigned by Don Juan I. Panto within the boundaries of the land referred to his petition and again in the 4th condition of the grant it is provided that the tract of land hereby granted is much what is expressed in the petition of the party in interest and is marked in the plan

and the map who allows the possession shall reform the government of the number of things it contains

It is supposed from this that the grant itself contains no sufficient description to give it validity. There is nothing in it by which either the quantity or extent or form and use can be ascertained and we must resort to the extraneous evidence to which it refers in order to supply the deficiency.

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The first is the Petition of the Party to the Governor for the grant. That is not produced and without it the grant in the absence of any judicial measurement or possession is clearly in complete void and is thought to be derived from that source in certifying the land or fixing its boundaries.

The next reference is to the King's rejoinder to the petition. The map filed in the lease purports to be from an Esplanade form and upon an application made by a different party and for land

known by a different name from that here claimed. An effort is made to account for and reconcile this discrepancy by the recollection of Abel Stearns who says he was employed by Patricio Gutierrez in 1835, as he thinks to make a survey of land for which he was about to petition

and the map filed in the lease appeared to be a copy of the one made by him at that time. He called the land Cayas Regas and Rincon de Santa Ana. He further states that he is acquainted with the land and believes the land granted in the before mentioned title paper to be the same described in the mass with the exception of a Rio mentioned in the grant as owned by Nieto.

He supposes that when the son Patricio applied for the land he gave it a different name from

that given by the father and called it San Juan
Cajon de Santa Ana,

He thinks the father petitioned the Governor for the
land and that before any action was taken on his
petition he was a man then the son then petitioned
and obtained the grant before mentioned. This
evidence is clearly too vague and indeterminate to connect
the map filed in this case with the Patent claim
as a copy of that signed to in the grant to the de-
cendant. But even if that fact was fully estab-
lished it is not perceived that it would in any
material degree aid in ascertaining the location
and four corners of the land, the grant only refers
to the map as a description of the country within
which the location was to be made and directs the
grantee after he shall have located and discovered
the land as described in the petition to inform
the Government of the quantity it contains admitting
that the map filed is a copy of that signed
to in the grant it is very clear that it was not the
intention of the Government to grant all the land
contained within its boundaries,

The grant expressly declares that the land is to
be laid off within those boundaries and that
this was done & that would in the absence of
all other description to no segregation of the de-
termined area intended to be granted. The scale
of one inch laid down on the map shows the quantity
contained within its limits to be some thirteen
or fourteen square leagues a quantity beyond which
the Governor was authorized under any circum-
stances to grant according to the laws of Colo-
-rization and proving conclusively that the grant
was for a smaller quantity within those bounds
and that quantity is ascertained or some mode
by which it can be ascertained and its location

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established is furnished, there is nothing definite or certain upon which a claim of compensation could operate

Amador Yorda testifies that Juana Cal Posession was given and that he was present as one of the adjoining neighbors and was a witness to the giving of the Possession

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No record however of this act has been kept in evidence and in order to avoid the party any thing in the establishment of his claim its admission ought to be accounted for and proof of the contents then given or other evidence of its contents introduced

Upon the Evidence as now presented before the Commission the grant is void for uncertainty and the claim must therefore be rejected

Filed in Office April 11th 1854
Geo Fisher
Secretary

"De cu"

Case No 440
 Man Pacifica Inter was
 of
 The United States } San Juan (a)
 } Cañon de Santa Ana

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In this case on hearing the proofs and alleg-
 ations it is adjudged by the Commission that
 the claim of the Petitioner is not valid and
 it is therefore decreed that his application for
 a confirmation thereof be denied

Alphus Fitch
 Thompson Campbell
 R. Aug. Thompson,
 Commissioning

Filed in Office April 11th 1854
 Geo. Fisher
 Secretary

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And it appearing to the satisfaction of this
Board that the land hereby adjudicated is
situated in the Southern District of California
and it is hereby ordered

That Two Transcripts
of the Proceedings 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 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 trans-
mitted 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 — *twenty four* pages, numbered from
to *24*, 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. *440* on the Docket of the said Board,
wherein

Juan Pacifico Ontiveras is
the Claimant against the United States, for the place known by
the name of *San Juan*

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 *October*
A. D. 1854, and of the Independence of the
United States of America the seventy-ninth

Geo. Fisher.

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

No. ~~140~~, 140. Docket

THE UNITED STATES,

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Juan Pacifica Ontiveros,

"San Juan"

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 440.

Filed, *November 8th*, 1854.

G. E. Farr,
Clerk.

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No. 440.



Clerks office of the District Court
of the United States for the Southern
District of California.

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Whereas the Commissioners constituted for the purpose of ascertaining and settling private land-claims in the State of California by the act of congress of the U. S. of America approved on the 3^d of March 1853, entitled: "an act to ascertain and settle the private land-claims in the State of California"; did on the tenth day of April eighteen hundred fifty four, by their decision of that date decide against the claim presented by the undersigned to the said Commissioners, which claim is for land lying in the said Southern District and is number four hundred and forty (440) on the docket of claims before said board - and the said claimant being desirous that the said District Court should review the said decision, - and here by files this notice in the said clerks office of his intention to prosecute an appeal, as is provided by the 12th Section of an act entitled: "An act making appropriations for the civil and diplomatic expenses of the government for the year ending the 30th of June 1853, and for other purposes." which said act was approved on the 31st of August 1852.

Juan Pacifico Antiveras,

by E. O. Crosby

To the Clerk of the U. S.
District Court of the Southern
District of California } of Counsel.
18th of April 1854.

~~40~~ ^{N^o 140}
U. S. District Court
Southern District

N^o 440.
Juan Pacifico Ontiveros
Appellant
vs
The United States
Appellee.

Noticed of Appeal.

No. 14

Filed 22 April 1834

A. S. Taylor
Clerk

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X PAGE 25

E. O. Lundy
of Council

Juan Pacifico Outiveras

vs

The United States

No 440.

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The U. S. District Atty for the Southern District of California will please take notice that the above-named Plaintiff intends prosecuting the Appeal already on file in the U. S. District Court for the Southern District of California in the above entitled Cause from the decision & judgment of the U. S. Land Com. for ascertaining & settling private land claims in California

Los Angeles

February 17th 1855

Spangler
Atty for P. P. P.

No 140.

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Juan Pacifico Ontiveros
vs
The United States

Notice of Appeal.

Filed February 17th 1855.

J. E. Carr.
Clerk.

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Juan Pacifico Outiveras

Appellant,

vs

The United States,

Appellee

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

Land Commission, No 440. — Docket, No 140.

Claim for the "Rancho de San Juan & Cajon de Santa Ana".

To the Honorable J. S. K. Ogier,
District Judge of the Court aforesaid;

The petition of Juan Pacifico Outiveras, the above named Appellant and Plaintiff in this case, shows to Your Honor that on the 13th day of May, A. D. 1837, Juan B. Alvarado, then Constitutional and acting Governor of Upper California, and duly authorized as such to grant the land hereinafter mentioned, situate in the County of Los Angeles, State of California, and in the Southern District of California, called the Rancho of San Juan & Cajon de Santa Ana containing about seven $\frac{2}{3}$ square leagues, a little more or less, granted by his deed of that date to this Plaintiff the lands aforesaid,

That on the 18th day of May A. D. 1837, said grant was duly approved by the Departmental Assembly of Upper California,

That about the month of September, A. D. 1837, but at what particular period Plaintiff cannot state, said land was duly ad-measured and judicial possession thereof given to Plaintiff by the local judicial Authorities of Los Angeles, as required by law.

And Plaintiff states that he claims to be the owner in fee simple of said Land, by virtue of the aforesaid grant, as he states that he has, ever since the date thereof, been in the peaceable ^{and occupation} possession of the same, and has done, performed, and fulfilled all the conditions that by Law he was bound to do, perform, and fulfil, to perfect his title to said Land, and particularly according to an act of the Congress of the United States, entitled "an act to ascertain and settle the private land claims in the State of California", approved March 3^d 1851.

And your Petitioner further states that on the 1st day of November, A.D. 1852, he filed his Petition before the United States Land Commissioners to ascertain and settle the private land claims in California, setting forth a disclaimer of his title to said lands, and praying a confirmation thereof; and that after the filing of said Petition before the Commissioners aforesaid, Plaintiff filed as evidence in support of said Petition, the following described documentary evidence and depositions, to wit:

On the 4th day of November, A.D. 1852, the grant from Juan B. Alvarado to your Petitioner, dated May 13th A.D. 1837,

On the 4th day of November, A.D. 1852, the approval of the grant of said Land to Plaintiff, by the Territorial Deputation, dated May 18th A.D. 1837.

On the 4th day of November, A.D. 1852, a map of said land, with certificate of Manuel

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Linneno, dated July 19th, 1837.

On the 4th day of November, A.D. 1852, the petition of the Plaintiff to the 1st Alcalde of the district wherein said land was situate, for juridical possession thereof to Plaintiff, dated September 13th A.D. 1837, together with order of the said 1st Alcalde, referring said petition to the 2nd Alcalde, dated September 18th A.D. 1837.

On the 4th day of November, A.D. 1852, the deposition of Abel Stearns dated November 4th A.D. 1852.

And on the 4th day of November, A.D. 1852, the deposition of Bernardino Gorba, dated November 4th A.D. 1852.

And your Petitioner further states that on the 19th day of August, A.D. 1853, the said cause was argued on the part of the Plaintiff and on the part of the United States before said Commissioners, and submitted to them for their decision, upon the petition, documentary evidence and depositions aforesaid.

And that on the 11th day of April, A.D. 1854, the said Commissioners made their final decision and decree, rejecting the claim of Plaintiff to the lands aforesaid.

And the Plaintiff states that certified copies of his Petition and the documentary evidence and depositions used by him in support thereof before said Commissioners, and the submission of said case to said Commissioners, together with the final decision and decree of said Commissioners, rejecting said claim, are now on file in the Office of the Clerk of this

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Court, to which Plaintiff refers, as a part of this Petition.

Therefore Plaintiff would pray this Honorable Court to review the decision of the said Commissioners and to decide on the validity of such claim of your Petitioner to the lands aforesaid, and your Petitioner would ask for such other and further relief as by Equity and good conscience he is entitled to, and particularly by a Law of the Congress of the United States, entitled "an act to ascertain and settle the private land claims in the State of California," Approved March 3^d 1851, and your Petitioner as in duty bound will ever pray, etc.

J. R. Smith

Attorney for Petitioner.

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Case No. 140.

Juan Pacifico Ortiveras,
Appellant,
vs.
United States,
Appellee.

Petition of Appellant

Filed March 4th 1855.

J. E. Farr,
Clk.

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J. R. Scott,

Att^y for Appellant.

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

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

Pan Pacific Railway

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APPELLEE,

VS.

UNITED STATES,

APPELLANT.

No. 140.

(No. 440, 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 7th day of December A. D. 1855.

P. Ord
Dist. Att.

Nov. 1855

No 140

U.S. District Court
South Dist of California

Juan Paezco Gutierrez
appellee

vs
The United States
appellants

Writ of Appeal &c.

Filed with original
of & same case
by Morgan 1855

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

Juan P. Gutierrez
Appellant

vs
The United States
Appellee.

No 140
Claim for Rancho of
"San Juan".

And now on the day of
A.D. 1855, the parties appear in Court, the
Appellant appearing by J. R. Scott, his at-
torney, and the Appellee appearing by P. Ord,
United States District Court Attorney of the
Southern District of California, and by
consent of parties it is ordered that either
party may take such further testimony as
they shall wish in the above entitled cause

Case No 140.

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Juan P. Outiveras
Appellant

vs

United States

Appellee -

leave to take further testimony

Filed - April 9th 1855

J. S. Carr
clerk

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"San Juan"

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

TO

The President of the United States,

*Pacificus Sed, Attorney of the United States
for the Southern District of California.*

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GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against ~~you, and each of you~~ ^{the United States,} in the District Court of the United States, in and for the Southern District of California, on the ~~fourth~~ day of ~~March~~ in the year of our Lord one thousand eight hundred and fifty-five at the City and County of Los Angeles, in said District, by *Juan Pacifico Olivares, by J. R. Scott attorney, praying the said court to review upon the grounds therein set forth, the decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, of his claim to a tract of land called "Rancho of San Juan (a) Cajon de Santa Ana", in the County of Los Angeles, California, which said claim was presented by said Juan Pacifico Olivares, plaintiff, to said Commissioners on or about the 1st day of November 1852, and by them rejected on or about the 11th day of April 1854,*

and that you, ~~and each of you~~, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs. *The plaintiff will apply to the Court for the relief demanded therein.*

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this ~~twenty-third~~ day of ~~April~~ in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

S. E. Carr
Clerk.

By A. W. Clark
Deputy.

Marshal cost -

for Copying Summons 1 90
four folios

Serving Summons 3, 00

1 Copy of Petition 3, 00

\$5, 90

United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Juan Pacifico Ontiveros
Appellant

VS.

The United States,
Appellee

SUMMONS.

Revised April 23-1855

Edward Hunter
U.S. Marshal

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I served this summons along with the proper copy of the petition upon Lord Attorney of the United States by delivering to him personally a true copy of the same at Los Angeles

at the 24 day of April in the Southern District of California on A. D. 185 five

Sworn to and subscribed before me, this 25th of April 1855.
J. E. Love. Clerk.

Edward Hunter
Marshal.

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

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Hon^{ble}. Isaac S. T. Ogier, Judge.

Juan Pacifico Ontiveros } N^o. 140.
Appellant } (N^o. of Transcript 440)
vs. } Answer of Appellee
The United States
Appellee.

The answer of Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States, to the petition^{for review} of Juan Pacifico Ontiveros, in the above entitled cause, (filed March 4th 1855) denies^{generally} all and singular each and every allegation in the said petition contained: and he denies specially, "that on the 13th day of May A.D. 1837, Juan B. Alvarado, then Governor Constitutional Governor and acting Governor of Upper California, and duly authorized as such to grant the land hereinafter mentioned, situate in the County of Los Angeles, State of California, and in"

"The Southern District of California, called
 "The Rancho of San Juan (a) Cajon de Santa
 "Ana containing about seven (7) square
 "leagues a little more or less, granted
 "by his deed of that date to this plain-
 "tiff the lands aforesaid. That on
 "the 18th day of May A.D. (1837), said
 "grant was duly approved by the De-
 "partmental Assembly of Upper California.
 "That about the month of September
 "A.D. 1837, but at what particular period
 "plaintiff cannot say, said land was
 "duly admeasured and judicial possession
 "thereof given to Plaintiff by the local
 "judicial authorities of San Angeles, as
 "required by law", as alleged in said
 "petition of said plaintiff.

And the said Respondent further
 denies, specially, "that he ~~has~~" (meaning
 is the owner in fee simple of said land, and that he had
 the said plaintiff), "ever since the date
 "thereof," (meaning said alleged grant of
 said Rancho Alvarado) "been in the peace-
 "able possession and occupation of the
 "same, and has done and performed,
 "and fulfilled all the conditions that
 "by law he was bound to do, perform,
 "and fulfil, to perfect his title to said"

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"land;" and particularly according as alleged in said petition.

And the said Attorney of the United States, in pursuance of the provisions of the act of Congress of the United States, entitled "an act to ascertain and settle the private land claims in the State of California", approved March 3^d 1851, herein fully and distinctly sets forth the grounds on which the said claim of said Juan Pacifico Gutierrez, plaintiff, is invalid - to wit: -

1. That the said alleged grant of land to plaintiff, by said Juan B Alvarado, dated the 13th day of May A.D. 1837, was made in violation of the 4th Article of the Colonization Law of Mexico, of the 18th of August A.D. 1824 - in this: - That the land granted, as alleged by claimant, was and is within ten leagues of the Sea Coast. And there is no evidence shown by said claimant, that the Supreme General Executive power of Mexico previously approved of the Colonization of the public lands of Upper California, lying within ten leagues of the Sea Coast. And it is

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denied that the previous Consent of said Supreme general executive power of Mexico, in such case, was ever had.

11. That at the date of the said alleged grant, the said land was occupied by, or in the possession of the Missions of Upper California; and particularly by the Mission of San Gabriel.

111. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the said law of Mexico of the 18th of August 1824, and the said regulations for the Colonization of the Territories of Mexico, of the date of the 21st of November 1828.

IV. That there is no evidence that the said land, claimed as aforesaid, — was vacant, unoccupied, and subject to grant or Colonization, as public land, at the date of the said alleged grant. And it is denied that it was vacant and unoccupied public land, subject to grant or Colonization, at the date of the said alleged grant.

V. That the said Claimant failed to

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show his original petition to the authorities of California, soliciting said land, (if he ever presented such, which is not admitted). That the said petition and accompanying map (if they ever existed) are essential parts of the said alleged grant of said Juan B Alvarado.

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VI. That there is no time designated in the said alleged grant, within which the said alleged grantee should be obliged to occupy or cultivate the said land. And there is no condition expressed in said alleged grant, that upon a failure to occupy or cultivate the said land, by said alleged grantee, within a designated time, that the grant should remain void; as required by the 11th Article of the regulations of Mexico, of the 21st of November 1828.

VII. That the said alleged grant of said Juan B Alvarado, is not executed upon the lawful stamped paper; and no reason is assigned therein for its being written upon common paper.

VIII. That the said alleged grant of said Juan B Alvarado, contains no description of the locality, extent, and

boundaries of the land pretended to have been granted, by which it can be indentified and surveyed. And the said alleged grant is vague, indefinite, and void for uncertainty.

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IX. That there is no evidence that the ^{copy} Map shown by Claimant, before the Land Commissioners, is a part of the said alleged original grant of Juan B Alvarado. And the said Copy of a Map, shown by said Claimant, as aforesaid, does not belong to or form part of the said alleged grant of land to said Plaintiff, by said Juan B. Alvarado.

X. That the document, shown by Claimant before said Land Commissioners, purporting to be a testimonial of the approbation by the Territorial Deputation of California, of said alleged grant, is not executed upon ~~the~~ lawful stamped paper; and no reason is assigned therefor its being written upon common paper.

XI. That there is no sufficient evidence that the conditions of the said alleged grant, and the requirements of the law, were duly performed and fulfilled by said Claimant.

XII. That the said Claimant shows no definitively valid grant or title for said land.

XIII. That there is no sufficient evidence that the said Claimant ever asked for and received the judicial possession of said land, claimed as aforesaid.

XIV. That, ^{if there is no evidence that} the said land, claimed as aforesaid, was never lawfully segregated from the public lands of Mexico:

And the said claimant, having no valid right or title, ^{derived from the Spanish or Mexican Government} to the land claimed by him, as aforesaid, the lawful right or title in and ^{said} to the land, alleged to have been granted by said Juan B. Alvarado, to said plaintiff, ^{as aforesaid}, was acquired by, and ^{it} now belongs to the said United States, by virtue of the Treaty of Peace, friendship, limits, and settlement with the Republic of Mexico, dated ^{at the City of Guadalupe Hidalgo,} February 2nd A.D. 1848.

Wherefore, the premises considered, the said Attorney, respondent in behalf of the United States, prays that the ~~said~~ said petitioner Juan Pacifico Ontiveros, may be served with a copy of this answer; and that after

due proceedings had, This Hon^{ble} Court
will decide the said claim of said
petitioner for the said land, to be
invalid; and to decree costs against
him, - and ^{for} general relief.

J. Ord (of Monterey County)
Attorney of the United
States for the Southern
District of California.

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I served this answer upon J. R. Scott, atty
for appellant by leaving with him personally
a certified copy of the same, in the city of
Los Angeles, on this 16th day August 1855.

C. Norton

I sworn to and subscribed
before me this 17th day of
August, 1855.

J. S. Farr
clerk.

W. J. Marshall
by R. S. Jones, Deput.

No 140.

United States District Court
Southern District of California.

Juan Pacifico Ortiz
Appellant.

vs.

The United States.
Appellee.

Answer of U. S. Atty.

Filed April 27th 1855.

J. S. Farr
clerk.

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Juan Pacifico Ontiveros
applt.

res.

Vol 40.

The United States, App'ee

Deposition of George Hanson, a witness for applt, taken
before me C. C. Can. U. S. Comr. for the fourth Dist of
Cal., at my Office, this 6th day of Oct. A. D. 1855. Present
J. R. Booth, counsel for applt. J. Ord. atty of the U. S.
Said Hanson being by me duly sworn, to questions
of Counsel for the several parties, answers
as follows

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1 ques. What is your name age and place of residence.

ans. My name is George Hanson, age 32 years,
residence Los Angeles, Occupation Deputy
County Surveyor of Los Angeles

2 ques. Do you know the Ranch called the Cañon
de San Juan de Santana?

ans. I do

3 ques. Have you ever made a survey of
said Ranch, if so, when, at whose
instance, who pointed out the lines to
you, by which you surveyed the same,
did you make a map of said
Ranch, if yes, produce the same, state
generally the result of said survey, the
amount of land contained in the area sur-
veyed by you, by what boundaries you
surveyed the same, and state generally
all you know about the matter, (Copied
to by U. S. Attorney)

ans. I did make a survey of said Ranch in
the latter part of Sept 1855, at the instance
of Juan Pacifico Ontiveros and his Attorney
Judge Booth. The lines were pointed out by
Manuel Duarte, and by Bernards Yorba,
as those which were run when judicial pos

session was given. I made a map of the same (witness here produces a map, ^{which} and marked "C.C.C. U.S. Comm. No 1." said map is plotted on a scale of 40 chains to the inch.) The map I have here shown is a correct map of the lines

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which I have run and which were pointed out to me, as follows. Manuel Duarte pointed out a bycamore near the river Santana with some hatchet cuts on it, we measured ~~there~~ ~~under~~ the guidance of Manuel Duarte from Station No 1. to Station No 7, as laid down in the map. And then under the guidance of Bernardo Gorba along what he called the old bed of the river to Station 19. where we struck the River. We followed from this Station the meanderings of the River up to a point where a right line from the oak to the bycamore before mentioned strikes the river. The area embraced within these lines is six square leagues two thousand eight hundred and sixty seven, and fifty seven hundredth acres (answer objected to by U.S. Atty) cross-examined by U.S. Atty.

ques.

How much of this Ranch is susceptible of irrigation

ans.

About five hundred acres. One third of the Ranch is low enough to be irrigated but there is not water sufficient to irrigate more than five hundred acres.

Geo Hanson

Sworn to & subscribed before me this 6th day of Oct. A.D. 1855

J. E. San. }
U.S. Comm. }

No 140.

U. S. Dist Court.
South Dist of Cal.

Pan Pacific Ointments,
applt.
vs

The United States,
appellee

Deposition of Geo Hanson,
a witness for applt.

Made Oct 6th 1885

C. E. Fox
Clerk

Juan Pacifico Ontiveras,

applt

vs

The United States

Appellee.

No 140.

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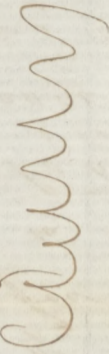
Juan Pacifico Ontiveras, being duly sworn deposes and says that he is the appellant in the above entitled cause. That the papers and Expediente relating to the judicial possession of the Ranch of San Juan Cajon de Santana now in question were delivered to him by Antonio Machado the then Acting Alcalde who gave him judicial possession of said Ranch, immediately after said possession was given. That shortly after, one Landre was about commencing a suit against affiant for a piece of land, and that affiant went up to Monterey taking with him all the papers concerning the Ranch including the papers concerning the judicial possession, and whilst there all the papers concerning the judicial possession were lost, and he has never been able to find them since. This took place about two years after judicial possession was given. That for many years he made investigations in every place where there was any expectation of finding said papers, but could never find any trace of the same, nor does he now know what has become of them, as they were missing whilst at Monterey out of his possession without his knowledge, nor could he ever account for their absence, and therefore affiant states that he has them not

to produce to this Honorable Court for the reasons aforesaid.

Juan Pacifico ^{his} Ontiveros
Mark.

Sworn to & subscribed
before me, this 6th day
of Oct. A.D. 1855.

J. E. Farr,
U.S. Comr.



No. 140.

U. S. Dist. Court.

South Dist. of Cal.

Juan Pacifico Ontiveros,
Applt.

vs.

The United States,
Appellee.

Affidavit of Juan
Pacifico Ontiveros.

Filed Oct 6th 1855.

J. E. Farr,
U.S. Comr.

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Juan Pacifico Ontiveros
Applt.

vs.

No 140.

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The United States.

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appellee

Deposition of Augustus Langenberger, a witness for applt. Taken before
Me C.E. Carr. U.S. Comm. South Dist of Cal. at Los Angeles this
6th day of Oct ad 1855. Augustus Langenberger being by me first
duly sworn, to questions propounded by J.R. Scott, counsel for applt and
P. Ord. U.S. atty. answers as follows

- 1 ques. What is your name age & place of residence.
ans. Augustus Langenberger, my age 31 years,
residence County of Los Angeles.
- 2 ques. What relation do you bear to Juan Pacifico
Ontiveros the Claimant in this case,
ans. Juan Pacifico Ontiveros is my father in law.
- 3 ques. How long have you resided on the Ranch.
ans. Nearly three years.
- 4 ques. Do you read and write the Spanish language
I do.
- 5 ques. Who has had charge of the papers
of Juan P. Ontiveros.
ans. I have had charge of all his papers.
- 6 ques. State whether or not you have
ever found among his papers any papers
relating to the judicial possession of
the Ranch on which he resides.
ans. I have ^{never} known of the papers concerning
judicial possession.
- 7 ques. What have you always understood
stood from him or the balance of the
family what had become of the papers
from the time you first went there
(objected to by U.S. atty.)
ans. I have always heard it said that
he had had the papers relating to the

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PAGE 54 5D

judicial possession, but that they were lost in the year 1839, at the time Juan B. Ontiveros went up to Monterey. Crossed by U.S. Atty.)

Ques How long have you been in California
Ans Since the year 1847.

Ques How long have you been married to the daughter of Ontiveros
Ans Since the month of February 1850.

Ques How long have you lived on the Rancho claimed by Ontiveros.
Ans Ever since February 1850.

Ques Do you live there now
Ans I do with my family

Ques Have you a separate dwelling house from that of your father in law on the Rancho?
Ans Yes. I have.

Ques Have you stock on the Rancho and land in cultivation?
Ans I have stock - no land in cultivation.

Ques How far is your house from that of your father in law.
Ans From his to seven hundred yards

Ques Who built your house?
Ans I built it myself two years ago.

Ques Did you build it for yourself.
Ans Yes.

Ques Do you pay any rent to your father in law.
Ans I do not. I pay County taxes for my stock and house

Re-examined -

Ques Have you any written title to any part of the land on which your house stands
Ans I have not.

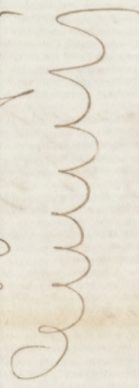
Ans

I have not.

Augustus Langenberger

I was to a subscribed
before me this 6th day of
Oct, 1855.

J. C. Law
U.S. Comr



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No 140;

U.S. Dist Court.
South Dist of Cal.

Pacific Outlines,
applt

vs.

The United States.
appellee.

Report of Augustus
Langenberg, witness for
applt.

Filed Oct 6th 1855

J. E. Carr.
clerk.

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San Pacific Catechism
 vs. The United States
 APPEAL } No 140.
 APPEAL

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Deposition of Manuel Duarte, a witness for Appellant, Taken before me C. C. Carr, U.S. Court for the South Dist of Cal, on this 6th day of Oct. 1855, to be read in evidence on the trial of said cause, Present P. Ora U.S. Atty, J. R. Scott atty for Appellant, Wm. G. D. sworn as Interpreter, Manuel Duarte being duly sworn to questions propounded by Counsel, answers as follows —

1st Quer. What is your name age and place of residence

Ans. My name is Manuel Duarte, about 60 years of age, and reside in San Gabriel County Los Angeles.

2nd Quer. — Do you know the Rancho called San Juan de Cayton de Santana? If so, how long have you known the same, and where is the same situated.

Ans. Yes I do. I have known it about 20 years, it is in the County of Los Angeles in an easterly direction from the town of Los Angeles distant from it about 8 or 9 leagues.

3rd Quer. — Do you know the boundaries of said Rancho if so, how do you know them? (question objected to by U.S. Atty)

Ans. — Yes I know them because I measured them and this was the first time this Rancho was founded

4th Quer. Describe those boundaries? (objection to by U.S. Atty on the ground that is secondary evidence)

Ans. — Beginning at the River Santana and running out on to the hills where there is an oak and near the Valley of the Elders, and which line is contiguous to the property of Bernardo Yorba, from the oak to a stone which is permanent and another one resting upon it. From the stone to

the Pillar which is now fallen, from the Pillar to the Sycamore tree, from the Sycamore to the Lake, and from there to the River

4th ques.

— (were you ever present when judicial possession was given of this land to the Claimant Juan P. Ontiveras, jro State when such possession was given (the

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5th ques.

Do you know of judicial possession having ever been given of this Rancho

Ans.

— Yes I do.

6th ques.

— State when the same was given, who was the alcalde that gave the same, what witnesses were present, whether or not said land was measured at the time, and if so describe the points and bounds by which they measured the same (objected to by U.S. Atty.)

Ans.

It was given when Antonio Machado was alcalde, and Narciso Bottello was secretary, I think Alvarado was governor at the time — Bernardo Jorba and the deceased Tomas Jorba were witnesses. I was also there myself Antonio Machado was the alcalde who gave the possession — Narciso Bottello was the Secretary with the alcalde,

7th ques.

The land was measured at the time It was measured from the Pina Lantana up adjoining Bernardo Jorba, out to the Oak — from the Oak to the Stone from the Stone to the Pillar, from there to the Sycamore and from thence to the Lake, and from thence to the River

8th ques.

Are you personally acquainted with Juan Pacifico Ontiveras, jro how long?

— I do not know. Do you bear toward

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to the giving of judicial possession, and how long had they resided there?

Ans.
13 ques.

No person lived upon this Rancho when did the claimant Juan Pacifico Gutierrez live at the time.

Ans.

He lived on the Rancho of Santa Gertrudis

14 ques.

When did he move on the Rancho

Ans.

It was about the time a certain General came here, who conceded the Rancho to him provisionally and told him judicial possession would be given to him afterwards.

15 ques.

How long has the present claimant lived on said Rancho.

Ans.

About 20 years a little more or less.

16. ques.

How long after judicial possession was given him did he move on to it?

Ans.

He was already there when judicial possession was given him.

17. ques.

How did you intend to be understood when you said no one lived there when the judicial possession was given?

Ans.

I ~~meant~~ ^{wish} to be understood that no one lived on the Rancho ~~but~~ Juan Pacifico, afterwards Bernardo Gorta settled above.

18. ques.

State in what manner the Rancho has been occupied by Juan Pacifico Gutierrez since he received the judicial possession.

Ans.

He has occupied it with his stock agriculture and three Houses, He

at least 200 head of

He ^{had} upon it at the Start 200 head of
Cattle, he had about 30 gentle
Horses and two droves of Mares

19 ques.

State whether or not you
have lately pointed out the lines of
this Ranch to any person, if so to whom
when, who was present and for what
purpose. (objected to by U.S. Atty)

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ans.

I have. I showed them to the Surveyor
who is now present here in Court (then
the witness pointed to Mr Hanson Deputy
County Surveyor of Los Angeles.) This was
last week I think. I was present
agosto and two sons of Juan B. Cortezas,
Don Bernardo arrived after ~~the~~ had ~~measured~~
measured the place, I was requested
to show the Surveyor the lines of this
Ranch.

20 ques.

State what lines you pointed
to the Surveyor, and whether or not
they were the same lines that were
run at the time judicial possession
was given. (objected to by U.S. Atty)

ans.

They were the same as I have
above stated from the River to the
cucina - the same that were marked
when judicial possession was given

~~21 ques.~~

Cross examined by U.S. Atty.

ques.

Who was your mother.

ans.

Gertrudis Moreno, a daughter of one
of the original settlers of Los Angeles - she
was a Mexican.

ques.

Do you recollect the name of
that general you say came here
and considered the Ranch provisionally
to Cortezas.

ans.

I cannot remember. It was the

one who had a brother living here — I now think it was General Figueroa. The ~~ques~~ one to whom the Metro loaned the Rancho Alamitos.

Ques. Has any ^{person or persons} spoken to you lately about this Rancho and about your evidence that you were to give in this case, if so, who were they, and what did they say to you in relation to the matter, and where did the conversations take place?

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Ans. The Surveyor only, told me they wanted me to go to the Rancho, but they not even tell me what it was about till we got there, no person has told me what evidence I ought to give in this cause.

Ques. Did not your brother in law, ^{the defendant} talk with you about what you should say to the Surveyor before or at the time the survey was made.

Ans. — No

P. Ord. The United States Attorney, present at the taking of the foregoing deposition, reserved all legal objections to the same, and objected at the time particularly to all the questions and answers relating to the boundaries of land claimed, on the ground that it was secondary evidence and not admissible.

Ques. Do you know what part of the land claimed by Gutierrez, if any, belonged to the old Rancho of San Gertrudes, if so state what part.

Ans. — Yes all that part of the Rancho, lying south of the old Road to San San Diego.

Ques. Is the Name of Francis Pacifico Gutierrez, ^{was a} the first owner of the old

to the north or to the south of the old
road leading to San Diego?

ans. It is, to the south —

— Examination in Chief resumed —

ques. — Where did Juan Pacifico live at the
time Judicial Possession given to the north
or south of the old road?

ans. He lived in the old house on the south
140 SD side —

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ques. — Where does he live now,

ans. He now lives on the banks of the Santa
on the side of the old road

ques. How long has he lived where he now
lives

ans. I don't exactly remember, perhaps
about 14 years

ques. — How long was it after judicial
possession was given that he moved
to the other side of the road

ans. About six or seven years

ques. — What was the reason of his moving
over

ans. I think because the Italian Leander was
about to bring suit against him

ques. Who occupied this place before Juan
Pacifico

ans. First by the Mission, and then by
Juan Pacifico.

Cross examination resumed.

ques. Is Antonio Pacheco alive if so where
does he live.

ans. Yes, he lives near the Palms Serden
in this County of Los Angeles

ques. — Is Narciso Bottelle alive if so where
does he live —

ans. I think he does and lives here in the
City of Los Angeles.

8.
Ques Did not the father of Juan Pacifico Gutierrez live in the old house ^{South of the old Road to San Diego.} on the land claimed up to the time of his death?

Ans. No, the father of Juan Pacifico lived here on the Santa Gertrudes.

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Ques Was he not Mayor Domo of that Rancho before about the time of his death?

Ans. I never knew that he was Mayor Domo of that Rancho, I think Juan Pacifico was once Mayor Domo of that Rancho for account of the Nietos, but I did not see him.

Ques Was he not Mayor Domo of the Rancho at the time General Figueroa first came to California?

Ans. I do not.

Ques What was the name of the Italian who threatened to bring a suit against Juan Pacifico ~~on account~~?

Ans I always knew him by the name of the Italian, he lived on the place called Cañada de la Abra, or the Rancho of Los Coyotes.

Ques Did the Italian claim the land where Juan Pacifico ^{then} lived; and was that the reason that Juan Pacifico afterwards moved to the north of the old road?

Ans Yes —
Resurrection —

Ques How far did the Italian claim

Ans — He put his stake in Cienega himself. He claimed the piece where Pacifico

formerly had his house south of the
old road.

Ques. How far from the old road
was the house that Iron Pacific
lived in at the time judicial possession
was given?

Ans - About two miles or one mile, a little
more than a mile.

his
Manuel X Duarte
Mark.

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Sworn and subscribed before
me this 6th day of Oct 1855.

J. C. Farr.
U. S. Comd.

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No. 140.

U. S. Dist Court.

South. Dist. of Cal.

San Pacific Ointments,
appellant

vs.

The United States,

appellee.

Verdict

Deposition of Manuel
Quarta a witness for applt.

Filed Oct 6th 1855

J. E. Lane
clerk.

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Juan Pacifico Ontiveras, applt. }
vs. } No 140

The United States, appellee }

Deposition of Bernardino Guirado, a witness for appellant, taken before me Charles C. Caw, U.S. Commr. for the Southern Dist of California, at my Office in Los Angeles, this 7th day of Oct. 1855, to be read in evidence on the Trial

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of this Case - Wm G Dryden was sworn as Interpreter Present J. R. Scott, counsel for applt, P. Ord. U.S. atty. - Bernardino Guirado being by me first duly sworn, to questions propounded by Counsel for the several parties answers as follows -

Ques. What is your name, age, & place of residence?

Ans. My name is Bernardino Guirado, my age 52 years - & I reside in Los Angeles -

Ques. and have resided in the town 21 years

Ques. Do you know Juan Pacifico Ontiveras

Ans. Yes, I do.

Ques. State anything you know concerning the said Juan Pacifico Ontiveras having had in his possession the papers and Expediente of the judicial possession given to him by Antonio Machado, Alcalde of Los Angeles, of the Rancho of San Juan Cajon de Santana. Also state any knowledge you may have of what became of those papers and the loss of the same, and state your means of knowledge fully.

Ans. I have had in my possession all the papers of judicial possession of said Rancho, Juan Pacifico lost these papers when he went up north to defend a suit brought against by Leudre. I know this because I defended the cause of Juan Pacifico, and I enclosed the said papers

with other papers for him to carry to Monterey.

Quer. By whom were those papers executed

Ans. These papers were signed by Antonio Machado

Quer. What office did Antonio Machado hold at the date of those papers -

Ans. He was ^{Regidor} acting as Alcalde in the absence of the 1st Alcalde

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Quer. In what year were these papers lost

Ans. It was in 1840 or 1841.

Quer. Do you know the Rancho called San Juan Cañon de Santana, if so how long have you known it

Ans. I do. I have known the same 21 years - the time I have been in California

Quer. Previous to the year 1837, what was that place called

Ans. The first place where Pacifico built his house was called Los Coyotes - it was a little watering place, but thereafter when Nieto gave to the place called La Cañada de la Obra, the name of Coyotes, then Pacifico to distinguish it, called it San Juan al Cañon de Santana.

Quer. What year did this place take that name?

Ans. In the years ^{1837, 38 or} 1839, when they gave Juan Pacifico his title - Cross examined by U.S. Atty.

Quer. How do you know that Juan Pacifico lost these papers of judicial possession

Ans. Juan Pacifico told me so, for he did not bring back the papers, saying he left them with Jimeno - and that Jimeno

promised to send them to Tapiro in the City of Los Angeles, where Pacifico applied for them, but there was no trace of them.

Ques. Is this all you know about the loss of these papers -

Ans. This is all I know about the loss of these papers

Ques. What was the name of the Italian with whom Pacifico had the lease

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but you have spoken of

Ans. Juan Bautista Leandre

Ques. Is he now living -

Ans. No. He died on the Coyote Ranch County of Los Angeles

Ques. How long was it after Juan Pacifico went to Monterey that Leandre died.

Ans. I think Leandre has been dead about ten or eleven years

Ques. In what part of the Ranch of the Coyotes was he living at the time of his death

Ans. In the House ~~of Cota~~ now belonging to Cota at the place called Canada de la Abra

Ques. How far is that house from the old house of Juan Pacifico Batavia

Ans. Very near, about one mile.

Ques. Did Leandre have any heirs

Ans. No. he did not. he left nothing but a widow

Ques. Is the widow now alive, if so where is she -

Ans. Yes - she resides on the Coyote Ranch
Examined by Counsel for Claimants

Ques. Where did the line run dividing the Coyotes from San Juan Capistrano

ans. The line, after the settlement of the suit with Leandre, was at the point of the Ciénega where Romero has a house, and a little below there is a Sycamore, from this Sycamore to a Sycamore in an easterly direction, and the line finally goes on to the River Santana.

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ques. Do you know the Ranches that bounded this place called San Juan Capon de Santana at the time possession was given?

ans. I do. They were on the East at the mouth of the Cañon Doa Bernarda Gorba. It is divided from Santana by the river Santana on the North the Rancho of El Yano, on the South by the Ranch that was Jose Antonio Gorba's, and on the West the Ranch of Coyotes.

ques. ~~The place within~~ Who has occupied the tract within those bounds, and how long?

ans. Juan Pacifico Ortiveras. ~~I know him~~ I know that he has occupied it 21 years.

ques. Are you acquainted with Jose Maria Alvarado - Antonio Machado - and Narciso Portillo, and Juan C. Sejar? And if so, whether you have frequently seen them write and whether you know their hand writing?

ans. I do. I know them all. I know the hand writing of Narciso Portillo, but not the others.

ques. Look upon the paper here presented and ~~is~~ marked "J. E. F. U. S. Com." and state whether the signature of the said Narciso Portillo where it appears upon

said document, is his genuine signature. (As the paper was shown to witness)

Ans. The foregoing order in said document is in the handwriting of Narciso Botello, and his signature to the same is genuine.

Ques. What office did Narciso Botello hold at the date of this said paper.

Ans. He was the Secretary of the Ayuntamiento.

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Ques. What has become of Manuel Linares he being or dead.

Ans. They say he is dead, but I do not know.

Ques. Did you ever make any search the papers relating to the judicial possession of this Ranch, if so where and when.

Ans. No I did not.

Ques. ~~How came you by it~~ What do you know about the paper just shown you who has had it.

Ans. I have had this paper in my possession in a box of old papers without knowing that I had it - and last night was the first time that I saw it.

Cross examination resumed.

Ques. Do you know how and when this paper marked "J. E. G. Ascom." came into your possession -

Ans. I hardly know how it came into my possession - I think it must have been about the time of the law suit that Gutierrez gave it to me, after he had received it from the Alcalde, and as I had a box of old papers, after my sister had died, I carried it out from this place to my Ranch in this box in which I was in the habit of throwing old papers.

and when the question came up about the judicial possession of Juan Pacifico, I thought I would look and see if there was any note or memorandum of the same in this Box, and only found the one alluded to.

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Ques. Was this paper part of the ^{original} papers of the judicial possession of which you have spoken

Ans. This is the petition made by Juan Pacifico, to the Alcalde asking the judicial possession. It is not a part of the papers of judicial possession, this is a separate paper and is concluded by the decree of the judge upon it.

Ques. Was the judicial possession given before or after the date of the decree or order in this paper.

Ans. It was after the date of the decree, I think in the month of November or December I know it was cold weather

(P. Ord. U.S. dtg, at the time of taking the foregoing deposition, reserved all legal objections to the same, and particularly objected to all questions and answers relating to the boundaries of the land claimed - the statements of the claimant - and the contents of papers not produced)

Bernardino Guirado
B

Sworn to and subscribed
before me this 9th day
of Oct. 1835. J. E. Lar. }
adcomr }

Sor. Alcalde 1.º en Turno

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Juan Pacifico Ortiveros natural
de este Departamento ante V. digo: que
habiendose expedido a mi favor el Ti-
tulo de propiedad que devídame pre-
sento adjunto a este escrito del pa-
raje demarcado en el diseño que
tambien acompaño para mas inte-
ligencia de V., ocurro a la autori-
dad de V.

Suplicandole se sirva darme la posesion
con los requisitos que la Ley previ-
ene, devolviendome este y docu-
mentos adjuntos originales con tes-
timonio de las actuaciones, que es-
toy pronto a pagar las costas que
se originen, sirviendose V. admitir
este en papel comun por no ha-
ber del sellado que corres-

ponde.

Angeles Julio 31 de 1839
Arruego de D. Juan Pacifico Ontiveros.

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Jose M^a Alvarado

Angeles Julio 31 de 1839

Por presentado y admitido en Causa
to ha lugar. Parece por mi el pre-
sente Juicio en Causa, y testigo
de auct., al Sanchez del C. Juan Paci-
fico Ontiveros, y fundar a double la
procecion que solicita. el Antonio Ma-
chado Regidor de Causa y fungiendo
N. amencia del Sr. Alcalde, asi lo
provey, mande y firmo con la de mi
auct., en esta papel como pr. no
haber del Sello. Respectivo.

Antonio Machado

Asno
Antonio Botello

Asno
Juan C. [Signature]

No 140.

H. C. J. U.S. Comm^r

New York 9th 1855.

Wm. J. Van
Alb.

BEN TO

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No 140.

U. S. Dist Court
South Dist of Cal.

Juan Pacifico Gutierrez
applt

vs

The United States
appce.

Deposition of Bernardino
Suarez, written for
applt.

Filed Oct 9th 1835

C. E. Jones
Clerk

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

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Juan Pacifico Ontiveros } N. 140.
vs. } (Manuscript N. 440)

The United States

vs.

Juan Pacifico Ontiveros
and his Attorney.

Take notice that the above entitled
cause will be brought to a hearing
by the United States, on Friday the
19th day of October 1835; or as soon
thereafter as the same can be heard
by the Court.

Los Angeles

P. Ord.

October 12th 1835. Ad. Dist. Atty.

N^o 140

Juan Pacifico Ontiveros
vs

The United States

Return of hearing -
by the States.

Filed Oct 12th 1853

D. C. Cawcott
By D. W. [unclear]

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P. Mall, as.

Juan Pacifico Ontiveras, appellant,

vs.

No 140.

The United States, appellee

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Deposition of ~~Juan~~ Antonio Machado a witness on the part of appellant, taken before me, Chas E. Carr, U.S. Commissioner for the Southern District of California, at Los Angeles, Oct the 14th 1855. to be read in evidence on the trial of this cause. Present, J. R. Scott, atty for Applt. C. Ord. U.S. atty.

Tom G. Dryden was sworn as interpreter. Antonio Machado being duly sworn, to questions propounded by counsel for the several parties upon his oath answers as follows

{ { { { {

Ques. What is your name, age & place of residence.

Ans. My name is Antonio Machado, my age is sixty six, I reside in the County of Los Angeles.

Ques. Do you know Juan Pacifico Ontiveras, and if so, how long have you known him.

Ans. I know him, I have known him ever since he was born.

Ques. Do you know the Rancho called San Juan de Cajon de Santana,

Ans. I do.

Ques. Who occupies that Rancho?

Ans. Juan Pacifico Ontiveras.

Ques. How long has he resided there.

Ans. Since the year 1839, when judicial possession was given to him, up to the present time.

Ques. In what manner has he occupied it.

Ans. He has occupied it with many cattle, horses,

with a house being therein, and also culturing portions thereof.

Ques. Did you ever give judicial possession of this Ranch, if so, when, to whom, who was present, and in what capacity did you act.

Ans. Yes, I gave judicial possession of this Ranch to Juan Pacifico Ontiveras in 1839, by order of the Government, Bernard and Gorba, and Tomas Gorba now deceased, also Manuel Duarte, Francisco Aljaldo, and Narciso Botello sent from the Alcalde's Office, was the Secretary on the occasion went with me, and who set down the measures, were present. I acted in the Capacity of Alcalde of Los Angeles.

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Ques. Did you make out papers at the time judicial possession was given, if so, to whom did you deliver them

Ans. No, ^{Myself & the witnesses} ~~we~~ came to the Prefect and made our report, and he drew up the act of judicial possession and gave it to Juan Pacifico Ontiveras. The Prefect was Tiburcio Tapia.

Ques. Where did Tapia reside at that time, and is he living or dead, if dead, when did he die.

Ans. He lived here in the City of Los Angeles. He is now dead, he lived three or four years after that act.

Ques. ~~State whether or not this place of~~

Ques. By what name was this land known here at the time you gave judicial possession of it.

Ans. A small part of it was known by the name of the Cozotes, and the

other Al Cajon del Rio de Santana.
Ques Can you describe the different
Ranchos by which this ^{San Juan de Cajon de Santana} Ranch was
bounded at the time you gave the
judicial possession, if so, describe them.

Ans. Yes I can, the Coyotes on one side,
on the upper side Bernardo Zorba,
on the other the River of Santana.

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Cross examined by U.S. Atty.
Ques. Were you the 1st or 2^d Alcalde of San

Ques. Look at the paper ~~and~~ marked "J. C. G.
U.S. Comr." annexed to the deposition of
Bernardino Guirado, in this case, and
state whether your signature where
it appears in said paper is your
genuine signature.

Ans. Yes, it is my signature.

Cross examined by U.S. Atty.

Ques. Were you 1st or 2^d Alcalde at the
time you gave judicial possession
of this land.

Ans. I was first Alcalde.

Ques. Who was 2^d Alcalde at the time.

Ans. Manuel Dominguez was 2^d Alcalde
and remained in the office under charge
while I went to give the judicial possession.

Ques. How many days were you engaged
there in giving the judicial possession of
the land.

Ans. I am not very certain but I know
we were there four or five days.

Ques. Did you measure the land.

Ans. Yes, we did. And that is the
reason we were so long carrying
the rope around the land.

Ques. How long after you returned

from giving the possession, was the act of possession written out & executed.

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Ans. I donot know, I wrote out the act of judicial possession on the ground, I delivered it to the Prefet when I returned, and I donot know when he delivered it to the Party.

Ques. Do you know that he ever delivered it to him at all.

Ans. I donot know it of my own knowledge, But the Prefet told me immediately after that he had delivered it to the party. (latter part of this answer objected to by U.S. Atty)

Ques. What did you call this place, and what name ^{did} ~~you~~ it go by, before, and at the time you gave the judicial possession.

Ans. We called it Cozotes, and ^{Panfana} ~~the~~ ~~Rancho de Santana~~, also the hills & ~~the~~ ~~land~~

Ques. Was it called Cozotes Mejos

Ans. Yes, it was, because the new Cozotes are nearer to town.

Ques. Was it called Rincon de Santana,

Ans. No, but it was in the direction of Santana, as far as the premises of Gorba, All this Country being called Cañon de Santana. Reexamined in Chief

Ques. What was the general name by which all that tract of Country of which you gave possession, was called, taking the whole together

Ans. Cozotes & Santana

Ques. Was it or was it not known also
by the name of San Juan de Capon
de San Juan (or called to by usually)

Ans. As I did not hear it called by that
name, San Juan is included within
this land given to San Pacifico

Ques. Did you ever deliver any papers
to any one else, concerning the
said land of which judicial
possession was given, except the Prefecto
Dionisio Tapia

Ans. To no other person but the Prefecto
Tapia

Antonio Machado

Sworn to & subscribed
before me, this 17th day
of Oct. A.D. 1855.

J. E. Farr.
U.S. Comr.

No. 140.

U. S. District Court,
South. Dist. of Cal.

Juan Pacifico Ontiveros,
applt.

vs.

The United States,
Appellee.

Filed

Deposition of Antonio Machado,
a witness for applt.

Filed Oct 14th 1855.

J. E. Farr,
clerk.

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Juan Pacifico Ontiveros. Applt. } No 140.
vs. }

The United States. Applee }

Deposition of Bernardo Yorba, a witness
upon the part of Appellant, taken before
me Chas E. Carr, U.S. Commissioner
for the South. Dist. of the State of Cal.,
at the City of Los Angeles, this 13th
day of Oct. 1855. to be read in evidence
on the trial of this cause. Present
J.R. Scott. atty for applr. P. O. A
U.S. atty. Wm G. Dryden sworn
as Interpreter, Bernardo Yorba being
sworn, and as follows.



ques. What is your name age and place of residence

ans. My name is Bernardo Yorba, my age is
thirty four ^{Rancho of San Antonio, Cajon de Santana} my residence, County of Los Angeles.

ques. Do you know Juan Pacifico Ontiveros
also, how long have you known him.

ans. Yes, I do. I have known him from his
early youth.

ques. Do you know the Rancho San Juan
al Cajon de Rio de Santana.

ans. No, It is called Coyotes and Cajon de
Santana, but after Pacifico went to
live there it took the name of San Juan.

ques. How long has Pacifico Ontiveros lived upon
that Rancho.

ans. Before judicial ^{possession} was given to him
when I went there as a witness, he
was living on that part called the Coyotes.

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de { } 0 5

ques. State more or less, as near as you can, how long he was living there before judicial possession was given.

ans. I cannot say. In the first place he lived at the Rancho of the Nietos, afterwards he went to live at the Coyotes, but how long that was before judicial possession was given him, I cannot tell.

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ques. At the time judicial possession was given, had he stock on said Ranch, if so how much & of what kind.

ans. He had stock at that time, the number I cannot tell, he had both cattle and horses.

ques. State whether or not you ever assisted in giving judicial possession of this Ranch, if so, to whom & who was present.

ans. Yes I was a witness when the possession was given to Juan Pacifico, and there were present the deceased Tomas Yorba, he & myself were witnesses to that act, also the deceased Francisco Alvalde, and Manuel Duarte Antonio Machado, and Narciso Botello, also the party interested Juan Pacifico Ortigas was there.

ques. State by what Ranches this Ranch was bounded, (objected to by N.S. atty.)

ans. The Coyotes, Santana, San Antonio my Ranch, and the hills of the Puente, the River of Santana is a boundary.

ques. State what place is called ^{the} Capon de Santana, State where it com

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meuses and where it leaves off. (Objected
to by U.S. Atty.)

Ans. I understand that from the old road
that goes to San Diego, all above
towards my own Rancho, is called
by the name of Cañon de Santana.
But that old road is not now travelled.

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Ques. When you state that this is bounded
by the River

Ques. What is the River called where it
passes this land.

Ans. It is called the River Santana. What
is called the Cañon de Santa Ana is from
the old Road upwards. The land of
Pacifico Ontiveros is called Coyotes and
Cañon de Santana.

Ques. How large a portion of the land is
called the Coyotes.

Ans. I cannot say the whole having been
measured together but it is that part
south of the old Road.

Ques. When did this Rancho first take the
name of Cañon San Juan de Cañon de
Santana.

Ans. As I have told you, when before
when he went there, it took the
name of San Juan at Cañon de
Santana, as I have already told
you he was there before possession
was given. Before that time it was
called Coyotes and Cañon de Santana.

Ques. State what Ranches if any that
bound this Rancho, were occupied
previous to the occupation of Juan
Pacifico, before the judicial possession
was given.

Ans. They were all occupied, that called the Puente was also occupied. I forgot to mention in my previous answer that the Paredes is also a boundary of the land of Juan Pacifico, and that was also occupied.

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Ques. State ~~each~~ ~~Ranch~~ by whom each was occupied at the time judicial possession was given

Ans. The Coyotes was occupied by the deceased Juan Jose Nieto, Las Paredes, by the deceased Catarina Ruiz my deceased brother, San Antonio, by myself, Santa by the Yorbas, & La Puente, I dont remember whether it was occupied by the Mission or Don Juan Rolando.

Ques. Can you now state the boundaries by which judicial possession of said Rancho was given, ipso state them (objected to by the U.S. atty).

Ans. Yes I can. From the old road straight to a Sycamore, from the Sycamore to a lake, from the lake all along the up the bed where the River once ran to some Sycamores where the residence of Juan Pacifico now is, from there along the valley of La Brea to the top or ridge of the Hill, and from thence along the foot of the Puente Hills to where a road goes through a gap to the Puente, and from this gap to the point of beginning

Ques. Have you pointed out the lines to any one lately, ipso to whom (objected to by Counsel U.S. attorney)

Ans. Yes I have not

ans. Yes, I have shown a part or portion of them first to a gentleman who went to my house, and then afterwards a part of them to a surveyor.

ques. When did you show them to the surveyor and who was that surveyor (objected to by U.S. Atty)

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ans. I am not certain, but I think it was last month, whom I only know by sight

ques. Have you ever shown them to more than one surveyor (objected to by the U.S. Atty.)

ans. Only to one surveyor, and that a part of the lines.

ques. What part of the lines did you show that surveyor.

ans. I only showed him the line from the Laguna, as they had made an error in the direction towards Santana.

ques. ~~and~~ State who has occupied that ~~land~~ from the judicial possession up to the present time.

ans. Juan Pacifico Ontiveras.

ques. In what manner has he occupied

ans. with a house, stock and vineyard
Cross examined by U.S. Atty.

ques. Do you know the Rancho ^{Sancta Gertrudis} ~~of Coyote~~, ~~if not how long~~ Bolsas, Alamitos and Cerritos, if so, how long have you known them.

ans. I do, and have known them since from my earliest infancy.

ques. Who occupied those Ranchos you have mentioned when you first knew them.

{ { { { {

ans. When I first knew them, there were wild animals on the places, and I was given to understand that the heirs of the deceased Nieto occupied them. And afterwards I understood there was a partition among these heirs.

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ques. What was the name of the land before the partition places, Los Coyotes, Santa Gertrudes, Las Bolsas, Los Alamitos de los Corritos before the partition among the heirs.

ans. It was called the Rancho of the Nietos. These and places always had their names.

ques. Do you know the boundaries including these places, which you say was the Rancho of the Nietos.

ans. I don't know.

ques. Do you know any one of the boundaries of the old Rancho of the Nietos.

ans. I don't know any one of the lines of the old Rancho called Rancho de los Nietos.

ques. Who occupied the Rancho of the Coyotes, at the time judicial possession was given as you have stated to Juan Pacifico Ontiveros.

ans. The deceased Juan Jose Nieto.

ques. Was he living at that time.

ans. Yes, he was living, and on the day judicial possession was given he was present at one of the points, ~~and on the Road~~, and went no further than the sycamore, also being with him his authorized agent ^{to Juan Pacifico} ~~or~~ ^{or down} ~~the~~ ^{the} ~~North~~ ^{North} ~~is yours~~, and that on the South ^{is mine}.

ques. How far is the place called the ~~at~~

Ques. How far is the place called the Alamitos from the Rancho of Las Coyotes, and in what direction does it lie from that Ranch.

Ans. ~~At~~ Perhaps five or six leagues in the Sea Coast.

Ques. At the time of the judicial possession which you have mentioned, did you go with the Alcalde, to the different points which you say were established as boundaries

Ans. I did.

Ques. Do you recollect whether or not the Alcalde made the measurements according to papers and if so, state what kind or description of papers they were.

Ans. I saw them plant the Compass and set something down on paper, and when I came here to the Juzgado I signed it.

Ques. Had the Alcalde at that time any title papers by which he was governed in making the measurements,

Ans. Yes, I recollect that he read the title when he went to give the judicial possession.

Ques. Had the Alcalde any paper other than the title which you say was read.

Ans. No other that I saw.

Ques. About how many leagues does this Ranch of San Pacifico which you have described, contain.

Ans. I don't remember. The time has been so long, I don't remember, I think that it will exceed five leagues.

Ques. How far is it, about, from the line on the South to the line on the Northern extremity

Ans. A little over three leagues I think.

Ques.

Sworn to & subscribed before me, this 17th day of Oct. A.D. 1855.

J. C. San. U.S. Com.

Bernardo Yorday

No 140.

U. S. Dist. Court. South: Div. of Cal.

Juan Pacifico Ortigas appl.

vs

The United States. appellee.

Filed

Deponentia of Bernardo Yorday a witness for appl.

Filed Oct 17th 1855.

140 SD J. C. San. PAGE 91

Bill of exceptions -

1.

In the District Court of the United States
of the Southern District of California
Francisco Patovins, Appellant

vs

The United States, Appellee.

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N. 140. Transcript N. 440.

Appell for US Land Comm.

Be it remembered that on the trial of
this cause, The United States, by the
S. D. District Attorney, objected to all
that part of the evidence of Bernardino
Quiado, Bernardo Gorba, Manuel Duarte,
and George Hanson (with a map), herein-
after set forth, written on the part of
the said Appellant Francisco Patovins,
taken by deposition before C. E. Carr U.S. District
Court on the ground the said evidence
(there being no sufficient foundation for the introduction of the same)
was secondary, hearsay, inadmissible, and
illegal, which objections were made
and reserved at the time of the taking of
said depositions. The said evidence,
so objected to at said times, ^{papers and} ~~is~~ ^{is} ~~set forth~~
fully set forth in the ^{following} ~~enclosed~~ Exhibit
A, and made a part of this bill.

The objections to the said evidence on
the grounds aforesaid, were overruled
by the Court, and the ^{evidence} ~~same~~ admitted.
To which said ruling of the Court,

The said United States, by their said
Counsel excepts; and prays that
this bill may be duly signed and
sealed.

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PAGE

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N^o 140,

~~annexed and part of the bill of operations~~
Exhibit A, ~~annexed bill of operations~~
Part of the
Deposition of Bernardino Guindo, a witness
for Claimant.

Questions by Counsel for Claimant -

"Where did the line now dividing the
Coyotes from San Juan ^{Cajon de Santa Ana,} ~~Capistrano~~?"

Answer -

"The line, after the settlement of the Suit
with Leandre, was at the point of the Cienega
where Romero has a house, and a little
below there is a Sycamore, from this
Sycamore to a Laguna in an easterly,
direction, and the line finally goes on
to the River Santa Ana."

Question.

"Do you know the Ranches that bounded
this place called San Juan Cajon de Santa
Ana at the time paper was given?"

Answer -

"I do. They were on the East at the mouth
of the Cajon - Don Bernardino Gorbas - It is
divided from Santa Ana by the River
Santallana, on the North the Rancho of
Gil Garra, on the South by the Rancho
that was Sr^e Antonio Gorbas, and on
the West the Rancho of Coyotes."

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N. 140

Part of the
Deposition of Bernardo Yorda, a witness for
Claimant.

Questions - by Counsel for Claimant.

"State by what Ranchos this Ranch was

"bounded? (meaning the Ranch claimed by Ortiveras)

Answer.

"The Coyotes, Santa Ana, San Antonio - my
"Ranch, and the hills of the Puente. The
"River of the Santa Ana is a boundary."

Question -

"Can you now state the boundaries by
"which judicial possession of said Rancho
"was given? if so state them."

Answer.

"Yes I can. From the old road straight
"to a sycamore, from the sycamore to a
"lake, from the lake along up the bed
"where the River once ran to some
"sycamores where the residence of Juan
"Pacifico now is, from there along the
"valley of La Brea to the top or ridge of
"the Hill, and from thence along the
"foot of the Puente Hills to where a road
"goes thro a gap to the Puente, and
"from this gap to the point of beginning."

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N. 140.

Part of the Deposition of ^{Manuel Duarte} ~~Antonio Machado~~ -
a Witness for Claimant.

Questions by Counsel for Claimant -

"Do you know the boundaries of said
"Rancho - if so - how do you know them?"

Answer.

"Yes, I know them because I measured
"them, and this was the first time this
"Ranch was founded".

Question - "Describe those boundaries"?

Answer. "Beginning at the River Santana
"and running out to the hills where there is
"an oak and near the valley of the Elders
"and which line is contiguous to the property
"of Bernardo Gorba, from the oak to a stone
"which is permanent and another setting
"upon it. From the stone to the pillar which
"is now fallen, from the pillar to the
"Sycamore tree, from the Sycamore to the
"Lake, and from there to the River."

Question - "State ^{when} ~~whether~~ the same" (meaning
judicial possession) "was given" + + + + +
"and describe the meters and bounds
"by which they measured the same."

Answer. + + + + + "It was
"measured from the River Santana up
"adjoining Bernardo Gorba's, out to the oak - from
"the oak to the stone to the pillar, from there
"to the Sycamore, from there to the Lake, and
"from there to the River."

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N^o 140. Part of the Deposition of George Hanson - a
Witness for Claimant.

Question - by Counsel for Claimant -

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"Have you ever made a survey of said
"Ranch" (meaning the land claimed, called the
Cajon de San Juan de Santana) "if so, when,
"at whose instance, who pointed out the lines
"to you, by which you surveyed the same - Did
"you make a map of the said Ranch, if
"yes, produce the same, state generally
"the result of said survey, the amount of
"land contained in the area surveyed by
"you, by what boundaries you surveyed
"the same, and state generally all you
"know about the matter."

Answer. "I did make a survey of said Ranch
"in the latter part of Sept. 1835 at the instance
"of Juan Pacifico Butiveros and his Attorney Judge
"Scott. The lines were pointed out to me by
"Manuel Duarte, and by Bernardo Borba, as
"those which were run when judicial
"proposicion was given. I made a map of
"the same (Witness here produces a map
"which is marked "C. E. C. N. S. Com. No 1."
"Said map is plotted on a scale of 40
"chains to the inch) The map I have
"here shown is a correct map of the

N^o 140.

"Lines which I have seen and which
 "were pointed out to me, as follows -
 "Manuel Duarte pointed out a Sycamore
 "near the River Santana, with some
 "hatchet cuts on it, we measured
 "them under the guidance of Manuel
 "Duarte from Station N^o 1. to Station
 "N^o 7 as laid down in the Map.
 "And then under the guidance of
 "Bernardo Gorba along what he called
 "the old bed of the River to Station 19,
 "where we struck the River. We
 "followed from this Station the mean-
 "derings of the River up to a point
 "where a right line from the oak
 "to the Sycamore before mentioned
 "strikes the River. The area embraced
 "within these lines is six square leagues
 "two thousand eight hundred and sixty-
 "seven hundredth acres."

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Juan S. Ojeda
 No. 217 N. 10th St.

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7.

The said objections to the said evidence
~~shall~~ were then overruled by the Court
 and the said evidence admitted
 in this cause, To which said ruling
 the said United States, by their
 said Attorney, now except; and
 pray that their bill may be signed
 and sealed by the Court.

James M. Ogden
 U.S. Dist. Judge
 Seal

N. 140.

Gran Pacifico Intervins
appellat

vs

The United States
Appellat

Appellat bill of exceptions

Filed October 18. 1833.
Number one

J. S. Jan.
Clerk

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In the United States District Court in &
for the Southern District of California

Juan Pacifico Gutierrez }
Appellant. } Case, 140.

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By }
The United States }
Appellee, } Transcript 440

State of California - s -

John W. Howe, being duly sworn,
deposeth and saith;

That he is County Clerk of Los Angeles
County, and ex officio Clerk of the District
Court of the First Judicial District, State
of California, for Los Angeles County, and
Recorder of said County, and has in his
custody all the Spanish and Mexican Ar-
chives that exist as matters of public record
in Los Angeles County, that he has carefully
examined all the archives in his office, and
that no Expediente or Petition of the above
named Appellant, touching any of the
lands of San Juan (an) Cañon de Santa Ana
nor any other Expediente of the said Appel-
lant exist in his Office.

John W. Howe

Sworn to and subscribed before me this 30 day
of December A.D. 1855.

J. E. San.
Clerk.

Case 72-140.
U. S. Dist Court, South²
Dist of California

Juan Pacifico Gutierrez
Appellant

vs

The United States
Appellee

Affidavit of J. W. Shore

Filed this 3^d day of Dec-
ember A.D. 1855.

Filed Dec. 6th 1855

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J. R. Scott, Atty for Appel^t

James T. Outenous
Appellant

vs
United States

140 SD

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State of California

County of Los Angeles

Dial part of the
Dial, Dial.

State of California

J. R. Scott

being duly sworn deposes & says

That he is attorney for the Appellant
in the above cause & that some time in June
or July last past, around midnight diligent
search in the office of the U. S. Surveyor
General for California, assisted by T. Washburn
& another assistant clerk whose name is
unknown to appellant both clerks in said
office for the expedient containing the
map & petition referred to in the map grant
in the above cause, but after diligent search
appellant could find no expedient map
or petition such as described above & appellant
is satisfied & believes that none such
exists nor any expedient appertaining
to the said lands, except an expedient of
Patricia Outenous, filed in the time of Governor
Figueroa for the lands called Alamitos
situate in said county & also for the lands
in question filed long before the title to
the lands in question bears date -

Sworn to & subscribed
before me this

6th Dec 1854

J. E. Carr
Clerk

J. R. Scott

Dec 18 1860

U S Dist Court South
Dist of California

Juan Manuel Calvescos
appellant
vs

The United States
appellee

att of J. R. Smith

Filed Dec 18 1860

C. E. Carr
Clerk

140 SD

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In the United States District Court, in
and for the Southern District of Californ-
ia.

Juan Pacifico Outiveras } Case No 140
Appellant }
by } Transcript, 440
The United States } "San Juan (a) Cajon
Appellees. } de Santa Ana?"
State of California, P.

I, Lancaster Brent, being duly
sworn deposes and saith,

That at the request of J. R. Scott,
Esq^r Attorney for Juan Pacifico Outiveras
in the above cause, he examined the
Mexican Archives in the custody of J.
C. Hays, United States Surveyor General
for California for the purpose of discov-
ering any trace of a Petition or Expedien-
te of the said Outiveras, relative to the ob-
taining a concession of land to the said
Outiveras. He accordingly in October
last, examined the said Archives by con-
sulting the Index, and the only Expediente
of Petition he could discover was one
promoted or signed by one Outiveras,
whose first name he does not recollect, and
did not notice it, owing to the fact that
he deemed it, as a matter of course, of
the party for whom Mr Scott is Attorney

This Expediente is based upon an
application for a grant of a tract of

land, called the "Alamitos," the same tract now claimed by Abel Stearns, judging from its description and a map contained in the Expediente, and just previous to the decree or grant the petitioner asks that another tract, called, deponent believes, the Cajon de Santa Ana, should be included; and the Expediente ~~includes~~ contains either a decree of grant or grant of both tracts, but I do not recollect of seeing anything that showed of its delivery.

The Governor first petitioned was Figueroa, but I am not positive whether he was the one who gave the decree, though deponent is inclined to believe he was.

The Archives in the Surveyor General's office are quite numerous, and those of the Spanish and Mexican eras are well indexed. The Index was commenced by Mr. Da Camara a Clerk under Mr. King, predecessor of Mr. Hays, and finished by Mr. Evershed, I believe, under the present Surveyor General. Deponent has frequently seen the Clerks engaged in preparing it and otherwise possesses some familiarity with the archives from the nature of his professional business. To a person who understands the use of the Index it would be nearly morally impossible not to discover the existence of an expediente con-

ceiving lands during the Mexican war.
by inspecting the same -
Lancaster, Pa. Dec 11 -

I was to be subscribed
before me the 3^d of Dec
1855.

J. E. Green.
J. E. Green.

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Cause No 140
U. S. Dist. Court, Southern
Dist. of California

Juan Pacifico Gutierrez
Appellant

vs

The United States
Appellee.

Affidavit.
Deposition of J. L. Brent.

Filed Dec 6th 1855

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J. E. Fair
Clerk.

J. R. Scott, Atty for App^t

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

Juan Pacifico Butiveras

Case 140

Appellant

vs

The United States

Transcript 440

Appellees.

State of California

Juan Pacifico Butiveras being
duly sworn, deposes and says,

That he has not in his possession
the Petition which he presented for the land
in question in this case, previous to the
issuing to him of the title for the same,
that said Petition has never been in his
possession, since he presented the same,
nor has applicant any knowledge of the
whereabouts of said Petition

Juan Pacifico Butiveras

Sworn to & subscribed

before me this 5th of

November 1855.

J. Egan
Clerk.

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Case 140.
U. S. Dist. Court, South
District of California.

Juan Pacifico Dutevedas
Appellant

vs

The United States
Appellees.

Affidavit of Claimant

Filed this 3^d day of De-
cember A.D. 1855 -

Filed Dec 6th 1855

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J. Scott
Att'y

J. R. Scott -
Att'y for Appellant

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

Juan Pacifico Ontiveros } Case No. 140.
Appellant }

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²⁷
The United States } "San Juan (a) la-
Appellee. } jon de Santa Ana"

This cause coming on to be heard
on appeal from the final decision of the
United States Board of Land Commission-
ers to ascertain and settle the Private Land
claims in the State of California, under an
Act of Congress, approved March 3^d 1857,
on a Transcript of the Proceedings and deci-
sion of said Board, and of the Papers and
evidence upon which said decision was
founded; and it appearing to the Court
that said Transcript and the Notice of
Appeal have been duly filed, according
to law; and counsel for the respective
parties having been heard;

It is ordered, adjudged and decreed,
that the said decision of said Board
be, and the same hereby is, reversed; and
it is further adjudged and decreed that
the claim of the above-named Appellant
is good and valid; and the same is here-
by confirmed to him to the extent of and
within the boundaries fixed by the Act
of Judicial Possession, as ascertained by
the testimony of the witnesses present
at the giving of said Possession, and ac-

According to the Map of Survey, made in conformity therewith, and filed herein, to wit;

(Commencing) at a Sycamore tree, near the house of the said Appellant and near the River of Santa Ana, thence North $5\frac{1}{4}^{\circ}$ West, Four-hundred and Fifty-three chains and Ten links (453.10) to a live oak tree; thence North $77\frac{1}{2}^{\circ}$ West, Three-hundred and Fifty-one chains and Sixty-eight links (351.68) to a rock on which another rests; thence South $19\frac{1}{8}^{\circ}$ West, One hundred and ninety five chains and Sixty-three links (195.63) to a fallen pillar; thence South $27\frac{1}{8}^{\circ}$ West, Four Hundred and Fourteen chains and Twenty-six links (414.26) to a Sycamore tree; thence South $46\frac{1}{8}^{\circ}$ ~~West~~ East, Four hundred and Thirteen chains and Thirty three links (413.33) to the place called La Laguna; thence South $54\frac{3}{4}^{\circ}$ East, Seventy two chains and Fifty links (72.50) to the old bed of the Santa Ana River; thence following said old bed of said River, North $30\frac{1}{4}^{\circ}$ East, Three chains and Fifty links (3.50) North $54\frac{1}{4}^{\circ}$ East, Fifteen chains (15.), North $52\frac{3}{4}^{\circ}$ East, Fifty one chains and Fifty links (51.50), North $15\frac{3}{4}^{\circ}$ East, Thirty three chains and Fifty links (33.50), North $22\frac{3}{4}^{\circ}$ East, Seventeen chains (17), North $16\frac{1}{4}^{\circ}$ East, Twenty eight chains (28), North $10\frac{3}{4}^{\circ}$ East, Twenty eight chains (28), North $67\frac{1}{4}^{\circ}$ East, Twenty chains (20), North $62\frac{3}{4}^{\circ}$ East, Twenty-six chains (26), North $49\frac{3}{4}^{\circ}$

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East, Fifteen chains (15), North $3\frac{3}{4}^{\circ}$ East,
Six chains and fifty-nine links (6.59),
North $17\frac{1}{4}^{\circ}$ East, Ten chains, (10), North
 $12\frac{3}{4}^{\circ}$ East, Twenty-three chains (23), North
 $14\frac{3}{4}^{\circ}$ East, Thirteen chains (13), North $33\frac{1}{4}^{\circ}$
West, Two chains (2), North $26\frac{1}{4}^{\circ}$ East,
Seven chains and fifty links, (7.50), North
 $42\frac{3}{4}^{\circ}$ East, Nine chains and fifty links
(9.50), North $27\frac{3}{4}^{\circ}$ East, Five chains (5),
South $89\frac{3}{4}^{\circ}$ East, eight chains and fifty
links (8.50), North $57\frac{3}{4}^{\circ}$ East, Four chains
(4), North $22\frac{3}{4}^{\circ}$ East, Four chains (4),
North $61\frac{1}{4}^{\circ}$ East, seven chains and fifty
links (7.50), North $15\frac{1}{4}^{\circ}$ East, seven chains
and fifty links (7.50), North $34\frac{1}{4}^{\circ}$ East
seven chains (7), North $32\frac{1}{4}^{\circ}$ East, seven
chains (7), North $42\frac{3}{4}^{\circ}$ East, eleven chains
(11), North $38\frac{3}{4}^{\circ}$ East, eight chains and
fifty links, (8.50), North $19\frac{3}{4}^{\circ}$ West, Thir-
teen chains (13), North $22\frac{1}{4}^{\circ}$ East, nine
chains (9), North $30\frac{1}{2}^{\circ}$ East, Ten chains,
(10), North $54\frac{3}{4}^{\circ}$ East, Eighteen chains
and fifty links (18.50), North $67\frac{3}{4}^{\circ}$ East
Ten chains (10), South $77\frac{3}{4}^{\circ}$ East, Ten
chains (10), South $89\frac{1}{2}^{\circ}$ East, eight chains
(8), North $77\frac{3}{4}^{\circ}$ East, eight chains (8),
North $75\frac{1}{4}^{\circ}$ East, Twenty nine chains and
forty links (29.40), thence from said
bed of said River, North $5\frac{1}{4}^{\circ}$ West
seventeen chains (17.) to the place of be-
ginning, containing six square leagues
and two thousand, Eight Hundred,
and sixty seven and fifty seven

Case No. 140.
U. S. Dist. Court, South
Dist. of California.

Juan P. Dutiliveras
Attendant.
or
The United States
Attorney

Deenee

Filed Aug 29th 1886

140 SD

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Recorded on Page 193

one-hundredths acres of land (b.
2867 $\frac{57}{100}$)
Quartz Hill
U. S. Dist. Judge

UNITED STATES OF AMERICA, SS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court of
the United States, for the Southern District of
California

140 SD

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greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California, before you, in a cause
between The United States, appellants, and Juan
Pacifico Ontiveras, appellee (No. 140, for the place
called "San Juan, al. Cajon de Santa Ana") wherein
the decree was rendered in favor of the said appellee.



as by the inspection of the transcript of the record _____
_____ of the said *District*
Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*
taken by the United States _____
agreeably to the act of Congress, _____
_____ in such case made and provided, fully and at large appears.

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And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *fifty-seven* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: ~~On consideration whereof,~~ *on the motion of Mr. Black, Attorney General of the United States, and of counsel for the appellants,* it is now here considered, adjudged, and decreed by this court that this appeal be and the same is hereby dignified.
Dec. 7th

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PAGE

You, therefore, are hereby commanded that such further proceedings be had in
said cause, _____

as according to right and justice, and the laws of the United States, ought to be had, the said appeal
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the
first Monday of December in the year of our Lord one thousand eight hundred
and fifty-seven.

COSTS, _____

Clerk,.....\$ _____
Attorney,....\$ _____
\$ _____

Taxed by Amtho. Carroll

Clerk of the Supreme Court of the United States.

140 S.S.

No 28, December Term, 1858.

MANDATE

SUPREME COURT UNITED STATES.

The States vs. Outwater

140 SD

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Filed in open Court, in
the District Court of the United
States for the District of
California, on motion of
J. H. Babner Esq^r Attorney
for claimant, this 8th day
of December 1858
John W. O'Hair Clerk
By J. H. Babner Esq^r Attorney for
claimant

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At a stated term of the District Court of the United States
of America, for the District of California, held at
the Court Room, in the City of San Francisco, on
Tuesday the *eighth* day of
December in the year of our Lord, one
thousand eight hundred and seventy *four*

Present:

The Honorable OGDEN HOFFMAN, Judge.

The United States
vs
Juan Pacifico Ontiveros

Land Case No 140 S.D.
vs. San Juan Cajon de
Santa Ana.

On motion of Lorenzo D. Latimer
Esq. Attorney for claimant, who presents the
mandate of the Supreme Court of the United
States dismissing the appeal heretofore taken
by the United States from the decree of the District
Court confirming the claim herein, it is hereby
ordered that the said mandate be filed herein
and that the said claimant have leave to proceed
under the decree of Confirmation heretofore entered
herein as under final decree.

Ogden Hoffman
District Judge

this bill may be duly signed & sealed
by this Hon^{ble} Court,

The said evidence, particularly objected
to at the time as aforesaid, is herewith
more fully set forth in the annexed Exhibit
A, and made a part of this bill.

October 18th 1835.

(The questions and answers particularly objected to by us,
at the time and appearing in depositions, will be
incorporated herein.)

Oct 18/55

N. 140.

Juan Pacifico Antivinos
ad.
The United States.

Bill of Exceptions
of the States &

Exhibe designa nunc pro tunc.

140 SD

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P. ord. att. us.

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

Juan Pacifico Outiveras
Appellant

Case U^o 140.

The United States
Appellees

Transcript #140
"San Juan"

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Translation of Document Annexed to the
Deposition of Bernardino Guirado.

Señor First-Arceator in Rotation

I, Juan Pacifico Outiveras, na-
tive of this Department, before your Honor,
say; that the title of ownership having been
issued in my favor, which I properly present
attached hereto, of the tract marked out
in the map which I also present herewith
for the better information of Your Honor,
I apply to the authority of Your Honor;

Petitioning that you will be
pleased to give me possession with the requisite
forms which the Law provides, returning to me
this and the annexed original documents,
with a testimonial of the proceedings, that
I am ready to pay the fees which may arise,
Your Honor being pleased to admit this on
this common paper, for want of stamped of
the proper denomination.

Angels July 31st 1839

At request of Don Juan Pacifico Outiveras
Jose M^a Alvarado.

Angels, July 31st 1839.

For presented & admitted in
as far as there is place.

Let me, The present Judge in Rotation,
and the assisting witnesses pass to the Rancho
of Citrico Juan Pacifico Gutierrez, and proceed
to give him the possession for which he petitions.

Antonio Machado, Senior Regidor, and
acting in the absence of the Señor 1st Alcalde
so provided, ordered, and signed, with my as-
sisting witnesses on this common paper, there
being none of the proper stamped.

Antonio Machado

Ass. & witness
Garciso Botello

Ass. & witness
Juan C. Veyra

Case No 140.
U.S. District Court
San Diego of California

Juan Pacifico Gutierrez

Appellant

vs

The Sanchez Heirs

Appellees

Exhibit of Decree

annexed to Report of

Benardino Guizols.

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The President of the United States of America
D. Antonio Machado. *Quitting.*

We command you that all business and
excuses being laid aside you appear and
attend before the Judge of the District Court of
the United States of America for the Southern
District of California, at a special Term of
said Court, now in session at the Court Room
in the City of Los Angeles in and for the said
Southern District of California on the 16th
day of October at 10 o'clock A.M. to testify and
give evidence in a certain cause pending in
the said Court and then & there to be tried between
the United States Appellants and Juan Pacifico
Outeiras Appellee, on the part of the said
Outeiras

And thus you are not to omit under
the penalty upon you of Two Hundred and
Fifty Dollars

Witness Your Hand S. A. Ogier
Judge of the District Court of the
United States at the City of
Los Angeles this 15th day of
October A.D. 1835.

C. E. Can Clerk
By *John W. Rice* Depy

140 SD

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I served this subpoena on Antonio Machado
personally at his residence in the county of
Los Angeles by delivering to him a copy
of the same and reading and explaining
the same to him to the best of my ability
This Oct 15th 1855
Edward Hunter
sd Marshal

5000

20

No 140.

Oct 15 55

United States. Applt.

vs

Juan P. Ontiveros Ap'd

Subpoena. Ret'd 16th Oct

Witness

Antonio Machado

Witness fees
Quilast 20 at 9^{cts}
per mile 1.80
Dinner 75
\$2.55

140 SD

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

Juan Pacifico Dubiveras } Case No 140.
Appellant. } Transcript 440

vs
The United States } Claim for "San Juan"
Appellee. } (a) "Cajon de Santa Ana".

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No	Page.	
1.	3.4.	Petition of Claimant.
2.	5.6.7.	Deposition of Abel Stearus
3.	7.8.	Deposition of Bernardo Gorba.
4.	9.10.	Grant to Claimant
5.	10.	Approval of Assembly of Report of Committee in approbation of grant
6.	11.	Certificate of Juncos.
7.	13.	Petition of Claimant to 1 st Alcalde for Judicial possession
8.	13.	Order of 1 st Alcalde, referring the matter to 2 nd Alcalde
9.		Map.
10.	15.16.	Translation of Grant, No
11.	16.1	do Approval No
12.	16.	do Order of Secretary to annex a defaced stamp, the original of which does not appear in the Transcript
13.	17.	Translation of Petition No
14.	17.	do Order No
15.	19@22	Opinion.
16.	23.	Decree of Rejection
17.	24	Order to file Transcript.

Case N^o 140
In U. S. Dist. Court for the
Southth Dist. of California.

Juan P. Outivieras
Appellant

v

The United States
Appellee.

Index of Transcript.



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