CASE NO.
85

SOUTHERN DISTRICT

RINCON DE LA BREA GRANT

GIL YBARRA

CLAIMANT

LAND CASE 85 SD page 59

FEB 20 1963

TRANSCRIPT

85 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 329

Gil Ybarra CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Rincon de la Brea"

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this ninth day of September, Anno Domini One Thousand Eight Hundred and Fifty-Two, 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 Gil Ibarra for the Place named Rincon de la Brea

was presented, and ordered to be filed and docketed with No. 329 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;

Los Angeles September 21st 1852.

In Case No. 329 Gil Ibarra for the place named "Rincon de la Brea" the deposition of Manuel Requena a witness in behalf of the claimant taken before Commissioner Leland Hall with annexed document marked No. 1 was filed.

(Vide page 6 of this Transcript)

Los Angeles October 19th 1852.

In the same Case the deposition of Ignacio Fiborond a witness in behalf of the claimant taken before Commissioner Leland Hall, was filed;

(Vide page 5 of this Transcript)

San Francisco Aug. 18th 1853.

Case No. 329 Calleu; The Counsel for the Claimant waid the Evidence; Argued, submitted and taken under advisement by the Board.

San Francisco Decemr 20th 1853.

In the same case Commissioner Thompson Campbell delivered the Opinion of the Board, Confirming the Claim:

(See page 35 of the Transcript)

3

Petition of Gil. Ybarra

To the Hon. the Board of U. S. Commissioners appointed to settle private Land claims in California

The petition of Gil. Ybarra respectfully represents to your Hon'l. Board that he is the claimant of a tract of Land in Los Angeles County known as "Canada de la Brea" bounded on the East by the valley that lies immediately next to the hills belonging to Mr Barnardo Yorba at the West by the brook of San Jose, at the north by the high way to Chino and on the South by the boundaries of Mr Ontiveras; containing One Square league a little more or less. That the same was granted to your petitioner by Governor Juan B Alvarado on the 23rd day of February 1841 by virtue of the Colonization Laws of Aug. 24th and the instructions and regulations of Nov. 21st 1828 and the various Laws of Mexico and the customs of the Country affecting grants of Lands in California. Your petitioner received juridical possession of said Land on or about the 24th day of March 1841 from the proper Officer of the then Existing District. There is no Conflicting claim to said lands known to your petitioner. Your petitioner herewith files Copies of the Expediente, juridical possession and other papers relating to this case as well as translations of the same - all of which are respectively marked and numbered as exhibits, the Originals of said papers being in the possession of your petitioner ready to be produced and proved

The evidence upon which your petitioner relies in this case are the records of this grant in the Office of the U. S. Surveyor General Original papers (Copies of which are herewith filed) and to which your petitioner prays leave to refer as part of this petition, and the testimony of Witnesses to be produced before your Hon'l. Board.

Respectfully submitted for such action as the justice and nature of the claim may require

E. O. Crosby
of Counsel for Claimant

Filed in office Sept. 9th 1852 Geo. Fisher Secy

4

3—

Deposition of Ig. F Leonel

Office of the U.S. Land Commission
Los Angeles Oct. 19th 1852

On this day before me Roland Hall one of the Commissioners for ascertaining and settling private land claims in Cale Junico, came Ygnacio F Leonel a witness produced in behalf of the claimant Gil. Ybarra whose ~~whose~~ petition is No. 329 on the Docket of the Board and was duly sworn. His evidence being given in Spanish was interpreted by the Secretary - The U.S. Special Law agent was duly notified and attended.

85 SD
PAGE 5

In answer to questions by the claimant the witness testifies as follows -
My name is Ignacio Leonel my age is fifty Eight years and I reside in Los Angeles.
I am acquainted with Gil Ybarra, and have known him ever since the year 1826. I know the Rancho Rincon de la Brea. It was granted to Juan Ybarra about the year 1840 or 1841. He was in the occupation of it previous to the grant. He had a house on the land and was living in it at the time the grant was made and at the time juridical possession was given and he continues to live on the place and occupy it to the present time. He has a numerous family and many descendants who occupy it like the occupancy of a town - I gave juridical possession of the of the land or assisted in giving it as stated in a paper now shown, being exhibited No. 1 annexed to the deposition of Manuel Requeno, to which my genuine signature is attached

Ygc. F Leonel

Sworn & Subscribed
Before me Roland Hall Com

Filed in Office Oct. 19th 1852
Geo. Fisher Sec'y

300

6

Deposition of Manl. Requena

Office of the California Land Commissioners
Los Angeles Sept. 21st 1852

On this day before Hiland Hall one of the Commissioners for ascertaining and settling private Land claims in California came Manuel Requena a witness produced in behalf of the claimant Gil. Ybarra whose petition is No. 329 on the Docket of the Board, and was duly sworn. His evidence being given in Spanish was interpreted by the Secretary of the Comn. The U. S. Law Agent was not present or represented.

In answer to questions by the Counsel for the claimant the witness testified as follows—

My name is Manuel Requena, my age is fifty one years and I reside in the City of Los Angeles. I have resided in California & in this place, Eighteen years—

I am acquainted with the hand writing of Santiago Arguello, Narciso Botello, Gil Ybarra, Ignacio Mn. Alvarado Ignacio Coronel, Bacilio Baldez, Juan B Alvarado and Manuel Jimeno— The names of these several persons appearing on a paper now shown me purporting to be the title paper, with an official copy of the record of juridical possession to Gil Ybarra of Rancho Canada de la Brea are I have no doubt the genuine signatures— Said paper is hereto annexed and marked No 1. I believe the whole paper is a genuine paper & what it purports to be— The several persons who signed the paper were holding the offices therein described at the dates which the paper bears

Manuel Requena

In answer to inquiries by the Law Agent the witness says he came to California in 1834 & since that time the land described in the before mentioned paper has not been in the occupancy of any Mission & that he believes that the land is not within ten leagues of the sea coast

Manl. Requena

Sworn & subscribed before me Hiland Hall Comr
Filed in Office Sept. 21st 1852

Geo. Fisher Sec'y

330

Posesion
á favor de D. Gil Ibarra

Año de 1841

Sello Tercero Dos Reales
Habilitado provisionalmente por la Aduana marítima del puerto de Monterey en el Departamento de la California, para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.
Ximeno Antonio María Osio

Adn marítima de Monty

Sr Prefecto de este 2o Distrito

Gil Ibarra natural de este Departam.to y vecino de esta jurisdiccion ante V.S. con el debido respeto hago presente: Que el Supr Gobno del Departam.to ha tenido a bien librar título á mi favor del parage llamado Rincon de la Brea y lugares q.e cita dho título, que hoy he tenido el deber de presentar á V.S. y necesitando empezar mis trabajos lo mas pronto q.e me sea posible, p.a sacar mi ganado del lugar en donde peligra y colocarlo en el parage q.e me ha concedido el Supr Gobno.

A V.S. suplico se sirva mandar q.e consecuente á dho título se me de la posecion o seguridad necesaria p.a poder empezar los trabajos q.e necesito p.a su adelanto y fomento, q.e estoy pronto a pagar las costas q.e se originen.

Angeles 15 de Mzo de 1841.
Gil Ibarra

Ang.s Mzo 15 de 1841
Pasa el interesado á uno de los Sucesores de esta Ciudad, quien le dará la posecion jurídica q.e solicita del sitio llamado Cañada de la Brea, q.e le ha sido concedido p.r el Gob.no Departamental
Argüello
Narciso Botello
Srio

Document No. 1 annexed to the deposition of Manl Requena

Ang.s Ma.zo 15 de 1841
Como lo pide la parte y conforme con el Supr decreto marginal fha de hoy procedase a la posesion indicada. Así lo el Juez que suscribe decreto, mandó y firmó con los de asistencia que dan fe.
Ygn.o M.a Alvarado
asta
Ig.o Coronel
asta
Bacilio Valdez

9

Sello Tercero Dos Reales

Habilitado provisionalmente por la Aduana marítima de Monterey, en el Departamento de las Californias, para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Jimeno Antonio María Osio

Adª marit.ª de Monty

B

Sello 1º Seis pesos

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

Alvarado Antonio Mª Osio

Valga pª los año 1841 y 1842

Osio

Adª marit.ª de Monty

Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias

Por cuanto el Ciudadano Gil Ibarra ha pretendido para su beneficio personal y el de su familia el parage conocido con el nombre de la Cañada de la Brea, colindante al Este con la Cañada inmediata a las Lomas del Sor Bernardo Yorba, al Oeste con el Arroyo de San Jose, al Norte, con el camino real del Chino, y al Sur con los linderos del Señor Ontiveras: practicadas previamte las diligencias y averiguaciones concernientes, segun lo dispuesto por leyes y reglamentos, usando de las facultades que me son conferidas, á nombre de la Nacion Mejicana, he venido en concederle el terreno mencionado declarandole

la propiedad de el por las presentes letras, sugetandose á la aprovacion de la Exma Junta Departal y á las condiciones siguientes.

1ª Podra cercarlo sin perjudicar las travecias, caminos y servidumbres; lo disfrutará libre y esclusivamente, destinandolo al uso o cultivo que mas le acomode, pero dentro de un año fabricará casa y estará habitada.

2ª Cuando se le confirme la propiedad solicitará del Juez respectivo que le de posesion jurídica en virtud de este despacho por el cual se demarcaran los linderos; en cuyos limites pondrá a mas de las mejoras algunos arboles frutales o silvestres de alguna utilidad.

3ª El terreno de que se hace donacion es de un sitio de ganado mayor poco mas o menos, segun el diseño que corre agregado en el espediente. El Juez que dive la posesion lo hará medir conforme á ordenanza, quedando el sobrante que resulte á la Nacion para los usos convenientes.

4ª Si contraviniere a estas condiciones perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de el en el libro á que corresponde, y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a veinte y tres de Febrero de mil ocho cientos cuarenta y uno.

Juan B. Alvarado
Mont. Jimeno
Srio

Queda tomada razon de este despacho en el libro de acuerdos sobre adjudicacion de terrenos baldios a fs. 4 vta
Jimeno

Angeles Marzo 15 de 1841
Con esta fha queda tomado razon del presente titulo en el libro respectivo, llevado en esta Prefectura a fs. 2 fte
S. Arguello
Narciso Botello Srio

11

Sello Tercero dos reales
Habilitado provicionalmente por la Aduana marítima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Ximeno — Antonio María Osio

Adª marítª de Monty

Corregdo

En la Ciudad de los Angeles del Departamento de las Californias, á los veinte y cuatro dias del mes de Marzo de mil ocho cientos cuarenta y uno, en cumplimiento al Superior decreto marginal su fha ocho del mismo mes y año, y atente á la Solicitud del Ciudadano Gil Ybarra a fin de que se de la correspondiente posesion del parage nombrado la Cañada de la Brea, concedido por el Gobierno de este Departamento cuyo titulo accompaña a su indicada Solicitud: Pasese por mi y testigos de asistencia al espresado sitio, y procedase a dar la correspondiente posesion previa citacion de colindantes, arreglandose al referido titulo o despacho que se le ha conferido por el Excmo Señor Governador con fha veinte y tres de Febrero del presente año. El Ciudadano Ignacio Mª Alvarado, Juez 2º de Paz de esta Ciudad, asi lo decreté, mandé y firmé por ante los tes ——

85 SD
PAGE 11

[Sello tercero dos reales
Habilitado provicionalmente por la Aduana marítima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Ximeno — Antonio María Osio]

Adª maritª de Monty

—— tigos de mi asistencia con quienes actuo por receptoria en este papel comun por falta de sellado en la oficina, segun dos doy fe — Ignacio María Alvarado — ass.ª Ig.º Coronel — ass.ª Basilio Valdez

Corregdo

Veinte y seis de Marzo de mil ocho cientos cuarenta y uno, yo el Juez que suscribe pase el aviso o citacion correspondiente a los Señores D.n Juan Perez, Mayordomo de la Mision de S. Gabriel, D. Jose de la Luz Linares, D.n Pacifico Ontiveros y D.n Bernardo Yorba, manifestandoles el objeto a que me dirijia al punto de la Cañada de la Brea,

336

pues iba a remedirlo y poner en posesion de ella á D. Gil Ybarra; de estos señores el único que manifestó oposicion fue D. Juan Perez, por que pensó que se iba a tomar parte del Rincon de la Puente, al que se le hizo ver que nada mas se tomaba la pura entrada a la Cañada, entonces se marchó sin ha ==

Sello tercero dos reales

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

Ximeno — Antonio Maria Osio

Adª marit.ª de Monty

== blar mas, lo que pongo por diligencia que autorizo y firmo con los de asistencia segun dro — Ignacio Alvarado — assª Jg.º Coronel — assª Basilio Valdez.

Corrgda

En la propia fha yo el Juez estando en la Boca de la Cañada de la Brea, para la practica de estas diligencias, nombré dos oficiales cordeleros, quienes por no saber firmar se omiten sus nombres, á quienes les hice saber su nombramiento que aceptaron bajo de juramento que otorgaron, ofreciendo desempeñar fielmente su encargo, lo que autorizo y firmo con los testigos de mi asistencia segun dro — Ignacio Alvarado — assª Jg.º Coronel — assª Basilio Valdez.

En el mismo dia, mes y año estando en la orilla del arroyo de S. Jose bajo el Norte, a efecto de verificar las remedidas y posesion que corresponde a D. Gil Ybarra del sitio nombrado Cañada de la Brea previos ==

Sello tercero dos reales

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

Ximeno — Antonio Maria Osio

Adª marit.ª de Monty

== todos los requisitos de ley, y estando ante mi y los testigos de asistencia como tambien dos oficiales cordeleros, hice medir un cordel

13

Corrg.

que contenia cien varas, y atando hacia sus extremos dos sancos de madera previa observacion y calculo, se tiró el primer cordel desde el punto norte comunzando en el radio y plano de las lomas contiguo al lindero de Jose de la Luz Linares con direccion al Sur aun que obliguando la linea, y se contaron y midieron siete mil varas que remataron en una loma cerca de los linderos de Bernardo Yorba donde se mandó poner una mojonera. De este punto Sur se cambió la linea tirandola con direccion al Oeste y se contaron y midieron cuatro mil varas, que remataron en una loma que es la punta del lindero de Pacifico Ontiveros donde tambien se mandó poner una mojonera. De este punto se tiró el cordel con direccion al Norte a bajar al radio de las otras lomas, donde ——

85 SD
PAGE 13

Sello tercero dos reales

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

Ximeno — Antonio Maria Osio

Adn. marit.a de Mont.y

—— se midieron y contaron siete mil varas. De hay se tiró el ultimo cordel a cerrar del rumbo Oeste al Este, donde se contaron y midieron un mil varas, que remataron en el lindero de Jose de la Luz Linares, en cuyo sitio se le impuso á Ibarra pusiese sus mojoneras, haviendo comparecido los colindantes en sus respectivos terrenos para su satisfaccion y seguridad, sin hacer objeccion que estorvase las medidas, las que quedaron echas a satisfaccion del interesado, á quien se le reiteró la orden de que no faltase á poner a poner las mojoneras en los sitios marcados en señal de su posecion, advirtiendole igualmente no perjudicase el Rincon de la Puente aun que se alla algo distante, lo que autorizo y firmo con mis testigos de asistencia segun doy —— Ignacio Alvarado —— ante Ignacio Coronel —— ante Basilio Valdez. tachado donde tambien —— no vale.

Corrg.

350

Deseele testimonio á la parte de las presentes diligencias que se hallan ya concluidas. Asi yo

Ignacio Mª Alvarado, Juez 2º de Paz, decreté, mandé y firmé segun dro, con los ——

[Sello Tercero Dos Reales
Habilitado provicionalmente por la Aduana marítima del puerto de Monterey en el departamento de las Californias, para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Ximeno — Antonio Maria Osio]

Adª marítima de Monty

—— de mi asistencia. Ignacio Mª Alvarado
—— assa, Ignacio Coronel —— assª
Basilio Valdez.

Concuerda con su original a que me remito del cual está fielmente sacado, corregido y confrontado en estas seis fojas de papel sellado, y se halla en el libro de instrumentos publicos del presente año.

En testimonio de verdad.

Ignº Mª Alvarado

assa
Basilio Valdez

assa
Ignº Coronel

Nota. Se sacó el testimonio en la fha

Filed in office Sept.r 21st 1852
Geo: Fisher
Sec

Translation of Espediente

Third Class Stamp Two Eighths of One Dollar
I Speed provisionally by the Maritime Customs of the Port of Monterey in the Department of the California for the years Eighteen hundred and forty and Eighteen hundred and forty One

Semeno — Antonio Maria Osio
L.S. — Hon Prefect of this District

Angeles Mch 15-1841
Let the party interest present himself to one of the Judges of this City, who will give him precedence which he claims of the tract known as Canada de la Brea which has been granted to him by the Government of the Department

Angeles
Narciso Botello
Secy

Gil Ybarra native of this Department and a citizen of this District, before your Honor with due respect do represent: That the Supreme Government of the Department has seen fit to make grant in my favor of the tract known as Rincon de la Brea and premises mentioned in said letter which I have duly presented to your Honor this day. And as I need to commence my labors as soon as possible to withdraw my cattle from the spot where it is in danger and place it on the tract which the Supreme Government has granted me — I solicit you to be pleased to order that agreeably with said letter, I may receive the possession necessary security in order to be able to commence the labors which are required for improving and fencing the place — And I am ready to pay the costs which may be occasioned — Angeles March 15th 1841

Gil. Ybarra

Angeles March 15. 1841
In conformity with the petitioners request and according to the Superior Decree in the margin dated this day, let the possession of ground be given — So decreed and ordered by me the undersigned Judge and I subscribe the same with the attesting witnesses according to Law

Ignc. Mn. Alvarado

Attest
Ignc. Coronel

Attest
Basilio Valdez

First Class Stamp Six Dollars

Issued provisionally by the Maritime Customs of Monterey for the years 1839 & 1840

Alvarado — Antonio Mª Osio

L.S. Good for the years 1841 & 1842 — Osio.

Juan B Alvarado Constitutional Governor of the Department of the Californias —

Whereas the Citizen Gil. Ibarra has claimed for his own benefit and that of his family the tract known as Canada de la Brea, Bounded on the East by the valley that lies immediately next to the hills belonging to Mr Bernardo Yorba, at the West by the brook of San Jose, at the North by the Highway to Chino and at the South by the boundaries of Mr Ontiveras the proper steps and investigations having previously been taken according to laws and regulations, by virtue of the powers vested in me, in the name of the Mexican Nation I do grant to him the said tract, declaring the same to be his property by these presents, subject to the approval of the Most Excellent Departmental Assembly and to the following Conditions

1st He may fence it without prejudice to crossroads, high ways & rights of way, he shall enjoy it freely and exclusively devoting it such use or culture as may suit him best but within one year, he shall erect a house which shall be dwell in —

2nd When his title shall have been confirmed he shall solicit the Judge having Jurisdiction to give him juridical possession by virtue of this deed — Such Judge shall mark out the boundaries in the lines of which shall be placed, besides the land marks some fruit trees or useful forest trees

3rd The tract hereby partition consists of one range (sites) for large cattle, a little more or less, according to the design annexed to the minutes of the proceedings (Expediente) The Judge who gives the possession will cause it to be measured according to law any remainder there may prove to

being reserved to the Nation for its use and behoof.
4. In case of non compliance with these conditions, he shall lose his right to the land and it may be denounced by another. Wherefore I Order that this title deed being held as firm and valid be recorded in the proper Book and delivered to the party in interest for his protection and other purposes. Given at Monterey February 23d 1841

Juan B Alvarado
Manl. Jimeno Sec.

Recorded this title in the Book of Entries concerning grants of waste Lands at p 44.

Jimeno

Angeles March 15th 1841
On this date the present title is recorded in the proper Book belonging to this Prefecture - p 24

S Arguello
Narciso Botello Sec

Third Class Stamp Two Eighths of One Dollar
Issued provisionally by the Maritime Customs of the Port of Monterey in the Department of the Californias for the years 1840 & 1841

Jimeno Antonio Mª Osio

L. S.

At the City of Los Angeles in the Department of the California on the twenty fourth day of the month of March Eighteen hundred and Forty One, in compliance with the superior marginal decree dated the Eighth of same month and year and vouchsafing the petition of the Citizen Gil Ybarra, to the effect that due possession be given of the tract known as Canada de los Bueyes granted by the Government of this Department, the title deeds whereof, are annexed to his said petition. Ordered that I repair with my assisting witnesses to the said premises and proceed to give due possession after summons to the Owners of neighboring lands in Conformity with said title or patent granted to him by his Excellency

the Governor, dated the twenty third of February of the present year. I the citizen Ignacio Ma. Alvarado 2d Justice of the Peace of this City so decreed ordered and subscribed in presence of

L.S. Stamp clause

my attesting witnesses, our proceedings being noted on common paper there being no stamped paper in the Office which I certify according to Law. Ignacio Maria Alvarado

Attest. Ygo. Coronel = Attest = Basilio Valdez

On the twenty sixth of March eighteen hundred and forty one. I the undersigned Judge sent the requisite notice a summons to Messrs. Don Juan Perez, Steward of the Mission of San Gabriel, Don Jose de la Luz Linares, Don Pacifico Ontiveres and Don Bernardo Yorba informing them of my motives for going to the place called Cañada de la Brea viz, that I was going to remeasure and give possession to Don Jose Ybarra. The only one of those gentlemen who made Objection was Don Juan Perez because he thought a part of the Rincon de la Puente was going to be taken. it was shown to him that nothing was to be taken but the mere entrance to the valley whereupon he left without making any other remark

L.S. (Stamp Clause)

which I note certify and subscribe with the attesting Witnesses according to Law. Ignacio Alvarado

Attest. Ignacio Coronel = Attest = Basilio Valdez

On the same date I the Judge, being at the Mouth of the Valley of the Brea, for the performance of these proceedings, appointed two Officers lene beaners whose names are omitted on account of their not knowing how to sign. I informed them of their appointment which they accepted, taking the Oath of Office whereby they undertook to perform their duties faithfully which I certify and subscribe with my Attesting Witnesses according to Law.

Ignacio Alvarado

Attest. Ig. Coronel Attest. Basilio Valdez

455

On the same day month and year on the bank of the Brook of San Jose On the North side, for the purpose of making the remeasurements and duly give possession to Don Gil. Ibarra of the tract called Canada de la Brea

L S (Stamp Clause)

having first complied with all the requisites of the Law I caused to be measured in my presence and that of the attesting witnesses likewise in presence of two Officers line bearing a line One hundred varas in length and after fastening to its extremities two wooden poles & and making observation and calculations, the first line was ran from the North point Beginning in the radius where the hills become smooth, contiguous to the boundary of Jose de la Luz Linares, in a Southerly direction though on an Oblique line, there were counted and measured seven thousand varas, which terminated at a hill near the boundary of Bernardo Yorba where a corner mark was ordered to be placed - From this South point the line was changed, running in a Westerly direction, there were counted and measured four thousand varas which terminated at a hill which is the corner of the boundary of Pacifico Olivieras where also a corner mark was ordered to be placed. From this point the line was run in a Northerly direction towards the radius of the other hills where (L.S. Stamp Clause) there were measured and counted seven thousand varas - Thence the last and closing line was run from West to East where there were counted and measured One thousand varas which terminated in the boundary of Jose de la Luz Linares at which place Ibarra was ordered to place his corner marks, the neighbors appeared at their respective lances for their own satisfaction and protection without making any objection that could disturb the measurements which were made to the satisfaction of the party in interest to whom was reiterated the order not to fail to place corner marks at the places indicated in sign of his possession he being notified likewise not to prejudice the

Rincon de la Puente although this place is at a considerable distance - which I certify and subscribe with my attesting Witnesses according to Law = Ignacio Alvarado
Attest Ignacio Coronel = Attest Basilio Valdez
Effaced the words donde tambien which form no part of the text -
Let certified copy be issued to the party in interest of these proceedings which are now closed - I Ignacio Ma Alvarado 2d Justice of the Peace; do so decree, order and subscribe according to law with my attesting Witnesses
(L.S. Stamp Clause)
Ignacio Ma Alvarado = Attest Ignacio Coronel =
Attest Basilio Valdez
A true copy of the Original to which I refer from which it was faithfully taken, corrected and collated in these six sheets of Stamp paper. Said original is to be found in the Book of Public Documents of the present year
In testimony of truth
Ig. Ma Alvarado
Attest Basilio Valdez Attest. Ig. Coronel

Note The certified Copy was taken on this date

Filed in Office Sept. 9th 1853
Geo. Fisher Sec'y

1 S. D. K

Expediente

Promovido por el Ciudadano Gil Ibarra en Solicitud del parage Conocido con el nombre de Cañada de la Brea

1841

222

95 329

Sello Tercero Dos Reales 3 S. D. K

Habilitado provisionalmente por la Aduana marítima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Ximeno — Antonio María Osio

3.
329

Adª marit.ª de Monty

E5 SD
PAGE 22

Exhibit
No. 1

Sr. Prefecto de este distrito

Gil Ybarra natural y vecino de este departam.to ante V.S. con el debido respeto digo: Que los bienes de campo de mi propiedad con que cuento p.a atender á la subsistencia de mi dilatada familia, los tengo en terrenos de esta comunidad que por muy inmediatos á la poblacion estan espuestos á los excesos de los malechores que me lo acaban sin poderlo yo obitar, y p.a concervarlos me es preciso sacarlos de donde estan y retirarlos mas, y hallandose ahora valdio un pedaso de terreno que antes ocupaba la Mision de San Gabriel llamado Cañada y Lomas de la Brea, y consta del diseño adjunto.

A V. S. ocurro en solicitud de dho parage p.a q.e tenga á bien mandar formar el exped.te respectivo, y elevar esta sumisa esposicion al Sup.or Gob.no del Departam.to a fin de que si lo tiene a bien mandase me libre el titulo de estilo, que estoy pronto á pagar los gastos q.e se originen.

Ang.s Dbre 29 de 1840.

Gil Ybarra

Ang.s Nov.re 7 de 1844

Informe el Sor Juez 2.o de Paz de esta ciudad, si el terreno q.e se menciona está valdio y si pertenece á la propiedad de algun particular ó corporacion, asi como si el solicitante tiene los requisitos prevenidos p.a ser atendido, y vuelva á esta Prefectura p.a sus ultimos tramites.

Argüello
Narciso Botello
Srio

4 S. D. K.

S. Pref.o del 2.o Distrito

El terreno que solicita el vecino Gil Ybarra estoy impuesto pertenece a la Mision de S. Gabriel i igualmente lo he visto q.e se halla valdio. Con respecto á si tiene el solicitante los requisitos prevenidos por

reglamentos, de que los tiene por lo que V.S. disponerálo Conv.te.

Ang.s Enero 8 de 1844

Ygn.o M.a Alvarado

Angeles Enero 8 de 1844

Pase este exped.te al R. P. Mtro de la Mision de S.n Gabriel, para q.e esponga cuanto convenga al derecho de aquella Comunidad, y vuelva p.a los demas fines consiguientes.

Arguello

Narciso Botello

Srio

5 S. D. K.

Sello Tercero Dos Reales

Habilitado provisionalmente por la Aduana marítima del puerto de Monterrey, en el departamento de las Californias, para los años de mil ocho cientos cuarenta y mil ocho cientos cuarenta y uno.

Ximeno Antonio Maria Osio

Ad.a marit.a de Monty

San Gabriel 13 de Enero de 1844

No hay embarazo por este Establecimiento para que al solicitante Gil Ybarra se le conceda el parage llamado la Cañada de la Brea con apercibimiento de que reforme su diseño arreglado á lo que ubiese valdio en el parage que solicita, pues el diseño que acompaña solo es imaginario.

Fr. Thomas Estenaga Juan Perez

Angeles Enero 14 de 1844

Vuelva el presente Expediente al interesado, para que reforme el diseño sugetandose a lo que unicamente quedare valdio del terreno que solicita, conforme lo pide el R. P. Mtro y Mayordomo de la Mision de S.n Gabriel; y concluido, vuelva a esta Prefectura para los demas fines consiguientes.

Arguello

Narciso Botello Srio

6 S. D. K.

Exmo Señor

La Prefectura de este 2º Distrito impuesta del presente expedte. y reformado ya el diseño conforme lo pidió el R. P. Mtro y Mayordomo de la Mision de S.n Gabriel con presencia de dos individuos puestos para ello p.r parte de dho establecimiento, exe que no hay inconveniente alguno p.a q.e se le conceda al interesado el sitio q.e solicita, pues q.e á mas de ser un vecino honrado cargado de familia, tiene los bienes de campo suficientes p.a cubrirlo y demas requisitos prevenidos p.r la Ley p.a ser atendido; en la intelig.a q.e es verídico lo q.e expone en su solicitud respecto á los perjuicios q.e recibe en sus bienes de campo p.r no tener un parage propio a donde reducirlos; en tal virtud, V.E. dispondrá lo que fuere de su sup.r agrado. Angeles Febrero 1º de 1844

S. Arguello

Narciso Botello

Srio

7 S. D. K.

Monterey 23 de Febrero de 1844

Vista la peticion con que dá principio este expedte., el informe del Juez 2º de la Ciudad de los Angeles, el del R. P. Mtro de San Gabriel, en union del Mayordomo del mismo establecimto., y el del Sor Prefecto del 2º Distrito, con todo lo demas que se tubo presente y ver convino, de conformidad con las leyes y reglamentos de la materia; declaro a D.n Gil Ybarra dueño en propiedad del terreno conocido con el nombre de Cañada y Lomas de la Brea, colindante al Este con los linderos o Lomas de D.n Bernardo Yorba, al Oeste con el Arroyo de San Jose, al Norte con el camino del Rhino y al Sur con los linderos del Sor Ontiveros, en estencion de un sitio y medio de ganado mayor poco mas ó menos. Estiendase el Despacho correspondte. tomese razon en el Libro respectivo, y dirijase este expedte. a la Sama Junta Departamental. El Sor D. Juan B. Alvarado, Gobernador Constitucional del Departamto de California así lo mandé, decreté y firmé, de que doy fee.

8 S. D. K.

9 S.D.K

Juan B. Alvarado, Gobernador Constitucional del Departamento de las Californias

Por cuanto el Ciudadano Gil Ibarra ha pretendido para su beneficio personal y el de su familia, el terreno conocido con el nombre de Cañada de la Brea, colindante al Este con los linderos o lomas de D. Bernardo Torba, al Oeste con el Arroyo de San Jose, al Norte con el camino del Chino, y al Sur con los linderos del Sor Ortiveros: practicadas previamente las diligencias y averiguaciones consiguientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas á nombre de la Nacion Mejicana, he venido en conceder le el terreno mencionado declarandole la propiedad de él por las presentes letras, y sugetandose a la aprovacion de la Sima Junta Departamental y a las condiciones siguientes.

1ª Podrá cercarlo sin perjudicar las travecias, caminos y servidumbres: lo disfrutará libre y esclusivamente pero dentro de un año fabricará casa y estará habitada.

10 S.D.K

2ª Solicitará del Juez respectivo que le dé posecion juridica en virtud de este despacho, por el cual se demarcaran los linderos en cuyos limites pondrá á mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.

3ª El terreno de que se hace donacion es de uno y medio sitio de ganado mayor, poco mas o menos segun explica el diseño que corre en el expediente respectivo. El Juez que dicre la posecion, lo hará medir conforme á ordenanza, quedando el sobrante que resulte a la Nacion para los usos convenientes.

4ª Si contraviniere a estas condiciones, perderá su derecho al terreno y será denunciable por otro.

En consecuencia mando que teniendose por firme y valedero este titulo se tome razon de él en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterey á veinte y tres de Febrero de mil ochocientos cuarenta y uno.

554

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

I Samuel D. King Surveyor General of the United States for the State of California and as such, now having in my office and under my custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby Certify that the ten preceding and hereunto annexed pages of tracing paper numbered from one to ten inclusive and each of which is verified by my initials (S.D.K.) exhibit true and accurate Copies of certain documents on file and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name, officially, and affixed my private Seal (not having a Seal of office) at the City of San Francisco, Cal, the 22d day of September A.D. 1852

Sam D King
Surv Genl Cal

Filed in office August 8. 1853
Geo: Fisher
Secy

167

21

Exhibit No 3

85 SD
PAGE 27

Ang. Jan 7. 7. 1841
Let the 2d Justice of the Peace of this City report whether the land in question is unoccupied and whether it belongs to the property of any individual or corporation and likewise whether the petitioner has the legal requisites to entitle his petition to be entertained and let this be returned to this Prefecture for further action
Angello
Narciso Botello Sec

The Sketch

Third class stamp Two Eighths of one dollar
Issued provisionally by the Maritime Customs of the port of Monterey in the Department of the California for the years One thousand Eight hundred and forty and one thousand Eight hundred and forty one

Ulmeno — Antonio Ma. Osio

(L L) To the Sr. Prefect of this District

I Gil Ibarra a native and resident of this Department before your Honor with the due respect do say That I am the owner of cattle on which I rely for the support of my large family and that I keep the same on the commons of this place, where on account of their neighborhood to the town they are exposed to the evil doings of wicked persons, who destroy them without my being able to prevent it, and in order to preserve my said cattle I am obliged to remove them from where they are and place them further away. And as there is now a piece of land unoccupied which the Mission of San Gabriel formerly occupied called Canada y Lomas de la Brea shown by the annexed design — I come to your Honor as a petitioner for such land, requesting you to order the the appropriate proceedings to be instituted and this subscriber's statement to be forwarded to the Superior Government of this Department, to the end that if deemed meet a grant in the usual form may issue I am ready to pay the costs which may be occasioned

Angeles Dec. 29. 1840 — Gil. Ibarra

To the Hon. Prefect of the 2d District

The land solicited by the resident Don Gil Ibarra to my knowledge belonged to the Mission of San Gabriel and I have likewise seen that it is unoccupied — As to whether he possesses the requisites provided by the regulations — I know that he does possess them — Wherefore your Honor will dispose what you may deem proper

Angeles Jan. 8th 1841 — Ygno. Ma Alvarado

411

Let this Minute be forwarded to the Rev. Father Minister of the Mission of San Gabriel that he may state whatever behooves the rights of that Community and let return be made for the subsequent purposes - Arguello

Narciso Botello Secretary

L. S Stamp Clause as above

San Gabriel Jan. 13_1841

There is no Objection on the part of this Establishment to the petitioner Gil Ibarra obtaining concession of the tract called Canada de la Brea provided that he corrects his design, limiting it to the extent that is unoccupied in the tract he claims, for the design he annexed is merely imaginary

Fr Thomas Estanega Juan Prado

Angeles January 14_1841

Let the present minutes be returned to the party in interest that he may correct the design limiting himself merely to the unoccupied part of the tract he solicits, in compliance with the requisite of the Rev. Father Minister and Mayordomo of the Mission of San Gabriel - After which let return be made to this Prefecture the other subsequent ings - Arguello

Narciso Botello - Secretary

Most Excellent Sir

The Prefecture of this 2do District having taken cognizance of the present Minutes, and the design being now corrected agreeably to the request of the Rev. Father Minister and Mayordomo of the Mission of San Gabriel in presence of two individuals placed for that purpose on the part of such establishment, believes that there is no Obstacle to the petitioner obtaining the grant of the tract he solicits, since besides being a resident of good character with a large family, he has stock enough to cover it and the other requisites provided by the law

to entitle his request to be entertained, with the understanding that he states the truth in regard to the losses he suffers in his stock on account of not having premises of his own wherein to keep the same
Wherefore your Excellency will take such disposition as may meet your superior pleasure
Angeles Feby. 1st 1841. S Arguello
Narciso Botello - Secretary

Monterey February 23d 1841
In view of the petition wherewith these proceedings originate, the report of the 2d Judge of City of Los Angeles, that of the Rev Father Minister of San Gabriel, together with the Mayordomo of the same Establishment and that of the Sub. Prefect of the 2d District with every thing besides, that was brought forward and it was proper to keep in view in conformity with the laws and regulations affecting the matter - I do declare Don Gil Ibarra absolute owner of the tract known by the name of Canada y Lomas de la Brea, bounded East by the boundary or hills of Don Bernardo Yorba, West by the Arroyo of San Jose North by the road to Chino and South by the boundaries of Mr Ontivros containing One and a half square leagues (Sitio de ganado Mayor) a little more or less - Let the appropriate patent be made out entered of record in the proper Book, and let these minutes be forwarded to the Most Excellent the Departmental Assembly. I Juan B Alvarado Constitutional Governor of the California have so ordered decreed and subscribed, which I certify

The Grant

Filed in Office Aug. 8 1853
Geo. Fisher Secy

35

Gil Ybarra
vs
The United States

Canada de la Brea One Square League
Los Angeles County

Opinion of Boarman by Com. Campbell

The claim in this case is founded on a grant made to the petitioner by Governor Alvarado bearing date the 23rd day of February A.D. 1841. The signatures of Alvarado and Jimeno attached to said grant are proved to be in their hand writing. The claimant has filed as evidence in this case a record of juridical possession properly proved and authenticated which shows that the premises in question were on the 26th of March A.D. 1841 judicially measured and the proper boundaries placed. It is proved by the deposition of Ygnacio Coronel that the petitioner was in the occupation of said premises previous to the date of his grant, that he had a house on the land and was living in it at the time the grant was made and at the time judicial possession was given, and that he continued to live upon and occupy said place up to the time of taking his deposition. The deponent further states that the petitioner has a numerous family who occupy said place like the occupancy of a home. There is no proof of any approval by the Departmental Assembly. On the hearing of this case it was objected by the Law Agent, that the proof showed that the house was built before the grant was made, which he insisted was not a compliance with that condition of his grant which required a house to be built within one year from the opening of the grant. I look upon this objection as being merely technical, the object of the Law was to secure the actual residence of the grantee on the land and for the purpose of giving to such residence a permanency a house was required to be built and the party was required to live in it. If the grantee had

85 SD
PAGE 30

gone upon the Land before he had obtained his grant and built a house, and lived in it and after he had received his grant continued to live in it, and thus occupy the land, in my judgment this should be considered a full and ample compliance with that condition of his grant which required a house to be built within a year from the date of the grant. The policy which the Government had in view, is not to be overlooked in the construction of those acts by which that policy was carried into practical effect.
The testimony in this case is of the most satisfactory character in regard to the actual inhabitancy of the land by the grantee within the prescribed time.
It commenced with the grant and has continued ever since. The party sought the Land for grazing purposes actual inhabitancy was therefore indispensable and without it the condition which the Law annexes to every such purpose would have been unperformed.
The grant was for one square league to be located within certain entire boundaries marked out on a map furnished by the petitioner with a reservation of the surplus to the nation. The preliminary measurement which the party has shown, was made at his solicitation, has designated with sufficient certainty the boundaries of the tract claimed, so that there will be no difficulty in the office locating the precise league of land granted. The party is therefore entitled to a confirmation of his claim.

Filed in Office Decr. 20th 1853.

37

Gil Ybarra
vs
The United States

85 SD
PAGE 32

On hearing the proofs and allegations adduced in this case it is adjudged by the Commission that the said claim of the petitioner is valid, and it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made are known by the name of "Canada de la Brea" and are the same now occupied by Gil Ybarra and other members of his family and bounded and described as follows to wit. Beginning at the North point in the radius where the hills become smooth contiguous to the boundary of Jose de la Luz Linares and running in a Southerly direction through in an Oblique line, seven thousand varas to a hill near the boundary of Bernardo Yorba where there is a corner mark: thence running in a Westerly direction four thousand Varas to a hill which is the corner of the boundary of Pacifico Ontivaros where is a mark: thence running in a Northerly direction two acres the radius of the other hills seven thousand varas; thence running from West to East One thousand varas to the place of beginning at the boundary of the said Jose de La Luz Linares containing in all One Square leagues — Reference for further description to be had to a map which is made part of Document marked Exhibit No. 1 and filed in this case and also to Document marked Exhibit "B" and filed in the Cause

Alpheus Felch
Thompson Campbell
R Aug Thompson

Filed in Office Dec. 20. 1853
Geo. Fisher Sec'y

85 SD
PAGE 33

Office of the Board of Commissioners,

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

I, George Fisher Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing thirty eight pages, numbered from 1 to 38, both inclusive, to contain a true, correct and full Transcript 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. 329 on the Docket of the said Board, wherein

Gil Ybarra is

the Claimant against the United States, for the place known by the name of Rincon de la Brea

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this twelfth day of September A. D. 1851, and of the Independence of the United States of America the seventy-ninth

Geo: Fisher
Sy.

85

S. DISTRICT COURT,

Thirn District of California.

85. Docket

THE UNITED STATES,

vs. 85

Gil. Ybarra

"Rincon de la Brea."

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 329

Filed, September 20th 1854

W H Carter

Clerk

85

85.

85 SD
PAGE 34

Office of the Attorney General of the United States,

Washington, 30th November 1854.

Gil Ybarra
vs.
The United States. } 329.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of August 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

~~85.~~ No 85

U. S. District Court

Southern District

The United States

vs

Gil Ybarra

Appeal Notice

Filed Jany 10th 1855.

C. E. Carr.
Clk.

85 SD
PAGE 35

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

Gil Ybarra
ads.
The United States } No 85. (Transcript No 329)

To the Honorable Isaac S. K. Ogier, Judge of the District Court of the United States for the Southern District of California.
The petition of Pacificus Ord (of Los Angeles County) Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, represents as follows.
That heretofore, to wit, on or about the 9th day of September A.D. 1852 Gil Ybarra, presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, claiming the tract of land called "Cañada de la Brea," in the County of Los Angeles in the words and figures, following, viz.
"The petition of Gil Ybarra respectfully
" represents to your Hon. Board that he
" is the claimant of a tract of land in

" Los Angeles County known as "Canada de la
" Brea" bounded on the East by the Valley
" that lies immediately next to the hills
" belonging to Mr Bernardo Yorba at the
" West by the brook of San Jose, at the
" North by the highway to Chino and on
" the South by the boundaries of Mr Ante=
" veras; containing one square league a
" little more or less. That the same was
" granted to your petitioner by Governor
" Juan B. Alvarado on the 25 day of
" February 1841 by virtue of the Colonization
" laws of Augt 24th and the instructions
" and regulations of Nov 21st 1828 and
" the various laws of Mexico and the cus-
" toms of the Country affecting grants of
" land in California. Your petitioner
" received juridical possession of said
" land on or about the 24th day of March
" 1841 from the proper officer of the then
" existing District. There is no conflicting
" claim to said land known to your petition-
" er. Your petitioner herewith files copies
" of the Expediente, juridical possession
" and other papers relating to this case
" as well as translations of the same —
" all of which are respectively marked

" and numbered as exhibits, the originals
" of said papers being in the possession
" of your petitioner ready to be produced
" and proved.
" The evidence upon which your petitioner
" relies in this case are the records of this
" grant in the office of the U. S. Surveyor
" General original papers (copies of which
" are hereunto filed) and to which your
" petitioner prays leave to refer as part
" of this petition, and the testimony of
" Witnesses to be produced before your Hon^d
" Board. Respectfully submitted for
" such action as the justice and ~~[illegible]~~
" nature of the claim may require."
Your petitioner further represents that
thereafter to wit, on the 20th day of
December A.D. 1853 the said Commissioners
confirmed, by final decree, the said claim
of the said Gil Ybarra, in the words
and figures following, to wit.
" On hearing the proofs and allegations
" adduced in this case it is adjudged
" by the Commission that the said claim
" of the petitioner is valid, and it is
" therefore decreed that the same be con-
" firmed. The lands of which confirmation
" are hereby made are known by the

" name of "Canada de la Brea" and are
" the same now occupied by Gil Ybarra
" and other members of his family and
" bounded and described as follows, to wit.
" Beginning at the North point in the
" radius where the hills become smooth
" Contiguas to the boundary of Jose de la
" Cruz Lenares and running in a southerly
" direction through in an obligue line,
" Seven thousand varas to a hill near the
" boundary of Bernardo Yorba where
" there is a Corner mark: thence running
" in a Westerly direction four thousand
" varas to a hill which is the Corner of
" the boundary of Pacifico Ontevaras
" where is a mark; thence running in
" a northerly direction towards the —
" radius of the other hills Seven thousand
" varas; thence running from West to
" East one thousand varas to the place
" of beginning at the boundary of the
" Said Jose de La Cruz Linares Contain-
" ing in all one Square leagne - Reference
" for further description to be had to a
" Map which is made part of docu-
" ment marked Exhibit A, and filed
" in this Case and also to document
" marked Exhibit B and filed in the
" Cause

Stephens Field

"Thompson Campbell.
"B. Aug Thompson."

That thereafter, to wit, on the 20th day of September A. D 1854, a duly Certified transcript of the said decree and proceedings, and the papers and evidence on which it was founded in said Cause, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California and marked No 85. (Transcript No 329) reference to which it is prayed may be had and made a part of this petition.

That on the 30th day of August A D 1854, the Honorable Caleb Cushing Attorney General of the United States received a duly Certified duplicate of said transcript of said final decree and proceedings of said Commissioners in said Cause (No 329) and xxx the papers and evidence on which said decree was founded. And that thereafter, to wit, on the 10th day of January A.D. 1855 the said Attorney General of the United States filed or caused to be filed, on behalf of the United States a notice with the said

Clerk of said District Court for the Southern District of California that the appeal in said Cause of Gil Ybarra vs. The United States, from the decision of the said Commissioners to ascertain and settle the private land Claims in the State of California, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States.

Your petitioner further represents that the said land claimed as aforesaid is within the jurisdiction of this Honorable Court.

And your petitioner further represents, and ~~assists~~ that the said decree of said Commissioners is erroneous, and ought to be reviewed, revised and set aside, for many errors and imperfections of law and evidence, apparent in said Certified transcript of said Cause, now on appeal from said Commissioners to this Honorable Court.

And your petitioner further represents that the said Claim is invalid, and the said decree erroneous, on the following

grounds.

I. And the said attorney denies all and singular each and every allegation in the petition of said Claimant to said Commissioners of said date. And he further denies that any grant for said land was ever made as alleged in said petition. And he denies further that the said Claimant has shown any or sufficient evidence of the validity of the said claim.

II. That the said alleged grant of Juan B. Alvarado 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 Claimant, that the Supreme General Executive power of Mexico, previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of the Sea Coast.

And it is denied that such previous consent of said Supreme General Executive power of Mexico, ~~previously approved~~ in such case was ever had.

III. That at the date of the said alleged

grant, the said land claimed as aforesaid, was occupied by, and in the possession of the Missions of the Territory of Upper California; and it was held and occupied, particularly, by the Mission of San Gabriel; and could not therefore be colonized.

IV. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the laws of Mexico of the 18th day of August A. D 1824, and the regulations for the colonization of the Territories of Mexico of the 21st of November AD 1828.

V. That the description of the locality, extent, and boundaries of the land in the said alleged grant of the date of the 23rd February 1841, and the map referred to therein, is vague and indifinite: And the said alleged grant is void for uncertainty.

VI. That there is no evidence that the said alleged grant of said date was ever approved by the Departmental Junta of California, or the Supreme Government of Mexico. And it is denied that it was ever approved by

said Departmental Junta, or said Supreme Government.

VII. That said Claimant shows no definitive grant or title for said tract of land.

VIII. ~~That the said alleged juridical~~ possession given on or about the 24th or 26th of March 1841 was unlawful; for the reason, that the said alleged grant had not then been approved by the said Departmental Junta of California, as required by the Conditions of the said alleged grant: Nor had it been approved by the said Supreme Government of Mexico.

IX. That the said alleged juridical possession of said date, was not made according to the said alleged grant and the map referred to therein; Nor according to the ordinance or law, and it is vague, indefinite and void.

X. That there is no sufficient evidence that the said Claimant performed the Conditions of the said alleged grant; and that he built a house upon the said tract of land and that it was inhabited, within one year from the date of the said alleged grant; and that he cultivated the said tract of land. and

it is denied that he performed the Conditions of the said alleged grant: And that he built a house upon the said tract of land and that it was inhabited within one year from the date of the said alleged grant; and that he cultivated the said land.

And no sufficient proof having been made by said Claimant of the allegations of his said petition, or in support of his said Claim filed as aforesaid, no decree ought to have been made or grounded thereon; but the said petition ought to have been dismissed, and said Claim rejected by said Commissioner, upon the grounds aforesaid. And the said Claimant having no valid right or title, derived from the Spanish, or Mexican Government, to the said land claimed by him as aforesaid, the lawful right, or title in and to the said land, 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 said Pacificus Ord, attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises and in pursuance of the act of Congress entitled "An act to ascertain, and settle the private land claims in the State of California" approved March 3rd A D 1851 and the laws and Statutes in such Case made and provided, prays that the said Gil Ybarra may be served with a copy of this petition; and that this Honorable Court will review the said decision, or final decree of Confirmation, of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of the said Gil Ybarra, for said land claimed and confirmed as aforesaid; and that the same may be decreed invalid. And all such other orders, judgments or decrees, as may be just, with costs, and general relief.

P. Ord

Attorney of the United States
for the Southern District of Calª

Service of the within is hereby admitted. Angels. Oct. 9. 1855.
E. O. Crosby, of Counsel
for respondents.

Filed Aug. 13 1855
J. E. Carr
Clk

85 SD
PAGE 47

Filed Oct 9 1855

In S.C.
U.S. Dist Court
C. Dist of Cal.

Geo B Gibbs
vs
The U States

Petition of Chas. McKeever
for Revenue

U States District Court for the Southern District of California

Gil Ibarra
ads
The United States } No. 85.
(Transcript No 329.)

Index to Transcript

E. O. Crosby of Counsel for appellee.

No. 85.

U S District Court for the Southern Dist of California

Gil Ybarra
vs
The United States } Index

Filed Oct. 11th 1855
J. E. Carr Clk
By J. W. Ross Dep

85 SD
PAGE 49

E. O. Crosby
of Counsel

U. States District Court for the
Southern District of California

Eil Ibarra.
ads
The United States } No. 85.
(Transcript No. 329.)

The respondent for answer to the petition filed in this cause, answers and says. It is true that the land mentioned in said petition and in said transcript of the proceedings before the said Board of Commissioners lies within said Southern District of California and within the jurisdiction of this Court.

But this respondent denies that his title to the said lands is invalid - and avers that his title is valid - and prays that the decision of the said Board be affirmed and his title be decreed to be valid.

E. O. Crosby
of Counsel for appellee

No. 85.

United States District Court
Southern District California

Gil Ibarra.
ads
The United States

Answer.

Filed Oct 10th 1855.
C. E. Carr.
Clk

85 SD
PAGE 51

E. O. Crosby
of Counsel for appellee

The United States appellants
vs
Gil Ybarra. appellee

This claim is founded upon a grant from Governor Alvarado to the appellee dated the 23d of February 1841. The original grant, and a copy of the expediente of all the proceedings ~~as the~~ from the petition of the claimant to the Prefect of the District, to the final title, ~~taken~~ found in the Surveyor general's office among the part of the archives of the former Government, together with ~~the act of~~ a copy of the act of juridical possession constitute the documentary evidence in the case, the genuineness of all these documents is morally proven ~~and authenticated~~ The parol evidence shews that the claimant occupied the land at the time ~~of~~ and previous to the grant that he built houses upon and cultivated it, the only act which appears to shew a perfect title is the approval of the departmental junta, this objection has been decided to insufficient to invalidate a title otherwise good and therefore cannot avail against this grant. The grant is one square league within certain exterior boundaries, these boundaries are definite and distinct. the act of juridical is not very clear but with the aid of the map the particular league of land of which possession was given can be clearly designated, the Appellee is therefore entitled to a confirmation of his claim, and a decree will be entered ~~affirming~~ the decision of the Commissioners —

No. 85.

United States, Appellant

vs

Gil Ybarra Appellee

Opinion of the Court.

Filed Octr. 11th 1855

A. E. Carr clk

By J. W. Roy Dep

In the U States District Court for the Southern District of California,
Special Term Sept 1855,
Los Angeles.

Gil Ybarra, appe
vs.
The United States, appe

No. 85.
(Transcript No. 329)

On motion of P Ord Attorney of the United States for the Southern District of California, it is, 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 United States, in the above entitled cause, rendered on or about the 11th day of October AD 1855,

P. Ord
Dist Atty.

No. 85.

U. S. Dist: Court for the
Southn. District of California

United States Appelt.

vs

Gil Ybarra Appellee

85 SD
PAGE 55

Order of Appeal to the Supreme
Court on motion of P. Ord
U. S. Atty: ——

Filed October 18th 1855
O. E. Cancelk
By W. Ross Dep

California Land Claims.

Attorney General's Office

10 September 1856.

Sir:

In the case of the claim of Gil Ybarra, confirmed to the claimant by the Commissioners, Case no. three hundred and twenty-nine (329), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Cushing

Pacificus Ord Esq.

U. S. Atty for the

Southern Dist. of California

85

Gil Ybarra

329

Filed 24 February 1857

C Smith clk

J H Coleman

dep

85 SD

PAGE 57

Rec Oct 21 1836

85 SD
PAGE 58

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

I, J. W. MANDEVILLE, *United States Surveyor General, for the State of California, do hereby certify that the Rancho* Rincon de la Brea

confirmed to G. Ubarra

has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the nineteenth *day of* September *1859; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the* San Bernardino Herald *published in the County of* San Bernardino State of California *being the newspaper published nearest to where the said Rancho is located, the first publication being on the* thirteenth *day of* August *1860, and the last, on the* fourth *day of* October *1860; also, in the* Los Angeles Star

a newspaper published in the City and County of Los Angeles State aforesaid -

the first publication being on the twenty fifth *day of* August *1860, and the last on the* fifteenth *day of* September *1860, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.*

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this thirty first *day of* May *1861*

J. W. Mandeville
U. S. Surveyor General for California.

U. S. Surveyor Genl's Office
San Francisco Aug 12th 1863
I certify the above to be a full true and correct copy of the original record of this office -

E. H. Dealy
U S Sur Genl

No. 85

U. S. Dist. Court
South'n Dist. Cal.

Gil Ybarra
vs
The United States

85 SD
PAGE 59

Certif. of Surv. in Survey
made by Surv. Genl.

Filed Aug. 15, 1863
John O. Wheeler
Clk. U. S. Dist. Court