CASE NO.
93

SOUTHERN DISTRICT

LOS PALOS VERDES GRANT

JOSE LORETA SEPULVEDA
CLAIMANT

Land Case 93 SD

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 446

José Sorela Sepulveda et al CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Los Palos Verdes

0

/

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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* first day of November, *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 José Loreto Sepulveda et al. *for the Place named* "Los Palos Verdes" *was presented, and ordered to be filed and docketed with No.* 446 *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 November 9th 1852.

In Case No. 446 José Loreto Sepulveda for the place named "Los Palos Verdes" the deposition of Abel Stearns a witness in behalf of the claimants, taken before Commissioner Ricard Race with documents marked R.R. No. 1 and translation thereof marked D. annexed thereto was filed;

(Vide page 4 of this Transcript)

San Francisco December 13 1852

In the same Case the deposition of Leonardo Cota, a witness in behalf of the claimants, taken before Commissioner Ricard Race was filed;

(Vide page 6 of this Transcript)

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San Francisco Aug. 1st 1853.

Case No. 466 called. The counsel for the claimants read the Evidence, argued, submitted and taken under advisement by the Board.

San Francisco Decem. 20 1853.

In the same case Commissioner Thompson announced the Opinion of the Board confirming the claim.

(vide page 27 of this Transcript)

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

The petition of Jose Loreto Sepulveda & Juan Sepulveda respectfully represents:

Petition

That on or about the third day of June A. D. 1846, Pio Pico, then Governor of California in the name of the Mexican Nation by virtue of the powers & authority in him vested, the laws then in force the customs & usages of the country affecting grants of land in California, - granted in full property unto your petitioners the tract of land & rancho situate in the present county of Los Angeles known by the name of Los Palos Verdes, containing about square leagues more particularly described in the papers & maps relating to said grant of land in the archives in custody of the U. S. Surveyor General for California & in the possession of your petitioners ready to be produced & proved before your Hon Board. That copies of some portions of the papers found in the archives as well as original papers in possession of your petitioners are herewith filed as part of this petition.

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And your petitioners further show that they received juridical possession of said tract of land & rancho from the proper officer having jurisdiction of such matters as appears by original papers, documents & maps in possession of your petitioners & ready to be produced and proved before your Hon Board. That copies of the said papers & documents are herewith filed as part of this petition.

And your petitioners further show that a tract of land at the landing of San Pedro five hundred varas in extent each way, has been as is usual from this claim according to the true intent & meaning of the provisions of said grant.

And your petitioners further show that they have been in peaceable & quiet possession of said tract of land & rancho for more than twelve years prior to the

date of said grant, under authority of the Mexican Government & your petitioners are at the present time in the peaceable & quiet possession of said lands, occupying the same with their homes & corrals & their horses & cattle.

There is no conflicting claim to said rancho of any just validity known to your petitioners. That said lands have not been surveyed by the U. S. Surveyor General for California.

The evidence upon which your petitioners rely consists of the records of this grant, papers & maps in the archives now in the office & custody of the U. S. Surveyor General for California, original documents, papers and maps in the possession of your petitioners & the testimony of witnesses to be produced before your Hon Board.

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

E. O. Crosby
of Counsel for Claimants

Filed in Office Nov 1st 1852.
Geo: Fisher Secy.

Los Angeles Nov 9th 1852

Deposition of Abel Stearns.

On this day before Comr H. Hall, came Abel Stearns, a witness in behalf of the claimants Jose L. Sepulveda et al, petition No 446, & was duly sworn, his evidence being given in English. The U. S. Associate Law Agent was present.

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

5

My name is Abel Stearns, my age is fifty four years, & I reside in the city of Los Angeles. I have resided in California over twenty three years.

I am acquainted with the handwriting of the Pico, José Maria Moreno, Leonardo Cota, Ignacio Coronel & Basilio Valdez.

A paper is now shown me purporting to be a grant to José Loreto & Juan Sepulveda, dated the 3d day of June 1846. to which is attached a testimonial of juridical possession given in June 1846. The signatures of the said several persons appearing on said paper I believe to be genuine. Said Cota was acting Alcalde at the time of the giving of said possession & authorized to give it. Said paper is hereto annexed & marked H. H. No 1.

I am acquainted with the place called Palos Verdes. It is situated on the sea coast near San Pedro. The land has been occupied by the family of the Sepulvedas for more than twenty years. In 1846 when the grant was made Juan Sepulveda & José L. Sepulveda had houses on the land in which they resided separately with their families & they have continued to reside there until the present time. They used the land for the pasturage of cattle & other stock & have stock there now.

Abel Stearns.

Sworn & subscribed
Before me

Leland Hall.
Comr.

Filed in Office Nov 9th 1852.

Geo: Fisher
Secy

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Deposition of Leonardo Cota.

Los Angeles Nov 20th 1852.

On this day before Conner Hiland Hall, came Leonardo Cota a witness in behalf of the claimant, José Loreto Sepulveda, petition No 446. & was duly sworn, his evidence being interpreted by the Secretary.

The U. S. Attorney & Law Agent was present

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

My name is Leonardo Cota, my age is thirty four years & I reside in the County of Los Angeles

In June & July 1846, I was Regidor and acting Alcalde in this place. I know the Ranche Palos Verdes. It is situated in this county adjoining the port of San Pedro. As Alcalde I gave juridical possession to José Loreto Sepulveda & Juan Sepulveda in June or July of that year, & I believe in July, to said Rancho. The boundaries were marked out & the land marks set up at that time. I gave them a certified copy of the proceedings. They had been occupying the land for many years previous to that time & they have been occupying it ever since & now occupy it.

Leonardo Cota

Sworn & subscribed
Before me

Hiland Hall.
Conr.

Filed in Office Dec 13th 1852.
Geo. Fisher
Secy

15.Dk.

1846

Espediente promovida por los Señores José Loreto y Juan Sepulveda en pretencion del parage conocido con el nombre de los Palos-Verdes en la Jurisdiccion de esta Ciudad

No. 565

8

2 S.D.6.

Exmo Sr.

0 9

Jose Loreto y Juan Sepulveda Mejicanos por nacimiento y vecinos de esta ante V.E. en la mas bastante forma y como mas haya lugar en derecho Comparecemos y decimos: que hace como diez y nueve años que se nos concedió provisionalmente el parage de los Palos Verdes hacia el embarcadero cuya concesion la manifiestan los adjuntos documentos que en copia fijas con el diseño presentamos y desde esa epoca hemos tenido cubierto el sitio con ganado y caballada suficiente igualmente hemos construido fincas valiosas y le hemos dado ser a un terreno absolutamente baldio reconociendonos por tal motivo y el acto ratificado del Sr. Gral. Dn. Jose Figueroa como unos propietarios y descansabamos de buena fe en esa creencia pero el espiritu de muchos en el logro del terreno y los preparativos de otros para dañarles han dispertado nuestra confianza y nos han impelido a pedir a

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PAGE 3.L.D.K.

V.E. la revalidacion del titulo provisional en titulo de propiedad y que los demarquen el tamaño y estension con arreglo a lo que pocemos con no cesan las pretenciones injustas nuestra propiedad se asegurará y lograremos la atencion del derecho de preferencia que tenemos. Por tanto A. V.E. suplicamos que en virtud de lo espuesto y por el merito de las razones alegadas decrete de conceder lo que escribiremos gracia jurando no ser de malicia y lo necesario &c. Admitiendo la presente en papel comun por falta del sellado.

Angeles y Mayo. 29 de 1846

9

9

Jose L. Sepulveda
Juan Sepulveda

L. S. D. R.

Angeles Junio 3 de 1846

Vista la solicitud con que da principio este expediente cerciorado que todo cuanto los suplicantes alegan esta fundado en la justicia y en vista de los documentos que han hecho valer con todo lo demas que se tuvo presente y es conforme usando de las facultades con que me hallo revestido a nombre de la Nacion Mejicana y de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828 declaro por las presentes letras a los Señores Jose Loreto y Juan Sepulveda hermanos dueños en propiedad del parage conocido con el nombre de los Palos Verdes librese a los interesados el titulo respectivo y reservese el expediente para ser sometido a la Exma. Asamblea Departamental. Pio Pico Gobernador Constitucional del Departamento de California así lo mando dispuso y firmo doy fee

Pio Pico

José Matias Moreno
Srio. Gnl.

Pio Pico Gobernador Constitucional del Departamento de California

Por cuanto los ciudadanos Jose Loreto y Juan Sepulveda hermanos han pretendido para su beneficio personal y el de sus familias el terreno conocido con el nombre de los Palos Verdes que provisionalmente

han venido por concesion hecha del Go-
bierno de este país hace diez y nueve
años practicadas previamente las averi-
guaciones concernientes usando de las
facultades con que me hallo autorizado
á nombre de la Nacion Mejicana he
venido por decreto de este dia en con-
cederles el mencionado terreno, dicha-
randoles la propiedad de el por las
presentes letras de conformidad con
la ley de 18 de Agosto de 1824 y
Reglamento de 21 de Noviembre de
1828 á reserva de la aprovacion de
la Exma Asamblea Departamental
y bajo las condiciones siguientes =
1ª = Podran cercarlo sin perjudi-
car las barreras caminos y servidum-
bres lo disfrutaran libre y exclusi-
vamente destinandolo al uso y apro-
vechamiento que mas les convenga =
2ª = Solicitaran del Juez respectivo
la de la posesion jurídica en virtud
de este despacho por el cual
se demarcaran los linderos con las
respectivas mojoneras
3ª = El termino de que se les hace
donacion es el que demuestra el
diseño que obra en el expediente
el Juez que diere la posesion lo hará
medir conforme á ordenanza y dará
cuenta á este Gobierno del numero de
cabezas de ganado mayor que contiene.
4ª = Dejaran libre en la playa
de San Pedro quinientas varas á
cada viento de los cuatro cardinales
para que puedan fabricar casa
los personas á quienes se les con-
cede permiso así como no podran im-
pedir el uso de las aguas y pasturas

a las personas que trafican con bueyes carretas caballada y demas en el puerto de San Pedro.

En consecuencia mando que teniendose el presente titulo por firme y valedero se tome razon de el en el libro a que corresponde y se entregue a los interesados para su resguardo y demas fines. Dado en papel comun por no haber sellado en la ciudad de los Angeles a los tres dias del mes de Junio de 1846. — Pio Pico.

J. M. M.

S. G.

Pio Pico Gobernador Constitucional del Departamento de California

Por cuanto los Ciudadanos Jose Loreto y Juan Sepulveda hermanos han pretendido para su beneficio personal y el de sus familias el terreno conocido con el nombre de los Prados Verdes que provisionalmente han poseido por concesion hecha del Gobierno de este Pais hace diez y nueve años practicadas previamente las averiguaciones convenientes usando de las facultades con que me hallo autorizado a nombre de la Nacion Mejicana he venido por decreto de este dia en concederles el mencionado terreno declarandoles la propiedad de el por las presentes letras de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828 a reserva de la aprovacion de la Exma Asamblea Departamental y bajo las condiciones siguientes

1ª Podran cercarlo sin perjudicar las haverias caminos y servidumbres lo disfrutaran libre y exclusivamente destinandolo al uso y aprovechamiento que mas les convenga

8 S.D.K. 2ª = Solicitaran del Juez respectivo la de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos con las respectivas mojoneras

3ª = El terreno de que se les hace donacion es el que demuestra el diseño que obra en el espediente. El Juez que dené la posesion lo hará medir conforme a ordenanza y dará cuenta a este Gobierno del numero de sitios de ganado mayor que contiene.

4ª = Dejaran libre en la playa de San Pedro quinientas varas a cada viento de los cuatro cardinales asi como no podran impedir el uso de las aguas y pasturas a las personas que trafican al puerto de San Pedro.

En consecuencia mando que teniendose el presente titulo por firme y valedero se tome razon de el en el libro a que corresponde y se entregue a los interesados para su resguardo y demas fines. Dado en papel comun por no haber sellado en la Ciudad de los Angeles a los tres dias del mes de junio de mil ochocientos cuarenta y seis.

9 S.D.K. Queda tomada razon de este superior despacho en el libro respectivo

Pio Pico

Office of the Surveyor General of the United States for California

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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 charge and control a portion of the Archives of the former Spanish and Mexican Territory a Department of Upper California do hereby certify that the nine preceding and hereunto annexed pages of Tracing paper numbered from one to nine inclusive and each of which is verified by my initials (S.D.K.) exhibit a true and accurate copy 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 seal of office) at the City of San Francisco Cal. this 16th day of October 1852

Sid

Samuel D. King
Surv Genl Cal

Filed in office
Nov. 1st. 1852
Geo Pinkes.
Secy.

Exhibit B.
Translation

Your Excellency.

We, José Loreto & Juan Sepulveda Mexicans by birth & residents of this place, before Your Excellency in the most sufficient form & to the utmost extent of the law, doappear & say, that it is about nineteen years since the tract of Palos Verdes towards the Embarcadero was granted to us provisionally. This grant is proven by the subjoined documents which we present in fourteen sheets together with the plan; & since that period we have the premises stocked with cattle & horses in sufficient number, We have likewise constructed valuable improvements & have given life to a tract absolutely deserted. Wherefore & under the deed, ratified by General Don José Figueroa, we considered ourselves as proprietors and reposed in good faith in that belief, but the pretensions of many persons towards the enjoyment of the premises & the preparations made by others to prejudice them have awakened us from our confidence & induced us to pray your Excellency to sanction the provisional title into a title of ownership & that the size & extension be assigned according to what we possess, & thereupon, unjust pretensions will cease, our property will be secured & we shall obtain attention to the right of preference which is ours.

Wherefore we beseech your Excellency by virtue of the aforesaid & the merit of the causes alleged to give us a decree of concession wherein we shall receive favor. We make oath that we do not proceed through malice, & add the necessary verifications & praying that these presents be admitted on common paper there being none stamped.

Angeles May 29th 1846.

José L. Sepulveda.
Juan Sepulveda.

Angeles June 3 1846.

In view of the petition whereunto these Proceedings originate, proof having been taken that all the matters alleged by the petitioners are founded in justice, & in view of the documents whereof they have availed themselves to gather with all other things which were brought forward & it was behooving to keep in view. In the exercise of the powers whereunto I am invested, in the name of the Mexican Nation & in conformity with the law of 18th of August 1824 & the Regulation of 21st of November 1828, I declare by these present letters the Señores José Loreto & Juan Sepulveda, brothers, owners in absolute property of the tract known by the name of Los Palos Verdes Let the appropriate title be issued to the parties in interest & let the minutes of these Proceedings be kept to be submitted to the approval of the Most Excellent the Departmental Assembly.

Pio Pico, Constitutional Governor of the Department of California, have so ordered decreed & subscribed. Witness my hand.

Pio Pico.

José Matias Moreno.

Secretary ad interim

Filed in Office Nov 1st 1852.

Geo. Fisher.

Secy.

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Posesion de los
Palos Verdes

Año de
1846

Pio Pico Gobernador Constitucional del Departamento de las Californias.

Por cuanto los Ciudadanos José Loreto y Juan Sepulveda, hermanos, han pretendido para su beneficio personal y el de sus familias el terreno conocido con el nombre de los Palos Verdes, que provisionalmente han poseido por concesion hecha del Gobierno de este pais hace diez y nueve años; justificadas previamente las averiguaciones consiguientes usando de las facultades que me son conferidas á nombre de la Nacion Mejicana, he venido por decreto de este dia en considerar el mencionado terreno declarandoles la propiedad de el por las presentes letras de conformidad con la ley de 18 de Agosto de 1824 y Reglamento de 21 de Noviembre de 1828 á reserva de la aprobacion de la Exma Asamblea Departamental y bajo las condiciones siguientes:

1ª = Podran cercarlo sin perjudicar las travesias caminos y servidumbres la disfrutaran libre y exclusivamente destinandolo al uso y aprovechamiento que mas les convenga.

2ª Solicitarán del juez respectivo la de la posesion jurídica en virtud de este despacho, por el cual se demarcaran los linderos con las respectivas ingenuas.

3ª = El terreno de que se hace donacion es el que demuestra el diseño que obra en el expediente. El juez que diere la posesion lo hará medir

conforme á ordenanza y dará cuenta á este Gobierno del numero de sitios de ganado mayor que contiene.

4ª Dejarán libres en la playa de San Pedro quinientas varas á cada viento de los cuatro cardinales así como no podrán vender á las personas que trafican al Puerto de San Pedro.

En consecuencia mando que teniendose el presente titulo por firme y valedero se tome razon de el en el libro á que corresponde y se entregue á los interesados para su resguardo y demas fines. Dado en papel comun por no haber sellado, en la ciudad de los Angeles á los tres dias del mes de Junio de mil ochocientos cuarenta y seis.

Pio Pico

Jose Maria Moreno

Sria Gral.

Fuida tomada razon de este superior Despacho en el libro respectivo.

Moreno.

En la ciudad de los Angeles del Departamento de California á los once dias del mes de Junio de mil ochocientos cuarenta y seis. Yo Leonardo Cota Alcalde primero interino y Regidor decano del Ylustre Ayuntamiento de esta ciudad, digo: que por cuanto han solicitado los Señores Don Jose Loreto y Don Juan Sepulveda que se les de posesion juridica del terreno conocido con el nombre de los Palos Verdes, del cual presentaron el titulo de propiedad

respectivo firme por mi y testigos de asistencia y dende la posesion jurídica que solicita con arreglo al precitado despacho que expidió el Exmo. Sor. Gobernador con fecha tres del presente. Así lo dispuse mandé y firmé con los de asistencia segun derecho en este papel comun por falta del sellado = Leonardo Cota = asistencia = Ygnacio Cornel = asistencia Basilio Valdez. En seguida yo el juez que subscribe pasé oficio al colindante manifestandole que iba a remedir el paraje de los Palos Verdes y que iba a poner en posesion de el á los Señores don José Loreto y Dn. Juan Sepulveda. Y no habiendo manifestado oposicion alguna se pone por diligencia que autorizé y firmé con los de asistencia segun derecho. Leonardo Cota = asistencia Ygnacio Cornel = asistencia Basilio Valdez. Acto continuo para la practica de estas diligencias nombro dos oficiales cordeleros los que por no saber escribir se omiten sus nombres y a los mismos que les hize saber el acto de su nombramiento respondiendo que entendidos lo oian y aceptaban bajo de juramento, prometiendo desempeñar fiel y legalmente su encargo esto contestaron y no firmaron por no saber, y lo hize yo con los de asistencia segun derecho = Leonardo Cota = asistencia = Ygnacio Cornel = asistencia = Basilio Valdez Ynventenuti y hallandome en el sitio de los Palos Verdes por ante mi los testigos de asistencia y los oficiales cordeleros mandé medir un cordel constante de cien

varas al que se atieron a sus extremos unos bancos de madera, y previa observacion y calculo por mi disposicion se tiró el cordel con direccion al poniente y se midieron y contaron dos mil varas, que remataron en unos magueyes a villa de la playa donde se mandó poner una mojonera; de este punto continuo la segunda medida con direccion al Sur y se midieron y contaron cinco mil trescientas varas que remataron en la playa en un paraje nombrado el codo; de este lugar y con direccion al oriente se tiró la tercer medida respetando quinientas varas que se dejaron por cada uno de los cuatro vientos cardinales para los usos del superior Gobierno; y continuando la medida hasta el paraje nombrado la Goleta salieron por escelleado quince mil varas, que remataron en el mismo paraje donde se ordenó que pongan una mojonera, de este lugar y con direccion al Norte se tiró la cuarta medida y se contaron ocho mil varas, que remataron donde se comenzó. En tal estado y concluida la remedida del terreno lo di a los interesados para su justificacion a nombre de la Nacion Mejicana y dandose por satisfechos de todo lo actuado lo mando poner por diligencia que autorizo y firmo con los de asistencia segun derecho Leonardo Leta = asistencia = Ygnacio Bernel = asistencia Basilio Valdez

Habiendose concluido las presentes diligencias desde testimonio a las partes para los usos que le

convengan. Asi yo el juez que subscribe decreté mandé y firme con los de asistencia segun derecho = Leonardo Cota = Asistencia = Bacilio Valdez =

En la fecha se dió el testimonio respectivo y se anotó para constancia publica = Subsica = entre Reglones = tes con las = ana = v. = tachado = continuo = no, v.

Concuerda con la original que se halla en el protocolo respectivo del que se saco corrigió y confronto fiel y legalmente en estas tres fojas de papel comun por falta de sellado, advirtiendo que con el titulo original que va a la cabeza forman cinco fojas = fecha ut supra

Leonardo Cota

assa

Ygnacio Cornel

ana

Bacilio Valdez

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

DB

Pio Pico, Constitutional Governor of the Department of the California.
L.S.

Whereas the Citizens José Loreto & Juan Sepulveda, brothers, have claimed for their personal benefit & that of their families the tract known by the name of Palos Verdes which they have possessed provisionally under grant made by the Government of this country written years ago, the investigations in that behalf having first been taken In the exercise of the powers wherewith I am invested in the name of the Mexican Nation, I do now, by decree of this day grant unto them the aforesaid tract declaring unto them the aforesaid tract declaring unto them the ownership thereof by the present letters in conformity with the law of 18th of August 1824 & the regulations of 21st of November 1828 under reservation of the approval of the Departmental Assembly & under the following conditions

1st They may enclose it without prejudicing the cross roads, highways & rights of way, they shall enjoy it freely & exclusively devoting it to the use & improvement which best may behove them

2d They shall request the competent Magistrate to give them judicial possession by virtue of this patent, which Magistrate shall assign the proper land marks.

3d The tract hereby granted is that known by the plan filed with the minutes of the proceedings The Judge who gives the possession will cause it to be measured conformably to ordinance and shall report to this government the number of ranges (sitios) for neat cattle which it contains.

4. They shall leave free on the beach of San Pedro five hundred varas in each direction of the four

Exhibit D
Translation - pind - prose -

Translation of H. H. No 1 - annexed to the depo of Abel Stearns Nov 9 1852.

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cardinal points. Neither shall they have power to prevent the persons who traffic at the Port of San Pedro from using water & pasturage.

In consequence I order that the present title being held as firm & valid, be entered of record in the appropriate book & delivered to the parties in interest for their protection & further ends. Given on common paper there being none stamped on the third day of the month of June one thousand eight hundred & forty one.

Pio Pico

José Matias Moreno

Secy ad interim

This Superior Patent is entered of record in the appropriate book

Moreno.

At the City of Los Angeles in the Department of California, on the 11th day of the month of June, one thousand eight hundred & forty, one I, Leonardo Cota, first Alcalde ad interim & senior Member of the Illustrious Municipal Council of this city made the following order: Whereas the Señores Don José Loreto & Don Juan Sepulveda have requested that juridical possession be given them of the tract known by the name of Los Palos Verdes, whereof they produced the due title of ownership, ordered that I, & the attesting witnesses repair & deliver the juridical possession which they solicit, agreeably to the aforementioned patent which His Excellency the Governor issued dated the third instant. So decreed ordered & signed by me with the attesting witnesses

according to law on this common paper, there being none stamped.

Leonardo Cota.

Attest. Ignacio Coronel. Attest. Basilio Valdez.

Next afterwards I the undersigned Judge sent notice to the owners of neighboring lands informing him that I was going to remeasure the tract of Los Palos Verdes & was going to place in possession of the same the senores Don Jose Loreto & Don Juan Sepulveda, & he not having shown any exception the same is noted in the minutes which I certified & subscribed with the attesting witnesses according to law.

Leonardo Cota.

Attest. Ignacio Coronel. Attest. Basilio Valdez.

Immediately afterwards & for the practical part of these proceedings, I appointed two official line bearers whose names are omitted, they not knowing how to write. I informed them of the act of their appointment, they answered that they heard & understood it & accepted under oath promising to discharge their office faithfully & legally. This was their answer which they did not sign not knowing how to write & I subscribed the same with the attesting witnesses according to law.

Leonardo Cota

Attest. Ignacio Coronel. Attest. Basilio Valdez.

Immediately afterwards I being at the premises of Los Palos Verdes & having in my presence the attesting witnesses & official line bearers, I caused to be measured a line one hundred varas in length there were fastened wooden

poles at its extremities & after observation and calculation, the line was drawn under my direction on a westerly course, & there were measured & counted twelve thousand varas which ended at some sand hills on the edge of the beach where a land mark was ordered to be placed. From this point, the second measurement proceeded towards the south & there were measured & counted five thousand three hundred varas which terminated on the beach at a place called El Coda. From this place & on an Easterly course, the third measurement was run leaving a reserve of five hundred varas on each one of the four cardinal points for the uses of the Superior Government & the measurement continuing to the place called La Goleta, the result was fifteen thousand varas which ended at said spot where a land mark was ordered to be placed. From this spot & in a Northerly direction, the fourth measurement was run, & there were counted eight thousand varas which ended at the place of beginning. In this state of things & the remeasurement of the tract being ended, I gave judicial possession to the parties interested in the name of the Mexican Nation & they expressing themselves satisfied with all the proceedings, I order the same to be entered in the Minutes which I certify and subscribe with the attesting witnesses according to law.

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Leonardo Coda.

Attest Ignacio Coronel. Attest. Basilio Valdez.

The present proceedings being concluded, let certificate be given to the parties for their behoving uses, I, the undersigned Judge have so

decreed, ordered & subscribed with the attesting witnesses according to law.

Leonardo Cota.

Attest. Basilio Valdez.

On the date the due certificate was given, and of the same is taken for evidence.

A. Scroll.

Interlined the words tres con las usza — In = Effaced - continue = out.

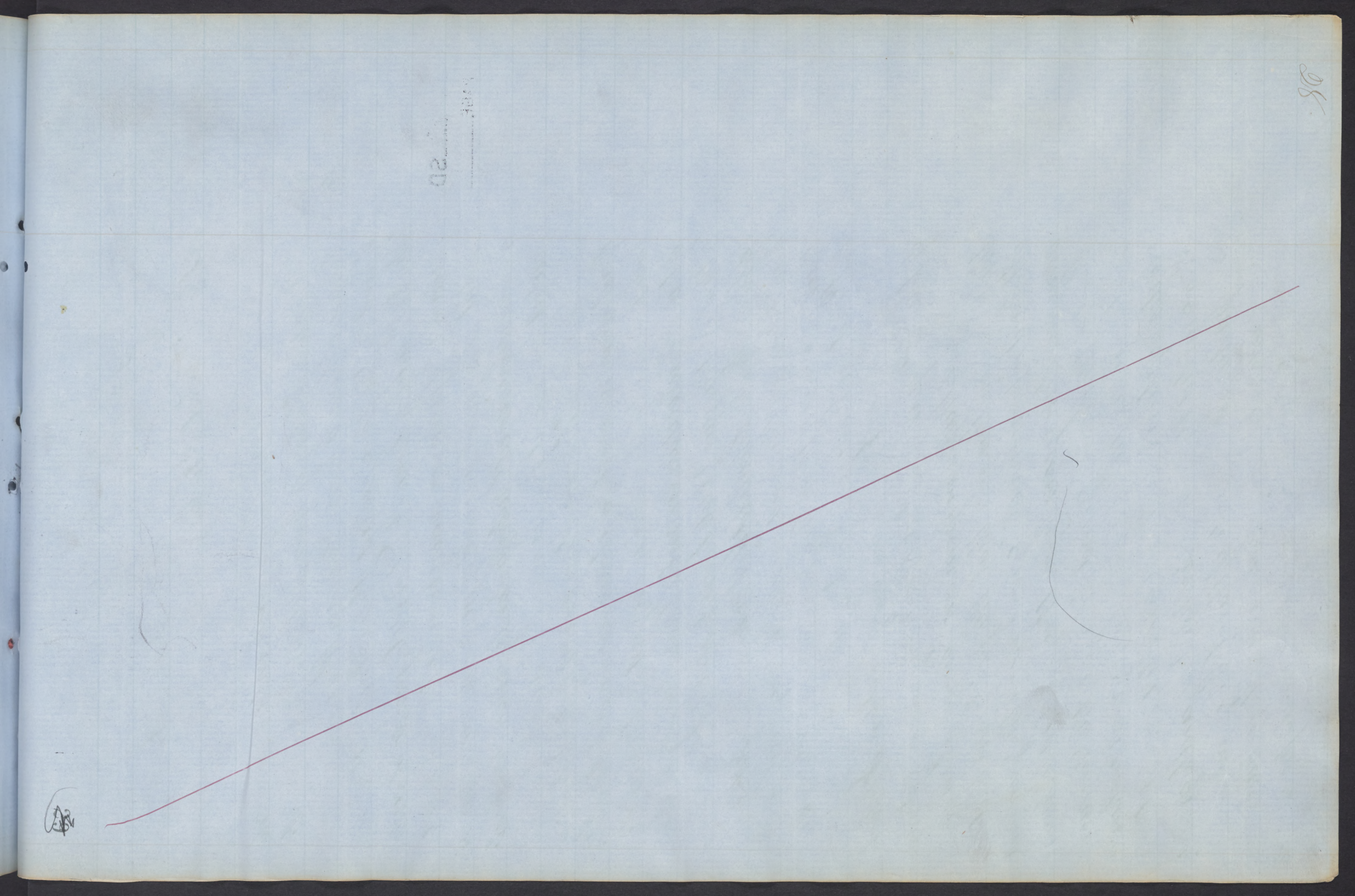
A true copy of the original which is on file in the proper record & from which it was taken with faithful & lawful corrections & collations in these three sheets of common paper for want of the stamped. Notice that with the original title at the head, there are five sheets — Same date.

Leonardo Cota.

Attest. Jgo Coronel. Attest. Basilio Valdez.

Filed in Office Nov 1st 1852

Geo: Fisher.
Secy.



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José Loreto Sepulveda
& Juan Sepulveda
vs
The United States.

Palos Verdes.

Opinion of the Board by Comr Campbell.

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The papers on file in this case show that, on the 3d day of June A. D. 1846, the petitioners claimed from Governor Pio Pico, a grant of land for the place called Palos Verdes; that on the 11th day of June A. D. 1846, juridical possession of said premises was given to the parties interested. The grant & record of juridical measurement & possession are all satisfactorily proved & authenticated.

The petitioners have proved by the testimony of witnesses whose depositions are on file that, the land claimed has been occupied by the family of the Sepulvedas for more than twenty years, & that in the year 1846 when they obtained their grant, Juan Sepulveda & José L. Sepulveda, had houses on the land, in which they lived, with their families, & that they have continued to reside there ever since.

There is no proof that any approval of the Departmental Assembly was ever given.

It appears from an examination of the papers in this case that, the petitioners had obtained a "provisional" grant from the Government some nineteen years before they applied to Governor Pico for the present grant, this fact the Governor relates in his deed of grant. The grant contains no description of the land granted, except that it is granted by name, without regard to quantity. The parties at the date of their last grant were in possession of the premises, which they had been holding for near twenty years under a provisional

grant, this may account for the absence of all description of the premises; & although it is expressly stated that, it is made in conformity with the law of the 18th of August 1824 & the Regulations of the 21st of November 1828, the actual occupation of the parties at the time grant was made, & the fact having been made to appear to the granting power that, they had possessed & occupied the land long previous to that time, by authority of the government, the usual formality in regard to description as well as the condition that a house should be built within a prescribed period of time, seem to have been omitted, & as I think very properly.

The third condition of the grant designates the land as follows: "The tract hereby granted is that, shown by the plan filed with the minutes of proceedings", & then proceeds to enjoin the Judge who may give the possession to report the number of leagues the tract contains to the government. The plan here referred to is not to be found with the other papers in the case. The judicial measurement was made as required, not however with that distinctness & certainty that would perhaps be sufficient to identify an unoccupied tract of land. The map referred to is most likely in the Archives in the United States Surveyor General's office & if it could be found I have no doubt, would greatly aid the officer in making his survey.

Taking the long possession, together with the assistance afforded by the judicial measurement, I think there will be but little difficulty in ascertaining the precise locality of the place called Los Polos Verdes.

The 4th condition of the grant, reserves

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on the beach of San Pedro, five hundred varas in each direction of the four cardinal points. This reservation is made by the officer who made the judicial measurement of the land, & is doubtless intended to embrace the port of San Pedro.

The equities found in this case we think clearly entitle the petitioners to a confirmation of their claim.

A decree in conformity with this opinion will be entered.

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Filed in Office Dec 20 1853.

Geo: Fisher.
Secy

José Loreto Sepulveda
& Juan Sepulveda
vs
The United States.

Decree of Confirmation.

In this case on hearing the proofs & allegations it is adjudged by the Commissioners that the said claim of the petitioners is valid, & it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made, are known by the name of Los Palos Verdes, & are the same now occupied by said petitioners, & are bounded & described as follows, to wit: Beginning at the South East point of the place Los Palos Verdes, at a place called La Galera, where there is a land mark, & running in a Northerly direction eight thousand varas; thence running in a westerly course twelve thousand varas

to some sand hills on the edge of the beach, where there is a land mark; thence running South five thousand three hundred varas to a point on the beach, called El Cedo; thence running on an Easterly course, leaving a reserve of five hundred varas, on each one of the four cardinal points, fifteen thousand varas to the place of beginning. Reference for further description to be had to the record of judicial measurement, marked "Translation of H. H. No 1" & filed in this case.

Alphew Felch.
Thompson Campbell.
R. Aug. Thompson. } Commissioners

Filed in Office Dec 20th 1853.
Geo: Fisher
Secy

49 folios

93 SD
PAGE 32

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 two pages, numbered from 1 to 32, 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. 446 on the Docket of the said Board, wherein José Loreto Sepulveda et. al. are the Claimant, against the United States, for the place known by the name of "Los Palos Verdes"

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. 1854, and of the Independence of the United States of America the seventy-ninth

Geo: Fisher
Sec'y.

93.

93 SD
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Office of the Attorney General of the United States,

Washington, 30th November 1854.

José Soreto Sepulveda
vs.
The United States. } 446.

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.

No. 93. 1

U. S. District Court

Southern District —

The United States

vs —

José Loreto Sepulveda

Appeal Notice —

Filed Jany 10th 1855.

C. E. Carr.

Clk.

No 1.

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

Jose Loreto Sepulveda et al. ads The United States. } No 93 (Transcript No 244 b)

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; and being present here in Court in his proper person, in the name and behalf of the United States, represents as follows.
That heretofore, to wit, on or about the 1st day of November A.D. 1852, Jose Loreto Sepulveda, and Juan Sepulveda, 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 "Los Palos Verdes", in the County of Los Angeles, in the words and

figures following, viz.

" The petition of José Loreto Sepulveda and
" Juan Sepulveda respectfully represents:
" That on or about the third day of
" June A.D. 1846, Pio Pico, then Governor
" of California in the name of the Mexi-
" can nation by virtue of the powers &
" authority in him vested, the laws then
" in force, the Customs and usages of the
" Country affecting grants of land in Cali-
" fornia, - granted in full property unto
" your petitioners the tract of land & rancho
" situated in the present County of Los
" Angeles known by the name of Los
" Palos Verdes, containing about square
" leagues more particularly described in
" the papers and map relating to said
" grant of land in the archives in Custody
" of the U.S. Surveyor General for Califor-
" nia & in the possession of your petition-
" ers ready to be produced & proved before
" your Hon Board. That Copies of some
" portions of the papers found in the
" Archives as well as original papers in
" possession of your petitioners are herewith
" filed as part of this petition.
" And your petitioners further show that

" they received juridical possession of said
" tract of land & rancho from the proper
" Officer having jurisdiction of such matters
" as appears by original papers, documents
" & maps in possession of your petitioners
" & ready to be produced and proved before
" your Hon Board. That Copies of the
" said papers & documents are herewith filed
" as part of this petition.

" And your petitioners further show
" that a tract of land at the landing of
" San Pedro five hundred varas in extent
" each way, has been, ~~and~~ as is reserved from
" this Claim according to the true intent
" and meaning of the provisions of said
" Grant. And your petitioners further
" show that they have been in peaceable
" & quiet possession of said tract of land
" & rancho for more than Nineteen years
" prior to the date of said Grant, under
" authority of the Mexican Government
" & your petitioners are at the present time
" in the peaceable and quiet possession
" of said lands, occupying the same with
" their houses & Corrals & their horses & cattle.

" There is no Conflicting Claim to
" said Rancho of any just validity known

" to your petitioners. That said lands have
" not been surveyed by the U.S. Surveyor
" General for California.
" The evidence upon which your peti-
" tioners rely consists of the records of
" this grant, papers & maps in the
" archives now in the office & custody
" of the U.S. Surveyor General for Califor-
" nia, original documents, papers and
" maps in the possession of your petition-
" ers & the testimony of witnesses to be
" produced before your Hon Board.
" Respectfully submitted for such
" action as the justice & nature of the claim
" may require."

Your petitioner further represents that there-
after, to wit, on the 20th day of December
A.D. 1853 the said Commissioners confirmed,
by final decree, the said claim of the
said José Loreto, and Juan Sepulveda,
in the words and figures following to wit,
" In this case on hearing the proofs & allegations
" it is adjudged by the Commissioners that the
" said Claim of the petitioners is valid, & it is
" therefore decreed that the same be confirmed.
" The lands of which confirmation are hereby

" made, are known by the name of Los Palos
" Verdes, (& are the same now occupied by said
" petitioners,) & are bounded & described as follows;
" to wit: Beginning at the South East point
" of the place Los Palos Verdes, at a place called
" La Galeta, where there is a land mark,
" & running in a Northerly direction eight
" thousand varas: thence running in a Westerly
" Course twelve thousand varas to some sand
" hills on the edge of the beach where there
" is a land mark; thence running South five
" thousand three hundred varas to a point
" on the beach, called El Codé; thence running
" on an Easterly course, leaving a reserve of
" five hundred varas, on each one of the four
" Cardinal points, fifteen thousand varas to
" the place of begining Reference for
" further description to be had to the
" record of juridical measurement, marked
" Translation of H. H. No 1 & filed in this
" Case.

" Alpheus Felch
" Thompson Campbell } Commissioners
" R Aug Thompson "

That thereafter, to wit, on the 29th day of
September A.D. 1854, a duly certified Tran
cript of the said decree, and proceedings,
and the papers and evidence on which it

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 93 (Transcript No 446) 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 446) and the papers and evidence on which said decree was founded.

That 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 José Loreto Sepulveda and Juan Sepulveda, vs. the United States, from the decision of 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 insists that the said decree of said Commissioners is erroneous, and ought to be reviewed, reversed, 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 said petition of said Claimants 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 Claimants have shown any or sufficient evidence of the validity of the said Claim.

II. That the said alleged grant of Pio Pico, 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 Claimants, was and is within ten leagues of the Sea Coast; and there is no evidence shown by Claimants 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 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

Colonization of the Territories of Mexico, of the 21st of November A.D. 1828.

V. That the said land was not, at the time of the alleged provisional Concession, nor at the time of the alleged grant to said Claimants, by Pio Pico, unowned, unclaimed, or unoccupied, by persons, other than the said Claimants.

VI. That at the time of the said alleged grant of land to said Claimants, by Pio Pico, it belonged to the Pueblo of Los Angeles, and Could not therefore be Colonized. ~~And the said alleged grant of said land by said Pio Pico is void for uncertainty~~.

VII. That the genuineness of said alleged grant of land to said Claimants by Pio Pico dated June 3d 1846, is not sufficiently proved. And its genuineness is denied. That the said alleged grant, does not Contain any description of the locality, extent, and boundaries of the land Claimed by which it can be identified, and surveyed. ~~Except~~ That the said alleged grant of said land by said Pio Pico is void for uncertainty. And That the said alleged grant is not executed upon the lawful stamped paper.

VIII. That the map referred to in the said alleged grant, and also in the petition of said Claimants to said Commissioners, is not shown by them. That the said alleged Map is an essential part of said alleged grant.

IX. That the pretended documents of provisional Concession of the land known as "Los Palos Verdes" alleged to have been given by the Government of California to said Claimants, about nineteen years prior to the date of the said alleged grant of said Pio Pico, and which said pretended provisional Concession of the said land known as "Los Palos Verdes" is referred to in said alleged grant of Pio Pico, is not shown by the said Claimants. And it is denied that the said Claimants ever had a provisional Concession, for said named tract of land as alleged in their said petition.

X. That there is no evidence that the said alleged grant of said land by Pio Pico, was ever approved by the Departmental Assembly of California; or the Supreme Government of Mexico. And it is denied that the said alleged grant of said land, to said Claimants by Pio Pico, was ever approved by the said

Departmental Assembly, or the said Supreme Government.

XI. That the said Claimants have shown no definitively valid grant or title to the said land. And it is denied that they ever had or have a definitively valid grant, or title, for said land.

XII. That the documents shown by Claimants purporting to be a Certified Copy of the act of juridical possession of said land, dated, 11th June 1846, is not executed upon the lawful Stamped paper. That there is no sufficient evidence that the said document is genuine. And its genuineness is denied. That there is no sufficient evidence that Leonardo Cota was acting first Alcalde of Los Angeles, at the date of the said alleged juridical possession; and that he had, as such, lawful authority, at that time, to perform said alleged juridical act or acts. And it is denied that the said Leonardo Cota, was acting first Alcalde of Los Angeles on the 11th of June 1846, and that he then had lawful authority to perform said alleged juridical act or acts.

XIII. That the said Leonardo Cota had no lawful authority to measure and give

give juridical possession of the said land to said Claimants, as alleged, for the reason, that the said alleged grant of said Pio Pico, was, in the description of the land, so vague and indefinite, that it could not be identified and measured; and for the further reason, that the said alleged grant, had not then, (the 11th of June 1846) been approved by the Departmental Assembly of California, or the Supreme Government of Mexico. And the said alleged juridical act or acts of measurement and juridical possession of said land, are therefore void.

XIV. That the said pretended juridical act or acts of measurement and possession of said land by said Leonardo Cota, were not done according to the said alleged grant, and the Map refered to therein; nor according to the ordinance, or law. And the said pretented juridical act or acts of measurement and possession of the said land are vague, indefinite, and void.

XV. That there is no evidence that the said Claimants were in possession of the land Claimed, for more than Nineteen Years

prior to the date of the said alleged grant of said Pio Pico, under the authority of the Mexican Government, as alleged in their said petition to said Commissioners. And it is denied that they were in the possession of the said land, for more than Nineteen years prior to the date of the said alleged grant of said Pio Pico, under the authority of the Mexican Government.

XVI. That there is no evidence that the said Claimant performed the conditions of the said alleged grant; and the requirements of the law. And it is denied that they performed the conditions of the said alleged grant, and the requirements of the law.

XVII. That there is no sufficient evidence that the said Claimants built a house upon the said land, and that it was inhabited within one year from the date of the said alleged grant of said Pio Pico; and that they cultivated the said land. And it is denied that they built a house upon the said land, and that it was inhabited within one year from the date of the said alleged grant of said Pio Pico, and that they cultivated the said land.

XVIII. And the genuineness of the said alleged original grant of said Pio Pico, for said lands is not sufficiently established by said Claimants. And it is denied that the said alleged grant of Pio Pico is genuine; and that it was made at the time of its pretended date and delivered to the said Claimants, as alleged in their said petition. And the said alleged grant of said Pio Pico, is antedated and fraudulent. And the said alleged testimonial of juridical measurement and possession by Leonardo Cota, is antedated and fraudulent. And no sufficient proof having been made by said Claimants of the allegations of their said petition, or in support of their said Claim filed as aforesaid, no decree ought to have been made, or grounded therein; but the said petition ought to have been dismissed, and said Claim rejected by said Commissioners, upon the grounds aforesaid.

And the said Claimants having no valid right or title, derived from the Spanish, or Mexican Government, to the said land claimed by them, 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 3 A D 1851 and the laws and statutes in such case made and provided, prays that the said Josi Loreto Sepulveda, and Juan Sepulveda, 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 said Josi Loreto Sepulveda and Juan Sepulveda, 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 Calif.

45 Pp 95

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

José Loreto Sepulveda
et. al.

vs

The United States

Petition of U. States
for Review

Filed Aug 13th 1858
C. E. Carr
Clk.

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P. Ord Dist atty
No. 2.

54

U.S. District Court for the
Southern District of California

José Loreto Sepulveda et. al.
ads
The United States.

No 93.
Transcript No. 446.

The respondents for answer to the petition filed in this cause answer and say. 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 these respondents deny that their title to the said land is invalid - and aver that the same is valid - and pray that the decision of the said Board of Commissioners be affirmed. and their title be decreed to be valid -

E. O. Crosby
Counsel for respondents

No. 93.

U. S. District Court for the Southern District of California

"

Jose Loreto Sepulveda et. al.

ads

The United States.

"

Answer of Respondents.

Filed Sept. 29th 1855

J. E. Carr clk

By H W Hoff dep

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E O Crosby of Counsel for respondents

No. 3.

Vicente Sepulveda et al
Appellees.
vs.
The United States, Appellants.

No. 93.
For
"Palos Verdes"
Manuscript No. 446.

On Motion of P. Ord, Attorney of the United States, and on suggesting to the Court, that in the alleged original title of the appellees within the exterior limits of the land claimed herein, in this cause, it appears that there was a reservation by the Government of five hundred varas square, at the Port of San Pedro; ~~and~~ that the said reservation has never been surveyed; and that a survey is necessary to establish with certainty the locality of the same, and to fix its metes & bounds ~~so that the Government may be with greater certainty, &c.~~ It is ordered by the Court that

he and he is hereby appointed by the Court to make a survey of the said reservation of five hundred varas, at the Port of San Pedro, in ~~the County of~~ Los Angeles according to the original title papers on file in this ~~office~~ Court, Cal.; and to ~~return the same~~ make ~~report~~ a full report thereof in open Court on ~~the first day~~ the first day of the next December term of this Court.

No 93. 3

U.S. Dist Court
South Dist of Cal.

Jose L. Sepulveda
et al.
appellees,

vs.

The United States.
appellants.

Motion & Order (by Hall)
for Survey.

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Filed July 25th 1856.
J. E. Carr
Clk

No. 8

58

Dec Term. 1856.

Jose Loretto Sepulveda
and Juan Sepulveda.
ads
The United States

United States District Court
for the Southern District of
California

~~December Term A.D. 1856~~

No 93.

This cause coming on to be heard on appeal from the decision of the board of land Commissioners to ascertain and settle private land claims in the State of California under the act of Congress approved March 3rd 1851. upon the transcript of proceedings and decision of said board, and the papers and evidence upon which said decision was founded all of which have been duly filed in this court; and ~~upon~~ Counsel for the respective parties having been heard, it is ordered adjudged and decreed that the decision of said board be and the same is hereby affirmed, and that the title of the said Jose Loretto Sepulveda and Juan Sepulveda the above named appellees, is a good and valid one.

The land of which confirmation is hereby made is that known by the name of "Los Palos Verdes" situated in the County of Los Angeles and is bounded and described as follows: Beginning at the South East point of the place Los Palos Verdes at a place called La Galita where there is a land mark and running in a northerly direction Eight thousand varas; thence running in a westerly course twelve thousand varas to some Sand hills on the edge of the beach where there is a land

mark; thence running South five thousand three hundred varas to a point on the beach called El. Codo; thence running on an Eastery course, leaving a reserve of five hundred varas on each one of the four cardinal points, fifteen thousand varas to the place of beginning, reference being had for further description to the grant of said lands made by Pio Pico dated June 3d 1846. to the said Jose Loretto Sepulveda and Juan Sepulveda, and to the act of judicial possession of said lands made by Leonardo Cota First Alcalde and dated June 11th 1846. which said grant and act of judicial possession are filed in this case — Provided ~~the quantity of lands contained in the above boundaries shall not exceed Eleven Square leagues~~ # ~~is hereby confirmed of land~~ ~~but~~ if there be more than Eleven square leagues within said boundaries then confirmation is only made to that extent — but if the quantity of land contained in said boundaries be less than Eleven Square leagues, then confirmation is hereby made for such less quantity —

Ogden
U S Dist Judge
for the S Dist of Cal

No 53
Jose L Sepulveda
et als.
vs
The United States

Decree
Entered April 30. 1857
Book 95

Filed Oct 10th 1856
Geo. Ogden
Clerk

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California Land Claims
Attorney General's Office
9 Feby 1857.

Sir:

In the case of the claim of José L. Sepulveda, et al.; confirmed to the claimants by the Commissioners, Case no. four hundred and forty-six, (446), appeal will not be prosecuted by the United States.

I am,
Respectfully,
Cushing

William Ad Eq
U. S. Attorney,
Los Angeles.

No. 93.

Filed 4 March 1858,
C. Dinz Clk.
for W. W. Stetson
Ch Pty

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No. 13

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

The United States
Appellants
vs
Jose Loreto Sepulveda &
Juana Sepulveda
Appellees

No 93.

Now comes the said Appellants and suggests to the Court that the survey of the premises claimed by the Appellees in this cause heretofore made and approved by the Surveyor General of the United States for the State of California is not made in conformity with the final decree in this cause, and that the appellants will be injured thereby and the Appellants now moves for an order of this Court upon the said Surveyor General directing him to return into Court forthwith, the approved plat of the survey aforesaid for the further action of this Court.

J R Mitchell
U S Dist Atty

No 23

The United States
vs
Lore Loretto Sepulveda &
Inez Sepulveda

" "

Motion for return of
Survey

" "

Filed in Office this
11th " Sept 1860

C. Sims
Clk.

93 SD
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No 16

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

Jose Loreto Sepulveda
& Juana Sepulveda
vs
The United States

No 93.

Daniel McLean being duly sworn upon his oath deposes and says that he has examined a plat of the survey from the Office of the Surveyor General of the United States for the State of California, purporting to be the approved official survey of the Rancho of Palos Verdes in the County of Los Angeles, and that he has carefully compared the boundary lines in said survey with the boundary lines as given in the final decree of this Court in this case, and a certified copy of which deponent has also seen and examined. Deponent says that he has calculated the distance upon said map as run by the said Surveyor General as his depth as run from the point on said map marked "Sand hills" to the point marked on said map marked "Los Coloradas", and finds the whole distance to be 39.493 3/10 varas. That the direction of said line is first southerly, thence

easterly and thence northerly; that the distance from said point marked "Sand Hills" to the point marked "El Cerro" on said map is 21.541.72 varas, that by running a line from the said point marked "Sand Hills" 5300 varas along the bearing to a point on the 21st course on said map distant 4.7327 chains from the beginning of said 21st course, and thence running eastwardly in a direct course to the place marked "La Joleta" the distance is between 15000 and 16000 varas. This affiant further says that the quantity of land included in the survey aforementioned is about double the quantity that would be included by following the boundaries as given in the aforesaid finds therein in this cause.

And further this deponent saith not.

D. McLaren

Sworn to and subscribed before me this 10th day of September A.D. 1860

Attest My hand the day and year last above written

C Fries

U S Commissioner for Calas

No 93

Jose Loreto Sepulveda
v Juan Sepulveda
Ats
The United States

Affidavit of
Denis McLean

Filed in Office
this 11th Sept 1860
C Jones
Cl

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No 19

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

Jose Loreto Sepulveda
v. Juan Sepulveda
vs
The United States

No 93.

Ephraim Beckley being duly sworn upon his oath says that his profession is that of practical Surveyor and Engineer; that he is at the present time the duly elected and qualified County Surveyor of the County of Los Angeles. Deponent further says that he knows the Rancho of Palos Verdes in said County, and that this deponent surveyed a portion of the same for the United States under the direction of Henry Hancock one of the deputies of the Surveyor General of the United States for the State of California. Deponent has also examined the map of said Survey, purporting to have been approved by said Surveyor General, that he has carefully compared the bounding lines in said survey with the bounding lines as given in the final decree of the Court in this case and finds a great discrepancy in the same. Deponent further says that the distance from the point

marked "Zenia Hills" on said map to the point marked "El Coleto" following the meandrings of the beach is 39.493 7/10 varas; thence the direction of said line is first southerly; thence easterly and thence northerly; thence the distance from said point marked "Zenia Hills" to the point marked "El Coleto" on said map is 21.541.72 varas; thence by running a line from the said point marked "Zenia Hills" 5200 varas along the beach to a point on the 21st. course on said map distant 4.7327 chains from the beginning of said 21st. course, and thence running eastwardly in a direct course to the place marked "El Coleto" the distance is between 15000 and 16000 varas. Defendant further says that the quantity of land included in the survey aforementioned is about double the quantity that would be included by following the boundaries as given in the final decree in this case. Defendant further says that the portion of said Zenicero aforesaid which was surveyed as aforesaid is that beginning at the aforesaid point marked "Zenia Hills" and running thence following the meandrings of the coast to the point marked "Cafe Dos wells". That in making such survey he had within the decree of

This court now and other papers giving a description of said rancho before him, but that he solely followed the verbal directions given him by the said Hancock in surveying the lines aforesaid.

And further

This deponent saith not.

Ebenezer Hadley.

Sworn to and subscribed before me this 10th day of September A.D. 1860.

Attest my hand the day and year last above written

C Sims
U.S. Commissioner for Cala

No 93.

Jose Loreto Sepulveda
v Juan Sepulveda

vs

The United States

Affidavit of
E Dudley

Filed in office this
11th Sept. 1860

Sims
Clk

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No 18

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UNITED STATES DISTRICT COURT,
FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

93 SD
PAGE 68

The U States appellants
vs
Jose Loreto Sepulveda & Juan Sepulveda — appellees

No. 93
Los Palos Verdes

It being suggested to the Court that the survey of the land claimed in this case, made under final decree, and approved by the U. S. Surveyor General for California, does not conform to said decree and is erroneous and that said survey will be to the injury of the United States

on application of S R Gitchell U S dist atty

it is ordered that the said Surveyor General return to this Court the plat of said survey, and that the United States

be allowed _____ days, from and after the return thereof, to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information.

I. S. K. OGIER, U. S. District Judge.

UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF CALIFORNIA.
COUNTY OF LOS ANGELES.

I, C. Sims, Clerk of the United States District Court for the Southern District of California, do hereby certiy that the above and foregoing is a full true and correct copy of the original order, made and entered on the 11th day of September 1860, in said case, No. 93 on the docket of said Court, wherein Jose Loreto Sepulveda & Juan Sepulveda are claimant against the United States, as appears of record in my office.

In witness whereof I herewith set my hand and affix the seal of said Court this the 11th day of Sept 1860.

C. Sims, Clerk.

UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA.
THE PRESIDENT OF THE UNITED STATES,
To. J. W. MANDAVILLE, U. S. Surveyor General, for California—Greeting:

You are hereby notified that the United States District Court, for the Southern District of California, at the Stated Term of said Court, 1860, in case No. 93 on the docket of said Court, wherein Jose L Sepulveda et al are claimant against the United States, made and caused to be entered an order, of which the above and foregoing is a certified copy herewith transmitted to you for your information, and you are hereby required to take notice of the same.

Witness the Hon. ISAAC S. K. OGIER, Judge of the United States District Court, for the Southern District of California, this the 11th day of Sept 1860.

Attest my hand and the seal of said Court the day and year last above written

C. Sims, Clerk.

No 93

San Francisco Sept 17 1860

I hereby certify that I have this day made personal service of this order on J. W. Mandeville U.S. Surveyor General for California by delivering to him a certified copy of the same

James C. Dunne
U.S. Marshall
By A. W. Buchanan Dept
U.S. Marshall

Marshals fees $32,00

Order for return of Survey

Filed this 22 Sept 1860

Gwinn
Clk

93 SD
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No. 19.

In the District Court of the United States
For the Southern District of Calⁿ.

The United States
Appellants
vs
Jose Loreto Sepulveda et al
Juan Sepulveda
Appellees

No 93.

Now comes the said Appellants by J. R. Sitlar U.S. District Attorney and excepts to the final survey of the lands claimed in this case made and approved by the Surveyor General of the United States for the State of California. And the Appellants specify the following lines upon the map of said survey as the lines to which exceptions is taken, to wit.

The line beginning at station 21 on the map of said survey marked "Zenas Hills" "Beginning" consisting 5300 varas from the place on the map aforesaid marked "Zenas Hills" "Beginning", and running thence following the meanderings of the coast to the place marked "Los Coletis"

U.S. District Court
Southern District Cal^a } ss

J. R. Gitchel U.S. District Attorney Southern District of California being duly sworn upon his oath says that the foregoing exceptions to the summons of the premises claimed in the above entitled cause is true as he verily believes.

J R Gitchel

Sworn to and subscribed before me this 9th day of October A.D. 1860.

C. Sims Clk

To the Appellee's or their Attorneys in the above entitled cause

You are hereby notified that the hearing of the above and foregoing Exceptions in the above entitled cause will be brought on to a hearing before said Court in thirty days after the service upon you of a copy of the same or as soon thereafter as Counsel can be heard

Los angeles Oct 4th 1860

J R Gitchel
U S Dist Atty

I served a Certified copy of the within, on Jose Loreto Sepulveda, and Juan Sepulveda in the City of Los Angeles on the 5th day of October 1850

Marshals Fees $4.18

James C Pennie
U.S. Marshal
South^n Dist of Cal

No 93

The United States
vs
Juan Loreto Sepulveda &
Juana Sepulveda
———"———

Petition to survey
———"———

Filed in office
this 10th day of Oct
1850
Ogier
Clk

93 SD
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J.R. Sitlan
U.S. Dist Atty

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

United States
Appellants
vs
Jose Loreto Sepulveda
Appellees

No 93.

Now comes the said appellees by Scott & Brown their attys and deny each and every exception filed herein, and allege that the survey of the lands claimed in this case made and approved by the Surveyor General of the United States for California and the map of which is now on file in this Case is correct and in conformity with the decree of Confirmation made herein

Scott & Brown
Attys for Appellees

Received Service of a notice of which the above is a true Copy
J H Gitchell
U S Dist Atty

Los Angeles
Nov 1st 1860

No. 93

In the U.S. D. Court

United States
appellants
Jose L. Sepulvada
appellees

Minute of exceptions

Filed this 1st day Nov
1860

C. Jim Clerk

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Vol. 22.

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Jose Loreto Sepulveda et al
Applns
vs
The United States
appelts

Case No. 93

Deposition of William H. Leighton

taken before ~~C. SIMS~~, G. L. Mc Clerk of the United States Dist Court for the South Dist of California & Ex Officio United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on Thursday, the 14 day of February A. D. 1861, at 4 o'clock P. M., on said day, on behalf of the Appellants by the Stipulation of the parties to be used as testimony in a certain cause now pending in the United States District Court for the Southern District of California being Case No. 93, on the Docket of said Court, wherein ~~the Loreto~~ The United States are appellants, and Jose Loreto Sepulveda Et als are appellees.

Present J R Mitchell U. S. Dist Attorney in behalf of the appellants and Scott & Brown Attys in behalf of appellees.

William H. Leighton being duly sworn as a witness in the above entitled cause deposes and says.

Examined on the part of the United States

Quest What is your age, name occupation and place of residence?

Ans. Wm H Leighton, age 33 years, Land Surveyor & Civil Engineer

Quest Have you examined the final decree of the District Court of the United States for the South Dist of Cal. in this case and also the map in this case now on file purporting to be the approved map of the final Survey of the Lands Claimed in this Cause from the Office of the Surveyor General of the United States for the State of California?

Ans Yes I have

Ques — State if you have made any calculations or measurements of any of the lines delineated on said Map?

Ans. — I have made some calculations from the Map.

Quest — Commencing at the point marked "Beginning" on said map to what point on the same would (5300) varas reach, following the meanderings of the Coast in a Southerly directions

Ans. — To a point four chains and seventy three links South of the Station marked "Twenty" on the Map.

Question — What is the distance from this last named point, following the meanderings of the Coast, in a Southerly direction, to the point marked "El Codo" on said Map?

Ans. — It would be Six hundred and ~~twenty seven~~ Eighty Four chains ~~+ one~~ + seventeen link, or 16.241 2/10 varas

Quest — What is the whole distance from the point marked "Beginning" on said map following the lines above described to El Codo?

Ans — Nine hundred & seven chains and sixty nine

Link or 21541 $\frac{2}{10}$ varas

Quest What is the distance from El Codo to the point marked Larg Goleta on said map following the meanderings of the Coast in a South Easterly, and then in a Northerly direction?

Ans Seven hundred & fifty six chains & forty one links or 17,951 $\frac{6}{10}$ varas

Quest What is the whole distance along these lines following the meanderings of the Coast from the point marked "Beginning" to the point marked Lar Goleta on said Map?

Ans One thousand Six hundred & Sixty four chains & ten links or 39,493 $\frac{5}{10}$ varas

Quest What is the distance from the point on the Coast 5300 varas southerly from the point marked Beginning on said Map in a direct line in a South Easterly direction to the point marked Lar Goleta

Ans By the Scale of the Map the distance is Six hundred & Sixty Six Chains or 15,805 $\frac{2}{10}$ varas

William H. Leighton

G. L. Mix

I, ~~C. Sims,~~ of the City and County of Los Angeles and State of California, Commissioner to take Affidavits and Bail in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing Depositions of William H Leighton was taken before me on the 14th day of February, A. D. 1861, according to the Stipulation of the parties ~~of the said~~ at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the Appellants

Clerk of the Dist Court of the United States for the Southern Dist of Cal. & ex Officio

That the said William H. Leighton was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him [illegible] my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this 14 day of Feby, A. D. 1861

G. L. Mix Clerk of the United States District Court for the Southern District of Cal. & ex Officio United States Commissioner.

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No. 93

United States District Court for the
Southern District of California.

Jose Loreto Sepulveda et al

vs

The United States.

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Deposition of W. H. Leighton
Filed this 14th of Feby 1861
G. L. Mix
Clerk

No 25

86

The United States
vs
Jose Loretto Sepulveda

U. S. Dist Court, Southern Dist of California
No. 93

United States of America
State of California, County of Los Angeles

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The President of the United States
To E. Hedley, Wm H Leighton
and D. McLaren, Greeting

You are hereby required that all and singular business and excuses being set aside you appear and attend before G. L. Mix, Clerk of the United States District Court for the South. Dist of Calif, and Ex Officio of the United States Court at his office in the City of Los Angeles, on Friday, the 15th day of February 1861 at 10 o'clock AM of said day, then and there to testify in the above stated Cause now pending in said U. S. Dist Court, on the part of the above named United States. And for a failure to attend you will be deemed guilty of a Contempt of Court and liable to pay all damages and losses sustained thereby to the Party Aggrieved

Witness my hand & the seal of the US Dist Court affixed, this the 13th day of February AD 1861

G. L. Mix, Clk &
Ex Offo Com

John D. Wheeler Dep Clk

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Personally served the within upon the within named persons to wit. Wm H Leighton & Hadly and D McLaren by reading this original to them in the City and County of Los Angeles Calª February 14th AD 1861

James C Pennie U.S. Marshal
pr J. G. Burns Deputy

No 93
U.S. vs Court House
Dist of Calif
Mellus & Hall
vs
Inclosure to Libelants
Filed Feby 14, 1861
A. J. Smith Clk
By John S. Johnson Deputy

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No. 24

Printed and sold by Wm. B. Cooke & Co., Importing and Jobbing Stationers, 118 Montgomery Street, Montgomery Block, San Francisco.

In the District Court of the United States ~~Judicial District~~, for the Southern District ~~OF THE STATE~~ OF CALIFORNIA,

IN AND FOR THE

~~COUNTY OF~~

93 SD

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Jose Loretto Sepulveda

vs.

The United States

No 93

SUBPŒNA.

President of the United States of America

The ~~People of the State of California~~, send Greeting to

Daniel McLaren and Hadley

WE COMMAND YOU, That all and singular business and excuses being laid aside, you appear and attend at the office of the United States District Clerk for the South District of California in the City of Los Angeles, Cal

before Gustave Sonnf, Clerk of said Court & ex officio United States Commissioner

~~our District Court of the~~ Judicial District of the ~~State of California, at a term of said Court to be held at the Court House in the County of~~

on the 22d day of February A. D. 1861, at 1, 0, o'clock, P. M., then and there to testify in the above stated cause, now pending in said ~~District~~ Court, on the part of The United States and for a failure to attend you will be deemed guilty of a contempt ~~of Court,~~ and liable to pay all loss and damages sustained thereby to the party aggrieved, and forfeit one hundred dollars in addition thereto.

WITNESS, Hon. Roger M Taney Chief Judge of the Supreme Court of the United States ~~Judicial District, at the Court House in the County of~~ with my private seal attached ~~and the seal of said Court~~, this 22d day of February A. D. 1861

ATTEST, ~~my hand and the Seal of said Court, the day and year last above written.~~

G. L. Mitz
ex officio U. S. Commissioner
CLERK.

John D Wheeler
DEPUTY CLERK.

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No. 93

IN THE DISTRICT COURT,
OF THE
~~Judicial District~~.

United States
for the S. Dist of Calif
Jose Loretto Sepulveda
vs.
The United States

SUBPŒNA.

Filed Feby 22, 1861
G. L. Mins Clk
By John D. Whelan Dep

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No 26

Served the within upon the within named Pedro Sepulveda by reading the within to the within named in the city and county of San Francisco California this 22 day of February A.D. 1861

Fees
$1.12

James C. Dunn U.S.
Marshal for J. H. Wilson Deputy

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

The United States
Appellants
vs
Jose Loreto Sepulveda et. al.
Appellees

No 93.
"Palos Verdes"

To the said Appellees or their Attorneys.

You are hereby notified that on the twenty second day of this month between the hours of 11 o'clock A.M. and 4 o'clock P.M. of said day the said United States will proceed to take the testimony, of Dr. M. Saxon Thurgar R. Harding and other witnesses, to be used on the hearing of the cause aforesaid. The taking of said testimony will be continued from day to day between the hours aforesaid until finished, and will be taken before competent authority at the office of the Clerk of the Court aforesaid in the City of Los Angeles, when and where you may attend if you see proper. Los Angeles. February 15th 1861.

J. R. Mitchell
U S Dist Atty

Personally served the within by delivering to Egra Brown a true copy of the within at Los Angeles City and County State of Calif.a this 16th day of February A.D. 1861

James C. Pennie U.S. Marshal

Fees $2.36

By J. F. Burns Deputy

No 93

The United States
vs
Lower California Sepulveda et al;

Notice to Claim
Defendants

Filed Feb 7. 1861
G. Mott Clk
Geo Stoddard Deputy

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Filed
Atty U.S.

Jose Loretto Sepulveda et al
vs
The United States

Case No. 93

Deposition of David McLaren

G. L. Mix Clerk of the United States District Court for the South Dist of Cal & ex officio taken before ~~C. SIMS~~, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on Friday, the 22 day of February A. D. 1861, at 2 o'clock P M., on said day, on behalf of the United States by the Notice to parties herebunto annexed to be used as testimony in a certain cause now pending in the United States District Court for the South Dist of California being Case No. 93, on the Docket of said Court, wherein The United States are appellants, and Jose Loretto Sepulveda et al are appellees.

Present J. R. Gitchell U. S. Dist atty Attorney in behalf of the appellants ~~and~~ ~~in behalf of appellees.~~ The said appellees failing to appear either in person or by attorney

The Witness David McLaren being duly sworn answers to the interrogatories of the U. S. Dist attorney as follows.

Quest. What is your name age, occupation & place of residence

Ans. David McLaren, age 41 years, occupation Miscellaneous at present. Residence in the City of Los Angeles

Quest. Have you read the final Decree in this case, and have you examined the map & final survey of the land claimed in this case and now on file in this Court

Ans. I have read & Examined them, —

Quest. State if you have made any measurements or Calculations of any distances upon said map ~~and according to the terms of the Decree aforesaid~~

Ans. I have.

Quest. State to what place on the said map would 5300 varas reach, commencing at the point "beginning" or "Sandhills" on said map - thence following the meanderings of the Coast in a southerly direction

Ans. The line would run to station twenty, plus four chains & seventy three links

Quest. State if you have estimated the distance following the meanderings of the Coast in a southerly direction from the aforesaid point marked "Beginning" or "Sand-hills" to the point marked "El Codo" on said map

Ans. I have made a Calculation of the distance upon the Map, & I find the same to be twenty one thousand, five hundred & forty one varas, and seventy two one hundredth of a vara.

Quest. State if you have estimated the distance from the aforesaid point "Beginning", "Sandhills" on said map, following around the meanderings of the Coast to the point marked "La Joleta", and

What you find said distance to be

Ans. I have and find the distance to be thirty Nine thousand, Four hundred and Ninety three & two tenths Varas.

Quest. What is the distance from the point on the Coast five thousand three hundred varas south-erly from the point marked "Beginning" "Sand hills" on said map in a direct line in a south Easterly direction to the point marked "La Goleta"

Ans. I make it about fifteen thousand Nine hundred varas. - by measurement of the scale on said map - I do not pretend that this distance is exact. but it is an approximation.

Quest. State what knowledge you have of surveying and measurements. and what means you have had of acquiring a knowledge of the same

Ans. I was employed in the office of the Surveyor General of California for two years, as an assis-tant and Clerk - indeed I had charge of the office for the whole time I was there - besides this my previous Education was such as to make me an expert in figures and Cal-culations.

D. McLaren

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G. L. Mix Clerk of the U. S. Dist Court for the South Dist of Calif

I, ~~C. Sims~~, of the City and County of Los Angeles, and State of California, & Ex officio Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern ~~District of California, and by special appointment by the United States Circuit Court for the State and circuit of California,~~ do hereby certify that the foregoing Depositions of Daniel McLaren was taken before me on the 22d day of February, A. D. 1861, according to the Notice hereunto annexed ~~of the said~~ at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the United States That the said Daniel McLaren was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this 22 day of February, A. D. 1861

G. L. Mix Clerk of the United States District Court for the Southern District of California & Ex Officio United States Commissioner.

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PAGE

No. _____

United States District Court for the
Southern District of California.

Deposition of

Filed this 28° Feby 1861-

93 SD

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Ma Loretto Sepulveda et al
vs
The United States

Case No. 93

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PAGE 91

Deposition of E. Hadley

taken before ~~C. SIMS~~ A. L. Mix U.S. Clerk for the South^n Dist of Cal^a & ex officio, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on Friday, the 25th day of February A. D. 1861, at 2 o'clock P M., on said day, on behalf of the United States by the Notice to parties hereunto annexed to be used as testimony in a certain cause now pending in the United State District Court for the South^n Dist of Cal^a being Case No. 93, on the Docket of said Court, wherein the United States are appellants, and Ma Loretto Sepulveda et al are appellees.

Present S R Mitchell U.S. Atty — ~~Attorney~~ in behalf of the appellants and ~~in behalf of appellees.~~ the said appellees failing to appear either in person or by attorney

The witness E Hadley being duly sworn is examined by the U. S. Dist atty, on behalf of the United States.

Quest. What is your name age, occupation & place of residence

Ans. My name is E Hadley, age 34 years. Occupation County Surveyor of Los Angeles County, and I reside in the City of Los Angeles

Quest. Have you examined the final decree of the District Court of the United States for the South^n District of Cal^a in this Case, and also the map in this case now on file purporting to be the approved map of the final survey of the lands claimed in this Case from the Office of the Surveyor General of the United States for the State of California

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Ans. I have —

Ques. State if you have made any calculations or measurements of any of the lines delineated on said map

Ans. I have made calculations of those lines bordering on the Coast. also another line running from between Station 20 and 21. to the point marked "La Goleta"

Ques. Commencing at the point marked "Beginning" on said map. to what point on the same would (5300) varas reach. following the meanderings of the Coast in a Southerly direction

Ans. It would reach a point on the 21st Course four chains and seventy three links from the beginning of said 21st Course

Ques. What is the distance from the point marked "Beginning" on said map - following the lines above described — to "El Codo"

Ans. The whole distance is Nine hundred & ~~forty~~ seven (907) Chains and Sixty Nine links or twenty one thousand five hundred & forty nine varas. and a fraction. —

Ques. What is the distance from El Codo to the point marked La Goleta on said map following the meanderings of the Coast in a South Easterly. and then in a Northerly direction

Ans. Seven hundred and fifty six Chains & forty one links or 1,952 Varas.—

Quest What is the whole distance along these lines following the meanderings of the Coast from the Point marked "Beginning" to the Point marked La Jolla on said map

Ans The distance in Varas is 39,493. and a fraction over

Quest What is the distance from the Point on the Coast 5300 Varas southerly from the Point marked "Beginning" on said map in a direct line in a South Easterly direction to the Point marked La Jolla

Ans. This a very little less than 16,000 Varas I cannot state exactly, having made no very exact Calculation — this distance is an approximation merely

The hour of Four having arrived the further taking of this Deposition is adjourned until tomorrow at 2. O. Clock P.M.

Now at this date Saturday February 23. A.D. 1861 at 2. O. Clock P.M. appeared the attorneys for the United States and the aforesaid Witness E Hadley, & the Examination was proceeded with as follows

Quest. State what knowledge you have of the running of the line beginning at the point marked "Sandhills" "beginning" & thence following the meanderings of the Coast to the point marked "La Goleta". for the purpose of the official survey in this Case. —

Ans. When I run the lines of that Ranch, I did not know that it was for that purpose — As I understood I was to run the lines to correct a mistake of 10 Chains made ~~by~~, I was sent to run this line by Henry Hancock United State Deputy Surveyor to ~~correct or~~ ascertain where the error was — as far as the map on file in this Case it corresponds with my notes of survey that I took or made on the ground; I had no Guide for running this line except the verbal directions of Henry Hancock — I saw no papers nor any thing else giving a description of the boundaries of this Ranch previous to running ~~this line~~ this line, I have no knowledge of running the other lines as described in the Map of Judicial survey — the other lines were not run by me — / Edmund Hadley

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G. L. Mix Clerk of the U. S. Dist Court for South Dist of Cal

I, ~~C. Sims,~~ of the City and County of Los Angeles, and State of California, & Ex officio U S Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, ~~and by special appointment by the United States Circuit Court for the State and circuit of California~~, do hereby certify that the foregoing Depositions of E Hadley was taken before me on the 22 day of February, A. D. 1851, according to the Notice hereunto annexed ~~of the said~~ at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the United States That the said E Hadley was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this 28th day of February, A. D. 1851

G. L. Mix, Clerk of the United States Dist Court for the Southern Dist of Cal & Ex Officio United States Commissioner.

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No. 93

United States District Court for the Southern District of California.

The United States
vs
Jose Arguello & Pulveda
et al

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Deposition of E. Hadley
Filed this & D McLaren
Feby 23. 1861

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G. L. Mott Clk
By John W. Dunlap Deputy

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

The United States
Appellants
vs
Jose Lunetta Defendant
Appellee

No 93.

On return of summons

To the said Appellee or their Attorneys.

You will take notice that the above cause will be brought on to a hearing before said Court by said Appellants on the 5th day of March A.D. 1861 at 11 o'clock A.M. of said day, or as soon thereafter as the same can be heard

Los Angeles February 25, 1861.

J. R. Mitchell
U S Dist Atty

Personally served the within upon Jonathan R Scott one of the attorneys in the within entitled by delivering to him a true copy at Los Angeles County State of California this 26th day of February A.D 1861

James C Pennie U.S. Marshal

by James F Burns Deputy

No 93

The United States
vs
Juan Sepulveda et al

Notice of hearing

Filed Feby 27/1861
G. W. Moore Clk
by John Mulkey Dep

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Jose Loreto Sepulveda et al
vs Claimt & appellee
The United States appellt

Case No. 93.

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Deposition of Juan Cota

taken before ~~C. SIMS~~ C. L. Mix, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on Thursday, the 21st day of March A. D. 1861, at 2 o'clock P. M., on said day, on behalf of the Claimants & appellees by the Consent of Parties

to be used as testimony in a certain cause now pending in the United States District Court for the Southern Dist of Calⁿ being Case No. 93, on the Docket of said Court, wherein Jose Loreto Sepulveda et al ~~are~~ appellees ~~are appellants~~, and The United States ~~are appellees~~ appellants

Present J. R. Scott Attorney in behalf of the ~~appellants~~ appellees and J. R. Mitchell US Dist Atty in behalf of ~~appellees~~ appellants

Evidence interpreted by W. G. Dryden a sworn interpreter.

Questions by J R Scott atty of Claimants & appellees

Ques. What is your name age occupation and place of residence -

Ans My name is Juan Cota, aged 49 years. Rancher & herder of stock & reside in San Pedro. Los Angeles County, -

Quest. Do you know the Rancho of Palos Verdes - if so. how long have you known the same. -

Ans. I do know it - & have known it since the years 1835 or 1836

Quest. Do you know any natural objects or land marks ~~upon~~ on the boundaries of said Rancho - if so name them. -

objection — Question objected to on the ground that it is incompetent for the Claimants and appellees to prove any other boundary lines than those given and set forth in the decree of Confirmation

Ans I do. ~~Out~~ In the first place, a lake of water upon the side towards the City of Los Angeles - upon the Western boundary there is a stake planted in the ground. Also near some sand hills - there is a pile of rock - a little beyond a place called the Salt Lake near the sea. On the opposite side of the small mountain there is a place called the Codo - this Codo is formed by the sea running into the land making an elbow. - Down the Coast farther & near the same, is a place called the Potrero de Demasio

Quest. Look upon the ~~map~~ official map on file in this case, and state whether or not you distinguish any of the natural land marks as laid down upon said map.

Ans. I discover on the plat a place called El Codo or the elbow. I find a great difference in looking upon the land and on the map, but El Codo is at a place marked on the map JOW.1 and at the point marked JOW.2. is the point called Portrero de Damasio the point marked JOW.3. I recognize as point San Pedro & point marked "Gov't Reserve" are situated the houses at old San Pedro – at the mouth of the Estero ~~Lake~~ is the place called "La Goleta" this ~~place~~ Estero is marked on the map "the inner bay of San Pedro" at the point marked JOW.4. is the place called La Goleta. at JOW.5. is the place called Sand hills & field of stones.

Quest. ~~Do you know of any Sand hills – marked on the map Sand hills file of Vrets beginning~~

Witness John O. Wheeler

his
Juan + Cota
mark

Gustavus L. Mix

I, ~~C. Sims,~~ of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing Depositions of Juan Cota was taken before me on the 21 day of Mch, A. D. 1861, according to the Consent of the said parties at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the Claimants & appellees

That the said Juan Cota was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this 21 day of March, A. D. 1861

G. L. Mix

United States Commissioner.

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No. 93

United States District Court for the Southern District of California.

Jose Loreto Sepulveda et al

vs

The United States

Deposition of Juan Cota

Filed this 21st March 1861

G. L. Mix
Clerk

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No 33

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The United States
vs
Juan L. Sepulveda
Juana Sepulveda

No 93.
Los Palos Verdes
Exceptions to survey.

This is a motion to set aside the survey made by the Surveyor General of U.S. for Cal. It is submitted by the claimants that the survey is correct. The grant once confirmation is to the place called Palos Verdes. The survey gives as the place called Palos Verdes a tract of land in a compact and approximating to a square form with natural boundaries, to wit on two sides by the Ranchos of San Pedro and on the other two sides by the Pacific ocean and the bay of San Pedro. To give any less than this would be to divide this tract and give to claimants a fraction less than one half the tract as set forth in the survey - thus dividing the entire tract without any natural landmarks for such division. It is submitted therefore that the presumption is that the entire place was called Palos Verdes, as there is no proof nor even attempt made to prove that any part of the tract was ever known or called by any other name. And it is submitted that all experience has shown that all grants in California are bounded by natural boundaries. The claim in this case it is submitted is somewhat carelessly and inartificially drawn, but enough can

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be gathered from the chart and surrounding circumstances to gather what was meant as Palos Verdes. The point called the Sand Hills is a well established and undisputed point. The judicial possession declares that from thence to El Coto is 5,300 varas, this unquestionably is a clerical error as the distance is actually much greater to wit

It is submitted that the point called El Coto has been well established by the testimony of Juan Cota as a well known point, and it therefore becomes entirely immaterial, whether the judicial possession reads 5. or 50,000 varas as the place itself must govern (6 Wheaton 580, 7 Wheaton 7.) The witness Cota also recognises another point, not named on the map between El Coto and the ~~point of~~ Government reserve, to wit as one of the land marks of the place called Palos Verdes.

The Government reserve of 500 varas square, ~~is reserved and~~ is not included in the lands granted but is specially reserved therefrom. The distance from El Coto as located in the map, from or to the place called La Goleta by the meanderings of the coast, varies but a fraction from the distance as laid down in the ~~a~~ judicial possession between these two points.

It is therefore submitted, that the gov-

ernment reserve would never have been mentioned in the grant were the proposition claimed on the part of the Government correct; as, to run a line from No 21 when it is claimed by the Dist Atty that El Cordo should be located to the place called La Goleta, would at the nearest point be a distance of more than one & one half miles from the said reserve as measurement upon the map will show -

The Gov Reserve is clearly proved - and thus claimants establish four distinct points upon the sea shore and about which there is no conflicting testimony - 1st the Sand Hills 2nd El Cordo; 3d Portrero and 4th The Government Reserve, three of which are mentioned in the act of judicial possession and the decree of confirmation in this case - It is submitted that it would be a strange proposition to seek a reserve, out of a tract of land, 500 varas square at a location which is proved and established, when in fact the tract of land granted did not, as the nearest point comes within a mile & a half of the place reserved -

It is submitted that in fixing a survey the court is to be governed by the land granted and to disregard any technical imperfections in the descriptions of boundaries -

In this case the proof is clear and uncontradicted that this entire tract of land

No. 93.

U. S. Dist. Court for the
Southn. Dist. of Calia.

In re Loretto Sepulveda
et al
vs
United States

Brief
of appellees
~~of U. S. Dist. Atty~~

Filed April. 8. 1861
Lyl. Mix Clk
By John O. Whelan Deputy

on Buchanan's or the Pueblo lands
known as the Palmer Cadiz Pueblo Grants and
that the Survey is erroneous and should be
approved -
This is distinctly the case where the claim of the grant
can be made in no other way than that approved
by the Surveyor General -

Scott & Dwinelle
Atty for Claimants.

The United States
vs
Jose L. Sepulveda et al } No 93 Los Palos Verdes

On the tenth day of december A D 1856 this cause was originally submitted to his Honor the United States District Judge for the Southern district of California, whereupon a decree was rendered confirming to the Claimants the place known as the Palos Verdes, by metes and bounds a portion of said decree is in the words following to wit "The land of which confirmation is hereby "made is that known by the name of Las Palos Verdes "situate in the County of Los Angeles and is bounded and "described as follows. begining at the south east "point of the place called Las Palos Verdes "at a place called La Golita where there is a land "mark and running thence in a northerly direction "eight thousand varas, thence in a westerly course "twelve thousand varas to some sand hills on the "edge of the beach where there is a land mark thence "running south five thousand three hundred varas "to a point on the beach called El Codo thence "in an easterly course leaving a reserve of five "hundred varas on each one of the four cardinal "points fifteen thousand varas to the place of "beginning" For further description reference is made to the grant and ack of juridical possession

Upon said decree the Surveyor General of the United States for the State of California caused to be made and afterwards approved the plat of said premises now returned into court. and said survey is now returned into court for final adjudication. Upon application made by the Government that the same is not in conformity with the decree of this Court under the law of the 14th of June 1860. and the rules of this Court adapted under said law. Upon the return return of said survey the following lines were excepted to to wit all those line from station 21 on said plat following the coast to the La Golita or place of beginning.

Under this state of case it is submitted that the only question now before the Court is whether the approved survey returned into Court is in conformity with the decree heretofore rendered in this cause. U S Statutes vol 9 Page 633 Sec 13 U S Statutes vol 12 page 33 Sec 1 also the 2nd rule of this Court relative to the return of land surveys.

The law of the 4th of March 1851 requires that the Surveyor General shall cause to be made an acurate survey of all private land claims in the State of California, after the final confirmation of the same by the courts. That survey can alone be based upon the final decree

and the papers

~~and the papers~~

and the papers therein refered to: upon these and only these can he act. To permit him to take the original grant and construe the same according to his own judgement in running the boundary lines of any Rancho, would virtually render the whole proceedings had before the United States Board of Land Commissioners, before this Court, and before the Supreme Court of the United States an useless ceremony - needlessly presented to the Surveyor General to be acted upon by him only so far as it meets with his approbation. The law of 1860 June 14th Page 33 Sec 1st requires of the Surveyor General when he shall have caused a survey to be made in compliance with the 13 Sec of the law of 1851 (the section above refered to) to give notice thereof by publication &c and the 4th Sect of the same law gives the Court power to set aside said survey or correct and modify the same - Under the rules of this Court adapted in conformity with the Law of the 14th June 1860 we find that to procure a return of a survey the first requisite is a statement in writing suggesting that said survey is not in conformity with the decree of the Court (Rule No 2) - that that it does not conform to the grant, disco

juridical possession or any other paper - but solely to the decree of the Court.

If through carelessness ignorance or any other cause the parties have mistaken their lines and caused to be entered an erroneous decree (which we claim is not so in this cause) they have their remedy by another and different action but they cannot change said decree upon order for return of survey.

The admission of Claimants in their brief that "the decree is somewhat carelessly and inartificially drawn" is to some extent an admission that the decree will not include all the lands surveyed, and virtually asking of the Court to set aside in this collateral manner its former decree, and enter a new one for their benefit.

The decree in this case is specific it calls for the place known as the Palos Verdes, with fixed metes and bounds, and for further description it refers to the grant and act of juridical possession. From the grant itself nothing can be learned farther than it is for the place called Palos Verdes, the lines of which are to be fixed by the officer giving possession. The act of juridical possession which by the words of the decree is made a part of the same: gives specific

boundaries and these are precisely the same as those set out in the decree with the exception that the commencing point named in the act of juridical possession is the second point named in the decree. they however both call for the same specific lines of boundary. And from all that appears in the records of this court and in the testimony taken in this cause, the lines called for in the juridical possession and the decree embrace the entire tract of land known as the Palos Verdes. No attempt is made to prove that it extended over a single acre of land outside of these boundaries

Upon a careful comparison of the approved survey now on file in this court with the final decree and the act of juridical possession referred to therein. said survey will be found in perfect conformity with the decree from the point of beginning to station No 21 on said plat. The decree and survey both call for the La Golita as a commencing point from thence north eight thousand varas thence westerly twelve thousand varas to some sand hills, thence south five thousand three hundred varas to a point called the El Coda. thus far the decree and survey are in perfect conformity. for the

Survey shows a point or El Codo the same distance south of the sand hills, that is called for in the decree; From this point is found the error in the survey complained of by the Government - both the decree of this court and the act of juridical possession calls for a line from this point in an easterly direction fifteen thousand varas to the place of begining - whilst the survey shows a detour first south then east and ultimately north of thirty nine thousand four hundred and ninety three varas to reach said point of begining; embracing a large tract of valuable land excluded by the decree of this Court.

That plat of survey shows that there are numerous points or elbows along this coast and no testimony was introduced by Claimants to designate any particular one as the El Codo refered to in the decree, except that of Juan Cota and he does not appear to have been present at the time juridical possession was given or to have any knowledge thereof - He describes an El Codo as an arm of the sea extending into the land. and afterwards designates a point of land extending into the sea as the El Codo

It is then submitted to the Court that there is found in conformity with its decree a point or elbow five thousand three hundred varas southerly from the sand hills (which said hills are admitted to be a corner) and that this point or elbow is clearly marked by the surveyor on his plat. That this is the point or elbow called for in the decree of this Court and the act of juridical possession is evident from the following reasons, 1st That in measurement it is the distance called for from the sand hills 2na That in a direct line from this point to the place of begining it approximates closely to the number of varas called for both in the decree and act of juridical possession thus closing the entire tract in perfect conformity with the decree of this Court 3de, That was any other point upon the coast taken as the particular elbow refered to both in the decree and juridical possession it devolved upon the claimants to show the same particularly as Leanardo Cota the officer who gave juridical possession was in this court as a juror nearly every day for two weeks previous to the submission of this cause.

4th That the decree and juridical possession

calls for the La Golita as the south east point of the place called Las Palos Verdes. and adopting any other than a direct line from this point, would place the south east point of said ranch distant near two miles from the La Golita

The assertion in Claimants brief that the distance called for between the sand hills and the El Cedro is a clerical error is to say the least inconsistent with reason and the plain dictates of common sense — it is fixed by actual measurement, first in the act of Juridical possession and second by the Surveyor General of the United States for the State of California as shown by his plat returned into this Court. It is then from this point of land or elbow five thousand three hundred varas south of the sand hills that error has evidently been made by the surveyor general. The decree calls for an easterly line from this place or point to the place of begining fifteen thousand varas in length excluding five hundred varas square as a government reserve

The testimony of E Hadley and J McLaren both surveyors and experts shows that the distance from this point to the place of begining in a direct line is less than fifteen thousand varas. Whilst

the line in the approved survey is thirty nine thousand four hundred and ninety three varas. Take then the direct line and exclude therefrom the five hundred varas square as a government reserve, and we have the quantity (differing but a few varas) called for in the decree of this Court and in the act of juridical possession clearly establishing that this was the line of which juridical possession was originally given, and marked the exterior limits of the place called Palas Verdes,- and the same line called for in the final decree of this Court. Again Hadley says in his testimony that the line excepted to was run by him, but not in conformity with the decree or any other order or paper issuing from this Court but that he ran the entire entire coast line upon the mere order of H Hancock a deputy United States Surveyor

It is contended by Claimants that the Government reserve is located upon the Sea Coast some mile and half distant from the direct line claimed by the government and certainly would not have been mentioned had it not been the intention of the decree to follow the

sea coast — admitting that the reserve is upon the coast and distant from the direct line claimed by the government, yet there is no proof in this case that the officer giving juridical possession knew of its location — or that he did not reserve the five hundred varas square at the ter-=mination of the direct line upon the bay near the La Solita: this latter view we hold to be correct as we find the direct line exceeding the quantity called for by about the amount reserved. In this view we are sustained by the Claimants in their brief on the third page of the same they tacitly admit that their decree is insufficient to embrace the lands included within this survey, but ask of the Court to "disregard description and be governed by the grant": overlook the decree with fixed boundaries and take grant which is without boundaries named — in other words set aside the final decree of the Court and permit them to file a new one in these collateral proceedings. It is then submitted that the survey returned into Court is erroneous so far as excepted to by the Government: and that the same

should be so far corrected or modified as to direct a straight line to be surveyed from Station No 21 on said survey in an easterly direction to the place of be-
-ginning the La Golita, in conformity with the final decree of this court

L Mitchell
U S Dist Atty

No 93

U. S. Dist Court for the
South Dist of Calif

Jn Loretto Sepulveda
et al
vs
United States

Brief
of U. S. Dist Atty

Filed April 8. 1861
Chas Mins Clk
By John O'Neill Depty

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

The United States Appellants vs Jose Loreto Sepulveda et al Appellees	No 93 "Palos Verdes" On return of Survey

And now comes on this cause to be heard upon the exceptions heretofore filed on the part of the United States to the survey of the Surveyor General of the United States for the State of California, and the same having been argued by counsel and heard and considered by the Court — The Court finds that there is error in a portion of the lines excepted to on the part of the United States, to wit; from the point marked "Sand Hills" on the beach, to the point marked "El Codo" also situate on the beach, and from the point last aforesaid to the point on the beach marked "The Government reserve"

It is therefore ordered adjudged and decreed that the said survey be and hereby is vacated, as follows: from the point marked "Sand Hills" on the beach to the point on the beach marked "El Codo", and from the point last aforesaid to the point on the beach marked "The Government reserve". And it is ordered adjudged and decreed that a new survey thereof be made by the Surveyor General of the United States for the State of California, as follows: Com

Meaning at the said "Sand Hills" on the beach, and from thence running a direct line to the place called "El Corlo", said last mentioned point to be ascertained and fixed by the said Surveyor General; and from thence running in a direct line to the South West corner of "The Government Reserve" as marked on said map in this cause - And it is further ordered adjudged and decreed that all of the rest of the lines of the said survey as appears by the said map in this cause be and the same are hereby confirmed

Thus done & signed in open Court this 11 Apl 1861

Geo. S. K. Ogden
U S Dist Judge

No 83

In the Dist Court
The United States
vs
The United States
et al.

Decree -

Filed Apl 11. 1861
G. W. Morris clk
By John Dolan Dep clk

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Scott & Dunn
for appellees

No 83

Decree

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

United States.

vs

José Loreto Sepulveda and Juana Sepulveda.

And now to wit, the 5th day of September A. D. 1870, on reading the mandate of the Supreme Court of the United States by which it appears that the decree of the District Court of the United States for the Southern District of California, in this cause revising and correcting the Survey of the Surveyor General of California, bearing date the eleventh day of April A. D. 1861 has been by said Supreme Court reversed and annulled, with directions to dismiss the proceedings in this cause upon said survey for want of jurisdiction

diction,

On motion of J. M. Seawell, of counsel for appellant, it is ordered that said mandate be filed and that all proceedings in this cause, upon said survey, be and the same are hereby dismissed for want of jurisdiction.

Dated this 5th day of September A. D. 1870

Ogden Hoffman Jr
Dist Judge

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U. S. Dist. Court
Dist. of California

The United States
-vs-
Francisco Apulveda
Juan Apulveda.

Order that Mandate be filed that proceedings in survey be dismissed for want of jurisdiction

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Filed Sept. 5th 1870
Edmd. Blanchard
Clerk

By H. H. Gimwood Deputy

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

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 José Loreto Sepuveda and Juan Sepuveda, appellees, the decree of the said District Court was in the following words, viz:-

"And now comes on this cause to be heard upon the exceptions heretofore filed on the part of the United States to the Survey of the Surveyor general of the United States for the State of California, and the same having been argued by counsel, and having been understood by the Court, the Court finds that there is error in a portion of the lines excepted to on the part of the United States, to wit: From the point marked "Sand hills," on the beach, to the point marked "El Codo," also situated on the beach, and from the point last aforesaid to the point on the beach marked "the government reserve."

It is therefore ordered adjudged, and decreed that the said Survey be, and hereby is vacated as follows: From the point marked "Sand hills," on the beach, to the point on the beach marked "El Codo," and from the point last aforesaid to the point on the beach marked "the government reserve." And it is ordered, adjudged, and decreed that a new Survey thereof be made by the Surveyor general of the United States for the State of California

as follows: Commencing at the said "Sand hills," on the beach, and from thence running a direct line to the place called "El Codo;" said last mentioned point to be ascertained and fixed by the said Surveyor general; and from thence running in a direct line to the southwest corner of "the government reserve," as marked on said map in this cause. And it is further ordered, adjudged, and decreed that all of the use of the lines of the said Survey, as appear by the said map in this cause, be, and the same are hereby, confirmed.

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 agreeably to the act of Congress, _____ in such case made and provided, fully and at large appears.

And whereas, in the present term of December, in the year of our Lord one thousand eight hundred and Sixty three 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,** it is now here ordered, adjudged, and decreed by this court, that the decree of the said District Court in this cause, revising and correcting the survey of the Surveyor General of California, bearing date on the Eleventh day of April A.D. 1861, be and the same is hereby reversed and annulled. And it is further ordered that this cause be and the same is hereby remanded to the said District Court with directions to dismiss the proceedings in this cause, upon said survey, for the want of jurisdiction.

8th Feb:

You, therefore, are hereby commanded that such further proceedings proceedings be had in said cause, in conformity to the opinion and decree of this Court 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 Sixty three

COSTS OF
Clerk..... $ 64.57
Attorney... $
$

Taxed by A. W. Middleton

Clerk of the Supreme Court of the United States.

No. 114. December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

U. States vs Sequeveda et al

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Filed Sept. 7th 1870
Chas. Carter
Clerk
By W. H. Carter
Deputy Clerk

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