

CASE No.

96

SOUTHERN DISTRICT

A LOT OF GROUND NEAR SAN GABRIEL GRANT

ARNO MAUBE

CLAIMANT

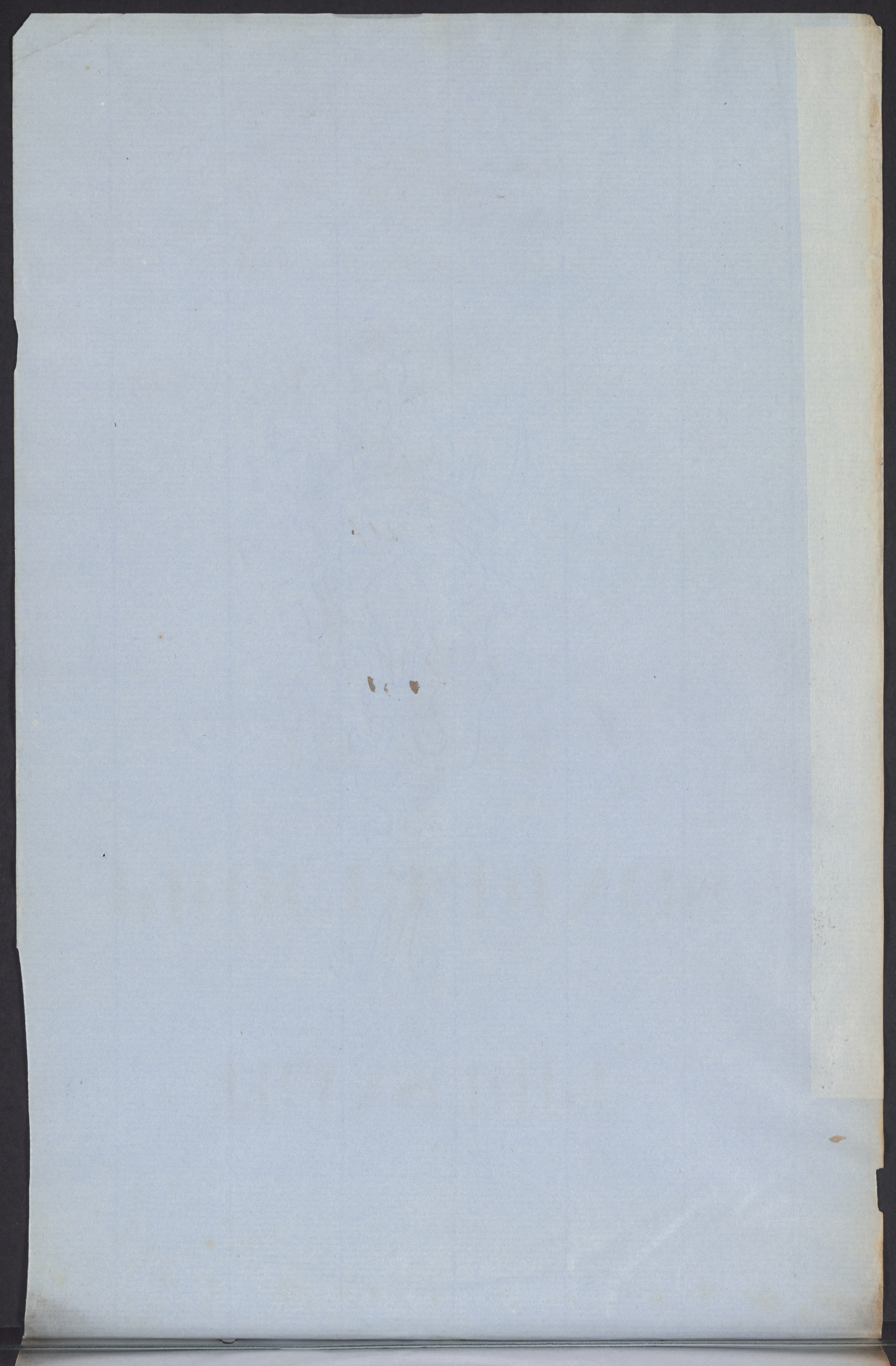
LAND CASE 96 SD

18 pgs.

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489



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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 489

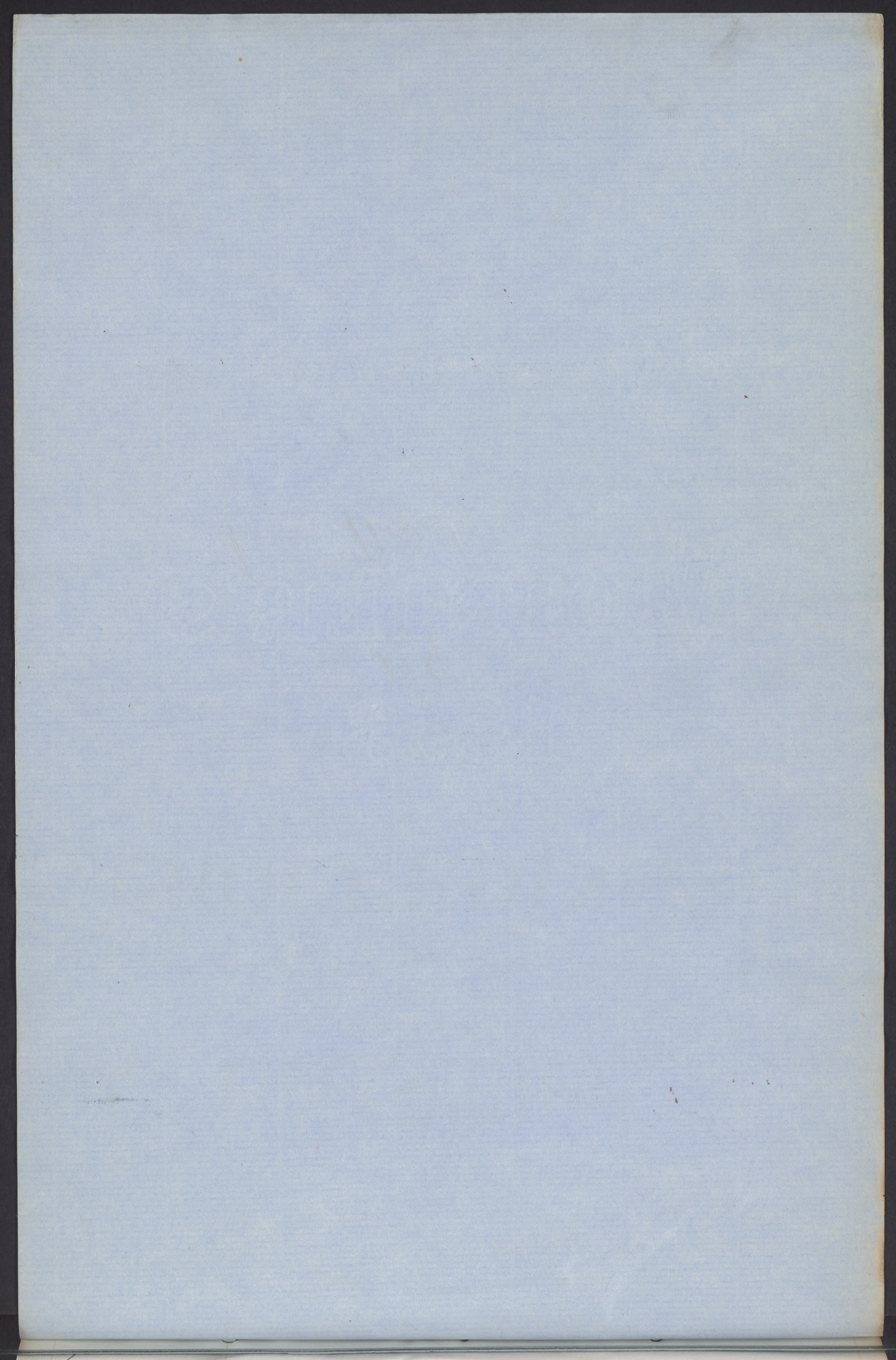
Arno Maube - CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"A lot of ground near San Gabriel"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *thirtieth* day of December, 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 *Arno Maube*
for the Place named

"A Lot of Ground near San Gabriel"
was presented, and ordered to be filed and docketed with No. 489 and is as follows, to wit:

(Vide page 3 of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

San Francisco December 13th 1852.

In Case No. 489 *Arno Maube* for a lot of ground near the Mission of San Gabriel, the deposition of *Martin Selong*, a witness in behalf of the claimant, taken before Commissioner *William Hall*, was filed;
(Vide page 3 of this Transcript)

In the same Case the deposition of *Jouin Lemore*, a witness in behalf of the claimant, taken before Commissioner *William Hall*, was filed;

(Vide page 4 of this Transcript)

San Francisco August 29th 1853.

Case No. 489 *Called*; Submitted on briefs on both sides and taken under advisement by the Board.

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San Francisco January 17th 1854

In the same case Commissioner Robert A. Thompson delivered the opinion of the Board confirming the claim;

(See page 9 of the Transcript)

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Petition

To the Honorable Board of Commissioners for Ascertain-
 ing and Settling private Land Claims in the State of California
 Your Petitioner Arno Maube respectfully represents to
 your Honorable Board that he claims a certain tract of
 land containing 200 Varas Square situated in the Mission
 tract of San Gabriel in the County of Los Angeles and State of
 California that he claims the same in fee by virtue of a
 grant made to him under the Mexican Governor Manuel
 Michittorina at Los Angeles Co^a bearing date of the
 20th of May AD 1843 That the Claimant has been in
 peaceable possession of it ever since and without any
 knowledge of any interfering claim that the said grant
 has never to the knowledge of the Claimant been presented
 to the Departmental Junta for approval Your Petitioner
 files herewith the original grant and testimony of
 witnesses praying your Hon^{ble} Board to take into
 consideration his right to the said Land to declare his
 title to be valid and to confirm the same And Your
 Petitioner will ever pray

Heury Hancock

Atty for Claimant

Filed in Office Dec 13th 1852

Geo Fisher Secy

Deposition of Los Angeles Nov 25th 1852

Martin Lelong On this day before Commissioners Heilana Keall came
 Martin Lelong a witness in behalf of the Claimant Arno
 Maube petition No 489 and was duly sworn his evidence
 being in English The U.S. Associate Law Agent was present
 In answer to inquiries by Counsel for the Claimant the
 witness testified as follows My name is Martin
 Lelong My age is thirty four years and I reside in
 Los Angeles A year ago last September Arno Maube
 left the land described in a grant by Governor Michitto-
 rina to him in my charge as his agent He gave me
 at the time the grant which I now produce & which is
 dated May 20 1843 the land when I took charge of it
 was occupied by Leonardo Iguarro He told me he had

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occupied undu a lease from Arno Maube for five years
The Son of Iguerro has raised Corn & other things on it
this last summer by my permission as agent for
Maube I was on the land about two weeks ago It was
not occupied then, I have it in my charge to lease there
is a temporary fence on the land The land has not
been surveyed there is a small house which has
been used by the occupants of the & supposed to be
on it It is bounded on two sides by a road leading
to Mr Whites son another by Whites land There is a
Spring or faucet on or near the land

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Sworn & subscribed before me Martin Lelong
Heilana Keall Lemor

Filed in Office Dec 13 1852

Deposition of Los Angeles No 25th 1852 Geo Fisher Secy

Louis Lemorie On this day before Commissioner Heilana Keall came
Louis Lemorie a witness on behalf of the claimant
Arno Maube petition No 489 and was duly sworn
his evidence being interpreted by the Secretary

The U.S. Associate Law Agent was present
In answer to questions by Counsel for the claimant
the witness testified as follows - My name is Louis
Lemorie my age is fifty two years & I reside in
Los Angeles when I have lived ever since the year
1838 - I knew Arno Maube he came here with General
Michittorina I know of his having a grant of land
from Gen Michittorina I was present when the paper
was given him by the Governor I was on the land
about six months afterwards with Arno who showed
me the line, the land is about a mile back of the
Mission house of San Gabriel It was vacant land
without any road running by it There was a Spring
on the land from which the water runs by the Mission
it was a constant running Spring

Sworn and subscribed before me Louis ^{his} Lemorie
Heilana Keall Lemor ^{mark}

Filed in Office Dec 13th 1852 Geo Fisher Secy

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El ciudadano Manuel Micheltorena, Gobernador Comandante General e Inspector del Departamento de las Californias.

(Act) Por cuanto Dn. Juan Maubé ha pretendido para su beneficio personal y el de su familia un terreno de casi cuatro varas en cuadro en el establecimiento de San Gabriel, segun el informe del Ab. P. P. Fr. Tomas Sitruaga, coludante con el Indigena llamado Inayuin, y con la Serrania, practicadas previamente las diligencias y diligencias convenientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de él por las presentes letras sujetandose a la aprobacion de la misma Junta Departamental y bajo las condiciones de no poder vender, ni enajenar, de lo contrario perdera su derecho al terreno y sera Denunciabile por otro.

En consecuencia mandado que se le entregue de todo el presente y se le entregue por firme y raledeno lo tomaron de él en el libro a que corresponde y se entregue al interesado para su resguardo y demás fines. Dado en la Ciudad de Los Angeles a veinte de Mayo de mil ochocientos Cuarenta y tres.

Fuero Acte. Manuel Micheltorena.
Quedo tomada racion de esto con el libro respectivo.
ap. 5. Francisco Acte.

Filed in office Dec. 13.th 1852.

Geo. Fisher.
Clerk.

[Faint, illegible handwriting, likely bleed-through from the reverse side of the page]

DE 30

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Translation of
Grant

Des Grant

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The Copy of Grant

The Licentiate Manuel Micheltorina Governor Commandant
General and Inspector of the Department of both Californias
Whereas Don Arno Maube has asked for his personal benefit
and that of his family a tract of land 200 Varas square (or
masos) in the establishment of the Mission of San Gabriel
founded according to the information of the R.P.M. Fr
Thomas Estinaga by the land of the Indian called Joaquin and
the Serrania (or) the previous requests having
been practiced according to the laws and regulations
on the subject and in use of the faculties conferred on me
by the Mexican Nation I have come to see the land mentioned
to him declaring by these present letters the property
to be his subject to the approval of the Most excellent
Departmental Junta and under the following conditions
He shall not have a right to sell or encumber it for by
so doing he may lose his right and it may be dispo-
-sessed by another In consequence that these presents
may serve him as a title and holding the same to be
firm and valid let it be noted in the corresponding book
and it be delivered to the interested party for his security
and such other ends as it may serve

Given at the City of Los Angeles this 20th day of May
AD 1843 by Manuel Micheltorina
Francisco Arce Secretary

This Conception remains noted in the respective
book at page 5 For Arce Secretary

Filed in office Dec 13th 1852

Geo Fisher
Secretary

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Opinion of the Board Case No 489
Arno Maube

vs
The United States Claim for a Lot of Land 200
Varas Square in the County of
Los Angeles

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This claim purports to be founded on a grant by Gov. Micheltorano to the Claimant Dacia at the City of Los Angeles May 20th 1843 - a paper is filed in the case purporting to be said original grant but there is no proof whatever of its execution by the Governor or Secretary whose names appear on it. This of itself would be sufficient to reject the claim but it may be remarked in addition that the evidence on the other points is equally fictitious and wholly insufficient to sustain the claim even if the due execution of the grant had been proved. The boundaries given in the grant are too vague and indefinite to locate the land and this deficiency is not supplied by extraneous testimony. There is no proof whatever of any occupation by the Grantee nor of any under his authority until about the year 1851. The case presents no grounds either in Law or Equity to entitle it to a decree of Confirmation. The claim is therefore rejected.

Filed in Office Jan 17th 1854
Geo Fisher

By

Decree Case No 489
Arno Maube

vs
The United States Claim for a Lot of Land
200 Varas Square in the
County of Los Angeles

In this case on hearing the proof and allegations it is adjudged by the Commission that the claim of the Petitioner is not valid and it is therefore Decreed that this application for a confirmation thereof be denied.

Alfred Felch

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Thompson Campbell

R. Aug. Thompson

Filed in Office Jan 17 1854

Geo Fisher

Lucy

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Office of the Board of Commissioners,

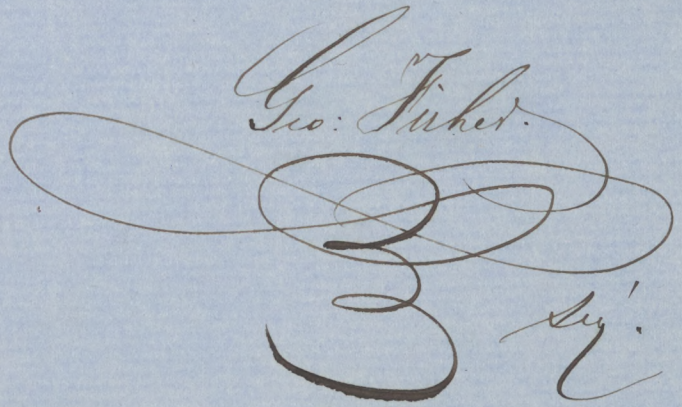
To ascertain and settle the Private Land Claims in the State of California.

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 *ten* pages, numbered from 1 to *10*, 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. *489* on the Docket of the said Board, wherein

Arno Maube is the Claimant against the United States, for the place known by the name of *A lot of ground near San Gabriel.*

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.




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

No. 96 *Docket*

THE UNITED STATES,

vs. 96

Amo Maube

"A Lot at San Gabriel."

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *1189*

Filed, *September 20*, 1854

W. H. Carter
Clerk

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Arno Mauler } 2000 acres square in
vs } Mission San Gabriel
United States }

In the Clerk of the Southern
Dist of the United States Courts
for California

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Dear Sir

You will please
take notice that it is the
intention of the claimant to
present an appeal from the
decision of the United States
Land Commission in the
above entitled cause

Henry Hancock

Atty for
Claimant

Nov. 18, 1854

N^o 96.

U. S. Dist Court
Southern District of Cal.

Arnaud Maubé,

vs

The United States,

Appeal Notice.

Filed Nov. 18th 1854.

J. E. Carr.
Clerk.

United States District Court
Southern District California

Arno Manbe
Appellant

No 96 S.C.

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vs.
The United States
Appellee

Lot at San Gabriel
No 489 Land Commission

To H Hancock Esq
Attorney Appellant
Sic

You will take notice that on the 7th Inst a motion was filed in said Court on behalf of the Appellee to dismiss the above entitled cause from the docket for want of prosecution - and that by order of the Court the same will be heard on Thursday 20th Jan'y 1859

J. P. Mitchell
U. S. Dist. Atty

U. S. Atty's Office
Dec 15th 1858

I served the within notice on H. Hancock
by giving him personally a copy of the same
at the City of Los Angeles on Dec^r 18th 1850

James C. Pennington
U.S. Marshal for the
Southth Dist^{ct} of California

1850
U.S. District Court
Southern Dist^{ct} of California

James Pennington
U.S. Marshal

The United States
appears

Notice of Motion to dismiss

Filed Dec^r 18th 1850
J. C. Pennington
U.S. Marshal

In the U. S. Dist Court
for the Southern Dist
of Cal.

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Arno Frank
Appellant }
vs } No 96
The United States
Appellee }

The U. S. Dist Attorney
for the above named
Dist will please take
notice that the under-
signed will ~~within~~ as soon
after the expiration of five days
from this date, as may be ^{advised} ~~known~~ ^{known}
to have this case reinstated
on the docket

Henry Hancock
of Counsel for
App

I served a copy of the within personally on J. Re. Gitchell
U. S. Atty this 9th day of March 1860

Marshals fees \$2.00

James C. Pennie
U. S. Marshal
S. Dist. of California

1099

Wm. Franklin
U. S. Marshal
S. Dist. of California

Notion to visit
the Court -

Filed in Office
this 9th day of March
1860
J. C. Pennie

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No. 96.

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

Arno Maubé,
applt.

vs.

The United States,
appellee.

Lot at San Gabriel.

Office of the Board of Commissioners,

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

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San Francisco, Sept 12th 1854

M. W. Carter, Esq.,
Clerk of the U. S. District Court for the
Southern District of California.

Sir;

I herewith transmit you, pursuant
to the requirements of the Act of Congress, approved August 31st,
1852, a Transcript of the Record of the Proceedings and of the
Decision of this Board, of the Documentary Evidence and of
the Testimony of the witnesses upon which the same is founded
in Case No. 489 on the Docket of the said Board, wherein
Arnd Meaud is

the Claimant against the United States, for ^a the place known
by the name of at the Mission of San
Gabriel, ———
and request your receipt for the same.

I am, Respectfully,

Your Obedt. Servant,

Geo. Fisher