

CASE No.

115

SOUTHERN DISTRICT

LOMAS DE LA PURIFICACION GRANT

AUGUSTIN YANSENS

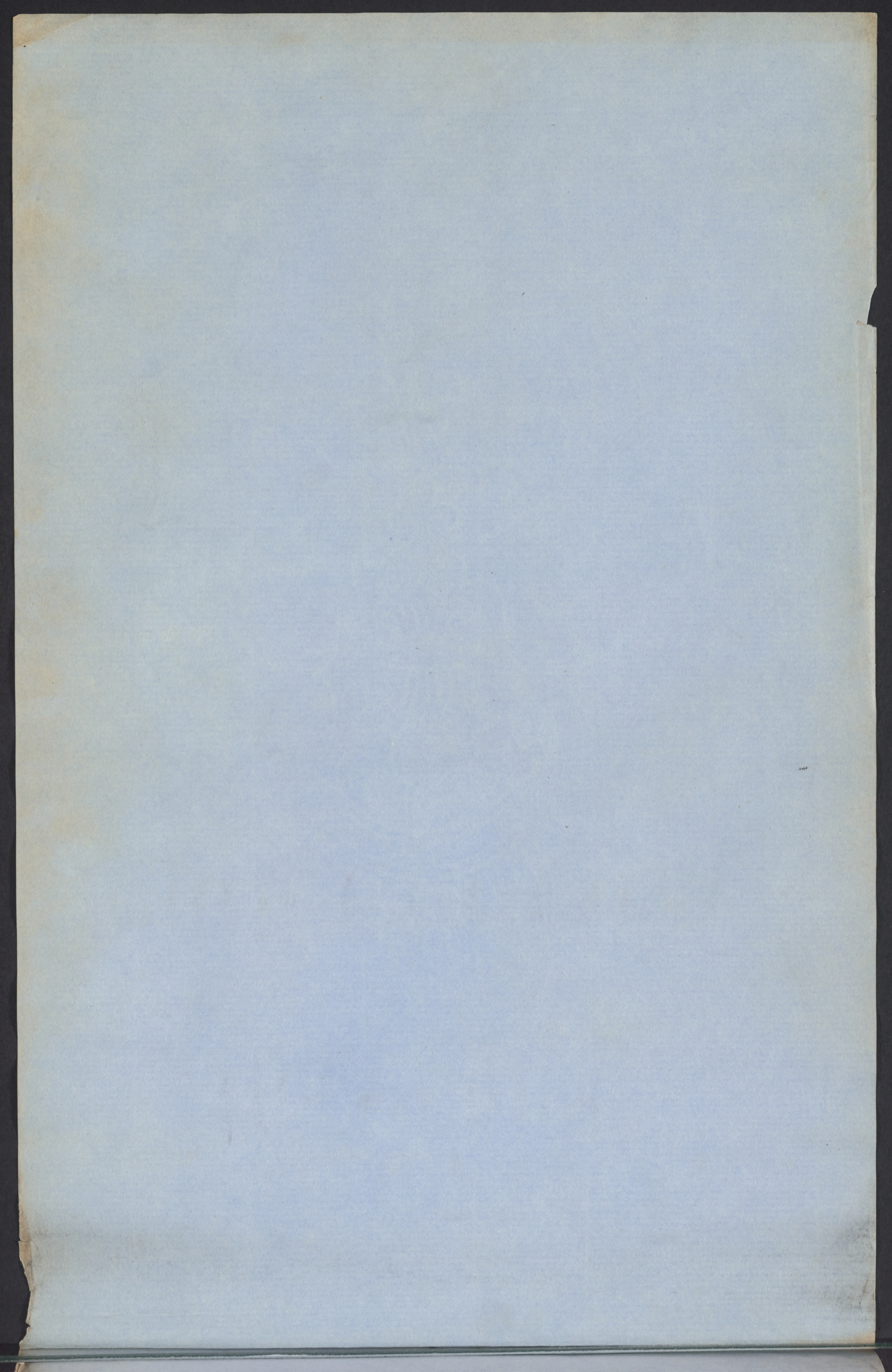
CLAIMANT

LAND CASE 115 SD 57 pgs.

FEB 27 1963

Permanized
PLOVER BOND
25% COTTON FIBER
U.S.A.

66
Southern District



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 266

Agustin Yansens

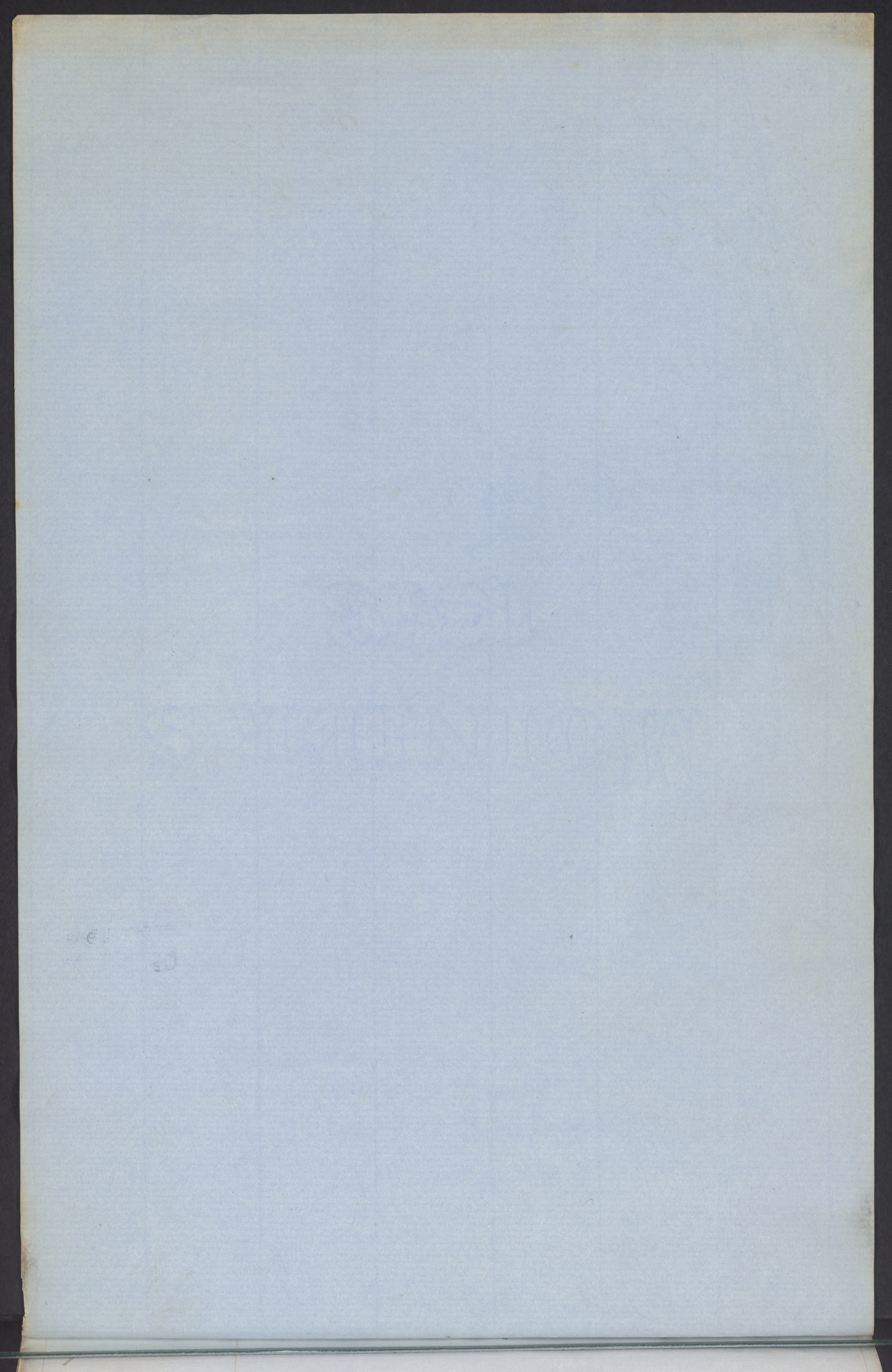
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Lomas de la Purificacion"



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 *tenth day of June*, 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;

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The Petition of *Agustin Gansens* for the Place named "*Lomas de la Purificacion*," was presented, and ordered to be filed and docketed with No. *266* and is as follows, to wit;

(Vide page of this Transcript.)

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

San Francisco, September 9, 1852.
In Case, No. *266*, *Agustin Gansens*, for the place, called "*Lomas de la Purificacion*," the Deposition of *Pablo de la Guerra*, a witness in behalf of the Claimant, taken before Commissioner, *Henry S. Thornton*, was filed, and is in the words and figures as follows, to wit:

(Vide page 4 of this Transcript.)

San Francisco, Jan'y 5, 1853.
In the same Case, the Deposition of *Antonio Maria de la Guerra*, a witness in behalf of the Claimant, taken before *Henry S. Thornton*, Commissioner, was filed, and is in the words and figures as follows, to wit:
(Vide page 5 of this Transcript.)

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San Francisco, August 26, 1853.

This Case called: The counsel for the claimant read the evidence: argued, submitted and taken under advisement.

San Francisco, March 14, 1854.

In the same case, Commissioner, R. Aug. Thompson, delivered the opinion of the Board, confirming the claim.

(Vide page 31 of this Transcript)

San Francisco Aug 15, 1854

In the same case, on motion of the U. S. Law Agent, the following Order was made, to wit:

(Vide page 34 of this Transcript.)

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To the Honorable Commissioners to settle Private Land
Claims in California

The Petitioner, Augustin Gansens respectfully shews
That on the 27th day of December AD 1844 Manuel
Puchatorina, Governor of California by an Act of Conth-
-ents in him vested, granted to the petitioner the tract of
land called "Lomas de la Piedad" situate in the
present county of Santa Barbara, containing three square
leagues a little more or less, according to the respective
maps, all of which is fully shown in the Original Especa-
-lante a certified copy of which is submitted herewith mar-
-ked "A" with a translation marked "B"

That the afore said grant was afterwards approved by
the Departmental Assembly

That on the 15th day of April AD 1845; the afore said
tract of land was duly surveyed and the Juridical Pos-
-session of it given to the Petitioner, a copy of which
act of survey is submitted herewith marked "C",
with a translation marked "D"

That the said tract of land has not been surveyed by
the Surveyor General of the United States: but that
it was duly surveyed at the time of giving the Juridical
possession of it, and that its boundaries are fully dis-
-cussed in the title papers and are well known

That the Petitioner has for more than 10 years
and now is in the quiet peaceful and uninterrupted
possession of the aforesaid tract of land

That he knows of no conflicting claim

That he desires confirmation of title upon the
original papers copies of which are submitted
herewith upon the records and minutes in the
archives now in charge of the Surveyor General
and upon such other and further proofs as he may
be advised are necessary

At which he prays the Commissioners to conform

to him the above said tract of land

By his Atty
Hallam Peckey Pittsburg

Filed in Office June 10th 1852

Geo Fisher

Sony

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Deposition of
Pablo de la Lanza

Office of the Board of Commissioners of California

Land Claims Los Angeles Sept 9th 1852

On this day before Henry J. Thornton one of the Com-
- missioners for ascertaining and settling Private
Land Claims in California, came Pablo de la
Lanza, a witness produced in behalf of the Claim-
- ant Augustin Gansens whose Petition is N^o 266
on the Docket of the Board and was duly sworn
his name being given in the English

The Law Agent of the U.S. attended

Mr Thornton What is your name age and place of residence

Answer My name is Pablo de la Lanza: my age is about
32 years, I reside in Santa Barbara and am a native
of California

I do Just Examine the documents marked N^o 11 & att-
- ched to this deposition and say whether you know the
signatures and whether the Papers are genuine

Ans I am acquainted with the signatures of Manuel

Antonio Ortega Manuel Juan and Augustin Gansens

Juan Pablo Ayala, Nicolas de Don Anselmo de

Leucillo, Antonio Maria Ortega: their signatures

to these documents are genuine and the documents

themselves are to the best of my belief are genuine

U.S. Law Agent Present } Pablo de la Lanza

sworn to and subscribed before me this 9th of Sept 1852

Henry J. Thornton Commr

Filed in Office Sept 9th 1852 Geo Fisher Sony

S

San Francisco July 5th 1853

Deposition of
Ant. Ma de la
Guerra

On this day before Leonidas J Thornton came
Antonio Maria de la Guerra, a witness in behalf
of the Plaintiff Agustín Gansens, Petition N^o 266
and was duly sworn his evidence being interpreted
by the Court my

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My name is Antonio Maria de la Guerra: My
age is 27 years: I was born in Santa Barbara
and live there now,

I know the Rancho called "Lomas de la Puri-
ficacion" claimed by Agustín Gansens it is
situate in the County of Santa Barbara, Gansens
own said this land in 1845, with cattle horses and
his servants and moved his family there in 1846
they live there now

Ant Ma de la Guerra

I acknowledge and certify

A Greenhow

Notary Law Agent U S

Sworn and subscribed before me this 5th July
1853

Henry J Thornton
Court &c

Filed in Office July 5th 1853

Geo Fisher
Clerk

1000
1000

6

1.5.18.18.

Espediente

Promovido por D. Agustin Yanes en solicitud del paraje conocido con el nombre de

Lomas de la Purificacion.

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No.

409

1000
1000

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2 L.M. Sello Cuarto Dos Reales

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterrey en el Departamento de las Californias por los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

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Micheltoruna. Falso de la guerra.

Excmo. Sr. Gobernador y
Comd. Gral. Dn. Manuel Micheltoruna.

Monterrey Agto.
14 de 1844.

Ynf. el S. Sr. del Despacho Sr. Don Domingo Micheltoruna

Agustin Gansus originario de Vrsales y es naturalizado en la Republica Mexicana 18 años; casado con hija del pais y vecino de Sta. Barbara, con la justificacion de V.E. comparendo y digo; que teniendo un número de ganado Mayor y Caballada, curiendo de un terreno propio para fructificar suplico á V.E. se

le sirba concederme tres sitios para laborios y pastaderos cuyo terreno se haya en la Mision de Sta. Cruz obligandome con la mision á no perjudicar algunas cosas q. se hayan aladas y permitir ganado ó caballada q. la Mision quiera pastorear ó meter dentro permanesca dicha Mision, siendo sus colindantes por el N. el Colegio Episcopal, por el E. el finado Joaquin Villa y por el S. la Cañada ó Sierra de Sr.

8
Jose segun ha demostrado en el diseño que
devidamente acompaño.

3. S. M. O.

Por tanto A. V. E. Suplico se
sirva merced con fecho en lo que re-
cibiere gracia y justicia. Juro no ser
de malicia &c.

Sta. Barbara Julio 29 de 1844.

Excmo For.

Agustin Yansens.

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Como dispone el Excmo For. Gober-
nador para la precedente instancia
al M. R. P. Ministro de Sta Cruz para
que se sirva informar sobre su con-
tenido.

Monterey Agosto 21 de 1844.

Manuel Jimeno.

Excmo For. Gobernador.

4. S. M. O. He ido á reconocer el terreno que
se pretende, y he visto q. casi todo el
se compone de lomas elevadas en donde
la Misión solo tiene algunas reses al-
fadas, y no mas; por consiq. me parece
se que en los terminos que lo pide el
For Yance se le puede conceder.

Sta. Cruz Oct. 7 de 1844.

F. Jose Joaquin Jimeno.

Excmo. For. Gobernador

Segun el informe que antecede de
R. P. Ministro de Sta Cruz, parece que no
hay inconveniente alguno para que se le
conceda al For Yansens el terreno que
solicita. Pero V. E. dispondrá lo que esti-

9

me per justo.

Monterrey Diciembre 27 de 1844.
Man. Jimeno.

Monterrey Abril 28 de 1844.

Expiaase en los terminos
q. se piden e informan arriba.
Michelt.

2664

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None follows the map

C.P.M.

El Ciudadano Manuel Mohittonna General de Brigada del Ejército Mexicano Ayudante Gral de la Pluma Mayor del del mismo, Gobernador Comandante Gral e Inspector del Departam^{to} de las Californias.

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Por cuanto D. Agustín Gamus Mexicano por naturalización ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Tomas de la Purificación, colindante con el ^{terreno del} Colegio de Sta Cruz, con el de D. Raimundo Carrillo con el del finado Joaquín Villa y con la Sierra de San José: practicadas previamente las diligencias y averiguaciones correspondientes según lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas á nombre de la Nación Mexicana he venido en concederle el terreno mencionado declarándole la propiedad de él por las presentes letras registrándose á la aprobación de la Exma Asamblea Departamentar y bajo las condiciones siguientes 1^a No podrá venderlo, enajenarlo ni hipotecarlo, imponer censos, virreinte fianza, ni otro gravamen alguno ni aun podrá donarlo - 2^a Podrá servarlo sin perjuicio de las traversías caminos y servidumbres; lo disfrutará libre y exclusivamente destinando al uso o cultivo que mas le acomode pero dentro de un año fabricará casa y estará habitada - 3^a Solicitara del juez respectivo que le dé la posesión jurídica en virtud de

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7. L. P. M. este despacho por el cual se demarcará los terrenos en cuyos límites podrá á mas de las mojones algunos arboles frutales ó subtiles de alguna utilidad.

1.^o El terreno de que se hace donacion es de tres sitios de ganado Mayor pero mas ó menos segun coplica el diseño respectivo. El juez que diere la posesion lo hará medir conforme á ordenanza que dando el Abogado que resulte á la Posesion para los usos convenientes - 2.^o No impedirá por ningun motivo que los bienes de la Misión de Santa Cruz pasen por otro terreno - 3.^o Si contravinieren á estas condiciones perderá su derecho al terreno y será denunciado por otro. En consecuencia mando que sirviendole de título el presente y teniendo por firme y valido se tome razon de él en el libro á que correspondá y se entienda al interesado para su resguardo y demas fines. Dado en Monterey á veinte y siete de Diciembre de mil ochocientos ochenta y cuatro - Lucea Tomada razon de este despacho en el Libro respectivo á fojas 13.

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Office of the Surveyor General of the
United States for California.
S. Samuel D. King, Sur-
veyor General of the United States

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for the State of California and as
such now having in my Office and
under my custody a portion of the Ar-
chives of the former Spanish and Mex-
ican Territories or Departments of Up-
per California. I hereby certify that
the Serms preceding and hereunto at-
tached pages of tracing paper number
ed from one to Serms inclusive and each
of which is verified by my initials
(S.D.W.) Exhibit true and accurate cop-
ies of certain documents on file and for-
ming part of the said Archives in this
Office.

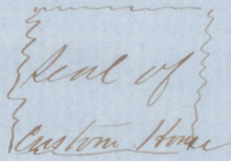
In testimony whereof I have
hereunto signed my name
officially and affixed my
private seal (not having a
seal of Office) at the City of
San Francisco, Cal. The 8th
day of June 1852.
Sam. D. Wing
Sur. Gen. Cal.

Filed in Office June 10th 1852.
(Signed) Gen. Fisher
Secy.



Stamp From the Two Reals

Provisionally authorized by the maritime Customs
Administration of House of the Port of Montevideo in the Department of
Espejanite the leap years for the years 1844 and 1845.
(Yca) Miteltorena (Yca) Pablo de la Lanza



To His Excellency the Governor
and Commanding General Don
Manuel Miteltorena

Montevideo Aug 14. 1844

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August 14th 1844
I August 14th 1844
Let the Secretary of Business and establish in
State report, taking the Mexican Republic about
first such steps as he deems: provided to a woman
may think necessary of the country, and desires
for the purpose in this place of Santa Barbara
before Your Excellency's
requira Miteltorena's ratification, appear and say
that having a number of large
cattle and horses and being in
want of a proper land for
that encourage men, I pray your Excellency to have
the goodness to grant me three square leagues
for cultivation and pasture land which land
is situated in the Mission of Santa Ynez Ima-
-my myself not to injure some cattle of the Mission
which are now wild, and also to permit any cattle
or horses which the Mission may wish to pasture
there or put on the land while said Mission
shall endure its commands being south of
-punta de Anillo on the S.E. on the north the Episco-
-pal college on the East the hacienda San Juan Villa,
and on the South the hill or Quica of San Jose as is
shown on the Map which I duly transmit herewith
- I therefore I pray Your Excellency to be pleased to ac-
-cuse as ask, in which I will receive favor and justice

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I swear that this is not done with evil intent &c
Santa Barbara July 27th 1844
(Signed) Agustine Yansons

As directed by His Excellency the Governor, let the
present petition be passed to the very Reverend Father
Minister of Santa Cruz that he may have the
goodness to report upon its contents

Montevideo August 21, 1844

(Signed) Manuel Armas

To His Excellency the Governor

I have been to examine the
land which is asked for, and I have seen that
at most all of it consists of high hills, where
the mission has only a few wild cattle and
nothing more; consequently I think that it may
be granted to Senor Yanson in the times in which
he asks for it

Santa Cruz October 7th 1844

(Signed) Juan Jose Arguimbau

To His Excellency the Governor

According to the foregoing report of the Reverend
Father Minister of Santa Cruz, it appears that
there is no objection to the being granted to Senor
Yansons the land which he asks for. But Your
Excellency will decide upon me, I think just

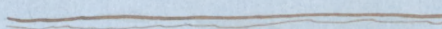
Montevideo December 27th 1844

(Signed) Manuel Armas

Montevideo December 28th 1844

Let it be used in the times in which it is asked for
as reported above

(Signed) Michel Torcuato



Citizen Manuel Puchet Torona, General of Brigade
of the Mexican Army, Adjutant General of the
Staff of the Same, Governor Comandante General
and Inspector of the Department of the Cali-
fornias,

Whereas, Don Agustin Yansens a Mexican by
naturalization, has, for his own personal benefit
and that of his family, petitioned for the land known
by the name of Lomas de la Purificacion, bounded
by the Rancho of the College of Santa Cruz, by that
of Don Raymondo Canicio, by that of the deceased
Joaquin Villa, and by the Sierra de San Jose; the
proper measures and examinations being pursued
by made as required by laws and regulations,
using the said his companion or me in the name of
the Mexican Nation, have granted him the afove-
said land according to him the ownership of it
by these presents subject to the approval of the most
Excellent Departmental Assembly and under the
following conditions,

1st He may not sell it, alienate or mortgage it
subject it to any tax, tribute, pledge, or other incum-
brance neither can he give it away

2nd He may enclose it without prejudice to the
crossings roads and footpaths, and enjoy it free-
ly and exclusively making such use or culti-
vation of it, as may best suit him but within
one year he shall build a house which shall
be inhabited

3rd He shall request the proper Magistrate to
give him juridical possession in virtue of
this title by whom the boundaries will be mark-
ed out in the limits of which he shall place
besides the bounds, some fruit or forest trees of
a useful character,

4th The land of which donation is made is three

square leagues, a little more or less as shown
by the respective Map, The Magistrate who may
give the Possession will cause it to be measured
in conformity with the ordinance, leaving the surplus
which may result to the nation for its conven-
ient uses,

5th He will not on any account permit the Animals
of the Mission of Santa Cruz from pasturing on
said land,

6th If he contravene these conditions he will lose
his right to the land and it will be subject to dis-
-possession by another Person,

In consequence I authorize this person's signing
here for a title and being held as from and valid
note be made of it in the corresponding book and
it be delivered to the party interested for his security
and other purposes

Given in Montevideo on the twenty fourth of December
one thousand eight hundred and forty four

Note has been made of this title in the proper
book on Page 13,

Filed in Office June 10th 1857

Gen Fisher

Secretary

Doc. No. 11,
annexa to the
Deposition of
P. de la Guerra.

Sello Primero Ocho Pesos.

Habilitado provisionalmente por la Ad-
uana Maritima del Puerto de Monterrey
en el Departamento de las Californias p^o
los años de mil ochocientos cuarenta y
mil ochocientos cuarenta y cinco.

Micheltorona. Pablo de la Guerra.

[Handwritten signature]

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El Ciudadano Manuel Micheltorona
General de Brigada del Ejercito Mexica-
no Ayudante General de la plaza
Mayor del mismo Gobernador Comand.
Grat. e Inspector del Departamento de
las Californias.

Por cuanto D. Augustin Gonsens
Mexicano por Naturalizacion ha pretendido
para su beneficio personal y el de su fa-
milia el terreno conocido con el nombre de
Lomas de la Purificacion, colindante con
el Rancho del Colegio de Sta. Cruz, con el
de D. Raymundo Carrillo, con el del finado
Joaquin Villa y con la Sierra de San Jose;
practicadas las diligencias y averiguaciones
correspondientes segun lo dispuesto por leyes
y reglamentos, usando de las facultades
que me son conferidas a nombre de la Na-
cion Mexicana he tenido en conocimiento
el terreno mencionado declarandole la pro-
piedad de el por los presentados titulos suge-
tando a la aprobacion de la Exma. Asam-
blea Departamental y bajo las condiciones
siguientes.

1^o No podrá venderlo, enajenarlo ni

hipotecarlo, imponer censo, viniente fianza, ni otro gravamen alguno ni aun podrá demarcarlo.

2^a Podrá cercarlo sin perjudicar las trancías camineros y servir umbros; lo disfrutará libre y exclusivamente destinándolo al uso ó cultivos que mas le acomode pero dentro de un año fabricará casa y estera habitada.

3^a Solicitara del Juez respectivo y de la jurisdiccion juridica en virtud de este Despacho por el cual se demarcarán los terrenos en cuyos limites pondrá unas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad.

4^a El terreno de que se ha hecho donacion es de tres sitios de ganado Mayor pero mas ó menos segun esplice el dicho Juez respectivo. El Juez que diere la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la Nacion para los usos convenientes.

5^a No impedirá por ningun motivo que los bienes de la Mision de Sta. Cruz pastoren por dho. terrenos.

6^a Si contravinieren á estas condiciones perderán su derecho al terreno y sera denunciado por otro.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valiendo se tome razon de él en el Libro á que corresponde y se entregue al interesado para su resguardo y otras fins. Dado en Monterrey á veinte y siete de Diciembre de mil ochocientos...

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cientos cuarenta y cuatro.

Mant. Michetta.

Mant. Jimeno

Sto del Despacho.

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Queda tomada razon de este despacho
en el Libro respectivo á fojas 13.

Jimeno.

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None follows the map

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SD

Posicion Judicial en
favor de D. Agustin Gausen del
paraje conocido con el nombre de
la
Purificacion.

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Aleat.º de Sta. Bart.
Agustin Gausen Vecino de este
Puerto ante la justificacion de V. con-
pares y digo, q. habiendo obtenido
la comision, en propiedad del terreno co-
nuido con el nombre de Lomas de la Pu-
rificacion, por justo titulo expedido a mi
favor con fecha 27 de Set. de 1844 por el
Excmo Sr. Gov.º del Departam.º a V. su-
plico se sirva como la posicion juridi-
ca de estilo con arreglo a dho titulo, cuyo
documento acompaño, si bien no admitir
esta en papel comun por no haber del
rellado q. corresponde. Juro lo necesario
q.º

Sta Bart.º, Ab.º 12 de 1845.
Agustin Gausens.

Sta Bart.º, 13 de Ab.º de 1845.

En virtud de lo anteriormente so-
licito procedo por mi el presente juez
a la medicion, señalamiento de linderos
y posicion judicial del terreno de las Lo-
mas de la Purificacion q. solicita el in-

gio Suminarios, y entendidos de q. se hizo a pro-
ceder á la mediacion fundamiento de linderos y
posicion del terreno de las Lomas de la Triu-
ficacion á favor de D. Agustin Gansan dije-
ron quedar entendidos, y para constancia lo
firmaron conmigo y los de mi assist. de
que doy fe.

Nicolas A. Pen.

asista.

Jose de los Santos Arila

Juan F. Ayala.

asista.

Ant. M. Ortega.

Raym. Carrido.

En seguida yo el juez de estos autos nome-
bré por medidores en la presente posesion
á D. Jose M. Valenzuela y D. Antonio Rodri-
guez, quienes previa la aceptacion y ju-
ram.º procederán al deslinde de su en-
carga, y para constancia lo firmo p.º dil-
igencia q. firmo con los de mi assist.º
de q. doy fe.

Nicolas A. Pen.

Juan F. Ayala.
Ant. M. Ortega.

Jose M. Valenzuela
Antonio Rodriguez

asista.

Raym. Carrido.

En la fha y en el espresado rancho se
les notificó el auto q. antecede á D. Jose M.
Valenzuela y D. Antonio Rodrig.º y enten-
didos de él dijeron q. aceptan y aceptaran
dicho encargo de medidores, y juraron por
dios Nuestro Señor y una Cruz de Cruz
de usarlo fiel y legalmente, sin dolo ni
fraude contra persona alguna y lo fir-
maron conmigo y los de mi asistencia de

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q. doy fe

Nicolas A. Pin.

Juan P. Ayala. Jose M^o. Valenzuela
Ant^o. M^o. Ortega. Antonio Rodriguez

asista.

Raym^o. Carrillo.

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Recontinente yo el referido Alcalde mande traer á mi presencia un cordel con q. se an de medir las tierras de dho. rancho, y q. los medidores lo midan de á cincuenta varas, lo q. firmo con los de mi asistencia de q. doy fe.

Nicolas A. Pin.

Juan P. Ayala. Jose M^o. Valenzuela
Ant^o. M^o. Ortega. Antonio Rodriguez.

asista.

Raym^o. Carrillo.

En seguida y en presencia de mi el referido Alcalde, los medidores mencionados tomaron un cordel de cincuenta y con una vara de medir usual Mexicana, midieron cincuenta varas p^o hacer la referida medición, y para q. conste lo rubricó.

Pin.

En la misma fha. y en el referido rancho, siendo como las tres de la tarde, yo el referido Alcalde para proceder á la medición de tierra q. se ha de hacer á D. Agustín Gansu, mandé á los medidores nombrados se fungen en el corral del finjote q. sirve de lindero á D. Raym^o. Carrillo, y

Justos en dho. Corral se comenzó la medida tendiendo el corral primero al Oeste, y se midieron trescientas varas de á cincuenta varas en donde consta un árbol con algunas fincas q. se le hicieron con achra, q. sirbe de muestra, y luego se prosiguió la medida tendiendo el corral de el río q. sirbe de lindero al Colegio Seminario al pie de la Sierra Muerta al Sur, y se midieron cincuenta varas de á cincuenta varas por lo q. declinaron dho. medidores tener dho. rancho de la Purificación tres leguas de largo, y media legua de ancho acompañando á este expediente el título de concesión, siendo de advertir q. dho. terreno es muy desigual en lo ancho de él. Y p^{ta} constan^{ta} lo firmé por ante con los testigos de asistencia de q. doy fe.

Nicolas A. Sur.

Juan P. Ayala, José M^{te}. Velazquez.

Antonio Rodriguez.

Ant^o. M^{te}. Ortega. asista.

Raym^{do}. Carrillo.

En el referido Rancho de la Purificación y el mismo día, mes y año D. Agustín Yauze, vecino del Puerto de Sta. Barbara, acompañado del Alcalde y testigos de estos autos dijo: que abiendo medido las tierras de este rancho segun consta en el auto anterior tomaba y toma la verdadera y corporal posesión de dhas. tierras milicias, pues le pertenecen con justo título q. obtiene de la concesión q. de ellas le hizo el Excmo. Sr. Gob^o. Constitucional del Departam^{to}. Don Manuel Micheltorena

1991
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To the Sr Alcalde of Santa Barbara

I Agustín Gansens a resident of this Port byso
 Translation of your Justification, appear and say, that having
 Juridical obtained the grant in fee of the land known by the
 Possession name of "Lomas de la Purificación" by a real
 title issued in my favor on the 27th of December
 1844 by His Excellency the Governor of the Depart-
 ment, I pray you to have the goodness to give me
 the Juridical possession in form in accordance
 with said title, which document I transmit,
 leaving the goodness to admit this on common
 paper for want of that of the corresponding Stamp
 I swear what may be necessary &c

Santa Barbara April 12th 1845,
 (Signed) Agustín Gansens

Santa Barbara April 13, 1845

In virtue of the foregoing request of the present
 Magistrate will proceed to the measurement,
 marking of boundaries and Juridical possession
 of the land of "Las Lomas de la Purificación"
 which the person interested in this Expediente
 requests in conformity with the documents which
 he transmits, designating for that purpose the six-
 teenth day of this month of April, for which the
 cotenantes will be summoned by written notices
 Thus I the Sr Alcalde of the Partido of Santa Barbara
 ordered and did and signed acting in virtue of my
 Office with assisting witnesses for want of a
 notarial Public to which I certify

(Sgd) Nicholas A Den

Notary witnesses

(Sgd) Juan Pablo Ayala

(") Antonio Ortega

(") Raymundo Comilla

On the same date, present Don Agustin Gansens, he was notified of the foregoing order, and knowing understood it he said that he heard it & acknowledged notice and signed this with me and those of my assistance to which I certify

- (Signed) Nicolas A. Don
- (Signed) Juan P. Ayala
- (Signed) Antonio Maria Ortega
- (Signed) Raymundo Camillo

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PAGE 28

On the same date, the summons or cedula in the first place was issued and in testimony signed in public (Public of N. A. Don)

In the name of "La Purificacion" on the fifteenth day of the month of April eighteen hundred and forty five in compliance with the summons issued to the colon masters of the aforesaid Rancho there came Don Raymundo Camillo, and Don Jose de los Santos Ariza, Attorney in fact of the Rn Frater Fray Jose Jimeno, on the part of the Rancho of the Seminary College and knowing understood that the measurement & marking of boundaries and possession of the Lomas de la Purificacion were about to be proceeded to in favor of Don Agustin Gansens they said that they understood it and in testimony they signed this with me and those of my assistance to which I certify

- (Signed) Nicolas A. Don
- (Signed) Juan P. Ayala
- (Signed) Jose de los Santos Ariza
- (Signed) Antonio Maria Ortega
- (Signed) Raymundo Camillo

In continuation of the magistracy of these acts appointed as measurers in the present possession Don Jose Maria Tabares and Don Antonio Rodriguez who after the assistance and oath were proceed to the discharge of their office & in testimony

I make official note of it which I sign with those of my assistance to which I certify
assisting witnesses (sga) Nicolas A. Don
(sga) Juan P. Ayala (sga) Jose Maria Valenzuela x
(sga) Mateo Hernandez (sga) Antonio Rodriguez
(sga) Raymundo Lemillo

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PAGE 29

On the same day and in the aforesaid Rancho the foregoing order was made known to Don Jose Maria Valenzuela and Don Antonio Rodriguez and having understood it they said that they accepted and they did accept said office of measurers and they made oath by God our Lord and a sign of the cross to use it faithfully and legally to the best of their knowledge and understanding without use of fraud against any person and they signed it with me and those of my assistance to which I certify

assisting witnesses (sga) Nicolas A. Don
(sga) Juan P. Ayala (sga) Jose Maria Valenzuela x
(sga) Mateo Hernandez (sga) Antonio Rodriguez
(sga) Raymundo Lemillo

In continuation of the said Alcalde ordered that there be brought to my measure a rope with which to measure the caucias of said Rancho and that the measurers mark off on it fifty caucias which I sign with those of my assistance to which I certify

assisting witnesses (sga) Nicolas A. Don
(sga) Juan P. Ayala (sga) Jose Maria Valenzuela x
(sga) Mateo Hernandez (sga) Antonio Rodriguez
(sga) Raymundo Lemillo

In continuation and before me the said Alcalde the measurers took a rope of hemp, and with a common Mexican vara measure they marked off fifty caucias for the purpose of measuring the

apossaid measurement was in testimony I signed
it with public

(Rancho of N. Don)

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PAGE 30

On the same day and in the apossaid Rancho,
being about three o'clock, afternoon, the said
Alcalde in order to provide for the measurement of
land which has to be made for Don Augustin
Yonson, ordered those appointed measurers to
place themselves in the Arroyo del Injeito which
serves as the boundary with Don Raymundo
Lemus, and being placed in said Arroyo
they commenced the measurement, drawing
the cordel in a westerly direction, and measured
three hundred cordels of fifty varas each, to where
there is a tree, with some marks which were
made on it with an axe, which serves as a bound
and the measurement was then continued, draw-
ing the cordel from the river, which serves as
as the boundary of the Seminary College, to the foot
of the Sierra, in a southerly direction and they me-
asured fifty cordels of fifty varas each on account
of which the said measurers declare that said Ran-
cho of the Purificacion contains three leagues in length
and half a league in width, the title of grant ac-
companying this Expediente it being to be noted
that the width of said land is very unequal and
in testimony I signed it officially with the witnesses
of my assistance to which I certify

Party witnesses (Yga) Nicolas A. Don
(Yga) Juan P. Myala (Yga) Jose Maria Valenzuela
(Yga) Mateo P. Ortega (Yga) Antonio Rodriguez
(Yga) Manuel de Lemus

In the apossaid Rancho of the Purificacion and in
the same day, month and year, Don Augustin Yonson

a resident of the Port of Santo Domingo, accompanied by the Alcalde and witnesses of these acts: said that the lands of this Rancho having been measured as appears by the preceding order he states and certifies the true and corporal possession of said lands measured, for they belong to him with just title which he obtains from the grant to him made of them by his excellency the Constitutional Governor of the Department Don Manuel Michel torrea dated December 28th eighteen hundred and forty four, He entered upon and walked over them, pulled up grass, scattered handfuls of earth, broke branches of trees and performed other acts and demonstrations of possession in sign of that which he said he took of said lands, and the said Alcalde ordered that from that time forth he should be held & recognized as the true owner and possessor of them,

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And said Don Augustin Gansin prayed that for a future memory, and the preservation of his rights there should be issued to him by me the Alcalde, a testimony of all the foregoing, and he signed it with me and those of my assistance to which I certify

Assisting witnesses (Signed) Nicolas A. Den
(Sgd) Manuel Ayala (Signed) Augustin Gansin
(Sgd) Mateo Ma Ortega
(Sgd) Manuel Camillo

PAGE 30

Filed in Office June 10th 1857
Geo Fisher
Sery

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2D

Opinion

Case No 266

Against Yanson

of
The United States

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Lomas de la Pacific

-acion

115 SD
PAGE 32

This is a claim for three leagues of land situated in the County of Santa Barbara which was granted to the present Claimant by Governor Manuel Micheltorena on the 28 of December 1844 and judicial possession of the same duly given by the proper Officer on the 15th of April 1845.

The Original grant and record of Judicial Possession are in evidence and their genuineness proven by the deposition of Pablo de la Jara.

The record of Judicial possession together with map contained in the Expediente in the Archives to which reference is made in the grant a true copy of which is filed in the case as sufficient for the location and identification of the land granted.

The evidence in relation to the occupation of the land is that in the year 1845, The Claimant occupied the land with his cattle and servants and in 1846 went there to live with his family and has continued to reside there ever since, although there is no direct testimony that he built a house within a year yet I think the evidence very clearly leads to that conclusion.

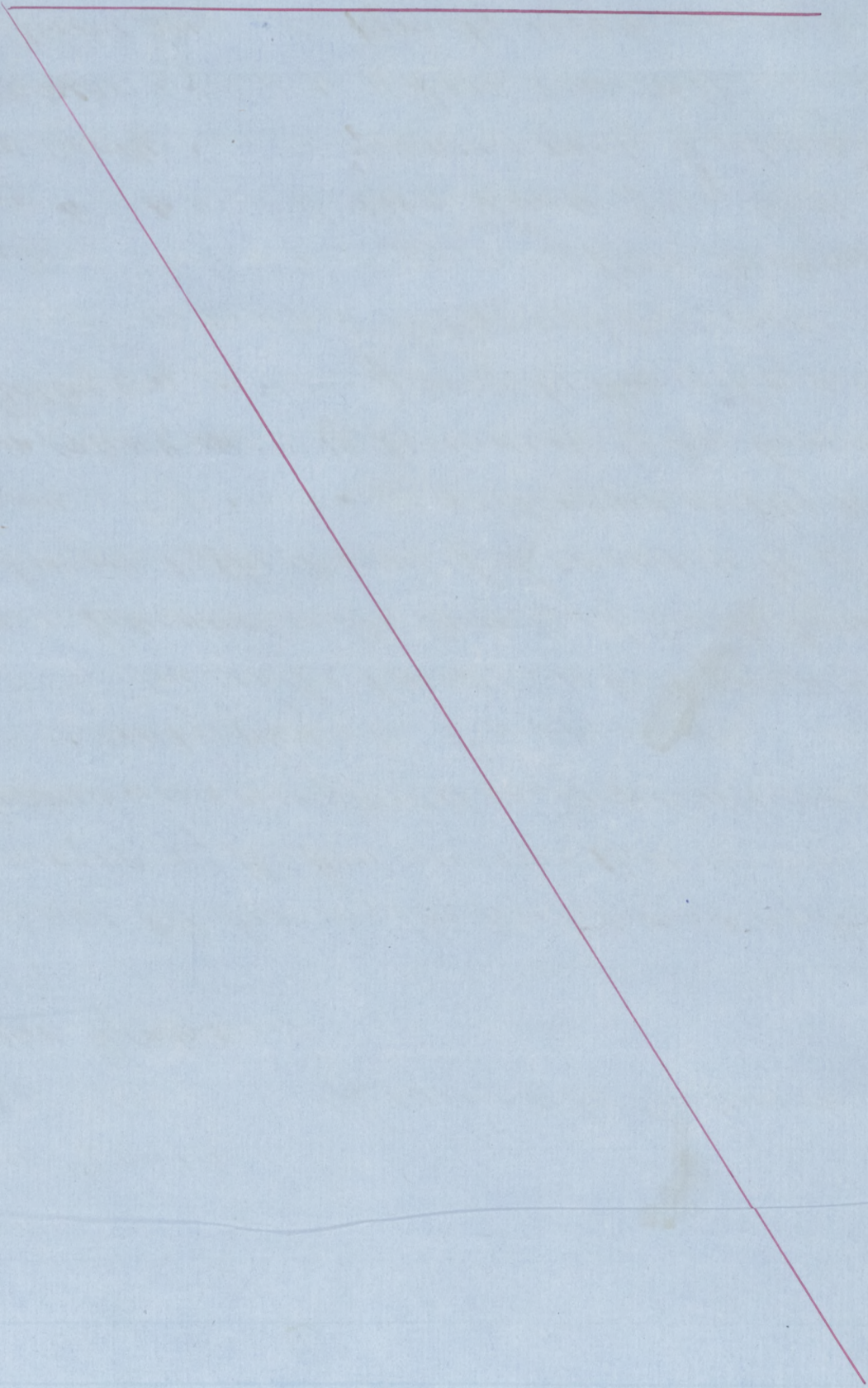
The Grant is dated on the 28th of December 1844, and the Judicial possession on the following month of April.

The inference from the proof is that after obtaining

the possession he placed his cattle and servants
on the land and commenced building his house
which was completed during that year and was
occupied by himself and family in the succeeding
one. This I consider a substantial compliance
with the conditions of the grant and in connection
with the other proofs in the lease sufficient to entitle
the petitioner to a confirmation of his claim

115 SD
PAGE 33

Given in Office March 14th 1834
Geo Fisher
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Dece

No 266
Augustine Yanson
of
The United States

Thomas de la Pausacion

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PAGE 34

In this lease on hearing the proofs and allegations it is ascertained by the Commission that the claim of the Petitioner is valid and it is therefore decreed that the same be confirmed.

The land of which confirmation is made is situated in the County of Santa Barbara and is known by the name of Loucas de la Purificacion. It is three square leagues or thereabouts more or less in extent and is bounded by the Rancho of the College of Santa Ynez, by that of Raymundo Canales, of the deceased Joaquin Villa and by the Sierra de San Jose, extending from the Sierra de Guadalupe along the river Santa Ynez three hundred cords of fifty varas each to a tree marked as a corner, and from said river to the Sierra as will more fully appear by reference to the original grant, Record of Judicial Possession and Maps filed in the lease.

Alphons Fitch,

Thompson Campbell

A. Aug. Thompson
Commissioner

Filed in Office March 14th 1854

Geo. Fisher

Clk

6766
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Handwritten text at the bottom edge of the page, partially obscured and difficult to read.

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

Ordered, that two Transcripts of the Proceedings and of the decision in this case and of the papers and evidence upon which the same are founded, and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United States.

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PAGE 35

[Faint, illegible handwriting]



[Faint, illegible markings or text]

Office of the Board of Commissioners,

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

115 SD

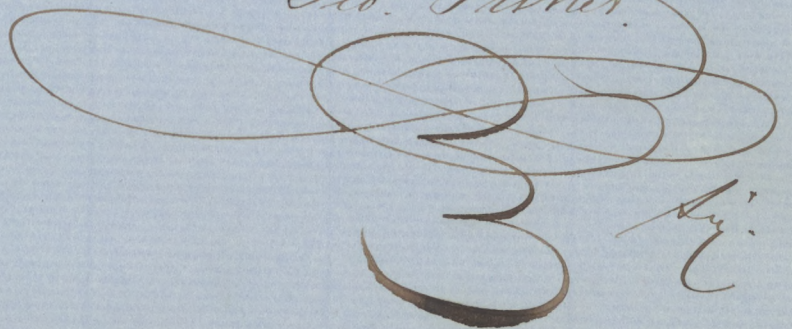
PAGE 36

I, *George Fisher* Secretary to
Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
preceding *thirty four* pages, numbered from
to *34*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *266* on the Docket of the said Board,
in *Agustin Yansens* is

the Claimant against the United States, for the place known by
the name of *San Tomas de la Purifica-*
cion

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
thirtieth day of *October*
A. D. 1854, and of the Independence of the
United States of America the seventy=*ninth*.

Geo. Fisher



115

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

No. *115*. *Docket*

THE UNITED STATES,

vs.

Agustin Gansens.

"*Lomas de la Purificacion.*"

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 266.

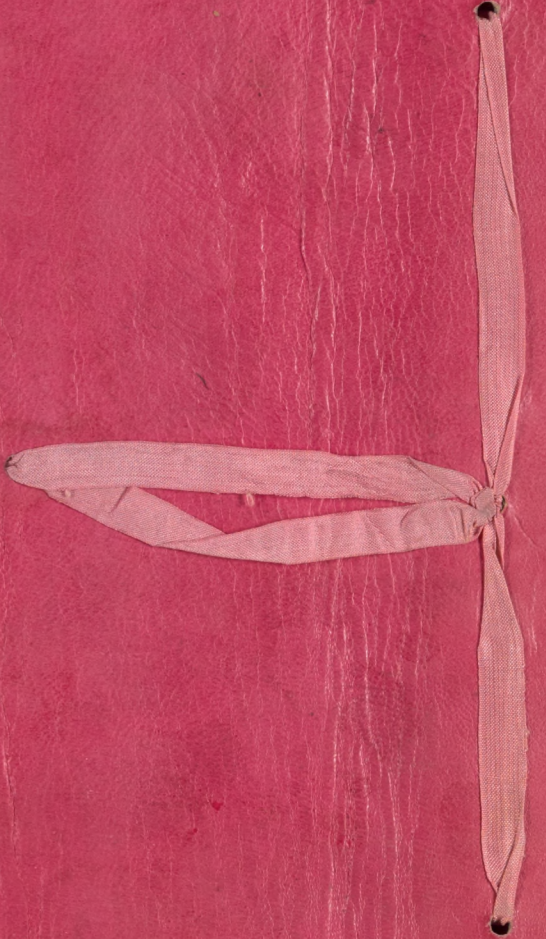
Filed,

November 8th 1854.

*J. S. Carr
Clerk*

115

No. 266



Office of the Attorney General of the United States,

Washington, 17th January 1855.

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PAGE 37

Augustus Gausens }
vs. } 266.
The United States }

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 12th day of October 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Andrew

Attorney General.

S. C.

No 115.

U. S. District Court
Southern District -

The United States
vs.
Agustin Yansens,

Notice of appeal from *Att. Gen.*

Filed Feb 27th 1855.

J. E. Carr
Clerk.

115 SD
PAGE 38

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PAGE *duplicate*

Office of the Attorney General of the United States,

Washington, 17th January 1855.

30A

Augustus Yansens

vs.

The United States.

} 266.

266
115

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 12th day of October 1854, the appeal in the district court of the United States for the district of California will be prosecuted by the United States.

Cushing

Attorney General.

Marshals fees

Copying Summons \$0
Summons " 3.00
Petition 3.00
6.00

No 115.

United States of America,
Southern District of California,
U. S. DISTRICT COURT.

Augustine Gausme

vs
Adm

The United States

SUMMONS.

Revised 28-1855

Edward Hunter
M. Marshal

115 SD

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I served this summons along with the proper copy of the petition upon *H W Halluck*
Att'y for appellee by delivering
to him a copy of the same

at *Los Angeles*
the *24th* day of

in the Southern District of California on
A. D. 1855.

Sworn to and subscribed before me,

Clerk.

Edward Hunter
M. Marshal.

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

115 SD

TO PAGE 40

The President of the United States,

Augustin Gansens

I " E " I " E " I

GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *Twenty Eighth* day of *September* in the year of our Lord one thousand eight hundred and fifty-*5*, at the City and County of Los Angeles, in said District, by

Pacificans of the United States,

Dist Atty for the Southern Dist of Cal. in behalf of the United States. praying this Court to reverse the decision of the Board of U.S. Land Comm. confirming the claim of Augustin Gansens to the place called the "Comar de la Purificacion" in Santa Barbara County California to the extent of three square leagues which said claim was presented by you to the said Comm. on the 10th day of June 1852, and by them confirmed on 14th March 1854,

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

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *28th* day of *September* in the year of our Lord one thousand eight hundred and fifty-*5* at Los Angeles aforesaid.

C. C. Carr

Clerk

By J. W. Ross Dep

No 115

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

The United States appellants }
 us. } Answer of appellee
Agustin Gansens, appellee }

Agustin Gansens, appellee, appears by his
attorneys, and for answer to the petition of
the United States filed herein, says:
That his title to the land called "Lomas
de Purificacion", as set forth and described in
his petition to the Board of Commissioners and
in the documentary and other evidence
in this case, is a good and valid
title; and he prays this Honorable
Court to affirm the decision of the
Board of Commissioners and to decree
his title to be valid.

Halluk Peachey & Billings
Atty's for appellee.

No 115

The United States
Appellants
vs.
Augusta Gausman
Appellee

Answer of appellee

Filed Sept 28th 1835
Clk. Court Clerk
By A. W. Ross Dep

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Hall & Beachy & Williams
Attys for appellee

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

Hon. Isaac S. H. Ogier Judge.

Augustin Gansens. } N. 155.

ads. }

(Transcript N. 266)

The United States

The petition of Pacificus Ord, Attorney of the United States, for and in behalf of the United States, respectfully represents, that on or about the 20th of June A.D. 1852 ^{Augustin Gansens} ~~Loalguin Estrada~~ petitioned the Board of U. States Land Commis-
sioners, for the State of California, claiming the place called ^{"Lomas de la Purificacion"} ~~Santa Margarita~~ in San Luis ^{San Luis} ~~Barbara~~ ^{Barbara} County, of the extent of ~~four~~ ^{three} square leagues, a little more or less, that in or about the 14th of March A.D. 1854, the said Commissioners confirmed the said claim. That on or about the 8th of November A.D. 1854, the said Commissioners caused a transcript of their proceedings and decision, with the evidence, in said cause to be filed in the Office of the Clerk of the Honorable Court. That on or about the 12th of October A.D. 1854, the Honorable Caleb Cushing Attorney General of the United States received a certified transcript of the said proceedings, decision, and evidence in said cause, from said Commis-
sioners. That thereafter, to wit; on or about the 27th of February ^{A.D.} 1855, the said Attorney General

filed or caused to be filed in said Clerk's Office
a notice of the intention of the said United States
to prosecute the Appeal in said Cause, that the
land claimed is in the Southern District of
California, and within the jurisdiction of this
Honorable Court. ^{that the said claimant has a valid title to the said land,} And the said United States, being generally
Wherefore the petitioner prays that the said
Seaguin Estrada, ^{Augustine Gansper, for his attorney} may be served with a copy
of this petition; and that, after due proceedings
had, that the said decision of said Commissioner
in said cause may be reviewed, reversed and
set aside; and that the said claim or title may
be decreed to be invalid.

And General Relief.

P. Old

Attorney of the United
States for the Southern Dist of California.

N^o 115.

Augustin Gansens.
ads.

The United States.

Patrim of the U States
for Review.

1851

Open Sept 28th 1855.

V. C. Canaan

By W. R. D. D. D.

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P. O. D. D. D. D.

The United States
 Appellants
 vs

Augustin Yanez

This claim is predicated upon a grant made to appellee by Governor Michelena under date 27 Decr 1844 - in conformity with the Colonial Law of Mexico by which was granted the land known as the "Loma de la Purificacion" bounded by the Ranch of the College of Santa Ynez, by that of Don Raymundo Carrillo by that of the deceased Joaquin Vilela and by the Loma de San Jori - To this grant the usual conditions are annexed.

Among them is a clause which states that the land is three square leagues a little more or less in extent as shown by the sketch and plan ^{as shown by the sketch and plan} annexed. On 15 April 1845 Inducida possession of the land was delivered. The said testimony ascertain that the grantee occupied the land in 1845 with some cattle herds and moved his family there in 1846 from which time to the present they have remained. The genuineness of the grant & the documentary title is fully established. There is no objection of the grant by the ~~Heirs~~

and reputation, but this cannot be an-
-der the circumstances, to make
the claim. There are no papers
of Naturalization on file, but the
Court concludes, the recital in the
grant that granted to a natu-
-ralized citizen as a legal prima
facie evidence, and in the absence
of any ~~evidence~~ ^{testimony} of an opposite character
sufficient evidence of the fact.

The decision of the Commission, in
favor of the validity of this claim
must be affirmed.

The United States

Appellants

vs

Augusta Maisey,

Appellee

} Circuit Court U.S.
for the Southern Dis-
trict of California

This cause coming on to be heard at a
stated term of said Court as an appeal
from the final decision of the Commis-
-sioners to ascertain and settle private
land claims in the State of California
under an act of Congress approved 8th
March 1857 on a transcript of the pro-
-ceedings and ~~decree~~, and of the papers
and evidence on which said ~~decree~~
decision was founded, and it
appearing that said transcript had
been duly filed according to law,
and the Counsel for the respective
parties having been heard, it is ordered,

adjudged and decreed ^{2^d Mot} the said decision, and the same is hereby affirmed, and it is further ordered adjudged and decreed, that the claim of the said Augustin Yantus is a good and valid claim and the same is hereby confirmed to the land described in the record to the extent of three hundred square leagues, for a particular description of which reference will be made to the grand Record of Judicial Proceedings and Mot of fees in this case.

No 115.

United States Appellate

vs.

Augustin Hansen
Appellee

Opinion and Decree

Filed Oct 2nd 1885

A. E. Cannon
By W. R. R. Dip

The United States
Augustin Hansen

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In the United States District Court for
the Southern District of California,
Special Term Sept 1833,
Los Angeles.

Agustin Gansens. app. } N^o 115.
 ads. }
The United States. app. } Transcript N^o 266.

On motion of P. Ord Attorney of the
United States for the Southern District
of California, it is Ordered by the
Court, that an appeal be granted
the United States, to the Supreme
Court of the United States, from
the judgment of this Court against
the United States, in the above
entitled cause, rendered on or
about the 3rd day of October
A D 1833.

P. Ord
C. D. W.

PAGE

PAGE

SD

No 115.

U.S. District Court
Southern District of Cal.

The United States Appellants

vs.

Augustin Hansins appae

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Order of appeal to the Supreme
Court on Motion of Ford
No 5 ally.

Filed October 18th 1855

C. E. Conall
By W. A. Anderson

No. 115 SD
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In the District Court of the United States within and for the Southern District of California

Wm. Francis S. New, Judge.

December Term 1855

The United States

Appellants

vs

Augustus Wauson

Appellee

Case No 115

Transcript from the Board of Land Commissioners No. 266.

The Attorney General of the United States having given notice that the appeal to the Supreme Court from the decision of this Court in the above entitled Cause will not be prosecuted by the United States, and a stipulation having been entered into by the United States District Attorney, and the Attorney for the Claimant that the order granting an appeal to the Supreme Court heretofore made in this Cause be vacated, and that the decree of this Court heretofore rendered in this Cause may by order of the Court be made final it is

Ordered, adjudged and decreed That the

BYCE
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Order granting an appeal to the Supreme Court
therefore made in this cause be and the same is
hereby vacated, and that the Claimants have leave
to proceed under the decree of this Court. Therefore
Rendered in this cause as under a final decree
Dated at St. Louis
11th Nov 1857

U. S. Dist Court
South Dist Cal

No 115

The United States

Appellants

vs

Jacqueline Gansens
Appellee

Order

Vacating Appeal

Filed Feb 5th 1857

Jms
JRC

115 SD

PAGE 53

California Land Claims.

Attorney General's Office

10 September 1856.

115 SD
PAGE 54

Sir,

In the case of the claim of Augustin
Gansens, confirmed to the claimant by the Com-
missioners, case no. two hundred and sixty-six, (266),
and also confirmed on appeal by the District Court,
appeal in the Supreme Court will not be prose-
cuted by the United States.

I am

Respectfully

Cluding

Jacifius Ord Esq.

U.S. Atty for the

Southern Dist. of California

115

Augustin Gansour

266

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Oct 21 1836

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

Now Isaac S. W. Allen, Judge,

December Term 1856

The United States

Appellant

vs
Augustin Wauson

Appellee

Docket No 115

Transcript from the Board of Land Commissioners No 266.

In pursuance of a letter from the Attorney General
of the United States, recently received, giving notice that
in the above cause the appeal in the Supreme Court
will not be prosecuted by the United States; it is
hereby stipulated and agreed by and between the
parties that the order granting an appeal to the
Supreme Court heretofore made in the above cause
be vacated, and that the decree of the Court
heretofore rendered in this cause may by order
of the Court be made final.

I. W. Allen, J.

Walter Bush Billing
Atty of Appellee

W. S. Dub Court
South Dub Cal.

No 115

The United States
Appellant

^{vs}
Augustin Gausens
Appellee

Shpetation
to vacate order of
Appeal to Supreme Court

Filed this 5th February
1857
Clerk
J. H. Hoffman
Clerk

115 SD

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