

CASE No.

117

SOUTHERN DISTRICT

LAS POZAS GRANT

JOSE DE LA GUERRA Y NORIEGA

CLAIMANT

LAND CASE 117 SD

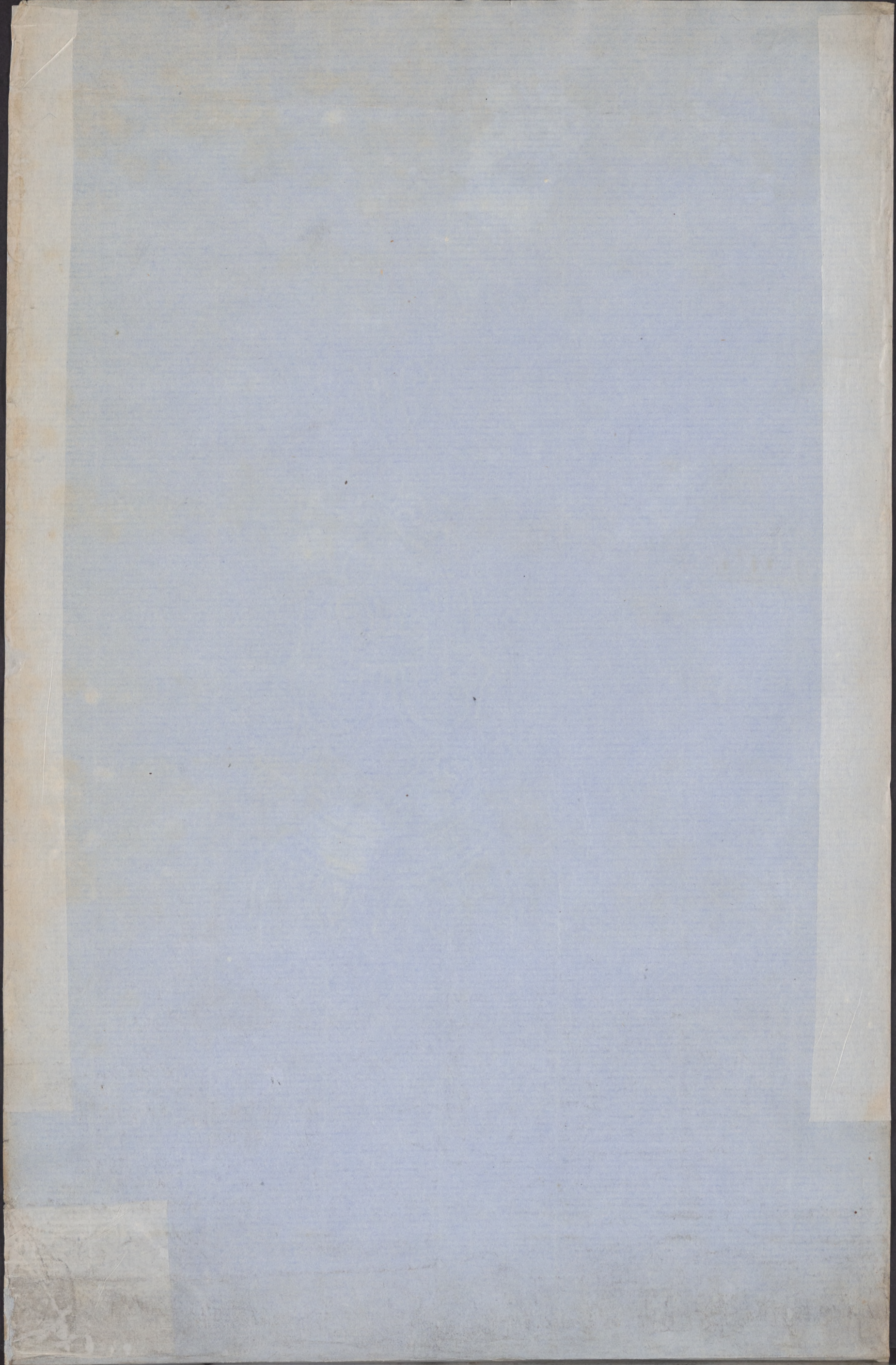
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296

Southern District



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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 296

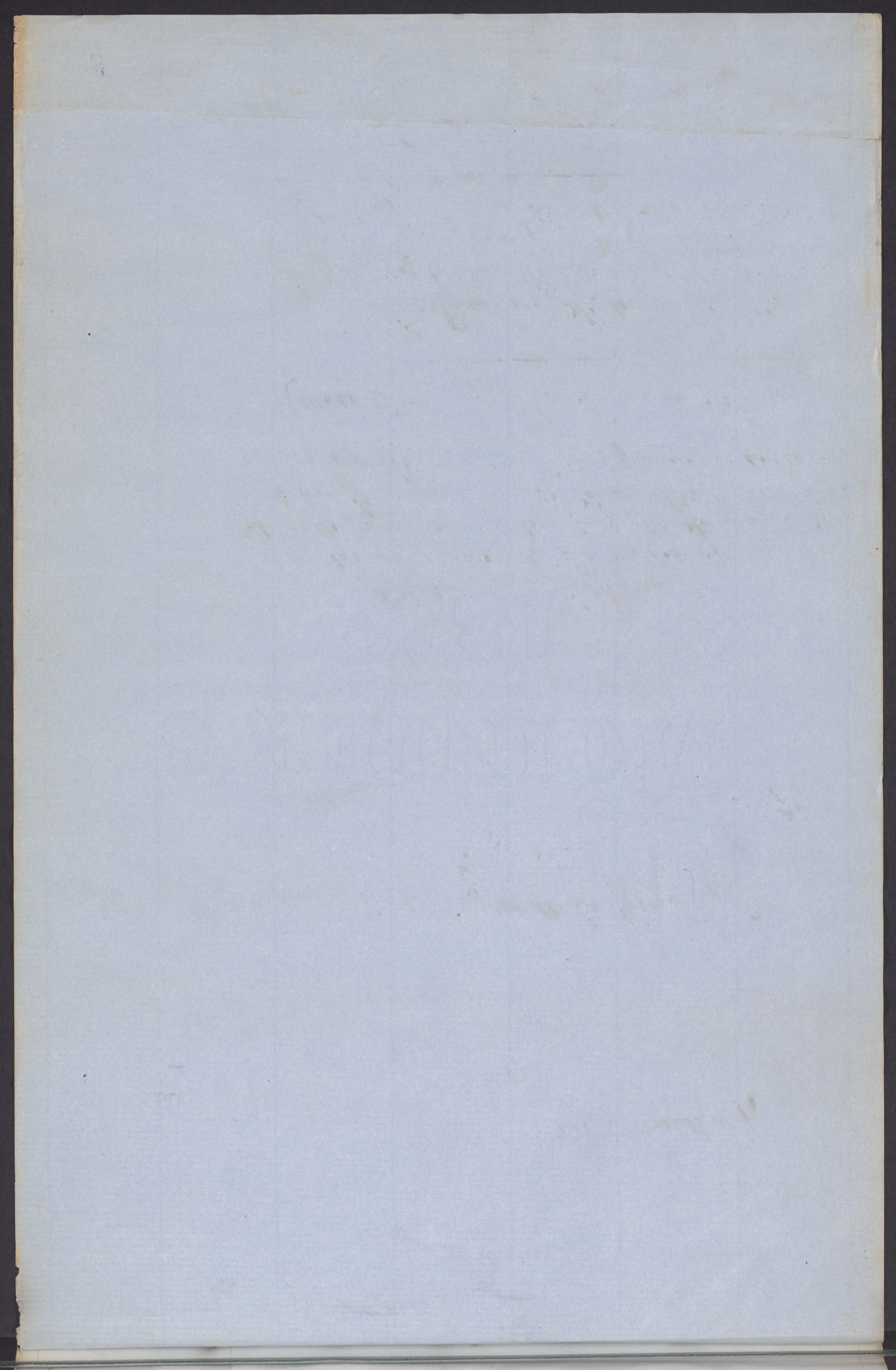
José de la Guerra y Noriega CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Las Pozas"



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 twenty seventh day of July, Anno Domini One Thousand Eight Hundred and Fifty-four, 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 de la Guerra y Noriega,
"Las Pozas" — for the Place named

was presented, and ordered to be filed and docketed with No. 296 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 September 3, 1852.

In the same case, the Deposition of Ygnacio del Valle, a witness in behalf of the claimant, taken before Commissioner, Wiland Hall, was filed, and is in the words and figures as follows, to wit;

(Vide Page 4 of this Transcript.)

San Francisco, September 13, 1852.

In the same case, the counsel for the claimant filed the following motion, to wit;

(Vide page 5 of this Transcript.)

San Francisco, August 26, 1853.

In the same case, the Counsel for the claim-

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ant read the evidence: Argued, submitted
and taken under advisement.

San Francisco, February 28, 1854.
In the same case, Commissioner, R. A. Thompson,
delivered the opinion of the Board,
confirming the claim.
(Vide page 57 of this Transcript.)

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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 62 of this Transcript.)

To the Honorable Commissioners to settle
Private Land Claims in California.

Petition

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The petitioners, Jose de la Cruz, respectfully
shows:

That on the 15th day of May A.D. 1834
Jose Pigneroa, Governor of California, by
virtue of Authority in him vested, granted
to Jose Carrillo, by decree, the Tract of land
called "Las Posas" which grant was
approved by the Deputation of California on
the 22nd day of May A.D. 1834; and that
on the 28th day of July A.D. 1834 Governor
Pigneroa issued to the said Carrillo, the formal
Title for the said Tract of land situate in
the present County of Santa Barbara;
all of which is fully shown in the Expediente
a certified copy of which is submitted
herewith marked "A" with a translation
marked "B"; The petition also submits here:
with a copy of the formal Title marked "C"
with a translation marked "D";

The Petition also shows that on the
27th day of June A.D. 1846 the said
Carrillo sold and conveyed the said Tract
of land to the petitioners a copy of which
deed of conveyance is submitted here:
with marked "E" with a translation
marked "F"

That the said Tract of land has
not been surveyed by the Surveyor
General of the United States, but that
the boundaries are fully set forth in the
Title and maps, and have been marked
out by the proper judicial authority.

That he knows of no conflicting claim;
 That he relies for confirmation of Title
 upon the original papers; copies of which
 are submitted herewith, upon the records
 and minutes in the Archives under
 the charge of the Surveyor General;
 and upon such other and further
 proofs as he may be advised are necessary.
 Wherefore he prays the Commis-
 sioners to confirm to him the aforesaid
 tract of land.

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By his Atty
 Halleck Percy Billings.

Filed in Office July 25th 1852
 Geo. Fisher
 Secy

Office of the Board of Land
 Commissioners for California
 Los Angeles Sept 3rd 1852.

Deposition
 of Ygnacio
 Del Valle

On this day before Heiland Hall one of
 the Commissioners for ascertaining and
 settling the Private Land Claims in
 California came Ygnacio Del Valle a
 witness produced on behalf of the
 Claimant Jose de la Cuena y Noriega
 N. 296 on the Commissioners Docket
 and after being duly sworn testified as
 follows his evidence being given in
 the Spanish Language and interpreted

By Geo. Fishers Secretary,
The U.S. Land Agent was duly notified
and attended.

In answer to enquiries by the
Counsel for the Claimant the witness
testified as follows:

My name is Ygnacio del
Valle, my age forty four and my
residence Las Angles.

I am acquainted with the hand
writing and signatures of Jose Figueroa,
Agustin V. Zamora, Manuel
Jimenez, Antonio Maria Ortega, Jose
Carrillo Francisco de la Guerra, &
Bernardo Dico.

Their said several signatures
appearing upon a paper now shown
me purporting to be the title & map
of land granted to Jose Carrillo & trans-
ferred from said Carrillo to the Claimant,
are I have no doubt their genuine
signatures. Said paper is hereto attached
and marked No. 1.

In 1836 I passed over the land,
Jose Carrillo was then living there in
a house he had built & he had cattle
there. In 1846, the present claimant
purchased of Carrillo and one of his sons
had charge of the Rancho. He had an
overseer and servants who lived in
the house. Said occupation has
continued to the present time.

In answer to questions by the
Land Agent the witness says he believes
the land is within ten leagues of the

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Sea coast. In May 1828 I passed
by the land which was then occupied by
the cattle of San Buenaventura Mission
but how long it was so occupied I
cannot tell. I cannot tell whether
the occupation continued to the next
year or not.

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I know of no adverse claim to the
land, or any fact or circumstance adverse
to the claim.

Ygnacio del Valle
Sworn & subscribed

Before me
Richard Hall Comr

Filed in Office Sept 3rd 1852
Chas. Fisher
Sec.

Span 20c
Follows

20

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1. S. D. K.

Jurisdiccion
de Sta. Barba.

N. 39

1833

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Expediente

Sobre el paraje nombrado Las Pozas
Solicitado p.^a su ocupacion y venificio por
D.^o Jose Carrillo.

//

2 S. D. K.

Delo Terreno Para los años de mil y dos y ochocientos

Place of Seal in the original

Los Reales Ochocientos treinta y tres

Carro Sr

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A
Expediente

Mayo 16/39
Presente esta
Solicitud al Sr.
Politico de aquel
territorio para que
provea en ella
conforme a las Leyes
de Mampay

El Ciudadano Carlos Mat. Carrillo
diputado por el Territorio de la Alta
California, a nombre de mi hijo
mior Ciudadano Juan Carrillo, canado
y avecinado en dho territorio de
donde es natural, a V. E. con el
devido respeto hago presente; que
formando dho mi hijo familia
ya separada de la mia y hallandose
p. Consig. Constituido en la obligacion
de proveer a su existencia no tiene

mas recurso para verificar que ocurrir por mi Conducto
ala acreditada justificacion de V. E. p. hacerle presente
que siendo el unico jiro de aquel pais, o por lo menos
el mas considerable y al que se han dedicado con preferencia
sus naturales, la agricultura y cria de ganados de toda
especie, no tiene mi hijo un terreno en que poder
colocar p. su aumento los bienes muebles que al separarse
de mi casa le di por lo que le correspondia p. que impusiera
a subvenir a las necesidades de su familia, y asi para
este objeto como p. las empresas de agricultura, unico
Viviente de aquel suelo y en lo que tiene mas intelig.
como que desde muy pequeño se ha ocupado en este
ejercicio

A V. E. Suplico que teniendo en considera-
cion el dho que al casado mi hijo le asiste como
Ciudadano Mexicano y como hijo de aquel territorio para
la presente Solicitud se digno mandar q. el Sr.
Politico le atienda y le de la propiedad de alguno
de tantos terrenos baldios como hay en aquel territorio

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y le ponga en posesion de el, asi como a los demas en
quienes se haya de verificar la reparticion de tierras que
seg.ⁿ entiendo va ahora a tener su efecto, en todo lo
que reabria gracia y merced.

Mexico 9 de Mayo de 1832
Carlos Ant. Carrillo

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H.S.K.

Dello tercero Don Reales
para los años de mil ocho Cientos treinta y
dos y ocho Cientos treinta y tres.

Placa
oficial
in the
original

Don Jefe Superior Politico

Santa Barbara
Octubre 1.^o de 1833
De conformidad
con las leyes de la materia,
informe el Comandante
militar de Santa Barbara
Si el interesado en esta
instancia obtiene los requi-
-sitos prevenidos para que
atendido en su solicitud,
Si el terreno que pretende
esta comprendido en las
veinte leguas limitrofes
o diez literales que espusa
la ley de 18 de agosto de
1824, Si es de regadio,
temporal, o habravadero,
Si pertenece a propiedad
particular, Corporacion
o Pueblo, con todo lo
demas que sea conveniente
a ilustrar la materia.
Evacuado esto, pasará

El Ciudadano Don Carrillo ante
la notoria justificacion de V. S. con
el debido respeto hago presente que
hallandome separado de la patria
potestad por haber tomado estado, y
hallarme al presente con las obligaciones
que a el Don Consequente, mi padre
D. Carlos Ant. Carrillo represento
a mi nombre al Supremo Gobierno
en Mexico a efecto de q.^o se me
concediera el terreno necesario pa-
lor objetos que a mi peticion indique,
y obtuvo el decreto del Minist.
de Relaciones que consta al margen
de mi citada representacion que
devidam.^t acompaño, y hallandome
valdido el paraje llamado Las
Pozas entre el territ.^o de las
Misiones de S. Buenaventura
y S. Fernando, de largo de este
a lope de cuatro y media a cinco
leguas desde el lindero del rancho
de S. Jose de Bracia (alias)

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el expediente al
 Padre Ministro de
 la Misión de Sr.
 Buenaventura para
 que informe lo que le
 ocurra. El Sr. D. Jefe
 Superior Político del
 Territorio así lo mandó
 de auto y firmó, de
 que doy fe.
 Figueroa
 N. V. Zamorano
 Orio

Simi' hta la villa de la Misa p.
 bajar al Rio de Santa Clara, y su
 anchura de Sur a Norte la que fran-
 -quean dos lomas que corren de este
 a Oeste que en la pte q.^a mas es
 de una legua y en otras tres Cuartos
 poco mas o menos, espero se digne
 V. S. Conferirme la propiedad del
 indicado terreno p.^a los usos que al
 efecto me sean convenientes, en la
 inteligencia de que p.^a se cultiva y
 demas fines anexas a la cria de
 ganados & a cuanto con los bienes
 muebles bastantes p.^a mantener el

Citado paraje en continuo labor con notable aprovechamto
 particular mio y del publico de este Territorio.

Aun que la estension del terreno que solicito
 parece mucha no lo es en realidad atendidas las
 Circunstancias de q.^a Solo el Centro de la Misa q.^a forman
 las lomas produce algun pasto, aguedias muy poco y en
 algunas ptes nada; tiene un solo aguaje que es el
 de las Pozas, y aunque muy abundante es de alguna
 profundidad: para sacar el agua es necesario algun
 trabajo, por lo qual no se pueden concebir esperanzas
 de que pueda servir para regar con ella y solo es util p.^a
 bebedero de los ganados. No hay en el referido sitio
 casi ningunas maderas por que las pocas que produce
 Solo sirven para leña, de modo que para construir
 Casas y Corrales se tendrá que traer del Rio de Santa
 Clara a la distancia de Cuatro a cinco leguas.

C. S. D. K.

Las ptes Colindantes con el paraje refe-
 -tido son el ya dicho rancho de San Juan de Gracia
 (alias / Simi' distante Cora de tres leguas: la
 Misión de S. Buenaventura a distancia de Sur a ocho,
 el rancho del Conyo a la de dos y media a tres, la
 loma que está al Norte y Corre de Este a Oeste es

Muy quebrada y encarpada, la otra que está al Sur y corre al mismo rumbo es baja y produce algunos pastos.

El objeto de pedir este Sitio es solo para criar ganado de ganados que es lo unico para que es util, pues para Dumbres no tiene ni un solo pedazo Capas de empenderse esta p.^a negociacion: es un paraje Valdivo

J.S.D.K.

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Sello tercero
Para los años de mil ochocientos y dos y ocho Cientos
Seal
dos reales
Ciento treinta
veintay tres

— en el cual solo se encuentra alguna Caballada mustina, y por tanto

N. S. Duplico que en vista de ella se Sirva Concederme la propiedad como luro pedido y que en consecuencia se me de la correspondiente posesion con las formalidades legales en lo que recibiere merced

Santa Barbara Septiembre 30 de 1833
D. Carrillo

Don Jefe Sup.^o Politico

El interesado en esta Solicitud obtiene los requisitos prevenidos para ser atendido en ella, y el terreno que pretende no está comprendido en las 20 leguas limitrofes ni 10 literales que espresa la ley de 18 de Agosto de 1824 no es de regadio, ni temporal y si de abrevadero; pertenece a la Mision de San Buenav. y en cuanto a si hace falta o no a dicha Mision le toca a su padre Ministro exponerlo.

Es cuanto puedo informar a N. S. en cumplimiento de su Superior decreto fecha 1.^o del corriente

J.S.D.K.

Puerto de Santa Barbara Oct. 21 / 833

Juan M. Barra

Señor Jefe Superior Politico

Conbenga en lo que el Interesado espone en su representacion, bajo la obligacion de que el dicho

interrumpido debiera tener un cerco en la Piedra Colorada,
 que debida dicho terreno del de esta Misión, para que así
 los Ganados no se juntan; Y de no obligarse a poner dicho
 cerco se pondrá el Lindero en el ranjon del Corral de los
 Toros. En cuanto tengo que informar a V. S. en
 cumplimiento a su superior decreto fecha 1.º del corriente
 Misión de S.ª Buenaventura 31 de Octubre de 1833
 Fr. Blas Ordaz

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Monterrey Noviembre 21. de 1833

Para este expediente al Comandante militar
 de Santa Barbara ante quien la parte de D. Juan Carrillo
 producirá una informacion de tres testigos idóneos q.º serán
 interrogados sobre los puntos siguientes: 1.º Si el solicitante
 es Ciudadano Mexicano, Si es Casado y tiene hijos, Si
 es de buena conducta; 2.º Si el terreno que solicita
 es de la propiedad de algun particular, Misión, Pueblo
 o Corporacion alguna; Si es de regadio, temporal o abre-
 vaduro, y que estension tendrá; 3.º Si el pretendiente
 tiene bienes de Campo o posibilidad de adquirirlos para
 pagar dho terreno. El mencionado Comandante hará
 saber al interesado este decreto para su cumplimiento y el
 informe del Ministro de la Misión de Santa Buenaventura
 para que promueva lo que le combenga. Practicados que
 sean estas diligencias devuelva el expediente para su
 resolución. El Sr. Jefe Superior Político del Territorio
 Gral de Brigada D. Juan Figueroa así lo decretó, mandó
 y firmo de que doy fe

Juan Figueroa

Aguilón V. Zamorano
 Srío

En la Plaza de Santa Barbara a los Cuatro
 dias del mes de Febrero del año de mil ochocientos treinta
 y Cuatro el C.º Teniente Juan M.ª Barra Comandante
 Militar encargado de lo político en dicha plaza, con acuerdo
 al Sup.º decreto q.º antecede del Sr. Comand.º gral y

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 Jefe Supor. Político de este territorio Sr. Don Juan Figueroa
 hizo comparecer ante mí al 1.^{er} testigo que presento el
 Sr. Don Carrillo para ser interrogado sobre los puntos
 que designa el nominado Superior decreto, y habiéndole
 10 S. D. K. preguntado su nombre dijo: llamarse Don de Casas
 Rodríguez, y responde

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Preguntado: Si promete decir verdad sobre
 lo q.^e fuere preguntado Dijo: Si promete.

Preguntado: Si sabe que Don Carrillo
 es C.^{no} Mexicano, si es Casado, si tiene hijos, si es de
 buena conducta, Dijo: que sabe que es C. Mexicano,
 q.^e es Casado, y tiene tres hijos, y es de buena conducta.

Preguntado: Si el terreno que solicita
 es de la propiedad de algun part.^o, Misión, Pueblo, o
 Corporación alguna, si es de regadillo, temporal o habuadero
 y q.^e intencion tiene Dijo: q.^e el terreno que solicita
 no sabe pertenecer a ningun particular, sabe si q.^e perti-
 -necce a la Misión de Sr. Buenav.^a, q.^e no sabe pertenecer
 a alguna Corporación y q.^e en algunos bajios o Cañadas
 con las tierras de temporal, que todo el Sitio es abrebadero
 y que no sabe la intencion que tiene el Sitio.

Preguntado: Si sabe q.^e Don Carrillo tiene
 Viñes de Campo, o posibilidad de adquirirlos si poblar
 dicho terreno Dijo: que tiene viñes de Campo propios.

Preguntado: Si tiene mas q.^e decir sobre
 este asunto Dijo: que no tiene mas q.^e decir: en lo que
 se afirmo y ratifico leida que se fue esta declaración
 q.^e lo q.^e a dicho es la verdad bajo de la promesa echa,
 y yo no saber firmar hizo una señal de Cruz, y lo
 firmé yo y el testigo de arriba.

Juan de Casas

Don de Casas Rodríguez +

testigo de arriba

Pablo de la Ossa

Incontinenti: el referido Teniente encargado de

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11 S. I. K.

delo político en este puerto de Santa Barbara hizo comparecer
ante sí al 2.º testigo en esta información, y preguntado
su nombre, y si promete decir verdad sobre lo q. fuere
interrogado Dijo: que se llama Fernando Tico, y que
si promete decir verdad en cuanto se le pregunte.

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Preguntado: Si sabe que Don Carrillo sea C.
Mejicano, si es casado, si tiene hijos, si es de buena
conducta, Dijo: q. sabe que Don Carrillo es C. Mejicano,
q. es casado, y tiene tres hijos y que es de buena conducta.

Preguntado: Si sabe q. Don Carrillo el terreno
q. pretende pertenece a algun particular, Mision, Pueblo
o corporacion alguna: Si es de regadillo, temp. o hatervadero,
y q. estencion tiene Dijo: que no sabe q. el terreno que
pretende pertenesca a algun particular, sabe q. anteriormente
tenia la Mision de S.º Buenav.º algunos vienes en él, y
q. p.º ahora sabe q. queda una q. otra res de la referida
Mision, q. no sabe pertenesca a alguna corporacion,
Sabe que dicho terreno en algunas cañadas o bajos tiene
tierras de temporal, y sabe que es abrevadero de vienes de
algunos particulares q. tienen sus ranchos inmediatos, y
que no sabe la estencion que tiene.

Preguntado: Si sabe q. Don Carrillo tiene
vienes de campo o posibilidad de adquirirlos p.º poblar
dicho terreno Dijo: que sabe q. Don Carrillo tiene
vienes propios p.º poblar el rancho p.º q. a visto meter
quinientas reses al citado terreno p.º cuenta del referido
Carrillo, y que no tiene mas que decir sobre el particular,
y que lo dicho es la verdad bajo de la promesa que hizo
de decirla, en lo que se afirmó y ratifico, leida que fue
esta su declaracion, y lo firmo con miyo y el testigo de

12 S. I. K.

asistencia.
Juan M. Barra
de acit.º Fernando Tico
Pablo de la Peña

En acto continuo el referido Comandante

militar encargado de lo político en este puerto de Santa
Barb. hizo comparecer ante sí al 3.^{er} testigo en esta
información, y preguntado su nombre, y si promete
decir verdad en lo q.^e fue interrogado Dijo: que se
llama Antonio Rodríguez, y que si promete decir
verdad en cuanto se le pregunte.

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Preguntado: Si sabe que José Carrillo
sea C. Mexicano, si es casado, si tiene hijos, si es
de buena conducta, Dijo: que sabe q.^e José Carrillo
es C. Mexicano, q.^e es casado y tiene tres hijos, y
que es de buena conducta.

Preguntado: Si sabe q.^e el terreno q.^e pretende
José Carrillo pertenece a algún particular, Misión,
Pueblo o Corporación, si es de regadillo, temporal,
o abrevadero y q.^e estension tiene, Dijo: que no
sabe q.^e dicho terreno pertenesca a propiedad particular,
Sabe que pertenece a la Misión de San Buenav.^{ta}, que
no sabe pertenesca a Pueblo o Corporación alguna,
Sabe q.^e dicho terreno es de temp.^l, que no sabe sea
abrevadero, y que no sabe la estension que tiene.

Preguntado: Si sabe q.^e José Carrillo tenga
viñas de campo o posibilidad de adquirirlos p.^a poblar
dicho terreno Dijo: q.^e José Carrillo tiene viñas de
campo propios p.^a poblar el expresado terreno, y que no
tiene mas que decir sobre este asunto, que lo que a
dicho es la verdad bajo la promesa q.^e tiene echa,
en lo q.^e se afirmó y ratificó, leida q.^e se fue esta su
declaración, y lo firmo conmigo y el testigo de asistencia

Juan m.^o Barra

de asist.^a

Pablo de la Peña

Ant.^o Rodríguez

Nota: no se han formado estas informaciones
en papel sellado por no haberlo de ninguno de ellos en este punto

Juan Barra
Dono Jefe Superior Político

Estoy echo cargo del Expediente; pero al mismo tiempo esfuengo que el interesado ha tomado posesion sin tener el decreto de Concesion por el Gobierno Territorial, cuyo abuso manifiesta los muchos perjuicios que podran seguirse a los Colindantes.

Es quanto tengo que informar a V.S. en cumplimiento al Supr. Decreto fecha 21 de Noviembre de 1833.

Mision de San Buenav. 6 de Febrero de 1834

[Note - See remarks in the attached certificate of the Surveyor General]

Fr. Blas Ordaz

Pueblo -

Map
no 1

17
15 S. D. K.

Dello Cuarto de Oficio
Habilitado provisionalmente por la Administración
de la Aduana y Maritima de Monterey para el año
de mil ochocientos treinta y cuatro y mil ochocientos
treinta y cinco.

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Figueroa

Rafael Somalá

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Pueblo de los Angeles Febr 21 de 1834

No Constante en este expediente que se
hiciera saber a la parte de D. Don Carrillo el decreto
de 21 de Noviembre ultimo con su mando en el
mismo, corrasse traslado de dho expediente para que
impuesto del, lo devuelva y promueva lo que Combya.
A Sr. D. Don Figueroa, gral de Brigada, Comandante
gral y Jefe Superior Político del Territorio de la Alta
California, así lo mando, decreto y firmo de que doy fe.
Don Figueroa Por aus.^a del Decret.
Bernardo Navarrete

Impuesto del informe del R. P. Mtro de
la Misión de S. Buenav.^a en que dice estar conforme
en la solicitud q.^a hago, con tal de q.^a bajo de una
presion obligacion he de formar un cerco en las piedras
coloradas para evitar las juntas de ganados, y de no
ser hasi sujetarme a q.^a los linderos sean en el
Sanjon de las Posas, en donde está el Corral, digo:
que no me es posible condicionar hacer el mencionado
cerco; y solo me someteré ha poner mojones como
es de Costumbre; mucho menos, el reducirme a q.^a los
linderos se pongan a donde el mencionado Mtro dice
p.^a quedar sujeto enteram.^{te} a un sitio q.^a no me propor-
= ciona ninguna ventaja; y p.^a lo q.^a respecta ha
q.^a los ganados puedan juntarse, eso queda a la eficacia
del Intersado y Colindantes.

Lo Cuanto debo exponer en cumplimiento del
Sup.^o decreto de 21 de Febr pro mo pasado

16 S. D. K.

ala deliberacion de la Sesma Diputacion la siguiente proposicion

Se aprueba la Concesion hecha al Ciudadano Don Carrillo del paraje nombrado las Pozas Concedido en 15 de Mayo de 1834 de entera conformidad con lo prevenido en la Ley de 18 de Agosto de 1824 y el art. 5.º del Reglamento de 21 de Noviembre de 1828

Monterrey Mayo 21 de 1834

Don S. Ortega Carlos Ant. Carrillo
Don A. Botadillo

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19 S. D. K.

Monterrey Mayo 22 de 1834

En sesion de este dia se aprovo' por la Sesma Diputacion la proposicion del dictamen antecedente mandando se devuelva el expediente al Sr. Jefe Sup.º Político para los fines consiguientes.

Don Figueroa Juan B. Alvarado
Srio

20 S. D. K.

Delo Terero Don Reales ^{mon-}

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterrey para los años de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

Figueroa Rafael Gonzalez

Monterrey Julio 28 de 1834

En vista de la aprobacion otorgada en 22 de Mayo ultimo por la Sesma Diputacion Territorial a la concesion hecha a D. Don Carrillo del terreno nombrado las Pozas, librese el despacho correspondiente y tomase razon en el libro respectivo. El Señor D. Don Figueroa, General de Brigada, Comandante General, Inspector y Jefe Superior Político de la Alta California, asi lo mando, decreto y firmo, de que doy fe

Don Figueroa Agustin Zamorano
Srio

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D. José Figueroa, General de Brigada de la Rep.^a Mexicana, Comandte genl., Inspector y Jefe Superior Político de la Alta California.

Preuante D. José Carrillo Mexicano p.^o nacimiento ha pretendido p.^o su venificio personal y el de su familia el terreno conocido con el nombre de las Pozas, colindante con la elisión de S. Bruno.^a y rancho de Secse, Simi y Cayeguar; practicadas previamente las diligencias y averiguaciones Anunciadas segun lo disp.^o p.^o las leyes y reglamentos: usando de las facultades q.^o me son conferidas y de conformidad con el acuerdo de la Com.^a Diputación Territorial del día 22 de Mayo ultimo aprobando la concesion del citado terreno de las Pozas echa en sé de ese mes al referido D. José Carrillo; a nombre de la Nacion Mexicana he venido en conferirle el mencionado terreno declarandole la propiedad de él por las presentes letras sujeto a las condiciones siguientes:

1.^a Que se someterá a las q.^o establece el Reglamento q.^o se ha de formar p.^o la distribucion de terrenos baldios y que entretanto ni el agraciado ni sus herederos podran dividir ni enajenar el que se le adjudica: imponer censo, vinculo, fianza, hipoteca ni otro gravamen aun que sea por causa piadosa, ni pasarlo a manos muertas.

2.^a Podrá cercarlo sin perjudicar los travesaños Caminos ni servidumbres; lo disfrutara libre y exclusivamente destinandolo al uso y cultivo q.^o mas le acomode; pero dentro de un año al mas fabricará casa y estara habitada.

3.^a Solicitara del Sr.^o respectivo le de posesion juridica en virtud de este despacho p.^o el cual se demarcaran los linderos en cuyos limites pondrá a mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.

4.^a El terreno de q.^o se ha mencionado

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es de San Sitor de ganado mayor q. se señalan conforme al diseño q. corre en el expediente. El Sur q. de la posesion lo hará medir conforme a ordenanza p. señalar los linderos, quedando el sobrante q. resulte ala Nación p. los usos convenientes.

3.^a Si contraviniere a estas condiciones perderá su derecho al terreno y será denunciado por otro.

En consecuencia mando q. terminado p. firme y valdero este título se tomara en el libro a q. corresponde y se entregue al interesado p. su resguardo y demas fines. Dado en Monterrey

23 S. D. K. a 28 de Julio de 1834

S. H.

A. N. F. S.

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

I, Samuel D. King, Surveyor General of the United States for the State of California, and as such now having in my office and under my charge and control a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the twenty three preceding and herunto attached pages of tracing paper numbered from one to twenty three inclusive and each of which is verified by my initials (S. D. K.) exhibit true and accurate copies of certain documents on file and forming part of the said archives in this office. I also certify that the red ink lines on the 3.rd page of this copy show the size of a piece of paper upon which is the writing therein copied, and which piece of paper has been so pasted on the original sheet as to cover some other writing previously written thereon.

In testimony whereof I have herunto signed my name officially, and affixed my private seal (not having a seal of office) at the City

22

of San Francisco, Cal, this 12th day of April
1852

Saml D King
Sur Gen. Cal

Filed in Office July 27 1852
Geo Fisher
Secy

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Stamp This Two Reels

"B"
Translation of
Espediente

For the year Seal of one thousand eight hundred thirty two and Eight hundred and thirty three.

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May 16th 1832
Let this petition be presented to the Governor of that Territory that he may provide relative to it, in conformity with the laws.
(Signed) Almar

Most Excellent Sir,
I, Citizen Carlos Antonio Carrillo, deputy from the Territory of Upper California, in the name of my eldest son, Citizen Jose Carrillo named and settled in that Territory, of which he is a native, with due respect make representation to your Excellency, that as the said person my son, is forming a family separate from mine, and finds himself consequently, under the obligation of providing for its subsistence, he has no other recourse in order to verify it than to apply to me through your Excellency's well known justification, in order to represent that, the only business in that Country, or at least the most important, and that to which its inhabitants have dedicated themselves with preference, is agriculture, and the raising of all kinds of cattle. My son has no land in which to establish for either increase the personal property which I gave him as his share, at the time

He left my house, that he might begin to provide for the necessities of his family; and therefore for this object as also for the operations of Agriculture, which is the only profession in that country, and that which he best understands, as he has been occupied in the practice of it since he was very small. I pray Your Excellency that having in consideration the right which assists the aforesaid person in this present petition as a Mexican Citizen and as a native of that Territory, You would be pleased to order His Excellency the Governor to attend to him, and to give him in fee some one of the many vacant lands which there are in that Territory, and to put him in possession of it, in the same manner as the others, among whom is to be verified the distribution of land which, as I understand, is now about to be carried into effect, in all which he will receive favor and grace.

Mexico, May 9th 1832

(Signed) Carlos Antonio Caudillo

Santa Barbara
October 1st 1833.

In conformity
with the laws
on the matter,
Let the military
Commandant of

To His Excellency the Governor,
I, Citizen José Caudillo,
before the well known justifi-
cation of Your Excellency,
with due respect representa-
tion make, that being
separated from the paternal

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Santa Barbara report whether the person interested in this petition possesses the prescribed requisites to be attended to relative to his petition, whether the land petitioned for is included in the twenty leagues from the boundary on ten from the sea shore specified in the Law of Aug 18th 1824; whether it is irigable, dependant on the seasons or pasture land, if it pertains to the ownership of any individual corporation or pueblo, with all other information on the subject which may help to explain it.

This being finished he will pass the expediente to the Father Ministers of the

authority, by reason of having petitioned for myself, (married) and being at present under the obligations consequent upon it, my father Don Carlos Antonio Carrillo, made representation in my name to the Supreme Government in Mexico to the effect that there should be granted to me the necessary land for the purposes indicated in my petition, and obtained the decree of the Ministers of relations which appears on the margins of his said representation which I duly transmit; and the place called "Las Pajas" between the lands of the Missions of San Buenaventura and San Fernando, its length from east to west is from four and a half to five leagues, from the boundary of the rancho of San Jose de Gracia (alias) Simi, to the edge of the plain which runs down to the river of Santa Clara, and its width from south to north is that permitted from two

Mission of San Buenaventura that he may report what he knows.

His Excellency the Governor of the Territory (thus ordered),
 decreed and signed to which I certify
 (Signed) J. J. Pigness
 (Signed) A. D. Zamora

hills which run from East to West which is in the widest part a league in others three quarters, a little more or less,

I hope your Excellency will be pleased to confer on me the ownership of that land for the purposes I may find convenient it being understood that for its cultivation and other purposes connected with the raising of cattle &c I have sufficient personal

property to keep said place continually occupied with notable benefit to myself and to the public in this Territory.

Although the extent of the land I solicit seems great it is not so in reality, considering the facts that only in the centers of the plain formed by the hills is there any pasture, which is very small in quantity and in some places none it has only one spring stream of water that of "Las Pajas" which although very abundant is so deep that some labor is necessary to get the water out - consequently it cannot be hoped that it will serve for irrigation and is only useful as a watering place for cattle. There is not on the said place, any kind of timber, for the few (trees) it produces are only good for firewood, so that for the purpose of building

houses and fences it will have to be brought from the river Santa Clara, a distance of four or five leagues.

The places adjoining the said place are the aforementioned Rancho of "San Jose de Garcia" alias Simi, distant about three leagues. The Mission of San Buenaventura about six or eight leagues distant that of "El Conero" at two and a half and three

The hill on the north and which runs from East to West is very broken & precipitous, the other which is on the South and runs in the same direction, is low and produces some pasture.

The object in asking for this place is only for a place for raising cattle, for which purpose it is suited but for sowings, there is not a single spot fit for undertaking such a business. It is a vacant place in which only some wild horses are met with, and therefore I pray Your Excellency that in view of this you would have the goodness to grant me the ownership of it as I have asked, and that in consequence the corresponding possession be given me with the legal formalities, in which I will receive a favor.

Santa Barbara September 30th
1833.

(Signed) Jose Cayullos

To His Excellency the Governor

The person interested in this petition possesses the prescribed requisites to have it considered. The land he petitions for is not included in the twenty leagues from the boundary nor the land from the sea shore specified in the law of August 8th 1824. It is not irrigable nor dependent on the seasons, but is pasture land, it belongs to the Mission of San Buenaventura as to whether said Mission needs it or not, it belongs to its father (Minister) to say.

This is all I can report to Your Excellency in compliance with Your Superior decree dated the 1st instant.

Port of Santa Barbara October
21th 1833.

(Signed) Juan M. Ibarra

To His Excellency the Governor.

I consent to that which the person interested sets forth in his representation under the obligation that the said person shall have a fence at the "Piedras Colorado" which divides said land from that of this mission, so that the cattle cannot mix. And if he is not obliged to put up said fence, the boundary shall be placed at the "Lanjon" of the Corral of "Las Posas". This is all I have to report to Your Excellency in compliance

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with your Superior Decree of the 1st instant.
Mission of San Buenaventura, Oct
31' 1833.

(Signed) Friar Blas Ardas,

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Monterey Nov 21' 1833

Pass this Expedient to the Military Comman-
dant of Santa Barbara before whom
the party Don Jose Canillo will produce
an information of three competent
witnesses who will be interrogated upon
the following points, whether the
petitioner is an American citizen,
if he is married and has children, if
his conduct is good. 2nd Whether
the land he asks for is the property
of any individual, Mission, Public,
or Corporation whatsoever; whether
it is irrigable, dependant on the seasons
on pasture land, and what is its extent.
3rd If the petitioner has cattle on a
possibility of acquiring them, with which
to stock said land. The said com-
mandant will make known to the person
interested this decree that he may com-
ply with it, and the report of the
Minister of the Mission of San Buena-
ventura that he may act as he thinks
proper. These examinations
being made, he will return the Espe-
dient for its decision.

His Excellency the Governor of the
Territory, Brigadier General Don Jose
Pigneroa, thus ordered, decreed and
signed to which I certify.

(Signed) Jose Pigneroa

(Signed) Agustín V. Zamorano
Secretary.

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In the place of Santa Barbara on the fourth day of the month of February of the year one thousand eight hundred and thirty four, Citizen Lieutenant Juan María Ybarra, Military Commandant, charged with the civil affairs in said place, in compliance with the foregoing Superior's decree of his Excellency the Commanding General and Governor of this Territory, Citizen José Pigneros, I caused to appear before me the first witness presented by Citizen José Carrillo, for the purpose of being questioned upon the points designated in the before named Superior's decree, and being asked his name he said he was called José de Jesús Rodríguez, and answers being

Questioned - Does he promise to speak truth relative to what he may be asked?

Answers. Yes I promise.

Questioned. Does he know whethers José Carrillo is a Mexican citizen is he married, and has he children, and is he of good conduct?

Answers. He knows that he is a Mexican citizen, he has three children and is of good conduct.

Questioned. Is the land solicited of the ownership of any individual mission

Pueblo, or corporation whatsoever, is it irrigable, dependant on the seasons or pasture land, and what may be its extent?

Answer. He does not know that the land petitioned for belongs to any individual, knows that it does belong to the Mission of San Buenaventura, and not to any corporation; in some of the low places and valleys the land is dependant on the seasons - that the entire place is pasture land - and he does not know its extent.

Questioned - Does he know that Jose Canillo has cattle or a possibility of acquiring them, with which to stock the said land?

Answer. He has cattle of his own.

Questioned. Has he any thing more to say on this matter?

Answer. He has nothing more to say; and this his declaration being read to him, he affirmed and ratified it, that what he has said is true under the promise made, and not knowing how to write he made a cross and I signed with the assisting witnesses.

Asstg. Witness (signed) Juan M^a Abana
(signed) Pablo de la Ossa, José de Jesus X Rodriguez

In continuation, I the said Lieutenant charged with civil affairs in this part of Santa Barbara, caused to appear before me the 2nd witness in this information, and being asked his

name and if he promised to speak truth, relative to what he might be asked, he said that he is called Fernando Tico, and he promised to say the truth to whatever he may be asked.

Question. Does he know that Jose Canillo is a Mexican Citizen, that he is married and has children, and is of good conduct?

Answer. He knows that Jose Canillo is a Mexican Citizen, that he is married and has children, and is of good conduct?

Question. Does he know whether the land which Jose Canillo petitions for belongs to any individual, mission, pueblo or corporation whatever,

whether it is irrigable, dependant on the seasons or pasture land, and what its extent may be?

Answer). He does not know that the land petitioned for belongs to any individual. He knows that formerly the Mission of San Buenaventura had some property on it, but that now very few animals of said Mission remain there. He does not know that it can pertain to any corporation;—

He knows that said land in some valley or low places is dependant on the seasons, & that it is a watering place for the cattle of some individuals who have ranchos near and he does not know its extent.

X
Question. Does he know whether

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Jose Canillo has cattle of his own with which to stock the rancho, for he has seen five hundred animals put on the said land on account of the said Canillo. That he has nothing more to say on the matter; that what he has said is the truth under the promise he has made, in which he affirmed and ratified this his declaration and signed with me and the assisting witnesses.

Asst. witnesses (signed) Demando Lico
(signed) Juan M^a Ibarra
(signed) Pablo de la Cueva

X
In continuation, the aforesaid military commandant charged with the civil affairs of this part of Santa Barbara, caused to appear before me the 3rd witness in this information, and being asked his name and if he promised to speak truth to that which he might be asked. He said that his name is Antonio Rodriguez and that he promises to say the truth to whatever he might be asked.

Question: Does he know that Jose Canillo is a Mexican citizen, whether he is married, has children and is of good conduct?

Ans. He knows that Jose Canillo is a Mexican citizen, is married, has three children, and is of good conduct.

Question: Does he know that the land petitioned for by Jose Canillo, belongs to any

individual, mission, pueblo or corporation, whether it is irrigable, dependant on the seasons or pasture land, and what its extent may be?

Answer, I do not know that said land belongs to any private ownership, he knows that it belongs to the Mission of San Buenaventura, but not to any town or corporation whatever: he knows that said land is dependant on the seasons, he does not know if it is pasture land, nor what its extent may be.

Question. Does he know whether Jose Canillo has cattle or a possibility of acquiring them, with which to stock said land?

Answer, Jose Canillo has cattle of his own with which to stock the aforesaid land. And that he has nothing more to say on this matter, that what he has said is the truth under the promise which he made, in which he affirmed and ratified this his declaration it being read to him, and he signed with me and the assisting witnesses.

(Signed) Antonio Rodriguez
Asst. witness (Signed) Juan M. A. Olana,
(Signed) Pablo de la Ossa

Note. — This information has not been made out on stamped papers, there being none of any stamp in this place
(Signed) Ibana

To His Excellency The Governour,

I have received the Expediente, but at the same time represent that the person interested has taken possession without having the decree of Grant by the Territorial Government, which abuse shows the many injuries which may accrue to the Colindantes.

This is all I have to report in compliance with the Superior decree dated Nov 21' 1833,

Missin of San Buenaventura Feb 6' 1834,

(Signed) Don Blas Arday.

Point Stamp

Provisionally authorized by the Administration of the Maritime Custom House of Monterey for the Years 1834 and 1835
(Sgd) Digneros.

(Signed) Rafael Gonzalez.

Pueblo de Los Angeles, Feb 21' 1834.
As it does not appear in this Expediente that Don Jose Cautillo was informed of the decree of Nov 21' Ult^o as is ordered in the same, let a certified copy be sent to him of said Expediente, that having understood it he may return it and act as he thinks proper.

Don Don Jose Figueroa, General of Brigade
Commanding General and Governor of
Upper California, they ordered decreed
and signed, to which I certify.

In the absence of the
Secretary
(Signed) Bernarde Navareta

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Having examined the report of the
Rev. Frathers Minister of San Buena-
ventura in which he says that he
agrees with the petition I make, with
(the condition) that under a necessary
obligation make a fence in the "Pedras
Coloradas" to avoid the mixing up of
the Cattle, and if it should not be so,
that I shall be subject to have the bound-
aries placed in the Rancho Las Posas
where there is a corral, I say that it
is not possible for me to agree to make
the fence referred to, and I will only con-
sent to make bounds as is customary,
much less to submit to the boundaries
being placed where the said Minister
says, for I would then be entirely
confined to one square league, which
will be of no advantage to me, and
with respect to the cattle being mixed,
that depends upon the efficacy of the per-
son interested and the Colindantes.

This is all I can represent in compliance
with the Superior decree of the 21th of
July last. Santa Barbara March 10 1834.
(Signed) Jose Carrillo.

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Montrey May 15th 1834.

Having seen the petition with which this Expediente commences, the report of the Military Commandant of Santa Barbara that of the Father Ministers of San Buenaventura, the deposition of the witnesses, with all other information which was represented and was proper to be considered, in conformity with that directed by the laws and regulations on the matter, Don Jose Cardillo is declared owner in fee of the land known by the name of "Las Pasas", bounded by the Mission of San Buenaventura and the ranchos of Cayguas, Pimi & Pespe. — Direct this Expediente to the Most Excellent Territorial Deputation for the due approbation.

Don Jose Figueroa, General of Brigade, Commanding General, Inspector and Governor of the Territory of Upper California, thus ordered decreed and signed to which I certify.

(signed) Jose Figueroa
 (signed) Agustin V. Gamoran
 Secretary.

The Committees on Colonization and vacant lands, to which was referred the Expediente the formation of which was caused by the petition which citizen Jose Cardillo made for the place named "Las Pasas" have examined it with proper circumspection, taking into consideration at the same time the

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Law of August 18' 1824, those agreeing with it, and the General Regulations which the Supreme Government of the Union ordered in the 24' Nov, 1828, for the better compliance with the former.

From the Examination of the Expediente the Committee has become impressed with the opinion it before held of the scrupulousness and tact with which his Excellency the Governor ordered it to be formed, so that nothing in its formation, was there wanting any essential requisite, nor in that which was performed.

For the aforesaid reasons the Committee concludes offering for the decision of this Most Excellent Deputation the following proposition.

1' Approved, the grant made to Citizen José Cautillo of the place named "Las Pajas", granted on the 15' of May 1834, in entire conformity with that prescribed in the Law of Aug 18' 1824 and Art 5th of the Regulation of Nov 21' 1828.

Monterey May 21' 1834,
 (Signed) José J. Ortega.
 (Signed) Carlos Antonio Calles.
 (Signed) José A. Estudillo.

Monterey May 20th 1834.
 In session of this day the Most Excellent Deputation approved the proposition of the foregoing report, ordering that it

be returned to His Excellency the Governor
for the consequent purposes.
(signed) Jose Figueroa
(signed) Juan B. Alvarado
Secretary.

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Stamp Third Two Reals
Provisionally authorized &c for the years
1834 and 1838.
(signed) Rafael Gonsales
(signed) Figueroa

Monterey July 28th 1834.
In view of the Approval granted on the
22nd of May last by the Most Excellent
Territorial Deputation of the Concession
made to Don Jose Canillo of the land named
Los Posas. Let the corresponding title
be issued and let note be made in the
proper book. Senor Don Jose
Figueroa, General of Brigade, Com-
manding General, Inspector and Governor
of Upper California thus ordered,
decreed, and signed, to which I certify
(signed) Jose Figueroa
(signed) Agustin W. Jarama
Secretary.

[Here follows copy of title same as
translated in Exhibit 20.]

Filed in Office July 27th 1852
Genl. Fisher
Sec.

Span 1000 films

~~Strawberry~~

Títulos

de los Ranchos Sceppe /a/ San Calletano
y de las Pozas /a/ Santa Eudibiges,
los que recibí de la Secretaría del Gobierno
de esta Capital de Monterrey el día 31
de Julio del año de 1834

Delo primero seis pesos
Habilitado provisionalmente por la Administracion de la
Aduana Maritima de Monterrey para los años de mil
ochocientos treinta y cuatro y mil ochocientos treinta y
cinco.

Figueroa

Rafael Gonzalez

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Exhibit

N.º 1

annexed to the
depo: of Ignacio
del Valle



Don Figueroa, General de Brigada
del Ejército Nacional Mexicano, Coman-
dante general, Inspector y Jefe Superior
Político del Territorio de la Alta California

Por cuanto Don Don Benito Carrillo Mexicano por
nacimiento ha pretendido para su veneficio personal y el de
su familia el terreno conocido con el nombre de las Pozas
colindante con la Mission de San Buenaventura y ranchos de
Secupe, Simi y Bayeguas: practicadas previamente
las diligencias y averiguaciones correspondientes segun lo
dispuesto por las leyes y Reglamentos: usando de las facultades
que me son conferidas y de conformidad con el acuerdo de
la Excelentisima Diputacion Territorial del dia veinte
y dos de Mayo ultimo aprobando la concecion del
citado terreno de las Pozas hecha en quince de mes mes
al referido Don Benito Carrillo: a nombre de la Nacion
Mexicana he venido en conferirle el mencionado terreno
declarandole la propiedad de el por las presentes letras
Sujeto a las condiciones siguientes:

1.ª Que se sometera a las que estableciere
el Reglamento que se ha de formar para la distribucion
de terrenos baldios y que entre tanto ni el agraciado
ni sus herederos podran dividirlo, ni mayorar o que
se le adjudica: imponer censo, vinculo, fianza, hipoteca
ni otro gravamen aun que sea por causa piadosa, ni
pararlo a manos muertas.

2.ª Podrá cercarlo sin perjudicar las trancidas
caminos y servidumbres: lo disfrutará libre y esclusivamente

destinándolo al uso i cultivo que mas le acomode; pero dentro de un año a lo mas fabricara casa y estará habitada

3.^a Solicitara del Suo respectivo le de fución jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyo limite pondrá a mas de las molineras algunos arboles frutales o silvestres de alguna utilidad.

4.^a El terreno de que se hace mención es de diez sitios de ganado mayor que se le señalan conforme al destino que corre en el expediente. El Suo que dió la posesion lo hará medir conforme a ordenanza para señalar los linderos, quedando el sobrante que resulte a la nacion para los usos convenientes.

5.^a Si contraviniere a estas condiciones perdura su derecho al terreno y sera denunciado por otro.

En consecuencia mando que teniendo por firme y valedero este título, se tome razon de él en el libro a que corresponde y se entregue al interesado para su cuidado y demás fines. Dado en Monterey a veinte y ocho de Julio de mil ochocientos treinta y cuatro.

P. Figueroa Agustín V. Lamorano
Srio

Queda tomada razon en el libro de asiento de Títulos sobre adjudicacion de Terrenos a foja Cuarenta y una, numero treinta y nueve q.^a obra en la Secretaria de mi Cargo. En Monterey a treinta de Julio de mil ochocientos treinta y cuatro.

Lamorano

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

Ximeno Antonio Maria Osio
Valga para el año de 1842

Adm.
marítima
de
Monty

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El infrascrito Secretario del Gob.
del Departamento

Certifico: que el diseño q. a la
vista se demuestra, es fielmente sacado
del original, q. corre agregado al Exped. de terreno
concedido con el nombre de los Posas, q. existe en la
Secretaría de mi Cargo.

Monterrey Enero 8 de 1842
Man Simuno

Ello terreno dos reales
Habilitado provisionalmente por la Aduana marítima
del puerto de Monterrey en el Departamento de las Californias
para los años de mil ochocientos Cuarenta y mil ochocientos
Cuarenta y uno.

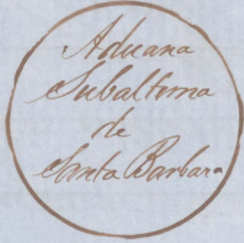
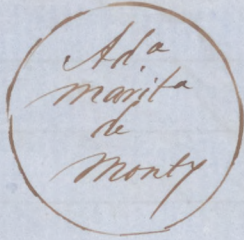
Adm.
marítima
de
Monty

Simuno Antonio Maria Velasco
Valga para el año de 1842
Alvarado Antonio M. Velasco

Man
Simuno

Ello Primero Ocho pesos
 Habilitado provisionalmente por la Aduana marítima
 del puerto de Monterey, en el Departamento de las
 Californias, para los años de mil ochocientos Cuarenta
 y Cuatro y mil ochocientos Cuarenta y Cinco.
 Micheltorona Pablo de la Guerra

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Rehabilitado por esta Aduana
 Subalterna para los años de
 mil ochocientos Cuarenta y Seis
 y mil ochocientos Cuarenta y Siete
 Noriega

En el puerto de Santa Barbara a los veinte y siete
 días del mes de Junio de mil ochocientos Cuarenta y Seis,
 ante mi Antonio Maria Ortega, Juez 1.º de esta
 demarcación y por ante los testigos de mi asistencia Con-
 quinos, actuo por receptoría a falta de escribano público
 a mas de los instrumentales que al fin se nominaran
 comparecio D. Juan Carrillo (a quien doy fe, Conace) /
 y dijo que por si y a nombre de sus herederos y sucesores
 y de quien de ellos hubieren título, voz y causa en
 cualquier manera, vende y da en ventared
 y enajenacion perpetua, por juro de heredad para siempre
 jamas, al Señor D. Jose de la Guerra y Noriega
 (representado para este acto por su hijo D. Francisco de
 la Guerra, a virtud del poder que obtiene y tiene manifestado)
 y que igualmente comparecio, y a los suyos, el rancho
 que tiene en esta jurisdicción, de su propiedad, que colinda
 al Norte con el rancho de D. Carlos Carrillo, al
 Sur con el de Cayeguas, al Este con Simi y al Oeste
 con el de Juan Sanchez, cuyo rancho se nomina
 "Las Pozas", y tiene adquirido legalmente por el
 Gobierno Departamental, segun el título de propiedad
 al que se refiere, incluyendo la casa, corrales y

mejoras que tiene dicho rancho, en el cual tiene derecho como
adquirido por el y disfrutar de el, lo cual declara y asegura
no tenerlo vendido, enajenado ni empeñado y que está libre
de tributo, memoria, capellanía, vínculo, fianza y de
otro gravamen real, perpetuo, temporal, especial, general,
 tácito y expreso, y como tal se le vende, quedando a
entregarse en la forma y disposición que particularmente han
convenido, en la cantidad de Seis Cientos Cabezas de ganado
mayor, en los terminos que siguen, y cincuenta pesos en
plata efectiva sonante, trescientas vacas de dos años
de edad p.^a arriba, doscientos cincuenta novillos de la
misma edad, cincuenta toros, de la misma edad,
cuyo ganado a p.^a de haber convenido en recibirlo dentro
de dos o tres meses, se dá ya el vendedor como por recibido
a su entera satisfacción sin reclamo de ninguna especie,
declarando haber recibido los cincuenta pesos en plata
antes de esta venta con este fin, que por tanto renuncia
la excepción que pudiera oponer por no contar de presente
la ley 9 título 10 parte 5.^a, formaliza a favor del
comprador la misma firme y eficaz carta de pago que á su
seguridad conduzca, y así mismo que el justo precio
y verdadero valor del rancho de las Pozas con las
Seis Cientos cabezas de ganado mayor y los cincuenta
pesos en plata, que no vale mas ni halló quien mas
le diera por él, y si mas vale o valer pueda, del
exceso en poca o mucha suma hace a favor del comprador
y de sus herederos y sucesores gracia y donación pura,
mura, perfecta e irrevocable en sanidad con insinuación
y demás firmuras legales, y renuncia la ley 2.^a
título 10 libro 10 nov.^a recopilación que trata de
los contratos de venta, truecos y de otro en que hay lesión
en mas o menos de la mitad del justo precio y los cuatro
años que profija p.^a pedir en rescisión o suplemento
a su justo valor, los que dá por pasados como si
efectivamente lo estuvieran, y desde hoy en adelante
para siempre, se desapodera, desiste, quita y aparta

á sus herederos y sucesores del dominio, propiedad, posesion,
 título, voz, recurso y otro cualquiera derecho, que le
 compete al enunciado rancho de los "Pozas", le cede,
 renuncia y traspasa con las acciones reales y personales,
 útiles, mixtas, directas y ejecutivas en el comprador
 y en quien la haya represente, para que lo posea,
 cambie, enajene, use y disponga de él, a su elección
 como de cosa suya adquirida como legítimo y justo título,
 le confiere poder irrevocable con libre, franca y general
 administración y le constituye procurador actor en su
 propia causa, p.^a que de su autoridad o judicialmente
 entre y se apodere del nominado rancho de los "Pozas",
 y de ello tome y apruebe la real tenencia y posesion
 que por derecho le compete; y para que no sea necesario tomarla
 pide se le dé copia autorizada por la presente escritura
 con lo cual sin otro acto de aprehension ha de ser visto
 haberlo tomado, aprehendido y transferido, y en
 el interin, se constituye su inquilino tenedor y precario
 poseedor en legal forma, y se le obliga a que dicho rancho
 será cierto, seguro y efectivo al comprador y nadie le
 inquietará ni moverá plito sobre su propiedad, posesion
 goce y disfrute, ni contra ello aparecerá gravamen
 alguno, y si se le inquietare, moviere o apareciere,
 luego que el otorgante o sus herederos y sucesores sean
 requeridos conforme a derecho, saldrán a su defensa
 y lo seguirán a sus expensas en todas instancias y
 tribunales, hasta ejecutoriarlos y dejar al comprador
 y a los suyos en libre uso, quietud y pacífica posesion
 y no pudiendo conseguirlo, le darán otro igual en valor
 de terreno, fabrica, sitio, ventay comodidad y en
 su defecto, le constituirá la cantidad que ha desembolsado,
 las mejoras útiles, precisas y voluntarias que alabaron
 tenga el mayor valor y estimacion que con el tiempo
 adquiriere, de todas las costas, gastos, intereses y
 honorarios que se le siguieren e irrogaren, por todo
 lo cual se le ha de poder ejecutar en virtud de

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esta escritura y juramento del que lo posea, o de quien
le represente en quien defina su importe y le refrende
otra prueba. Y a la observancia de todo lo respectivo
obliga a la persona, bienes habidos y por haber, renuncia
las leyes de su favor y defensa con la general del derecho
en forma y confiere amplio poder a los d. d. sucesos que
de este negocio deban ocurrir conforme a derecho, p. a que
le apremien a su cumplimiento como por sentencia
definitiva de su competente pasada en autoridad de cosa
juzgada y consentida que por tal la recibe, y lo firmo
conmigo y los testigos de mi asistencia, siendo los inter-
=mentales los C. C. Luis Carrillo y Agustín Sansón
presentes y vecinos y Pacifico Ortega.

Ante m. a. Ortega

Luis Carrillo
arist.

Fern. de la Guerra
arist.

Fernando Tico

E. Anderson

Filed in Office Sept 3^d 1852
Geo. Fisher
Secy

Stamp Worth Six Dollars.

"L6"
Translation
of Title.

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Provisionally authorized by the Administration of the Maritime Customs House of Monterey, for the years one thousand eight hundred and thirty four and one thousand eight hundred and thirty five and one thousand eight hundred and thirty five.

(Signed) Rafael Gonzales

Civil Govt.
of Upper
California

Jose Guieron General of
Brigade of the Mexican
National Army, Commanding
General, Inspector and Governor
of Upper California.

Whereas Don Jose Canillo, a Mexican by birth, his, for his own personal benefit and that of his family petitioned for the land known by the name of Las Pulgas bounded by the Mission of San Buenaventura and Rancho of Sespe, Simi and Capenas; the proper measures and examinations having been previously made as required by laws and regulations; using the faculties conferred on me, and in conformity with the resolution of the Most Excellent District Deputation of the twenty second of May last, approving the grant of said land of Las Pasas I made on the 15th of this month to the aforesaid Don Jose Canillo, in the name of the Mexican Nation I have granted him the beforementioned land, declaring to him the ownership of it by these presents, subject to the following conditions;

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1st He shall submit to those conditions which may be established by the regulations which is to be formed relative to the distribution of vacant lands, and in the mean time neither the grantee nor his heirs shall divide or alienate that which is granted him; Subject to any tax, entail, pledge, mortgage or other incumbrance even for religious purposes or convey it in mortmain.

2nd He may enclose it without prejudice to the crossings, roads and servitudes, and enjoy it fully and exclusively, making such use or cultivation of it as he may see fit, but within one year he shall build a house on it and it shall be inhabited.

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

4th The land herein mentioned contains six "sitios de ganado mayor" (six square leagues which are granted to him in conformity with the map which goes with the Expediente.

The Magistrate who may give the possession will cause it to be measured agreeably to the ordinance to mark out the boundaries, leaving the surplus which may result to the Nation for its convenient uses.

5th If he contravene these conditions
 he shall loose his right to the land and
 it may be denounced by another person.

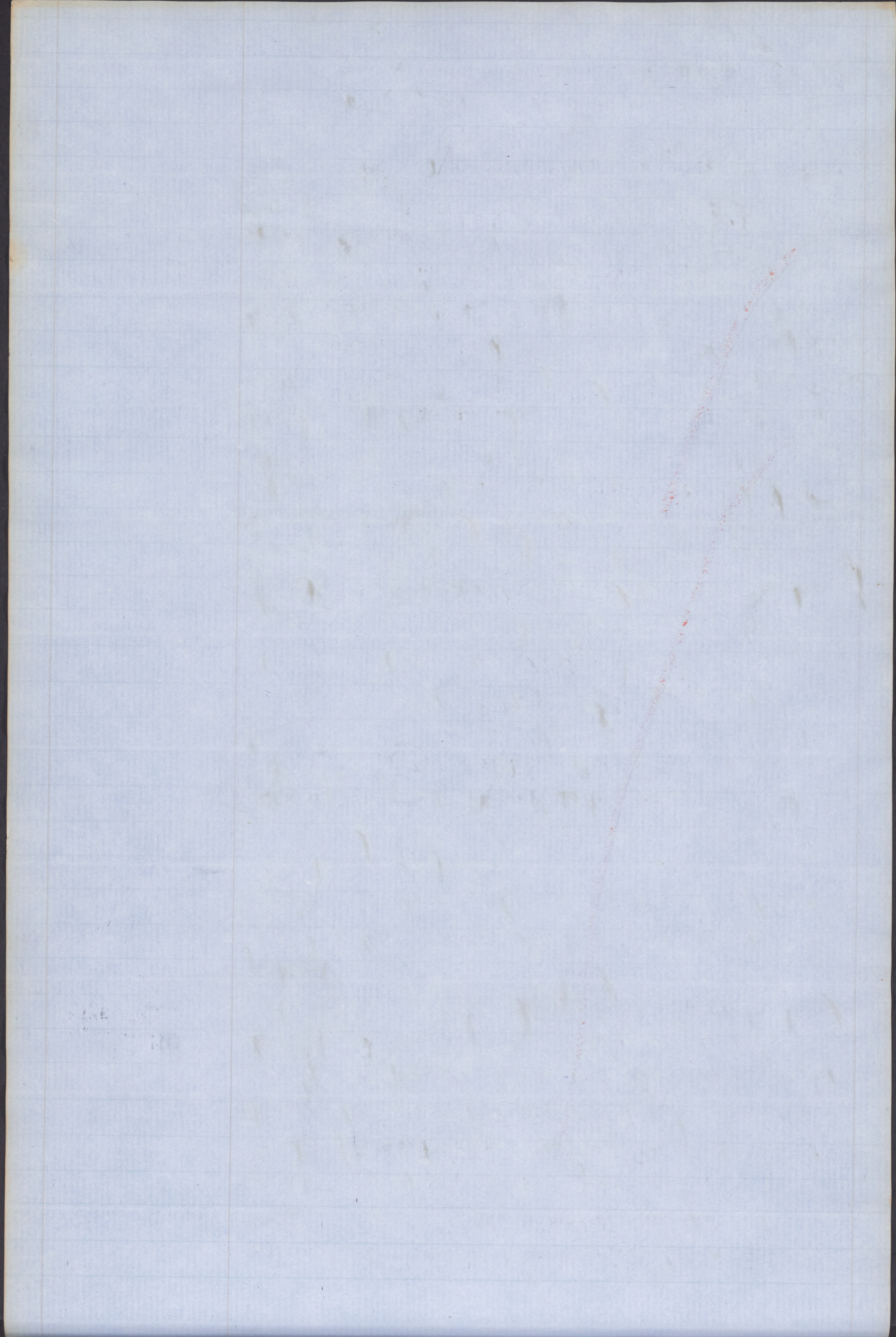
In consequence I order that this
 Title being held as firm and valid,
 note be taken of it in the corresponding
 Book and it be delivered to the party
 interested for his security and other
 purposes.

Given in Monterey on the twenty
 eighth of July, One thousand eight hundred
 and thirty four.

(Signed) Figueroa,
 (Signed) Augustin V. Zamora,
 Secretary.

Note has been taken in the book of
 entries of titles of grants of lands on folio
 forty one; number thirty nine which
 exists in the Secretary's Office in my
 charge, Monterey July thirtieth, one
 thousand eight hundred and thirty four.
 (Signed) Zamora.

Filed in Office July 27th 1852,
 Gen. Fisher
 Sec.



Stamp Irish Eight Dollars,
 Provisionally authorized by the maritime
 Custom House of the Port of Monterey
 in the Department of the California for
 the years one thousand eight hundred
 and forty four and one thousand eight
 hundred and forty five.
 (Signed) Pabl. de la Guerra

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Monterey
 Custom House

Subaltern
 custom House
 of the Barbara

Revalidation by this Sub-
 altern Custom House
 for the years eighteen hun-
 dred forty seven
 (Signed) Noviega

In the port of Santa Barbara on the twenty
 seventh day of the month of June, one
 thousand eight hundred and forty six
 before me Antonio Maria Ortega, P.
 Magistrate of this demarcation and
 before the witnesses of my assistance
 with whom I act in virtue of my office
 for want of a Notary Public besides the
 witnesses to the instrument who will
 at the end, be named, appeared Don
 Jose Canillo (whom I certify that
 I know) and said that for himself
 and in the name of his heirs and suc-
 cessors and whoever of them might
 have title, voice or claim in any manner
 he sells and gives in real sale and
 perpetual alienation with the right of

inheritance, forever, to Don Jose de la Guerra y Romiega (represented for this act by his Don Francisco de la Guerra in virtue of the power which he has and ^{displayed} shown, and who also appeared) and to his, the rancho which he has in this jurisdiction, his property, which is bounded on the north by the rancho of Don Carlos Canillo, south by that of Cayeyuas, east by Simi and west by that of Don Juan Sanchez, which rancho is named Las Pozas, and which he has legally acquired through the Departmental Government, according to the title of ownership which is referred to, including the house, corrals and improvements which said Rancho has, in the which he has right as acquired by him and to enjoy it, the which he declares and assures has not been sold, alienated or pledged, and that it is free from tribute, religious and charitable tax, entail, pledge or any other incumbrance, whether real or personal, temporary, special, general tacit or expressed, and as such he sells it, leaving the delivery of it to be made in the form and manner which they have especially agreed upon, for the quantity of six hundred head of neat cattle in the following terms, and fifty dollars in current silver money, viz, three hundred cows of two years old and upwards, two

Hundred and fifty steers of the same
 age, and fifty bulls of the same age;
 which cattle the vendors, notwithstanding
 he has agreed to receive them in
 two or three months, acknowledges as
 received to his entire satisfaction without
 (leaving) any kind of claim, declaring
 that he received the fifty dollars in
 cash before this sale for this purpose,
 and therefore he renounces the excep-
 tion which might be opposed from
 (the money) not being counted in pre-
 sence, Ley 1^a Title 1 Partida 5^a
 and he makes in favor of the purcha-
 ser the most firm and effective receipt
 which can conduce to his security; - and
 he also declares that the just price
 and true value of the rancho "de Las
 Pozas" are the six hundred head of
 neat cattle and fifty dollars in silver
 (that it is not worth more, neither
 did he find any person who would
 give him more) for it and if it is
 or can be worth more, neither did he
 find any person who would give him
 more for it, and if it is or can be
 worth more, of the excess, be it a
 large or small sum, he makes in
 favor of the purchaser, his heirs
 and successors, free gift and donation,
 pure, simple, perfect and irrevocable,
 in good faith and with judicial inter-
 vention and other legal formalities
 and he renounces Ley 11, Title 1st
 Book 10th, "Novísima Recopilación"
 which treats of contracts of sale and

others in which there is lesion in more
 or less than half the just price, and
 he considers as fast as though they
 actually were the four years which it
 fixes to ask restitution of the property
 or what was wanting of its just value,
 and from this time forth forever
 he disposes himself and desists takes
 away from and deprives his heirs
 and successors of the Dominion, owner-
 ship, possession, title, voice, recourse,
 and every other right which belongs to him
 in the aforesaid Rancho of Las Posas,
 and he cedes, renounces, and transfers it
 with all the rights real and personal,
 useful, mixed, direct, and effective
 to the purchaser or whoever may
 represent him, that he may possess
 it, exchange, alienate, use and dispose
 of it at his pleasure, as of his own
 property acquired with a legal and
 just title. He confers on himself
 irrevocable powers, with free full
 and general administration, and
 constitutes himself Attorney in his own
 cause, that either of his own authority
 or judicially he may enter upon and
 possess himself of the said Rancho
 of Las Posas, and take and seize
 the real tenure and possession of
 it, which by Law belongs to him,
 and that it may not be necessary
 for him to take it. He prays that
 an authenticated copy may be given
 him of this writing, by which without

any other act of taking, it shall be seen that he has taken and seized it and that it has been transferred to him - and in the mean time he constitutes himself his (the purchasers) tenant and temporary possessor in legal form; and he binds himself that [the sale of] said rancho shall be certain, sure, and effective to the purchasers, and no person shall molest him or bring suit against his ownership, possession, enjoyment and benefit, neither shall any incumbrance appear against it; and if he should be molested or suit brought or an incumbrance appears, as soon as the grantors or his heirs and successors shall be called upon in conformity with law, they will come forward in his defence, and follow it at their own expense in all courts and tribunals until they obtain judgment, and leave the purchaser and his in free use, quiet and peaceable possession - and not being able to do so, they will give him another equal in the value of the lands, buildings, situation, rent, and conveniences - and in default of such they will make restitution of the sum which he has paid, the improvements, useful, necessary and voluntary which at the time it may have, the greatest value and estimation which they may with time acquire - with all the costs, expenses, interests and damages which may follow or accrue to him: - all which shall be executed upon them in virtue of this writing and the oath of him

who may possess it or whoever may represent him, to whom he leaves it to fix the amount, and he relieves him of other proof. And for the observance of all the foregoing he binds his person, his property now in possession or hereafter to be obtained, he renounces the laws in his favor and defense, and the legal exceptions in form, and he confers ample powers on the magistrates who of this matter ought to take cognizance in conformity with law, that they may compel him to comply with it as a definitive sentence of a competent judge, passed in authority of *res judicata*, and consented to, for as such he receives it; and he signed with me and the witnesses of my assistance, the witnesses to the instrument being citizens Luis Carrillo and Agustín Gansens, present and residents, and Pacifico Ortega.

Assisting Witnesses (signed) Antonio María Ortega
(signed) Fernando Díez (signed) José Carrillo
(signed) E. Ardisson (signed) Francisco de la Cruz

Filed in Office July 25th 1852.
Genl. Fisher Sec.

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Before the U.S. Commissioners,

Motion

N^o. 296. In the claim of Jose de la
Cruza y Noriega, to "Las Pozas".

Moved by Counsel in this case that the
copies of the Title papers filed by the
claimant be compared with the originals
also on file, and certified by the Secretary
of this Board and delivered to the
claimant.

Walter Peachy Billings
Atty for claimant.

Filed in Office Sept 13th 1852,
Geo. Fishers Sec

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Case N^o. 296.
Jose de la Cruza y Noriega, "Las Pozas"
vs
The United States

Opinion by
Commissioner
Thompson
Campbell

Claim for 6 2/3 Leagues of Land
in the County of S^a Barbara,

The claimant in this case derives
his Title by virtue of a Deed of Conveyance
from Jose Cerillo to whom the land
in question have been granted by
Gov Jose Figueroa on the 28th day of
July 1834.

The original grant properly proven
and the deed of conveyance duly authen-
ticated according to the forms of the Mexican

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Loans are filed in the case -

The traced copy of the Expediente from the Archives shows that on the 9th of May 1832, Carlos Antonio Carrillo father of the grantee presented a petition to the Supreme Government for a grant of land to his son Jose Carrillo in the Territory of Upper California, which petition by a Marginal Decree signed "Alaman" was directed to be presented to the Governor of the Territory:

On the 30th of September 1833, the son Jose Carrillo in his own name presented his petition to Sr. Digneroa for a grant of the place called "Loas Pozas" containing about six leagues of land -

This petition was referred by the Governor to the military Commandant and to the Father Ministers of the Mission of San Buenaventura for their reports on the subject.

The former reported formally to the petitioner and that the land was not within the two littoral or twenty border leagues. The latter gives his consent to the grant on the condition that the grantee shall have a fence on the line separating the lands prayed for from those of the Mission.

This condition being objected to by the petitioner the Governor after further investigations on the 15th of May 1834 enters a decree of concession granting him the land prayed for subject only to the usual conditions.

On the 21st of May 1834,

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The decree of concession was duly approved by the Territorial Deputation and on the 28th of July following the grant or title was issued to the party.

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This is one of the few cases which have come under the consideration of the Commission in which the requisitions of the Mexican Colonisation laws appear to have been strictly and literally complied with and the report of the Military Government Commandant shows that the land is not inclosed in the ten littoral or twenty borders leagues.

It may therefore be considered as a perfect title under those laws, vesting in the grantee the full legal estate in the lands granted. The grant in this case is very clearly one metes & bounds, which are described in the title, and distinctly delineated on the deseno or map contained in the Expediente to which reference is made in the 4th condition of the grant. The question as to the performance of the conditions of the grant, presents itself in a very different aspect, in a case like the present where the claim is founded on a perfect title from one in which the rights of the claimant vest in equity alone. See the case of Glench et al vs the United States 13 Howard 1st 25, where this distinction is fully discussed.

It is not however considered necessary to go into an examination

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of the point at this time as the evidence shows a substantial compliance with the conditions of the grant.

One of the reports of the father ministers of the mission contained in the Expediente shows that the grantee was in possession of the land prior to the grant, and the deposition of Ygracio del Valle proves that in 1836 the second year after the grant was made he was living on the land in a house he had built and had a stock of cattle on it. although the father ministers does not in his report specify the nature of the possession of the grant in 1834, yet taken in connection with the evidence of del Valle it is sufficient to raise a presumption that he occupied and lived upon the land from the time he obtained the grant until he sold it in the year 1846, to the present claimant.

The claim is therefore confirmed

Filed in Office July 28th 1854
Geo. Fisher Sec

Case No. 296.

Jose de la Guerra y Noriega }
 as } "Las Pasas"
 The United States }

Decree

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In this Case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the Petitioners 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 Las Pasas, being the same which was granted to Jose Canillo, by Governor Jose Piqueros on the 28th day of July 1834 and is now held and occupied by the present claimant, and is bounded by the lands of the Mission of San Buenaventura and the Ranchos of Bespe Limi Cuzeguas, containing six square leagues as shown by the maps accompanying the title and returned in the Expediente, to which together with the original grant reference is made for a more particular description.

Alphens Delch
 Thompson Campbell
 R. Aug. Thompson
 Commissioners

Filed in Office July 28th 1854
 Esq. Fishes
 Sec

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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California it is hereby Ordered; that two Transcripts of the proceedings and of the decisions in this case and of the papers and evidence upon which the same are founded, be made out, and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

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

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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
following *Sixty one* pages, numbered from
1 to 61, 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. 296 on the Docket of the said Board,
and in *José de la Noriega's*

the Plaintiff against the United States, for the place known by
the name of "*Las Pozas*"



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*.

G. Fisher
G. Fisher

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

No. 117. *Docket*

THE UNITED STATES,

^{vs} 117
*Jose de la Guerra y homies
For Las Posas.*

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. 296.

Filed, *November 8th* 1854.

*J. O. Farr
Clerk.*

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N^o 296

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Office of the Attorney General of the United States,

Washington, 17th January 1855.

José de la Guerra y Roniega }
vs. } 296.
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 28th day of September 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.

S. C.
No 117.

U. S. District Court
Southern District.

The United States
vs -
José de la Guerra
y Noriega -

Notice of Appeal from Att. Gen.

Filed Feb 27th 1855.

C. E. Farr.
clerk.

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Office of the Attorney General of the United States,

Washington, 17th January 1855.

José de la Guerra y Noriega }
 vs. } 296.
 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 28th day of September 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clusking

Attorney General.

No 117.

U. S. Dist Court.
Southern Dist of Cal.

The United States

vs.

José de la Guerra y Roniega.

Appeal Notice.

Filed March 8th 1855.

J. E. Carr
clk.



Isi dela Guerra y Noriega, app^{ee}.

ads.

The United States, app^t.

Docket No. 117.

Transcript No. 296.

TO THE HON. ISAAC S. K. OGIER, JUDGE :

The Petition of **Pacificus Ord**, a resident of said City, County, and State, 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 the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 27th day of July A. D. 1855; *Isi dela Guerra y Noriega*

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *Sus Posas*, situated in the County of Santa Barbara State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 28th day of February A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 8th day of November A. D. 1854, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, 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. 296; reference to which it is prayed may be had and made part of this petition. That on or about the 28th day of September A. D. 1854, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit:
on ^{or about} the 16th day of March A. D. 1855, the said
Attorney-General of the United States filed, or caused to be filed, in
behalf of the United States, a notice with the Clerk of said District
Court of the United States, that the appeal in said cause from the said
decision of the said Commissioners, 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 land claimed,
as aforesaid, is situate in the Southern District of California, and within
the jurisdiction of this Honorable Court. Your petitioner further represents
and insists, that the said claim is invalid; and the said decision 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 the proceedings and decisions of said Commissioners in said
cause, filed and appealed from as aforesaid. And your petitioner denies all
and singular, each and every allegation in the said petition of said claimant,
presented as aforesaid to said Commissioners. And your petitioner further
denies that the said claimant has any valid right or title to said land claimed
as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said pe-
tition to said Commissioners, or in support of the said claim, no decision con-
firming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, 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 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same: and decide on the validity of the same, and decree the alleged title to be invalid: with costs and general relief.

P. Ord

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

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10116.

U S Dist Court,
South Dist of Cal.

Lise de la Guena &
nonja. Appie.

adv.

The United States,
applr.

Petition for Review.

Filed Nov 8th 1835

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P. Ord. us atty.

J. E. Farr
clerk.

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

TO

The President of the United States,

José de la Guerra y Noriega

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GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *8th* day of *November* in the year of our Lord one thousand eight hundred and fifty-*five* at the City and County of Los Angeles, in said District, by

J. Ad. U.S. Atty. for the Southern District of California, in behalf of the United States praying said Court to review the decision of the U.S. Land Commissioners of the 28th day of February A.D. 1854 Confirming your claim to the land called Las Pajas situate in the County of Santa Barbara and State of California and appealed by the Attorney General of the United States

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

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

J. E. Fen

Clerk.



117

Marshal's Cost

Copying Summons - 60
Serving do 3.-
Petition 3.-

Mileage 120 Miles,
each for Summons 21.60
and Petition \$ 28.20

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

José de la Guerra
y Noriega, Appellee

vs.
No 117.

The United States Appellee

SUMMONS.

Recd November 18th 1855

I served this summons along with the proper copy of the petition upon *José de la Guerra y Noriega* by delivering to him personally a true copy of the Original Summons

at *Santa Barbara County of Santa Barbara*
the *first* day of *December* in the Southern District of California on
A. D. 1855.

Sworn to and subscribed before me, *this 7*
of December 1855 C. E. Can. Clerk. }

Edward Hunter
U.S. Marshal.

By *Jam^s R Sumner* Deputy
By *M L Gooden* Deputy

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

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Jose de la C. y Noriega } Case No 117
Appellee }
ad } Transcript 296
The United States } 135
Appellants }

And now comes the above named
Appellee, by Lancaster Brent his At-
torney, and for answer to the Petition
for Review filed in this case by the Ap-
pellants, says,

That his Title to the lands called
San Posas, claimed in this case is good
and valid:

Wherefore he prays the Judgment
of this Honorable Court, that the decision
of the United States Board of Land Com-
missioners may be affirmed, and his ti-
tle to said lands may be decreed to be
valid, and for his costs herein expended
and for such other or further and general
relief as to Equity and Conscience belong
and the nature of his case may re-
quire -

Lancaster Brent
Attorney for Appellee

Marshals Court

Serving Answer \$ 3.00

Case No 117
U.S. Dist. Court, Southern
District of California.

Jose de la S. y Tomiega

Appellee

vs

The United States.

Appellants

Answers

Filed Dec 17th 1855

J. L. B. Clerk

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J. L. B. Clerk

I have served this Answer on P. Ord U.S. Atty
by delivering to him personally a true Copy of the
Same at Los Angeles Dec 27th 1855

Edward Hunter
U.S. Marshal
for W. L. Goodman
Deputy

In the District Court of the United States
for the Southern District of California,
Quinto Term 1886

José de la Guerra y Noriega Case 117

Appellee

"Las Posas"

vs

The United States

Appellants

Transcript 296

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This Cause coming on to be heard on appeal from the decision of the United States Board of Land Commissioners to ascertain and settle the private land claims in the State of California under an Act of Congress approved March 3^d 1857, upon a Transcript of the Decision and Proceedings of said Board and of the papers and evidence upon which said decision was founded; and it appearing to the Court that the said Transcript and the Notice of Appeal have been duly filed according to law, and Counsel for the respective Parties having been heard,

It is ordered adjudged & decreed,

That the decision of the said Board of Commissioners be and the same hereby is affirmed

And it is further adjudged and decreed,

That the claim of the Appellee to the lands called "Las Posas" claimed in this case is good and valid, and the same are hereby confirmed to him to the extent of (4)

Six square leagues, and no more, within the boundaries set forth in the Grant and the Map in the Expediente to which the grant refers, to wit, the Rancho of "Sespe" on the North the Rancho of "Suni" on the East, the Rancho of "Calleguas" on the South, and lands of the Mission of San Buenaventura on the West. reference being also had to said map for a more particular description —

Provided that should the quantity of land within said boundaries be less than six (6) square leagues, then confirmation is hereby made of such less quantity.

Thus done signed in open Court this 19th Decem-
ber 1858

Claudio M. Lopez
W. S. Davis
for the State of Cal

Case 117

In U.S. Dist. Court

South^d Dist. California

José de la S. Gorriga
Appellee

vs

The United States
Appellants.

Done

Witness this 19th Decem-
ber A. D. 1858
C. M. Lopez
W. S. Davis
for the State of Cal

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Remains page 110

California Land Claims.

Attorney General's Office

10 January, 1857.

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Sir:

In the case of the claim of José de la Guerra y Noriega, confirmed to the claimants by the Commissioner, Case no. two hundred and ninety-six, (296), appeal will not be prosecuted by the United States.

I am,

Respectfully

Yours,

Pacificus O'W Esq.

U.S. Atty, Los Angeles.

40117

Lase de la Guerra y
Morris

Filed July 3^d 1858
Epine
CR

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

José de la G. Berna y Noviega

No 117

Annulment

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Act

"Las Posas"

The United States

Annulment

Transcript 296.

Notice having been given by the Attorney General of the United States that the appeal to the Supreme Court in this cause will not be prosecuted by the United States and a stipulation having been entered into between the District Attorney of the United States and the Attorney for the Claimant, that the former order of this Court, granting an appeal herein to the Supreme Court, may be vacated, and that the Decree of this Court heretofore entered in this cause may by order of this Court be made final.

It is ordered; That the order of this Court heretofore made in this cause on granting an appeal to the Supreme Court from the Decree of Confirmation of this Court, filed on _____, and hereby is, vacated, and that the Claimant have leave to proceed under said Decree as under a final Decree.

Charles D. Ogden
U S District Judge

No. 117
U.S. Dist. Court, Sout. Dist. Cal.

José de la Guerra y Toriça
Appellee
vs

The United States
Appellants.

Order vacating order of appeal

Filed July 2^d, 1858
C. J. Smith
Clerk

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

José de la Guerra y Noviega

No 117

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Appellee

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Ad

"Las Pasas"

The United States

Appellant.

In pursuance of a notice from the
Attorney General of the United States, here-
to annexed, it is hereby stipulated and
agreed that the order of the above District
Court, made granting an
appeal to the Supreme Court from the
Decree of Confirmation of the District
Court; may by order of Court be vaca-
ted, and the Claimant proceed under
said Decree as under a final Decree.

Shoncutt Street
Atty for Appellant
JOM
D. J. M.

No. 117,
U.S. Dist Court, South Dist Cal.

Dase de la Guernay Honiege
Appellee
ad,

The United States
Appellants

Stipulation

Filed Feb'y 2^d 1858
C. J. Sims
Clerk

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

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I, J. W. MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho "Las Posas,"

confirmed to *J. de la Guerra y Arce*, has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the *12th* day of *March* 1861; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the *Santa Barbara Gazette*, published in the County of *Santa Barbara*, State of *California* being the newspaper published nearest to where the said Rancho is located, the first publication being on the *18th* day of *April*, 1861, and the last, on the *9th* day of *May*, 1861; also, in the *Los Angeles Star*, a newspaper published in the *City and County of Los Angeles*,

the first publication being on the *27th* day of *April*, 1861, and the last on the *18th* day of *May*, 1861, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

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

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



S. Wilson,

I, E. F. BEALE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do hereby Certify, that the next preceding, and hereunto annexed page, numbered from one to ——— inclusive, exhibits a true, full, and correct copy, of the original certificate, as the same appears of record within this Office.



In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 18th day of January 1865.

S. Wilson

U. S. Surveyor General, for California.

No 117

J. Lee La Guerra y Gomez

¹⁰¹
The United States

Las Posas

filed Jan 20th 1865

John Wheeler Clerk

per Robt Wright Secy