

CASE No.

126

SOUTHERN DISTRICT

LA SIERRA GRANT

BERNARDO YORBA

CLAIMANT

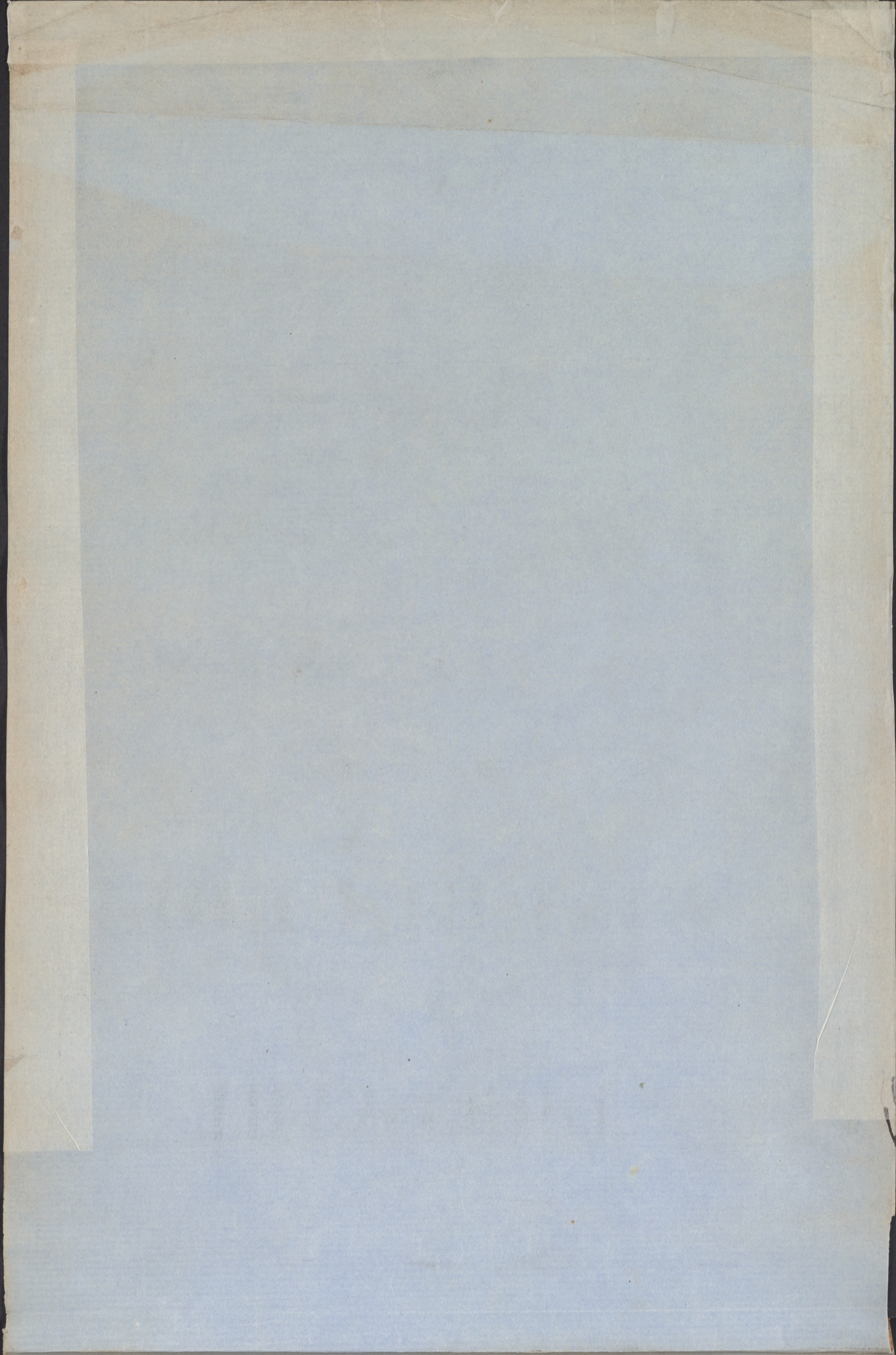
LAND CASE 126 SD

90 pgs.

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Guaranteed

382



TRANSCRIPT

OF THE

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PAGE 1

PROCEEDINGS

IN CASE

NO. 382

Bernardo Yorba

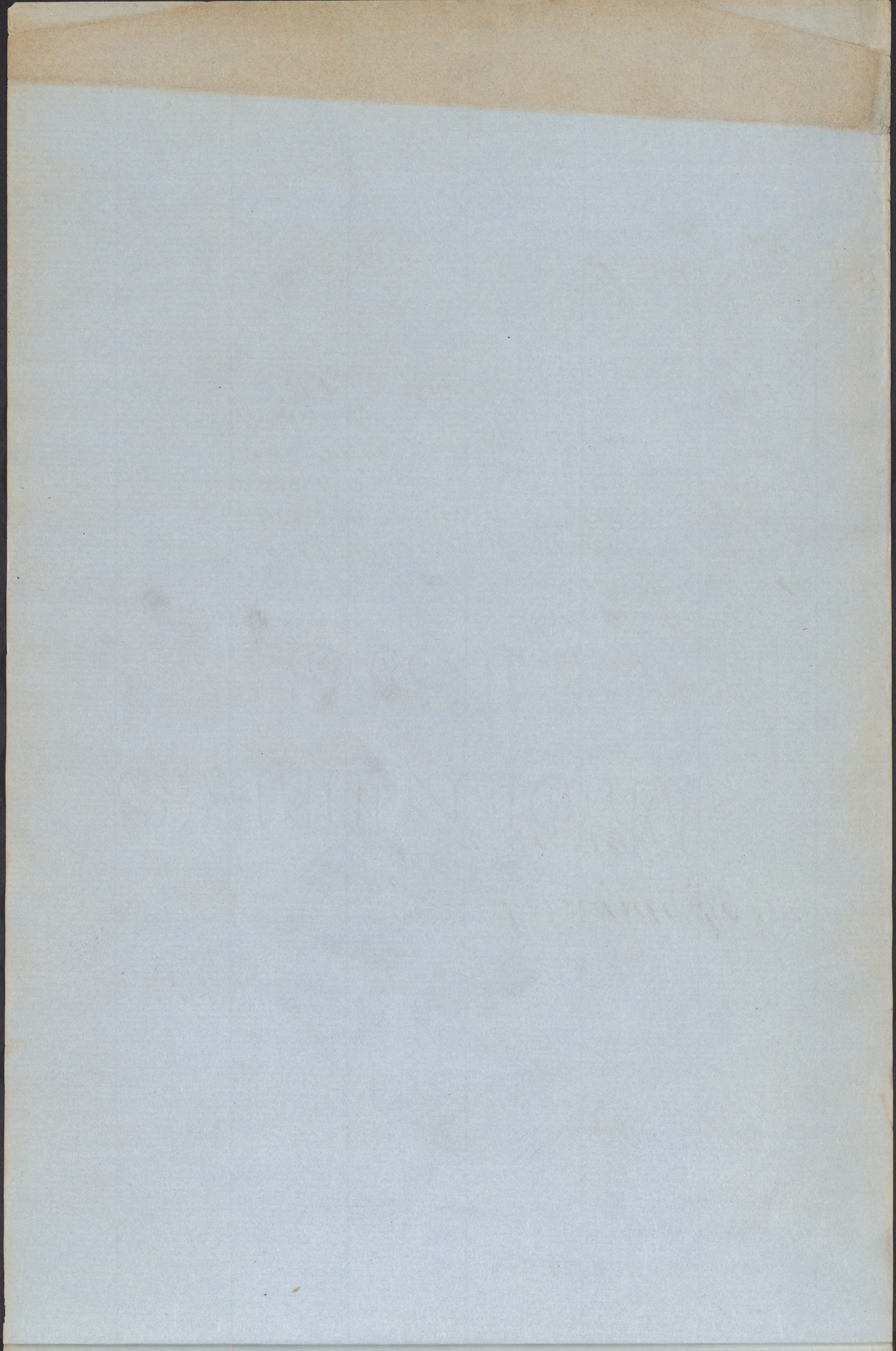
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"La Sierra."



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *ninth day of October*, Anno Domini One Thousand Eight Hundred and Fifty-*Two*, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

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The Petition of *Bernardo Yorba*
for the Place named
"La Sierra"
was presented, and ordered to be filed and docketed with No. 382 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;

Sos Angeles Oct. 15' 1852.

In Case No. 382, *Bernardo Yorba* for the place named *"La Sierra"*, the deposition of *Ygnacio Ferrer*, taken before Commissioner *Melinda Hall*, with document marked *A. H. H.*, and translation thereof marked *a*, annexed thereto was filed;

(Vide page 4 of this Transcript.)

Sos Angeles Oct. 19' 1852.

In the same case the deposition of *Abel Starns* a witness in behalf of the claimant taken before Commissioner *Melinda Hall* was filed;

(Vide page 5 of this Transcript.)

Los Angeles Oct. 20th 1852.

In the same case the deposition of José Antonio Carrillo, a witness in behalf of the claimant, taken before Commissioner Melana Hall was filed;

(Vide page 7 of this Transcript.)

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Los Angeles Oct. 22nd 1852.

In the same case the deposition of Benj. D. W. Wilson, a witness in behalf of the claimant, taken before Commissioner Melana Hall was filed;

(Vide page 8 of this Transcript.)

Los Angeles Oct. 25th 1852.

In the same case the deposition of Leonardo Corta, a witness in behalf of the claimant, taken before Commissioner Melana Hall was filed;

(Vide page 9 of this Transcript.)

San Francisco Sept. 26th 1853.

Case No. 382 Called; submitted on briefs on both sides and taken under advisement by the Board.

San Francisco Feb. 14th 1854.

In the same case Commissioner Thompson Campbell delivered the opinion of the majority of the Board rejecting the claim;

(Vide page 41 of this Transcript.)

In the same case Commissioner R. Aug. Thompson delivered his dissenting opinion;

(Vide page 44 of this Transcript.)

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Petition

To the Hon Commissioners for ascertaining and
Settling Private Land Claims in California

Bernardo Gorda represents that for more than
twenty years prior to the 15th of June 1846 he and
those under whom he claimed, with the permission
and sanction of the authorities of the Country occupied
and possessed as a tract of four leagues more
or less of land called "La Sierra" bounded by the
Rios Santa Ana and the Rancho de Temescal
and within the limits of the present County of Los
Angeles

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That on the 15th of June 1846 a formal grant of
said land was made to him by Pio Pico then
Governor of California under authority of the laws
then in force, and judicial possession of the land
was given on the 19th of July 1846 all of which
will appear by reference to Exhibits A through
D with a translation wherein I containing
the said original title and act of possession upon
which and such other evidence as he may hereafter
present he relies to support his claim

He avows of no other claim to any part of the
land,

He prays that his title be confirmed

A. P. Whittman
Atty for Claimant

Filed in Office October 9th 1852

Geo Fisher
Secretary

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Los Angeles Oct 15th 1852

Deposition of
Ygnacio F
Coronel

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On this fiftenth day of October 1852 before me and
settling Private Land Claims in California. Personally
appeared Ygnacio Coronel a witness summoned on the
part of of Benigno Yorda claimant of La Sierra
which claim is No 382 on the docket of said Com-
-missioners, who being duly sworn testified as follows
The associated Land Agent of the United States was
notified and attended

Examined by Commissioners
Question First What is your name age and where
do you reside? If in California how long have
you resided there?

Answer My name is Ygnacio F Coronel I am fifty
eight years of age. I live in Los Angeles and have
resided in California about seventeen years

Question Second Are you acquainted with the signatures
of Pio Pico, Jose Matias Moreno and Leonardo Cota
Musser I am

Question Third Examine the document on file in
this case marked Exhibit A and say whether
or not the signatures of those persons are genuine?
Answer I have examined said document The
signatures of Pio Pico and Jose Matias Moreno to
the grant of Moreno to the certificate which fol-
-lows it and of Leonardo Cota to the act of possession
are genuine The last paper the copy of the present
possession was signed by Leonardo Cota in my
presence and I signed it also as a witness

Question Fourth Who was governor of California
during the month of June 1852 and who was Survey
Master in Pio Pico was Governor and Jose Maria Cota an
-assistant Surveyor. In the absence of Commissioners Jose
Matias Moreno acted as Surveyor

Witness with Jurat sworn before the Honorable court

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Question Fifth Do you know where the Rancho called "La Guina" is if yes state what you know in regard to its occupation by any one; when was it first occupied within your knowledge; by whom; in what manner; How long did their occupation continue

Answer I know the Rancho La Guina I first came to California in 1834 and first saw the Rancho in 1837. It was then occupied by Thomas and Amador Gorba who had houses on it occupied by their servants and had cattle there and they occupied it together until the death of Thomas in 1845. Upon his death the land was divided between his sons and Amador. The land granted to Bernando has been occupied by him ever since the grant. The land was divided on the application to the Governor by the heirs of Thomas and by Bernando by his granting separate portions of the land to each since which they have occupied the separate portions according to their grants

Yours &c Colonel

Given and subscribed

Before me

Helena Hall
Comm

Given in Office Oct 15th 1852

Geo Fisher
Secretary

Deposition of
Wm Stevens

Office of the U S Land Commission
Los Angeles

On the 19th day of October 1852 before me Helena Hall one of the Commissioners for ascertaining and settling Private Land Claims in California personally

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appeared Abel Stearns witness produced in behalf of Bernardo Yorba. Claimant of La Guina in the lease which is No 382 on the docket of said Commission who having been duly sworn testified as follows
The Associate Law Agent of the United States being present,

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Question First what is your name and age, where do you reside; If in California how long have you resided there;

Answer My name is Abel Stearns my age fifty four years and I reside in Los Angeles I have resided in California for the last twenty three years

In answer to questions by the Court for the claimant the witness further testified as follows

I am acquainted with the Rancho called Guina, it is situated on the South East side of the River San Juan in the County of Los Angeles, I have known the place from the year 1834 or 1835 It was occupied from that time and I believe previously by Tomas and Bernardo Yorba with cattle and other stock. When residence was not on the land it was grazing land used for the keeping of stock. The occupation has been continued in the family to the present time. The Rancho Guina of which I am speaking embraces a larger tract of which I understand Bernardo Yorba occupies and claims but as far as I know always maintained that the Rancho had been occupied by the Father of Tomas and Bernardo Yorba before I knew it and that it had been long in the possession of the family,

There is a small house on the lower part of the Rancho which must have been built as early as 1844 or earlier as I think

Abel Stearns

Given and subscribed before me Richard Hall
Filed in Office Oct 19th 1852 Geo Fisher Secy Comm

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Deposition of Officer of the M & L Land Commission

Jose Antonio
Camacho

Los Angeles Oct 20th 1857

On this day before Helina Hall one of the commis-
sioners for ascertaining and settling Private Land
claims in California came Jose Antonio Camacho
a witness produced in behalf of the claimants
Bernardo Gorba whose Petition is N^o 382 on
the Docket of the Commission and was duly
sworn His evidence being given in Spanish was
interpreted by the Secretary

The M & L Assorted Law Agent was notified
and attended

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

My name is Jose Antonio Camacho my age fifty
seven years and I reside in Los Angeles and am
a native of California

I am acquainted with the Rancho La Sierra it
is situated on the River Santa Ana in the County
of Los Angeles Bernardo Gorba has occupied
it ever since the year 1833. It had been previously
- by occupied by Antonio Gorba the father of Ber-
- nardo from the year 1810 in company with the
Peattas

In answer to questions by the Assorted Law Agent
the witness says that the Peattas did claim a
portion of the land but that Gorba and they had
a settlement of the matter and decided the land
between them, leaving the tenements claimed
by Bernardo as belonging entirely to him The witness
knows of no adverse claim to the Land

Jose Antonio Camacho

Sworn and Subscribed Before me Helina Hall
Notary

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Filed in Office October 20th 1852
Geo Fisher
Clerk

Deposition of
B D Wilson

Office of the U S Land Commission
Los Angeles October 27th 1852

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On this day before Heland Hall one of the commis-
sioners for ascertaining and settling Private Land
Claims in California came B D Wilson a witness
in behalf of the claimant B Gorba whose Petition
is No 382 on the Docket of the Board and was duly
sworn his evidence being given in English

The U S Associate Law Agent was present & attended
in answer to questions by the commission the
witness testified as follows

My name is Benjamin D Wilson my age is forty years
I reside in the City of Los Angeles and have been in
California ever since the year 1841

I know the Rancho called La Sierra it is situated in
this County some forty miles from this place in a
South easterly direction, on the River Santa Ana
I think I first saw the Rancho in 1843, at that time
it was owned by Remond Gorba and Thomas Gorba
It was occupied by them together until the death of Thomas
Gorba in 1844 or 1845. In 1846 the the widow and
sons of Thomas Gorba agreed with Remond Gorba
on a division of the land between them and each
party then petitioned the Governor for grants and he
sanctioned the division by granting to each of the two
parties the distinct portions of the land they respec-
tively petitioned for. The lower portion of the La
Rancho contained the house and bonas which Rem-
ond took in the division and that portion retained
the old name of La Sierra. Since the division

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the widow has built a house and lived on her
part and Bernardo has occupied his part separately
for her, The old house on the lower part of the Rancho
was there when I first knew the land it was in
- the area has been ever since,

The name of the widow of Thomas Gorbua was
Vicenta Sepulveda

A. D. Wilson

sworn and subscribed before me

Heinrich Hall
Comr

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Filed in Office October 27th 1852
Geo Fisher
Secy

Deposition of Leonardo Cota
Los Angeles October 25th 1852
On this day before Comr Heinrich Hall came
Leonardo Cota a witness in behalf of the
Claimants Bernardo Petition N^o 382 and
was duly sworn his evidence being interrupted by the
Court
The U S Associate Law Agent was present

In answer to questions by Counsel for the Claimants
the witness testified as follows
My name is Leonardo Cota my age is thirty four
years and I reside in Los Angeles and am a
native of California
A paper is now shown me purporting to be pro-
ceedings of Judicial Possession given to Bernardo
Gorbua of a Rancho called La Guina 8th of July
1846 My genuine signature is attached to said
paper, I was acting as Alcalde at the time
and gave the Judicial Possession as stated in

Said Paper The writer Alcalde was when
there was a temporary vacancy, The Regidor he
filled the vacancy for the time being, being author-
-ized by Law to do,

In this ^{case} the first Alcalde was abroad
and the second a relative of the party used by Law
incompetent, I was therefore appointed, Said Paper
is marked Exhibit A and annexed to the Deposi-
-tion of Ignacio Floronce

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Leonardo Corta

Given and Subscribed

Before me

Alcinda Hall
Clerk

Filed in Office October 25th 1852

Geo Fisher

Secretary

15.28. Expediente promovido por Don Bernardo Yorba en pretencion del terreno llamado La Sierra. N^o 543.

382

Angel^o Calles. 23 de 1845.

Exmo. Sr. Gobernador.

Pase esta vist. Bernardo Yorba dueño del terreno de - ancia al T^{er} 1^o de S^{ta} Antonio en el rio de Santa Ana y esta Capital para que de la vecindad de esta Ciudad ante V. E. practique los informes con el debido respeto y segun derecho que sean necesarios me presente y obgi: que habiendo pasado y vuelto al Gobierno hace & mas de veinte años un parage para resolucion. llamado de la Sierra sobre el mismo rio Dho. fue ocupado chicamente con las bienes del finado mi hermano Sr Tomas Yorba en los hijos en cuya union nos mantubimos en buena armonia, mas hoy como los bienes del dho. finado pasan a otras manos, me es conveniente pedir la division del terreno que en el espresado parage de la Sierra y por lo tanto no habiendo obtenido titulo en forma segun han prevenido leyes posteriores a quel entonces eleva lo presente esperando que V. E. se sirva extenderme el correspondiente al Dho. que tengo el honor de acompañar cuya estension es como de cuatro leguas por lo que. A. V. E. Pido suplico me conceda esta Solicitud por ser de necesidad y Justicia: cuya Gracia imploro protestando lo necesario y apenando se sirva V. E. admitir la presente en este papel comun por falta del Sello correspondiente.

Pido.

Angel. Calles 18 de 1845.
Bernardo Yorba.

finado pasan a otras manos, me es conveniente pedir la division del terreno que en el espresado parage de la Sierra y por lo tanto no habiendo obtenido titulo en forma segun han prevenido leyes posteriores a quel entonces eleva lo presente esperando que V. E. se sirva extenderme el correspondiente al Dho. que tengo el honor de acompañar cuya estension es como de cuatro leguas por lo que. A. V. E. Pido suplico me conceda esta Solicitud por ser de necesidad y Justicia: cuya Gracia imploro protestando lo necesario y apenando se sirva V. E. admitir la presente en este papel comun por falta del Sello correspondiente.

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Here follows a map or plan.

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S. L. S. 14,

Ángeles. Obre. 22 de 1845. = En cumplimiento del Superior decreto marginal al Sr. Gobernador que obra en la antecedente instancia, pásese por una aclaración a examinar el terreno que solicita el interesado, previa citación de colindantes y demás diligencias respectivas. Dese Yo Vicente Sanchez Alcalde primero Constitucional las decreté mandé y firmé con los de mi asistencia según otro.

Victor Sanchez. asst. Felipe Canillo. asst. A. T. Coronel.

Áng. 29. de Octubre de 1845.

En la fta. se nombra a los señores Regidor. Don Luis Jordan y su dicho procurador D. Basilio Valdez, para que hagan la vedura del terreno que hace mención el solicitante; previos los requisitos de estilo y conforme al diseño. Lo que ha oído por diligencia que autorizo y firmé con los de asst. según otro.

Victor Sanchez. asst. A. T. Coronel. asst. José María Moreno.

Ángeles. Obre. 30 de 1845.

Se entregó el presente Expediente a la Comisión nombrada con tres fojas útiles. Sanchez.

J. S. D. K.

Comisión de Ayuntamiento. Sor. Juer. 1^o
 Conservante al oficio de V. fecha 29 del p^o en q^o interese, puse hacer la vedura del terreno que solicita (título) D. Mercurio Goba, comunico a V. que he visto estado Yo el Sor. Don Basilio Valdez hacer la referida enumeración y vedura del sitio para la cual y poderlo verificar mandamos citar a los colindantes q. v. me dijo haber a pesar de no ser lo mas que la Sra. D^a Vicenta Sepulveda pero acer sin embargo de eso, para cumplir los mandos citan, y no comparecio ninguno, y siendo lo esto que el maso que fué con los citos dijo que no estaba hay ninguno mas que la Sra. Vicenta y estando mandos decir que se apoderado no estaba hay y que no tenía a quien mandar los firmos hacer la vedura y examinar el terreno el cual digo a V. que es conforme al diseño que se presente que no es de particular ninguno, ni comunidad

pero que es únicamente un terreno, que hace mas de veinte años que los posee el Sr. Don Mercurio y D. Tomas Goshaffin,

b. S. D. K.

mas el que solicita otro. Don Beruando no es todo el terreno, si ena es mas que una parte del polo mas o menos,

Es cuanto tenemos que poner en Convinto de v. para las fines que le combengan esta vez proporcionando la ocusion de afreter las seguridades de nuestros aprear. Su y titulat.

San Antonio. Nbre. 10 de 1845. Luis Tulum. Brauli Valera. Miguel. Oct. 2 y de Eatin. San Gobernador.

g. S. D. K.

1845: Ni tanta Sepulveda Viuda del finado Jose Tomas Gorba y Mexicano por un amto al Tues 1º de esta Capital ante V. E. por el curso legal y en la unis y que hoy que este al bastante forma Compuesco y digo: que Expediente de Don Beruando tengo noticia que mi hermano politico Gorba para que contante J. Beruando Gorbas pidio por una visita al Contador de ella y - lio obligada a esta Superioridad la dir - cion formal de los Ranchos de Santa orden al 90tas para - cion formal de los Ranchos de Santa resolver. - cion formal de los Ranchos de Santa Ana y aun pide que se le agravia, con un terreno anexo al Rancho de Santa Ana Cumedio: esta noticia y es de Ser tutora de los menores hijos vios y el finado

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Pico.

v. S. D. K.

Don Tomas Gorba me exigen vijerme a V. E. y manifestar le que al dividir este terreno bajo el pie que hoy se halla ser en nada menos que enaminar a mi familia punga el sitio que pareo en el mas pequeno de los Santa Ana, en un on de que quando se trata de la division del precitado terreno por mi esposo eran poseedores los Gorbas del parage nombrado de las unis y como el Sr. Beruando se lo conestio al Sr. Don Jose Sepulveda, que de menos Cabado el Rancho go visumete a una Costeada absoluta y unola benefico a la familia mia mas que no reservecos ni la familia S. Beruando Gorba por que tiene el lojon de Santa Ana ni la de Don Jose A. Gorba por el derecho que dejo fundado en las bolsas como repacionara de D^a Catarina Ruiz: pero si V. E. como se necesitara la subordin - acion de estos sitios que se haga con arreglo a derecho dis frut - uento todo con iguales beneficios en los terrenos pastos abresado y aguaje; y de ninguna manera se podena permitir que una persona se beneficie y las demas se olviden. Por tanto. A V. E.

M. E. suplico que en vista de lo expuesto mande se agregue esta instancia a la que presente D. Bernardo Gorba y que se tenga presente al tiempo de resolver el negocio Justicia que de D. E. se pido en lo que verdere gracia, y uno no ser de malicia y lo necesario. D. Subscritose admitir la presente en papel comun por falta de sellado respectivo.

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115012

Migdes. Octubre 29 de 1845. Non firmar.

Migdes. Octubre 28 de 1845. En cumplimiento del Superior decreto marginal hagase saber la autolexente solitud al Sr. Don Bernardo Gorba porque consta al contenido de ella, y agreguese al expediente de este Sr. como lo vió pame el Sr. Don Don Vicente Sanchez Alcalde 1º. Fue de 1º inst. de auto mande y firme con los mi assa. Segun derecho. Vicente Sanchez. att. A. P. Coronel. att. Don Manuel Moreno.

Angels Che. 30 de 1845. = En la fha. de presento Don Bernardo Gorba y de se notifico lo antecendente lo expuesto digo de la certificacion el Expediente por cinco dias para que conteste a la instancia de Dona Vicente Sepulveda. Esto contesto y pido con mi go y las de atta. Segun derecho.

12.5212

Vte Sanchez. Bernardo Gorba. att. A. P. Coronel att. Luis Loran. = En la fha. de conteste el expediente al Sr. Don Bernardo Gorba por cinco dias en seis fojas utiles.

13-5012

Sr. Fue de Primera instancia de la ciudad y la Obisepacion. = Bernardo Gorba ante el tribunal de V. en toda forma y segun derecho me corresponde digo: que habiendome echo cargo de la representacion que hizo al superior Gobierno Don Vicente Sepulveda viuda de mi finado hermano Tomas, y del decreto que acompaña a la mencion de seiva a. respecto por el que paso por el terreno de cinco dias a mi poder para contestar; lo hago con la debida respeto y respeto: que parece que dicho Sr. es que en su concepto, pues mi primera peticion que ovi al Sr. Don Don Gorba no habla de peticion de terrenos, si no solitud al titulo por que no lo han enformado, una parte del parage que mi expreco hermano Bernardo y yo ocupamos por espacio de

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de veinte años en la Sierra y esto en un solo título. Con lo cual con
 el Planchito de Sta. Ana que a todos los hermanos nos corresponde
 por herencia: Si a la repetida tra. Dña. Vicenta no le conviene
 duplicar por las leyes veinte no le conviene la legatad de los
 terrenos que ocupa: así si y p^r esta razón visto no cumplir
 al Superior Gobierno me dió el título correspondiente según el
 dictamen que corre en el expediente: No esto no le resultó el
 perjuicio a las herederas a Sta. Ana ni a la repetida Señora
 puesto que lo que pretende es obtener el documento y haga
 legal la posesión por escrito a la ley, y no puedo menos
 de confesar que si hasta ahora, la confianza reposaba en mi
 desconfianza, y ahora advertir lo y no exponer mis obligaciones de
 tantos años, a las vicisitudes de los tiempos venideros.

Ahora con respeto al parage de Sta. Ana y que la otra Señora
 promete asunto sobre el objeto: que pide la división como
 partición de herencia ya porque es muy necesario con mis
 intereses y ya porque como cosa heredada debe de conocer como
 legítima a mis sucesores tal como es por lo que conviene
 Sta. partición: la tra. Dña. Vicenta Sepulveda algo de pey-
 juicio si se hace: Yo expongo las razones por que se perjudica
 pues no lo contrario y consueo que resulta para todas el
 beneficio de saber lo que a cada uno escluidamente pertenece:
 Mas suponiendo sin consentir que ella se perjudicase i o caso
 y alderbeno sujetar me a sufrir un mal, por la posesión
 de que a ella le producirá de bien? No Señor ni la Dña. ni
 yo y agreguero que ni las demás herederas nos gravamos en
 nada, y tan hijos estois de serlo, como concuerdo de ser
 útil el dividirlo. Por lo dicho expreso de V. Se Sirva vna
 háyer la partición del Rancho de Sta. Ana por donde conforme
 a derecho y a la autoridad de la ley, como puede verse si
 si se comuestra con las sabios publicistas que todos en ello
 conviene. No obstante esto, sin este recurso, bastar a talola
 luz de la razón para convenir y reunir a los hombres en la
 sociedad, esta garantiza los intereses particulares de cada
 uno que se conseguirá de fin, si cualquiera quiere ser dueño
 el libre uso; aprova chem^{to} y cono^{to} n^{to} de las que posee.

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de S^{to} Juan perteneciese á varios y aun como á ellos, mas como hasta ahora no estar averiguada la parte Vuelta á repetir que no conviene la particion alogando en mi favor el derecho que la ley que lo dispone por lo que cumpliendo con lo dispuesto en el Tribunal de C. en su decreto á foyas 6. de V. S. Solo y suplico hago como lleno dicho por ser de Justicia. Duro lo he escrito y que espere me permitirá V. el uso del papel comun p^o falta al Sello que corresponde

S. Antonio y Enero. 3 de 1846. Bernardo Yrba.

Juan. Lon.

Tengo el favor de poner en manos de V. S. un ocho foyas el oficio pendiente proveniente por el Sr Don Bernardo Yrba; el cual ycha el informe esta comision que hizo la reclamo del terreno denunciado; pero la falta la precision Comparativa de las Colindantes y algunos intereses para que segun algatos y especies la Superioridad formar ser y vini exacto; mas como el tiempo como y la parte de la Sr Bernardo agita es preciso á elevar la á V. S. para que resuelva lo que crea justo. Ang^o de V. S. 5 de 1845.

16 1812

Juan Gallardo.

Angel. Febrero. 23 de 1846. = Vuelva este expediente al Alcalde de esta Capital para que con vista del asento se haga nueva reclamo del terreno que prescrite titulo Don Bernardo Yrba enmendaro q^o con exactitud tanto el que solo el auto y su privado hevenano el suso y en que atencion á mi de era en un oficio uniforme con el on^o de la claridad que es necesaria se sepá en cuantas sitios cuenta todo el referido terreno y pueda resolverse con propiedad lo que fuere justo. Rico.

19. S. D. 1846.

Angel. Febrero. 24 de 1846. = Hallandose en juicio con grave ocupacion se leve pueble esto en yores.

Angel. Marzo. 24 de 1846.

Hallandose desocupado este Juzgado nombren en comision á Don Antonio Coronel y al echa de San Luis Lopez; los que se han, haran la reclamo de la manera que se ordena la super omnia y danna en cuenta por escrito: á uno efecto ofe el cuon a Coroneel y Lopez y que practavi la

18. S. D. 1846

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a la heredad parte. Mi Yo Juan Gallardo. Al Calde 1º de
Juzy de su instancia decreté mandé con los de occiden
degun de. Juan Gallardo.

Mi. Ygº Coronel. asse. Leonardo Cota.

En la fecha de para oficio respectivo. Suuro.

19. 2. 12

Senor. = Consecuente al Superior decreto marginal fha
22 de febrero ultimo: nombre otra comision que hiere nueva
reforma de la tierra que solicita Don Bernardo Yoda en el punto
de Santa Ana una i que esta misma comision lo elado cuenta
con sus trabajos y pone el oficio que va a continuacion con
sus documentos para resolver la superioridad lo que eno
Justo y Conueniente. En lo que tenga el honor de elevar a V. E.
en cumplimiento del prevenido decreto.

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Argº Abril 1º 1846. Juan Gallardo.

Ex copia

Cumpliendo yo con lo que de me ordena en su nota 2ª que
pº pº para a comprado del Celador Don Yari Charru Lopez
y del Sr. Don Bernardo Yoda al parage llamado de la
Tierra en el Rio de Santa Ana sobre el segundo, como
igualmente a la parte sobrante que queda de este mismo terreno
de N. S. y teniendole a la vista el superior decreto 32 de febrero
que obra en el expediente del referido Sr. Yoda p. 8º vista
3.ª parte como el decreto que conota a la 4ª del mismo y demas
documentos concernientes, procedo oportunamente hacerla reforma
respectiva del mencionado parage, observando todas las dilig
encias presentes y necesarias a la materia y en consecuencia
resulta que Dho. terreno comprende en su estension
siete sitios mas o menos de Ganado Mayor que esta
ocupado hace mas de veinte años con bienes de heredad
Don Bernardo Yoda y el finado su hermano Don Tomas
que la parte que pide el solicitante es la mejor por sus
tierras de labor partes y abrevaderos y que otro sitio se
haya un corral para el punto al finado Don Tomas y un
ya el habiendolo con las sabientes de la Vianda de este Senor
igualmente hizo el Catyº del dho terreno que hecho referencia
con el punto solicitado y resulta: que aunque es lo mismo
en su forma desmenuan las vietas por lo mal figuradas

u. d. d. k

en caso de posesión ó las fidei. = Al hacer presente á la Señora
 Dama Vicenta Sepulveda el objeto de mi Comision me ha
 manifestado: 1º que el Sr. Don Bernardo Torba gobernaudo
 la ocacion de tener á su cargo las riberas de un finca en
 San Juan, apedro la parte mejor del terreno de la Sierra
 con quien pejuicio el los menores por quien representa
 y mi considerar el igual ó mas derecho que estos tienen
 como lo ha echo vez al Sr. Don. por ~~esta~~ representacion
 todo lo que tengo el honor de informar á V. obsequiando
 las ~~disposiciones~~ ^{Superior} disposiciones y para los efectos que hago hacer
 adjuntandole el expediente etc. Protestando á la vez mi
 aprecio y consideracion. Dios y Libertad.

Mag. Abril 3 de 1846. A. F. Coronel. José Maria Lopez.
 San Juan 1º. Sr. Juan Galardo.

Sr. Sr. Interventor Constitucional del departamento de
 las Californias. - Con Cuanto el Ciudadano Bernardo
 Torba ha poseuido para su beneficio personal y el de su
 familia un terreno que por largos años ha estado poseyendo
 legalmente llamado de la Sierra. entre las margenes del Rio de
 Santa Ana Colindante al norte con la Sierra y al Sur con
 el mismo Rio; practicadas puntualmente las diligencias y
 averiguaciones Conseruientes, usando de las facultades
 que me son conferidas á nombre de la Nacion Mexicana he venido
 por efecto de esta obra en concederle el respectivo terreno declarando
 le la propiedad de él por las presentes libras de conformidad con
 la ley de 18 de Agosto de 1828 y reglamento de 21 de
 Noviembre del 28 á reserva de la aprobacion de la S. N. C.
 Reputamiente y bajo las condiciones siguientes. 1º Que no
 cercarlo sin pejuicio de las riberas Caminos y Servidumbres
 de la Nacion libre y exclusivamente al estanco de alcohol
 que uses le conceda. 2º Solicitara al Juez respectivo que le
 dé la posesion Jurada en virtud de este Despacho por
 el cual se demarcaran los linderos con las vecindades vecinas.
 3º El terreno de que se hace mencion es el de cuatro Litas
 de ganado mayor. El Juez que ordene la posesion tomas medidas

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Lo hari medir conforme a' ordenanza quedando el sobrante que usette a' la nacion para' los usos Comunes. In consecuencia es en' un modo que teniendose el presente titulo por firmo' y valido se tome razon de el en el libro respectivo y se entregue al interesado para' su resguardo y guarda fines. Dado en la Ciudad de las Angles en este papel comun por no haber del sellado a' quinze de Junio de mil ochocientos Ochoenta y seis.

Yo Vice. Por quanto Dona Vicenta Sepulveda ha pretendido para' su beneficio personal y el de su familia la parte de un terreno por largas años alia poseyendo legalmente su defuncto esposo en Tomas Gorba Amador la Sierra, en las mangües del Rio de Santa Ana Coluid con el Rio de Santa Ana Coluidante el Sr. Bernardo Gorba, y en sus mandos y pautas previamente las diligencias y amiguaciones concernientes mandos de las facultades que me dan Confesiones a' nombre de la Nacion Mexicana he venido por decreto de este Sr. en concederle el expresado terreno de elavando la propiedad en el por las presentes letras de conformidad con la ley de 18 de Agosto de 1828 y reglamento de 21 de Noviembre de 1828 a' reserva de la apuración de la l. d. Sepulveda y sus hijos las condiciones siguientes. 1º Sobre Cercado San Jeronimo las tierras comunales y deves de nombres lo distinguirá de ne y es elandamente, deslindando lo al end o cultivo que mas le convenga. 2º Solicitara' al Juez respectivo de la poblacion Juaris en' el en virtud de este despacho por el cual se le autoriza a' tener las lindas con las mugioneras de las l. d. - 3º El terreno de que se le hace donacion es de cuatro litios de Tamales mayor. El Juez que sobre la poblacion Juaris medir conforme a' ordenanza quedando el sobrante que usette a' la nacion para' los usos Comunes. In consecuencia es en' un modo que teniendose el presente titulo por firmo' y valido, se tome razon de el en el libro respectivo y se entregue al interesado para' su resguardo y guarda fines. Dado en la Ciudad de las Angles en este papel comun por falta del sellado a' quinze de Junio de

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en sus o chucucutas Cuarenta y Seis.

y de la misma a la virreynada de California y de la respectiva.

Office of the Surveyor General of the United States for California
 I Samuel D. King Surveyor General of the United States for the State of California and as such now having in my office and under my custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California under and by virtue of the Second Section of the act of Congress approved on the 30th day of March 1853 providing for the Survey of public Lands in California and for other purposes, do hereby certify that the Warrants preceding and hereunto attached pages of tracing paper numbered from 1 to 26 include a true and accurate copy of a certain document on file and forming part of the said archives in this Office.

In testimony whereof I have hereunto signed my name affixed and applied my private Seal in lieu of the Seal of office which was not yet then received at the City of San Francisco this 9th day of July 1853.

Samuel D. King.
 Surveyor General. Cal.

Filed in Office. Sep. 23. 1852.

Geo. Fisher.
 Secretary.

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Rio Pío Gobernador Constitucional del departamento de las Californias.

Por cuanto el ciudadano Bernardino Gorba ha pretendido para su beneficio personal y el de su familia un terreno que por largos años ha estado poseyendo legalmente llamado de la Sierra en los margenes del Rio de Santa Ana Colindante con el mismo Rio y el Rancho del Remascal; practicadas previamente las diligencias y amiguaciones convenientes, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido por decreto de este dia en concederle el espresado terreno de, declarando le la propiedad de el por las presentes letras de conformidad con la ley de 18 de agosto de 1824 y Reglamento de 21 de noviembre de 1828 a reserva de la aprobacion de la Junta Attribuida Departamental y bajo las condiciones siguientes.

- 1.^a Podrá cercarlo sin perjudicar las travesías Caminos y Servidumbres lo disfrutara libre y exclusivamente de todo auto al uso y cultivo que mas le ~~conviene~~ ^{convienga}
- 2.^a Solicitara del Juez respectivo le dé la posesion jurídica en virtud de este despacho por el cual se demarcarán los linderos con las mojoneras necesarias.
- 3.^a El terreno de que se le hace donacion es de cuatro sitios de Ganado Mayor.

El Juez que diere la posesion lo hará medir conforme a ordenanza quedando el sobrante si resultare a la nacion para los usos que sean convenientes.

En consecuencia mundo que tensendose el presente titulo por firme y valedero se tome de el rason en el libro respectivo y se entregue al interesado para su resguardo y de mas fines. Dado en la ciudad de los Angeles en este papel comun por falta del Sellado

a quince de Junio de mil ochocientos Cuarenta y seis.
 Sid Rico. José Martin Moreno. Mió Int^o.

Queda tomada razón de este Superior despacho en el
 libro respectivo. Fecha ut supra. Moreno.

En la Ciudad de los Angeles del Departamento
 de California a los ocho dias del mes de Julio de mil
 ochocientos Cuarenta y seis, anexo a la Solemnidad
 verbal que hizo Don Bernabé Gorba para que se le diese
 posesion Judicial de un paraje llamado La Sierra de los
 Chayenes del Rio de Santa Ana Concedido por el Excmo
 Señor Gobernador segun lo demuestra el titulo que presenta
 en el acto; pasete por mi y testigos de existencia al paraje
 que se indica y previa Citacion de Colindantes procedere
 a dar esa posesion con total arreglo al titulo que de fecha
 de quince de Junio ultimo, etc Yo Don Bernardo Cota, Regi-
 -strador de Law del Ilustre Ayuntamiento, Alcalde primero
 y Jefe de primera instancia interino de este ayuntamiento
 y firmé con los de mi existencia segun derecho en este
 papel comun por no haber del Sellado. Oyo feé.

Don Bernardo Cota. asistencia. Ignacio Palomares = as.
 Juan Foster. = In seguida pasé a los Señores
 Colindantes manifestandoles que iba a remediar la Sierra
 de los mangenes del Rio de Santa Ana y poner en posesion
 de ella, al Señor Don Bernabé Gorba, por lo que se les
 prevenia estuviesen en sus linderos; estas Señores no
 manifestaron objeccion alguna y quedaron entendidos
 lo que se pone por diligencia. Don Bernardo Cota =
 as. Ignacio Palomares. = as. Juan Foster. = A.
 Continuacion y ha lláudome en esta Ciudad se buscaron
 Cabalgaduras para salir y habiendose conseguido se
 emprendio la marcha y se pone por Constancia = Cota =
 En nueve de Julio del mismo año y estando ya en la
 Sierra de los mangenes del Rio de Santa Ana nombré
 a los oficiales Cordeleros que lo fueron Ignacio Sepulveda
 y Gabriel Garcia los que por no saber escribir le omiten
 sus firmas, estos oficiales aceptaron y bajo del estilo de posesion con

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des empeñan fiel y legalmente su encargo y cumplir con el carácter de tales cordeleros lo que asiento por diligencia que autorizo y firmo con los de a existencia según derecho. Don Bernardo Cota, asistencia. Ignacio Palomares. = asist.^a Juan Hosten = Acto continuo y permanente en la Sierra estando ante mí los oficiales cordeleros y testigos de esta. Hize medir un cordel constante de cien varas al que se mandó atar a sus extremos unos paños de madera y previa observación y cálculo por mi disposición se tiró el cordel primero desde una lomita que es lindero del Cajón de San Antonio con dirección al este y se contaron allí mil seiscientas varas que remataron en una lomita de Coto de madera: En seguida se tiró el cordel con dirección al norte 45° grados al este y se contaron y medieron siete mil quinientas varas que remataron en la orilla del río junto a la toma de agua a un monte de Sosa y se mandó poner allí una mojónena. De aquí y con dirección al Sur 60° grados al este se contaron once mil quinientas varas que remataron al pie de la Sierra donde hay unos encinos lo que están en el lindero del mismo Remascal, donde se mandó poner una mojónena. De allí y con dirección al oriente se contaron y medieron trece mil varas que remataron en la misma lomita donde se comenzó: haciendo comparecido los colindantes en sus respectivas partes sin manifestar objeción alguna, concluidas las medidas se otorgó posesión Solemne y Judicial del terreno a nombre de la Nación Mexicana al Señor Don Bernardo Cota y quedó satisfecho y terminado el acto, lo que autorizo y firmo con los de a existencia según derecho. Don Bernardo Cota = asistencia. Ignacio Palomares = asist. Juan Hosten = asist. Julio de los mil ochocientos Cuarenta y seis. Doy testimonio al Señor Don Bernardo Cota de las presentes diligencias para que agregando las al título le sirvan de constancia y seguridad. Así Yo el Sr. Jefe autorizo, decreté y mandé con los de a existencia según

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Sernando Cota. asistencia. Ignacio Palmures, asst. =
Juan Mostén. = In seguida se dio el testimonio respectivo.
Luchado así no vale. = Conencotad con su original a
que me remite y se haya en el protocolo de este año
del que se lo corrigió y compare en estas otras pagas
de papel común por falta del segundo. L'oy feè.
Sernando Cota. asst. Yg^l. Coronel. asst. Julian Chavez.

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Filed in office. Oct. 15th 1852.

Gen. Fisher?
Secretary.

1845

Translation of Expediente instituted by Don Bernardino Gorra appy
Expediente - my for the land called La Guina

Nº 573

To his Excellency the Governor
Bernardino Gorra owner of the Rancho San Antonio
on the Yta Ana River ^{of the vicinity of} residing in this city
presents myself before your Excellency with proper
papers and according to Law and say that for more
than twenty years I have possessed a piece called
La Guina upon said River which was occupied
jointly with the cattle of my deceased brother Thomas
Gorra and my own, which union we maintained
in perfect harmony but that now the cattle of
the said deceased have passed into other hands
it is convenient for me to ask a division of the
lands of the said piece La Guina and in
as much as no formal title, such as the Law
requires has been obtained I present this hoping
that your Excellency will be pleased to grant
me a title corresponding to the map which I
have the honor to submit the extent being about
four leagues wherefore I beseech your Excel-
lency to grant this my petition because of its
necessity and justice, I implore this in favor
and declare as required & hoping that your
Excellency will receive this on common paper
for want of sealed paper of the proper kind

Mexico October 18th 1843

Bernardino Gorra

on the margin
of the above

Mexico October 23rd 1845

Let this application be passed to the Judge
of this Capital that he may make the necessary

ingress can return it to the Govt for decision
Pico

[Here follows a map]

Mexico October 24th 1845

In fulfillment of the Superior Marginal decree of his Excellency the Governor which appears on the preceding petition, for further information let proceedings be taken to examine the land which the Party solicits the adjoining landmarks being marked and other proper steps taken, Thus I Vicente Sanchez for constitutional Alcalde, Alcalde orund and signed with my assisting witnesses according to law

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Sto Sancho

Asstg witness
A. P. Coronel

Asstg witness
Felipe Castillo

Mexico October 24th 1845

On this day the Regidor Sr Luis Jordan and Licenciado Sr Facilio Valdez were appointed to make the Examination of the land mentioned by the Petitioner according to the requisites of the Law and in conformity to the map which I noted as course of proceeding, thus I authorized and signed with my assisting witnesses according to law

Sto Sancho

Asstg witness
A. P. Coronel

Asstg witness
Jose Matias Moreno

Mexico October 30th 1845

This Expediente on three leaves was allowed to the Commission named

Sancho

Commission of the Ayuntamiento
To the 1st Judge

In Pursuance of your officine Note of the 29th of last month in which you ordered me to make an examination of the land the title to which is solicited by Sr Don Juan de Gorba I inform you

that I and Don Basilio Valdez went to make the
 said examination and inspection of the place for
 which purpose and in order to effect it we saw
 - one adjoining rooms as you directed, though there
 is only one Doña Vicenta Sepulveda still to comply
 with your order I directed citation but no one app
 - eared seeing this and the young men who went with
 the citations saying that there was no one there but
 Doña Vicenta and that she said word that her agent
 was not there and that she had no one to send we
 went to make the inspection and examine the
 land which I report to you is according to the map
 presented does not belong to any individual or
 community but is a piece of land which Don
 Bernando and Don Tomas Gorba (deceased) have
 possessed for more than twenty years, that which
 Don Bernando holds is not the whole tract but a
 considerable portion of it, This is all we have to
 bring to your knowledge for such purposes as
 it may be proper we take advantage of the oc
 - casion to assure you of our most distinguished
 consideration

Yours and Liberty

San Antonio Nov 1st 1845

Luis Jordan Basilio Valdez

To his Excellency the Governor

I Vicenta Sepulveda, widow of the late Don Tomas
 Gorba and a Mexican by birth in the best form
 of law appear before your Excellency and say that
 I am informed that my brother in law Don Bernando
 Gorba by a petition addressed to the Sup^r Au
 - thority has asked for a formal division of the
 Rancho of Santa Ana and further a half of a
 tract of land adja^{nt} to said Rancho This petition
 was my being tutor of the minor children of the
 late Don Tomas Gorba and myself counsel me

to apply to Your Excellency and to Stern to you that
to divide the land as it now is will be nothing less
than to ruin my family, because the piece which I
occupy is the smallest of the Santa Ana because
when my late husband in his lifetime tried to make
the partition of the land the Gov. was in possession
of the piece named "Las Hornas" and as Alvarado
granted it to Don Jose Sepulveda, the Rincón is com-
menced and advanced to a very small extent and is
of no service to my family but it will not prejudice
the family of Don Bernardino Gorta, for he has the
Cajon de Sta. Ana nor that of Don Juan Gorta
because of the rights which he has established in
Las Palmas in the name of Doña Catalina Ruiz
but if Your Excellency thinks the sub-division of
these pieces necessary let it be made according to
Law all enjoying equal benefits in the land grazing
and pumping so that it shall not be permitted that
one person shall be benefited more than the others and
whenever I beseech Your Excellency there in view of
what is said, this petition may be written to that
which Don Bernardino Gorta presents and such
that it may be considered when this matter is deter-
mined a justice which I hope Your Excellency and
of which I shall receive favor I swear that this is
not done maliciously & depending that this may be
written on common paper for want of sealed

Mexico October 27th 1845

(on margin) Not signed

Mexico October 27th 1845

Let this application be handed to the Sr. Judge
of this Capital and attach this to the Expediente
of Don Bernardino Gorta that he may reply to
its contents and return it to the Government
for a decision

Pico

Managua October 28 1845

In fulfilment of the Superior Magistrate I came
make known the foregoing application to Don Berna-
rdo Gorba that he comply to its contents
and attach it to his Expediente with his Executive
order Thus I wrote Don Cayetano Alcalde and
Judge of the Instance the said order was signed
with the assenting witnesses according to Law
Vicente Sanchez

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Assisting
A. F. Corone

Assisting
Jose Martin Moreno

Managua October 30th 1845

On this day Don Bernardo Gorba presented him-
self and being informed of the foregoing he asked
that the Expediente be returned to him for five
days that he might reply to the application of
Doña Vicenta Guevara This was his answer
and he signed this with me and the assenting wi-
-tnesses according to Law

Vicente Sanchez

Bernardo Gorba

Assy
A. F. Corone

Assy
Luis Jordan

on the same day the Expediente was returned to Don
Bernardo Gorba for stamp upon my sheets
(Rubric)

To the Judge of the Instance of the city and its vicinity
I Bernardo Gorba appear before your tribunal
in all form of Law and say that I have received
the representation of the Supreme Government made
by Doña Vicenta Guevara widow of my deceased
brother Thomas and the same in continuation
which you saw fit to issue and by which it was
returned to me for five days to reply, I now do so
with proper respect and represent that it appears
that the said Vicenta Guevara misapprehends the
matter since my first Petition which I presented to

the Government did not speak of a partition of lands but was an application for title, because there is no formal one of a part of the land which my said father and I have occupied for a period of twenty years in the land and this has no connection whatever with the Rancho of Sta Ana which belongs to all the brothers by inheritance of the said Juan & quite does not think proper to ask to be heard in the land she occupies I do and for this reason I insist on withdrawing the said Rancho Government to give me the compensation full according to the laws contained in the Expediente, from this results no injury to the heirs of Sta Ana nor to the said Juana and what I ask is to obtain the documents required by law to make the possession legal. And I cannot do less than confess that if I do not confidence rest in my confidence I ought now to procure it and not expose my own situation of so many years to the chances of future times

Now in regard to the Rancho of Sta Ana since the said Juana brought the matter forward I ought to ask the decision as a partition of an inheritance as well because it is very necessary for my interests as because a thing inherited ought to be known as a portion to my successors such as it is. Where said partition is required Juan Vicente alleges an injury if the division is made, I do not know the reasons why it can injure him I see the contrary, I know that these results for all the benefit of knowing what belongs exclusively to each but supposing without examining it, that she will be injured should I be subjected to suffer an evil for a presumption that it may produce her a benefit, No further she nor the other heirs I am sure, will be injured in any way I am as far

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from believing this as I am convinced that it is useless
to make it, For what is said a Judge of me will be pleased
to order such time to be made of the Rancos of Sta Ana
it being in conformity to right and to the authority of the
law as may be seen by consulting the wise jurists who
all agree upon it. Nevertheless without this opinion
the rights of reason alone suffices to convince us that
society wanting men guarantees the particular interests
of each and would not allow its end if anyone should
wish to prevent the precise improvement and knowledge
of what is possessed. The Carea of Sta Ana belongs
to several Kings and to me as one of them but as till this
time the Point is not determined I again repeat that
the partition suits me, being in my favor as for
the Law which directs it, which I am complying with
what is ordered by your tubread in its decree on Page
C I ask and beseech that what I have said may be done
it being just, I make the necessary oath and hope that
you will permit me the use of the common paper for
want of the sealed paper

J Antonio January 3. 1846
Buenos Ayres

Excellent Sir

I have the honor to read in your Excy hands on
sept leaves the Expediente had by Don Bernardo Yorba
which contains the report of the Commission which made
the examination of the Carea in question but there was
wanting the necessary appearance of the adjoining
owners and atoms in trust in order that according to
what is alleged and denied the superior authority
could form an exact judgment. but as time passes
and as Don Bernardo Yorba says it is necessary
to forward it to your Excy in order that you may
determine what you may think just

Miguel January 5th 1846
Juan Gallardo

Government
of the Department
of the Californias

Angels February 22, 1846

Return this paper into the 1st Alcalde of this capi-
tal in order that in view of the map he may make a
new examination of the land for which Don Bernaldo
Ayba asks a title by adjoining besides with a distance
with that which the applicant and his late brother
occupied and its extent to the end that the corresponding
Report being completed with the cleanness which is
necessary it may be known of how many leagues all
the said land consists, and may be determined
with propriety what is just.

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Pico

Angels February 23, 1846

This Court being occupied with important business
this matter is suspended

(Rubric)

Angels March 27th 1846

This Court being unoccupied name as a Commission
Don Antonio Coronel and the overseer Don Jose Lopez
who shall proceed to make the examination in the
manner ordered by the Supreme Authority and shall
report in writing for which purposes said Coronel
and Lopez shall be required set out as soon as pos-
sible Thus I Juan Gallardo 1st Alcalde and Judge of
1st Instance issued and ordered with assisting notary
as is according to law

Juan Gallardo

Asy
Dy^o Coronel

Asy
Leonardo Cota

on the same day was issued the proper officio letter

(Rubric)

Most Excellent Sir

In accordance with the Superior marginal decree

of the 22^d of February last I named another Commission
to make a new Examination of the Lucia which Don
Bernardo Gorba solicits at the Place of Sta Ana and
this new Commission has made a report of its labors
and present the official letter which follows this with
which document the Superior Authority can determine
what is just and convenient,

This is what I have the honor to say to you every
in fulfillment of the decree before referred to

Angus April 11th 1846

Juan Galland

In complying with what you order me in your order
of the 2^d of last month I went down accompanied by
the overseer Don Jose Maria Lopez and by Don Ber-
nardo Gorba to the place called La Union on the Sta
Ana River solicited by the latter as also to the place
where the Superior land of this tract is to the N.
E. and having in view the Superior decree of 22^d
of February which is attached to the Expediente of
the said Gorba at page 8 front 9 verso and the map
which appears at page 2 of the same and other doc-
uments relating to the matter proceeded scrupulously
by to make the proper Examination of the Lucia place
observing all the precautions necessary in the matter
and this is the result that this land embraces in its
extent four leagues [sitios de ganado mayor] more or
less that it has been occupied more than twenty
years with the property of Don Bernardo Gorba and
his brother the late Don Juan as that the Point which
the applicant solicits is the best for its tillable lands
pasturing and watering places and that on the
said place there is a canal belonging to the late
Don Thomas and a hut occupied by the widow
of his widow also I made the comparison between
the map referred to and the place solicited and it
results that though it is the same in its form

the corners (points of the compass) being in exactly
opposed or almost exactly opposed to the true direc-
tion

Upon making known to Don Vicente Guerrero
the object of my Commission he has deigned to
me that Don Bernabé Gorta taking advantage
of his knowing in his charge the interests of her late
husband Don Tomas, has asked the best part of
the land of the Sima to the great prejudice of the
Minors whom she represents even without taking
into consideration the equal or greater right which
they have as she has shown His Excellency by a
representation

All of which I have the honor to report to you in
pursuance of the Superior order and for the purpose
which may be proper concerning it to the Expediente
with all the names of my respect and consideration

God and Liberty

Mexico April 30 1846

A. F. Corone

Jose Juan Lopez

To The
Gov. Mage
Don Juan Gillman

P. P. C. Constitutional Governor of the Department
of the Californias

When as the Citizen Bernabé Gorta
has asked for his personal benefit and that of his
family a tract of land which for many years he
has been legally possessing called La Sima on
the margin of the River San Juan Bernabé on the
North by the Sima area on the South by San Juan
the proper proceedings having been first taken and
inquiries made in the exercise of the powers which
are conferred on me in the name of the Mexican Nation
I have by decree of this State granted him the Sima
land declaring it his property by these presents in
conformity to the Law of the 18th of August 1824 and

Regulation of the 21st of November 1828, reserving the
 approval of the Excellent Department ad Assembly and
 under the following conditions

1^o He may enclose it without injuring the crossings
 roads and footpaths, he may enjoy it fully and exclusi-
 -vely applying it to the use and cultivation which best
 suits him

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2^o He shall select the proper Judge to give him the
 judicial possession in virtue of this decree by
 whom the bound ones shall be numbered out
 with the measuring land men

3^o The land of which donation is made him is four
 leagues (sitios de ganados Menores) The Judge who
 gives the possession shall have it measured in con-
 -formity to the ordinance the expenses thereof to
 remain to the nation for the uses which it may think
 convenient

Whichever I or he that this title being duly given and
 valid be registered in the proper book need be deliv-
 -ered to the party interested for his protection and other
 purposes

Given in the City of Los Angeles on this Common
 Paper there being none sealed the 15th of June 1846

Pio Pico

Thomas Doña Vicenta Sepulveda was asked for
 her Personal benefit and that of her family part
 of a tract of land which for many years her de-
 -ceased husband Don Tomas Gorba legally possessed cal-
 -led La Lucia on the bank of the River Sta Ana
 bounded by Don Bernabe Gorba and the said Lucia
 the proper Proceedings having been first taken and
 -regimes made, using the powers which are confer-
 -red upon me in the name of the Mexican Nation
 I have, by the use of this date granted to her the said

land belonging to her the ownership thereof by these presents in conformity to the Law of the 18th of August 1824 and the Decree of the 2nd of November 1828 presenting to the approval of the Excellent Supreme Council as assembly and under the following conditions
 1st She may enclose it without prejudicing the crossing roads and routes she may enjoy it fully and exclusively applying it to the use and cultivation which best suits her

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2nd She shall solicit the proper Judge to give her private possession in virtue of this decree by whom the boundaries shall be marked out with the necessary land marks

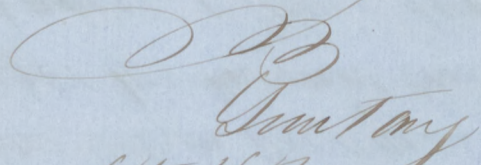
3rd The land of which donation is made to her is four leagues (tercios de Canada Mayor) The Judge who gives the possession shall leave it measured in conformity to the ordinance the Surveys if any remain to the Nation for the uses which may be common

Wherefore I order that this title being held in form and valid be registered in the proper book and be delivered to the Party interested for her security and other purposes.

Given in the City of Los Angeles on this common Paper for want of sealed the 15th of June 1846

And shall require the Party interested to resume the appropriate means,

I certify the Above to be a true and correct translation
 Office of the Secretary of the Commission
 S & S San Francisco July 11th 1854
 Geo Fisher


 Geo Fisher

Filed in Office February 8th 1854
 Geo Fisher Secy

37

Pio Pico Constitutional Governor of the Department of

Document marked the Californians

A memorial to the
Deponitors of
Jp F Coronel

Coronel }
al Depto }
de las }
Californias }
Whom the citizen Bernardino Yorba
was asked for his personal benefit and
that of his family a piece of land which
for many years he has legally possessed

called the Suen on the banks of the River Santa Ana
bounded by the Suen River and the Rancho of San Isidro
the proper proceedings having been taken and inqui-
ris made, in the exercise of the powers which are
conferred upon me in the name of the Mexican Nation
I have by a decree of this day granted him the said
land declaring it his property by these presents in
conformity to the law of the 18th of August 1824 and
the Regulation of the 2nd of November 1828 subject
to the approval of the Departmental Assembly
and under the following conditions

1st He shall have power to enclose it without injury to
the crossings roads and routes he shall enjoy
in full and exclusively applying it to the use and
cultivation which he may best determine

2d He shall solicit the proper Judge to give him the
judicial possession in virtue of this decree by whom
the boundaries shall be marked with the necessary
monuments

3d The land of which mention is made is four
leagues "de San Juan Mayor"

The Judge who shall give the possession shall have
it measured in conformity to the ordinance leaving
the surplus if any remains to the nation for the purposes
for which it may be required

Whomsoever I order that this title being duly given and
said be recorded in the proper book and be allowed
to the party interested for his security and other pur-
poses

Given in the city of Los Angeles on this common paper

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PAGE 37

for some of sealed the 15th of June 1846
Rio Pico

Jose Matias Moreno
Jury ad int

This Superior decree is Renewed in the paper Book
Date as above

Morems

In the City of Los Angeles of the Department of the "Cal-
ifornia" on the 8th of July 1846 in compliance with
the verbal request of Don Bernacado Yorda for the judic-
ial possession of a piece called La Reina on the banks
of the River Santa Ana granted by His Excellency
the Governor as shown by the title here with presented
let directing witnesses go with me to the place named
and after notice to the adjoining owners let proceedings
be taken to give possession in strict conformity to the
title of the 15th of June last;

Wm S Leonard Cota Presiding
Officer of the Ayuntamiento, Fiscal Alcalde and Judge
of the 1st Instance de cura or cura ocasional with
assisting witnesses according to law on this common
paper for want of sealed Certified Leonard Cota
Asy Guaciu Palomas Asy Juan Foster

When I gave notice to the adjoining owners informing them
that I was going to demarcate the land on the banks
of the River Santa Ana and put Don Bernacado Yorda
in possession of it whom they were warned to be
upon their boundaries, these persons made no obje-
-tion when informed Certified Officially Leonard Cota
Asy Guaciu Palomas Asy Juan Foster

In continuation being in this duty, work was sought
to go out on said land which obtained there we started

Certified Officially Cota

On the 9th of July of the same year being at the land
on the banks of the River Santa Ana I appointed
two claim beans Guaciu Lopez and Gabriel

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Jud. P. S.

20

Garcia whose signatures are omitted they not knowing
 how to write they accepted and took the usual oath to
 discharge their duties faithfully and legally which was done
 officially authorized and signed by the with assisting
 witnesses according to law Leonard Cota Assg
 of Juan Palomares Assg Juan Foster act continued
 being still at the land and the circumstances and assisting
 witnesses being present, I caused a cord to be measured
 one hundred varas long to the extremities of which I
 ordered staks of wood to be attached, and after obser-
 vation and calculation, by my direction the measurement
 was begun at a small hill (Lomita) on the boundary
 of the Cajon de San Antonio and continued to the
 Eastward 1600 varas to a river or valley where wood
 is cut (Cajon de la Corte de Madera) Thence about
 North 45° East 7500 varas to the bank of the River
 close to the hill (Loma) which is near a willow thicket
 (Monte de Saws) and here a mark was ordered to be set
 Thence about South 60° East 11500 varas to a dry creek
 (Arroyo Seco) the boundary of Temascal on a summit of the
 mountain of Huata (Peñacho de la Sierra de la Huata)
 Thence in a Southwesterly direction 5000 varas to the foot of the
 mountain where there are some oak trees which are on
 the boundary of the said Temascal, and here a second
 mark was ordered to be placed, Thence in an Easterly
 direction 13000 varas to the same Lomita where the meas-
 urement began; The adjoining owners appeared on the
 respective boundaries, without making any objection,
 The measurements being concluded, I gave solemn and
 judicial possession in the name of the Mexican
 Nation to Don Bernardino Gorta, whom with he was
 satisfied and this act concluded which I autho-
 rized and signed with the assisting witnesses according
 to law Leonard Cota Assg of Juan Palomares
 Assg Juan Foster

Mexico July 10th 1846

Let a copy of these proceedings be delivered to Don Bernardo
Gorda in order that being attached to his title, it may
give him evidence and security. Thus the Judge
officially decreed and ordered with assisting notary
was according to law Leonardo Corta Asses Agustin
Palomares Asses Juan Foster

The proper copy was then given him, The phrase of the
word "Asses" made before signing

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Compared with the original which is among the
Records of this year from which this is taken and
correctly copied upon two sheets of common paper
for want of sealed as I certify Leonardo Corta

Asses
Jno Coronel

Asses
Julien Chavez

Filed in Office October 15th 1852
Jos Fisher
Deputy

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Opinion

Bernardo Gorba
of
The United States vs Los Lunas

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The Petitioner in this case has been on file and has proved a grant obtained from Governor Pio Pico for the place called Los Lunas containing four square leagues

He has also proved on file an official copy duly proved and authenticated of the Juridical measurement of said tract of land performed and executed on the 14th day of July A D 1846, There is no proof that any approval was ever made by the Departmental assembly.

Several depositions are on file in this case taken in regard to the occupancy and interposition of the land by the grantee which after a careful examination will be found to contain no material discrepancy in the each other. It is stated in the grant that the grantee had been long and peacefully possessing the land granted for many years. If this be stated in the grant was unexpressed the paper could be removed that he lived upon the land and had occupied it in person. My opinion however to the petition of the party asking for the land and which is the purpose in the Expediente filed in the case it will be seen that the claimant discloses himself in the following words to wit

I Bernardo Gorba owner of the Rancho of San Antonio Sta Ana and residing in this City present myself before your Excellency & From the statement now made it is known that the claimant at the date of his petition to the Governor did not reside on the land in question but that he resided in the City of Los Angeles And I am a witness on the part of the United States

in his Deposition that he knew the Place granted from the years 1834 and 1835 and that it was owned from that time and he believed primarily by James and Bernando Yoran with cattle and other stock

He then explains the kind of occupation to which he refers in the following words, This residence was not on the land, it was grazing land used for the Raising of Stock, and he then adds, the occupation has been continued in the family since the present time.

The statements here made correspond with the declaration made by the Party Witness in his Deposition as above stated and shows clearly that the Party held the land as a grazing Rancho and that he never lived upon the Place in person

The deposition of Ignacio Leonel shows the Particular kind of occupation which the land was used his brother Thomas knew of this Place, After stating that he first saw the land in 1837, he says it has been occupied by Tomas and Bernando Yoran who had houses on it occupied by their servants and had cattle there and they owned it together until the death of Tomas in 1845 at which time he says that the land was divided, and that the land granted to Bernando has been occupied by him ever since the grant. The meaning which this witness evidently attached to the word occupied is explained by himself in the previous part of his deposition, he means that it was occupied by the servants of the grantee and if there was any other kind of occupation it should have been shown

A single question by the Officer examining the Government witness in this case had appeared in the ambiguity of the language used by the witness but no such question was propounded

Jose Antonio Lemero states in his deposition

that Ben nanao had occupied the same land since the year 1833 and that it had been previously occupied by Antonio Yoran the Father of Ben nanao from the year 1810 in connection with the Prattas. This testimony as well as the others seemed to convince the various kinds of separation in title of the land was expressed by using the word occupy.

All the testimony filed in the case goes to show that the claimant occupied the land both before and after the grant through others and not in person. Indeed it is in proof that the land is situated forty miles from the place where the claimant resided at the time he asked for the grant of the place called La Yorra.

Although this place was evidently held for a long time by the Yoran family as a grazing Rancho it is not a Rancho as they can have a title of any kind previous to the one under which Ben nanao now claims. The case shows none of those incidents which attach to a Home-Stein but was doubtless occupied for grazing purposes under the privileges which belonged to every citizen as long as the lands of the nation remained public land before they were reduced to private property.

The Party opposing failed to show anything like a personal intent on the part of the claimant in occupying the land but for the land now by this Commission he was not entitled to a confirmation of his claim.

There is however another material objection to the confirmation of this claim. There is no sufficient or definite segregation of the land granted.

The description of the land as contained in the grant is of its size altogether too vague and indefinite. A formal measurement of the land was

then the indispensable The Board of Medicines
must think the Physicians should or be wholly
inimicable and could be so in consistency with
each other that it is impossible to give them a definite
location

For these reasons we are of opinion that
the Commission in this case should be rejected

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Filed in Office February 14th 1854
Geo Fisher
Clerk

Decree

Bernardo Gorba 3
of
The United States 3

In this case on hearing
the proofs and allegations it is adjudged by the
Commission that the claim of the said Peti-
tioner is not valid, and it is therefore decreed that
his application for a larger quantity than of be

Denied

Alphus Stetch
Thompson Campbell
R May Thompson
Commissioners

Filed in Office February 14th 1854
Geo Fisher
Clerk

Dissenting
opinion of Com.
Thompson

I dissent from the opinion of the majority
in this case for the reasons set forth in my
dissenting opinion in Case no Anastasio Ca-
rillo vs The United States for the place called
"Punta de la Concepcion" and for the further

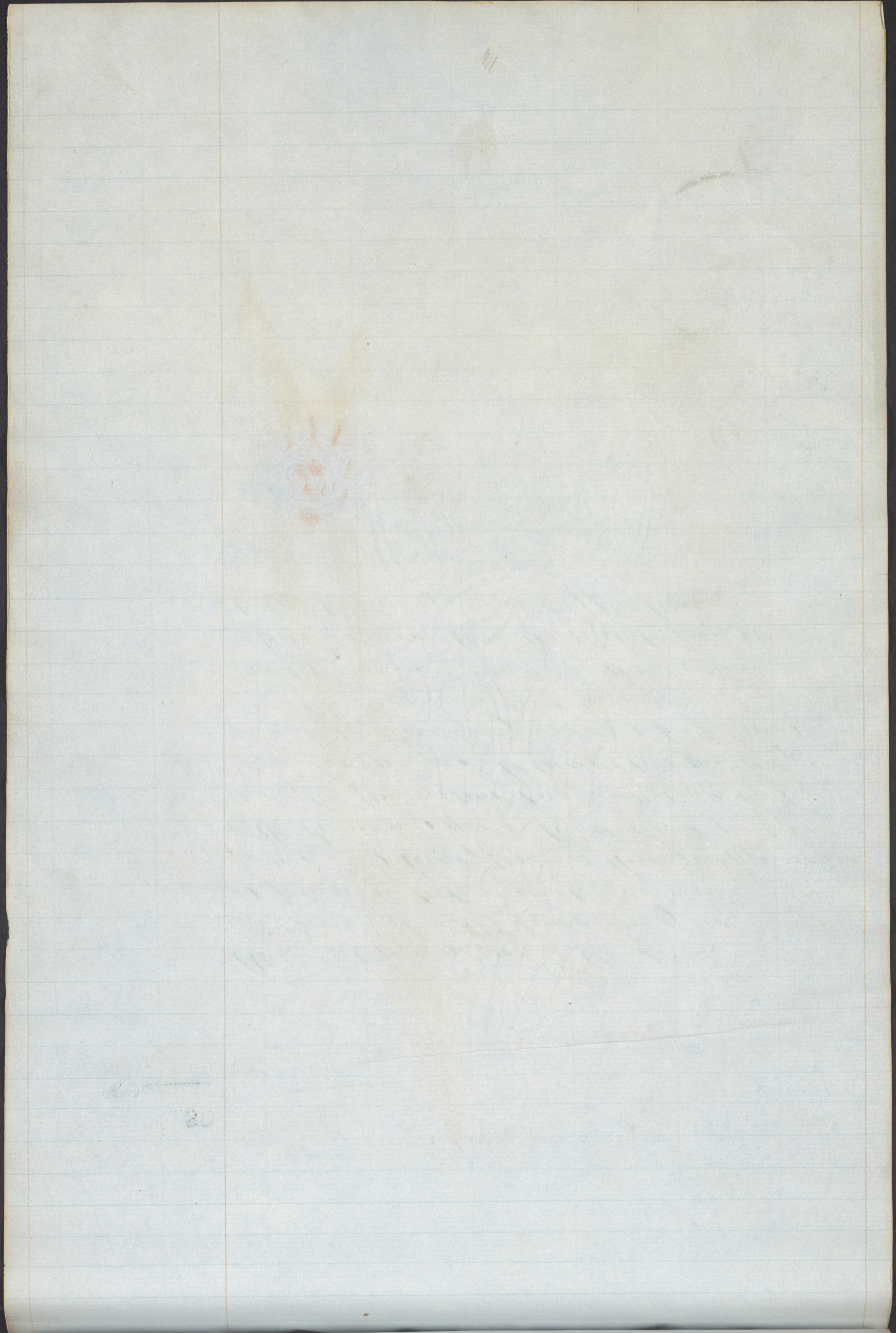
reason that the land is in my opinion suff

reason that the land is in my opinion suf-
ficiently identified by the descriptions contained
in the grant and act of juridical posse-
sion

R. Aug. Thompson Comr.

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And it appearing to the satisfaction of
the Board that the land being adjudicated
is situated in the Southern District of Cali-
fornia it is hereby ordered that two transcripts
of the Proceedings and of the decision in this case
and of the papers and evidence upon which the
same are founded be made out and duly certi-
fied by the Secretary one of which transcripts
shall be filed with the Clerk of the Southern
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.

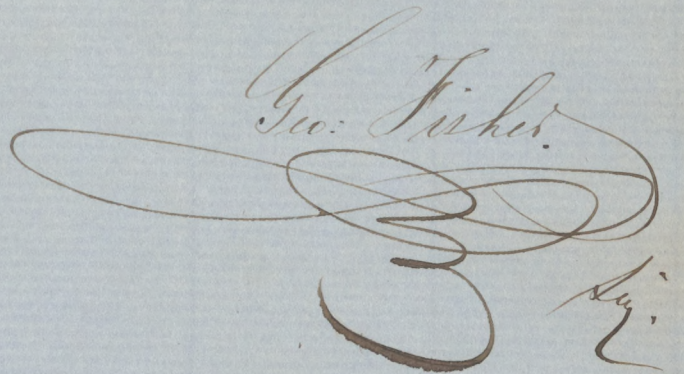
I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *forty four* pages, numbered from 1 to *44*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *382* on the Docket of the said Board, wherein *Bernardo Yorba* is

the Claimant against the United States, for the place known by the name of "*La Sierra*"



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. 185*4*, and of the Independence of the United States of America the seventy=*ninth*.

Geo. Fisher.



U. S. District Court
126

John C. ...
...

126

...

...

126

United States District Court, for the Southern
District of California

Bernardo Yorba,

Appellant

vs

The United States,

Appellees.

Notice of intention to
prosecute the Appeal from
the decision of the Board of
United States Land Com-
missioners.

Bernardo Yorba, Claimant of the Rancho called "La Sierra," in the former County of Los Angeles, but now in the County of San Bernardino, and Southern District of California, hereby gives notice of his intention to prosecute an appeal from the decision of the Board of Commissioners "to ascertain and settle the private land claims, in the State of California," rendered in his claim for the said land, which was presented to the said Board of Commissioners and by them rejected. His claim being that which is numbered on the Docket of said Board of Commissioners, No 382. The Transcript whereof, as filed in the Office of the Clerk of the District Court of the United States, for the Southern District of California, is numbered No 126.

Myron Weston
Atty for Appellant

No ~~125~~ 126.

United States District Court.
Southern District of California

Bernardo Gorba.
Appellant.

— vs —

The United States.
Appellees.

Notice of intention to
prosecute appeal.

Filed Jan'y 12th 1855.

f. s. Lawrence
clk.

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126.

Office of the Attorney General of the United States,

Washington, 17th January 1855.

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Bernardo Yorba

vs.

The United States.

} 382.

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.

No 126.

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

The United States,

vs.

Bernardo Goza.

Appeal Notice.

Filed March 8th 1853.

L. E. Carr.
Clerk.

Bernardo Garba U. S. District
Appellant } Court for the
vs } Southern District
The United States } of the State of Cali-
Appellee } fornia

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To the Hon Isaac W K Ogier District
Judge of the United States for the Southern
District of the State of California.

Your petitioner Bernardo Garba
a resident of the County of Los
Angeles, in said District, respectfully
represents, that he was the claimant
before "the Board of U. S. Land Commissioners
to ascertain and settle private land
claims in the State of California"
in case No. 383. for a tract of land
situate in said County and District,
containing four square leagues of land
more or less and known by the name
of "La Sierra".

That said tract of land was granted
to your petitioner by Pio Pico then
constitutional Governor of California
by virtue of authority in him
vested, on the 15th day of June 1846,
and judicial possession thereof given
on the 19th day of July 1846.

That Your petitioner has continued
from the time of said ^{grant} ~~XXXXXXXXXX~~ to
live upon and occupy said land
with his family and stock up
to the present time, and now occupies

the same.

Your petitioner further represents that on the hearing of said claim by said Commissioners, the same was rejected and declared to be invalid.

That a Transcript of the proceedings of the said Commissioners and of the documentary evidence and testimony of the witnesses in said case was duly filed with the Clerk of this Court on the 8th day of November 1854, and that on the 12th day of January 1855 the said claimant filed in the office of said Clerk a notice of his intention to prosecute an appeal from the decision of said Commissioners.

Your petitioner therefore prays that this Hon Court will review the decision of the said Commissioners and decide on ^{and declare the same to be good and valid} the validity of such claim, and for such other or further relief as shall seem consistent with law and equity.

Myron Hoctor
Atty for Appellant

No 126.
U. S. Dist Court
Southern District
of California

Bernardo Goebel
Appellant

vs
The United States
Appellee

Petition for writ

Writ of Habeas Corpus
att'y for appelt

Filed Oct 20. 1855.

J. C. Farr
clerk.

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

Bernardo Gorda

Appellant

vs

The United States

Appellee

Case No 126.

"La Sierra".

And now at this day appear the
said appellants by Myron Boston
his Attorney, and the said appellee
by P Ord District Attorney of the
United States for the Southern
District of California, and by
consent of parties leave is hereby
granted for either party to take
further testimony in this case.

No 126,
U.S. District Court
Southern District
of California

Pranico Yuba
Appellant

vs

The United States
Appellee

Leave to take further
testimony —

Filed Oct^r 8th 1855
A. C. Canaan
By W. R. R. R. R.

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Bernardo Gorba }
Appellant }
vs }
The United States }
Appellee }
District Court of the }
United States Southern }
District of California }
No 120. }
"La Sierra"

And now at this day comes the said Appellant by Myron Weston his attorney and moves the Court that an order be entered in this case to take additional testimony therein as well on the part of the said Appellant as the said appellee.

Myron Weston
Atty for Appellant

W A Fish Comr
Bernardo Goob
Appellants
(126.) vs

The United States
Appellee

Motion to take
further testimony

Filed. October 8th 1885
O E Carr Clerk
By W. R. R. Dip

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

Bernardo Lopez

Appellant

vs

The United States

Appellee

Case No 126,

Transcript 382.

"La Sierra".

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And now at this day on motion of
Magrow Boston attorney for said
Appellant, it is ordered by the court,
that either party in this case have
leave to take further testimony therein.

No 126.

U. S. District Court

Bernardo Loran
Appellant

vs

The United States
Appellee

Leave to take further
testimony.

Filed Oct 20th 1885

C. E. Cawth

By W. Bond

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UNITED STATES OF AMERICA, } SS.
Southern District of California,

The President of the United States,

TO

P. Ord atty of the U.S. for the South Dist. of Cal.

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Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *the United States* in the District Court of the United States, in and for the Southern District of California, on the *9* day of *October*, 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

Bernardo Gorber praying said Court to review the decision of the U. S. Land Commissioners, rejecting his claim to a tract of Land called "La Sierra"

and that *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 the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *7* day of *December* A. D. 1855.

C. E. Carr
CLERK.

By Jam. R. Sumner
Deputy

No. 126

March 1857

Copying Summons
Serving do. & Petition O. -

H. G. O.

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

Bernardo Goba
Appellant

v.

The United States
Appellants

SUMMONS.

Received December 7th 1857.

Edward Hunter

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U. S. MARSHAL.

Mr. M. L. Goodman
Deputy

I served this Summons, together with a certified copy of the Petition, upon *P. Ord*
U. S. Attorney by delivering to him personally
a true Copy of the Same

at *the City of Los Angeles* in the Southern District of California, on
the *eleventh* day of *December* A. D. 1857.

Sworn to and subscribed before me, *this*
11th Dec. 1857

Man
CLERK.

Edward Hunter
U. S. MARSHAL.

Mr. M. L. Goodman
Deputy

In the District Court of the United States for the Southern District
of California. Los Angeles December Term 1855.

Hon^{ble}. Isaac S. H. Ogier, judge -

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Bernardo Yorba } On appeal from the commission
Appellant } to ascertain title private land
vs } titles in California.
The United States }
Appellee } No. 126.

Transcript No. 382.

The answer of Pacificus Ord attorney of the United States
for the Southern District of California, for and in behalf of
the United States, to the petition of Bernardo Yorba for review
of decision of United States Land Commissioners says;
That he denies all and singular each and every
allegation in said petition contained, and further this
respondent denies generally the validity of the alleged
title of the claimant to the land claimed by him.

And the said respondent prays that this Hon^{ble}
Court will affirm the decision of the said United States
Land Commissioners in said case, and decree the said
alleged title to be invalid, and grant relief -

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

I have served this answer on Augustin Olvera
Atty for Bernardo Torba, by delivering to him
personally a true Copy of the same
a. Los Angeles Dec 28th 1855

Edward Hunter
W S Marshal
for M Lloydman
Deputy

N. 126,
Bernardo Torba,
vs, appellants
The Heirs,
appes.

Answer of Heirs &
petition for Review,

Filed Dec 14 1855
J. E. San
C. H.

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J. Marshall & M. L. ...

Marshal Cost
Serving Answer \$3

Donato Yorba app^{ts} } U.S. Dist Court.
The United States app^{ts} } South Dist of Cal.
No 126.

Deposition of Carlos Dominguez a witness on the part of appellant taken by consent of Parties before Charles E. Case U.S. Commissioner appointed to take testimony in this case. Present Agustin Olvera attorney for claimant P. Ord U.S. Attorney. Carlos Dominguez being duly sworn deposes and says.

C. Morgan sworn as Interpreter.

Ques. What is your name age & place of residence.

Ans. My name is Carlos Dominguez, my age is 47 years. my residence the County of Los Angeles.

Ques. Do you know a place called "La Sierra" if yea, where is it situated and who does it belong to.

Ans. I know the place called "La Sierra," it is situated in the County of San Bernardino & belongs to Don Bernardo Yorba.

Ques. Are there any prominent land marks on said place by which

it can be known, & if so, what are they.

ans. Among the people of the County it is well known as the Mountain Rancho of Bernardo Yorba.

ques. Do you know a place called Lemascal, if yes, state if it is near the aforesaid Rancho and on which side (objected to by the U.S. Atty. on the ground of irrelevancy)

ans. I do. It adjoins the Rancho on the East side.

ques. Do you know if there is a river running near this Rancho, if yes what is it called and on what side does it run. (objected to by the U.S. Atty.)

ans. The River called Santa Ana runs on the North side of said Rancho.

ques. Besides the Mountain already mentioned, is there any other near this Rancho, if yes, what is it named and on which side of the Rancho is it situated (objected to by the U.S. Atty.)

ans. There is. It is called the Mountain of Santiago, and is on the South of the Rancho.

ques. Do you know of any other Rancho in the County of San Bernardino

known by the name of La Sierra,
Ans. I do not.

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Ques. Are there other mountains
near the aforesaid Ranch
and if yes, state whether the
Ranch before mentioned could
be distinguished from them.

Ans. There is no other mountain
of a similar character or
appearance.

Ques. Do you know if Bernardo
Yorba, has lived at any time on
the aforesaid Rancho.

Ans. During the marking & branding
of Cattle, he was there personally,
and at other times his sons
& persons in his employ were
on the Ranch.

Ques. Do you know if there is any
kind of improvements or property
on the Ranch, if yes state what
they are.

Ans. There are houses, corals, and
lands under fence for cultivation
on the Ranch. There are also
cattle & horses on the Ranch, belonging
to Bernardo Yorba.

Ques. Have the limits or boundaries
of the said Rancho, as claimed
by Bernardo Yorba, ever been
disputed by any of his neighbors

ans. To my knowledge they never
have.

Cross examined.

ques. Where were you born.

ans. In San Diego.

ques. Where do you now live.

ans. On the Santa Ana River, on my
own Rancho, which has no
particular name.

ques. Did you ever have a grant
for it.

ans. Yes, It belongs to my wife
and was granted to her
ancestors in the time of the
King, and from them inherited
by her. My wife's father was
named Juan Peralte, where
I now live is part of the Peralte
Ranch, granted in the time of the
Kings to the ancestors of my
wife.

ques. How far is it from the town
of Torba where he now lives
to the Rancho of La Sierra.

ans. About three leagues.

ques. What is your occupation.

ans. I am a laborer.

ques. In whose employment are you
at the present time.

Ans. In no ones.

Quer. Have you not been late for
the employment of Jorba.

Ans. I have served him for friendship
but never with the expectation of
receiving wages.

Quer. How long have you known
the Rancho of La Sena.

Ans. Since the year 1834.

Quer. How do you know that the place
called Temescal adjoins the Rancho
of the Sena.

Ans. I have worked on the place on
many occasions, and the land
belonging to the Rancho de la Sena
have been pointed out to me by
Jorba the owner.

Carlos ^{his} X Dominguez
mark

born to subscribed

this 5th day of July 1836.

Before me

J. S. Jones
1836
US Comr

No. 126.

U. S. Dist Court
South Dist of Calif.

Bernardo Yorba
app.

vs.

The United States
appellus

Deposition of Carlos Dominguez

Filed Feb 5th 1856.

J. E. Canby
clerk

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Bernardo Yorba, applt

vs.

The United States, appée.

No 126.

La Sierra.

Deposition of J. J. Warner, a witness on the part of appellant in the above case taken at Los Angeles this 18th day of Feb^y 1856, before Char. L. Cann, U.S. Comm^r for the State of California. Present, Norton & Oloera, attys for appellant & P. Ord. U.S. atty.

J. J. Warner, being duly sworn, in answer to questions propounded by Counsel for the several parties, States as follows to wit

Ques. What is your name age & place of residence

Ans. My name is J. J. Warner, my age is 48 years my residence San Diego

Ques. Do you or not know the Rancho called La Sierra, claimed by Bernardo Yorba in this case, and if so, in what county is it situated, and how long have you known it.

Ans. I know it. It is partly or in whole in the County of San Bernardino, which formerly composed a part of the County of Los Angeles.

I have known it for twenty three years.

Ques. Do you know a place or Rancho called Temescal & if so, state its locality & position relative to the Rancho of La Sierra.

Ans. I know it. It is situated on the South East side of La Sierra.

Ques. Does it or not adjoin the Sierra.

~~Ans. It does~~ (objected to by the Assty.)

Ans. It does.

Ques. Do you or not know a place or Rancho called "Guapa"; & if so state its location & position relative to the Rancho of La Sierra. (Objected to by the Assty.)

Ans. I know it. It is situated north eastward of "La Sierra".

Ques. Do you or not know the Sierra or mountains called San De Sautaja, if so, state their position & locality with reference to the Rancho of La Sierra, (objected to by the Assty.)

Ans. I know such a range of mountains, ~~they~~ it lies along the south-western side of La Sierra.

Ques. Do you know the River called Sautana, & if so, state its position & course, relative to the Rancho of

La Sierra.

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Ans. I know the River, it runs along
on the northern side of this Rancho
its course being from the North Eastward
to a South Westward direction.

Ques. How far is it from the River Santana
to the North western boundary ^{line} of
Temescal.

Ans. I should judge about seven miles.

Ques. How far is it from the Sierra Santiago
to the South western boundary line
of the Rancho called "Guapa"
(objected to by the U.S. Atty.)

Ans. I should judge about four or five
miles.

Ques. Are or are not the places and
objects which you have mentioned
called Temescal, Guapa, Sierra
Santiago, & River Santana, well
known & recognized places & objects
& have they or not been thus well
known & recognized ever since
you were acquainted with the
Rancho de la Sierra, (objected to)

Ans. They are & have been.

Ques. Do or do not the lands claimed
in this case called Rancho de la Sierra
lie within the places & objects which

you have mentioned. (objected to by the
U.S. Atty.)

Ans. They do,

Ques. State about how much land is
embraced within those places
and objects you have described.

(objected to by U.S. Atty.)

Ans. I should think about three
or four square leagues.

Ques. Look upon the map contained in the
transcript in this case & state whether
or not it is a correct delineation of
the lands claimed in this case called
La Sierra, & whether or not the points
of Compass are correctly marked
on said map. (objected to by the U.S. Atty.)

Ans. I think it is generally a pretty correct
delineation of the lands. ~~The points of~~
the points of Compass are not correct. ~~The letters upon~~
the diagram here representing the cardinal
points as well as the diagram are
incorrect, North being placed where
South should be, & East where
West should be.

Ques. State in what respect the points of
Compass are incorrect, as marked
on the map. (objected to by the
U.S. Atty.)

Ans. The cardinal points are there reversed

north should be where South is &
East where west is.

Ques. Do you or not know the place or
Rancho called ~~Cajon de San Antonio~~
and if so, state its position relative to
the Rancho of la Sierra. (Objected to
by the Usatly.)

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Ans. I know it. It lies on the north
west, the two Ranchos adjoining
for about one mile, or separated
solely by the River Santa Ana.

~~Ques.~~ Cross examined by the Usatly.

Ques. What is your profession or occupation.

Ans. I am a farmer.

~~Ques.~~ Deposition closed.

J. J. Warner
11 11

sworn to & subscribed this
18th day of Feb'y A.D. 1856.
Before me J. S. Janes
Notary

No 126.

U. S. Dist Court
South Dist of Cal.

Bernardo Jorda,
applt.

vs.

The United States,
appee.

Deposition of J. S. Warner.

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Filed Feb 18th 1856.

J. E. Jones
Clerk

Bernardo Yorba,

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Appellant

Case No.

126

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The United States, appellus

"For La Serra"

Deposition of

Henry Blancoer

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on Monday, the 19 day of January A. D. 1857 at 1/2 o'clock P. M., on said day, on behalf of the Appellant by the Consent and

to be used as testimony in a certain cause now pending in the United States District Court for the Southern Dist of California being Case No. 126, on the Docket of said Court, wherein Bernardo Yorba is appellant, and the United States are appellees.

Present Olivera & Weston Attorneys in behalf of the appellants
and P. D. W. S. in behalf of appellees.

Ques What is your name, age and place of residence

Ans Henry Blancoer 34 years of age and reside in Los Angeles County - State of California

Ques Are you a Surveyor by profession

Ans I am a Surveyor of Los Angeles County I am now a United States Deputy Surveyor and have been such since 1853 in the State of California - and am now also the County Surveyor of Los Angeles County

Ques Who was the Deputy Surveyor under you in the months of October and November in the year 1855

Ans George Hanson

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Ques Do you know the Rancho called
"La Sierra", claimed in this case by
Bernardo Yorba then long have you
known it

Ans I do - I have known it since
1853, at which time I was Donship
land in its vicinity but at the time I
had no distinct knowledge of its exact
locality, but since the latter part of 1855
I have known what the claimant claimed
to be the tract of Land embraced in said
Rancho

Ques Do you know whether said ranch
had been surveyed and if so, when and by
whom

Ans I do. It was surveyed by George Blawson
in the month of October ad 1855

Ques A ~~the~~ map is here shown to the Jurors
marked A-C and made a part of
this deposition, when the Jurors is asked
to state whether or not the said map is
a correct delineation of the tract of Land
called "La Sierra" and claimed by
Bernardo Yorba in this case (Objected to by W. Atty)

Ans. To the best of my knowledge and
belief, it is

Ques Do you know the place or Rancho
called the "Rincon" and if so, state what
direction it is from ^{point} the Rancho "La
Sierra" - (Objected to by W. Atty)

Ans I know that the tract of Land adjoining
the Rancho "La Sierra" on the East and on
the opposite side of Santa Anna River

is called the "Rincon"

is called the "Kincon"

Ques Do you know the Ranch called the "Fernaseal"? and if so, in what direction and how far is it from the Rancho "La Sierra" (situated by N.M.M.)

Ans I know the track of Land adjoining the Rancho "La Sierra" on the ^{South} East which bear the name of "Rancho Fernaseal"

Ques Do you know the track of Land called "Guapa" and how is it situated in reference to the Rancho "La Sierra" (situated by N.M.M.)

Ans I have understood that the track of Country adjoining "La Sierra" on the North and bordering on the River, ~~is~~ ^{bore} the name of "Guapa", —

Ques State as near as you can, how much Land is involved, within the places you have named and as described on said map, (situated by N.M.M.)

Ans There is the vicinity of four square Leagues. The map here presented shows an area of nearly 4 square Leagues and I believe it to be correct, —

Ques ~~Have you ever seen the fixer xxx~~ Do you know whether George Houston has left this County and if so, when he left & for what County?

Ans He left on the last "Steamer" about a week since for San Francisco and is not to return that I know of. — I have for some time known him to profess to be making his arrangements to depart for 416 Sonora or Central America & what place he has gone, I know not

Cross Examination by P. O. D.

Dep. W. Atty

Ques

Do you say that Mr. Hanson was
your deputy Surveyor, "Do you mean that
he was ^{the} deputy Surveyor of Los Angeles County

Ans

I do

Ques

In what County is the Land ~~to~~ claimed
in this case situated

Ans

In what is now called, San Bernade-
^{County} no, and what formerly was a part of Los An-
geles

Ques

When was the County of San Bernadino
established?

Ans

I do not recollect

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Henry Hancock

Sworn and Subscribed to before
me this 19th day of December 1857

John
W. Combs

I, C. Sims, of the City and County of Los Angeles, and State of Cali-

fornia, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing

Depositions of *Henry Hancock* was taken before me

on the *19* day of *January*, A. D. *1857*, according to the *agreement*

and consent of agreement of the said *attorney*

of the parties at the United States District Court House, in the City

of Los Angeles, and State of California, in behalf of the *appellant*

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

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this *19* day of *January*, A. D. *1857*

C. Sims
United States Commissioner.

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No. 126

United States District Court for the
Southern District of California.

W B Lusk
Applicant
vs
The United States
Appellant

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Deposition of:

Filed this

W. M. M. M. M.
19th Day 1857
C. J. M.
clerk

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

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December Term A.D. 1856.

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Bernardo Corba

Appellant

vs

The United States

Appellee

No. # 126,

"La Sierra"

This cause coming on
to be heard, on appeal from the ^{final} decision of
the Board of U.S. Land Commissioners to
ascertain and settle the private land claims
in the State of California, under an Act
of Congress approved March 3^d 1851, upon the
Transcript of the Proceedings, papers and
evidence had and taken before the said
Board, and upon the additional evidence
taken in this Court. And it appearing
that the said Transcript and a notice
of the intention of the appellant to prosecute
the said appeal have ^{been} duly filed with the
Clerk of this Court - And course for
the respective parties having been heard.

It is Ordered, adjudged
and decreed by the Court, that the decision
of the said Commissioners be reversed and
set aside, and that the title of the said
appellant Bernardo Corba to the lands
claimed in this case be decreed to be
good and valid.

The lands of which confirmation is hereby situated in the county of San Bernardino and are made are, known by the name of "La Sierra" being the same lands which were granted to the said Bernardo Torba on the 15th day of June AD 1846. by Pio Pico then Governor of California, which grant is hereby confirmed to the extent of four square leagues and no more; and ~~and~~ ^{which lands are} bounded and described as follows, to wit: Situated on the banks of the Santa Ana River, and bounded by the said River and the Rancho of Temescal; and for a more particular description of the same reference is herewith had to the original grant and map contained in the Transcript and to the testimony on file in this case.

Caused to be signed
 by S. D. S. Judge
 for the Secy. of Cal.

Apr 126

W. D. Diet Louis

Bishop of California

Bernardo Torba

Appellant

vs

The United States

Appellee

Green

Filed Aug 22^d 1867

James
 Chas R

Record in page 150

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La Sierra

In the district court of the United States for the district of California.

The United States. }
vs
Bernardo Yorba. }

And now at this day, to wit: the Thirty First day of July in the year of our Lord one thousand Eight hundred and sixty Eight, appears Bernardo Yorba, by Clark Churchill Esq^r, his counsel and Delas Lake Esquire, the District Attorney of the United States; and thereupon the said Bernardo Yorba produces to the Court a mandate of the Supreme Court of the United States whereby it appears that the decree of the District Court of the United States, for the Southern District of California, heretofore, to wit: on the 23^d day of January 1857 rendered and entered, in this cause, has been, by the judgment of the said Supreme Court, affirmed; and moves this Court that the said mandate be filed

And that said Bernado Yorba
may proceed, under said decree
as upon a final decree of this
court: Whereupon it is ordered
that the said mandate be
filed in this cause as a part
of the records thereof: and that
the said Bernado Yorba be at
liberty and have leave to proceed
upon said decree of the said Dis-
trict Court of the United States
for the Southern District of California
as upon a final decree of this
court.

Cytha Hoffman

Deix Jozel

~~297~~ ¹²⁶
In the District Court
of the U.S.
for the District of California

Subpoena

United States

vs

Bernardo Gorba

~~297~~ S. 10
126

Final Decree

Subscribed

July 31, 1868

Geo. C. Coffey

Clk
G. M. Allen

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THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court
of the United States, for the Southern District
of California



Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California before you, in a cause
between Bernado Yorba, appellant, and The United States
appellees, the decree of the said District Court was
in the following words, viz:—

This cause coming on to be heard on appeal from the
final decision of the board of U.S. Land Commissioners
to ascertain and settle the private land claims in the
State of California, under an act of Congress
approved March 3^d, 1851, upon the transcript of the
proceedings, papers, and evidence had and taken before
the said board, and upon the additional evidence
taken in this court; and it appearing that the said transcript
and a notice of the intention of the appellant to prosecute
the said appeal have been filed with the Clerk of this
court, and counsel for the respective parties having
been heard—

It is ordered, adjudged, and decreed by the Court
that the decision of the said Commissioners be reversed
and set aside, and that the title of the said appellant,
Bernado Yorba, to the lands claimed in this case
be decreed to be good and valid.

The lands of which confirmation is hereby made are
situated in the County of San Bernardino, and are
known by the name of La Sierra, being the same

lands which were granted to the said Bernardo
Yorba on the 15th day of June, A.D. 1840, by Pio Pico,
then Governor of California, which grant is hereby
confirmed to the extent of four square leagues, and
no more, and which lands are bounded and described
as follows, to wit: Situated on the bank of the Santa
Ana river, and bounded by the said river and the
Rancho of Temascal; and for a more particular
description of the same reference, is hereunto had
to the original grant and map, contained in the
transcript, and to the testimony on file in this case."

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as by the inspection of the transcript of the record _____

of the said District

Court, which was brought into the Supreme Court of the United States, by virtue of an appeal

agreeably to the act of Congress, _____

in such case made and provided, fully and at large appears.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *Sixty three* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, it is now here ordered adjudged and decreed by this Court that the decree of the said District Court in this cause be and the same is hereby affirmed. *7. March*

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You, therefore, are hereby commanded that such further proceedings be had in
said cause,

as according to right and justice, and the laws of the United States ought to be had, the said appeal
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the
first Monday of December in the year of our Lord one thousand eight hundred
and Sixty three.

COSTS OF
Clerk..... \$ 12.63
Attorney... \$

\$

Paied by

Geo. Middleton

Clerk of the Supreme Court of the United States.

No. 140 December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

The U. States vs. Yella

in Term

Recd July 31, 1868

Geo. Middleton
Secy

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Raymond
R. B. Wilson

