CASE NO.
131

SOUTHERN DISTRICT

RINCON DE LOS BUEYES GRANT

FRANCISCO HIGUERA, ET AL
CLAIMANT

409

Hunter Bowker

TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 409

Francisco Higuera, et al, CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Rincon de los Buyes."

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 twenty third 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;

The Petition of Francisco Higuera, et al., for the Place named "Rincon de los Bueyes", was presented, and ordered to be filed and docketed with No. 409 and is as follows, to wit;

(Vide page 4 of this Transcript.)

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

San Francisco October 23, 1852

In the same Case, the Deposition of Basilio Valdez, a witness in behalf of the Claimants, taken before Commissioner, Hiland Hall, was filed, and is in the words and figures as follows, to wit:

(Vide page 5 of this Transcript.)

San Francisco, October 25. 1852.

In the same Case, the Deposition of Manuel Requena, a witness in behalf of the Claimants, taken before Commissioner, Hiland Hall, was filed, and is in the words and figures as follows, to wit:

(Vide page 7 of this Transcript.)

San Francisco, October 26, 1852

In the same case, the Deposition of Francisco Botiller, a witness in behalf of the claimants, taken before Commissioner, Hiland Hall, was filed, and is in the words and figures as follows, to wit:

(Vide page 8 of this Transcript.)

San Francisco, October 27, 1852.

In the same case, the Depositions of Macedonio Aguilar, Januario Abila and Ygnacio Machado, witnesses in behalf of the claimants, taken before Commissioner, Hiland Hall, were filed, and are in the words and figures as follows, to wit:

(Vide page 10 to 13 of this Transcript.)

San Francisco October 30 1852.

In the same case, the Deposition of Manuel Dominguez, a witness in behalf of the claimants, taken before Commissioner, Hiland Hall, was filed, and is in the words and figures as follows:

(Vide page 14 of this Transcript.)

San Francisco November 15, 1852.

In the same case, the Deposition of Antonio F. Coronel, a witness in behalf of the claimants, taken before Commissioner, Hiland Hall, was filed, and is in the words and figures as follows:

(Vide page 15 of this Transcript.)

San Francisco, August 29, 1853.
In the same case, the Counsel for the claimants read the evidence; argued, submitted and taken under advisement.

San Francisco, February 28, 1854
In the same case, Commissioner, Thompson Campbell, delivered the opinion of the Board rejecting the claim.
(Vide page 43 of this Transcript.)

San Francisco, Aug. 15, 1854.
In the same case, on motion of the U.S. Law Agent, the following Order was made, to wit:
(Vide page 52 of this Transcript.)

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Petition

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To the Board of United States Commissioners for ascertaining and settling private land claims in the State of California.

Your Petitioners, Francisco and Secundino Higuera of Los Angeles County and State of California respectfully represent to your honorable board that they claim a certain tract of land (at this time) called "Simon chas Bayas" containing some less than three fifths $\frac{3}{5}$ of a square situated near the Westwardly limits of the City lands of the City of Los Angeles County of Los Angeles and State of California.

That they claim the same firstly by virtue of long & continued occupancy under a concession made on the 7th of December AD 1821 by Pedro Sola (then Sub-altern Governor of the Californias) in favor of their deceased father Bernardo Higuera and Camilo Lopez (also deceased) which occupancy was not only in conformity with the disposition and rules of the Mexican Nation on the subject but nominally recognized by the local authorities as securing to the possessors a just and valid ownership. Secondly by virtue of an incomplete or suspended title executed on the 10th of July AD 1843 under the authority of the Mexican Government by Governor Manuel Micheltorena. Your petitioners present herewith the aforesaid original and subsequent title (both original) together with their translations, also various proceedings under the juezes Felipe Lopez (deceased) and Manuel Dominguez, relating to the aforesaid grant with their translations and will proceed to file other evidence.

Your petitioners pray your honorable board to take into consideration their title to said land and decree the same to be valid. And your petitioners will ever pray &c.

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Henry Hancock
Atty for Claimants

Filed in Office Oct 23d 1852
(Signed) Geo Fisher Secy.

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Deposition of Basilio Valdez

Los Angeles Oct 23d 1852.

On this day before Commissioner Hiland Hall came Basilio Valdez, a Witness in behalf of the Claimants Francisco Higuera et al petition No 419. And was duly sworn his evidence being interpreted by the Secretary.

The U. S. Associate Law Agent was present.

In answer to questions by Counsel for the Claimants the Witness testified as follows.

My name is Basilio Valdez. my age is sixty years & over. & I reside at Los Angeles. I am a native of California.

I am acquainted with the Rancho Rincon de los Bueyes & have known it for upwards of fifty years. It is about two or three leagues from this place in a westerly direction. It was first occupied as a common pasturing ground for cattle of this place & it was afterwards occupied by Bernardo Higuera & Camilo Lopez They first occupied it & it ceased to be occupied as a common. This must have been somewhere about twenty years ago.

A paper purporting to be the original title papers of the Claimants which is Exhibit A filed in this Case, being shown me, I say that my name appearing on the reverse of folio 8 is my genuine signature. I do not now recollect about the transaction.

The rancho was occupied by Higuera until his death & from that time to the present it has been by his children & brother. Abad two brothers. Policarpio, who is dead & Mariano who is living. I was present when judicial sale was given of and adjoining rancho to Vicente Sanchez. Francisco Higuera appeared there & made objections to the possession then given.

The objection was that they were encroaching upon his land. Reclaimed the whole of the Rincon as belonging to the Higueras.

The Higueras had previously occupied it with cattle & had cultivated it, they had raised corn & pumpkins & beans on it for two or three years before. I cannot recollect the time.

Question by the Associate Land Agent.

Were you ever called upon as a witness before Judge Lindsay respecting the occupation of the disputed Rincon by Candio Lopez?

Answer. I dont recollect. I never was so called upon.

Do you anything about the transactions boundaries of the Rincon?

Answer. I do not.

Basilio Valdez.

Sworn & Subscribed
Before me
Hiland Hall Comr.

Filed in Office Oct. 28th 1852
(Signed)
Geo. Fisher Secy.

Deposition of Manuel Reguera.

Los Angeles Oct. 28. 1852

On this day before Commissioner Heland Hall came Manuel Reguera a witness in behalf of the claimants Francisco Reguera & testimony being on the docket of the Board and was duly sworn his evidence being reported by the Secretary.

The U. S. Associate Law Agent was present. In answer to questions by Counsel for the claimant the witness testified as follows.

My name is Manuel Reguera my age is fifty one years & I resided in Los Angeles.

I was Alcalde of Los Angeles during the year 1844 & 8 I was Judge of the first instance during that year I was requested by Vicente Sanchez to give him Judicial possession of a tract of land which had been granted him & I summoned the adjoining neighbors to appear at my office. Tomano Libelio & Francisco Reguera who were summoned appeared, they objected to the giving of the possession as claimed by Sanchez & presented papers shewing a license to occupy the land in dispute. & I suspended the giving of possession & made a report to the Governor which report with the other papers relating to his title I delivered to Sanchez. Reguera & Abila both presented papers which were returned to them. The license presented by Reguera is found on folio 6 on Exhibit "A" filed in this case, signed Noriega in the margin, I recollect that this paper was presented, if there were others presented they were returned to Reguera.

Manuel Reguera.

Sworn & Subscribed Before me

Heland Hall Comr.

Filed in Office Oct. 28. 1852. Geo. Fitzhugh Secy.

Los Angeles Oct. 26, 1852

Deposition of Fran^co Boruelo

On this day before Comm Roland Hall, came Francisco Borulo a witness in behalf of the Claimant Francisco Higuera Eral petition No 419 and was duly sworn his evidence being interpreted by the Sentry. The U.S. Associate Law Agent was present.

In answer to Enquiries by Counsel for the Claimant the Witness testified as follows.

My name is Francisco Boruelo, my age is thirty years I reside in Los Angeles.

I am acquainted with Francisco Higuera & Mariano Higuera & Secundino Higuera & was with Policarpio Higuera in his lifetime I lived with the family of the late Policarpio. I also knew a man of the name of Juan Fernandez who lived on the ranche with Policarpio, All these persons lived on the Rancho "Rincon de los Bueyes" I left the family quite young but lived in their vicinity afterwards. I know when Fernandez came there but cannot tell how long ago. I know when Fernandez left but cannot fix the time. It was after Policarpios death which happened soon after Michel Otorna came to Los Angeles. After Policarpios death Fernandez sold the Adobe house he had on the place to Policarpios widow for three or four Cows & bilows which were then worth about six dollars each. I was not present at the bargain but was told of it by both the widow & Fernandez I saw the cows in the possession of Fernandez Fernandez then took away every thing he had from the place & has never returned to occupy the place nor to my knowledge exercise any rights of owner ship over it. The four Higueras petitioned the governor for the land & it was signed by them with Fernandez that he should take the papers to the Governor Monterey & that they should pay

all the Expenses of the papers. In consequence of the violation. Mendez never went to Monterey & he never paid any thing for the land to my knowledge.

his
Francisco X Botello.
mark

Sworn & Subscribed
Before me.
Hiland Hall Com.
Filed in Office Oct. 26. 1852.
(Signed)
Geo. Fisher Secy.

Deposition of Aug. Olvera.

Las Angeles Oct. 26. 1852.

On this day before Hiland Hall Commissioner Came Augustin Olvera a Witness in behalf of the Claimant Francisco Higuera Estate petition No 409 and was duly sworn. His Evidence being translated by the Secretary.
The U. S. Assistant Law Agent was present.

In answer to questions by Counsel for the Claimant the Witness testified as follows.

My name is Augustin Olvera. My age is thirty two years & I reside in Las Angeles.

A paper is now shown me purporting to be a record of proceedings before Juan B Leandro a Justice of the peace in Relation to the Duncan Rancho Rincon de los Bueyes in the year 1844. At the date of those proceedings I was Clerk to the said Justice of the peace. The body of the record of proceedings commencing with the date of May 7. 1844 & ending the same date is in my hand writing & I signed the first several papers of that date as a Witness. The

proceedings took place as therein stated, the paper being a genuine paper. The signatures of Juan B Leandro & Francisco Vargas attached to said papers are also genuine & so is that of Basilio Valdez attached to one of them. Said paper is hereto attached & marked No 1. A. H.

Augustin Olvera

Sworn & Subscribed
Before me
Roland Hall Comm.
Filed in Office Oct 16. 1852
(Signed)
Geo. Fisher Secy.

Los Angeles Oct. 27. 1852

Deposition of Genuario Abila

On this day before Roland Hall Comm. came Genuario Abila a witness in behalf of the claimants Francisco Higuera et al Docket No 409 and was duly sworn his testimony being interpreted by the Secretary.

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 Genuario Abila. My age is forty years & I reside in the County of Los Angeles at my rancho Los Cuenqa —

I know the Rancho Rincon de las Bueyes & have known it for the last twenty years It is about five leagues from this place in a westerly direction. It was occupied when I first knew it by Bernardo Higuera jointly with Cornelio Lopez. Cornelio Lopez abandoned it and it was then occupied by Bernardo Higuera during his life time and after his death by his children. It is now occupied by Francisco Higuera one of the sons of

of the late Bernardo. Bernardo built the two houses on the land about the year 1822 or 1823 & he lived on the land & the family have lived there ever since. Francisco Reiguera lives there with his family at the present time. From the time I first knew the Rancho they have kept cattle and horses, & Bernardo cultivated the land.

Francisco formerly cultivated the land but he now resides for keeping stock & cultivates adjoining land. The cultivation above spoken of was on the Rincon & the land was cultivated by Reiguera for about eight years before the giving of possession to Vicente Sanchez of his Rancho.

I know the boundaries of the Rancho Rincon de las Bueyes. It is bounded on one side by land of Tomas Sanchez the line being a ravine (Cañada) in which water runs from the hills in the rainy season. On another side it joins the lands of Machado the land mark being a pile of stones. It has been the land mark ever since I have had known the Rancho. On another side it joins the land of Ricardo Vega the line running on the top of a range of hills & has been marked with stones which I have seen but cannot say whether they are there now or not.

The rancho also joins on my land & lies to the west of my land the boundary between us is a large dead sycamore tree. There is between such tree. Tomas Sanchez is a grandson of Vicente Sanchez & occupies the land formerly occupied by said Vicente.

I was present when possession was given to Vicente Sanchez. I was cited as an adjoining neighbor & appeared and presented my title. Francisco Reiguera was present &

objected but had not his papers with him & his objection was disregarded. Within a day or two afterwards he went to Gov Pico & told him what had been done. Pico told him the giving possession ought to be or should be suspended & Higuieras papers inspected. I was present at the time & heard what was said. Gov Pico said the possession should not be carried into effect & that a new Commissioner should be appointed to investigate the matter & make a report. Such Commission was appointed & they made a report to the Ayuntamiento & the Ayuntamiento approved the report. The report was that the land in question between Sanchez & Higuera belonged to Higuera. The names of the Commission were Basilio Valdez, Ignacio Machado & Rafael Guirado. When possession was given to Sanchez the Ranch was occupied with cattle by Higuera. He had crops that year on my land.

Januario Alvarado

Sworn & Subscribed
Before me
Hiland Hall Comr.
Filed in Office Oct. 27th 1852.
(Signed)
Geo. Fisher Secy.

Deposition of Ignacio Machado

Los Angeles Oct. 27th 1852.

On this day before Comr Hiland Hall came Ignacio Machado a witness in behalf of the claimants. Francisco Higuera etal petition No 411 q. and was duly sworn his evidence being interpreted by the Secretary.

The U. S Associate Law Agent was present.

In answer to questions by Counsel for the claimants the witness testifies as follows.

My name is Ignacio Machado. My age is fifty years & I reside at Las Angeles.

I am acquainted with the Rancho Rincon de los Bueyes, & have known it for about twenty years. The family of Higuera have lived on the Rancho ever since I have known it.

The Rincon was included in the Rancho and was the principal part of it. The Higueras cultivated the Rincon in two places raised Corn & beans on it. This cultivation I saw about fifteen years ago, about eight years ago I saw the Higueras cultivating outside the Rincon, I own a rancho adjoining Higueras My rancho was first granted provisionally by Nosiega & afterwards by Governor Alvarado There is no dispute & never was any between the Higueras & myself about our boundaries.

Ignacio his + mark Machado.

Sworn & Subscribed
Before me
Hiland Hall Com.
Filed in Office Oct. 27, 1852.
(signed)
Geo. Fisher Sec.

Deposition of Macario Aguilar

Las Angeles Oct. 27th 1852.

On this day before Commissioner Hiland Hall, came Macario Aguilar a witness in behalf of the claimants Francisco Higuera et al petition No 419, and was duly sworn, his Evidence being interpreted by the Secretary. The U. S. Associate Law Agent was present.

In answer to questions by Counsel for the claimants, the witness testified as follows.

My name is Macario Aguilar. My

age is thirty years & I resided in the County of Los Angeles. I know the Rancho Rincon de los Bueyes & have known it for fifteen years.

The Rincon constitutes a part of the Rancho. I know the Rincon to have been cultivated by the Higueras fifteen years ago. I think it is about ten years since they ceased cultivating it. I know Pedro Romero who lived on the land about fifteen years ago. He lived there for some time. I cannot tell how long. Say from five to seven years when he left. He has not returned since.

Macedonio his mark Higuera

Sworn & Subscribed
Before me
Hedand Hall Com.
Filed in Office Oct 27, 1852.
(Signed)
Geo. Pistor Sec.

Los Angeles Oct 29, 1852.

Deposition of Manuel Dominguez

On this day before Comr Hedand Hall came Manuel Dominguez a witness in behalf of the claimants Francisco Higuera et al petition pending, and was duly sworn his evidence being interpreted by the Secretary.

The U. S. Assistant Law Agent was present.

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

My name is Manuel Dominguez. My age is forty nine. I resided in Los Angeles County I am a native of California.

I am acquainted with the handwriting & signatures of Manuel Nicolas Tiburcio Tapia, Narciso Botello, Juan B

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Leandry, José de la Cruz Noriega & Augustin Olvera.

A paper is now shown me purporting to be title papers of the Claimants in this case. Marked A.A. No 1, & annexed to the deposition of Augustin Olvera heretofore taken in this case. The signatures of the said several persons whose names appear on said paper I believe to be genuine. My own signature also appears on said paper in several places & is genuine.

Manuel Domínguez

Sworn & Subscribed
before me
Hiland Hall Comm.
Filed in Office Oct 30. 1852
(Signed) Geo. Fisher Secy.

Los Angeles, Nov 15th 1852.

Deposition of Antonio Coronel

On this day before Comm Hiland Hall came Antonio Coronel, a witness in behalf of the Claimants, Francisco Higuera et al petition No 409 and was duly sworn his evidence being interpreted by the Secretary.

The U. S. Associate Law Agent present.

In answer to Interrogatories by Counsel for the Claimants the witness testified as follows.

My name is Antonio Coronel. My age sixty three years & I resided in Los Angeles.

I gave Vicente Sanchez possession of the Rancho Cuenga as Alcalde in 1843 I do not recollect whether I gave Francisco Higuera notice or not. He being an adjoining neighbor, I think I did give him notice — The notices were given in writing and sent to those who were understood to be adjoining neighbors

I suppose the Heguinas were notified as others were because he appeared on his boundary line I do not recollect whether he gave any reason for not producing his papers or not. I remember he did not produce any papers & in consequence went on with the measurement. Telling them him that if he had any title he could assert it afterwards. I do not know whether his title was afterwards asserted or not. Heguina did not point out the specific land he claimed. he said part of his land was taken away. It was not my province to enquire in regard to the specific land. I did not investigate the matter but gave possession to Sanchez. telling Heguina as before stated that he might assert his right afterwards if he had a title.

I gave a definitive a few days ago in the case of Ignacio Abila in which I was asked whether Abila presented me his title when I gave possession to Sanchez & to which I answered or intended to answer that he did not present a title he did present a permit from the Ayuntamiento to occupy land without any boundaries which I did not consider a title & accordingly answered that he did not present a title although he said he had a title & that it was in Las Alegras. I believe I am not mistaken in the character of the paper which Abila presented. I think it is mentioned in the act of possession. In my statement of the paper presented by Abila the paper is not copied. but the paper was read publicly on the field & the substance stated afterwards in making up the record. This is the case in regard to all papers when objections are made. I do not recollect how much land was claimed by Abila that possession was given of to Sanchez. or that he stated how much. The statement was that we were encroaching on his land. I have

understood that Abila had applied to Governor Michelorena for the land & that the Governor had ruled a decision upon the application that it should remain pending until the government should be established. Michelorena had passed in the Territory & was going to Monterey.

Michelorena told me of the application of Abila & of his decision upon it. I never saw the application of Abila to my recollection what I know of it is from information from Michelorena.

Question: Do you know of an instance in which lands have been taken from an occupant without a title & granted to another.

Answer — I do not know.

In answer to questions by the Associate. Was a license to occupy land from an Ayuntamiento regarded here as a title in fee simple property?

Answer — I do not know. I do not know of any case where a permit has been withdrawn.

A. F. Coronel.

Sworn & Subscribed
Before me
Roland Hall Com.

Filed in Office Nov. 15. 1852.
(Signed)
Geo. Fisher Secy.

Sello Tercero un Peso. Habilitado provision=
almente por la Aduana maritima del puer
to de Monterey, en el Departamento de las
California, para el año de mil ocho cientos
cuarenta y tres.

Michelt.ena Manuel Castañares

Ecmo Sor.

Franco Iguera Vecino de esta Ciudad. Ante V. E. segun haya lugar en derecho digo: Que en tiempo que estaba de perfecto, el Señor. D. Filiberto Tapia presente à dicho Señor espediente y diceño del Rancho ò Interino q. actualmente posee nombrado el Rincon de los huelles, del que hasta hoy se à quedado pendiente para recibirlo en propiedad en Virtud de haber dado cuento el espresado Señor al Señor Gobernador D. Juan Bautista Alvarado quien resolbio verificarse, en su venida à dicha ciudad, y en Vez de lo espuesto e listo lo contrario. Cual es el recebm.to que quso tener el Sor. D. Bisente Sanchez quien se presento ante mi Lic. D. Juan Iguera al diciendole en publico; y recordandosi comodidades, q. à la vez Omito disiendole que aquello lo acia por vengenza de la discordia pasarla con su sobrino motivo à una Creacion de serdos progresarlos por mi Cecesio havajo en Estado de no poder Cortar se amesteñacen dentro la cienega de mi pertenencia à la Quilla

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por comunicarse ambos en los terrenos: y a
pesar de esto y de conocer su Mozo le Vendio mi
tio cuatro hembras p.a Criadero. Con las cuales
pasaron à la Cieneça de su pertenencia colin
dante à la nuestra con el fin de hacer toda
la cria, y tener derecho en el terreno en cues-
tion no fueron inutiles mis ~~esperanzas~~ sospechas cuando
è visto oy el darle posecion y solicitar el repeto
do terreno cosa muy sensible. Exmo Señor
Quitarme el derecho de lo que he cultivado
con tanto afan solicitar frutos que son mio
sin la mas leve conciencia, y sin el mas pe-
queño temor; de cosas que me son sensibles
al ver que por temor de pocas palabras
que careco para defender mi derecho.
como comprueva con el silencio que hasta hoy
he guardado sino hubiese sido por la ne-
cesidad de no perderlo del todo y aun los Cor
tos bienes de q.e subsiste por quedarme sin
donde ponerlos; mas siendo preciso asegu
rar la propiedad del titulo tercero por tanto
A. V. E. suplico se sirva que en vista de
las rasones que espongo, y con presencia
de los documentos, que existen en el Archivo
de la prefect.a mande se me de la corres-
pondte posecion y revalidacion de Titulo
en lo que culla gracia no dudo Alcansar
Ang.s Junio 10. de 1843.
Franc.o Iguera.
Exmo. Sor. La Refectura del
2.o Distrito q.e hoy se halla à mi cargo;
cumpliendo con el sup.a decreto marginal
de esta fha ocurrio à su Archivo p.a con
vista de los antecedentes q.e espresa el
interesado, produce el informe prevenido
y encontrando el espedt.e q.e debidamente

tengo el honor de acompañar en 1/ Fs. utiles inclusos el diseño respectivo, promovido p.r la parte que posa y autio Policarpio Higuera ante la misma Prefectura en 1.º de Abril de 1840, cuyo espediente quedo supremo asi como dtos varios: q.e aqui existen, por disposicion de usted. Fha 27 de dcho mes y año debo manifestar à V.E en obsequio de la justicia q.e el antecedente pedida no carese de fundamento y razon como resulta de los citados documentos practicados con anterioridad que prueban la Continua y legal Ocupacion, por los Sres: Higuera del parage Rincon de Bueyes hace muchos años: Esto es lo que crè de su deber la Prefectura, poner en el conocimiento de V.E. para los fines q.e sean de su superior agrado. Ang.s Limo 10. de 1843. Manuel Dominguez. Narciso Botello

Angeles Julio 5 de 1843.

Vuelva al S. Prefecto p.a q.e con su prudencia vea si avenen mi à las partes convinendo à cada uno de la justicia p.a informar y con el resultado, informe de nuevo.

Michelt.a

Sello Tercero dos Reales: Habilitado provicion almt.e por la administracion de la Aduana maritima del puerto de Monterey de la Alta California, para los años de mil ocho cientos treinta y seis y mil ocho cientos treinta y siete

Gutierez, Angel Ramirez

Valga para los años de 1839.a y 1840

Alvarado # Antonio M.a Osio.

O or Prefecto interino de este distrito Policarpo Mariano, y Franc.o Higueras; y Pedro Mendez Vecinos de esta demarcacion, ante V.S con el devido

Angeles Abr. 2 del 1840. Pase esta inst.a al Sor Juez 2.o de Paz de esta ciu. dad para que informe sobre el contenido en ella y con respecto a los interesados hace cuendo q. estos agra guen el diseño cor respondt.e del tes= =reno que se refiere y vuelva para los tramites consigui entes. Lapia

respeto nos presentamos y diemos Que hallandose un Sitio al Oeste de esta ciudad llamado Rincon de los Bueyes, el qual fuè concedido provicionalmte. desde el año de Ven te uno à veinte y dos à los Sres Cor nelio Lopez y finado Bernardo Higuera hermano de los dos pri meros suscriptos y padre del Tercero cuyo finado se dio Cudro en lo berval à Policarpo desde el año de 1834. como lo acredi =ta el hayarse poseyendolo des =de aquella fecha con sus vrens de ganado mayor y menor Caba =llada y algun Rl. de puercos; y casas que actualmte. tiene ayp fincadas y viendo que dicho Sor Cornelio, ni finado Bernardo no tienen ayp vrenes ningunos porque hace muchos años que lo abandonaron, denunciamos en forma el otro que acaso se consideraran tener al suso dicho Terreno y suplicamos à V. Se digne consedernoslo en propriedad p.a= ercl habajar con mas descanso y seguridad de la subsistencia de nuestras familias, cuyo diseño presentaremos à la mayor posible bre= vedad. Por tanto. A. V. V. Sor Prefecto rendidamente pedimos acceda à esta nuestra solicitud en que recivirémos merced y just.a que imploramos, juramos no ser de malicia y lo necesario V.a Ciudad de los Angeles Abril 1.o de 1840. Por mi y por mis dos tios.

Francisco Iguera ++ Pedro Mendez
Sello Tercero Dos Reales: Habilitado por la Administracion de la Aduana maritima

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del puerto de Monterey de la Alta California para los años de mil ocho cientos treinta y seis y mil ocho cientos treinta y siete.
Gutierrez # Angel Ramirez.
Valga para los años de 1839 y 1840
Alvarado. Antonio Mª Ocio.

Sor. Prefecto interino

En cumplimto del superior decreto marginal su fha 2 del corriente: acompañando de los ciudadanos Rafael Guirado y Agustin Olvera fueron personas à examinar el terreno que se solicita y este esta ocupado por los mismos interesados hizè las averiguaciones respectivas para ver si pertenecia à alguna otra persona y resulto que los solicitantes han sido los poseedores de el y tambien tienen bienes para cubrirlo con arreglo à Ordenanza y son sugetos de buena conducta por lo que V. S. dispondrà à lo que estime conviniente. Angeles Abril 13 de de 1840. Juan B. Leonde.

Here follows
Map

Señor Capt.n

Pueblo de Ntra Sra. los angeles 7 de Sbre 1821 Concedido si no resultare perjuicio à la comunidad. Noriega

Bernardo Iguera y Cornelio Lopez Vecinos del Pueblo de N. S. La Reyna de los Ang.s del mando de V. S con el mayor respecto y sumision ante la superioridad de Vmd parecen y dicen que ayendose en la actual con un poco de ganado y sin tener parte con propiedad p.a poderlo tener con alguna querencia p.a poder tener con amplitud con que obsequiar los Dezmos que nos precectio N. M la St.a Iglesia y por consiguiente los campos tan estendidos; por tanto piden y suplican à la bondadosa clemencia de Vmd se digne el ampliarles un parage dentro del Resinto, ya mado el Corral Viejo del Rincon, para poder poner un corral p.a aquerenciar dicho ganado sin que se verifique daño à ninguno de los moradores. Y favor que aguardan de el piadoso corazon de Vmd, en que se reconoseran muy agradecidos. Dios que a Vm m. a. Pueblo de N. S de los Angl.s y Sbre 5 de 1821.

Bernardo Iguera Cornelio Lopez

Ang.s Mayo 6. de 1840. Agreguese al expdte respectivo como lo piden los interesados p.a los fines que convenga. Tapia. Narciso Botella

Angeles Mayo 6. de 1840. Pase este expedte al Sor Juez 2.o de Paz de esta ciudad para q. instruya una informacion de testigos idoneos sobre si el vecino Cornelio Lopez tiene algunos benes de campo en el parage llamado Rincon de los Bueyes, y si lo posei con alguna otra clase de fincas. Tapia

Narciso Botella

H. H. N.o 1. Angeles Mayo 7 de 1840.

Como lo ordena el Sor Prefecto en su ante=

=cedente decreto fha 6. procedase p.r mi el
juez à instruir la informacion de testi=
gos idoneos y preguntaseles sobre los puntos
que espresa el dho decreto: para cuyo fin
en el acto solicitese à las personas de Dor
Ant.o Reyes, Dor Juan Avila y Dor Basilio
Valdez para que digan lo que sepan en el
particular. Juan Bautista Leandry juez
2.o de Paz asi lo decreto mandó y firmo con
los testigos de asistencia. segun Dro.
Agustin Alvera. Juan B. Leandry
Jerone.o Valdez. Ass.a
En la fha viendo presente el Dor Ant.o Reyes
le recibi juramt.o que hizo en toda forma de
dro bajo del cual ofreció decir Verdad en lo
que supiere y fuere preguntado, impuesto
de lo que se le interrogava dijo: que sabe q.e
Cornelio Lopez no tiene ningunos bienes de
Campo en el parage nombrado rincon de los
bueyes ni tampoco posea dho parage con
ninguna otra clase de finca, pues ni se para
por ese terreno como reconciendolo por suya
que es cuanto puede decir sobre el partic=
ular y en ello se afirma y ratifica por ser
la Verdad en cargo de su juramento. y no
firmo por no saber lo hizo yo con los testigos
de asistencia segun dro. Juan B. Leandry
Agustin Alvera Jerone.o Vargas Ass.o
Acto continuo presente Dor Juan Avila le
recibi juramt.o que otorgó en forma de dro
bajo del cual ofreció decir Verdad en lo que
se le fuere preguntado y siendolo sobre si sabe
que Cornelio Lopez tenga algunas bienes de
campo en el paraje Rincon de los Bueyes
y si posee dcho paraje con alguna otra clase
de finca: diga: Que no le conoce bienes de

campo ninguno à Cornelio Lopez ni menos
que tenga en el Rincon de los Bueyes ni=
guna cosa y que no sabe que tenga ningu
na otra clase de finca en el mencionado
parage por donde lo pueda poner q.e nada
absolutamente le conoce. Esto digo ser
la Verdad en Virtud del juramento otor
gado en que se afirmò por no saber lo hize
con los de asistencia segun dro.
Juan B. Leandry ✠ Agustin Olver.a As.a
Jr.eneo. Vargas. As.a En seguida
presente D.n Basilio Valdez le recebi jura
=mento que otorgo en forma de dro bajo del
cual ofrecio decir Verdad en lo que supiere
y fuere preguntado habiendolo impuesto de
los puntos que expresa el Superior decreto
dogo. Que no tiene ningunos bienes Corne.
=lio Lopez ni sabe que en ese parage halla
metido algunos y que no tiene ninguna otra
clase de finca en el Rincon de los bueyes.
que indiquen posecion pues sabe que Lopez
no tiene nada que es cuanto tiene que
decir y lo dicho es la Verdad en cargo de
juramento otorgado en que se afirmò y
ratificò formando por ante mi y los testigos
de asistencia segun dro: Juan B. Leandry
Agustin Olvera As.a ✠ Jeremeo. Vargas. As.a
Basilio Baldez. S. Angeles Mayo 7 de
de 1840. En Virtud de estas concluida la
informacion que se mando instruir remitanse
las diligencias à la Refectura para que siga
el espediente su curso correspondiente. El juez
que subscribe asi lo proveyò mando y firmo
con los testigos de asistencia segun dro:
Juan B. Leandry ✠ Agustin Olvera As.a
Franco. Vargas. As.a

Angeles Mayo 8 de 1840. Excmo. Sor Gobernador. La Prefectura de este 2º Distrito impuesta de los informes y demas diligencias practicadas en el presente expediente, encuentra q. los solicitantes han sido los unicos poseedores del parage nombrado Rincon de los Bueyes y creè que es de acederse à su Solicitud; mas no obstante V. E. dispondrà lo q. fuere de su superior agrado, bajo el concepto q. los interesados son C. C. Mejicanos y tienen los requisitos p.a ser atendidos. Fabricio Zapia Narcisso Botella Srio. Ang.s Mayo 10 de 1840. Conforme à lo dispuesto p. el Excmo Sor Gobernador del Departamento, Comunicado à esta Prefectura en Oficio de ~~Abril~~ 27 de Abril ultimo, relativo à q. p. acuerdo de la Excma Junta Departamental, quedan todos los parages concedidos p.a ranchos en esta jurisdiccion, con el caracter de provicionales, hasta que se arreglan los ejidos de la Ciudad. hisè saber dha Sup.r disposicion à los interesados en el presente expedte y quedaron entendidos en ello. Zapia Narcesso Botella Srio.

Excmo Sor.

Obsequiando el sup.r Decreto de V. E fha 5 del actual al f.s 2 Vt.e del presente expdt.e hise comparacer hoy mismo en esta Prefectura de mi cargo, à los Sres Higuera y Dn. Vicente Sanches. a quienes les manifestò el objeto, y habiendo prosedido à ver si lograva tubiesen la avenencia q. V. E. se sirva recomendar, p. medio de reflexones q. al efecto les hise y proposiciones conciliatores, todo fuè en vano pues el Sor

Sanchez se fijó en que pidio en propriedad primero q.e los Higueras, y el Gobierno le con=sedió; q.e bajo este principio no entraba por ningun medio de avenimiento que en ello, el no tenia la culpa. Los Higueras manifestaron que el pedasito unico que tienen bueno p.a sus bienes de Campo lo incluyó el Dor D.n Vicente Sanchez en su diseño y que si se les quitan tendran necesidad de abandonar sus casas tierras labradas p.a sembrar y demas trabajos q.e tienen y han emprendido fundados en q.e son mas antiguos poseedores de aquel sitio; q.e tambien tienen pedido en propiedad y p.r dispo=sicion del Gobierno se suspendió hta la forma=cion de ejidos, cuyos trabajos al presente se hallan suspensos à causa del mismo Dor Sanchez; y tanto este como los otros dijeron solo se sugetaban à la resolucion del Gobier=no; en tal virtud, devuelvo à V. E. el referido expedt.e p.a su supor. conocimiento.

Angeles Julio 10 de 1843.

Man.l Dominguez # Narciso Botella Sria

Angeles Julio 10 de 1843.

A. Virtud de lo alegado y desear este Gobierno hacer justicia imparcial y pura de quien le autorise una vez q.e tampoco se ha conseguido conciliar à las partes, vuelvan a la Prefectura p.a q.e por su conducta hagan entender à estos queda este negocio suspenso hasta que este Gobierno se radique defini=tivamt.e y pueda por si mismo ó por comision reconocer, pudiendo sembrar siempre q.e cerquen sin cuyo requisito no se podran que=jar de daño del Ganado asi aquerenciado y no pudiendo correr el ganado q.e p.a esta razon se pierda sumergiendose en el fango

Michelt.a

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Filed in Office Octr. 23rd 1852

Geo: Fisher Decr

Informe à la instancia de Franco. Higuera
E.S. la Prefectura del Segundo Distrito q.
se halla à mi cargo, cumpliendo con el Sup.or
decreto marginal de esta fecha. Acuerio à su
Archivo p.a con Vista de los Antecedt.es q. espresa
el interesado, producio el informe prevenido y
encontrando el Espedt.e q. debid.te tenga el
honor de acompañar promovido por Que por.
ante la misma Pref.a en 10 de Abril de 1840
Cuyo Espedt.e quedo suspenso. Asi como otros
varios q. aqui existen por disposicion Sup.or
fha 2.y de dicho mes y debo manifestar à V.E
en obsequio de la justicia q. el antecedt.e pedi
do no carece de fundam.to razon como resulta
de los citados docum.tos practicados con au
toridad que prueban la continua y legal
Ocupacion p.r los Sres Higueras hace mucho
años del paraje rincon de bueyes. Esto es
lo que creo de su deber la Pref.a poner en
el conocimiento de V.E. p.a los fines q. sea
de su Sup.or Agrado. Angl. Junio 10 de 1843
M.D. N.B.S. E.S. Tengo el honor de remitir à manos
de V.E. la inst.a del Vecino Franco Higuera
y demas documentos relativos al paraje nom
brado Rincon de los Bueyes con el informe
q. esta Prefectura, he creido justo q. en cum
plimiento al sup.or decreto marginal de
hoy estampado en la citada inst.a. Repito
à V.E. las mayores consideraciones y respeto
Dios N. Ang.l Junio 10 de 1843. M.D. E.S.
Gobierno de este Departam.to
Al Espediente de los Higueras. E.S. Obse=
quiando el Sup.or decreto de V.E. fha 5 del
actual de f. 2 Ult.a del presente espedt.e me
hise comparecer hoy mismo en esta Prefect.a
de mi Cargo à los Sres Higueras y D. Vicente

Sanchez, à quienes les manifestoel objeto y habiendo proseducido à ver si lograva tubieren la Avenencia q.e V. E se sirvie recomendar, p.r medio de reflexiones q.e al efecto les hise y proposiciones conciliarias, todo fue en vano: pues el S.r Sanchez se fijo en que pidio en propiedad primero que los Higueras y el Gob.o le con sedio q.e bajo este principio no entrava p.r ningun medio de documento, pues q.e en ello el no tenia la Culpa. Los Higueras manifestaron q.e el pedasito unico q.e tienen bueno p.a sus animales, lo incluyo el S.r D.n Vicente Sanchez En su diseño y que si les quita tendrán necesidad de abandonar sus casas tierras labradas p.a siembra y demas habajos q.e tienen y q.e han emprendido fundados en q.e son mas Antiguos poseedores de aquel sitio y q.e al presente se hallan suspenso à causa del mismo S.r Sanchez y tanto este como los otros dijeron solo se sujetavan à la resolucion del Gobierno en tal Virtud devuelbo à V. S el referido Espedt.e p.a su sup.r conocim.to Ang.s Julio 10 del 1843 M. D. N. B. S. - E S. Acompaña à V. E. el Espedt.e promovido por los Sres Higueras p.a su Sup.r conocim.to y resolucion de lo q.e à bien tubiese. à V. E. su respetuosa atencion D. y L. Ang.s Julio 10 de 1843. M. D. E. S de y B. Gral de este Departam.to

I. Wilson W. Jones County Clerk of the County Court of Los Angeles County hereby Certify that the foregoing is a true and correct copy of a Record of "Prefectura del 2° distrito from 20th May to 30th October, in Matter pertaining to the Rancho" Rincon de los Bueyes" between Los Higueras & V.

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Sanchez. In Book No. 15. In the Archives of my Office.

Attest my hand as County Clerk and the Seal of the County Court affixed on this Jeeby 16th 1853.

Wilson W. Jones C. C.

Filed in Office March 10th 1853

Geo: Fisher Deby

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Translation of Concession of 1821.
Pocho Sir Capn.

Pueblo de Nuestra Señora de Las Angeles Decr. 7. 1821. It is granted if no prejudice results to the Community. Signed. Noriega.

Bernardo Higuera and Cornelio Lopez citizens of the Pueblo de Nuestra Señora la Reina de Los Angeles and under the command of your honor with the greatest respect and submission before Your Excellency appear and say that passes being at the present time a number of Cattle and not having any place so as properly to be able to keep them with a sufficient ground of sufficient extent so as to respect the rights which belong to La Iglesia in consequence of large floods.

Therefore ask and beseech your Excellency to be pleased to grant to them the tract within this vicinity called "Canada Veigo del Rincon" so as that they may be able to place a corral for herding the said Cattle, which it does belong to the neighboring residents. A favor they expect from your Extreme goodness and for which they will recognise themselves very grateful.

May God preserve Your many years.
Pueblo de Nuestra Señora de Las Angeles.
Decr 5. 1821.

Bernardo Higuera
Cornelio Lopez.

Translation.
Pedro Lorenzo Das Bialas.
Provisionally provided for the administration of the Maritime Custom House of the Port of Monterey of Upper California for the years 1836 and 1837.
Entering Angel Ramirez
Valid for the years 1839 and 1840.
Alvarado Antonio Mª Osio.

Sn. Prefecto interino de este Distrito.

Maritimo
Custom House
of
Monterey

Angeles Apriel 2d
1844. Pass this
Espediente to the
2d Justice of the
peace of this City
that he may report
upon what is contain
ed therein and with
respect to the parties
interested requiring
that they produce
the corresponding
titulo of the land
referred to and to
this be turned for
the future necessary ends.
Tapia.

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Policarpio Moriano and Fran
cisco Higuera and Pedro Fernandez
residents of this Vecinity before
Your Honor with proper respect
ourselves and say that finding
a Sitio to the West of this City
called "Pinon de las Bueyes"
which was provisionally ceded
in the year 1821 or 1822 to
Simores Cornelio Lopez and the
deceased Bernardo Higuera
brother of the first two foregoing
persons and "padre de familia
no" who verbally ceded his right
in the Estate to Policarpio from
AD 1824 as is established by his
having possessed it since that
time with his stock of large and
small cattle and some number of
hogs with horses which he at
Narciso Bonillo Secretelly has at the present time
Existing there and seeing that the said Cornelio
and my deceased brother have no stock there, be
cause it is many years since they did abandon
it, we denounce it in the legal form that per
chance we may be permitted to have the said
land and we supplicate Your Honor to be
pleased to grant it to us in right of ownership
to cultivate it with more ease and security for
the subsistence of our families, the map of which
we will present to the shortest possible time —
Therefore Sir Prefecto we humbly
ask your Honor hearing to our solicitation
in order, that we may receive the favor and justice

A. B. S

that we implore we should not to be a thing in mad
ice but of necessity &c.
City of Las Angeles April 2 1844.
For myself and for my two uncles.
Francisco Higuera.
Pedro Mendez.

Translation.

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Sello Tercero dos reales &c. as on foregoing.
To the Prefect (ad interim).
In compliance with the superior marginal decree under date of the 2d of the present month accompanied by citizens Rafael Gerardo and Augustin Olvera, I went in person to examine the land which is solicited and it is occupied by the same interested parties. I made the proper enquiries to ascertain if it belonged to any other person and the result is that the parties now petitioning have been the possessors and also that they have stock to cover it agreeably to ordinance and that they are citizens of good conduct. In view of which Your Honor will dispose as you may deem proper.
Angeles April 13. 1844.
Juan B Leandry.

Angeles May 6. 1844
Let the respective Expediente be issued and is asked by the parties interested for the purposes which may serve.
Tapia.
Narciso Botello Secy.

Angeles May 6. 1844
Pass this Expediente to the 2d Justice of the Peace of this City that he may obtain the report of the competent witnesses as to whether the citizen Ambro Lopez has any stock upon that tract called "Rincon de las Bueyes" and if he possesses it by any other security —

Pasico
Narcisso Botello Secy.

Angeles May 7. 1840.

As the prefect orders in his antecedent decree dated Oct 1839. that I the Judge should proceed to obtain the report of three competent witnesses and should ask them in relation to the points that are expressed in the said decree for which end I did solicit in the matter of the persons of Señor Antonio Reyes, Señor Juan Abila and Señor Basilio Valdez in order that they might say what they know upon the subject. Juan Bautista Leandry 2° Justice of the Peace thus did decree command and sign with my assisting witnesses.

Juan B Leandry
Assistance
Agustin Olvera

Assistance
Franco Vargas.

At the same act being present Señor Antonio Reyes and received the oath which he made in proper form under which he offered to tell the truth of what he might know and be asked. Informed of what he means to be interrogated he said that he knows Cornelio Lopez has his stock on the tract called "Rincon de las Bueyes". that neither does he possess the said tract with any kind of security nor does he pass the land as recognizing it for his that is as much as he is able to say in the matter and he affirmed and ratified the same as being the truth under the charge of his oath and not signing because he did not know how. Signed with those of my assistance according to right.

Juan B Leandry
Assist
Agustin Olvera

Assist
Franco Vargas

The act continuing Senor Juan Abila presented himself and received the oath which I delivered in form under which he offered to tell the truth of what he should be asked and it being made known to him if he knew that Cornelio Lopez had any stock upon the tract called "Rincon de las Bueyes" and if he possessed said tract by virtue of any kind of security. He said that he does not know if Cornelio Lopez has any stock nor even that he may have anything to the "Rincon de las Bueyes" and that he does not know that he has any other security in the above mentioned land by which he may be able to possess it that he in fact is acquainted with nothing. This he said to be the truth in virtue of the oath delivered and which he affirmed and ratified and did not sign it for not knowing how I signed it with those of my assistance.

Juan B Sanchez.

Ass.
Agustin Olivas

Ass
Francisco Vargas.

Next in order it was present Don Basilio Valdez, he received the oath that I delivered in due form under which he offered to tell the truth of what he might know and should be asked. Having informed him of the points expressed in the Superior decree he said that Cornelio Lopez,
that he has no other kind of security in the "Rincon de las Bueyes" that can indicate possession as he knows that Lopez has nothing that is as much as he has to say and what he says is the truth under charge of the oath received and which he affirmed and ratified signing in my presence with those of my assistance.

Juan B Sanchez.

Ass.
Augustin Olvera

Ass.
Francs Vargas.

Angeles May 7th 1848

In virtue of the report being concluded which was ordered to be drawn up, that the proceedings of the same be transmitted to the Prefecture in order that the Expediente may follow its corresponding course. The Judge that subscribes thus provided, ordered and signed with the assisting witnesses.

Juan B Leandry.

Assist
Augustin Olvera

Assist
Franco Vargas.

Angeles May 8th 1848.

To his Excellency the Governor.

The Prefecture of this District charged with the report and other proceedings contained in the Expediente declares that the petitioners have been the sole possessors of the tracts of land named Princeno and Las Bancas, y besides that this petition should be accorded to but notwithstanding Your Excellency will dispose as may be suitable to your superior pleasure with the understanding that the interested parties are Mexican Citizens and have the requisites to be expected.

Florencio Pepia.

Narciso Botello Secy.

May 11. 1848.

In conformity with that required by his Excellency the Governor of the Department officially communicated to this Prefecture on the 27th of April last in relation to the decision of the Excellent Departmental Assembly, all those tracts granted for town chas in this jurisdiction remain so provisionally until the public lands of the city are marked out. Let this Expediente superior disposition

be made known to the interested parties in the present Expediente and they will remain enterados with the same.

Tapia

A. Botello Secy.

Seal One third One dollar.

Provisionally authorized by the Maritime Custom House of Monterey in the Department of the California for the year 1843.

Micheltorena

Manuel Castañares.

Excellent Sir.

Angeles, Dec. 10th 1843. The Señor Prefect Don Manuel Domingez will be pleased to report making beforehand if he should have to the proper Enquiries with the amendment that this Government designs to grant in propriedad fast & co. to whomsoever may possess it and cais his absolute security and impartial truth in those persons so informing — Micheltorena —

Francisco Higuera resident of this City before your honor in the most lawful manner says that at the time Don Tibercio Tapia was Prefect he presented to said Señor the Expediente and Deseno of the Rancho called "Rincon de las Bueyes" which ranchoHere possesses and has been seeking to secure it in right of ownership by virtue of the aforesaid Señor! having notified the Governor Don Juan Bautista Alvarado who resolved to make it good upon his coming to the City and instead of what was claimed I have seen the contrary That with resentment which Don Vicente Sanchez wished to have who presented himself to my uncle Don J. Higuera telling him in public and recounting troubles which at this time I omit — telling him that had it for vengeance of passed

discord with his nephew on account of a drove of hogs leading them over my Estimado Cultivation I not being able to avoid it, they have been passing between the Cuniga of my tract to his and have been mixing together upon the lands and in spite of this, and knowing his designs my mother sold to him 15 female hogs for the purpose of breeding, with which they passed to the Cuniga of his tract breaking upon ours for the purpose of uniting all of the drove and seem to have a right to the land in question. My aspirations were misgiving ones ash received possession and solicited the same as a first matter.

Excellent Sir: to take away from me the right by which I have cultivated it with so much care & labor from my own without the slightest conscience or the smallest fear of things that are so sensible to me or seeing that through fear of the few words which I want to defend my right as is proved by the Silence that I omitted to say I have kept. And it may have been through the necessity of not losing it entirely and from the small stock, which I may subsist to remain to me for chance having where to place them but it being necessary to secure the ownership of said land. Therefore I beseech your honor that you be pleased in view of the reasons which I have set forth with the presence of the documents which exist in the archives of the Prefecture to command that the revalidation of title and corresponding possession may be given me which same favor I doubt not to obtain.

Francisco Higuera.

Angeles Dec 10, 1823.

Excellent Sr.

The Prefecture of the Second District which was at present under my charge. In compliance to the Superior mandatory decree of this date be pass to the archives agreeably to the antecedents expressed by the interested parties that the proper report might be produced and meeting with the Expedients which respectfully have the honor to accompany on 7 written pages including the respective Decree promoted by the party that possesses and his uncle Policarpio Higuera before the same prefecture on the 1st of April of 1840 which Expedients remains perfect as also 8 arrows ashes that exist here by a Superior decree dated on the 27th of the said month and year I ought to make known to Your Honor as a matter of Justice that the antecedents as they for avoid not want for foundation and justice as is formally said documents verified with authority which proves the continued and legal possession by the Senors Higueras of the Rincon de las Bayas for many years. This is what I believed to be the duty of the Prefecture to place to the knowledge of Your Honor for the Ends suitable to your Superior pleasure.

Angeles June 10th 1843.

Ramn. Dominguez.

Angeles July 5th 1843.

Let it be returned to the Senor Prefect in order that with his prudence he may see that each one of the parties concerned are advised of the Justice that he reports, and the same being done let him report again.

Micheltorena —

Excellent Senor.

In obedience to the Superior decree of Your

of the present date with which was returned the present Expediente on this same day as this is indicated and in my charge appeared the Señores Higueras and Don Vicente Sanchez to whom I made known the object and having proceeded to see if they could be satisfied with the argument Your Honor was pleased to recommend by means of reflection made to them for this purpose and conciliating propositions all was in vain. Then Señor Sanchez insisted that he asked for the right of ownership before the Higueras and that the Government did grant it that on this occasion he was not acting by any kind of molestation but in the matter he was not in the fault. The Señores Higueras manifested that the only good piece of land they had for stock Don Vicente Sanchez had included in his ascro and that if it was taken away from them they would be under the necessity of abandoning their houses cleared fields for sowing and other labors and they have made taken to show that they were the most ancient possessors of the above tract and have also asked for the right of ownership and that agreeably to the disposition of the government it was suspended until the formation of public grounds, their labors at present remain suspended because of this same Sanchez and so much for both parties they only defer the subject to the resolution of the government in view of which I return the above referred to Expediente to your Honor for your superior recognition.

Angeles July 11. 1843.

Manuel Domínguez

Narciso Botello Secty.

Angeles July 10th 1843.

In view of what is alleged and asking this Government to do Exact and Impartial Justice to whomsoever may need it and as it has not succeeded to Conciliate the parties. Let it (in this Expediente) be returned to the Prefecture in order that by its direction the parties may understand that this Matter remains suspended until this Government determines what it may be able Either by itself or by a Commission to know. The parties being able to Cultivate always what they Enclose without which requisite they shall not Complain of any damage on the part of the Stock ranging thro and not Chasing the Cattle as by this reason they may be lost by drowning in the swamps.

Michelena.

Filed in Office Oct 23d 1852.
(Signed) Geo. Fisher Secy.

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Francisco Higuera &
Secundino Higuera
vs
The United States

"Rancho Cañada Burges"

Opinion of the Board

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The petitioners in this case allege in their petition that they base their claim First, Upon a Concession made by Noriega on the 7th day of December AD 1821 in favor of their deceased father Bernardo Higuera and Cornelio Lopez also deceased and by virtue of long and continued possession. Secondly, They claim by virtue of what they allege to be an incomplete or defective title, delivered on the 10th of July AD 1843 by Governor Manuel Micheltorena -

In support of the foregoing allegations the petitioners have placed on file a document which purports to be the original Espediente composed of the original Concession made by Noriega to Bernardo Higuera and Cornelio Lopez and also the document issued by Micheltorena on the 10th day of July 1843, which document the petitioners designate in their petition as an incomplete title.

They have proved the signatures of Noriega and Micheltorena to be genuine. The Espediente embraces other original documents and proceedings had in regard to the claim in question all of which will be referred to in their proper order.

The first document with which the Espediente above referred to begins or which is first in order of time is the alleged concession made by Noriega in 1821. On the 5th of December 1821 Bernardo Higuera and Cornelio Lopez petitioned Noriega for a grant of land called "Corral Viejo del Rincon" in which petition they make the following statement. "So as that they may be able to place a corral for herding the

said Cattle unless it does some injury to the neighboring Residents". On the margin of this petition is the following Concession "Pueblo de Nuestra Señora de las Angeles Dec. 1821 It is granted if no prejudice result to the community" Signed Arroyga.

It is not necessary at this time to enquire into the power of Arroyga to make Concessions of any kind. Suffice, that no such power has been shown, and as his authority to make the concession in question has been denied further proof than his own mere assumption is held to be indispensable to its validity.

The next proceeding which the record presents is an application of the nature of a denouncement of the same place by Policarpio, Mariano and Francisco Higuera and Pedro Rundez. This petition is addressed to the Sub Prefecto of Los Angeles District in which the petitioners represent that fronting a vacant sitio to the west of the City of Los Angeles called Rincon de las Bueyes, which had been processionally ceded in the year 1821 or 1822 to Cornelio Lopez and the deceased Bernardo Higuera brother of the two first named petitioners and who had verbally sold his right in the Estate to Policarpio in 1834 the latter having occupied it from that time with his stock. Thus far they represent that the said Cornelio and the deceased Bernardo had at the date of their petition no stock on the said place for the reason as they allege that it had been many years since they had abandoned it.

Thus then denounce it in the following language "We denounce it in the legal form that perchance we may be

permitted to have the said place and we supplicate Your Honor to be pleased to grant it to us in right of ownership &c. On the margin of the petition is the order of the Prefecto bearing date the 2nd of April 1840, referring the Expediente to the Justice of the Peace for information. In accordance with the Prefecto's order the Justice proceeded to investigate the subject submitted to him and which involved the question whether the lands asked for were liable to denouncement — an account of having been abandoned by the first grantee, the result of this investigation was favorable to the petitioners and the allegation of abandonment was fully established by the testimony of several witnesses. On the 8th of May 1840, the Prefecture reported to the Governor that the petitioners were the sole possessors of the tract of land named "Pinon de los Bueyes", and that he believed that their petition should be acceded to.

Nothing further appears to have been done until the 10th day of June 1843, when Francisco Higuera, one of the petitioners in this case (as it is presumed) addressed Governor Micheltorena in a long petition in which he sets forth many grievances, and amongst other things he states that he at that time possessed the Rancho called "Pinon de los Bueyes" and that he had been seeking a right of ownership for it, but that Governor Alvarado had failed to comply with his wishes. But the particular grievance of which he most complained was an alleged attempt of one Vicente Sanchez who alleged attempt of one Vicente Sanchez which seems claimed a portion of the same place and was reducing it to his own possession by means of a judicial measurement

which was being made at his instance. This petition of Francisco to Governor Micheltorena appears to have been accompanied with a report of the Prefecto, Manuel Domínguez and bears date the same day. This report sustains the claim of the Higueras to the Rancho de las Bueyes on the 5th of July 1843. Governor Micheltorena made an order directing the petition of Francisco to be returned to the Prefect in order that both parties might have an opportunity of being heard. On the 10th of July the Prefect reports to the Governor that the parties Francisco and Sanchez could not make any satisfactory arrangement of their difficulties, and that they took referred the subject again to the Governor. On the 10th of July 1844 the Governor made the following decree or order.

"In view of what is alleged and desiring this government to do exact and impartial Justice to whomsoever may lend it, and as it has not succeeded to conciliate the parties let it (i.e. this Expediente) be returned to the Prefecture in order that by its direction the parties may understand that the matter remains suspended until the Government determines what it may be able either by itself or by a commission to know the parties being able to cultivate always what they enclose, without which requisite they shall not complain of any damage each part of the stock ranging therein not chasing the cattle as this reason they may be lost by drowning in a swamp." With this document the proceedings end and the rights of the parties remained unsettled and undetermined —

It is proved that Francisco is the son of Bernardo Higuera deceased but

there is no proof as to Secundino or other he is a brother of Francisco or in what manner he became connected with the claim in question is not explained either by the record or by verbal testimony of any kind. So far therefore as Secundino is concerned he has established no claim whatever either as heir of Bernarda or in his own right. One witness testifies that he knew Francisco, Juan and Secundino. Polycarpio Higuera all of whom he testifies lived on the land in question but this is the only connection he is proved to have had with the place called "Rincon de las Bueyes" the claim will therefore be considered without reference to him as a party and his claim for compensation is denied.

From the proof filed in the cause it would seem that the petitioner Francisco claimed as heir of his father Bernarda Higuera yet no such conclusion could be drawn from the petition. I propose in the first place to consider the rights of his father Bernarda under the concession made by Noriega and whether Francisco is entitled to claim the place "Rincon de las Bueyes" as his heir.

Leaving out of view altogether the authority of Noriega to make a valid concession of any part of the public domain but considering the concession as void and binding to the extent it was intended to be made had Bernarda at the time of his death any interest whatever in the premises claimed?

The concession was made to Bernardo Higuera and Camilo Lopez. The expediente shows that before Bernardas death he sold all his interest whatever it was to his brother Polycarpio and that Polycarpio continued to occupy the place with houses and stock for a

long series of years this fact is set forth in the petition of Polycarpio, Mariano and Francisco Higuera and Pedro Fendez in which they announce the death of Bernardo and Lopez. They moreover affirm in the same petition that Bernardo Higuera and Cornelio Lopez had long before that time abandoned the rancho altogether. Francisco whose name appears to this petition of announcement and who continues to be a party through all the proceedings as the same Francisco who now claims under the concession made to his father by Noriega and which he had succeeded in showing had been abandoned both by his father and the other grantee Cornelio Lopez.

If the concession made by Noriega was not abandoned then it is shown that his father had before his death parted with all his interest in the land claimed to his brother Polycarpio and this being the case Lopez and Polycarpio were tenants in common. The subsequent proceedings which took place on the announcement clearly established the fact that Cornelio Lopez had abandoned the concession and had forfeited all right which he had acquired under it. From these proceedings then and to which the petitioner Francisco was a party it is apparent that the father of Francisco had no interest in the place "Rincon de las Bueyes" at the time of his death and that all rights acquired or conferred by the concession of Noriega were either forfeited or transferred by Bernardo consequently he had no interest that could descend to his heirs —

The next question which presents itself for investigation and decision is the effect of the document issued by Micheltorena on the 10th of June 1843. The rights of Francisco whatever

they are commenced when he jointly with his two Inchs Mariano and Polycarpio and one Mendez dismissed the Commission had by Noriega and the manner in which he disposes of Mariano Polycarpio and Mendez is not very satisfactorily shown. The Witness Botello testifies that after Polycarpio's death, Mendez who had been living on the Place with all his Co-petitioners, sold a small house he had to the Widow of Polycarpio for three or four tame cows, nothing more is heard either of Polycarpio's widow, Mariano or Mendez, they all seem to have abandoned the premises leaving Francisco the sole claimant. The document issued by Micheltorena leaves the whole question precisely where he found it and confers no title upon any one, the Governor can ascertain the true state of the case either by himself or by a Commission in the meantime he allows both parties the privilege of cultivating within their respective enclosures.

This document was attached to the Expediente which was directed to be returned to the Prefecturah and was never intended to be delivered to either of the parties, In review of the case can it be considered such a legal beginning of an equitable claim as would entitle the parties to demand a complete legal title and the Mexican government if the application had been made to her would have been under no obligation to perfect the petitioners title and the United States may refuse his application for the same reason.

The long possession which the party attempts to establish in the Hegira family by the depositions of Witnesses is at variance with the record and the persons who testify overlook the proceedings in Announcement altogether or overlook the important fact which was judicially established that in 1840 the place

called "Rincon de los Bueyes" was vacant land. The Espediente contains a record of all the facts as they occurred and cannot be controlled and contradicted by verbal testimony.

The Witness Valdez testifies that the Rancho was occupied by Higuera up to the time of his death and from that time up to the time he testified it was occupied by his children and brother. The precise time of Bernardo's death is not shown but it must have been before the year 1840. as he was dead when the denouncement was made, and it is also made to appear that he had been occupied the place after the year 1834 as Polycarpio continued to occupy it with his stock from that time up to year 1840.

Another Witness testifies that Pedro Mendez lived on the same place about fifteen years before that time which would take it back to the year 1837. and that he had been there for some time say from five to seven years. and he further states that when Mendez left he never returned.

The Witness testifies Machado testifies that the Higuera family lived on the land ever since he knew it which was about twenty years. What particular branch of the family lived on it he does not state whether it was Bernardo or Polycarpio or the sons of Bernardo is left in doubt. It is proved by the deposition of Benuario Avila that when he first knew the place it was occupied by Bernardo Higuera jointly with Comelio Lopez that Lopez abandoned it and it was then occupied by Bernardo during his life time and after his death by his children. He further states that it is now occupied by Francisco one of the sons of Bernardo

If it were true that Lopez abandoned the place and that Bernardo continued to occupy it, the interest of Lopez could not in any event have reverted otherwise than to the Government.

It is also in proof as has been before stated that Francisco Higuera, Mariano Higuera, Policarpio Higuera and Pedro Mendez all lived on the place called "Pinon de los Bueyes" and that Mendez after the death of Policarpio sold his interest to his widow. What became of the widow of Policarpio and the interest which she had in the premises not only on her own account but as a purchaser from Mendez, is not shown. All the testimony which has been offered to its testimony taken by the petitioners. The Espediente is also filed by the petitioners as evidence in the case, when all the mass of testimony is considered together it shows the most glaring inconsistencies and in my mind establishes most conclusively that Francisco is not entitled to confirmation as heir of his father, and

Secondly, that he has failed to show any title either inchoate or otherwise derived from the Mexican Government that could under any view of the case be considered as a foundation upon which an equitable claim could possibly be ripened into a perfect legal title.

For these reasons we are of opinion that the claim in the case must be rejected.

Filed in Office Feb. 28, 1854. Geo Fisher Secy.

Francisco Higuera &
Secundino Higuera
vs.
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that claim of the said petitioners is not valid and their application for a confirmation of the same is therefore denied.

Alpheus Felch &
Thompson Campbell
R. Aug. Thompson
Commissioners.

Filed in Office Feb. 28. 1854.
(Signed) Geo. Fisher Secy.

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

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

Office of the Board of Commissioners,

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

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 fifty two pages, numbered from 1 to 52, 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. 409 on the Docket of the said Board, wherein Francisco Higuera, et al, are

the Claimants against the United States, for the place known by the name of "Rincon de los Bueyes."

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

Geo: Fisher

131

U. S. DISTRICT COURT,

Southern District of California.

No. 131. Docket

THE UNITED STATES,

vs.

Francisco Higuera et al.

"Rincon de los Bueyes."

131

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 409.

Filed, November 8th 1854.

C. E. Carr,

Clerk.

131

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Office of the Attorney General of the United States,

131 SD
PAGE 56

Washington, 17th January 1855.

Francisco Higuera et al.
vs.
The United States.
} 409.

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 131.

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

Petition for Claim

The United States,

vs.

Francisco Higuera, et al.

Appeal Notice.

Claim rejected

Filed March 8th 1855.

J. E. Carr
Clk.

131 SD

PAGE Duplicate

Office of the Attorney General of the United States,

Washington, 17th January 1855.

Henry Haight
vs.
The United States. } 211.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 12th day of October 1854, the appeal in the district court of the United States for the district of California will be prosecuted by the United States.

Cushing

Attorney General.

131 SD

United States District Court for the Southern Dist. of California April Term at Los Angeles in 1855

Francisco Higuera et. al. Appellants
vs
United States Appellee

Rancho Rincon de los Bueys
Los Angeles County Cal

Claim No. Transcript
Number 409 —

Notice is hereby given by the claimants and appellants in the above entitled cause of their intention to prosecute the appeal from the decision rendered by the U.S. Land Commission for settling private land claims under act of 3d of March 1851 rejecting their claim to the above named rancho on the

April 20 1855

Henry Hancock
Atty for Appellants

No 131.

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

Francisco Ugura et. al.
appellants
ads
United States
appellee

Notice of
intention to prosecute
an Appeal

Filed April 21st 1855.
C. E. Carr
Clk

Francisco Sequera et al, Appellants
vs
The United States Respondent

No of Transcript "409"

You will please take notice that it is the intention of Francisco Sequera et al to prosecute the appeal from the decision heretofore rendered by the Board of U.S. Land Commissioners in the above entitled cause to the United States District Court in and for the Southern District of the State of California

Los Angeles May 7th
A.D. 1855

Henry Hancock
Atty for
Francisco Sequera et al

Do No 131.

Francisco Negrete
vs
The United States

Notice of Intention
to prosecute Appeal

Filed May 7th 1855.

C. E. Lane
Clk.

United States District Court
Southern District of California

Francisco Arguera et al
Appellants
vs
The United States
Appellee

No 131 S C
Rancho de las Bueyes
No 409 Land Commission

To L A Hancock Esq
Atty for Appellants
Sir

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

E J C Kewen
U S Dist Atty

U S Attys Office
Dec 15th 1858

I served the within notice on H. Hancock by giving him personally a copy of the same at the City of Los Angeles on Dec. 18th 1858

James G. Pennie
U.S. Marshal for the
South'n Dist of California

No 131

U. S. District Court
Southern Dist of California

Francisco Figueroa et al
Petitioners
vs
The United States
Appellee

Notice of Motion to dismiss

Filed Dec. 18, 1858,
by Geo. Hill
for W. W. Stetson,
Clerk

131 SD
PAGE 63

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

Francisco Higuera et al.
Appellant.
vs
The United States
Appellee

No 131

The U. S. Dist Atty. for the above named Dist will please take notice that the undersigned will as soon after the expiration of five days from date as may be of counsel present to move to have this cause restored to the Docket

Henry Hancock
of Counsel
for Appellant

No 131

Francisco Higuera et al
Appellants
vs
The United States
Appellee

Motion to reinstate the cause

Filed in office this
9th March 1860
J. Limsch Clk

I served a copy of the within personally on J. R. Gitchell
U. S. Atty this 9th day of March 1860
James G Dennis
U. S. Marshal
S. D. of California

Marshals fees $2.00

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

Francisco Higuera et al. Appellants
vs
The United States Appellee
} No 131

131 SD
PAGE 66

Henry Hancock of Counsel for Appellants being duly sworn upon oath states that since the dismissal of the above entitled cause had on the 7th day of March 1860 he has discovered amongst the unindexed archives of the former Government now in the Custody of the U. S. Surr Genl for Calⁿ new Evidence in the nature of a recognition of the existence on the 11th day of June 1845 of the Expediente concerning the land claimed in this case by Ex Govr Pico and certain other minor officers of the Ex Dept of Calⁿ That the said newly discovered Evidence is material and could not have been used by Appellant at the time the said cause was dismissed for the reason that by the exercise of reasonable diligence practiced on the part of Appellant he was unable to meet with the said newly discovered evidence until after the dismissal aforesaid

And Affiant further

427

states that Appellants claim in this instance is one than which few if any others can be more just and meritorious

Henry Hancock
of Counsel for Appts

Sworn to & subscribed before me the 20th day of March A.D. 1869

John D. Smith Clk
John O. Wheeler Deputy

No. 131-SD

Francisco Higuera et al.
Appellants
vs
The United States
Appellee

Affidavit of Counsel
on Motion to Dismiss

Filed in Office
on this 20 day
of March 1861
J. H. Mitchell
John T. Wheaton Clk

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

Francisco Higuera et al.
Appellants
vs
The United States
Appellee

} No 131

Before Hon C. S. R. Ogier Dist Judge

Now comes Henry Hancock of Counsel for Appellant and moves that the above entitled cause be restored to the Docket of this Honorable Court and in support of the same accompanies this motion with a properly certified copy of newly discovered evidence from the archives of the former Government with affidavit of counsel, and also moves for leave to file a petition ~~4~~ for a review of the proceedings heretofore had by the U. S. Land Commission in this cause

No 131

Francisco Higuera et al.
Appellants
vs
The United States
Appellee

Motion to
dismiss Cause

Filed in Court
on this day
of March 1861

Filed Mch 20/61
by L Wm D Clk
by John D Wheaton Dep

Translation

Excellent Señor Governor

Francisco Higuera citizen of this City before Your Excellency with due respect and according to right appears and says that finding in the Archives of the Prefectura an Expediente of the land which he actually possesses, which expediente is according to its date as there is pending a question which has becom intricate with Don Vicente Sanchez, and as in that instance it was taken from the said Prefectura, and as it now remains there as formerly Wherefore he comes before your Excellency and supplicates that his petition may be admitted and that ~~the~~ You may have the goodness to order that the Expediente of which he has actual need may be delivered to him Receiving from your known goodness Mercy and grace Swearing that it is of necessity and not of malice &c Excuse common paper for want of sealed which I ought to use

Angeles June 10 1845

Francisco Higuera

Angeles June 11 1845

As the Portugaster he will go to the Judge of the 1st instance of this city where he will find the Archives of the Ex Prefecture. That he may give to him the expediente which he solicits authorizing the corresponding receipt.

Pico

Angeles June 14 1845
As his Excellency disposes deliver to him the Expediente which the Citizen Francisco Higuera solicits and the Alcalde authorizes the receipt according to form. Thus I Vicente Sanchez 1st Alcalde acting command and sign with those of my assistance according to right

Vicente Sanchez

Asta
Leonardo Cota

assa
J. Coronel

On this date is delivered
to Señor Don Francisco Higuera
his Expediente of Ten pages and in
commemoration of the receipt he signs
with me and those of my assistance
according to right

Vicente Sanchez Francisco Higuera
Asta Asta
Yg Coronel Leonardo Cota

No 131
U.S. vs Land
South District Cal
Francisco Higuera
et al
vs
United States
Translation
Filed March 20/61
Geo Hmst Clk
John Dohuler Atty

107-108.

107.

No. 7

Angeles Junio = 11 de 1845 = Como lo pide la parte: Ocurra al Juzgado 1º de esta Ciudad donde se halla el archivo de la estinguida Prefectura, pa. que le sea entregado el espediente q. solicita, ortogando el recibo correspondiente.

Pico.

Exmo. Señor Gobernador,

Franco. Higuera vecino de esta Ciudad ante V. E. con el debido respeto y como mas haya lugar comparesco y digo: Que hallandose en el Archivo de la Prefectura un espedte. del Terreno que actualmente poseo cuyo espedte. esta á la fha. como penato de una cuestion que hay intricada con Don Vicente Sanchez y como en aquel instante fue quetada la referida Prefectura quedo el espedte. como antes llevo dho. Por Tanto.

A. V. E. Rendidamente suplico el que admita mi solicitud y tenga a bien ordenar se me entregue mi espedte que actualmente caresco de él, recibiendo de su notoria bondad merced y gracia jurando lo nesesario y no ser de malicia &c.

Dispensando el que baya esta en papel comun por no haver del sello que corresponde.

Angeles Junio 10 de 1845.

Franco. Yguera.

108.

Angeles Junio 14 de 1845

Como lo dispone la superioridad entreguese le el espediente que solicita el vecino Franco. Higuera, y al calce de esta

2.

otorgue el recibo de estilo. Asi yo Vicente Sanchez Alcalde 1º decreto, mande, y firme con los de asistencia segun dro.

Vte. Sanchez

assa.

Yg.º Coronel.

assa.

Leonardo Cota.

En la fecha se entrego al Señor Francisco Higuera su expediente en Dies fojas y para constancia de su recibo firme con migo y los de asist.ª segun dro.

Vte. Sanchez. Fran.cº Yguera

assa.

assa.

Yg.º Coronel. Leonardo Cota.

131 SD
PAGE 76

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

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, as also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, Do Hereby Certify, that the two preceding, and hereunto annexed pages, of ~~tracing~~ written paper numbered from one to two inclusive, exhibit a true, full, and correct copy, of pages 107 and 108 of Book entitled "Departmental State Papers. Angeles. Miscellaneous. Vol XII.", as the same appears on file among and constitutes a portion of said Archives.

Keeper of Archives.

EXAMINED AND FOUND CORRECT-

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 8th day of October 1860

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

No 131

Francisco Figueroa et al
Appellants

vs

The United States
Appellees

Transcript of
Newly discovered
Evidence & Ins in

Filed in Office
March 20 1861

Geo Mins Clk
By John D Mulvey Dep

A. Hancock Esq
for app

In the United States Dist Court
for the Southern Dist of Calⁿ

Francisco Higuera et al.
Appellants
vs
The United States
Appellee

} No 131

To Col J. R. Gitchel U.S. Dist
Atty

Sir You will please
take notice that at 1 O'Clock P.M.
of Monday the 25 of March Appellants
propose to take the deposition
of Rafael Guirado et al. in the
above entitled cause

Henry Hancock
of Counsel for
Appellants

Service of within by copy
acknowledged on the 27th day of
March 1861

J. R. Mitchell
U. S. Dist Atty

No 131
Francis Weisner
vs
Ann Arnold et al

Return
Motion to dismiss

Filed in
Office March
27th 1861
J. D. Mix
Clerk

131 SD
PAGE 79

In the United States District Court
for the Southern Dist of Calⁿ

Francisco Higuera et al.
Appellants
vs
The United States
Appellee

} No 131

In the Matter of the rancho
Rincon de los Bueys
Before Hon S. I. K. Ogier
Dist Judge

Your petitioners
Francisco Higuera et al. residents
of the County of Los Angeles Calⁿ
respectfully represent that on the
23ᵈ day of October 1852 they
presented their petition before the Board
of U. S. Land Commissioners appointed
under the act of Congress of the 3ᵈ of
March 1851 for ascertaining and set=
=tling private land claims in the
State of Calⁿ while at Los Angeles
asking confirmation of a tract of
land called Rincon de los Bueys
to which petition reference is hereby made
for a further description. That on
the 28ᵗʰ day of Feby 1854 the said

Board made a decree rejecting their claim to the said rancho that a Transcript of the proceedings of the said commission was filed with the clerk of this Honorable Court on the 8th day of Novr 1854 and that on the 21st day of April 1855 your petitioners filed with the said clerk their notice of intention to prosecute their appeal from the said decision of the said Commission Your petitioners would further represent that their claim to the said rancho is a good and valid one and ought to be confirmed and that the said decree of the said Commission ought to be reversed and set aside Wherefore your petitioners respectfully pray that this honorable Court may review the said case and reverse the said decision of the said Commissioners and decide upon the validity of their said claim and confirm the same and for such further and other relief as they may be entitled to under under the acts of Congress relating to the same And Your petitioners will ever pray

Henry Hancock
of Counsel for Appellants

No 131

Francisco Higuera et al Appellants
vs
The United States Appellee

Petition

Filed March 22nd 1861
G. L. Mix
Clerk

Service of copy acknowledged on the 21st day of March 1861
W. C. Ashwell
Assistant Atty

Francisco Higuera et al. Claimant
vs
The United States, Defdt

Case No. 131

Deposition of Rafael Guirado —

taken before ~~O. Stis~~ G. L. Mix, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on Monday, the 25th day of March A. D. 1861, at 1 o'clock P. M., on said day, on behalf of the Claimants by the serving of Notice on the U. S Dist Atty — to be used as testimony in a certain cause now pending in the United States District Court for the Southern Dist of Calª being Case No. 131, on the Docket of said Court, wherein Francisco Higuera et al — are ~~appellants~~ Claimants, and The United States Defendant are ~~appellees.~~

Present Henry Hancock Attorney in behalf of the ~~appellants~~ Claimants and J. R. Mitchell U. S Dist Atty in behalf of appellees.

His evidence being interpreted by W. G. Dryden a sworn interpreter —

Questioned by Henry Hancock on behalf of the Claimants

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

Ans. Rafael Girvado. 59 years of age, now resident of Rancho de los Nietos, occupation agriculturist by profession

Quest. You are here presented with the transcript of the proceedings in this Cause, - Will you please look at the matter contained on pages 20 + 21 + 22, and map between 20 + 22 and state whether you have any recollection ~~contain~~ concerning the same - if so what

Atty of United States objects to the presentation of any paper to the witness until he has testified as to some knowledge thereto, and then only to refresh his memory

Ob Ret'd

Ans In the papers mentioned I find a relation to some acts of mine which I performed at the time, but there are wanting many of the most important facts, - the map I made myself

I deponed that the Decree which I made in company with Ignacio Machado & the deceased Basilio Valdez relative to the lands mentioned in this case is lacking, - I made the petition myself to the Ayuntamiento ~~of~~ on behalf of Policarpio Higuera, Francisco Higuera & others and the Decree of the Ayuntamiento made

upon that petition is what is lacking –

Quest. What were the contents of the Decree or dictamen of which you speak

Objection U. S. Dist Atty objects to any testimony as to the contents of any paper, until the loss of it is proven

Ans. The prayer in the petition was granted and approved

Objection Answer objected to as not responsive to the question

Quest Do you know whether that Decree exists any where – or not – at this date, –

Ans. I do not know –

Quest. Please state on what occasion you made the map, and by whom the land ~~map~~ has been occupied which is represented in it

Ans I made the map at the request of petitioners Policarpio Higuera the uncle of Francisco Higuera Mariano Higuera also an uncle of the present Claimant and also of the Claimant Francisco Higuera. I first presented the petition alone the Ayuntamiento returned it & told me to accompany it with a map or plat of the

land which was accordingly done, which was I think ~~about~~ between 1840 & 1843 – the land decribed in this map has always been occupied by Arjuera – I have known them to have occupyed it since the year 1833

Quest – Did you ever know Bernardo Arjuera the father of Vancrico

Ans. I know him very well

Quest – Is the land represented on that map the same as that upon which the said Bernardo Arjuera lived, or not,

Ans. Its the same

Quest. Did you ever know Bernardo Arjuera to live on or occupy any other Rancho than this one shown on this Diseño and called "Rincon de los Bueyes"

Ans. He never lived upon any other land – he became sick – came to Los Angeles and here died – ~~His~~ He died about 23 or 24 years ago.

Quest. Do you know of any Rancho called "Rincon del Corral Viejo."

Ans. No I have not

Quest. Was there any point within ~~this~~ the boundaries of this Ranch now called "Rincon de los Bueyes" to forever known as the "Corral del Rincon Tejo"

Ans. No, if there was such a point I never knew it.

Quest Have you ever known this Ranch to be called by any other name than "Rincon de los Bueyes"

Ans. I have always heard it called Rincon de los Bueyes

Quest Did you ever know Cornelio Lopez - if so where did he live

Ans I knew him - he lived here in the City of Los Angeles

Quest I believe Joaquin living at this time - if not - when did he die

Ans. He is dead, he died I think something over 18 years since

Quest Had he any wife and children

Ans. He had a wife but no children

Quest Is his wife living - or dead

Ans She is dead

Quest. What Ranches bound on the Rancho Rincon

de los Bueyes,

Ans. That of Ricardo Sanchez became called the "Point of the Cienega" - also Rancho of Ballona of the Machados, also Rancho of the Villas called "Rodeo de las Aguas" also Januario Avila

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Quest. By whom was the Rancho de los Aguas occupied about the year 1840 and about the time you made this map

Ans. Ricardo Vega & the mother of the Villas

Quest. About how much land is there in the Rancho Rincon de los Bueyes of which you made the map.

Ans. I cannot say as I am not very well versed in measures - but it is not a very large quantity

Quest. Since your knowledge of this Rancho to whom has it generally been considered to belong

Ans. Objection

Quest. Objected to by U.S. Atty

Ans. It has belonged to the Rezuera

Quest. Then by common reputation, has this Rancho been known to the public as the Rancho of the

Claimants in this instance

Objection Objected to by U.S. Dist Atty

Ans. It has

Quest. Who are occupying at this day
Ans. One of the Heirs Francisco Hizquierdo and his uncle Mariano Hizquierdo

Cross Examination on part of U. States

Quest. In what year did you make the petition to the Ayuntamiento
Ans. I do not remember whether it was in 1840 or thereabouts — but near that time it was. —

Quest Was the ~~report~~ Decree you have heretofore spoken of as having made in this case in writing or not — and if so — What did you do with the same
Ans. It was in writing — my own hand write & signed — & if necessary I can repeat a part of it ~~if necessary~~ I delivered it to Mich-
-eltorena

Direct Examination Resumed

Quest Please repeat what you remember of the Decree

Objection Quest objected to —

Ans. We show in our decree. ~~being in the~~ Having been upon the Rancho of Rincon de los Bueles the Committee named by Gen'l Micheltorena for to examine the boundaries or extension of the Rancho named — that the Committee with great care ~~which~~ having made an examination of the land. that the land called the Rincon de los Bueles did not belong to or prejudice any other individual, but merely belonged to the Higueras, and we are satisfied that it belongs to them because they have it occupied in agriculture & corned with their animals, and it was the opinion of the Committee that the same should be conceded to them, — with other additions relative to the peaceable character of the occupants &c

Quest Does this map heretofore spoken of, represent the identical land referred to in that decree

Ans Yes the same

Quest. Did you ever know whether the Higuera occupied the land under a provisional title or not

Objection Quest, objected to by Dist atty

Ans. I do not know only from hearsay — they themselves told me they had a title

Rafael Guirado

G. L. Mix

I, ~~C. Sims~~, of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing Depositions of Rafael Guirado was taken before me on the 25th day of March, A. D. 1861, according to the Notice send by the Claimants on the U. S Dist Atty ~~of the said~~ at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the Claimants

That the said Rafael Guirado 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 25th day of March, A. D. 1861

Gustavus L. Mix

United States Commissioner.

No. 131

United States District Court for the
Southern District of California.

F. Higuera et al

U. States

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Deposition of R Guirado
Filed this 25 March 1861
G L Vmt Clk
By John D. Whelan Dep

U. S. Dist Court for Southern Dist of Calᵃ

Francisco Higuera being duly sworn deposes and says that the Expediente referred to as having been received by him on the 14th of June 1845 was by him filed before the U. S. Land Commission and that the contents of the same appears on pages 18 to 27 - of Transcript No 131 of this Honorable Court - also that the map of the said Transcript constitutes a portion of the said Expediente

Franᶜᵒ Higuera

Sworn to & subscribed before me this 11th day of March AD 1861

A L Mix Clk
Dist Court U S for Dist of Calᵃ

John S Wheeler Dept

No 131

Francisco Higuera et al.

vs

The United States

Affidavit of claimant relative to Expediente

Filed in office ~~March 1861~~ April 9th 1861

G. L. Mix

Clerk

Francisco Higuera et al
vs Appelt
The United States
Appellee

Case No. 131

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Deposition of Jose Antonio Carrillo

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 Thursday, the 11th day of April A. D. 1861, at 9 o'clock a. M., on said day, on behalf of the Claimants by the Consent of the parties — to be used as testimony in a certain cause now pending in the United States Dist Court for the South'n Dist of Cal being Case No. 131, on the Docket of said Court, wherein Francisco Higuera et als are appellants, and The United States — — — are appellees.

Present Henry Hancock Attorney in behalf of the appellants and J R Mitchell U.S. Dist Atty in behalf of appellees.

His evidence being interpreted by Wm G. Dryden a sworn interpreter —

Questioned on the part of the Appellants by H Hancock —

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

Ans. Jose Ant° Carrillo, age 65 years, residence at Los angeles, occupation Miscellaneous

Quest. Have you ever occupied or held under the former Govt of this Country any offices of trust or confidence if so what, & when

Ans. I have, I have been Judge of 1st instance, Constitutional Alcalde, & Syndico Procurador or city attorney in the City of Los angeles - also member of the Territorial Deputation. I have also been a member of the Superior Tribunal of Justice also I have been a member to the Mexican Congress - that is in the Civil Department, I have held other offices in the Military Department

My first employment was in the year 1821. ~~and the last civil office~~ in 1834 and the latter part of that year I went as Deputy to Mexico and in 1840 & 1841 I was in the Superior Tribunal of Justice

Quest. Have you any interest in the landed property of the State —

Ans. I have none

Quest. Have you any family or children

Ans. I have none

Quest. ~~Have you~~ Please state what you may know of the customs and usages of the 4 Departmental Govs of Calª in connection with the Central Departts of Mexico in relation to the customs & usages pertaining to the Colonization and settlement

of Public Domain of Mexico in the Department of ~~Mexico~~ California in a general and concise manner or mode of expressing the same

Question objected to. mode & manner fixed by statute and not by Custom. —

Ans The custom was if the land lay without the city limits the party made a petition praying for the grant of the land which was directed to the Jefe Politico or Governor thereupon the same was granted to him — there was also a custom at times. that instead of giving a definitive title, provisional titles were given — those provisions were that they had to be subject to the approval of the Departmental assembly.

Quest. What proceedings in the way of settlement and occupancy on the part of the citizens of the Department of California in their action under the provisions of the Government relating to the acquisition of title by them were considered under the practice of the former Government to be sufficient to impart to such citizens a right or interest in land

Question objected to — the law fixes the necessary proceedings —

Ans. The interested party after obtaining the

Grant applied to the proper authority for the judicial possession when they would proceed to the land and there land marks were shown and fixed which contained the land within them - these proceedings were reduced to writing and returned to the proper office - also the party was required to build a house and corral on the same within one year, live upon the same & cultivate the land - these were the requisites to secure an interest therein,

Quest. Was it or was it not customary or usual for parties in their efforts to procure vacancies to proceed by their own acts to reduce to possession and occupancy certain tracts of the public domain which may have been coveted by them, previous to having taken any steps before the authorities of the former Government in the way of securing title to the same

Question objected to - incompetent to prove usages & customs in ~~contradiction~~ contravention to positive law

Ans. It was not. - It at least required the consent of the Ayuntamiento before he could take possession - this latter refers to lands within the city limits - outside the city limits - it was not the custom,

Quest. What then were considered proceedings sufficient to invest the Petitioner with such an interest in lands outside of the City limits as would be deemed to constitute on his part and on the part of the Government such an interest or right as under the customs and usages of the former Government, would have entitled him to a preference under the Colonization laws & proceedings over other applicants for land.

Same objection as to previous ~~objection~~ question —

Ans. The first duty was to direct a petition to the Legislature — as this was then a territory —

Quest. Have you, or have you not under your experience while holding office under the former Government known a tract of land occupied by any party or family in good faith for the term of a year or more to have ever been given or granted to any other party or parties while the first occupants were still in possession & endeavoring to procure title to the same

Same objection by M. S. Dist Atty

Ans. I have come here to respond to matters pertaining to lands in question between Higuera & the U. States, and not to illumine this body on subjects of a general nature

Quest. Please state whether you were acquainted with the deceased Bernardo Higuera of this Vicinity, & if so. What you may know of his rights to lands or a Ranch called Corral Viejo del Rincon or sometimes called Rincon de los Bueyes –

Ans. I knew him well. I know that the Jefe Politico gave him provisional possession of those lands, in the year 1828, I being the 1st authority in this city – the Governor sent me an order to arrange all those provisional grants which had been given – that is to say to fix their boundaries as many of ~~them be~~ their lines were conflicting – One of which Ranches – the Ranch of Bernardo Higuera called Rincon de los Bueyes I went to fix myself by order of Echandia & this order should be in the archives, and this provisional arrangement was to last until the Territorial Govt. gave the title

Quest. About where was this Ranch situated and of about what size was it

Ans. It is situated near the Ranches of La Ballona & also the Ciénega – Tomas Sanchez and Amaria Avila & being between the Ballona & the Ciénega

it is also near the lands of Maximo Alanis —
I do not recollect the extension of the Rancho,
Quest — about what distance from the City
Ans — It is about 3 Leagues a little more or less
Quest — In what distance from this place in the direction of the Rancho were the Ejidos of the City of Los Angeles deemed to extend
Ans — In those days all of them were considered within the Ejidos of the City, because then the Ejidos extended to the Rancho of San Vicente which is on the sea shore and west of Rincon de los Bueyes —

Quest; — Since that time, have you ever known of the Ejidos being reduced ~~to any~~ in extent
Ans, — I have not
Quest — What Children had Bernardo Higuera
Ans — ~~Been~~ I knew Francisco Higuera & Secundino Higuera — those two particularly. There might have been others — I dont know
Quest; — Did Francisco & Secundino Higuera occupy the Rancho of which you have been speaking
Ans — They have always lived there.
Quest — Is their mother living
Ans — Their mother was living some 6 months ago — she went above — I do not know whether she is now living or not

José Ant.º Carrillo

G. L. Mix

I, ~~C. Sinns~~, of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing Depositions of Jose Ant. Carrillo — was taken before me on the 11 day of April, A. D. 1861, according to the Consent of the parties of the said at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the Claimant & Appellees That the said Jose Antonio Carrillo 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 11th day of April, A. D. 1861

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G. L. Mix
United States Commissioner.

No. 131

United States District Court for the
Southern District of California.

Francisco Arguello
et al
vs
U. States

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Deposition of J. A Carrillo
Filed this 11th April 1861
G. L. Mix clk
by John D. Whelan Dep

In the United States Dist Court for the Southern Dist of Calⁿ

Francisco Higuera et al
Appellants
vs
The United States
Appellee

} No 131

Now comes Counsel for Appellants and moves to withdraw a certain deed of conveyance from the Mother of Francisco Higuera to him filed on the 26th day of Feby 1860 (in this office)

Henry Hancock

No 131

Francisco Higuera
et al
Appellees
vs
United States

Motion
to withdraw
a certain deed

Filed on
this 11th day
of April 1861
in open court

Ap L Mint Clk
by John D. Wheeler Depty

In the United States Dist. Court in and for the Southern Dist of California

Francisco Higuera et. al. Appellants vs The United States Appellee } No 131 Rincon de Los Bueys

~~Come in upon Court on this 11th~~ Regular Term, at Los Angeles, for 1860 ~~April 1861~~

This cause coming on to be heard on an appeal from the decision of the United States Land Commissioners to ascertain and settle private land claims in the state of California under an act of Congress approved on the 3d of March 1851 and a Transcript of the proceedings and evidence upon which said decision was founded and it appearing to the Court that said Transcript and the Notice of appeal have been duly filed according to law, and Counsel for the respective parties having been heard

It is ordered adjudged and decreed that the said decree of the said Land Commissioners be reversed, and that the claim of the said Appellants is good and valid and that the same is hereby con-
-firmed to them as follows to wit.

The Rancho called "Rincon de los "Bueyes" situated in the County of Los Angeles bounded on the East by the Ranchos called "La Cienega" belonging to ~~Juan~~ ~~Tapia~~ Thomas Sanchez and Avila on the South and West by the Rancho "La Ballona" and on the North by the lands of Maximo Alanis and the Rancho "Rodeo de las "Aguas" provided that the quantity hereby confirmed do not exceed the maximum quantity prescribed by by the Colonization law of Mexico or Eleven square leagues of land this done in open Court on this 16th day of April 1861

Isaac S K Ogier
U S District Judge

No. 131.

U. S. District Court
South.n Dist of Cal.a

Francisco Higuiera et al
Appelts
vs
The United States
Appleé

DECREE

Filed April 16th 1861

U. S. Dist Court for the
Southern Dist of Calⁿ

Francisco Higuera et al.
Appellants
vs
The United States
Appellee

No 131

To Col J. R. Gitchell U. S.
Dist Attorney

Sir

You will
please take notice that the
undersigned will move this
Hon. Court for leave to file
a Bill of Review in the
above entitled cause

Respy Yours
Henry Hancock
of Counsel for
Appellants

Service of the above acknowledged
on this 22ᵈ 1869

G. R. Gitchell
U. S. Dist Attorney
for Southern Dist

No 131

U. S. Dist Court
South Dist Calif.

Francisco Higuera et al
vs
United States

Notice of Motion for leave to file bill of review

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

United States District Court
District of California

Francisco Higuera &
Secondino Higuera
Appellants
vs
The United States
Appellee

On reading the Mandate of the Supreme Court of the United States, and it appearing that the appeal heretofore taken in the above case from the District Court of the Southern District of California has been dismissed Now on Motion of Henry Hancock Attorney for Claimants it is ordered that said Mandate be filed and that the claimants be allowed to proceed under the decree heretofore rendered as upon a final decree

Ogden Hoffman
Dist Judge

131. SD.

United States Dist Court
Dist of California

Francisco Higuera
et al
vs
The United States

Order on filing mandate
that claimants proceed
as under final decree

Filed September 16th 1870
Edwd B Cotter Clerk
By N D Grimwood
Dep Clk

UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District *Court of the United States for the* _____ *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* Francisco Higuera, and Secundino Higuera, complainants, and The United States defendants, (Land Com'n No 409. S. Dist. Court No 131. Rancho Rincon de los Bueyes.") wherein the decree of the said District Court, entered in said cause on the 1st day of May A.D. 1862, was in favor of the said complainants, and against the said defendants, The United States - whereupon the said defendants prayed an appeal to the Supreme Court of the United States.

as by the inspection of the ~~transcript of the record~~ certificate of the clerk of the District Court of the United States for the district of ~~[illegible]~~ California under the seal of the said Court, which was brought into the Supreme Court of the United States ~~by virtue of~~ _____

agreeably to the act of Congress, and the rules of the said Supreme Court _____ 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-nine, *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,~~ and it appearing that the said Appellants have failed to have their cause filed and docketed in conformity with the rules of this Court, it is now here ordered adjudged and decreed by this Court that this appeal from the District Court of the United States for the Southern District of California, be, and the same is hereby docketed and dismissed.

And it is further ordered that this cause be, and the same is hereby remanded to the District Court of the United States for the District of California. 4th February 1870.

You, therefore, are hereby commanded that such _____ *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* Salmon P. Chase, *Chief Justice of said Supreme Court, the* first *Monday of* December, *in the year of our Lord one thousand eight hundred and* Sixty-nine.

COSTS OF— _____

Clerk . . . $ _____

Attorney . . $ _____

$ _____

~~Taxed by~~ L. W. Middleton

Clerk of the Supreme Court of the United States.

131 SD

No. 420. December Term, 1869.

MANDATE

SUPREME COURT UNITED STATES.

U. S. vs. Ogsard

Filed on motion of Henry Stanbery Atty for claimants this third day of September A.D. 1869

Chas. C. Cotter Clerk

By W. H. Lawwood