

CASE No.

141

SOUTHERN DISTRICT

BOCA DE SANTA MONICA GRANT

TSIDRO REYES, ET AL

CLAIMANT

Office

D

MAR 16 1963

LAND CASE 256 SD

57⁸ pgs.

MAR 16 1963

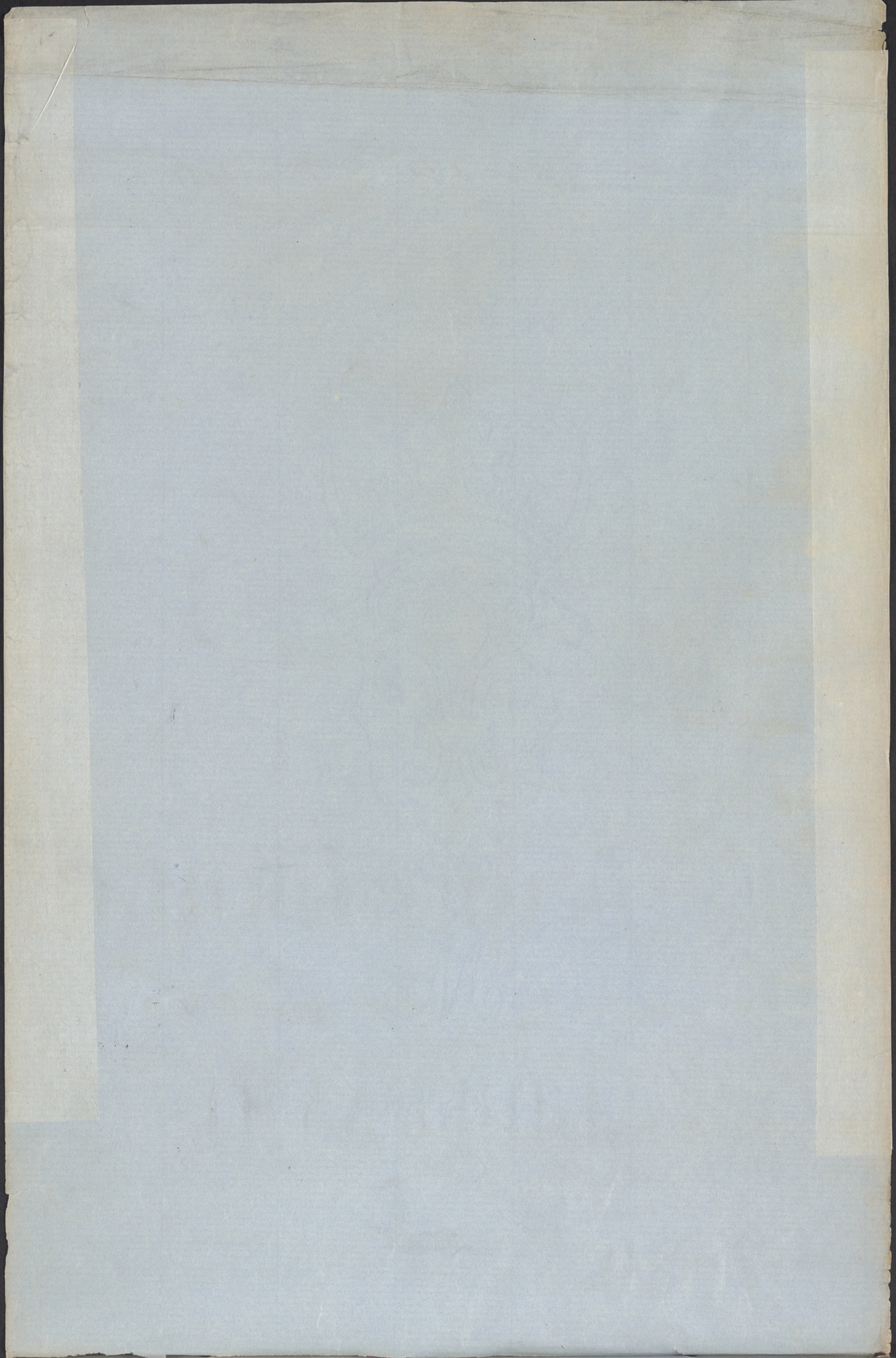
ALSO AVAILABLE ON MICROFILM

APR 2 1963

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

Low ...

~~7 ff~~ 80 ff
12
9 2/3
18 2/3



TRANSCRIPT

141 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 445

Ysidro Reyes et al.

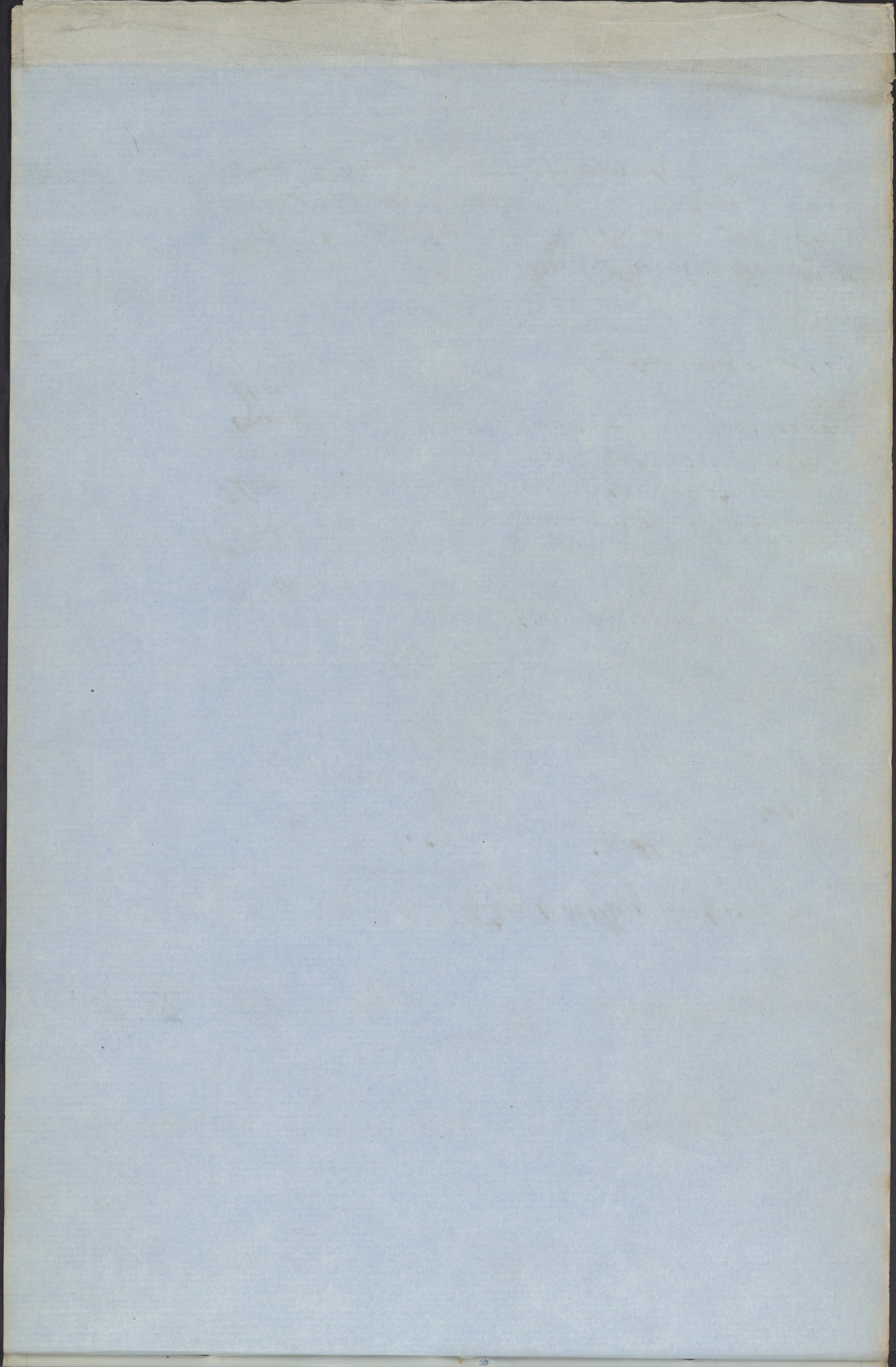
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Boca de Santa Monica"



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 *first day of November*, 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;

141 SD
PAGE 2

The Petition of *Ysidro Reyes et al:* ~~~~~
~~~~~ for the Place named  
~~~~~ "*Voca de Santa Monica*"  
was presented, and ordered to be filed and docketed with No. 445, and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

Sos Angeles, November 5th, 1852,
In case no. 445, *Ysidro Reyes, et al:* for the place named "*Voca de Santa Monica*", the deposition of *Abel Stearns*, a witness in behalf of the Claimants, taken before Commissioner *Requena Hall*, with documents marked *H.H. No^s 1, 2, 3*, and translations thereof marked ~~~~~
thereof, was filed;

(Vide page 5 of this Transcript.)

San Francisco, Aug 19/1853.
Case no. 445, called: The Counsel for the
2 Claimant read the evidence, argued, submitted
and taken under advisement by the Board.

2

San Francisco, April 4th 1854,
In the same case Commissioner R. Aug. Thompson
delivered the opinion of the Board confirming
the claim;

(vide page 28 of this Transcript.)

3

141 SD
PAGE 3

San Francisco Aug. 15th 1854,
In the same case, on motion of the Law Agent,
the following order was made, to wit;

(vide page 31 of this Transcript.)

3

Petition

To the Hon Board of U S Land Commissioners appointed to settle Private Land Claims in California

The petition of Pedro Reyes Maria Roque Marques Rompacio Marques Juana Francisca Marques Maria Ramona Marques Pascual Marques Maria de las Mercedes Marques and Maria Candida Marques respectfully represents

141 SD
PAGE 4

That on or about the 19th day of June A. D. 1839 Manuel Jimin first Member of the Departmental Assembly and Ex Officio Governor of California in the name of the Mexican Nation by virtue of the laws then in force the customs and usages of the Country affecting grants of land in California granted in full perpetuity unto Francisco Marques and Pedro Reyes that certain tract of land and Rancho in the present County of Los Angeles and known by the name of Noca de Santa Monica bounded at the South by the Sea, at the north by the hills at the West by the Point Topanga at the East by the boundaries shown in the plan passing close to the Canada de la Iglesia and more particularly described in the original papers maps and documents relating to said grant of land (containing about one and a half square leagues of land) Ditios de Ganado Mayor that as soon as copies of records relating to this grant of land now in the Archives in custody of the U S Surveyor General for California can be obtained your Petitioners pray leave to file the same as part of this Petition

And your Petitioners further show that they are injured and believe said grant has been approved by the Departmental Assembly of California and that a record of the same exists in the Archives now in custody of the U S Surveyor General for California

4 And your Petitioners further show that the said Francisco Marques and Pedro Reyes received you de cal Possession of said lands from the proper Officer having jurisdiction of such matters as appears by original documents and papers now in the possession of your Petitioners ready to be produced and proved That copies of said original documents and papers are

now in the file as part of this Petition, And your Petitioners further show that the said Francisco Mangos died in or about the year 1850 leaving him surviving the said Maria Roque Mangos his wife and the before named eight children his lawful heirs and petitioners for their respective shares in the lands herein claimed according to the Laws of descent and distribution in force at the time of the death of the said Francisco Mangos

5

141 SD
PAGE 5

There is no conflicting claim to said lands known to your Petitioners and the same has not been surveyed by the U S Surveyor General for California

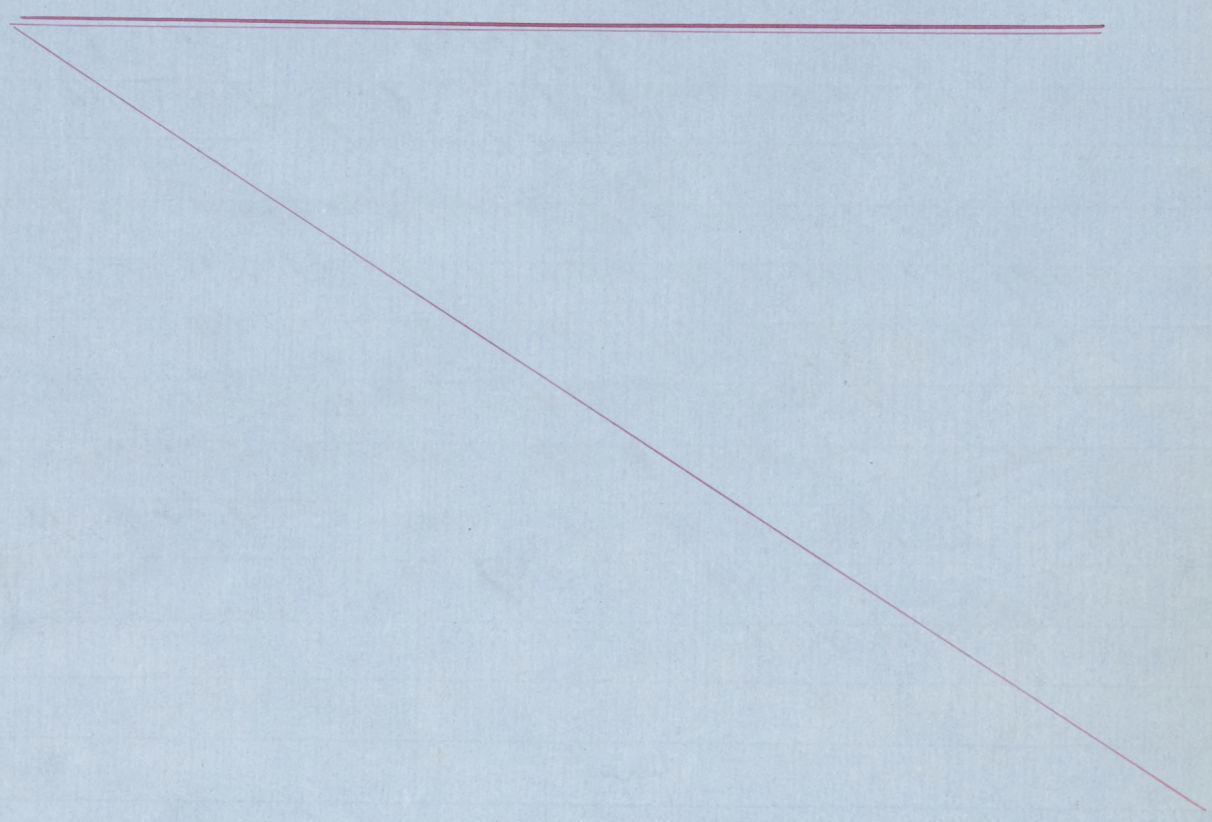
The evidence upon which your Petitioners rely in this cause consists of the records of this grant, papers and maps in the Archives in custody of the U S Surveyor General for California original papers maps and documents in the possession of your Petitioners and the testimony of witnesses to be produced before your Honor Board

Respectfully submitted for such action as the Justice and nature of the claim may require

E. O. Crosby
of counsel for Claimants

Filed in Office November 1st 1852

Geo Fisher
Deputy



5

Deposition

of
Abel Stearns a witness in beh all of the Claimants

Los Angeles November 5th 1852

On this day before Court St. Hall came Abel Stearns
et al Petition No 445. and was duly sworn his evidence
being given in English

The U S Associate Law Agent was present

141 SD
PAGE 6

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

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

I am acquainted with the hand
writing and signatures of Manuel Jimenez, Fran-
cisco and Francisco Castillo Naciso Botello Anto-
nio Machado and Juan (Neyar) Francisco Ma-
llarado

A paper is now shown me purporting to be
a grant to Francisco Manuiza and Pedro Reyes dated
19 June 1839 to which is attached a paper in re-
-lation to judicial possession dated in August
1839

The signatures of the said several persons
appearing on said paper I believe to be genuine
said paper is true to annexed and marked St St
No 1

6
An other paper is shown me purporting to
be a testimonial of judicial possession given in
August 1839, The signatures of said Machado
and Botello and also that of Francisco Mallarado
appearing upon said paper I believe to be genuine
Machado was acting as alcalde at the date of said
possession and authorized to give it said paper is
true to annexed and marked St St No 2

Another paper is shown me purporting to be a map
of the land mentioned in the foregoing papers upon
which is a certificate signed Jose Maria Navarro
dated June 9th 1846 I am acquainted with the
signature of said Navarro and believe it to be gen-
-uine I believe said map to be a copy of an original

6

one drawn by me for said Marques and Reyes when they petitioned for the land

And said Marques and Reyes were in possession of the land at the time I made said map and before the grant they had a temporary house and cattle and horses on the land.

They and the heirs of Marques have been in possession ever since I made the land and using the land principally for the keeping of stock

Said map is true and correct and marked H No 3. Marques was a blacksmith and had a shop on the land in which he worked

The land is on the sea coast about eight leagues from this place in a westerly direction and in the County of Los Angeles

In answer to inquiries by the Associate Law Agent the witness says he knows of no opposing claim to the land

Alfred Stearns

Sworn and Subscribed

Before me

Herbert Hall
Comr

Filed in Office November 5th 1857

Geo Fisher
Secretary

141 SD
PAGE 7

141
1857

7

1846.

Expediente
promovido por los C^{os} Francisco Mar-
ques e Ysidro Reyes en pretension del pu-
raje nombrado Boca de Santa Monica.

141 SD
PAGE 8

N^o. 330.



8

8

B.L.M.

Por Jefe Sup. Político

Monterrey 12 de
Marzo de 1839.

Informe el
Sr. Prefecto del
Segundo Distrito,
sobre el contenido
en esta instancia,
Aharado.

Francisco Marquez e Isidro
Reyes, ambos de esta ciudad, con
el mas debido respeto y a nuestro
derecho con venga, nos presentamos
diciendo: Que habiendosenos conce-
dido provisionalmente por este Ilustre
Ayuntamiento el sitio llamado co-
municamente la Boea de Santa Mo-
nica, que dista de esta ciudad como
nueve leguas al Nor Oeste cuyas
dimensiones y linderos demarcaré
en el diseño q. a su tiempo ofresco
presentar, y siendo efectivo de q. esta

Clase de concesiones aun no pueden ser permanentes a
causa de ser terrenos de propios: aung. no hace falta
a esta comunidad y estar antes valeto hace como veinte
y ocho años seguramente por la dificultad q. presenta
de poderlo cultivar y ser impropio para
able cantidad de bienes: a V.E. Suplicatoriamente
pedimos se nos conceda el titulo de propiedad respec-
tivo q. nos es tan necesario, por tener ya en el todos los
preparativos correspondientes para habitarlo y cultivarlo
aung. sea con algun trabajo, por ser asi de necesidad,
siguendonos en todo a las reglas establecidas con respecto
a las referidas concesiones si bien no se admitimos la pre-
sente en papel comun p. no haber en el lugar del sello.
correspond^{te}.

Angel y Julio 10 de 1838.
No sabemos firmar.

Aug. 17 de 1839.
Debulhas esta instancia a los interesados,
para q. acompañando el diseño del terreno q. mencionan,

9

141 SD
PAGE 9

Note by Sur. Genl.
The dotted lines show
notes in original

B.L.M.

9

pueda extenderse el informe que se pidiere en el Superior dec.^{to} marginal q. antecede.

L. Cosme D. Pena.

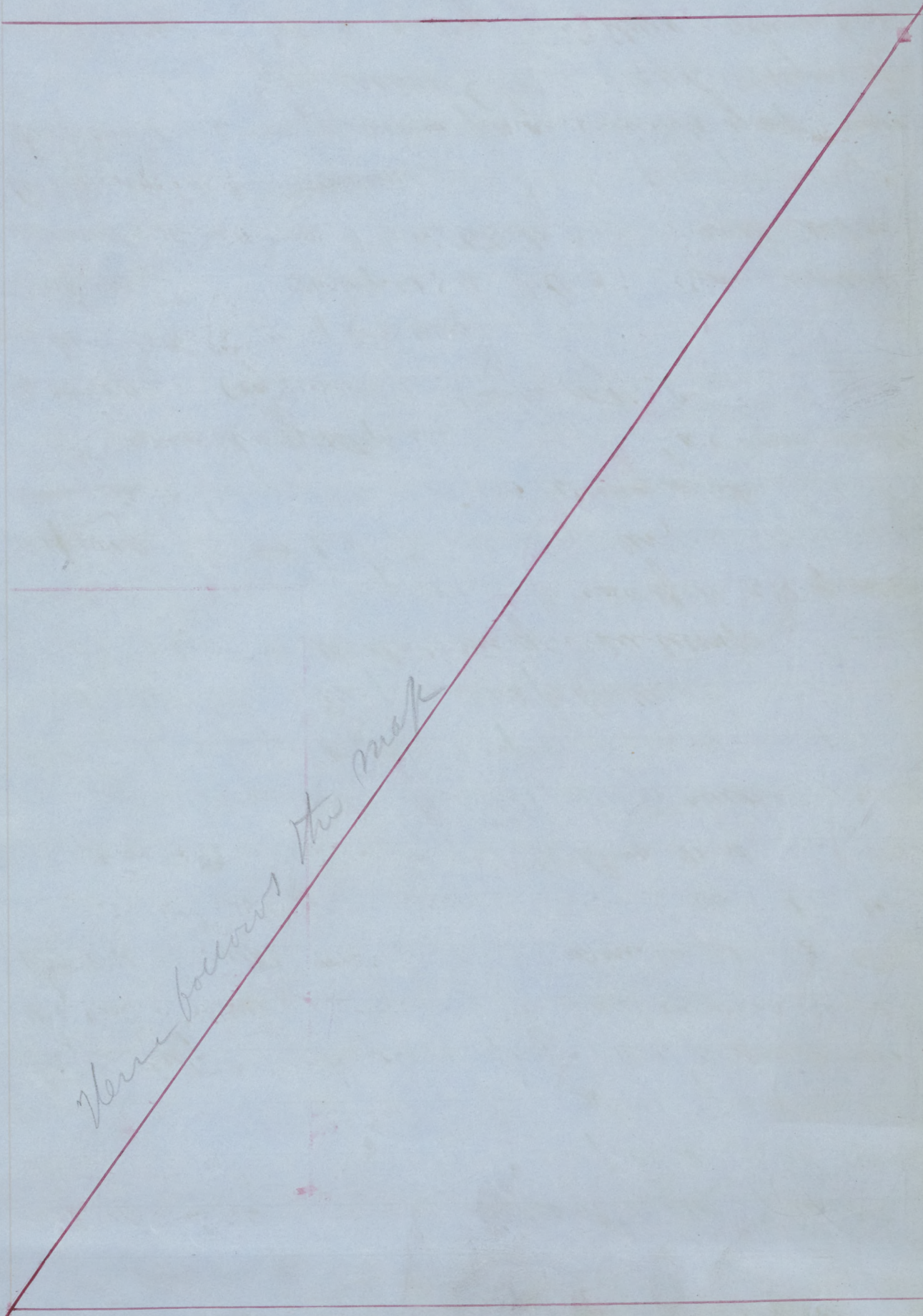
445

Angel May 22 de 1839

Pase al Ilustre Ayuntamiento de esta Ciudad p.^{ta} q. informe, en terminos de estilo, con respecto a las personas y terrenos q. se munciman.

L. Cosme D. Pena.

141 SD
PAGE 10



None follows the map

9
S. L. M. Angeles Mayo 25 de 1839.

Dado cuenta al Ilmo Ayuntamiento de esta Ciudad en sesion de hoy con el presente expediente, acordó pasara á la Comision de terrenos baldios para que produzca el informe que se pide.

12

Fibarcio Tapia
Pte

Narciso Botello
Sris.

Ilustre Ayuntamiento.

La Comision de terrenos baldios á reconocido el sitio q. se refiere en el presente expediente, y crey q. las personas q. se citan en el presente expediente segun el decreto del Sr. Prefecto de este Distrito son de buenas partes y de bien. el terreno por la presente la Comision no haya embarazo p. q. S. E. S. pueda concederlo y este es un informe q. da la Comision á virtud del decreto del Sr. Prefecto. Aug. q. Junio 8 de 1839.

Juanaris Abila. Juan B. Vizar.

6. L. M. Angeles Junio 8 de 1839

Dado cuenta al Ilmo Ayuntamiento de esta Ciudad en sesion de hoy el informe q. antecede fue aprobado p. la Ilmo Corporacion, acordando se remita este expediente original al Sr. Prefecto del Distrito p. los fines q. conozerá.

Antonio Machado

Pte. int.

Narciso Botello
Sris.

Aug. Julio 8 de 1839

En esta fha se puso este exped. al Sr. Prefecto int. de este Distrito en 3 fojas utiles incluso el disenio, conforme al auto ant.

Juanaris Abila

Pte. int. = Narciso Botello = Sris.

141 SD

PAGE 11

20

Office of the Surveyor General of the United States for California.
I, Samuel D. Wing Surveyor General of the United States for the State of California and as such now having under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the eight preceding and hereto annexed pages of tracing paper numbered from one to eight inclusive and each of which is verified by my initials (S.D.W.) exhibit true and accurate copies of certain documents on file in this Office and forming part of the Records thereof.

S. D. W.

In testimony whereof I have hereto signed my name and affixed my private seal (not having a seal of office) at the City of San Francisco, Cal. this 25th day of October 1852
Saml. D. Wing
Sur. Genl. Cal.

Filed in Office August 8, 1853
(Signed) Geo. Fisher
Secy.

14
141 SD
PAGE 13

20

To the Superior Civil Magistrate

Translation Reyes both of this place with most due respect and in
Exhibit No 2 from and manner as best behoves our rights do present
to on the 12 March ourselves saying

1839 Let the same That this Illustrations Municipal
People of the second granted to us provisionally the tract
District separate community called Boca de Yunta
commencing the embals Monica distant from this City
of this Petition about nine leagues towards the North

Alvarado West whose boundaries and limits
will designate in the design
which I promise to present in due
season, and in as much as this kind of
grants cannot be permanent, this land
being municipal land although it
is not missed by the Community

and on the contrary has been impropria for the last
twenty eight years or so accordingly on account of
the difficulties it offers for cultivation and of its
being unfit for any use as in able number of Cattle
we have changed many years excellent as that title
of ownership to those purposes be granted to us which
we need so much because we have already made
them all the due preparations to subvert and culti-
vate it although with much toil this being a matter
of necessity,

We are willing to subject ourselves to the
rules established with respect to the said grants
We please to admit this present Petition in common
on paper there being none of the appropriate stamps
at this place

Angelas July 11th 1838
(We do not know how to sign)

Angelas April 17th 1839

Let this Petition be returned to the
parties that they may annex the sketch of the
tract they mention in order that the report pro-
vided in the foregoing Superior Municipal Decree
may be made

L Cosme D Pina

Angelas May 22d 1839

Let this be forwarded to the Illus-
trations Ayuntamiento of this City for report in the proper

141 SD

PAGE 14

minutes concerning the persons and the tract in question

Jose D. Pena

Los Angeles May 25th 1839

16

These Minutes of Proceedings were submitted to the Illustris Ayuntamiento of this City in its session of to day. It resolved to refer the same to the Committee on waste lands to make the report demanded.

141 SD
PAGE 15

Juan de Tapia President
Narciso Botello Secretary

Illustris Ayuntamiento

The Committee on waste lands has examined the promises referred to in the present minutes and believes that the persons mentioned in these minutes according to the decree of the Hon. Prefect of this district are proper and honorable persons, as to the promises. The Committee finds at his present time no obstacle to their being granted by his Excellency the Governor and this is the report of the Committee by virtue of the Decree of the Honorable Prefect Angeles June 8, 1839

Juan Maria Abila Juan C. Vezar
Los Angeles June 8. 1839

Submitted the foregoing report to the Illustris Ayuntamiento of this City in its session of to day. It was approved by said Illustris body corporate and it was resolved to forward three original minutes to the Hon. Prefect of the district for its behooving ends.

Antonio Machado
President pro tem
Narciso Botello Secretary

Los Angeles July 8th 1839

On this date these minutes were forwarded to the Hon. Prefect pro tem of this District in three sheets of writing including the design conformably to the foregoing resolution.

Juan Maria Abila Pres pro tem
Narciso Botello Secretary

Los Angeles July 9. 1839

In view of the Petition which with these proceedings inquire, the Report of the Hon. Prefect of the Second District. The report to the Illustris Ayuntamiento of the City of Los Angeles and the approval of the same by the Ayuntamiento

the tract called Boca de Santa Monica is granted to the citizens Francisco Manzanera and Ignacio Reyes in the exercise of the provisions made by the laws,

Let the appropriate grant be made out and recorded in the proper book, Juan Don Manuel Jimeno Casarin first senior member of the most excellent the Assembly of the Department of the Californias in exercise of the Government of the same has so de crea ordina and subscribed which I certify

Montezy December 20 1839

Let these minutes be annexed to those of proceedings instituted in motion of Don Francisco Sepulveda when by he has shown that he has in his favor the right of occupation in the premises in question for which reason it has been determined that the petitions be directed of the foregoing grant

Alvaredo

Filed in Office Aug 8th 1853

Geo Fisher
Sentry

141 SD
PAGE 16

11-11-11
11-11-11

Sello Primero Seis Pesos.

Doc. N.º. 1.
Annexed to the
Deposition of
The Stearns

Habilitado provisionalmente por la Aduana Maritima
de Monterey para los años de 1839 y 1840

Awarado.

Antonio M.º. Esio.

Manuel Jimeno Casarin primer Vocal propie-
tario de Exma Junta Del Departam.º de las
Californias en ejercicio del Gobierno del mismo.

141 SD
PAGE 17

Por cuanto los ^{nos} Sr.ºs. Fran.º. Marquez y Pedro Reyes
Mexicanos por nacimiento, han pretendido para sus beneficios
personales y el de sus familias el terreno conocido con el nom-
bre de Voca de Sta. Monica colindante al Sur con el mar;
al Norte, con la Loma; al Poniente con la punta de Topanga,
y al Oriente con el lindero que demuestra el diseño, pasando por
la inmolacion de la Canada de la Iglesia, practicadas previamte
las diligencias y averiguaciones concernientes segun lo dispuesto
por leyes y reglamentos usando de las facultades que me son confe-
ridas, a nombre de la Nacion Mexicana, he venido en concederles
el mencionado terreno, declarandoles la propiedad de el por las
presentes letras, sujetandose a la aprobacion de la Exma Junta
Departamental y a las condiciones siguientes.

1.ª Podrá cercarlo sin perjudicar las trasvias caminos
y servidumbres; lo disfrutaran libre y selectivamente desti-
nandolo al uso ó cultivo que mas les acomode; pero dentro de un
año fabricaran casa y estara habitada.

2.ª Solicitaran del Juez respectivo que les de posesion juridi-
ca en virtud de este despacho por el cual se demarcaran los linderos
en cuyos limites pondran á mas de las mojones algunos
arboles frutales ó setos de alguna utilidad.

3.ª El terreno de que se hace mención es de sitio y medio
de ganado mayor pero mas ó menos, segun esplica el diseño
que con en el expediente. El Juez que diere la posesion lo hará
mediante conforme á ordenanza quedando el sobrante que resulte

á la Nacion para los usos convenientes.

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

En consecuencia mando que teniendo por firme y valioso este título se tome razon de el en el Libro á que corresponde y se entregue á los interesados para su resguardo y demás fines. Dado en Monterrey á diez y nueve de Junio de mil ochocientos treinta y nueve.

Mant. Jimeno.

Francisco Arco

Oficial 1.^o

Queda tomada razon de este despacho en el libro de asuntos de títulos sobre adjudicacion de terrenos á f.^a 9.

Arco.

El Señor Prefecto del Segundo Distrito tomara razon de este título, como lo dispone el Excmo. S. Gobernador interino.

Arco.

Ang. Agt.^o 1.^o de 1839.

Se tomó razon de este despacho en el libro correspondiente de asuntos de títulos de terrenos de esta Secretaria de la Prefectura de este segundo Distrito á fojas 1.^a

Tapia.

Fran^{co} Castillo

Srio.

Sr. Alcalde 1.^o en Turco.

Los Ciudadanos Francisco Marquez é Ysidro Reyes ambos de esta vecindad ante V. con el debido respeto, y en los terminos mas conformes á vos. comparecimos diciendo: q. segun el título ó despacho librado en nuestro favor por el Gobierno Departamental, y q. en 2 fojas utiles de vidamante acompa-
namos, del parage Sta. Monica q. en el se menciona, duplicamos á V. se sirva darnos de dho parage la judicial

14

proceim de estilo y con las formalidades de ley, cuyos costos estamos prontos a satisfacer debolbiendome el presente original con testimonio de lo acutado para nuestra seguridad y recaudo; dignandose admitir este en papel comun p. no haber del sellado correspondiente.

141 SD
PAGE 19

Angelos Agosto 3 de 1839.

(No sabemos firmar.)

Angelos Agosto 3 de 1839.

Por presentado y admitido en cuanto ha lugar, como lo piden los interesados, fuese p. mi el Juez en Juicio y Testigos de asistencia al mencionado parage de Sto. Martin y procease a dar la posesion de el a los interesados, previa citacion de colindantes. Antonio Machado Rector de cano y fungiendo por ausencia del Sr. Alcalde 1º de esta Ciudad, asi lo provey, mande y firme p. ante los de mi asist. segun lo.

Antonio Machado.

Asa.

Narciso Botello.

Asa.

Juan C. Vigar.

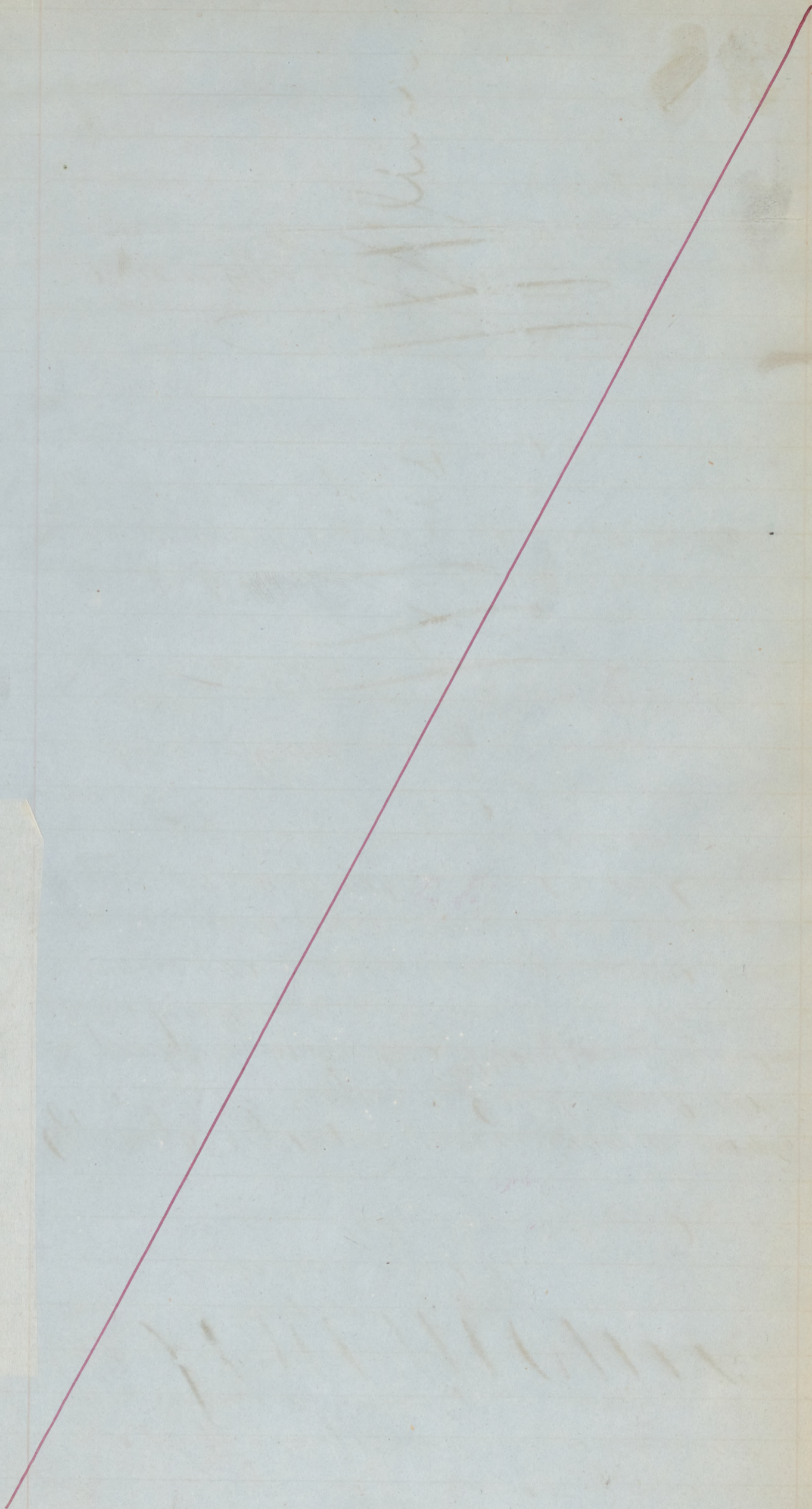
Nota = En la fha y en cuatro fojas utiles incluso el titulo adjunto, se devolvio original este Exped. de los interesados y p. const. lo rubrique.

(Rubric)

20

Filed in Office Nov. 5th 1852.
(Signed) Geo. Fisher

Secy
[Signature]



back
08

18

Doe. H. H. N. 2.
Annexed to the
Deposition of
Abel Stearnes

Testimonio

del

Expediente de posesion dado en favor de los Srs
Don Francisco Marquez y Don Ysidro Reyes
del parage llamado Sta. Monica.

141 SD
PAGE 20

Año de
1839.

Abel Stearnes

19

Corregido
(Rubric)

141 SD
PAGE 21 22

En la Ciudad de los Angeles del Departamento de California a los doce dias del mes de Agosto de mil ochocientos treinta y cuatro, aunte a la solicitud de los Ciudadanos Francisco Marquez e Ysidro Reyes a fin de que se les de la correspondiente posesion del sitio y Rancho llamado Santa Monica concedido por el Gobierno de este Departamento, cuyo titulo acompanan a su indicada solicitud. Pasase por mi y testigos de asistencia al expresado sitio y procedase a dar la posesion indicada previa citacion de colindantes, aueglándose al referido titulo o despacho que se les ha conferido por el Excelentisimo Senor Gobernador con fecha diez y nueve de Junio ultimo. El Ciudadano Antonio Moachado, Regidor decano del Ilustre Ayuntamiento de esta Ciudad, y fungiendo por ausencia del Senor Alcalde primero, asi lo provoy, mande y firme por ante los expresados testigos de mi asistencia, con quienes actuo por receptoria, en este papel comun por no haver del sellado respectivo = Antonio Moachado = asistencia = Narciso Botello = asistencia = Francisco Maria Alvarado = En trece de Agosto de mil ochocientos treinta y cuatro, yo el presente juez pase el abiso o citacion correspondiente a los Senores colindantes, Don Tiburcio Tapia y Don Francisco Sepulveda, manifestandoles el objeto a que me dirigia al punto de Santa Monica, pues iba a remediar y poner en posesion de el a los Senores Francisco Marquez e Ysidro Reyes; quienes no habiendo manifestado excepciones ningunas, les dije que procedia a ellas, lo que pongo por diligencia que autorizo y firmo con los testigos de mi asistencia segun derecho doy fe = Antonio Moachado = asistencia = Narciso Botello = asistencia = Francisco Maria Alvarado = En el Rancho Santa Monica a los trece dias del mes de Agosto de mil ochocientos treinta y cuatro, yo el propio juez para la practica de estas diligencias, nombro dos oficiales cordeleros que por no saber firmar se omiten sus nombres, a quienes les hizo saber su nombramiento el

Corregido - (Rubric)

que aceptaron bajo de juramento que otorgaron ofreciendo
acompañar fielmente su encargo, lo que autorizo y firmo
con los testigos de mi asistencia segun derecho = Antonio
Machado = asistencia = Narciso Botello = asistencia = Fran^{co}
Maria Alvarado = En el mismo dia mes y año estando en
el parage llamado punta de Topunga en el cual desem-
boca al mar una Cañada poblada de tute y se halla actu-
almente una casita o jacal de lo mismo, a efecto de verifi-
car las remediadas y posesion que corresponde á las Señoras
Don Francisco Marquez y Don Pedro Reyes del sitio
nombrado Santa Monica, previos todos los requisitos de
Ley y estando ante mí los testigos de mi asistencia y los ofi-
ciales cordeleros, hizo medir un cordel que contenia cien varas
y haciendo á sus extremos unos lazos de madua, previa
observacion y calculo por mi disposicion se tiró el cordel al
pie de un Serró ó loma picuchuda que pega con el mismo
mar y que divide la Cañada represada, cuyo Serró se tomó
por onzonera rumbo Oeste á Este por sobre la Playa se
midiéron y contaron siete mil quinientas varas las que
remataron en el primer barranco comensado que hay en
el paragon que forma la Playa, y se halla sobre la orilla
llano despues de la Cañada llamada, Boca de Santa Mo-
nica, cuyo barranco se onaró por onzonera, habiendo
comparado en este punto, Don Fernando Sepulveda, quien
asistió ayá por disposicion de su padre Don Francisco
Sepulveda. De ayá tirando la cuerda rumbo Sur á
Norte, se midiéron y contaron, pasando por unos saucos
que estan en la orilla del manglar, quatro mil cien varas,
las que remataron en la bajada que hay á la Cañada
llamada de la Iglesia y queda á linea recta con un serró
te colorado de la misma Cañada, en cuya bajada se
marco por onzonera un mangle seco, al que para el efecto
se le dieron unos machetazos señalando aquel punto como
sequina que forma con el represado Serrito de la Iglesia,
cuya Cañada que los divide, así como la Serra, que es

Corregido
(Nota)

el lindero de los rumbos Norte á Oeste, segun el diseño que antes acompañaron los interesados, no fueron medidas por la incapacidad de poderlo hacer á causa de lo fragoso del terreno; con lo que se concluyeron las medidas de este sitio á satisfacción de los interesados, á los que les oírné pudiesen las correspondientes mojoneras en los puntos donde corresponde, y quedaron entendidos, habiendo marcado dichos puntos en señal de posesion, la que autorizo y firmo con los de mi asistencia segun derecho doy fé = Antonio Moachado = asistencia = Narciso Botello = asistencia = Francisco Maria Alvarado = Angelis Agosto catorce de mil ochocientos treinta y nueve = Desele testimonio á las partes de las presentes diligencias que se hallan ya concluidas, en papel común por no haber del sellado correspondiente = Antonio Moachado Alcalde primer en turno de esta Ciudad, así lo decreté mande y firmé por ante los de asistencia segun derecho doy fé = Antonio Moachado = asistencia = Narciso Botello = asistencia = Francisco Maria Alvarado = Nota = En la fecha se libro á los interesados el testimonio que se refiere en el auto anterior, y para constancia lo rubriqué = Rubrica = Entre renglones = desemboca = vale = tactado = desembra boca = on vale =

Concurran con las diligencias originales que se refieren y existen en el libro de instrumentos publicos en el que quiesan protocolados, llevado en ambos juzgados en el presente año. Esta fielmente sacado, corregido y numerado, escrito en estas 4 ff. de papel común por no haber del sellado respectivo, que autorizo y firmo con los testigos de mi asistencia, en la Ciudad de los Angeles á los catorce dias del mes de Agosto de mil ochocientos treinta y nueve, doy fé.

En testimonio de verdad.

Antonio Moachado

assa = Narciso Botello = assa. Fran. Ma. Alvarado.

Filed in Office Nov. 3rd 1852.

(Signed) Geo. Fisher, Secy.

Exhibit B

Translation

Grant and

Possession

Issued provisionally by the Maritime Customs of Montevideo
for the years 1839 and 1840
Abuado Antonio M^a O'Leary

○ An annual Siminio (as an in fruit member by right of seniority (proper term) of the most Excellent the Assembly of the Department of the Capital as in the exercise of the Government of the same

141 SD

PAGE 24

Whereas the Citizens Franco Manquez and Pedro Reyes Mexicans by birth, have obtained for their personal benefit and that of their families the tract known by the name of La Boca de Sta Monica bounded at the South by the Sea, at the North by the hills, at the West by the point Topango and at the East by the boundaries shown in the Plan passing close to the Cañada de la Iglesia

All the proceedings and investigations in that behalf having been gone through with according to the tenor of Laws and Regulations, in the exercise of the powers vested in me in the name of the Mexican Nation I have come to grant to them the aforesaid tract declaring the ownership thereof to be vested in them by these present letters, subject to the approval of the Departmental Assembly and the following conditions

- 1 They may fence it without prejudice to the Coves roads high ways and rights of way, They shall enjoy it fully and exclusively by devoting it to the pecoriculture in a term which may not suit them But within one year they shall build a house and it shall be inhabited
- 2 They shall petition the Judge who has jurisdiction to give them the judicial Possession in virtue of this Grant. Said Judge shall assign the boundaries in whose limits they shall place besides the land marks some fruit or serviceable forest trees
- 3 The tract in question consists of one and a half range (sitio) for neat cattle a little more or less as explained by the design annexed to the Minutes of the Siminary Proceedings

The Judge who gives the possession shall cause it to be measured agreeably to the ordinance any surplus that may result remaining the property of the Nation for

its behooving uses,

4. If they violate these conditions they shall lose their right to the land and it may be denominated by any other

When fore I order that this title being held as form and valid, be entered of Record in the Book when it belongs and delivered to the parties in interest for their protection and other purposes

26

141 SD
PAGE 25

3 Given at Monterey on the nineteenth of June 1849
Manuel Jimenez

Francisco de la Cruz (former Alcalde)
This grant is entered of Record in the book of entries of Titles concerning adjudications of lands of page 9

Arce
The Prefect of the second District with a copy of this Title as ordered by His Excellency the Governor
Arce

Aug 2 Aug 1 1839
This grant was entered of Record in the proper Book of Entries of titles to land at the Ayuntamiento of the Prefecture of this second District Page 1

Japici
Francisco Castillo Secretary

To the acting first Alcalde
we the Citizens Francisco Mayorga and Pedro Reyes both of this place with due respect and in the most approved terms of the Law do present ourselves saying that agreeably to the title or Grant issued in our favor by the Departmental Government which in two sheets of writing we duly refer you to the tract of Santa Monica therein mentioned we beseech you to be pleased to give us the judicial possession of said premises in the usual form and according to the practice of the Law when of we are ready to defray the costs the present original being returned to us with a certificate of the further proceedings for our security and protection

Notch safe to admit this upon common paper who benignance of the appropriate Stamp

Angeles August 3. 1839
(we don't know how to sign)

Angelas August 3, 1839

This being presented and admitted to the whole legal intent in accordance with the prayer of the parties interested Ordered that the acting Judge do repair with the attesting witnesses to the said premises of Santa Monica and proceed to give the possession in virtue of to the parties in interest after citation to the owners of adjoining lands Juan Maria Machado Senior Member of the Common Council and acting during the absence of the Hon: Just Alcaide of this City before so provided ordered and subscribed in the presence of my attesting witnesses according to Law

141 SD
PAGE 26

Attest

Narciso Botello

Note on the same date and in form pages of writing including the annexed title this minute of proceedings was returned to the parties in interest

Attest

Juan Bizar

Witness my sign Manual
A Scroll

At the City of Los Angeles in the Department of California on the twelfth day of the month of August one thousand eight hundred and thirty nine in compliance with the Petition of the Citizens Francisco Marquez and Juan Reyes to the end that due delivery of possession may be made to them of the premises and Rancho called Santa Monica granted by the Government of this Department the title whereof is annexed to this said petition Ordered that I and attesting witnesses do repair to the aforesaid premises and proceed to give the possession aforesaid after summons to the owners of adjoining lands following the directions of the said title or grant which has been conferred upon them by his Excellency the Governor on the nineteenth of June last,

X

At the City in Antonio Machado

Senior Member of the illustrious Common Council of this City acting during the absence of the Just Alcaide before so provided ordered and subscribed in presence of my said attesting witnesses with whose aid I act notoriously and in term on this Common paper there being some of the proper stamps witnesses my hand

Antonio Machado

Attest

Narciso Botello

Attest

Francisco Maria Almondo

on the thirteenth day of August one thousand eight hundred and thirty nine, I the present Judge sent due notice or summons to the owners of adjoining lands.

Don Felix de Tapia and Don Francisco Sepulveda notifying them of the object of my going to the premises of Santa Monica viz that I was going to survey it and put in possession thereof Messrs Francisco Marquez and Pedro Reyes and they not having exhibited any captains, I told them that I would now proceed to do the same when I take note which I am then to take and subscribe with my attesting witnesses according to Law took mass my hand

Antônio Machado

Attest

Attest

Narciso Botello

Francisco Maria Alencar

at the Rancho of Santa Monica on the thirteenth day of the month of August one thousand eight hundred and thirty nine I myself the Judge, for the practical part of these proceedings, appointed two official line bearers whose names are omitted they not having time to write the same I notified them of their appointments which they accepted under the oath which they took to discharge faithfully their duty, testified and subscribed by me with my attesting witnesses according to Law

Antônio Machado

Attest

Attest

Narciso Botello

Francisco Maria Alencar

The same day month and year being at the place called Topanga point where there opens upon the sea a Cañada overgrown with tule and where there exists now a small house in part of that material for the purpose of effecting the survey and delivery of possession to which Messrs Don Francisco Marquez and Don Pedro Reyes are entitled of the premises called Santa Monica all the requisites of the law having been complied with and my attesting witnesses being in my presence together with the official line bearers, I caused a line to be measured consisting of one hundred varas and confirmed at its extremities with wooden poles

After due observation and calculation under my direction the line was run at the foot of a bluff or sharp hill close on the sand sea which divides the aforesaid Cañada, this bluff being taken for a land mark, from West to East along the beach there one measured and counted down

28

141 SD
PAGE 27

thousand five hundred varas which ended at the first
beginning of a gulch (barrao or Comenzada) that opens in
the wall or precipice (pauca) formed by the sea and
is found in the table land or plain after the Cañada
called Boca de Santa Monica, This gulch was marked
as a boundary, At this point appeared Don Fernando
Sepulveda who attended there by order of his Father
Don Francisco Sepulveda this being the line of the
premises called San Vicente property of Juan Sepul-
vedas

Thence drawing the line from South to North
there were measured and counted passing by some
stumps that stand on the edge of the mangle grove from
thousand varas which ended at a place where a path
leads down to the Cañada called de la Iglesia on a
straight line with a small red bluff of the same Ca-
ñada at which path a dead mangle was marked for a
land mark, striking it for that purpose with a few
strokes of the cutters

This point is assigned as the angle
formed with said bluff de la Iglesia the intervening
Cañada and also the Sierra which forms the boundary
from North to west according to the plan heretofore an-
nounced by the parties in which it was not measured it
being impossible to do so in account of the broken
nature of the ground. Here we terminated the survey
of these premises to the satisfaction of the parties in in-
trust whom I wanted to place proper land marks at the
places where they belong some of them took notice having
marked those points in token of possession Certified and
subscribed by me with my attesting witnesses according
to Law Witness my hand

Antonio Machado

Attest

Attest

Narciso Botello Francisco Maria Alvarado
Angel August fourth ten one thousand eight
hundred and thirty nine

Let Certificate be given to the
parties of the present proceedings which are now
concluded in common paper there being none of the
proper stamps. Antonio Machado acting first
Alcalde of this City, have so done read and sub-
scribed in presence of the attesting witnesses according
to Law Witness my hand

Antonio Machado

141 SD
PAGE 28

Attest

Narciso Botella

Attest

Francisco Maria Alvarado

30 Note On the same date the authentic copy of the foregoing order was delivered to the parties in interest
Witness my sign Manual & Seal Intimated des-
-aroca In Effood des out etc a out

141 SD
PAGE 29

A true copy of the original Proceedings referred to and existing in the Book of Public Instruments where they are recorded which book is kept in both courts for the present year. It is faithfully taken care to read amended and is written on three sheets of common paper there being some of the appropriate stamps Certified and subscribed by me with my attesting witness at the City of Los Angeles on the fourteenth day of the month of August One thousand eight hundred and thirty nine Witness my hand

In testimony of truth
Antonio Machado

Attest

Narciso Botella

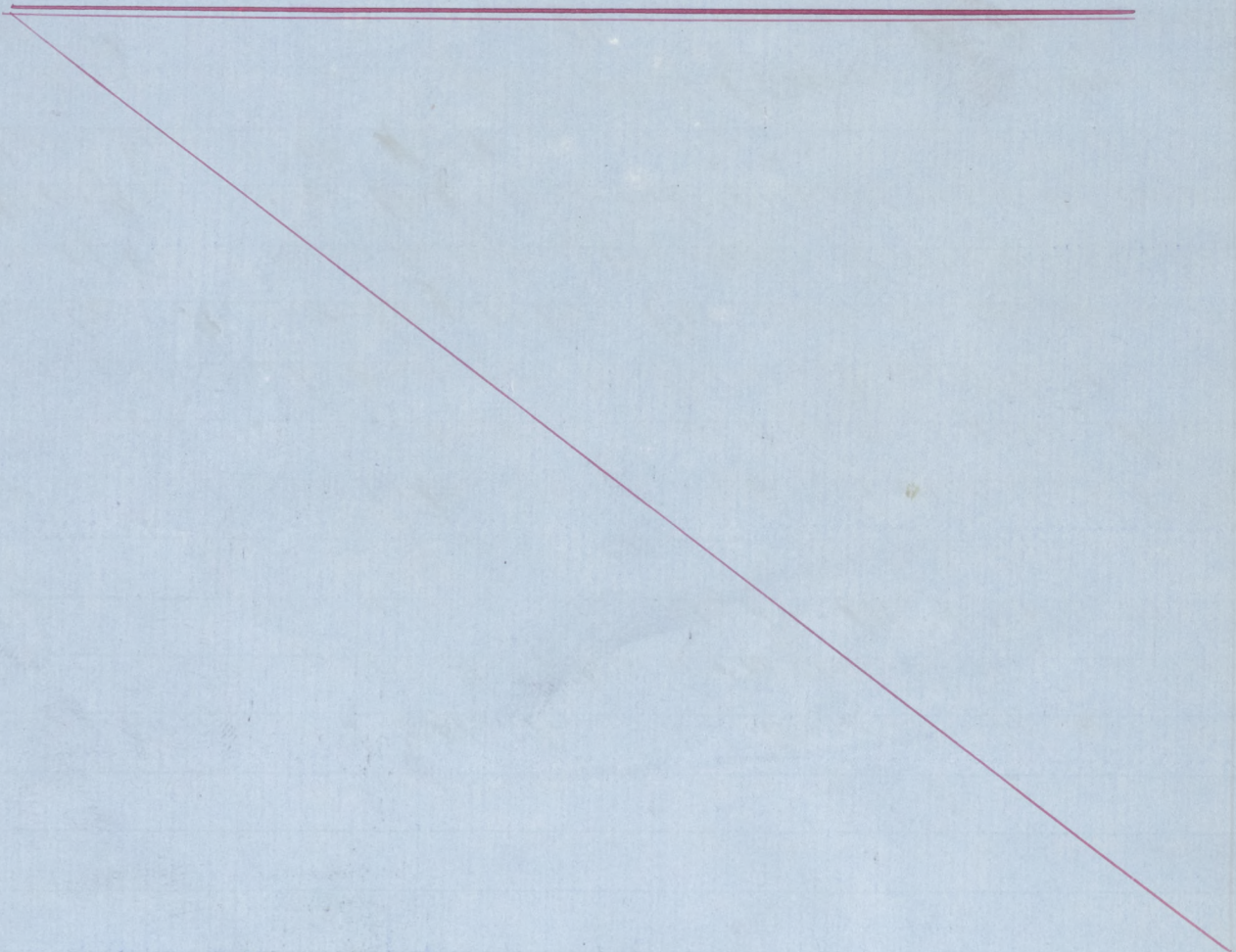
Attest

Francisco Ma Alvarado

Filed in Office November 1st 1852

Geo Fisher

Secretary



Case No 445
Heirs of Francisco Marquez and Pedro Reyes

The United States }
} 1/2 Leagues in the County
} of Los Angeles

The Petitioners in the present Case claim title to the land claimed by virtue of a grant from Manuel Jimeno first member by Seniority of the Departmental Assembly of the Californias in the exercise of the Government of the same to Francisco Marquez and the Claimant Pedro Reyes bearing date June 19th 1839

The other Claimants named in the Petition represent themselves as the heirs and legal representatives of the said Francisco Marquez who they aver died about the year 1850 leaving the Petitioner Maria Roque Marquez his widow and Bonifacio Juana Francisca, Maria Ramona Pascual Maria de las Mercedes and Maria Candida Marquez his children and lawful heirs and as such entitled in right of their father to the undivided moiety of the land claimed

The original grant heretofore of Judicial possession and certified Copy of the map from the Expediente all of which are proven to be genuine and authentic are on file in the Case. The boundaries are described in the grant and record of Judicial possession and delineated on the map with sufficient certainty and precision to prevent any difficulty in the location and survey of the land.

The evidence shows that the grantees Reyes and Marquez were in the possession and occupation of the land prior to the grant that they had cattle on it and a house in which they lived with their families and that they and the heirs of Marquez have been in possession and lived on the land ever since.

These facts of the Case as established by the evidence presents no obstacle to a confirmation in favor of the Claimant Pedro Reyes of one undivided moiety of the land claimed,

141 SD

PAGE 30

In relation to the other Claimants there is no proof what
ever of the death of the other grantee Francisco Man-
guez or if dead that the present Claimants were his
heirs.

32

141 SD
PAGE 31

This Board has repeatedly decided that such
proof is necessary. It is alike required by the decis-
ions of the Supreme Court and the Law directing
the Commission to decide upon such titles as
are derived from the Mexican or Spanish Gov-
ernment and until the Claimant can establish
by positive title the same grant or right
so derived he cannot entitle himself to a decree
of confirmation at their hands.

How ever ungrateful
may be the task to reject a claim having such
intrinsic evidence of merit as that now under con-
sideration upon ground apparently so slight and
against parties whose supposed relation as
widow and children of one of the grantees appeal
strongly to our sympathies yet as the Law from
which we derive our authority and the rules of
decision there laid down plainly prescribe our
duties they must be performed without regard
to individual consequences.

If parties have thought
proper to submit their cases without evidence
of a fact so easily proven and at the same
time so essentially necessary to establish the
validity of the Claim we have no alternative
but to turn them over to the appellate tribunal
which the Law has humanely provided where
such deficiencies in the testimony may be
supplied.

In accordance with the views above
expressed a decree of confirmation will be enter-
ed in favour of Pedro Reyes for one undivided
part of the land claimed as to the other Pet-
turus claiming to be the heirs of Francisco Manguez.
Dec^d their application for a confirmation of
the remaining half must be denied.

Felicidad Office April 4th 1854
Gen Fisher Goy

Decree of
Confirmation

Case N^o 443

Pedro Reyes & the heirs of Francisco Marquez
vs
The United States } Voca de Santa Monica

On this case on hearing the proofs and allegations
it is adjudged by the Commission that the claim
of the Petitioner Pedro Reyes to one half of the land
claim is valid and it is therefore decreed that the
same be confirmed to him

It is further adjudged
by the Commission that the claim of the Petitioners
Juana Roque Marquez, Benifacio Marquez,
Juana Francisca Marquez, Maria Ramona
Marquez, Pascual Marquez, Maria de las
Amoradas Marquez and Maria Candida Mar-
quez claiming to be the heirs of Francisco Marquez
Peca to the other party of said land is not valid
and it is therefore decreed that their application for
a confirmation thereof be denied

The land of which
confirmation is made to the said Reyes is one
undivided part of a tract known by the name
of Voca de Santa Monica situated in the County
of Los Angeles and which is bounded as follows
Beginning at Bluff a steep hill which divides
a Canada overgrown with tall reeds near the sea at
the place known as Topanga Point and running
thence East by along the beach seven thousand
five hundred varas to a Gulch which opens
in the wall or precipice (paradise) formed
by the Sea,

Thence North four thousand varas
to the point where the line intersects the path
leading down to the Canada de la Iglesia in a
line with a small red bluff of the same Canada
Thence West along the Sea and parallel with the
Coast to a point opposite the place of beginning thence
South to said place of beginning and containing
one and a half square leagues more or less
For a more particular description reference to be

141 SD
PAGE 32

had to the original grant, maps and record of judicial possession filed in the case

34

141 SD
PAGE 33

Alpheus Finch
Thompson Campbell

R. Aug. Thompson

Commissioners

Filed in Office April 14th 1854

Geo Fisher

Secretary

And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California it is hereby
Ordered: that two Transcripts of the Proceedings and of the decision in this case and of the papers and evidence upon which the same are founded 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.

~~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 others 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.

141 SD
PAGE 34

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 *thirty one* pages, numbered from 1 to *31*, 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. *445* on the Docket of the said Board, wherein *Yiuro Reyes, et al,* are

the Claimant against the United States, for the place known by the name of "*Boca de Santa Monica*"



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

3 *Aug*

141

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

No. 141.

THE UNITED STATES,

vs.

141

Andro Reyes, et al.

"Boca de Santa Monica"

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 445.

Filed, *November 8th* 1854,

*C. C. Lane,
Clerk*

36

141

141-445

141 SD
PAGE 35

Office of the Attorney General of the United States,

Washington, 17th January 1855.

Isidro Reyes et al. }
vs. } 445.
The United States. }

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of October 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cantling

Attorney General.

No 141.

U. S. District Court.
Southern District.

United States

vs
Esmer Reyes, et al.

Notice of appeal from Atty. Gen.

Filed Feb 27th 1855

J. E. Farrer
clk.

40 141 SD
PAGE 36

141 SD
PAGE Duplicate

Office of the Attorney General of the United States,
Washington, 17th January 1855.

Isidro Reyes et al. }
vs. } 445
The United States. }

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th 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.

151

Clerks office of the District Court }
of the United States for the Southern }
District of California

141 SD
PAGE 37

Whereas the Commissioners con-
stituted for the purpose of ascertaining and
settling private land-claims in the State of
California by the act of congress of the U. S.
of America, approved on the 3^d of March
1851, entitled: "An act to ascertain and
settle the private land-claims in the state
of California", did on the fourth day of April
eighteen hundred fifty four, by their decision
of that date decide against the claim pres-
ented by the undersigned to the said commis-
sioners, which claim is for land lying in
the said Southern District, and is number
four hundred forty five (445) on the docket
of claims before said board - and the said
claimants being desirous that the said Dis-
trict Court should review the said decision,
Now hereby files this notice in the said clerks
office of their intention to prosecute an
appeal, as is provided by the 12th Section
of an act entitled: "An act making ap-
propriations for the civil and diplomatic
expenses of the government for the year ending
the 30th of June 1853 and for other purposes",
which said act was approved on the 3rd
of August 1852.

37

Isidro Reyes & heirs of Fran-
cisco Marquez

To the Clerks of the U. S. } by O. C. Crosby
District Court of the Southern } of Counsel,
District of California }
5th April }
1854. }

~~141~~ No 141
U. S. District Court
Southern District

Isidro Reyes and Heirs
of Francis Marques,
Appellants

vs
The United States
Appellee

Notice of Appeal.

No 13

141 SD
PAGE 38

38

x7

Filed aple 10/5/54
at San Fran
Calif

E. O. Leroy
of Counsel.

U.S. District Court for the
Southern District of California

No. 141-

Isidro Reyes et al
vs.

The United States

The respondent Isidro Reyes
for answer to the petition filed in this cause
answers and says - It is true that the parcels
mentioned in said petition and in the said
transcript of the proceedings before the said Board
of Commissioners lie within said Southern District
of California and within the jurisdiction of this Court.

But this respondent denies that the title
to the said land is invalid - and avers that the same
is valid - and prays that the decision of the said
Board of Commissioners be affirmed - and his title
be decreed to be valid -

E. T. Crosby

Attorney for Plaintiff

U.S. District Court for the
Southern District of California

Isidro Reyes, et. al

vs.

The United States.

Answer of Isidro Reyes -

No 141

Filed this 8th day
of Dec 18 56

C. Sims
clerk

50

141 SD

PAGE

40

E. Crosby
Atty for Plaintiff

PAGE

38

111 2D

Pedro Reyes, & the heirs of } N. 141.
 Donico Marquez, Appellants } Court N. 445.
 vs. }
 The United States, Appellee for the South Dist. of Cal. }

The answer of Petitioner Ord. Atty. of the United
 States, for the Southern District of California, to the
 petition of the said Pedro Reyes et al., and denies
 generally the validity of the alleged title
 of ~~Appellants and Claimants~~ and appellants,
 and prays that the Court will affirm
 the decision of the Board of Land Commissioners
 rejecting one undivided half of the claim
 of petitioners, and decree the title to be
 invalid. And general Relief,

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

No 141

W State Dist Court

Josiah Reyes et al

vs

W States

answer

Filed this 8th day
Dec 1836

James
Clark

141 SD

PAGE 42

48

U.S. District Court for the
Southern District of California

No. 141.

Didro Bays, and the
Heirs of Francisco Marquez
vs
The United States.

No. 141.

Case No. 445.

Now come the said claimants in
the above entitled case, the Heirs of Francisco
Marquez and say that the lands claimed by
them in said case are within the Southern
District of California and within the jurisdiction
of this court. That their said claim was declared
invalid and rejected by the Board of U.S. Land
Commissions by their decree dated April 4th
1854, as will more fully appear by reference
to the transcript of their proceedings now on
file in this court. Whereupon your petitioners
ask that their said claim be valid and pray
this Hon^{ble} Court to reverse the decision of said
Commissions, and decree the said claim to be
valid & grant relief.

E. O. Crosby
Counsel for Claimants

No 141
U.S. District Court for the
Southern District of California

Isidro Reyes et al

vs
The United States

Petition &c

Filed 8th Dec 1856

Alvin
et al

52

141 SD

PAGE 44



Hidro Reyes et al.
advs & vs
The United States.

Docket No. 141.

Transcript No. 445.

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

The Petitioner of **Pacificus Ord**, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 1st day of November A. D. 1852: *Hidro Reyes et al.*

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *Voca de Santa Monica*

_____ in the County of *Los Angeles* - State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 4th day of April A. D. 1854,

the said Commissioners confirmed, by final decision, ^{a part of} the said claim of said petitioners. That thereafter, to wit: on or about the 8th day of November A. D. 1854,

a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 445; reference to which it is prayed may be had and made part of this petition.

That on or about the 30th day of October A. D. 1854, the Honorable *Caleb Cushing*, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit:
on ^{or about} the 27th day of February — A. D. 1855, the said
Attorney-General of the United States filed, or caused to be filed, in
behalf of the United States, a notice with the Clerk of said District
Court of the United States, that the appeal in said cause from the said
decision of the said Commissioners, in the District Court of the United
States for the Southern District of California, would be prosecuted by the
United States. Your petitioner further represents; that the land claimed,
as aforesaid, is situate in the Southern District of California, and within
the jurisdiction of this Honorable Court. Your petitioner further represents
and insists, that the said claim is invalid; and the said decision of said
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for
many errors and imperfections of law and evidence, apparent in said certified
transcript of the proceedings and decisions of said Commissioners in said
cause, filed and appealed from as aforesaid. And your petitioner denies all
and singular, each and every allegation in the said petition of said claimants
presented as aforesaid to said Commissioners. And your petitioner further
denies that the said claimants ~~has~~ ^{have} any valid right or title to said land claimed
as aforesaid, or any part thereof.

141 SD
PAGE 46

44

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

said claim should have been rejected by them. And the said claimants having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of ~~said claim~~ ^{Said claim} the same, and decree the alleged title to be invalid: with costs, and general relief.

141 SD
PAGE 47

J. P. M.

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

141

United States District Court
Southern District of California

Pedro Reyes et al

vs

The United States

Petition of Return

Filed 8 Dec 1856

C Sims
clerk

December Term 1856.

United States District Court for the
Southern District of California

Isidro Reyes, and the
Heirs of Francisco Margus, to wit:
Maria Roque Margus the widow, &
Bonifacio, Juanna, Francisco,
Maria, Ramona, Pascual, Maria
de la Merced, and Candida, the
Children of the said Francisco Margus, de^{ce}
ads.

The United States,

No 141

This cause coming on to be heard
on appeal from the decision of the board of said
Commissioners, to ascertain and settle private
land claims in the State of California under the
act of Congress, approved March 3^d 1851 upon the
transcript of proceedings and decision of said
board, and the papers and evidence upon which
said decision was founded, all of which has been
duly filed in this Court, and upon further evidence
taken in this Court by order of this Court, and counsel
for the respective parties having been heard, it is ordered
adjudged and decreed that the decision of said
board confirming unto said Isidro Reyes the
appellants above named, the undivided half of the
lands described in said transcript filed in this
cause, be and the same is hereby affirmed and
that the title of the said Isidro Reyes is a good
and valid one.

And it is further ordered adjudged and decreed

that the decision of said board of Commissioners rejecting the claim of said Maria Rogel Marques the widow, Bonifacio, Juanna, Francisca, Maria Ramona, Pascual, Maria de la Merced, and Candia the children of said Francisco Marques dec^d to the undivided one half of the said lands described in said transcript filed in this cause be reversed, and that their said title be, and the same is hereby confirmed, and declared a good and valid one.

The lands of which confirmation is hereby made is that known by the name of "Boca de Santa Monica" situated in the county of Los Angeles, and is bounded and described as follows, Beginning at a Bluff a sharp hill, ~~at the sea~~ which divides a Canada overgrown with tule near the sea at the place known as Topanango point, and running thence easterly along the beach, seven thousand five hundred varas to a Gulch which opens in the wall or precipice formed by the sea, thence northerly four thousand varas to the point where the line passes the path leading down to the Canada de la Iglesia, in a line with ~~the~~ a small red bluff of the same Canada, thence westerly along the Sierra and parallel with the coast to a point opposite the place of beginning, thence southerly to the place of beginning containing one and one half Square leagues of land, and for further description, reference being had to the grant of said lands made by Manuel Imeno, dated June, 19, 1839, to the said Isidro Reyes, and Francisco Marques and to the plan or map of said lands, and the act

of Judicial possession dated August 3rd 1839 -
made by Antonio Machado, which said
grant, plan or map, and act of judicial
possession are filed in this case -

The said claim is confined with
X extent of one and a half of one square
leagues ^{and no more} of said quantity he contained
within said boundaries but if there be
less than said quantity then to such less
quantity

Daniel W. Ogden
U.S. Dist. Judge
for the S. Dist. of Cal.

No 141
U States Dist Court -
Pedro Ruiz et al
ad
the United States
Deam

Filed Dec 12th 1886
C. J. Smith
clerk

141 SD
PAGE 52

56

Recorded in pages 104-5

The United States

vs.

No 141.

Isidro Reyes, et al

141 SD

PAGE 53

Deposition of Julian Valdez, a witness for
Apper taken before O. E. Can U.S. Court for
the South Dist of Cal. at Los Angeles, Dec 18th 1855,
to read in evidence in said cause. Present
P. Ord Usaty. E. O. Crosby for Plaintiff &
A. J. Mackman sworn as Interpreter
Julian Valdez being sworn deposes as
follows

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

ans. My name is Julian Valdez, my age 47.
my residence Los Angeles.

ques. - Did you know Francisco Margues,
Is he now living.

ans. I did know him, he is now dead, he
died about 6 or 7 years ago.

ques. Did he leave a wife & children,
if yes what are their names.

ans. - He did - the widow's name is
Maria Roque - the children are
Manuel - Francisco - Bonifacio -
Francisca - Ramona - Mercedes & Pasqual
Margues and one baby whose
name is Candia

ques. - Are they all alive now.

ans. They are all alive except Candia.

The above were the only children of deceased
I am intimate with the family, my house
is only ten or twelve yards from theirs.

41

sworn to & subscribed
before me, this 18th of Dec 1855.
J. C. Jan
U.S. Court

Julian ^{his} Valdez,
mark.

No 141.

U. S. Dist Court.
North Dist of Cal.

The United States

vs.

Isidro Regan ^{et al} Apper

141 SD
PAGE 54

Deposition of Isidro
Valdez

42

Filed Dec 18th 1855

W. A. R. 135
C. E. San
Clerk

California Land Claim.
Attorney General's Office
11 Feb. 1857.

Mr. Sir:
In the case of the claim of
Sidro Reyes, et al., confirmed
to the claimants by the Commis-
sioners, Case no. four hundred and
forty-five, (445), appeal will not
be prosecuted by the United States.

I am,
Respectfully,
C. Smith

Pacific Mail Co
U. S. Attorney
Los Angeles -

No. 141

Filed 4 March 1858,
L. Sims Clerk,
for W. W. Stetson,
Dputy.

58

141 SD
PAGE 56

Theo. Wagner,
U.S. Surveyor General.

Theo. Reichert,
Chief Clerk.

Department of the Interior

Surveyor General's Office,

For the District of California.

141. SD
57

141 SD
PAGE 57

610 Commercial Street.

P.O. Box No. 2260.

San Francisco Oct. 15th, 1881,

I hereby certify that the plat of survey, descriptive notes, etc, in the matter of the survey of the Rancho "Coca de Santa Monica" Pedro Reyes, et al., confirmer, were forwarded to Washington in compliance with the provisions of the Act of July 15th 1864 (13th Stats. 334), on the 30th day of June, 1881, and that there is due the United States on account of said survey the sum of three hundred and six⁷/₁₀₀ (306⁷/₁₀₀) Dollars, payable from the deposit made in the U.S. District Court July 8, 1881, on account of said rancho.

Attest,

59



Theo Wagner
U.S. Sur. Genl.

141. S. D.

U.S. District Court
District of Cal

Ysidro Reyes et al
Claimants for the Rancho
Boca de Santa Monica

141 SD appellee
PAGE 58

The United States
Appellate

Certificate from the Surveyor
General that the survey
& descriptive notes to have
been sent to Washington etc.

*Filed in District Court
District of California
October 25th 1881
James H. Newman Clerk
Spencer
Deputy Clerk*

