

CASE No.

9

SOUTHERN DISTRICT

---

SAN ANTONIO GRANT

---

ANTONIO MARIA LUCA

CLAIMANT

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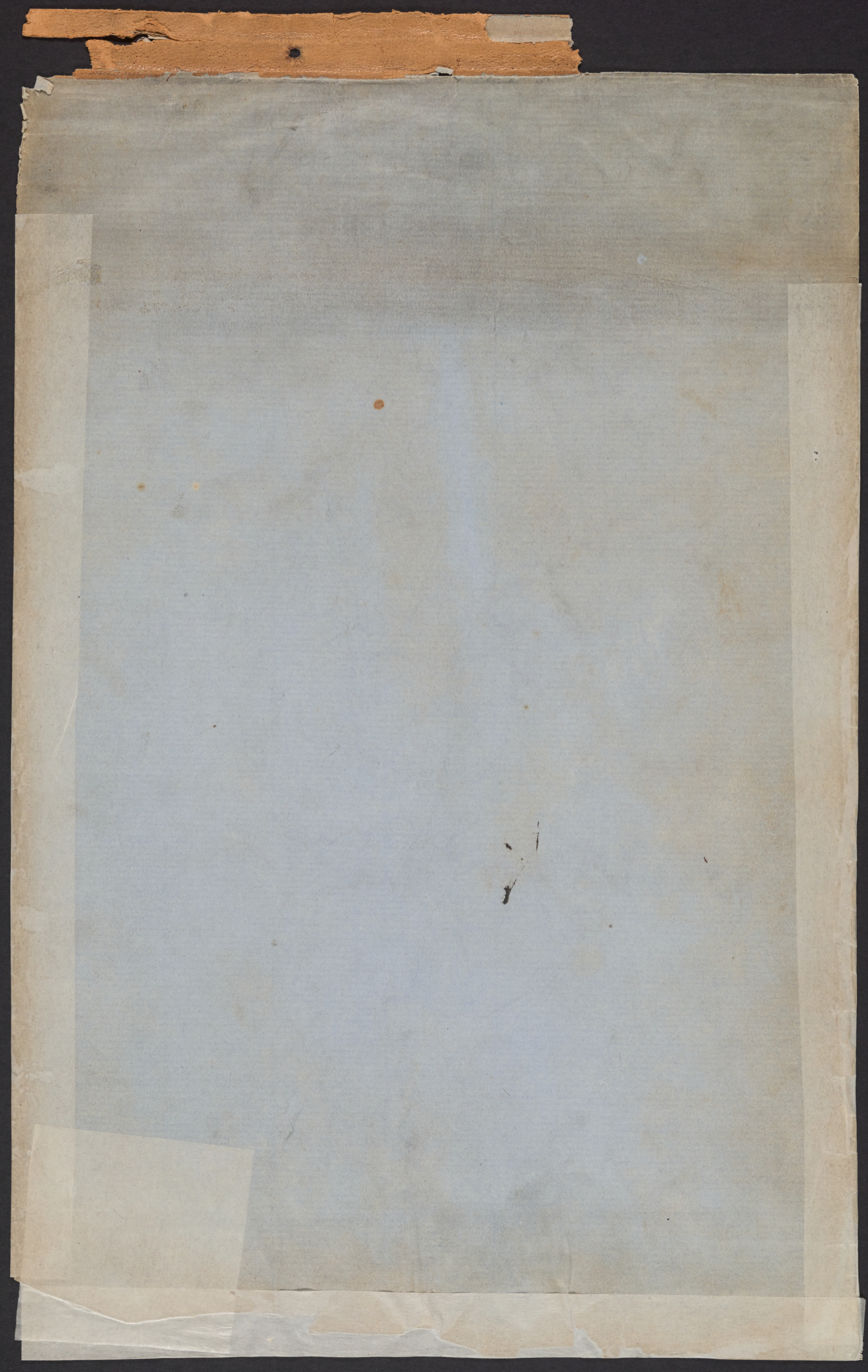
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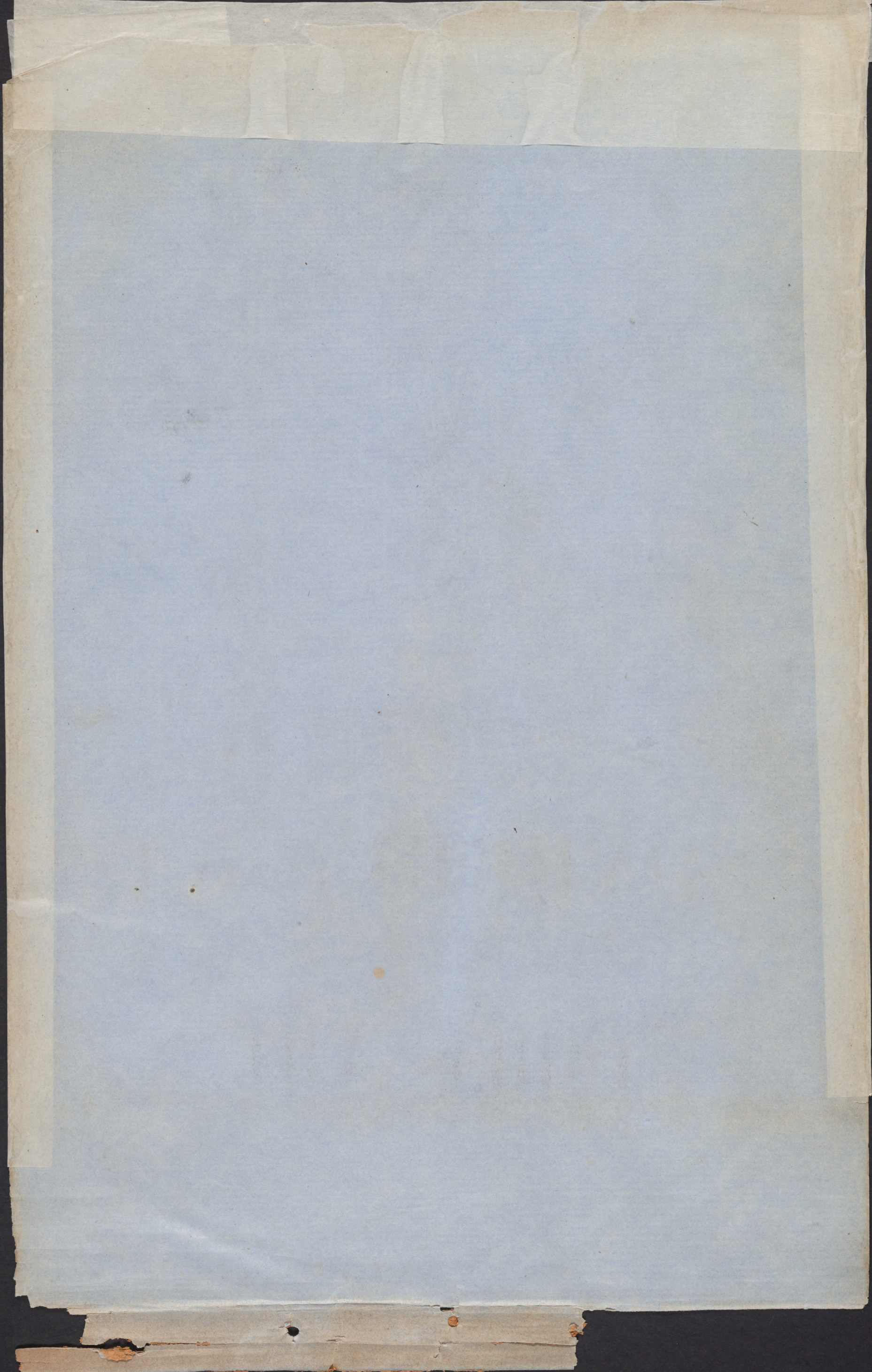
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PERMANENT  
Plover Bond

52% COTTON FIBER

U.S.A.





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PAGE 1

TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 308.

*Antonio Maria Lugo,*

CLAIMANT,

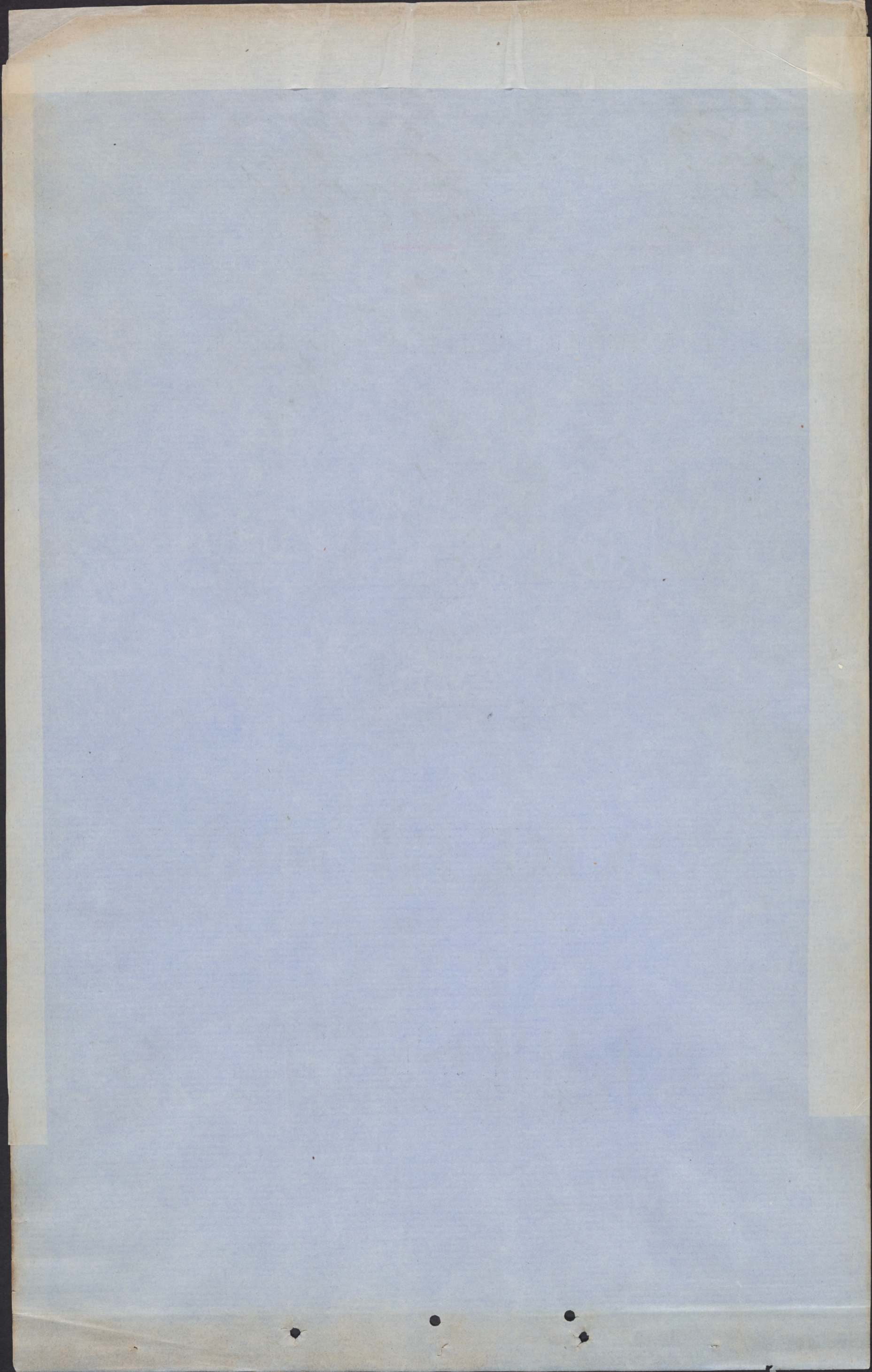
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

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*"San Antonio"*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *Thirty first day of August*, 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 *Antonio Maria Lugo*  
for the Place named  
*"San Antonio"*  
was presented, and ordered to be filed and docketed with No. 308 and is as follows, to wit;

(Vide pages 5 & 6, of this Transcript.)

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

*Los Angeles Sept 1<sup>st</sup> 1852*

In Case No. 308, Antonio Maria Lugo for the place called San Antonio, the Deposition of Santiago Arguello a witness in behalf of the Claimant, taken before Commissioner Hiland Hall, was filed, and is in the words and figures as follows to wit: (Vide pages of this Transcript, 9 & 10.)

In the same Case the Deposition of Abel Steens, a witness in behalf of the Claimant, taken before Hiland Hall was filed, and is in the words and figures as follows to wit: (Vide pages of this Transcript, 7 & 8.)

Los Angeles Sept 27th 1852

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In Case no. 308, Antonio Maria Lugo for the place called San Antonio, the Deposition of Antonio Maria Lugo, the Claimant, a witness in behalf of himself, was taken before Commissioner Harry J. Thornton, was filed and is in the words and figures as follows to wit: (Vide pages of this Transcript, 10 & 11.)

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In the same Case, The Deposition of Felipe Lugo a witness in behalf of the Claimant, taken before Commissioner Harry J. Thornton, was filed and is in the words and figures as follows to wit: (Vide pages of this Transcript, 11 & 12.)

Los Angeles Sept 28th 1852

In Case numbered 308 the Counsel for the Claimant filed the following motion to wit:

Moved, that Case numbered 308 be placed on the Trial Docket which motion was taken under advisement

San Francisco Feb 14th 1853

On motion of the United States Associate Law Agent. Ordered, that the following Case be placed on the Trial Docket to wit:  
No 308 Antonio Maria Lugo



San Francisco Feb. 14<sup>th</sup> 1853

Case no. 308, Antonio Maria Lugo,  
for the place named "San Antonio"  
Called: The Counsel for the Claimant  
Mr. Halleck, read the petition and the  
papers in evidence; the United States  
Appointee Law Agent filed his brief.  
Case submitted and taken under  
advisement by the Board

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San Francisco Feb. 21 1853

In Case No. 308 Antonio Maria  
Lugo, for the place named "San  
Antonio" Commissioner Harry J.  
Thurston delivered the Opinion and  
the Decree of Final Confirmation  
of this Board

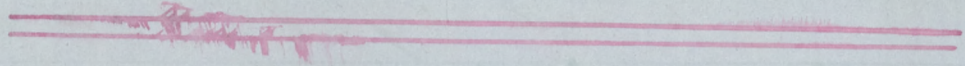
Ordered, that the Opinion and  
the Decree of Final Confirmation of  
this Board delivered this day, in this  
Case, be recorded on the Journal.  
Which Opinion and Decree are in  
the words and figures as follow to wit:  
(Side pages of this Transcript, 49  
50, 51, 52 & 53.)

Friday Oct. 15<sup>th</sup> 1852

4 In Case no. 308 Antonio Maria  
Lugo, for the place named "San  
Antonio" the Deposition of Ygnacio  
del Valle, a witness in behalf of the  
Claimant taken before Commissioner  
Hiland Hall, with Documents marked

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No 1. H. H. and the translation thereof annexed thereto, was filed, and is in the words and figures as follows to wit: (See pages of this Transcript, 12.)



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

Petition.

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PAGE 6

The petitioner, Antonio Maria Lugo, respectfully represents, that in the year 1810, Jose Arguella, Governor of California, by virtue of Authority in him vested, granted to the petitioner a certain tract of land called San Antonio in the new county of Los Angeles; that in the same year he was duly put in possession of said land by the Commissioners of Los Angeles by the direction of the aforesaid Governor; that in the year 1823 the title given to the petitioner by Governor Jose Arguella was submitted to the then Governor and Commandant Don Luis Arguella and by him recognized & confirmed, as shown by the order of said Governor, dated April 1<sup>st</sup> 1823, a translation of which is submitted herewith marked "A";

That in the year 1827, Jose Maria de Echecandia, Governor of California, granted to the petitioner an extension of said Rancho of San Antonio, and the possession of it duly given;

That the aforesaid grants or title <sup>papers</sup> being subsequently lost, the petitioner in the year 1837 applied to the Governor of California for a formal title of the land which he then possessed and certain extensions described and marked out in the map accompanying said petition; that on the 27<sup>th</sup> day of September 1838, Juan B. Alvarado, Governor of California, by virtue of Authority in him vested, granted the said land with the limits and boundaries marked out in said map; all of which is shown by the original expediente, a translation of which with a copy of the Map, is submitted herewith marked "B". The petitioner also submits herewith a copy of the record of Expediente in the Archives under the charge of the Surveyor General marked "C".

And the petitioner further represents that in the month of June 1839, the judicial possession of the said tract of land was duly given and the land duly surveyed according to the usage and Custom of the

Country and the boundaries marked out by the proper Authority, a translation of which record of survey and possession is submitted herewith, marked "D";

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That he has been for some forty years past, and now is, in the quiet and peaceful possession and occupation of the aforesaid tract of land;

That he knows of no conflicting claim;

That he relies for confirmation of title upon the original papers, copies or translations of which are submitted herewith; upon the records and minutes relating thereto in the Archives of the former Governments of California; and upon such other and further proofs as he may be advised are necessary;

Wherefore he prays the Commissioners to confirm to him the said tract of land, as described in the grant and map, and marked out in the judicial survey and possession.

By his Attorneys  
Hallock, Peachy & Billings.

Filed in office Aug. 31<sup>st</sup> 1852.

Geo. Parker

Secy.

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Office of the Board of Commissioners of  
California Land Claims-

Los Angeles Sept. 1. 1852.

Deposition of  
Abel Stearns.

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On this day before Hiland Hall one of the Commission-  
ers for ascertaining & settling private Land Claims in the  
State of California, came Abel Stearns, a witness produced  
in behalf of the Claimant in the petition of Antonio  
Maria Sugo, being no. 308 on the Doctate of the Com-  
missioners & was duly sworn -

The law Agent was notified and attended.

In answer to questions by Mr. Halleck, Counsel  
for the petitioners, the witness testified as follows -

My name is Abel Stearns, I am a good fifty  
four and reside in Los Angeles. I have resided in Cal-  
ifornia over twenty three years - I am acquainted  
with the handwriting and signatures of Juan Luis Abilo,  
Marciso Botella & Ignacio Palermans - I have examined  
their signatures on the last written page of a paper  
marked "A" now before me, and purporting to be a record  
of judicial possession given of the Rancho San Anto-  
nio in 1839, and I have no doubt their said signatures  
are genuine. I have often seen the said persons write, &  
am familiar with their signatures.

I am also acquainted with the hand  
writing & signatures Guillermo Cota, Jose' Perez,  
Vicente Moraga, Felipe Sugo, Jose' Sepulveda, Narciso  
Botella, Francisco Puntazo, Basilio Valdez & Juan  
B. Alvarado - I have examined their signatures on  
the several pages of a paper marked "B" purporting  
to be the original title papers of the petitioners to the  
Rancho San Antonio, and believe the said several sig-  
natures to be genuine. The plan or diagram which  
are attached to said paper "B" & forms a part of it  
was drawn by myself as early as 1837 or 1838 & is as  
I believe the plan referred to in the title papers to  
which is annexed -

I am acquainted with the land  
described in the title & plan, before mentioned, and have

known it ever since the year 1831 when said Lugo was in possession of it & he has continued to occupy it ever since. In 1831 he had some five or six thousand cattle on it, and he has now some ten thousand cattle on it. When I first knew the place there was a house on the land and it was inhabited, other houses have since been built and there are now four or five houses on it. The claimant & his sons reside on the land.

In answer to questions by the Law Agent the witness says: that he believes that the claimant himself or his sons have cultivated a portion of the land every year. There is a vineyard on the land and I have seen grain growing there. I have seen some ten or fifteen acres enclosed - there might have been more. His principal business has been the raising of stock. I think the cattle of the Mision of San Gabriel were on a portion of the land up to the year 1832 or 1833 - I cannot tell how it was previous to 1831 not having been here. The part thus occupied by the Mision might have been half a league or more of the upper part of the land. I think all the land is within ten leagues of the sea coast. I know of no fact or circumstance to impeach the title of the claimant, unless it may arise out of a claim of the city of Los Angeles. I think the land cultivated at any one time could not have exceeded one hundred acres. The cultivation has sometimes between changed from one place to another. All the land which has at any time been under cultivation would not probably exceed five hundred acres.

Abel Stearns

The witness having been further cross examined by the Law Agent testified as follows:-

Of the persons before named to whose signatures I have testified, Juan Luis Abila, Narciso Botella, Felipe Lugo & Basilio Vally are living ~~and reside~~ and reside in the city of Los Angeles - Ignatio Palmonares & Jose Sepulveda are living and are residents of the County of

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Los Angeles - Vincente Moraga I believe is now living in the County of Santa Barbara & Juan B. Alvarado in the County of Contra Costa - The others I believe are deceased.

Abel Stearns

Sworn & Subscribed }  
before me. }  
Melanid Hall }  
Secy. }  
}

Filed in office Sept. 1<sup>st</sup> 1852

Geo. Fisher  
Secy.

Los Angeles Sept. 1<sup>st</sup> 1852

Deposition of  
Santiago Arguello.

On this day before Melanid Hall one of the Commissioners for ascertaining and settling heretofore land Claims in the State of California came Santiago Arguello a Witness produced in the behalf of the Claimant in the petition of Antonio Maria Lopez being No. 308 on the Docket of the Commissioners, and was duly sworn -

The Law Agent was notified & attended. The testimony of the witness was given in the Spanish language & interpreted by the Secretary -

My name is Santiago Arguello, my age is sixty years, I reside on my Rancho near San Diego, in lower California & I have resided in California all my life time.

I am acquainted with the hand writing of Luis Arguello who was my brother - The signature Arguello which appears upon a paper now before me purporting to be a decree in relation to the title of the Claimant dated April 1<sup>st</sup> 1823 at Monterey & marked "C" is his genuine signature.

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In answer to questions by the Law Agent the witness says; that Luis Arguello became Governor the latter part of the year 1822 but he cannot tell the precise time; and he continued to be

11 Govern until the month of November 1825, when  
he was succeeded by José Maria Echeandía.  
S. Argüello.

Subscribed & sworn  
before me.

Wiland Hall

Com<sup>r</sup>

Filed in office Sept. 12<sup>th</sup> 1852.  
Geo. Fisher  
Secy.

Office of the Board of Commissioners  
of California Land Claims -  
Los Angeles Sept. 7<sup>th</sup> 1852.

Deposition of  
Antonio Manáquez.

On this day before Harry J. Thornton one of the  
Commissioners for ascertaining and settling private  
Land Claims in California came Antonio Manáquez  
Lugo, a witness produced in behalf of the claimant  
Antonio Manáquez Lugo whose petition is No. 308 on the  
Docket of the Board & was duly sworn - His evidence  
being given in Spanish was interpreted by the Sec-  
retary. The Law Agent attended.

Answer to questions propounded by Counsel  
for Claimant -

My name is Antonio Manáquez Lugo; I am  
the Claimant in this case to the Rancho of San  
Antonio; my age is 78 years and I am a native  
of California. In the year 1810 being in Santa Bar-  
bara, I received a written decree from Governor Ar-  
guello directing the Comisarios of this Pueblo to put  
me in possession of the Rancho of San Antonio, which  
I now occupy. The said Comisarios, Guillermo  
Cota, together with Francisco Abila, Alcalde, gave  
me a written certificate of said possession. The first  
mentioned paper was given to Governor Solá by me  
somewhere about the year 1816 on account of a dispute  
between me and the Pueblo de Los Angeles. Governor Solá  
either lost the said paper or neglected to return it,  
and I have never seen it since. About the year



11

1831 in the time of Governor Victoria I directed my son Felipe to loan the second of the aforementioned papers to Antonio Ygnacio Abila: I understood from my son that he had so lent the paper which has never been returned and is believed to be lost as said Abila cannot remember what became of it.

Antonio Maria + Sugo \*

The above affidavit was sworn to & the affiant made his mark or cross in my presence this 7<sup>th</sup> of Sept. 1852.

Harry J. Thornton  
Commissioner

Filed in office Sept. 7<sup>th</sup> 1852  
Geo. Fisk

Seig.

Office of the Board of Commissioners  
of California Land Claims -

In Angeles Sept. 7<sup>th</sup> 1852.

Deposition of  
Felipe Sugo

On this day before Harry J. Thornton one of the Commissioners for ascertaining and settling private Land Claims in California, came Felipe Sugo, a witness produced in behalf of Claimant Antonio M<sup>o</sup> Sugo whose petition is No. 308 on the Docket of the Board, and was duly sworn. His evidence being given in Spanish was interpreted by the Secretary.

The Law Agent attended.

Answer to questions propounded by Claimant.

My name is Felipe Sugo; my age is 47 years; I was born in California and reside in the County of Los Angeles. About the year 1831, in the time of Governor Victoria, by order of my father, Antonio Maria Sugo, the Claimant in this case, I delivered to Antonio Ygnacio Abila a paper called a certificate of <sup>the</sup> possession and boundaries of the Rancho of San Antonio in this County. I have often asked said Abila for said paper, but he says he has no recollection what has become of it, and I believe has lost it. Said Abila is a very old man and has mostly lost his memory.

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Before giving this paper to said Abila I had often seen it in the possession of my father, and always understood it to be the ancient possession of his said Rancho of San Antonio. I never read the paper nor heard it read, but I understood from my brother at the time that it was the ancient possession aforesaid.

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The Law Agent being present. } Felipe Lugo  
The above sworn to & subscribed }  
before me at Los Angeles 7<sup>th</sup> Sept }  
1852. }

Wm J. Hunter  
Comm<sup>r</sup>

Filed in office Sept 7<sup>th</sup> 1852

Geo. Fisher, Secy.

Office of the U. S. Land Commission  
Los Angeles Oct. 15<sup>th</sup> 1852.

Affidavit of  
Ygnacio del Valle

On this day before Wiland Hall one of the Commissioners for ascertaining and settling private land claims in California, came Ygnacio del Valle, a witness produced in behalf of the Claimants Jose del Carmen Lugo et al whose petition is No. 316 on the docket of the Board, and was duly sworn. His evidence being in the Spanish language was interpreted by the Secretary. The associate Law Agent was notified and attended.

1<sup>st</sup> question - What is your name, age & place of residence?

Ans. My name is Ygnacio del Valle; my age is 44 years; reside in Los Angeles and have resided in California 27 years.

2<sup>d</sup> question - Say if you know the signature of Juan B. Alvarado, if his signature to the document before you marked No. 1. N. N. is genuine, & and if the document is genuine?

Ans. I am acquainted with the signature of Juan B. Alvarado; his signature to this document is genuine, and the document itself is to the best of my knowledge & belief, also genuine.

Sworn & subscribed before me } Ygnacio del Valle  
Wiland Hall }

Comm<sup>r</sup> } Filed in office Oct. 15 1852  
Geo. Fisher Secy.

Monserey. 1<sup>o</sup> de  
abril de 1823.

En vista de esta  
representacion y papel  
y lo acompaño, con  
cauque pendamos  
ha abrado el Ayuntamiento  
amiente del pueblo  
estaba todo justico  
q. lo hago responsable  
de las Parias y papas  
cias q. lo le pareen  
el Demandante por  
reclamante de este  
virtuo legitimamente  
el terreno q. lo tenia  
hace el tiempo de  
13 años y por tanto  
no se le podria embargar  
alguno, en la fomentacion  
del ditto del Antonio  
a donde tiene las ganaderias  
puerta y deudas de  
puerta y corrales, y en obsequio  
y fomentacion de aquellas  
al mismo tiempo en  
tierras, agregandose que desde  
q. tome  
argo al ditto Ayuntamiento  
posesion de ellos hasta el  
tpto. presente  
amiente se abstenga  
en casos semejantes  
a este sin mi consentimiento.  
-miente.

Arguello.

Al Jefe Superior Político.

Dn. Ant<sup>o</sup> No<sup>o</sup> Lugo, Vecino de este Pueblo  
De nuestra Señora de los Angeles en pro  
de la Alta California ante V. S. se  
presente por medio del dho. Ayuntamiento  
de quedar total<sup>mente</sup> satisfecho con la resolucion  
de V. S. que despues de oír mis esposiciones  
se servia extender a continuacion de q. d.  
En el año de 1810 se digno el Señor  
Dn. José Arguello, concedir me la posesion  
de un rancho citio, en las inmediaciones  
del pueblo de mi residencia, previan  
tantas las circunstancias q. preceden a  
una concesion igual como lo demuestra  
el Documento q. acompaño y parciendo  
tanto a la vista del pueblo como  
a las perjuicias que a mi se hacen  
de dicho pueblo haze  
el Decreto a mi favor que  
ordenandome  
quitaré mis  
puerta y deudas de  
puerta y corrales, y en obsequio  
y fomentacion de aquellas  
tierras, agregandose que desde  
q. tome  
posesion de ellos hasta el  
tpto. presente  
no habiendo precisado  
interupcion  
favorese  
la ley 2<sup>a</sup> del tit. 23. lib. 4.<sup>o</sup> de la recopilacion  
ya la letra dice; quando alguno despoja  
a otro de la posesion q. tuviere prohibiendole  
su autoridad acon<sup>de</sup> de Juez no ser  
estado hoydo y vuelto por Derecho  
aunque sea en virtud de recubito  
del principe luego el del pasado a de  
ser restituido del despojo y citio, sin que  
antes de la restitucion se ayga al  
despasado quien deve restituido legiman-  
-ente las perjuicias y ajautos por. esta  
Ley. Señor, agregan los servicios  
tan sabidos y en diferentes estilos he

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PAGE

C. Ant<sup>o</sup> No<sup>o</sup> Lugo.  
San Ant<sup>o</sup>

che' como en este pais principalmente Los Indios De Camp-  
 aña en posesion de las Indias, matanzas q. a mi cuenta  
 y en mis caballos tengo echos con el teniente Dn Gabriel  
 15 Moraga, mas de medio año y estos tratajamos  
 pacíficamente con mi disposicion y bienes en la nueva  
 iglesia de este pueblo y por ultimo como vees q. he  
 salido de Alcalde, las q. daran a entender las opiniones  
 de mi conducta entre los moradores de repetido  
 pueblo. Por lo q. restitutamente pido y suplico se dignen  
 aplicar todas las perfecciones de q. esta ordenada por  
 justicia en favor de lo solicitado. Dize Reconocido.

Monterrey. Marzo 31 de 1823.  
 Ant<sup>o</sup> M<sup>o</sup> ~~de~~ Lugo.

Filed in office Sep. 1<sup>st</sup> 1852.

Geo. Fisher, Secretary.

Document C. annexed to Deposition of S. Aguella before  
 H. Hall. Commis<sup>r</sup>. San Antonio.

Ant<sup>o</sup> M<sup>o</sup> Lugo.

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To the Governor.

A  
Translation of Gov.  
Arguella's order.

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Don Antonio Maria Lugo, resident of the Pueblo of Nuestra Señora de los Angeles in this province of upper California, before your Excellency presents himself by means of the following petition, to the end that he may remain entirely satisfied with your Excellency's decision which you will have the goodness to make out in continuation of this, after looking over my exposition.

In the year 1811 the Senor, Captain Don Jose Arguella was pleased, to grant me the possession of a small place in the neighborhood of the Pueblo of my residence, all the steps being previously taken which precede similar <sup>grants</sup> as is shown by the document which I transmit herewith, and it appearing proper as well to the view of the Pueblo as to the prejudices which follow me, that the Ayuntamiento of said Pueblo should have disregarded the decree in my favor which the said document bears: ordering me without other appeal to take away my corral, garden, and other labor for the improvement and encouragement of those lands: adding to this that since, I took possession of them until the present time they had made no interruption or claim a great requisite which is favored by the law 2 title 13 Book 4 of the Recopilacion which says literally: "when any one shall eject another from the possession which he may have, whether surreptitiously of his own authority, or by that of a Magistrate without being summoned, heard and tried by law, although it be in virtue of a rescript of the Prince the person ejected shall be immediately restored to the property and this without the ejector being heard before restitution who ought surely to make good the damage and losses".

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To this wise law, Sir, are added the well known services which I have rendered in this country in different manners; firstly, two Campaigns in the pursuit of the hostile Indians, which I have made with Lieutenant Don Gabriel Moraga at my own cost and on my own horses: - more than half a year which I was laboring personally with my labor and property on the new church

of this Pueblo: - and lastly five times I have been elected Alcalde, which shows the opinion of my conduct among the residents of the Pueblo aforesaid:

Wherefore I earnestly pray and beseech Your Excellency to have the goodness to apply all the protections with which your strict justice is adorned in favor of that solicited - for which I will remain grateful.

Monterey March 31<sup>st</sup> 1823

(Signed) Antonio Maria Lugo.

(Marginal order on the above)

Monterey April 1<sup>st</sup> 1823. In view of this representation and the paper which accompanies it, I do not know with what foundation the Ayuntamiento of the Pueblo has acted against all justice, and I make it responsible for the damages and injuries which may come upon the complainant according to his claim: for this individual possesses legitimately the land which was marked out for him thirteen years ago; and therefore he will not be impeded in any manner in the improvement of the place of San Antonio, where he has his cattle, garden and corral; and at the same time I charge the aforesaid Ayuntamiento to abstain in cases similar to this without my knowledge.

(Signed) Argüelles.

I Certify the foregoing to be a true and correct Translation from the original Spanish Document on file in this office in case No. 308 Antonio M<sup>o</sup> Lugo

Geo. Fisher

Secy.

Filed in office Aug 31<sup>st</sup> 1852.

Geo. Fisher

Secy.

17) Sumaria (300)  
50-51 o lras -  
See 1st copy

Case (308) - Duplicate

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PAGE

Document  
B.

Digo yo Guillermo Cota, q. allandose me se comisionado en esta Ciudad en el año de 1810 tuve orden del Sr. Dn José Argüello, Gobernador interino en aquel tiempo, para dar posesion de un sitio o terreno para cria de ganado Mayor à D<sup>o</sup> Antonio M<sup>o</sup> Lugo y lo realique en el llamado S<sup>o</sup> Antonio, y teniendo rio arriba del de S<sup>o</sup> Gabriel, depuse por lindero el corral de las bodegas inmediato al paraje nombrado y juré de allí en demanda de esta fincion hasta unos albas viecos que hay, y de estos alaguaje del Arrenal; y de allí hasta el fuente del Corral hiejo lindando con el rio ya dicho, todo fue pago la utiligeencia de que no perjudicaria a ningun individuo de esta Ciudad, y a pedimento del interesado Doy esta en la Ciudad de los Angeles, Aug. à 18. de Mayo de 1837.

Guillermo Cota.

Digo yo Guillermo Cota q. siendo Alcalde en esta Ciudad el año de 1827 por orden del Sr. Comandante Gnral. D<sup>o</sup> José Maria de Sotomayor se le amplio el sitio à D<sup>o</sup> Antonio M<sup>o</sup> Lugo y fue desde las ultimas y tiene por linderos hasta la puente de la mesa.

Augl. Marzo 18 de 1837.

Guillermo Cota.

Pueblo de los Angeles  
Abril. 11 - 1836.

M. J. Ayuntamiento.

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En sesion de 17 El Ciudadano Ant<sup>o</sup> M<sup>o</sup> Lugo venio de derecho acudo este pueblo ante V. S. con el respeto de S<sup>o</sup> M<sup>o</sup> Ayuntamiento solo se presenta y dice; q. teniendo el p. se presento ya un residuo numero de ganado Mayor al interesado el q. no tiene suficiente pa su fomento terreno q. solicita el terreno en q. se halla, pide à V. S. por tener algunos tenga a bien ampliarle este, por el motivo p. q. se rumbo este desde el Destamadero conecola esta gm de la cañada de las ultimas hasta el crã, entre tanto camino principal y riega del rio de S<sup>o</sup> Santa diputacion Gabriel lo q. en esta estension comprenda.

territorial de unirse á las ejotas del pueblo. Por tanto. M. S. lo conveniente sobre suplico se sirva acceder á la gracia q. esta clase de terrenos se le cita protestando no ser de utilidad por ser perteneciente y lo necesario de ser servido de tambien á las ejotas de esta vecindad este en papel comun por un pueblo, Debeno haberlo en el lugar de ningun otro. quedar entendiado

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Pueblo de Las Angles. Sep<sup>bre</sup>. de 1833.

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el agraciado q. por ningun motivo permitira el que se perjudiquen las bienes y demas propiedades de la Comunidad de este lugar. El otalale Constitucional de dho pueblo asi lo firmo con el seal respectivo.

Ant<sup>o</sup> M<sup>o</sup> Lugar.

José Pérez  
Vicente Monagn.  
Jur

Sto. Domingo. Mayo 7. de 1834.

Exmo Sr Gobernador.

Informe el 1. de Agosto  
avisado de la Ciudad Antonio M<sup>o</sup> Lugar vecino de esta Ciudad de las chagelas de el dho ante la autoridad de V. E. conforme esado en esta ciudad a Derecho, Comparesco y Lugar; y teniendo presente todas las requisitas numero constante de ganado vacuno legal para una como y Caballada suficiente p<sup>o</sup> poblar ocurrido en su solicitud sitios q. provisionalmente tengo tu. Si el terreno q. concedidas, como consta de las he documentos presentados es valido y se q. comprende el adjunto Expediente. puede adjudicarse luego en suplicar á V. E. se sirviese de le en colonizacion forme la correspondiente posesion y comparece á la ley. Documento q. me sirva de titulo. Inmediato estas cosas los terrenos q. poseo y los q. actualmente ocupo volviendo a pedir la posesion con las q. manifestada Expediente al Excmo. el Deseo q. en la misma comparece lo pa resolucion. faja 1<sup>a</sup> del Catastro Expediente.

Alvarado. Dispensar me el uso del papel comun por no haber del q. correspondiente.

Angles. Abul. 26 de 1834.

Por mi Sr Padre  
Felipe Lugar.



9  
19

Angeles Mayo 20 de 1837.

Leudo cuenta al Sr Ayuntamiento de esta Ciudad en  
sesion de hoy con este Expediente, a cordé pasara a la  
comision de terrenos baldios pa q. practusen el informe  
q. se pide

José Sepulveda.  
asta.

Narciso Botello.  
Srío.

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PAGE 20

1. Ayuntamiento.

La comision encargada de abrir el retanero en el  
Expediente q. D<sup>o</sup> Antonio M<sup>o</sup> Lugo sobre posesion  
de terrenos ha examinado los puntos a q. se contiene  
la consult<sup>a</sup> que se le ha comprado y por conclusion  
pone al conocimiento del Ayuntamiento el articulo sig-  
uiente.

„ D<sup>o</sup> Antonio M<sup>o</sup> Lugo Ciudad<sup>o</sup> Mexicano, viudo  
y padre de familia con las bienes suficientes para pagar  
los terrenos q. ocupa los cuales son de regadia temp-  
oral y abieradeno y se hablan situados como a regua  
y media de esta Ciudad, y concidera q. no hay abt-  
aculo ninguno para q. se conscata al solicitante la  
posesion q. pretende.

Aug<sup>o</sup> Mayo 20 de 1837.

Francisco Pantoja.

Basilio Soltero.

Acto Si = La comision opino como conveniente  
pa las intereradas en esta instancia de les previene  
por el ayunt<sup>o</sup> q. no estorbasen ni impidieren el trun-  
cto de las Gaunatos y caballada de los vecinos  
de esta Ciudad. en razon de la jurisdiccion que hay  
en aquellas terrenos.

Angeles. Mayo 20 de 1837.

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Habiendose Leudo cuenta en el presente Expediente  
al Ayuntamiento, se apravo en todas sus partes  
el articulo q. propone la comision referente al terreno  
q. solicita en posesion D<sup>o</sup> Ant<sup>o</sup> M<sup>o</sup> Lugo el q. D<sup>o</sup> Lando  
Ciudad<sup>o</sup> Mexicano, viudo y padre de familia tiene  
ademas las bienes suficientes para mantener

y peltar las terrenos q. posee las quales despues de ser  
valdidos no corresponden a propiedad de ninguna  
individual, communal, ni particular alguna.

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José Sepulveda. Adu.

Baruto Botello.

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Santa Barbara. Sep. 27. de 1838.

Vista la peticion con que dá principio este expediente  
el Informe el S. Ayuntamiento de la Ciudad de las  
Stagelas con todo lo Demos q. de todo presentes y no  
convenio de conformidad con leyes y reglamentos de  
la materia, se Declara a D<sup>n</sup> Morin Hugo Duero  
en propiedad del terreno conocido con el nombre  
de Antonio incluso las ampliaciones echas,  
segun consta por las Documentas q. acompaña  
y se demarcan en el Dicho adjunto, en concepto  
de que quedará sujeto a pagar el censo anual  
q. se le impanga, por la parte q. resultare perteneciente  
a las epidias de la Ciudad. Librese el Despacho  
conespondiente, tomese razon en el libro q. corresponde  
y Dirijase este Expediente a la Santa Santa Dipu-  
tacion para su apravacion. Asi yo el C. Juan M.  
Alvarado, Jefe Politico, Interino, lo mande Dado  
y firmo.

Alvarado.

Aa Barbara. — Sepbre 27. de 1838.

En la misma ptra presente D<sup>n</sup> Felipe Lugo apod-  
erado por la parte D<sup>n</sup> Antonio Lugo, se le hizo  
saber el Decreto q. antecede y Digo quedaba conforme  
y lo firmo.

Auy. N.º 13 de 1838. Felipe Lugo.

A pedimento Del interesado S. Ant<sup>o</sup> M<sup>o</sup> Lugo se le entrego  
en esta fecha el Expediente compuesto de seis fojas white, incluso  
el Dicho pu. hacer el uso correspondiente al solicitante superior  
del terreno q. solicita "Alvarado". P. L. N.º 13 de 1838.

Jos. Peltar. Adu.

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B  
Translation of  
Expediente.

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J. Guillermo Cota, say: that being Commissions in this city in the year 1810, I received order from Señor Don José Arguello (at that time Governor and Intendant) to give possession of a land or place for raising large cattle to Don Antonio Maria Lugo, and I did so in that called San Antonio; and going up the river San Gabriel, the boundary was taken at the Sheep pen (corral de las buegas) near the place named Juyare; thence towards this town, as far as some Sycamores, the only ones there are; and from these to the spring of the Arrenal; thence to the front of the old Corral, boundary with the river aforesaid - All this was with the understanding that he should not injure any individual of this City; and at the request of the person interested I give this in the City of Los Angeles on the 18<sup>th</sup> of March 1837.

(Signed) Guillermo Cota

J. Guillermo Cota, say that in the year 1827, I being Alcalde of this city, by order of the Señor Comandante General, Don José Maria de Echandía, the place of Don Antonio Maria Lugo was enlarged, and it was from the Sycamores which he has for a boundary to the point of the "Aliso".

Los Angeles March 18<sup>th</sup> 1837

(Signed) Guillermo Cota.

To The Most Illustrious Ayuntamiento,  
Citizen  
Antonio Maria Lugo, a resident of this Pueblo, before your Honor with due respect presents himself and states; that having now a great number of black cattle, and the land on which they are not being sufficient for their increase, he prays your Honor will please extend it for him on the East from the narrow outlet (redamaden) of the Alister-lie valley, (de los Aliso) to the main road and to the plain of the river San Gabriel, which to this extent includes the Commons of the Pueblo. Wherefore he prays your Honorable

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body to have the goodness to grant him the favor which he solicits, protesting that it is not done with evil intent and whatever else may be necessary &c, having the goodness to receive this on common paper, there being none of any <sup>Stamp</sup> in the place.

Pueblo of Los Angeles Sept. 6. 1833.

(Sgd) Antonio Maria Lugo.

Pueblo of Los Angeles Apl. 14. 1834

In the session of the 17<sup>th</sup> of March, this Illustrious Ayuntamiento resolved that the land, which the party interested solicits, should be lent to him as he has some merits to have this favor granted to him, while the Most Excellent Territorial Deputation may determine what may be deemed proper relative to this sort of lands, as they belong to the Commons of this Pueblo; the grantee should be made to understand that he shall on no account <sup>Consigne</sup> the cattle and other property of the Community of this place to be injured. The Constitutional Alcalde of said Pueblo thus signed this with the respective Secretary.

(Sgd) José Perez.

(Sgd) Vincente Moraga,  
Secretary.

To His Excellency the Governor-

J. Antonio Maria Lugo, resident of this City, before Your Excellency's authority in conformity with law, appear and say: that having a sufficient number of neat cattle and horses to stock the places which I have had provisionally granted to me, as appears by the three decrements contained in the annexed expedient, I come to request Your Excellency to have the goodness to grant me the corresponding possession and decrements which may serve me for a title. The lands which I possess, & of which I now ask the possession are those shown by the map, which sheet forms the first leaf of this expedient referred to. I also hope that Your Excellency

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will have the goodness to excuse me for using common paper, there being none of the corresponding stamp.

Angeles April 26<sup>th</sup> 1837.

For my father  
(Sgd) Felipe Lugo.

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Santa Barbara May 9<sup>th</sup> 1837.

Let the illustrious Ayuntamiento of the City of Los Angeles report whether the person interested in this petition proposes all the legal requisites to be attended to in his request, whether the land which he petitions for is vacant, and whether it can be granted in colonization in conformity with the law. These reports being finished, it will return the expediente to the Government for its decision.

(Sgd) Alvarado.

Angeles May 20<sup>th</sup> 1837.

This expediente having been reported to the Illustrious Ayuntamiento of this City in session of this day, it was resolved that it hap to the Committee on vacant lands, that it may make the required report.

(Sgd) Jose' Sepulveda.

(Signed) Narciso Botella President  
Secty.

Very Illustrious Ayuntamiento -

The committee

charged with reporting upon the expediente which Don Antonio Maria Lugo makes relative to possession of lands, has Examined the points to which the request referred to it is confined, and in conclusion reports for the information of the Ayuntamiento the following Article, viz-

"Don Antonio Maria Lugo is a Mexican Citizen, a widower and head of a family, with a sufficient number of Cattle to stock the lands he occupies, which are irrigable, dependant on the seasons, and pasture lands, and are situated about a league and a half from this city, and (the Committee) thinks there is no

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impediment to the possession asked for being granted to the petitioners.

Los Angeles May 20<sup>th</sup> 1837.

(Signed) Francisco Pantoja

(Signed) Basilio Valdez;

P. S. The committee thinks that it is proper the persons interested in this petition should be notified by the Ayuntamiento that they cannot disturb or hinder the transit of the Cattle and horses of the residents of this City, on account of the proximity of those lands.

Rubric.

Rubric.

Los Angeles May 20<sup>th</sup> 1837.

The present expediente having been reported to the Illustris Ayuntamiento it approved it in all its parts the article which the Committee proposed, referring to the land solicited in possession by Don Antonio Maria Lugo, who, being a Mexican citizen, a widower, and the head of a family, has moreover sufficient Cattle to keep and stock the lands which he possesses, the which, beside being vacant, do not belong to any community or individual.

(Signed) Jose Supulveda

Anciano Batella

President

Secy.

Santa Barbara Sept. 27<sup>th</sup> 1838.

Having seen the petition with which this expediente commences, the report of the Illustris Ayuntamiento of the City of Los Angeles, with all the rest which was represented and proper to be considered, in conformity with the laws and regulations on the matter, Don Antonio Maria Lugo is declared owner in fee of the land, known by the name of San Antonio, including the extensions which have been granted, as shown by the documents which he transmits and which are marked on the annexed map, with the understanding that he will remain subject to pay such sum

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annually as may be imposed on him for that part  
which may result to pertain to the Common Lands  
of the City. Let the corresponding title be issued; let  
note be made in the corresponding book, and let this  
expediente be directed to the Most Excellent Deputation for  
its approval. Thus I, Citizen Juan B. Alvarado, Governor  
ad interim, ordered, decreed, and signed

(Signed) Alvarado. X

Santa Barbara Sept. 27<sup>th</sup> 1838

On the same date, present Don Felipe Lugo, attor-  
ney in fact for his father Don Antonio Maria, he was  
informed of the foregoing decree and he said that  
he agreed to it and signed.

(Signed) Felipe Lugo.

Angels November 13<sup>th</sup> 1838.

At the request of the person interested, Don  
Antonio Maria Lugo, the expediente was on this date  
delivered to him, comprised of six written leaves, including  
the map, that he might make the proper use of it  
on soliciting the possession of the land he petitioned  
for.

"nube & vecinos" }  
erased }  
}

(Signed) Alvarado

I certify the foregoing to be a true and correct  
translation from the original Spanish document  
on file in this office in Case No. 308, Antonio M<sup>o</sup>  
Lugo.

Geo. Fisher  
Secy.

Filed in office Aug 31<sup>st</sup> 1852

Geo. Fisher  
Secy.

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1900  
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Document.  
N<sup>o</sup> 1.

San Antonio.

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El Ciudadano, Juan B. Alvarado, Jefe Político interino de la Alta California.

Por cuanto el Ciudadano, Ant<sup>o</sup> Maria Lugo ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de San Antonio incluso las ampliaciones hechas, segun cuenta por las Demarcaciones q. acompaño y se Demarcaran en el Diccionario de su Soberanía practicadas previamente las diligencias y averiguaciones convenientes segun lo Dispuesto por las leyes y reglamentos de la materia, usando de las facultades q. me son conferidas a nombre de la Nacion Mexicana, he resuelto en concederle el terreno mencionado, declarandole la propiedad de el por las presentes letras, entendiendose esta concesion, con entera conformidad a las leyes, y a reserva de la aprobacion o Desaprobacion de la Exma Junta Departamental, y bajo las condiciones siguientes.

1<sup>o</sup> El agraciado ni sus herederos podran Redimir ni enajenar el q. se les adjudica, ni poner Causa, ni Causa fianza, hipoteca ni otro gravamen aunque sea por Causa piedadosa, ni pasarlo a otras muertes.

2<sup>o</sup> Podra llevarlo sin pagar las tercias, censuras y servidumbres; lo Disputara libre y esclusivamente beneficiandolo al cultivo que mas le acomode.

3<sup>o</sup> Solicitara Del Juez respectivo le De la posesion judicial en virtud de este Despacho por el cual se Demarcaran los linderos y pondran sus mojones.

4<sup>o</sup> El terreno de q. se hace Donacion es el que se espuso en esta Soberanía del interesado y se Demarcará en el Diccionario y el Juez q. lo posesione pasara a cargo a este Gobierno, Del numero de Sitios q. comprende.

5<sup>o</sup> Quedara sujeto a pagar el sueldo anual q. se le imponga por la parte q. resultase pertenecer a las egidas de la Ciudad.

En consecuencia mandado q. se le entregue el presente y se le entregue por firme y valedero, se tome razon en el libro q. corresponde y se entregue al interesado para su resguardo y Demas fines convenientes. Dado

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en Sta. Barbara a veinte y siete de Septiembre de mil  
ochocientos treinta y ocho.

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Juan Ob. Alvarado.

Don Ant<sup>o</sup> M<sup>o</sup> Lugo. p<sup>mo</sup>

Filed in Office Oct. 13<sup>th</sup> 1852.

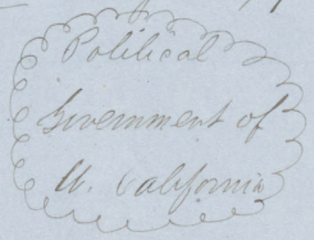
Geo. Fisher  
Secretary.

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Translation  
of Title.

Citizen Juan B. Alvarado, Political Chief, ad  
interim of upper California.



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Whereas Citizen Antonio Maria Lugo has, for his own personal benefit and that of his family, petitioned for the land known by the name of San Antonio, including the extensions made, as appears by the documents which he transmitted, and as marked out on the map of his petition; the proper measures being previously taken as required by laws and regulations on the matter, using the powers which are conferred on me, in the name of the Mexican Nation, I have granted him the aforesaid land, declaring to him the ownership of it by these presents; said grant being understood to be in entire conformity with the laws, subject to the approval or disapproval of the Most Excellent Departmental Junta, and under the following conditions;

N. N. No. 1

1<sup>st</sup> Neither the grantees nor his heirs can divide nor alienate that which is granted to them, subject it to any tax, entail, pledge mortgage, or other incumbrance, even for pious purposes, or convey it in mortmain.

2<sup>nd</sup> He may enclose it without prejudice to the crops, roads, and servitudes; he will enjoy it freely and exclusively, making such use or cultivation of it as may suit him.

3<sup>d</sup> He will request the proper magistrate to give him the judicial possession in virtue of this patent, by whom the boundaries will be marked out, and he will place the bounds.

4<sup>th</sup> The land of which donation is made is that which is described in the petition of the person interested, and marked out on the map; the magistrate who may put him in possession will advise this government of the number of square leagues it contains.

BYCE

5<sup>th</sup> He will remain subject to pay the annual tax which may be imposed on him for the part which may prove to belong to the common lands of the city.

In consequence of order that the present (document) serving him for a title, and being held as firm and valid, note be made of it in the corresponding book, and it be delivered to the person interested for his security and other convenient purposes.

Given in Santa Barbara on the twenty seventh of September, one thousand eight hundred and thirty eight.

(Signed) Juan B. Alvarado.

I certify the foregoing to be a true and correct translation from the original Spanish document on file in this office in case No. 308 Antonio Maria Lugo.

Geo. Fisher  
Sec.

Filed in office Oct. 15<sup>th</sup> 1852

Geo. Fisher  
Sec.

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Testimonio. Del Expediente  
De posesion Santa en favor de D<sup>o</sup> Justo M<sup>o</sup> Lugo.  
Del litis llamado J<sup>o</sup> Antonio con sus ampliaciones  
Consigno a esta Ciudad.

Año de 1839.

A. n<sup>o</sup> 308.  
Aut<sup>o</sup> M<sup>o</sup> Lugo.  
San Antonio.

Stamped text, partially illegible, possibly containing a date or official mark.

En la Ciudad de los Angeles Del Departamento De California a las veinte y cinco dias del mes de Junio de mil ochocientos treinta y nueve, a nombre de la Sobriedad Del Ciudadano Antonio M<sup>o</sup> Lugo, y orden del Sr. Jefe de este Distrito, de esta fecha apruebo que se le de la correspondiente posesion al sup<sup>o</sup> a cargo Sr. Lugo, Del Cito y Francho llamado Sr. Antonio q. tiene actualmente ocupado en sus tierras de campo y de riego amplias, conserido p<sup>o</sup> el Excmo. Sr. Gobernador de este Departamento, cuyo titulo e' Despacho, expedido Original y Dico no se presento el interesado, ni este Juzgado. Para se por mi y mis testigos de asistencia al expediente cito, y procedase a dar la posesion indicada, previa citacion de los dueños, arreglados para ello al Dico y titulo referido y de esta ref. conferido por el Gobierno Departamental con fecha veinte y siete de Setiembre Del año proximo pasado.

El Ciudadano Juanano Arda, Regidor Del ille Ayuntamiento de esta referida Ciudad y Jefe de la causa por ausencia Del Sr. Alcalde 1<sup>o</sup> asi lo provey, mande y firmo con las mencionadas testigos de mi casa, en esta papel como por no haber del sellado respectivo. Day. fee. Juanano Arda. - Narcissa Botello. - Ignacio Palomares. ota.

En el mismo dia, mes y año, el Jefe en turno q. suscribe pase oficio al Sr. Administrador De la mision de Sr. Gabriel, a Don Manuel Dominguez, a Don Anastasio Arda y a Don Jose Serrano, como Coluductes, punto de Sr. Antonio manifestar les el objeto a q. me dirige al punto de Sr. Antonio, pues que he de ir a recibir lo y poner en posesion de el a Don Antonio Maria Lugo, lo que por su diligencia q. autorizo y firmo con las testigos de mi asistencia segun dho. Day. fee. Juanano Arda. Narcissa Botello - ota. Ignacio Palomares.

En el Rancho de Sr. Antonio a veinte y seis de mil ochocientos treinta y nueve, y el propio

Inez para la practica de estas diligencias, nombre de  
 oficio las Cordeleras que por no saber firmar se omiten  
 sus nombres a quienes les hizo saber su nombramiento  
 que aceptaron bajo de Juramento y otorgaron ofe-  
 -ciendo Descargos fielmente de su cargo, lo que  
 autorizo y firmo con los testigos de mi asistencia Segn.  
 Dicho. - Juanario Avila - asno. Narciso Botello.  
 asno. Ignacia Palomares.

En el mismo dia, mes y año estando en la  
 orilla del paraton Del Rio de esta Ciudad, y como  
 Docientas Varas arriba de la casa en q. habita Don  
 José Maria Lugo, en el punto llamado la mesa  
 a efecto de verificar las reventadas y posesiones q.  
 corresponden al Señor Intendente Sr. Lugo del  
 Cito llamado Sr. Antonio, previas todas las requi-  
 -sitas de ley, y estando ante mi los testigos de esta  
 y las oficiales Cordeleras, hice medir un corral que  
 contenia cien Varas, y habido a sus extremos unos  
 sacos de madera, por observacion y calculo con  
 el Dicho a la vista, por mi disposicion, se tiro el corral a  
 la orilla de dicho paraton en el cual se fizo por me-  
 -dida una cabeza de rez, dando este cuatro grados  
 al Norte, se medieron y contaron cuatro mil ochocien-  
 -tas Varas hasta el punto, donde forman Cruz  
 las Caminos de esta Ciudad a Santa Teresitas  
 y de San Gabriel al puente de San Pedro, cuyo  
 punto se marcó por mohouera y en el q. compare-  
 -cieron presentes los Señores Don Juan Bandine  
 Administrador de San Gabriel y José Soriano, los q.  
 no habiendo manifestado excepciones ni quejas que  
 suspendiesen las medidas, les dije que continuaba  
 a ellas. De allí se tiro el corral rumbo Norte  
 treinta y Dos Grados al Este, y se medieron y  
 contaron cinco mil Docientas Varas las q. remataron  
 entre las lomas, y a la cabeza del aguaje, en donde  
 hay unas Savetas de Fevala por mohouera. En segui-  
 -da, tirando el corral rumbo Este veinte y ocho grados  
 al Sur, se medieron y contaron cinco mil Docientas  
 Varas q. remataron en el rio de St. Gabriel y en el punto  
 donde actualmente tiene formado un local Don-

Felipe Lugo el cual se marco por mohouera. Se aqui  
 tomando un abajo, rumbo Sur Diez y ocho Grados al Oeste  
 se medieron y contaron quinze mil varas que recuataron  
 en un Samsole q. se halla en la villa Del rio de Sr  
 Gabriel y trecientos varas mas abajo hasta el lindero  
 Del rancho De San Pedro, en cuyo punto se clavo un  
 palo que se marco por mohouera y en donde comp  
 arecio Don Manuel Dominguez, Colindante por  
 aquella parte De San Pedro quien no puso obstaculo  
 que entorpecer en las medidas. De ahi se tomo la  
 cuerda rumbo Oeste, ocho Grados al Norte, y pasando  
 por el abio grande que forma el lindero Del rancho  
 De Sr Pedro se medieron y contaron cinco mil varas  
 las q. recuataron en la Sanga de agua q. forma tijera  
 en la villa Del Camino real de Los Angeles o San  
 Pedro y hace esquina, segun el Dizeño, en cuyo punto  
 comparecio Senor Anastasio Avila, Colindante por  
 la parte de las cuerdas, quien aunque dijo: que el  
 Camino real referido es el lindero De su rancho cahi  
 conosció prorrornalmente, por no habiendo manife  
 stado Documentos ningunos que entorpecieran las  
 medidas, porque dijo q. no tenia, se tomo la cuerda  
 por sobre la Siega Del otro lado Del camino, rumbo  
 Norte, Diez y ocho Grados al Oeste, y se medieron  
 y contaron, nueve mil ~~treientos~~ quinientas varas  
 y recuataron en el punto llamado Las Viejas, en donde  
 se marco por mohouera con unas machetazas, un  
 Sano que se halla a la villa del camino real expres  
 ado. En seguida tirando la cuerda rumbo Norte  
 Diez Grados al Oeste este pasando por el abio grande  
 que esta en el rio de esta Ciudad, se medieron y  
 contaron tres mil quinientas varas, las q. recuataron  
 en la misma villa Del paraton de donde  
 comenzaran las recuatas y que hace esquina  
 rumbo Oeste, Este, con lo q. se conduxeron las  
 medidas de este sitio a Satisfacion Del interesado,  
 a quien le ordené pusiera las correspondientes  
 mohoueras en las puntas donde corresponde y que  
 entendiolo, habiendo marcado aquellas, senal de posesion  
 lo q. prongo por Diligencia q. autorizo y firmé con mis



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testigos de asistencia segun Derecho. Hoy fe  
Juanario Avila. - asst. Narciso Botello. - asst.  
Ignacio Palomarez.

Angelos Junio veinte y siete de mil  
Ochocientos treinta y nueve. - De se le testimonio  
a la parte de las presentas diligencias en papel comun  
por no haber del sellado respectivo y parese. - ardo ad  
seletoimo Señor Gobernador Del Departamento, de la  
presente posesion conforme se previene en el titulo o  
Disposico de concesion, presentado por el interesado  
Juanario Avila.

9 SD  
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Regador 2º de este Ayuntamiento, y fuizendo por aus-  
-ensia Del Señor Alcalde 1º asi lo prasey, mandé  
y firmé, por ante las de mi asistencia. Seguinte.  
Juanario Avila. - asst. Narciso Botello. asst.  
Ignacio Palomarez. - nota. = En la misma fha  
se libro al interesado el testimonio que se previene  
en el auto anterior y para constancia lo rubrique.  
Pubrica.

Convenida con el expediente de posesion  
o que me remito que queda protocolado en el libro  
respectivo llevado en ambos Juzgados en el presente  
año. Esta fielmente sacado y enumerado escrito  
en estas 8 fojas de papel comun por no haber de  
sellado correspondiente, y autorizo y firmo con  
las testigos de mi asistencia, a las veinte y siete  
Dias Del mes de Junio de mil ochocientos treinta  
y nueve. La ciudad. - Ofucieron Monte-novale.

En testimonio de verdad.

Juanario Avila.

asst.

Narciso Botello.

asst.

Ignacio Palomarez.

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Filed in Office. 12 Sept 1852.

Geo. Fisher  
Secretary.

BYCE  
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D  
Translation of  
Judicial proceeding.

9 SD  
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In the City of Los Angeles in the Department of California on the 25<sup>th</sup> day of the month of June 1839, in compliance with the request of Citizen Antonio Maria Lugo, and the order of his Honor the Prefect *ad interim*, of this date to the end that the corresponding proceeding should be given to the aforesaid Senor <sup>Jugo</sup> of the place and Rancho called San Antonio, which he actually occupies with his cattle, and other extensions granted by his Excellency the Govern of this Department, the title or despatch of which, original expediente and map, the person interested has presented to this Court: I, and my assisting Witnesses will go to the aforesaid place and proceed to give the proceeding referred to, after summoning the Colindantes, conforming to the map and title referred to, which have been conferred on him by the Departmental Government with date September 27<sup>th</sup> of last year.

Citizen Juanuis Arila, second Regidor of the Illustrious Ayuntamiento of this said City, acting on account of the absence of his Honor, the first Alcalde, thus provided, ordered and signed with the aforesaid witnesses of my assistance, on this common paper for want of that of the proper stamp. I certify.

Assisting witnesses (sgd) Juanuis Arila  
(sgd) Narciso Botello  
(sgd) Ignacio Palomares

On the same day, month and year, I the magistrate *ad interim*, who subscribe, gave official notice to the Senor Administrator of the Mission of San Gabriel, to Don Manuel Dominguez, to Don Anastasio Arila, and to Don Jose Serrano, as Colindantes, making known to them the object for which I was going to San Antonio: for I was going to measure it and put in proceeding Don Antonio Maria Lugo: the which I note officially which I authenticate and sign with my assisting witnesses according to law. I certify.

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Assisting witnesses (sgd) Juanuis Arila  
(sgd) Narciso Botello  
(sgd) Ignacio Palomares

In the Rancho of San Antonio on the 26<sup>th</sup> day of June 1839, I the proper Magistrate for the execution of these measures, appointed two rope-bearers - whose names are omitted because they do not know how to sign - who were notified of their appointment, which they accepted under the oath they made, promising to discharge faithfully their office: the which I authenticate and sign with my assisting witnesses - according to law

Assisting Witnesses.

(Sgd) Narciso Botella

(Sgd) Juan Luis Arévalo.

(Sgd) Ygnacio Palomares

In the same day month and year being on the edge of the bluff of the river of this City, and ~~above~~ <sup>rose</sup> two hundred varas above the house in which Don ~~Antonio~~ <sup>Jose</sup> Maria Sugo lives at the spot called the Mesa, for the purpose of verifying the remeasurement and possession which correspond to Don Antonio Maria Sugo of the place called San Antonio, all the requisites of the law being previously complied with, and being before me the witnesses of my assistance, and the rope bearers, I caused to be measured a cordel which contained one hundred varas, and some stakes of wood tied to its extremities, after observation and calculation, with the map before me, the cordel was drawn by my direction to the edge of the said bluff, in which a bullock's head was fixed as a bound: Course East fourteen degrees North, there were measured and counted four thousand eight hundred varas to the place where a crop is formed by the roads from this City to Santa Gertrudis and from San Gabriel to the Port of San Pedro, which point was marked as a bound, and at which there appeared present Don Juan Bandini, administrator of San Gabriel, and Don José Senans, and they not having taken any exceptions which should suspend the measurements - I told them that I was going to continue them: Hence the cordel was drawn North, thirty two degrees East, and there were measured and counted five thousand two hundred varas, which ended between the hills, and

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at the head of the running water which is noted on the map, which spring of water, where there are some little willows, was designated as a bound. In continuation, drawing the cord East, twenty eight degrees South, there were measured and counted five thousand two hundred varas, which ended at the River San Gabriel, and at the point where Don Felipe Lugo has at this time a hut built, which was marked as a bound. Hence going down the River, South eighteen degrees West, there were measured and counted fifteen thousand varas which ended at a willow thicket (Sanzal) which is situated on the bank of the River San Gabriel, and three hundred varas lower down to the boundary of the Rancho San Pedro, in which spot a stake was driven which was marked as a bound; and where appeared Don Manuel Dominguez, Colindante for that part of San Pedro, who placed no obstacle to impede the measurements. Thence the cord was drawn West eight degrees North, and passing by the large Sycamore, which forms the boundary of the Rancho San Pedro, there were measured & counted five thousand varas, which ended at the ditch of water which formed a fork on the margin of the main road from Los Angeles to San Pedro and makes an angle (according to the map) at which point appeared Senor Anastasio Avila, Colindante on the part of "los Cuernas," and although he said that the main road referred to is the boundary of his Rancho or sitio, provisionally granted to him, yet as he showed no documents which could prevent the measurements, as he said he had none, the cord was drawn over the marsh on the other side of the road, North, eighteen degrees West, and there were measured and counted nine thousand varas which ended at the spot called "Las Viejas", where an elder tree (Sanco) which is situated on the margin of the aforesaid road, was marked as a bound, with several cuts with a hatchet. In continuation the cord being drawn North, ten degrees East passing by the large Sycamore which

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is on the river of this city, then were measured and counted three thousand five hundred varas, which ended at the same margin of the bluff, where the remeasurments were commenced and which makes an Angel in direction West and East. With this the measurements of this place were concluded to the satisfaction of the person interested to whom I gave order that he should place the corresponding bounds in the place where they belong, and he understood it - having marked those in sign of possession: all which I authenticated and sign with my assisting witnesses, according to law. I certify

Assisting Witnesses.

(Sgd) Narciso Botella

(Sgd) Ygnacio Palomares

(Sgd) Juan Luis Arila.

Angels - June 27<sup>th</sup> 1839.

Let there be given to the party a testimony of these records on common paper there being none of the proper stamp; and let a report of the present possession be copied to his Excellency the Governor of the Department, as provided in the title or dispatch of grant presented by the person interested. I Juan Luis Arila, second Regidor of the Illustrious Ayuntamiento, and acting on account of the absence of his Honor the first Alcalde, thus provided, ordered and signed, before those of my assistance - according to Law.

Assisting Witnesses

(Signed) Narciso Botella

(Signed) Ygnacio Palomares

(Signed) Juan Luis Arila

Note. On the same date - the testimony directed in the foregoing order was issued to the party interested, and in testimony I sign it in subsc.

(Rubric)

It agrees with the expedients of possession to which I refer, which remains on record in the respective books kept in both Courts in the present year. It is faithfully

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Copied and corrected, written on these eight folios of  
common paper, for want of that of the proper stamp,  
which I authenticate and sign with the witnesses of my  
assistance, on the twenty seventh day of the month of  
June Eighteen hundred thirty nine -

In testimony of truth

Asst. Witnesses

(Sgt) Juan Luis Avila.

(Sgt) Narciso Botello

(Sgt) Ygnacio Palomares.

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I certify the foregoing to be a true and correct  
translation from the original Spanish document,  
marked A. and annexed to the Deposition of Abel  
Steams of Sept 1. 1852, on file in this office in  
Case No. 308 Antonio Mann Leys for the place  
San Antonio

Geo. Fisher  
Sec.

Filed in office Aug. 31<sup>st</sup> 1852

Geo. Fisher  
Sec.

1870  
1871  
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1880





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C.

San-Antonio.

Recibo of Expediente.

Testimonio.

Del Expediente de D<sup>n</sup> Antonio M<sup>a</sup> Lugo.

1839.

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Muy Ilhe. Ayuntamiento. El Ciudadano Ant<sup>o</sup>. M<sup>o</sup> Hugo  
 Nevio de este pueblo ante V. S. con el respeto debido se  
 presenta y dice, y teniendo y a un cierto numero de gan  
 -ado mayor y no siendo suficiente para la formento de  
 un terreno con que se halla pido a V. S. tenga a bien amp  
 -larle este, por el rumbo este de modo a redamnero  
 de la cañada de las Alisas, hasta el camino principal  
 y vega del Rio del San Gabriel lo que en esta estension  
 comprende a las eprolas del pueblo. Por tanto a V. S.  
 suplico se sirva concederle la gracia q. solicita pro  
 -estando no ser de malicia, y lo necesario, serviriendose  
 tambien recibir este en el papel comun por no haber  
 lo en el lugar ninguno de sello. Pueblo de las Auges  
 Septiembre de mil ochocientos treinta y tres.  
 Ant<sup>o</sup> M<sup>o</sup> Hugo. Pueblo de las Auges Abril veinte  
 de mil ochocientos treinta y cuatro. En Sesion de  
 diez y siete de Mayo de este Ahe Ayuntamiento el q.  
 se presentase al interesado el terreno que lo pido p  
 tener algunas meritos para que le conceda esta gracia, inter  
 -tanto la Junta. Daputacion territorial Determina lo comun  
 -ente sobre esta clase de terrenos por se perteneciente a las  
 eprolas de este pueblo; Diera questar entendido el agr  
 -eado que por ningun motivo permitira el que se  
 perjudican las bienes y Demas propiedades de Comunas  
 de este lugar. El Alcalde Constitucional de este pueblo  
 asi lo firmo con el secretario respectivo. Jose Perez -  
 Vicente Moraga - Seco.

Muy Ilhe. Gobernador. Ant<sup>o</sup> Maria Hugo Nevio de esta  
 Ciudad ante la autoridad de V. S. Conforme a Dho. Camp  
 -areo y digo; que teniendo un numero constante  
 de Ganado Vacuno y Caballada suficiente para poblar  
 las citias que proricionalmente tengo concedidas como  
 consta de las tres Documentos que comprende el adjunto  
 Expediente; heya en suplicar a V. S. se digue dar me  
 -la correspondiente con posesion y Documento q. me sirva  
 de titulo. Los terrenos que poseo y de los q. actual  
 -mente pido la posesion y tan los q. manifiesto al  
 -dicho que en lumina conforme la foza primera  
 del estado Expediente tambien spero que. V. S. se digue

C.  
San Antonio.  
Record of Expenditures.

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Dispensar me el uso de papel comun por no haber del que corresponde

Angelos. Abril veinte y seis de mil ochocientos treinta y siete. - Por mi Sr. Padre: Felipe Lugo. - Santa Barbara Mayo nueve de mil ochocientos treinta y siete Informe al Il<sup>l</sup>mo Ayuntamiento de la Ciudad de los Angeles si el interesado en esta instancia obtiene todos los requisitos legales para ser atendido en su solicitud. Si el terreno q. pretende es raldio y se puede adjudicarse le en colonizacion conforme a la ley. Evacuadas estas reformas, volv- ena el Expediente al Gobierno para su resolusion. Atro- rudo - Angelos. Mayo veinte de mil ochocientos treinta y siete. Dado cuenta al Il<sup>l</sup>mo Ayuntamiento de esta Ciudad en Session de hoy con este Expediente, a cargo pasara a la Comision de terrenos Publicos para que produzca el informe que se pide. Jose Sepulveda. Sr. Narciso Botello. Sr.

May Il<sup>l</sup>mo Ayuntamiento. La Comision en cargo de dar Dictamen en el Expediente que reza D<sup>n</sup> Antonio M<sup>o</sup> Lugo sobre posesion de terrenos, ha examinado las puntas a que se contrae en conclusion que se le ha conuenido, y por conclusion por el consentimiento del Ayuntamiento el articulo siguiente D<sup>n</sup> Antonio M<sup>o</sup> Lugo es Ciudadano Mexicano con las bienes Super- cientes para poblar las terras que ocupa, las cuales son de regadia temporal y abrevadero y se hallan situadas como a legua y media de esta Ciudad, y consisten q. no hay obstaculo ninguno para q. se conceda al interesado la posesion y proteccion.

Angelos. Mayo. Veinte de mil ochocientos treinta y siete. Francisco Pantoya. Basilio Valdez. -

Obse. - La Comision opino como convenientemente quea las interesadas en esta instancia, se les prevenga de lo por el Ayuntamiento que no estobaren ni empuen el transito de los Gauaslo y Caballada de las Vecinos de esta Ciudad en razon de la inestacion q. hay en aquellas terrenos. Rubrica. - Rubrica. - Angelos Mayo veinte de mil ochocientos treinta y siete. -

Habiendose Dado cuenta con el presente Expediente al Il<sup>l</sup>mo Ayuntamiento se aprara en todas sus partes

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el artículo q. propone la comision referente al terreno que se solicita en posesion. D<sup>o</sup> Antonio M<sup>o</sup> Lugo, Agente Ciudadano. Mepicauw, viudo y padre de familia, tiene ademas las bienes suficientes para mantener y poblar las terrenos q. posee las cuales despues de ser validos, no corresponden a propiedad de ninguna Comunidad en particular alguna. José Sepulveda. Narciso Boletto. Sec.

Sto Barbara Septiembre Veinte y siete de mil ochocientos treinta y ocho. Vista la peticion con que da principio este Expediente, el Informe el il<sup>l</sup>mo Ayuntamiento de la Ciudad de Los Angeles con tanto lo Reunio q. se tubo presente y ver Comiso de conformidad con las leyes y reglamentos de la materia, se Declaro a D<sup>o</sup> Antonio M<sup>o</sup> Lugo Dueño en propiedad del terreno conocido con el nombre de San Antonio, incluso las ampliaciones, habiéndose segun consta por los Documentos q. aceptaron y se demarcan en el Decreto adjunto, en concepto de que quedará sujeto a pagar la suma anual que se le impuso por parte que resultare perteneciese a las egidas de la Ciudad. Librese el Despacho correspondiente; tomese razon en el libro que corresponde, y dirigase este Expediente a la Suma Diputacion Departamental para su aprobacion. Asi yo el Ciudadano. Juan B. Alvarado Decreto y firmo. Alvarado.

Sto Barbara. Septiembre Veinte y siete de mil ochocientos treinta y ocho. En la misma fha presente D<sup>o</sup> Felipe Lugo, apoderado por su padre D<sup>o</sup> Antonio Maria, se le hizo saber el Decreto que antecede, y dijo que quedaba conforme y lo firmo. Felipe Lugo. Angeles. Noviembre tres de mil ochocientos treinta y ocho. Al pedimento al interesado D<sup>o</sup> Anto. Maria Lugo se le entregue con esta fha. el Expediente compuesto de ser folios untes, incluso el Decreto para hacer el uno correspondiente al solicitar la posesion del terreno que solicita. Alvarado. - tachando. recibo. no vale.

Concuerda con los Documentos originales que se recibieron constantes en el Expediente relativo q. existe en poder de D<sup>o</sup> Maria Lugo. - Esta fielmente tasado y encajado existe en escrito de papel comun, por no haber del

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Del sellado respectivo q. Antonio q. firmo con mi y mi testigos  
de asistencia en la Ciudad de Los Angeles a once de Sep-  
tiembre de mil ochocientos treinta y nueve. Doy fe  
En testimonio de verdad.

asa. Narciso Piñetta.

Antonio M<sup>a</sup> Lugo.

asa. Juanaria Abita.

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Office of the Surveyor General of the United States for Calif<sup>a</sup>

I Samuel D. King, Surveyor General of the United States  
for the State of California and as such now having in  
my office and under my custody a portion of the archives  
of the former Spanish and Mexican Territory in Department  
of Upper California, Do hereby certify that the eight prece-  
-dents and hereunto annexed pages of pages, numbered  
from one to eight inclusive and each of which is signed  
by my initials S.D.K. exhibit true and accurate copies of  
certain Documents on file and forming part of the  
said archives in this Office.

In testimony whereof I have  
hereunto signed my name officially and affixed my  
private Seal (not having a seal of office) at the city  
of San Francisco Cal. the 11<sup>th</sup> Day of June 1852.

Samuel D. King.

Surveyor General Cal.

Filed in Office August 31<sup>st</sup> 1852.

Geo. Fisher. Secretary.

This is a copy of a Document annexed to the Deposition of  
Abel Stearns before H. Hall Commissioner - Sep. 1<sup>st</sup> 1852  
marked B. not to be

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Geo. Fisher. Secretary.

Ant<sup>o</sup> M<sup>a</sup> Lugo. San Antonio. Expediente C.

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1844

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Opinion  
&  
Decree.

Antonio M<sup>a</sup> Lugo }  
" " }  
The United States }

W. S. Land Commissioner for California,  
Sepim at San Francisco,  
No. 308. "San Antonio"

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The claim presented in this case would seem to rest, as well upon ancient grants, and assurances, made prior to the establishment of the Independence of Mexico, as upon a grant by Alvarado, the Governor of California, made in the year 1837. From the most careful examination, however, which I can make of the various monuments of title introduced, I am brought to the conclusion, that the only basis, upon which a confirmation of the claim can be sustained is the proceedings had, under and in virtue of, the decree of the 18<sup>th</sup> of August 1824, and of the ordinance of the 21<sup>st</sup> of November 1828 of the Mexican Government; which resulted in a grant made to the claimant on the 27<sup>th</sup> of Sept. 1838. The claimant on the 26<sup>th</sup> of April 1837, presented to the Governor his petition in which he sets forth three documents pertaining to the land, for which he solicited a title. The first of these documents is a declaration of Guillermo Lota, made at the request of the claimant, on the 18<sup>th</sup> of March 1837; who states that as Commissioner of the City of Los Angeles in the year 1810, he received orders from Don Jose Orquelles, then Governor of the Province to give possession of a place for raising large cattle to the claimant, and that he did so, in the place called San Antonio. He proceeds to state the boundaries of the place which he so put the claimant in possession, all which he says was with the understanding that he should not injure any individual of the City. The second document thus referred to in the petition to the Governor, of the same date and made by the same person as the first, declares, thus, "I Guillermo Lota say that in the year 1827, being Alcalde of this City, by the order of the Senior Commanding General, Don Jose Maria Echandria, the place of Don Antonio Maria Lugo was enlarged, and it was from the Sycamores which he has for a boundary to the point of

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the Mesa". The third document relied upon in the said petition, consists of a solicitation by the claimant, dated Sept. 6<sup>th</sup> 1833 addressed to the Ayuntamiento of the Pueblo of Los Angeles, for a portion of the Common lands of that Pueblo, stating that the place on which he is settled, was not sufficient for the increase of his large stock of Cattle &c. and the decree of that body, in response to his solicitation, by which for the reasons assigned they resolved to lend to him the land asked declaring it at the same time to be the common lands of the City &c".

Those documents do not amount to satisfactory evidence of a grant of the full property, nor even of an inceptive title, afterwards to be extended into a perfect conveyance, of any portion of the land described in them. They rather imply a tenancy at will, or a permissive occupancy, than a grant of the full and perfect property. That portion, avowed to have been the Common lands of the Pueblo, is expressly declared to have been only loaned to the claimant. There is, in addition to those documents, now introduced before this Board, a petition of the claimant preferred on the 21<sup>st</sup> of March 1823 in remonstrance against an aggressive resolution of the Ayuntamiento of Los Angeles, to eject him from his possession; and an order of Governor Arguella to whom it was presented: which also fail to satisfy my mind of the existence of any grant, prior to that time, of the full property to the claimant. This last petition to Arguella alleges only a grant of the possession of a small place in the neighborhood of the Pueblo of his residence, and the order of the Governor sustains that possession as legitimate, concluding, with an injunction upon the authorities of the Pueblo not to take a similar course in other like cases without his knowledge. The claimant on the 26<sup>th</sup> of April 1837, filed a petition to the Governor in which he states, that "having a sufficiency of Cattle and horses to stock the places which I have had provisionally granted to me, as appears by the three documents contained



in the annexed expediente, I come to request Your Excellency to have the goodness to grant me the corresponding possession, and documents which may serve for a title."

It seems to my mind, in the absence of the decrees themselves, and of any special evidence of their contents, that is of the decree of Dario Arguello in virtue of which Gota states he put the Claimant in possession; and of Echanaria in augmentation of that possession, and from the statement of the Claimant as to the nature of his right, in his petition to Alvarado; that there was only a legitimate possession under a grant or decree of the right to occupy the premises, anterior to the grant by Alvarado in the year 1837. In the Spanish law the doctrine is "Poscedere aponere a proprietario." One can be possessor without being proprietor & vice versa (see Coerliche title, poscedere & possession) The genuineness of that grant, and the Authority to make it are not controverted. The long possession of the land granted in this case by well defined lines and boundaries, its occupation, and residence upon it, in buildings erected by the Claimant, all, for years anterior to the grant, are fully established by regularly authenticated transcripts from the archives of the former Governments of the Country, by documentary, and other evidence on file in the case.

The conclusion that the claim in this case rests upon the grant of Alvarado, and of course that it must be in accordance with the decree and ordinance of the Mexican Government above cited, makes it necessary to advert to the fact of its quantity; since, neither the grant, nor perhaps anything else in the expediente ascertains explicitly the number of square leagues which were intended to be granted; and especially since by that Decree and ordinance, the maximum of Eleven square leagues, and the minimum of two hundred varas square, are fixed, in every grant of the public domain to be made after that enactment, and cannot be legally

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departed from. This Decree and ordinance do not require that the granting officer should specify the quantity, but only, that no more, nor less than they authorize shall be granted to one individual. The grant in this case is clearly one by metes and bounds, designating no specific quantity; and there is no alternative left for this Board but to declare it void for that omission, which would be a most harsh construction, or to confirm it in such a manner, *ut res magis valeat quam pereat*, that the grant shall not fail, nor yet the law be violated. We must presume that the Governor neither intended to do a vain and idle thing, nor to violate the law, by granting more than that law would allow. To carry out those fair presumptions, we ought to confirm the claim, if it be otherwise unexceptionable, and at the same time guard that confirmation by such restrictive provisos and qualifications as to prevent any infraction of the law of quantity.

In this case, in one of the clauses of the Conditions subsequent, attached to the grant, a requirement is made of the officer who shall measure the land, that he report to the Government the number of square leagues that the grant contains. This officer did make an elaborate measurement, which it would seem has ever since been recognized in the Country; and the presumption is that he reported it to the Government; at all events, whether he did so or not, his failure, without any act done under the former Government, to manifest any dissatisfaction with the grant as made, would not, if humbly conceive, work a forfeiture of the right of the Grantee. The objection that the land lies with in the ten littoral leagues, and all other objections, not disposed of in this opinion, have already been considered and overruled by this Board in the case of Cruz Berrantes and others heretofore decided. According to the principles

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of decision prescribed for us in the 11<sup>th</sup> section of the act of the 3<sup>d</sup> of March 1851, we think the claim is valid; and we now proceed to enter a decree of final Confirmation. Commissioner Hall concurs in the result.

Navy J. Thornton.

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This Board upon full consideration of the various grounds affecting the validity of the said claim, having come to the conclusion that the same is valid; therefore now proceeds to make, and does hereby make the following decree or report of final Confirmation, viz: It is decreed that the said claim be confirmed to the claimant to the extent of the metes and bounds described in the grant, and in the map and expedient to which the grant refers; Provided nevertheless, that there be no more than eleven square leagues of land, within the said bounds; and that if there be more than eleven square leagues in the said bounds, then, we hereby confirm to him, only eleven square leagues thereof within the said bounds, and no more; and Provided further, that if there be less than eleven square leagues within the said bounds, then we confirm to him that said less quantity; being of the same land in whole or in part as the case may be, described in the grant of the claimant in this behalf, in the map, and expedient referred to in the said grant, and of which the said claimant has been long possessed. Given under our hands this 21 day of February 1853,

Wilant Hall }  
Navy J. Thornton } Comm<sup>rs</sup>

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Filed in office February 21<sup>st</sup> 1853.  
Geo. Fisher  
Sec.



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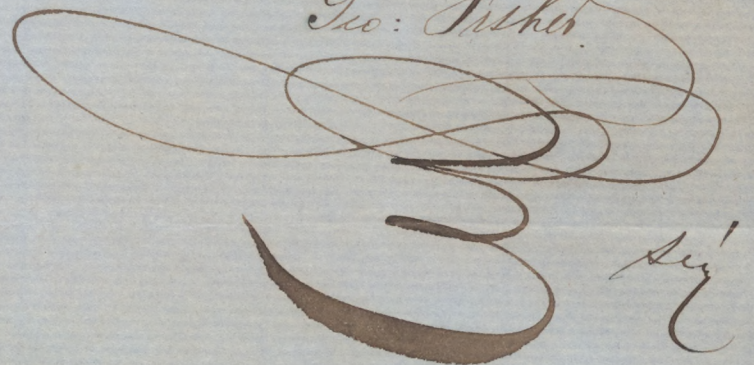
## Office of the Board of Commissioners,

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 four* pages, numbered from 1 to *54*, 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. 308 on the Docket of the said Board, wherein *Antonio Maria Lugo* is the Claimant against the United States, for the place known by the name of *San Antonio*

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

*G. Fisher*  
Geo: Fisher



N<sup>o</sup> 308.

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Office of the Attorney General of the United States,

Washington, 11<sup>th</sup> September 1854.

No. 9

SD  
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PAGE

Antonio Maria Lugo

vs.

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 10<sup>th</sup> day of June 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clausen

No 9.

United States District Court,  
Southern District of California

Antonio Maria Luigs

adv.

308.

The United States.

Notice of Appeal from Atty. Gen.

Filed Nov 2<sup>nd</sup> 1857.

J. E. Jan.  
Clerk.

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9 SD

PAGE

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(1)

To the District Court of the United States  
for the Southern District of California,  
Los Angeles County.

Antonio Maria Sugo, }  
vs. } N. 308.  
The United States }

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PAGE 5

To the Hon<sup>ble</sup> Isaac S. K. Ogier, Judge  
of the District Court of the United States  
for the Southern District of California.

The petitioner of Pacificus Ord (of Monterey  
County) 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 his  
proper person, in the name and behalf  
of the United States, represents as follows.

That heretofore, to wit, on or about the  
31<sup>st</sup> of August A D 1832, Antonio Maria  
Sugo, presented a petition to the Commis-  
sioners to ascertain and settle the private  
land claims in the State of California,  
claiming or representing, that in the year  
1810, Jose Arguello, Governor of California,  
by virtue of authority in him vested, granted  
to him a certain tract of land called  
'San Antonio' in the now County of Los-  
Angeles, ~~conceded~~ that in the same year  
he was duly put in possession of said land  
by the Commissioner of Los Angeles, by  
direction of the aforesaid Governor; that in  
the year 1823, the title given to the said land

(2)  
by Governor Jose Arguello, was submitted  
to the then Governor and Commandant  
Don Luis Arguello, and by him recognized  
and confirmed, dated April 1<sup>st</sup> 1823;  
That in the year 1827 Jose Maria de  
Echeandia, Governor of California, granted  
an extension of said Rancho of San  
Antonio; that the aforesaid title being  
subsequently lost, in 1837, he applied  
to the then Governor of California for a  
formal title of the lands which he then  
possessed, and certain extensions described  
and marked out in the Map accom-  
panying said petition; that on the 27<sup>th</sup>  
of September 1838, Juan B. Alvarado,  
Governor of California, by virtue of au-  
thority in him vested, granted the  
said land with the limits and bound-  
aries marked out in said Map; that  
in the month of June 1839, the judicial  
possession of said tract of land was  
duly given, and the lands duly surveyed  
according to the usage and custom of  
the Country, and the boundaries marked  
out by the proper authority; that he has  
been some 42 years in the quiet and  
peaceful possession and occupation of  
the aforesaid tract of land; - and praying  
the said Commissioners to confirm to  
him the said tract of land, as described  
in the grant and Map, and marked  
out in the judicial possession and  
possession. ~~See~~

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Your petitioner further represents that, thereafter, to-wit, on the 21<sup>st</sup>. of February A.D. <sup>1853</sup> the said Commissioners conferred, by final decree, the said claim of said Antonio Maria Lugo, "to the extent of the metes and bounds described in the grant and in the map and expedients to which the grant refers," (not exceeding in quantity eleven square leagues.)

That, thereafter, to-wit, on the 27<sup>th</sup>. of June A.D. 1854, a duly certified transcript of the said decree, and proceedings, and the papers and evidence on which it was founded, in said cause, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked N. 308; reference to which it is prayed may be had and made a part of this petition.

That on the 10<sup>th</sup>. of June A.D. 1854 the Hon<sup>ble</sup>. Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of said final decree, and proceedings, of said Commissioners in said cause (N. 308) and the papers and evidence on which said decree was founded.

That, thereafter, to-wit, on the 7<sup>th</sup>. of November 1854, the said Attorney General of the United States, filed, or caused to be filed, in behalf of the United States, a notice in writing with the said Clerk of said District Court for the Southern District of

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(4)

California, that the appeal, in said Cause of Antonio Maria Lugo vs the United States, from the decision of the said Commissioners to ascertain and settle the private land claims in the State of California, in the District Court of the United States for the Southern District of California, would be presented by the United States.

Competition further represents that the said land, claimed as aforesaid, is within the jurisdiction of this Court.

And your petitioner further represents and alleges, that the said claim of said Antonio Maria Lugo, for said land claimed, and confirmed by said Commissioners as aforesaid, is invalid, and said decree of Confirmation erroneous, on the following grounds:

1. That the said Antonio Maria Lugo shows no valid title to the said land claimed by him as aforesaid. And it is denied that he has any.
2. That the said land, claimed as aforesaid, is within ten leagues of the Sea Coast; and was not therefore subject to colonization or grant by the said Governors of California, without the previous authority of the Supreme Government.
3. That at the dates of the said alleged grants, the said land, <sup>or a part thereof,</sup> claimed as aforesaid, was occupied by the Missions, and particularly the Mission of San Gabriel.

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4. That at the dates of the said alleged grants, the said land, claimed as aforesaid, or a part thereof, was ~~was~~ in the occupation or use of the citizens of the Pueblo of Los Angeles, and were the Common lands (Ejidos) of said Pueblo, and therefore not subject to grant by said Governors of California, as alleged.

5. That the alleged grants and titles, previous to the alleged grant of Governor Alvarado of September 27. 1838, were temporary permits to occupy an undescribed ~~per~~ small tract of land; that these were given without authority of law; that they designate no specific tract of land with quantity or boundaries, and are therefore, void for uncertainty.

6. That the said alleged grant of Governor Alvarado of said date is not in entire conformity with the law of the 18. of August 1824, and the regulations of the 21. of ~~December~~ <sup>November</sup> 1828; and the claimant has not complied with the requirements of said law and regulations.

7. That the said alleged grant of said Governor Alvarado has not the signature of the Secretary; and it was not a grant until it had his signature, with that of the said Governor; that it is not <sup>upon</sup> such sealed paper as the law required; that said Alvarado had no authority to issue and deliver to said claimant such an ~~unofficial~~ incomplete document;

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that the boundaries, called for in said grant of said Alvarado, are vague and indefinite; that it is not in full ownership, being made subject to the payment of a tax (annual) which might be imposed by the Pueblo of Los Angeles; that the alleged Map, purporting to be the original Map of the land granted by Alvarado, and belonging to the alleged original petition of claimant (by his son Felipe) dated April 26, 1837, and asking the Governor for the land, now claimed, is not proved to be such; that there is no evidence that it is the original Map belonging to the original expedients; that there is no evidence that the said original Map is lost, and that the one shown is an accurate and correct copy of the original. And the genuineness & authenticity of said Map shown by claimant, is denied.

8. That the said alleged grant of Governor Alvarado was made subject to the approval of the Territorial Junta, or Deputation, which it does not appear was ever had. And it is denied that such approval was ever given.

9. That the said alleged act of ~~your~~ survey and judicial possession was <sup>not</sup> made according to the terms of said grant, or according to the law; that it was not made by a judge having the authority or jurisdiction to act in such cases; that there is <sup>no</sup> evidence that Juan Antonio Abila, was Regidor and acting Alcalde

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of Los Angeles, at the date of the alleged  
 judicial possession and survey, and it is  
 denied that he was such Regidor and  
 acting Alcalde, and that he had juris-  
 diction over the subject matter of judicial  
 surveys and possessions of lands in ~~Los~~ and  
 about the Pueblo of Los Angeles. And that  
 there is no evidence that the land, claimed  
 as aforesaid, was ~~only~~ surveyed according  
 to the usage and custom of the Country,  
 as alleged. And it is denied that it was  
 surveyed according to the custom and usage  
 of the Country.

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10. That the said alleged survey and  
 judicial possession is vague and indefi-  
 nite; that the boundaries therein mentioned  
 are uncertain; and that there is no quantity  
 of land, or number of leagues, <sup>specified</sup> ~~therein~~, nor  
 was there any report made to the said  
 Governor Alvarado or his successors in office,  
 of the number of leagues of land contained  
 in said alleged survey and possession.  
 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 the laws and Statutes in such case  
 made and provided, prays that the  
 said Antonio Maria Lugo, or his Attorney,  
 may be served with a copy of this petition;  
 And that this Hon<sup>ble</sup> Court will review  
 the said decision or final decree of Con-  
 firmation of said Commissioners to ascertain  
 and settle the private land claims in

the State of California, and decide on  
 the validity of the said claim of said  
 Antonio Maria Lugo, for said land  
 claimed and confirmed as aforesaid;  
 and that the same may be decreed  
 invalid. And all such other orders,  
 judgments or decrees as may be just.  
 With Costs, - and general Relief.

P. M.

Attorney of the United States  
 for the Southern District of California



2. N. 147.

Antonio Maria Lugo,

Acto,

The United States.

Petition of Acto of U.S. for  
Review &c.

Filed Dec. 4. 1854.

J. C. Farr,  
Clerk.

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United States } In the Dist. Court  
vs } of the United States for  
Antonio Maria Lugo } the Southern Dist. of  
California -

To the Hon Isaac S. H. Ogden Judge  
of said Court -

The answer of Antonio Maria  
Lugo a citizen of the United States  
a resident of said State to the  
petition of review filed by the  
above entitled plaintiff against him  
praying that a certain final  
decree of confirmation entered in  
his favor by the commissioners  
appointed to ascertain and settle  
the private land claims of  
California in a certain claim  
for a tract of land ~~was~~ called  
"San Antonio" respectfully sheweth  
as follows that this Defendant  
admits that he did present his  
petition to the said commissioners  
for the tract of land described  
in said petition & that the  
said commissioners did enter  
a final decree of confirmation  
in his behalf for the said tract

of Land -

And this Defendant further answering saith that he claims the said tract of land called "San Antonio" under the metes & bounds referred to in the said transcript filed 27 June 1854 hereto referred & made a part of this petition that he claims the same in virtue of a grant thereof made to him as set out in his petition presented to said Commissioner filed in the office of ~~said~~ the secretary of the Board of Land Commissioners on the 31st August 1852 as appears in said transcript hereto referred & made a part of this answer & more particularly in virtue of a grant in fee thereof made to him by Juan N. Alvarado Governor of California by virtue of Authority <sup>then</sup> vested by Congress date of 27th September 1838 & that the metes & bounds of said claim are accurately ~~referred~~ defined in the map of judicial survey & possession thereof, both of which

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~~document~~ appear in said transcript  
hereto and especially referred to  
made a part of this answer -  
And this Defendant further  
answering says that he has  
factually discharged all the  
conditions imposed on him  
by said grant -

And this Defendant further  
answering saith that his  
said claim is valid as appears  
by the said transcript & the  
decree of the said court  
& as will be made to appear  
by such further proof as may be  
taken by order of your Honor -  
& that the said decree of said  
court is valid according  
to the Laws customs & usages  
of Spain & Mexico & they made  
in California & according to the  
the treaty of Guadalupe Hidalgo  
& the laws of nations & the  
principles of equity & the decisions  
of the Supreme Court of the United  
States as far as they are applicable  
and this Defendant further answering  
denies all the allegations contained

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PAGE

said petition particularly especially  
such exceptions as are ~~not~~  
admitted in this answer  
and further this defendant  
avows that there exists no cause  
by reason of any thing alleged  
in said petition why said final  
decree should be declared invalid.  
Wherefore the defendant prays  
that you should declare  
that the said final decree of  
the said court is as well  
as the claim a title of this defendant  
to the said land, is valid; that  
the petition of the United States,  
be denied & for general relief  
costs

I have taken the oath  
of office as defendant

U.S. Dist. Court

United States

vs. W. P. G.

Antonio Maria Ruge

of T's shaver

San Antonio

The said witness

swore upon U.S. Dist.

the copy of this answer  
on 3/2/1855

at my request

308.

Attest. Jany 31st 1855

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J. E. Jan.  
Clerk

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Antonio Maria Ruge

I served a Copied Copy of the within answer  
personally on Pacificus Ord. City of U.S.  
Southern Dist of Cal. at the City of  
Los Angeles this 2<sup>d</sup> day of March 1855.

Swore to and subscribed  
before me this 2<sup>d</sup> day of March  
1855.  
J. E. Jan.  
Clerk

Edward Stewart  
Marshal

United States } No 9 = In the  
                  } U. S. Dist. Court  
A. M. Lugo } for the Southern Dist.  
                  } of California

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And now comes Defendant  
and moves this Hon. Court for  
an order to take further evidence  
than what has  
already been taken.

No 9

United States

vs

A. M. Lugo

application for  
order to take  
further evidence

Filed April 17<sup>th</sup> 1835

J. E. San.  
clerk.

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1  
Examination of Jose Antonio Carrillo, who being  
duly sworn on his oath, testifies in answer  
to questions put by the United States Dist. Atty:  
on the part of the United States, said exam-  
ination being conducted in open Court —  
Ques<sup>1<sup>st</sup></sup> What is your name, and age —

Ans. My name is Jose Antonio Carrillo and  
I am fifty-nine years old

Ques<sup>2<sup>nd</sup></sup> How long have you resided in California  
— and where was you born

Ans. I have resided in California all my  
life having been born in San Francisco  
with the exception of occasional visits  
to Mexico.

Ques<sup>3<sup>rd</sup></sup> How long have you resided in Los Angeles.

Ans: About thirty five years —

Ques<sup>4<sup>th</sup></sup>

Do you know the boundaries of the Pueblo  
of Los Angeles previous to the 27<sup>th</sup> of Septem-  
ber AD 1835. (Objected to, by Counsel for  
complainant)

Ans.

The Boundaries up to the year 1834. I  
can give some acct: of, or approximating  
thereto. The boundaries commencing by the  
River Los Angeles and running down to a  
large Arroyo, the boundary of the Rancho  
of Dominguez, called San Pedro, and  
from thence in a direct line to the  
Salinas, or Ocean, in a westerly direction  
running thence by the Sea to the Rancho  
of San Vicente or Sepulveda's, and from  
thence running Easterly by the Mountains  
to Cahuenga and from thence to the  
head of the Sangu, of the Pueblo the

PAGE 9 70D

place of beginning  
Ques 5 - Do you know how long these limits  
just described by you were known &  
recognized by the authorities of the City  
and by the people of Los Angeles as the  
limits of the City of Los Angeles

Ans: - I do not know how long they have been  
recognized by said City and people  
but such were the limits acknowledged  
by the authorities of the City and the  
people when I first came here in 1824

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Ques 6 - Do you know about what time the Pueblo  
of Los Angeles was first founded

Ans: - In the year 1781 I know that was the date  
from the Archives of the Pueblo.

Ques 7 - Do you know the number of the population  
of Los Angeles in 1820.

Ans: - I do not know,

Ques 8 - Were the limits and bounds of the Pueblo  
lands as claimed by the Pueblo and  
recognized by the people the same about  
the 27<sup>th</sup> Sept 1838, as they were in 1834

Ans: - I do not know, I know nothing about the  
boundaries since 1838,

1 Ques. How many leagues of land are descri-  
ed in your Comradary of the City Limits as  
just described. Are in the limits you  
have just described

Ans. I do not know,  
Ques. Do you think there is more than thirty  
Ans. I do not know,

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Examination of Abel Stearns  
by U.S. Atty. on behalf of the U.S.

Ques. How old are you. What is your name  
and how long have you resided in  
Los Angeles

Ans. My name is Abel Stearns. I am fifty  
seven years old and have resided in  
Los Angeles twenty four years

Ques. Do you know the limits of the Common  
lands of the Pueblo of Los Angeles as  
claimed by the Pueblo and recognized  
by the people, if you state generally all  
you know about these limits, and your  
means of knowledge, previous to the year  
1839. (Ques objected to by Court for Claimant)

Ans. The only direct knowledge that I have  
of the Pueblo lands was about the year  
1838 or 1839. there was a Commission  
appointed by the Ayuntamiento, composed  
of Antonio Maria Vago and Antonio Ygnacio  
Abilla, and some other citizens that I now,  
82 do not recollect, with which Commission  
I was requested to accompany and that  
the Commission would point out to me  
the former boundaries of Los Angeles

that I might draw a Diagram of the lands  
 this Commission took me to a place called  
 the Pozo de Castillo stating that, that  
 was the boundary line in that direction  
 of Los Angeles. from thence running to the  
 Road leading from San Gabriel to the  
 San Bernards thence following that  
 road to Cahuenga and from thence  
 by the Mountain in a Southwesterly  
 Course to the beach, at the Ranch  
 of San Vicente, following the Beach  
 South to the Salinas on the <sup>boundary</sup> lands of  
 Dominguez, following the boundary  
 of Dominguez to the River San Gabriel  
 following up the River to the hills and  
 from thence taking a westerly course  
 to the place of beginning, the Commission  
 informed me that this was the original  
 boundary, <sup>if</sup> lands, <sup>claimed by</sup> of the Pueblo - it was  
 stated to me by the Alcalde, that they required  
 a ~~draft~~ of the diagram of the lands -  
 for the purpose of conforming to an order  
 of the Governor, that the Pueblo should  
<sup>define</sup> their limits; further that they wanted  
 the plan before them for the purpose of  
 designating what they might determine  
 as the limits of the Pueblo. ~~I presume that~~  
~~it was~~

Ques Hear you heard the evidence of Don Antonio  
 Carrillo, in this case

An I have

Ques Do you know the locality and limits  
 of the land claimed by Suro in this  
 case,

An I do,

Ques. Do you know whether or not the land claimed by Ungo is embraced within the limits, of the land claimed by the Pueblo of Los Angeles, as described by Don Antonio Carrillo in his evidence which you have heard

Ans. A small part of the Ranch, claimed by Ungo lies within the limits described by Carrillo to wit all that part which lies west of Los Angeles River and North of Dominguez boundary line as described by Carrillo

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Ques. ~~Admitted by~~  
Can you state what quantity of the land claimed by Ungo is irrigable

Ans. I do not know,

Crossed by Brown  
Counsel for

Ques. What number of leagues are within the limits of the land described by you as forming the common lands of the Pueblo,

Ans. — I should think there was thirty square leagues within said limits

Ques. What proportion of these lands have been granted to private individuals by the Mexican Government

Ans. — Ranchos of Ungo, Anastacio Abilla, A Ignacio Abilla Machaca and. Telemantis, Francisco Espulveda, Alaris — Sanchez Annario Abila, Paris Ranch, Aguilas Barra? which includes the large propor

of those lands.

Ques: Look upon this Document, (entitled  
Map of Land occupied by the Citizen  
Antonio Maria Ingo. and endorsed. B.  
N<sup>o</sup>. 308. Antonio Maria Ingo. San Antonio  
Document annexed to the Deposition  
of Abel Sears taken before Comm<sup>s</sup>  
Hall filed in Office Sept 1<sup>st</sup> 1852  
Geo Fisher Secy. Recorder in Record of  
Evidence volume C. pages 332 to 335)  
and say who made said Document &  
when it was made to the best of  
your knowledge and for what purpose

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Ans. This Map or Diagram was made by me  
to the best of my knowledge some time  
in the year 37 or 38. it was represented  
to me that he wanted it for the  
purpose of obtaining a title to the  
lands described in the bounds of  
said Map

Ques Did you ever make any other Map of said  
lands.

Ans Not that I recollect of —

### Testimony of Augustin Machado

Ques what is your name, & age, & place of residence

Ans My name is Augustin Machado, I am  
about fifty four years old, and reside  
in Los Angeles —

Ques Are you acquainted with Antonio Maria  
Ingo and if so how long have you  
known him & where has he been  
living —

Ans. I know him, I know him first as a soldier, <sup>of the King</sup> at Santa Barbara, when I was quite small &

Ques When did Vngra first settle on the Ranch where he now lives, and how has he occupied it,

Ans. I do not recollect exactly when he settled on the Ranch it was many years ago when I was a small boy, I do not recollect dates. he had his family on it he occupied it with cattle and by cultivating it down to the present time.

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No. 9.

U. S. Dist. Court,  
South Dist of Cal.

Antonio Maria Lugo,  
Appellee,  
vs.

The United States,  
Appellant.

Testimony of  
Enrique Parrillo,  
in open Court.

Sept 13. 1855.)

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Wm B. Dryden a witness for Appellee sworn and says

1 Ques. — What is your name, age, and place of residence?

Ans. — My name is Wm B. Dryden my age 47, and reside in the City of Los Ang.

2 Ques. — Are you acquainted with Antonio Maria Lugo, if so, state his age, and his ability to attend to business.

Ans. — I am acquainted with Antonio Maria Lugo, he is a very old man between 85 & 87, he is illiterate, and does not read or write, I consider his mind as feeble.

3 Ques. — Are you acquainted with the boundaries of the City of Los Angeles if so, state your means of knowledge and whether any portion of the Lugo Ranch is within said limits.

Ans. — I was clerk of the Common Council near five years, was the way I obtained information about them. I do not think the Lugo Ranch lies within the corporate limits of Los Angeles. I know Lugo's hue it having been shown me by Lugo himself, and having seen a large stone which is ~~the~~ a boundary mark, crossed by U.S. Atty.

Ques. — How long have you lived in California?

Ans. Since June 1850.

Ques. How long have you known Lugo, ~~etc~~

Ans. Over four years.

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N<sup>o</sup> 9.

U. S. District Court,  
South Dist of Cal.

Antonio Maria Lugo,  
Appellee,  
ad.

The United States,  
Applt.

Testimony of Wm G. Dryden  
a witness of Appellee, taken  
in Open Court, & filed  
Sept 14<sup>th</sup> 1885.  
J. E. San.  
C. R.

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Friday Sept 14<sup>th</sup>  
1855.

Felipe Lugo sworn & examined by counsel  
for appellee - Wm G. Dwyer, sworn as interpreter.

1. Ques. What is your name and  
place of residence -

Ans. - My name is Felipe Lugo, my  
residence here in Los Angeles, and my  
age 47 years.

2. Ques. - Do you know anything about  
a petition presented on behalf of your  
father Antonio Ma Lugo, asking the Mexican  
Government for the Rancho of San Antonio,

Ans. - I do know of that petition, I  
presented it by command of my father -

3. Ques. - In that petition you make reference  
to a map, by whom was that map made,

Ans. - Don Abel Stearns made the map.

4. Ques. Are you acquainted with Asmar  
Abila, if so, do you know in what public  
capacity he acted in 1839 in this place?

Ans. - I know him he was Regidor in  
that year.

5th Ques. -

Cross examined by U.S. Atty.

Ques. 1. - ~~Are~~ Do you at this time  
own any part of this Rancho of San  
Antonio, which was granted to your father,

Ans. - Yes I am owner of a piece of  
that land that my father has given  
me lately.

Ques. 2. - Who made the <sup>oldest</sup> first map of  
the Rancho of <sup>your</sup> father ~~of~~ San Antonio.

Ans. - Abel Stearns made the first  
and oldest map.

2

Ques. 3. Was there any map which belonged to the old Expediente previous to the application to Gov. Alvarado in 1837 for this land.

Ans. — ~~The same one~~ I do not remember whether there was a map to that Expediente or not.

Ques. 4. Have you seen any of those papers which you have referred to in the possession of Mr Foster within the last year or two.

Ans. — No, I never saw them in the possession of Foster, I only know so, because my father told me so.

Ques. 5 — Do you know when your father gave those old papers you have spoken of to Foster.

Ans. — I think that in the last past year my father gave Mr Foster all my papers.

No 9.

U. S. Dist Court,  
South Dist. of Cal.

Antonio M. Lugo,  
Appellee.

ad.

The United States,  
Appell.

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Testimony of Felipe Lugo,  
witness for appellee, taken in  
open Court & filed  
Sept 14<sup>th</sup>, 1855

J. E. Farr,  
Clerk.

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

Antonio Maria Lugo } Case No. 9.  
Appellee }  
vs }  
The United States }  
Appellants } Transcript 308.

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This cause coming on to be heard on Ap-  
peal from the final decision of the United  
States Board of Land Commissioners to as-  
certain and settle the private land claims  
in the State of California, under an Act of  
Congress, approved March 3<sup>d</sup> 1851, on a Tran-  
script of the Proceedings and Decision of said  
Board, and of the papers 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 fi-  
led according to law, and Counsel for the  
respective Parties having been heard;

It is ordered, adjudged and decreed,  
that the said Decision of the United States  
Board of Land Commissioners be, and the  
same hereby is, affirmed; and it is further  
adjudged and decreed that the claim of  
the above named Appellee is good and valid  
and the same is hereby confirmed to him to  
the extent of, and within the boundaries cal-  
led for in the Grant, and described in the  
Map to which the Grant refers, and which  
more fully appear in the Act of Judicial  
Possession; to wit,

Commencing at a point on the edge of

the Bluff of the River of Los Angeles, about two hundred varas above the House occupied by the Appellee at the date of said Judicial Possession, at which point a bullock's head was fixed as a land-mark, thence N.  $7\frac{1}{2}^{\circ}$  E. four thousand eight hundred (4800) varas, more or less, to the intersection of the Road from Los Angeles to Santa Gertrudes and the Road from San Gabriel to the Port of San Pedro, thence East North  $32^{\circ}$  East, five thousand two hundred varas (5200) more or less, to a point between the hills, where there is a spring and some small willow trees; thence East  $28^{\circ}$  South, five thousand two hundred (5200) varas, more or less, to the River of San Gabriel, at the point where Felipe Lugo had a hut or "jacal" at the date of the aforesaid Judicial Possession; thence, following the River down, South  $18^{\circ}$  West (15000) fifteen thousand varas, more or less to a willow thicket, and thence three hundred (300) varas further down to the Boundary of the Rancho of San Pedro; thence ~~West~~ North  $82^{\circ}$  West, passing the large sycamore tree that forms the boundary of the Rancho of San Pedro, five thousand (5000) varas, more or less, to the "zanja" or trench of water which forms a ford on the side of the road leading from Los Angeles to San Pedro; thence North  $18^{\circ}$  West across the swamp (cieneqa,) on the other side of said Road, nine thousand, five hundred (9500) varas; more or less to the point called Las Viejas, where an alder tree standing at the side of said road was marked with hatchet cuts; thence

North  $10^{\circ}$  East passing the large sycamore

road was marked from a distance east, near  
North  $10^{\circ}$  East passing the large Sycamore  
standing on the River of Los Angeles, three  
thousand five hundred (3500) varas more  
or less, to the edge of the Bluff and Point  
of Beginning —

*James H. Kyles*  
U. S. Dist. Judge

9 SD  
85

PAGE

96



Case No 9.  
U.S. Dist Court South.  
Dist of Cal.

Antonio M. Lugo  
Appellee

vs

The United States  
Appellants

DECEE

9 SD  
PAGE 86

Filed March 7<sup>th</sup> 1886

97 C. E. Lanier

By D. Morgan

Recorded in Page 211 +

57

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles,.....December Term, 1855.

9 SD

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PAGE

*A. M. Lugo.*

APPELLEE,

VS.

UNITED STATES,

APPELLANT.

No. *9.*

(No. *308.* of Transcript.)

On Appeal from the United States Land Commission.

On motion of P. ORD, Attorney of the United States for the Southern District of California, it is hereby

ORDERED by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the said United States in the above entitled cause, rendered on or about the *3<sup>rd</sup>* day of *December* A. D. 185*5*.

*P. Ord*  
*ditto*

No. 9.

W. S. Dubfont  
South Dist of California

Am Surg appellee  
vs  
The United States  
appellants

Spec of Appeal J. C.

Filed with the SD  
C. E. Case no  
by Morgan papers

California Land Claim  
Attorney General's Office  
8 December 1855.

9 SD  
PAGE 89

Sir:

In the case of the claim of Antonio Maria Lugo, confirmed to the claimant by the Commissioners, case no. three hundred and eight (308), and also confirmed on appeal by the District Court, appeal will not be prosecuted by the United States.

I am

Respectfully

Yours

Pacificus Ord. Eq.

99

U. S. Attorney

Los Angeles.

W

N<sup>o</sup>. 9.

Antonio M. Lugo. et al

ads.

The United States.

92  
SD  
7/24

↓  
Filed this 24th Feb'y 1837  
Clerk  
J. M. Coleman  
et al

100

9 SD  
PAGE 90

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

TO \_\_\_\_\_ The President of the United States,

9 SD  
PAGE 91

Antonio Maria Lugo

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

GREETING :

*Pacificus Ord.*, Attorney of the United States for the Southern District of California, in behalf of the United States, prays the said Court to review, upon the grounds therein set forth, the decision of final confirmation, of the Commissioners to ascertain and settle the private land claims in California, of the claim of you the said Antonio Maria Lugo, for a tract of land called San Antonio, in the County of Los Angeles, California, not exceeding the quantity of about eleven square leagues, which said claim was presented by petition of said claimant, to said Commissioners, on or about the 31<sup>st</sup> of August 1852, and confirmed by said Commissioners on or about the 25<sup>th</sup> of February 1853.

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

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

*J. E. Carr*  
Clerk.

Marshal Cost  
 Copying Summons  
 Four folios 1.00  
 Serving Summons 4.00  
 Travel 1.00  
 Serving Petition 5.40  
 4.00  
 \$10.40

508 No 9

United States of America,  
 Southern District of California,  
 U. S. District Court.

The United States, Appellants

9 SD  
 PAGE 92 VS.

Antonio Maria Lopez, Appellee.

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SUMMONS.

No 1  
 Come to Court  
 this Jan 6<sup>th</sup> 1853  
 E. Hunter  
 U S Marshal

I served this summons along with the proper copy of the petition upon ~~Antonio Maria Lopez~~

<sup>of the defendant</sup>  
 Maria Lopez personally, in the  
 County of Los Angeles

at <sup>The residence of Maria Lopez</sup>  
 the 23<sup>rd</sup> day of January in the Southern District of California on  
 A. D. 1853.

Sworn to and subscribed before me,

J. E. Jan. Clerk.

Edward Hunter  
 United States Marshal,  
 the Southern District of  
 California

The United States of America

Carrillo, To Abel Meams, Jose Antonio  
Carrillo, Manuel Requena, and Antonio  
F. Coroel,

9 SD  
PAGE 93

Greeting

We command you, that all and sin-  
gular business and excuses being laid  
aside, you and each of you appear and  
attend before the Judge of the District  
court of the United States for the Southern  
District of California, at a special Term of  
said court now in session at the court  
Room in the City of Los Angeles in and for  
said Southern District of California, on the  
13<sup>th</sup> day of September A D 1855 at 10 o'clock  
A M to testify and give evidence in a cer-  
tain cause pending in the said court,  
and then and to be tried between, Antonio  
Maria Lugo ~~adv~~ of the United States  
on behalf of the United States,  
And this you or any of you are not  
to omit under the penalty upon you  
and every of you of two hundred and  
fifty dollars.

L.S.

74

Witness the Hon Isaac R. C. Linn Judge  
of the District court of the United States at  
the City of Los Angeles this 11<sup>th</sup> day of September  
A D 1855



(Signed)

C. C. Carr,

clerk

By John W. Ross Deputy

A true copy of the original summons  
Edward Hunter  
U. S. Marshal

32  
3  
96  
48

No 9  
United States of America  
Southern Dist of California

Antonio Maria Luzo  
Accts

The United States

Oppa for U. S. U  
Abel Stearns  
Jose Antonio Carrillo  
Manuel Reynera  
A. J. Coronel

Witnesses  
Return on 13 Sept

Copy 9 SP 75  
PAGE 94

The United States of America

N. Abel Stearnes, Jose Antonio

Carrillo, Manuel Requena, and Antonio J. Coronel  
Greetings,

We Command you, that all and singular  
business and excuses being laid aside, you and  
each of you appear and attend before the Judge of  
the District Court of the United States for the Southern  
District of California at a Special Term of said Court  
now in session at the Court Room in the City of  
Los Angeles, in and for said Southern District of Califor-  
nia on the 13th day of September A.D. 1855, at 10 o'clock  
A.M. to testify and give evidence in a certain cause  
pending in the said Court, and then and there to be  
tried between: Antonio Maria Lopez <sup>and</sup> of the  
United States - on behalf of the United States -  
And this you, or any of you, are not to omit, under  
the penalty, upon you, and every of you of Two  
Hundred and Fifty dollars.

Witness, the Hon Isaac S. Ogier Judge  
of the District Court of the United States,  
at the City of Los Angeles this 11<sup>th</sup> day  
of September A.D. 1855,

C. E. Carr, Clerk  
By: *[Signature]*



9SD  
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Recd Aug 11 1855

Edward Wharton  
U.S. Marshal

Vol 9-

United States of America  
Southern Dist of California

Antonio Maria Lopez  
and

The United States

Sparks vs.  
Abel Stearns  
Don Antonio Carrillo  
Manuel Reguena  
A. F. Cornwall  
Innocent

73 9 SP

PAGE 96

Vol 4 on 13th Sept

this summons

I served, on Abel Stearns Don Antonio Carrillo,  
Manuel Reguena, A. F. coronel by delivering  
to each of them a copy and explaining  
the same, this September 12<sup>th</sup> 1855

Edward Wharton  
U.S. Marshal.

Office of the Board of Com-  
missioners H. C.

San Francisco July 3<sup>rd</sup> 1850.

Antonio M<sup>o</sup> Sugo }  
                  "          } No. 308. for the place  
The United States, } named "San Antonio."

9 SD  
PAGE 97

In this case the Counsel  
for the claimant filed the following Motion  
and Affidavit, to wit:

Motion,

Antonio M<sup>o</sup> Sugo } No. 308.  
                  "          } for a place called  
United States. } San Antonio.

And now comes the claimant  
herein and moves for permission to with-  
draw from the Office of the Secretary a  
certain map by him herein filed as a  
part of the evidence in said Cause,

(Signed) J. Lancaster Brent,  
Atty for Antonio.  
Antonio Sugo.

Affidavit,

State of California }  
County of San Francisco. }

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J. L. Brent being  
duly sworn deposes and says, that the abo-  
vetailed Cause has been appealed by the  
United States and is now pending and  
being prosecuted by the United States in  
the W. S. District Court for the Southern  
District of California, and that Affiant

is of Counsel for the Claimant Antonio  
Merrin Lugo, that the United States have  
taken objections to the identity of the map  
filed in the above Cause, and therefore  
Applicant saith, that in his judgment it  
will be material for the said Lugo to have  
in his possession the said map in the  
foregoing Motion mentioned.

(Signed) J. Lancaster Brent

Sworn to & subscribed }  
before me this 3<sup>rd</sup> July 1855. }

(Signed) R. Aug. Thompson,  
Clerk.

Which Motion was granted

Order,

Whereupon, it is Ordered, That  
the Claimant be permitted to withdraw  
temporarily the map described in the motion  
by leaving a certified copy of the same in the  
Archives of this Board, and that the Secretary  
of this Board deliver the original map to  
the Clerk of the U. S. District Court for  
the Southern District of California at Los  
Angeles, with instructions to return the  
same to the Archives of this Board as  
soon as possible after the adjudication  
of the Case pending in the said Court, in  
which this map is intended to be used.

J. George Fisher, Secretary to the Board of  
Commissioners, to ascertain and settle the  
private land claims in California, do hereby  
77 certify the foregoing to be a true, full and  
correct copy of the Record of Proceedings had

in this case on Tuesday July 3<sup>d</sup> 1855, and  
the Map herewith annexed to be the origi-  
nal map cited in the said motion and  
affidavit.



In testimony whereof I have  
herewith subscribed my name  
officially and affixed my  
private Seal (not having a  
Seal of Office) at San Fran-  
cisco this 14<sup>th</sup> July A.D. 1855

Geo. Fisher

78

9 SD  
PAGE 99

6112  
30

Offered in Evidence in this  
Case this 13<sup>th</sup> day of Sept 1855 -  
C. C. Carrick  
By A. W. Roper

9 SD  
PAGE 100

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The United States }  
Antonio M<sup>o</sup> Lugo }

A decree in this case  
will be entered affirming the  
decision of the Commission  
and confirming the award.  
I will reserve my opinion on the  
present, as I desire to refer  
to authorities which I can not  
state.

9 SD  
PAGE 101

