

CASE No.

10

**SOUTHERN DISTRICT**

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SAN JULIAN GRANT

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JOSE DE LA GUERRA Y NORIEGA

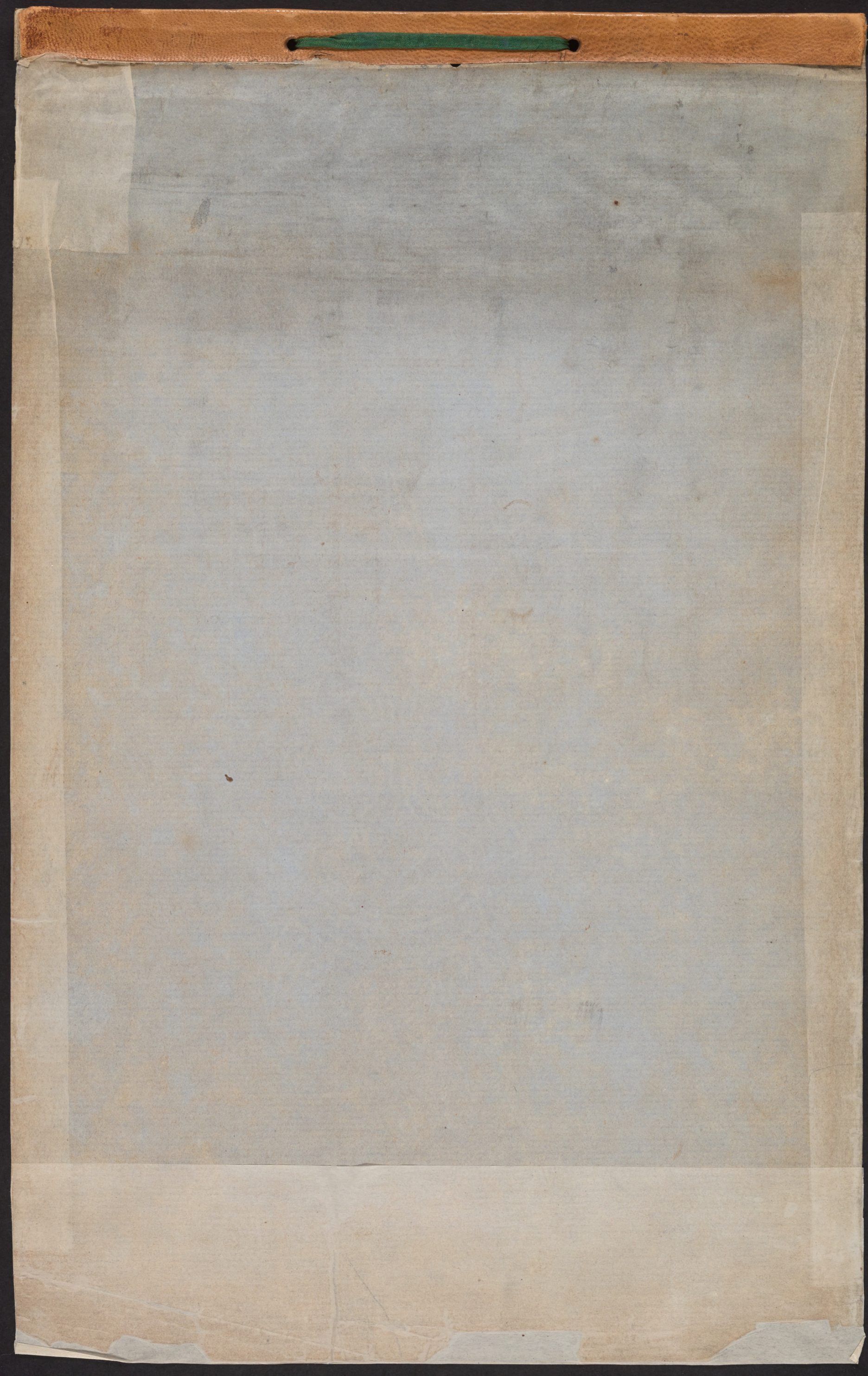
**CLAIMANT**

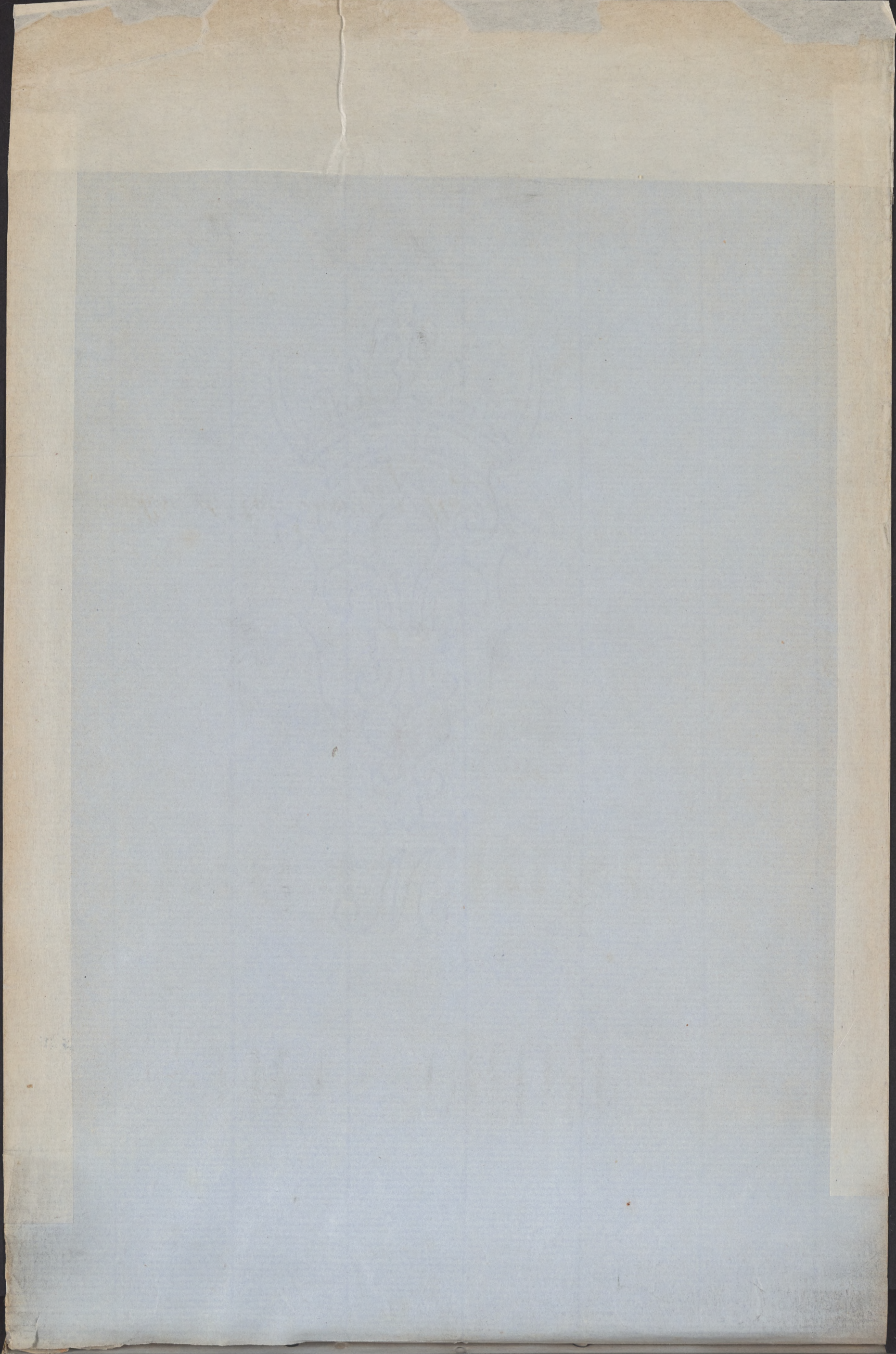
LAND CASE 10 SD PAGES 69

FEB 8 1963

JUL 15 1985

*Remington*  
Plover Bond  
35M-COTTON FIBER  
U.S.A.





# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 13

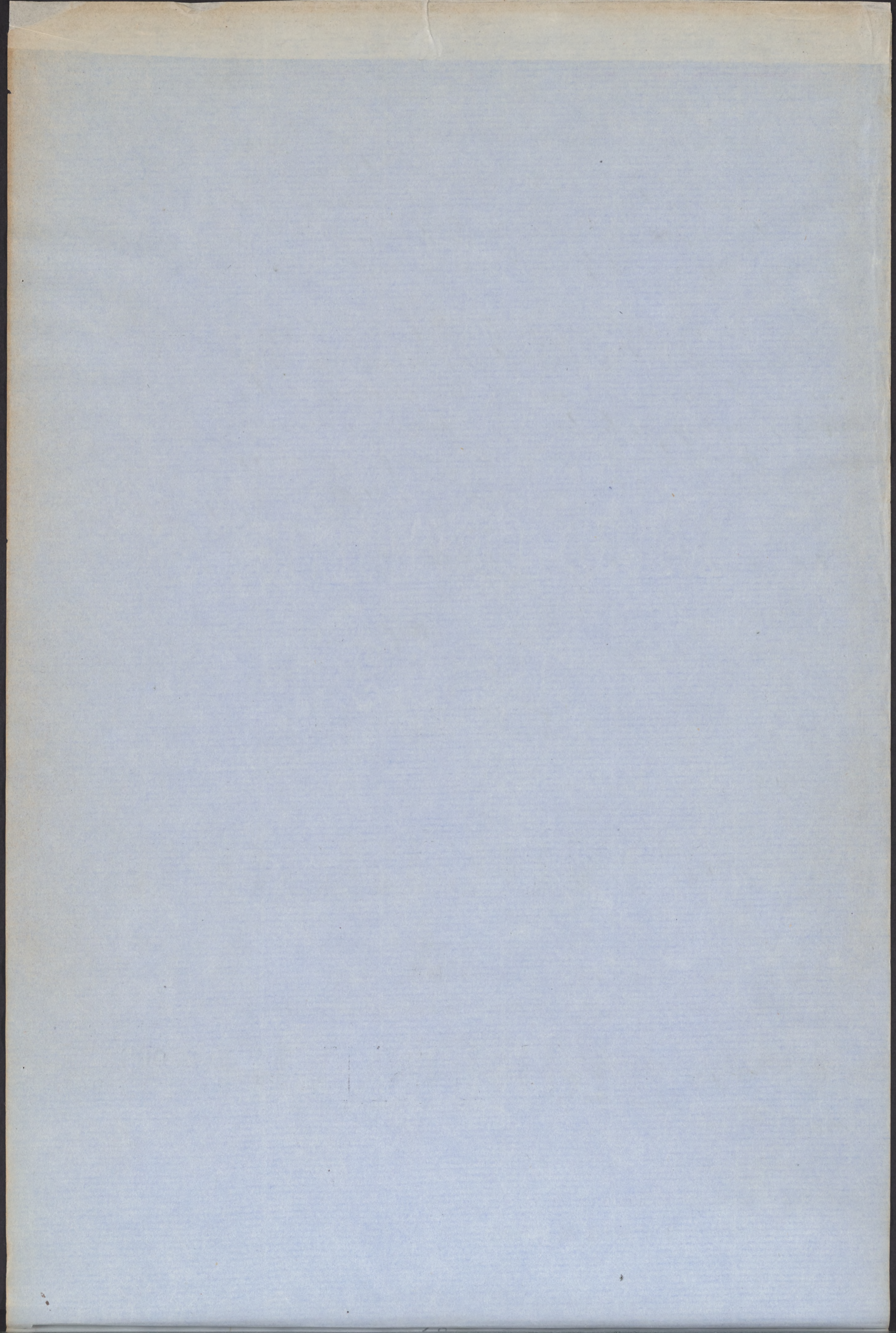
*Pose de la Guerra y Noriega* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*San Julian*



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

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The Petition of *José de la Guerra y Noriega* for the Place named *San Julian*, was presented, and ordered to be filed and docketed with No. 13 and is as follows, to wit;

(Vide page *5* of this Transcript.)

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

*Los Angeles Thursday Sept<sup>r</sup> 2<sup>na</sup> 1852*

In case N<sup>o</sup> 13 *José de la Guerra y Noriega* for the Rancho *San Julian*, the Deposition of *José Antonio Le arillo* a Witness in behalf of the Claimant taken before Commissioner *Heiland Keall* was filed and is in the words and figures as follows to wit:  
(Vide page *7* of this Transcript)

In same case the Deposition of *Ignacio del Valle*, a Witness in behalf of the Claimant taken before Commissioner *Heiland Keall* was filed and is in the words and figures as follows to wit:  
(Vide page *8* of this Transcript)

Los Angeles Sept'r 3<sup>d</sup> 1852

In case N<sup>o</sup> 13 Jose de la Guerra y Noriega for the Rancho of San Julian, the Deposition of Ygnacio del Valle a Witness in behalf of the Claimant taken before Commissioners Richard Keall was filed and is in the words and figures as follows to wit (vide page 9 of this Transcript)

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Los Angeles Sept'r 13<sup>th</sup> 1852

In case N<sup>o</sup> 13 Jose de la Guerra y Noriega for the place called San Julian, the Counsel for the claimant filed the following Motion to wit (vide page 32) of this Transcript

Los Angeles Sept'r 14<sup>th</sup> 1852

In case N<sup>o</sup> 13 the Counsel for the claimant filed the following Motion to wit (vide page 33) of this Transcript

San Francisco Feby 14<sup>th</sup> 1853

On Motion of the At States Associate Law Agent  
Ordered That the following cases be placed on the Trial Docket to wit N<sup>o</sup> 13 Jose de la Guerra y Noriega "San Julian"

San Francisco Feby 14<sup>th</sup> 1853

case N<sup>o</sup> 13 Jose de la Guerra y Noriega for the place called San Julian called; The Counsel for the claimant Mr Keall read the Petition and the papers and Evidence The United States Associate Law Agent filed his Brief; case



Submitted and taken under advisement by  
the Board

San Francisco Feby 21<sup>st</sup> 1853

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In case No 13. Jose de la Guerra y Noriega  
for the place named San Julian, Lemunifion  
Medana Keall 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 follows to wit  
(vide page 34 of this Transcript)

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

The petitioner José de la Guerra y Noriega respectfully shows.

That on the 7<sup>th</sup> day of April A. D. 1837 Juan B. Alvarado, Governor of California, by virtue of the authority of his office, granted to the petitioner the tract of land known by the name of San Julian, situate in the then jurisdiction of Santa Barbara, comprising some six square leagues, more or less, as shown by the respective maps & accompanied documents. That on the 19<sup>th</sup> day of April A. D. 1837, the Deputation of California approved the said grant in due form of law: copies of which grant, Approval & Map are hereto annexed marked A. with translations marked B. The petitioner further shows, that on the 23<sup>rd</sup> day of May 1839, he applied to the proper authority for the survey & judicial possession of the aforesaid tract of land, which survey was duly made & completed on the 29<sup>th</sup> day of May A. D. 1839, & the boundary lines properly ascertained & marked out, & that the petitioner was then & there put in judicial possession of the said tract of land by the proper authority, & has ever since continued to be & at the present time is in possession of the same; a copy of which act of survey & judicial possession is hereto annexed marked C, with a translation marked D. That the petitioner has done & performed all of the requirements of said grant necessary to make the grant aforesaid full, perfect & absolute. That he knows of no interfering claim; that the land has not been surveyed by the Surveyor General of the United States, but the same was surveyed in due form of law at the time of giving the judicial possession, & that the boundaries are definite & well known. The petitioner relies for confirmation of title upon the original papers, copies of which are hereto annexed, upon the documents & minutes concerning the same.

Petition.

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in the archives in the possession of the Surveyor General, & such other proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to decide upon the validity of said grant to the petitioner and to confirm the same.

By his Attorneys.  
Walleck, Peahey & Billings.

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Filed July 28 1852.

J. P. Carr.  
Secy.

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Office of the Board of Commissioners  
- of California Land Claims  
Los Angeles September 2<sup>nd</sup> 1852.

On this day before Hiland Hall one of  
the Commissioners to ascertain & settle the private  
land claims in California came Antonio Arguello  
a witness produced in behalf of the claimant José  
del la Guerra y Noriega whose petition is No 3  
on the Docket of the Board & was duly sworn.  
His evidence being given in the Spanish tongue  
was interpreted by the Secretary. The U. S. Land  
Agent was duly notified & did attend.

Deposition of  
José Antonio Carrillo

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In answer to questions by the counsel for  
the claimant testified as follows:

My name is José Antonio Carrillo, my  
age is fifty seven, & my residence the city of Los  
Angeles, & I am a native of California.

I am acquainted with the handwri-  
ting & signatures of Juan B. Alvarado, Cornel  
Pena, & Victor Pudon. Their several signatures  
appearing upon a paper now before you purporting  
to be a grant of the Rancho San Julian to the  
claimant April 7 1837, and I have no doubt  
their genuine signatures. Said paper is hereto  
enclosed & marked No 1.

In answer to questions by the law agent  
the witness says, the land is within ten leagues  
of the sea coast. The land has never  
been occupied by any mission. It was formerly  
occupied by the company of the Presidio of Santa  
Barbara & afterwards by the present claimants.  
Sworn & subscribed José Ant<sup>o</sup> Carrillo.

Before me  
Hiland Hall.

Comr.

Filed in Office Sept 2<sup>nd</sup> 1852.

Geo. Fisher. Secy.

1/13

Office of the Board of Commis-  
sioners of California Land Claims.  
Los Angeles September 2<sup>nd</sup> 1852.

On this day before Neiland Hall one  
of the Commissioners to ascertain & settle private  
land claims in California, came Ignacio del Valle  
a witness produced in behalf of the claimant José  
de la Guerra y Noriega whose petition is No 13, on  
the Docket of the Board, & was duly sworn. His  
Deposition of evidence being given in the Spanish was inter-  
preted by the Secretary. The Law Agent was  
notified & did attend.

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

My name is Ignacio del Valle, my age is forty  
four years, & I reside in the city of Los Angeles &  
have resided in California over twenty seven years.  
I am acquainted with the hand writing & signa-  
tures of José de la Guerra y Noriega, Antonio  
Rodriguez, Vicente Manuaga, Joaquin Casilla  
& Ignacio del Valle. The signatures of the said  
several persons appearing upon a paper now before  
me purporting to be a record of the giving of ju-  
dicial possession to the claimant of the Ran-  
cho San Julian in 1839, are their genuine  
signatures. One of them is my own signature.  
It was placed there, with the other signatures at  
the date which the paper bears. Said paper is here-  
to attached & marked No 1.

I am acquainted with the Rancho  
before mentioned, José de la Guerra the present  
claimant built a house on it in 1837, & it was  
occupied by his son & servants who had the  
charge & care of cattle raising on the land, and  
they cultivated a small parcel of the land,  
the land being suitable for pasturage & not for

cultivation. The claimants occupation of the land has continued in a similar manner to the present time. Sometimes the number of cattle kept by the claimant on the land may have been Eight thousand, with one hundred tame horses & from one to two thousand sheep, at other times the amount of stock was less.

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PAGE 9

In answer to questions put by the Law Agent, the witness says, that the land is within ten leagues of the sea coast. The land was formerly occupied with the stock & horses of the company of Soldiers of the Presidio of Santa Barbara. It was so occupied in 1826. I have no knowledge that it was ever occupied by any Mission.

Sygnacio del Valle.

Sworn & subscribed

Before me

Wilford Hall,

Comr.

Filed in Office Sept 2<sup>nd</sup> 1832.

Geo: Fisher.  
Secy.

Office of the Board of Land  
Commissioners for California.

Los Angeles Sept 3<sup>rd</sup> 1832.

Deposition of  
Sygnacio del Valle

of the Commissioners for ascertaining & settling private Land Claims in California, came Sygnacio del Valle a witness produced on behalf of the claimant Jose de la Guerra y Noriega, being Not 3, on the Docket of said Commissioners & after being duly sworn testified as follows, his evidence being given in the Spanish and interpreted by Gen: Fisher Secretary. The U.S. Law Agent was duly notified & attended.

In answer to inquiries by the Council for the Claimant, the witness testified as follows.

My name is Agnacion del Valle, my age forty four, & my residence the city of Los Angeles. I am acquainted with the hand writing of Manuel Serrano, & with his signature. His signature which appears to a certificate on the back of a map now shown me, surmounting to be a copy of a map on file in the office of the Secretary of Upper California, said certificate dated April 4 1839, is his genuine signature. Said paper is hereto attached & marked No 1.

In answer to questions by the Law Agent after comparing the said signature, with another produced by said Law Agent & being enquired of whether they are the same, he says he is satisfied they are, & are both genuine.

Agnacion del Valle.

Sworn & subscribed

Before me

Wiland Hall.

Comr.

Filed in Office Sept 3<sup>rd</sup> 1839.

Gen: Fisher.

Secy.



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Document  
N.º 1.

annexed to  
the deposition  
of Jose Ant.  
Carrillo

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1 of 2  
El Sr. Juan B. Alvarado, Gobernador  
interino del Estado y Presidente de la  
Exma. Diputacion del mismo.

Por cuanto el Sr. D. José de la  
Garriga y Noriega ha pretendido p.<sup>a</sup> su  
beneficio personal y el de su familia  
el paraje nombrado Gr. Julian, dentro  
de los linderos señalados en el distrito  
que acompaño a la solicitud de dho. Sr.  
practicadas previamente las diligencias  
concernientes, segun lo dispuesto p.<sup>a</sup> leyes  
y reglam.<sup>tos</sup>, usando de las facultades  
que me son conferidas, a nombre de la  
Nacion Mexicana he venido en concederle  
el terreno mencionado, declarandole  
la propiedad de el, p.<sup>a</sup> las presentes  
letras, entendiendose dha. concesion  
con entera conformidad p.<sup>a</sup> lo dispuesto  
p.<sup>a</sup> las leyes, a reserva de la aprobacion  
o desaprobacion de la Exma. Dipu-  
tacion y bajo las condiciones sig.<sup>tes</sup>

1.<sup>a</sup> El agraciado, ni sus herederos,  
podran dividir ni enajenar el que  
se les adjudica: imponer censo, vinculo  
fianza hipotetica ni otro gravamen,  
aunque sea p.<sup>a</sup> causa piadosa, ni  
pasarle a manos muertas.

2.<sup>a</sup> Podra cercarlo sin perjudicar  
las travesias, caminos ni cercos de otros;  
lo disfrutara libre y esclusivamente,  
destinando al uso o cultivo que mas  
le acomode.

3.<sup>a</sup> Quando el le confirme la  
propiedad solicitada el juez respectivo  
le di posesion juridica, en virtud de  
este despacho, p.<sup>a</sup> el cual se demarcaron  
sus linderos, y pondra sus anchuras.

4<sup>a</sup> El terreno de q. se hace donacion es parante el que se contiene dentro de los linderos que se demarcan en el diseño que corre agregado en el expediente, y el Juez que proveyere al interesado dará aviso al Gov<sup>no</sup> del numero de los citos que comprende.

En consecuencia mando que sirviendose de título el presente, y teniendo pr. firma y valedero, se tome razon en el libro que corresponde y se entregue al interesado pr. su resguardo y demas fines convenientes.

Dado en la Excmo. de Sta. Barba  
a 7 de Ab. de 1837.

Juan B. Alvarado

Lic.<sup>do</sup> Cosme Peña

Sec. del despacho.

En sesion de Diciembre de Ab. de mil ochocientos treinta siete aprobó la Excmo. Diputacion la proposicion en que concluyó el dictamen de la Comision de terrenos baldios, que a la letra es como sigue: "se concede al Cind. Jor. de la Guerra y Noriega el paraje nombrado Sr. Julian pr. que lo posea en propiedad, pr. tener los requisitos necesarios, conforme a la ley de Desecho de Agosto de mil ochocientos veinte cuatro y al reglam<sup>to</sup> de veinte uno de Noviembre de mil ochocientos veinte ocho = Antonio Buena = Jor. Antonio de la Guerra y Camillo.

Juan B. Alvarado

Pres.<sup>te</sup>

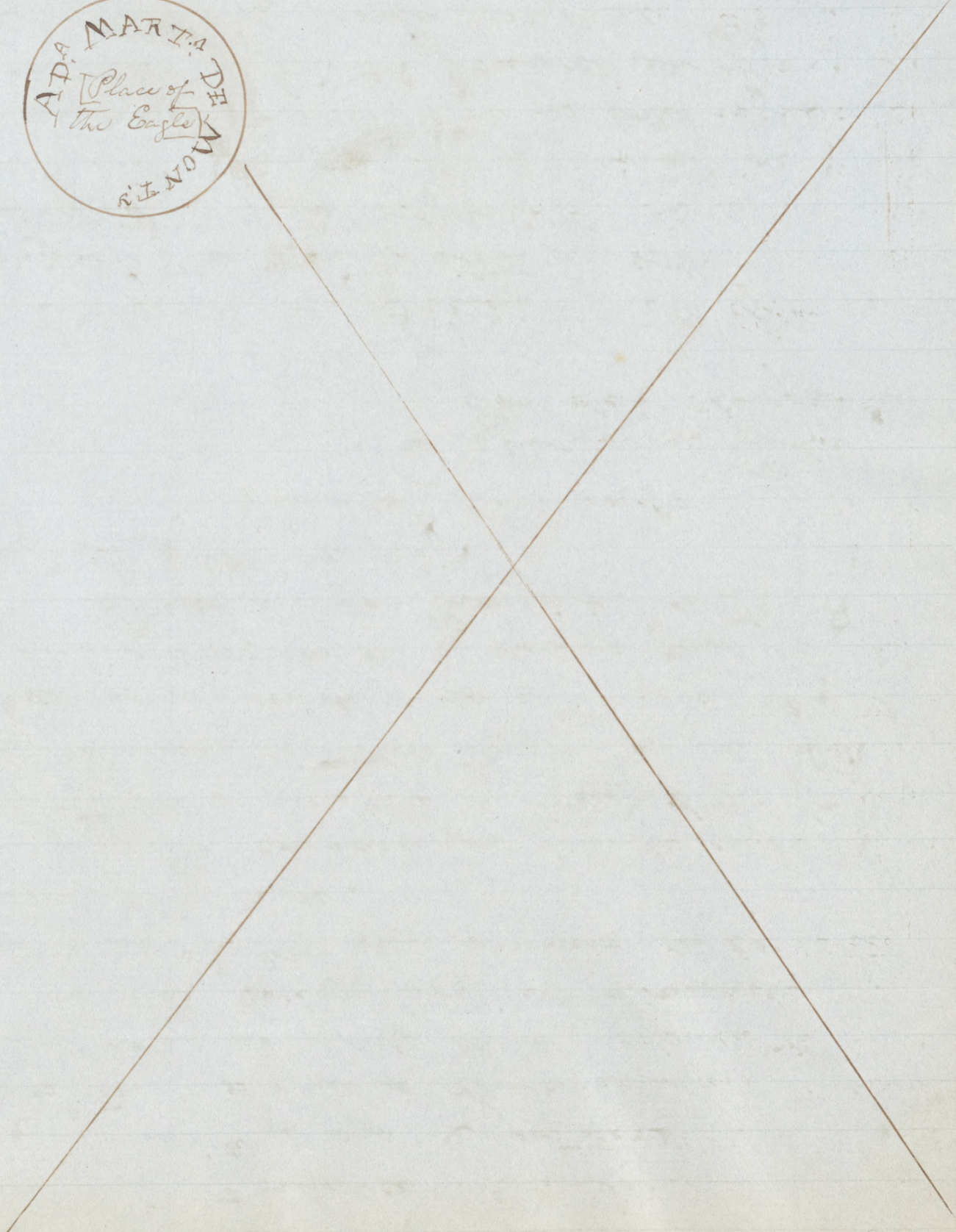
Victor Poudon

Secret.<sup>o</sup>

Nota. El antecedente despacho se  
ha extendido en el presente papel  
comun por no haber en la Municipalidad  
del sello q. corresponde. La parte  
interesada agregara tarjado el pliego  
del que la ley tiene demarcado  
Victor Prudon

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Sello 1.º Seis Pesos  
Habilitado provisionalmente por la  
Adm. Marina de Montevideo  
para los años de 1839 y 1840.  
Alvarado. Antonio M. Oro.



Filed in Office Sept. 2<sup>d</sup> 1852  
Geo. Fisher  
Secy.

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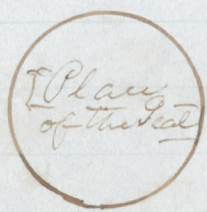


Exhibit no 1.  
 annexed to the deposition of  
 Ignacio del Valle.

Certifico que el Dicen que se demuestra  
 a la vista es conforme con el original que  
 aparece en el Expediente que existe en esta  
 Secretaria de mi cargo. Y para los  
 fines que puedan convenir, entiendo este  
 en la Secretaria de Gobierno, en Montevideo  
 a cuatro de Abril de mil ochocientos  
 treinta y nueve.

Manuel Jimeno

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Place for the map

Filed in Office Sept. 30 1852  
Geo. Fisher Secy.

Citizen Juan B. Horvado, Governor and Director of the State & President of the Most Excellent Deputation of the same.

Mexico, Citizen José de la Guerra y Noriega has, for his own personal benefit & that of his family, petitioned for the place named San Julian, within the limits designated on the map which accompanied his petition for said place, the proper measures having been previously made as required by the laws & regulations, by virtue of the authority in me vested, in the name of the Mexican Nation I have granted him the aforesaid land declaring to him the ownership of it by these presents, it being understood that the said grant is with the entire conformity to the provisions of the laws, subject to the approval or disapproval of the Most Excellent Deputation & under the following conditions; viz: 1<sup>st</sup> Neither the grantee nor his heirs can divide or alienate that which is granted them, subject it to any tax, or debt, bond, mortgage, or in any manner, even for charitable purposes, or convey it in any manner.

2<sup>nd</sup>. He may enclose it without obstructing the crossings, roads, & arroyos, & enjoy it freely and exclusively, making such use or cultivation of it as he may see fit.

3<sup>rd</sup>. When the ownership is confirmed to him, he shall request the proper Magistrate to give him judicial possession in virtue of this order, by whom the boundaries will be marked out and the land marks placed.

4<sup>th</sup>. The land granted in donation is solely that contained within the boundaries marked on the map which is attached to the Record of Proceedings, & the Magistrate who may give the possession to the party interested will inform this Government of the number of sitios it contains.

In consequence I order that these presents serving him for a title & being held as firm &

B.  
Translation of  
Title &c.

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valid, the same be registered in the corresponding book, & they be delivered to the party interested for his security & other convenient purposes.

Given in the Ex-Mission of Santa Barbara on the 7<sup>th</sup> of April 1837.

(Signed) Juan B. Alvarado.

(Signed) Licentiate Cosme Peña.

Secretary.

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B.

In session of the 19<sup>th</sup> of April one thousand eight hundred & thirty seven the Most Excellent Deputation approved the proposition with which the report of the committee on vacant lands ended, which, literally, is as follows:

The place named San Julian is granted to citizen José de la Guerra y Noriega, that he may acquire in fee, the requisites of the law of the eighteenth of August one thousand eight hundred & twenty four, & regulation of November twenty fifth one thousand eight hundred & twenty eight having been complied with.

(Signed) Antonio Bulnes. (Signed) José Antonio de la Guerra y Carrillo.

(Signed) Juan B. Alvarado.

(Signed) Victor Prudon.

President.

Secretary.

The preceding patent has been issued on this common paper because there was none of the corresponding stamp in the municipality. The party interested will attach a sheet of that specified by law.

(Signed) Victor Prudon.

Certify the foregoing to be a true & correct translation, as amended, from the Original Spanish document on file in this office, annexed to the deposition of José Antonio Carrillo, in Case No 13, José de la Guerra y Noriega.

Geo: Fisher.

Filed in Office Aug 28 1837.

Secy.

Geo: Fisher.

Secy.



Document  
N.º 1.  
annexed to  
the deposition  
of Ignacio  
del Valle.

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En el Puerto de Santa Barbara  
a los veinte y tres dias del mes de Mayo  
de mil ochocientos treinta y nueve  
ante mi el Ciudadano Antonio Rodriguez  
Juez de paz interino de esta Municipali-  
dad, comparecio D. Jose de la Guerra  
y Noriega, a quien doy fe conozco, y  
dijo: q. por el presente otorgaba su poder  
amplio y bastante tanto quanto por ley  
fuere necesario a su hijo D. Francisco  
para que representando su persona, derechos  
y acciones se entienda en recibir la  
posesion juridica del paraje conocido  
con el nombre de San Julian, cuyo  
se fue concedido por el Gobierno  
Departamental, dando por firme y  
valeroso quanto sobre el particular  
haya dho. apoderado; y para q. el  
presente tenga el valor q. fuere necesario  
lo firmo conmigo y los de mi asisten-  
cia a falta de escribano publico segun  
derecho: estendiendo este en papel  
comun por no haberlo del sello q.  
corresponde.

Antonio Rodriguez

Jose de la Guerra y  
Noriega

de año.

Vicente Moraga

esta.

Joaq.º Carrillo

Sta. Barba Mayo 23 de 1839

En virtud de la presente  
solicitud q. hace el interesado,  
do, ha dispuesto este juz-  
gado de mi cargo, proceder  
a la posesion juridica esta  
semana entrante.

Rodriguez  
Vicente Moraga  
Fris.

Por Juez de Paz ant.º

Don Jose de la Guerra  
y Noriega, vecindado  
en esta Municipali-  
dad ante V. como  
mejor haya lugar en  
dho. y al ruego combenga,

se presenta y dice: q. habiendo solicitado del Gobierno del Departamento la adjudicación del terreno q. expresa el Diseño adjunto se le concedió por dicho Gobierno con fha y de Abril del 1837, y se aprobó por la Exma. Diputación en 19 del mismo mes y año como lo acredita el título q. devídame<sup>te</sup> acompaña. En tal virtud, y en la de ser requisito de ley q. pa. mayor seguridad del interesado en asunto de esta naturaleza solicite del Juez respectivo la posesion jurídica la impetra a la presente el q. suscribe de la autoridad q. V. representa. Por tanto,

A. V. suplica se sirva tener la bondad de pasar a darle la referida posesion del mencionado paraje en lo q. recibira gracia y justicia, sirviendose admitir este en papel común q. no habiendo del reyo q. corresponde, jurando no ser de nulicia y lo necesario q. Sta. Barbara Mayo 23 de 1839

Jose de la Guerra  
y Noriega.

En el Principio de Santa Barbara a los veinte y tres dias del mes de Mayo de mil ochocientos treinta y nueve, amante a la solicitud del Sr. D. Jose de la Guerra y Noriega, a fin de q. se le de la correspondiente posesion del sitio llamado San Julian, concedido por el Gobierno de este Departamento, y habiendo la falta de un agrimensor q. para el efecto de las medidas correspondientes devia comparecer, para q. remida el enunciado terreno lo hizo yo el primer nombrado Juez de Paz interino Ciudad. Antonio Rodriguez, con

total arreglo á las primeras medidas q<sup>ue</sup> se han practicado, cuyo dicho se agregará al expediente: pasese por mí y los testigos de asistencia al espresado sitio y prosedase á dar la posesion indicada, arreglandose al título q<sup>ue</sup> se le ha conferido por la Jefatura Política con fha. diez y nueve de Abril de mil ochocientos treinta y siete = El Sind.<sup>o</sup> Antonio Rodriguez Juez del referido Punto, así lo decreté mandé y firmé con los testigos de mi asistencia doy fe = Antonio Rodriguez = asna. Vicente Moraga = asna. Anastasio Carrillo = En el rancho de San Julian á los veinte y siete dias del mes de Mayo de mil ochocientos treinta y siete, el Juez q<sup>ue</sup> suscribe, habiendo hecho citacion de Colindantes, y habiendo comparecido los l. l. Anastasio Carrillo, por parte del rancho llamado Punta de Concepcion, Miguel Bordero por el paraje de las Cruces, Francisco Cota por el de Sta. Rosa, y Jose Maria Valenzuela por el establecimiento de la Purisima, les hice saber el objeto con q<sup>ue</sup> hasta allí me habia conducido, y q<sup>ue</sup> en este caso presentasen los documentos que respectivamente tubieren sobre propiedad de aquel terreno, pues iba á venderlo y poner en posesion de él á D. Jose de la Guerra y Ortega, y no habiendo presentado documentos ningunos q<sup>ue</sup> impidieran las medidas, les dije q<sup>ue</sup> iba á proceder á ellas, lo q<sup>ue</sup> pongo por diligencia q<sup>ue</sup> autorizo y firmo, con los testigos de mi asistencia doy fe. = Antonio Rodriguez = asna. Anastasio Carrillo = asna. Vicente Moraga = En el rancho de San Julian y en la misma fecha

citada, yo el propio juez para la practica de estas diligencias, nombre dos oficiales Medidores y dos Cordeleros, a quienes les hice saber su nombramiento, el q. aceptaron bajo su juramento q. otorgaron, ofreciendo desempeñar fielmente en cargo. lo q. autorizo y firmo con los testigos de mi asistencia segun derecho = Antonio Rodriguez = asm. Anastasio Carrillo = asm. Vicente Moraga. =

En el referido lugar a veinte y ocho del expresado mes y año; estando en el paraje nombrado el puente-suelo, el cual colinda al este con el Rancho de las Cruces, a efecto de verificar las medidas y posesion q. corresponde al Sr D. Jose de la Guerra, del Sitio nombrado San Julian, previos todos los requisitos de ley posibles en este destino, y estando ante mi y los testigos de mi asistencia los oficiales medidores los cordeleros y yo el juez Ciudad. Antonio Rodriguez, hizo medir un cordel q. contenia cien varas, el cual fue examinado y reconocido y haciendole a Sur extremos unos sancoos de madera, dispuse se tirare el cordel rumbo al Sur, comensando desde dicho punto en cuyo lugar se halla un ensino q. q. provisionalmente sirve de anojonera, y habiendo rematado la medida en la cumbre de la Sierra q. colinda con el rancho nombrado Punta de Concepcion, resultaron medidas, contados los cordels tirados, tres leguas, en cuya rumbo sirven de mojoneras tres ensinos unicos, q. alli se hallan. En seguida yo el juez, hizo se tirare desde este ultimo punto el cordel asi

10 SD  
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al Oeste; y habiéndose medido dos leguas rematada la medición en la desembocadura del arroyo de la espalda, en donde se hallan tres arboles pequeños q. provienen igualmente sirben de mojónera: y siendo una hora inoportuna yo el referido juez suscripto en estas diligencias dispuse se suspendieren las medidas para continuarlas el día de mañana; y lo firmé con los de mi asistencia según derecho = Antonio Rodríguez = asst. Anastasio Carrillo = asst. Vicente Moraga.

= En veinte y nueve del mismo mes, y año expresados, yo el citado juez, habiendo pasado en compañía de los medidores y bordeleros, igualmente de los colindantes respectivos, al sitio donde el día anterior se rematada la medida, y en prosecución de las presentes diligencias, dispuse que desde este punto se tirase al rumbo del Norte, y habiendo rematada la medida en un aguaje pequeño q. se halla entre las puntas q. forman las touchillas de Jalama y porte = suelo, resultaron medidas contados los bordes tirados, dos y tres cuartos de leguas, sirviendo en aquel punto de mojónera el expresado aguaje.

En seguida yo el juez suscripto dispuse se tirase el borde al rumbo del este, desde el aguaje ya citado, y habiendo rematada la medición en el porte = suelo punto desde donde principiaron las medidas del terreno de q. se da posesión, resultaron medidas, contados los bordes tirados dos y cuatro leguas.

= Con lo q. se concluyeron las remediaciones de este sitio a satisfacción del interesado; siendo de advertencia q. la inexactitud

q. puede resultar en la medicion hecha, debe atribuirse a la multitud de lomias en q. abunda todo el sitio, y a la falta de Agrimensores q. no lo hay en el Departamento. lo q. pongo por diligencia q. autorizo y firmo con los de tertigos indicados = Antonio Rodriguez = asna, Anastasio Carrillo = asna Vicente Moraga.

10 SD

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Antonio Rodriguez, Juez de Paz interior de esta Municipalidad.

Certifico q. la antecedente copia es sacada fielmente a la letra de su original, cuya queda archivada en este Juzgado de mi cargo.

Monta Barbara y Junio 5 de 1839  
asna, Antonio Rodriguez.

Ignacio del Valle

asna.

Vicente Moraga  
Frio.

Filed in Office Sept 25 1852.

Geo. Fisher  
Secy.

To the Justice of the Peace, ad interiori Don

Santa Barbara José de la Guerra y Noriega, resident  
 May 23<sup>rd</sup> 1839. in this municipality, before you,  
 In compliance in the most favorable legal manner,  
 with the present appears & represents, that having re-  
 petition made - quated of the Departmental Gov-  
 by the party in - ernment the grant of the land  
 - terested, the shown by the annexed map, it was  
 court under my view to him by said Government  
 on the 7<sup>th</sup> of April 1837 & approved  
 ordered that the by the Most Excellent Deputation  
 on the 19<sup>th</sup> of the same month &  
 - sion be proce- year as is shown by the title which  
 - ded to in the he duly transmits, In virtue of the  
 coming with. foregoing & it being required by law  
 signed Rodriguez for the greater security of the present  
 signed Victor indirect in matters of this na-  
 ture, that the judicial proce-  
 - sion should be solicited from the proper Mag-  
 - istrate, the subscriber requests it of the au-  
 - thority which you represent.

Wherefore he prays that you would  
 have the goodness to go & give him the posses-  
 - sion of the place aforesaid, by which he will  
 receive favor & justice; & be pleased to admit  
 this on common paper, there being none of the  
 corresponding stamps; & he swears that he does  
 not act from malice & whatever else may be nec-  
 - essary &c.

Santa Barbara, May 23<sup>rd</sup> 1839.

(Signed) José de la Guerra y Noriega.

In the part of Santa Barbara on the twenty third  
 day of the month of May, one thousand eight hun-  
 - dred & thirty nine, before me, citizen Antonio  
 Rodriguez, Justice of the Peace ad interiori, of  
 this municipality, appeared Don José de la Gu-  
 - erra y Noriega, whom I certify I know, & said,  
 that by these presents he granted ample & suffi-  
 - cient power, as much as might legally be re-  
 - quired & found necessary to his son Don Francisco,

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D.

Translation of  
 Juridical  
 Possession

direct or has  
 ordered that the  
 judicial proce-

that representing his person, right & actions he should receive the juridical possession of the place known by the name of San Julian, which was granted to him by the Departmental Government and he acknowledges to be firm & valid, whatever may be done in the premises by his said attorney: & that these presents might have the necessary force & validity he signed them with me & those of my assistance, according to law, there being no Notary Public; executed on common paper for want of that of the corresponding stamp.

Assisting witnesses. (Signed) Antonio Rodriguez.  
(Signed) Vicente Moraga. (Signed) José de la  
(Signed) Joaquín Carrillo. Guiray Noriega.  
On the presidio of Santa Barbara on the twenty third day of the month of May, one thousand eight hundred & thirty nine, in compliance with the request of Don José de la Guiray y Noriega, that the corresponding possession should be given to him of the place called San Julian, granted by the government of this Department & there being no surveyor, who ought to appear for the purpose of measuring said land, I, the first named Justice of the Peace, ad interim Citizen José Antonio Rodriguez, have surveyed the same, in entire conformity with the measurements previously made, the map of which will be attached to the Record of Proceedings; & my assisting witnesses will proceed to the aforesaid place & give the possession referred to, in conformity with the title Political Chief by the (civil Government) on the nineteenth of April one thousand eight hundred & thirty nine. Citizen Antonio Rodriguez, Magistrate of the place aforesaid, thus decreed, ordered & signed with the witnesses of my assistance. I certify.  
Assisting witnesses.  
(Signed) Vicente Moraga. (Signed) Antonio Rodriguez.  
(Signed) Anastasio Carrillo



In the Rancho of San Julian on the twenty seventh day of the month of May, one thousand eight hundred & thirty nine, the subscribing Magistrate having summoned the contiguous neighbors & those appearing citizens Anastasio Carrillo, for the rancho called, "Punta de Concepcion," Miguel Cordero for the place of "Las Cruces," Francisco Cota for Santa Rosa, & José Maria Valenzuela for the establishment of "La Purisima," I made known to them the purpose with which I had come to that place, & that such being the case, they should present such documents as they might have respecting, relative to the ownership of that land, for I was going to remeasure it, & put in possession of it Don José de la Guerra y Noriega, & none having been presented which could impede the measurements, I said that I would proceed to them, which I note officially & authenticate & sign with my assisting witnesses I certify. Signed/ Antonio Rodriguez.

Assisting witnesses.

Signed/ Anastasio Carrillo

Signed/ Vicente Moraga.

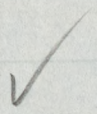
In the Rancho of San Julian, on the day aforesaid, I the proper Magistrate for the performance of these official acts, appointed two surveyors & two rope bearers, who being informed of their appointment accepted it, promising under oath to discharge faithfully the duties of their office, which I authenticate & sign with the witnesses of my assistance, according to law.

Assisting witnesses. Signed/ Antonio Rodriguez

Signed/ Anastasio Carrillo.

Signed/ Vicente Moraga.

On the place referred to, on the twenty eight of the said month & year, standing in the place called "el portezuelo," which adjoins the rancho of Las Cruces, to the East for the purpose of revising the remeasurements of possession which correspond to Don José de la Guerra y Noriega, of the place named San Julian, all the legal requisites



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having been provisionally completed with, which are possible in this place, & there being present the witnesses of my assistance, the surveyors, the rope bearers, &c, the Magistrate citizen Antonio Rodriguez, I caused to be measured a rope which contained one hundred varas, which was examined & acknowledged & stated of wood tied to its extremities, I directed that the rope be drawn to the south, commencing at the point aforesaid where is an oak which serves temporarily as a land mark, & the measurement having terminated at the top of the ridge which is contiguous to the Rancho called "Punta de Concepcion", having counted the rope stretched it measured the distance, proved to be three leagues, & on said ridge, three oaks, the only ones found there, serve as a land mark. In continuation I, the Magistrate caused the rope to be drawn from this last point, westerly, & two leagues having been measured, the line terminated at the mouth of the Arroyo of la espadas, where are three small trees which provisionally serve as landmarks; & the hour being unfit, I, the, Magistrate subscribing these acts, ordered the measurements to be continued, to be continued to morrow, & signed thus with those of my assistance accordingly in law. Assisting witnesses, Signed Antonio Rodriguez. Signed Anastasio Carrillo. Signed Vicente Moraga.

On the twenty ninth of the same month & year, I, the aforesaid Magistrate, in company with the surveyors, & rope bearers & the contiguous neighbors having passed to the place where the measurement terminated the preceding day, I ordered that from this point the rope be drawn in a Northwesterly direction, & the measurement having terminated at a small watering place, between the points formed by the ridge

the distance being half a league, the watering place being

"Salamanca" & "Portezuelo" the distance proved to be two & a half leagues the watering place aforesaid serving as a landmark.

In continuation, & the undersigned Magistrate ordered the rope to be drawn from the watering place referred to, easterly, & the measurement having terminated in "El Portezuelo", where the measurements of the land of which possession is given commenced & stripes measured having been counted there resulted two & a quarter leagues.

With which the measurements of this land were finished to the satisfaction of the party interested, it being necessary to state that any inaccuracies which may be found in the measurement made, should be attributed to the great number of hills with which the whole place abounds & to the want of a surveyor, there being none in the Department: all which I note officially & authenticate & sign with the aforesaid witnesses.

As witness whereof Signed Antonio Rodriguez.

Signed Anastasio Carrillo.

Signed Vicente Moraga.

Antonio Rodriguez, Justice of the Peace and Intendant of this Municipality.

I Certify, that the foregoing copy is faithfully & literally made from the original, which remains on file in this office in my charge.

Santa Barbara June 5<sup>th</sup> 1834.

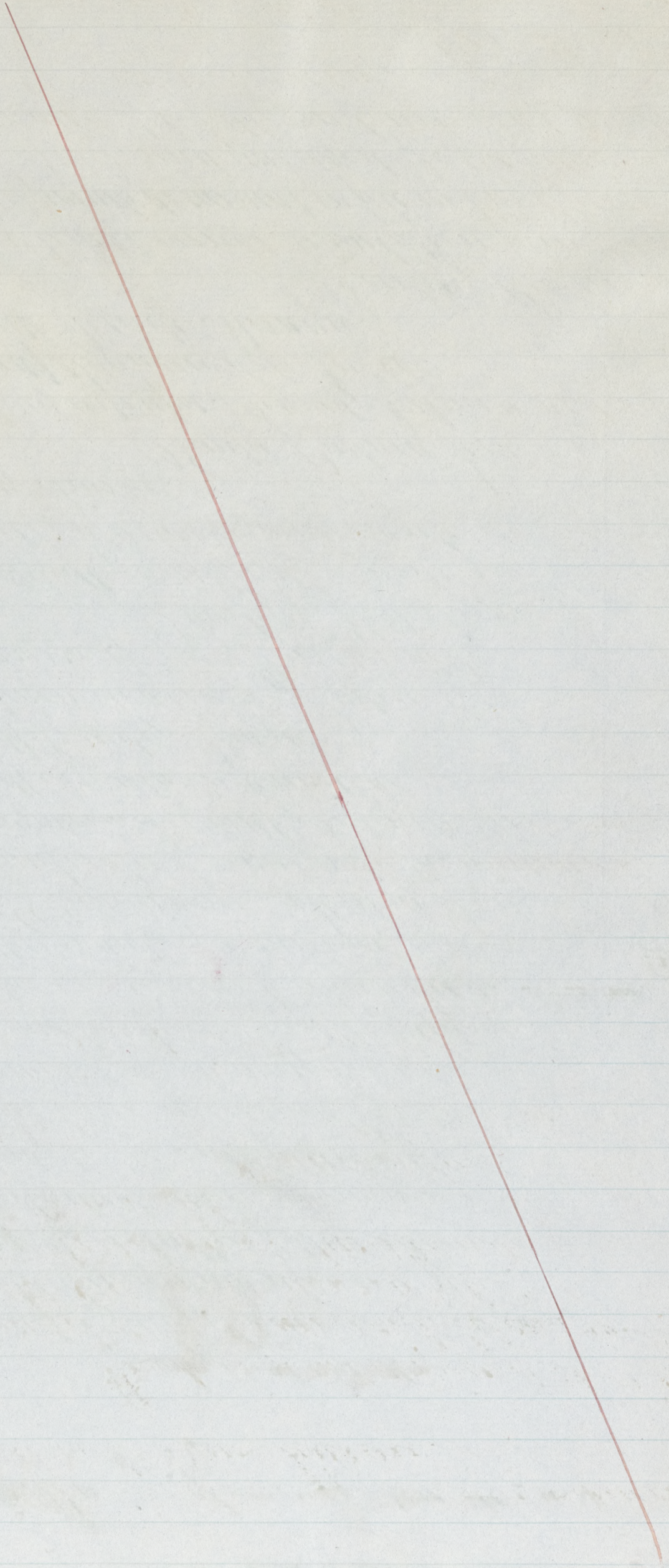
Assisting Intendant Signed Antonio Rodriguez

Signed Agnacion del Valle.

Signed Vicente Moraga.

I certify the foregoing to be a true & correct translation from the original Spanish document on file in this office in Case No 13, and annexed to the deposition of Agnacion del Valle in Case No 13. José de la Guerra y Noriega.

Gen: Fisher. Secy.  
Filed in Office Aug 28 1834. Gen: Fisher. Secy.



Before the U. S. Commissioners.

No 13. In the claim of José de la Guerra  
y Noriega to "San Julián."

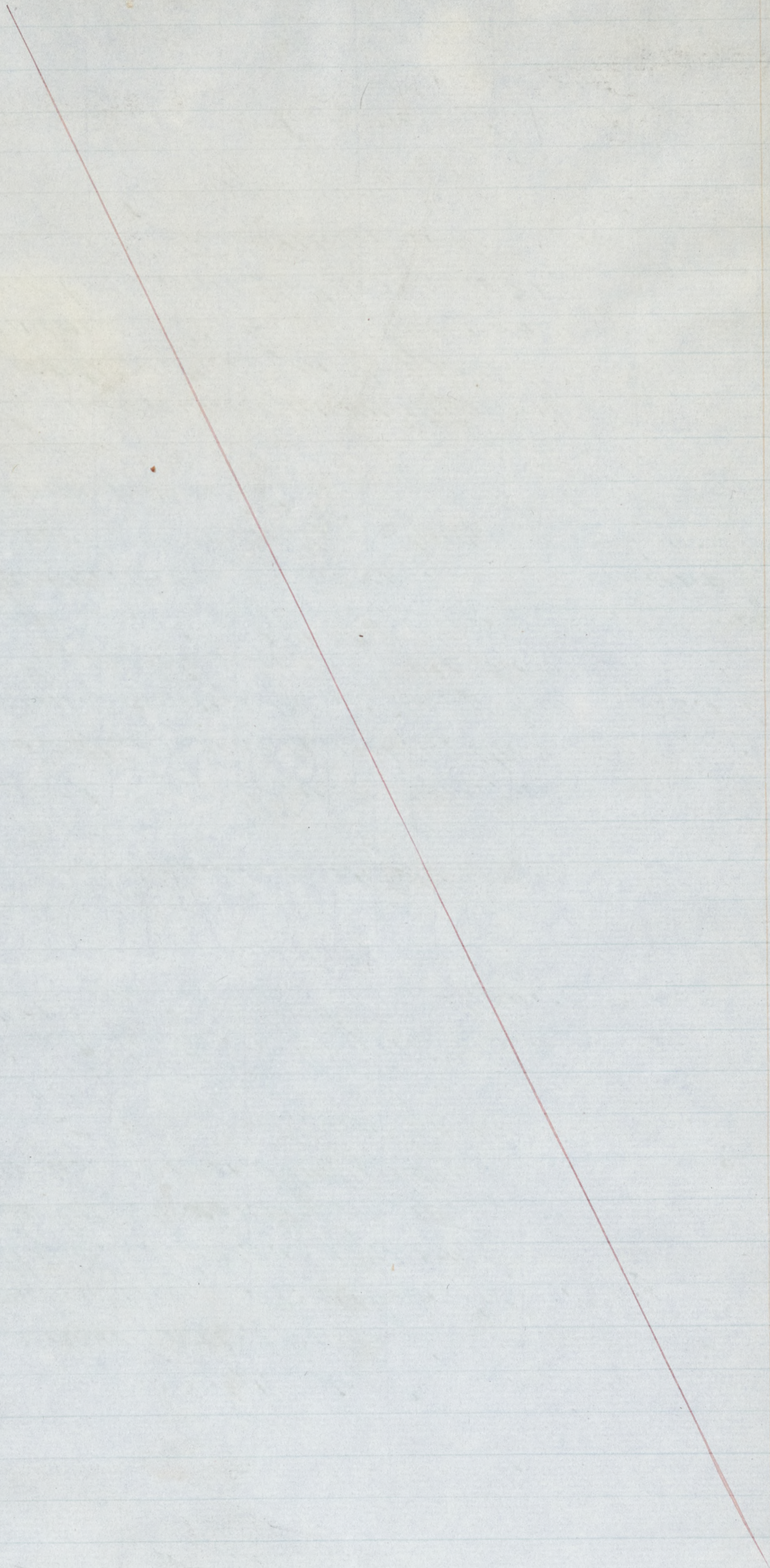
10 SD  
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Moved that the copies of the title  
Motion for order papers filed by Claimant be compared  
to deliver copies with the Originals also on file; & certified  
of papers filed by the Secretary of this Board & delivered  
to the Claimant.

Walter P. Puchy & William  
Atty's for claimant.

Filed in Office Sept. 13<sup>th</sup> 1832.

Gen. Fisher.  
Secy.



No 13. José de la Guerra y Noriega claimant.

José de la Guerra y Noriega claims title to a tract of land situated in the County of Santa Barbara, called "San Julian," under a grant from Governor Alvarado dated April 7<sup>th</sup> 1837.

The grant is produced & its genuineness is shown by parcel evidence & by the public archives of the former governments. Such Archives also show that the grant was approved by the Departmental Assembly on the 14<sup>th</sup> of April 1837. It is also shown that judicial possession of the land was duly given to the claimant on the 29<sup>th</sup> of May 1839, he having previously occupied it, having built a house on it in 1837 & continued his occupancy to the present time. The land appears to be within two leagues of the sea coast.

The grant is in the usual form except that it refers alone to the map, which accompanied the petition to the Governor for the boundaries, without limiting the quantity or reserving a surplus to the government, & directs the Magistrate who may give the possession to the party interested, "to inform the government of the number of square leagues it contains." The grant was evidently intended to embrace all the land described in the map without reference to the quantity, & its extent can only be limited by the maximum quantity which the Governor was authorized to grant by the Colonization law of 1824. We have already held in the case of Octaviano Gutierrez No 217, this day decided that the direction in the grant to the Magistrate who gives the possession to report the quantity of the land to the Governor is not a condition affecting the validity of the title, & as the claim comes clearly within the principle of other cases already provisionally decided, we confirm it. Commissioner Thornton

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Opinion by  
Comm.  
Richard Hall.

concurring in the result.

Wilford Hull.

No 10. José de la Guerra y Noriega.

This Board on full consideration having come to the conclusion that the claim is valid, now proceeds to make the following decree  
 Decree of Final Confirmation: viz: It is decreed Confirmation that the said claim be confirmed according to the boundaries described in the grant & map to which it refers, being the same land of which judicial possession was proved to have been given to the claimant, & the possession of which he has proved to have long enjoyed. Provided, that the said land granted & now confirmed be not of greater extent than Eleven Square Leagues, & if the quantity of land called for by the boundaries mentioned in said grant & map exceed said quantity of Eleven square leagues, then we confirm to said claimant Eleven square leagues, thereof & no more.

Given under our hands this 21<sup>st</sup> day of February 1853.

Wilford Hull. }  
 Harry J. Thornton. } Comr.

Filed in Office Feby 21<sup>st</sup> 1853.

Gen. Fisher.  
 Secy.



Office of the Board of Commissioners,

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

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*George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
following *thirty five* pages, numbered from  
1 to 35, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board; of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. 13 on the Docket of the said Board,  
re:in

*Pose de la Guerra y Noriega*  
Claimant - against the United States, for the place known by  
the name of *San Julian*

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*

*G. Fisher*  
Sg.



10-

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10-

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10-

No 13



Office of the Attorney General of the United States,

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

José de la Guerra y Arriaga

vs.

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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.

Cushing

Attorney General.

No 10.

United States District Court,  
Southern District of California.

The United States,

vs.

Jose de la Guerra y Honiga

Notice of appeal from Att. Gen.

Filed Nov 4<sup>th</sup> 1854.

J. E. Farr  
Clerk.

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

Jose de la Guerra y Noriega }  
vs. } N.º 13.  
The United States.

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To the Hon. Isaac S. K. Ogier, Judge  
of the District Court of the United States  
for the Southern District of California.

The petitioner (Pacifius Odd (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  
28. of January A.D. 1832, Jose de la Guerra  
y Noriega, presented a petition to the Com-  
missioners to ascertain and settle the private  
land claims in the State of California,  
representing that on the 7. of April  
A.D. 1834, Juan B. Alvarado, Governor of  
California, by virtue of the authority of  
his Office, granted to him the tract of  
land known by the name of San Julian  
situate in the then jurisdiction of Santa  
Barbara, comprising some six square  
leagues, more or less, as shown by the res-  
pective Map and accompanied documents;

that on the 19<sup>th</sup> of April A.D. 1837, the Deputation of California approved the said grant in due form of law; that on the 23<sup>rd</sup> of May 1839 he applied to the proper authority for the survey and judicial possession of the aforesaid tract of land, which survey was duly made and completed on the 29<sup>th</sup> of May A.D. 1839, and the boundary lines properly ascertained and marked out, and that he was then put in judicial possession of said tract of land by the proper authority, and has ever since continued to be, and at the present time is in possession of the same; that he has done and performed all of the requirements of said grant necessary to make the grant aforesaid full, perfect and absolute; that the same has not been surveyed by the Surveyor General of the United States, but the same was surveyed in due form of law at the time of giving judicial possession; and that the boundaries are definite and well known; and praying for the confirmation of the same.

Now petitioner further represents that thereafter, to wit, on the 21<sup>st</sup> of February A.D. 1853, the said Commissioners confirmed by final decree, the said claim of said José de la Guerra y Roniega, according to the boundaries described in the grant and map to which it refers being the same

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PAGE 36

land, of which judicial possession was proved to have been given to the claimant, and the possession of which he has proved to have long enjoyed." (Not exceeding eleven 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. 13; 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. 13) and the papers and evidence on which said decree was founded.

That thereafter, to-wit, on the 7<sup>th</sup> of November A.D. 1854, the said Attorney General of the United States, filed, or caused to be filed, in behalf of the United States, a certain ~~and~~ petition with the said Clerk of said District Court for the Southern District of California, that the appeal in said cause of José de la Guerra y Periega vs the United States, from the decision of the

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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 prosecuted by the United States.

Your petitioner further represents that the said land, claimed as aforesaid, is within the jurisdiction of this Hon<sup>ble</sup> Court.

And your petitioner further represents, and alleges, that the said claim of said José de la Guerra y Roniega 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 José de la Guerra y Roniega 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 Governor of California, without the previous authority of the Supreme Government.
3. That at the date of the said alleged grant, the said land claimed as aforesaid was occupied by the Missions of California; and particularly the Mission of Santa Barbara.
4. That the said alleged grant has not



The Conditions, <sup>required by</sup> and is not made in entire conformity with the Law of the 18<sup>th</sup> of August 1824, and the Regulations of the 21<sup>st</sup> of November 1828.

5. That the said alleged grant of Juan B Alvarado, dated 7<sup>th</sup> April 1837, is not upon sealed paper, as required by law; that it contains no specified quantity of land, and has no certain calls or boundaries; that said Alvarado had no authority to grant said land on said date of 7<sup>th</sup> of April 1837.

6. That there is no report shown of the Committee on vacant lands; that the alleged confirmation of the Deputation does not refer to any grant made by Governor Alvarado to claimant; ~~and~~ nor does it describe the land by metes and bounds alleged to have been confirmed to claimant; that it is not upon sealed paper; that it is not dated; that it is not according to law.

7. That there is no evidence that the Map, purporting to be a copy of the original belonging to the original applicant and petitioner, is a true copy of such original. And it is denied that it is a true copy.

8. There is no evidence that the said claimant ever lived on the land claimed, and cultivated it. And it is denied that he ever did so.

9. That the claimant did not ask for

The judicial possession of the land within the time required by law, or within a reasonable time after the date of the alleged grant.

10. That the alleged acts of survey and judicial possession, by Antonio Rodriguez, were not according to law; that the said possession was not given to the alleged grantee; that the son of the grantee, Francisco, had no lawful power to receive the possession; that said Rodriguez, alleged Justice of the Peace had no authority to give said Francisco possession; that the said judicial possession purports to have been in accordance with the title of the Political Chief of the 19<sup>th</sup> of April 1837, and no such title of such date is shown; that the said alleged survey of said land claimed, was not made according to the original grant & map; that it is vague and indefinite; and that it is not on sealed paper.

11. That the said alleged grantee has not done and performed all the requirements of said grant necessary to make it full, perfect and absolute, as alleged.

12. That there is no evidence that the person Antonio Rodriguez, was <sup>acting</sup> Justice of the Peace (interims) of Santa Barbara on and about the 29<sup>th</sup> of May 1839; or that he had authority to make a survey

PAGE 10 SD 40

7.

of the land, and give judicial possession of the same, as alleged; or that he had jurisdiction in such case. And it is denied that said Rodriguez was a Justice of the Peace, and that he was the proper authority to make the survey and give judicial possession of the said land, at said date, as alleged, and that he had jurisdiction in such case.

13. That there is no evidence that the said alleged Justice of the Peace, who gave possession, complied with the requirements of the said grant, by reporting to the government the number of the acres (square leagues) the tract of land contained. And it is denied that he ever did so.

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 José de la Guerra y Peniga, 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 Confirmation of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the

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(8)

Said claim of said Jose de la Guerra  
y Peniega, 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.

F. O. J.

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

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10. No 10.

Asi de la Guerra y Moniega  
Achs.

The United States.

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Petition of alls of N.S. for  
Review to.

Filed Dec 4. 1854.

J. C. Farr  
clk.

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Dec 4.

N<sup>o</sup> 10

United States  
appellants  
vs  
Jose de la Gurray  
Norriego

In the U. S. Dist.  
Court for the Southern  
District of California  
in and for the County of  
San Diego

To the Hon. Isaac D. H. Ogden  
District Judge of the United States  
within and for the Southern District  
of California

The answer of Jose de la Gurray  
Norriego to the petition of the  
United States filed against him  
respectfully sheweth that on the  
9<sup>th</sup> April 1837 Juan B. Alvarado  
Governor of California by virtue of  
authority in him vested by Law  
made a return to Defendant a good  
and valid grant in fee of a tract of  
land situated in the non-parish of  
Santa Barbara in said Southern  
District for a more particular  
now known by the name of "San Antonio"  
for a more particular, full & accurate  
description whereof reference is here-  
by made to the original transcript  
referred to in the petition of the said  
United States as filed in the office  
of the Clerk of this Hon. Court

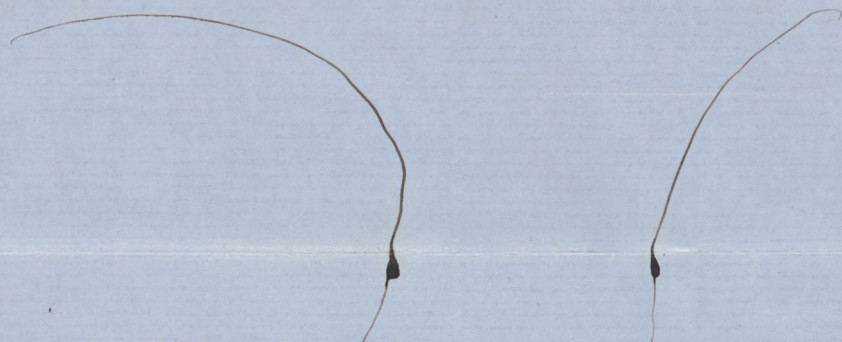
10 SD

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on 27<sup>th</sup> June 1854, which said transcripts  
made a part & parcel of this award

This Defendant further shews  
that afterwards to wit on the 19<sup>th</sup> April  
1837 the said grant became  
definitively vested thro' the approva-  
tion of the Most Excellent Deputa-  
tion of Salisbury & that afterwards  
to wit in May 1839 the metes  
& bounds of said granted premises  
were accurately ascertained & defined  
by competent authority & judicial  
possession thereof obtained to the said  
Defendant; & that from the date  
of said grant up to the present  
time the said Defendant has always  
been & now is in the peaceable, quiet,  
uninterrupted possession of the  
above granted premises & that  
he has fully complied with all  
the provisions of said grant -

This Defendant further states that  
on 28<sup>th</sup> January 1852 he filed his plea  
claim for said Land by exhibiting  
with suitable proof, before the com-  
missioners appointed in pursuance of  
an act of Congress entitled "An Act to ascertain  
& settle the Front Land Claims at the



in the State of Mississippi" approved  
March 3<sup>rd</sup> 1851 which acting as  
a Precedent, & that afterwards to wit  
on the 21<sup>st</sup> Feb. 1853 the said judges  
-sines decided on the validity of  
his said claim & by their final decree  
confirmed the same -

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This Defendant further answering  
denies that this Court has  
jurisdiction of this cause by reason  
of any of the facts set out in said  
petition, or in any other manner -  
And this Defendant further answering  
says that he denies each  
& every allegation in said petition  
contained except as herein admitted  
& this Defendant avers that the  
said final decree of the said court pro-  
-mises should not be annulled by reason of  
any thing in said petition alleged  
& contained -

This Defendant avers that his  
title to said land is good & valid  
according to Law -

Wherefore he prays to be hence relieved  
with costs & prays such other & further relief as the  
nature of the case & Law & Equity may require  
& grant & concede - And as in duty bound

Hancock Miss  
atty in Dept.



I served this answer on T Ord M S District Atty  
personally, by delivering to him a certified  
copy of the same at Los Angeles in the  
Southern District of California  
April 25<sup>th</sup> 1855

Edward Weston

Sworn to and subscribed before me,

M. S. Marshall

this 25<sup>th</sup> of April 1855.

J. E. Carr.  
Clerk.

U.S. Dist. Court for the  
South. Dist. of California  
United States  
appellants

vs  
James W. Murray & Wife

San Francisco

Answer

The Clerk with pleasure  
makes a copy of this  
answer for the U.S. District  
Attorney for the Southern  
District  
April 5<sup>th</sup> 1855  
J. E. Carr. Clerk.

Filed April 5<sup>th</sup> 1855

J. E. Carr.  
Clerk.

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Edw. Weston  
Attorney for the  
appellants

Marshals cost  
for service  
\$3.00

In the district court of the United States  
 for the Southern district of California,  
 José de la Guerra y Arcega  
 Appellee  
 vs  
 The United States  
 Appellant

No 10,  
 For "San Julian"

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To José de la Guerra y Arcega or his attorneys,  
 Take notice that the above  
 entitled cause will be brought to a  
 hearing by the United States on Friday  
 the 19<sup>th</sup> day of October A D 1855, or as  
 soon thereafter as the same can be  
 heard by the court.  
 Los Angeles October 11, 1855.

P. M.  
 U.S. Dist. Atty.

No 10.  
United States District  
Court Southern District  
of California

José de la Guerra vs  
Bonigü Appellee  
and (No 10.)

The United States  
Appellant

Notice of hearing  
by the States

Filed Oct. 11<sup>th</sup> 1835.

J. E. Carr.

CK

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P. O. U. S. Atty.

1

Jose de la Guerra y Honiga, appellee  
vs.  
The United States, appellee. } No 10.  
San Julian.

Testimony of Pablo de la Guerra, a witness  
for Appellee in the above case taken in  
open Court on the trial said, Dec 11<sup>th</sup>  
1855. Present, U.S. Atty. & Counsel  
for Claimant.

Pablo de la Guerra, being duly sworn, in answer  
to questions of Counsel for the parties states as  
follows—

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

Ans. My name is Pablo de la Guerra  
I am 36 years of age, I reside in  
Santa Barbara.

Ques. Do you know anything concern-  
ing the original map of a tract of land  
called San Julian, granted to Jose de la  
Guerra y Honiga by Governor Alvarado  
on the 7<sup>th</sup> of April 1851, if so, state  
by whom that map was made and  
what became of it, as far as you know.

Ans. I do. The map was made by me  
and I gave it to Gov. Alvarado myself  
about the time of the grant.

Ques. Do you know anything about  
a copy of that original map being  
made and certified by Manuel  
Jimeno Secretary of State, on the  
4<sup>th</sup> of April 1859, if so, state your  
means of knowledge, and state  
~~for~~ <sup>in</sup> what expedient existed the  
original map?

Ans. A copy was made by me

from the original and certified to by Simero about the time alluded to in the question. The original was in the expediente of the Rancho of San Julian, which expediente existed then in the Secretary's office. Ques. Was the copy made by you a true copy of the said original map, and state what has become of that copy.

ans. It was a true copy and I gave it to Nathaniel Peachy & Billings of San Francisco, with other documents belonging to San Julian to present before the Land Commission. Ques. State what you know about the occupation of San Julian by the Defendant herein.

ans. It was occupied soon after the grant was made, and has been occupied ever since.

Ques. Do you recognize the map contained in the Transcript, as a copy of the document certified to by Simero and described in the foregoing question?

ans. I do.

Cross Examined by H. S. Atty.

Ques. Do you know the extent of San Julian?

ans. I don't know positively, it is very hilly land. I have never been to the different lines, I only passed through. It may contain

from ten to fourteen square leagues  
I made the map from information  
derived from others and not from  
my own knowledge

ques. Is the map an accurate de-  
lineation of the land or not.

ans. I don't know positively.

ques. Do you know positively that  
the Copy of the map shown you as  
above, is a true and correct Copy  
of the map which you say you made  
of the land before the grant

ans. ~~By memory~~ About the  
main features of the map, I am  
certain it is a correct Copy - as  
to the minutiae however, I am not.

ques. Who is the present occupant  
of this Ranch.

ans. Don Jose de la Buena y Poncea,

ques. Was this land ever occupied  
by the Claimant in person.

ans. No.

ques. Were there any other Ranchos  
<sup>occupied or claimed</sup> owned by the present Claimant in Cali-  
fornia at the date of this grant of  
San Julian, and if so, where were  
they situated & what was their extent  
& names. (question objected to by Counsel  
for the Claimant)

ans. He claimed the farm of <sup>San Alberto Capistrano</sup> Jimenez,  
which he acquired by purchase, and  
a tract in the farm called the "Conejo".  
They are both situated in the County  
of Santa Barbara. - He claimed to  
have acquired the tract in "Conejo" by  
a grant I think of 1821. (annexed)

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~~objected to by Counsel for Claimant, and  
the objection was sustained by the Court~~

~~Ques. This may contain from  
12 to 16 square leagues, it was  
granted in 1895, and purchased  
by the Defendant in 1832, or 1833,  
I don't exactly remember what  
portion of "Conejo" the tract includes,  
but I think it is not more than three  
leagues, (Answer objected to by Coun-  
sel for Claimant, and objection sus-  
tained by the Court)~~

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Ques. Are there any other lands  
other than those you have already  
mentioned, <sup>subsequent to the grant of San Julian</sup> claimed by Jose de la  
Guerra y Roniega the present  
claimant in California, if so  
what are they? (Question objected  
to by Counsel for Claimant)

Ans. Yes. The farm called Las  
Posas, <sup>in Santa Barbara County,</sup> the grant of this land was  
made by Figueroa I think, in 1835.  
It came was purchased by Jose de la  
Guerra y Roniega, subsequent to the grant  
of San Julian. (Answer overruled)

Ques. Are you a son of the present claimant?  
Ans. I am.

Pablo de la Guerra

Sworn to & subscribed  
before me this 11<sup>th</sup> day of  
Dec 1855.

J. Manly  
Clerk

No 10.

U S District Court  
South Dist of Cal

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Jose de la Guerra  
vs  
Angeles

et al.

The United States  
Appellants

---

Defendants of Pablo  
de la Guerra

Filed Dec 11<sup>th</sup> 1855.

J. Man  
Clerk

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

The United States } Case No 10  
Appellant } Transcript No 13.

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José de la G. Noriega } Claim for "San Julian"  
Appellee }

No	Page.	
	5.6	Petition of Claimant.
	7.	Deposition of José Antonio Carrillo
	8.9.	Deposition of Ygnacio Del Valle
	9.10.	Deposition of Ygnacio Del Valle.
	1	"Document No 1," annexed to Deposition of Carrillo, being,
1.	11.12.	Grant to Claimant
2.	12	Approval by Assembly of Report of Com- mittee in approbation of grant.
3.	13.	Order by Secretary to annex proper Stamp.
	13.	Sheet of Stamped paper, defaced. "Exhibit No 1" annexed to deposition of Del Valle, being,
4.	15	Certificate of Secretary Jimeno to map Map.
	18.19	Translation of Grant, No 1
	19.	do do Approval No 2.
	19.	do do Order, No 3.
		"Document No 1," annexed to deposi- tion of Del Valle, being
5.	20.	Power of Attorney of José de la G. Nori- ega to his son Francisco, to receive Ju- dicial possession.
b.	20 & 25.	Certified Copy of Proceedings of Judi- cial Possession

No.	Page	
	26.27	Translation of Power of Attorney No. 5.
	26.27/30	do do Judicial Exemption No. 6.
32.		Motion for order to deliver copies of papers filed.
34.		Opinion
35.		Decree

Case No. 10.

In the U.S. Dist. Court, for the  
South Dist. of California.

The United States  
Appellant

vs

Frieda G. Soniega  
Appellee.

Index of Transcripts.

Filed Dec 11 1957

L. E. Lane  
Clerk.

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

José de la Guerra y Noviega  
Appellee

vs

The United States  
Appellants.

Case No. 10.

"San Julian"

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This cause coming on to be heard on appeal from the final decision of the United States Board of Land Commissioners to ascertain and settle the private land claims in the State of California, under an Act of Congress approved March 3<sup>d</sup> 1851, on the Transcript 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 the said Transcript and the Notice of Appeal have been duly filed according to law, and Counsel for the respective parties having been heard.

It is ordered, adjudged and decreed that the said decision of said Commissioners be ~~in all things~~ affirmed; and it is further adjudged and decreed that the claim of the above named Appellee is good and valid, and that the same be confirmed to him, according to the boundaries described in the Grant and the Map to which it refers, to the extent

Case 70010.

U. S. Dist Court Southern  
Dist of California

José de la Guerra y Sonza  
Abuelo

vs  
The United States  
Abellants

Decree of Confirmation

Filed July 10th 1851

J. S. Jones  
Clerk

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Record on Page 189

J. S. Jones

of Eleven square leagues of land; but  
if there should be less than Eleven  
square leagues of land within said  
boundaries, then confirmation is  
hereby made of such less quantity.

*José de la Guerra*

U S Dist Judge

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

José de la Guerra y Noriega  
Appellee, } Case No. 10.  
                  ads }  
The United States } "San Julian."  
                  Appellants. }

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PAGE

This cause coming on to be heard  
on appeal from the final decision of the  
United States Board of Land Commissioners  
to ascertain and settle the private land claim  
in the State of California, under an Act of  
Congress, approved March 3<sup>d</sup> 1851, on the  
Transcript 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 the said Trans-  
cript and the notice of Appeal have been duly  
filed according to law, and Counsel for the  
respective parties having been heard;

It is ordered, adjudged and decreed  
that the said decision of said Commissioners  
be affirmed; and it is further adjudged and  
decreed that the claim of the above named  
Appellee is good and valid, and that the same  
be confirmed to him, according to the bounda-  
ries described in the grant, and the Map to which  
it refers, to the extent of Eleven square leagues  
of land; but if there should be less than eleven  
square leagues of land within said bounda-  
ries, then confirmation is hereby made of

Case No. 10.  
U. S. Dist. Court, Southern  
District of California.

José de la Guerra y Noviega.

Appellee.

vs

The United States,

Appellants.

Decree of Confirmation.

(Copy -)

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Filed January 10<sup>th</sup> 1856.

such less quantity:

Loace J. R. Ogier

U. S. Dist. Judge

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

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

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*Isi de la Guerra Novigo*

APPELLEE,  VS.  UNITED STATES,  APPELLANT.	}	No. 10,  (No. 13. 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 17<sup>th</sup> day of December A. D. 1855.

*P. Ord*  
*Dist. Ct.*

No 10

U.S. District Court  
Southern District of California

Isabel G. Nunez  
appellee

vs  
The United States  
appellants

Transcript J.C.  
Filed March 17, 1886  
C. E. Gann Clerk  
By O'Meara Deft



California Land Claims

Attorney General's Office

4 September 1856

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Sir,

In the case of the claim of José de la  
Guerra y Arriaga, confirmed to the claimant by the  
Commissioners, <sup>case no. thirteen (13)</sup> and also confirmed on appeal  
by the District Court, appeal in the Supreme  
Court will not be prosecuted by the United  
States.

I am

Respectfully

Anthony

Pacificus Ord Esq

U.S. Atty for the

Southern Dist. of Cal.

VV 10

José de la Gura y Noriega

13

↓ Fided 24<sup>th</sup> February 1857

C. S. S. S. S.  
J. M. Coleman  
S. P.

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Pict

1856

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

TO

The President of the United States,

*Jose de la Guerra y Boniega.*

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GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *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 *Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States,* praying 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 the State of California, of the claim of *Jose de la Guerra y Boniega,* for a tract of land called *San Julian,* in the Southern District of the State of California, to the extent of about six square leagues, which said claim was presented by your petition to said Commissioners on or about the 28<sup>th</sup> of January, A.D. 1852. and by them confirmed on or about the 21<sup>st</sup> of February, A.D. 1852.

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 *second* day of *February* in the year of our Lord one thousand eight hundred and fifty-*five* at Los Angeles aforesaid.

*C. E. Jones*  
Clerk.

No. 10

Marshal Cost,  
 Copying Summons 30  
 writ Petition 3.00  
 Serving Summons 3.00  
 actual tracking  
 expense 60.00  
 \$66.50

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

*Jose de la Guerra y Noriega*

adv. ~~re~~

*The United States*

**SUMMONS.**  
 Received February 2-1855  
*Edward Hunter*  
 U. S. Marshal

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I served this summons along with the proper copy of the petition upon *Jose de la Guerra y Noriega* the defendant by delivering to him personally a true copy of the summons and petition.

at *Town of Santa Barbara*  
 the *First* day of *March*

in the Southern District of California or  
 A. D. 1855.

Sworn to and subscribed before me, *this 10<sup>th</sup> day*  
*March, 1855.*  
*J. S. Jan.* Clerk.

*Edward Hunter*  
 U. S. Marshal. by  
*Deputy.*  
*R. S. Jones*

The United States appellants

vs  
Don de la Guerra y Soniega, appellee

The claim in this case is founded on a grant from Governor Alvarado, to the present claimant, bearing date April 7<sup>th</sup> 1837. The genuineness of the grant is fully proven. The grant received the approval of the departmental assembly, and judicial possession was given by the proper, as fully proven by the documentary evidence. A substantial compliance with all the conditions of the grant is also shown by the parol testimony —

The grant refers solely to the map accompanying the petition of Soniega for a description of the land granted. The map offered in evidence is I think more than certainly to be a certified copy of the one referred to in the Grant, the copy was made by Pablo de la Guerra, and certified to by Manuel Jimeno the secretary of state. De la Guerra says he made the copy from the original, which was contained in the expediente of the proceedings, relating to the

Grant of the place called San Julian  
which is the truth in question.

The Grant is for the place by name  
San Julian, according to the description  
contained in the map. The map  
shows the eastern boundary, which  
is also made more certain by the  
judicial possession, the intention  
of the Governor was evidently to  
grant all the lands within the 4  
ten limits and the only restriction  
as to quantity is that contained in  
the Colonization of 1824 which limits  
the Grant to the maximum quan-  
tity of eleven <sup>squares</sup> leagues; and a confir-  
mation can only go that extent.

A decree will therefore be entered  
~~confirming~~ affirming the decision  
of the Commissioners & confirming the  
claim

The United States  
vs

Isabella Guzman y Noriega

Champion