

CASE No.

12

SOUTHERN DISTRICT

SAN BERNARDINO GRANT

CARMEN LUGO, ET AL

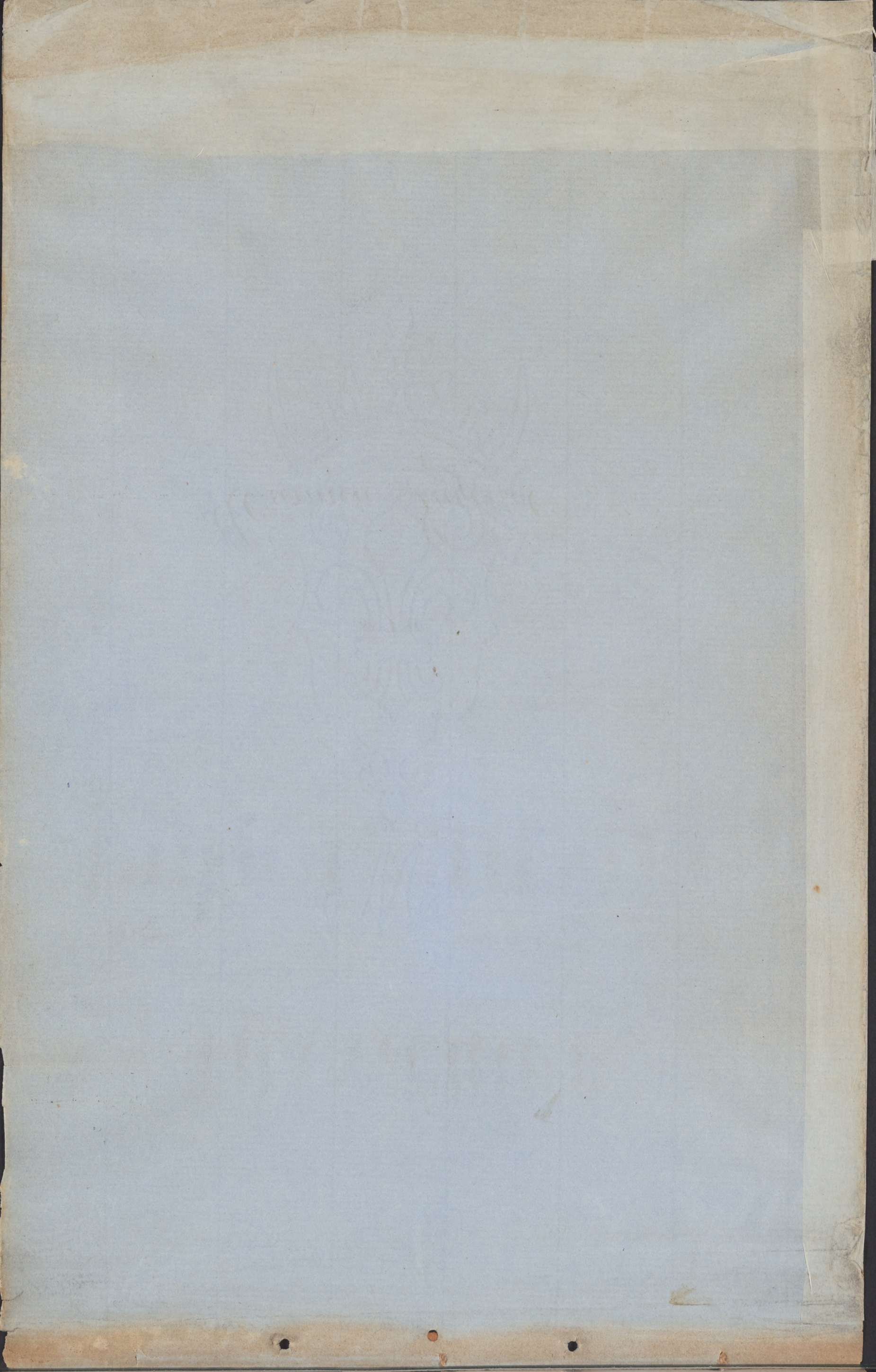
CLAIMANT

FEB 8 1963

Command
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316



TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 316

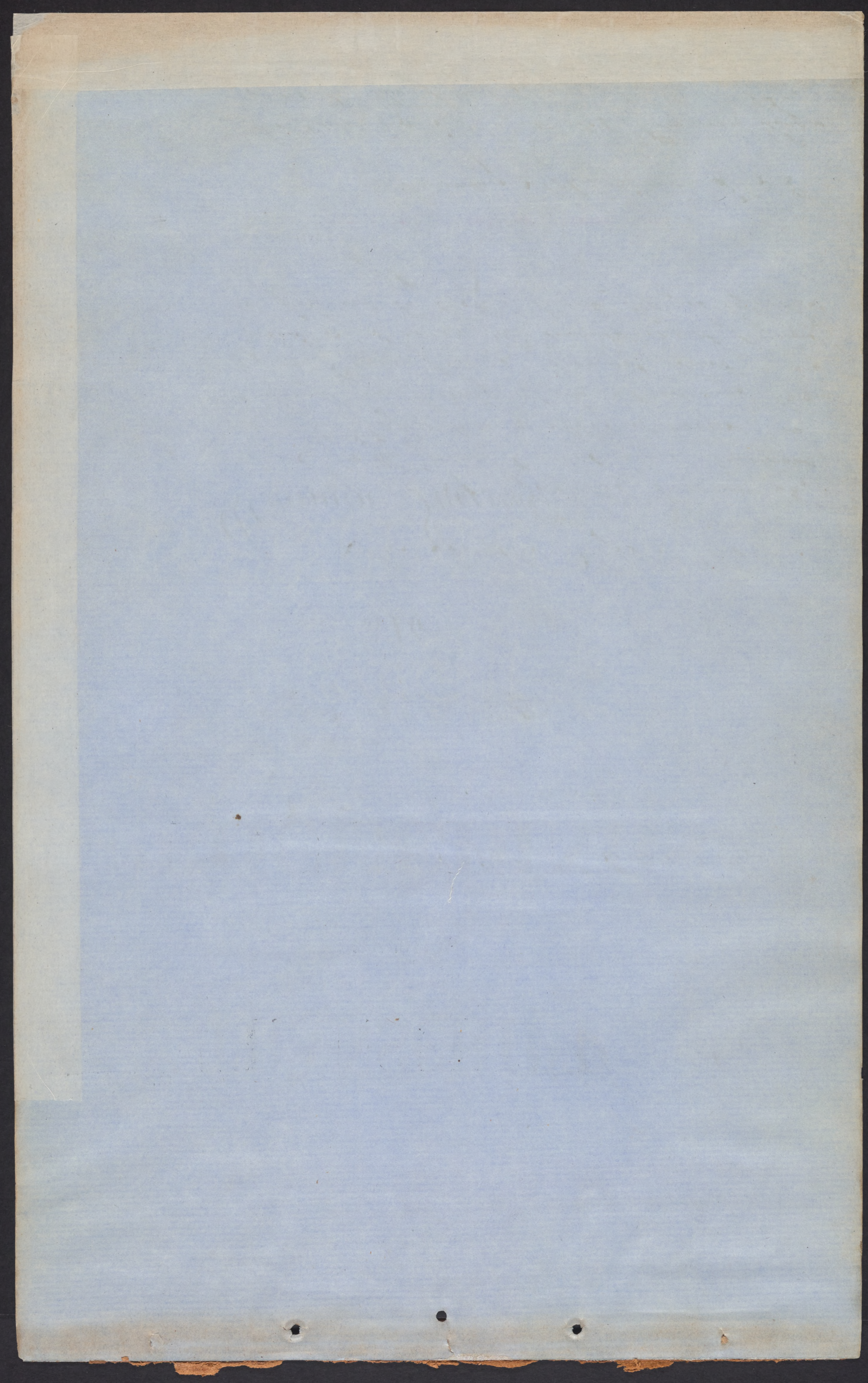
Carmen Lugo, et al CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Bernardino"



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 Jose del Carmen Lugo et al
for the Place named

San Bernardino
was presented, and ordered to be filed and docketed with No. 316 and is as follows, to wit;

(Vide page 50 of this Transcript.)

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

Los Angeles Sept 3^d 1852

In Case no. 316, Jose del Carmen Lugo et al. for the place called "San Bernardino" the Deposition of Abel Stearns, 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) (6)

Saturday Sept. 25th 1852

In Case no. 316 Jose del Carmen Lugo et al. for the place named "San Bernardino" the Deposition of Eclogio de Celis

a witness in behalf of the Claimant taken before Commissioner Hiland Hall with annexed Document, marked no. 1, was filed and is in the words and figures as follows (Vide pages of this Transcript 7)

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Los Angeles Sept 28th 1852

In case numbered 316 the Counsel for the Claimant filed the following motion to wit:

Moved, that case numbered 316 be placed on the Trial Docket which motion was taken under advisement

San Francisco Feb 14th 1853

On motion of the U. States Associate Law Agent.

Ordered, that the following case be placed on the Trial Docket to wit. No. 316 *pro* del Carmen Lugo et al "San Bernardino"

San Francisco Feb 14th 1853

Case no. 316 *pro* del Carmen Lugo et al. for the place named "San Bernardino" Called: The Counsel for the Claimant Mr. Halluk, read the petition and the papers in evidence; the United States Associate Law Agent filed his

B

Brief: Case submitted and taken
under advisement by the Board

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San Francisco Feb. 21st 1853

In Case No. 316, Jose Carmen
Lugo et al, for the place named "San
Bernardino" Commissioner Harry
J. Thorne 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 figur-
es as follows to wit:

Vide pages of this Transcript
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WAC
1900-1901

To the Honorable Commissioners to settle Private Land Claims in California -

Petition

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The petitioners Jose del Carmen Lugo, Jose Maria Lugo, Vicente Lugo and Rago Sepulveda respectfully represent,

That on the 21st day of June A.D. 1842 Juan B. Alvarado Governor of California by virtue of authority in him vested granted to the petitioners the tract of land called San Bernardino, situate in the present County of Los Angeles, containing eight square leagues with the boundaries described in the grant, and corresponding map as shown in the Expediente, a certified copy of which is submitted herewith marked "A" with a translation marked "B".

That said grant was subsequently duly approved and the possession given in due form a translation of which saidicial act of title is submitted herewith marked "C". That the petitioners have been for more than ten years and now are in the quiet, peaceful and undisputed possession and occupation of the said tract of land. That they know of no conflicting claim. That they rely for confirmation of title upon the original title papers issued to them by the Government upon the Records and minutes in the Archives now in the possession of the Surveyor General, and upon such other and further proofs as they may be advised are necessary.

Wherefore they pray the Commissioners to confirm to them the aforesaid tract of land.

By their Attys.

Halliburton Peck & Billings

Filed in Office August 31st 1852.

(Signed)

Geo. Fisher Secy.

Office of the Board of Land
Commissioners for California
Los Angeles Sept 3rd 1852.

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Deposition
of
Neb Stearns.

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On this day before me, N. and M. one of the Commissioners for ascertaining and settling Private Land Claims in California came Neb Stearns, a Witness produced in behalf of the Claimants Jose del Carmen Lugo et al being No 316 on the docket of said Commissioners and after being duly sworn testified as follows.

The U. S. Law Agent was duly notified and attended.

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

My name is Neb Stearns, my age fifty four and my residence the City of Los Angeles. I have resided in California over twenty three years.

I am acquainted with the hand writing & signatures of Jose del C. Lugo, Manuel Dominguez, Ignacio Coronel, Raymundo Martin, Manuel Jimeno, Antonio Maria Cis, Juan B Alcarado, Santiago Arguello & Francisco Alcarado. Their several signatures, appearing upon a paper now before me purporting to be the title & return of the giving of Judicial possession to the Claimants of the Rancho San Bernardino are, I have no doubt their genuine signatures. Said paper is hereto annexed and marked Aot.

I am acquainted with the land described in the papers before mentioned & have been for seventy or eighty years. The Claimants I think put cattle on the land in 1841 & built a house there the next year. It might have been the same year. They continued in possession until they sold out to the Mexicans in October or Novr 1851. The average number of cattle which the Claimants have kept on the land I should think would be about eight thousand.

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In answer to questions by the Law Agent, the Witness says that he thinks the land is not within ten leagues of the Sea Coast. I think the Mission of San Gabriel occupied the land with cattle as late as the years 1832 or 1833. The Claimants have had some ground under cultivation but I cannot tell the quantity.

Wm Stearns.

Sworn & Subscribed
 Before me, Richard Hall Comr.

Filed in Office Sept 3rd 1852.

(Signed)
 Geo. Fisher Secy.

Office of the California Land
 Commission.

Los Angeles Sept 25th 1852.

On this day Cyron Holland Yeall one of the Commissioners to ascertain and settle private land claims in California, came Eulogio de Celis a Witness produced in behalf of the Claimants Jose de la Cruz Lago & al whose petition is No 316 on the docket of the Board & was duly sworn. His evidence being given in Spanish was interpreted by the Secretary.

The United States Law Agent was notified & attended.

In answer to questions by the Comr for the Petitioners, the Witness testified as follows.

My name is Eulogio de Celis. My age is forty four years. I reside in the City of Los Angeles & have resided in California over twenty years.

I am acquainted with the hand writing and signature of Don B Alvarado. I have examined the signature of said Alvarado appearing upon a paper now shown me purporting to be his certificate of the payment of eight hundred dollars in produce dated April 1. 1816 & I believe said signature.

Deposition
 of
 Eulogio de Celis.

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to be genuine. I am the person named in said paper as having received the payment. I received the payment in the year 1842 or 1843 in which it amounted to Eight hundred dollars from which there should be a deduction of fifty dollars which I paid for transportation. It was received from Jose de la Carmin Lugo & I credited the same hundred & fifty dollars to the Government of California. I was authorized by Gov. Alvarado to receive the payment & credit it to the government.

It was customary when lands were granted by the Governor which had been occupied by Missions & upon which there were buildings or improvements to require payment to be made to the Government for them. I believe that Lugo had received grants of that description & that the payment was made in consequence. The Government of California was indebted to me in larger sum for the transportation of prisoners to Mexico & the payment was made by Lugo in part satisfaction of my claim. The paper before mentioned is hereto attached & marked A.

Julio de Celas

Sworn to & Subscribed

Before me

Richard Hall, Comr.

Filed in Office Sept 25th
1852.

(Signed) Geo. Fisher Secy.

9 11^o 1.

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El que suscribe certifica que en el año de 1842 por
Disposicion del Gob^{no} del Departamento entrego D^o
Jose del Carmen, Lugo a D^o Eulogio de Celis la cantidad
de ochocientos pesos en es equitimos de remuneracion de
la concesion hecha a dicho individuo del parage
llamado S^o Bernardino. Segun con venio estipulado
con el mismo Gobierno en cuyo negocio intervino el
Capitan D^o Jose M^o Villar^o por comision de este quien
Dio parte de haberse entregado fielmente dicha suma
al espresado D^o Eulogio De Celis.

y a Peolimento del interesado para los
fines que le convengan hoy el presente en Monterrey
a 1^o de Mayo. de 1846.

Juan B. Alvarado.

17010.

15 11 4.

Document de San-Bernardino. —

Caso (316) Jose del Carmen Lugo et al.
San-Bernardino.

Translation —

Documents
No 1.
Annexed to the
deposition of
Eulogio de
Celis. Before
Comm. Hall.

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Who who subscribes certifies that in the year 1842
by direction of the government of the Department. Don
Jose del Carmen Lugo delivered to Don Eulogio Celis
the sum of eight hundred dollars in the produce of the
Country in remuneration of the grant made to said
individual of the place called San Bernardino according
to agreement entered into with the government itself in
which matter Captain Don Jose Villar^o intervino in-
tervenido by Commission from the latter who (Villar^o
pro) reported that said sum had been faithfully delivered
to the said Don Eulogio Celis.

And at the request of the person interested for
the purposes he may think proper. I give this present
in Monterrey on the 1st of April 1846.

(signed)
Juan B. Alvarado

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I Certify the foregoing to be a true and correct translation from the original Spanish Document on file in this Office in case No 316. Jose del Carmen Lago et al vs Casa No 316. Martina No 1 and annexed to the deposition of Calogero de Velis before Commission N. N. No 6. Sept 25th. 1852.

(Signed) Geo. Fisher Secy.

Filed in Office Sept 25. 1852.

(Signed) Geo. Fisher Secy.

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(50. Wms)

b. (316)

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Expediente promovido por
los Ciudadanos, José del Carmen, José
Marta, Vicente, y Diego Sepulveda en
pretencion del parage nombrado San Ber-
nardino

Año de 1842.

Expediente

Habilitado provisionalmente por la Aduana
maritima de Monterey, en el Departamento de
las Californias, para los años de mil ochocientos
cuarenta y mil ochocientos cuarenta y uno.

Almuerzo.

Antonio Maria Osio

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Sr. Prefecto de este distrito

Place of the Eagle } Los l^{tes}. José del Carmen, José
kal } Maria Vicente Lugo, y Diego Sepul

veda y abajo se firman y el primero
en representacion de los demas, ante V.S.

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José del Carmen
Lugo et al:

con el respecto debido me presento y digo: que a
virtud de un permiso que el sup^{to} Gob^o Del Depart^{to}
me concedió, fui ha establecerme al rancho de S^{ta}
Bernardino, entendiendo que me acompañaban los
individuos q^e se aprestaron cuando represente al
S^{to} Gob^o con el objeto de colonizar en dho rancho,
Mas desgraciadamente despues que se me concedió
tal peticion, a pesar de haver invitados a los
coloniadores, en lo gral todos faltaron, y solo
mis hermanos cumplieron su promesa. Para
conseguir el objeto primero, he procurado personas
q^e fovesen el establecimiento, y los mas resisten a
ello. Yo pues en virtud de mi peticion al Gob^o me
fui a situar en el expresado paraje, y
casa y corrales en la agua caliente, meti con
mis hermanos mas de cuatro mil Vases, y en suma
forme mi radicacion. En estas circunstancias el
expresado Diego Sepulveda me dijo que se hacia
a acompañarme situando se en Cucaripa. Como
este sitio es de la comprension de S^{ta} Bernardino
no tube inconveniente en que asi lo verificase;
al asi efectuar lo, supe que el S^{to} Juez D^{no}
Ignacio Palomares queria estorbarlo, y el expresado
Sepulveda, segun este me dijo, tubo que hur a
pedir el permiso al dho S^{to} Palomares, valiendose
este de sorprender a V.S. p^{ra} arrancarle el
permiso de poner en Cucaripa, parte de su caballada

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siendo asi q con consentimiento mio dejaba meter
 y sacar en dho sitio las manadas del repetido Sr
 Juez, y como deseaba yo tener la gracia que el
 Sup^o Gob^o me concedió, trataba de acarrear
 individuos que formasen la colonización. Con
 este motivo le dije al Ciudad^o Diego Sepulveda que
 se radicase, y en efecto estaba haciendo casa de
 pared, que el Sr^o Palomares impidió en cierto
 modo la conclusion, mandando me una carta
 como con autoridad, p^a que se sacasen los
 bienes q teniamos en Gucaipa, provando de este
 modo el echo de que el sitio no estaba desocupado,
 como se sabio se le informó a V.S. Estaba pues
 ocupado, y a virtud del permiso superior, visto
 q a pesar de mi empeño non puedo conseguir
 individuos q quieran radicarse como colonos, y
 advirtiendole que se solicita posesiones particulares,
 como se lo hace el Sr^o Palomares, no obstante
 de ser dueño del paraje de S. José tan ventajo-
 so y ameno, mas que el de Gucaipa q pre-
 tende; solicito para los cuatro espresa

Sello tercero dos Reales

Stabilitado provisionalmente por la
 Aduana maritima del puerto de Monterrey
 en el departamento de las Californias,
 para los años de mil ochocientos cuarenta
 y uno

Dijeron

Antonio Maria Osio

dos y que nos subscribimos, el
 paraje de S^o Bernardino en
 propiedad, en la estension de los
 once sitios poco mas o menos que
 comprende el disen^o que se
 vivamente acompaño. Esperando

(Seal)

que al clarar V.S. la presente instancia ante el
 Sup^o Gob^o se sirva dar su informe conforme a
 la justicia q nos asiste, ya ^{ya} por que tenemos ^{ya} porque estamos fijos en aquel lugar
 cubierto el paraje con mas de ses mil cabezas
 de ganado mayor, y ya p^a que de mi empeño
 ha estado fomentado morosamente en San

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Bernardino, donde á pesar de las dificultades y algun peligro, hemos permanecido en el, y en la continuacion de los trabajos de agricultura. Por estas razones Sr. prefecto A. V. S. pido y suplico haga presente al Sup. Gob. esta solicitud; esperando que S. E. accederá a ella, cuya gracia imploro con los demas; protestando lo necesario.

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Ciudad de Attra Sra
de los Angeles a 27 de octubre 1841

José del Carmen Lugo

Amigo de D. José M. y D. Monte Lugo.

Juan Bandini

Exmo Señors.

De conformidad con lo q pide ex que hace cabera en esta representacion, la elivo á las superiores manos de V. E. con el informe que esta prefectura creí de Justicia.

La Prefectura de mi cargo esta impuesta de que los Srs Lugos se establecieron en S. Bernardino con permiso del Gobierno Departamental concedido con el caracter de una colonia, a vi

Sello tercero dos Reales

Habilitado provisionalmente por la Aduana maritima del puerto de Monterey en el Departamento de las californias, para los años de mil ochocientos cuarenta et mil ochocientos cuarenta y uno.

Y firmo, Antonio Maria Osio.

(Seal)

tud, segun entiendo, de q ofe cieron establecer una poblacion en aquellos terrenos, mas como esto no tuvo efecto ninguno pues hasta ahora se ve no haber

Cumplido lo que representaria, ya no se debe entender que Suparca pertenesca propiamente

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al sitio de S.^o Bernardino, caso de que se consida este p.^o rancho y no p.^o pueblo, á coma de ser independiente de aquel distante como tres leguas.

Ha un repinua de que el Juez D.^o Ignacio Palomares ^{es dueño} del parage S.^o José, sin reflexionas en q. estos poseen actualm.^{te} una gran porcion de terreno en las inmediaciones de la Ciudad de Los Angeles, el parage de Sta Ana del Chino, et de S.^o Bernardino, y la agua caliente, que son de bastante estension, asi es que siendo suficientes estos terrenos p.^o los bienes de los tres lugares, es preciso q. otras personas creadoras, ocupen los que haya sin perjuicio de nada. Deseo tambien que el Juez Palomares de su autoridad mande sacar de Mupaiico los bienes de campos que alli habia, esto, creo, lo hacia, non p.^o la autoridad que hoy representa, sino por el derecho q. la dio a aquel sitio, la comision provicional de esta Prefectura p.^o poner alli sus bienes en el presente año p.^o la escasez de pastos en S.^o José q. todos se ardidion, y en Mucaypa abundaban como que no habia quin los consumiese. Palomares por la misma causa permitia q. Diego Sepulveda pudiese en Sello Tercero dos Reales

Habilitado provicionalmente por la Aduana maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil cinco cientos cuarenta y uno

Y firmo.

Antonio Maria Osio.

(Seal)

Mucaypa sus bienes, pero este se adelantó a fabricar casa de pared, y esto fué lo que las exió Palomares segun estoy informado; no obstante lo espuesto,

V. G. se servira resolver lo que sea de su superior agrado, pues esta prefectura cree que si no explicara así, seria enroperes q. otras personas disfrutasen de los beneficios que la naturaleza ha proporcionado.

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Hago esta ligera manifestacion en obsequio de la justicia que es mi deber, y poner en claro esta clase de Rivalidades entre personas de igual merito p^o ser atendidos, pues si Palomares ocupa el sitio de Yucaypa es a virtud del permiso indicado, y con ansiosidad lo has pretendido en propiedad, segun lo hago presente a V.E. en el informe respectivo.

Esta Prefectura pues no, en cuenta embarata en q^o se les conceda a los que representan, los parages de S^o Bernardino, Agua caliente y Cunumba que son los que ocupan actualm^{te} con sus bienes, si fuere del sup^o agrado de V.E.

San Juan Capistrano octubre 27
de 1841.

S. Arriello

Marcos Botello

Jr^o

Monterey es de Junio de 1842.

Vista la peticion con que ca' principio este expediente, los informes que preceden con todo lo demás que se tubo' presente y ser combino des con conformidad con las leyes y reglamentos de la materia i'claro a los Ciudadanos José del Carmen, José M^o Monte Lugo y Diego Sepulveda dueños en propiedad del parage conocido con el nombre de S^o Bernardino, colindante a l'Este con la Sierra de Yucaypa, al Oeste con el Arroyo del Cajon, y el Cerro Solo, al Sur con las lomerias, al Norte con la falda de la Sierra. Librese el correspondiente despacho tomese razon en el libro respectivo y dirijase este expediente a la Exma Junta. = El Excmo Señor Gobernador hasi lo mandó decretar y firmo.

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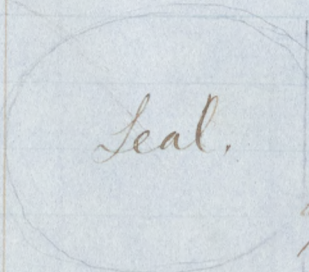
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Seal.

En atencion a la nota de V.S. fha 24, del pp^{to} p^o lo cual se nos nombro en comision para el exsone y abaluo de las fincas que existen en S.^{na} Bernardino, pasamos el 28, del mesmo a la Misison de S.^{na} Gabriel Ang^{los} Tebe^o segun disposicion en dho orden donde nos 17 de 1842 dio el R. P. Tomas Estenego, uno llamado Agrequisis. Manuel Antonio para que nos manifieste abaluo al es pertase las fincas que pertenecientes al esta presente respublico y habiendo seguido nuestro camino para que camine en el mismo dia, llegamos al obre los que punto destinado en el que nos fueron los combenien mostrados por el embiado, arriba de una mesa unas paredes las cuales

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Arvuello forman catorse piezas y un tras conal Jose B. Arvuello un horno de teja otro de cal y una segria, en seguido despues de reconocidas estas nos enseñamos abajo de la primera tres piezas y un molino de piedra tirada que es de advertir que ninguna pieza tiene hecho todo algo reducido es quanto existe alli de la Misison a cuyo reconocimiento no compareció S.^{na} José del Camen Lugo porq^{ue} cuando le pasamos el aviso le habian robado su Caballada los ladrones, y se hallaba a pie y creimos a nuestro entender que no por esperar a dicho S.^{na} deberiamos perder el tiempo en hacer la beduria. segun el informe circunstaciado que se nos pide como la materia no es tan profunda pues aparece demaiado clara no podemos mas que añadir que como abandonamos estas fincas no pueden tener a la vez el merito de vido y solo si in manos de hombres laboriosos ser reformadas. En esta virtud, por lo dicho y nos consta de vista, a pesar de que nuestros conocimientos en ningun ramo son adelantados somos de sentir que el valor en que se daran estimar las mencionadas fincas en S.^{na} Bernardino sea el de treientos cinquenta pesos, 350, precio que hemos considerado justo a su estado y entendiendo que en el particular Emos obrado con la mejor intencion

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sin que se crea interes ninguno.

Si en algo hemos faltado a nuestra comision
esperamos nos disculpe V.S. y reciba la sinceras
protestas de nuestra consideracion y respeto.

Deos y Libertad Ang^o. Sto^o. 2 de 1842

Ceballos Lopez. Bernardo Yorbas.

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[Faint handwritten text, possibly a signature or date, written diagonally across the page.]

Juan B. Alvarada Gobernador
Constitucional del Departam^{to} de las Califor-
nias.

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Por cuanto los Ciudadanos Jose del
camin, José Maria Vicente Luzos y Diego Sepul-
veda han pretendido para sus beneficios personales
y el de sus familias el pasaje conocido con
el nombre de San Bernardino colindante al
Este con la Sierra de Tucaipa al Oeste con el
Arroyo del Cagon y el Cerro Solo al sur con las
lomerías y al norte con la falda de la Sierra
practicadas provisoriamente las diligencias y abren-
tuaciones concernientes segun lo dispuesto por
leyes y reglamentos usando de las facultades que
me son conferidas a nombre de la Nacion este
sicana he venido en concederles el terreno men-
cionado declarando les la propiedad de el por
las presentes letras asegurando se á la aprobacion
de la Exma Junta Departamental y a las
condiciones siguientes.

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1^a Podran cercarlo sin perjudicar las
haciendas caminos y sembradumbres, lo desfrutaran
libre y esclusivamente destinandolo al uso ó
cultivo que mas les acomode. Pero dentro de un
año fabricaran Casa y estara habitada.

2^a Solicitaran del Juez respectivo que
les dé posesion juridica en virtud de este despacho
por el cual se demarcaran los linderos en cuyos
38 linderos pondran á mas de las mojones algunos
Arboles frutales ó silvestres de alguna utilidad.

3^a El terreno de que se hace mención es de
ocho titios de Ganado mayor segun explica el
diseño que corre agregado al expediente respectivo.
El Juez que diere la posesion lo hara medir
conforme a ordenanza quedando el sobrante
que usulte a la nacion para los usos comunales.

4^a Si untriniere a estas condiciones
perderá su derecho al terreno y sera denunciado
por otro.

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En consecuencia mando que teniendo se por firme
y validero el presente titulo se tome rason de
el en el libro que corresponde y se entregue a
los interecados para sus usguardos y demas
finis. Dado en Montevideo a veinte y uno
de Junio de mil ochocientos cuarenta y dos.

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

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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 sixteen preceding and hereunto annexed pages ^{of the papers numbered from one to sixteen inclusive} and each of which is verified 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.

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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., this 10th day of June A. D. 1852

Sam^l D. King
Survey^r Gen^l Cal.

Relief in office August. 31 1852
Geo. Fischer Surg.

33 words.

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Stamp Third Two Reals.

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B.

Provisionally authorized by the Maritime Customs House of the Port of Monterey in the Department of the Californias for the years 1840, and 1841.
(Sgd) Ximino. (Sgd) Ant Ma Oso.

Translation
9
Exp'd'ante.

Custom house
Seab

Señor Prefect of this District.

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Citizens José del Carmen, José María, and Vicente Lago and Diego Sepulveda, who signed as and the first, representing the others, before Your Honor with due respect present myself and say, that in virtue of a permission given me by the Superior Government of the Department, I went to establish myself in the Rancho of San Bernardino, with the understanding that the persons who were preparing to go, at the time I made representation to his Excellency the Governor would accompany me with the object of forming a colony in that Rancho but unfortunately after that petition was granted, although the Colonists were invited they almost all failed, and only my brothers complied with their promise. In order to obtain the first object, I have endeavored to procure persons to form the establishment and the greater number objected. Then in virtue of my petition to the Government, I went to settle in the aforesaid place and built a house and corral at the Agua Caliente, I and my brothers put on it more than four thousand head of cattle and in short I formed my settlement. Under these circumstances the aforesaid Diego Sepulveda said that he would go to accompany me, locating himself at Yucaipa. As the place is included in San Bernardino I made no objection to this being done. On so doing I found that the Magistrate Don Ignacio Palomares wished to present it, and the said Sepulveda as he told me, had to go to ask leave of said Señor Palomares, the latter having called Your Honor by surprise in order to get from you the permission to place on Yucaipa, a part of

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his Cand of Honor (it being by my consent that the said Magistrate was allowed to put on and carry off his Cand of Honor from said Place, and as I wished to carry out the favor which the Superior Government granted me, I endeavored to take three Persons to form the Colony. For this reason I told Citizen Diego Sepulveda to settle there, and in effect he was building a wall house, but Senor Palomares in a manner prevented its being finished, sending me a letter as to the authority, that the Property we had in Yucaypa should be taken off, thus proving the fact that the place was not as I have come to know he informed Your Honor. It was occupied and in virtue of a Superior permission. Having seen that in spite of my endeavors I cannot obtain persons who wish to settle as Colonists and noticing that individuals possessions are asked for, as Senor Palomares has done, although he is owner of the place of San Jasi so much more pleasant and advantageous than that of Yucaypa which he now asks for. I petition for the four persons aforesaid and who subsides the place of San Bernardino in fact, in extent eleven square leagues a little more or less, which are contained in the map which I duty transmit. Hoping that Your Honor on placing this petition before the Superior Government will be pleased to make Your Report in conformity with the Justice, which assists us, both because we are already settled in that place by Superior permission for about two years. Because we have the place now covered with more than six thousand head of large Cattle, and because it has been my care to make great improvements in San Bernardino, when in spite of difficulties and some danger we have remained and continued the labors of Agriculture.

For this reason, Senor Prefect, I pray and beseech Your Honor to present this petition to the Superior Government hoping that his Excellency will accede to it, which favor I together with the others implore - protesting that which is necessary &c.

City of Nuestra Señora de los Angeles.
October 27 1841.

(sgd) José del Carmen Lugo.

At the request of Don José María and Don
Vicente Lugo.

(signed) Juan Bandino.

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Most Excellent Sir,

In conformity with the request of him who is Chief in
this representation I send it up to the Superior hands
of Your Excellency with the report which this Prefecture
deems to be best.

The Prefecture in my charge under-
stands that the Señores Lugo established themselves
in San Bernardino with permission from the Depart-
mental Government granted in the character of a Colony
in virtue as I understand it of their having offered to
establish a Town in those lands, but as this was not
done (for it is seen that up to this time those who rep-
resent have not complied with their offer) It should
not now be understood that Yucapia property belongs
to the Place of San Bernardino in case the latter is granted
for a Barcho and not for a Town because it is inde-
pendent of it being distant about three leagues.

They refer to the fact that the Magistrate
Don Ignacio Palomas owner of the place San José
without reflecting that they themselves actually pos-
sess a large portion of land in the neighborhood of the
City of Los Angeles the Place of Santa Ana of the Chinis
that of San Bernardino and the Agua Caliente which
are of great extent so that these lands being sufficient
for the property of the Señores Lugo, it is necessary that
other persons Cauto señores, should occupy those
which they can without prejudice to any person.

They also say that the Magistrate Palomas
in virtue of his authority, ordered them to take away
from Yucapia the Cauto which were then, that I believe
he did not by the authority which he now represents
but by the right to that Place derived from the

provisional grant by this Prefecture that he might place there his cattle for the present year on account of the scarcity of pasture in San José, which were all burnt, and in Guacapa they abounded as if there was no one to consume them. For the same reason Palomaris permitted Diego Sepulveda to put his cattle on Guacapa but he (Sepulveda) went on to build a small house, and this was what Palomaris presented as I am informed. Notwithstanding the foregoing Your Excellency will be pleased to decide as may be Your Superior pleasure. For this Prefecture believes that if it should not explain itself in this manner the effect would be to prevent others from enjoying the benefits which nature has supplied.

I make this short manifestation for the sake of Justice as it is my duty and to bring to light this class of rivalry between persons equally deserving of being attended to for if Palomaris occupies the place of Guacapa it is in virtue of the aforesaid permission and he has previously asked for it in fee as I represented to Your Excellency in the respective report.

This Prefecture then finds no objection to there being granted to those who represent the places of San Bernardino, Agua Caliente and Jimanba which are those which they actually occupy with their property, if it should be Your Excellency's Superior pleasure.

San Juan Capistrano, Oct 23 1841.

(Sgd.) Arguello.

(Sgd.) Narciso Botello Secretary.

Monterey June 21 1842.

Having seen the petition with which this Expediente commences, the reports which precede and all other information which was presented and deemed proper to be considered in conformity with the laws and regulations on the matter, I declare the Citizens José del Carmen José María and Vicente Ingo and Diego Sepulveda owners in fee of the place known by the name of San Bernardino, bounded on the East by the Sierra of Guacapa on the West by the Arroyo del Cajon and El Territo

Seal of the
Superior
Ecclesiastical

Angels July 17.
1842.

Let this valuation
be attached to the
respective Expediente
that it may serve
the proper purposes
sg^{to} Arguello
sg^{to} Jose Arguello
Secretary.

Solo on the South the hills and north by the ford
of the Sierra.

Let the Corresponding title be issued, let
note be made in the proper books and let this Expediente
be directed to the Most Excellent Junta.

Now Excellency the Governor thus ordered decreed
and signed.

In compliance with Your Excellency's note
dated the 24th of last month by which we were appoint-
ed a commission to examine and appraise the buildings
which exist in San Bernardino, we went on the 28th of the
same month to the Mission of San Gabriel as directed in
said order, where the Rev. Father Fr. Tomas Estenega
gave us a person called Marcus Antonio to show us the
buildings pertaining to the Establecimiento and going
on our way we arrived on the same day to the place of
destination and in it there were shown to us by the person
sent on a "mesa" (plain) some walls, which from four
ten rooms and a Caero yard, one tile kiln, and a
lime kiln and a ditch for irrigation, in continuation
after examining these he showed us below down than
the first, three rooms and a wall of stone in ruins, ob-
serving that no room is roofed and all somewhat
dilapidated. This is every thing belonging to the
Mission which exists there, at the examination of which
Don Jose del Carmen Lugo did not appear because
when we gave him notice the robbers had stolen his
horses and he was absent and in our opinion we thought
that we ought not by waiting for said Senor to lose
his time in making the examination.

Not the detailed report which is requested
of us as the matter is not very profound, it appearing to
us very simple, we can do no more than add that these
buildings being abandoned they cannot at this time
have their proper value, and could only be repaired
in the hands of a cunning man, in virtue of this for the
foregoing and what we know from having seen it

Although our knowledge is not great in any branch
 We are of opinion that the value in which the aforesaid
 buildings in San Bernardino ought to be estimated
 should be three hundred and fifty (350) dollars a
 sum which we have considered just in the condition
 they are in, understanding that on this matter we have
 acted with the best intentions, without having any inter-
 est. If we have in anything failed in our Commission
 We hope your Honor will excuse us and receive the
 sincere protestations of our consideration and respect.
 God and Liberty.

Angels February 2nd 1842.
 (sgd) Tiburcio Tapia
 (sgd) Bernardo Verba.

I Certify the foregoing to be true and correct from
 the original Spanish Document filed
 in this Office, in Case No 316. Jose Carmen Lopez et al

Geo. Fisher Secy.

Filed in Office August 31st 1852.
 (sgnd) Geo Fisher Secy.

49 1/2 folios

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Señor Juez de 1ª Instancia

Jose del Carmen Lugo de esta vecindad por sí y a nombre de los demás socios contenidos en el adjunto título, ante V. con el respecto debido compareció y dijo: que habiendo obtenido del Gobierno departamental la concesión en propiedad del paraje llamado San Bernardino, solicito de V. se sirva darme la posesión jurídica de dichos terrenos que asegure el derecho a ellos y unforme se previene en el referido despacho que debitamente acompaño. Por tanto A. V. suplico acceda a esta solicitud haciendo como en ella se expresa por ser de justicia que pido. Turo lo necesario &ª sirviéndose igualmente admitirme la en este papel comun p.ª San Bernardino. no haber del sellado respectivo.

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Jose del Carmen Lugo (1.) es al San Bernardino.

Angeles julio 11 de 1842

Jose del C. Lugo

Angeles julio 11 de 1842

Por presentado y admitido en cuanto ha lugar a D. V. como lo pide la parte y con arreglo a lo dispuesto por la superioridad, así p.ª Manuel Dominguez juez de paz y de 1ª instancia decreté mandé y firmé con los de esta según D.ª

Man. Dominguez

ana
J.º Coronel

ana
Raymundo Alariz

29

por J.º Lugo

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Posesion
del Rancho de
san Bernardino

Año de 1842.

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[Faint, illegible handwriting in the center of the page]

20

[Faint, illegible handwriting at the bottom of the page]

Sello tercero dos reales

Habilitado provisionalmente por la Aduana maritima del puerto de Monterey en el departamento de las californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno

Alvarado

Antonio Maria Osio

12 SD
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Rehabilitado por la misma, para el año de mil ochocientos cuarenta y dos.

Alvarado

Antonio Maria Osio

{ Custom house Seal }

3

El que suscribe secretario del Gobierno del Departamento de las Californias, Certifico que el diseño que se demuestra a la vuelta es conforme con el original que existe en la fria de mi cargo ha agregado en expediente respectivo. Monterey 22 de Junio de mil ochocientos cuarenta y dos.

Manuel Jimeno.

Sello primero seis pesos.

Habilitado provisionalmente por la Aduana maritima de Monterey para los años de 1842 y 1843

Alvarado

Antonio M. Osio

(Seal)

4

Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto los ciudadanos Jose del Carmen Jose Maria Vicente Lugo y Diego Sepulveda han pretendido para sus beneficios personales y el de sus familias el parage conocido con el nombre de San Bernardino colindante al Este con la Sierra de Yucaipa, al oeste con el Arroyo del Capon y el serrito Solo al Sur con las Lomerias y al Norte con la falda de la Sierra; practicadas previamente las diligencias y averiguaciones consiguientes segun lo dispuesto por leyes y reglamentos

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5.

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de la materia usando de las facultades que me son conferidas á nombre de la nacion Mexicana he venido en concederles el terreno mencionado, declarandoles la propiedad de el por las presentes letras sugeriendose á la aprobacion de la Exma Junta Departamental y á las condiciones siguientes 1.^a podrán cercarlo sin perjudicar las traberías, caminos y servidumbres, lo disputarán libre y exclusivamente destinandolo al uso ó cultivo que mas les acomode pero dentro de un año fabricarán casa y estará habitada. 2.^a Solicitarán del Juez respectivo que les dé posesion Juridica en virtud de este despacho por el cual se demarcarán los linderos en cuyos limites pondra á mas de las mejores ras algunos arboles frutales ó silvestres de alguna utilidad. 3.^a El terreno de que se hace donacion es de ocho sitios de ganado mayor poco mas ó menos segun explica el diceno que corre en el expediente respectivo. El Juez que les diera la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la nacion para los comuneros. 4.^a Si el contrabiniere á estas condiciones, perderá su derecho al terreno y será denunciado por otro.

6.

En consecuencia mando que teniendo se por firmo et validero este titulo se tome razon de el en el libro respectivo sobre adjudicaciones de terrenos baldios y se entregue á los interesados para sus resguardos y demas fines. Dado en Monterrey á veinte y uno de Junio de mil ochocientos cuarenta y dos

7.

Juan B. Alvarado

Manuel Jimeno
Juo.

Queda tomada razon de este titulo en el libro de asuntos sobre adjudicaciones de terrenos baldios á foja 13. vuelta

Jimeno.

El Exmo Sr. Gobernador ha dispuesto se tome razon de este Despacho en la

8
El Excmo Sr. Gobernador ha dispuesto se tome razon de este despacho en la prefectura del segundo distrito.

Jimeno

S. Juan Julio 6 de 1852.

Queda tomada razon de este superior despacho en el libro respectivo llevado en esta prefectura a fs

Arriuello

0
9
10
En la Ciudad de los Angeles del Departamento de las Californias a los tres dias del mes de Agosto de mil ochocientos cuarenta y dos ante a la solicitud hecha por los señores Don Jose del Carmen, Don Jose Maria, Don Vicente Lagos, y Don Diego Sepulveda, para que se les de la correspondiente posesion del sitio y Rancho llamado S.^o Bernardino cuyos terrenos ocupan con sus bienes de campo, y les fueron concedidos por el Excmo Señor Gobernador de este departamento cuyo titulo o despacho en union de una Copia del diseño han presentado a este Juzgado. pase se por mi y mis testigos de asistencia al referido sitio y procedase a dar la posesion indicada, previa citacion de colindantes, arreglándose a consecuencia al diseño y titulo referido que se les ha confiado por el Gobernador departamental con fecha ^{seis y uno de Julio} de mil ochocientos cuarenta y dos. El Ciudadano Manuel Dominguez juez 1.^o de paz de la mencionada Ciudad y de 1.^o instancia en la cabecera del segundo Distrito asi lo prevoy mande y firme con los de mi asistencia con quienes actuo por receptoría a falta de escribano publico en este papel comun por falta de sellado. doy fé, Manuel Dominguez = á

Ignacio Coronel = a = Francisco Javier Alvarado = Alvarado
= Concedio = no vale

En Cuatro de Agosto del presente año estando á inmediaciones de San Bernardino pasé oficio á los señores colindantes Don Tiburcio Lapiá y Don Juan Bordini manifestando les el objeto á que me dirigia al citada San Bernardino pues iba remediarlo y poner en posesion a los ciudadanos José del Carmen María Lugos como tambien á Don Diego Sepulveda, lo que pongo por diligencia que autorize y firme con los de mí assa segun dño (concedida) Manuel Dominguez = a = Ignacio Coronel = aña = Francisco Javier Alvarado

En el Rancho de San Bernardino á la misma fecha y marca la anterior diligencia, nombré dos oficiales Cordeleros que lo fueron Ramon Benites y Juan Delgado los que por no saber escribir se omiten sus firmas. Estos individuos aceptaron bajo de juramento que hicieron en forma de derecho, por el que ofrecieron desempeñar fiel y legalmente en su cargo lo que autorize y firme segun dño. Manuel Dominguez = assa = Ignacio Coronel = aña = Francisco Javier Alvarado.

En el mismo dia, mes, y año, estando en el serrote solo que es del mismo San Bernardino donde encumbre para observar la forma del terreno y comenzar las medidas con arreglo al diseño, dando la posicion que corresponde, á los señores José del Carmen, José María, Vicente Lugos y Diego Sepulveda, previos todos los requisitos de ley, estando ante mí los testigos de asistencia y los oficiales Cordeleros hice medir un cordel que contenia cincuenta varas alquas. Se ataron en sus extremos uno sacos de Moadera, y por mi disposicion nos bajamos al llano y desde el lindero de Don Juan Bordini (el que no manifestó objecion ninguna ni menos Don Tiburcio Lapiá que esta en la misma ^{línea} se tiró el primer

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12.

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cordel de Sur a Norte, y se midieron y contaron
 trece mil varas que remataron en la falda de
 la Sierra; De este punto y cambiando de direccion
 dirigiendo se para el Oriente por la falda de la
 (Corvegada) Sierra, se contaron
 se consaron y midieron treinta y cuatro
 mil setecientos cuarenta varas que remataron
 en el serrito de Tucaypa; esto es en la misma
 linea pegada a la falda de la Sierra; De aqui
 mismo se cambio de rumbo dirigiendo el cordel
 del norte al su-veste y se contaron y midieron
 quince mil varas que remataron en la esquina
 de uno lomo donde se halla un encono. De aqui
 se cambio de rumbo dirigiendo el cordel al
 Oeste, y se midieron y contaron treinta mil
 quinientos cinquenta varas que remataron donde
 se consensó.

En todos estos puntos que se marcaron
 con arreglo al diseño, se mandaron poner mozo-
 neras para la claridad de las pertenencias del
 sitio. Con lo que se concluyeron las medidas
 del paraje ya nombrado a satisfaccion de las
 partes dando se por posesionadas. Lo que asiento
 por diligencia que autorse y firme con los de
 mi asistencia segun Dño. Manuel Dominguez =
 asistencia = Ignacio Coronel = asistencia = Francis-
 co Javier Alvarado.

Angela Agosto 3^o de 1842

Deje testimonio a las partes de las
 presentes diligencias que se hallan concluidas
 en este papel comun por falta de sellado.

Asi yo el Juez, que subscribí, decreté, mandé
 y firme con los de asistencia segun Dño =
 Manuel Dominguez = asistencia = Ignacio Co-
 ronel = asistencia Francisco Javier Alvarado.

Ahora = En la misma fha se libre el
 testimonio respectivo lo que rubrique para
 constancia = Rubrica.

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Concuerdada con su Original á que me remito y se halla en el libro de instrumentos publicos del presente año, del que se sacó fiel y legalmente corrigiendose y confrontando se en estas siete fojas de papel comun por non haber del sellado

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En testimonio de verdad.

Manuel Dominguez

aña
Jg^o Coronel

aña
Juan^o J. Alvarado.

18.

X

Filed in office Sept 3^o 1852

Geo Fisher
Secy.

10 wabs.

Case n^o 316 (Jose del Carmen Lugo et al.
San Bernardino.

Exhibit n^o 1. annexed to the Deposition of Abel Stearns
taken before Commissioner Hiland Hall.

18-9⁰⁰

4. T.° for M. ...

22-7⁰⁰

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PAGE

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C

Translation

of
Title and
Judicial
Possession12 SD
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To His Honor the Judge of 1st Instance.

I, Jose del Carmen Lugo of this vicinity for myself, and in the name of the other partners referred to in the annexed title refer you with due respect appear and say, that having obtained from the Departmental Government the grant of the place called San Bernardino, I request that you be pleased to give me the Judicial Possession of said land which may make sure the right to them and in conformity with the provisions of the title referred to, which I duly transmit herewith.

Wherefore I pray you to accede to this petition doing that which is expressed in it and as it is Justice which I ask for, I swear what may be necessary & being pleased also to admit this from me on common paper for want of that of the proper Stamp.

Angels July 11th 1842.

(signed) Jose del C. Lugo.

Angels July 11th 1842.

Presented and admitted as well as the law allows as the party requests and in conformity with that decided by the Superior Authority Thus I Manuel Dominguez, Justice of the Place and of First Instance do read and signed, with those of assistance according to Law.

(signed) Manuel Dominguez.

Ass. Witnesses
(signed) Ygnacio Coronel }
(signed) Raymundo Alons }
2

Stamp 1st Six Dollars.
Provisionally authorized by the Maritime Customs House of Monterey for the years 1842 and 1843.
(signed) Alvarado
(signed) Antonio Ma Oso.

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Custom Am 263
seat
Cecum

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Don B. Alvarado Constitutional Governor
of the Department of the Californias.

Whereas Citizens Jose del Carmen, Jose Maria
and Vicente Lugo and Diego Sepulveda have
for their own personal benefit and that of their Families
petitioned for the place known by the name of San
Bernardino Comand on the East by the Sierra of Yucapa
on the West by the Arroyo de Cajon and the Cerro
Solo. South by the hills and north by the slopes of the Sierra
the proper measures and examinations being previously
made as required by laws and regulations using the
powers conferred on me in the name of the Mexican Nation
I have granted them the aforesaid land declaring to them
the aforesaid land declaring to them the ownership of
it by these presents letters subject to the approval of
the most Excellent Departmental Junta, and to the
following conditions.

1st. They may enclose it without prejudices to the
Crossings, roads and servitudes, and enjoy it fully
and exclusively, making such use or cultivation of it
as may best suit them. But within one year they build
a house on it and inhabit it.

2nd. They shall request the proper magistrate to give
them Judicial possession in virtue of this title, by whom
the Comandancias will be marked out, in the limits of which
besides the Comands he shall place some fruit or forest
trees of a useful Character.

3rd. The land of which mention is made is eight square
leagues as shown by the map, which is attached to
the respective Expediente. The Magistrate who may give
the possession will cause it to be measured in conformity
with the Ordinances leaving the surplus which may result
to the Nation for its Comandancia uses.

4th. If they contravene these conditions they will
lose their right to the land and it will be subject
to encroachment by another person.

In consequence I order that this title being
held as firm and valid note be made of it in the

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proper book and it be delivered to the persons in-
terested for their security and other purposes.

Given in Monterey in the County just of
San Juan the ninth and forty two.

(Signed) Juan B Alvarado.

(Signed) Manuel Simino -

Secretary.

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Nota has been made of this title in the book of con-
trats of grants, of vacant lands in folio 130 v.

(Signed) Simino.

His Excellency the Governor has ordered that nota
be made of this title in the Prefecture of the Second
District.

(Signed) Simino.

San Juan July 6th 1842.

Nota has been made of this Su-
perior dispatch in the proper book, kept in this Pre-
fecture at folio -

(Signed) Arguello.

In the City of Los Angeles of the Department of
the Californias on the third day of the month of August
one thousand eight hundred and forty two in considera-
tion compliance with the request made by the partners
Don Jose del Carmen, Don Jose Maria, Don Vicente
Lugo and Don Diego Sepulveda, that there be given to
them the corresponding possession of the Place and
Rancho called San Bernardino which lands they
occupy with their Cattle and cows granted to them by
His Excellency the Governor of this Department, the
title or Dispatch of which together with a copy of
the map they have presented to this Court with
the Petitioners of my assistance will go to the said
Place and proceed to give the possession referred to
previously summing the Colindantes, conforming
in continuation to the map and title referred to which
has been given them by the Departmental Government

with date July twenty first Eighteen hundred and forty two.

I Citizen Manuel Dominguez 1st Justice of the Peace of the aforesaid City and Place of First Instance at the head of the Second District, thus provided ordered and signed with those of my assistance with whom I act in virtue of my Office, for want of a Notary public on this common paper for want of stamped. I certify.

(Signed) Manuel Dominguez.

Asstg Witnesses

(Sgd) Francisco Javier Alvarado

(Sgd) Ygnacio Coronel.

On the fourth of August of the present year being in the Neighborhood of San Bernardino I passed official notice to the Comandantes Don Silencio Sepia and Don Juan Benidine, making known to them the object for which I was going to San Bernardino aforesaid, as I was going to remeasure it and put in possession Citizens Jose del Carmen, Vicente and Jose Maria Lage, as also Don Diego Sepulveda of which I make official note which I authenticate and sign with those of my assistance according to law.

(Signed) Manuel Dominguez

Assisting Witnesses.

(Signed) Ygnacio Coronel

" Francisco Javier Alvarado.

In the Rancho of San Bernardino on the same date as that of the foregoing act, I appointed two rope Carers who were Ramon Benito and Jesus Delgado whose signatures are omitted because they did not know how to write, these individuals accepted and swore the oath which they made in favor of law, by which they promised to discharge faithfully and legally the duties of their Office, all which I authenticate and sign according to law.

(Sgd) Manuel Dominguez.

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Asstg Surveyor -
 Ignacio Coronel
 Francisco Javier Alvarado.

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On the same day month and year being at the Cinto Solo, which is (part) of San Bernar-
 dino, where I went on the Summit for the purpose
 of observing the formation of the land and to com-
 mence the measurements in conformity with the map
 giving the corresponding possession to the Senores
 D. José del Carmen, D. José María Vicento Lugo and
 D. Diego Sepulveda, all the legal requisites being
 previously performed, there being before me the Assis-
 ting Surveyor and the said Owners, I caused to be
 measured a course which contained fifty varas to the
 ends of which some stakes of wood were tied and
 by my direction went down to the plain, and from
 the boundary of Don Juan Bandini (who made
 no objection, neither did Don Francisco Tapia who
 was on the same line) the first cordel was drawn from South
 to North and there were measured and counted, thir-
 teen ~~hundred~~ thousand varas which ended at the
 slope of the Sierra, from this point changing the di-
 rection going East along the slope of the hills, there
 were counted and measured, thirty four thousand
 seven hundred and fifty varas which ended at the
 Cordel de Tacapica, that is in the same line close
 to the slope of the Sierra, from this place the direc-
 tion was changed and directing the Cordel from the
 North to the South West, there were counted and mea-
 sured fifteen thousand varas which ended at the
 angle of a hill where there is a live oak tree, thence
 the course was changed directing the Cordel West
 there were measured and counted thirty thousand
 five hundred and fifty varas which ended at the
 point of beginning. At all these points which were
 designated according to the map, it was ordered
 that Cordels be placed for the clearing of the lands
 belonging to the place with which the measurements
 of the place named were concluded to the satisfaction
 of the parties, they considering themselves in possession

which I note down Officially and authenticate and sign it with those of my assistants according to law.

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(sgd) Manuel Dominguez -
Assts Witnesses
(Sgd) Ignacio Coronel
" Francisco Javier Alvarado.

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Angels August 5th 1852

Let there be given to the parties a testimony of the present records, which are now finished on this common paper for want of stamped.

Thus I the magistrate who subscribed decreed, ordered and signed, with those of assistants according to law.

(Signed) Manuel Dominguez.
Assisting Witnesses
(Signed) Ignacio Coronel
" Francisco Javier Alvarado.

Note. On the same date the respective testimony was issued & in testimony, I sign in (rubric)

(The foregoing) agrees with its originals to which I refer and which is found in the book of public instruments of the present year, from which this was copied faithfully and literally having been compared and corrected, on three seven leaves of common paper for want of stamped.

In testimony of truth.

(Signed) Manuel Dominguez.
Assts. Witnesses
(Sgd) Ignacio Coronel
(Sgd) Francisco J 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 316 Dosa del Carmen Lopez et al.

(Signed) Geo. Fisher Secy.
Filed in Office August 31st 1852. (Sgd.) Geo. Fisher Secy.

U. S. Land Commission for California
 Session at San Francisco

José del Carmen Lago & Co. Claimants
 vs. No 316. "San Bernardino"
 The United States. vs. Officer Capt J. Thornton

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Opinion of
 the
 Board.

12 SD
 PAGE 42

The Claim in this Case presents a demand on a grant made by Juan B. Alvarado Governor of California on the 21st of June 1842 in virtue of the decree of the 12th of August 1825 and of the ordinance of the 21st of November 1828 of the Mexican Government to the Claimants for Eight square leagues of land. It does not appear that the Claimant ever applied for or obtained the approval of the Departmental Assembly of this grant. On the 3rd of August 1842 in the usual form Judicial measurement and delivery of possession of possession of the land was made. There was a house built on the place and occupied in the year 1842. it was stocked largely with cattle and horses and has ever since that time been in the possession of the Claimants and those holding under them. The genuineness of the grant and the authority of the Governor who made it are not controverted, all the facts above stated are established in the Case by a transcript regularly authenticated from the Public Archives of the former Government of the Country, by original documentary evidence and the testimony of witnesses whose depositions are in file. All the objections made to a confirmation of the Claim have been fully considered and overruled by this Board in the case of Cruz Corsantos and of others hitherto decided and in accordance with the principles of decision laid down for our Government in the 11th Section of the act of the 3rd of March 1851. We think the Claim is valid and proceed to enter a decree of final Confirmation. Commissioner, Hall Encouraging in the result.

Henry J. Thornton.

200
 Decrees
 of
 Confirmation

12 SD
 PAGE 43

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 proceed to make and does hereby make the following decree of final confirmation by. It is decreed that the said claim be confirmed to the Claimants to the extent and quantity of Eight square leagues or 8 sitios de ganada Mayor and for no more being the same land described in the grant and Expediente referred to therein and of which possession has been had under the said grant;

Provided that the said quantity of land granted and now here confirmed be contained within the Comandaria called for in the said grant and map to which the grant refers, and if there be less than the said above named quantity within the said Comand then we confirm to the Claimant that less quantity of being apparent that said quantity exceeds the minimum prescribed by the Ordinances of the 21st of November 1828.

Given under our hands this 21 day of July 1853.

W. H. Hall } Commissioners
 Wm. J. Thornton }

Filed in Office July 21. 1853

(Signed)

Geo. Fisher Secy.

Office of the Board of Commissioners,

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

I, *George Fisher* Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *forty six* pages, numbered from 1 to *46*, 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. *316* on the Docket of the said Board, wherein

José del Carmen Suro et al's

the Claimant - against the United States, for the place known by the name of *San Bernardino*

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. *1851*, and of the Independence of the United States of America the seventy=*eight*th

Geo. Fisher



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Office of the Attorney General of the United States,

Washington, 11th September 1854.

12 SD
PAGE 45

José del Carmen Ingo et al.

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 10th 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 12.

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

The United States,

vs.

Jose del Carmen Lugo, et al,

Writ of appeal from City Sec.

Filed Nov 7th 1874.

C. S. Janes
Clerk

12 SD
PAGE 46

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

Jose del Carmen Lugo, et al.

v.

The United States

No 316.

12 SD

PAGE

47

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

The petition 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 repre-
sents as follows.

That heretofore, to wit, on or about the 31st day
of August AD 1852, Jose del Carmen Lugo, Jose Maria
Lugo, Vicente Lugo, and Diego Sepulveda, presented
a petition to the Commissioners to ascertain and settle
the private land claims in the State of California repre-
senting, ^{in substance,} that on the 31st day of June AD 1842, Juan B.
Alvarado Governor of California, by virtue of au-
thority in him vested, granted to them a tract of
land called San Bernardino, situate in the then
County of Los Angeles, (now the County of San Bernardino.)
Containing Eight square leagues with the boundaries
described in the grant, and corresponding map as
shown in the expediente, a certified copy of which
was submitted therewith; that the said grant was
subsequently duly approved and the possession given

in due form; that they have been for more than ten years and were then in the quiet, peaceful and undisputed possession and occupation of the said tract of land; that they knew of no conflicting claim; that they relied for confirmation of title upon the original title papers issued to them by the Government and upon the records and minutes in the Archives in the possession of the Surveyor General, and upon such other and further proofs as they might be advised necessary; and praying for Confirmation of the same.

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PAGE 48

Your petitioner further represents that thereafter, to wit, on the 21st day of February AD 1853, the said Commissioners confirmed by final decree the said claim of the said Jose del Carmen Lugo, Jose Maria Lugo, Vicente Lugo and Diego Sepulveda to the extent and quantity of Eight square leagues and no more, being the same land described in the grant and expediente referred to therein, and of which possession has been had under the said grant.

That thereafter, to wit, on the 27th day of June AD 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^o 316. reference to which, it is prayed may be had and made a part of this petition.

That on the 10th day of June AD 1854 the Honorable 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 (No 316.) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 7th day of November AD 1854. The said Attorney General of the United States, filed, or caused to be filed, on behalf of the United States, a Notice with the said clerk of said District Court for the Southern District of California that the Appeal in said Cause of Jose del Carmen Lugo, Jose Maria Lugo, Vicente Lugo and Diego Sepulveda 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 prosecuted by the United States.

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

And your petitioner further represents, and alleges, that the said claim of Jose del Carmen Lugo, Jose Maria Lugo, Vicente Lugo and Diego Sepulveda 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 Jose del Carmen Lugo, Jose Maria Lugo, Vicente Lugo and Diego Sepulveda show no valid title to the said land claimed by them as aforesaid. And it is denied that they have any.

2. That the said Claimants have no title or interest in the land claimed, they having sold the said land to the Mormons, and quit the possession of the same, in October or November AD 1851.

3. That at the date of the said alleged grant, the said land claimed as aforesaid was occupied by the Misiones of California; and particularly by the Mission of San Gabriel with valuable houses, Mills and other improvements thereon.

4. That the grant was not made in accordance with the Colonization law of August the 18th AD 1824; nor according to the regulations of the 21st of November AD 1828, in this, that the title was issued and signed by the Political Chief before the approbation of the Territorial Deputation.

5. That it does not appear that the alleged grant, was ever approved by the Territorial Deputation or Departmental Assembly; and it was not so approved.

6. That if the grant is an Empresario or Contractor grant, then it does not appear that the Grantees obligated themselves to settle twelve families ^{on the land}; and it is denied they so obligated themselves.

7. That it is not stated in the said grant that it was made in entire conformity to the disposition of the laws.

8. That the said grant was made by said Governor Alvarado, upon a Consideration in Money (\$800.) or its equivalent; which was not in accordance with, and was contrary to law.

9. That the second condition of said grant was not performed, as required; that the Magistrate did not measure the land in accordance with the terms of the grant.

12 SD
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10. That the Judicial measurement and possession was unauthorized by the Magistrate, the title presented to him by claimants, not showing the approval of the Deputation.

11. That said alleged act of Judicial possession and measurement by Manuel Dominguez was not upon sealed paper; that in the measurement of the land he did not proceed according to the ordinance, or law, nor in accordance with the calls of the grant and map referred to therein; that the said alleged grant is for the place called San Bernardino, of the extent of Eight square leagues, a little more or less (*poco mas o menos*) as explained by the map, which belongs to the expediente, and the said Dominguez in giving possession, violated the terms of said grant, and exceeded his authority by measuring and giving possession to said claimants of a tract of land greatly exceeding in extent Eight square leagues of land, a little more or less; that said tract of land of which Judicial possession was given to said claimants by said Dominguez, greatly exceeds in extent Eleven square leagues.

12. That the Conditions of the said grant were not performed by the alleged Grantees; that there is no evidence that they built a house within one year after the date of the grant, and that it was occupied, and the land cultivated.

13. That there is no evidence that the said Manuel Dominguez was a Judge at the time of the alleged act of possession, having lawful Authority to make the Judicial measurement and give the possession of the land granted by Governor Alvarado as

6

aforesaid. And it is denied that he was such Judge, with such authority, or Jurisdiction in such Cases.

14. That the description of the land, in said alleged grant and map, is vague and uncertain; and that the description of the land, in said alleged act of Judicial measurement and possession is also vague and uncertain.

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 Jose del Carmen Lugo, Jose Maria Lugo, Vicente Lugo and Diego Sepulveda, or their Attorney, may be served with a copy of this petition; and that this Honorable 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 said claim of said Jose del Carmen Lugo, Jose Maria Lugo, Vicente Lugo and Diego Sepulveda, 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. Ord

Attorney of the United States
for the Southern District of Cal^a

J.

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PAGE 52

12.

N. 12.

Jose del Carmen Sugo et al

vs.

The United States

Petition of Discharge
for Service.

Filed Dec 9. 1854.

J. S. Jones
clerk.

12 SD
PAGE 53

Dec 9.

In the United States
 In the Dept. put
 for the Southern
 District of Calaveras
 via -
~~Delaware~~

Jose del Formen Lugo, Jose
 Maria Lugo, Vicente Lugo &
 Diego Sepulveda, dependants
 in the above ^{cause}, for answer to said
 petition, say, that on the 21st June
 1842 Juan B. Alvarado constitutional
 Governor of the California, in pur-
 suance of authority in him vested
 by law, granted in fee simple
 to the said dependants a tract
 of land situate in Los Angeles
 county in the Southern District
 of the State of California & known
 by the name of San Bernardino
 bounded as follows to wit: On the
 East by the Sierra of Cucuipa on the
 West by the Arroyo of the Cañon
 and the "Santo Job" on the South
 by the "Lomeros" or on the North
 by the slope of the Mountain
 of Moron Tains, that is explai-
 ned by a map, containing eight
 square leagues a little more or

12 SD
 PAGE 54

TS 20

copy, that afterwards to wit in the month of August 1852, a judicial survey was had of the same premises a possession thereof formally obtained to these defendants according to specific notes & bounds which said possession & survey was given & made by Manuel Dominguez an officer of the Mexican Government competent authorized to give said possession & make said survey that previous to & subsequent to said grant these defendants have been in possession of the said granted premises & that they have faithfully complied with the conditions of their said grant, which said grant was afterwards approved by the Departmental Assembly.

These defendants petitioned that afterwards to wit on the 31st August 1852 they presented their petition claiming said land to the commissioners appointed under the provisions of an act of Congress published in order to ascertain & settle the

Private Land Claims in the
State of Oregon" while
sitting as a Board & that
these Defendants put their affidavits
to said Commission
such documentary evidence & their
testimony of witnesses as they
return & that on or about the 21st
February 1853 the said Commission
decided on the validity of their
said claim & confirmed the
same by their final decree -

And these Defendants put in
answering the petition filed
by their respondents, each and
all the allegations therein in the
same manner as especially
as if each said allegation was
herein recited & denied, excepting
such as are or may be admitted
herein -

These Defendants put in
that the said final decree of
the said Commission is
return that their claim to
the above described claim
is return & should be confirmed
& they hereby specially refer

to the Transcript of the proceedings
of the said proceedings, mention-
ed in the petition of Plain-
tiffs & make the same a
part of this cause =

And these dependent matters
arising passy for general or
such other matters unless
the nature of this case may
require & that they be here
dismissed with their costs

Adam Nathan Hunt

att'y for José de la Cruz

Guerra Lugo, Vicente Lugo

& Diego de la Cruz

Miguel Mestres

att'y for defendant

José Maria Lugo

12 SD

PAGE

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I swore the same March 2 1855
on I did by delivering to him
a certified copy of the same at
Los Angeles in the Southern District
of California

E. Wood Hunter
U. S. Marshal

Subscribed & sworn to
this 30 March 1855
before me J. S. Love
Clerk.

4076

12. 1855
United States Dist.
Court for the Southern
Dist. of California

United States
Appellate
D

For app. in
King's case

~~Answer~~
The Clerk with them
have a copy of the
within amount of U.S.
Dist. Ct. very
conveniently in paper

316,

This 28th Sept 1855

J. S. Love.

PAGE 12 SD 58

Answered by
J. M. Watson

United States
vs
Jose del C. Luyo
Vicente Luyo
Jose Maria Luyo &
Diego Sepulveda

In the U. S.
Dist. Court for
the Southern
District of
California -

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Petition for review of a decree
of final confirmation of the U. S. Land
Commission of a tract of land called
San Bernardino -

It is hereby agreed and stipulated by
Parties and U. S. Dist. Attorney
on behalf of the United States that
the answer of the Defendants or any
one of them in the above cause may
be filed at any time before or on
the 15th February next with the
same effect as if filed
within ten days after the ser-
vice of summons a petition
in them -

P. M.

San Mateo Court -
for both ~~parties~~

U.S. Dist. Court.

Wm. H. H. H.

vs

Depts of ad.

San Bernardino

— — — — —

Objection taken:

every time of

appearance

Upon the suggestion of J. H. Scott of counsel for the
opponents that J. H. Scott by an entry of said
court is absent & that he is is principal
counsel for some parties in interest in
said claim & that, ^{said} Scott is now proba-
bly in attendance on the Supreme Court
of said State at Sacramento -

It is stipulated, in order to afford the
parties time to consult with the said Scott
that the time of answering be extended
until the 1st March next -

J. H. Scott
atty for depts -

^{No 12}
U. S. Dist Court
for the South. Dist.

United States
appellants
vs
Jose del C. Lopez
et al —

Supplication
extending time
for answering.

Filed Feb'y 28th 1855.

J. C. Farr.
Clerk.

In the District Court of the United States
for the Southern District of California,
Jose del Carmen Lugo et al

Appellees

No 12.

vs

For "San

The United States

Bernardino"

Appellants

12 SD
PAGE 62

To the above named appellees or their attorneys,
Take notice that the above
entitled cause will be brought to a hearing
by the United States on Friday the 19th
day of October A.D. 1853, or as soon
thereafter as the same can be heard
by the Court.

Los Angeles October 11. 1853.

J. M.
U.S. Dist. Atty

No 12.
United States District
Court Southern District
of California

Josi del Carmen Lugo
et al. Appellantes

vs (No 12.)

The United States
Appellants

Notice of hearing
by the States

Filed Oct 11th 1855
J. E. Jones
Clerk.

12 SD
PAGE 63

P. M. Healy.

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

José del C. Lugo et. al.

Appellees

vs

The United States

Appellants

Case No 12.

Transcript 316.

"San Bernardino".

12 SD
PAGE 64

Translation of Certificate to Map, see
Transcript page 32.

Third Stamp, two Reales.

Authorized provisionally for the Maritime
Custom House of the Port of Monterey,
in the Department of the Californias,
for the years one thousand, eight hundred
and forty and one thousand, eight hun-
dred and forty one.

Alvarado.

Antonio Maria Osio.

Revalidated for the same, for the year one
thousand, eight hundred and forty-two.

Alvarado.

Antonio Maria Osio.

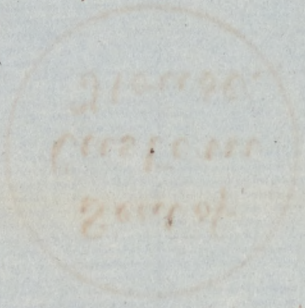


He who subscribes, Secretary
of the Government of the De-
partment of the Californias,
certify that the map which
appears on the reverse, is in conformity
with the original which is in existence in
the Secretary's Office of my charge, attach-
ed to the proper Expediente.

Monterey, 22nd of June, one

thousand, eight hundred and forty two.

Manuel Jimeno.



No 12.

U. States Dist. Court, Southern
District of California.

Francisco J. Bugo, et al.
Appellees,

vs.

The United States,
Appellant,

Translation of Certified
Copy to Map.

File Certificate 1893-

D. B. Can
By *[Signature]*

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

José del Carmen Lugo,

Vicente Lugo,

Diego Sepulveda, and

José Maria Lugo,

Appellees,

vs

The United States

Appellants

Case No. 12.

"San Bernardino"

12 SD
PAGE 66

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^d 1851, on a 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 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 Board be, and the same hereby is, confirmed, and it is further adjudged and decreed, that the claim of the above named Appellees is good and valid; and the same is hereby confirmed to them to the extent of eight square leagues of land, within the

boundaries described in the Grant,
and in the Expediente and Map to
which the Grant refers; and if there
should be left there said quantity
of eight square leagues of land with-
in said boundaries, then to such left
quantity.

Wm. H. Ogden
U. S. Dist. Judge

Case No. 12
U. S. Dist. Court, San
Diego of California

Don del C. Lugo et al.
Appellantes
vs
The United States
Appellants.

Decease

12 SD
PAGE 67

Filed Aug 29th 1886

Wm. H. Ogden
at

Recorded on Page 191

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles, December Term, 1855.

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Isi del Carmen Lugo, et al

VS.
APPELLEE,
UNITED STATES,
APPELLANT.

No. 12.

(No. 316. of Transcript.)

On Appeal from the United States Land Com-
mission.

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 7th day of December A. D. 1855.

P. Ord
Dist. Atty.

No. 12.

W. S. DeHout
Trustee DeHaff California

Jacobus Formanugo et al
appellatus

ad
The United States
appellanti

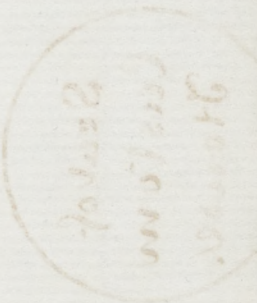
Office of Appeal S. C.

Filed March 14, 1886
C. E. Law Clerk
By O'Leary Deputy

12 SD

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SD



[Faint handwritten notes on the left margin, including the word 'ad' and various illegible cursive text.]

[Faint handwritten notes on the right margin, including the word 'ad' and various illegible cursive text.]

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

Jose del Carmen Sugo et al
Appellees

Case No. 12

^{Ad}
The United States

Appellants

San Bernardino

Transcript B, O.

12 SD
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PAGE

In pursuance of a letter received from the
Hon. Attorney General of the United States,
hereto annexed, giving notice that in the
above cause the appeal in the Supreme Court
will not be prosecuted by the United States

It is hereby stipulated and agreed between
the parties that the order granting an appeal
to the Supreme Court, heretofore made by
this Court in this cause, on the 7th day of
March AD 1856 may be vacated, and
the Decree of this Court heretofore rendered
herein on the 29th day of January AD 1856
may by order of the Court be made final

J. M.

Dist. Atty.

J. R. Scott

Atty for Appellees

Case No 12.
U. S. Dist. Court

Jose del C. Diego et al
App ees

vs

The U. States
App ts

Stipulation & Letter
of Att'y Genl.

Filed July 18th 1857
Gives
etc

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

Jose del Carmen Lugo et al

Case No 12

Appellees

vs

Juan Benwardino

The United States

Appellant

Transcript 315

12 SD

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PAGE

The Attorney General of the United States having given notice that the appeal to the Supreme Court of the United States from the decision of this Court in the above entitled case will not be prosecuted by the United States; and a stipulation having been entered into by the United States District Attorney and the attorney for claimants that the order granting an appeal to the Supreme Court, heretofore made in this cause be vacated, and that the decree of this Court heretofore rendered in this cause may by order of this Court, be made final.

It is ordered,

That the order of this Court, made on the 7th day of March AD 1856, granting an appeal in this cause to the Supreme Court be, and the same hereby is, vacated, and that the claimants have leave to proceed under the decree of this Court, filed on the 29th day of January AD 1856 as under a final decree.

James H. Ogden
U.S. District Judge

Case No. 12
U. S. District Court
Southⁿ Dist. California

Jose del C. Lugo et al
Appellees

vs

The United States
Appellants.

Order vacating order
granting appeal.

Filed Feb^y 18th 1837
G. W. C. C.

California Land Claims.

Attorney General's Office

18 September 1856.

12 SP

PAGE

Sir.

In the case of the claim of Jose del Carmen Lugo et al., confirmed to the claimants by the Commissioners, Case no. three hundred and sixteen (316), 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

Claukey

Pacificus Ard Esq.

U. S. Atty Los Angeles,

W 12

Joan del. Carmo Luzoet.

(316)

Letter of ally Quil

Filed July 18th 1857
Chris
Ch

✓ 12 SD
PAGE 75

Rec'd Oct. 21, 1836

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

J. del Lugo et al

vs.

The United States

12 SD
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William Pickett being duly sworn, de-
poses and says that he has seen a copy of
the plat of survey approved by the Surveyor Gen-
eral of California, of the land claimed in this cause;
that he has read the decree of this court in this
case; and according to his best information
and belief, the said survey does not conform to the
decree of this court, in this, that the valley of
Whipe included in said survey is not a
part of said claim, and is expressly exempted
in the papers thereof; and further, that other
lines of said survey is unjust and not war-
ranted by the decree in this cause. And depo-
nent further deposes upon information and belief
that the said plat of survey is fraudulent and
void because it was forged as a pretended survey
by order of the Surveyor General of California as if
made about June, 1854, whereas in truth it was
a surreptitious plat prepared by the common
authorities then living upon said claim, ^{many} months
previous, which through corrupt influences
got accepted as a pretended survey and filed

in the Surveyor General's office; and further
deponent saith not

William Pickett.

Sworn and subscribed to
before me this 20th Oct
ad 1860

at find
US Commissioner
for Calaf

2012

Affidavit of
W Pickett in
relation of duty

12 SD
PAGE 177

Filed this 20th
Oct 1860
J. P. Marshall

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

Jed C. Lugo et al

vs

The United States

No 12

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Charles Chapman

being duly sworn says that he
has seen a copy of the Plot or
Survey approved by the Surveyor
General of California of the land
claimed in this cause. That he
has read the decree of this Court
in this case. and according to his
best information and belief the
said Survey does not conform to
to the decree of this Court in this, that
the valley of Ueipee included in said
Survey is expressly exempted from said
claim in the the papers thereof - and
farther - that other lines of said Survey
is unjust, and not warranted by the
decree in this cause. and farther
depones saith not

Charles Chapman

Sworn and subscribed before
me this the 20th Oct 1860

Cfimo

US Commissioner
for California

No 12

Affidavit
for return
of
Sundry

12 SD
PAGE, 79

Filed this 20th
Oct 1862

Chas R

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

The United States }
vs } No 12
Jose del Luzo et al }

12 SD
PAGE 80

Now comes the United
States by J. R. Mitchell United States
District Attorney and suggests to the
Court that the survey of the land
claimed in this cause heretofore made
and approved by the Surveyor
General of the U. S. for the State of California
is not made in conformity with the final
decree in this cause and they will be
injured thereby. Therefore he moves
the Court for an order upon the
said Surveyor General directing him
to return into Court forthwith the approved
plat of the survey aforesaid for the further
action of this Court

J. R. Mitchell
U. S. Dist. Atty

No 12

Filed this 1st Nov
1868
G. J. S. S.
ER

12 SD
PAGE 81

UNITED STATES DISTRICT COURT,
FOR THE SOUTHERN DISTRICT OF CALIFORNIA. }

J del C Lugo

No. *12*

vs
The United States

It being suggested to the Court that the survey of the land claimed in this case, made under final decree, and approved by the U. S. Surveyor General for California, does not conform to said decree and is erroneous and that said survey will be to the injury of the United

States
on application of of DR Hatcher Esq, US Dist atty
it is ordered that the said Surveyor General return to this Court forthwith
the plat of said survey, and that the United States

be allowed Twenty days, from and after the return thereof, to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information. I. S. K. OGIER, U. S. District Judge.

UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF CALIFORNIA. }
COUNTY OF LOS ANGELES. }

I, C. Sims, Clerk of the United States District Court for the Southern District of California, do hereby certify that the above and foregoing is a full true and correct copy of the original order, made and entered on the 11th day of November 1860, in said case, No. 12 on the docket of said Court, wherein J del C Lugo is claimant against the United States, as appears of record in my office.

In witness whereof I herewith set my hand and affix the seal of said Court this the 3rd day of Nov 1860.

C Sims, Clerk.

12 SD
PAGE 82

UNITED STATES OF AMERICA, }
SOUTHERN DISTRICT OF CALIFORNIA. }

THE PRESIDENT OF THE UNITED STATES,

To, J. W. MANDAVILLE, U. S. Surveyor General, for California—Greeting:

You are hereby notified that the United States District Court, for the Southern District of California, at the Special Sess Term of said Court, 1860, in case No. 12 on the docket of said Court, wherein J del C Lugo claimant against the United States, made and caused to be entered an order, of which the above and foregoing is a certified copy herewith transmitted to you for your information, and you are hereby required to take notice of the same.

Witness the Hon. ISAAC S. K. OGIER, Judge of the United States District Court, for the Southern District of

California, this the 3rd day of Nov 1860.

Attest my hand and the seal of said Court the day and year
last above written C Sims, Clerk.

No. 12

Saw Francisco Nov 19 1860
I hereby certify that I have this day made
personal service of this order on
J. W. Mandaville U.S. Surveyor General
for California by leaving with him a
Certified copy of the same

James C. Prouie
U.S. Marshall

J. W. Freeman
Deputy Marshal

Marshals fees

For service \$ 2.00

" Mileage 30.00

Filed Nov 14. 1860

C. Smith Clerk

J. John Whelan Deputy

12 SD

PAGE 83

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

The United States } No 12 in Dist Court
vs } appellts }
Jose del Carmen Lugo et al } San Bernardino Rancho

12 SD
PAGE 84

Now comes J R Gitchell U S
District attorney for the Southern District
of California and excepts to the final
survey made by the United States Surveyor
General for the State of California of the
lands claimed by the appellers in the
above entitled cause.

The lines of said survey to
which exceptions are hereby made, are
designated upon the map of said sur-
vey now on file in this Court as follows
to wit. Line No 14 commencing at a
post marked SB No 15 thence east to post SB
No 14. - Line No 13. Line No 12. Line
No 11 Line No 10. Line No 9 Line No 8
Line No 7 and so much of Line No 6,
as lies east of a point on said map
marked "Edge of ditch"

J R Gitchell United States

District Attorney for the Southern
District of California being duly
sworn deposes and says that
the foregoing exceptions are true
as he is informed and verily
believes

J P Mitchell
U S Dist Atty
of San diego
of John Wheeler

Sworn to & subscribed before me this 22nd day of Dec^r 1860

12 SD
PAGE 85

To the Appellants or their attorneys
in the above entitled cause
You are hereby notified
that the hearing of the above and foregoing
exceptions in the above entitled cause
will be brought on to a hearing before
said Court within thirty days after
the service upon you of a copy of the same
or as soon thereafter as Counsel can be
heard

Los Angeles Dec 22nd 1860

J P Mitchell
U S Dist Atty

No 12

José Carmen del Lago et al
vs
The United States

Expositions to the
Barrey

Filed Dec 22/60
C. Sims clk
John O'Whelan

12 SD
PAGE 86

This is to Certify that I personally served the within
by delivering to José del Carmen Lago et al; a true copy
of this Original, at Los Angeles County State of
California this 9th day of February A.D. 1861

James C. Peunie U.S. Marshal
for James V. Burns Deputy

In the United States Dist Court
for the Southern Dist of Cal^a

Jose del Carmen Lopez et al,

Appellee

The United States

Appellants

} N^o 12

12 SD

87

PAGE

In the matter of Survey

Now comes Henry Hancock
of Counsel and files his Appearance
as Attorney in the above en-
-titled Cause

PAGE

12 SD

PAGE

R 72
Jose del Carmen Lago
et al. Appellus
The United States
Appellants

In Matter of
Survey

Appearance

Filed on this
19th day of
March 1861

Chas. M. Clark
for Jose del Carmen Lago & co

Don del Carmen Suño

Appellee

} No 12

The United States ^{vs} Appellant

I Am no longer Atty for
any purpose in the above case
March 19th 1861

J R Scott

12 SD

PAGE

89

No. 12

U. S. Dist Court
South Dist of Cal

San Francisco

m

United States

Relinquishment of title

Filed March 19/61

Chas. M. Clark

John M. White Def.

12
19
61

In the United States Dist Court
for the Southern Dist of Cal^a

José del Carmen Lugo et al. }
ad Appellus } N^o 12
the United States Appellant }
in matter of Surony }

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

Sir You will please take
notice that appellus propose to
take the disposition of W^m Moleck
et al. at 2 P.M. of Monday the
25th day of March 1861 in this cause

Navy Hancock
of counsel for Appellus

12 SD
PAGE 91

Given by copy of written
accepted on this day
of March 1861

J. P. Giddell
U. S. Dist. Atty.

No 12
For all Commissions
at Law. See also
in U. S. Department's

Matthew Blaney

Writer

Concerning taking

Shelby Office

written 23rd day

of March 1861

G. S. May

Clerk

In the United States Dist Court in and for
the Eastern Dist of Cal^y - Special Term of
1860 - James W. Gordon vs. M. H. Wright
U.S. Dist Judge

Jose del Carmen Lugo et al }
vs } N^o 12
The United States }

In the matter of the final survey of
the rancho San Bernardino

12 SD
PAGE 93

In the above entitled case it
appearing to the satisfaction of the
Court that the final survey of the
tract of land claimed herein had been
duly made and approved by James W.
Mandeville U.S. Surveyor General for
California, ^{and that} in pursuance to the order of
this Court a certified copy of the plat of
the said survey was duly filed on the
3^d day of December 1860 by the said
Surveyor General for California

And it further appearing to the
satisfaction of the Court that all of the
publications and proceedings required
by the rules of this Court and the act
of Congress relation to approved surveys
in California approved on the 14th of
June 1860 had been duly made and
approved The arguments of Counsel
being heard upon the evidence on

file in the case and the same having
been duly considered by the Court

It is ordered, ^{the exceptions filed by the said surveyor are overruled &}adjudged and
decided that the final Survey of
the tract called "San Bernardino"
and claimed in this case is correct
and that the same is hereby ap-
proved and confirmed by the Court

And it is further ordered
that the plat of the final Survey
be returned to the said United States
Surveyor General together with
a copy of this order

This done in open Court on this
3^d day of October 1862

Hester M. Wright
U.S. Judge, San Luis

12 SD
PAGE 94

No. 12

U. S. Dist Court

South Dist Cal

Judicial Carmen Lopez

The United States

Decease Confirming
Survey

Filed Oct 23/62

John Wheeler
clk

12 SD

PAGE 95

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

TO _____

The President of the United States,

*Jose' del Carme' Lu'go, Jose' Maria Lu'go.
Vicente Lu'go, and Diego Sepulbada.*

12 SD
PAGE 96

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 *ninth* 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 California, of the claim of you the said Jose' de Carme' Lu'go, Jose' Maria Lu'go, Vicente Lu'go, and Diego Sepulbada, for a tract of land called San Bernardino, in the County of San Bernardino, California, to the extent of Eight square leagues, which said claim was presented by Petition of ^{said} Claimants, to said Commissioners, on or about the 31st of August 1852, and confirmed by said Commissioners on or about the 2nd 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. C. Farr
Clerk.

Marshal's cost -
Copying Summons 1.20
Folio 4.00
Summons 5.20
Serving & return 4.00
\$9.20

12
5th.

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

The United States, Appellants,
vs.
Jose del Carmen Lugo et al
Appellees.

SUMMONS. No 5
Came to hand
this Jan 19th 1855

12 SD
97 U.S. Marshal
PAGE

I served this summons along with the proper copy of the petition upon Jose del Carmen Lugo, defendant, personally, by leaving with him a true copy thereof, in the County of Los Angeles

at his residence _____ in the Southern District of California on the twenty fifth day of January A. D. 1855.

Sworn to and subscribed before me,
J. C. [Signature] Clerk.

Edward Hunter
United States Marshal for the
Southern District
of California

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

TO _____

The President of the United States,

*José del Carmen Lugo, José María Lugo,
Vicente Lugo, and Diego Sepulveda.*

12 SD
PAGE 98

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 *ninth* 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 revise, 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 José del Carmen Lugo, José María Lugo, Vicente Lugo, and Diego Sepulveda, for a tract of land called San Bernardino, in the County of San Bernardino, California, to the extent of eight square leagues, which said claim was presented by Petition of Claimants, to said Commissioners, on, or about the 31st of August, 1852, and confirmed by said Commissioners, on or about the 21st 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. C. Carr,
Clerk.

Merchants cost
 Copying summons
 four folios 1,20
 Serving summons 4,00
 Mileage 24 miles 5,20
 Serving petition 8,00
 4,00
 \$12,00

No. 12

30
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United States of America,
 Southern District of California,
 U. S. District Court.

Jose del Carmen Luogo, et al.
 Appellants.

Advs.

The United States,
 Appellants.

SUMMONS. No 4
 Came to hand
 Jan^y 19th 1855
 E Hunter
 U. S. Marshal

12 SD
 PAGE 99

I served this summons along with the proper copy of the petition upon *Diego Sepulveda*
 one of the defendants in the County of
 Los Angeles by leaving with him personally
 a true copy thereof on the 31st day
 of ^{January} residence of *San Mateo*
 at the 31st day of *January* in the Southern District of California on
 the 31st day of *January* A. D. 1855.

Sworn to and subscribed before me,
 J. E. San, Clerk.

Edward Hunter
 United States Marshal for
 the Southern District
 of California

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

TO

The President of the United States,

*José del Carmen Lugo, José María Lugo,
Vicente Lugo, and Diego Sepulveda.*

12 SD

PAGE 100

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 *twelfth* day of *December* in the year of our Lord one thousand eight hundred and fifty-*five* at the City and County of Los Angeles, in said District, by

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 José del Carmen Lugo, José María Lugo, Vicente Lugo, and Diego Sepulveda, for a tract of land, called San Bernardino, in the County of San Bernardino, California, to the extent of Eight square leagues, which said claim was presented by Petition of ^{said} claimants, to said Commissioners, on or about the 31st of August 1852, and confirmed by said Commissioners, on or about the 21st 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. Farr
Clerk.

Marshals Cost -
 Copying Summons 1.20
 Paper folios 4.00
 Service 1.48
 Travel 5.48
 Serving Petition 4.00
 \$ 9.68

12
 Att.

United States of America,
 Southern District of California,
 U. S. DISTRICT COURT.

*Casa del Comen. Lujo, et al.,
 Appellants.*

12 SD Ads.
 PAGE 101

*The United States
 Appellants.*

SUMMONS.

*No 2
 Jan 19 1855
 this day came
 to hand this
 summons
 E. Hunter
 U S Marshal*

I served this summons along with the proper copy of the petition upon *José Maria Lujo,*
 personally, *by leaving with him a true copy thereof*
in the County of Los Angeles

at *his residence*
 the *twenty fourth* day of *January*

in the Southern District of California on
 A. D. 185 *5.*

Sworn to and subscribed before me,

J. E. Jan. Clerk. }

Edward Hunter
 United States Marshal for
 the Southern District
 of California

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

TO

The President of the United States,

*José del Carmen Lugo, José María Lugo,
Vicente Lugo, and Diego Sepulveda.*

12 SD
PAGE 102

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 *ninth* 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 California, of the claim of you, the said José del Carmen Lugo, José María Lugo, Vicente Lugo, and Diego Sepulveda, for a tract of land called San Bernardino, in the County of San Bernardino, California, to the extent of eight square leagues, which said claim was presented by petition of said claimants, to said Commissioners, on or about the 31st of August, 1852, and confirmed by said Commissioners on or about the 21st 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.

12
 Merchants cost
 Copying Summons
 From folios 2, 20
 Serving Summons 4, 00
 Travel 1, 20
 Drawing Petition 5, 40
 4, 00
 \$10.40

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

The United States, Appellants

12 ^{vs.} 5B
 103
 PAGE

*Jose del Carmen Lugo, et al
Appellees.*

SUMMONS.
 No 3
 Case to hand
 Jan 19th 1855
 C Hunter
 U. S. Marshal

by leaving a true copy, then of
 I served this summons along with the proper copy of the petition upon upon
Vicente Lugo one of the defendants
 in the county of Los Angeles
 at his residence — in the Southern District of California on
 the 23rd day of January A. D. 1855.

Sworn to and subscribed before me,
 J. E. Farr. Clerk.

Edward Hunter
 Marshal of the
 United States for
 the Southern District
 of California

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

Jose del Carmen Lugo,
Jose Maria Lugo,
Vicente Lugo, and
Diego Sepulveda,
Appellees

Case No. 12.
Transcript 3, 6.

12 SD
PAGE 104

vs.
The United States.
Appellant.

"San Bernardino."

No.	Page.	Description
1	5.	Petition to Commission
2	6, 7.	Deposition of Abel Stearns
3	7, 8.	Deposition of Eulogio Celis
4	9.	No. 1. annexed to Deposition of Celis, being Certificate of Juan B. Alvarado of Pay ^t of \$800. by Jose del C. Lugo to Celis.
5.	9.	Translation of above Certificate No. 4
6.	12, 13, 14.	Petition of Claimants to Prefect.
7.	14, 15, 16.	Note of Prefect to Governor, accompanying Petition
8.	16.	Decree of Grant
9.	17, 18.	Valuation of Property of Mission of S. Gabriel, at S. Bernardino, with marginal order of Prefect to annex.
10.	19, 20.	Map.
11	19, 20	Grant by Gov ^r Alvarado to Claimants
12	21.	Certificate of Surveyor Gen ^l to above copies.
13.	23, 24, 25.	Translation of Petition No. 6.
14.	25, 26.	do Note of Prefect " 7.
15.	26, 27.	do Decree " 8.
16	27, 28	do Valuation order " 9.
17.	29.	Petition for Judicial Possession, and order of 1 st Alcalde thereon. { part of No. 1, see next page 3

Copies from Archives

No.	Page.	Assigned to M. S. Brewer.			
18.		M.S. Brewer.	Map		
19.	32.		Certificate to Map.		
20	32.33		Title, original, same as No 11.		
21	33.34		Order to record in Deference.		
22	34.		Certificate of Record.		
23	34 & 37.		Conclusion of Judicial Possession.		
24	39.		Translation of Petition & order		No 17
25.	40.41.		do	Title	" 11 & 20.
26.	41.		do	Order	" 21
27.	41.		do	Certificate	" 22.
28.	41 & 44.		do	Judicial Possession	" 23.
29.	45.		Opinion		
30.	46.		Decree of Confirmation.		

Case. 12.
 U.S. Dist. Court, South
 District of California

Chas J. C. Dugg, et al.
 Petitioners
 vs
 The United States
 Defendants.

Justy of Brewer et al

The United States }
vs }
Jose de L. Lugo & others }

12 SD
PAGE 106

The claim in this case is founded on a grant from Governor Bonilla to the present claimants, bearing date 2^d June 1842. The genuineness of the grant is fully proved — Judicial possession of the land was given — and the evidence shows a substantial compliance with the conditions of the grant, the objections to the validity of this grant have all been considered in other cases decided by this tribunal — and overruled.

The claim must therefore be confirmed to the extent ~~allowed~~ for in the grant within the limits ~~bonilla~~ is described in the grant and map. provided there be such quantity & sit (cujus & quae bonis) within said boundaries or if there be less than said quantity then to such less quantity.