

CASE NO.

31

SOUTHERN DISTRICT

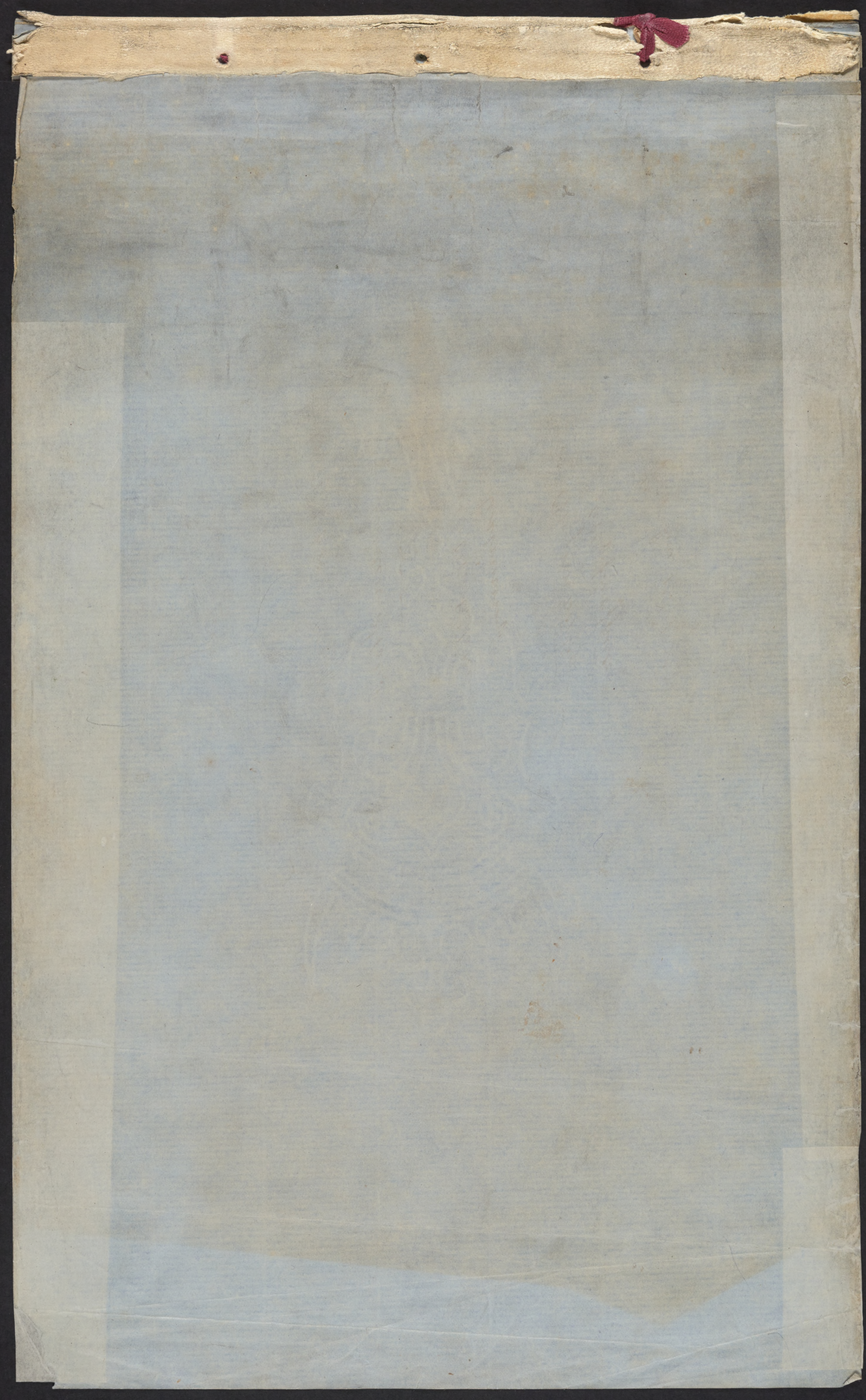
CANADA DE LOS ALISOS GRANT

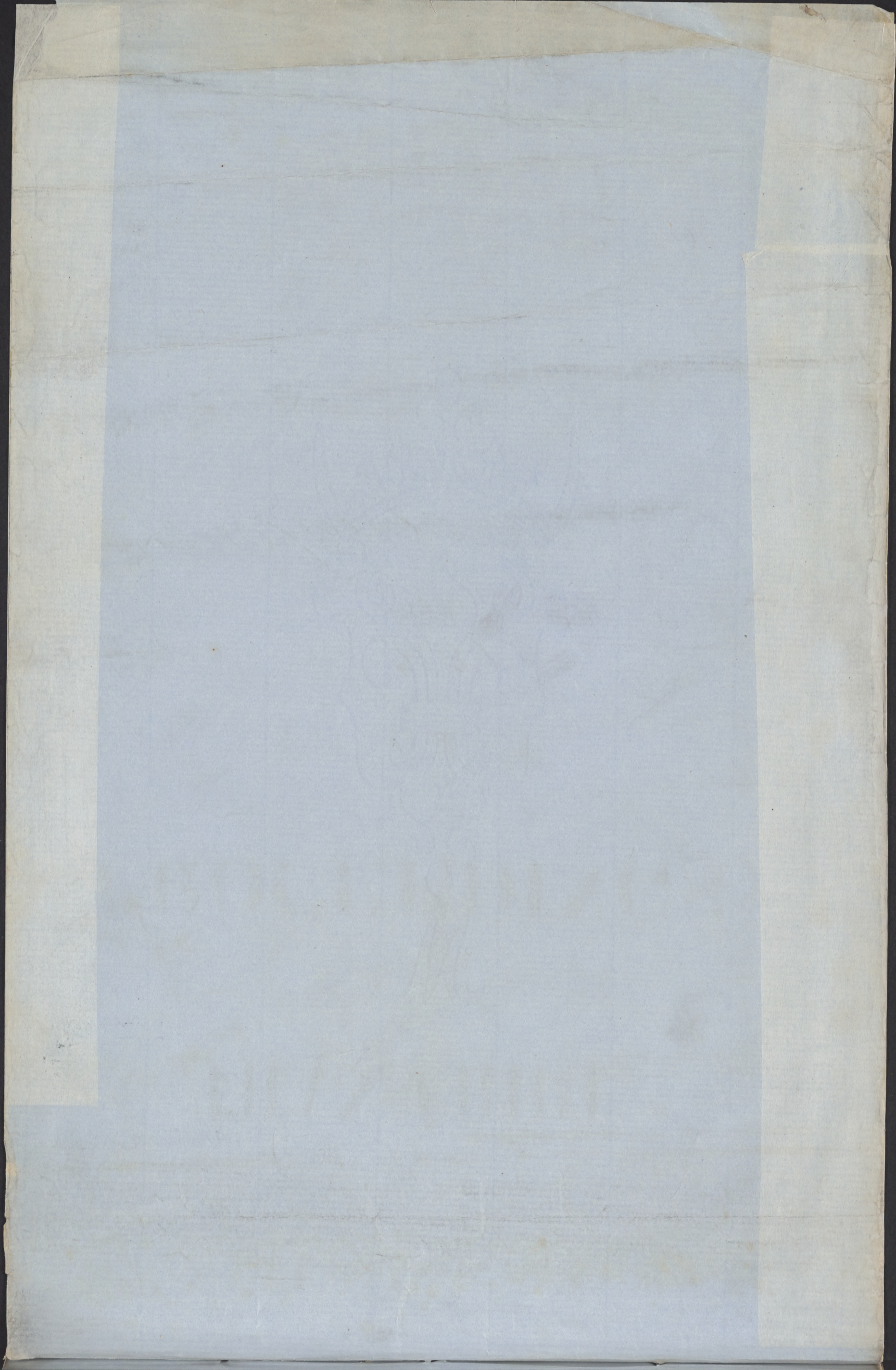
JOSE SERRANO

CLAIMANT

Land Case 31 SD

ALSO AVAILABLE ON MICROFILM





TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 431

*Jose Ferrand*

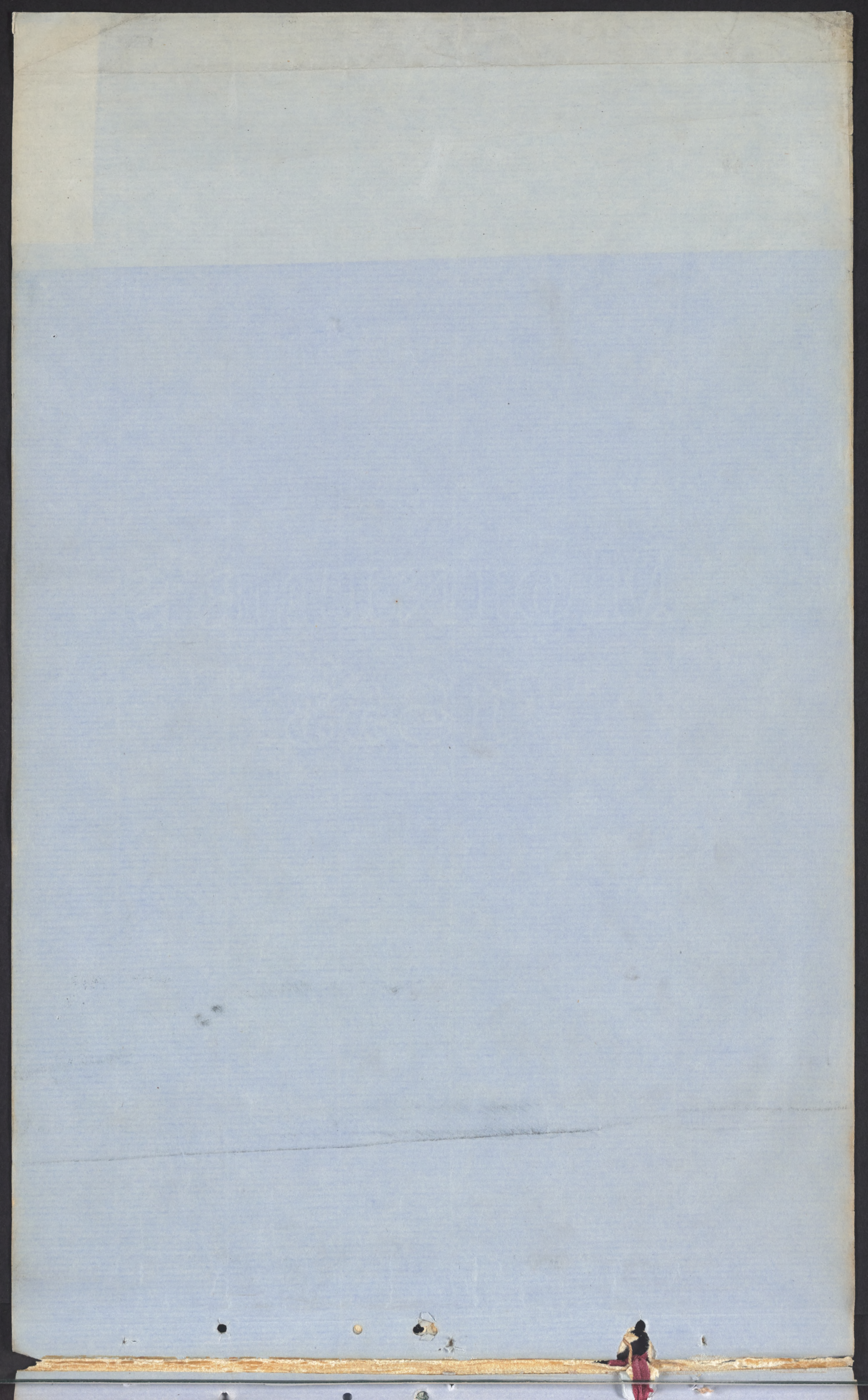
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Canada de los Alisos."*



431

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of *José Serrano*,

for the Place named

*"Canada de los Alisos"*

was presented, and ordered to be filed and docketed with No. *431* and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

*Los Angeles November 4<sup>th</sup> 1852.*

In Case no. *431* *José Serrano* for the place named *"Canada de los Alisos"* the deposition of *Abel Stearns* a witness in behalf of the claimant taken before Commissioner *William Hall* with documents marked *N. N. nos. 2 & 3* and Translations thereof marked *B. D. F.* annexed thereto was filed;

(Vide page *5* of this Transcript)

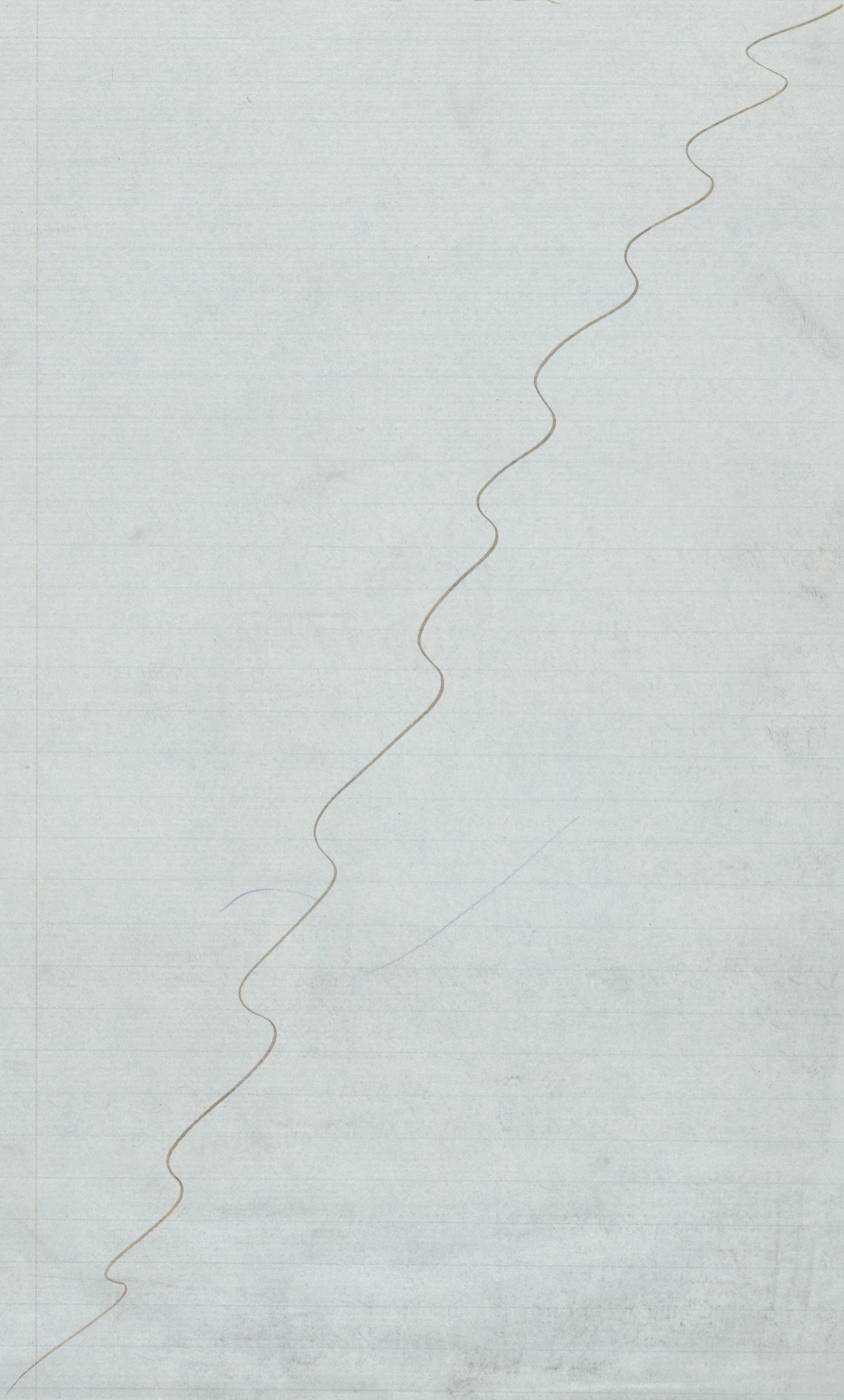
*San Francisco Aug. 16<sup>th</sup> 1853.*

Case no. *431* called: The counsel for the claimant read the evidence; argued, submitted and later under advisement.

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San Francisco October 21<sup>st</sup> 1853.  
In the same case Commissioner Thompson  
Campbell delivered the opinion of the Board  
confirming the claim.  
(See page 43 of the Transcript)

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Petition of  
Jose Senano

To the Hon<sup>ble</sup> the Board of U. S. Land Commissioners appointed to settle private Land claims in California

The petition of Jose Senano respectfully sheweth:

That on or about the third day of May A. D. 1842

Juan B. Alvarado then Govern<sup>r</sup> of California in the name of the Mexican Nation by Virtue of laws then in force, the customs and usages of the Country affecting grants of Land in California, granted in full property unto your petitioner the tract of Land known by the name of Canada de los Alisos bounded East by the Hills of the said Canada West by the Arroyo del Toro, South by the house of San Louquin and the North by the Sierra containing one league of Land (sitio de ganaderia Maya) a little more or less and described in the papers and maps relating to the grant of said Land. Copies of said papers being herewith filed as part of this petition.

And your petitioner further shews that provisional Occupation of said Land had been given to your petitioner by the said Govern<sup>r</sup> to wit, on or about the eighteenth day of June 1841 a copy of the said document being herewith filed as part of this petition

And your petitioner further sheweth that on or about the 27<sup>th</sup> day of May A. D. 1846 Pio Pico then Govern<sup>r</sup> of California in the name of the Mexican Nation, by Virtue of the laws then in force, the customs and usages of the Country affecting grants of Land in California, granted in full property a tract of Land in addition to said Rancho called Canada de los Alisos and is bounded South by the Arroyo de los Alisos boundary of W. Foster by the boundaries of Don Teodosio and West by Don Jose Sepulveda containing one and a half leagues (sitio de ganaderia Maya) as described in the papers and maps relating to the grant of said addition Copies of said papers being herewith filed as part of this petition.

And your petitioner further sheweth that he is informed and believes the said grant to your petitioner was approved by the Departmental Assembly of California and that a record of this fact is now in the archives in the Custody

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A

of the U.S. Surveyor Genl for California. That as soon as copies can be procured of said records, your petitioner prays leave to file the same as part of this petition and your petitioner further sheweth that on or about the sixth day of June 1842 your petitioner was placed in judicial possession of the tract of land just above mentioned by the proper Officer having jurisdiction of such subject matter as appears by Original Official papers now in the possession of your petitioner ready to be produced and proved. That copies of said papers are herewith filed as part of this petition

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and your petitioner further sheweth that said lands have always since the dates of said grants been in the quiet and peaceable possession of your petitioner and your petitioner is at the present time in the quiet and peaceable possession thereof.

There is no conflicting claim to said land known to your petitioner.

Said lands have not been surveyed by the U.S. Surveyor Genl for California.

The evidence upon which your petitioner relies in this case are the records of this grant, papers and maps in the Office and Custody of the U.S. Surveyor General for California Original papers and maps in the possession of your petitioner, and the testimony of witnesses to be produced before your Honor Board.

Respectfully submitted for such action as the Justice and Nature of the case claims may require.

E. O. Crosby  
of counsel for claimants

Recorded in Record of Petitions Vol. 1. pages 377, 378 & 379  
Geo. Fisher Sec'y

Filed in Office Nov. 14<sup>th</sup> 1853  
Geo. Fisher Sec'y

Los Angeles Nov. 4<sup>th</sup> 1853

On this day before me Comr. A. Hall, came Abel Stearns a witness in behalf of the claimant Jose Senano petition No. 431 and was duly sworn, his evidence being given in English - The U.S. Associate Law Agent was present.

Deposition of Abel Stearns

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In answer to enquiries by Counsel for claimant the witness testified as follows -

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

I am acquainted with the hand writing of Juan B. Alvarado. The signature Alvarado to a paper dated June 18-1841 purporting to be a permission to Jose Senano to occupy land called Canado de los Alisos, I believe to be the genuine signature of said Juan B. Alvarado. Said paper is hereto annexed & marked H. H. No. 1

I am acquainted with the hand writing of Manuel Jimeno, Jose R. Aguillo, Manuel Dominguez, Ignacio Canuel, & Joaquin de los Rios & Ruiz

A paper is now shown me purporting to be a grant to the said Senano of the said land dated May 3 1842 to which is attached a testimonial of Juicedal possession in June 1842

I have examined the signatures of the said several persons before named appearing on said paper & believe the same to be genuine - Said paper is hereto annexed and marked H. H. No. 2

I am also acquainted with the hand writing and signatures of Pio Pico & Jose Neutten Moreno

A paper is now shown me purporting to be a grant to said Senano of a tract of land adjoining that before mentioned dated 27<sup>th</sup> May 1846

The signatures of the said Pico & Moreno appearing I believe to be genuine. It is hereto annexed & marked H. H. No. 3

Manuel Dominguez at the time of giving such Juicedal possession was Justice of the Peace & Judge of the First Instance & authorized to give it -

6

I know the land before mentioned. I think Savano built  
a house on the land in the years 1841- or 1842 and  
moved into it with his family, where he has resided  
ever since. He has had a stock of cattle & horses  
& sheep there. I have been at the place frequently and  
know it well.

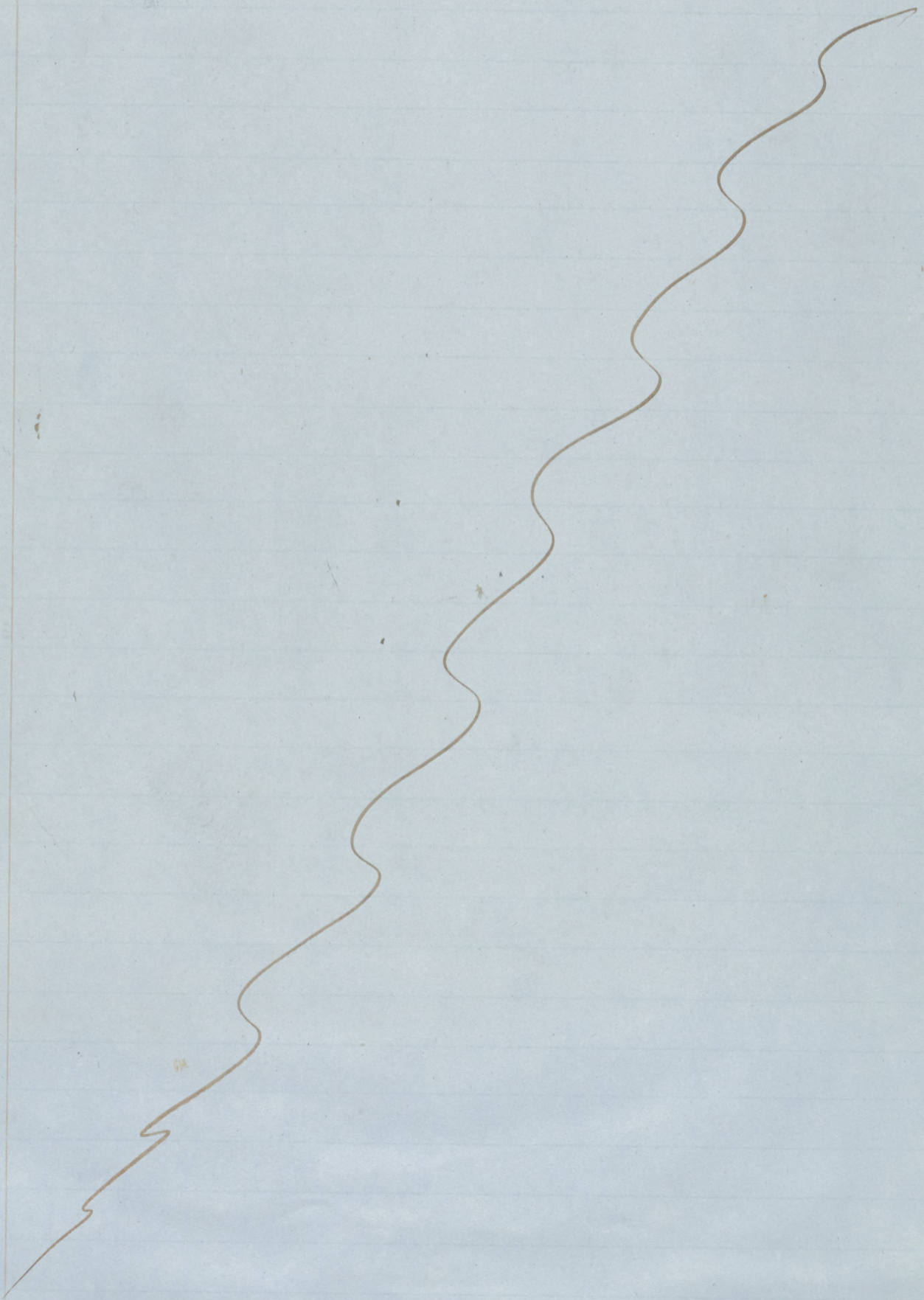
Abel Stearns

Sworn and subscribed  
before me Hiland Hall Comr

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Filed in Office Nov. 4 1852

Geo. Fisher Secy



1852

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1 of 2  
2960/10

J. G. D. K.

Expediente

Promovido por el Ciudadano José  
Lerano en solicitud del paraje  
conocido con el nombre de

Cañada de los Alisos.

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4841.

274.

J

2. S. D. K.

Sello Tercero Dos Reales

Habilitado por la Administracion de la Aduana Maritima del Puerto de Monterey de la Alta California, para los años de mil ochocientos treinta y seis y mil ochocientos treinta y siete.

Gutierrez.

Angel Ramirez.

Valga para los años de 1839 y 1840 Alvarado. Antonio Ma. Osio

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Aug. Mayo 6 del 1840.

Ynforme el Sr. Juez D. de Paz de esta Ciudad, D. Juan B. Leandry sobre el contenido en esta instancia y con respecto al interesado, y luego pase al Adm. de la Dmision de Sr. Juan Capistrano, por su parte esponga lo que le convenga; haciendo dho. Sr. Juez que el solicitante presente previamente, el correspondiente diseño del terreno q.

Senior Prefecto Interino del Distrito

Jose Terrano Ciudadano y Vecino de esta Ciudad ante V. S. en la mejor forma legal que haya lugar en derecho se presenta diciendo: Que deseo de conseguir un parage para el fomento de mis tierras sembradas y hallando el parage conocido por el nombre de la Cañada de los Alisos, cuyo diseño acompaño (perteneiente a la Ex. Mision de San Juan Capistrano, sin bienes ningunos y se puede decir valdica, mandar tomar los informes necesarios para q. corran los tramites se requiere la ley y no habiendo obstaculo q. me sea cedido en propiedad por el Gobierno Superior. Por tanto, suplico a la justificacion de V. S. q. se digne atender a esta mi

3. S. D. K.

431. EPTO N° 1  
2 of 2607

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refieran:  
Tapia  
Nasario Botella

solicitud. Juro lo necesario  
y. Aug. Marzo 6 de  
1840.

A ruego del interesado  
Proyecto Hugo Reid  
Seris.

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PAGE 9A

Aug. Marzo 27. 1840.  
J. Pref. int.

He tomado las noticias mas escrupulosas  
para indagar con respecto a la instancia  
de Jose Ferrans, y no encuentro embarazo  
p. q. si V. S. tiene a bien se le conceda  
el terreno, pues el sitio si que esta valdido  
y el interesado tiene bienes y es hombre  
de bien.

Juan B. Leary.

Adm. de Sr. Juan Capistrano.

Con respeto al informe =

[Sello Tercero dos reales

4. G. D. K.

Habilitado por la administracion de la  
Aduana Maritima del Puerto de Monterey  
de la Alta California, para los años de  
mil ochocientos treinta y seis y mil  
ochocientos treinta y siete.

Gutierrez.

Angel Ramirez

Valga para los años de 1839 y 1840

Alvarado. Antonio M. Osio.



que se me fide del terreno de  
Los alisos, digo, que aunque  
no se ocupa diariamente se  
pasean en él, bienes de la  
Mision, particularmente en  
tiempos de guerra.

San Gabriel

10  
Abril 2 de 1840.  
Ramon Arguello.

Excmo. Sr. Gobernador.  
La Prefectura de este 3º Distrito  
impuesta de la insta e informes q  
antecedem cree q es de accederse a la  
solicitud del interesado, si asi fuere  
del superior agrado de V.E. en razon a  
q el terreno q se refiere se halla enteral  
monte valdico y D. Jose Terrano tiene los  
requisitos suficientes pª ser atendido.

Fiburcio Tapio.

Narciso Botella  
Gris.

5. L. D.K.

Monterrey Feb. 13 de 1840.

Presidente pª la Junta.  
(a flourish.)

Monterrey 18 de Junio de 1841.

Estendase una concesion provisional a  
D. Jose Terrano del parage de los Alesos  
sujetandose a lo que despues se resuelva.

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Jose Tallons a Map



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3 de Mayo 1847

7. S. D. N.

map 7

Juan B. Alvarado Gobernador Con-  
stitucional del Departam<sup>to</sup> de las Californias

Por cuanto el Ciudadano Jose  
Serrano ha pretendido para su beneficio  
personal y el de su familia el paraje  
conocido con el nombre de Cañada  
de los Alisos Colindante con las loma-  
rias inmediatas a la Cañada de los  
Alisos con el Arroyo del Faro con la  
Tierra y con el camino que llaman de  
Abajo, practicadas previamente las  
diligencias y averiguaciones convenientes  
segun dispuesto por leyes y reglam<sup>to</sup>  
mandos de las facultades que me  
son conferidas a nombre de la nacion  
Mexicana he venido en concederle  
el terreno mencionado declarandole  
la propiedad de el por las presentes letras  
sugeriendose a la aprobacion de la  
Excm<sup>a</sup>. Junta Departam<sup>tal</sup> y a las  
condiciones siguientes

1<sup>a</sup> Podra cercarlo sin perjudicar  
las travesias caminos y servidumbres  
lo disfrutara libre y exclusivam<sup>te</sup>  
destinandole al uso o cultivo que  
mas le acomode pero dentro de un  
año fabricara casa y estara habitada.

2<sup>a</sup> Solicitara del Juez respectivo  
que le de posesion juridica en virtud  
de este Despacho por el cual se  
demarcaran los linderos en cuyos  
limites pondra a mas de las mojeneras  
algunos arboles frutales o silvestres de  
alguna utilidad.

3<sup>a</sup> El terreno de que se hace  
mencion es de un sitio de ganado mayor  
segun explica el dicem<sup>o</sup> que corre en

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8. S. D. N.

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el expediente respectivo.

El Juez que diere la posesion lo hara medir conforme a ordenanza quedando el sobrante que resulte a la Nacion para los usos convenientes.

La Si contraviniere a estas condiciones perdera su derecho al terreno y sera denunciado por otro.

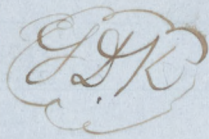
En consecuencia mando que teniendo por firme y valioso el presente titulo se tome razon de el en el libro que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a trece de Mayo de mil ochocientos cuarenta y dos.

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Office of Surveyor General of the United States for California.

I Samuel D. King Surveyor General of the United States for the State of California, and as such, having in my Office and under my charge and control, a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, do hereby certify that the eight preceding and herunto annexed pages of tracing paper numbered from one to eight 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.

In testimony whereof I have herunto signed my name officially and affixed my private seal (not having a seal of Office) at the City of San Francisco this twenty third day of October 1852.



Samuel D. King  
Surv. Gen. Cal.

Filed in Office Aug. 8. 1853.

Geo. Fisher Secy.

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431  
1 of 2<sup>o</sup> copy  
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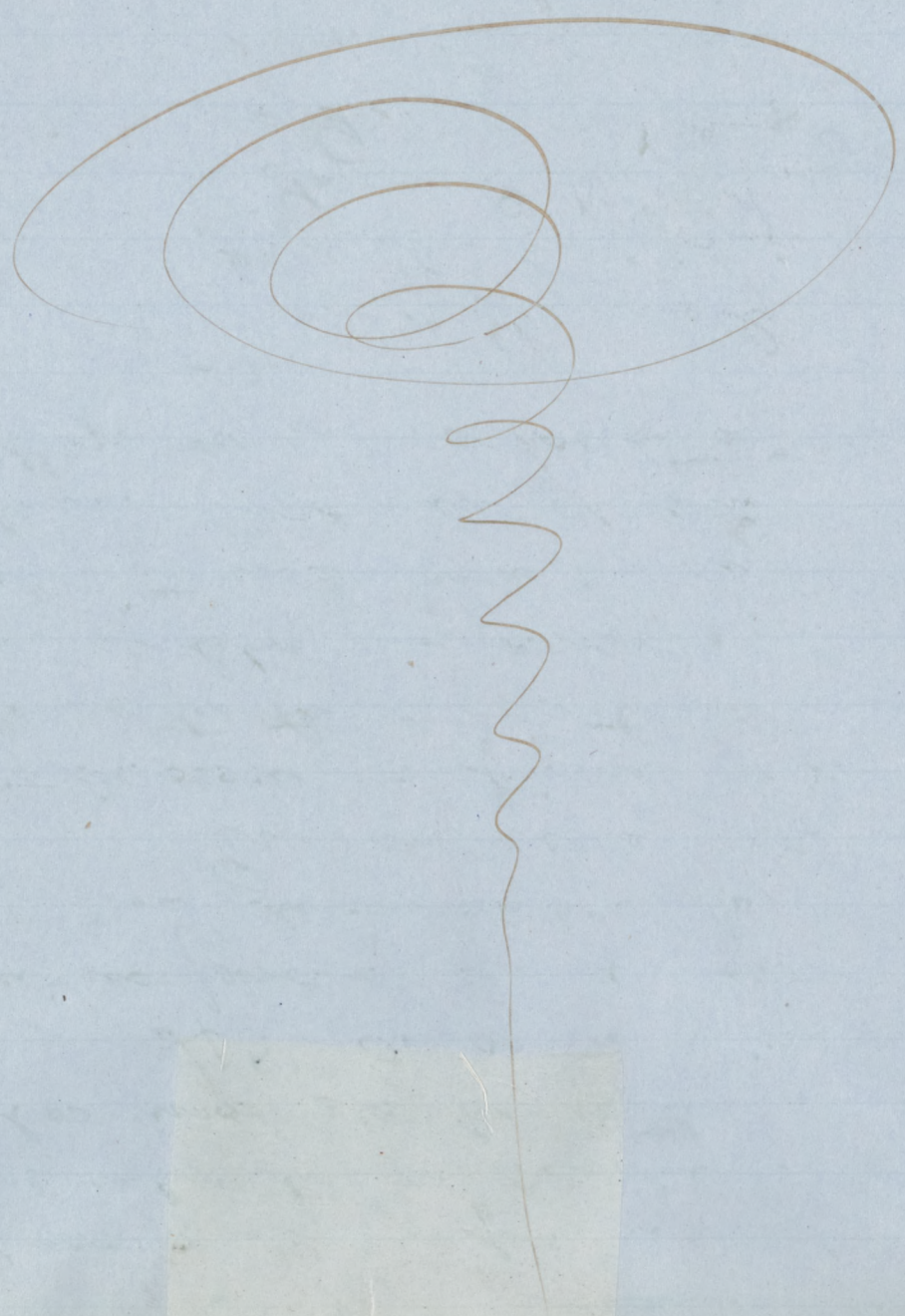
1. G. D. N.

1846.

Espediente promovido por el binotas  
dono Josi Lewans en ampliacion de  
terreno al que posee.

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Nº 558.



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2. J. D. R.

Ang. Feb. 18 de  
1846.

Agregase esta  
solicitud al  
Expediente y  
uno de los dicendos  
devolviendose el  
otro a Don Jose  
Terrans con la  
certificacion  
del Secretario  
del despacho  
de Gob.  
Pico.

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Excmo. Señor.

Jose Terrans vecino de esta  
Ciudad ante V. E. en la mejor  
forma q. haya lugar en  
derecho digo q. obsequiandose  
la orden bernal que me dio  
V. E. tengo a bien adjuntarmente  
el dicendo en duplica del ter-  
reno q. he solicitado para  
aumentar del que actualmente  
poseo, para q. impuesto V. E.  
sea el tambien y del  
mencionado terreno y decreto  
lo q. considere de justicia.  
Por tanto A. V. E. suplico  
haga como pido en lo que recibiere  
gracia. juro & dispensando  
del trazo de este papel por no  
haber del que corresponde.

= tachado =                      = no vale.

Angeles Febrero 18 de 1846  
no se firmar.

3. J. D. R.

Ang. Abre 11 de  
1845

Ocurra la parte  
que representa  
al Juez 1.º de  
esta Capital  
para que practique  
los informes ne-  
cesarios y vuelva  
al Gob. para  
resolver.  
Pico.

Excmo. Gov.

Jose Antonio Terrans vecino  
de esta Ciudad ante V. E.  
con el respeto debido compa-  
resco y digo; que hayandome  
necesitado de agrandar el  
terreno de mi rancho denuncio  
en toda forma de derecho, un  
pedazo de terreno que se ayda  
baldio por el rumbo de la  
Sierrita al lado del Norte  
y esta contiguo a mis tierras  
y aun en mi titulo dice que  
se me diera esta las lomas  
pero no se por que motivo no se

1845

1845

10

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2 of 26

me dio, y en vista de lo expuesto.

A.V.E. suplico decreto conforme a mi solicitud en lo que recibire gracia. Juro no ser de malicia y lo necesario y sirbiendose admitir esto en papel comun por falta de sellado.

Angeles Noviembre 11 de 1845.  
No se firmar.

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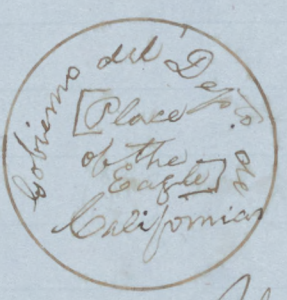
PAGE 15

4 L. D. K.

Excm: Sr.

No permitiendome mis ocupaciones haber pasado en persona hacer la division del terreno que solicite Don Jose Antonio Terrans nombre en consecuencia al Sr Don Bernardo Yorba, cuyo individuo me informo lo que consta en el oficio que tengo el honor de adjuntar a V. E. para su inteligencia. y en cumplimiento de lo que se me ordena por el superior decreto marginal.

Ang: Dto. 13 de 1845.  
Dte. Sanchez



Angeles Mayo 27 de 1846

Vista la peticion con que da prinicipio este expediente el informe del Juez N.º de esta Ciudad con todo lo demas que tuvo presente y ver couvino de conformidad con las leyes y reglamentos de la materia declaro a Don Jose Terrans dueño en propiedad de un sitio y medio de fanado mayor en area hacia al Norte del que posee. Librele el correspondiente titulo tomese razon en el libro respectivo y dirijase este expediente a la Excm: Junta Departamental para su aprobacion. Pío Pico, Gobernador asi lo mando decreto y firmo hoy fe Pío Pico.

5 L. D. K.

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17 6. 9. 2. 10.

Habiendo recibido el oficio de V. fecha 30 de el corriente en donde me dice q. se le ha extraviado el informe q. mande de la solicitud q. hace D. Jose Serrano de el terreno q. solicita para el dia 13 de Dto. con los dos sujetos y imparciales q. V. me ordeno por oficio fecha 11 de Dto. q. V. se sirva el pasarme para a dicho terreno y me impuse hasta onde llegaban los linderos de los colindantes en dicho terreno y se conocimos dicho terreno pues es terreno baldillo el q. solicita D. Jose Serrano lo q. digo a V. para su conocimiento.

Dios y Libertad, In Antonio 31 de Dto. de 1845.

Testigo. M.  
Lor. Alcalde, - Jose Alipaz  
D. Pisento  
Sanchez.  
Bernardo Yorba

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None follows a map.

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S. J. D. K.

map 2

Pro Vico Gobernador Constitucional del Departamento de las Californias.



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Por cuanto Sr. Jose Serrano Mejicano por nacimiento ha pretendido para su beneficio personal y el de su familia la ampliacion de un terreno al que actualmente poseo el cual se halla vallido hacia el Norte, conlinda por el Sur con el arrollo de los Alises lindero de el Sr Foster, el Norte con los linderos de Sr. Teodoro Yorba, y por el poniente con Sr. Jose Sepulveda, y practicadas previamente las averiguaciones concernientes usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido por decreto de este dia en concederle el expresado terreno declarandole la propiedad de el por las presentes letras de conformidad con la ley de 15 de Agosto de 1824, y reglamento de 21 de Noviembre de 1828, y reglamento de 21 de Noviembre de 1828, a reserva de la aprobacion de la Exma. Asamblea Departamental y bajo las condiciones siguientes.

1a Podra cercarlo sin perjudicar las traversias caminos y arvidambros lo disfrutara libre y esclusivamente destinandolo al uso y cultivo que mas le convenga.

2a Solicitara del Juez respectivo le de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondran las mojoneas necesarias.

3a El terreno de que se le hace donacion es puramente el de un sitio y medio de ganado mayor. El Juez que lo poseiere lo hara medir conforme a

S. J. D. K.

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1/3 of 2<sup>nd</sup> copy

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S. J. D. K.

map 2

Pro Pico Gobernador Constitucional del Departamento de las Californias.



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Por cuanto Sr. Jose Serrano Mejicano por nacimiento ha pretendido para en beneficio personal y el de su familia la ampliacion de mi terreno al que actualmente poseo el cual se halla vallido hacia el Norte, conlinda por el Sur con el arrollo de los alisos lindero de el Sr Foster, el Norte con los linderos de Sr. Teodoro Yorba, y por el poniente con Sr. Jose Sepulveda, y practicadas previamente las averiguaciones concernientes usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido por decreto de este dia en concederle el espresado terreno declarandole la propiedad de el por las presentes letras de conformidad con la ley de 15 de Agosto de 1824, y reglamento de 21 de Noviembre de 1828, y reglamento de 21 de Noviembre de 1828, a reserva de la aprobacion de la Exma. Asamblea Departamental y bajo las condiciones siguientes.

1a Podra cercarlo sin perjuicio de las traversias caminos y arriadas de maderas lo disfrutara libre y esclusivamente destinandolo al uso y cultivo que mas le convenga.

2a Solicitara del Juez respectivo le de la posesion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondran las mojones necesarias.

3a El terreno de que se le hace donacion es puramente el de un sitio y medio de ganado mayor. El Juez que lo poseione lo hara medir conforme a

S. J. D. K.

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ordenanza quedando el sobrante que resulte a la Nacion para los usos que sean convenientes.

2.<sup>a</sup> Si contraviniese a estas condiciones perdera su derecho al terreno y sera denunciado por otro.

En consecuencia mando que teniendo el presente titulo por firme y valido se tome razon de el en el libro respectivo y se entregue al interesado para su resguarda y demas fines. Dado en la Ciudad de Los Angeles en este papel comun por falta absoluta de sellado a veinte de Mayo de 1846. Ochocientos cuarenta y seis.

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Office of Surveyor General of the United States for the State of California and as such now having under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby, that the nine preceding and herewith attached or annexed pages of tracing paper numbered from one to nine 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 parts of the said Archives in this Office.

In testimony whereof I have herewith signed my name officially, and affixed my private seal (not having a seal of Office) at the City of San Francisco Cal. this 23<sup>rd</sup> day of October 1852.

S. D. K.

Saml. D. King, Sur. Gen. Cal.

Filed in Office Aug. 8. 1853

Geo. Fisher  
Secy

Your Excellency

I Jose Serrano a resident of this City before your Excellency in the best form that the Law may admit do state that in obedience to the verbal order of your Excellency gave me, I duly subjoin the sketch in duplicate of the premises, I have selected in augmentation of those I actually possess, to the end that your Excellency

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Angelas Feb. 18. 1846

Let this petition be annexed to the minutes of proceedings, and one of the sketches the other being returned to Dr

On perceiving the same may see the size and aspect of the said tract and decree what may be deemed just. Wherefore I beseech your Excellency to do according to my prayer wherein I shall receive a grace I make oath &c

Jose Serrano with the certificate of the Secret any of the Government

Excuse me for using this paper there being none of the appropriate Effaced = Mende = Oul Pico I do not know how to sign

Your Excellency

I Jose Antonio Serrano a resident of this City before your Excellency with due respect do appear and say Angeles Nov 11. 1845

Let the party who petitions increase the extent of my Rancho apply to the Just-Judge of this Capital to the end that he may make the proper repairs and let return be made to the Government for further action

That finding myself obliged to denounce in all legal form a piece of land which is unoccupied in the direction of the small mountain chain on the north side and contiguous to my land, and although my title sets forth that I am to receive as far as the hills still

Pico

I do not know for what motive the same was not given to me and in consideration of the aforesaid I beseech your Excellency to decree according to my petition wherein I shall receive grace

I make oath that I do proceed through malice, adding the necessary revivifications &c. Be pleased to admit this petition on common paper there being none stamped

37th

15  
2

Angeles November 11- 1846

I do not know how to sign

Your Excellency

My occupations not having permitted me to repair in person to take a view of the premises solicited by Sr Jose Antonio Serrano I commissioned by appointment Srn Sr Bernardo Torow which individual reported what appears in the communication, which I have the honor to annex to your Excellency for your information, and in compliance with what I am ordered to do by the Superior Marginal Decree

Angeles. Decemba 19 1845  
Vicente Sanchez

Angeles May 27 1846

In view of the petition wherewith the proceedings originate the report of the first Judge of this City together with all the other things that were brought forward and were behooving to be kept in view in conformity the laws and regulations affecting the matter I declare Sr Jose Serrano to be Owner in full property of One and a half square leagues (Sito de ganada Maya) in augmentation towards to the North of that which he poses. Let the appropriate title be issued, let it be entered in the proper book and let these minutes of proceedings be forwarded to the most Excellent Departmental Assembly for its approbation. Pio Pico has so ordered decrees and subscribed

Witness

Pio Pico

Having received your Official communication dated 10 instant, wherewith you state you have lost the report which I sent concerning the petition which Sr Jose Serrano makes for the tract he solicits. I repaired on the 13<sup>th</sup> November with the two impartial men whom you ordered me to take by communication dated 11<sup>th</sup> November which you were pleased to forward to me I went to said premises and ascertained how far reached the boundary of premises adjoining said tract and inspected said tract

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PAGE 20

INDEX

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23

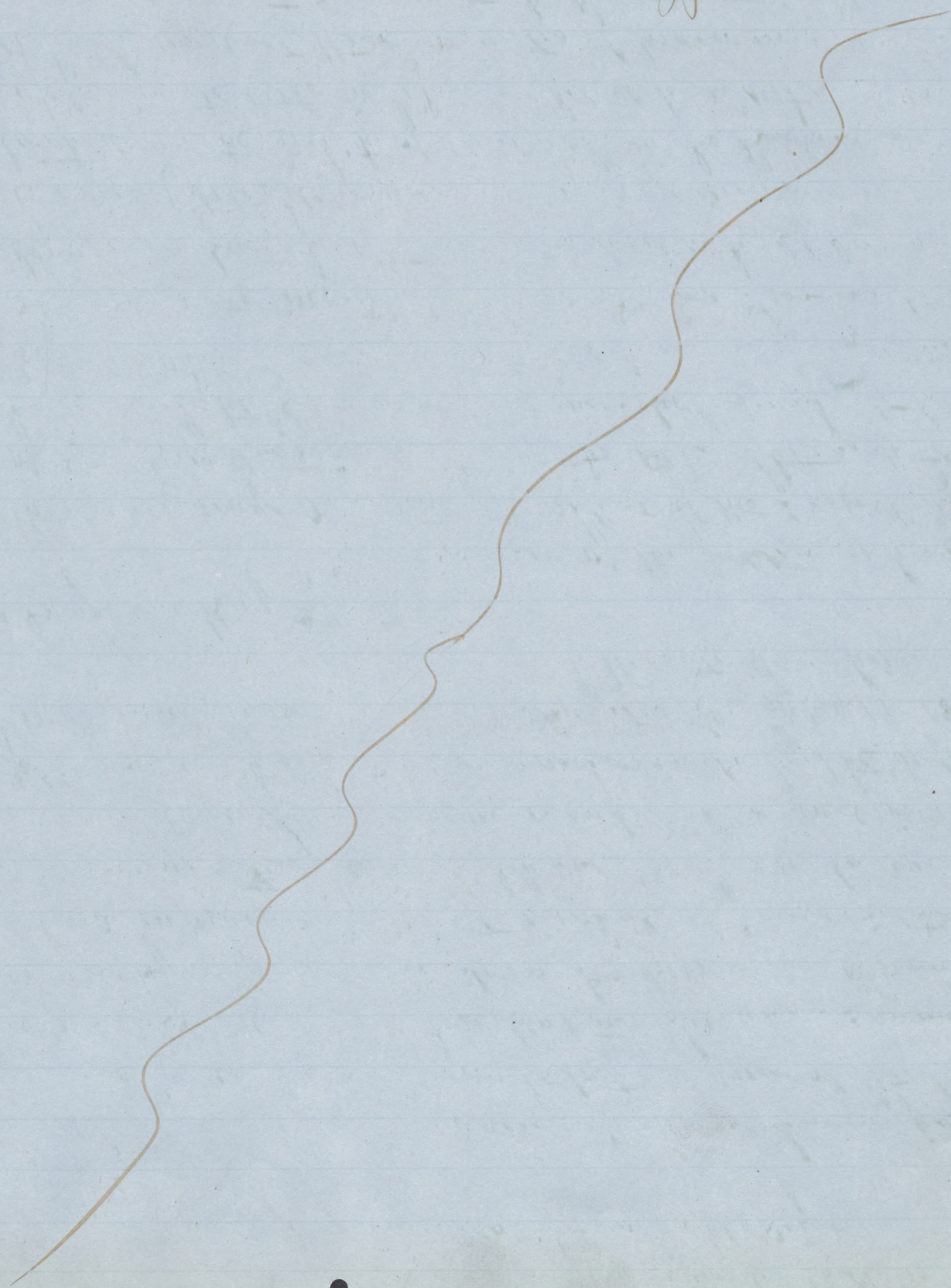
160

The premises selected by Don Jose Serrano are unoccupied  
which I state to you for your information  
God and Liberty San Antonio 13  
December 1845

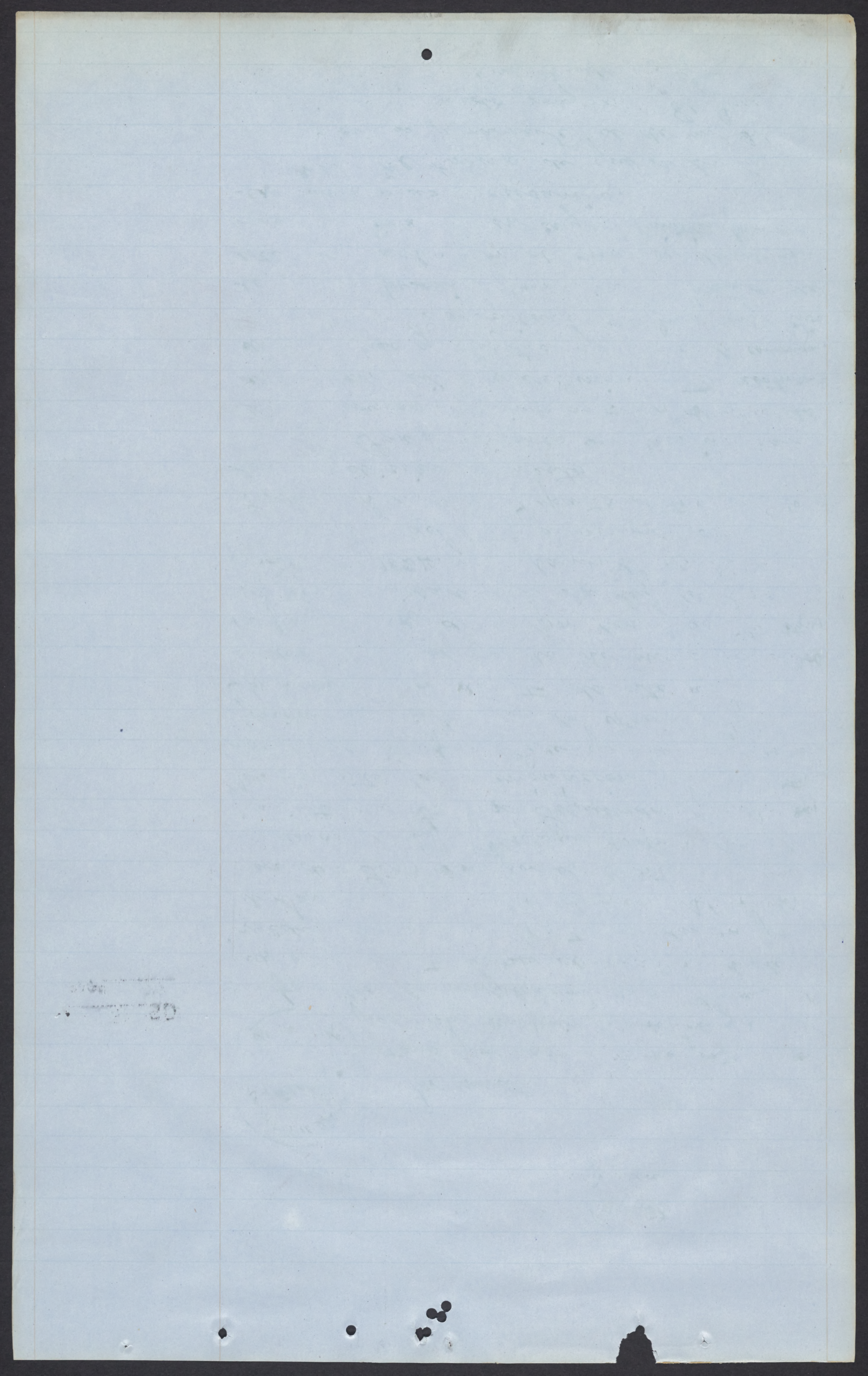
To the Hon: } Bernardino Yorba  
1st Alcalde Don Vete Sanchez } witness  
} Me Ygles  
} Jose Alejar

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56  
Luis Rey - 8<sup>th</sup> 1853  
Geo. Fisher Secy



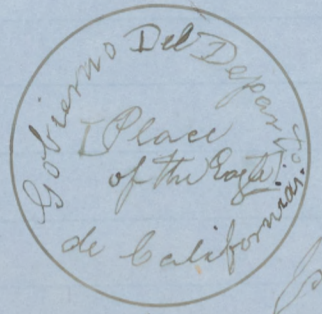
1853



431 Gov. H. W. S.  
2nd copy

24

Pio Pico Gobernador Constitucional del  
Departamento de las Californias



31 SD  
PAGE 22

Por cuanto D. José Ferrero, Meji-  
cano por nacimiento ha pretendido  
para su beneficio personal y el de  
su familia la ampliacion de un terreno al  
que actualmente posee el cual se halla  
valdido hacia el Norte y colinda por  
el Sur con el arrollo de los Alisos lin-  
dero del Sr. Foster, por el Norte con los  
linderos de D. Teodoro Gorba y por el  
poniente con D. José Sepulveda; practicadas  
previamente las averiguaciones concernientes  
usando de las facultades que me son con-  
feridas a nombre de la Nacion Mexicana  
he venido por decreto de este dia en  
concederle el expresado terreno declarandole  
la propiedad de el por las presentes letras  
de conformidad con la ley de 18 de  
Agosto de 1824, y reglamento de 21 de  
Noviembre de 1828, a reserva de la  
Esposa. Asamblea Departamental y bajo  
las condiciones siguientes.

1.ª Podrá cercarlo sin perjudicar  
las travasias caminos y servidumbres, lo  
disfrutara libre y esclusivamente destinandole  
al uso y cultivo que mas le convenga.

2.ª Solicitara del Juez respectivo  
se de la posesion juridica en virtud de  
este despacho por el cual se demarcaran  
los linderos en cuyos limites pondran  
las mojones necesarias.

3.ª El terreno de que se le hace  
donacion es puramente el de un sitio y  
medio de ganado mayor. El Juez que  
lo poseiere lo hara medir conforme a

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ordenanza quedando el sobrante que remite  
a la Nacion para los usos que sean  
convenientes.

4.<sup>a</sup> Si contraviniere a estas condiciones  
perdura su derecho al terreno y sera de-  
nunciabile por otro.

En consecuencia mando que  
teniendo el presente titulo por firme y  
validero se tome razon de el en el libro  
respectivo y se entregue al interesado  
para su resguardo y demas fines. Dado  
en la Ciudad de los Angeles en este  
papel comun por falta absoluta del  
sello de a veintisiete de Mayo de mil  
ochocientos cuarenta y seis.

Pio Pico.

José Matias Moreno  
Gris. Ynto.

Queda tomada razon de este superior  
Despacho en el libro respectivo.

Moreno.

Filed in Office Nov. 4. 1854.

Geo. Fisher  
Secy.

Pro Deco Constitutional Governor of the Department  
of the Californias

Exhibit D

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Whereas Don Jose Serrano a Mexican by birth has claimed for his personal benefit and that of his family the Addition of a tract of Land to that which he possesses at present, which tract is now unoccupied towards the North, and is bounded South by the Arroyo de los Olivos boundary of Mr Foster, North by the boundaries of Don Theodoro Yorba and West by Don Jose Sepulveda, the investigations in that behalf having previously been made. In the exercise of the powers conferred upon me in the Name of the Mexican Nation I have come by decree of this day to grant to him the said tract, declaring the Ownership thereof to be in him by these present letters in conformity with the Law of the 18<sup>th</sup> of August 1824 and Regulations of the 31<sup>st</sup> of November 1828 under Reservations of the Appropriations of the most Excellent the Departmental Assembly and under the following conditions

- 1<sup>st</sup> He may fence without prejudice to the cross roads high ways and Rights of way. He may enjoy freely & exclusively devoting it to such use and cultivation as best may behoove him
- 2<sup>a</sup> He shall petition the Judge who has jurisdiction to give him judicial possession by Virtue of this grant such Judge shall assign the boundaries in whose lines shall be placed the necessary Land marks
- 3<sup>a</sup> The tract hereby granted consists in one and a half ranges (sitios) for meat Cattle. The Judge who gives possession shall cause to be measured conformably to Ordinance. Any surplus that may result remaining the property of the Nation for such uses as may behoove the same
- 4<sup>th</sup> If he violate these conditions he shall lose his right to the land and it may be denounced by another person. Wherefore I order that the present title being held as firm and valid be entered of record in the appropriate book and delivered to the party in interest for his protection and further purposes.



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Given at the City of Los Angeles on this Common Paper  
there being absolutely none stamped; on the twelfth  
Seventh of May One thousand Eight hundred and  
forty six

Pio Pico

Jose Mutias Moreno

Secretary ad interim

Entered of Record this Superior Patent in the appropriate  
Book

Moreno

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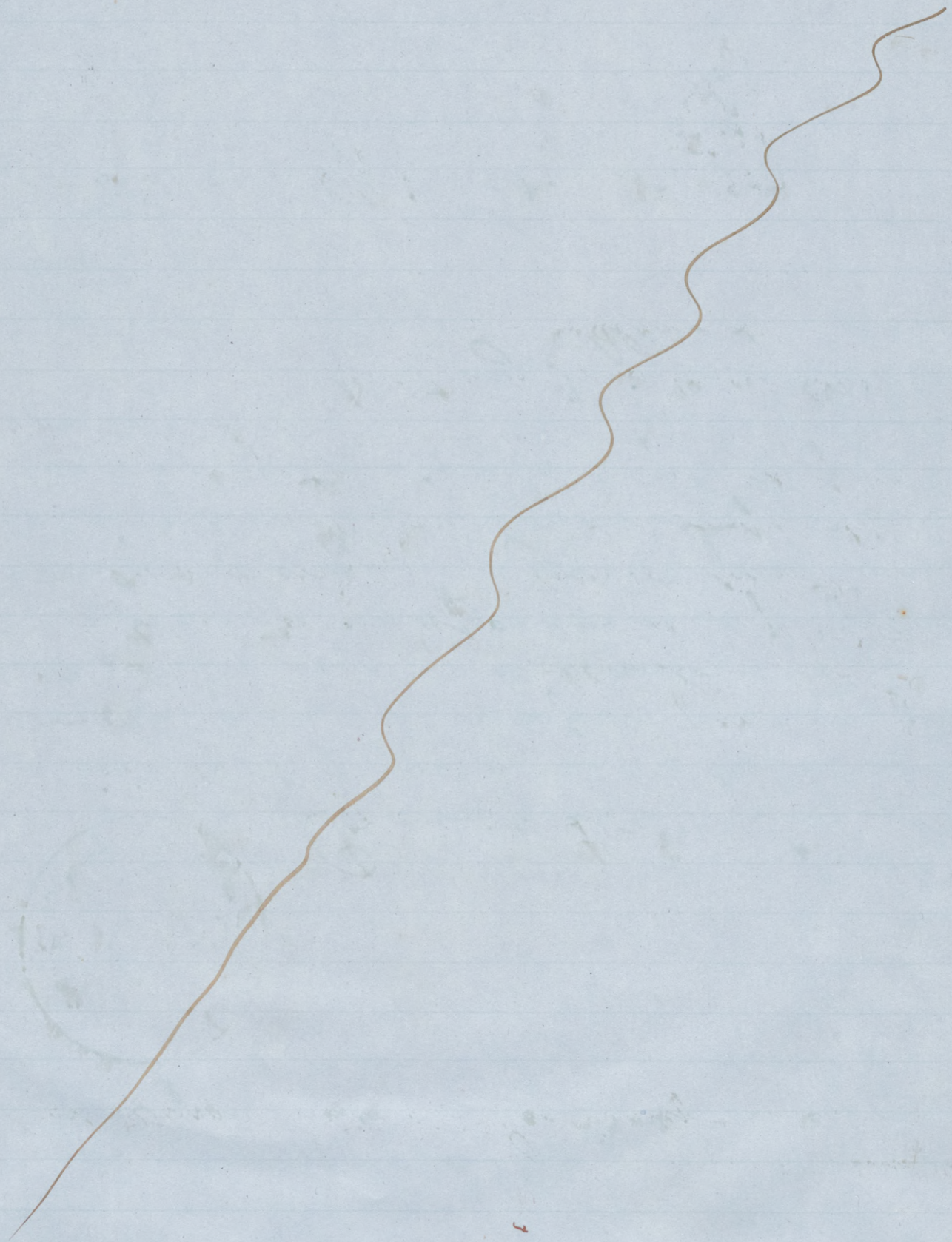
Translation of S. S. No. 3 annexed to the depo. of  
Abel Stearns No. 4/52

Geo. Fisher Secy

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Filed in office Nov. 1. 1853

Geo. Fisher Secy



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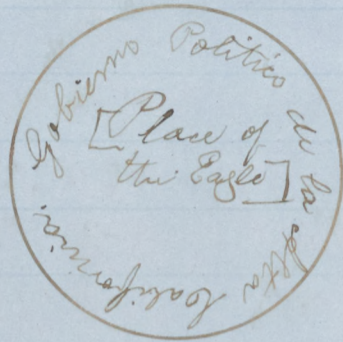
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29 copy

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

Doc. H.H. No 1.

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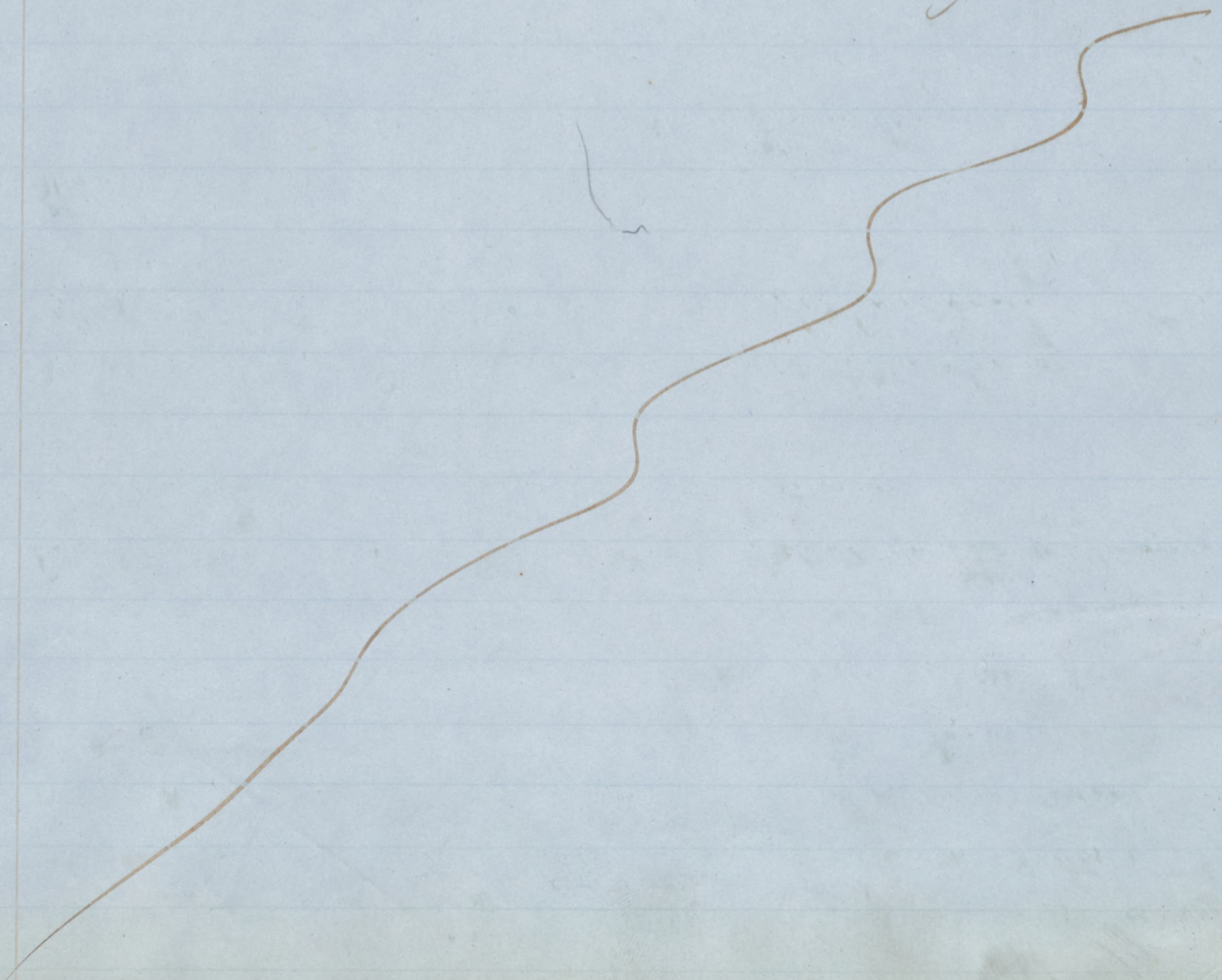
Por cuanto D.<sup>no</sup> José Terrano ha  
solicitado el paraje nombrado Cañada de  
los Alisos, para el beneficio personal y el  
de su familia, y hallandose corriendo  
los tramites correspondientes el expediente  
de la materia, he dispuesto permitir que  
el indicado D.<sup>no</sup> José Terrano ocupe dho.  
paraje, sujetandose a lo que despues  
se resolviere.

Monterey Junio 18 de 1861  
Alvarado

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Filed in Office Nov. 4<sup>th</sup> 1852.

Geo. Fisher  
Clerk.



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Juan B Alvarado Constitutional Governor  
Department of the Californias

(Ld) Whereas Don Jose Serrano has located the tract  
called Rancho de los Alisos for his personal benefit and  
that of his family, and whereas the Proceedings in that  
behalf are now in due course of progress. I have ordered  
that said Don Jose Serrano have permission to occupy said  
tract subjecting himself to what may be afterwards  
determined

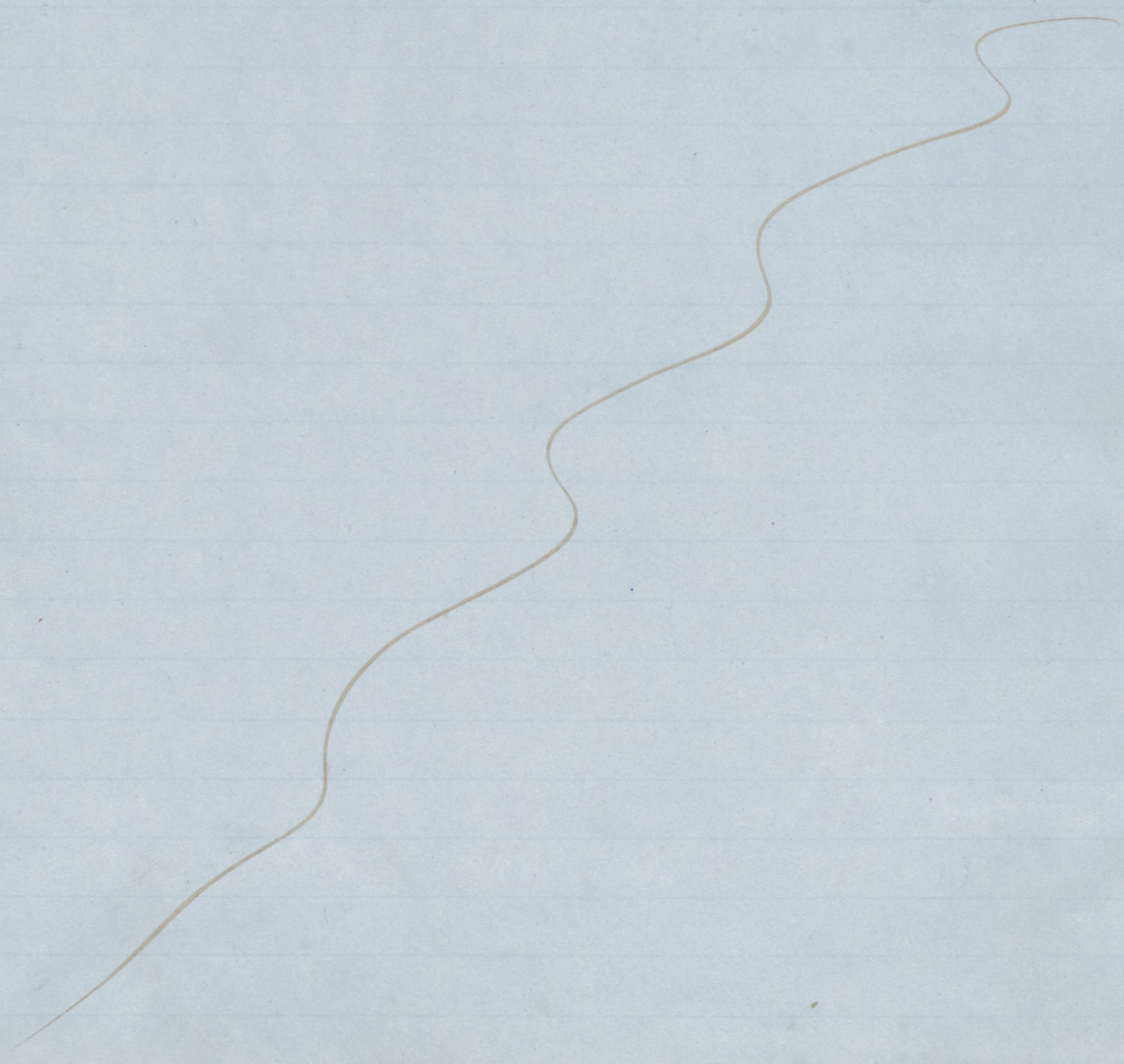
Montrey June 18<sup>th</sup> 1841  
Alvarado

Filed in Office Nov 1<sup>st</sup> 1852

Geo. Fisher Secy

Translation of H H No 1 Annexed to the Dep of  
Abel Stearns Nov 4<sup>th</sup> 1852

Geo. Fisher Secy



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1914  
GP

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*[Handwritten signature]*

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1 of 3 or 2  
1842. 2002  
2002

*Posecion*

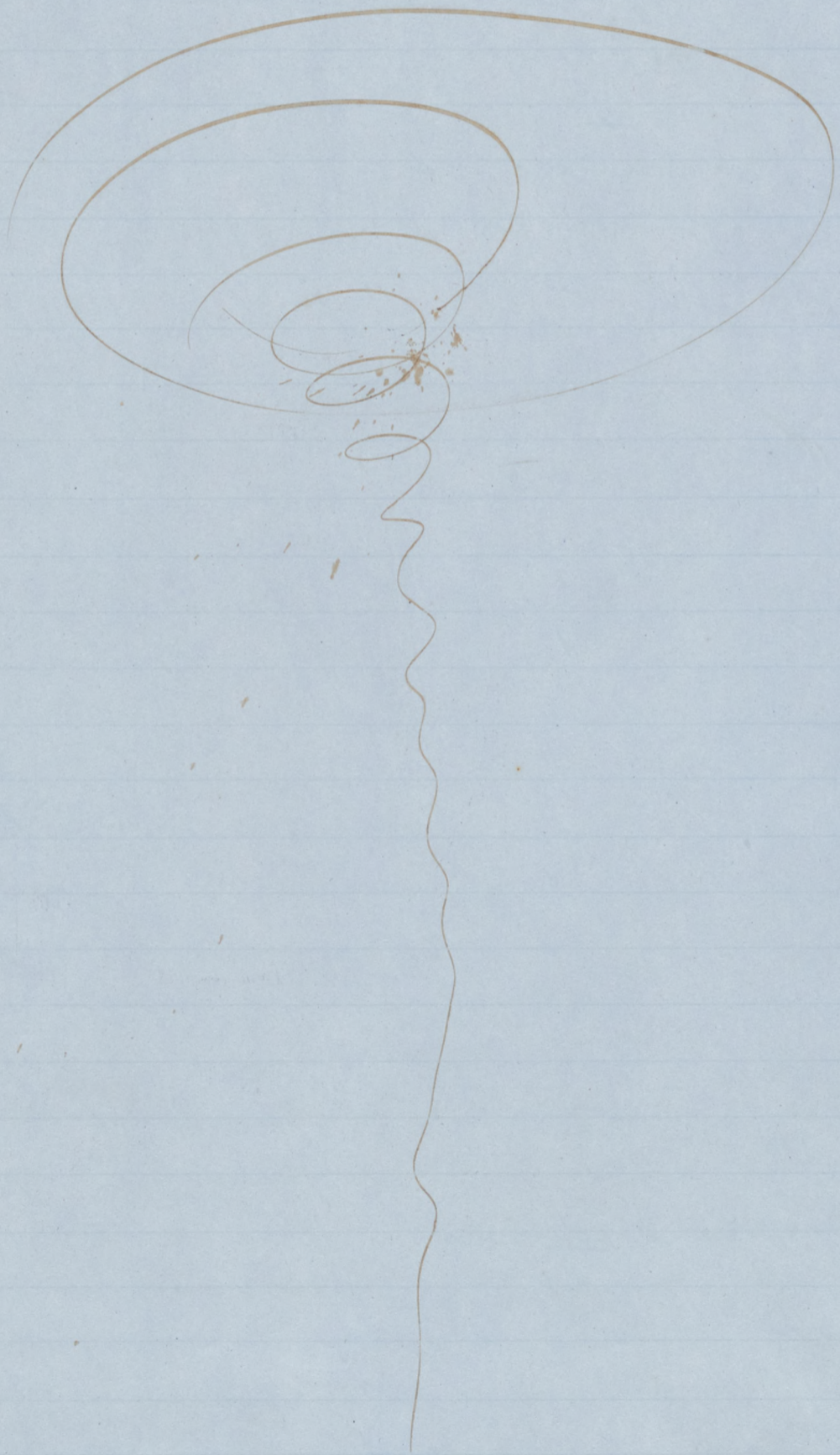
*dada de la Caniada*

*de los Alisos.*

*Año de 1842.*

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## Sello Tercero Dos Reales.

Habilitado provisionalmente por la  
Aduana Marítima del Puerto de Montorny  
en el Departamento de las Californias, para  
los años de mil ochocientos cuarenta y mil  
ochocientos cuarenta y uno.

Alvarado. Antonio Maria Osio

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

Alvarado. Antonio Maria Osio.



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

Por cuanto el Ciudadano José Lewano  
ha pretendido para su beneficio personal  
y el de su familia el terreno conocido con  
el nombre de Cañada de los Alisos, colin-  
dante al Este con las lomas de la  
misma Cañada, al Oeste con el Arroyo  
del Toro, al Sur con el camino de San  
Joaquin, y al Norte con la Sierra; practicadas  
previamente las diligencias y averiguaciones  
conservientes segun lo dispuesto por leyes  
y reglamentos; usando de las facultadas  
que me son conferidas, en nombre de la  
Nacion Mexicana he venido en concederle  
el terreno mencionado, declarandole la  
propiedad de el por las presentes letras,  
sugitandose a la aprobacion de la Exma  
Junta Departamental, y bajo las condiciones  
siguientes.

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N. 2.

PAGE

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PAGE 30

1.ª Podrá cercarlo sin perjudicar las trasiecas caminos y servidumbres: la disfrutará libre y exclusivamente destinándolo al uso ó cultivo que mas le acomode pero dentro de un año fabricará casa y estará habitada.

2.ª El terreno de que se hace mencion es de un Sitio y medio de ganado mayor poco mas ó menos, segun esplica el diccionario que como agregado en el expediente respectivo. El Juez que diere la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la Nacion para los usos convenientes.

3.ª Solicitá del Juez respectivo que le de posesion juridica en virtud de este Despacho por el cual se demarcarán los linderos en cuyos limites pondrá á mas de los mojones algunos arboles frutales ó silvestres de alguna utilidad.

4.ª Si contraviniere á estas condiciones perderá su derecho al terreno y será denunci-  
=able por otro.

En consecuencia man=

[Sello Tercero Dos Reales.

Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterrey en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Alvarado.

Antonio Maria Osio

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

Alvarado.

Antonio Maria Osio.]



=do que teniendo por firme y baledero el presente título se tome



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razon de el en el libro respectivo y se entregue al interesado para su resguardo y demás fines. Dado en Monterey a tres de Mayo de mil ochocientos cuarenta y dos.  
Manl. Jimeno Srío. Juan B. Alvarado

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PAGE 31

Queda tomada razon de este Despacho en el libro de asuntos sobre adjudicacion de terrenos baldios a foja 11 vuelta.  
Jimeno

El E. J. Gobr. ordena se tome razon de esta concesion en la Prefectura del segundo Distrito.  
Jimeno.

Angelus Mayo 14 de 1842

Queda tomada razon de este titulo a fs 2 vuelta del Libro respectivo llevado en la Prefectura del segundo Distrito.  
Jose R. Arguello Srío.

Corregida

En la Ciudad de los Angeles del Departamento de las Californias a las seis dias del mes de Junio de mil ochocientos cuarenta y dos ante a la solicitud verbal que hizo a este Juzgado D. Jose Terrano para que se le de la correspondiente posesion del parage nombrado Cañada de los Alisos concedida por el Superior Gobierno Departamental como consta del titulo que presento. Pasase por mi y los testigos de asistencia y procedase a dar la posesion indicada con arreglo a lo lectado titulo y peticion verbal, siendo el titulo que se menciona, conferida por el Superior Gobierno Departamental en try

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2860/17

en Mayo de este año. Así yo Manuel  
Dominguez Juez 1.º de Paz y de 1.ª instancia  
decreto mande y firme con los de mi  
asistencia según derecho en este papel  
común por falta de sellado doy fe =  
Manuel Dominguez = asistencia = Ignacio  
Coronel = asistencia = Joaquin de los Rios y  
Ruiz.

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Correa da

En la misma fecha yo el juez que  
subscribe, pase oficio a los colindantes  
manifiestandoles el objeto a que me dirigia  
al punto de la Cañada de los Altos, pues  
iba a remedirlo y poner en posesion a Don  
Jose Terrano de estos Señores colindantes el  
unico que manifestó excepcion fue Don  
Santiago Emilio Arguello, manifestando peticion  
necesarle parte del terreno; pero como no lo  
justifico de una manera que destruyese  
el título del Gobierno Departamental  
dado a Terrano, le dije procedia a dar  
las medidas en cumplimiento de la  
Superior disposicion. lo que asiunto por  
diligencia que autoriza y firme con los  
de asistencia según drº. = Manuel  
Dominguez = asña. = Ignacio Coronel = asña.  
Joaquin de los Rios y Ruiz =

En la misma fecha para la  
practica de estas diligencias nombre  
dos oficiales cordeleros, que lo fueron  
dos que no saben escribir y por eso se  
omiten sus nombres, los que aceptaron bajo  
de juramento ofreciendo desempeñar  
fidelmente su encargo lo que autorize y  
firme con los de mi asistencia según  
derecho. Manuel Dominguez = asña. =  
Ignacio Coronel = asña. Joaquin de los Rios  
y Ruiz.

Correa da

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En la misma fecha estando en el camino  
 del S. Juan punto Sur, a efecto de verificar  
 las medidas y posesion que corres=  
 ponde a D. Jose Ferrano, previos todos  
 los requisitos de ley y estando ante me  
 los testigos de asistencia y los oficiales  
 cordeleros, hice medir un cordel constante  
 de cinquenta varas, el cual fue exami=  
 nado y reconocido por mi, y mandando  
 atar en sus extremos unos saucos de ma=  
 dera, previa observacion y calculo por me  
 disposicion, se tiro el cordel desde la  
 grilla del camino de S. Juan punto  
 Sur, y se midieron y contaron cinco  
 mil varas que remataron en el Norte  
 en un cerrito donde havia unas piedras  
 y se mando poner una mojenera a  
 enderisar en lo posible la linea, desde  
 este lugar punto Este y cambiando  
 el rumbo se midieron y contaron mil  
 novecientos varas, que remataron en  
 el Arroyo del Toro al Oeste. Estando  
 en el citado arroyo punto Norte, se tiro  
 la cuerda y se contaron y midieron  
 seis mil varas que remataron en un  
 lugar cerca del camino de abajo de  
 S. Joaquin donde se mando poner una  
 mojenera. Desde este lugar y cambiando  
 el rumbo, se contaron y midieron cinco  
 mil quinientos varas, que remataron  
 en el lugar donde se comensaron  
 las medidas, advertiendose se pusiesen  
 las mojeneras respectivas. Concluyendo  
 por tal motivo el acto, y dandose por  
 satisfecho y poseionado D. Jose Ferrano  
 Ferrandore presente que para el cumplimiento  
 de un sitio no le alcanza terreno aun  
 con todo y habiendole cedido D. Jose  
 Sepulveda un corto pedazo por la parte

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del Aliso grande. lo que autorizé y firmé para constancia con los de mi asistencia, segun dno = Manuel Dominguez = asna = Ignacio Coronel = asna = Joaquin de los Rios y Ruiz.

Corrig<sup>da</sup>

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Desde testimonio a la parte de las presentas diligencias y como comprobante de su posesion. Asi yo Manuel Dominguez Juan 1.º de Paz y de 1.ª instancia decreto y mande con los de asna. segun dno = Manuel Dominguez asna = Ignacio Coronel = asna = Joaquin de los Rios y Ruiz.

En la fha. se libro el testimonio respectivo = rubrica.

Converda con su original aque me remite y existe en el libro de instrumentos publicos de este año, de cuyo original se sacó piel y legalmente en citas cinco fojas de papel comun por falta de sellado, habiendose corregido y confrontado.

En testimonio de verdaa

Manl Dominguez

asna.

Ign. Coronel.

asna.

Joaq. de los Rios y Ruiz.

Filed in Office Nov. 24<sup>th</sup> 1852.

Geo. Fisher  
Secy.

DATE \_\_\_\_\_  
PAGE 2p

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Exhibit of  
Translation Judicial  
possession

Third class Stamp Two eighths of one dollar  
Issued provisionally by the Maritime Loans of the Port  
of Monterey in the Department of the California for the  
years One thousand eight hundred and fifty and one  
thousand eight hundred and fifty one  
Alvarado Antonio Mariano Osio

(L.S.)  
Rescued by the same for the year One thousand  
eight hundred and forty two  
Alvarado Antonio Mariano Osio

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Juan B Alvarado Constitutional Governor  
Of the Department of the Californias  
Whereas citizen Jose Terrano has claimed for his personal  
benefit and that of his family the tract of land known  
by the name of Rancho de los Alisos bounded East by  
the hills of the Sierra Nevada, West by the Arroyo de  
Toro, South by the road of San Joaquin and North  
by the Sierra, the proceedings and investigating in that  
behalf having just been instituted according to the  
tenor of laws and Regulations. In the exercise of the  
powers conferred upon me in the name of the Mexican  
Nation I have come to grant unto him the tract in question  
declaring the ownership thereof to be vested in him by  
virtue of these presents letters, subject to the approval  
of the most Excellent the Departmental Assembly and  
under the following conditions  
1<sup>st</sup> He may fence it without prejudice to the cross roads  
high ways and rights of way, devoting it to such uses  
or cultivation as best may suit him, but within one  
year he shall build a house and it shall be inhabited  
2<sup>nd</sup> The tract in question consists of one range (ditch) for  
New Cattle a little more or less as explained by the  
plan annexed to the Minutes and proceedings relating to  
this matter. The Judge who gives possession shall cause  
it to be measured conformably to Ordinance, any surplus  
land that may result remaining the property of the  
Nation for its behooving uses.  
3<sup>rd</sup> He shall petition the Judge having jurisdiction to  
to give him judicial possession by virtue of this grant

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said Judge shall assign the boundaries in the lines whereof the grantee shall place besides the land marks some fruit or succucible fast-trees.

4. If he contemplates these conditions he shall lose his right to the premises and the same may be denounced by any other person

Wherefore I

(S. S. Stamp clause as above)

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Order that the present title being held as firm and valid be entered of Record in the appropriate book and delivered to the party interested for his protection & other purposes.

Given at Monterey on the third day of May Eighteen hundred and forty two

Juan B Alvarado

Manuel Jimeno Secretary.

This grant is entered of Record in the book of entries concerning acquisition of unoccupied lands at page 114

Jimeno

His Excellency the Governor orders that this grant be entered of Record at the Prefecture of the Second District

Jimeno

Angeles May 14<sup>th</sup> 1842

This title is entered of Record at page 24 of the appropriate Book kept at the Prefecture of the 2<sup>a</sup> District

Jose R Arguelles Secretary

At the City of Los Angeles of the Department of the California, on the sixth day of the Month of June One thousand Eight hundred and forty two in compliance with the Verbal petition made to this Tribunal by Don Jose Jimeno to the effect that the possession be given to him of the tract called Canadas de los Alisos by the Superior Departmental Government as appears by the title which he presented.

Ordered that I and my assisting witnesses repair and proceed to give the said possession agreeably to the said title and petition, the title in question having been enforced by the Superior Departmental Government on the third of May of this year

SVER

20

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I Manuel Dominguez Just Justice of the peace and of  
Just Instance have decreed Order and subscribed with  
my attesting witnesses according to Law on this Common  
paper, for want of the Stamp tax.

Certified Manuel Dominguez. Attest Ignacio Coronel  
Attest Joaquin de los Rios y Rios

On the same date I the undersigned Judge sent Summons  
to the Owners of adjoining lands informing them of the  
Object of my Visit to the premises of Canada de los Olivos  
Viz: that I was going to measure the same on a  
place in possession Don Jose Serrano. Among said  
gentlemen Owners of adjoining lands the only one who  
offered any Objection was Don Santiago Coronel Arguello  
who stated that a part of the tract belonged to him, but  
as he did not prove it in a way to destroy the title of  
the Departmental Government given to Serrano I told  
him I would now proceed to give the measurements  
in compliance with the Superior Order. Whereof I take  
Minute, which I certified and subscribed with the  
attesting witnesses according to Law. Manuel Dominguez

Attest Ignacio Coronel. Attest Juan de los Rios y Rios  
On the same date for the practical part of these  
proceedings I appointed two official line bearers, these  
were two persons who do not know how to write, wherefore  
their names are omitted. They accepted their appoint-  
ment, promising under oath to discharge faithfully  
their office. which I certified and subscribed with  
my attesting witnesses according to Law. Manuel Dominguez

Attest Ignacio Coronel, Attest Joaquin de los Rios y Rios  
On the same date being on the Road to San Joaquin  
at the South, for the purpose of making the measure-  
ments and delivery of possession to which Don Jose Serrano  
was entitled, all the legal requisites being completed with  
and having in my presence the attesting witnesses and  
official line bearers. I caused a line to be measured  
consisting of fifty Varas which was examined and verified  
by me, and raised wooden poles to be fastened at  
its extremities, after due observation & calculation, the line  
was drawn from the edge of the road of San Joaquin

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at the south. there were measured and counted five thousand  
and varas, which ended north at a steep hill where  
stood some stones and a boundary was ordered to be placed  
so as to rectify the line as much as possible. From this  
place at the east the course was changed and thus was  
measured and counted one thousand nine hundred  
varas which terminated at the Arroyo of the Toro to  
the west. Being at the said Arroyo at the north the  
line was drawn and there were counted and measured  
six thousand varas which ended at a spot near the  
lower road of San Joaquin where a landmark was  
ordered to be placed. From this point the course being altered  
there were counted and measured five thousand five hundred  
varas which ended at the place where the measurements  
were commenced. Notice was given that the  
appropriate land marks be set up. The proceedings  
therefore ended and Dr. Jose Serrano declared himself  
satisfied and in possession. It is to be kept in mind that  
there was not land enough to complete one "sitio" although  
Dr. Jose Sepulveda ceded to him a small piece of the  
Aheso Grande which I certified and subscribed for  
testimony with the attesting witnesses according to law  
Manuel Dominguez: Attest Ignacio Coronel, Attest  
Joaquin de los Rios y Ruiz. Let certificate issue to  
Let certificate issue to the party of the present proceedings  
of evidence of his possession. I Manuel Dominguez, Just  
Justice of the peace and of the first Instance have  
so deemed and ordered with the attesting witnesses  
according to law. Manuel Dominguez, Attest Ignacio  
Coronel, Attest Joaquin de los Rios y Ruiz  
On the same date the due certificate was issued  
= A Scroll =

A true Copy of the Original to which I refer and which  
exists in the book of Public Instruments of this year  
from which original it was faithfully and legally  
taken on these five sheets of common paper there  
being none stamped. After correction and collation

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BOOK

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41

In testimony of truth

Attest Iy Colonel Manuel Dominguez  
Attest Iy Lagiro de los Rios y Rios

Translation of H. H. No. 3 Annexed to the Acts of Abel  
Stearns Nov. 4. 1852 Geo. Fisher Secy

Filed in office Nov. 1<sup>st</sup> 1852  
Geo. Fisher Secy.

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Third Class Stamp Two Eighths of one Dollar  
Issued provisionally by the Administrators of the Maritime  
Customs of the Port of Monterey in Alta California  
for the years One thousand Eight hundred and thirty  
six and One thousand Eight hundred and thirty seven  
Quintero Angel Ramirez  
Book for the years 1839 and 1840

L.S.  
To the Hon the Prefect ad interim of the District.  
Los Angeles Jose Senana a citizen and resident of  
March 6 1840 this City before your Honor in the best  
Let the Hon. 2<sup>d</sup> Justice legal form which the law may admit  
of the Peace of this City presents himself and says. Being desirous  
respect concerning the view of obtaining a trace for the more  
contents of the petition use of my stock and having a reason  
and with respect to the trace known by the name of  
the petitioner and then Canada de los Alisos whose plan is  
let this be forwarded to the Ex Mission of San  
to the Administration Juan Capistrano which is entirely  
of the Mission of San without stock and may properly  
Juan Capistrano be said to be waste. I respectfully  
that he on his part beseech and pray your Honor to be  
may report what pleased to order that the proceedings  
may be behaving required by law may be instituted  
The said cause and if no obstacle interposes that  
the petition in the first place may be granted me in full  
place to present the ownership by the superior  
appropriate design Government  
of the tract in question  
Narciso Botello

42

Wherefore I beseech your Honor's Equity to Vouchsafe  
to grant this my petition -

I make the necessary Verifications under Oath &  
Angeles March 6 1840

At the request of the party  
Perfecto Hugo Peira

Angeles March 27 1840

To the Prefect-ad interim

I have made the most scrupulous investigations in order  
to examine the particulars in reference to the petition  
of Jose Serrano and find no obstacle to the said tract  
being granted to him if your Honor sees proper, since  
I have knowledge that the premises are unoccupied  
and the petitioner owns stock and is an honest man

Juan B. Leonado

Administrata of Juan Capistrano

As to the Report -

(L S Stamp clause as above)

which I am required to make concerning the tract of  
Los Alisos. I state that although it is not in daily  
occupation, I know that the stock of the mesquite pas-  
tures there particularly in dry seasons

San Gabriel April 2 1840

Ramon Arquello

To his Excellency the Governor

The Prefecture upon taking cognizance of the foregoing  
petition and reports believed that the prayer of the  
petitioner ought to be granted if your Excellency's  
superior pleasure should be so inclined because the  
tract in question is absolutely deserted and Sr Jose  
Serrano has the sufficient requisites for his petition  
to be entertained

J. B. Lopez

Monterey Feb 15 1842

Pending until the visit

A scroll

Monterey 18<sup>th</sup> June 1841

Let a provisional grant be made out to Sr Jose Serrano  
of the tract of Alisos subject to further determination  
Filed in Office Aug 8 1853. Geo. Fisher Secy

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13

Opinion of  
Comr Campbell

Jose Senano }  
                  } Canada de los Alisos  
                  } containing 2 1/2 square leagues  
vs }  
The United States }

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The claimant in this case represents in this petition that, on or about the third day of May A.D. 1842, he obtained from Governor Alvarado a grant of land known by the name of Canada de los Alisos, containing one league, bounded East by the hills of the Canada, west by the Arroyo del Toro, South by the road of San Joaquin and North by the Sierra. It is further represented in the claimant's petition that on or about the sixth day of June A.D. 1843 claimant <sup>received</sup> judicial possession from the proper Offices of the land described in his grant. The said claimant further represents in his petition, that on or about the 27<sup>th</sup> day of <sup>Aug</sup> A.D. 1846 he obtained from Pio Pico a grant of land in addition to his said Rancho called Canada de los Alisos, and which additional tract is bounded North by the Arroyo de los Alisos, boundary of Mr Foster, North by the boundaries of Don Leonosio Yuba and West by Jose Sepulveda containing one and a half leagues. In support of the foregoing allegations, the claimant has filed the Original grants with certified translations both of which are proved to be genuine. He has also filed the papers proving the judicial possession as alleged in his petition all of which are proved to be genuine. There is no proof that either of the grants were ever approved by the Departmental Assembly. As no proof that judicial possession was ever solicited or given for the land mentioned in the last grant. In relation to the first grant by Alvarado, it is proved by the deposition of Abel Stearns that the claimant built a house on the land in the year 1841, and that he moved into it with his family, where he continued to reside up to that time. And that the claimant had a stock of horses, cattle and sheep on the ranch. The proof adduced by the claimant does not show that he is the legal owner of the land, his rights therefore rest altogether in Equity. Under the rules heretofore laid down by this Board in their decisions in other cases.

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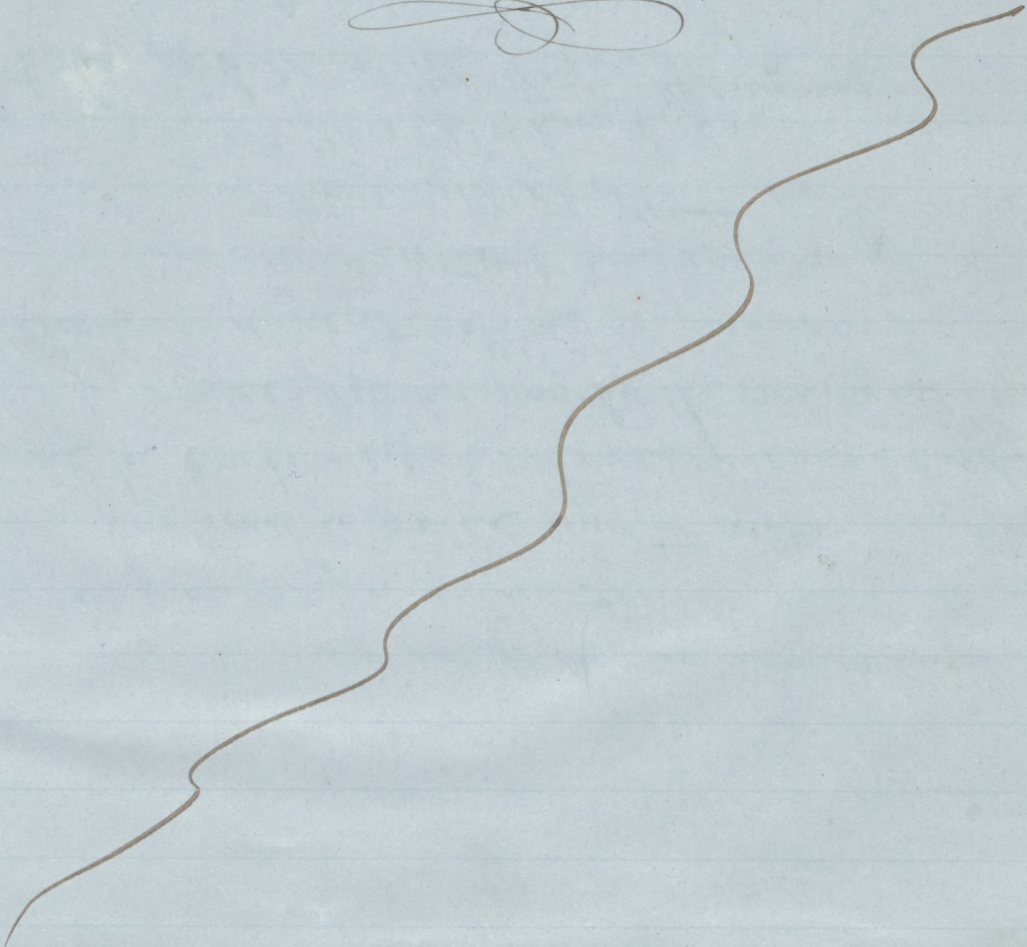
The claimant has established such an equity to the land described in the first grant, as we think clearly entitles him to a confirmation of that portion of his claim described in his petition. The judicial measurement together with the maps on file, and which are made evidence in the case sufficiently identify the land granted, so that the officers will have no difficulty in separating it from the other lands by which it is surrounded. The last grant made in augmentation of the first involves some important questions, which have not as yet been decided by the Board. It is insisted on the part of the government that the Governor had no authority to grant lands in augmentation of the original grant, and dispense with the usual conditions of settlement. The 16th Article of the regulations of 1828 contains the following provisions "The spaces which may remain between the Colonized lands may be distributed among the adjoining proprietors who shall have cultivated theirs with the greatest application and may not have received the whole extent allowed by the law. This provision authorizes certain lands lying between other lands which have been colonized to be distributed between the adjoining proprietors, having an eye to the most meritorious. The grant made by Governor on the 27th of May 1846 is in the usual form and has the usual conditions attached, except the condition of settlement which is omitted. The Governor recites in his grant that "That whereas Don Jose Serrano has claimed for his personal benefit and that of his family the addition of a tract of land to that which he possesses at present which tract is now unoccupied toward the north and is bounded south by the Orroy de los Alisos boundary of Mr Foster, North by the boundaries of Don Leodegicio Yorba and west by Don Jose Sepulveda" &c. From this description, the land granted was at the time of the grant a space remaining between lands which had been granted to other persons, and was clearly within the description of lands which might, according to the provisions of the 16th section of the regulations be distributed amongst the adjoining settlers. The claimant belonged to that class he having received a grant for land adjoining

the addition which he sought by way of augmentation  
 to that which he already possessed. The claimant also  
 possessed the qualification to receive, because he had  
 not before that time received the whole extent <sup>all over</sup> by the law  
 having only received one league. It must not however  
 be considered that the Governor was authorized to make  
 the distribution provided for in the 16<sup>th</sup> Article  
 of his own mere arbitrary power or that he could dispense  
 with those requirements of the law which were essential  
 to a conveyance of the legal title from the Government to  
 its grantee, in this particular, all the public lands be-  
 lieved the same position and the same formalities were  
 necessary to pass the legal title to lands granted in aug-  
 mentation which was necessary in order to pass the legal  
 estate in the lands embraced in the Original grant. A  
 concurrence of all the acts which the Law required to  
 be done, not having been proved in the second grant, the  
 rights of the claimant must rest altogether in Equity.  
 It may be asked in what particular acts of the party we  
 are to look for those equities which it is alleged fastened on  
 this particular tract of land prior to the time when a  
 change of jurisdiction took place. There is no proof that  
 the claimant did any act after he received the grant either  
 by way of improvement or in taking the proper steps to  
 secure the juridical possession of the land in conformity  
 with the conditions of his grant. The only question then is  
 whether the Law required him to do any of those acts  
 which are necessary to create Equities in other cases and  
 without the performance of which no claim could be  
 confirmed, resting upon Equity alone. I think the Law  
 clearly intended that lands situated as ~~the~~ as the lands  
 embraced in this grant evidently were, should be distrib-  
 uted amongst the adjoining proprietors, and when dis-  
 tributed should be considered as part of their Original  
 grant; but to take the fee out of the government, the usual  
 formalities of the Law had to be observed. The very situa-  
 tion of such lands illustrates the necessity and justice  
 of the proviso contained in the 16<sup>th</sup> Article to which  
 reference has already been made.

When a space of the public lands happened to be surrounded with private property, all ingress to such land was cut off except where those who owned the adjoining lands had left an unoccupied space between them for that purpose and they were the persons to whom it could be made most useful, and that too only in the mode pointed out in the law, which was by attaching it to those lands which they already possessed. The condition of settlement was therefore very properly omitted in this grant as the government could not insist upon the party moving from that portion upon which he had built his house to any other part of the same land. The law will not require a vain thing to be done. The only remaining question is whether the description in the grant sufficiently defines the augmentation, so that the precise tract may be surveyed by the officer to whom the law has assigned that duty. After a careful examination of all the <sup>papers</sup> and the maps filed in the case, we have arrived at the conclusion, that the description is sufficiently definite to enable the officer to identify and locate the land granted. We are therefore of opinion that the second grant as well as the first should be confirmed.

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

Geo. Fisher

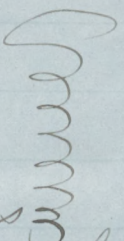


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Jose Serrano

vs

The United States



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In this case on hearing the proofs and allegations, it is adjudged by the Commission that the claim of the petitioner is valid, and it is therefore decreed that the same be confirmed. The lands of which confirmation are hereby made, are known by the name of *Canada de los Alisos* and are the same now occupied by Jose Serrano and are bounded and described as follows to wit: Commencing at the most southerly point of said premises at the edge of the San Juan Canal and running thence North by the hills of the *Canada de los Alisos* on the East side of said *Canada* five thousand Varas to a steep hill where there is a pile of stones, thence running west one thousand nine hundred Varas to the Arroyo de San Juan, thence running South six hundred Varas to a spot near the lower end of San Joaquin, thence five thousand five hundred Varas to the place of Beginning containing in all one square league - and also another piece of land situated on the North of that already described and adjoining the same, and bounded as follows to wit on the South by the Arroyo de los Alisos, North by the boundary of Don Theodoro Yuba and west by Don Jose Sepulveda containing one and a half square leagues. Reference for further description to be had to the maps which are made part of documents marked Exhibit No 1 and Exhibit No 3 filed in this case.

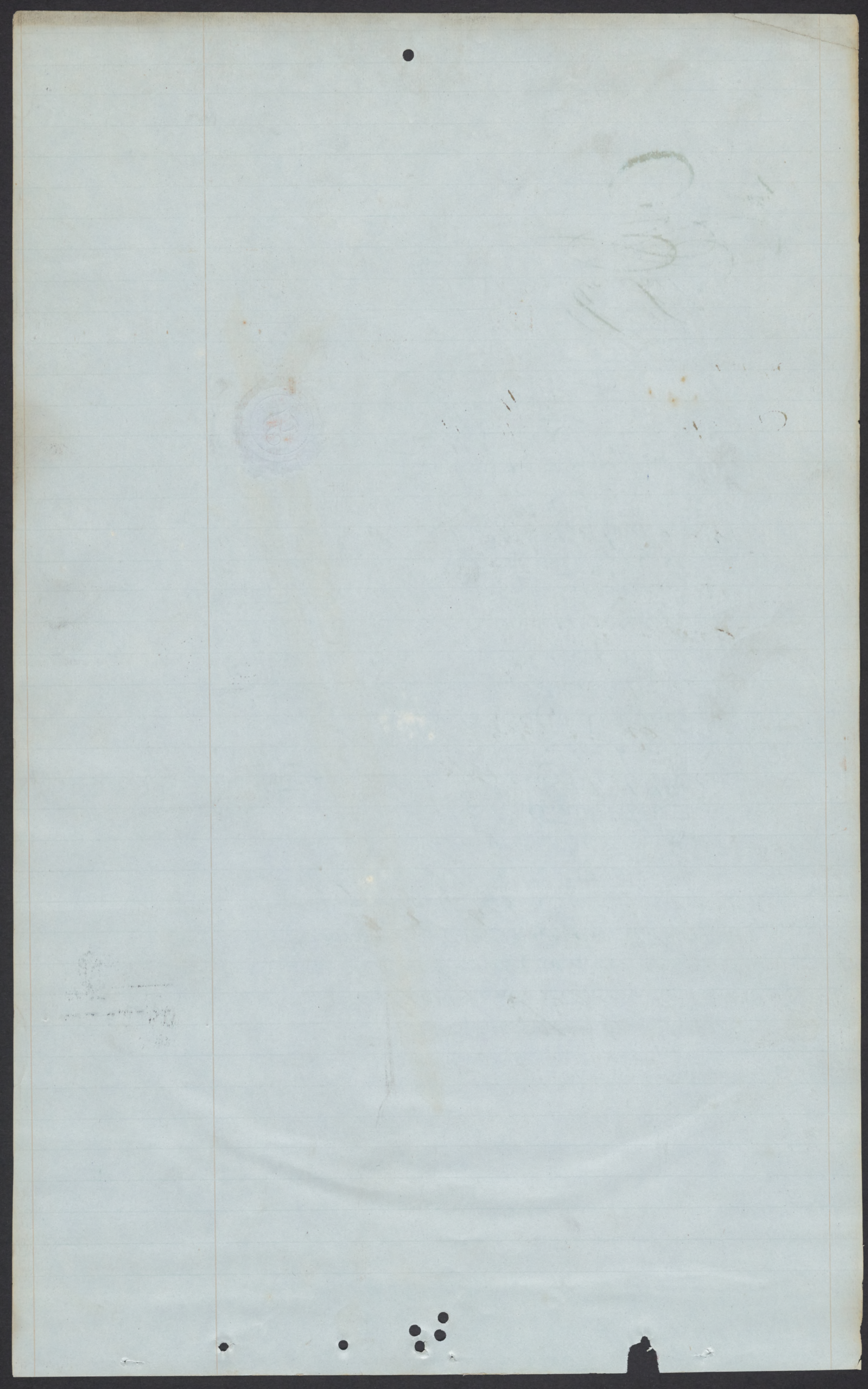
Alpheus Felch  
Thompson Campbell  
Klaus Thompson

Commissioners

Filed in office Oct. 31<sup>st</sup> 1853

Geo. Fisher Secy





Office of the Board of Commissioners,

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

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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-seven* pages, numbered from 1 to *47*, 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. *431* on the Docket of the said Board, wherein *José Serrano* is

the Claimant against the United States, for the place known by the name of "*Cañada de los Alisos*"

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *fourth* day of *August* A. D. 185*4*, and of the Independence of the United States of America the seventy ninth.



*Geo. Fisher*  
*G. Fisher*

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SD

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MISSIONERS,

31

at 25 ... 1854

W. D. Carter,  
Bk.

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Office of the Attorney General of the United States,

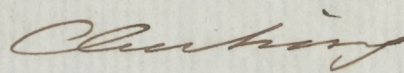
Washington, October 26th 1854.

José Serrano

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 26th day of July 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.



Attorney General.

No 31.

U. S. District Court  
Southern District of California

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~~No 31.~~

Jose Serrano. Appella

vs

The United States. App't

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No 431.

Notice of Appeal.

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Filed Dec 30<sup>th</sup>. 1854.

J. E. San,  
CLK.

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

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José Serrano  
ads. N<sup>o</sup> 431.  
The United States

To the Honorable Isaac S K Ogier Judge of the  
District Court of the United States for the South-  
ern 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 1<sup>st</sup> day of  
November AD 1832, Jose Serrano presented a  
petition to the Commissioners to ascertain and  
settle the private land claims in the State of  
California, claiming the tract of land called  
"Canada de los Alisos" <sup>and in addition of one and a half square leagues,</sup> containing one league,  
in the words and figures following, to wit: "The  
petition of Jose Serrano respectfully sheweth;  
That on or about the third day of May AD 1842  
Juan B Alvarado then Governor of California

"in the name of the Mexican Nation by virtue  
 "of laws then in force, the customs and usages  
 "of the Country affecting grants of land in Cali-  
 "fornia, granted in full property unto your petition-  
 "er the tract of land known by the name of Can-  
 "ado de los Alisos bounded East by the Hills of the  
 "said Canada West by the Arroyo del Toro, South by  
 "the road of San Joaquin and the North by the  
 "Sierra containing one league of land (Sitio de gan-  
 "ada mayor) a little more or less and described in  
 "the papers and Maps relating to the grant of said  
 "lands. Copies of said papers being herewith filed  
 "as part of this petition. And your petitioner fur-  
 "ther shows that provisional occupation of said  
 "lands had been given to your petitioner by the  
 "said Governor to wit, on or about the eighteenth day  
 "of June 1841 a copy of the said document being  
 "herewith filed as part of this petition And your  
 "petitioner further sheweth that on or about the 27<sup>th</sup>  
 "day of May AD 1846, Pio Pico then Governor of  
 "California in the name of the Mexican Nation,  
 "by virtue of the laws then in force, the customs  
 "and usages of the Country affecting grants of  
 "land in California, granted in full property a  
 "tract of land in addition to said rancho called  
 "Canada de los Alisos And is bounded South by the  
 "Arroyo de los Alisos boundary of Mr Foster by the  
 "boundaries of Don Teodosio and West by Don Jose

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"Sepulveda containing one and a half leagues  
"(Sitio de ganada mayor) as described in the papers  
"and maps relating to the grant of said addition  
"Copies of said papers being herewith filed as part  
"of this petition. And your petitioner further show-  
"eth that he is informed and believes the said grant  
"to your petitioner was approved by the Departmental  
"Assembly of California and that a record of this  
"fact is now in the Archives in the custody of the  
"U S Surveyor Genl for California. That as soon as  
"Copies can be procured of said record, your petition-  
"er prays leave to file the same as part of this petition  
"And your petitioner further showeth that on or  
"about the sixth day of June 1842 your petitioner  
"was placed in Juridical possession of the tract  
"of land first above mentioned by the proper officer  
"having Jurisdiction of such subject matters as  
"appears by original Official papers now in the  
"possession of your petitioner ready to be produced  
"and proved. That Copies of said papers are here-  
"with filed as part of this petition And your  
"petitioner further showeth that said lands have  
"always since the dates of said grants been in the  
"quiet and peaceable possession of your petitioner and  
"your petitioner is at the present time in the quiet  
"and peaceable possession thereof There is no con-  
"flicting claim to said land known to your petitioner.  
"Said lands have not been surveyed by the U S



" Surveyor Genl for California. The evidence upon  
 " which your petitioner relies in this case are the  
 " records of this grant, papers and maps in the  
 " Office and custody of the U S Surveyor General  
 " for California original papers and maps in the  
 " possession of your petitioner, and the testimony  
 " of Witnesses to be produced before your Hon Board  
 " Respectfully submitted for such action as the  
 " Justice and nature of the claim may require.

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" Your petitioner further represents that there-  
 " after, to wit, on the 21<sup>st</sup> day of October A D 1853, the  
 " said Commissioners confirmed by final decree the  
 " said claim of the said Jose Serrano, in the words  
 " and figures following, to wit. "Jose Serrano vs the  
 " United States. In this case on hearing the proofs  
 " and allegations, it is adjudged by the Commission  
 " that the claim of the petitioner is valid, and it is  
 " therefore decreed that the same be confirmed. The  
 " lands of which confirmation are hereby made, are  
 " known by the name of Canada de los Alisos and are  
 " the same now occupied by Jose Serrano and are  
 " bounded and described as follows to wit; Commenc-  
 " ing at the most Southerly point of said premises  
 " at the edge of the San Juan road and running  
 " thence North by the hills of the Canada de los Alisos  
 " on the East side of said Canada five thousand  
 " varas to a steep hill where there is a pile of Stones,  
 " thence running West one thousand nine hundred

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varas to the Arroyo del Toro, thence running South  
Six hundred varas to a spot near the lower road  
of San Joaquin, thence five thousand five hundred  
varas to the place of beginning containing in all  
one square league. And also another piece of land  
situated on the north of that already described and  
adjoining the same, and bounded as follows, to wit,  
on the South by the Arroyo de los Alisos, North by  
the boundaries of Don Theodorica Yorba and West by  
Don Jose Sepulveda containing one and a half  
square leagues Reference for further description to  
be had to the maps which are made part of doc-  
ument marked exhibit No 1 and exhibit No 3 filed  
in this case"

Alphew Filch }

Thompson Campbell } Commisiners

R Aug Thompson }

Filed in Office Oct 31<sup>st</sup> 1853 Geo Fisher Secy.

That thereafter, to wit, on the 22<sup>d</sup> day of August AD 1854,  
a duly certified transcript of the said decree and  
proceedings, and the papers and evidence in 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  
No 431. reference to which it is prayed may be had  
and made a part of this petition.

That on the 26<sup>th</sup> day of July AD 1854, the Honorable  
Caleb Cushing Attorney General of the United States,  
received a duly certified duplicate of said trans-

cript of said final decree and proceedings of said Commissioners in said Cause, (No 431) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 5<sup>th</sup> day of December 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 Serrano 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.

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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 insists that the said decree of said Commissioners is erroneous, and ought to be reviewed, reversed, and set aside, for many errors and imperfections of law and evidence apparent in said certified transcript of said Cause now on Appeal from said Commissioners to this Honorable Court.

And your petitioner further represents that the said Claim is invalid, and the said decree erroneous, on the following grounds:

1. That the said Jose Serano shows no valid title to the said land claimed by him as aforesaid; And it is denied that he has any.
2. That the said alleged grants of Governors Alvarado and Pio Pico were made in violation of the fourth Article of the Colonization law of Mexico of the 18<sup>th</sup> of August AD 1824, in this; that the land granted, as alleged by claimant, was and is within ten leagues of the Sea Coast. And there is no evidence by claimant that the Supreme General Executive power of Mexico previously approved of the colonization of the lands of California, within ten leagues of the Sea Coast. And it is denied that such previous consent of said Supreme General Executive power of Mexico in such case was ever had.
3. That at the date of the said alleged grants, the said land claimed as aforesaid, was occupied by the Missions of California, and particularly by the Mission of San Juan Capistrano.
4. That the alleged grants of Governor Alvarado of the date of the 3<sup>d</sup> of May AD 1842, and of Pio Pico of the 27<sup>th</sup> of May AD 1846, have not the conditions required by, and are not made in entire conformity with the law of Mexico of the 18<sup>th</sup> of August AD 1824, and the regulations for the Colonization of the Territories of Mexico of the 21<sup>st</sup> of November AD 1838.
5. That the description of the land in the said alleged grant of Governor Alvarado is vague and uncertain.

6. That the alleged act of Judicial possession of the date of the 6<sup>th</sup> of June AD 1842 by Manuel Dominguez, was unlawful, for the reason that the said Jose Serrano had not, at the time, a definitive title to the land of which possession was given; and the Alcalde had no lawful authority to give Judicial possession except in cases where the party asking for possession, had a definitive title. That the survey of said land by said Dominguez was not made according to the Ordinance or Law; That it is vague and indefinite.

7. That the alleged grant of Governor Pio Pico, of the said date of the 27<sup>th</sup> of May AD 1846, contains no sufficient description of the land; That no map is referred to therein to aid the description; that it is vague, uncertain, and indefinite.

8. That there is no proof that the Claimant, under the title of Pio Pico, ever asked for or received Judicial possession of the one league and a half of land, therein granted, as alleged.

9. There is no evidence that the said alleged grant of Governor Alvarado of said date, or of said alleged grant of Governor Pio Pico, of said date, to said Jose Serrano of said tracts of land, were ever approved by the Territorial Deputation or Departmental Assembly of California as required by law. And it is denied that either of the said grants by said Governors Alvarado and Pico were approved by said Deputation or Assembly.

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And no proof having been made by said claimant of the allegations of his said petition, or in support of his said claim filed as aforesaid, no decree ought to have been made or grounded thereon, but the said petition, ought to have been dismissed and said claim rejected by said Commissioners, upon the grounds aforesaid.

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 Serrano, or his 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 Serrano 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.

*J. Ord*

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

31. No. 31. <sup>2</sup>

Josi Serrano  
Ads.

The United States.

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Petition of alls of ms. for  
revision &c.

Filed Dec 29. 1834.

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*B. E. Farr.*  
clerk

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

TO

The President of the United States,

*Jose Ferrans*

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GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, and ~~each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *Twenty 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 the State of California, of the claim of Jose Ferrans, for a tract of land called Canada de los Alisos, in the Southern District of California, to the extent of two and a half square leagues; which said claim was presented by you to said Commissioners on <sup>or</sup> ~~the~~ about the 1<sup>st</sup> day of November A.D. 1852, and by them confirmed on or about the 21<sup>st</sup> day of October, A.D. 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 thereon.*

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

*J. E. Farrer*  
Clerk.



No 374 is  
March 18 55

Marshals cost

Copying Summons	90
Serving Summons	3,00
Money petition	3 00
actual traveling	
expenses	3 2,00
	<u>\$3 890</u>

to April 4 1855

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

Jose Serrano }  
add. }  
The United States } 431

**SUMMONS.**  
Received February 17 1855  
Edward Hunter  
U S Marshal

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I served this summons along with the proper copy of the petition upon *Jose Serrano* Appellee by leaving with him personally a true copy of the same in the county of Los Angeles at his residence in the Southern District of California on the eighteenth day of *March* A. D. 185*five*

Sworn to and subscribed before me, this 4<sup>th</sup> day of April 1855. *J. E. Law* Clerk.

*Edward Hunter*  
U. S. Marshal.

By *W. H. Harvey*  
Deputy

José Serrano

vs

The United States

Nº 431.

31

SD

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State of California }  
Los Angeles County }

José Serrano, the above named party, being duly sworn, says, That some 20 days has elapsed since affiant was served with the summons on an appeal prosecuted by the United States in said case in the District Court of the U. S. for the Southern District of California. That affiant <sup>but can neither read nor write,</sup> understanding only the Spanish language, did not know the contents of said summons nor the contents of the accompanying petition until the present time. That affiant did not therefore answer, or cause to be answered, the said petition within the time prescribed in the said summons, for the reason that he did not until now know or conceive what obligations were thereby imposed on him. That affiant lives about 60 miles from the City of Los Angeles, in a neighborhood where there are no lawyers, nor any one who could instruct or counsel affiant in the premises, and that affiant supposed the copy of the summons & petition were documents accrediting further his title to the lands mentioned in said petition. And affiant says he is now prepared to answer said petition. That he has upon the circumstances used all <sup>and affiant is informed by his counsel & believes, he has a good & valid claim to said lands,</sup> the diligence possible for him to use.

Witness my hand & seal

José Serrano  
mark

Sworn to & subscribed before  
me, this 9<sup>th</sup> day of April 1835.

J. C. Jan.  
clerk

N<sup>o</sup> 31

4

Jose Serrano ?  
N<sup>o</sup> 31 N<sup>o</sup> 31 H31.  
The United States

---

Applicant of Plaintiff.

Filed April 10<sup>th</sup> 1855

J. E. Farr  
clk.

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José Serrano  
Appellee  
vs  
The United States  
Appellants

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

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And now on this day comes the said  
José Serrano by Myron Norton his attorney  
and moves the court for an order granting  
the said appellee ten days time from  
this day to file his answer to the  
petition of the District Attorney for  
review in this case.

Angels April 10, 1855. Myron Norton  
Atty for Appellee

A<sup>o</sup> 31

District Court

Josi Senano

Appellee

vs

The United States

Appellant

Motion for further time to answer -

Myron Morton

Atty for Appellee

Filed April 10<sup>th</sup> 1855

J. E. Farr  
clerk.

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In the district court of the United States  
for the Southern District of California -

Jose Serrano, Appellee

vs

No. 431.

The United States, Appellant

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by leave of the court first had obtained  
The answer of Jose Serrano, to the petition of  
review filed in this case by the district attorney  
of the United States for the Southern District  
of California, in behalf of the United States,  
respectfully sheweth:

That, nevertheless, to-wit,  
on or about the first day of November A.D. 1852,  
the said appellee, presented his petition to the  
board of land commissioners to ascertain and  
settle the private land claims in the State  
of California, claiming the tract of land called  
"Cañada de los Alisos", containing one league  
of land, and an addition thereof of one and a  
half square leagues of land -

And the said appellee further shows,  
that on or about the 3<sup>d</sup> day of May, A.D. 1842  
Juan B. Alvarado then Governor of California,  
in the name of the Mexican Nation, and by virtue  
of the laws then in force, the customs and  
usages of the country affecting grants of land  
in California, granted in full property to

The said José Serrano, the tract of land known  
by the name of "Cañada de los Alisos", bounded  
on the east by the hills of the said Cañada,  
west by the "arroyo del Toro", south by the road  
of San Joaquin, and on the north by the Sierra,  
containing one league of land (sitio de ganado  
mayor) a little more or less, and described  
in the papers and maps relating to the grant  
of said land, copies of which said papers and  
maps are contained in the transcripts on file  
in this case, and made a part of this answer.

And the said appellee further answering  
says that, provisional occupation of said tract of  
land was given to the said appellee, by the said  
Alvarado, Governor as aforesaid, on or about the  
18<sup>th</sup> day of June A.D. 1841, as appears by the order  
of said Alvarado, a copy of which is contained  
in the said transcripts and also made a  
part of this answer.

And the said appellee further answering  
says that on or about the 27<sup>th</sup> day of May  
A.D. 1846, Pio Pico then Governor of California,  
in the name of the Mexican Nation, by virtue  
of the laws then in force, the customs and usages  
of the country affecting grants of land in Califor-  
nia, granted in full property to the said  
José Serrano another tract of land in addition  
to and adjoining the said tract above described

called Cañada de los Alisos, which said tract

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called Cañada de las Alisos", which said tract so granted in addition, is bounded and described as follows, on the south by the "Arroyo de las Alisos", <sup>the</sup> boundary of lands of John Foster, by the boundaries of Gerodocio Corba, and west by the boundaries of Jose Sepulveda, containing one and a half leagues of land (Sitios de ganado mayor) and more particularly described in the papers and map relating to the grant of the said addition, copies of which said papers are contained in the said transcripts and made a part of this answer.

And the said appellee further answering, says, that, on or about the sixth day of June A.D. 1842, your petitioner was placed in judicial possession of the said tract of land first above mentioned by Manuel Dominguez then First Alcalde and Judge of First Instance of the District of Los Angeles, in which District the said lands were situated, he having jurisdiction and authority to give such possession, a copy of which said act of possession is contained in the said transcripts and made a part of this answer.

And the said appellee further answering says, that, he has been in the quiet & peaceable possession of the said tracts of land ever since the date of the said grants, and now is in



the possession and occupation of the same with his family, and that he has complied in every respect with the conditions of the said grants -

And the said appellee further answering denies all and singular, each and every of the said allegations and objections to the validity of the said grants or either of them, made by the district attorney, and submits and insists that he has a good and valid claim to the said tracts of land mentioned in said grants, and that he is the owner thereof in fee simple,

And the said appellee further answering says, that, on or about the 21<sup>st</sup> day of October A.D. 1853, the said land Commissioners by final decree, confirmed the said claim of the said appellee to the tracts of land above mentioned -

And the said appellee therefore prays that this Honorable Court will affirm the said decision of the said Commissioners, and the said claim to be valid, and decree the said appellee to be the owner in fee simple of the said tracts of land -

And for such other or further relief in the premises as equity and justice shall dictate -

Boston & Granger  
Attys for appellee

And the said appellee further answering  
admits that the said tract of land is  
situated in the Southern district of California  
and within the jurisdiction of this court,  
And that the Transcript in this case  
and the notice of intention to prosecute  
the appeal therein were duly filed  
as alleged in said petition -

Norton & Granger  
Attys for Appellee

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FILED  
1866

I served this answer on T Ord personally  
by delivering to him a certified copy  
of the same at Los Angeles, April 27<sup>th</sup>  
1855

Edward Hunter  
M S Marshal.

Sworn to and subscribed  
before me this 9<sup>th</sup> day of  
April 1855.

J. E. Farr,  
clk.

No 31.  
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Seamen Court of the  
United States for the  
Southern District of California

Jose A. Marras

Appellee

vs

The United States

Appellants

Answer

Robert Langford

Attys for appellee

Filed April 21<sup>st</sup> 1855

J. E. Farr,  
clk.

31 SD

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No. 31.

José Serrano

Appellee

vs

The United States

Appellant

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

Issue joined April 21. 1855.

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And now at this day comes the said  
Appellee by Myron Norton his attorney,  
and moves the court, that an order  
be entered in this case, to take further  
testimony therein, to be used on the  
final hearing of this case, under the  
rules and practice of this court.

Myron Norton  
attor for appellee

EXC. 30

No 31

U. S. District Court  
Southern District  
of California

José Serrano

(No 31.) vs

The United States

Motion to take  
testimony

Myron Weston  
atty for appellee

Filed June 13<sup>th</sup> 1857

J. E. Fox  
clk.

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

José Serrano

Appellee

vs

The United States

Appellant

No 31.

"Cañada de los

Alisos"

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To José Serrano or his attorneys,

Take notice that the  
above entitled cause will be brought  
to a hearing by the United States on  
Friday the 19<sup>th</sup> day of October A.D.  
1855, or as soon thereafter as the  
same can be heard by the court.

J. D. Hayes

October 11<sup>th</sup> 1855.

J. D. Hayes

R. D. Dist. Ct.

30

No 31.  
Josi Serrano

ads

The United States

Notice of hearing  
by U. States

Filed Oct 11th 1835  
J. E. San,  
Clerk.

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P. O. A. U. S. Atty.

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

December Term A.D. 1855.

José Serano

Appellee

vs

The United States

Appellant

Case No. 31.

Transcript No. 431.

"Cañada de los  
Alisos"

This cause coming on to be heard  
on appeal from the final decision  
of the Board of United States Land  
Commissioners "to ascertain & settle  
the private Land claims in the State  
of California", under an act of  
Congress approved March 3<sup>d</sup>. 1837.  
Upon the Transcript of the proceedings,  
papers and evidences, had & taken  
before the said Board; And it ap=  
pearing to the court that the said  
Transcript and a notice of the  
intention of the said Appellant  
to prosecute the said appeal  
in this court have been duly  
filed according to law with  
the clerk of this court;

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PAGE 75



And counsel for the respective parties having been heard -  
It is Ordered, adjudged and decreed by the Court, that the decision of the said Commissioners <sup>and the same is hereby</sup> be affirmed and that the title of the said Appellee Jose Serano to the lands claimed by him in this case, to the extent of two and one half square leagues of land (dos sitios <sup>confirmed</sup> y medio de ganado ~~de mayor~~) be affirmed, and that the said title be decreed to be good and valid - The lands of which confirmation is hereby made are the lands granted to the said appellee Jose Serano on or about the third day of May A D 1842. by Juan B Alvarado then Governor of California; and the further lands in addition or augmentation of the said first mentioned tract granted to the said appellee Jose Serano on or about the 27<sup>th</sup> day of May A D 1846 by Pio Pico then Governor of California in the name of the Mexican Nation - And for a more

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FILED  
1846

particular & further description  
of the said lands reference is  
hereunto had to the said  
Original grants on file in  
this case, the maps also on  
file herein and the use  
of judicial possession pro  
herein. And that if the said  
extent of two and one half  
square leagues of land are  
not contained within the  
boundaries described in the  
said grants, maps and judicial  
possession aforesaid. then  
such less quantity is by  
this Court hereby confirmed  
to the said Claimant Jose  
Serano

Guac McQuic  
W S Sant Bridge

No. 31.  
United States  
District Court Southern  
District of California

Jose Serano  
Appellee  
vs

The United States  
Appellant

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Drown

Filed Dec 31<sup>st</sup> 1855

C. E. Cloan clerk

by O. Morgan  
31 SD copy

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Recorded on Page 180

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

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

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*J. M. Serrano*

APPELLEE,

VS.

UNITED STATES,

APPELLANT.

No. 31.

(No. 431. of Transcript.)

On Appeal from the United States Land Commission.

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

ORDERED by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the said United States in the above entitled cause, rendered on or about the 6<sup>th</sup> day of December A. D. 1855.

*P. Ord*  
*Dis. att.*

No. 31.

W. J. Duffant  
Southern Railway California

Jose Ferrans appellee

vs  
The United States appellants

Office of Special S.C.

Philadelphia 1880

C. E. Fann clerk

By A. J. Fann Deputy

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California Land Claims.

Attorney General's Office

18 September 1851.

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Sir,

In the case of the claim of Jose Serrano, confirmed to the claimant by the Commissioners, case no. four hundred and thirty-one, (431), 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

Yours

Pacificus Ord Esq  
U. S. Atty Las Angeles  
Cal.

v  
31  
Jose Lirano

431

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Rec'd Oct 21 1836

Chas. S. A. Quid Judge.

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December Term 1883

In the Dist Court  
of the United  
States within and  
for the Southern  
Dist of Cal.

The United States  
Appellant

vs  
Jose Ferrans  
Appellee

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In pursuance of a letter from the Attorney  
General of the United States herewith 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 by and between the parties that the order  
granting an appeal to the Supreme Court here-  
before made in the above cause be vacated and  
that the decree of the Court heretofore made  
rendered in this cause, may by order of the  
Court be made final.

P. Ord.  
Dist. Ct.

Myron Weston  
att'y for appellee



U. S. Dist. Court  
South Dist. Cal.

No. 31.

The United States  
appellant

vs

Jose Ferrano  
appellee

Filed July 23<sup>d</sup> 1857

C. J. S.  
Clk

Stipulation  
to vacate order of  
appeal to Supreme Court

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The United States, appellants }  
vs }  
Jose Senano, appellee }

The evidence in this case ~~describes~~  
~~the~~ shows, that, on the 3<sup>rd</sup> of May A.D. 1842  
Governor Alvarado granted to Jose Senano the  
present claimant a tract of land containing  
one square league & known by the name of the  
Canada de los Alisos, within certain boundaries.  
~~The grant contained a condition that the off surplus~~  
~~remaining, over the quantity specified in the~~  
~~grant, was to remain reserved to the Government~~  
Judicial possession of the land was given  
by the proper officers, the genuineness of the grant  
and the act of possession are both fully proved.  
The boundaries of the tract are definitely decided  
in the grant itself and in the act of possession.  
The oral evidence shows a substantial compliance  
with the conditions of the grant. A house was  
built in which the grantee lived even before the  
date of the grant. — So far then as the claims  
rest upon this grant, it is under the ruling of the  
supreme Court in the *Keenut* case, ~~it must~~  
~~be declared valid,~~ but this grant does not include  
the whole land claimed. It appears from the evidence  
in the record, that in 1846 Jose Senano petitioned  
Governor Pico, for an augmentation of the grant  
made to him by Alvarado; he states in his peti-  
tion that the addition asked for adjoins the land  
he already possesses and that it is vacant & unoc-  
cupied. Pico after obtaining the information necessary  
to show that the land was in a condition to be  
granted, on the 27<sup>th</sup> May 1846 made a grant  
of the land asked for to Senano, the land is

sufficiently well described in the grant and in the accompany map. Its genuineness is fully proven, but an objection is raised that it does not contain the usual conditions of occupation &c., & that therefore it is void as the Governor had no right to make grants except in conformity with the Colonization laws of 1824 & Reg. of 1828.

The the 16<sup>th</sup> Section of the Regulations of 1828. provides that, "the spaces which may remain between the colonized lands, may be distributed among the adjoining proprietors, who shall have cultivated them with <sup>the</sup> most application, who have not received the whole extent of land allowed them by law."

This was the status of the land granted by Pico to Serrano, and under the provisions of the Section referred, Pico was clearly authorized to make the grant; so there nothing in the

matter Serrano was in the position described in the 16<sup>th</sup> Section of the Regulations of 1828. That he was in such a position I think is fully shown by evidence in the record. The insertion of a condition of <sup>of building a house</sup> occupation in a grant of this character never have been ~~made~~.

~~It is well~~ Serrano had already done all that was required in this respect, before all these have assumed to have compelled to drop his first ~~occupation~~ ~~house~~ and build a ~~house~~ on a different part of the same tract. The claim is therefore I say ~~shall~~ a valid one and a decree will be entered accordingly affirming the decision of the Commission & confirming the grant to the extent called for in the grant within the limits expressed.

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

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José Serrano } "Cañada de los Alisos"  
Appellee } Case No. 31.  
and } Transcript No. 431.  
The United States }  
Appellant } Index of Transcript.

Page 3 & 4 Petition to U. S. Land Commissioners.

" 5 & 6. Exposition of Abel Stearns.

" 7 to 14. Expediente and map of the first tract  
of land granted, by Alvarado.

" 14 to 19 & 21. Expediente, concession and map of the  
second tract of land granted, by Pico.

" 21. to 24. Translation of expediente last named.

" 24 & 25. Original title by Pico to tract last named,  
dated March 27, 1846.

" 26 & 27 Translation of said title from Pico.

" 28. Permission of Provisional occupation by  
Alvarado, dated June 18, 1841.

" 29. Translation of same.

31. to 33. Original title to first track by Alvarado dated  
May 3. 1842.
- " 35 to 37. Acts of judicial possession of first  
track granted.
- " 37 + 38 Translation of title from Alvarado
- " 38 to 41. Translation of acts of possession
- " 41 + 42 Translation of Expediente contained on  
pages 7. 8. 9 + 10.
- " 43 to 47. Opinion of Commissioners.
- " 47. Decree of confirmation.

No 31.

U. S. District Court  
Southern District of  
California

Josi Serrano  
Appellee  
vs

The United States  
Appellant

Index of Transcript

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

Now Sane & N. Aguirre Judges.  
December Term A.D. 1856

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PAGE 11 90

The United States  
Appellant No. 31  
vs  
Jose Ferrans  
Appellee

The Attorney General of the United States having given notice that the appeal to the Supreme Court from the decision of this Court in the above entitled cause will not be prosecuted by the United States, and a stipulation having been entered into by the United States District Attorney, and the Attorney of the Claimant that the order granting an appeal to the Supreme Court heretofore made in this cause be vacated and that the decrees of this Court heretofore rendered in this cause, may by order of the Court be made final. It is ordered, adjudged and decreed that the order granting an appeal to the Supreme Court heretofore made in this cause be and the same is hereby vacated and that the Claimant have leave to proceed under the decree of this Court heretofore rendered in this cause as under a final decree.

Garrett Davis  
U S District Judge

No. 31

*[Faint, illegible handwriting in cursive script, likely bleed-through from the reverse side of the page. The text is arranged in several columns across the lined paper.]*