

CASE No.

55

SOUTHERN DISTRICT

TEMECULA GRANT

PABLO APIS

CLAIMANT

Micro film

10



FEB 15 1963

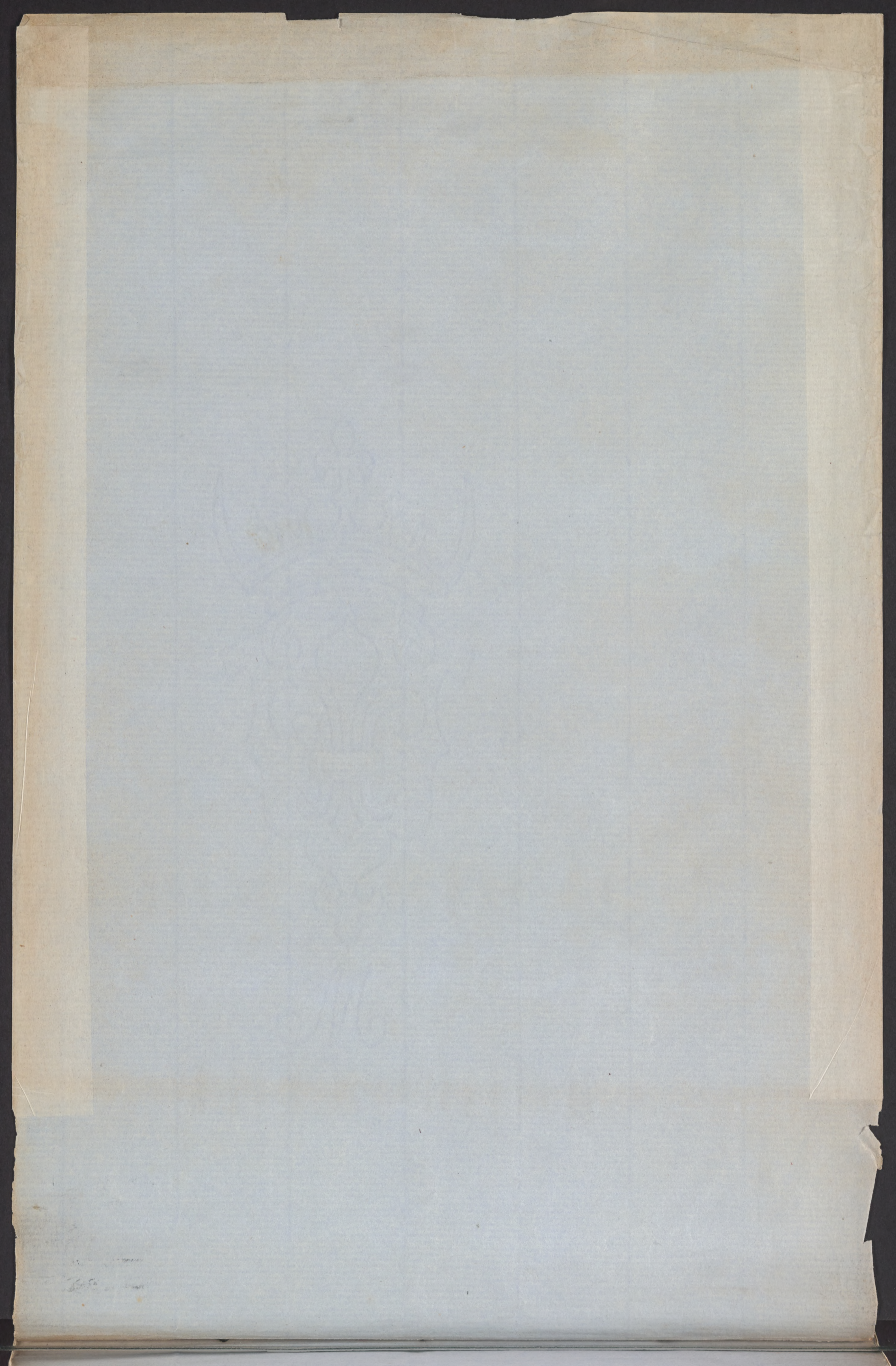
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# TRANSCRIPT

55 SD  
PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 433

*Pablo Apis*

CLAIMANT

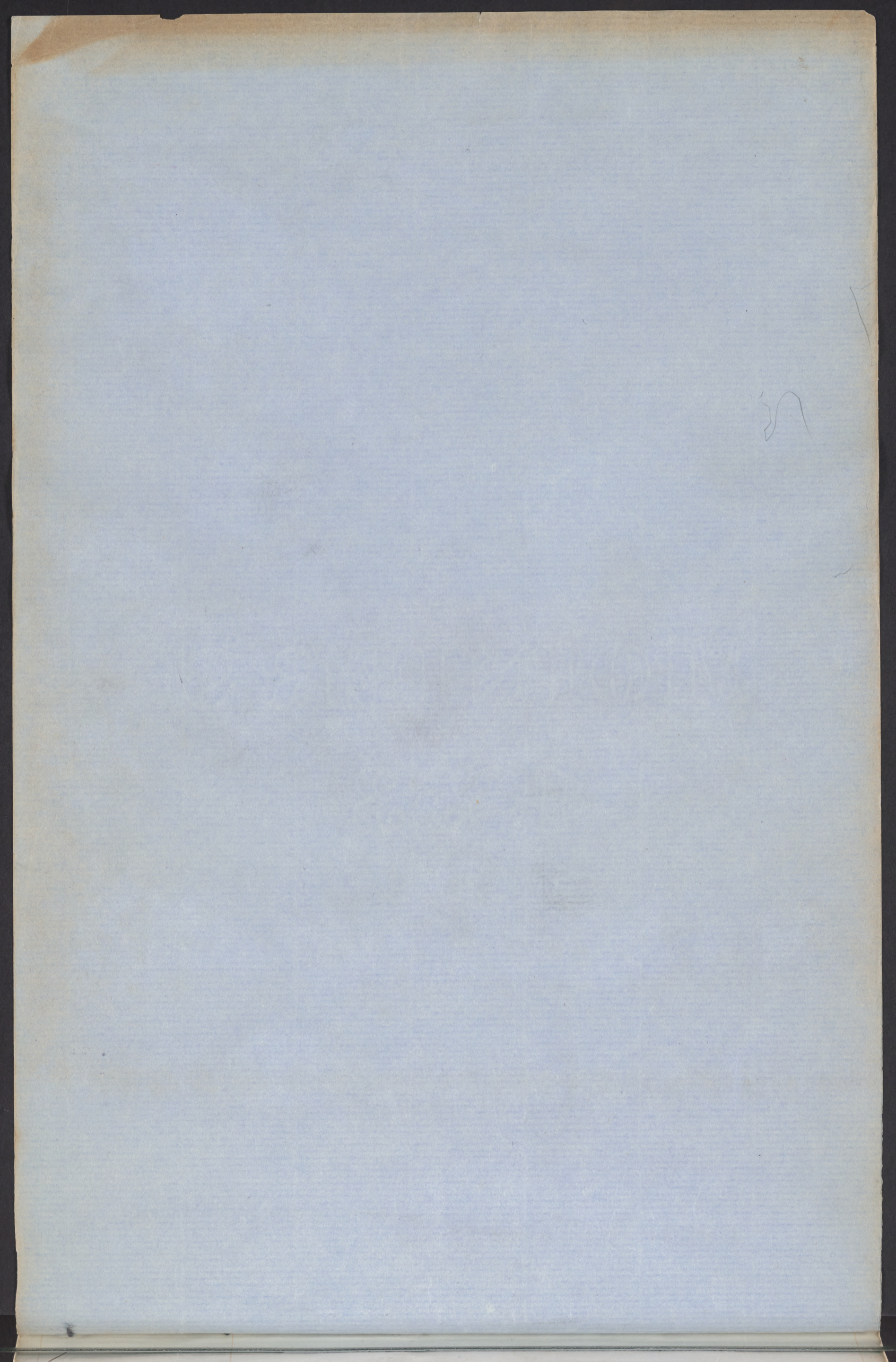
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Tomecula."*







Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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PAGE 2

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 *Pablo Apis*

for the Place named

"*Tenuca*"

was presented, and ordered to be filed and docketed with No. 435 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. 435 Pablo Apis for the place named "Tenuca", the deposition of Abel Stamm, a witness in behalf of the claimant, taken before Commissioner Ricardo Hall, with document marked A. H. No. 1, and translation thereof annexed thereto, was filed;

(Vide page 4 of this transcript)

In the same case the deposition of Hugo Reid a witness in behalf of the claimant, taken before Commissioner Ricardo Hall, was filed;  
(Vide page 5 of this transcript.)

*San Francisco Aug. 19<sup>th</sup> 1853.*  
Case No. 435 (Pablo Apis) called; The counsel for the claimant read the evidence, argued



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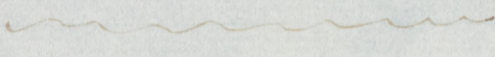
submitted, and taken under advisement.



San Francisco November 1853.

In the same case Commissioner Robert B. Thompson delivered the opinion of the Board rejecting the claim.

(See page 17 of this Transcript.)



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PAGE 3

appointed to settle private land claims in 1853.



Petition.

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PAGE 4

To the Honble the Board of U. S. Land Commissioners appointed to settle private land claims in California. The petition of Pablo Aris respectfully sheweth, That on or about the 7<sup>th</sup> day of May A. D. 1845 - Pro Pico then Governor of California, in the name of the Mexican Nation, by virtue of the laws in force, the power conferred upon him, the usages & customs of the country affecting grants of land in California, granted in full property to your petitioner the lands your petitioner then occupied in the tract of Temucula, consisting of about one league in length & about one half in breadth including planting grounds & vines as described in the papers & maps relating to the grant of said tract of land. That a copy of said grant is herewith filed as part of this petition, & as soon as copies of the record of papers relating to this grant can be obtained from the Archives now in the custody of the U. S. Surveyor General for California, the same will be filed by leave of your Honble Board as part of this petition. And your petitioner further shews that he has been in the peaceable & quiet possession of said tract of land ever since the date of said grant, & your petitioner is now in the peaceable & quiet possession of said lands. There is no conflicting claim thereto known to your petitioner. The said lands have not been surveyed by the U. S. Surveyor General for California.

The evidence upon which your petitioner relies in this case are the records of this grant, papers & maps in the office & custody of the U. S. Surveyor General for California, original papers in the possession of your petitioner relating to said grant of land & the testimony of witnesses to be produced before your Honble Board.

Respectfully submitted for such action as the justice & nature of the claim may require.

E. O. Crosby.

of Counsel  
for Claimant.

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



Los Angeles Nov 4<sup>th</sup> 1852.

On this day before Comr H. Hall, came Abel Stearnes a witness in behalf of the claimant Pablo Apis, petition No 435, & was duly sworn, his evidence being given in English. The U. S. Associate Saw Agent was present.

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Deposition of  
Abel Stearnes.

In answer to inquiries by counsel for the claimant the witness testified as follows.

My name is Abel Stearnes, my age is fifty four years, & I reside in Los Angeles, I have resided in California over twenty three years. I am acquainted with the hand writing & signatures of Pio Pico & Juan Bandini. A paper is now shown me purporting to be a grant to Pablo Apis of a tract of land of about one league long by half a league wide dated May 7 1845. The signatures of said Pico & Bandini on said paper I believe to be genuine. Said paper is written un-ruled & marked H. H. No 1. I know the land mentioned in the foregoing paper. It is situated one league or more from the Mission of San Luis Rey in the County of San Diego. It is northwesterly from the Mission.

I was on the land last year - Apis was there occupying the land - he had two houses on it & he was living there - He had a stock of cattle & sheep & some horses, & had been gathering crops.

Given & subscribed Abel Stearnes.

Before me

Heiland Hall.

Comr.

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

Geo. Fisher.  
Sey.



Los Angeles Nov 4<sup>th</sup> 1852.

On this day before Coroner H. Hall came Hugo Reid a witness in behalf of the claimant Pablo Apis, petition No 433, & was duly sworn, his evidence being given in English.

In answer to inquiries by counsel for the claimant the witness testified as follows.

My name is Hugo Reid, my age is forty one, & I reside at San Gabriel in the county of Los Angeles. I have lived in California a number of years. I am acquainted with the rancho called Tuncula. It is about seven leagues from San Luis Rey in a Northwesterly direction in the county of San Diego. It is ten or twelve years since I knew Pablo Apis to be occupying the land. He had a house on it at that time in which he lived & he has resided on the place to the present time - another house having been built since that in which he first lived in. He has cultivated part of the land & has had stocks of cattle, sheep and horses on it.

Sworn & subscribed Hugo Reid.

Before me

W. L. Hall

Coroner

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

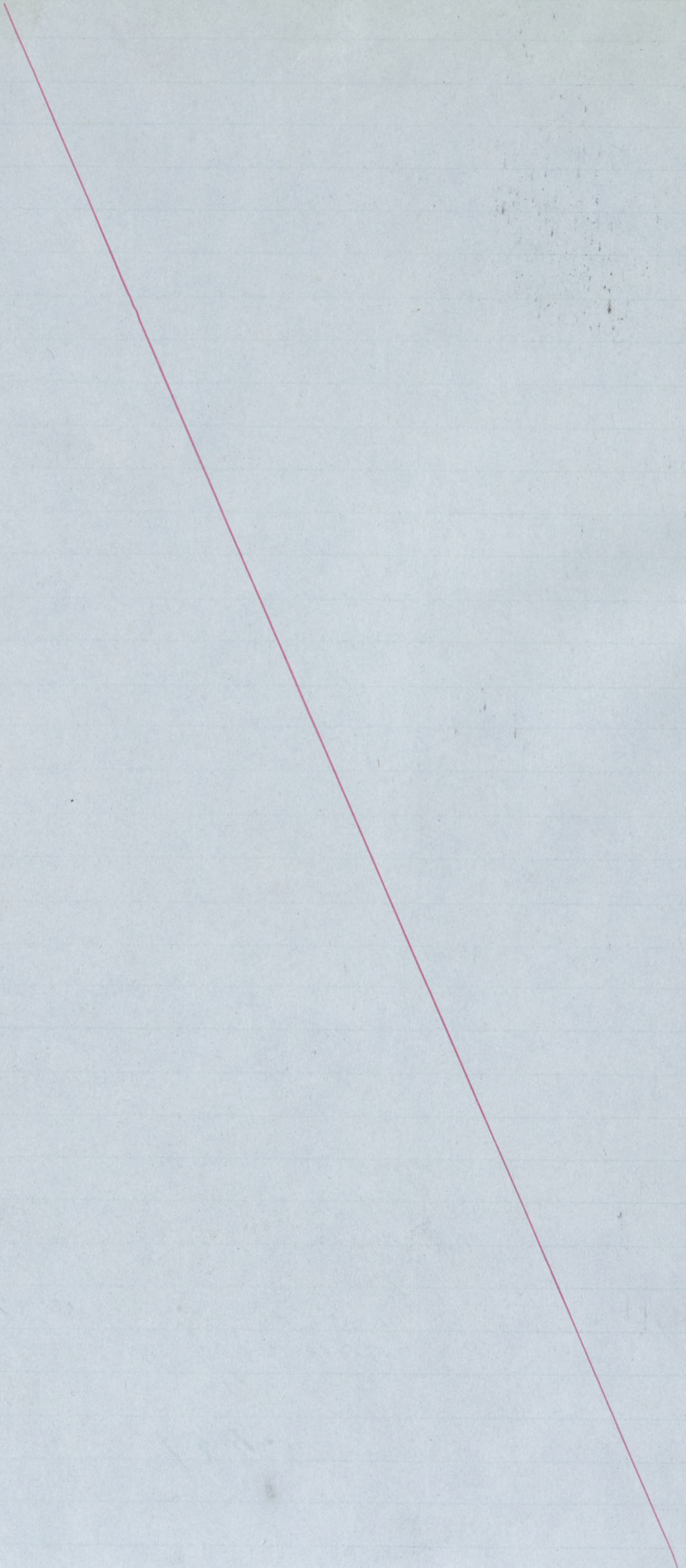
Geo. Fisher

Secy.

Deposition of Hugo Reid.

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PAGE 6



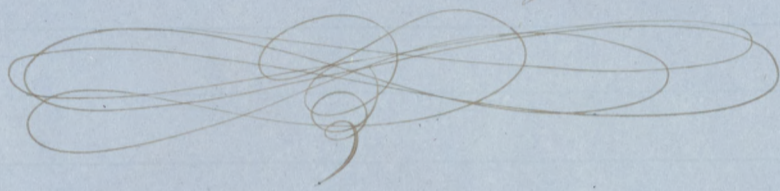




1845

1. S. D. R. Expediente promovido por Pablo Apis natural de San Luis Rey en pretension de un terreno en el paraje de Temacula

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Exmo. Sr.

2 S.D.R.

Por decreto de V.E. de junio 28 p<sup>o</sup> p<sup>o</sup> compareci ante el R. P. Ministro fr. José María Zalvidea, y Mayor domo D. José Joaquín Ortega a que habiéndose en Aug. y Abril 28 de 1845

la cuestión que mediaba entre Andrés y José Manuel su cuñado y habiéndome concedido el R. P. Ministro un término suficiente p<sup>a</sup> el sosten de mi familia, en el Rancho de Temacula, comine en estirar toda cuestión contra Andrés y su cuñado dependida en legítima posesión del suage que cuestionabamos quedando con esto en todo conformes implorando únicamente a la clemencia de V.E. se digna entenderme la legitimidad e propiedad del terreno de que he sido agraciado por la Misión como consta p<sup>r</sup> documento fha 9 del presente mes q<sup>e</sup> tengo en mi poder firmado p<sup>r</sup> el R. P.

Ynforme el Sr. adm<sup>te</sup> de la misión de S. Luis Rey cual es la demarcación del terreno que pretende el suplicante y le que señalado por el mismo según consta por el adjunto documento de 9 de julio de 1843

Pido

Ministro actual y mayor domo de la misma Por Santo

A.V.E. suplico encendidamente se sirba admitir este en papel comun p<sup>r</sup> falta del sellado correspondiente protestando no ser de malicia y lo jurano etc.

Misión de S.<sup>ta</sup> Luis Rey julio 10 de 1843

Pablo Apes

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PAGE 8

1

2

3 S.D.R.



8

Administracion de San Luis  
Rey. Angeles Abril 30 de 1845

3

El terreno que se le asigno' al in-  
digena Pablo Apis por disposicion del R.P.  
Ministro actual de la Mision de San Luis  
Rey, por avenimiento que tubo con el de  
su Clase llamado Andres y Jose Manuel  
cuñado del mismo es poco mas o menos  
de quinientas varas de largo y como ciento  
cincuenta de ancho para sus labores y  
para sus bienes una legua, menos que  
mas, y como media de ancho para par-  
tes de sus bienes semovientes; todo  
esto le fue concedido en el Cancho de  
Temeula habiendole conformado el  
solicitante con aquella gracia y la mi-  
sion le hizo como mesfita de ellas ha-  
biendole hecho ver q' solicitare de V. E.  
la aprobacion de la legitimidad de aquel  
terreno que se le asigno'. Es cuanto puedo  
informar a consecuencia del Sup' Decre-  
to que antecede

Jose Frag. Ortega

L.S.D.R.

Angeles Mayo 7 de 1845

Considerando el Gobierno de justicia  
que el indigena de la Mision de San  
Luis Rey Pablo Apis tenga la pro-  
piedad del terreno que se le concedio' pro-  
vicionalmente en julio de 1843 en Teme-  
cula, librase el Titulo correspondiente para  
que se le entregue como lo pide la parte

Picoz

5

L.S.D.R.

Representa-  
cion de  
los indigenas



9  
6 S.D.R.

Fr. José María Zalvidea Mi-  
nistro actual de la Misión de San  
Luis Rey

Por cuanto Pablo Apis  
ha solicitado de esta Misión una  
Suerte de tierra q. pueda cultivar  
para el sosten de su criada fami-  
lia y en donde poder tener sus bienes  
semovientes y atendiendo a su suplica  
buenos servicios q. ha dado a esta Mi-  
sion desde su fundacion y haurades  
con q. se ha dirigido asi el como sus  
hijos, le agracia la Misión con dho.  
terreno, el q. le ha sido demarcado  
en el Enchico de Temucula por el  
Mayordomo actual de la misma D.  
José Joaquín Ortega, quedando asimis-  
mo dueño de ciento cuarenta sijas q.  
existen en la tierra q. se le ha demar-  
cado desde esta vez en legitima pose-  
sion; sin dejar de solicitar del Sup<sup>te</sup>  
Gobierno Departam<sup>l</sup> la legitimidad o  
propiedad en lo q. se le ha agraciado; sin  
bindole este de Documento para q. no  
sea perjudicado por nadie, y se lo cul-  
tive como propio con entera libertad

Misión de S. Luis Rey Julio

9  
1843

Fr. José M.<sup>a</sup> de Zalvidea

Como Mayordomo

José Joaqu<sup>n</sup> Ortega

Queda tomada copia de este título  
en el libro respectivo

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PAGE 10

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7 S.D.R.

7

WIDE

40

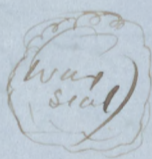


10  
Office of Surveyor General  
of the United States for California

I Samuel D. King  
Surveyor General of the United  
States for the State of California,  
and as such having in my possession  
and under my charge and control  
a portion of the archives of the former  
Spanish and Mexican Territory  
of Upper California, do hereby cer-  
tify, that the seven preceding, and  
hereto annexed pages of tracing pa-  
pers numbered from one to seven in-  
clusive, and each of which is verified  
by my initials (S.D.K.) exhibit true  
and accurate copies of certain docu-  
ments on file and forming part of the  
archives in this Office

In testimony whereof, I have  
hereto signed my name offi-  
cially, and affixed my private  
seal (not having a seal of office)  
at the City of San Francisco  
this 27 day of October 1852

Saml D. King  
Sur Genl Cal





1881  
20



1843

Record of Proceedings.

At the instance of Pablo Apis a native of San Luis Rey in solicitation of a tract of land in the location of Temucula.

(448)

Excellent Sir,

By your Excellency's decree of 28<sup>th</sup> of June last past, I appeared before the Reverend Father Minister Fra José Maria de Zalvidea & Superintendent José Joaquín Ortega, that we should come to terms on the question which interceded between Andrés & Manuel, his brother in law & the R. F. Minister having granted me a tract of land sufficient for the sustenance of my increased family in the rancho of Temucula, I agreed to withdraw every question against Andrés & his brother in law leaving them in legitimate possession of the location which was disputed about, continuing in this in all conformity, only imploring your Excellency's clemency to be pleased to issue to me the legitimacy or ownership of the land with which I have been granted by the Mission, as is shown by a document dated 9<sup>th</sup> of the present month which I have in my possession, signed by the R. Fr acting Minister or Superintendent of the same. Therefore I humbly pray your Excellency to be pleased to admit this on common paper for want of the corresponding stamped paper assuming that there is no malice herein, & what else is necessary &c.

Mission San Luis Rey July 30<sup>th</sup> 1843.

(Signed) Pablo Apis.

(In the Margin)

Aug April 28<sup>th</sup> 1845

The Administrator of the Mission of San Luis Rey will report which is the demarcation of the land that the petitioner solicits & was assigned to him by the same as is shown by the adjoined covenant

Translation Exhibit No 2.

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of 9<sup>th</sup> of July 1843.

Signed Pico.

Administration of San Luis Rey.

Angelos April 30<sup>th</sup> 1845.

The land which was assigned to the native Pablo Apes by disposition of the R. F. acting Minister of the Mission of San Luis Rey by covenant which he had with one of his own class called Andres & José Manuel brothers in law of the same, is a little more or less than 500 varas in length & about 150 varas in breadth, for his husbandry, & for his stock one league rather more & about one half in breadth for pastures to his movable stock, all of which he was granted on the Rancho of Tenucala, the petitioner having conferred with that favor which the mission made him as a consent of it, having made him understand that he should solicit of your Excellency the approbation of the legitimacy of that land which was assigned to him; this is all I can report in consequence of the foregoing decree.

Signed José Joaquín Ortega.

Angelos Mayo 7<sup>th</sup> 1845.

The Government considering it just that the native of the Mission of San Luis Rey may have the ownership of the land which was granted to him provisionally in July 1843 in Tenucala, let the corresponding title deed be <sup>issued, that it may be</sup> secured him, as he asks for.

Signed Pico.

To José María Valdeca acting Minister of the Mission of San Luis Rey.

Munas Pablo Apes has solicited of this Mission a lot of land which he might cultivate for the maintenance of his increased family & on which he can have his movables, & attending to his prayer, & considering the good services which he has done to this Mission, since its foundation, & the honesty, which both he & his son have shown, the Mission grants him with said land which has been marked

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out to him in the Rancho of Tomacula by the acting  
 Superintendent of the Mission Don José Joaquín Ortega  
 remaining likewise owner of 150 Stock of vines,  
 which exist on the land that has been ~~+~~ ~~+~~ ~~+~~  
 marked out to him, from this time in legitimate  
 possession, without leaving to solicit of the Superior  
 Departmental Government the legitimacy or  
 -ness in which he has been granted, this ser-  
 -ving him as a document that he be not prejudiced  
 by anybody & that he may cultivate it as his own  
 with entire liberty.

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Mission of San Luis Rey July  
 9<sup>th</sup> 1843.

(Signed) Fra José M.<sup>o</sup> de Zalvidea.

" as Superintendent.

José Joaquín Ortega.

This title deed has been entered in the respective Book.

Filed in Office August 8<sup>th</sup> 1853.

Geo: Fisher.  
 Secy.



WYCE

20



Pío Pico primer vocal de la  
Exma. Asamblea Departamental y Go-  
bernador interino del Departamento

Por Cuanto Pablo Apis Yndi-  
gana de la Mision de San Luis Rey, ha  
hecho constar que en el año de 1840 se  
le concedió en el parage de Temucula una  
porcion de Terreno Constante de como una  
legua de largo por unidia de ancho inclu-  
sive las tierras de labros que ocupa y ab-  
gomas parras en esta, practicadas no obs-  
tante las diligencias y averiguaciones re-  
sanas segun lo dispuesto por las leyes u-  
sando de las facultades que me son confi-  
eadas a nombre de la Nacion Mexicana  
en asegurarle por las presentes letras la  
propiedad del terreno mencionado bajolas  
condiciones siguientes

1<sup>a</sup> El interesado se presentará al Ad-  
ministrados de la Mision de San Luis Rey  
para que le di la porcion del terreno de-  
ñalado con anterioridad lo hara medir  
y fijar los linderos respectivos

2<sup>a</sup> El agraciado y sus herederos lo dis-  
frutaran libre y esclusivamente destinandolo  
al uso y aprovechamiento que mas le convenga.

En su consecuencia tomase caron  
de este despacho en el libro respectivo y  
entregue al interesado para su se-  
guridad y demas fines.

Ciudad de  
los Angeles y Mayo 7 de 1845

Pío Pico

Juan Bandini  
Escriba

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Doc. N. A.  
No. 1 annexed  
to the Depo.  
of Abel Stearns

10

11



B

Juda Tomada earon de este Sujo  
despacho en el libro respectivo  
fha ut supra.

Bandini

State of California }  
County of San Diego }

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On this fourteenth  
day of January A. D. 1851, personally  
appeared before me, Recorder in and  
for the said County, Juan Bandini  
a Competent and Credible witness, by  
me duly sworn, who states on oath  
that he personally knew the person whose  
name is subscribed to the annexed In-  
strument as a party, that he well knew  
his signature, and was also aware of  
the fact of said instrument being exe-  
cuted in favor of the said Pablo Apis,  
and further that he the said Bandini  
was at the time said instrument was  
executed, Secretary for said Pio Pico, Go-  
vernor Interim of the Territory of Alta  
California, and signed himself thereto  
as such Secretary. And believes the name  
of the person subscribed thereto as a  
party was subscribed by such person.

H. C. Hackell  
Recorder

13

Recd for record January 14th A. D. 1851  
at 10 A. M. and registered January 14th  
A. D. 1851 10 P. M. in Book of Records  
Liber 6 pages 221 & 222

H. C. Hackell  
Recorder

Filed in Office Nov. 4th 1852  
Geo. Fisher Secy.

1/2



Pio Pico, senior member of the Most Excellent the Departmental Assembly & Governor ad interim of the Department.

Exhibit B.

Translation,

Grant

Doc. H. S. No. 1.

annexed to the Dep. laws;

of Abel Stearnes.

Muscas Pablo Apis an Indian of the Mission of San Luis Rey has made proof that in the year 1840 there was granted to him in the tract of Temecula, a lot of land consisting of about one league in length & one half in breadth, including the planting grounds which he occupies & some vines in the same, the necessary proceedings & investigations having never been taken according to the provisions of the laws; In the exercise of the powers conferred upon me, in the name of the Mexican Nation, I have come to conform to him by the present letter the ownership of the aforesaid land under the following conditions.

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1. The party in interest shall present himself to the administrator of the Mission of San Luis Rey, that the latter may give him the possession of the land, before set forth, will caused it to be measured & the respective land marks to be fixed.

2. The grantee & his heirs shall enjoy the same fully & exclusively, devoting it to the use & improvement which best may behoove him.

Wherefore let this patent be entered of record in the proper book & delivered to the party in interest for his security & other purposes.

City of Los Angeles May 7<sup>th</sup> 1845.

Pio Pico.

Juan Bandini - Secretary.

This superior patent is entered of record in the appropriate Book.

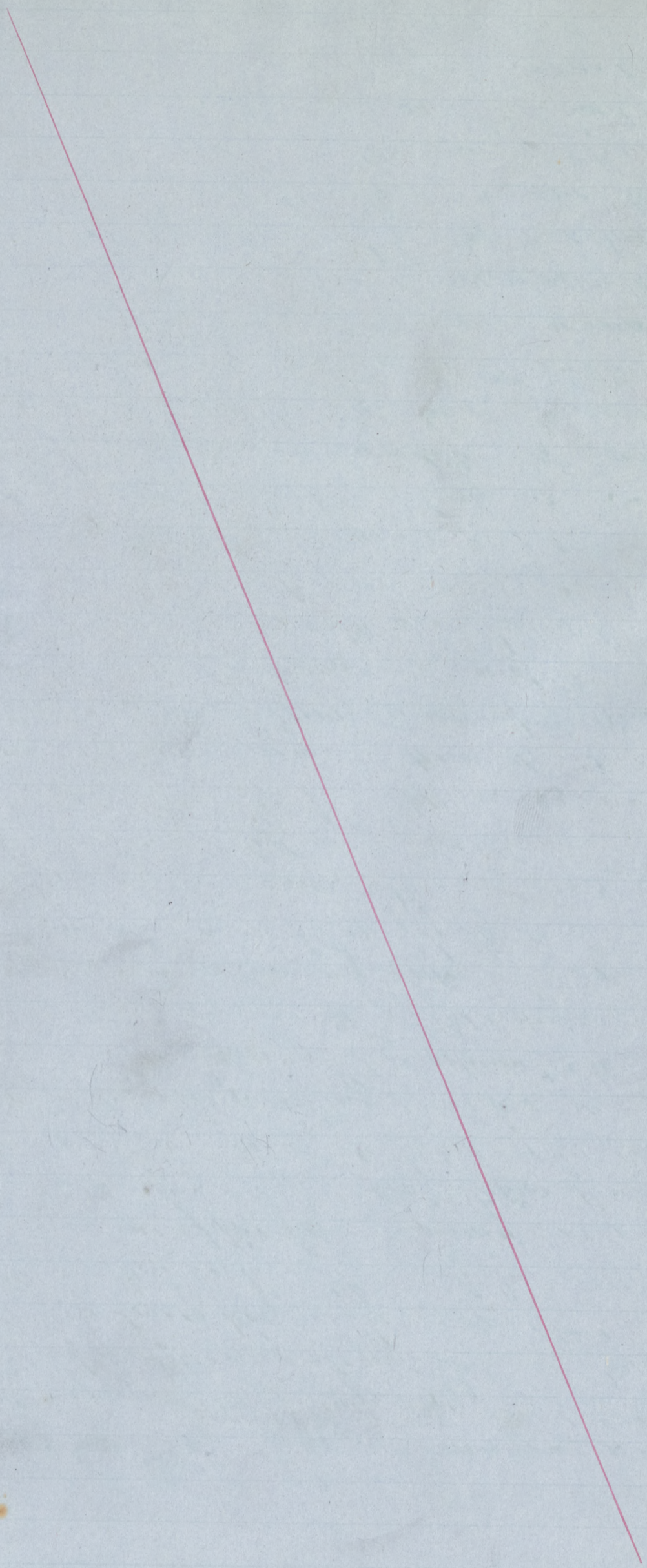
Same date.

Bandini

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

Geo. Fisher,  
Secy.





1875  
1876



No 435  
 Pablo Apis.  
 vs  
 The United States.  
 "Tumucula"

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Opinion by  
 N. Aug Thompson

This claim is for a half league of land in the County of San Diego & is founded on a grant made by Gov Pio Pico on the 7<sup>th</sup> of May 1845 to the claimant Pablo Apis a civilized Indian of the Mission of San Luis Rey. The affidavit filed in the case shows that on the 9<sup>th</sup> day of July 1843 a provisional grant of the land claimed was made to the claimant signed by the Rev<sup>d</sup> Father Ministers of the Mission, Fra Jose M<sup>a</sup> de Saldaña & Jose Joaquin Ortega as Superintendent in which he is required to obtain from the Superior Departmental Government the "legitimacy or ownership" of the land granted him. On the day following July 10<sup>th</sup> 1843 the claimant presented his petition for the confirmation or legitimacy of his grant. This petition does not appear to have been acted on until the 28<sup>th</sup> of April 1845 at which time Pio Pico then acting Governor of the Territory by a marginal decree directed the administrator of the Mission to report the demarcation of the land which was assigned the petitioner & on the 30<sup>th</sup> of the same month Jose Joaquin Ortega reports, the land to be a little more or less than 300 varas in length & 130 varas in breadth for his husbandry, & for his stock one league rather more & about half a league in breadth, all of which was granted him in the Rancho of Tumucula. In the provisional grant of July the 9<sup>th</sup> 1843 the land is described as that which has been marked out to him in the Rancho of Tumucula by the acting Superintendent of the Mission Don Jose Joaquin Ortega. On the 7<sup>th</sup> of May 1845 Gov Pio Pico issues the formal grant conferring on the claimant the ownership of the land describing it as a lot of land in the tract of Tumucula consisting of about one league in length & one half in breadth including the



planting ground which he occupies & some vines in the same. The above embraces all the description of the land claimed, which is contained in the documentary evidence filed in the case. The evidence of Abel Stearns proves the genuineness of the signatures of Do Pico & Juan Bandini to the original grant & that in the year 1857 the claimant was living on, & occupying the land - he had two houses on it - a stock of cattle & sheep, & some horses, - & at the time witness saw it had been gathering some crops. Horigo Reid proves that the land is situated about seven leagues from San Louis Rey in a Northwesterly direction in the county of San Diego - that he had known the claimant to be in the occupancy of the land for ten or twelve years - that he had a house on it & was living in it when he first knew it & that he has lived there ever since having built another house - He has cultivated part of the land & had on it stocks of cattle, sheep & horses - This constitutes the whole evidence in the case, & according to the principles settled by the board in other cases, there would be no difficulty in entering a decree of confirmation, had there been any proof by which the particular parcel of land granted could be identified & its boundaries established - A single glance at the testimony will be sufficient to show the total absence of any such proof. The grant is for a half a league of land within the Rancho or tract called Temucula, being about one league in length & half a league in breadth. but neither the grant itself nor any of the testimony in the case furnishes the least evidence to show in what part of Temucula, the land is situated, or what particular portion of the tract known by that name was intended to be granted. It is true the provisional title of the 9<sup>th</sup> of July 1843, declares that the land had been marked out to the grantee, & hence a presumption might arise that the claimant held by the boundaries then established, but this board cannot act on presumptions and

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inferences so vague & uncertain as this - there must be something tangible & definite for the board to confirm, & require certain data furnished by which the Surveyor General can, in the discharge of the duty which the law imposes on him designate & separate the land confirmed from the public domain. The only point of identification shown in the case is the place of residence or portions actually cultivated by the claimant, this according to the evidence would form but a very small portion of the whole tract, & furnishes no guide by which the boundaries could be ascertained or the remainders identified. That point might be included & yet very different lands be embraced in the boundaries according to the direction in which the lines were run from it. The case comes clearly within the rule laid down by the Chief Justice in the case of the United States against King et al, 3<sup>d</sup> Howard 786-787 & reaffirmed in Seamples case 11<sup>th</sup> Howard 127.

\*

The rejection of a claim like this, where the <sup>evidence</sup> carries a strong presumption of its validity, but is nevertheless <sup>deficient</sup> in a most material point may appear to be a great hardship upon the claimant. But it is impolitic for this board to change a rule which they have laid down for their action in the discharge of the duties imposed upon them by the law, & one which is so strongly fortified by authority as that now under consideration, on account of the individual cases of hardship which may arise under its application. The regret however at being compelled to reject such a claim, is greatly lessened by the fact that the law has provided another tribunal before which the party may appear & amend his proofs; & where the deficient testimony if it exists may be supplied.

The claimant having in this case wholly failed to identify the land claimed, or to establish any boundaries by which it could be surveyed & segregated from the public domain; according to the principles heretofore settled by the board - his claim must be rejected.  
Filed in Office Nov 13<sup>th</sup> 185-3.



Case No 435.

Pablo Apis  
vs  
The United States. } For the place called Temucula.

Decree.

In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the petitioner is not valid; & it is therefore decreed that his application for a confirmation thereof be denied.

55 SD  
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Alpheus Felch.  
Thompson Campbell.  
R. Aug. Thompson.

Filed in Office Nov 15<sup>th</sup> 1853.

Geo. Fisher.  
Secy.

2991 = 30 folios



Office of the Board of Commissioners,

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

55 SD  
PAGE 22

I, *George Fisher*, Secretary to  
Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Twenty* pages, numbered from  
1 to *20*, both inclusive, to contain a true, correct and full Tran-  
script of the Record of the Proceedings and of the Decision of the  
said Board, of the Documentary Evidence and of the Testimony  
of the Witnesses, upon which the same is founded, on file in this  
Office, in Case No. *433* on the Docket of the said Board,  
wherein *Pablo Apis* is

Claimant against the United States, for the place known by  
name of *"Tumacula"*.

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

*Geo. Fisher*





55

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

No. *55*, Docket

THE UNITED STATES

vs.

*Pablo Apis*

*"Ternscula" 55*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *455*

Filed, *August 30th* 1854

*W. H. Carter*  
Clerk

55





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

Whereas the Commissioners  
constituted for the purpose of ascertaining  
and settling private land claims in  
the state of California by the act of Con-  
gress of the U. S. of America, approved  
on the 3<sup>d</sup> of March 1851, entitled "An  
act to ascertain and settle the private  
land-claims in the State of California,"  
did on the fifteenth day of November  
eighteen hundred fifty three, by their de-  
cision of that date decide against the  
claim presented by the undersigned  
to the said Commissioners, which claim  
is for land lying in the said Southern  
District and is number four hundred  
and thirty five on the docket of claims  
before said Board, - and the said claim-  
ant being desirous that the said Dis-  
trict Court should review the said de-  
cision, Now hereby files this notice  
in the said Clerks office of his in-  
tention to prosecute an appeal, as is  
provided by the 12<sup>th</sup> Section of an act  
entitled "An Act making appropriations  
for the civil and diplomatic expenses



of the government for the year ending  
the 30<sup>th</sup> of June 1853 and for other  
purposes", which said act was approved  
on the 31<sup>st</sup> of August 1852.

Pablo Apis  
by E. O. Crosby  
of Counsel.

To the Clerk of the U.S.  
District Court of the Southern  
District of California  
18<sup>th</sup> of January 1854.

55 SD

PAGE 24



~~55~~ No. 55.  
U.S. District Court  
Southern District

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Pablo Apis  
appellant

— vs —  
The United States  
appellee

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Notice of Appeal.

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No. 5.

B.

Filed July 24/54  
A. S. Taylor  
clk

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55 SD  
PAGE 25 E. O. Corbin  
of Council.



Los Angeles

Nov 1878 24

I the Clerk of the Southern  
Dist of the U.S. Dist Court  
for California

Sir You will please  
take notice of the intention  
of the Claimant Pablo Apis for one  
half of a league square in Sanicula  
to prosecute the appeal for the  
Order of the U.S. Land Commission  
rejecting the claim -

To Capt. Edward Carr

Respectfully Yours

Henry Hancock

Junior Atty for  
Claimant



N. 55.

U.S. Dist Court  
Southern Dist of Cal.

---

Pablo Apis,  
applt

vs

The United States!

---

Appeal Notice

---

Filed Nov. 18<sup>th</sup> 1854.

J. E. Carr,  
clk.

A 55 SD  
PAGE 27



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

Decr Term 1836

José Apis Appellant } Doc N<sup>o</sup> 53  
ad } Term N<sup>o</sup> 433-  
The United States Appellee

55 SD  
PAGE 28

Upon Motion <sup>of Affidavit</sup> of Counsel  
Revised in the above entitled cause  
It is ordered and decreed that  
the same be revised in the  
name of Maria Antonia Apis  
and others heirs at law of  
José Apis deceased.

55 SD

28



No. 33

Maria Antonia Apis  
et. al. heirs at  
Law of Pablo Apis  
deceased -

Appellants  
ad

The United States  
Appellee

Order of  
Review

Filed this 19th February  
1857  
C. Sims ckb  
J. M. Coleman  
sep

One

55 SD

PAGE 29



In the United States  
District Court for the  
Southern Dist. of Cal.

Before Hon. Isaac S. K. Ogier  
Decr. Term, 1836

Pablo Apis Appellant } No 53  
ad. }  
The United States Appellee }

Now comes Maria Antonia  
Apis granddaughter of the Appellant  
in the above entitled cause by  
her Attorney and moves this  
Honorable Court that this cause  
be revived in the name of the said  
Maria Antonia Apis and others heirs  
at law of Pablo Apis deceased

Henry Hancock  
of Counsel for  
Appellant



N<sup>o</sup> 53

Maria Antonia  
Apis et al. heirs  
at Law of Pablo <sup>Apis deceased</sup>  
and S. Appellants  
The United States

Notice

Filed this 19th February  
1857  
Cecilia Clark  
J. M. Colman  
Att

55 SD  
PAGE 31

~~1/2~~ 1/2

PROBATE



In the United States District  
Court for the Southern Dist  
of California Decr Jan 1856

Before Hon. S. K. Ogden  
U. S. Dist. Judge

Pablo Apis Appellant }  
ad } Doc No 53  
The United States Appellee } Trms " 435

Petition }  
(in Review) } Your Petitioner Maria  
Antonia Apis for herself  
and others heirs at law  
of Pablo Apis deceased

Respectfully sheweth  
that on the 4<sup>th</sup> of Nov<sup>r</sup>  
1832 a petition was presented  
to the Board of United States Land  
Commissioners for ascertaining and  
settling private land claims in  
the State of California, claiming  
the lands in question in this case  
that on the 15<sup>th</sup> day of November  
1833 the said Commissioners  
made a decree rejecting the  
said claim; that the Transcript  
of the proceedings of the said  
Commissioners was duly filed in  
this Honorable Court according  
to law on the 30<sup>th</sup> day of August  
1854 that on the 24<sup>th</sup> day of  
January 1855 a Notice was



was filed with the Clerk  
of this Hon. Court of the  
intention of Claimant to pro-  
-sue the appeal

Your petitioners would  
further represent that their  
said claim to the lands  
in question in this case as  
seen from the Transcript  
heretofore referred to is good  
and valid, and that the  
decision of the said Land  
Commission ought to be  
reversed, and their title deemed  
to be good and valid

Therefore your petitioners  
Respectfully pray this Hon-  
-orable Court to reverse the  
decision of the said Land  
Commissioners, and to decide  
upon the validity of their  
said claim, and to confirm  
the same to them and for  
such further and other relief as  
in law and Equity they may be  
entitled to; and will ever pray

Henry Hancock  
of Counsel



No 53

Maria Antonia Apis

ad

The United States

Petition

for Review

Filed this 19th February  
1857

Lesius clk

J. M. Coleman  
dep

three

55 SD

PAGE 34



Pablo Apis appellants

vs  
The United States

appellants

Case No.

5-5-

Terrace

55 SD

PAGE 35

### Deposition of Antonio F. Cornell

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on ~~Monday~~, the 19 day of February A. D. 1857, at 1 o'clock P. M., on said day, on behalf of the appellants by the ~~Attorney~~ *of the appellants* to be used as testimony in a certain cause now pending in the ~~U.S. District Court for the Southern District of California~~ being Case No. 55, on the Docket of said Court, wherein *The United States* are appellants, and *Pablo Apis* is ~~an~~ appellee.

Present

*F. D. S. Shattuck*

Attorney in behalf of the appellants

and

*McKimmer*

in behalf of appellee.

Question by atty of appellants

Ques What is your name age and place of residence

Ans My name is Anto. F. Cornell born 39 years of age and have resided in Los Angeles County since the year 1838 and reside here now

Ques Do you know the claimant Pablo Apis in this case

Ans I knew him I heard that he is dead and also his son, whose name was also Pablo Apis

Ques State when they died

Ans I do not recollect

Ques State what children ~~the~~ Pablo Apis the ~~elder~~ elder had,



Ans Only know one whose name was Pablo Apis ~~of whom~~ who is now dead as I before stated

Quesk State ~~what~~ Do you know the Chil-  
dren of Pablo Apis the second,

Ans I know he had children but I never  
knew but one of them whose name  
is Maria Antonia Apis

Quesk Do you know the said claimed  
in this case yes so state what you know  
concerning its location,

Ans I know the Land, but do not the  
quantity or the lines with the exception of  
one - I know the locality of the Land  
but am not particularly acquainted  
with it - It bounds the Ranch of Tenme-  
ula on the East, <sup>little more or less</sup> and is in the same  
Cañada

Quesk State in what manner you gained  
your knowledge of the Ranch of Pablo Apis

Ans I work as an attorney in the part  
of Don Luis Vique, he came to his Ranch  
possession of his Ranch called "Tenme-  
ula" and in accordance with the custom  
the Judge Arguella cited Pablo Apis  
as an adjoining claimant to appear  
show his line, ~~the~~ proving his he  
justified his line to my satisfaction and  
to that of the Judge who was giving posses-  
sion and we respected it in the act,  
we ~~then~~ followed on Pablo Apis line in meas-  
uring the Lands of Luis Vique called Tenme-  
ula. ~~In the document of possession~~

Quesk In the document of possession of the

55 SD  
PAGE 36



Ques. In the document of profession of the  
track of the Terrucula it is recited  
that in following along the line of  
Pablo Apis, a turn was made to the  
point of bigniny. Please state in what  
manner that turn was taken

55 SD  
PAGE 37

(I repeat to in form & substance by  
Asst. Dist. Atty.)

Ans. According to my recollection  
which is not perfect, in being some  
ago we followed along the line of  
Pablo Apis until it made a turn  
on his line to the place of bigniny  
In respecting the line of Pablo Apis  
went into the Lander of Terrucula

Copied & Examined by U.S. States  
Dist. Atty.

Ques. When does Maria Antonia Apis  
now live

Ans. I do not know

Ques. Why did she live when you last  
saw her

Ans. I do not know her personally  
but as I was passing along time ago  
the Ranches of "Chino" on Terrucula  
a woman was pointed out to me as  
Maria Ant. Apis the daughter of  
Pablo Apis the second. I cannot re-  
collect the year in which I saw her

Memorandum before me

This 19<sup>th</sup> day of Feb 1857

Apis's attorney

A. J. Corvett





**I, C. Sims,**

of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing

Deposition of *Auton F Cronull* was taken before me

on the *19* day of *February*, A. D. 185*7*, according to the *affidavit* of the said *attorney*

PAGE *38*

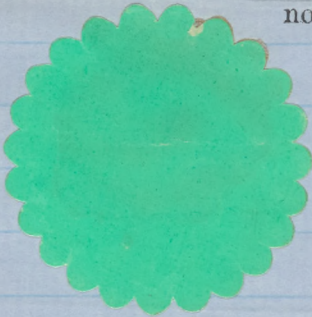
at the United States District Court House, in the City

of Los Angeles, and State of California, in behalf of the

That the said *Auton F Cronull* was by me duly sworn

according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this *19* day of *February*, A. D. 185*7*



*C Sims*

United States Commissioner.



No. 55

United States District Court for the  
Southern District of California.

*Pablo Pizarro*  
*appellant*  
*vs*  
*The Estates*  
*appellants*

55 SD  
PAGE 39

Deposition of *A Filson*

Filed this *19th Feb 1857*

*Wm*  
*Clr.*

*Law*







No. 53  
SD  
Pablo Alfis  
Appellant  
vs  
The United States  
Appellee

---

Affidavit  
of Counsel

---

Filed this 19th February  
1857  
Lesius Clark  
J. W. Holman  
Dep

two

404



United States of America, } SS.  
SOUTHERN DISTRICT OF CALIFORNIA.

THE PRESIDENT OF THE UNITED STATES,

TO

*J. Ora M.S. Atty*

55 SD

PAGE 42

GREETING:

TAKE NOTICE That a Petition, a copy of which is herewith served upon you, has been filed against ~~you, and each of you~~ <sup>The United States</sup>, in the District Court of the United States, in and for the Southern District of California, on the *19th* day of *February* in the year of our Lord, one thousand eight hundred and fifty-*seven*, at the City and County of Los Angeles, in said District, by

*Maria Antonia Apis et al praying  
said Court to review the decision of the Board of  
Land Commissioners of the 15th November  
1853, rejecting her claim to the land called  
Tomucula*

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.

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this *20th* day of *February*, in the year of our Lord, one thousand eight hundred and fifty-*seven*, at Los Angeles aforesaid.

*C. Sims  
J. W. Coleman  
Clerk*

Clerk.



No 55

Marshall Court

Copying Summons  
Having same  
Petition

3.  
3.  
\$ 6.00

UNITED STATES OF AMERICA,  
SOUTHERN DISTRICT OF CALIFORNIA,

U. S. DISTRICT COURT.

Mania Antona App<sup>ts</sup>  
et al

vs.  
The United States  
appellans

SUMMONS.

Return returns this 20th  
Feb'y 1857  
Clerks alk  
J. H. Goodman  
sep

55 SD  
43

PAGE

I served this Summons, along with the proper copy of the Petition, upon *Post Exp*  
*by delivering to him personally a true Copy of the same*

at *Los Angeles*

the *20th* day of *February*, in the Southern District of California, on  
A. D. 185*7*.

Sworn to and subscribed before me, *thys*

*20th Feb'y 1857*  
*J. H. Goodman*  
Clerk.  
*sep*

*Edward Hunter*  
U. S. Marshal.

*J. H. Goodman*  
Deputy



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

Pablo Apis & Maria Antonia Apis et al Substituted -  
~~et~~ vs Appellants  
The United States. Appellee.

N<sup>o</sup> 55.

Trans N<sup>o</sup> 435.

55 SD  
PAGE 44

The answer of P. Ord Attorney of the United  
States for the Southern District of California, for  
and in behalf of the United States, to the petition  
of for review of Maria Antonia Apis, and others  
heirs at law of Pablo Apis deceased, denies generally  
all and singular the allegations in said petition  
And further it is denied generally that the  
alleged title of the claimants is valid. And  
respondent prays that the Court will affirm  
the decision of the Board of Land Commissioners,  
and decree the said alleged title to be invalid,  
and general relief.

P. Ord  
Atty of U States.



N<sup>o</sup> 35,

Pablo Apis - Heir of .

vs,

The U States,

Answer of U States,

Filed this 21<sup>st</sup> February  
1857  
Clerk of  
J. A. Coleman  
clerk

Seven

55 SD  
PAGE 45



Exhibe "P" } En el Presidio de San Diego a los  
 Annera & Depout } Veinte y un dias del Mes de Mayo del año  
 of Ign. del Valle } Mil ochocientos cuarenta y cinco ante mi  
 Jose R. Argüello Alcalde segundo Constitucional de  
 este referido punto y su demarcacion. En virtud  
 de la solicitud verbal echa por el C. Ant.  
 Coronel Apoderado de Don Dr. Luis Vignas en  
 representacion del Don Felix Valder y de  
 una orden del veinte y tres del presente del Excmo.  
 Don Gobernador de este Departamento para efecto  
 de poner en posesion jurídica del Paraje de  
 Temucula al Don Felix Valder y en cumpli-  
 mto de lo expuesto y del titulo que presente con  
 fecha del cartore de Diciembre del año de Mil  
 Ochocientos cuarenta y cuatro; pasé por mi y tes-  
 tigos de asistencia al mencionado paraje y  
 pongase en segura posesion de él al expresado  
 Don Valder, asi yo el fuere que suscribo de-  
 crete mandé y firmé con los de mi asistencia  
 segun derecho - Jose R. Argüello - asistencia  
 Juan M. Maron - asistencia Juanuario Abila  
 - Estando en el Paraje de Temucula a las  
 tres dias del Mes de Junio del mismo año y  
 en cumplimiento del anterior decreto a efecto  
 de verificar las medidas y posesion del ya  
 mencionado paraje despues nombrados  
 oficiales cordeleros los que por no saber escribir  
 se omiten sus nombres, a las quales les tomé  
 el juramto respectivo bajo el cual ofrecieron  
 desempeñar fiel y legalmente su encargo pre-  
 vias las formalidades de ley lo que asiento  
 por diligencia que autorice y firme con los  
 testigos de mi asistencia segun derecho - Jose  
 R. Argüello - asistencia Juan M. Maron - asistencia  
 Juanuario Abila

PAGE 46 SD



## translation of Page 2

On the same day month and year being upon the  
aforesaid "Tract," for the purpose of carrying out the  
measurement of possession to Felis Valdes ~~and~~  
agreeable to the title of the aforesaid the required forms  
and ~~and~~ messages having proceeded and being present  
the Assisting Surveyors and Chainmen I caused to be  
measured a cord of one hundred varas, to the ends of  
which were affixed wooden stakes; first, observation and  
calculation by my order having been made and standing  
at the ~~the~~ corner of the orchard of the Indian Francisco to  
the western part with the line of Vicente Morayo who being  
present alleged that a piece of land being measured belonged  
to him and having examined the title which was then  
produced it appeared not to belong to him, from which  
motion the cord was cast North and then was measured  
and counted 20500 varas which terminated  
at the ~~the~~ hillside of the <sup>small</sup> mountain of San Miguelito  
boundary line of Don Ant<sup>o</sup> Estudillo where was ordered  
that the interested party should place <sup>his</sup> monument  
from this point the cord was cast direction East and then  
was measured and counted 2500 varas which terminated  
at the monument of Julian Manriquez at the same mo-  
untain of San Miguelito boundary of the aforesaid Estudillo  
from this point with direction on a N. East line the cord  
was cast all along the boundary line of Julian Manriquez  
and then was measured and counted 25000 varas which  
terminated up on the mountain where was designated  
as a monument a peak of said mountain from this point  
the cord was cast on a West line and then was measured  
and counted 17500 varas which terminated at a  
round hill which is on the other side of the  
high way (main road) which ~~go~~ leads from



En el mismo día mes y Año estando en el Paraje ya indicado a efecto de verificar las medidas de posesion de Don Felix Baldes y con arreglo al titulo de este ~~Sor~~ previa todas las requeritos de estilo y estando ante mi los testigos de asistencia y oficiales cordeleros ise medir un cordel que tenia cien varas y a los extremos unas sancas de madera previa observancia y calculo por mi disposicion paradas en la esquina de la Puerta del Indio Francino a la parte del O. con el lindero de Dr. Vicente Moraga quien estando presente espuso pertenecerle un pedazo del terreno que se media y examinado el titulo que en el acto presento se observo no pertenecerle por cuyo motivo se tiro el Cordel rumbo ~~N.~~ N. y se medieron y contaron veinte mil quinientos varas que remataran en la falda de la Sierra de San Miguelito lindero del Sor Don Jose Ant.° Estudillo donde se mando el interesado pusiese su mohonera de este punto se tiro el cordel rumbo E. y se medieron y contaron dos mil quinientos varas que remataron en la mohonera de Don Julian Manriques en el mismo Serrito de San Miguelito lindero del expresado Estudillo: de este punto con direccion al rumbo N. E. se tiro el cordel por todo el lindero de Dr. Julian Manriques y se medieron y contaron veinte y cinco mil varas que remataron arriba de la sierra donde se marco por mohonera un picacho de dha Sierra; de este sitio se tiro el cordel rumbo O. y se medieron y contaron diez y siete mil ~~varas~~ quinientas varas que remataron en un morro que esta del otro lado del camino real que sale de



Exhibit "P"  
Annuaire to Depart<sup>o</sup>  
of Ygg. de Valle

In San Diego on the 21<sup>st</sup> day of May  
A.D. 1845 Before me Jose R. Arguella, second  
Alcalde of the beforementioned town and adjoining  
County. In consequence of a verbal request  
made by Antonio Coronel lawful agent of Luis Regnes  
who represents Felix Valder and of an order from the Governor  
of this Department of the 23<sup>rd</sup> Inst for the purpose of placing Felix  
Valder in judicial possession of the tract of land "Termeula"  
and in compliance with the aforesaid and the "title" pro-  
duced bearing date Dec 14<sup>th</sup> A.D. 1844, I proceeded together  
with assisting witnesses to the said "tract" and put it in  
the safe possession of the said Valder thus I the undersigned  
judge ordered and decreed and signed with my assisting  
witnesses - Jose R. Arguella. witness Leon M.<sup>o</sup> Mason  
Jenuaris Abila - Being upon the "tract" of Termeula  
on the 3<sup>rd</sup> day of June of the aforesaid year and in accord-  
ance <sup>with</sup> the aforesaid decree to fulfill the measurement and  
possession of the aforesaid "tract" I caused to be appointed two  
cord bearers who unable to write their names are omitted.  
who having been duly sworn, promised to faithfully and  
legally perform their duties in accordance to law which  
I extend as an act which I authorize and sign with  
my assisting witnesses according to law Jose R. Arguella  
witnesses Leon M.<sup>o</sup> Mason Jenuaris Abila



Translation of Page 3

Jenuela ~~para~~ to San Luis and makes the head of the  
plots to the part of the East from this point the Cora  
was stretched direction North and then was measured and  
counted five thousand 5000 Varas and terminated in the  
point of the same name from this point to the East  
there was measured four thousand Varas which termi-  
ated on the boundary line of the Indian Pueblo Apis which  
was designated as boundary monument a peak which is above  
the said boundary line from here the Cora was cut to the North  
<sup>all</sup> along the boundary line of the Old Indian Pueblo Apis and went  
making a turn to the Orchard where we commenced the meas-  
urement and there was counted 5000 Varas which closed  
<sup>on</sup> at the corner where was begun the measurement in which place  
the person in interest was commanded to place a proper monument  
and I said to him remain in safe and peaceful possession  
that he should fully and enjoy the same said tract  
agreeable to the grant from higher authority by this  
finishing the act which I authorize and sign with  
my assistants according to law Lope R. Arguella  
Witnesses Juan M. Mason Gonzalez Abela

55 SD

PAGE 50



Temucula para San Luis y forma cabesera del  
potrero a la parte del E. de este lugar se tiro  
el cordel rumbo N y se midieron y contaron cinco  
mil varas y remataron en la punta de la misma  
cañada de este punto con direccion al ~~EE~~ E se me-  
dieron cuatrocientas varas que remataron en  
el lindero del Indio Pablo Apis que se marcó  
por mohonera un picacho que esta arriba del es-  
presado lindero ~~de~~ de aqui se tiro el cordel rumbo  
N. por todo el lindero del Indio Pablo Apis el viejo  
y fue dando vuelta hasta ~~la~~ donde com-  
enzamos las medidas y se contaron cinco mil  
varas que remataron en la esquina donde se  
dio principio a las medidas; en cuyo lugar  
se le ordenó al interesado fuese su correspond-  
iente mohonera y se le dijo quedaba en segura  
y pacifica posesion p<sup>o</sup> que desportara libre y  
franquamente del enunciado paraje segun la  
concesion de la superioridad dandole por con-  
cluido el acto que autorice y firme con lo de mi  
asistencia segun derecho - José R. Argüello  
- Asistencia Juan M. Maron - Asistencia  
Juanario Abila

J. C. Sims Clerk of the United States  
District Court for the Southern District  
of California do hereby Certify that the  
foregoing deed preceding pages, marked Page  
1, Page 2 and Page 3 on these two sheets of pa-  
per is a correct true and exact copy taken from  
pages 46 to commencement of page 49 all inclusive  
of Transcript No 119 on the docket of this Court  
and now on file in my office  
In testimony whereof



I have set my hand and affix the Seal  
of said Court this 21<sup>st</sup> day of February 1854

James  
Clark



No. 35

Man Antonio Alpis

et al. heirs at law  
of Pablo Alpis

ad

vs. United States

Translation of  
Judicial Possession  
in Case No.

Filed this 21<sup>st</sup> day of February  
1854

James Clark  
J. M. Coleman  
clerk



*M. Antonia Apis et al  
him et Law of the Dic Pablo Apis  
apptd*

Case No. 55.

*The United States*

## Deposition of *Juan Ramirez*

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on *21<sup>st</sup>*, ~~the~~ day of *February* A. D. 1857, at 10 o'clock A. M., on said day, on behalf of the *Claimant* by the *Consent of parties*

to be used as testimony in a certain cause now pending in the *U. S. District Court* for *Southern Dist of California* being Case No. 55, on the Docket of said Court, wherein *M. A. Apis et al* are appellants, and *The United States* are appellees.

Present *P. Odd Exp.* Attorney in behalf of the appellants  
and *A Hancock Exp.* in behalf of appellees.



Question by U. S. Dist Atty

On your V. D. have you any interest <sup>in this case</sup>  
Answer I have none

Question  
Answer

What is your name, age and place of residence  
My name is Juan Ramirez, my age is 46 years, and I reside in Los Angeles County

Question

Have you any knowledge of the land claimed in this case, and if so, please state what you know of its locality

Answer

I know it, it is in the Valley of Temecula in San Diego County

Question

Were you present at the time Don Jose Joaquin Ortega marked out the land for him, and if so state whether the corners were then established

Question

Answer

Do you know whether the lands have ever been marked out, and the lines established

Answer

Yes, at the time the Alcalde of San Diego gave possession to Don Luis Viegas of the Rancho of Temecula, I was present and the lines of Pablo Apis were first marked out, in order that ~~we might~~ the possession might be given of the lands of Don Luis Viegas, respecting at the same time, the lands which had previously been given to Pablo Apis

Question

Could you now go and show to a surveyor the lands that were then called the lands of Pablo Apis

Answer

I know them well

Question

Do you know all the corners of the land claimed in this case



Answer I could there in the right

Question Did you know the graunte, Pablo Apis, in this case, and if so state whether you know if he is now living or not

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Answer I did know him, but he is now dead, and is dead about 6, or 7 years, and had a son named Pablito, who is also dead, about 5 years

Question Please state what you know of the family of Pablo Apis Vijo, and how many there were in the family

Answer I know Pablito to be a son of Pablo Apis Vijo, and I have known ~~two children of Pablito Apis a son and a daughter, the~~ <sup>a</sup> ~~sons~~ <sup>wife</sup> name was Maria Antonia or M<sup>rs</sup> Jesus. I cannot exactly recollect

Juan<sup>hi</sup> Ramirez  
mark



**I, C. Sims,**

of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing

Depositions of Anna Rumery was taken before me on the 21 day of February, A. D. 1854, according to the Consent and agreement of the said parties

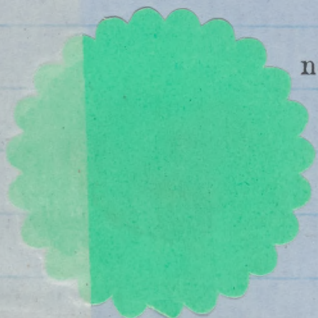
at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the Claimant

That the said Anna Rumery was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this 21 day of February, A. D. 1854

C. Sims

United States Commissioner.



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No. 55

United States District Court for the  
Southern District of California.

*McA Spis et al*  
*app'ty*

*In United States*  
*app'us*

*Sic* 55 SD  
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Deposition of

Filed this

*Suan Ramon*  
*21<sup>st</sup> February 1857*  
*McSpis clk*  
*J. M. Coleman*  
*clerk*



In the United States District Court  
for the Southern District of California  
December Term 1856  
Before Hon. Isaac H. Ogier  
Judge

Maria Antonia Apis et al.  
heirs at law of Pablo Apis  
deceased. Appellants  
and  
The United States  
Appellee

Doc. No. 35  
Case No. 435

This cause coming on to be heard  
on a regular term of this Honorable  
Court, on an appeal from the  
decision of the United States Land  
Commissioners for ascertaining and  
settling private land claims in the  
State of California appointed  
under an act of Congress approved  
on the 3<sup>d</sup> of March 1851 upon the  
transcript of the proceedings  
decision, papers and evidence upon  
which said decision was founded  
and it appearing that the said  
transcript was duly filed  
according to law and counsel  
for the respective parties having



been heard It is ordered  
adjudged and decreed that  
the decision of the said  
Commissioners be reversed.  
That the claim of the said  
Appellants Maria Antonia Apis  
et al. heirs at law of Pablo  
Apis deceased is a good and  
valid claim; That their title  
to the land situated in the  
valley of Jimicula County  
of San Diego to the extent and  
quantity specified in the  
original grant of date May  
7<sup>th</sup> 1845 supersedes the same  
being made to a previous grant  
of 1840 is a good and valid title  
and the ~~land~~ <sup>land</sup> hereby  
confirmed <sup>and described</sup> is as recited in said  
grant of 1845 to wit, ~~about~~ one  
league in length and one half  
of a league in width together  
with the planting ground occu-  
-pied by said grantee at the  
date of the grant last named

Manuel P. O'Neil  
R. S. Pina Judge



No 53

No 53

W.D. Webb  
Master, Dist. Ct.

Maria Antonia Apis  
et al. heirs at law  
of Pablo Apis deceased  
Appellants  
vs  
The United States  
Appellee

M. Antonia Apis et al.

Decem

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Debra

Filed Feb 23<sup>rd</sup> 1857

W.D. Webb  
Clerk

Recorded on Page 237



UNITED STATES OF AMERICA, ss.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

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To the Honorable the Judges of the District Court  
of the United States, for the Southern District  
of California



Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District  
of California before you, in a cause  
between Maria Antonia Apis et al heirs-at-law of  
Pablo Apis deceased, appellants and the United  
States, appellees, (No 55 for "place called "Semecula")  
wherein the decree was rendered in favor of the  
said appellants.



UNITED STATES OF AMERICA

THE PRESIDENT OF THE UNITED STATES OF AMERICA



03

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as by the inspection of the transcript of the record \_\_\_\_\_

of the said *District*

Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*

agreeably to the act of Congress, \_\_\_\_\_

in such case made and provided, fully and at large appears.



And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *sixty three* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and ~~was argued by counsel: On consideration whereof,~~ *on the motion of Mr Attorney General Bates of Counsel for the Appellant* it is now here ordered, adjudged, and decreed by this Court that this Cause be and the same is hereby dismissed. *12 Feb.*

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You, therefore, are hereby commanded that such further proceedings be had in  
said cause,

as according to right and justice, and the laws of the United States ought to be had, the said appeal  
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the  
first Monday of December in the year of our Lord one thousand eight hundred  
and sixty three -

COSTS OF         
Clerk..... \$         
Attorney... \$         
\$       

Taxed by

Geo. Middleton

Clerk of the Supreme Court of the United States.

No 55-210

No. 162. December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

U. States vs. Ophir et al

Filed Nov 29th 1863

Johnston

by

Robert Mangin et al

Clenn



On motion of P. W. U. S.  
Sect Att. It is ordered that  
an appeal be allowed the  
United States with follow  
cases, to wit The X 155

Tuesday 24th February  
1857 Dec Term 56

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United States of America,

\$

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

ASHER B. BATES, Register in Bankruptcy.

Bankrupt

Assignee.

*San Francisco,*

*1877*

**Bank of California,**

*or Order,*

*Dollars,*

100

*to the credit of the Court in the above Estate.*

*Register.*

*Assignee.*



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Imvels,

Minutes Vol 5, P. 465

May 7, 1867



United States of America,

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

ASHER B. BATES, Register in Bankruptcy.

Bankrupt

Assignee.

*San Francisco,*

*1877*

**Bank of California,**

*or Order,*

*Dollars,*

100

*to the credit of the Court in the above Estate.*

*Register.*

*Assignee.*



In the United States Dist  
Court for Cal<sup>a</sup>

The United States appellants

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Maria Antonio Apis } Tuesday  
et al. heirs at law of } May 9<sup>th</sup> 1884  
Pablo Apis deceased } Appellus

n<sup>o</sup> 55

Before Hon Ogden Hoffman  
Dist Judge

Whereas an appeal in  
this cause has heretofore  
been allowed to the United  
States Supreme Court from  
a decision of the <sup>late</sup> United States  
Dist Court for the Southern  
Dist of Cal<sup>a</sup> - confirming the  
claim of appellus and  
Whereas a Mandate of the  
Supreme Court of the United  
States dismissing the said Appeal  
has been filed in this Court

Now therefore It is ordered  
that the order of the said Court  
allowing an appeal to the <sup>Court</sup> Supreme



be and the same is hereby  
vacated and that the said  
Appellus be allowed to proceed  
under the decree heretofore  
rendered as under a final  
decree

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Ed  
Cut May 7 1864  
Galehouse  
also  
of Sneap Co.

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