

CASE No.

146

SOUTHERN DISTRICT

BOCA DE LA PLAYA GRANT

EMIGDIO VEJAR

CLAIMANT

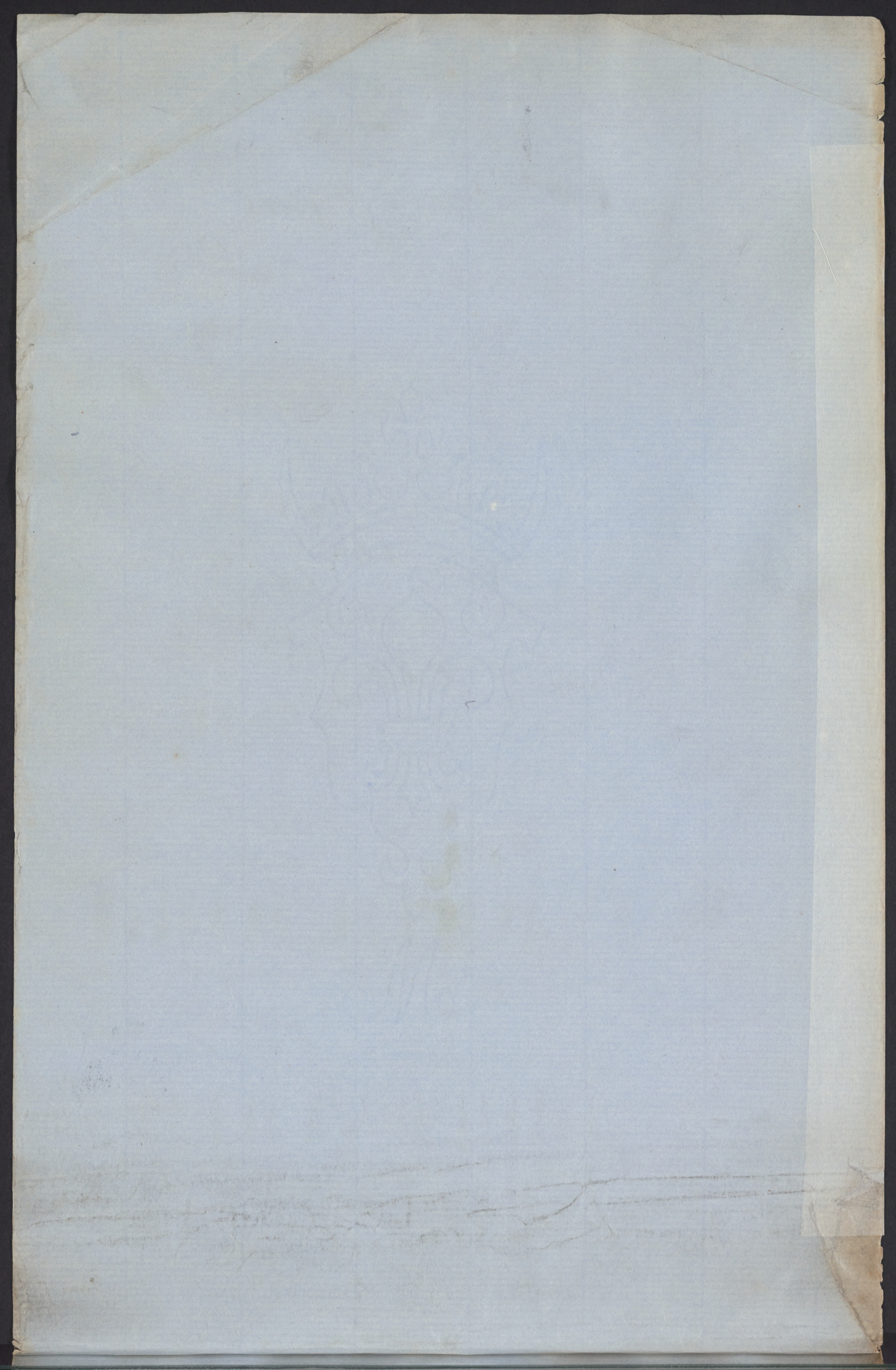
LAND CASE 146 SD pgs. 33

MAR 4 1963

U.S.A.
25% COTTON FIBER
Plover Bond
Cherrywood

489

Journal



TRANSCRIPT

146 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 482

Emigdio Vyas

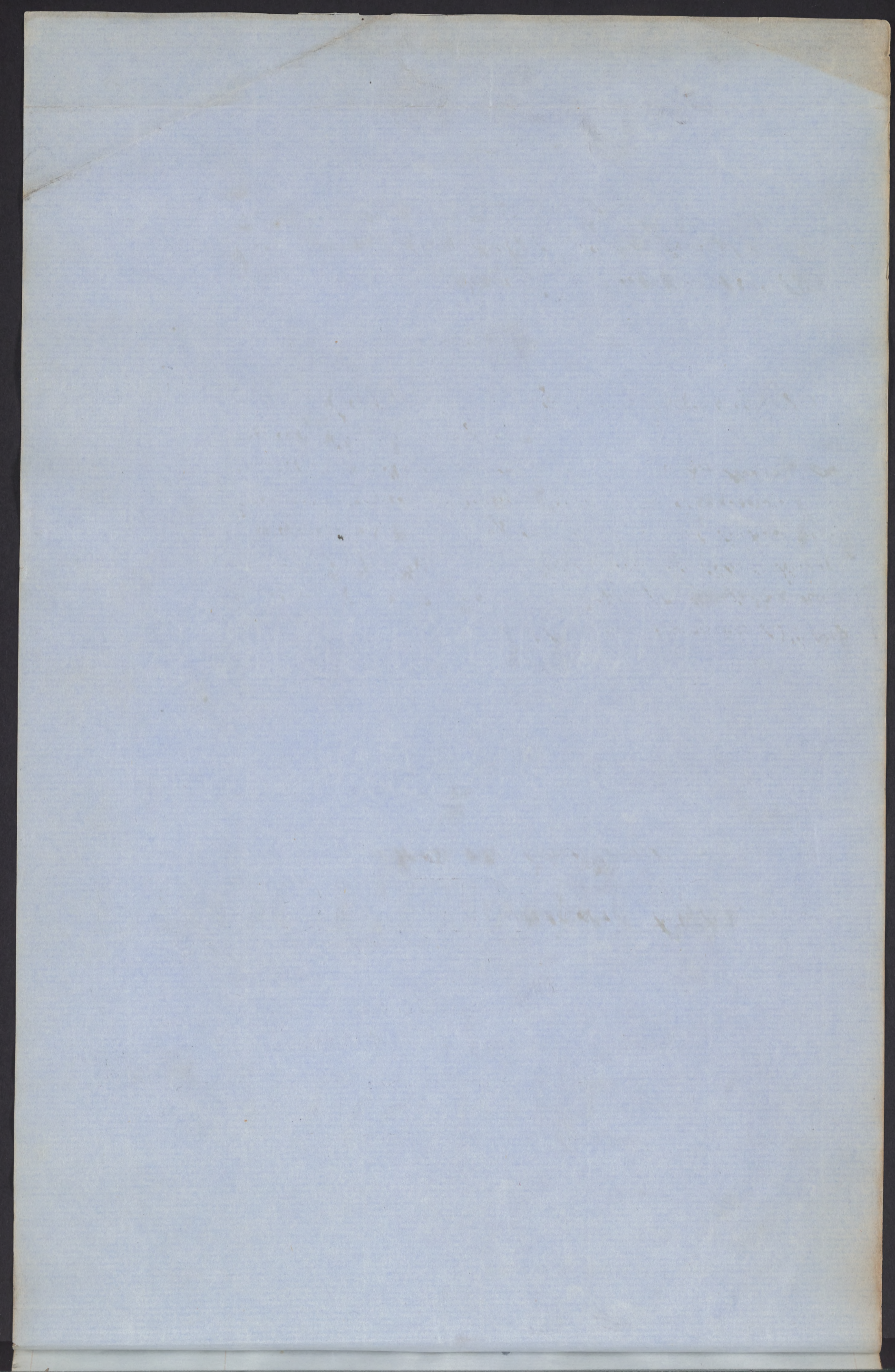
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Boca de la Playa"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

146 SD
PAGE 2

Be it Remembered, that on this *twelfth 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 *Emigdio Vezar*,
for the Place named
"Boca de la Playa",
was presented, and ordered to be filed and docketed with No. *482*, 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 13th 1852.
In Case no. 482, *Emigdio Vezar* for the place named, "*Boca de la Playa*", the deposition of *Abel Stearns*, a witness in behalf of the claimant, taken before Commissioner *Melana Hall*, with document marked *H. H. no. 1* and a translation thereof annexed thereto, was filed;

(Vide page *4* of this Transcript.)

San Francisco Oct. 13th 1853.
Case no. 482 was submitted on Briefs and taken under advisement by the Board;

2.

San Francisco, March 14th 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim;

(Vide page 18 of this Transcript)

146 SD

PAGE 3

San Francisco, Aug. 15 1854.

In the same case, on motion of the United States Law Agent, the following order was made, to wit;

(Vide page 20 of this Transcript)

148

3

To the Honorable The United States Commis-
sioners for ascertaining and settling private land
claims in California

Petition

Your petitioner Emigdio
Dejar resident of the County of Los Angeles &
State of California respectfully represents that he
claims to be owner in fee simple of the place called
"Boca de la Playa" situated in said County and con-
taining one and a half leagues of grazing land more
or less. Said place was granted to petitioner by Pio
Pico while Governor of California and vested with
ample power in the premises by and of grant in
fee dated the 7th of May A.D. 1846. and petitioner
was put in Judicial possession thereof by the prop-
er authority on the 19th of April A.D. 1847. That from
and ever since the date of said grant the petitioner
has occupied said place with cattle and perma-
nent improvements and has made it the residence of his
family fulfilling all the conditions of said grant
In said grant & act of judicial possession said
place is bounded on the north by the marsh which is
also granted to him, on the east by the boundary lines
of the Rancho of Juan Bostu and Felipe Carillo
on the South by the Sea Coast and on the west by
the first hills of the Canadas of the mouth of the Sea
Coast and is not far from the Ex. Mission of
San Juan Capistrano. It has not been surveyed
by the United States Surveyor General for California
There is no interfering claim. Your petitioner relies
in support of his claim upon the following documen-
tary Evidence filed herewith

- 1st Copy of the original grant marked "A"
- 2d Copy of act of Judicial Possession mark "B"
- Accompanied by a true Translation of said grant
marked C. and he will rely upon such other docu-
mentary Evidence and paper Evidence as may be neces-
sary, and he prays Your Honorable Board to em-
power him in his claim, and as in duty bound &c.

Scott & Granger
attys for petitioner

Nov. 12th 1852.

146 SD
PAGE 4

4

Las Angeles Nov. 13th 1852.

On this day before Comm. Holland Hall came Abel Stearns a witness in behalf of the Claimant Emigdio Vefar petition No 482 and was duly sworn his Evidence being given in English

The U. S. Associate Law Agent was present

146 SD
PAGE 5

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

Dep.
a. Stearns

My name is Abel Stearns. My age is fifty four years & I reside in Las Angeles.

A paper is now shown me purporting to be a grant to Emigdio Vefar dated 7th of May 1844 to which is attached a testimonial of Judicial possession dated 19th of April 1847. The signatures of Sr Pio, Jose Nicolas Moreno, Julian Chavis, Leonardo Cota & Jose M^a Herrera appearing on said paper I believe to be genuine I am acquainted with their Signatures. Said Chavis was an acting Plaintiff at the date of said judicial possession. Said paper is hereto annexed & marked A B No 1.

I know the place called Boca de la Playa. It is in this County near the mission of San Juan Capistrano. In August 1846, I was at the house of said Vefar on the place. He had a house there in which he resided & had cattle & horses. The house appeared to have been built some time before I think he must have been there two or three years perhaps more. It was an Adobe house & he had also corral. He continued to occupy it to the present time.

Abel Stearns
Sworn & Subscribed
Before me
Holland Hall Comm.

Filed in Office Nov. 13. 1852
(signed)

Geo Fisher Secy

f

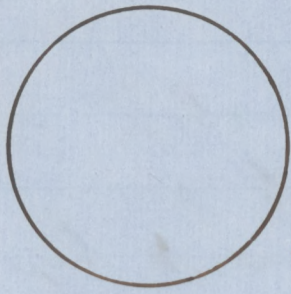
Testimonio
a favor de D. Emigdio Vegas

146 SD
PAGE 6

Año de
1847



6
Pio Pico Gobernador Constitucional del Departamento de California



146 SD
PAGE 7

Doc. H. H. 801
annex to the
Depo. of Abel
Stearns.

Por cuanto el Ciudadano Emigdio Vezar ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de "Boya de la Playa" en la jurisdicción de San Juan Capistrano, usando de las facultades con que me hallo autorizado por el Supremo Gobierno a nombre de la nación mexicana, he venido por decreto de este día en conceder al expresado Vezar el terreno mencionado declarándole la propiedad de él por las presentes letras obrando de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1825 a reserva de la aprobación de la Exma. Asamblea Departamental y bajo las condiciones siguientes

- 1^a Podrá cercarlo sin perjudicar los caminos comunales y servidumbres; lo disfrutará libre y exclusivamente destinándolo al uso o cultivo que mejor le convenga.
- 2^a Solicitará del Juez Ejecutivo la de la posesión jurídica en virtud de este despacho por el cual se demarcaran los linderos con las correspondientes mojones.
- 3^a El terreno de que se le hace donación es puramente el que demarca el diseño, y linda al Norte con la Ciénega, que también se le concede, al Oriente con los linderos del rancho de Don Juan Pastor y los linderos del paraje concedido a Don

7

Elife Carrillo, entre San Mateo y las Pulgas, al Sur con la Playa y al Poniente con las primeras tomas de la Cañada de la Boca de la Playa. El juez que diese la posesion lo hará medir con arreglo a ordenanza, a vista del diseño con suvia citacion de colindantes, y anotara por diligencia el numero de sitios de ganado mayor que comprende.

146 SD
PAGE 8

En comunicacion mando que terminandose el presente titulo por firme y validero se tome caron de el en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines

Dado en la Ciudad de los Angeles en papel comun por falta de sellado a siete dias de Mayo de mil ochocientos cuarenta y dos.

Pio Pico.

José Matias Moreno
Sro. Jnto.

Queda tomada caron de este Superior despacho en el libro respectivo
Moreno

Received the foregoing document on the 3^d day of Oct. A. D. 1851 at 4 minutes past 5 o'clock P. M. & recorded the same on the 4th day of Oct. A. D. 1851 at 10 o'clock at request of Juan Padilla in book of Deeds so page 57

B. Dueson Recorder
By Wm. J. Deje

8

146 SD
PAGE 9

En la Ciudad de los Angeles a los diez y
nuebe dias del mes de Abril de mil ochocien-
tos cuarenta y siete amunte a la solicitud
que ha echo D.^o Emigdio Vayas para que se
le de posesion juridica del parage nombrado Bo-
ca de la Playa, en la jurisdiccion de San
Juan Capistrano, del cual porcanto el tita-
lo respectivo expedido por la Superioridad
en fecha siete de Mayo de mil ochocientos
cuarenta y seis: pasese por mi y testigos
de asistencia y procedase a dar la posesion
indicada con total arreglo al mencionado
Titulo. Asi yo Julian Chaves Regidor de
Cano del Ylustre Ayuntamiento y fun-
giondo de Alcalde segundo por inhiercion
del Alcalde segundo, dieste mande y fir-
me con los de asistencia segun derecho =
Julian Chaves = asistencia Leonardo Costa =
asistencia = Jue' Maria Herrera = En segui-
da puse oficio a los Señores Alcaldes
manifestandoles el objeto a que me diri-
gia al parage de la Boca de la Playa
pues iba a emendarlo y poner en pose-
cion al Señor Don Emigdio Vayas; y como
los precitados Alcaldes contestaron de con-
formes sin manifestar objecion alguna,
lo pongo por diligencia, lo que autorize y
firme con los de asistencia segun derecho =
Julian Chaves = asistencia Leonardo Costa =
asistencia Jue' Mariano Herrera = Acto con-
tinuo y estando ya inmediato al parage
de la Boca de la Playa, nombre de ofi-
ciales Cordeleros que lo fueron Miguel Ber-
dugo y Guadalupe Rodriguez, a los que
manifestandoles el objeto de su nombra-
miento aceptaron decompromiso fiel y legalmente

9

las funciones de su encargo; esto contestaron
 y no firmaron por no saber y lo hice yo con
 los de asistencia segun dicho = Julian Chabas
 asistencia = Leonardo Cota = asistencia = Jose
 M.^a Herrera = En el acto y encontrandome
 en la Boca de la Playa al pie de una
 loma que se haya en la orilla de la Playa;
 estando por delante los testigos de asisten-
 cia y los oficiales Cordeleros, mande medir
 un Cordel Constante de diez varas al que
 se ataron a sus extremos unos Bancos de
 madera, y previa observacion y Curcubo por
 mi disposicion se tiro el primer Cordel
 rumbo Este y se midieron y contaron
 siete mil quinientas varas que rema-
 taron en el segundo derecho, lindero de
 D.^o Felipe Carrillo donde se mando
 poner una mojenera. Luego de este pun-
 to se tiro el segundo Cordel en direccion
 al Norte treinta grados al Este y se
 midieron y contaron cinco mil varas que
 remataron en la punta de una loma don-
 de se haya una mojenera lindero de
 D.^o Juan Torres y de D.^o Felipe Carrillo.
 En seguida de este mismo punto y con
 direccion al Norte cuarenta grados al
 Oeste, se midieron y contaron cinco mil
 varas que remataron en una cuchilla
 alta que da vista para la Cañada de la
 mission vieja, donde tambien se mando
 poner una mojenera. De este lugar
 y para concluir la remudicion de este sitio
 se tiro el ultimo Cordel rumbo Sur seten-
 ta grados al Oeste y se midieron y con-
 taron ocho mil doscientas varas que rema-
 taron donde mismo se Comenzo a medir,

146 SD
PAGE 10

11

146 SD
PAGE 11

y habiendo sido Conforme el interesado, lo di por proveyonado a nombre de la nacion y las leyes, con lo que se concluyo el acto y firmaron conmigo los de asistencia segun derecho = Julian Chaves = asistencia Leonardo Cota = asistencia = Jose Maria Herrera = Angeles Abril 20 de 1847 = Dende testimonio a la parte de las presentes diligencias para su engruado y seguridad asi yo Julian Chaves Regidor de cano del ylustre Ayuntamiento y jurquindo de Alcalde segundo por inhincion del Alcalde segundo propietario, lo decreto mande y firme con los de asistencia segun derecho = Julian Chaves = asistencia = Leonardo Cota = asistencia Jose Maria Herrera = Razon se entrego el testimonio respectivo al interesado en esta fecha - Republica = Concurda con su original a que me remito y se haya en el protocolo de este ano, del cual se saco Corrigio y confronto en estas tres fojas de papel Comun por falta de sellado doy fee

En testimonio de verdad

Julian Chavez

Ana
Leonardo Cota

Ana
Jose M. Hernandez

Filed in Office
Nov. 13th 1852

Geo. Fisher
Secy.

Pio Pico Constitutional Governor of the Department of California -

"L"
Promission
of
Grant

Whereas the Citizen Emigdio Veyar has petitioned for his personal benefit and that of his family for the land known by the name of the "Boca de la Fleja" in the jurisdiction of San Juan Capistrano exercising the powers conferred on me by the Superior Government. I have concluded in name of the Mexican Nation by decree of this day to grant to the said Veyar the land aforesaid declaring it his property by the present letters acting in conformity with the law of 18th of August 1824 and the legislation of the 1st of November 1828 reserved for the approval of the N. E. Departmental Assembly and under the following conditions.

146 SD
PAGE 12

1st. He may enclose it without prejudice to the crossings roads and easements he may farm it freely and exclusively directing it to the use or culture that may better suit him -
2nd. He shall ask of the proper Judge to give him the judicial possession in virtue of this Despatch whereby the boundaries shall be designated with the corresponding land marks.

3rd. The land of which grant is made is purely that which the Diagram shows and bounded on the North by the marsh ("Cunega") which is also granted, on the East by the boundary lines of the rancho of Don Juan Paster and those of the place granted to Don Felipe Cardo between San Mateo and the Pugas, on the South by the sea coast and on the West by the first hills of the Canada of the mouth of the sea coast. The Judge who shall give the possession shall have it measured agreeably to ordinance in Scept of the Diagram with previous notice to the neighbors and he shall note the number of leagues of grazing land it comprises -

Wherefore I order that the present title being paid firm and valid account thereof be taken in the corresponding Book and be returned

12

to the party interested for his protection and
farther ends.

Given in the City of Los Angeles on
Common paper for want of the Sealed the 7th of
May 1846.

(Signed) Pio Pico
Juan Maria Moreno
Sec. ad Int.

146 SD
PAGE 13

Account of this Superior Dispatch remains
taken in the respective book.

Moreno.

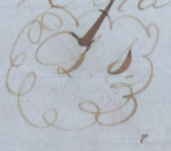
Filed in Office Nov. 12. 1842.

(Signed) Geo. Fisher Secy.

5/18/82

13

Pio Pico, Governor Constitutional of the Department of the Californias -



Mariano Octavio Emigdio Ujar has solicited for his personal benefit and for the benefit of his family, the tract of land known by the name of "Boca de la Playa" in the Intention of San Juan Capistrano, in the Exercise of the authority with which I am Empowered by the Supreme Government, in the name of the Mexican Nation, I have concluded by a Decree of this day to grant to the said Ujar the said tract of land hereby declaring unto him the ownership thereof acting in conformity with the Law of the 18th of August 1824 and the Regulation of the 21st of November 1825 Subject to the approval of the most Excellent Departmental Assembly And under the following conditions -

1st. He may Enclose it without prejudice to the crossings Roads Highways and Servitudes he shall enjoy it freely and exclusively appropriating it to the use and cultivation that he may deem most 2^d. He shall solicit of the proper Judge the Judicial possession by virtue of the Dispatch by whom the Comandante thereof shall be designated on the corresponding land marks.

3^d. The land of which Emcession is hereby made is only that which the plat designates and is bounded on the N, by "La Crinola" which is also embraced in the grant on the E. by the Comandante of the Rancho of Don Juan Pastor, and the place granted to Don Felipe Canillo between San Mateo and Las Pulgas, on the S by the Beach and on the W, by the said hills of the Canada de la Boca "de la Playa". Having previously cited the adjoining Land holders the Judge who gives the possession shall cause it to be measured according to law with reference to the plat and specify in his Official Return the number of "Sitios de ganada mayor" it embraces, Therefore Order that the

Translation,
Dec. No. 16
Vol. 1. Anno 82
to disposition
of Abd. Serrano

146 SD
PAGE 14

present title being held firm and binding an
Entry thereof be made in the Corresponding Book
and that this be delivered to the interested party for
his Security and other purposes.

Given at the City of Los Angeles
an Common paper forthwith stamped, this
7th day of May, 1846.

(Signed) *Ped Pico*
(Signed) *Jose Matias Moreno.*

Diego Ad. mt.

Entry is made of this Superior Despatch
in the respective Book.

(Signed) *Moreno.*

At the City of Los Angeles on the 19th day
of the month of April, 1847, in attention to the solic-
itation of Don Emigdio Tegar that the said
seat possession of the place called "Boca de la
Playa" situated within the Jurisdiction of San
Juan Capistrano, be given to him of which he
presented the respective title issued by the Supreme
Government under date of May 7th 1846, I repaired
to the place with assisting witnesses and proceeded
to give the said possession in entire conformity
with the aforesaid title. (or Lit mo and the assis-
ting witnesses repair and to the said possession
proceed to be given &c. Thus I Julian Chavis
Sineo, Regidor of the Illustrious Ayuntamiento
and acting as Alcalde 2^o by the inhibition of the
1^o Alcalde, did read ordered and signed, with the
assisting witnesses, according to Law. Signed
Julian Chavis (Signed) Leonardo Castro
Coto, asstg. witness (Signed) Jose Ina Her-
nandez, asstg. witness. In continuation I
served the adjoining land holders with an offi-
cial notice, informing them that the object for
which I was going to the place of the "Boca
de La Playa" was to measure it and put in

7/28 2

15

146 SD
PAGE 16

possession thereof. Since Don Emigdio Uzun
 and inasmuch as the aforesaid adjoining land
 holders (coludantes) accorded their assent
 thereto without manifesting any objection or note
 in my return thereof, which I authenticated
 and signed with the assisting witnesses, according
 to law. (Signed) Julian Charis, Signed
 asstg witnesses Leonardo Coto (Signed), asstg
 witnesses Jose M^a Herrera; In continuation
 of the proceedings and being now at the place of
 the "Poca de la Playa" I appointed two credible
 bearers, who were Miguel Perdugo and Gaspar
 Rodriguez to whom I made known the object of
 their appointment the duties of which they agreed
 to discharge faithfully and gladly thus they assen-
 ted and with their own hands signed their names not knowing
 how to write and I signed it with the assisting
 witnesses according to law. Signed Juan Charis
 (Signed) asstg wit. Leonardo Coto, Signed
 asstg wit. Jose M^a Herrera. In continuation
 and being at the "Poca de la Playa" at the foot
 of the hill which is at the end of the Beach and
 being present the assisting witnesses and credible
 bearers, I ordered to be measured a circle of
 one thousand varas at either extremity of which
 was fastened a wooden stake and after having
 fixed upon a place of departure the first cor-
 nel was stretched by my direction towards the
 East, and there were measured and counted 7500
 varas to the second "Puchicho", the boundary of
 Don Felipe Carrillo where a land mark was
 ordered to be placed. thence the cord was stretched
 to the N. 30° E. and there were measured and
 counted 5000 varas which terminated at the point
 of a hill where there is a land mark a boundary of
 Don Juan Pastor and Don Felipe Carrillo, thence
 N 45° W. there were measured and counted 5000
 varas which terminated at the top of a high hill
 which looks towards the Old Mission (Mission
 Vieja,) where a land mark was also ordered
 to be placed. thence and to conclude the measurement

146 SD
PAGE 17

of the said sitio the last Cordel was stretched
 towards the S. 70° W. and there were measured and
 counted 8200 varas which terminated at the
 place of beginning and the interested party being
 content therewith I pronounced the possession
 given in the name of the Mexican Nation and the
 Laws with which the proceedings were concluded
 and signed by me and the assisting witnesses, accor-
 ding to law, (signed) Julian Chavis, signed
 assisting witnesses Leonardo Coto, signed, Assg
 with Jose Maria Herrera, August 20th
 1847. Let a certified copy of the present return
 be given to the party for his safety and security
 of Thus Julian Chaves, Senior Regador
 Rector of the Illustris Ayuntamiento and
 acting as Alcalde by the institution of the 2nd
 Alcalde, proper and ordered and signed
 it with the assisting witnesses according to law
 (signed) Julian Chavis, signed Assg with
 Leonardo Coto, (signed) Assg with Jose Maria
 Herrera - Entry was made in the respective
 Book and the said authenticated copy delivered to
 the interested party on this date, signed, rubric

It agrees with the original to which I
 refer and which is found upon the Record of this
 year from which it was copied corrected and
 compared on three three leaves of common pa-
 per for the want of stamped.

In testimony whereof
 (signed) Julian Chavis.
 (signed) Leonardo Coto
 (signed) Jose Maria Herrera
 Assisting witnesses
 I George Fisher Secretary to the U. S. Land Commission
 to ascertain and settle the private land claims in the
 State of California, hereby certify that the foregoing
 is a true and faithful translation of a Spanish document
 in Case No. 212 wherein Emigdio Nefas claims the Boca
 de la Playa, now on file in this Office - In testimony
 whereof I have hereunto signed my name as officer of
 the Secretary of above named Commission

End

9/482

17

San Francisco this 3^d day of March 1854.

Geo Fisher Secy.

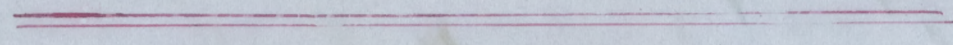
Filed in Office Nov 13th 1852.

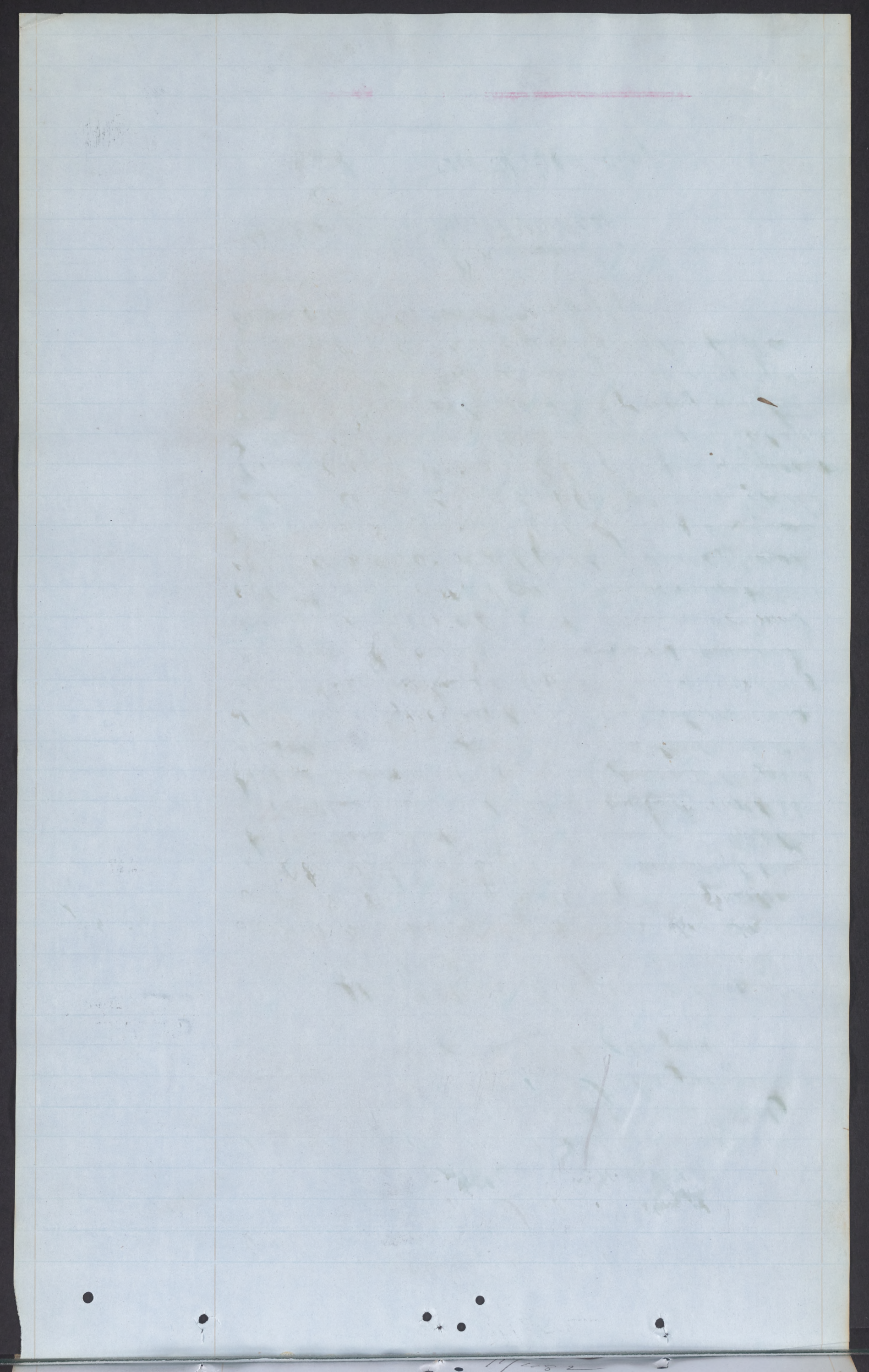
(signed)

Geo Fisher Secy.

[Signature flourish]

146 SD
PAGE 18





11/482

18

Emigdio Tegar

The United States

} For the place
} called Boca de la
} Playa situated in
} San Angeles County
} containing one and
} a half leagues.

146 SD
PAGE 19

Opinion

The petitioner has given in evidence duly authenticated a grant of the land claimed made to him by Governor Pio Pico on the 1st day of May 1846. By the deposition of Abel Stearns it is proved that he had an Adobe house on the land the same year that the grant was made in which he resided and that he has continued to live on the place to the present time. The land's granted are described by a specification of the exterior limits the entire premises within the boundaries being conceded. A juridical measurement was not necessary in order to define the location or limits of the land granted. Such measurement however was obtained in April 1847 and appears to be made in accordance with the limits designated in the grant. A description according to the terms used in either of them would be sufficient to identify the land and segregate it in satisfaction of the grant, without bringing into the validity of the juridical survey made in 1847 the claimant is entitled to a confirmation and a decree will be entered accordingly.

Confirmed.
Filed in Office March 14, 1851
(Signed)
Geo Fisher Secy.

Onigdio Veyar }
vs }
The United States }

In this Case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid and it is therefore hereby declared that the same be confirmed

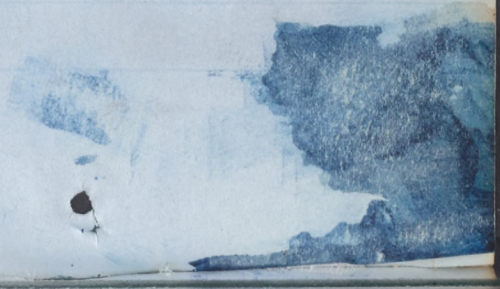
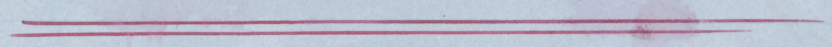
146 SD
PAGE 20

The land of which confirmation is hereby made is known by the name of Boca de la Playa, situated in Los Angeles County and the same on which said petitioner claims and is bounded as follows to wit,

On the north by "La Brea" which is also embraced in the grant and this confirmation on the East by the Comandante of Don Juan Castro and the place granted to Don Felipe Cordillo between San Mateo and San Pelayo, on the South by the Beach and on the west by the first hills of the "Canada de la Boca de la Playa" referred for a further description to be had to the grant of the same on file in this Case, and the map therein referred to. The same supposed to contain one and a half square leagues of land.

Alphus Dilch }
Simpson Campbell }
R. Aug. Thompson }
Commissioners

Filed in Office March 11. 1854.
(signed) Geo. Fisher Secy

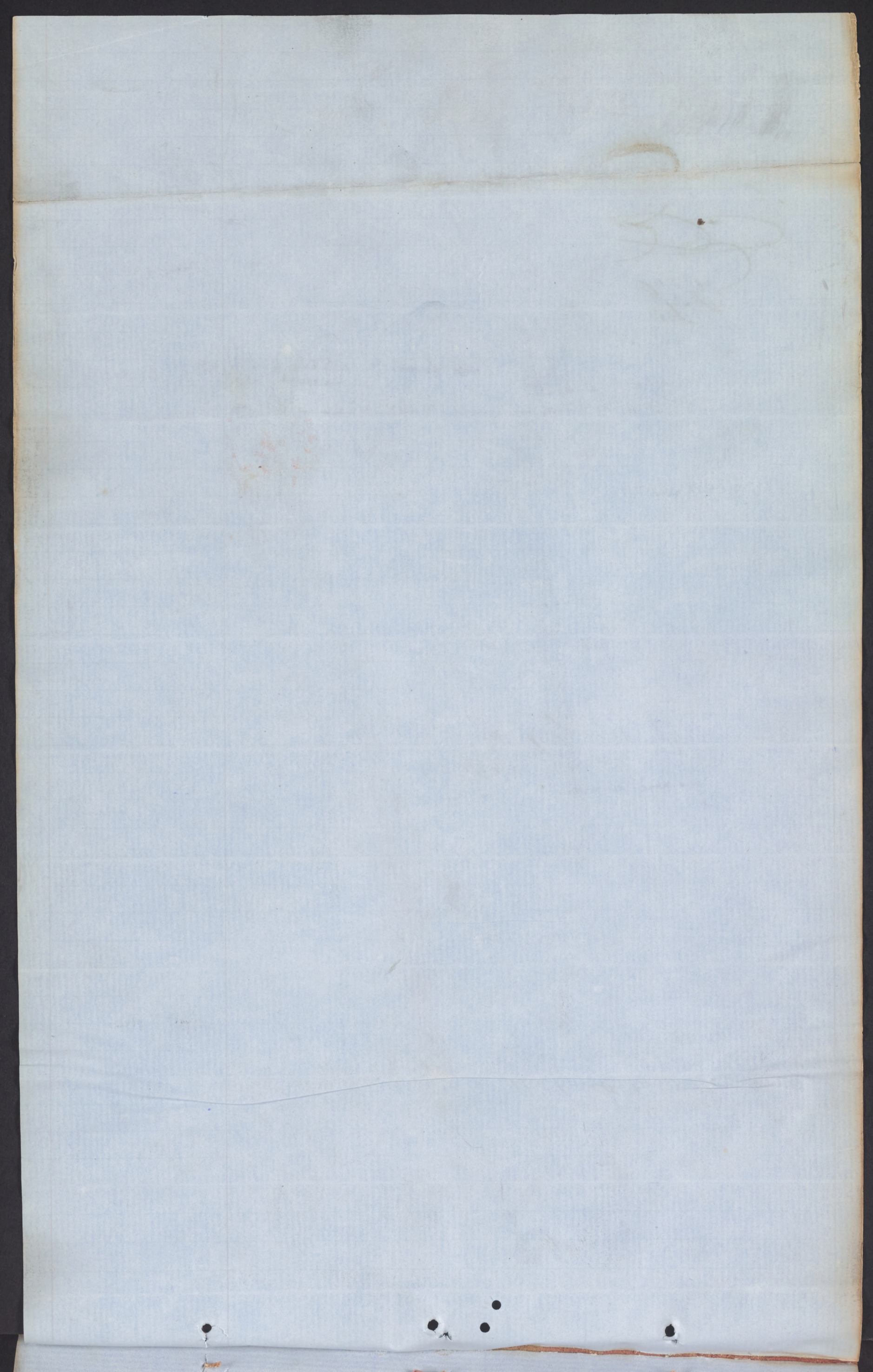


20

And it appearing to the satisfaction of this Board, that the land hereby adjudicated, is situated in the Southern District of California it is hereby
Ordered, that two Transcripts of the Proceedings and of the decision in this case and of the papers and evidence upon which the same are founded, be made out, and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United States.

146 SD

PAGE 21



Office of the Board of Commissioners,

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

146 SD
PAGE 22

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 *twenty* pages, numbered from 1 to *20*, 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. 482 on the Docket of the said Board, wherein *Emigdio Vigar* is

the Claimant against the United States, for the place known by name of "*Boca de la Playa*"

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

G. Fisher



146

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

No. 146, Docket

THE UNITED STATES,

vs.

Emigdio Vigar,

146

"Boca de la Playa!"

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 482.

Filed, November 8th, 1854.

C. E. Jarr,
Clerk.

146

146

Office of the Attorney General of the United States,

Washington, 17th January 1855.

146 SD

PAGE 23

Emigdio Vezar

vs.

The United States.

} 482.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 10th day of October 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Anthony

Attorney General.

82
N^o₁₁ 146.

U. S. District Court
Southern District

The United States
vs.
Emigdio Vigar

Notice of Appeal from City. Tex.

Filed Feb^y 27th 1855

J. E. Farr,
clerk.

146 SD
PAGE 24

Office of the Attorney General of the United States,

Washington, 17th January 1855.

Enigdio Vezar

vs.

The United States.

} 482.

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 12th day of October 1854, the appeal in the district court of the United States for the district of California will be prosecuted by the United States.

Cushing

Attorney General.

146
951



Emigdio Vezar, app.
vs.
The United States, app.

Docket No. 146.

Transcript No. 482.

TO THE HON. ISAAC S. K. OGIER, JUDGE:

The Petition of Pacificus Ord, a resident of said City, County, and State, 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 the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 12th day of November A. D. 1852, Emigdio Vezar

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called Boca de la Playa situated in the County of Los Angeles State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 14th day of March A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 8th day of November A. D. 1854, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, 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. 482; reference to which it is prayed may be had and made part of this petition. That on or about the 12th day of October A. D. 1854, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit: ^{or about} on the 27th day of February A. D. 1855, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision 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 the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

146 SD
PAGE 26

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

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 in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the same, and decree the alleged title to be invalid: with costs and general relief.

P. Ord

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

No. 146.

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

Emigdio Rojas, app'ee.

vs.

The United States, app'ly.

Petition for Review.

Filed Nov 8, 1835

S. E. Jan
1835

146 SD

PAGE 28

E. M. Wash.

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

TO

The President of the United States,

Emigdio Najar

146 SD

PAGE 29

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 *8th* day of *November* in the year of our Lord one thousand eight hundred and fifty-five at the City and County of Los Angeles, in said District, by

J. Ord U.S. Atty for the Southern District of California in behalf of the United States praying said Court to review the decision of the U.S. Land Commissioners of the 14th March A.D. 1854 Confirming your Claim to the land called Boca de la Playa situate in the County of Los Angeles and appealed by the Attorney General of the United States

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

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

J. S. Lee
Clerk.



Marshal Cost

Copying Ammons \$6.00
Hiring do 3.00
3 Pabtion 3.00

Travelling Expenses
to San Juan 28.00

\$ 34.00

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

Emigdio Vezar, applie.

vs. ~~W~~ \$ 40/46

The United States, appts.

146 SD
PAGE 30

SUMMONS.

Recd. Novbr 13th 1855.

Edward Hunter

U. S. Marshal.

I served this summons along with the proper copy of the petition upon Emigdio Vezar
~~Attorney for~~ J. R. Scott
him personally a true copy of the
same

at San Juan, County Los Angeles
~~Los Angeles~~ in the Southern District of California on
the twentiethth day of December A. D. 1856.

Sworn to and subscribed before me, Feb 21
1856. }
Vezar, Clerk.

Edward Hunter
U. S. Marshal.
By M. E. Goodman
Deputy

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

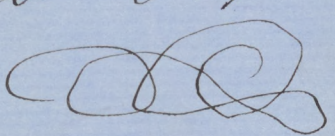
Emigdio Tejar - App^{ee}
vs
The United States - App^t

Case No 146
for the lands called
Boca de la Playa

146 SD

PAGE 31

And now comes Emigdio Tejar the Appellee
and for answer to the petition of the Appellants avers that
he has a good and valid title to the tract of land located
in the County of Los Angeles and State of California known
as "Boca de la Playa" and more particularly described in the
papers on file in this case. The Appellee therefore
prays that the decree of the Board of Land Commissioners
referred to in said petition may be affirmed by this
Honorable Court and that the Appellee's title to the
said tract of land may be decreed to be valid.

Emigdio Tejar


I have served this Answer upon P. Bond
U. S. Atty by delivering to him personally a true
copy of the same at Los Angeles feby 19th 1856

Edward Hunter

US Marshal

By M. L. Good, an
Agent

No. 146.
U. S. Dist. Court
South. Dist of Cal^o

Amigdio Lopez
appellant
vs
The United States
appellant

Answer

Filed July 16 1856.
J. E. Jam.
Clerk

146 SD
PAGE 31A

Marshall's Copy
Dennis' Answer \$3. —

146 SD
PAGE 32

California Land Claims
Attorney General's Office
15 Feby 1857.

Sir:

In the case of the claim of E-
milio Vezar, confirmed to the
claimant by the Commissioners, Case
no. four hundred and eighty-two,
(482), appeal will not be pro-
tected by the United States.

I am,

Respectfully,

Yours,

Alcibius Old Esq
U. S. Attorney
Los Angeles.

Nº 146

↓
Titel this p. Feb 9 1858
L. Lewis clerk
J. M. Coleman
sek

146 SD
PAGE 33