

CASE

148

D.

CASE No.

148

SOUTHERN DISTRICT

SANTA ROSA GRANT

JUAN MORENA

CLAIMANT

on Microfilm

148 SD

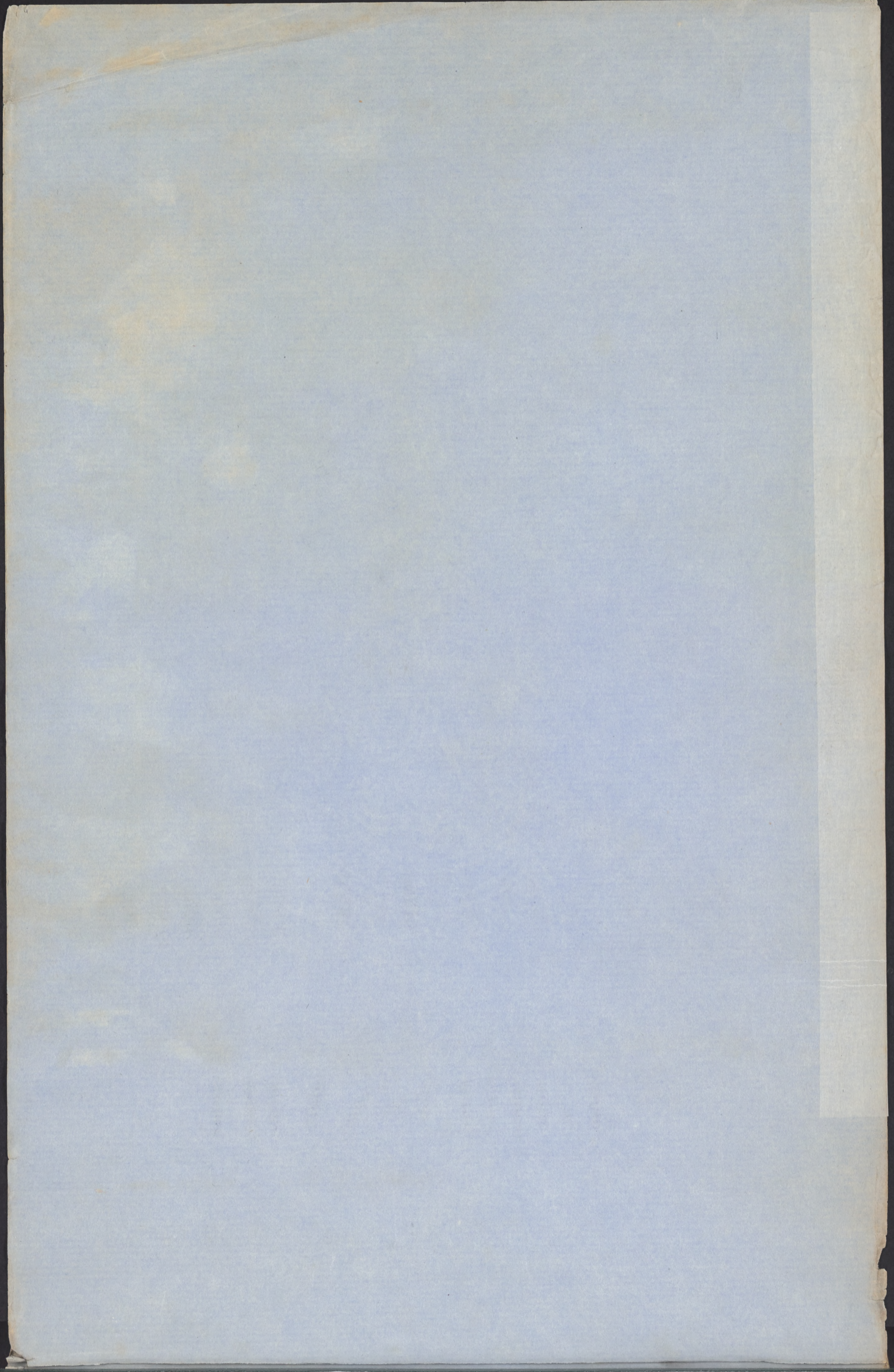
Land Case 148 SD

ALSO AVAILABLE ON MICROFILM

HOWARD
PERMALIC

480

Faint handwritten text, possibly a name or signature.



148 SD
PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 486

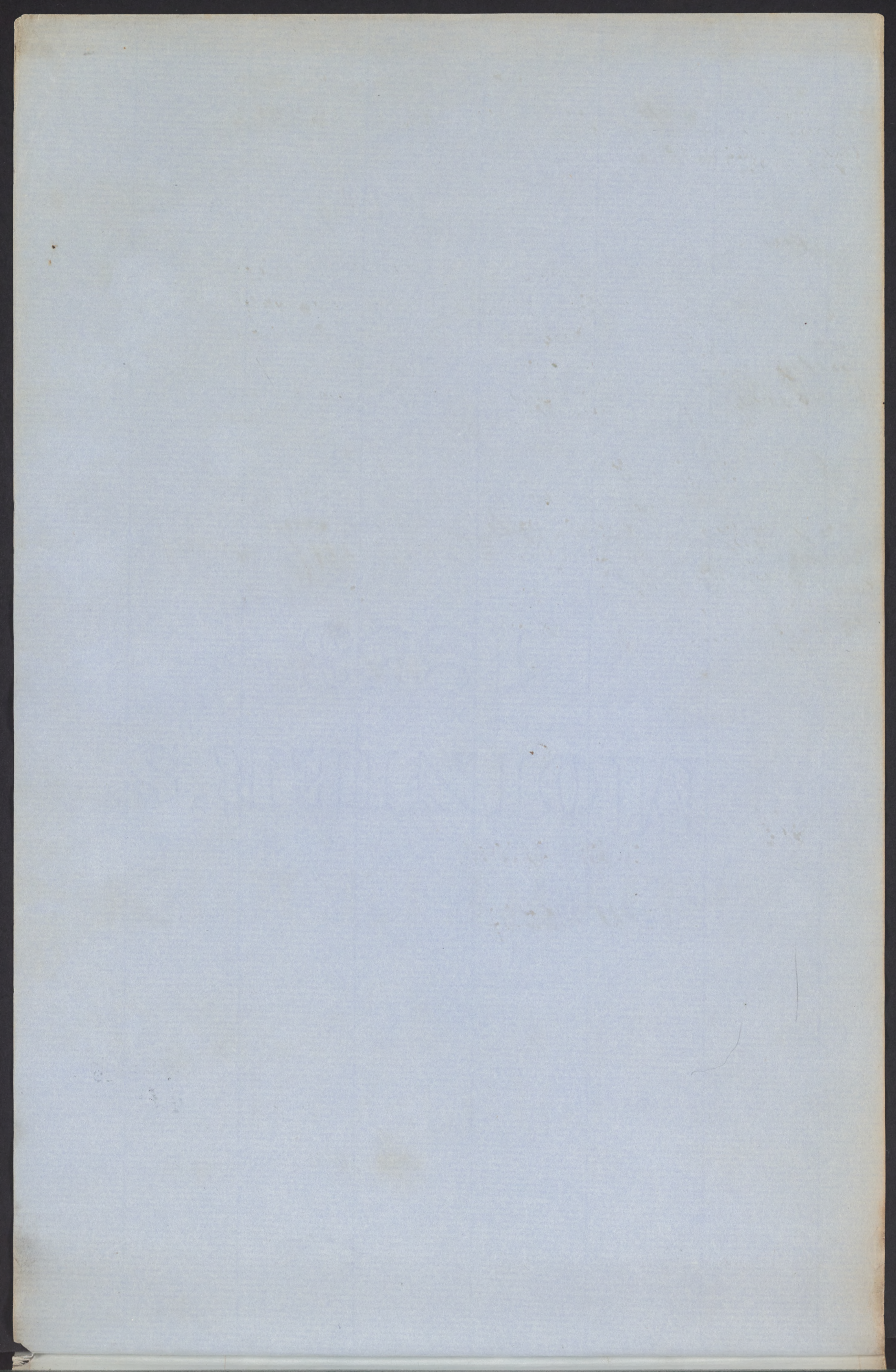
Suan Moreno CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Santa Rosa



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

148 SD
PAGE 2

Be it Remembered, that on this thirteenth day of Nov, 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 Juan Moreno, for the Place named "Santa Rosa" was presented, and ordered to be filed and docketed with No. 486, 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 15th 1852,
In Case no. 486, Juan Moreno for the place named "Santa Rosa", the deposition of Jose Ramon Canillo, a witness in behalf of the claimant, taken before Commissioner Melano Hall, was filed;

(vide page 5 of this Transcript.)

In the same Case the deposition of S. V. Pruah onme, a witness in behalf of the claimant, taken before Commissioner Melano Hall, with document marked H. H. no. 1, and a translation thereof marked annexed thereto was filed;

(Vide page 6 of this Transcript.)

San Francisco, March 21st 1854,
Case no. 486 was submitted on briefs and taken under advisement by the Board.

San Francisco, April 4th 1854,
In the same case Commissioner Alpheus Felch
delivered the opinion of the Board confirming
the claim:

(Vide page 27 of this Transcript.)

148 SD
PAGE 3

San Francisco, Aug. 15th 1854,
In the same case, on motion of the United States
Law Agent, the following order was made writ;
(Vide page 31 of this Transcript.)

Petition

148 SD
PAGE 4

To the Honorable

The United States Commis-
sioners for ascertaining & settling private land
claims in California.

Your petitioner Juan Moreno, resident
of the County of Los Angeles and State of
California, respectfully represents; that
he claims to be owner in fee simple of
the lands called "Santa Rosa", situate in
the County of San Diego. That they were
granted to him by Pio Pico, while
Governor of California, and vested with ample
powers in the premises, by deed of grant
in fee dated the 30th of January A.D. 1846.

That your petitioner has ever since
occupied the same, as well as before said grant
and has fulfilled all its conditions.

That the boundaries of the lands called
Santa Rosa are well known, were well
understood and defined by a map which
accompanied the prayer for said grant
& said governor; and are bounded by the
lands of Temecula, of the Laguna, and
of Santa Margarita, neighbouring ranches;
and contain three leagues of grazing lands
more or less. There is no interfering
claim. The lands have not been surveyed
by the United States Surveyor General
for California.

Your petitioner relies upon the
following documentary evidence filed herewith
to support his claim.

1st Copy of the original Grant marked "A"
accompanied by a true translation marked
"B". He will rely upon such

4

other documentary evidence, and parol testimony as may be necessary.

2nd Among which is a map marked "C" filed herewith.

And he prays that your Superior Legal Knowledge and sense of justice may confirm his claim.

And as in duty bound &c.

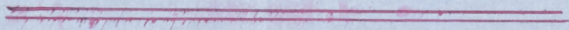
Nov^r 13th 1852.

Scotty DeSrainger
Atty
for Petitioner

148 SD
PAGE 5

Filed in Office Nov^r 13th 1852

Geo. Fisher



Deposition
of Jose Ramon
Carrillo

148 SD
PAGE 6

Los Angeles Nov^r 15th 1882,
On this day before Court Heiland Hall
came Jose Ramon Carrillo, a witness in
behalf of the claimant Juan Moreno,
petitioner N^o 486 and was duly sworn
his evidence being interpreted by the sec-
retary.

The U.S. Associate Law Agent was present.

In answer to questions by counsel for the
claimant the witness testified as follows.
My name is Jose Ramon Carrillo, my
age is thirty years and I reside in
Los Angeles County.

I know the Rancho Santa Rosa, and
have known it for about six years.
It is about eighteen leagues from this place
in a southern direction, on the road to Sonoma
& it is near and adjoining to Temecula.
Since I know it has been occupied by
Juan Moreno.

He had a house there in which he lived
when I first knew it & had corrales up-
wards of a hundred head of cattle & some
horses.

He had a small piece of ground
sown with grain and some with veget-
ables. It was long before the battle
of San Pasquel that Moreno first occupied
the land & was five months before that
battle that I first knew that place.

Jose Ramon Carrillo
Sworn & subscribed before me
Heiland Hall, Com^r

Filed in Office Nov^r 15th 1882, C^o Fisher Sec

Los Angeles Nov^r, 15th, 1882

On this day before Com^r, Heiland Hall came Leon Victor Poudhomme, a witness in behalf of the Claimant, Juan Moreno, Petition N^o. 486 and was duly sworn, his evidence being given in Spanish and interpreted by the secretary.

148 SD
PAGE 7

Deposition of
Leon V.
Poudhomme

The U.S. Associate Land Agent was present.

In answer to questions by Counsel for the Claimant the witness testified as follows:

My name is Leon Victor Poudhomme, my age is thirty years, and I reside in Los Angeles.

A paper is shown me purporting to be a grant to Juan Moreno dated 30th of July 1846, I am acquainted with the signatures of Pio Pio and Jose M^a Covarrubias, and I believe their signatures on said paper to be genuine.

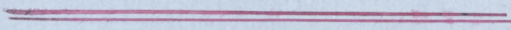
This hereto annexed and marked No. No. N^o. 1.

I know the Rancho Santa Rosa, I have known it from the spring of the year 1845, Juan Moreno was occupying it at that time, He had a cabin there and some cattle.

I have always understood that he has continued to occupy the place to the present time, though I have not been

Filed in Office
Nov^r, 15th, 1882
Geo. Lishes
Sec.

Sworn & Subscribed
Before me Heiland Hall Com^r
L. V. Poudhomme



"I" 2 11

7

1

Expediente

1825

148 SD
PAGE 8

Expediente promovido por
Juan Floreno en solicitud
del terreno nombrado
Santa Rosa

Se 99

" 8 "

PAGE 8



Exmo Sr Gobernador

148 SD
PAGE 9

Juan Moreno de California por
 nacimiento y vecino de esta
 Angeles Abril ante V.E como mas haya
 8 de 1845 lugar en derecho comparece
 y dijo que teniendo algunos
 bienes de campo en que forma
 un finca rutilica y careciendo
 de un lugar proporcionado donde
 colocarlos denunció en debida
 forma un sitio de ganado mayor
 que se halla entre Simicula y
 la Laguna llamada Santa Rosa
 del cual previas las averigua-
 ciones de estilo mego se me
 extendió el título respectivo en
 razon de estar absolutamente baldio y sin
 aprovechamiento alguno

[3]
 Por tanto A V.E suplico haga como pido
 en lo que recitare gracia dispensando el
 papel común p falta de sello respectivo
 C. de los Angeles Abril 8 de 1845
 Juan Moreno

Angeles Abril 25 de 1845

El parage nombrado Sta Rosa que se
 pretende en la presente solicitud se haya en-
 teramente baldio a causa de no tener la llave
 que administra como cubrirlo, pues no aparece
 en el mas de algun numero corto ^{de} veces aladas,
 y aunque el Ciudad^o Julian Manriquez sea

9

metido a dicho parage algunos bienes remanentes
el que informo ignora con que permiso; es
cuanto esta administracion puede informar
sobre el particular en cumplimiento del
antecedente superior decreto - - -

486-1-2

José Loayza Ortega

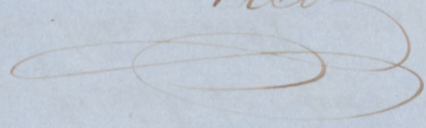
[4]

Angeles Abril 28 de 1845 - - -

Vuelvo al interesado p^o q^o agregue
a este expediente el dibujo del terreno que
pretende y en seguida venga de nuevo
a este Gobierno p^o q^o le libre el titulo
de propiedad, pudiendo ocupar provisional-
mente el terreno en virtud de este decreto
y mientras se le espere el mencionado
titulo - - -

148 SD
PAGE 10

Pico



Here follow two sketches or
rough maps respectively
marked - - - - - [5]


Exmo Sr [7]

Ang^o En^o 3^o de 1845. Juan Moreno vecino de esta
Capital ante V. E. con el
ocurre la mas debido respeto compareco
parte que re- y digo que en arreglo al
presenta a la decreto que V. E. tubo á bien
secretario del dar en el mes de Abril del
despacho de año de mil ochocientos
Gov^o para cuarenta y cinco, el que
que en vista presente el dibujo del

148 SD
PAGE 11

de este decreto
estendiendo y título
quedando el in-
terizado con la
obligación de
reformular el
diciendo —

Pico



En la mis-
ma fecha
se extendió
el título

Comunidades

Arco —

Por tanto y por todo lo expuesto —

A V.E. suplico con venga a' mi solicitud
pues siendo así recibiré gracia — juro no
ser de malicia y lo necesario etc. dignándose
admitir esta en papel común por falta
de sellados —

Angeles, Jun. 30 de 1848
No se firma

[8]

Pío Pico vocal decano de la Asamblea
Ayuntamiento y Gobernador provisional de
las Californias —

Por cuanto el Ciudadano Juan Moreno

terreno que ocupo provisionalmente
nombrado Pta Rosa, le acom-
pañó con la mayor sumisión
el escrito de mi pedido y el
diciendo, para que V.E. tenga
la bondad de que se me es-
tenda el título de propiedad,
terreno que colinda con te-
mucula, la Laguna, y Pta
Margarita, no desiguo le-
guas por no equivocarme, pero
si pido que el terreno que
no tengo dueño, lo denuncio
en toda forma para que quede
á beneficio de mi individuo
y familia, pues mis bienes
cubrirán el campo, antes de
que mi hermano Marcos me
ha dicho le dejó reunir sus
cortos bienes con los míos —

11

148 SD
PAGE 12

ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Sta Rosa; practicadas previamente las averiguaciones concernientes, usando de las facultades que me son conferidas al nombre de la Nación Mexicana, he venido por decreto de este día en concederle el expresado terreno, declarándole la propiedad de él por las presentes letras, de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828, a reserva de la aprobación de la Exma Asamblea Departamental, y bajo las condiciones siguientes

1^a Podrá cercarlo sin perjudicar las travesías caminos y servidumbres; lo disfrutará libre y exclusivamente, destinándolo al uso y cultivo que mas le acomode, pero lo tendrá ocupado en bienes semovientes, y casa habitada para impedir el desamortamiento. [9]

2^a Solicitará del juez respectivo le dé la posesión jurídica en virtud de este despacho, por el cual se demarcarán los linderos con las mojones necesarias.

3^a El terreno de que se le hace donación es el mismo que demuestra el diseño que obra en el expediente y colinda con tierras de Temecula, de la Laguna y de Sta Margarita; el juez que lo posesione lo hará medir conforme a ordenanza y dará aviso a este Gobierno del número de sitios de ganado mayor que contenga.

En consecuencia mando que teniendo el presente título por firme y valeroso se tome razón de él 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 este papel comun por falta
del sellado a treinta de Enero de mil ocho-
cientos cuarenta y seis.

148 SD
PAGE 13

[10.]

Angeles Mayo 8 de 1846

Dada cuenta en sesion de hoy con este
expediente a la D. A. I. se mando pasar a
la Comision de terrenos baldios

Vio Vicos

Preside

Agustin Olvera

Pro

D. S.

La Comision de terrenos baldios a exa-
minado con detencion el presente expedite promo-
vido p el Ciudadano Juan Moreno del parage
Sto Rosa y lo fue concedido p el Superior
Gov. Dep. conforme a las leyes de la ma-
teria, en este concepto pone a la delibera-
cion de V. Ex. la proposicion siguiente

Se aprueba la concesion hecha al
Ciudadano Juan Moreno del parage conocido
Sto Rosa jurisdiccion de S. Diego en es-
tension del q. demuestra

[11.]

el disenyo segun titulo librado con fecha 30
de Enero del presente año, y conforme a la
ley de 18 de Agosto de 1824 y al art.
5º del reglamento de 21 de Sete de
1828

Sala de

Com^o en la Ciudad de los Angeles Mayo 28^o
1845

J. Trovillo

Angeles Junio 3 de 1845

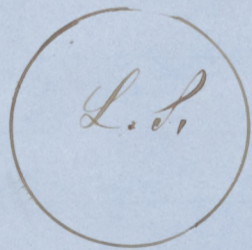
En sesion de este dia aprobo' la
Exma Asamblea Departamental la pro-
posicion del dictamen anterior

Office of Surveyor General of the
United States for California

I, John C. Hayes, Surveyor General of
the United States for the State of California,
and as such, having in my office and in
my charge and custody a portion of the
Archives of the former Spanish and Mexican
Territory or Department of Upper California,
by virtue of the power vested in me by
law, do hereby certify that the (11) Eleven
preceding, and herunto annexed pages of
tracing paper numbered from one to Eleven
inclusive, exhibit a true and accurate copy
of a certain document now on file and
forming a part of the said Archives
in this office

In Testimony whereof I have
herunto signed my name
officially and caused my
seal of office to be affixed
at the City of San Francisco
this twelfth day of
November 1853

(Signed) John C. Hayes
U.S. Surveyor General
for California



Extract from the 2nd section of the act of congress "providing for the Survey of Public Lands in California, and for other purposes" →

Approved March 3rd 1853

"The Secretary of the Interior is hereby authorized to cause an official seal to be prepared for the office of the said Surveyor General (California) and any copy or extract from the plats, field notes, and other records, and documents on file in his office, when attested as such by the said seal and the signature of the Surveyor General, shall, in all judicial matters, have the same force and effect as the original." →

148 SD
PAGE 15

Filed in Office November 28th 1853

(Signed) Geo. Fisher
Secy

148 SD

1845

Translation of
Expediente

Record of proceedings at the instance of
Juan Moreno, soliciting the land called
"Santa Rosa"

499

148 SD

PAGE 16

Excellent Sir Governor

I, Juan Moreno, a Californian by birth and resident of this district, as best may be consistent with laws, appear before you and say,

That possessing some country stock wherewith to establish a ranch and being in need of an appropriate place where to locate my stock, I denounce in due form one square league of land (sitio de ganado mayor) situate between Temecula and the Seagoon called Santa Rosa, to which after previous judicial investigation I pray to be awarded the respective title, on the ground that it is absolutely vacant and without any availableness.

Therefore I pray Your Excellency to do as I asked for whereby I shall receive a favor in dispensing (the use of) common paper for want of stamped paper.

City of Los Angeles April 5th

1845.

Juan Moreno

(In the Margin)

Angeles April 5th 1848.

Be it sent for the report of the
Administrators of the Mission of San Luis
Ray.

Pied

148 SD
PAGE 17

Angeles April 25th 1848.

The location called Santa Rosa claimed
in the present instance is in an entire
vacant state, an account of what the Mission
of Administrate has not the wherewithal to
cover it, since it does not appear to amount
to more than a small number of old
horses, and although the Citien Julien
Mauriques has located some cattle on said
location, the reporter is ignorant of,
with what permission.

This is all this Administration
can report on the subject in compliance
with the foregoing Superior's decree,
Jose Joaquin Ortega.

Angeles April 28th 1848.

Be it returned to the interested party
that to this Expediente may be attached
the peak of the land he claims and there-
after to come anew to this Government,
that, the title-deed of ownership may be
issued while he can occupy provision-
ally the land in virtue of this decree and
meanwhile the mentioned title-deed is
being made out.

Pied

(Plat)

Excellent Sir

I, Juan Moreno resident of this Capital with the interest represent, appear before your Excellency and say: That in accordance with the decree, Your Excellency thought fit to give in the month of April in the Year 1845, requiring me to present the plat of the land I occupy provisionally called Santa Rosa, I hereby, with the deepest submission, accompany my petition and the plat that Your Excellency may have the Goodness to make out the title deed of ownership to me of the land bordering on Temecula, the Lagoon, and Santa Margarita, not naming the numbers of leagues as I might be mistaken, but I ask that the land which have no owners, and which I demand in due form, be set apart for my individual benefit, and that of my family, since my stock will cover the land, besides that my brother Marcos has told me to let him join his small stock to mine,

Therefore and in view of what I have represented, I pray you to accede to my solicitation, for thus I shall receive a favor, swearing that there is no malice herein and to what else necessary, while you will be pleased to admit this on common paper for want of stamped paper

Angelas January 30th 1846
(I dont know how to sign)

(In the margin)

Angeles January 30th 1846

The party representing will apply to the Secretary of State of the Government, that in virtue of this decree, the title deed be issued and given to the interested party with the obligation to amend the plat.

Pico

148 SD
PAGE 19

(Also in the margin)

On the same day
the title deed was issued

Coxambias,

Secretary

Pico Pico, Senior member of the Departmental Assembly and provisional Governor of both Californias,

Whereas the Citizen Juan Moreno, has claimed for his personal benefit and that of his family, the land known by the name of Santa Rosa, after having previously made the necessary investigations, in exercise of the powers vested in me in the name of the Mexican Nation, I have concluded by a decree of this days date to grant him the said land, declaring it his property by the present letters patent, in conformity with the Law of the 18th August 1824, and regulation of 31th November 1828 under reservation of the approval of the most Excellent Departmental Assembly and under the following conditions,

1st He may fence it with jurisdiction

to the crossings, roads and servitudes; he will enjoy it freely and exclusively, appropriating it to the use or culture that best may suit him, but he will have it occupied with live stock and an inhabited house to hinder all denunciation.

2nd He will solicit of the respective Judge to give him judicial possession in virtue of this document, by whom the boundaries are to be measured with necessary land marks.

3rd The land donated to him is the same as exhibited in the plot attached to this Expediente, and borders on land of Temecula, on the Lagoon, and on Santa Margarita.

The Judge who shall possess him of it will cause it to be measured conformable to ordinance, and give notice to the government of the number of leagues (sitios de ganado mayor) it may contain.

Consequently I order, that this title-deed being held firm and valid, it be entered in the respective books, and delivered to the interested party for his security and other purposes.

Given in the City of Los Angeles on this current paper, for want of stamped paper, on the thirtieth of January one thousand eight hundred forty six.

Los Angeles May 8th 1846,
Having notified the Departmental Assembly in 2 days session, of this Expediente, it was ordered sent to the Committee on Vacant

Lands,

Augustin Olvera. Pio Pico
Secretary, President

Excellent Sirs

The Committee on Vacant Lands has examined with circumspection the present Expediente at the instance of the Citizen Juan Moreno about the location Santa Rosa, which was granted him by the Superior Departmental Government, conformable to the laws on the subject.

In this understanding it submits to your Excellency's deliberation the following proposition

It approves of the grant made to the Citizen Juan Moreno, of the location known as Santa Rosa, jurisdiction of San Diego in extent as exhibited in the plot according to title deed issued under date 30th of January this year, and conformable to Law of 18th of August 1828, and article 5th in the regulation of 21st October 1828.

Recall of Committee in the City of Los Angeles May 28th 1846.

S. Angeles

Angeles June 3rd 1846.

In Session of this day, the Excellent Departmental Assembly approved of the proposition in the foregoing opinion

Filed in Office Nov^r 28th 1853,

Ge^o. Fisher, Sec

21
Document
"H. H. N. D."
ann^o to the
deposition of
Leon V.
Pudhomme

(Signed) H. H. N. D.

Veo Vico Vocal deano de la Asamblea
Departamental y Gobernador provisional
de las Californias



Por cuanto el Ciudadano Juan
Moreno ha pretendido para su
beneficio personal y el de su
familia el terreno conocido con el nombre de
Santa Rosa; practicadas previamente las averi-
guaciones concernientes, usando de las facultades
que me son conferidas a nombre de la Nacion
Mexicana, he venido por decreto de este dia en
concederle el expresado terreno, declarandole la
propiedad de el por las presentes letras, de con-
formidad con la ley de 18 de Agosto de 1824
y reglamento de 21 de Noviembre de 1828
a reserva de la aprobacion de la Exma. Asam-
blea Departamental, y bajo las condiciones
siguientes

148 SD
PAGE 22

1^a Podrá cercarlo sin perjudicar las
travercias canones y servidumbres; lo disfru-
tara libre y exclusivamente destinandolo al
uso y cultivo que mas le acomode; pero lo
tendra ocupado con bienes semovientes y casa
habitada para impedir el denucio

2^a Solicitara del Juez respectivo le
de la posesion juridica en virtud de este
despacho, por el cual se demarcaran los lin-
duos con las mojones necesarias

3^a El terreno de que se le hace
donacion es el mismo que demuestra el
diseno. que obra en el expediente y colinda
con tierras de Temecula, de la Laguna, y de
Santa Margarita; el Juez que lo posesione

lo hará medir conforme a ordenanza, y dará aviso a este Gobierno del número de sitios de ganado mayor que contenga.

En consecuencia mando que teniendo el presente título por firme y válido, se tome razón de él en el libro á que corresponde y se entregue al interesado para su resguardo — y demás fines. Dado en la Ciudad de los Angeles, en este papel común por falta del sellado, á treinta de Enero de mil ochocientos cuarenta y seis.

(Signed) Pio Pico

(Signed) José M^a Covarrubias
Ayo

Queda tomada razón de este título en el libro respectivo

Angeles fecha *ut supra*
(Signed) Covarrubias

El Excmo Sr Gobernador dispone se tome razón de este despacho en la Sub-Prefectura del Partido de S^a Diego

(Signed) Covarrubias

San Diego Febrero 14 de 1846

Queda tomada razón de este despacho afs 2 y 3 vuelta del libro respectivo

(Signed) Arguello

23

¹⁴ Filed in office November 15th 1852

(Signed) Geo. Fisher
Secy

148 SD
PAGE 24

BYGE 21
20

2/4

20

His High Senior Members of the Departmental
Assembly, and Provisional Governor of
the Californias,

" B "
Translation of
Grant.

148 SD
PAGE 25

Whereas the Citizen Juan Moreno
has petitioned for his personal benefit
and that of his family, for the land
known by the name of Santa Rosa, having
previously practised the relative investigation,
exercising the powers vested in me in the
name of the Mexican Nation, I have con-
cluded by decree of this day to grant him
the aforesaid land, declaring it to be his
property, by the present letters, in conform-
ity with the Law of the 18th of August
of 1824 and the regulation of 31st November
of 1828, reserved for the approbation of the
M. O. Departmental Assembly, and under
the following conditions.

1st He may enclose it without prejudice
to the crossings, roads & servitudes; he
may farm it freely and exclusively, devo-
ting it to the use and culture which
may best suit him; but he shall
occupy it with paternal property,
and a house inhabited, so as to prevent
renunciation.

2nd He shall solicit of the proper
judge to give him the judicial posses-
sion by virtue of this dispatch, whereby
the boundaries shall be designated with
the respective landmarks.

3rd The Land of which grant is
made is the same, which the diagram
which works in the Expediente "designates"
and joins the land of Temeucula of the
Dequina, and of Santa Margarita.

The judge who shall give possession shall have it measured agreeably to ordinance, and shall give notice to this Government of the numbers of leagues (sitios) of grazing land it contains,

Wherefore I order that the present title, being held firm and valid, account thereof be taken in the corresponding book, and be delivered to the party interested for his protection and further ends,

Given in the City of Los Angeles on this common paper for want of the sealed, the 30th of January of 1846.

(Signed) Pio Pico

(Signed) Jose M.^a Covarrubias
Secretary,

Account of this title remains taken in the respective book.
Covarrubias,

The M.E. Mr. Governor has disposed that account of this despatch be taken in the subprefectura of the District of San Diego.
Covarrubias

San Diego, February 14th 1846.

Account of this despatch remains taken at leaf 2 of 3, the other side in the respective book

(Signed) Arguello

Filed in Office Nov^r 13th 1853,

Cs. Fisher Sec.

(Spanish Expediente follows)

Opinion by
Commissioners
Alphens Deleh

In and Moving
vs
The United States

For the place called
"Santa Rosa" in San
Diego County, contain-
ing by estimation three
square leagues of land.

148 SD
PAGE 27

This claim is based on a grant made to the present claimant, by Governor Pío Pico, which is given in evidence and bears date January 30th 1846.

The deposition of E. V. Poudhomme shows that the claimant occupied the place in the spring of 1845 and had a cabin on it and some cattle, and continued to occupy it as he understood to the time of giving the deposition in 1882, and the witness Cañedo swears that the claimant had lived on the premises ever since he first knew of the place.

That he had corrales, cattle and horses on it, and a portion of the ground under cultivation.

Hee says he knew the place five months before the battle of San Pasquel, and that it had been occupied long prior to that time by the claimant.

The battle referred to took place on the 6th of December 1846 and the period of five months anterior to that event would fix the date of the witnesses knowledge on the 6th day of July 1846, the day before the American flag was first hoisted at Monterey.

It is also a period within one year of the date of the grant and the fact that the residence and improvements existed within that time is established by the proof.

And the whole testimony it is evident that the claimant resided upon and cultivated the land from the time of his grant until the conquest of the Country, and its subsequent Session.

The land granted is described by reference to a map attached to the Expediente and is further alledged to be the same which joins the lands of the rancho called Terneneña, Laguna, and Santa Margarita,

The number of leagues contained in the premises is not stated, but these were to be ascertained and reported when the judicial possession should be given.

In the proceedings to obtain the grant the applicant expressly stated that he solicited the entire piece of vacant land lying in the position, bounded by the places above named, the quantity of land not being stated lest he might be mistaken.

He was required to furnish a map of the property solicited, which he did, and therefore the grant was made by express reference to it for a description of the premises, granted.

This map became therefore a part of the title papers and must be so regarded.

It is imperfect in its details and much less satisfactory as evidence than could be desired, and if it stood alone unaided by the ^{mention of the} surrounding lands, I doubt much whether it could be regarded as sufficient to identify and segregate the

Premises.

The explanation contained in the Expediente, by showing that the land solicited was located in the midst of land already granted, and the declaration that the Petitioner asked for all that remained vacant, at that place, and the boundaries given in the grant by naming the three ranchos by which it was bordered, aid materially in understanding the grant, and in defining the limits of the land granted.

These in connection with the map, a copy of which will be made a part of the Decree in the Case, will, I think, afford the means for making the survey of the premises.

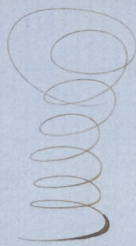
The claim will be confirmed accordingly.

Confirmed,

Filed in Office April 4th 1854,

Genl. Fisher Sec

Juan Moreno
 vs
 The United States



Decree

148 SD

PAGE 30

In this case on hearing the proofs and allegations it is adjudged by the Commission, that the claim of the petitioner is valid, and the same is therefore hereby confirmed.

The land of which confirmation is hereby made is situated in San Diego County, and is that known by the name of Santa Rosa, and is now in the occupancy of said petitioner, and is that which is designated on the map which is a part of the Espe-
 diente, a traced copy of which forms the archives in the office of the United States Sur-
 veyor General, and on file in this case to which map reference is to be made for a description of the land hereby confirmed and the same is to be taken as a part of this decree. The said land hereby confirmed being that which adjoins the lands of Temecula, of the Laguna and of Santa Margarita and subject to be the boundaries of the places so called, as settled by actual survey or legal, establishing of their several lines, or by the same, where no such demar-
 cation of their boundaries is had, as understood in fact and regarded to be, at the time of the concession of said place called Santa Rosa to said Juan Moreno in January 1846, said promises containing three square leagues more or less of land.

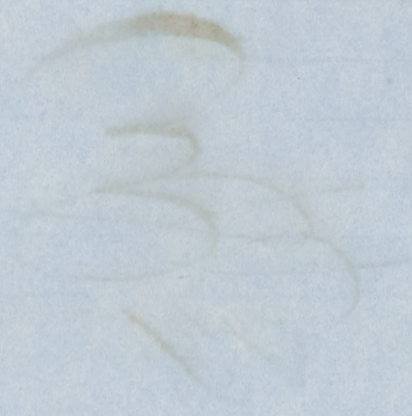
Filed in Office
 April 4' 1854
 G. W. Fisher
 Sec.

Alphonso Deleh
 Thompson Campbell
 R. Aug. Thompson
 Commission

"Certificate"

148 SD
PAGE 31

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 of the Southern District of California, and the other be transmitted to the Attorney General of the United States.)



APR 18 1880

Office of the Board of Commissioners,

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

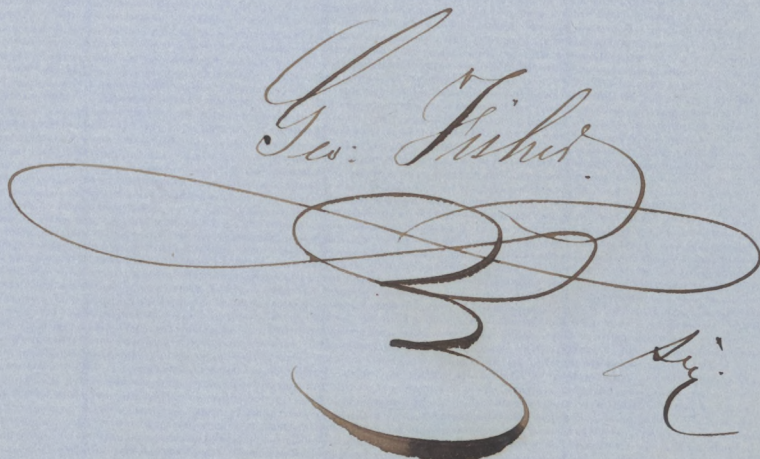
148 SD
PAGE 32

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 *thirty two* pages, numbered from
1 to *32*, 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. 486 on the Docket of the said Board,
wherein

Juan Moreno is
the Claimant against the United States, for the place known by
the name of *Santa Rosa*

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



148
U. S. DISTRICT COURT,
Southern District of California.

No. 148 Docket

THE UNITED STATES,

148

Juan Moreno,

"Santa Rosa."

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. 486.

Filed, *November 8th*, 1854.

G. E. Farr,
Clerk.

148

Office of the Attorney General of the United States,

Washington, 8th February 1855.

Juan Moreno

vs.

The United States.

} 486.

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 30th 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.

Clarkson

Attorney General.

No 148

U. S. Dist Court, S. Dist.

Juan Moreno

vs

The United States

Notice of Appeal.

Filed April 2^d 1855.

J. E. Carr.
clerk.

148 SD
PAGE 34



Juan Moreno, app.
vs.
The United States, app.

Docket No. 148.

Transcript No. 486.

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 13th day of November A. D. 1852, Juan

Moreno 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 Santa Rosa situated in the County of San Diego 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 4th day of April 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. 486; reference to which it is prayed may be had and made part of this petition.

That on or about the 30th 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:
on ^{or about} the 2nd day of April — 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.

148 SD

PAGE 36

And no sufficient proof having been made of the allegations in said pe-
tition to said Commissioners, or in support of the said claim, no decision con-
firming 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.

148 SD

PAGE 37

F. Ord

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

No 148.

U.S. Dist. Court,
South. dist. of Cal.

Juan Moreno, appellee

vs.

The United States,
appellant.

Petition for Review.

Filed Nov 8th 1885

J. E. Smith,
Clerk.

148 SD
PAGE 38

P. Ord. Usally.

FILE
118 2D
35

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

148 SD
PAGE 39

Juan Moreno Case No. 148.
Appellee (Transcript No 486.
 as Lands called
The United States "Santa Rosa"
Appellants San Diego County.

And now comes the above named
Appellee, by William G. Dryden his Attorney,
And for answer to the Petition of Review
filed herein by the Appellants, Avers that his
title to the lands claimed by him in this
Case, and described in the said Petition
of Review, and in the Transcript of the
proceedings of the United States Land
Commissioners, therein referred to, is good
And Valid.

Therefore, this Appellee prays the
judgment of this Honorable Court that the
decision of the Board of United States Land
Commissioners may be confirmed, and that
the title of the Appellee to the said Lands
may be decreed to be valid, and that he
may be hence discharged with his costs
hereto expended, and such further or general
relief as to Equity and Conscience belong and
his Case may require.

W. G. Dryden
Attorney for Appellee

Manuscript for [unclear]

\$3.00

I serve this answer on T Ord U.S. Dist Atty
for the South Dist of California, this
December 13 - 1855

Edward Hunter
U.S. Marshal

Case No 148

U. S. Dist. Court

Southern Dist. of California

Juan Moreno
Appellee

vs.

The United States
Appellants

Answer

Filed Nov 30th 1855

148 SD
PAGE 40

J. G. Jones
Clerk

W. G. Bryan, Appellee's Atty.

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

TO

The President of the United States,

Juan Moreno

148 SD

PAGE 41

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. Attorney for the Southern District of California in behalf of the United States praying said Court to review the decision of said Court the U.S. Land Commissioners of the 4th day of April A.D. 1854 confirming your claim to the land called Santa Rosa in the County of San Diego 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. E. Farr

Clerk.

Marshals cost
 Copying Summs, 60
 Derrings do 300
 " Petition 300
 AS. 50
 Mileage 18
 8.18

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

Juan Moreno, appellee.

148 SD ^{act.} } 17148.
 PAGE 42

The United States, appellant.

SUMMONS.

Sent Novbr 13th 1854
 Edward Hunter
 U. S. Marshal.
 W. S. Marshall.

I served this summons along with the proper copy of the petition upon Juan Moreno by delivering to him personally a true copy of the same

at Los Angeles
 the ~~27~~ 28th day of Novbr

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

Sworn to and subscribed before me, Nov 28
 1855. }
 J. C. [unclear] Clerk.

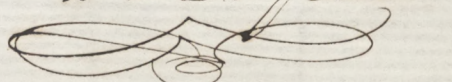
Edward Hunter
 U. S. Marshal.
 by M. S. Goodman
 Deputy

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

Agustin Machado } Case No. 148.
Appellee } Transcript No. 486.
ads. } Lands called
The United States } "Santa Rosa".
Appellants } San Diego County.

And now comes the above named
Appellee by William G Dryden his Attorney
and for answer to the Petition of Review
filed herein by the Appellants. Avers
that his title to the lands claimed by him
in this case and described in the said
Petition of Review, - and in the Transcript
of the proceedings of the United States Land
Commissioners therein referred to, is good
and valid.

Therefore, this Appellee prays the judgment
of this Honorable Court that the decision of the Board
of United States Land Commissioners may be confirmed,
and that the title of the Appellee to the said lands
may be decreed to be valid, and that he may
be hence dismissed with his costs herein
expended, and such further or general relief
as to equity and conscience belong and his case
may require

W G Dryden


Attorney for Appellee.

Case No. 148.
United States Dist. Court
Southern Dist. California

Agustin Machado
Appellee

vs.

The United States
Appellants

Answer

Filed Dec 15th 1885

J. E. Farr
Clerk

148 SD

PAGE 44

W. G. Dryden Appellee's Attorney

148 SD
PAGE 45

This Indenture, made the seventeenth _____ day of August in the year one thousand eight hundred and fifty five Between Juan Moreno, and Maria Antonia Cuñada, his wife, residents of the County of Los Angeles, State of California parties of the first part, and Agustin Mackado,

also resident of the said County, party of the second part, Witnesseth, That the said parties of the first part, in consideration of the sum of fifteen hundred dollars to wit, one thousand dollars in money, and five hundred dollars in stocks to them duly paid before the delivery hereof, have bargained and sold, and by these presents do grant and convey to the said party of the second part,

his heirs and assigns for ever, All that certain tract or parcel of Land, lying and being in the County of San Diego, State of California, known by the name of the Rancho of "Santa Rosa", adjoining the lands of "Teneocula", of "Santa Margarita", and of the "Laguna", reference for further description thereof being had to the grant of said tract to the said Juan Moreno in January, A. D. 1846, and also to the confirmation of the same, by the Board of U. States Land Commissioners, on the fourth day of April, A. D. 1854, as the same appears of file; the said lands or Rancho of "Santa Rosa", hereby conveyed, containing three square leagues of land, more or less.

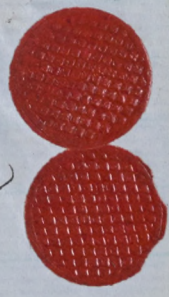
with the appurtenances, and all the estate, title and interest, of the said parties of the first part therein. And the said parties of the first part, do hereby covenant and agree with the said party of the second part, that at the time of the delivery hereof, the said parties of the first part are the lawful owners of the premises above granted, and seised thereof in fee simple absolute, and that they will Warrant and Defend the above granted premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, for ever.

In Witness whereof, the said parties of the first part, have hereunto set their hands and seals the day and year first above written:

Sealed and delivered in the presence of

Witness
W. E. Dryden,

Juan + Moreno
marks
Maria Antonia + Cuñada
marks



STATE OF CALIFORNIA,

County of *Los Angeles* } SS.

On this *Seventeenth* day of *August* in the year of our Lord, one thousand eight hundred and fifty-*five* personally appeared before me, *William G. Dryden* a *Notary Public* for *Los Angeles County*, *Juan Moreno* and *Maria Antonia Caneda* his wife

known to me to be the persons described in, and who executed the foregoing Instrument, who acknowledged to me that *They* executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

And the said *Maria Antonia Caneda* to me personally known to be the person whose name is subscribed to the foregoing conveyance as a party thereto having been by me made acquainted with the contents of said conveyance, and she acknowledged to me on an examination apart from, and without the hearing of her husband, that she executed the same freely and voluntarily without fear or compulsion or undue influence of her husband, and that she does not wish to retract the execution of the same.

In Witness whereof, I have hereunto set my hand and affixed my *Official Seal*, the day and year first above written.



W. G. Dryden
Notary Public

No 148

Filed Dec 3. 1855
F. Van
Calk.

Received for Record
October 5th 1855 at
10 o'clock A.M. and
Recorded same day
at 13 M. in Book 6
pages 376. 377.

W. B. Lewis
Recorder
San Diego County

148 SD
PAGE 47

8255-

In the U. S. District Court
for the Southern District of California
San Angeles County.

Juan Moreno Case No. 148.
Appellee } Santa Rosa
advs. }
The United States } San Diego County.
Appellants }

And now comes Agustin Machado
by his Attorney William G. Dryden, and
prays this Honorable Court, by its order
entered upon the Minutes to make him
the said Agustin Machado, the Appellee
in the above entitled cause, for the reason,
that since the Confirmation of this Claim
by the "Board of United States Land Com-
missioners" to the Original Claimant
Juan Moreno, the said Moreno by deed
of Conveyance has sold all his right
title and interest in the said Land
to his petitioner, who is now the real
party in interest, in this cause, and
further to be allowed to annex to the Trans-
cript and papers in said cause, the deed
of Conveyance aforesaid. And would ever
pray as in duty bound.

W. G. Dryden
Attorney for the Beneficiary of
Juan Moreno Appellee

Case No. 148 2001E
456 Transf
U.S. Dist. Court for the
Southern District of Califor
nia.

Juan Moreno
Appellee
vs.

The United States
Appellants.

Motion of Augustin
Machado to be
made Appellee

Filed Dec 3. 1855

148 SD
PAGE 49

W. G. Day. Atty. for Machado

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

148 SD

PAGE 50

Juan Moreno
Appellee
vs.
The United States
Appellants
Case No. 148.
Lands called Santa Rosa
San Diego County.

Agustin Machado a resident of the City
and County of Los Angeles State of California
who after being duly sworn deposes and
says that on ~~the~~ ^{the} ~~fourteenth~~ ^{fourteenth} day of August
the Appellee in the above entitled cause, made
and executed to this affiant a legal deed
of conveyance for a valuable consideration
of all his right title and interest in and to
the lands called "Santa Rosa" situate
in the County of San Diego State aforesaid
and described in the Petition and Trans-
cript of this cause, - and that this affiant
is now the owner in "Fee Simple" absolute
of said described lands as aforesaid.

Agustin ^{his} Machado
mark

Subscribed and sworn to }
before me this 4 day }
of December A.D. 1855. }

Alex Gibson
Justice of the Peace }

No. 148,
U. S. Dist. Court for the
Southern Dist. of Calif.

Juan Moreno
Appellee

vs.

The United States
Appellant,

Affidavit of
Agustin Machado

Filed Dec 6th 1933.
J. H. [unclear]
[unclear]

148 SD

PAGE 51

W. G. Doyden Atty for the
Machado

District Court of the United States
for the Southern District of the State of California
Agustin Machado

148 SD
PAGE 52

Appellee) Case No. 148.
advs.) Place called
The United States) "Santa Rosa"
Appellants) San Diego County.

Agustin Machado a resident of the
County of Los Angeles, who after being duly
sworn deposes and says:— That he was
informed by his Counsel in the above entitled
Cause, that the recitals in the original Grant
conceding vacant lands lying and being
situate between their other, ancient and
well known Ranchos, was such a des-
cription of boundaries, as would render
the segregation of the land granted, from
the public domain easy and certain; and
that the concession of said lands by name,
for any quantity under the Maximum
was good and valid— This Affiant
further says, that after due investigation
he has discovered new evidence, whereby
he can prove the natural boundaries of
the place called "Santa Rosa", that the same
are known to the original Grantee and
the adjoining proprietors, and that those
natural boundaries contain an area
much less than the Maximum— That—
although those facts were in existence
at the time, that this Cause was sub-
mitted to this Honorable Court yet this
Affiant was ignorant of them— and

much more so of their importance,
This affiant further states, that
in a reasonable time, he will be able
to obtain the proof, which will establish
the boundaries of the lands which are known
as those, which constitute and form the place
called "Santa Rosa", and which are the
lands mentioned in the original grant.
That this affiant believes of the other
place in San Diego County, called "Santa
Rosa", that his grant for a thing by name,
vests in the grantee an incontestable and
equitable title, and that he is now pre-
pared to present material, and newly
discovered evidence sufficient to perfect
his title to the lands called "Santa Rosa"
as conceded in the grant.

^{his}
Agustin + Machado
mark

Subscribed and sworn to before me
this 7th day of January A.D. 1855.

J. G. Dryan
County Judge

Case No. 148
U.S. Dist Court for the
Southern Dist. California

Agustin Machado
vs. Appellee

The United States
Appellant

Affidavit for New
trial

Filed Jan'y 4th 1856.

J. E. Sawyer
clerk

148 SD

PAGE 54

W. G. Bryan - Atty for
Appellee

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

148 SD
PAGE 55

Agustín Macerado } Case No. 148,
Appellee } "Santa Rosa"
ads. } San Diego County
The United States }
Appellants }

And now at this day comes the
Claimant by his Attorney W. G. Dryden
and prays this Honorable Court to
grant him a new trial in the above
entitled cause, for this—

1st That the grant in this case is for a
place by name called "Santa Rosa"
vacant land between the Ranchos
of Laguna Temecula & Santa Margá-
rita, without specifying the precise
quantity that separate and apart
from this description, the place granted
called "Santa Rosa", has other fixed
natural boundaries, susceptible of
proof by living witnesses, making thereby
the grant clear and certain,

2^d " That the grant of a place by name is
by the Mexican laws and customs
good and valid, - and vests in the
grantee an equitable title therein,
which is perfected into a legal title
by the proof of the boundaries corres-

- founding and circumscribing the place designated by name in the grant. - The amount of proof to establish those boundaries is a matter of judgment left to counsel, - in this case it is now evident that such judgment was erroneous, which should not injure a party with vested rights and holding in good faith. - Wherefore your petitioner would ever pray as in duty bound for general relief and such other and further considerations as are entended through equity.

W. S. Bryan
Attorney for Appellee

Case No. 148
U.S. District Court for
Southern Dist. California

Agustín Machado
vs. Appellee
The United States
Appellant

Motion for New
Trial

Filed Aug 4th 1886.

148 SD
PAGE 57

J. E. Carr
Clerk

W. G. Dryden. Attorney
for Appellee

Case N. 148.

District Court of the United States
for Southern District of California

Agustin Machado	}	"Santa Rosa"
Appellee		
vs.	}	
The United States		
Appellant		

On Motion of W. G. Dryden Counsel
for Claimant, it is ordered that
either party may take new testi-
mony in the above entitled Cause
Jan. 8th A.D. 1855.

Case 148

The United States

vs

Agustin Machado

Order to take further
testimony

Filed Jan 8 1886

G. E. Jones
clerk

148 SD
PAGE 59

W. G. Dryden Ser
Appelled

The United States
 applts }
 vs. } No 148.
 Juan Moreno. }
 app'ee. } Santa Rosa.

148 SD
 PAGE 60

Deposition of Andres Pico, a witness
 on the part of appellee in the above
 cause, taken this 19th day of Feb'y, 1856.
 Before ~~me~~ Chas E. Law. US Comm
 for the State of California, Present
 S. M. U.S. Atty. & Wm G. Dryden,
 Counsel for appellee. was
 sworn as Interpreter.

Andres Pico being duly sworn
 answers & follows to questions propounded
 by Counsel.

Ques What is your name age & place of
 residence.

Ans. My name is Andres Pico, my age
 is 48 years, residence county of Los Angeles.

Ques How long have you resided in the
 County of Los Angeles, California

Ans. I was born in California and
 have always lived here.

Ques Do you know a place called Santa
 Rosa, if so, state where the same is.

situated whether the same is well known by that name.

Ans. I know ^{Level} Santa Rosa, I do not know which you refer to.

Ques. Do you know a place called Santa Rosa situated in San Diego County.

Ans. I do

Ques. How long have you known the place.

Ans. Since the year 1834

Ques. State whether or not the place is well known by that name

Ans. It is well known by that name.

Ques. Do you know a place called Santa Margarita, if so, how far ^{it} from the place called Santa Rosa is the same situated in what direction & state if ^{it} ^{is} ^{contiguous} ^{to} or adjoins the same. (objected to by the Asst.)

Ans. I know the place called Santa Margarita, It is to the South of Santa Rosa, ten miles from Santa Rosa and adjoins it.

Ques. Do you know a place called Temecula, if so, state in what direction it lies from the place called Santa

Rosa, whether it lies contiguous to or adjoins the same.

Ans. I know the place called Temicala, It lies to the east of, and adjoins Santa Rosa.

148 SD
PAGE 62

ques. State whether or not the places called Temicula & Santa Rosanita are places well known by those names.

Ans. They are well known by those names.

ques. State any well known point if you know any that lies near or contiguous to the place of Santa Rosa on the west. (objected to by the U.S. Atty.)

Ans. A well known ^{place} called Tenaja is on the west of Santa Rosa.

ques. State any well known point, if you know any, which lies on the north of Santa Rosa (objected to by the U.S. Atty.)

Ans. On the north is La Laguna. It is well known by that name.

Cross Examined,
ques. What ^{was} the extent of the place of Santa Rosa at the time you knew it first.

Ans. It was very large then - The limits spoken of were not known at that time.

At that time the land, ^{by that name} was all
in one body, and belonged to
Mission of San Luis Rey, I did not
know the limits.

Ques. When were the limits of the place
of Santa Rosa changed,
& by whose authority or in what
manner was the change made.

Ans. I knew the limits of Santa Rosa
after all those lands had been
granted, ~~I don't know that the~~

Ques. When were the limits of the place
of Santa Rosa, which you have
spoken of in your examination
in chief, established & by whom &
in what manner.

Ans. In the year 1842, I knew the
line of Santa Margarita, in 1844
I knew the line of Temecula, and
1847, I knew the line of the Rancho
of Ladajuna, it was founded there.
This is all that I can state in
answer to the question.

Deposition closed. *James C. ...*

Sworn to & subscribed
this 19th day of Feb'y 1856.
Before me. *J. C. ...*

J. C. ...

No 148.

Adm Dist Court
Route 1000 of Cal.

The United States
app'th

vs.
Juan Moreno
app'ee

Department of Audits
Pico

Filed Feb 19th 1886.

148 SD

PAGE 64

J. E. Jones
Clerk

The United States

apptd

vs.

Juan Moreno.

appellee.

No 148.

Santa Rosa.

Deposition of John Forster, a witness
for appellee in the above entitled cause
taken this 19th day of Feb 1856. before
Chas C. Can. U.S. Comm for the
State of California. Present O. D.
W. S. Atty. Wm G. Dryden. for appellee.
Sworn as Interpreter.

John Forster being duly sworn, answers
to questions propounded by Counsel
for the parties as follows

Ques. What is your name age & place of
residence.

Ans. My name is John Forster, my age is
42 years, my residence is the County
of Los Angeles.

Ques. How long have you resided in California

Ans. Twenty Three years.

Ques. Do you know a place called Santa
Rosa, if yes, state in what County the
same is situated and whether it is a
place well known by that name

Ans. I know it. It is situated in the County
of ~~Santa Rosa~~, San Diego & is
well known by that name.

Ques. Do you know of any well known
places that adjoin the place called
Santa Rosa, ipso, state in detail all
the well known places adjoining the
same, their names & in what
direction from the same they are
situated. (objected by the U.S. Atty.)

Ans. I do. On the east it adjoins
the Ranch of Temecula it is
a well known by that name, on
the west it adjoins the well known
place called Santa Margarita, on
the south is a stream running
from Temecula through the Ranch
of ^{Santa Margarita} ~~Temecula~~. On the north it adjoins
a deep ravine at the foot of the
Mountains known by the name of
Ponero de la Ciénega, running toward
the place known as the Tenaja
in a westerly direction. These are
all well known places. (objected to.)

Ques. State if you know a place called
La Laguna, ipso, state where the
same is situated, how far from & in
what direction from the place

called Santa Rosa.

called Santa Rosa

Ans. I know the Laguna, it is situated about six miles from Santa Rosa in a northeasterly direction,

148 SD
PAGE 67
Ques. When you say six miles, to what part of the two places have you reference

Ans. To the southern part of the Laguna and the northeaster part of Santa Rosa.

Ques. When you say Laguna do you ^{mean} a tract of land by that name or a body of water.

Ans. A body of water.

Ques. Do you know a tract of land called Laguna, if so, state how far it lies from a place called Santa Rosa & in what direction, (objected to by the US Atty)

Ans. I know the location of Laguna without knowing its boundaries, it is in a northeasterly direction from Santa Rosa.

Ques. What is the distance from ~~east~~ ^{west to east} ~~to west~~ from the place called Santa Margarita to the place called Temecula (objected to by the US Atty)

Ans. About 8 or 9 miles

148 SD
PAGE 68

Ques. What is the distance, ^{from the Steam} which passes from Lemeaula ~~on the~~ to Santa Mercedes, lying on the route of the tract called Santa Rosa, across the place called Santa Rosa, to the Ravine you have before described lying to the north of Santa Rosa. (Objected to by the U.S. Atty.)

Ans. In the centre of the place called Santa Rosa it would be six miles across, at the head of it, it would only be three.

Ques. How long have you known this place called Santa Rosa.

Ans. About twelve years.

Ques. State whether or not, it has been well known ~~during~~ by that name during all the time you have known it. (Objected to by the United States Atty.)

Ans. It has

Ques. Do you know a place called the mission of San Luis Rey, if so, state how far it lies from the place of Santa Rosa, and in what direction. (Objected to by the U.S. Atty.)

Ans. I do. It lies about nine miles

Santa Rosa
from San Luis Rey in a ~~direction~~ 7 8

Santa Rosa
from ~~San Luis Rey~~, in a southwesterly
direction from the place called
Santa Rosa.

148 SD
PAGE 69

Ques. Were you ever applied to, to give judicial
possession of the place called Santa
Rosa, if so, state when, by whom,
what office you held at the time,
whether you gave judicial pos-
session or not, if not, state the
reasons why the same was not
given.

Ans. I have no distinct recollection of
having been applied to for judicial
possession of that place - In fact
I think I was, but cannot say so positively
I was a justice of the peace about
the time this Ranch was occupied
by Juan Moreno, and I might have
been applied to for the judicial posses-
sion, but I cannot recollect distinctly.

Ques. At what time did the Americans take
possession of that part of California or
the County, where Santa Rosa is
situated.

Ans. In the latter part of 1846, about
August or September.

Cross Examined by the Usally.

Ques. Where were you born.

Ans. In Great Britain.

Ques. At what age did you leave there.

Ans. At about sixteen or seventeen years of age.

Ques. What is your profession & occupation.

Ans. I am a Ranchero.

Ques. What is the distance from Lermeula to Santa Margarita.

Ans. About fifteen miles.

Re-examination in chief resumed.

Ques. When you say 15 miles to what point do you refer.

Ans. I mean from the houses on the two places.

148 SD
PAGE 70

John Forster

Sworn to & subscribed }
this 19th day of Feb'y, 1856. }

Before me

J. E. Farr,
U.S. Commr. }

No 148.
U. S. Dist Court
Southern Dist of Cal.

The United States,
app'ts

v.

Juan Moreno,
app'd

Deposition of Juan
Forster.

Filed Feb 19th 1886.

148 SD
PAGE 71

J. E. Fox
ccca

In the District Court of the United States
for the Southern District of the State of
California. Dec. Term A.D. 1853.

The United States

Appellants } Case N. 148. for

vs } The Place called

Agustin Machado } "Santa Rosa"

Appellee. } San Diego County.

And Now comes the Appellee in the
above entitled cause, ^{by his Attorney W. S. Dwyer} and moves this
Honorable Court, for an Order of Continu-
-uance in this case for this:

That this cause came on to be heard
at a late day of the Term, about 7th Jan.
and a short time thereafter in said month
a new trial was granted; that in order to
sustain this claim, entirely new testimony
would have to be adduced showing the
exterior natural boundaries of the land in
question called "Santa Rosa"

That the place granted called Santa
Rosa is situated in a different County,
and at some distance from where this Hon-
orable Court holds its Term - greater delay
arising therefrom to this claimant in
the procuring of testimony from persons nearest

and best acquainted with the exterior
limits of said place. - And in support
of this Motion for an order of Continuance
until the Next Term of this Court - your
petitioner offers the accompanying Affi-
davit.

148 SD
PAGE 73

W. G. Dryden

Attorney for Appellee

Case N. 148

The United States

Appellant

vs

Agustin Machado

Appellee

Motion

for

Continuance

Filed Feb 26th 1876.

J. E. Fox,
Clerk

148 SD

PAGE 74

State of California

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

The United States of Case No. 148.
Appellants } Place called
vs }
Agustin Machado } "Santa Rosa"
Appellee } San Diego County

Agustin Machado the Appellee in the
above entitled cause, who after being
duly sworn deposes and says, that he
has been informed by his Counsel and
believes, that entirely new testimony will have
to be taken in this cause, in order to establish
the exterior natural boundaries of the place
called "Santa Rosa", situated in San Diego
County, that the persons best acquainted
with those natural boundaries are persons
living in San Diego, whose depositions this
affiant cannot procure without considerable
delay, and he prays of no persons ~~residing~~
residing nearer this honorable Court, by whom
he can prove those facts so clearly.
That

This Affiant will be able by the next term of this Court to obtain the testimony necessary to support his claim, - and that he cannot now proceed to trial for the want of such testimony, which is material in this cause.

148 SD

PAGE 76

That this is the first continuance asked for by this Affiant, and which has only been called for now, by the closing of the present Term. This Affiant further says, that it is not for delay that he asks this continuance, but that he may be enabled to present the merits of his case fully.

W
Agustin J. Mercedes
mark

Subscribed and sworn to
before me this 26th day Feb
A.D. 1836.

W. B. Bryan
County Judge

Continued

Case No 148.

The United States

Appellants

vs

Agustin Machado

Appellee

Affidavit for
Continuance

Filed Feb 26th 1836.

J. E. Lang
clerk

148 SD
PAGE 77

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

148 SD
PAGE 78

Hon. Isaac S. K. Ogier Judge

December Term 1856.

The United States

Appellants.

vs.

Juan Moreno

Appellee

No. 148.

Transcript from the Board of
Land Commissioners No. 486.

This cause coming on to be heard, on
appeal from the decision of the Board
of Land Commissioners to ascertain and
settle private land claims in California,
upon the Transcript of the proceedings
and decision of said Board and the
documentary and other evidence upon
which said decision was founded,
and also upon other evidence taken
and filed in this court, and
counsel for the respective parties having
been heard, it is
Ordered, Adjudged and Decreed that
the decision of said Board of Land

Commissioners declaring valid and confirming the claim of the appellee, Juan Moreno, to the land described in his petition to said Board and set forth in the Documentary and other evidence in this case, be and the same is hereby affirmed, and that his title to said land is a good and valid one.

148 SD
PAGE 78A

The land of which confirmation is hereby made is situated in the County of San Diego and is known by the name of "Santa Rosa", and the same granted on the 30th day of January A. D. 1846 to Juan Moreno by Governor Pio Pico — : the land adjoins and is bounded by the lands known by the names of "Temecula", "Layuna", and "Santa Margarita", according to the grant and the map to which reference is had: Provided however if the land within said boundaries exceeds in quantity eleven square leagues then the confirmation hereby made is made to eleven square leagues and no more; but if the land within said boundaries is less in quantity than eleven square leagues then the confirmation hereby made is made to such less quantity.

Quasintin O'Neil
U. S. Dist. Judge
for the S. Div. of Cal.

No. 148

The United States
appellants

vs.

Juan Moreno
appellee

Decree -

Affirming decision of Land
Commissioner and
confirming the claim

Filed July 15th 1857
J. W. [Signature]

Recorded in page 143

148 SD

PAGE 79

UNITED STATES OF AMERICA, SS.

The President of the United States of America,

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 "The United States, appellants, and Juan Moreno appellee, the decree of the said District Court was in the following words, viz:—

"This cause coming on to be heard on appeal from the decision of the board of land commissioners to ascertain and settle private land claims, in California, upon the transcript of the proceedings and the documentary and other evidence upon which said decision was founded, and also upon other evidence taken and filed in this Court, & counsel for the respective parties having been heard, it is—

Ordered, adjudged, and decreed, that the decision of said board of land commissioners, declaring valid and confirming the claim of the appellee, Juan Moreno, to the land described in his petition to said board, are set forth in the documentary and other evidence in this case be, and the same is hereby affirmed and that his title to said land is a good & valid one.

The land of which confirmation is hereby made is situated in the county of San Diego, and is known by the name of Santa Rosa, and the same granted on the 30th January, A.D. 1846, to Juan Moreno, by Governor Pio Pico. The land adjoins and is bounded by the lands known by the names of "Temecula," "Laguna" and "Santa Margarita," according to the grant and the map, to which reference is had.

Provided, however if the land within said boundaries exceeds in quantity eleven square leagues, then the confirmation hereby made, is made to eleven square leagues, and no more; but if the land within said boundaries is less in quantity than eleven square leagues, then the confirmation hereby made, is made to such less quantity."

148 SD
PAGE 81

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 ~~fourty~~ ^{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, it is now here ordered adjudged and decreed by this Court, that the decree of the said District Court in this cause be and the same is hereby affirmed

7. March.

148 SD
PAGE 82

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 ~~eighty~~ sixty three

COSTS OF—
Clerk \$ _____
Attorney . . \$ _____
\$ _____

Taxed by

B. W. Muddleton

Clerk of the Supreme Court of the United States.

148. 88

No. 145 December Term, 1863

MANDATE

SUPREME COURT UNITED STATES.

The Writter

vs

Morris.

Filed in open Court this
20th day of August 1863
on motion of J. D. Watkins
Esq^r U.S. Attorney.

John W. Carter Clerk
John W. Armstrong
Register Clerk

Index of Transcript N^o 148.

Agustin Machado for the lands called "Santa Rosa" San Diego County. Who has been substituted for "Juan Moreno"

148 SD
PAGE 84

No.	Page.	
3 to 4	"	Petition of claimant before the Honble Board of Land Commissioners.
5		Deposition of Jose Ramon Carrillo.
6		" " Leon V. Prockhouse.
7		Espediente Commences.
8		The petition of Juan Moreno. and Marginal Order - "New the Map."
8.	9	Report from the Mission of San Luis Rey.
	9.	An Order of Gov. Pico to annex to the Espe- =diente two Maps.
9 to 10		Petition of Juan Moreno to the Governor and the Marginal decrees.
10, 11, 12.		Copy of the Grant by Pico to Moreno.
	12.	The Departmental Assembly orders the Committee on vacant lands to Report.
	12.	Approval of Departmental Assembly.
	13	Surveyor General's Certificate, up to page 14 Commences.
15		Translation of Espediente, with
16		" Marginal Decree, Report of the Mission of San Luis Rey, and a decree of Pico, -
17		Representation from Moreno to the Governor
18		Marginal decree,
18	19	Translation of a Copy of the Grant.
	19	The Departmental Assembly receives the Espediente and refers it to the Committee on Lands
	20.	Approval by Assembly.
21. 22		Original Grant by Governor to Juan Moreno
23 26		B. Translation of Grant.
27, 28, 29		Opinion of the Commissioners.
30		Decree of Confirmation.
31		Transcript ordered to be filed Southern Dist.

No 148.

Index.

PAGE

2D

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

by *Fulid*

1855