

CASE No.
173

SOUTHERN DISTRICT

SAN PASCUAL GRANT

MANUEL GARFIAS

CLAIMANT

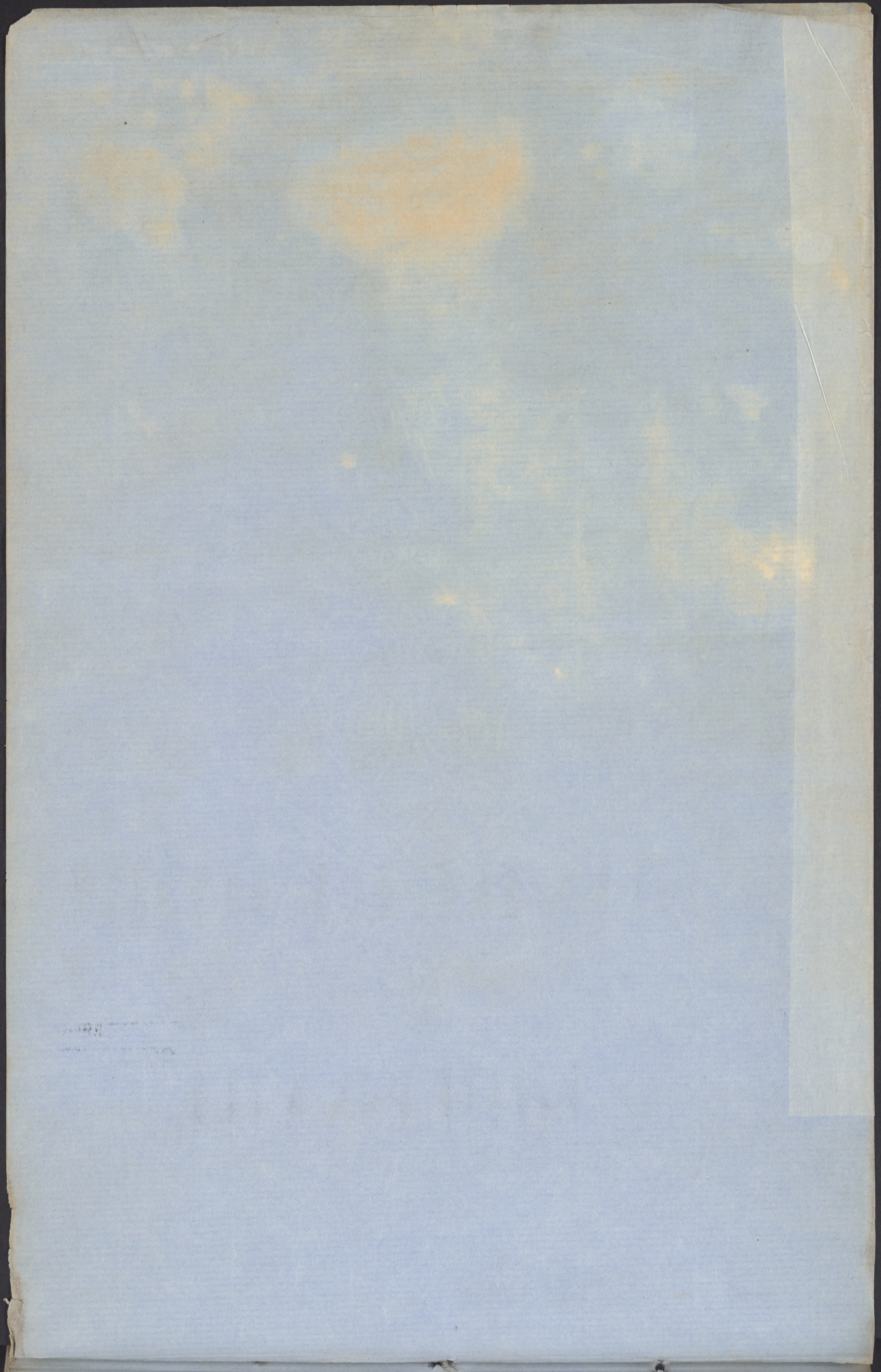
LAND CASE 173 SD pgs. 141

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TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 345.

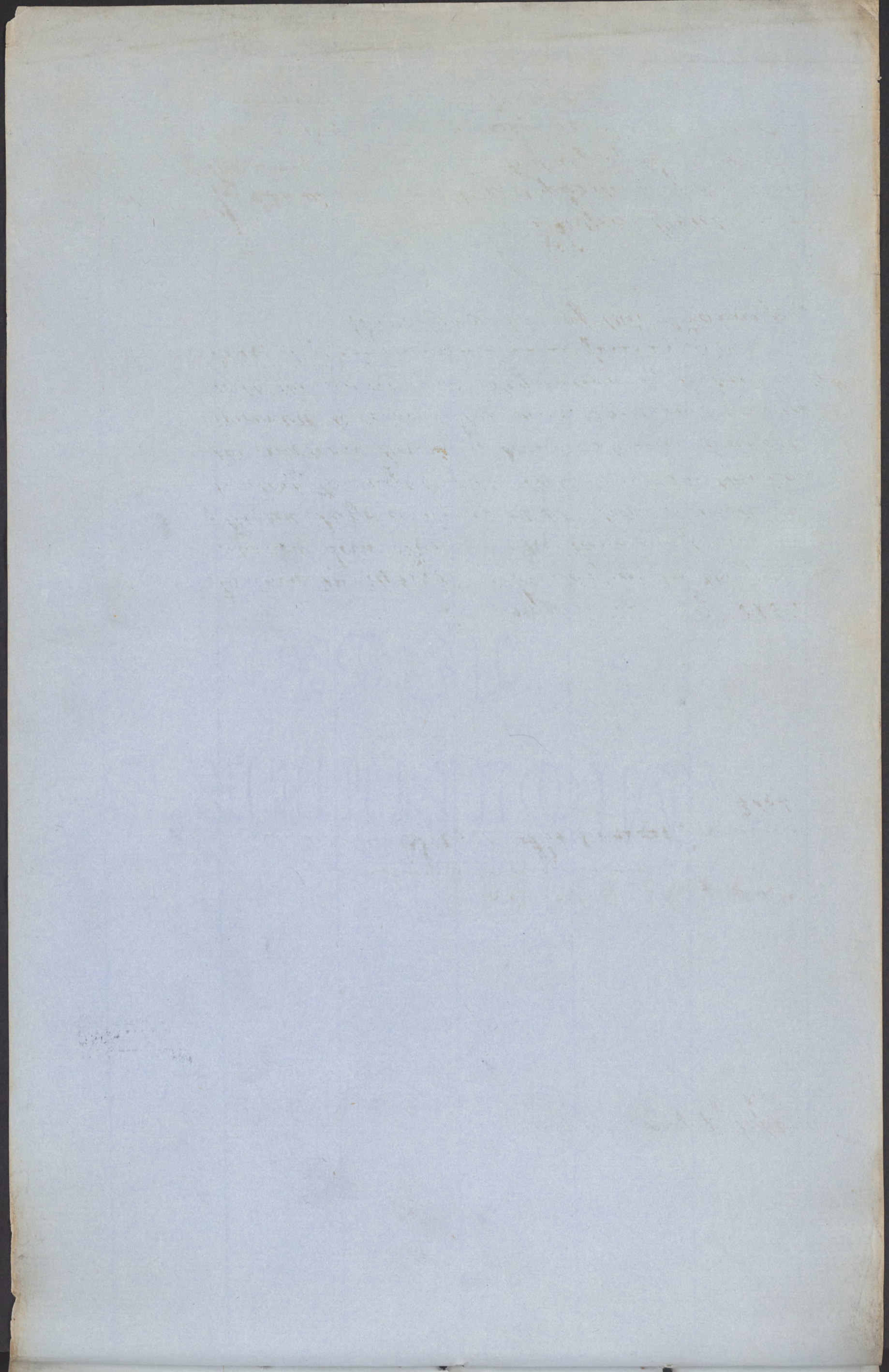
Manuel Garfias, CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Pascual."



In the same case the deposition of Pio Pico,
a witness in behalf of the claimant, taken
before Commissioner Richard Wall, was filed;
3 (Vide page 7 of this Transcript.)

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Los Angeles Oct 21 1852.
In the same case the deposition of Manuel
Dominguez, a witness in behalf of the claimant,
taken before Commissioner Richard Wall, with
documents marked annexed thereto
was filed:
(Vide page 10 of this Transcript.)

Los Angeles Oct. 22 1852.
In the same case the depositions of Antonio
A. Coronel, Fernando Sepulveda, and Agustin
Olvera, witnesses in behalf of the claimant,
taken before Commissioner Richard Wall,
were filed:
(Vide pages 17, 14, 12. of this Transcript.)

In the same case the depositions of Ignacio
A. Coronel and Ignacio del Valle, witnesses
in behalf of the claimant, taken before Com-
missioner Richard Wall, with document marked
No. 1 H.H., annexed thereto, were filed.
(Vide pages 12, 15 of this Transcript.)

San Francisco October 14 1853.
Case no. 345 was submitted on briefs and
taken under advisement by the Board.

San Francisco April 25 1854.
In the same case Commissioner R. Aug. Thompson
delivered the opinion of the Board confirming
the claim:

(Vide page 67 of this Transcript.)

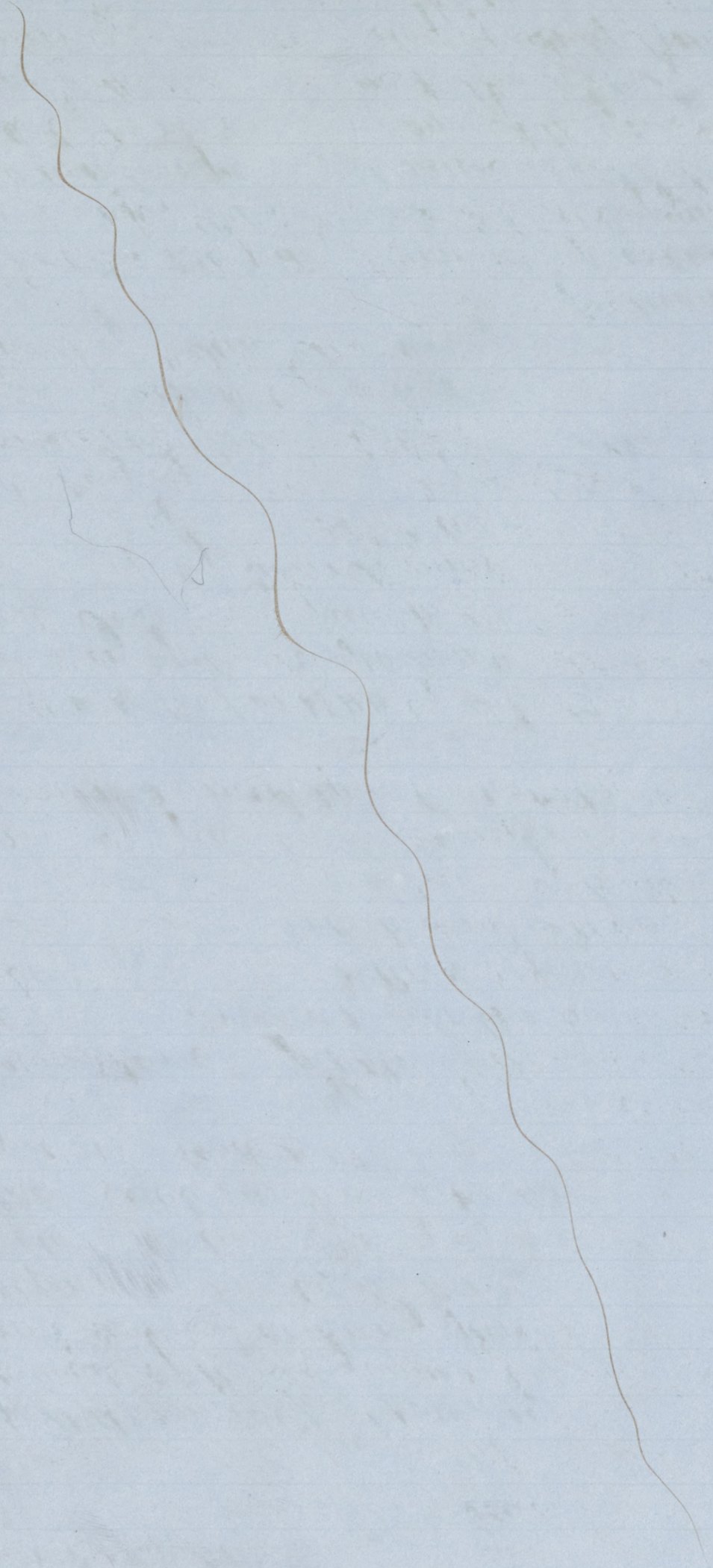
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San Francisco Aug. 15 1854.  
In the same case, on motion of the U.S. Law  
Agent, the following order was made, to wit:

(Vide page 73 of this Transcript.)

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1900
1900

To the Honorable
The U. S. Commissioners
for the adjudication and settlement of Califor-
nia Land Claims

Petition

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Your Petitioner Manuel Garfias
residents of the County of Los Angeles and State
of California, respectfully represents, That he is
owner of a ranch situated in the County and
State aforesaid. That said ranch was orig-
inally granted in fee simple to Your petitioner
by Manuel Micheltorna, Governor of the De-
partment of the Californias by virtue of suffi-
cient and extraordinary powers in the premises
conferred on him by the Mexican Government & was
granted on the 20th day of November A.D. 1843
That said ranch contains three and a half leagues
of grazing land, a little more or less according to
the Diagram or topographical Chart which
accompanied the petition of the said Manuel
Garfias, addressed to said Gov. Micheltorna prior
to said grant and in direct response, to which
said grant was made to Your Petitioner -

Said tract of land has never
been surveyed by the Surveyor General. The
grant was made upon announcement of a provis-
ional title made to Jose Ping and Enriquez Sep-
ulveda in the year 1840 by Don Beltrando as
Governor of the Department. The heirs of the
said Jose Ping filed in the Office of the
Secretary of Your Honorable Board on the
day of 1852, a claim to the undiv-
ided half of the land referred to in said
provisional grant, being part of the present
ranch claimed by Your petitioner, called the
Ranch of "San Pascual" -

Your petitioner knows
of no other interfering claim set up, or that can
be set up, and he claims to have enjoyed peaceful
and uninterrupted possession of said land from
and after the adjudication of the question con-
cerning the annuities to him made by Judicial
authority on the 10th day of July 1843, up to the
present time. And Your petitioner further repre-
sents that he has been confirmed in such grant
and possession by act of approval of the

Departmental Assembly of California on the 7th day of May 1832. And the judicial acts respecting the boundaries of said ranch -

For the support of his claim to said ranch of San Pascual, Don Esteban has filed on the 16th day of September 1852 in the Office of the Secretary of the Honorable Board and asks leave to introduce the following Documents in Evidence to wit -

1. A copy of the Original Depaints marked A
2. A copy of the original Grant marked "B"
3. A copy of the Act of Approval of the Dep Assembly marked "C"
4. A copy of the agreement fixing the Eastern boundary of said ranch marked D.

All of the above documents are in the Spanish language and have been rendered into faithful English translations with the exception of the last which Don Esteban also requests to present to wit, the papers that are marked B, D & F.

And your petitioner will offer at the proper time such other and further Evidence as may be thought necessary to establish his claim - and he prays your Honorable Board to confirm him in the property & possession of said ranch of San Pascual and order that patents issue therefor to Don Esteban -
Manuel Vasquez.

By Scott & Granger Attys.
August Sept 16th 1852.
Filed in Office Sept 16. 1852
Cyrus J. Geo. Fisher Secy.

Office of the U. S. Land
Commission -

Las Angeles Oct. 20th 1852.

On this day before Nelson Heald one of the
Commissioners for ascertaining and settling
private land claims in California came Pio Pico
a witness produced in behalf of the Claimant Manuel
Garcias whose petition is No 345 on the docket of
the Commission and was duly sworn. His evidence
being given in the Spanish language was inter-
preted by the Secretary -

The U. S. Associate Law Agent and Contesting
Claimant were notified and attended -

In answer to Enquiries by the Counsel
for the Claimant, the witness testified as follows.
My name is Pio Pico. My age is fifty
one years & I reside in Las Angeles.

A paper is now shown me sup-
porting to be a certificate showing the approval
of a grant to Manuel Garcias dated May 1
1846 & to which my name & that of Jose Maria
Moreno are attached - My signature on the
paper is genuine the signature of Moreno is
genuine & I was Governor of California at
that time & I signed the paper in that capacity
Moreno was Secretary & he signed it as such.

I know of my own knowledge that the
grant to Manuel Garcias was approved by
the Departmental Assembly as stated in said
certificate -

In answer to questions by the Asso-
ciate Law Agent, the witness says he is not aware
of any case in which the Departmental Assembly
both the same that or at the foot of the Expedi-
ente -

Questions by Counsel for the Claimant -
What was the custom in the approval of grants
by the Departmental Assembly.

Answer - The Expediente was presented
to the Assembly & by that body referred to a
Committee who made a report which was
acted upon by the Assembly & the Assembly
informed the Governor of what had been done.
Upon this information the Governor issued a

Disposition
of Pio Pico

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Certificate to the party interested showing what had been done by that body -

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Question - Can you explain why the date of your Certificate of Confirmation is of an earlier date than the report of the Committee in favor of a Confirmation -

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Answer - I think there must be a clerical mistake in the date of the report made by the Committee -

Can you recollect from your own knowledge the date of the Confirmation by the Assembly -

Answer - I cannot. On further consideration I think the error must be in the date of the Certificate & that it must have been made by the Secretary -

Question by the Council for the existing claimant -

Question - Have you any recollection of the time & place of your signing the Certificate -

Answer - I signed it in the Government House & on the day the paper was dated -

Question - Recollect you any other way of making your letter different from what appears in the Certificate -

Answer - I had another mode of making that letter - The flourish or rubric is the same in all my signatures - *Pis Pico*.

Truly & Sincerely

Respectfully

Richard Hall Commr.

Filed in Office Oct 20. 1852

(Signed)

Geo Fisher Secy.

Office of the U. S. Land
Commissioner

Los Angeles Oct 20th 1852.

On this day before Heidemeb Keall one of
the Commissioners for ascertaining and settling
private land claims in California. Came Jose
Antonio Carrillo, a witness produced in behalf
of the claimant Manuel Garfia whose petition
is No 213 on the docket of the Commission,
and was duly sworn. His evidence being given
in Spanish, was interpreted by the Secretary.

The U. S. Associate Law Agent, and the
Counselors were notified and attended.

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

My name is Jose Antonio Carrillo. My age
is fifty seven years & I reside in Los Angeles
& am a native of California.

I am acquainted with the hand
writing & signature of Manuel Michetorena & Manuel
Jimeno.

A paper is now shown me purporting
to be a grant from Governor Michetorena to
Manuel Garfia dated Nov. 28. 1843.

The signatures of said Michetorena
& Jimeno appearing on said paper I believe to be
their genuine signatures. The said Michetorena
held the Office of Governor & the said Jimeno
that of Secretary at the date of said paper as
therein ascribed. Said paper is hereto annexed
& marked No. 16. 16.

I am acquainted with
the hand writing & signatures of Pio Pico
& Jose Matias Moreno.

A paper is now shown
me purporting to be an approval by the Depart-
mental Assembly of a grant to Manuel Garfia's
dated May 7. 1846. I have claimed the paper
signature purporting to be that of Pio Pico ap-
pearing on said paper & am in doubt whether
it is his genuine signature & my doubt is founded
on the fact that Pio Pico usually makes his
title P. differently from what it appears on

Deposition
of
Jose Antonio Carrillo

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this paper. It is usually made with a dot or stroke across it in this manner P. F. Over the other - The signature of Moreno I think is genuine. Pio Pico was Governor & Moreno was Secretary at the date of said paper as therein described. Said paper is hereto annexed & mailed No 2. N. N.

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In answer to questions by the Associate Law Agent the witness says he would not receive the last mentioned paper as having been signed by Pio Pico, because he doubts the signature -

José Anto. Carrillo
Sworn & Subscribed

Before me
Richard Hall Comm.
Filed in Office Oct 20. 1852.
Esyma
Geo Fisher Secy.

Office of the U. S. Land Commission -

Los Angeles Oct 21st 1852.

On this day before Richard Hall one of the Commissioners for ascertaining and settling private land claims in California came Manuel Dominguez a witness produced in behalf of the claimant. Manuel testified whose petition is No 315 on the docket of the Board and was duly sworn his evidence being given in Spanish was interpreted by the Secretary.

Deposition
of
Manuel Dominguez

The U. S. Associate Law Agent and the Claimant were notified and attended.

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

My name is Manuel Dominguez my age is 119 years & I reside on the Rancho San Pedro in the County of Los Angeles.

I held the office of Prefect from the month of May 1843 to the month of July 1844 for the Second District of California embracing

the jurisdiction of Los Angeles. A paper is now shown me purporting to be a traced copy by the Surveyor General from the Archives of California of certain papers connected with the title of Manuel Garfias to the rancho San Pascual. On page third of said paper as denoted by the Surveyor General, my name appears, it is my signature, it appears like mine. I do not recollect of signing such a paper. I have no recollection of signing the paper, or of any oath subject of which it treats. I signed many papers as Prefect. The two signatures appearing on page 8 of my name appears like mine. I was acting as a Magistrate at the time & did not sign official papers without authority. I have no recollection at all on the subject of these papers. I signed many papers officially.

My name on page 10 I am satisfied is my signature & that I signed the paper in good faith. I say the same in regard to my name on page 12 & also on page fourteen and again on page twenty two. The signatures appear to be identical with mine.

Do you remember the circumstances of the annexation of the Rancho San Pascual by Manuel Garfias?

Answer - I recollect that during the administration of Governor Micheltorena, that Garfias instituted some proceedings about the year 1843 in relation to the land or petitioned the Governor for it. But I cannot give any particulars.

Question by the Associate Law Agent
Do you recollect that Manuel Lugo & Enrique Sepulveda preferred any charge against you for misconduct in this case?

Answer - I do not recollect of any such thing.
Manuel Dominguez

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Sworn & Subscribed

Before me

Hedward Hall Esq.

Filed in office Oct. 21st 1852.

(Signed)

Geo Fisher Secy

Deposition
of
D^o F Coronel

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Los Angeles Oct 22nd 1852,
On this day before Hiland Hall one of the
Commissioners for ascertaining and settling private
land claims in California came Ignacio F
Coronel, a witness produced in behalf of the
Claimant, Manuel Garfias whose petition is no
345 on the docket of the Board and was duly
sworn. His evidence being given in Spanish
was interpreted by the Secretary.

The U. S. Associate Law Agent and the
contesting Claimants were notified and attended.

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

My name is Ignacio Coronel, my age is
fifty eight and I reside in Los Angeles.

A paper is shown and purporting to
be a certificate or receipt for the sum of Twenty
dollars from Enrique Sepulveda to Manuel
Garfias, dated the 20th of October 1853. I
wrote the paper & signed it at the request of said
Sepulveda, who stated the object of it to be that
which is stated in the paper. It was written &
signed at the time it bears date. Said paper
is hereto annexed & marked by 1. H. H.

I do hereby certify that the above is a true and correct
copy of the original as shown to me by the witness
Ignacio Coronel.

Sworn & Subscribed
Before me
Hiland Hall Comr,
Filed in Office Oct. 22nd 1852.

(Signed) Geo Fisher Secy

as am

Deposition
of
Augusto Olona

Los Angeles Oct 22nd 1852,
On this day before Hiland Hall one of the
Commissioners for ascertaining and settling
private land claims in California came Augustin
Olona, a witness in behalf of the Claimant
Manuel Garfias whose petition is no 345 on
the docket of the Board and was duly sworn.
His evidence being given in Spanish was in-
terpreted by the Secretary.

The W. J. Associate Law Agent was notified as also the Contesting Claimant and were matters done.

In answer to questions by the Claimant the witness testified as follows.

My name is Augustin Olvera, my age is thirty two years & I reside in the City of Los Angeles.

I was a member of the Departmental Assembly a part of the year 1846, I recollect that Manuel Garfias asked for the approval of the Assembly of his title to the Rancho San Pascual & that the Expediente was referred to the proper Committee. I do not recollect whether it was approved or not. The Expediente will show.

Questions by the Associate Law Agent: Do you recollect when you was member of the Assembly that any grant was disapproved by that body.

Answer - I do not recollect that any such case happened.

Do you recollect at what time the Assembly closed its session in this place in 1846.

Answer - It was I think in the month of August.

Question by Counsel for the Claimant - What do you know about the land formerly granted to Perez & Sepulveda having been previously granted to Marina?

Answer - I understood from Perez that the land had been formerly granted to Marina & had been abandoned by him & that they Perez & Sepulveda had applied for it & it had been granted to them. Perez was living on the land.

Question by Counsel for the Contesting Claimants - Do you know that the limits of the land granted to Marina were the same with the land granted to Perez & Sepulveda.

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Answer - I do not know the limits of the land in either case.

Augustin Olvera,
Sworn & Subscribed
Before me
Helena Hall Comr.

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Filed in Office
Oct. 22, 1852
Geo. Fisher
Secy

Office of the U. S. Land
Commission

Los Angeles Oct 22nd 1852.

Deposition
of
Fernando Sepulveda

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On this day before me at the Hall one of
the Commissioners for ascertaining and settling
private land claims in California. Came Fernando
Sepulveda a witness produced in behalf of
the Claimant Manuel Garfias whose petition is
No 315 on the docket of the Board and was
duly sworn. His evidence being given in Spanish
was interpreted by the Secretary.

The U. S. Associate Law Agent & the Contesting
Claimant were notified and attended.

In answer to questions by the Counsel
for the Claimant the witness testified as fol-
lows.

My name is Fernando Sepulveda. I
reside in the City of Los Angeles & my age is
thirty six years.

I have known the Rancho
San Pascual since I was a boy. When I
first knew it it was occupied by the late Mariano
Sumarino. He occupied & his sons & son
in law squandered the stock that was on
the land. It was afterwards occupied by
Enrique Sepulveda & Jose Perez for a con-
siderable time. But cannot state how long.

They had a small house on it & some cattle
& horses. The stock disappeared from the place
before Sepulveda got living on it. Afterwards
Manuel Garfias occupied the place. He has
occupied the place about seven or eight years
I should think. He has a house there which
he built. a stock of cattle & some tame horses.
I have seen him & his family living there.
He has cultivated some of the land. Since I
& Sepulveda left the place I have not known
it to be occupied by any one adverse to Garfias.

Testimony by Counsel for the Contesting
Claimant.

Do you know that the quantity of
land granted to Mariano & to Perez
Sepulveda & to Garfias was the same & the

limits of the grants the same?

Answer - I do not know the quantity or the limits of either grant.

In answer to a question by the Associate Law Agent, the witness said Marino did not live on the land & that he died at San Gabriel.

Question by Counsel for Contesting Claimants -

Do you know the children of said Marino & any thing of some kind?

Answer - There is but one living & he is named Thomas and four daughters, one son & three in - some & two sons, are some of the other means all are dead except the named son.

In answer to questions by Counsel for the Claimants the witness says that the deceased sons & daughters has left children who are living & some.

Fernando ^{his} _{marriage} Sepulveda,

witness
do Fisker Sief
sworn & subscribed

Before me - Hilanda Hall Comr.

Filed in Office Oct. 22. 1852.

(Signed) do Fisker Sief

Las Angeles, Oct. 22nd, 1852.

On this day before Hilanda Hall one of the Commissioners for ascertaining and settling private land claims in California, came by Ignacio del Valle a witness produced in behalf of the Claimant Manuel Garfias, whose petition is no 345 on the docket of the Board and was duly sworn. His Exhibits being given in Spanish, was interpreted by the Secretary.

The U. S. Associate Law Agent and the Contesting Claimant were notified and attended.

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

Deposition
of
Ignacio
del Valle

follows. My name is Ignacio del Valle. My age forty four years & I reside in Los Angeles.

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A paper is now shown me purporting to be a receipt from Antonio Maria Lugo to Manuel Garfias for one hundred dollars dated 13th of April 1848. which receipt is attached to this dispatching & marked No 1. H. H.

I signed the said receipt for the said Lugo at his request, Lugo informed me that the necessary money had been paid in reference to the land San Pascual. The object of the receipt of the money was explained to me by him to be the same as stated in the receipt. The receipt was given on the date it bears date. After the death of Perez Antonio Maria Lugo & the father of the widow as I understand from him acted as her agent.

Ignacio del Valle,
Loom & Subscribed
Before me
Richard Scott Clerk.

N.º 1. H. H. Recibi del Sr Manuel Garfias la Cantidad de cien pesos \$100 / por valor de una Casita que tenia ubicada en el Rancho de San Pascual mi hija Merced por convenio formado entre ambos y para que conoto le doy este en la Ciudad de Los Angeles @ 19 de Abril de 1848.

Por Ruego de D. Ant. M.º Lugo
Ignacio del Valle.

Filed in Office Oct. 22. 1852
Signed Geo Fisher Secy.

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Office of the U. S. Land Commission -

Los Angeles, Oct. 22nd 1852.

Deposition
of
A. Coronel

On this day before Hiland Hall one of the Commissioners for ascertaining & settling Private Land Claims in California came A. Coronel a witness produced in behalf of the Claimant Manuel Garfias whose petition is No 345 on the docket of the Board and was duly sworn the Secretary interpreting

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The U. S. Associate Law Agent and the Contesting Claimant were notified & attended.

In answer to enquiries by the Counsel for the Claimant the witness testified as follows.

My name is Antonio Coronel my age is thirty three years & I reside in Los Angeles & have resided there ever since the year 1837. I know Manuel Simino I have seen him write & am acquainted with his hand writing, his signature & rubric.

A paper is now shown me purporting to be a copy of the Expediente of Manuel Garfias in relation to a tract of land called Rancho de San Pascual dated 2nd of Decr. 1844. The signature of Manuel Simino to the Certificate that the paper is a true copy, I believe to be his genuine signature.

Manuel Simino was acting as Secretary of State at the date of his certificate upon said paper. Said paper is Certificate numbered & marked No 1. 36. 36.

A map being produced & shown me. I recognize it as representing the Rancho called San Pascual. The rubric on said map I believe to be that of the said Simino. The said map is Certificate numbered & marked No 2. 36. 36.

I am acquainted with the rancho San Pascual & have known it ever since I have been living in Los Angeles.

I believe the land was first granted to Perez or to his wife & to Sepulveda

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I was abandoned by them in 1843, or 1844.
I was directed as First Alcalde to make an appraisement of certain houses on the land for the purpose of having the former occupants indemnified by Manuel Garfias who had petitioned for the land in case it should be granted him.

Did you ever know of any one being appointed to examine the rancho to ascertain whether it was vacant & to report on the same?

Answer - I was called upon to make such an examination & report, by the Prefect Quistin - Did you examine & report?

Answer - I did.

What was your report?

Answer - I reported that the land was abandoned.

Question - Is the report now shown you that which you made?

Answer - It appears to be a copy of the report & being found in a certified copy of the original Expediente from the Office of the Surveyor General.

Question - Do you know that the Widow of Perez & Sepulveda had notice of the application of Garfias for the land & whether they appeared on such notice or not?

Answer - They were both notified & the Widow was represented before me by an attorney & Sepulveda appeared in person.

Rafael Tallas was attorney for the Widow.

Question - Do you know that she appointed him as her attorney?

Answer - I do. She told me she had so appointed him.

Question - Did her attorney put in an answer in the matter?

Answer - I think she did in writing but it is so long ago that I do not recollect positively - On being shown the Official Copy of the Expediente certified by the Surveyor General, the witness says the answer there appearing was he thinks put in by her.

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attorney.
Question: Did Sepulveda answer?

Answer: I think he did & that the answer appearing on said copy of the Expediente was put in by him.

Question: Was the Rancho at that time abandoned?

Answer: It was.

Question: Who was with you in making this Elimination?

Answer: I think I had two assisting witnesses as but I do not recollect who they were.

Question: Was there a judgment given declaring the land vacant?

Answer: There was not a judgment of a court, there was a report that the land was vacant & the report was acted upon by the Governor. The report was made by me as Alcalde to the Prefect, and from the Prefect it went to the Governor.

Question: Was the announcement of the Rancho made in by Garfias in conformity with the laws usages & customs in force in California at the time or not?

Answer: It was.

Question: Do you know that the report which appears with certified copy of the Expediente from the Sanoufor ungal as having been made by the Prefect, to the Governor is that which was made by him?

Answer: I think the report was made as therein stated.

Question: What do you know of the occupancy of the land by Manuel Garfias?

Answer: Garfias occupies the land at present but I am not well acquainted with the previous occupancy.

Questions by Mr. Scatter's Counsel for the Contesting Claimants.

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Question: Did you see Jimeno put his rubric on the map as you mentioned?

Answer: I did not.

Question: How do you know that it is his rubric that appears on the map?

Answer: Because it appears very much like

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the rubric Jimeno was accustomed to attach to his name.

Question - Did you ever see Jimeno write & make his rubric, & if so on what occasion?
 Answer - I have seen Jimeno write & sign his name when he was Secretary of the Government at Monterey. I have seen him sign his name as Secretary and in his individual capacity. I lived in Monterey from 1834 to 1837 & have been there since several times.

Question - Who went with you to examine the Rancho of San Pascual?

Answer - I cannot recollect who it was -
 Question - What examination did you make of the rancho?

Answer - I examined to see if there was any stock on the land, whether any body lived there whether there were houses there & whether it was occupied by any one.

Question - How did you ascertain this?

Answer - After a personal examination, I made enquiries of the adjoining neighbors -

Question - Who were the adjoining neighbors of whom you made enquiries?

Answer - There was but one whose name was Juan Gallardo. The abandonment was a matter of public notoriety. Gallardo is living. I did not examine him in person. It was not customary to do so.

Question - Who gave notice to the widow of Paz & Sepulveda of the examination -

Answer - I gave them notice by order of the Supreme Authority.

Question - What kind of notice did you give?

Answer - It was in writing & is in the Expediente.

Question - How long before the examination was the notice given?

Answer - I cannot recollect.

Question - To whom did you give notice?

Answer - Notice was given to Felix the attorney of the widow to appear at my Court & when he appeared this notice was given him.

Question - Did you ever give notice to the widow in person?

Answer. Officially I did not, but I was several times at the house of the widow in Company with Mitchell in Conference, on the business on which occasions I informed her of the proceedings respecting the Amusement. It was not considered proper for a woman to appear in Courts.

Did you ever summon the widow to appear in your Court.

Answer. I did send a summons to the widow to appear, which means to appear either in person or by her attorney.

Question. Did you send a written summons to her to that effect, or did you notify her personally to that effect?

Answer. I did summon her by a written summons. It was sent by an alguacil an officer attached to a Court, authorized to serve process. Tillus appeared in her name as her representative.

Question. How do you know that Tillus was her attorney?

Answer. He was appointed by writing as her attorney & he informed me of it verbally.

Question. Did you see that writing?

Answer. I did see it, it was not in form, & I questioned him about it verbally.

Question. Was this power of attorney signed by her?

Answer. It was not signed by her as she could not write. It was signed in her name & as it was thus not in form, I went to see her personally & received her authorization.

Question. Do you know who wrote & signed this power?

Answer. I do not.

Question. What did that power authorize Tillus to do?

Answer. It gave a special authority to him to appear & act upon the affair of the Amusement.

Question. Did it give him any further power than to appear in Court in her name?

Answer. As well as I can recollect it gave him full power to act for her in that business.

Question. What becomes of that power.

Answer. I do not know.

Question. Was it not your duty as Alcalde to attach it to the Complaint of the Case?

Answer. It was not my duty unless the parties required it. It was filed with the papers in the Case.

Question. Where was the Widow when you administered her oath concerning the mentioned.

Answer. In the House of her Attorney Tillus

Question. Do you remember any other persons who were present besides the widow & the attorney.

Answer. I do not!

Question. Who was Tillus.

Answer. He was an officer of Micheltorna & I think a Lieutenant Colonel in the Mexican Army.

Question. When did Tillus come to the Country?

Answer. He came with Micheltorna I think in the end of the year 1842 or the beginning of 1843.

Question. Do you know whether Tillus is living.

Answer. I have heard he had in Mazatlan. He is not living in California to my knowledge.

Question. Is Micheltorna living in California.

Answer. I have no knowledge that he is, and I think he is not.

Question. Was Tillus a Mexican or a Californian.

Answer. He was not a Californian. I do not know what part of Mexico he came from.

Question. What relation was Juan Gallardo to Manuel Garfias?

Answer. Gallardo is the husband of the mother of the wife of Garfias.

Question. Of which Country is Garfias.

Answer. He is not a Californian. I have understood he is a native of the State of Oaxaca in Mexico.

Question. When did Garfias come to California & in what capacity.

Answer. He came with Micheltorna & as an officer of the Army. I think a Lieutenant.

Question. What laws did you refer to when you sent the announcement was according to the laws of this Country?

Answer. It was according to the laws usages and customs followed here?

Question. What laws?

Answer. I suppose according to the law of Colonization & the regulations annexed to it.

Question. Had you reference to any other laws & if so what they were?

Answer. The Alcaides not being Lawyers acted according to such laws as they were acquainted with & in difficult cases they consulted with those who were better acquainted or in higher authority & acted according to the instructions of higher authority.

Question. Do you know of any law on the subject of announcement?

Answer. If I have known any, I do not recollect it.

Question. What do you mean by the usages and customs of the Country which you had spoken of.

Answer. What I did was done according to the usages & customs which I then knew. It was approved by the Government. If it had not been according to such usages and customs it would not have been approved.

Question. Did you as Alcalde ever act in any other case of announcement than this?

Answer. Whether I did or did not the Archives will show. I cannot recollect all my acts as Alcalde.

Question. Can you recollect any other case in which you acted?

Answer. I cannot without reference to documents.

Question. If you had acted in any, do you not think you would recollect?

Answer. I may recollect it tomorrow or next day but I do not now.

Question. Do you remember of any other case of announcement before any other Alcalde?

Answer. I remember there have been others but cannot at present call to mind any one.

Question. Do you know of any other case in California in which land which had been granted to one person has been taken & granted

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to another -

Answer - I do not call to mind any such case.
Question - Do you know of any other case in
California in which land.

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Question, of what Country are you?

Answer - I am a native of Mexico -

Question - How do you know the Prefect sent
the report in this case to the Governor?

Answer - It was the duty of the Prefect to
send it, but I do not recollect how whether
I had knowledge that it was sent or not. The
Espediente will show it -

Question by Counsel for the Claimant -

Question - Do you know by your own knowledge
that Perez & Sepulveda had obtained their
title by denouncing the land as vacant, there
existing even a former claim upon it of another.

Answer - I do not know the fact of my own
knowledge. I have never seen any papers showing
it, I have heard so.

Question -

When you say you went to see the
widow personally in regard to the power of attor-
ney to Pallas & received her authorization what
took place & what did she say?

Answer - I went to her officially as a magis-
trate to know whether he was authorized to act
for her. She said he was & directed me to transact
the business with Pallas as her attorney -

Question - Did she express to you a desire
to renounce her interest in the land & if so, when
& what did she say about it -

Answer - I do not recollect -

Question by Counsel for Contesting Claim
Ant.

How long have you ever acted as a legal
agent the whole of the year 1823 & now at
any other time.

How long before the date of the Evidence,
would you answer that appears in the Espediente
was it - that you had the conversations with
her which you speak of?

Answer - I cannot recollect.

Questions by Associate Law Agent.
I know the land claimed by Garfias. I first
knew it when it was occupied by Sepulveda
& previous to the grant to Garfias I have
seen on it Smes - I do not recollect that I
knew when it was occupied by Marino. I had
heard that the land had previously been gran-
ted to Marino but I had no personal know-
ledge of it -

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On the deposition being read over
to the witness by the Secretary, he says that
he did not mean to say that there was but one
adjoining owner, but that Gullerelo was the only
one who resided in the vicinity & was available -

A. F. Coronel,
Subscribed & Sworn
Before me
Notary Public

Filed in Office Oct 27th 1852,
(Signed) Geo P. Asho Secy.

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1844.

Expediente

Promovido por el Sub-teniente del Batallon Fijo de este Departamento D^{no} Manuel Garfias, en selectio del paraje conocido con el nombre de Rison de S^{no} Pascual.

n^o 154.

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Sello tercero un peso.

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Habilitado provisionalmente por la Actuana Maritima del puerto de Monterrey en el Departamento de las Calif- ornia para el año de mil ochocientos cuarenta y tres.

Micheltorena.

Manuel Castañares.

(Seal)

S. S. Comandte General.

Gobierno del Departamento de California. Manuel Garfias Subteniente del Batallon Fijo de este depart- amento con el debido respeto ante V. S. hace presente:

Angeles. Junio 1^o de 1843. = Simase info- que deseo de asegurar a mi fam- ilar la posesion de la preciosa ~~herencia~~ herencia subscrit- ar la prefectura enca y teniendo los bienes necesarios del Dist^o Segundo para cubrir el terreno nombrado tomanado los que Division de S^{no} Pascual: que no obstante y asque necesarios tener algunas casuchas deterioradas si los evayenes ind las que si estoy pronto a ind'guisar- dispensables su corto previo el abalno respectivo lo haya enserante balotio y demunio en la forma legal de Dho, a comp- anarlo igualmente el correspondte ordeno. Por tanto A. S. Suplico se obligue concederle su pedido en lo que recibire merced y gracia Angeles. Junio 10 de 1843.

Micheltorena

Manuel Garfias.

Angeles. Junio 26 de 1843.

El Sr. Jefe 1^o de Paz de esta Ciudad procederá a hacer la resolucia correspondiente del

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"del parage que se refiere en este Expediente; y en su consecuencia produzca un rufanue circunstanciado de su estado actual y cañeter con que se halla consolidado y desde que tiempo, y concluido, vuelva a esta Prefectura para los demas fines consiguientes.

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Manuel Dominguez.

Narciso Obretto.

Srio.

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Done L. Gomez a Chap. en Palm.

Sr. Prefecto.

A consecuencia de lo que previenen los superiores decretos que obran en la instancia del señor Intendente Don Manuel Gargias, pase en persona ha con la voluntad del tercero del Aviseon de San Pascual y previa citacion de coludantes y del vecino Enrique Sepulveda, observe que en el citado terreno no habia ni una ves, y sola una corta manada, igualmente vi alli dos casitas de adobe que una es del finquero José Peres y otra sala de Enrique Sepulveda, con respecto a la voces de estas familias nada vi, pero a un fin embargo para obrar con mas a cierto le pague a Enrique de quien

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era el terreno constituido en título provisional
 otorgado el año de mil ochocientos cuarenta por el Sr.
 Abogado que era Dijo y de Don José Peñas; mas como
 al ver el título lo hice presente el abandono en que estaba
 el sitio me dijo tenen por aqui treinta reses y me
 dio otras disculpas para cubrir la falta. Es lo que puedo
 decir a. V. S. para su Superior conocimiento.

Angeles. Junio. 3 de 1843.

Antonio Barón.

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Ser. Excmo. Señor.

La Prefectura del 2º Distrito en cumplimiento al sup-
 lido Justo de este expediente su folio 12 del p. polo
 procedo a tomar las informaciones conducentes al negocio
 a que se contrae Dha. expediente y segun aparese de lo
 practicado por el Jefe de 1º Instª de esta Ciudad, re-
 sulta en un completo abandono el parage que se
 solicita nombrado Rancho de Sr. Pascual, y por cons-
 iguiente en estado de abandono a la denuncia que de
 el se hace, pues aunque se hallan alli tres casitas inhabi-
 tadas no hay ninguna clase de breves ni otros tra-
 bajos que obligan a entender el empeño de los que
 fueron agraciados por el adelanto que producen de dichos
 terrenos como que esta es la intencion de la ley y recuerdo
 del deber del Gobierno, evitan los abusos y toda clase
 de entorpecimientos en adelanto de los terrenos como de
 que de ello puede el engrandecimiento de un pais, es de
 sentir esta Prefectura, se sabe de los nomos del orino
 que en el termino de tres años no se ha visto su producto
 y posarlo a otros mas laboriosos. = Muiterado
 en esta vez, es a creditos de ser atendido tanto como
 Ciudadano Mexicano, su honradez y actividad, cuanto
 porque tiene los bienes suficientes para cubrir los el
 repetido sitio, y que le daré a este, si impuso ya
 delante que se deca; mas sino embargo de lo expuesto
 V. S. con su acreditado acierto y justificaciones, resolvier-
 lo que sea de su Superior agrado.

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Angelos Julio. 1^o de 1843. Manuel Domínguez.
Narciso Boleto. Sallamao.

(See) Angelos Julio 5^o de 1843.

Darse este expediente de las otras partes que antes pasaron
-en el sitio de que se trata para que se pasen su
conformidad, y no anuencia en que se les conceda
al Suplicante. Mi Boleto enu.

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Angelos 6 de 1843.

De conformidad con el Superior dictado que antecede
contiene el traslado prevenido de este expediente a la
parte de Enrique Sepulveda para que en el término
de diez días diga lo que a su Dño. convenga, al fin
de las cuales lo devolviera a esta Prefectura y se le
entrega en la fha. y en la forma útiles.

Manuel Domínguez. Narciso Boleto. Sall.
Sr. Prefecto del Distrito.

g. S. B. H.

Enrique Sepulveda de esta Vecindad, como dueño y
poseedor del terreno llamado Quiscon de San Pascual
-contestando al traslado que del presente expediente
se me pasa; debo decir que hice conato y intento en una
redundancia quando yo quise exponer las razones que
me dio. Comencé quando estoy persuadido que no me han
de valer para librarme del Deygo del estado teneno; pero
si era muy necesario para ponerme a cubierto de los factos
que se me imputan por omisión o insuficiencia, mani-
-festar las causas que lo han motivado. El pie de
quando que puse en San Pascual se destruyó en
su totalidad el que no mataron en el mismo tiempo
lo robaron en pie y el pozo que quedó se ha desperado
por diversas razones, en las vicinidades de esta ciudad,
-ad, por el Rancho de los Arilas y por San Her-
-nando de la. Observando igualmente la viciniam-
-bre en que me hallaba por tener un verdad^o Acovino
en el sitio, o mas de la viciniam^o de mis bienes
de los cuales se introdujeron varios individuos; y
usurparon mi Dño. tomaron las tierras y las siembras

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arbitrariamente, todo esto me hizo existir del desempeño de reprobado y fomentarlo. La omision de los Jueces para escuchar mis repetidas quejas sobre los danos y perjuicios que diariamente resentia, dio lugar a que los males se multiplicaran y ultimamente llego mi desgracia en tal extremo que mas documentos a esos efectos que dependian al expediente p[re]l de propiedad que existe en Monterrey, quedá establecido entre el Sr. Prefecto y el Sr. Juez de 1ª instancia sin que lo pudiesen conseguir sin embargo de los muchos p[er]os que di para ello. En sustancia lo que debo manifestar sin que se enue que inserto en la nota de enagenativo, pues protesto no latirme los obques de la verdad. Angeles. Julio. 7. de 1843.

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Otro Si. Inique Sepulveda.
Se devuelva el expediente en las
minutas y que lo recibi a mas de la presente Sepulveda.
Angeles Julio. 7. de 1843.

Pasese en traslado a la viuda Dona Merced Lugo para que esponga lo que a su oño. Courango y vuelva el expediente a esta Prefectura para los demas fines.
Manuel Dominguez. Narciso Poletto. Inio.
Sello Vacinto Medico Real.

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Habilitado provisionalmente por la Duanas Chardima del puerto de Monterrey en el Departamento de las Californias para el año de mil ochocientos Cuarenta y Tres.
Micheltorena. Manuel Castanovas.

(Lul) Sr. Prefecto del Distrito.
Merced Lugo viuda del finado Dona Jose Seneg y dueña del Rancho nombrado Prision de San Pascual, cont estando ovidente al traslado que se me corre del expediente relativo a la denuncia que del referido terreno hace Don Manuel Turfias digo que aunque tenga las necesarias bienes suficientes p[er] cubrir la parte que me corresponde del enajenado Rancho esto, es indispensable mantenerlos en todas las posesiones del Sr. Jui

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puolme en donde cuenta: Con el cuidado y dirección de mis
hermanos Panones puer la dedición al ramo de la
agricultura me es a propósito para mi ser; por estas
razones y por la qu de que sperde de serolo las mejores
adelantos a' este país donde' recibi mi' esentana; manifi-
esto lúicivamente no poder' fomentar mi' etáda parte
y renuncia por tanto del Dho. Dho. que en este punto
asistir me. Angeles. Julio. 8 del 1843.

Amuego de Doná Meneed Lugo. Pasajal Felles.

Otro si. (Seal) suplico se me dispense el papel de
medio real por no haber del Sello respectivo.

Angeles Julio. 8 de 1843. = Resulta en el
diseno y 2. de este expediente un pedaso de terreno en
numento al parage D^o Pascual que en el se espeta
y que pertenece a la Misión de S^o Gabriel, pasee dho.
expediente al N. P. Mto. de este establecimiento para que
digne en el particular lo que le convingo, devolviendome
lo a esta Prefectura para los fines consiguientes.

Manuel Dominguez. Narciso Boletto. S^o.

Sr. Prefecto. del Distrito.

En virtud del Informe que pide P. S. a esta Misión
de S^o Gabriel se sirva declarar sobre el terreno
que aya en su terreno el Señor D^o Manuel Rojas
contiguo al parage de S^o Pascual en línea recta para
el rumbo de la Sierra de una legua de longitud y la
titul, puede conceder al interesado S^o p^o de
de dicha misión como terreno baldío que nunca lo
ha ocupado la misión y en la época presente que carece
de ganado mayor mucho menos, en esta virtud se le
puede conceder el título de propiedad del terreno
que solicita el interesado. Misión de San Gabriel.

Julio 9. de 1843. Sr. Thomas Estenosa.

(Seal) Su mo. Sr.

Concluidos ya los traslados mandados practicar
en el Superior decreto P. S. de este expediente, y hechas
diligencias que se erigenon necesarias para lo completa

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aclaracion del asunto que se veia, la Prefectura Segundo
 tiene el honor de devolver a V. S. el repetido Expedite
 con los alegatos de las partes que antes prosuyeron Sr.
 Pascual, para los fines que en su vista tenga a bien V. S.
 resolver; no debiendo omitir pedir a V. S. en termino
 de justicia, se sirva disponer que el Sr. Enrique Sepul
 - esta prueba tanto a la Prefectura como al Juzgado de
 1^o instancia que tube el honor de desempeñar, la
 calumnia que les importa, con tanto descaño y desacato
 en su escrito p^o 5 de este mismo expediente pues que el
 honor y dignidad de esta Prefectura, asi como el des
 -ono del Gobierno jamas podran consentir ser tratadas
 como al presente aparecen, y de no probarlo Sr. Sep
 -ulveda, sea castigado con arreglo a las leyes.

Angeles. Julio. 10 de 1843. Manuel Dominguez.
 Narciso Bobetto. Secretario.

(Seul) Angeles. Julio. 10 de 1843.

Vistos los anteriores informes trasladados respectivos
 asi como no haber llenado las condiciones de la ley
 los anteriores poseedores y estan por consecuencia denuncia
 -ciables Sr. Pascual se le concede a Don Manuel Parias
 y lo hay hecho como conor, consensuandose en cada qui
 -nur de Sepulveda y Dona Mercedes, el valor de las
 Capitas que ambos tienen su derecho de titulo por
 esto, con la obligacion de ocurrir que se le expedira
 en favor cuando el Gobierno se invite ~~sea~~ a confirm
 -arlas. Micheltoveca.

Montevideo. Abre 18 de 1844.

Vista la peticion con que esta p^o viene este Sr.
 Sello quinto Medio Real.

Habilitado provisionalmente por la estatuta charitable
 del puerto de Montevideo a el Departamento de las Califor
 -nias, por el año de mil ochocientos cuarenta y tres.

Micheltoveca. Manuel Castanaves.

(Seul) Sr. Jefe del Distrito.

(Seul) Nacionalmente concedido el Supremo Gobierno

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33 - Ang^o. Julio. 22 de 1843. de este Depo^o sobre el terreno de San
 Por presentado y adm^o Pascual, como consta por el título
 título, ayguarse al provisional que acompaño y ordenado
 expediente relativo a dar el lleno a la sequencia de provisiones
 y otorgarse original que obra en el último de acto del Sr^o D^o
 al Sr. Juez de Sanist. de este promovido por mi presento fin
 -encia de esta ciudad como tambien verificar la de p^o de la
 para que de conformidad solicitan dho. terreno.

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con la Superior de N. S. Suplica se sirva tomar la s^o aud
 -posicion que antecede a las necesarias para el conser^o de
 del vocal coniente a vuelta de las casitas que tienen en el
 mes, proceda a p^o de los terrenos el Sr. Sepulveda
 -ctuar el correspondiente y Dona Mercedes Suyo.

abaris que se previene Angeles. Julio. 12 de 1843.

de las casitas que existen Manuel Garfias.

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en San Pascual por medio de peritos, previa notificacion
 a las partes en concepto que ya le fue notificado al Sr
 Enrique Sepulveda por esta misma Prefectura, y con
 las correspondientes diligencias, vuelva a ser expediente
 para los oleas fines respectivas.

Manuel Dominguez. Narciso Boletto. Secretario.

Angeles. Agosto 14 de 1843.

En vista de haber tomado hoy conocimiento del asunto
 pasare por mi y testigos de existencia y procedase
 al abalo respectivo con las virtualidades de derecho
 Ati yo decreto mande y firmé con las de existencia
 segun derecho. Jose M. Corronel.

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atn. Felipe Valenzuela. atn. Juan de Dios Pabilla.

En el seguida hize comparecer a las vecinos Don
 Manuel Garfias y Don Enrique Sepulveda, y previa
 la notificacion respectiva, se les impuso a cada uno
 -nar sus peritos por cada parte suciendose lo mismo
 con respeto a Dona Mercedes Suyo; y entendidos eligieron
 lo oye y firmaron con miyo y las de existencia y los
 interesados que supieron.

33

Atn^o J. Corronel. Manuel Garfias. De ato - via

8 39

de alta. Juan de Dios Bustella. de alta. Francisco Bolson.
En la fha. y en el llanote en el parage de San Pascual
presentaron las partes por peritos el Sr. Garfias, a Don
Jose Maria Anguilan y el señor Enrique Sepulveda
a Don Manuel Araya se presento perito Don Heredia
Lugo por que se convino particularmente con Don Manuel
Garfias, a los peritos antes nombrados se les tomo juram-
-ento por el, de desempeñar fielmente su encargo lo que
autorise y firmé con los de alta. segun derecho.

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Ant. F. Coronel. Manuel Araya.

alta. Manuel Eguen Ignacio Aguado. = A con-
-tinuacion puse en union de los testigos de asistencia
y peritos abaladores; y despues de examinarla casa
de Enrique Sepulveda le puse en el precio de setenta
pesos con cuyo avaluo se conformaron las partes
lo que asiento por diligencia que autorise y firmé
con los de asistencia segun dno. firmado a rra los
peritos. Ant. F. Coronel. Manuel Araya

alta. Francisco Eguen. alta. Francisco Aguado.

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Angeles. Agosto. 15 de 1843. = Ab allandose con
-cluidas estas diligencias, devuebrase a la Superintendencia
segun lo previene. Ati Yo el Jefe que suscribe devuebré
manudo y firmé con los de alta. segun dno.

Ant. F. Coronel. alta. Ignacio Eguerra. Ign. Aguado.

Angeles. Obre. 10 de 1843.

En esta fha. se remitió este expediente en once fojas utiles
(Seul) Angeles. Octubre 10 de 1843.

Devuebrase al interesado las presentes diligencias pa-
-ra sus guardos y Demas fines.

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Manuel Dominguez. Narciso Botello. Sriv..

Junta Junta Departamental.

Manuel Garfias, Subteniente del B^{on} Le F.^o de California
ante V. E. con el debido respeto manifiesta: que habiendo
34 se le concedido el terreno de San Pascual para su
beneficio personal y el de su familia; como consta por
el titulo que acompaña; y no existiendo este del requisito

Indispensable, como es la aprobacion de lo Honorable
 its amblea a V. E. pide y suplico se digne otorgarla
 de lo que recibira merced y gracia. Juno lo a costam-
 brado de servirnos dispensar me el papel comun
 por no haber del que corresponde. Ciudad de los Angeles
 Mayo. 27 de 1846. Manuel Garfias.

Angeles. Junio 3 de 1846.

Dada cuenta en sesion de hoy a la 8^{ma}. its amblea
 Departamental con esta instancia, se uniuó pasar
 en union del expediente respectivo a la comision de
 terrenos baldios. Augustin Olvera.

Señor.

La comision de terrenos baldios a examinarlo el preste
 expediente promovido por el Ciudad^{no} Manuel Garfias
 relativo al porraje S. Pascual que le fue concedido
 por el Supremo Gobierno Departamental con arreglo
 a las leyes de la materia en tal virtud pone a la
 deliberacion de V. E. la proposicion siguiente.

Se aprueba la concesion hecha al Ciudad^{no} Manuel
 Garfias del terreno conocido Rincon de San Pascual
 en esta jurisdiccion en estension de tres sitios de ganado
 mayor; por mas o menos segun titulo librado au-
 favor con fecha 8 de gbre de 1843 y de conformidad con
 la ley de 18 de Agosto de 1824 y el articulo 5^o del reglam-
 ento de 21 de gbre de 1828.

Sello de Comis^o en la Ciudad de los Angeles. Junio 4 de 1846.
 S. Magüello.

Sello Segundo Cuatro Pesos.

Habilitado provisionalmente por la aduana Maritima
 del puerto de Monterey en el Departamento de las Calif-
 ornias para el año de mil ochocientos Cuarenta y tres.

Micheltorena = Manuel Castaneres. = El
 Ciudadano Manuel Micheltorena General de Brigada
 del Ejercito Mexicano, Ayudante Jral de la Ploma
 Mayor del mismo, Gobernador Comandante General e Ins-
 pector del Departamento de las Californias = Por cuanto

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el Subteniente de Intendencia Peruviana, Ciudadano D.
-cano D.^{no} Manuel Porzias, á prescrito para su beneficio
personal y el de su familia el terreno conocido con el nombre
de S.^{no} Pascual Colindante al lado con Sta Anita al Oeste
con el parage opuesto del Arroyo Seco, al Norte con la Sierra
y al Sur con la lomeria inmediata al camino principal
que pasa para los Angeles, siendo estas inclusivo en la
concesion del terreno mencionado: practicadas previamente
las diligencias y averiguaciones concernientes segun lo
dispuesto por leyes y reglamentos, usando de las facultades
que me son conferidas, he venido en concederle el terreno
mencionado, declarando la propiedad de el por las pes-
-etas letras, sujetandose á la aprobacion de la Junta
Junta Departamental y á las condiciones siguientes.

1.^a Podrá sercarlo sin perjudicar el camino de San
Gabriel á S.^{no} Fernando, lo disfrutará libre y exclusi-
-vamente destinandolo al uso y cultivo que mas le con-
-viene. 2.^a Solicitara del Jefe respectivo que le dé la
posesion Juridica en virtud de este despacho por el
cual se demarcaran los limites en lugares limites, poniendo
ó uno de las mojoneras algunos arboles fructivos ó tilo-
-stos de alguna utilidad. = 3.^a El terreno de que se
hace donacion es de tres sitios de Garrado mayor por
mas ó menos segun se demuestra en el plano respectivo
4.^a Si contraviniere á estas condiciones perderá su
derecho al terreno y será denunciado por otro. = En
consecuencia manifi que serviendo de titulo el
presente y teniendo por firme y valedero, se tome
labon de el en el libro á que corresponde y se entregue al
para su resguardo y demas fines. = Dado en
Montevideo á veinte y ocho de Nbre de mil ochocientos
Cuarenta y tres. = Manuel Micheltoreau = Juan
Micheltoreau = Manuel Jimenez = Juan = queda
tomado labon de este despacho en el libro respectivo
a foyas. 4.

Simone.

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

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I Samuel D. King, Surveyor General of the
United States for the State of California and as such now
having in my office and under my custody a portion
of the Archives of the former Spanish and Mexican
Territory or Departments of Upper California, do hereby
certify that the twenty seven preceding and hereunto
annexed pages of tracing paper numbered from one to
twenty seven and each of which is verified by my
initials (S. D. K.) exhibit true and accurate copies of
certain documents on file and forming part of the said
archives in this Office.

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In testimony Whereof I have her-
eunto signed my name officially and affixed my
private Seal (not having a seal of office) at the City
of San Francisco, Cal. this 29th day of September
1852.

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Samuel D. King.
Surveyor. Genl. Calfn.

Filed in office. Oct. 21st 1852.

Geo. Wither. Secy.

46.

43

Transation of the Expediente in relation to the ranch of San Pascual granted to Manuel Garfias -

"P"
Transation of Expediente

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His Excellency, The Commandant General,
Manuel Garfias Lieutenant of the Permanent Battalion, stationed in California with all due respect represents to Your Excellency, that having a desire to secure to my family the proper maintenance and having the necessary stock to cover the land named Rincon de San Pascual, notwithstanding it had some delapidated goods for which I am immediately to pay their small estimated value at the price fixed by competent persons - It is wholly incupid and I announce it according to the forms of law accompanied with the corresponding Decaprom or map. Therefore I pray Your Excellency to grant my petition, and that I may receive charity and favor
Angels June 1st 1843.

Manuel Garfias

Angels June 12th 1843.

Please to inform the Prefecture of the 2^o District and to him take three (3) witnesses he may think necessary, if he should deem them indispensable -

Inchettorina

Angels, June 20th 1843.

The 1st Justice of the Peace of this City will proceed to make the corresponding inspection of the land that is referred to in the Expediente, and consequently he will return a detailed report with all the circumstances of the actual condition and character in which it has been considered, and since what time and how long concluded it may be, he will return to the Prefecture for further purposes -

Manuel Dominguez

Narciso Botillo Secy.

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His Honor the Prefet.

In consequence of the Superior preceding orders called into exercise by and in the petition of the Lieutenant Manuel Garfias I set out in person to make the inspection of the land of the Rincon de San Pascual, having

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previously notified the adjoining proprietors of lands and the neighbor Enrique Sepulveda. I observed that in the aforementioned land there was not one head of cattle and only a small band of men, I saw likewise two small houses of adobe, one of which is of the late Jose Ponz, and the other of Enrique Sepulveda with respect to lands called by these families I saw none. But to avoid all doubt and to proceed with greater probability, I asked Enrique Sepulveda whose land this was, and he replied, showing me a provisional title given in 1841 by his Leonor Alvarado, that it was his and Don Jose Ponz. But how (I asked) when I saw the title was the land abandoned? He told me that he had for the land (that is to be placed thereon), thirty heads of cattle, and he gave me other excuses to pacify his fears. This is what I can report to J. H. for your Superior knowledge. August 30th 1843.

Antonio F. Coronel,

Excellent Sir - The Prefecture of the 2^d District in fulfillment of the Superior Decree of the first page of this Dispatch of date the 16th ult. proceeded to make the necessary enquiries relating to the business of this Dispatch and accordingly it appears from the proceedings of the Judge of the 1st Instance of this City that there results our Complaint of abandonment of the land which is petitioned for named the Rincon de San Pascual, and consequently is in that State which Courts the denomination thereof is made. Though there are upon it two houses inhabited, there is not any kind of stock nor other improvements which could lead one to understand the conditions required of those who received the grants with respect to the improvement and products of said lands according to the intention of the law, and believing it to be the duty of the Government to prevent the abuses and every kind of indolence in the improvement of lands and in the welfare of a country it is the sense of this Prefecture that it (said tract of land) be taken from the hands of the indolent one who for the space of three years has

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produced nothing thereon and pass it to others more industrious. The person interested on this occasion is of such mind as requires attention being a Mexican citizen of probity and enterprise and he thus in addition sufficient stock to earn the aforesaid land and because he will give to it an impulse and the improvement which it demands. But notwithstanding this Exposition J. O. with his distinguished Judgment and sense of Justice will dictate whatever shall be agreeable to his Superior Pleasure.

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Angels July 1st 1843. *Mamb Dominguez*
Narciso Botillo Sec.

Angels July 5th 1843. Let this Dispatch be passed to the two parties that hitherto possessed the land which is treated of, that they may express their compliance or non compliance with what may be concluded to the petitioners.

Angels July 6th 1843. In conformity with the foregoing Superior decree let a true and copy of this Dispatch be passed to the party Enrique Sepulveda that within the space of two days he may represent his proper rights and at the end of which he shall return it to this Prefecture to read to it be delivered to him at this date and in four useful hours.

Mamb Dominguez
Narciso Botillo Sec.

His Honor the Prefect of the District
I Enrique Sepulveda of this vicinity as owner and possessor of the land called Rincon de San Pascual in reply to the copy of the present Dispatch which was given me ought to say that I would know that I incur the charge of redimendum by wishing to explain the reasons relative to my rights since I am persuaded that they had no influence to free me from the annunciation of the land referred to

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but if I believed it very necessary to palliate my failings that maybe imputed to me for omission or insufficiency by manifesting the causes that have created them (I would say) The incision of the Stock Cria de ganado, which I placed in San Pascual was totally destroyed what they did not slaughter on the same ranch they robbed on foot and the few that remained have been dispersed to different points in the vicinity of this City to the ranch of the Abelas and to San Fernando etc, noticed also the uncertainty of charging a true dominion over the ranch in which I have been placed. likewise the insecurity of my moveable effects. Various individuals were introduced and usurping my right they sowed the lands arbitrarily, all this obliged me to desist from securing my interest by restocking the stock and sustaining the ranch. The neglect of the Judge to listen to my repeated complaints about the damages and usurps, I daily experienced gave occasion to multiply the evils. And finally my misfortune became so extreme that some documents having relation to the Ranch that agreed with the principal Dispatch in right of property which existed in Monterey were taken from the Es. Prefecto and the Es. Jefe of the 1st Instance, extracted, so that I could not obtain them. notwithstanding the many steps I took for that purpose. This is in substance what I ought to represent without believing that I incur the charge of exaggeration, and I declare that I have not varied from the truth.

August July 7th 1843.

Enrique Sepulveda.

Nota -

The Dispatch was returned on the same pages that were delivered to him with the addition of the present.

August July 7th 1843.

Manuel Romeros -
Narciso Botello Sr.

His Honor the Prefect of the District -
A. Merced Lago widow of the late Jose Lago
and owner of the ranch of San Pascual } answering

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respectfully the copy that was dispatched to me of the Despatch relating to the emancipation, that Don Manuel Garfias master of the land referred to, say. That although I have the stock that ought to be moved to cover the part which belongs to me, of the ranch now announced, it is common for me to maintain said stock on the ranch of my father where they will mix with the cow land control of my brother who are men grown. But application to agricultural business is not appropriate to my sex. For these reasons and because I have always desired the improvements to this country which gave me the birth to be advanced, I sincerely represent that I can not sustain my part referred to and I therefore renounce the right which I have in the premises August 8th 1843. By request of Dona Mercedes Leya -

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Rafael Tello.

Note. Pray excuse the paper of a half real for not having the proper seal - August 8th 1843.

Whereas in the Diagram on page 2^a of this Despatch there is an augment to the ranch of San Pascual which is expressed in the Diagram and which pertains to the Mission of San Gabriel at this Despatch be passed to Reverend Father Jimenez of that Establishment that he may say whatever suits him upon this particular returning it to this Prefecture for further uses.

Manuel Dominguez
Francisco Botello Sic.

His Honor the Prefect of the District
By virtue of the information which Don Honor solicits of the Mission of San Gabriel permits me to declare concerning the land, embodied in the Diagram of Don Manuel Garfias, contiguous to the ranch of San Pascual in a right line from the direction of the mountain of our league in length and breadth, that it can be granted to the person interested without prejudice to said Mission, as unoccupied land which the Mission has never

occupied & much less so at the present time
 when it has far less stock than it formerly had
 in virtue whereof title in property of the lands for
 which the party interested petitioners can be
 granted.

Mission of San Gabriel } Fray Tomas Estmaga
 July 9th 1843 }

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Most Excellent Sir

The Copys having been
 passed, as it was commanded to be done by
 the Superior Decree of the fourth page of this
 Dispatch and the further proceedings having
 been had which were deemed necessary for the
 complete explanation of the subject which is
 treated of the Second Prefecture has the honor to
 return to V. O. the Dispatch aforesaid with the
 allegations of the parties that heretofore possessed
 San Pascual which Don Excellency may well
 consider when laid before you. The Prefect
 ought not to omit requesting of V. O. in the
 furtherance of Justice that you will be pleased
 to direct that Don Miguel Sepulveda may prove
 as well to the Prefecture as to the Court of the
 First Instance that had the honor of officiating
 the vain calumny which he imputed to them
 with so much disrespect and impudence in his
 communication page 5th of this same Dispatch
 since that the honor and dignity of the Prefe-
 cturate as well as the Majesty of the Government
 should never consent to be defamed as at
 present appears to be the case. And that the
 said Sepulveda not proving it shall be punished
 according to the laws.

August July 10th 1843,

Manuel Dominguez -

Ramon Botello Sec

August July 10th 1843.

The foregoing proce-
 dings and respective copys having been exam-
 ined as the former possessors have not fulfilled
 the conditions of the law, and San Pascual
 consequently being liable to annexation it is
 hereby granted to Don Manuel Garcia who

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has made the denunciation as it appears and with the understanding that he will indemnify Sepulveda and Doña Mireid for the value of the little houses which they both own the present serving him for a provisional title with the obligation to return that it may be made out to him in form when the Government is definitively installed -

Micheltorona.

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His Honor the Prefect of the District -
The ranch of San Pascual having been granted to me by the Superior Government of this Department as appears by the provisional title which accompanies this and desiring to fulfil the second proposition appearing in the last decree of the Dispatch promoted by me for this purpose as well as to verify the offer made by me in the petition for said land. I pray Your Honor to be pleased to take the necessary steps for the proper valuation of the little houses which Mr Sepulveda and Doña Mireid Super. have in the above mentioned land.

Angels July 12th 1843

Manuel Gaspar

Angels July 2nd 1843.

The Dispatch having been presented and admitted let it be attached together and let the original be directed to His Honor the Judge of the 1st Instance of this City in order that in conformity with the Superior disposition that precedes of date the 10th instant he may proceed to the valuation which is provided for of the houses erected in San Pascual by means of competent persons previous notice being given to the parties it being understood that Enrique Sepulveda has already been notified by this Prefecture and with the corresponding proceedings let this Dispatch return for further relative purposes.

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Manuel Dominguez.

Narciso Botello Sec.

Angels. August 14th 1843.

Immediately upon having to-day had knowledge of the subject, myself and assistant witnesses passed and proceeded to the respective valuation according to the formalities of the law - Thus I do hereby command and sign it with my assistant witnesses according to law.

Anto J Coronel

Asst. Felipe Valenzuela
Asst. Juan de Dios Padilla -

Whereupon the neighbors Don Manuel Garfias and Don Enrique Sepulveda appeared and at the same time they were told that they must nominate each a competent person to act as arbitrator on his part the same to be done for Doña Mercedes Lago and having understood they said they heard it and signed with me and my assistants who also understood it -

Antonio J Coronel

Manuel Garfias
Asst. Juan de Dios Padilla
Asst - Mariano R. Rodan.

On the same day being myself present on the ranch of San Pascual the parties presented themselves by their arbitrators, Mr Garfias by Jaci Maria Aguilar and Enrique Sepulveda by Manuel Arceaga. An arbitrator for Doña Mercedes Lago being present for she had a special agreement with Manuel Garfias. An oath was administered to the arbitrators, before him made by which they promised to discharge their trust with fidelity, all of which I authorized and signed with my assistant witnesses according to law.

Antonio J Coronel.

Manuel Arceaga.
Asst - Francisco Cegarrin
Asst - Juaciv Aguada.

In Continuation I went accompanied by the assistant witnesses and the competent assessors

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and after an Examination of the house of Enriqau Sepulveda, they placed its value at Twenty dollars (\$20) with which valuation the parties were satisfied which arbitration as a part of the proceedings I authorized and signed with my assistants according to law, the Arbitrators also saying -

Antonio J. Coronel

Manuel Arsaña
Asst. Francisco Equin -
Asst. Ignacio Aguada.

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August August 13th 1843 -

These proceedings having been concluded to them be returned to the Superior Authority as is provided. Thus I the Judge who subscribes decreed, ordered & signed with my assistants according to law.

Antonio J. Coronel
Asst. Francisco Equin
Asst. Ignacio Aguada.

August October 10th 1843.

On this day this Dispatch was remanded in Elsen useful leaves subscribed - Political Prefecture of Los Angeles.

August October 10th 1843

Let the present proceedings that have been taken be returned to the party interested for his protection and further ends.

Manuel Dominguez -
Narciso Botello Sec.

The present testimony with the Diagram which accompanies it faithfully copied from the original which exists in the Office of the Secretary of the Government, is issued faithfully corrected and compared which I certify in the best form as Secretary of Dispatch in Monterey the twenty second of December, one thousand Eight hundred and forty four.

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Manuel Amador
Filed in Office Sept 10. 1852
Cepid P. No Fisher Secy.

1.53

Sello segundo cuatro pesos.

Se abilitado provisionalmente por la dotacion maritima del puerto de Monterey en el Departamento de las Californias para el uno de mil ochocientos cuarenta y tres.

Micheltorena.

Manuel Castananes.

(Seal) El ciudadano Manuel Micheltorena General de Brigada del Ejercito Mexicano, Ayudante General de la Plana Mayor del mismo, Gobernador Comandante General e Inspector del Departamento de California.

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Por cuanto el Subteniente de Infanteria Permanente D. Manuel Garcia Ciudadano Mexicano ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de S. Pascual colindante al lote conbata Anita al oeste con el paredon opuesto del Arroyo Seco, al norte con la Sierra y al sur con la Loma via inmediata al camino que va para los Arroyos, si en esta inclusion es en la concesion del terreno mencionado: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos, usuales de las facultades que me son conferidas, he venido en concederle el terreno mencionado de la promota la propiedad de el por las presentes letras, sujetandose a la aprobacion de la Junta de Partes con las condiciones siguientes. 1ª Podra cercarlo sin perjuicio de las el Camino de Sr Gabriel a Sr Hermosillo; lo disfrutara libre y exclusivamente destinandolo al uso y cultivo que mas le acomode. 2ª Solicitara del Juez respectivo que le de la posesion Juridica en virtud de este despacho por el cual se demarcan las lindas en cuyos limites podran a mas de las suyas algunos arboles frutales o silvestres de alguna utilidad.

3ª El terreno de que se hace donacion es de tres lites y medio de ganado mayor por lo mas o menos, segun se demuestra en el orden respectivo.

4ª Si contraviniere a estas condiciones perderá su derecho al terreno y sera denunciable por otro.

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48 En consecuencia mandó que servíendole de título el presente y teniéndolo por firme y válido se tome razón de él en el libro respectivo para su resguardo y demás fines. Dado en Monterrey á veinte ochro de Noviembre de mil ochocientos cuarenta y tres.

Mmanuel Micheltorena. Mmanuel Jimeno. Sec.

Prueba tomada razón de este Despacho en el libro respectivo. á fol. Cuatro.

Jimeno.

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Filed in Office. Oct. 23rd 1853.

Geo. Fisher.

Secy.

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A.

Translation
of
Grant173 SD
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The Citizen Manuel Micheltorrea General
of Brigade of the Mexican Army, Aid de Camp
General of the "Plano Mayor" of the Sereno
Governor, Commandant General and Inspector
of the Department of the Californias.

Whereas the Lieutenant of Perma-
nent Infantry, D. Manuel Garcia, a Mexican
Citizen has solicited for his personal benefit and
for that of his family, the land known by the
name of San Pascual, bounded on the East
by Santa Anita, on the West by the Bluff oppo-
site to the "Arroyo Seco", on the North by the
Mountain, and on the South by the high hills
(Cerro) immediately at the road which goes
to Los Angeles, being ~~these~~ ^{the} ~~land~~ ^{lands} included
in the grant of the land mentioned having pro-
ceeding through with the proceedings and
investigations thereto relating according to the
direction of the laws and regulations, exercising
the authority conferred upon me, I have granted him
the land referred to, declaring it to be his property
by the present title, subject to the approval of
the most Excellent Departmental Assembly, and
under the following conditions.

1st. He may enclose it without prejudice
to the road that leads from San Gabriel to San
Fernando, he may farm it freely and exclusively
devoting it to that use and culture which may
most serve him.

2nd. He shall request of the proper Judge
that he will give him Judicial possession
by virtue of this Dispatch, whereby the location
he is may be designated within which he shall
place in addition to the land, marks some fruit
or forest trees of some utility.

3rd. The land of which grant is made
contains three and a half leagues of grazing
land, a little more or less according to the repre-
sentation in the respective Diagram.

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4th. If he shall violate these Conditions he
shall lose his right to the land and it shall be lia-
ble to denunciation by another.

Wherefore, I order that the present
writing be given for Fifth, and being considered firm
and valid, account thereof be taken in the proper

Book and be delivered to the party interest
 tid for his protection and for further purposes.

Given in Monterey Nov 28th 1843.

Mano Simino Sec. Mano Michetta

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Copy. Of this Despatch is taken in the
 proper Book at the leaf—

Simino

Filed in Office Sept 16th 1852.

(Signed) Geo. Fisher Secy

2. 57.

Pío Pico Gobernador Constitucional del Departamento de California.

(Seal) La Junta. Asamblea departamental en Sesion de hoy ha tenido a bien decretar lo siguiente.
" Se aprueba la concesion hecha por el Sr. Gobernador de este departamento de tres y medio Sitios de ganadero mayor en el parage de San Pascual, jurisdiccion de los Angeles en favor de la persona de Sr. Manuel Garfias segun titulo librado en su favor fto. en Montecney a 28 de No. Sorieuvre de 1843. cuyo terreno linda al Norte con la Sierra al Este con los terrenos de Santa Anita al Sur con el terreno inmediato al camino que se dirige a los Angeles y al Oeste con el ponedon apuesto del Arroyo seco segun lo demuestra el plano o dibujo topografico que consta en el expediente: "

Pío Pico. Presidente = Agustín Olvera = Secretario =

Y para usguardo de la parte de Don Manuel Garfias, lo hago asi saber. Dado en papel comun por falta del sellado. Los Angeles. Mayo 7. de 1840

Pío Pico. José Matias Olvera.

Sec. Int.º

Filed in office Oct. 20th 1852.

Geo. Fisher.

Secy.

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~~_____~~

1911



59.

Pio Pico Constitutional Governor of
the Department of the Californias

The Most Excellent Departmental
Assembly in Session of to day, has deemed
it proper to decree the following -

F.
Translation
of
Approval

It approves the grant made by
his Excellency the Governor of this Depart-
ment of Three and a half leagues of grazing
land, in the locality of San Pascual San's
jurisdiction of Los Angeles in favor of the person
of Don Manuel Garfias, according to the
title delivered in his favor, dated at Monterey
the 18th of November 1843, which land is
bounded on the north by the mountain, on the
East by the lands of Santa Anita, on the
South by the high range of hills immediately
at the road which leads to Los Angeles, and
on the West by the high bluff, which is opposite
to the "Arroyo Seco" according as the diagram
or topographical design demonstrates which
appears in the Expediente -

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Pio Pico Pres.
Augustin Olvera Sec.

And for the protection of the party Don
Manuel Garfias, let it be made known to him -

Given on common paper for want of
the proper seal -
Los Angeles May the 1st 1846.

Pio Pico
Jose Matias Moreno Sec.
Filed in office Sept 16th 1852
Esigned Geo Paskio Secy

~~Life~~

Life
Life
Life

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Before the U. S. Board of Land Commissioners

In claim no 345 of Manuel Garcia to the Rancho of San Pascual,

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Motion for Intervention of Maria Muread Lugo de Foster & others -

Now on the 29th day of September 1852, came the petitioners, Maria Muread Lugo de Foster and others by their attorneys and more for have to appear and contest the right of the petitioner in the above mentioned cause to a Confirmation of his claim, these petitioners having filed before this Board their claim no 274 to a part of the Rancho de San Pascual bounded by the Sierra of San Gabriel, the Arroyo Seco and by the hills near the Roblaras as more particularly set forth in their petition in claim no 274 as aforesaid.

Walter Peachy & Bulmip
Attys for Petitioners

Filed in Office Sept 29th 1852.

(Signed) Geo. Fisher Secy

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Copy of agreement
between.

M. Garfias y D. Reid.

En el Povo de Santa Anita de la No. un igualdad
de los Angeles a los veinte y dos dias del mes de abril
de mil ochocientos Cuarenta y cinco ante mi Vicente
Sanchez, Alcalde 1º y Jefe de primera instancia y por
ante los testigos de existencia con quienes actuo en la
forma ordinaria a unos de los instrumentales que
al fin se nominaron comparecieron los señores Don
Perfecto Muyo Reid y don Manuel Garfias vecinos de
la referida Jurisdiccion a quienes doy fe conosco y dijeron
que en virtud de haberse levantado una diferencia de
terreno con respecto a los ranchos Santa Anita y San
Pascual, segun los titulos que ambos presentaban al
al darle posesion al primero del parage Santa Anita
y por cuyas documentos, y lo que en ellos aparece uno
o otro puede salir perjudicado; para evitar esto
y obtener las posesiones con limpieza y sin estorbo han
convenido mutuamente y de entera conformidad
en que siendo la diferencia del terreno por evitar que
si resultase valido ese abito colocandose otra persona
podria perjudicarlas, queda a beneficio y aprovechamiento
esclusivo de ambos señores, de quinientas varas
pori mas o menos unida para la presa de la huerta
que tiene abicada el Sr. Señor referido Reid en San
Gabriel, tomavolo desde el remate de dichas quinientas
varas por toda la falda o orilla de las lomas de dicho
punto para el rumbo Noroeste tomando por donde
se dividen las comunas que conducen a Santa Anita
y a la Sierra por este mismo rumbo hasta la propia
Sierra volviendose por de reversos de Santa Anita
desde el mismo camino para el expresado rumbo Nor-
oeste a la Sierra. Cuya division de los caminos sera
el lindero, y en donde plantaran las intermedias una
mojonera, que a unos del presente documento justifique
el termino de los terrenos de Santa Anita y momento
a los de San Pascual; Igualmente se convino en
a que este Contrato tendra toda la fuerza como si lo

El caso es que alguno traspare a otra persona el derecho de su rancho obligandose a que llegado estos, solo se podra transmitir al que queda ocupado el que le corresponde y a la primera y validacion de todo el referido obligan las otorgantes a sus personas y bienes presentes y por haber y con ellas se somete al fuero y jurisdiccion de los señores Jueces que de este negocio previeran y para convaler conformase a derecho para que a su cumplimiento los compelan y aprehien por todo rigor de derecho y via efectiva como si fuese por sentenciá pasada en autoridad de cosa juzgada, sentenciada consentida y sin otro recurso. En cuyo testimonio así lo otorgaron y firmaron con miyo y los de mi existencia.

= siendo Instrumentales los cc. Basilio Valdez y casildo Aguilan. = Vicente Sanchez = D. Diego Reid = Manuel Garpas = asu. Agustín Olvera = asu = Ignacio Coronell = Instrumental Basilio Valdez = D. Justo Casildo Aguilan = No hay papel sellado.

Convenida con su marginal que se halla en libros de instrumentos publicos de este año del que se toco conegio y confronto en estas tres foyas de papel comun Ley fei. *De Sanchez.*

asu.

José Vicente Guerrero.

asu.

José Coronell.

I certify the above to be a true copy from the original.
Mexico, Sep. 15th 1852. L. Granger.

Filed in office. Sept. 16th 1852.

Geo. Fisher. Secy.

B. 65.

Conste por la presente que Yo Enrique Sepulveda
he recibido del señor Teniente Don Manuel Galias
el resto total de los setenta pesos en que me conviene
por el importe de la casa que que hizo en el rancho
de San Peseual, y para Constantina Doyfee en la
Ciudad de los Angeles. a 30 de Ate. de 1843.

Son. v. Yo. pesos.

A cargo de Enrique Sepulveda.

J. L. Corronell.

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Filed in Office. Oct. 22nd 1852.

J. Fisher.

Secy.

7.

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Case No 345.

17345-

Manuel Garfias vs. The United States For the place called San Pascual, containing 3 1/2 square leagues of land in the County of Los Angeles.

Opinion

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The history of this case possesses more than usual interest from the fact that it presents more in detail than any other which has come under the consideration of the Board, the mode of proceeding by the Mexican authorities in California in cases of denouncement for the non performance of conditions, and the neglect and abandonment of lands by the Grantees.

It appears from the papers filed in this case and those in the case of Dona Juana Lopez de Perez et al, widow and heirs of Jose Perez died, which has been considered and rejected by the board,

That the land in question had been granted provisionally in the year 1810 by Governor Alvarado to the said Jose Perez and Enrique Sepulveda jointly, who had gone upon the land and built each of them a small adobe house, and had stocked it with cattle and horses. Perez died about the year 1842 and his widow with her child went to reside on the Rancho of her Father, Antonio Maria Lopez to which she also removed her portion of stock from San Pascual. In the mean time Enrique Sepulveda had abandoned his dwelling on the place and permitted the stock to dwindle down to little or none. In this state of facts on the 1st of June 1843, Manuel Garfias presented his petition to Governor Micheltorena denouncing the land according to the forms of the Law and praying that it might be granted to him.

This petition was referred by the Governor to the Prefect of the 2nd district, within whose jurisdiction the land was situated that he might take the necessary information on the subject.

On the 20th of June 1843 the Prefect issued his order to the 1st Justice of the place directing him to make an inspection of the

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land and make a detailed report of its actual condition, the character in which it has been employed and from what time and return it to him.

Upon this order the 1st Justice of the Peace reports that he has inspected the land called Rancho de San Pascual having first notified the adjoining proprietors and Enrique Sepulveda. That there was not one head of cat-
tle and only a small band of mares on it, there were two small adobe houses, one of the late Jose Ponz and the other of Enrique Sepulveda that this was by partition of the land cultivated but that Sepulveda informed him he had thirty head of cattle to be placed on the land and made other efforts to peccate his fault. On the 1st of July '43, the prefect made his report to the Governor declaring the land to be "completely abandoned" and consequently in that state which Courts the announcement thereof has been made. That the houses on it were uninhabited and that there was on it no stock of any kind, or other improvements conforming to the conditions required of those who received the grant. He then concludes by giving it as the sense of the prefecture that the said tract of land be taken from the hands of the indolent ones, who for the space of three years had produced nothing thereon, and pass it to others more industrious. That the petitioner is a person of merit and has sufficient stock to cover the land. The Governor then directs the Expediente to be passed to the two parties who had theretofore possessed the land that they might express their complaints or him complained with what may be conceded to the petitioner.

To this order Enrique Sepulveda makes a long reply setting forth various excuses and reasons which obliged him to desert from securing his interest by restoring the stock and pasturing the Ranch although he says he is persuaded they could have no influence to free him from the annunciation of the land referred to. The Widow of Ponz also answers

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through her attorney Rafael Bellas that she has sufficient stock to cover that part of the Rancho which belongs to her but it is more convenient to her to keep it on the Rancho of her. It is also stated that she cannot therefore sustain it and renounces all interest and right which she may have in the premises. After a further reference to the Father Inimista of the Mission of San Gabriel in relation to an augmentation of the Rancho prayed for by Garfias and the report thereupon, the Governor on the 10th of July 1843 makes the following decree.

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August July 10th 1843.

The foregoing proceedings and respective copies having been examined and the former possessors have not fulfilled the conditions of the law and Don Pascual consequently being liable to annulment it is hereby granted to Don Manuel Garfias who has made the annulment as it appears and with the understanding that he would manumit Sepulveda and Dona Inceid for the value of the latter lands which they both owned the present serving him for a provisional title with the obligation to return that it may be made out to him in form when the Government is definitively installed.

Micheltorona

The proceedings further show that in the case of Sepulveda there was a regular assessment of the value of the budding made before the Justice of the Peace and in the case of the widow of Perez the value was appraised by the parties and the respective amounts paid by Garfias as shown by the receipts filed and prom in the case. The depositions of Manuel Romanguez the surveyor and Antonio F. Coronel the Justice of the Peace who acted in the matter are both taken and filed in the case the latter of which proves that the proceedings were in accordance with the laws usage and customs then in force and prevailing in California.

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From the above synopsis it appears that in the case of a provisional or inchoate grant where the grantee had failed or neglected to comply with the conditions of the grant

and another party was desirous of obtaining the same land, the practice was to present a petition to the Governor announcing the land as vacant and praying a request of it to himself. This petition was referred by the Governor to the Judicial Authorities of the District where the land was situated with instructions to examine into the condition and all the circumstances connected with the land so announced and petitioned for and report the same to the Government. Upon the facts presented in this report the Governor in this instance virtually declared it to be forfeited and directed a new grant to issue in favor of the petitioner.

The latter course appeared to have been pursued in the case now under consideration and we accordingly find that on the 28th day of November 1846 a grant in form was issued to the present claimant for the land announced by him and including also the additional quantity referred to in the proceedings which grant was duly approved by the Departmental Assembly on the 7th of May 1846.

The above stated has not been presented in consequence of any material discrepancy which it has on the discussion of the present case but as illustrating the views of the Mexican Authorities in California in cases where the first grantee had failed to comply with the conditions of his grant and the mode of proceeding by which he was divested of the rights he had acquired under it and as calculated to aid the Commission in coming to a correct conclusion in cases of a presumptive forfeiture resulting from the same cause.

In this case the genuineness of the original grant and certificate of the approval of the Departmental Assembly are both proven to be genuine. A singular discrepancy however exists between the date of the latter document and the record of the proceedings of the Assembly in relation to the grant as

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Contained in the Esudinto. The Certificate of approval bearing date on the 7th of May 1846 and the report of the Committee on vacant lands to whom the subject was referred in the Assembly with which the record concludes on the 9th of June 1846. Jose Antonio Carrillo whose disposition is filed in the case, expresses doubts the genuineness of the signature of Pio Pico to the document in question because the P's are made differently from the manner in which he usually made them in signing his name but testifies to the genuineness of that of Secretary Jose M. Moreno. The genuineness of the paper however is proved by the disposition of Sr. Pio Pico himself who swears that he signed it in his Official Capacity as Governor of California, that he sometimes made the letter P occurring in his name as appears on said document and sometimes otherwise.

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He also swears that he knows of his own knowledge that said grant was approved by the Departmental Assembly. He also attempts to account for the discrepancy in the date by attributing it to a clerical error of the Secretary in making it out.

This question however is not a material one in the decision of the case. The validity of the grant is unquestioned and the party having complied with its conditions by occupying the land immediately after the grant was made continuing and having in it such occupation being continued to the present time it is considered sufficient to raise in his favor an Equity which according to the former decisions of the Board would entitle him to a confirmation although there had been no approval by the Assembly.

The boundaries of the land are described in the grant and delineated on the map to which reference is made, with sufficient certainty and precision to prevent any difficulty in its location and identification.

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The claim is therefore confirmed
Filed in Office April 25. 1854.
(sfd) No Fresh Secy

Case No 245.

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Mmanuel Garfias }
The United States } San Pascual.

Diene

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

The land of which Confirmation is made is situated in the County of Los Angeles, and is known by the name of "San Pascual" being the same, which has been held and occupied by the Claimant, since the year 1843 and bounded on the East by Santa Anita on the West by the Bluff opposite to the Arroyo Seco on the North by the Sima, and on the South by the high hills (Lomiza) immediately at the road which goes to Los Angeles. Containing three and a half square leagues a little more or less. Reference for a more particular description to be had to the original grant and map contained in the Expediente, a copy of which and the grant aforesaid are filed with the papers in the case -

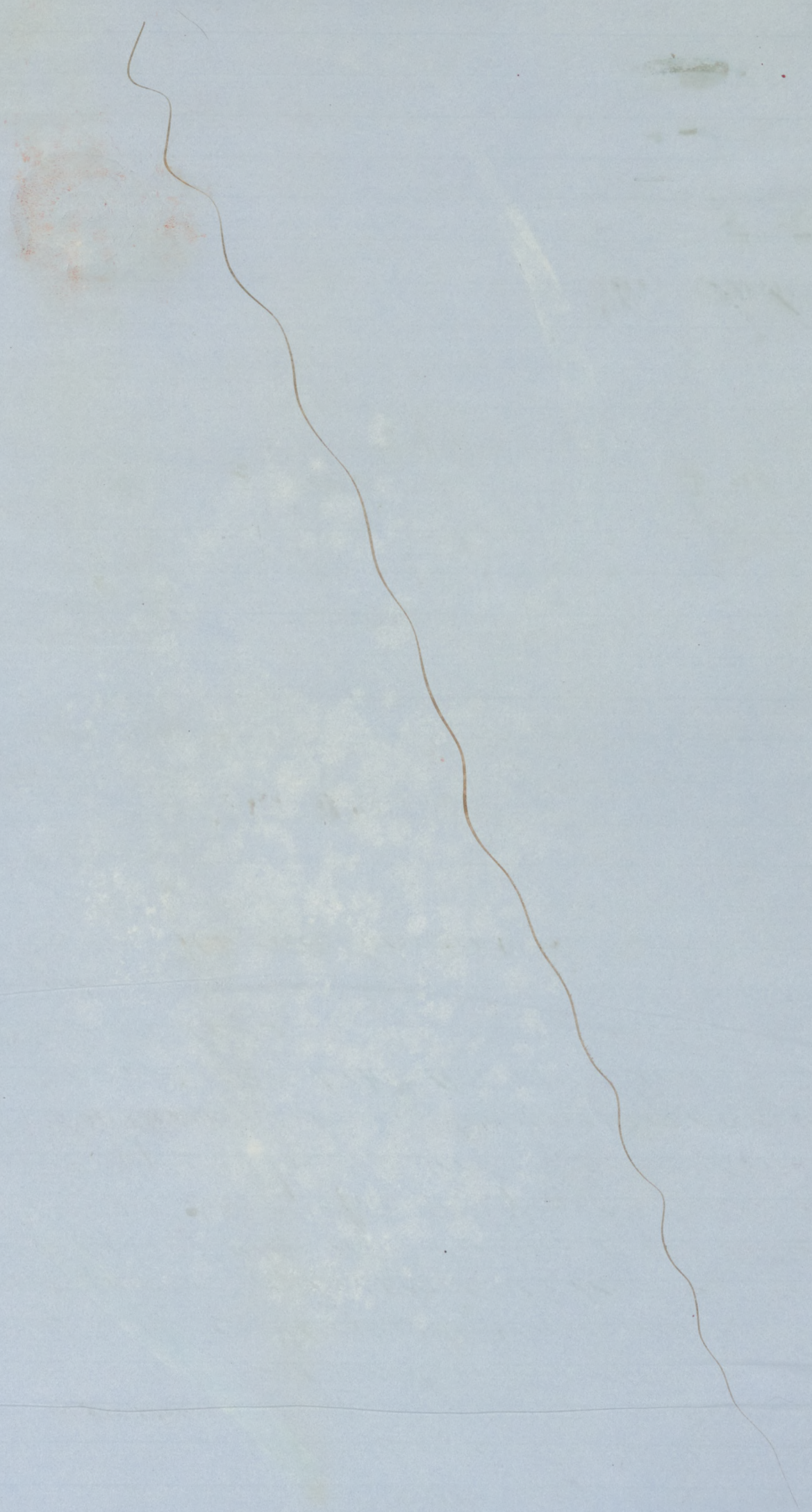
Alpheus Felch }
Thompson Comptroller }
D. Aug. Thompson }
Commissioner

Filed in Office April 25, 1854,
(Signed) Wm Fisher Secy.

Order.

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And it appearing to the satisfaction of the Court 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



Office of the Board of Commissioners,

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

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I, *George Fisher*, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Seventy-four (74)* pages, numbered from 1 to 74, 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. 345 on the Docket of the said Board, wherein *Manuel Garfias* is

the Claimant against the United States, for the place known by the name of "San Paseual."

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

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G. Fisher
Geo. Fisher

U. S. District Court.
Southern District of California

No. 173 **173**

The United States,

vs.

Manuel Gaspar,
"San Pascual."

Transcript of the Record
from **173**
Board of U. S. Land Commissioners
in Case No. 345.

Filed Decem^r 19th 1854.

J. S. Farr,
clk.

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No. 345.



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Transcript
of the

Proceedings in Case No 345.

Manuel Garfias Claimant

vs

The United States Defendant

for the place named

"San Pascual"

Office of the Board of Commissioners
to ascertain and settle the Private Land
Claims in the State of California

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It is remembered that on this sixteenth day of September
A.D. 1852 One Thousand Eight Hundred and Fifty two
before the Commissioners, to ascertain and settle 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 Manuel Garfias for the place
Named San Pascual, was presented and ordered to be
filed and docketed with No. 345, and is as follows
to wit

(Vide page of this Transcript)

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

Los Angeles, Sept 29. 1852

In case No 345 Manuel Garfias for the place Named
San Pascual, the Counsel for Maria Inez de Paster
Et al filed a motion to Contest the right of the claim-
-ant in this case; the motion having been sustained
leave was granted to Contest the said Claim in accor-
-dance with the additional regulations of February 9th
1852, which motion is as follows to wit

(Vide page 61. of this Transcript)

Los Angeles, October 20 1852

In the same case the Deposition of Jose Antonio Gar-
-rilla a witness in behalf of the Claimant taken before
Commissioner Melaud Hall with documents marked
H H Nos 1 & 2 annexed thereto was filed

Vide page 9. of this Transcript

In the same case the Deposition of Pio Pico a Witness
in behalf of the Claimant taken before Commissioner Nelson
Hall was filed
(Vide page 7 of this Manuscript)

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Los Angeles, Oct 21st 1852
In the same case the Deposition of Manuel Dominguez
a Witness in behalf of the Claimant taken before Com-
missioner Nelson Hall with documents marked
annexed thereto was filed
(Vide page 10 of this Manuscript)

Los Angeles Oct 22 1852
In the same case the depositions of Antonio Manuel
Fernando Sepulveda and Augustin Guerra. Witnesses
in behalf of the Claimant taken before Commissioner
Nelson Hall were filed
(Vide pages 17, 14, 13 of this Manuscript)

In the same case the depositions of Ygnacio Hornos
and Ygnacio del Valle Witnesses in behalf of the
Claimant taken before Commissioner Nelson Hall with
documents marked No 1, 18, annexed thereto, were filed
(Vide pages 12, 15, of this Manuscript)

San Francisco October 14 1853
Case No 345, was submitted on briefs and taken
under advisement by the Board

San Francisco April 25 1854
In the same case Commissioner R. M. Thompson
delivered the opinion of the Board confirming the
Claim
(Vide page 64 of this Manuscript)

San Francisco Aug 15. 1834
In the same case on motion of the U. S. Law Agent
the following order was made to wit
(Vide page 43. of this Transcript)

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To the Honorable The U.S. Commission for the

adjudication and settlement of California Land Claims
Your Petitioner Manuel Garfias resident of the
County of Los Angeles and State of California respectfully
represents that he is owner of a ranch situate in the County
and State aforesaid, that said Ranch was originally
granted in fee simple to your petitioner by Manuel Mich-
-eltonas Governor of the Department of the Californias
by virtue of sufficient and extraordinary powers in the
premises conferred on him by the Mexican Government
& was granted on the 24th day of November A.D. 1843.

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Petition

That said Ranch contains three and a half leagues of
grazing land a little more or less according to the dia-
-gram or topographical Chart which accompanied the
petition of the said Manuel Garfias, addressed to said
Gov Micheltonas prior to said grant and in Allid reference
to which said grant was made to your petitioner

Said tract of Land has never been surveyed
by the Surveyor General, the grant was made upon denunciation
of a provisional title made to Jose Perez and Enrique Sepul-
-veda in the year 1840 by Juan P. Alvarado as Governor of the
Department, the Deeds of the said Jose Perez filed in the
office of the Secretary of your Honorable Board on the
day of 1852 a claim to the undivided
half of the land referred to in said Provisional Grant
being part of the present ranch claimed by your petitioner
called the Rancho of San Pascual

Your Petitioner knows of no other interfering
claim set up, or that can be set up, and he claims to
have enjoyed peaceable and uninterrupted possession
of said land from and after the adjudication of the question
concerning the denunciation to him made by Judicial
Authority on the 10th day of July 1843, up to the present
time, and your petitioner farther represents that he
has been confirmed in such grant and possession
by act of approval of the Departmental Assembly

of California on the 7th day of May A.D. 1846. and by the
Judicial acts respecting the boundaries of said Rancho

In the supplicatory claim to said Rancho
of San Pascual, Your petitioner has filed on the 16th day
of September A.D. 1852 in office of the Secretary of
Your Hon^{ble} Board and asks leave to introduce the following
Documents in evidence to wit

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1. A Copy of the original Expediente marked A
2. A Copy of the original Grant marked C
3. A Copy of the act of approval of the Depart-
-mental Assembly, marked E
4. A Copy of the agreement fixing the Eastern bound-
-ary of said Rancho marked H

All of the above documents are in the Spanish
language and have been rendered into ^{faithful} English translations
with the exception of the last, which Your petitioner also
requests to present, to wit, the papers that are marked
B, D, G.

And your petitioner will offer at the proper
time such other and faral evidence as may be thought
necessary to establish his claim, - and he prays your
Honorable Board to confirm him in property & possession
of said Rancho of San Pascual and order that patent
issue therefor to your petitioner

Mansel Garfia's

by
Geo. S. Grainger Atty

Angels September 16th 1852

Filed in office Sep 16th 1852

(Signed) Geo. S. Grainger

Office of the Board of U.S. Land
Commissioners
In Angeles. Oct 20th 1852

Deposition
of
Perico

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On this day before Meiland Hall one of the Commissioners for ascertaining and settling private Land Claims in California came Perico a witness produced in behalf of the Claimant, Manuel Garfias, whose petition is No 345 on the Docket of the Commission and was duly sworn, His evidence being given in the Spanish language was interpreted by the Secretary

The U.S. Associate Law Agent and Contesting Claimant were notified and attended
In answer to enquiries by the Counsel for the Claimant the witness testified as follows

My name is Perico, my age is fifty one years & I reside in Los Angeles

A paper is now shown me purporting to be a certificate showing the approval of a grant to Manuel Garfias dated May 7, 1846 & to which my name & that of Jose Matias Moreno are attached - My signature on the paper is genuine the signature of Moreno is genuine. I was Governor of California at that time & I signed the paper in that capacity, Moreno was Secretary & he signed it as such

I know of my own knowledge that the grant to Manuel Garfias was approved by the Departmental Assembly as stated in said Certificate

In answer to questions by the Associate Law Agent the witness says he is not aware of any case in which the Departmental Assembly on the same sheet or on the face of the Expediente

Questions by Counsel for the Claimant -
What was the custom in the approval of grants by the Departmental Assembly

Answer The Expediente was presented to the Assembly & by that body referred to a Committee, who made a report, which was acted upon by the Assembly & the Assembly informed

the Governor of what had been done. Upon this information the Governor issued a Certificate to the party interested showing what had been done by that body

Question. Can you explain why the date of your Certificate of Confirmation is of an earlier date than the report of the Committee in favor of a Confirmation

Answer. I think there must be a Clerical error mistake in the date of the report made by the Committee

Can you recollect from your own knowledge the date of the Confirmation by the Assembly

Answer. I cannot. On further consideration I think the error must be in the date of the Certificate & that it must have been made by the Secretary

Question by the Counsel for the Contesting Claimant

Question. Have you any recollection of the time & place of your signing the Certificate

Answer. I signed it in the Government House on the day the paper bears date

Question. Had you any other way of making your letter different from what appears on the Certificate

Answer. I had another mode of making that letter. The flourish or Rubric is the same in all my signatures

Per Per

Sworn & Subscribed before me

Richard Hall Com^r

Filed in Office Oct 20, 1832

(Signed)

Gen Fisher Secy

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Office of the U.S. Land Commission
Los Angeles, Oct 20 1852

On the day before Michael Hall one of the Commissioners for
ascertaining and settling private Land Claims in California came
Jose Antonio Carrillo a witness produced in behalf of the Claim-
ant Manuel Garfias whose petition is No 345 on the Docket of
the Commission and was duly sworn. His evidence being given
in Spanish was interpreted by the Secretary

Deposition
of
Jose Antonio Carrillo

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The U.S. Associate Law Agent and the Contestant were
notified and attended

In answer to questions by the Counsel for the Claimant the wit-
ness testified as follows

My name is Jose Antonio Carrillo, my age is fifty seven years
& I reside in Los Angeles & am a Native of California

I am acquainted with the handwriting & signature of
of Manuel Micheltoreno & Manuel Limas

A paper is now shown me purporting to be a grant
from Governor Micheltoreno to Manuel Garfias dated Nov 28,
1843. The signatures of said Micheltoreno & Limas ap-
pearing on said paper I believe to be their genuine signatures
The said Micheltoreno held the office of Governor & the said
Limas that of Secretary at the date of said paper as therein
described - said papers hereunto annexed & marked No 1,
N. N.

I am acquainted with the handwriting &
signatures of Don Pico & Juan Mateas Moreno

A paper is now shown me purporting to be an
approval by the Departmental Assembly of a grant to
Manuel Garfias dated May 7, 1846. I have examined the
paper signature purporting to be that of Don Pico appear-
ing on said paper & I am in doubt whether it is a genuine
signature & my doubt is founded on the fact that Don Pico
usually makes his letter P, differently from what it ap-
pears on this paper. It is usually made with a dot or stroke
across it in this manner P P one or the other. The
signature of Moreno I think a genuine Don Pico
was Governor & Moreno was Secretary at the date of
said paper as therein described said paper is here-
to annexed & marked No 2 N. N.

In answer to questions by the Associate Law Agent the witness,
says he would not receive the last mentioned paper as having
been signed by Pio Pico, because he doubts the signature.

I am Submitted
before me Meland Hall Com^r

Filed in office Oct 20th 1852
(signed) Geo Fisher Secy

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Office of the U.S. Land Commission
San Angeles Oct 21st 1852

Deposition
of Manuel Dominguez

On this day before Meland Hall one of the Commissioners
for ascertaining & settling Private Land Claims in California, came
Manuel Dominguez a witness produced in behalf of the Claimant
Manuel Garfias whose petition is No 345. on the Docket of the
Board and was duly sworn his evidence being given in Spanish
was interpreted by the Secretary

The U.S. Associate Law Agent and the Contesting Claimant
were notified and attended

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

My name is Manuel Dominguez my age is
49 years & I reside in the Rancho of San Redu
in the County of Los Angeles

I held the office of Refect from the month
of May 1843 to the month of Jan 1844 for the
second District of California embracing the ju-
-isdiction of Los Angeles - A paper is now shown
me purporting to be a traced copy of the Surveyor
General from the archives of California of certain
papers connected with the title of Manuel Garfias

to the Rancho San Pascual. On page three of said paper
 as verified by the Surveyor General, my name appears
 and my signature, it appears like mine, I do not
 recollect of signing such a paper... I have no recol-
 -lection of signing the paper or of any other on the subject
 of which it treats. I signed many papers as prefect
 The two signatures appearing on page 8 of my name
 appear to be mine. I was acting as a Magistrate at the
 time & did not sign officially papers without authority
 I have no recollection at all on the subject of these
 papers. I signed many papers officially

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My name on page 10 I am satisfied is my
 signature & that I signed the paper in good faith
 I say the same in regard to my name on page 12 &
 also on page fourteen and again on page twenty two
 The signature ~~the~~ appear to be identical with mine

Do you remember the Circumstance of the Denun-
 -ciation of the Rancho of San Pascual by Manuel Garfias
 Answer - I recollect that during the administration of
 Governor Micheltoreno that Garfias instituted some proceedings
 about the year 1843 in relation to the land, or petitioned the
 Governor for it but I cannot give any particulars

Question by the Council of State Law Dept
 Do you recollect that Merced Lugo & Enrique Sepulveda
 preferred any charge against you for misconduct
 in this case
 Answer. I do not recollect of any such thing

Sworn at San Francisco Manuel Dominguez
 before me
 Heland Hall Com^r

Filed in Office Oct 27th 1832

(Signed) Geo Fisher
 Secy

Deposition
of
Jn^o F. Coronel

Los Angeles Oct 22, 1852
On this day before Meland Hall one of the Commissioners
for ascertaining and settling private Land Claims in the State
of California Cause Ignacio J^o Coronel a witness produced
on behalf of the Claimant, Manuel Garfias whose peti-
tion is No 345, on the Docket of the Board and was
duly sworn His evidence being given in Spanish was
interpreted by the Secretary

The U S Advocate law agent and the Contesting Claimant
were notified and attended

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

My name is Ignacio J^o Coronel, My age is Fifty
eight and I reside in Los Angeles

A paper is shown me purporting to be a certifi-
cate or receipt for the sum of seventy Dollars from Enrique
Sepulveda to Manuel Garfias dated the 20th of October
1843, I wrote the paper & signed it at the request of said
Sepulveda who stated the object of it to be that which
is stated in the paper, It was written & signed at the
time & bears date. Said paper is hereto annexed
and marked Nos. 1 & 11.

Sworn & subscribed
before me

J^o F. Coronel

Meland Hall Com^r
Filed in Office Oct 22 1852

(Signed)

Geo Fisher Secy

Deposition
of
Agustin Olvera

Los Angeles Oct 22^c 1852
On this day before Meland Hall one of the Commissioners
for ascertaining & settling private Land Claims in California
Cause Agustin Olvera a witness on behalf of the Claimant
Manuel Garfias whose petition is No 345, on the Docket of
the Board and was duly sworn, His evidence being

given in Spanish was interpreted by the Secretary
The U.S. Associate Law Agent was notified as also
the Contesting Claimant and were in attendance

In answer to questions by the Claimant the witness
testified as follows

My name is Agustín Oberra. My age is thirty two
years & I reside in the City of Los Angeles

I was a member of the Departmental assembly
a part of the year 1846. I recollect that Manuel Barrios asked for
the approval of the Assembly for his title to the Rancho San Pascual
& that the Expediente was referred to the proper Committee. I do
not recollect whether it was approved or not. The Expediente
will show

Questions by the Associate Law Agent

Do you recollect while you was in ~~in~~ of the assembly
that any grant was disapproved by that body

Answer - I do not recollect that any such case happened

Do you recollect at what time the assembly closed its
session in this place in 1846

Answer - It was I think in the month of August

Question by Counsel for the Claimant

What do you know about the land formerly granted to
Perez & Sepulveda having been previously granted to
Marino?

Answer - I understood from Perez that the land had been
formerly granted to Marino & had been abandoned by him
& that they Perez & Sepulveda had applied for it & it had
been granted to them - Perez was living on the land

Question by Counsel for the Contesting Claimant

Do you know that the limits of the land granted to
Marino were the same with the land granted to Perez &
Sepulveda

Answer. I do not know the limits of the land in
either case

Suivent Subscribed
before me

Agustín Oberra

Richard Hall Com^{rs}

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Noted in office
Oct. 22. 1852
(Signed) Geo Fisher

Secty

Office of the U.S. Land Commissioner
 Los Angeles Oct 22 1882

Deposition
 of
 Fernando Sepulveda

On this day before me at said Hall one of the Commissioners for ascertaining and settling private land claims in California from Case Fernando Sepulveda a witness produced in behalf of the Claimant Manuel Garfias whose petition is No 345. on the Docket of the Board and was duly sworn. His evidence being given in Spanish was interpreted by the secretary.

The U.S. Associate Law Agent & the Contesting Claimant were notified and attended.

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

My name is Fernando Sepulveda. I reside in the City of Los Angeles & my age is thirty six years.

I have known the Rancho San Pascual since I was a boy. When I first knew it was occupied by the late Marino Juan Marino. He occupied it his sons & sons in law squandered the stock that was on the land. It was afterwards occupied by Enrique Sepulveda & Lore Reyes for a considerable time. but cannot state how long.

They had a small house on it & some Cattle & horses. The stock disappeared from the place before Sepulveda quit living upon it - afterwards Manuel Garfias occupied the place about seven or eight years I should think. He had a house there which he built. a stock of Cattle & some tame horses. I have seen him & his family living there - He has cultivated some of the land. Since Reyes & Sepulveda left the place I have ^{not} known it to be occupied by any one adverse to Garfias.

Question by Counsel for the Contesting Claimant
 Do you know that the quantity of land granted to Marino & Lore Reyes & Sepulveda & to Garfias was the same & the limits of the grant the same

Answer - I do not know the limits or quantity of either grant.

In answer to a question by the Associate Law Agent of the witness said Martin did not live on the land & that he died at San Gabriel

Question by Counsel for Contesting Claimants Do you know the children of said Martin & are they of sound mind

Answer - There is but one living & he is insane There were four daughters and one son & three insane & two sons, one sane & the other insane all are dead except the insane son

In answer to questions by Counsel for the Claimants the witness says that the deceased sons & daughters has left children. Who are living & sane

Hernando Sepulveda
his mark

Witness
Geo Fisher Secty

Sworn & Subscribed
before me
Filed in office Oct 22 1852
(Signed) Geo Fisher Secty

Deposition of Gnacio del Valle
Los Angeles Oct 22 1852
On this day before Heland Hall one of the Com-
missioners for ascertaining and settling private land claims
in California, Gnacio del Valle, a witness pro-
duced in behalf of the Claimant Manuel Garfias whose
petition is No 345 on the docket of the Board and was
duly sworn, the evidence being given in Spanish was inter-
preted by the Secretary

The U. S. Associate Law Agent and the Contest-
ing Claimant were notified and attended

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

My name is Gnacio del Valle, my age forty four years
& I reside in Los Angeles

A paper is now shown me purporting to be
a receipt from Antonio Martin Lugo to Manuel Garfias

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for one Hundred Dollars dated 15th of April 1848. Which receipt is attached to this deposition & marked No. 1. 14. 14.
 I signed the said receipt for the said Lugo at his request. Lugo informed me that the money had been paid in reference to the land San Pascual. The object of the receipt of the money was explained to me by him to be the same as stated in the receipt. The receipt was given on the date of above date - after the death of Perez Antonio Maria Lugo & the father of the widow as I understood from him acted as her agent.

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Sworn & subscribed
 before me

Ignacio del Valle

Richard Hall Com

No. 1. 14. 14. Recibi del Sr Manuel Guayas la cantidad de cinco pesos (\$ 5.00) por valor de una casita que tenia ubicada en el Rancho de San Pascual mi hija Mercedes por convenio formado entre ambos y para que conste le doy este en la ciudad de Los Angeles a 19 de Abril de 1848

En fecho de Don Ant. M. Lugo
 Ignacio del Valle

Filed in office Oct 22. 1852

(Signed) Geo Fisher Secty

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Office of the U. S. Land Commission
Los Angeles Oct. 23rd 1852

Deposition
of
A. J. Hornel

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On this day before Heland Hall one of the Commissioners for ascertaining & settling Private Land Claims in California caused A. J. Hornel a witness produced in behalf of the claimant Manuel Garfias whose petition is No 345. on the Docket of the Board and was duly sworn the Secretary interpreting

The U. S. Associate Law Agent and the Contesting Claimant were notified and attended

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

My name is Antonio Hornel. My age is thirty three years & I reside in Los Angeles & have resided there ever since the year 1834. I know Manuel Jimeno I have seen him write & am acquainted with his hand writing. His signature & rubric

A paper is now shown me purporting to be a copy of the Expediente of Manuel Garfias, in relation to a tract of land called Rancho de San Pascual dated 24th of Dec 1844. The signature of Manuel Jimeno to the certificate that the paper is a true copy, I believe to be his genuine signature.

Manuel Jimeno was acting as Secretary of State at the date of his certificate upon said paper is hereto annexed & marked No 1. N. N.

A map being produced & shown me I recognize it as representing the Rancho called San Pascual. The rubric on said map I believe to be that of the said Jimeno. The said map is hereto annexed and marked N. 2. N. N.

I am acquainted with the Rancho San Pascual & have known it ever since I have been living in Los Angeles

I believe the land was first granted to Perez or to his wife & to Sepulveda & was abandoned by them in 1843 or 1844

I was directed as Just Alcade to make an Appraisement of Certain Houses on the land

for the purpose of having the former occupant indemnified by Manuel Garfias who had petitioned for the land in case it should be granted him

Did you ever know of any one being appointed to examine the Rauche to ascertain whether it was vacant & to report on the same

Answer - I was called upon to make such an examination & report by the Prefect

Question - Did you examine & report

Answer - I did

What was your report

Answer - I reported that the land was abandoned

Question - Is the report now shown you that which you made

Answer - It appears to be a copy of the report & being found in a certified copy of the original Expediente from the office of the Surveyor General

Question - Do you know that the widow of Ruz & Sepulveda had notice of the application of Garfias for the land & whether they appeared on such notices or not

Answer - They were both notified & the widow was represented before me by an attorney & Sepulveda appeared in person Rafael Teller was attorney for the widow

Question - Do you know that she appointed him as her attorney

Answer - I do. She told me she had so appointed him

Question - Did her attorney put in an answer in the matter

Answer - I think he did in writing but it is so long ago that I do not recollect positively. On being shown the official copy of the Expediente certified by the Surveyor General, the witness says the answer there appearing was he thinks put in by her attorney

Question - Did Sepulveda answer

Answer - I think he did & that the answer appearing on said copy of the Expediente was put in by him

Question - Was the Rancho at that time abandoned

Answer - It was

Question - Who was with you in making this assumption

Answer - I think I had two assisting witnesses but I do not recollect who they were

Question - Was there a judgment given declaring the land vacant

Answer - There was not a judgment of a Court, there was a report that the land was vacant & the report was acted upon by the Governor. The report was made by me as Alcalde to the Prefect and from the Prefect it went to the Governor

Question - Was the denouncement of the Rancho made by Garfias in conformity with the laws and usages & customs in force in California at the time or not

Answer - it was

Question - Do you know that the report which appears in the certified copy of the Expediente from the Surveyor General as having been made by the Prefect to the Governor is that which was made by him

Answer - I think the report was made as therein stated

Question - What do you know of the occupancy of the lands by Manuel Garfias

Answer - Garfias occupies the land at present but I am not well acquainted with the previous occupancy

Questions by Mr Halleck Counsel for the Contesting Claimants

Question - Did you see Jimeno's rubric on the map before mentioned

Answer - I did not

Question - How did you know that it is his rubric that appears on the map

Answer - Because it appears very much like the rubric Jimeno was accustomed to attach to his name

Question - Did you ever see Jimeno write & make his rubric, & if so on what occasion.

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Answer. I have seen ~~Dr. [unclear]~~ write & sign his Name when he was Secretary of the Government at Monterey. I have seen him sign his name as Secretary and in his individual Capacity. I lived in Monterey from 1834 to 1837, & have been there since several times

Question Who went with you to examine the Rancho of San Pascual

Answer I cannot recollect who it was

Question What examination did you make of the Rancho

Answer I examined to see if there was any stock on the land, whether any body lived there, whether there were houses there & whether it was occupied by any one

Question How did you ascertain this

Answer After a personal examination, I made inquiries of the adjoining neighbors

Question Who were the adjoining neighbors of whom you made inquiries

Answer There was but one whose name was Juan Gallardo. The abandonment was a matter of public Notoriety. Gallardo is living. I did not examine him under oath. It was not customary to do so

Question Who gave notice to the widow of Perez & Sepulveda of the examination

Answer I gave them notice by order of the Supreme Authority

Question What kind of notice did you give

Answer - It was in writing in the Expediente

Question - How long before the examination was the notice given

Answer - I cannot recollect

Question - To whom did you give notice

Answer - Notice was given to Teller the attorney of the widow to appear at my Court & when he appeared this notice was given him

Question Did you ever give notice to the widow

in person
 Answer Officially I did not but I was several times
 at the house of the widow in Company with Michelletoux
 in Conference, on this business on which occasions I informed
 her of the Proceedings respecting the denoucement. It was
 Not considered proper for a Woman to appear in the
 Court

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Did you ever summon the widow to appear in
 your Court?

Answer - I did send a summons to the widow
 to appear, which means to appear either in person
 or by her Attorney

Question. Did you send a written summons to her to that
 effect, or did you notify her personally to that effect?

Answer. I did summon her by a written summons. It
 was sent by an Alguacil, an officer attached to a Court
 authorized to serve process. Tellus appeared in her name
 as her representative

Question How do you know that Tellus was her
 Attorney?

Answer. He was appointed by writing as her attor-
 ney & he informed me of it verbally

Question Did you see that writing?

Answer I did see it. He was not in form & I
 questioned him about it verbally

Question Was that power of Attorney signed by her?

Answer It was not signed by her as she could
 not write. It was signed in her name & was thus
 not in form. I went to see her personally & received
 her authorization

Question - Do you know who wrote & signed this
 power?

Answer I do not

Question What did that power authorize Tellus to do?

Answer It gave a special authority to him to appear
 & act upon the affairs of the denoucement

Question - Did it give him any further power than

to appear in Court in her name

Answer - As well as I can recollect it gave him full power to act for her in that business

Question - What became of that power

Answer - I do not know

Question - Was it not your duty as Alcalde to attach it to the Expediente of the case

Answer - It was not my duty unless the parties required it - it was filed with the papers in the case

Question - Where was the widow when you visited her on the occasions you mentioned

Answer - In the house of her Attorney Tellus

Question - Do you remember any other persons who were present besides the widow & the Attorney

Answer - I do not

Question - Who was Tellus

Answer - He was an officer of Micheltorena & I think a Lieutenant Colonel in the Mexican Army

Question - When did Tellus come to the Country

Answer - He came with Micheltorena & I think in the end of the year 1842, or the beginning of 1843

Question - Do you know whether Tellus is living

Answer - I have heard he died in Mazatlan. He is not living in California to my knowledge

Question - Is Micheltorena living in California

Answer - I have no knowledge that he is, and I think he is not

Question - Was Tellus a Mexican or a Californian

Answer - He was not a Californian, I do not know what part of Mexico he came from

Question - What relation was ^{Juan} Gallardo to Manuel Garfias

Answer - Gallardo is the husband of the mother of the wife of Garfias

Question - Of which Country is Garfias

Answer - He is not a Californian, I have understood he is a native of the State of Oaxaca in Mexico

Question - When did Garfias come to California

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in what Capacity,
 Answer He came with Michelmore and as an officer
 of the Army. I think a Lieutenant

Question What laws did you refer to when you
 said the denouncement was according to the laws of
 this Country

Answer It was according to the laws usages and
 Customs followed here

Question What laws

Answer I suppose according to the law of
 Colonization & the regulations annexed to it

Question - Had you reference to any other laws & if
 so what they were

Answer - The Alcaldes not being lawyers acted,
 according to such laws as they were acquainted with
 In difficult cases they consulted with those who were
 better acquainted or in higher authority & acted according
 to the instructions of higher authority

Question - Do you know of any law on the subject of
 denouncements

Answer If I have known any I do not recollect it

Question What do you mean by the usages and customs of
 the Country which you have spoken of

Answer What I did was done according to the usages
 & Customs which I then knew. It was approved by the
 Government. If it had not been according to such usages
 and Customs it would not have been approved

Question - Did you as Alcalde ever act in any other
 case of denouncement than this

Answer Whether I did or did not the Archives will
 show. I cannot recollect all my acts as Alcalde

Question - Can you recollect any other case in which you
 acted

Answer - I cannot without reference to documents

Question If you had acted in any do you not think
 you would recollect

Answer I may recollect it to morrow or next day but

I do not now
 Question - Do you recollect of any other case of denouncements
 before the Alcalde

Answer - I remember there have been others, but cannot at
 present call to mind any one

Question - Do you know of any other case in California in
 which land had been granted to one person has been taken
 & granted to another

Answer - I do not call to mind any such case

Question - Of what Country are you

Answer - I am a native of Mexico

Question - How do you know the defect sent the report
 in this case to the Governor

Answer - It was the duty of the defect to send it, but
 I do not recollect now whether I had knowledge that it
 was sent or not - The Expediente will show it

Question by Counsel for the Claimants

Question - Do you know of your own knowledge that
 Perez Sepulveda had obtained their title by denouncing the
 land as vacant, there having been a former claim upon
 it or further

Answer - I do not know the fact of my own knowl-
 edge. I have never seen any of the papers showing it
 I have heard so

Question

When you say you went to see the widow person-
 ally, in regard to the power of attorney to Teller & received her
 authorization, what took place & what did she say

Answer - I went to her officially as a magistrate to know
 whether he was authorized to act for her, she said he was &
 directed me to transact the business with Teller as her
 attorney

Question - Did she express to you a desire to renounce her
 interest in the land & if so, when & what did she say about
 it

Answer - I do not recollect

Question by Counsel for Contesting Claimants

How long have you ever acted as Alcalde,
I acted the whole of the year 1843 & never at any other
time

How long before the date of the Widows answer that
appears in the Expediente was it, that you had the conversa-
-tions with her which you speak of
Answer I cannot recollect

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Questions by Associate Law Agent

I know the land claimed by Garfias. I first knew it
when it was occupied by Sepulveda & previous to the grant
to Garfias. I have been on it since - I do not recollect
that I knew when it was occupied by Marinis. I had
heard that the land had previously been granted to Marinis
but I had no personal knowledge of it

On the deposition being read over to the witness
by the Secretary. he says that he did not mean to say that
there was but one adjoining owner, but that Gallardo
was the only one who resided in the vicinity & was
available

Subscribed & sworn to before me
A. H. Corneil
Richard Hall Com

Public Office Oct 22 1853
Signed Geo Parker Jctz

1844

Expediente Promovido por el Subteniente del Batallon Fijo de este Departamento D^o Manuel Garfias en solicitud del paraje cono- cido con el nombre de Huicon de Sr Pascual N^o. 154

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Bello Surco un peso
Habilitado Provisionalmente por la Aduana Maritima del Puerto de Monterey en el Departamento de los Californias para el Año de mil ochocientos Cuarenta y tres

Micheltoreus

Manuel Castaneda

(Seal)

Gobernador del Departamento de Californias Manuel Garfias Subteniente del Batallon Fijo de este Departamento

Con el debido respeto ante V. E. hace presente Angelis Linares de 1843 - Sirva en forma la prefectura del Dest: segun lo manda los que fueren necesarios si los creyere indispensables

que desearo de asegurarme a mi familia la preciosa subsistencia obteniendo los bienes necesarios para cubrir el terreno nombrado Huicon de Sr Pascual; que no obstante tener algunas Casuchas deterioradas las que si estoy pronto a vender quisiera su costo previo el abalo respectivo se haya enteramente baldio y denuncia en la forma legal de dho acompaado igualmente el correspondiente deseno. En tanto S. V. E. suplico se llegue Concede su pedido en lo que recibiere merced y gracia Angelis Linares 10 de 1843

Manuel Garfias

Angelis Linares 26 de 1843
El Sr. Juzt^o de Paz de esta Ciudad procedera a hacer la reduccion correspondiente

del del parage que se refiere en este Expediente; y en
 su consecuencia produzca un informe circunstanciado
 de su estado actual y Caracter con que se halla Com-
 -dido y desde que tiempo. y Concluido, vuelva a esta
 Prefectura para los fines Consiguientes.

Manuel Romoñique y
 Jacinto Battello
 Sur

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Gov. Prefect.

En consecuencia de lo que previenen los superiores Decree-
 -tos que obran en la instancia del Señor Subteniente Don
 Manuel Garfias, pase en persona hacela centuria del ter-
 -reno del Rincón de San Pascual y previa Citación de
 Coluidantes y del Vecino Enrique Sepulveda observe que en
 el citado terreno no habia ni una vez, y sola una corta
 manada igualmente vi' alli dos Casitas de adobe que
 una es del fincado Jose Perez y otra sola de Enrique
 Sepulveda. Con respecto a la voces de estas Familias
 nada vi. pero a un fin embargo para obrar con
 mas a cargo le pregunté a Enrique de quien el
 terreno contenia enseñandose un titulo provisional dado
 el año de mil ochocientos Cuarenta por el Señor
 Alvarado que era suyo y de Don Jose Perez, mas

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Como al renal título lo hice presente el abandonado en
que estaba el sitio me dijo tener por treinta reses y me
dio otras luculpas para cubrir la falta. Es lo que puedo
decir a V. S. para su Superior Conocimiento

Ayules Junio 3 de 1843

Antonio Hornel

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Seal / Com. D. S. S. S.

La Prefectura del 2º Distrito en cumplimiento al Sup.
decreto 115º de este Expediente su fecha 12 del Mayo procede
a tomar los informes concernientes al Negocio a que se contrae
Dho expediente y según aparece de lo practicado por el
Juez de 1ª Instancia de esta Ciudad resulta en un completo
abandono el paraje que se solicita nombrado Huicon
de San Pascual, y por consiguiente en estado de acudarse
a la denuncia que de el se hace pues aunque se hallan
alli dos Casas inhabitadas no hay ninguna Clase de
bienes ni otros trabajos que dieran a entender el cuípa
cío de los que fueron apreciados por el adelante que
productos de dho terrenos Como que esta es la intención
de la ley y Creyendo del deber del Gobierno, evitar los
abusos y toda Clase de

Office of the Attorney General of the United States,

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Washington, 10th February 1855.

Mmanuel Garfias

vs.

The United States.

} 345.

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 25th day of November 1854, the appeal in the district court of the United States for the Southern Judicial district of California will be prosecuted by the United States.

Clauting

Attorney General.

^{No 173}
U. S. District Court for
Southern District, Cal.

The United States

vs

Mannul Gonzales.

Appeal Notice.

Filed April 10th 1855.

C. E. Farr.
Clerk.

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Office of the Attorney General of the United States,

Washington, 10th February 1855.

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Manuel Garfias

v.

The United States.

} 345.

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 25th day of November 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clarking

Attorney General.

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No 173.

U. S. D. Court S. Dist.

The United States

vs.

Manuel Garfias.

Appeal Notice.

Filed May 11th 1855.

J. E. Fox,
Clerk.

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Manuel Garfias, app^t

Docket No. 173.

*vs -
The United States, app^t*

Transcript No. 345.

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 16th day of *September* A. D. 1852; *Manuel Garfias*

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 *San Pasqual* 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 25th 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 19th day of *December* 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. 345; reference to which it is prayed may be had and made part of this petition. That on or about the 25th day of *November* 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 10th 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.

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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
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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.

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No 173.

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

Manuel Gaspar
appell

ad.

The United States
appell.

Petition for Review.

Filed Nov 8. 1885.

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C. E. Camp
Clerk

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P. Ord. U. S. Atty.

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

TO

The President of the United States,

Manuel Garfias

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GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *5th* 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

P. Ord. U.S. Atty for the South. Dist. of California, praying the Court to review the decision of the U.S. Land Commissioners of the date of April 25th 1854, confirming your claim to a tract of land called "San Pascual" situate in this County of Los Angeles, State of California, which has been appealed to this Court by the Atty. Gen. 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.

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *5th* ~~25th~~ *ten* day of *November* in the year of our Lord one thousand eight hundred and fifty-*five* at Los Angeles aforesaid.



J. Gar.
Clerk.

Marshal's Cost

Copying Summons 1.00
Serving Summons 2.00
Serving Petition 3.00
\$6.00

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United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Manuel Garfias, applt.

cod. { No 173 }

The United States, Applt.

SUMMONS.

Received Nov 13th 1855
Edward Hunter
M. Marshal

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

at Los Angeles in the Southern District of California on the 20th day of November A. D. 1855.

Sworn to and subscribed before me, Nov 21. 1855. }
Clerk.

Edward Hunter
M. Marshal.

and undisputed possession of the said tract of land from the time of said grant until the present time.

Your Respondent states that he fulfilled all the conditions that were annexed to said grant, by occupying the said lands and building on the same a house, and introducing cattle there, and cultivating the soil, and that he lays thus an equitable claim to the final confirmation to him of the said lands.

The lands mentioned in said grant are situate in the County of Los Angeles, State of California, and are known by the name of the Rancho of "San Pascual", bounded on the East by the Rancho of Santa Anita - on the West by the Bluff opposite the Arroyo Seco - on the North by the Sierra - and on the South by the High Hills (Lomercia) immediately at the road which goes to Los Angeles - and contains three leagues and a half of grazing land, more or less, according to the said grant, and the original map on file in the U. S. Surveyor's Office in the City of San Francisco for the State of California.

And your Respondent says, that he has ^{deposited} his petition before the U. S. ^{Lands} Commissioners for ascertaining and settling private Land Claims in California, for Confirmation to him of the aforesaid lands, so that a Patent for the same may issue to him, and that the said Board of Land Commissioners

by their Decree bearing date the
25th day of April in the year
1854, do so confirm unto this
Respondent the lands aforesaid, after
having fully considered the ample
proofs offered by this Respondent in
support of his prayer to the said
Commissioners. That Your Res-
pondent is ready with additional
proofs if thought necessary, to support
his claim to the said lands.

Wherefore Your Respondent prays
this Honorable Court, that, notwith-
standing the objections urged in the
part of the Appellant against the
claim of this Respondent in the Pe-
tition of Review aforesaid, still the
decree of the said Commissioners may
be affirmed - and that the Respondent
be adjudged to have a good and sufficient
title to the lands described herein, and
fully set forth in said Decree.

Wm. H. Hager
Atty for Respondent.

No 173.

U. S. District Court, for
South. dist. of Cal.



The United States
Appellant

vs

Manuel Garza
Respondent.

(No 173.)

Return of Respondent

Filed Nov. 29th 1855.

J. C. Carr.
Clerk.

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Direct this answer on Bond U.S. Atty by delivering
to him a copy of the same at his office this
Dec 5th 1855

Edward Hunt
U.S. Marshal

\$3.00

Manuel Garza

In the Rancho of Santa Anita. Municipality of Los Angeles, this 22nd day of April 1845. before me Vicente Sanchez Justice of the Peace of the first instance and before the assisting witnesses with whom I act in the ordinary form, as also before the Instrumental Witnesses all of whom are hereinafter named; appeared Perfecto Hugo Reid of Manuel Garfias residents of the aforesaid municipality (both of whom I know) and said, that in virtue of having solicited a separation of the lands of the Ranchos Santa Anita and San Pascual, according to the titles which they both presented at the time possession was given to the aforesaid Hugo Reid of the said Rancho of Santa Anita, by which documents it appears that one or the other of the aforesaid parties may be prejudiced in order to avoid which, and to obtain the respective possession which justly belong to them, they have mutually agreed that, (as shown the space between their aforesaid Ranchos from to be vacant land it might be seized by some other person, and in consequence result to their mutual prejudice) said space shall be considered as their mutual property, commencing at a point five hundred varas more or less above the dam of the irrigation situated at San Gabriel and belonging to the aforesaid Hugo Reid, and following along the edge of the hills at the said point in a Northwest direction towards a point where the road leading to Santa Anita and the Mountain divide, and from said point to the said mountain it being admitted that the land from the said road in the said direction to the said mountain, pertains to the aforesaid Rancho of Santa Anita. Heavily fixing the aforesaid point where said roads divide as a boundary, at which point the aforesaid parties agree to place a landmark, which shall be, in addition to this document, an indication of the point where the lands of Santa Anita terminate and those of San Pascual commence.

The said said parties further agree that this contract or agreement shall retain full force, should either of them transfer his interest in his aforesaid Rancho to another person the said party in case of such transfer, heavily obliging

himself to dispose of only the lands which to him rightly correspond and belong. And to all of the foregoing the said parties hereby bind themselves and all the property they now or may have, hereby subjecting themselves to the jurisdiction of the several judges, and empowering them to enforce with all the vigor of the law, a strict compliance with the foregoing agreement, & also renouncing all benefit the law might give them.

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In testimony whereof the aforesaid parties signed with me and my assisting witnesses, the instrumental witnesses being Basilio Valdez and Casildo Aguilar?

Vicente Sanchez	P. Hugo Reid
Mmanuel Guzman	
as ^a Augustin Olvera	as ^a Ignacio Coronel
Instrumental Witness,	Basilio Baldez
2 ^d Instrumental Witness	Casildo Aguilar

" There is no sealed paper

A true Copy of the original as recorded in the Books of Public Instruments of the present year from which it was copied on these three sheets of common paper to which I certify,

Vicente Sanchez
as^a witness
Vicente Guzman

as^a witness
Ignacio Coronel

I certify the foregoing to be a true copy of the original
L. Sprague

Filed in Office Sept 16th 1852

Geo Fisher, Secy

No 173.
U. S. Dist. Court
South. Dist California

Mammal Garcia's
appellee
vs
The United States
appellant

Translation of agreement from
manuscript in case No 173.

Filed July 14th 1856.
J. E. Jones
clerk.

110 173 SD.

PAGE 108

Translation of Expediente of the Administration of the Mission of San Gabriel
 Angeles April 19th 1840. Your Subject of the 2^o District
 We the Citizens Jose Perez and Enrique Sepulveda before you Honor in the manner most favorable in law appear & represent that the half a league of land in the "Rincón de San Pascual" granted by the Governor of California in its contents, and allege to the deceased Don Juan Marinero, having been such things as he may vacated for more than five years and without any agricultural labor and the heirs not having any property with which to cover said labor, we denounce it conformity with the law for the want of requisites stipulated by the Government itself within the grant, and of the which there was no possession. Agreeably with this and there being other land unoccupied and which the aforesaid Government left as vacant pertaining to the Nation, we request in addition an extent of two and a half square leagues which include that denounced with the three which we ask for and which are shown on the map which we duly transmit, in order to place on it many cattle, the number of which is greater than that required for stocking it and obtaining the right of ownership.

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 PAGE 109

(signed) Narciso Botello Secretary
 (signed) Jose Perez
 (signed) Enrique Sepulveda

Wherefore we pray you Honor to obtain that the land and extent we ask for may be granted to us in order to insure the maintenance of our families. Hoping that you Honor will be pleased to obtain this favor from the Superior Government of the Department to which end we protest whatever may be necessary, and pray that you will be pleased to admit this in common paper for want of the necessary stamped.
 Angeles April 10th 1840. (signed) Jose Perez
 (signed) Enrique Sepulveda

Administration of San Gabriel April 10th 1840
 The land which is solicited in the present petition is the same which by a decree of the Government of California under the deceased Genl. of Brigade Don Jose Figueroa is recognized as surplus vacant land for the benefit of the Nation, and this perhaps is the reason why the Mission of San Gabriel has never occupied it, nor made mention of it. This is all that the Administration can report in compliance with the marginal decree of His Honor the Prefect.
 (signed) Juan Bandini

Angeles April 13th 1840. Let this Expediente pass to His Honor the 2^o Justice of the Peace of this City to report upon the contents of the petition expressing whether the heirs of the deceased Juan Marinero are in the occupation of the place called "Rincón de San Pascual" and whether they have cattle with which to cover it.
 (signed) Narciso Botello Secretary (signed) Jose Perez

Señor Superintendente

In compliance with the foregoing Superior decree I proceed to inform you Honor, that having examined the petition, I made the necessary investigating & it results that the land which the petitioners intend, petition for, is actually vacant, and there individuals have a sufficient number of cattle to be able to occupy it. In the hills of the Ocean and San Marino that only do not occupy the place called "Rincon de San Pascual" with any building or any other kind of property, but an absolutely inland cattle with which to stock it. Wherefore you Honor will report that which you think fit.

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Angels April 15th 1840 (Signed) Juan S. Landero

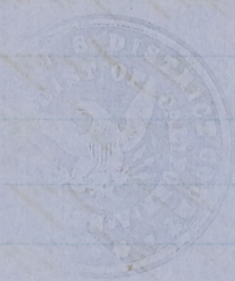
To His Excellency the Governor. The Prefect of this District having examined the foregoing reports, believes that there is no objection to admitting the denouncement which the petitioners make in the form of the place named "Rincon de San Pascual" both because the hills of the Ocean and San Marino have not complied with the conditions required in the title issued by the Government, and because they have ^{no} property with which to stock it, neither have they possession of it, and the addition of land which they ask for, and which is shown on the annexed map should be granted if it should be your Excellency's Superior pleasure. Angels May 2nd 1840.

(sig) Marcio Botello (sig) Tomas Tapia

Monteury Sept. 24th 1840
When Cungen Sepulveda and Don Juan Ruiz have denounced the place named San Pascual with the extent of two and a half square leagues in order to occupy it for their own personal benefit and that of their families, the limits being the Sierra of San Gabriel, the Arroyo Seco and the hills near the Noblar, the measures and stipulations being previously made as required by laws and regulations. I have provisionally granted them the said place observing the following conditions. They shall not hinder the crossings, roads, and servitudes, and shall be subject to the arrangement of lands which the establishment of San Gabriel shall recognize as its funds legal. Señor Don Juan Galvanese, Constitutional Governor of the Department of the California. Thus ordered, decreed and signed

I Charles C. Law, Clerk of the District Court of the United States for the Southern District of California, hereby certify the above foregoing to be a true correct copy of a Document as it appears on pages 6, 17, 18 & 19 of Transcript in Case No. 116. Maria Mercedes Lopez vs. The United States, on file in my office.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court at Los Angeles this 14th day of February A.D. 1856.
C. E. Law



No. 143.
U. S. Dist. Court
South Dist of Calif^a

Mamuel Gaspar
appellee
vs
The United States
appellant

Copy of Translation from
Manuscript in case No. 116.

Filed July 14th 1856
J. E. Jones
clerk.

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PAGE 11

MAP OF SAN PASCUAL, PART.
COPY OF A-1113.

Diseño
1856

173.8D

P. 112

"SAN PASCUAL"
MANUEL BARRIAS

LOS ANGELES Co.

A-1190R



I Charles Egan Clerk of the District Court of the United States for the Southern District of California hereby certify the above foregoing to be a true & correct traced copy of a map as it appears between pages 11 & 12 of Transcript in Case No 116. on file in my office

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PAGE 112

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A-1190R

In testimony whereof I have hereunto set my hand and affixed the seal of said Court at Los Angeles this 14th day of February AD 1856.
C. E. Egan
Clerk.

No. 173.

U. S. Dist. Court.
South. Dist. of Calif.:

Mammil Goufari
appellee
vs

The United States
appellants

Traced copy of Map
from Transcript No 116.

Filed July 11th 1856
J. S. Goufari
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PAGE 3D

El Cero. Dos Reales. Habilitado provisionalmente
por la aduana mantena del Puerto de Monterey en el Departamento
de las Californias. para los años de mil ochocientos y Cuarenta y mil
ochocientos Cuarenta y uno.

Alvarado

Antonio Maria Osio

Juan B Alvarado Gobernador Constitucional
del Departamento de las Californias.

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PAGE 114

En cuanto al Enaque sepultado y de San Juan han hecho
denuncia del Paraje nombrado San Pascual con la extensión
de dos leguas y medio de ganado mayor para ocuparlo para
sus beneficios personales y el de sus familias, siendo los límites
la Sierra de San Gabriel, el arroyo seco y las lomas inmediatas
al Roblar practicadas previamente con diligencia y averiguaciones
consermientos según lo dispuesto por leyes y reglamentos. Se ordena en
consecuencia provisionalmente dicho paraje, observando lo dispuesto en el
quinto. No impidiera las travesías caminos y procedimientos de
vegetación al ángulo de los terrenos que el Establecimiento de San Gabriel
debe reconocer para su fondo legal. En consecuencia mando que el presente
documento se entregue a los interesados para su uso y demás
fines. Dado en Monterey a veinte cuatro de Septiembre de mil ochocientos
cuarenta. Juan B Alvarado. Manuel Simoes Pres.
Queda tomada razón de esta concesión provisional en el libro
respectivo a' folios 3^o y 4^o.

Simoes

El Cero Dos Reales. Habilitado provisionalmente por la Aduana Mantena
del Puerto de Monterey en el Departamento de las Californias. para los años
de mil ochocientos Cuarenta y mil ochocientos Cuarenta y uno.

O

Alvarado

Antonio Maria Osio

Filed in Office Oct 16 1852. Geo Fisher Secy

I Charles Egan Clerk of the District Court of the United States for the Southern District of California
hereby certify the above foregoing to be a true & correct copy of a document as it appears in
Manuscript No 116. pages 20 & 21. on file in my office

In testimony whereof I have hereunto set my
hand and affixed the seal of said Court
at Los Angeles this 14th day of February 1856.

J. E. Egan
Clerk.

No 143.

U.S. Dist Court
South Dist of Cal.

Manuel Garcia
appellee

vs

The United States
appellants

Copy of Document from
Transcript in case No 116.

Filed July 14th 1856.
J. S. Jones
Clerk.

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SD

Stamp and Two Rules

Translation
of
Title ~

Provisionally authorized by the Mexican Custom Army of the State of Monterey
in the Department of the California in the year one thousand eight hundred and
forty, and one thousand eight hundred and forty one
(signed) Alvarez (signed) Antonio Maria Bio

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PAGE 116

Mexican
Custom Army
of
Monterey

Juan Alvarez Substituto General of the Department of the
California.

When Don Eugenio Sepulveda and Don
Jose Perez have denounced the place named San Gabriel with the
extent of two and a half square leagues for the purpose of occupying it for
their own personal benefit and that of their families, the boundary being the
Sierra of San Gabriel, the arroyo Seco and the hills next to the Roblar the proper measures
and examinations being previously made as required by laws and regulations, I have provisionally
granted them the aforesaid place observing the following conditions
They will not impede the crossings roads and secret roads and will subject themselves to the
demarcations of the lands which the Establishment of San Gabriel should recognize as its municipal
lands. (fundo legal)

In consequence I order that the present document be delivered to the persons
interested for their security and other purposes

Given in Monterey on the 24th of September one thousand eight hundred and forty

signed Manuel Jimenez

(signed) Juan B. Alvarado

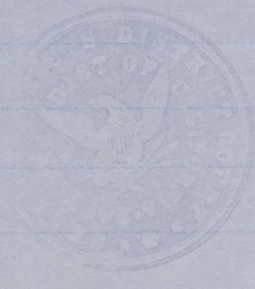
Secretary

What in Office
1852
Geo. Fisher
Secy

note has been made of this provisional grant in the proper book in folio 3^o over. (signed) Jimenez

I Charles Egan Clerk of the District Court of the United States
for the Southern District of California hereby certify the above foregoing to be a true and correct
copy of a document as it appears in Pages 22 & 23 of Transcript in Case 116. in file
in my office.

In testimony whereof I have hereunto signed my name
and affixed the seal of said Court at Los Angeles
this 14th day of February A.D. 1856.
C. E. Egan.



No 173

U.S. Dist Court
South Dist of Calif

Manuel Garcia
appellee

vs

The United States
appellants

Copy of Transcript from
Transcript in case No 173.

Filed July 14th 1886.

J. S. Jones
Clerk.

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PAGE 17

1 S.D.K.

Año de 1840.

Expediente promovido por los C. C. Enrique Sepulveda y Jose
Peuz en solicitud del rancho titulado

S. Pascual

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PAGE 118.

No 211

2 S.D.K.

3 S.D.K.

Ang.º abº 10 de 1840
Pase esta inst.ª al Sr
Adm.º de la Misión
de Sr Gabriel, para q
p. su parte informa
su contenido y alegue
lo q le convenga

Dafica
Narciso Potello
Sr.º.

Sr Prefecto del Dº Distrito
Sr Ciudad.º Don Peuz y Enrique Sepulveda
ante V.E. como mas haya lugar en derecho
nos presentamos, exponiendo que a virtud
de hallarse ya por mas de quatro años
valdío y sin trabajo agricól alguno el
medio sitio en el Rancho de Sr Pascual
cedido por el Gobierno de California al
finado Don Juan Marini y notiendo
los herederos bienes algunos conque cubren
dicho terreno, lo denunciemos conforme a
la ley y a la falta de requisito estip-
ulado por el mismo Gobierno en la concesion
y de lo que no hubo posesion. Conforme a esto y habiendo mas
terreno desocupado que el repetido Gobierno deso como valdío
perteneciente a la Nacion, Duplicamos ademas la estension de dos
y medios sitios que inclusive al denunciado hacen el de tres q
pretendamos y q manifestamos el diseño q deviamos, acompañamos
para poner en el muchos bienes cuyo numero es mayor q el requerido
pa Criador y obtener el derecho de propiedad.

Por tanto a. V. S. Duplicamos nos sea adjudicado el terreno y estension
que solicitamos para asegurar la mantencion de nuestras familias
Esperando se sirva V. S. alcausarnos esta gracia del Gobierno Superior
del Departamento a lo que protestamos lo necesario y rogamos se sirva
admitir esta en papel comun por falta del sellado necesario
Angely Abril 10 de 1840. Jose Peuz. Enrique Sepulveda
Adm.º de Sr Gabriel y 11 de Abril de 1840.

El Terreno q se solicita p.ª la presente instancia
es el mismo q pa. decreto del Gob.º de California al cargo del fuero
Grál. de Brigada D. Don Figueroa esta reconocido como sobrante
venidos a beneficio de la Nacion, y tal vez este será el motivo
q la Misión de Sr Gabriel no lo ha ocupado. Hecho mencion
de el es lo unico que puede informar esta Adm.º cumpliendo con
el decreto del Sr Prefecto del Distrito q corre al margen.

Juan Paudini

5 L.H.

Angelis Abril 13 de 1840

Para este expediente al Sr. Inez 2º de Paz de esta ciudad para q' informe sobre el contenido de la solicitud con expresion de si los herederos del finado Juan Marines tienen ocupado el paraje llamado Rincon de San Pascual, y si tienen bienes con que cubrirlo
Tapia Narciso Botello Srto.

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Sr. Pefecto int^o En cumplimiento del Superior decreto que antecede pase á informar á V. Sa. habiendome impuesto de la solicitud hice las investigaciones necesarias, y resulto que el terreno que pretenden los interesados efectivamente se halla baldío y estos individuos tienen el numero de bienes suficientes para poderlo ocupar pues los herederos del finado Juan Marini á mas de no tener ocupado el paraje llamado Rincon de San Pascual que ninguna clase de finca ni alguna otra clase de intereses carecen absolutamente de bienes para cubrirlo, por cuyo motivo V. Sa. determinará lo que crea justo. Angelis Abril 15 de 1840
Juan B. Saundez

Amo Sr. Gobernador

La Prefectura de este 2º Distrito impuesta de los informes q' anteceden cree que no hay obstáculo ninguno en q' se les admita a los solicitantes la denuncia que en dicha forma hacen del paraje nombrado Rincon de S. Pascual tanto p^o no haber cumplido con los requisitos prevenidos en el Título expedido por el Gob^o. Quanto p^o que no tienen bienes de ninguna clase p^o cubrirlo los herederos del finado Juan Marineri ni habiendolo poseido e igualmente es de acuerdo al aumento de terreno que piden y consta en el diseño adjunto si así fuere del Sup^o agrada de V. E. Angelis Mayo 2 de 1840.

Tiborcio Tapia H. Narciso Botello Srto.

Monterey 24 de Set^o de 1840. A. S. J. O.

Por cuanto Enrique Sepulveda y Don Ine Inez han hecho denuncia del paraje nombrado San Pascual con la Estacion de dos y medio sitios de ganado mayor para ocuparlo para sus edificios personales y el de sus familias siendo los limites la Sierra de San Gabriel, el Arroyo seco y las Lomenias inmediatas al Volcan practicadas previamente las diligencias y averiguaciones consiguientes segun lo dispuesto por leyes y reglamentos he venido en considerarse provisionalmente dicho paraje observando la condicion siguiente. No impediran las traversias caminos y servidumbres, y se sujetaran al arreglo de los terrenos que el establecimiento de San Gabriel debe reconocer para legal. El Sr. Don Juan B. Alvarado Gob^o Constitucional del Departamento de las Californias así lo mando decretado y firmo.

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I Samuel D. King Surveyor General of the United States for the State of California, and such now having in my Office and under my charge ^{Control} a portion of the Archives of the former Spanish and Mexican Territory & Department of Upper California, do hereby certify that the seven preceding and hereunto annexed pages of tracing paper numbered from one to seven inclusive and each of which is verified by my initials (S. D. K.) exhibit true and accurate copies of certain documents on file and forming part of the said archives in this Office.

S. D. K.

Intestimony whereof I have hereunto signed my name officially and affixed my private Seal (not having a seal of Office) at the City of San Francisco Cal. the 11th day of June 1852

(Signed) Samuel D. King
Surveyor Genl. Cal.

Filed in Office June 14th 1852.

Geo Fisher
Deputy

I, Charles E. Can, Clerk of the District Court of the United States for the Southern District of California hereby certify the above foregoing to be a true copy of a document as it appears on pages 11, 12, 13, 14, & 15, of Transcript in Case No 116, Maria Mendez Soto de Foster vs The United States, on file in my office.

Intestimony whereof I have hereunto set my hand and affixed the seal of said Court at Los Angeles this 14th day of February AD 1856.

C. E. Carr
Clerk

No. 173

W. S. Duffout
Genl. Dist of Cal^o

Manuel Garcia
appellee

vs

The United States
appellants

Copy of Document from
Manuscript in case 116.

Filed July 14th 1856
C. E. Case
Clerk

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No 173

U.S. Dist Court
South Dist Cal^a

Manuel Garfias
appellee
vs
The United States
appellant

Decree

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Filed March 7th 1855

125 C. E. Can
Clerk

by Morgan
Deputy
Recorder in Page 213.

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

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

Manuel Garfias

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APPELLEE,

VS.

UNITED STATES,

APPELLANT.

No. *173*

(No. *345*, of Transcript.)

On Appeal from the United States Land Commission.

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

ORDERED by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the said United States in the above entitled cause, rendered on or about the *6th* day of *March* A. D. 1856.

P. Ord

No. 173.

H. S. Dutton
Judge of California

Samuel Perkins
appellee

vs
The United States
appellants

Notice of appeal f.c.

Filed July 17, 1850.

C. E. Conner

By O'Connell & DeJoy

United States District Court
Southern District of California

Mamuel Garcia's
Appellee

vs

The United States
Appellants

No 173

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This cause coming on to be heard on an appeal from the decision of the Commissioners to ascertain & settle the private land claims in the State of California under the act of Congress approved March 3rd 1851 upon the Transcript of the proceedings and decision, and the papers and evidence on which said decision was founded, and it appearing that the said Transcript has been duly filed according to law, and counsel for the respective parties having been heard, It is ordered adjudged and decreed that the decision of the Commissioners be and the same is hereby affirmed and it is further adjudged and decreed that the ~~xxxxxxx~~ Claim of the above mentioned appellee is good, and valid, and the same is confirmed to him to the extent of three and one half square leagues, within the boundaries described in the grant and the map to which the Grant refers, to wit, on the East the Rancho of Santa Anita; on the West the bluff of the Arroyo Seco; on the North the Sierra, and the South the range of hills near the road-

No 173

U.S. Dist Court

South Dist Cal

Manuel Garfias

appellee

vs

The United States

appellants

Decree

Entered Copy

Filed March 7th 1888

C. E. Carr

Att

by Morgan

Deputy

Recorded on Page 213

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to Los Angeles, these the said hills being included
in the said described premises. Provided that
should there be a less quantity than three and
a half ^{square} Leagues within the said boundaries, then
Confirmation is hereby made of such less quantity.

Isaac S. K. Ogier

U.S. Dist Judge

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United States of America
Southern Dist of California
County of Los Angeles

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I James Clark of the
United States Dist Court for
the Southern District of California
do hereby certify that the foregoing
is a full true and correct copy
of the original decree in case
No 173 on the docket of said Court
wherein Manuel Surfas is
appellant against the United
States Appellant as appears
of Record on file in my Office

In Witness Whereof
I have to at my

hand and affixed
the seal of said ^{Court} Office

this the 12th day of
January 1860

James Clark
cl

~~No 248~~ 173 SD

No 173

No 248

U.S. Dist Court
Boston Dist. Cala

Maime Surfas
Appellee
of ads
The United States
Appellant

Filed in office
this 17th Jan'y 1860
C. Jones
ck

Decem
certified copy

Filed March 7th
1856

C. C. Carr
ck

Re Morgan
copy

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Re 7, in page 213

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

Wm. Isaac S. K. Qui Judge

December Term 1856

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The United States

Appellant

vs
Manuel Garcia

Appellee

Docket No 173

Transcript from the Board of Land Commissioners of

The Attorney General of the United States having given notice
that the appeal to the Supreme Court from the decision of this Court
in the above entitled Cause will not be prosecuted by the United
States, and a stipulation having been entered into by the
United States District Attorney and the Attorney for the Claimant
that the order granting an appeal to the Supreme Court hereto-
fore made in this Cause be vacated, and that the decree
of this Court heretofore rendered in this Cause may by order
of the Court be made final, it is

Ordered, adjudged and decreed, that the order granting
an appeal to the Supreme Court heretofore made in this Cause
be and the same is hereby vacated, and that the
Claimant have leave to proceed under the decree of
this Court as under a final decree

Wm. Isaac S. K. Qui
N. J. P. M. Judge

No 173

11
Order Vacating order
of appt.

Filed this 23^d February
1857
C. S. Sims clk
of A. Coleman
Dep

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California Land Claims.

Attorney General's Office

29 September, 1856.

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Sir:

In the case of the claim of Manuel Sarfias, confirmed to the claimant by the Commissioners, Case no. three hundred and forty-five (345), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Cushing

Manuel Sarfias

U.S. Atty for the

Southern Dist. of Cal.

VV 173

Manuel Garfias

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Recd Nov 4 1836



Said District Court of the
United States within and for the
Southern District of California

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Amos S. G. Judge
December Term 1856

The United States

vs
Amos S. G. Judge
Appellant
Appellee

Docket No 143

Transcript from the Record of said Commission, No

In pursuance of a letter from the Attorney General
of the United States herewith annexed giving notice
that in the above cause the appeal in the Supreme Court
will not be prosecuted by the United States. It is hereby
stipulated and agreed by and between the parties that
the order granting an appeal to the Supreme Court here-
before made in the above cause be vacated, and
that the decree of the Court heretofore rendered in
this cause may by order of the Court be made final

P. Ord.

Dist. Atty.

Myron Norton
att'y for appellee

U. S. Dist Court
South Dist Cal

No 173

The United States
Appellant

vs

Manuel Garfias

Appellee

Filed July 23rd 1857

Spies
CWR

Stipulation
to vacate order
of appeal to Supreme Court

Office of the Surveyor General of the United States, }
FOR CALIFORNIA. }

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I, J. W. MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho San Pascual

confirmed to M. Garfias
has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 18th day of Sept. 1858
~~186~~; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the "San Bernardino Herald" published in the County of San Bernardino, State of California being the newspaper published nearest to where the said Rancho is located, the first publication being on the 27th day of Sept 1860, and the last, on the 16th day of Oct 1860; also, in the "Los Angeles Star" a newspaper published in the City and County of Los Angeles, State aforesaid.

the first publication being on the 29th day of Sept 1860, and the last on the 20 day of Oct 1860, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

(G.S.)

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this 31st day of May 1860

J. W. Mandeville
U. S. Surveyor General for California.

U. S. Sur. Genl. Office
San Francisco, Aug 27 1865

I hereby certify the above to be a full, true & correct copy.

E. J. Miller
U. S. Sur. Genl.



No # 173

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

Wm. Gardner's

The United States

Certif. of pub. by Geo. L. ...

Filed Sept 14, 1863

John Wheeler
Clerk

John O. Wheeler
Mount ...

173 SD

Manuel Garfias }
 and } No. 173.
United States }
 .

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Please make translation of agreement
on pages 63, 64 & 65.

C. E. Carr Esq }
 Clerk }
 }

Myron Weston
Atty for Garfias

Index of Transcript.

Manuel Garfias, Appellee } Case No. 173.
vs } Transcript " 345.
The United States, Appellant } Rancho - "San Pascual"

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- Pages 5 & 6 Petition of Claimant to Land Commission.
- " 7 & 8 Deposition of Pio Pico
- " 9 & 10. Deposition of Jose Ant. Carrillo.
- " 10 & 11. Deposition of Manuel Dominguez.
- " 12. Deposition of Agnacio F. Coronel.
- " 12 & 13. Deposition of Agustin Olvera.
- " 14 & 15. Deposition of Fernando Sepulveda.
- " 15 & 16. Deposition of Agnacio del Valle, & Receipt of M^a Maria Lupe.
- " 17 & 24. Deposition of A. F. Coronel.
- " 27. Map or Deseño.
- " 29 to 42. Expediente containing the judicial proceedings and decision of the local authorities in reference to the denouncement made by the Claimant of "San Pascual".
- " 43 to 51. Translation of Expediente
- " 53 & 54 Copy of Original Grant.
- " 55 & 56 Translation of Original Grant.
- " 57. Copy of Confirmation of Grant by the depart^t Assembly.

Pages 59.

Translation of Confirmation by Depart.^l Assembly.

" 61.

Motion of Maria Merced Lugo de Foster & others for intervention in this case.

" 63 + 64

Copy of Agreement between Claimant and P. H. Reid concerning the boundary line between the ranchos of "San Parguel" and "Santa Anita."

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" 65.

Receipt of Enrique Sepulveda for value of house.

" 67 to 72

Opinion of the Commissioners

" 72

Decree of Confirmation.

" 73

Order &c.

No 173.

Mamuel Garfias
Appellee

^{vs}
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