

CASE No.

139

SOUTHERN DISTRICT

400 VARAS OF LAND IN THE
COUNTY OF LOS ANGELES GRANT

ANDREW J. COURTNEY AND WIFE

CLAIMANT

25% COTTON FIBER
Plover Bond

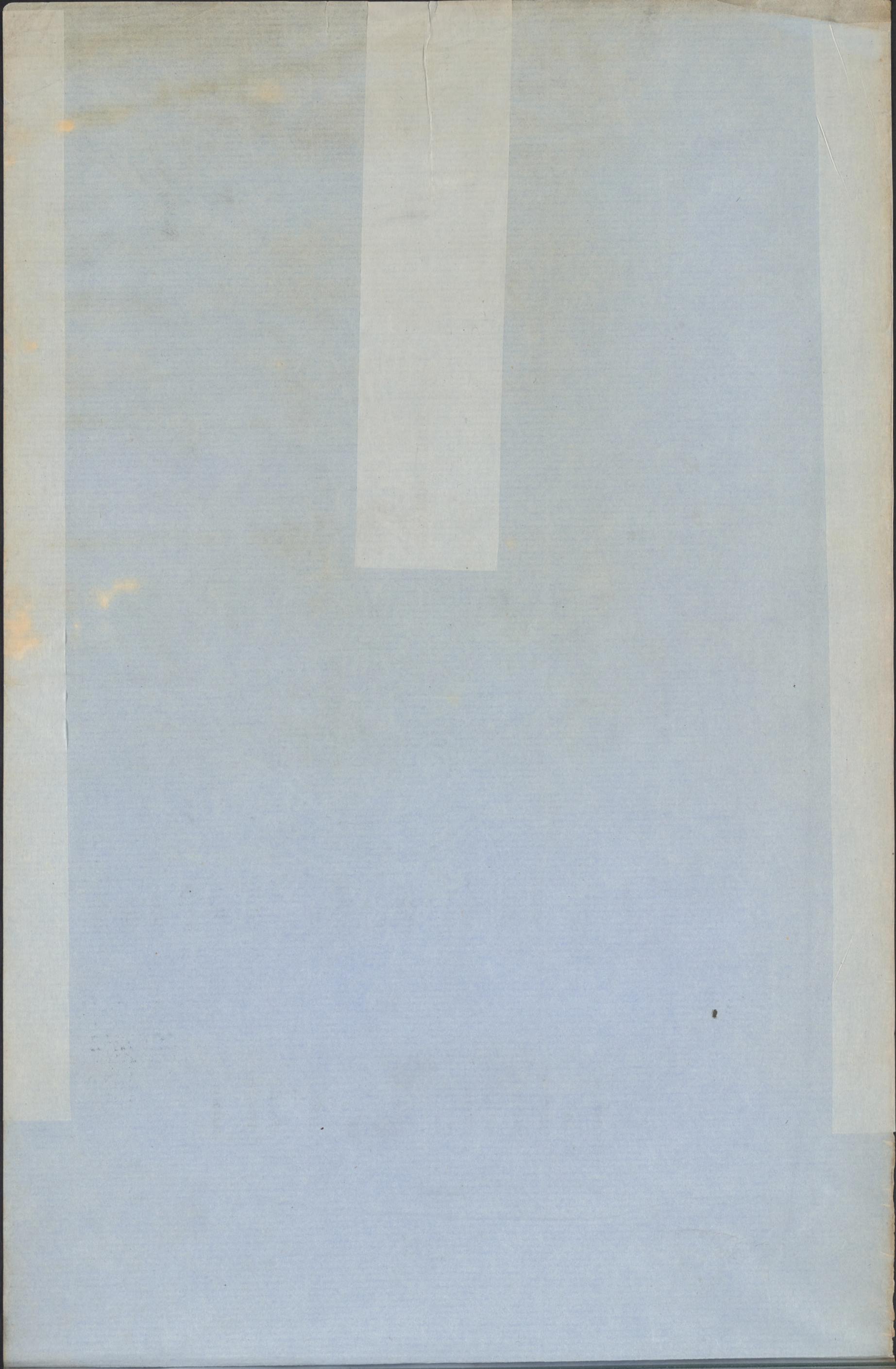
LAND CASE 139 SD 39 pgs.

MAR 1 1963

U.S.A.

6258

Northham District



TRANSCRIPT

139 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *425*

Andrew J. Courtney & Wife

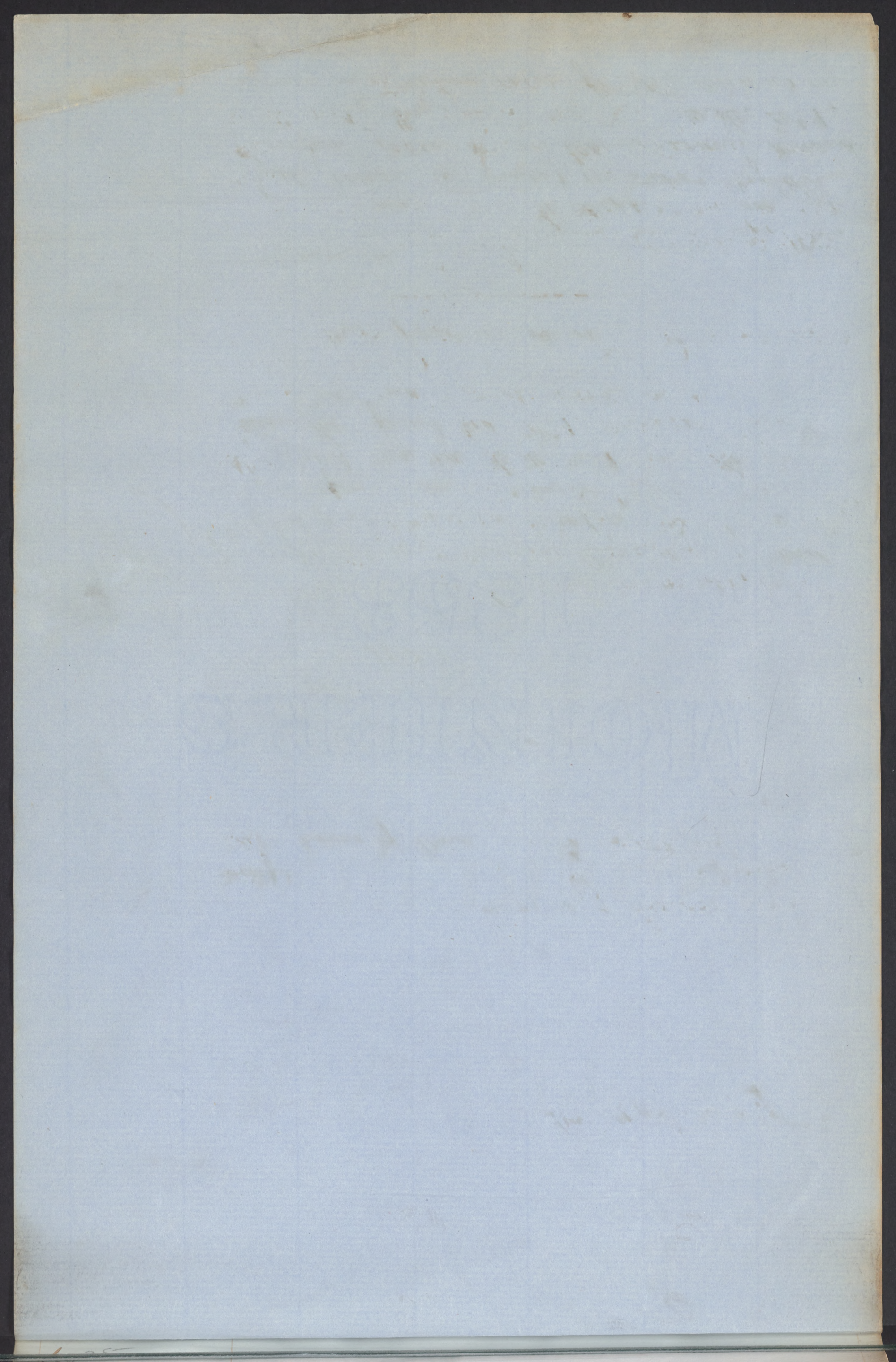
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR ~~THE~~ ~~PLACE~~ ~~NAMED~~

400 varas of land in the County of Los Angeles.



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of *Anaraw J. Courtney and wife*, for the ~~Place named~~ *400 Varas of land in the County of Angeles* was presented, and ordered to be filed and docketed with No. *425* and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

San Francisco October 28, 1852.

In the same case, the Deposition of *Abel Stearnes*, a witness in behalf of the claimants, taken before Commissioner *Wiland Hall*, with Document marked *No. No. No. 1*, and the Translation thereof marked *No. 1*, annexed thereto, was filed, and is in the words and figures as follows, to wit:

(Vide page *4* of this Transcript.)

San Francisco, October 29, 1852.

In the same case, the Deposition of *Michael White*, a witness in behalf of the claimants, taken before Commissioner *Wiland Hall*, with Document marked *No. No. No. 1*, annexed thereto, was filed, and is in

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the words and figures as follows, to wit:
(Vide page 5 of this Transcript.)

San Francisco, October 31, 1853.

This case was submitted on briefs
and taken under advisement by the Board.

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San Francisco February 28, 1854.

In the same case, Commissioner Alpheus
Tuleh delivered the Opinion of the Board,
confirming the claim.

(Vide page 13 of this Transcript.)

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 14 of this Transcript.)

To the Honorable the United States Commissioners for
the ascertainment & settlement of California Land Claims.

Andrew J. Courtney & Juana Pabla de Jesus,
Courtney his wife, residents of the County of Los Angeles &
State of California, respectfully represent.

Petition

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That the said Juana Pabla claims to be owner
in fee simple of a tract of land originally granted to the
native Ramon Valencia, Valencia & Pablo by Pio Pico,
while Governor of California, & as such vested with sufficient
powers in the premises, by deed of grant in fee simple bear-
ing date March 15th A.D. 1845. That the said origi-
nal grantee received immediate judicial possession thereof
by the proper municipal authority, & the occupied the same
from a time prior to the date of said grant until the con-
veyance by them of the same to the petitioner Juana Pabla.
That the said grantee built a house, planted fruit trees,
built fences & made permanent improvements in said land,
& fulfilled all the conditions of said grant. That the
said Valencia, one of said grantee was the father of the
two others, & died in the year 1849, leaving the other two
grantees his sole heirs.

That the said Ramon & Pablo Valencia
sold & conveyed the said land to your petitioner Juana Pabla
de Jesus, by deed of sale, bearing date the 23rd August A.D.
1852, since which time, your petitioner have occupied the
same. Said tract of land is bounded & described as follows
Beginning at an oak a few yards South east from the
stone & mortar dam, some two miles north of the Mission
of San Gabriel, thence running South West along the bound-
ary of Santa Anita 300 varas, Thence South east 180
varas, Thence South West 100 varas, Thence South east
520 varas to a large oak with a cross cut in it. Thence
North East 400 varas to another large oak having a cross
cut in it. Thence North West 700 varas to the place of
beginning, lying in the County of Los Angeles, State of
California.

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425

Said tract has not been surveyed by the United States Surveyor General for California.

There is no interfering claim.

Your petitioners rely upon the following documentary evidence to support their claim.

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1st Copy of original grant m. & A.

2nd Copy of deed of sale m. & A.

Accompanied by a translation of grant m. & A.

They will further rely upon each parcel & other evidence as may be thought necessary. And your petitioners pray that your superior wisdom & sense of justice will confirm the said Juana Pablade Jesus Country in property & possession of said claim.

Scott & Granger
Atty for Petitioners

Oct-28th 1852.

Filed in Office Oct-28th 1852.

Geo. Fisher
Sey.

Los Angeles Oct-28th 1852.

Deposition of
Abel Stearns.

On this day before Court Hiland Hall, came Abel Stearns, a witness in behalf of the claimants Andrew J. Courtney & wife, petition No 425. & was duly sworn, his evidence being given in English.

The U. S. Associate Law Agent was present.

In answer to questions by counsel for the claimants the witness testified as follows.

My name is Abel Stearns, my age fifty four years

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I reside in Los Angeles. I have resided in California over twenty three years.

I am acquainted with the signatures of Pio Pico, Juan Bandini, P. Hays Reed & Felipe Reed.

A paper is now shown me purporting to be a grant to Harmon Valencia, dated March 15 1845 - of a tract of land seven hundred varas in length by four hundred varas in width, to which it is annexed a certificate of the giving of judicial possession dated April 1 1845. - The signatures of the said several persons appearing on said paper I believe to be genuine, said paper is here annexed & marked H. H. No. 1.

Abel Stearns.

Sworn & subscribed

Before me,

Herland Hall. Corer.

Filed in Office Oct-28th 1852.

Geo. Fisher
Sdy.

Description of
Michael White.

Los Angeles, Oct-29th 1852.

On this day before Corer Herland Hall, came Michael White, a witness for the claimants - A. J. Country & wife, petition No 425 it was duly sworn his evidence being given in English.

The U. S. Associate Law Agent was present.

In answer to questions by counsel for the claimants the witness testified as follows.

My name is Michael White, my age is forty two, I reside at the Mission of San Gabriel in this County.

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I am acquainted with the hand writing and signature of Hugo Reid & G. A. Sturgis.

A paper is now shown me purporting to be a deed from Ramon Valencia, Maria Gomez, Pablo Valencia to Juan Pablo de Somo Country dated 23^d August 1852.

The signature of Hugo Reid as a witness to said deed, & of G. A. Sturgis as Justice of Peace to the certificate of acknowledgment I believe to be their genuine signatures. I was present when the signers of said deed acknowledged the same before said Sturgis. He was then & still is an acting Justice of the Peace. I was well acquainted with the family of the Valencias & the persons who executed the deed. I have known the family for about twenty two years. Ramon Valencia & his father Valencia & Pablo brother to Ramon were the original grantees of the land from the Governor. Valencia the father had been dead about a year when the deed was executed. He left Ramon & Pablo who were the only children of his, who were living to my knowledge. Ramon has a wife named Maria Gomez. Pablo had no wife to my knowledge. Ramon & Pablo must have been between thirty & forty years old when the deed was executed.

I have known the land for twenty two years. The Valencias had been living on the land from 1839, & might have been there before. They had cleared off the timber & built a house, made a fence round a part & set out vines & fruit trees. They occupied until the sale to Country, since which time he has occupied it. Said paper is handwritten & marked H. H. No. 1. The wife of Valencia died several years before he died & he left no widow.

Michael White.

Shown & subscribed

Before me. Holland Hall. Conn.
Filed in Office Oct 29th 1852. Geo: Fisher. Secy.

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Pío Pico Gobernador Interino del departamento de California. Por cuanto Ramon Valencia P. O. y a nombre de su Padre Valencia y su hermano Pablo Indigenas de la mision de San Gabriel han pretendido p.^a su beneficio personal y el de sus familias la propiedad de un terreno q.^e hace tiempo ocupan en las inmediaciones de la referida Mision practicadas las diligencias y averiguaciones necesarias; usando de las facultades q.^e me son conferidas, en nombre de la Nacion mexicana he venido en concederles la peticion q.^e solicitan y enviendoles de titulo el presente observar las prevenciones siguientes. 1.^a Se concede a los interesados la propiedad del terreno en q.^e tienen finca de arboles y arboles frutales inmediato a la mision de S. Gabriel y consta de setecientas varas de largo p.^a cuarenta y cinco de ancho. 2.^a El juez o encargado del lugar a quien se presentaran lo hara medir y mandara fijar los linderos respectivos haciendo formar señales q.^e siempre los determine. 3.^a Los agraciados disfrutaran el terreno de q.^e se les hace donacion, libre y exclusivamente destinandolo al uso de agricultura y ganaderia. Ciudad de los Angeles Mayo 15 de 1843. Pío Pico.

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Juan Bandini. O. P. Queda tomada razon en el libro respectivo. Bandini. En cumplimiento del 2.^o articulo del presente como juez auxiliar de este lugar, nombro a Don Felipe Reid y al Sr. Teofilo Prospero para que acompañen a mi y presenciaren las medidas correspondientes. San Gabriel Abril 1.^o de 1845. P. Hugo Reid
En el mismo dia acompañado de los dos testigos presenciales. hizo comparecer a uno por parte de la mision, como en efecto comparecio Manuel

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Antonio Mayor como de ella; presente los intercoados, mandè medir un cordel de cien varas y desde una Encina à unas cuantas varas al Sud Este de la Pasa adonde se puso una Cruz tiramos siete Cordeles hasta otra Encina grande adonde se fijò una Cruz. Volvimos à la primera Encina y tirando cuatro cordeles rumbo Sud. Este remato casi al Orilla de una ciénega, adonde se puso unas piedras por mojones y tirando siete cordeles al primer rumbo de Sud. Este se fijò una Cruz en una Encina grande. Habiendo quedado satisfechos los interesados y en cargo de por parte de la Misión en testimonio del hecho he estendido este auto para su resguardo de Valencia è hijos firmandolo con mi signo de los Testigos y el otro poniendo la señal de la Cruz por nosaber firmar. San Gabriel fecha 17 de Supra. P. Hugo Reid
Presenciamos. Prospero +
Eclipe Reid. Ya concluido se ha devuelto à los intercoados para su resguardo y correspondencia. San Gabriel Abril 1^o de 1845 P. Hugo Reid

Filed in Office Oct. 28th 1852.

Geo. Fisher Secy.

Pio Pico, Governor and Intendant of the Department of the California.

A.
Translation of
A. arrived to
the depo of Abel
Stearns.

Translation of
Grant & act of
Judicial possession

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Whereas Ramon Valencia for himself & in the name of his father Valencia & his brother Pablo, natives of the Mission of San Gabriel have asked for their personal benefit & that of their families the property in the land which for some time occupied in the vicinity of the aforesaid Mission, the proceedings & necessary inquiries having been gone through with, exercising the authority vested in me I have in name of the Mexican Nation concluded to grant the petition which they solicit, & the present writing them for title they shall derive the following prohibitions.

- 1st The property in the land is granted to the parties interested when they have planted a vineyard & fruit-trees, immediately at the Mission of San Gabriel, and consists of 700 varas in length & 400 varas in width
- 2nd The Judge or officer of the place to whom they shall go, shall cause it to be measured & order them to fix the respective boundary lines causing them to make land marks to always determine them.
- 3rd The grantees shall farm the land of which grant is made freely & exclusively devoting it to the use and profit which may most suit them.

City of Los Angeles March 15th 1845.

Pio Pico.

Juan Bandini,
Secretary.

Account is taken in the respective books.

Bandini.

In fulfillment of the second article of the present, as auxiliary Judge, I appointed Don Felipe Ruiz & the nephew, Prospero, to accompany me & to witness the corresponding measurements.

San Gabriel April 1st 1845.
P. Hugo Reid.

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On the same day accompanied by the two notaries, I caused one to appear on part of the Mission, as in effect Manuel Antonio, Mayor-domo of it appeared, the parties interested being present, I ordered a cord of 100 varas to be measured, & from a live oak tree, a few yards to the South east of the dam where a cross was placed, we extended seven cords to the large live oak where a cross was placed. We returned to the first live oak & extending four cords, cross south west it terminated at the edge of a marsh, where some rocks were placed for a land mark & extending seven cords to the first course of South east a cross was placed on a large live oak. Having left the parties satisfied & the Agent on part of the Mission, in testimony of the act, I have extended this deed for the protection of Natalia & sons, signing one of the notaries with me, & the other placing his sign of the cross, not knowing how to write.

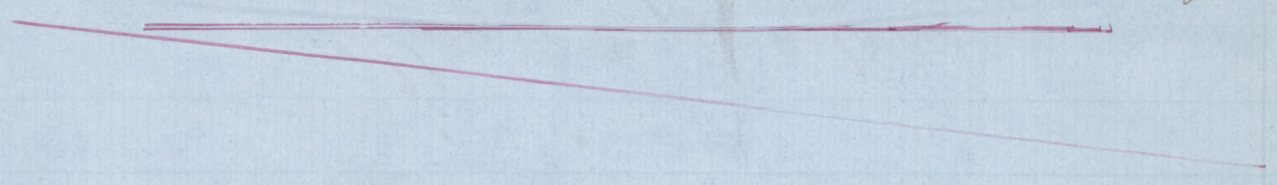
Parent
Felipe Reid.

P. Hugo Reid.
Prospero +

Being concluded, it has been returned to the parties interested, & as it belongs to them.

San Gabriel April 1st 1845.
P. Hugo Reid.

Filed in Office Oct-28th 1852.
Geo. Fisher
Scrij.



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 Copy of Deed
 to Juan P. de
 Country.

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Know all men by these presents that we Ramon Valencia
 Maria Jesus (his wife) Pablo Valencia of San Gabriel, -
 County of Los Angeles, State of California, in consideration
 of the sum of one thousand dollars to us in hand paid do
 hereby bargain, sell & convey unto Juana Pablo de Jesus
 Country, a certain piece or parcel of land situate in said
 Township & county & described as follows - to wit:
 Commencing at an Oak with a cross cut on it, standing
 a few yards to the South East of the stone & mortar dam
 running S. W. along the boundary of Santa Anita -
 Three hundred varas to the N. E. corner of R. B. Taylor's
 land; thence running S. E. along said land one hundred
 & eighty varas, thence S. W. along said land one hundred
 varas to the corner of Sumner's grant; thence running
 S. E. along said grant Four hundred varas to the N. E.
 corner of grant to Manuel Sales; thence in the same
 direction along said grant one hundred & twenty varas
 to a large oak marked with a cross: from thence N. E.
 Four hundred varas to another large oak with a cross
 cut on it; thence N. W. seven hundred varas to the
 place of beginning, together with all the privileges and
 appurtenances thereto belonging.

To have & to hold the above granted prem-
 -ise to the said Juana Pablo de Jesus Country & her
 heirs & assigns forever.

And we the aforesaid grantors forever
 -selves our heirs, executors & administrators do covenant
 with the said Juana Pablo de Jesus Country that said
 premises are free from all incumbrances made or suf-
 -fered by us & that we will warrant & defend the same
 against the lawful claims & demands of all persons
 claiming by, through or under us & against all other
 persons whatsoever.

In witness whereof we the said
 Ramon Valencia, Maria Jesus (his wife) and
 Pablo Valencia have hereunto set our hands &

wale this 23^d day of August A. D. 1852.

Executed & delivered ^{his} Ramon X Valencia (S)
 in presence of ^{mark}
 Hugo Reid. ^{her} Maria X Jones (S)
^{mark}
^{his} Pablo X Valencia (S)
^{mark}

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State of California
County of Los Angeles

On this day 26th day of Sept 1852
 personally appeared before me a Justice of the Peace
 in & for the town of San Gabriel, State & County aforesaid
 Ramon Valencia, Maria Jones & Pablo Valencia, satis-
 factory proved to me to be the person described in, & who
 executed the within conveyance by the oath of Hugo Reid
 a competent witness & credible, for that purpose by me,
 duly sworn, & the said Ramon Valencia, Maria Jones,
 & Pablo Valencia acknowledged that they executed the
 same freely & voluntarily for the uses & purposes therein
 mentioned.

G. A. Sturgis. J. P.

Recorded the above deed of conveyance for record on the
 second day of October 1852 at two o'clock P. M.
 Recorded the same at four o'clock of the same day
 in the book of deeds pages 234 + 235 at the
 request of Mr Country.

Wilson W. Jones.
 Recorder.
 Per H. R. Nyles.
 Deft

Filed in Office Oct 28th 1852.

Geo. Fisher. Secy.

Andrew J. Courtney & For a piece of land 700
 & wife & various in length & 400
 or various in width in Los
 Angeles County.
 The United States.

Opinion of the
 Board by Comr
 Alphons Felch.

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The petitioner has given in evidence an original grant of the land in question made by Governor Pio Pico to Valencia & his two sons, Ramon & Pablo Valencia, all natives of the Mission of San Gabriel on the 15th day of March 1845. Under this grant, as appears by the duly authenticated testimonial thereof, judicial possession of the premises was given to the grantees with boundaries properly defined April 1st 1845. It is proved that the grantees occupied the land long before the grant was made, & that they continued to live upon & cultivate it until the sale herein after mentioned.

The present claimants have given in evidence a deed of the land to Juana Pablo de Jesus Courtney wife of Andrew J. Courtney, who joins in this petition dated August 23rd 1852. Executed by Ramon Valencia & his wife & by Pablo Valencia. Ramon & Pablo as two of the three original grantees were the owners of two-thirds of the property, the proof shows that they also possessed at the time of the conveyance the interest of their father, the other grantee who died about a year before, leaving three two sons his heirs. They thus became the owners of the entire estate, & had full power to convey.

As the property belongs to the wife of Courtney, under the deed to her in her own right, a decree will be entered accordingly in her favor.

Confirmed.

Filed in Office Feby 28th 1854

Geo. Fisher. Secy

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Andrew J. Courtney
& wife
vs
The United States.

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Deed of
Confirmation

In this case on hearing the proofs & allegations it is adjudged by the Commissioners that the claim of the said petitioner, Juana Palla de Sene Courtney, wife of said Andrew J. Courtney, is valid, & it is therefore decreed that the same be confirmed to her.

The land of which confirmation is hereby made is situated in Los Angeles County & is the same where Nalencia & his two sons Ramon & Pablo Nalencia planted a vineyard & fruit trees, & is bounded & described as follows, to wit: Commencing at a live oak tree a few yards to the south east of the dam where a cross was placed & running thence seven hundred varas to the large live oak tree where also a cross was placed; - then commencing at the live oak tree first mentioned & running four hundred varas, course south west, to some rock placed for a land mark & being on the edge of a marsh - thence running south east & parallel with the first line above mentioned seven hundred varas to a large live oak tree where a cross was placed. & thence to the place of beginning - said premises being seven hundred varas in length & four hundred in width.

Alpheus Felch.
Thompson Campbell.
W. Aug. Thompson.

Filed in Office Feby 28th 1854.

Geo: Fisher Secy

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And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California it is hereby ordered; that two transcripts of the Proceedings and of the decisions 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.

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1842

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 *fourteen* pages, numbered from
1 to 14 both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the witnesses, upon which the same is founded, on file in this
Office Case No. 425 on the Docket of the said Board,
which is *Andrew J. Courtney & wife*
the Claimant against the United States, for the place known by
the name of *400 varas of land in*
the County of *Los Angeles*

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

G. Fisher



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

No. 139. *Docket*

THE UNITED STATES,

vs. 139

*Andrew J. Courtney
& wife.
"400 acres."*

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 425.

Filed, *November 8th*, 1854.

*G. E. Farr
Clerk.*

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57425

Office of the Attorney General of the United States,

Washington, 17th January 1855.

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Andrew J. Courtney et ux.

vs.

The United States.

} 425.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 12th day of October 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

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No 139.

U. S. District Court
Southern District

The United States

vs -

A. J. Country et al.

Notice of appeal from Atty. Gen.

Filed Feb 27th 1855.

J. E. Van
Clerk.

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Sup

Office of the Attorney General of the United States,

Washington, 17th January 1855.

Andrew J. Courtney et ux.

vs.

The United States.

} 425.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 12th day of October 1854, the appeal in the district court of the United States for the district of California will be prosecuted by the United States.

Cluckins

Attorney General.

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R

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

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.



Andrew J. Courtney & Wife, app^{rs}
ads.

Docket No. 139.

The United States, app^t

Transcript No. 425.

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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 28th day of October A. D. 1852: Andrew J. Courtney, & Maria Paula de Jesus Courtney, his wife,

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 near the Mission of San Gabriel 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 28th day of February A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioners. That thereafter, to wit: on or about the 8th day of November A. D. 1855, 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. 425; reference to which it is prayed may be had and made part of this petition. That on or about the 12th day of October A. D. 1854, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit: ^{or about} on the 27th day of February — A. D. 1855, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimants presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimants ~~has~~ ^{have} 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 petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

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

Wherefore, the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimants or ~~his~~^{their} attorneys 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 139.

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

A. J. Courtney & wife.
appes.

ads.

The United States.
appls.

Petition for Renewal.

Filed Nov 8. 1880

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P. Ord. Writter.

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

TO

The President of the United States,

*Andrew J. Courtney + Juan Pablo de Jesus
Courtney*

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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 *10th* day of *November* in the year of our Lord one thousand eight hundred and fifty-five at the City and County of Los Angeles, in said District, by

*J. Ord U.S. attorney for the Southern
District of California in behalf of the United
States praying said Court to review the decision
of the U.S. Land Commissioners of the 28th day of
February A.D. 1854 confirming your claim to the
land called near the mission of San Gabriel
situate in the County of Los Angeles and appealed
by the Attorney General of the United States*

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

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *10th* day of *November* in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. E. Farr.

Clerk.

a true Copy of the Original summons



Marshal Cost

Copying Summons, 50

Printing do 3,00

Postage do 3,00

Mileage on each 903 1,80
\$ 8,40

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

Andrew J. Courtney, wife, et al.,

vs. } No 139.

The United States, appellee.

SUMMONS.

Reid Nov 13th 1855

Edward Hunter

U.S. Marshal

139 SD

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I served this summons along with the proper copy of the petition upon *A. J. Courtney*
by delivering to him a true copy of
the same ~~at the~~ county of
Los Angeles
at his residence in the Southern District of California on
the *fifteenth* day of *November* A. D. 185 *five*

Sworn to and subscribed before me, this 14th
of Nov. A.D. 1855. *J. J. Van* Clerk.

Edward Hunter
U.S. Marshal.

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

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Andrew Courtney
and his wife
Appellees } No. 425.
Advs. } Presd.
The United States
Appellant }

The answer of Andrew Courtney and Juana
Pablo de Jesus Courtney his wife, to the
petition filed in behalf of the United States
by the District Attorney of the Southern
District of California, on Appeal from the
decret of the U. S. Land Commissioner, respect
fully shews to this Honorable Court,

That on the 15th day of March A.D. 1845,
Rio Pico Governor of California, by virtue of authority
in him vested, granted to Ramon Valencia,
his father and his brother Pablo, the vendors
of the Appellees, a certain piece, parcel or tract
of land in the vicinity of the Mission of San
Gabriel, in the present County of Los Angeles,
containing about - acres, being in length
seven hundred varas and in width four
hundred varas, with the description contained
in the original grant.

That on or about April 1st A.D. 1845,
the said tract of land was duly surveyed
by the proper officers, and the judicial
possession of it given to the said Ramon
Valencia, his father, and the brother of the

said Ramon, called Pablo, all three Natives
of the Mission of San Gabriel, the original
grantees and Vendors of the Appellees.

That on or about, 23rd August A.D. 1852,
the said Ramon Valencia, his brother Pablo
and their father, Valencia, sold and conveyed
their right, title and interest, in the said tract
of land to the Appellees, in due form of Law.

That the original grantees and
the Appellees, faithfully performed all the
Conditions annexed to said grant.

The original grantees before the
date of said grant, and up to the time
that they conveyed the same to the Appellees
were in the peaceful and undisputed poss-
-ession of the said tract of land, and the
Appellees, since the conveyance to them of the
said tract of land, by the original grantees,
have occupied, with peaceful and undisputed
possession the said land.

Wherefore the Appellees pray this
Honorable Court, to affirm the decree of the
said Board of U. S. Land Commissioners.

A. J. Courtney
for self
and Wife

Marshall Court
\$3,000

Served this answer on P. M. A. by delivering to him a copy
of the same at his office this Nov 30th 1855

Edward Hunter
M. D. Mansfield

20 1859

United States District Court
Southern Dist. of Cal.

Andrew J. Courtney
his wife

vs.
Appellees.

The United States
Appellant.

Answer of Appellees.

Filed November 24th 1855
Signed W. S. & Co. Clerk
By James F. Sumner
Atty.

Juana Paulina de Jesus Courtney No. 139.

~~A. J. ...~~
Appellee
vs
The United States
Appellants

District Court of the United States
for the Southern District of
California Dec. Term 1855
(400 Varas)

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at a regular term of this Court

This Cause coming on to be heard on Appeal from the final decision of the Commissioners to ascertain and settle private land claims in the State of California under the Act of Congress approved 3rd of March 1851, on a transcript of the decision and proceedings, and of the papers and evidence on which such decision was founded and it appearing to the Court that 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 said decision ^{be} ~~is~~ ~~is~~ confirmed, and it is further ordered, adjudged and decreed that the claim of the Appellee to a certain tract of land near the Mission of San Gabriel, with vines and fruit trees, is valid, the said lot of land being the same now occupied by the Appellee, and bounded as follows viz. Beginning at a live oak tree a few yards South East of the Stone and Mortar dam, some two miles North of the Mission of San Gabriel, running thence seven hundred varas to the large live oak tree where a cross was placed, thence commencing at the live oak tree first mentioned and running four hundred varas Course South West to some rocks placed as a land mark and being on the edge of a Marsh, thence running South East and parallel to the first line above mentioned seven hundred varas to a large live oak tree where a corner was placed and from thence ~~to the beginning~~ ~~at~~ four hundred varas in a North Easterly direction to the oak tree, to which

Had been run the first time from the beginning point,
and marked as a corner, - Reference for a more particular
description being had to the grant, ~~map~~ and juridical
possessions of file in this case.

Quaest Office
U S Dist Judge

No 139.

U. S. Dist. Court.
Butte, Dist of Cal.

Inana P. de S. Carter
appex

vs.

The United States
appex

De Witt

Filed Aug 15th 1888.

C. E. Jones
Clerk

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Received on Aug 1888

California Land Claims.

Attorney General's Office

18 September 1851.

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Sir.

In the case of the claim of Andrew
J. Conrath et ux., confirmed to the claimants
by the Commissioner, Case no. four hundred and twenty-
five (425), 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
Ours

Pacific Ord. Exp.

U. S. Atty for the
Southern Dist. of Cal.

v. 139.

Andrew J. Courtney
et ux.

425

Filed 24th February 1834
Clerk
J. M. Coleman
Dep.

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Recd Oct 21 1834

IN THE DISTRICT COURT OF THE UNITED STATES,
FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles, December Term, 1855.

Andrew Courtney & Wife

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PAGE 33 APPELLEE, S

at &

UNITED STATES,
APPELLANT.

No. 139.

(No. 425, 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 17 day of December A. D. 1855.

P. Ord
Dir. Att.

No. 139.

Wm. D. L. Smith
Smith & D. of California

Andrew Courtney Wolfe
Appellee

vs
The United States
Appellants

Office of Appeals S.C.
Filed May 17, 1888
J. C. Case Clerk
By DeLongue Deput

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

TO

The President of the United States,

Andrew J. Courtney & Juan Pablo de
Jesus Courtney

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

P. Ord U.S. Attorney for the
Southern Dist of California, in behalf of the
United States praying said Court to review
the decision of the U.S. Land Commissioners
of the 28th day of February A.D. 1854 confirming your
claim to the land near the Mission of San Gabriel
situate in the County of Los Angeles and appealed
by the Attorney General of the United States

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

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

J. E. Jan.

Clerk.

Manuscript

Copying Ammos 1,50
 Ammos do 3,00
 " Petition 3,00
 Ambassadors each 90 } 1,80
 \$8 40

139

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

Andrew J. Courtney, a wife, applicant.

~~THE~~ a.s. } No 139.
 The United States, applicant.

SUMMONS.

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I served this summons along with the proper copy of the petition upon Mrs Courtney
 (wife of A. J. Courtney) by delivering to
 her personally a true copy of the
 same in the County of Los
 Angeles
 at her residence in the Southern District of California on
 the fifteenth day of November A. D. 185 five

Sworn to and subscribed before me, this 14th
 7 Nov. 1855. J. S. Farr, Clerk.

Edward Hunter
 U. S. Marshal.

No 139
 Moore

Indese to Transcript N^o 139.

Andrew Courtney and Wife for 400 var.
 Near the Mission of San Gabriel Los Ang^l. County.

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no.	Page	
1.	3 ^{to} 4	Petition of the claimants to the Com ^{rs} Missioners
	4 ["] 5	Deposition of Abel Stearnes.
	5 ["] 6	" " Michael White.
	7	Original Grant by Pio Pico.
	7 ["] 8	Judicial possession by Hugo Reid.
	9	Translation of Original Grant.
	9. 10	" " Judicial possession.
	11. 12	Copy of Conveyance from original Granters to Juana Pabla and Jesus Courtney wife of Andrew Courtney.
	13.	Opinion of the Com ^{rs} Missioners
	14	Decree of Confirmation.

139-50
A 4 Country

of
United States

Opinion

Andrew J. Courtney ~~Shafell~~ Appellees

vs.

The United States, appellants

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The claim in this case is founded on a grant from Governor Pico, to Valencia ^{an} ~~a~~ native Indian, and his two sons, Ramon Valencia and Pablo Valencia, all natives the Mission of San Gabriel, bearing date 15 March 1845. The genuineness of the grant is fully proven, & exclusive possession of the premises was given under the grant - and the evidence shows that the grantee were in the occupation of the land some time before the date of the grant - ~~The grant~~

The objections to the validity of the grant made on the part of the Government have all been considered and decided in other cases by this Court.

The present claimants, claim under a purporting attested deed from Ramon & Pablo Valencia, two of the original grantees to ~~the~~ Grand Pabla de Jesus Courtney - The evidence shows that Valencia ~~the father~~ ~~and~~ the other original grantees died some two years before the execution of the deed by Ramon and Pablo and they

succeeded to his intent & inheritance
they thus became the owner of the entire
estate & had full power to convey —

The conveyance from Pablo and
Barbara Valencia is to Juana Pabla
de Jesus Country, the confirmation
must therefore be to her: as there is
nothing to show any interest in the
Country, Mary & Andrew Country, the
District —

A decree will accordingly be
entered affirming the decision of the
Commissioners and confirming
the claim to the extent 400 acres
by 400 acres, to the said Juana
Pabla de Jesus Country —

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(OPINION)

(undated & not filed)

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PAGE 38

Andrew I. Courtney & Wife	Appellees)
ads.)
The United States	Appellants)

The claim in this case is founded on a grant from Governor Pico to Valencia an Indian, and his two sons, Ramon Valencia and Pablo Valencia, all natives the Mission of San Gabriel, bearing date 15 March 1845, the genuineness of the grant is fully proven, juridical possession of the premises was given under the grant, and the evidence shows that the parties were in the occupation of the land some time before the date of the grant.

The objection to the validity of the grant based on the part of the Government have all been considered and overruled in other cases by this Court.

The present claimants claim under a properly attested deed from Ramon & Pablo Valencia, two of the original grantees to Juana Pabla de Jesus Courtney - the evidence shows that Valencia the other original grantee died some two years before the execution of the deed by Ramon and Pablo and they succeeded to his interest by inheritance they thus became the owners of the entire estate & had full power to convey -

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The conveyance from Pablo and Ramon Valencia^{is} to Juana Pabla de Jesus Courtney, the confirmation must therefore be to her, as there is nothing to show any interest in the property obtaining to Andrew Courtney, the husband.

A decree will accordingly be entered affirming the decision of the Commissioners and confirming the claim to the extent 700 varas by 400 varas to the said Juana Pablo de Jesus Courtney.

(ENDORSED): A I Courtney & wife
vs
United States

OPINION