

CASE No.
186

SOUTHERN DISTRICT

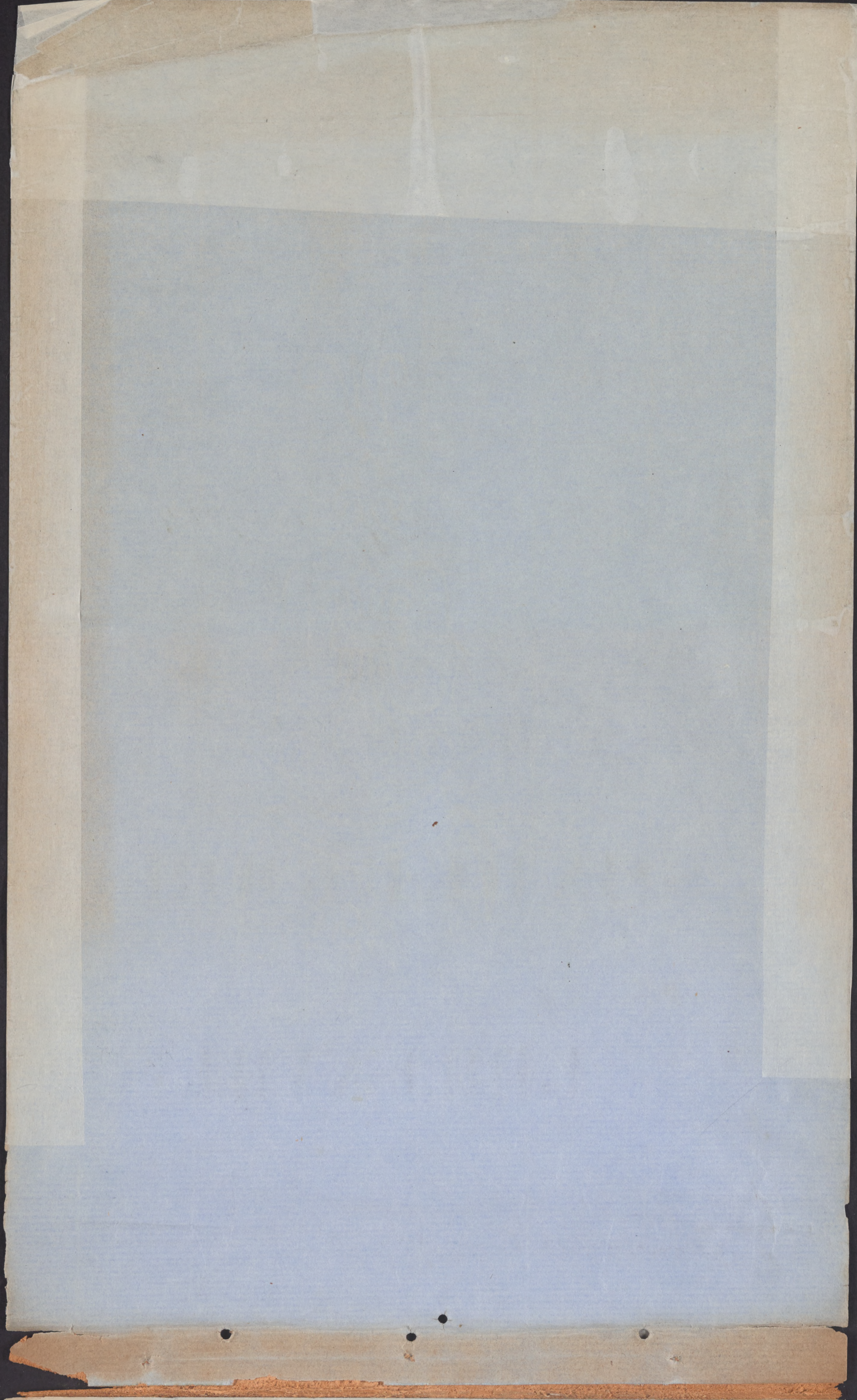
LAS LOMAS DE SANTIAGO GRANT

TEODOCIO YORBA

CLAIMANT

Land Case 186 SD

421



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 421

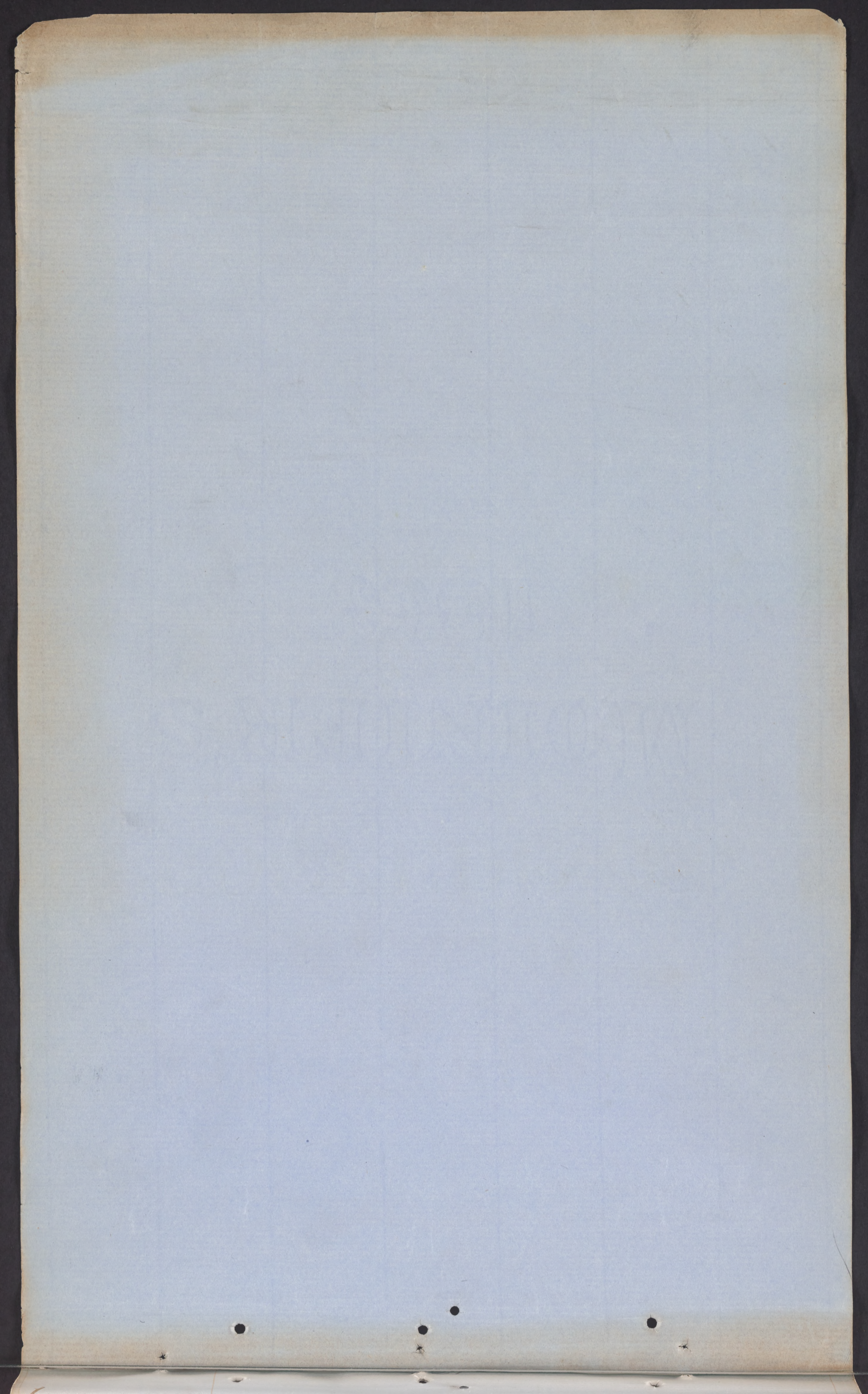
Severino Yorba CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Las Somas de Santiago"



421
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 sixth 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 *Teodoro Gorba*
for the Place named
"Las Somas de Santiago"
was presented, and ordered to be filed and docketed with No. *421* and
is as follows, to wit;

(Vide page *3* of this Transcript.)

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

Los Angeles, October 29th 1852.
In case no. *421*, *Teodoro Gorba* for the place named
"Somas de Santiago", the deposition of *Abel Stearns*, a
witness in behalf of the claimant, taken before Com-
missioner *William Hall*, with document marked *H.*
H. n. 1 and translations thereof marked *B & C.*,
unmixed thereto, was filed;

(Vide page *7* of this Transcript.)

San Francisco Oct. 18th 1853.
In the same case the deposition of *J. J. Warner*, a
witness in behalf of the claimant, taken before Commis-
sioner *Thompson Campbell*, was filed;

(Vide page *5* of this Transcript.)

San Francisco Jan. 5th 1854.
In the same case the deposition of *John Foster*, a witness
in behalf of the claimant, taken before Commissioner
Alpheus Felch was filed;

(Vide page 8 of this Transcript.)

San Francisco May 2^d 1854.
Case no. 421, on motion of the Counsel for the
claimants, ordered to be placed at the foot of the
Calendar of the 1st class Cases on the Trial docket.

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San Francisco May 5th 1854.
In the same case the deposition of Pío Pico, an
interview in behalf of the claimant, taken before
Commissioner G. J. Burdell, was filed:
(Vide page 9 of this Transcript.)

San Francisco July 21st 1854.
Case no. 421, was submitted on briefs.

San Francisco Aug. 15th 1854.
In the same case Commissioner R. Aug. Thompson
delivered the opinion of the Board confirming
the claim:

(Vide page 27 of this Transcript.)

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

(Vide page 31 of this Transcript.)

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Petition

To the Honorable Board of Commissioners for as-
certaining and settling Private Land Claims in the
State of California

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The Petition of Teodoro Yorba of Los Angeles has
respectfully shewn that he claims in fee a certain
tract of Land situated in said County known
by the name of the Tramuccias Sanchez containing
four square Leagues more or less granted to him on
the 26th of May 1846 by Pio Pico Comandante
Governor of the Department of the Californias in
virtue of authority vested in him by Law

He further
represents to the Honorable Board that the said
grant was approved by the Departmental Assembly
and that in July 1846 Judicial Possession of the
Land granted was given to him by competent auth-
ority and its boundaries clearly defined and mar-
ked out and that previous to and subsequent to that
date he was and has been and now is in peaceable
possession of the same; and that he knows of no
conflicting claim to his either by virtue of title or
bare possession

He herewith submits copies of the
original grant and Judicial Possession marked
A and translation of grant marked B and of Judi-
cial possession marked C and he relies upon the
original thereof and upon such other and further
documentary and verbal testimony as here may be
advised may be necessary

Wherefore he prays the
Honorable Board to take his claim into consider-
ation and to decree it good and valid and to con-
firm the same

By his attorney
J Lancaster Brent
Filed in Office October 26th 1857
Geo Fisher
Secretary

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5-

Office of the Board of Commissioners &c &c
 Deposition This day before Commissioner Thompson Campbell
 of — — — — — well known J. J. Warner a witness in behalf
 of J. Warner of Mannin's Lodo ci Yerba Number 421
 who after being duly sworn deposed as follows

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What is your name age and place of residence

My name is J. J. Warner I am fifty five years
 of age and I reside in San Diego

Are you acquainted with the tract of land
 called Las Lomas de Santiago and if so
 state what you know concerning its occupa-
 tion by Lodo ci Yerba

I am acquainted with said Rancho I know
 that it has been occupied for a number of
 years

I have been acquainted with its
 occupation previous to the year 1846 both
 for grazing and farming purposes

He had a small a temporary house and several
 was located some few miles from and within
 working distance of his dwelling house in San
 to Ana

Associate Law Agent present
 J. J. Warner

Given to and subscribed before me this 18th
 day of October A D 1853

Thompson Campbell
 Commissioner

Filed in Office October 18th 1853

Geo Fisher
 Secretary

Record in Volume B, Volume 3 Page 262

Geo Fisher
 Secretary

6.

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Deposition

Los Angeles, October 27th 1852

On this day before Commissioner Hiland Hall
 Abel Stearns came and testified in behalf of the claimant
 - and Teodoro Yerba Petition No 421 and was duly
 sworn his evidence being given in English

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The U S Associate Law Agent was present

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

My name as Abel Stearns my age is fifty four
 and I reside in Los Angeles and have resided in
 California over twenty three years

I am acquainted with the hand writing and signatures
 of Pio Pico Jose Matias Moreno Leonardo Cortes
 Basilio Aguilar and Ignacio Lerma

A paper is shown me purporting to be a grant to
 Teodoro Yerba of a place called Santiago dated
 26th of May 1846 to which is attached proceedings
 giving judicial possession of the same land 7th
 July 1846

The signatures of the said several persons
 appearing in said paper I believe to be genuine
 Leonardo Cortes was at the time Mexican and
 acting as first Alcalde and Judge of the First
 Instance said paper is true to annex and marked
 A. A. No 1.

I am acquainted with the Land Santiago I think it
 belonged to the original Nacion of the Yerbas and that
 it was occupied for some time previous to the year
 1846 as a place for stock I think it was thus occupied
 as early as 1836 or 1837 by Teodoro Yerba

It is now
 occupied by him for pasture land and has thus
 been occupied ever since 1836

Abel Stearns

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Given and Subscribed
Before me

Helena Hall
Commissioner

Filed in Office October 29th 1852

Geo Fisher
Secretary

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Deposition Office of the U S Board of Land Commissioners etc
San Francisco January 5 1854

John Foster On this day before Commissioner Alphons Fitch
came John Foster a witness of claimant Teodoro
Yorba Petitioner No 121 who after being duly sworn
deposed as follows

Question by Mr Southland attorney for claimant

Question what are your name age and place of
residence

Answer My name is John Foster My age is thirty
eight years and I reside in Los Angeles County
in California

2 Question Are you acquainted with the tract of
Land called Las Linas de Santiago of ye estate
what you know of its occupation by Teodoro Yor
ba

Answer I know the tract which was always con
sidered as belonging to him for at least twenty
years back

In the year 1837 he was living upon
it with his family since which time there having
occurred some doubt about the title he applied to
Governor Pico and obtained a new grant and had
juridical possession of it given to him He has occu
pied the place during the whole of the last twenty
years with stock occasionally residing upon
it personally and with his family
He was absent in the place in 1844 and he then re
sided in it with his family He had his animals in the place

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Question What are the boundaries of the Place
Answer I was a witness when the Judicial possession
was given to said yorba under the grant from Governor
Pico I have examined the documents here exhibited and
marked H H No 1 annexed to the disposition of Abel
Steams here to free filed in this case and have read
the same I find the boundaries of said Rancho
as therein mentioned all correct according to my best
recollection of the same said Judicial possession was
given on the fourth day of July 1846

John Foster

Mr Graham associate Law
agent was present at the taking
of this deposition but
propounded no questions
Subscribed and sworn to
before me this fifth day of
January AD 1854

Alphus Felch

Commissioner

Filed in Office January 5th AD 1854

Geo Fisher

Secretary

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Deposition
of
Pio Pico

Office of the Commissioner G Thompson Bufile at Los
Angeles California
Before G Thompson Bufile Commissioner
duly qualified for the taking of testimony to be used
before the Board of Commissioners to ascertain and
settle the Private Land claims in the State of Calif-
ornia Personally appeared Pio Pico a witness
in behalf of Teodoro yorba claimant for the land
named Lomas de Santiago numbered in
the Docket of the said Board with No 421 who
upon oath deposed and said as follows

Questions asked by counsel for claimant

Question No 1 What is your name age and place of
residence

Answer My name is Pio Pico I am fifty three

years of age reside in the County of Los Angeles
 Question No 2, All you interested in the result of this
 claim

Answer I am not

Question No 3, All you acquainted with the tract
 of Land called the Simancas de Santiago if so
 state how long you have known it and by whom it
 has been and now is occupied

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Answer I am acquainted with that tract I have
 known it since I was a boy a good many years
 before 1846 it was occupied by Ludovic Yerba
 who had a small house and a cultivated garden
 and is now occupied by him

Question No 4 Do you know if said tract of Land has
 been granted to Ludovic Yerba if so when and
 by whom Question objected by E. C. Horn acting Law
 Agent

Answer I know that it has been granted to him
 I do not recollect the exact date but it was granted
 before the war between the United States and
 Mexico It was granted by me acting as Governor
 of California

Question asked by E. C. Horn acting Law
 Agent

Question No 1 In what year did you first become
 acquainted with this tract of Land

Answer I do not recollect it was a great many
 years ago

Question No 2 How far did you live from the
 Rancho at the time the grant was made

Answer I was living in this City about ten or
 eleven leagues distant from said Rancho

Question No 3, Did you visit the Rancho within a
 year from the time the grant was made if so
 how frequently

Answer I did not visit it but I possess within half a league of the
 where

Question No 4, Was Ludovic Yorba living on the Rancho at that time

Answer As I never went there I cannot say

Question No 5. How do you know that there was a house corral and Cattle on the Rancho at that time

Answer Because on the 12th or 13th day of August passing near there I saw them This was in the year 1846 I recollect the date particularly because I left this County for Sumner that day

Question No 6 on what part of the Rancho was the house and corral built and of what material were they built

Answer In the Cañada of Santiago near the high road the house is built of wood and covered with Tule and the corral is also built of wood

Question No 7 What is the dimensions of the house

Answer The house is ten by six or eight rooms

Question No 8 How many cattle were there on the Rancho at that time and to whom did they belong

Answer I do not know the number of cattle there might have been three or four thousand and Ludovic Yorba was the owner of them

Question 9, How many cattle did you see there and how do you know that they belonged to Ludovic Yorba

Answer When I was passing along the road going to Sumner I saw from forty to sixty head of cattle near the corral I suppose the cattle belonged to Ludovic Yorba from the fact of there being in the tract of Land which he occupied but I did not stop to examine the Brands

Question No 10 when did you next see the Rancho of the Linares at Santiago

Answer I first saw the Rancho in the year 1848

Question No 11 How far is the Llaneros de Santiago sit-
uated from the sea

Answer It may be six or eight Leagues from the
sea

Question No 12 Did you visit the Rancho during the
the year in which the grant was made or so state
how often

Answer I did not visit the Rancho, but I passed
by it on the high road

Question No 13 Have you visited the Rancho since
the year 1848

Answer I have not

Question No 14 How far is the Rancho from the
main road

Answer It is less than half a league distant

Pis Pico

Given to and Subscribed
before me this 19th day of
April AD 1854

G Thompson Bunile
Commissioner

Shubly certify that G C Horn Esq was present at
the time the above and foregoing testimony was
taken acting for on behalf of and by the authority
of J A McKune Esq Law Agent

Los Angeles April 19th 1854
G Thompson Bunile
Commissioner

Filed in Office May 5th 1854

Geo Fisher
Secretary

13.

Pío Pico, Gobernador Constitucional del Departamento de los Californias.

Por cuanto Don Levodoro Gombaz, Mexicano por nacimiento ha pretendido para su beneficio personal y el de su familia la homería que esta situada en la falda de la Sierra nombrada de Santiago por la parte del oeste colindante con la misma por la del Oriente, con el Senito de las ranas por y lindero de San Joaquin por el poniente y con el rancho de Low por el sur en estension de cuatro sitios de ganado Mayor mas o menos segun se manifiesta en el diseño que luce en el expediente y se espesaron en la sollicitud del interesado: practicadas previamente las diligencias concernientes segun lo dispuesto por las leyes y reglamentos de la materia, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras con entera sujecion a la aprobacion de la Junta Arambles Departamental y bajo las condiciones siguientes.

1^o Primeramente probara tenerlo sin perjudicar las trasiegos caminos y servidumbres, lo disfrutara libre y esclaramente destinandolo lo al uso y cultivo que mas le aconviene. 2^o Quando se le confirme la propiedad sollicitada del Puer respectivo la proteccion Judicial en lo que se lo otara en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites se pondran las mojones respectivas.

3^o El terreno de que se le hace Donacion espresamente el que se le manifiesta en el diseño que luce en el expediente cuya estension es de cuatro sitios de ganado Mayor. mas o menos.

4^o Si no lo ocupa en el termino prevenido sera don unciable por otro.

En consecuencia mandado que serviendo le de titulo el presente y teniendose por firme y ratificado

14.

se tome razón en el libro respectivo a veinte y seis de Mayo de mil ochocientos cuarenta y seis.

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Here follows in Spanish

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

I, John C. Wags Surveyor General of the United States for the State of California and as such now having in my office and under my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California by virtue of the power in me vested by law, do hereby certify that the three preceding and hereto annexed pages of tracing paper numbered from one to three inclusive, exhibit true and accurate copy of extracts from one to three inclusive, exhibit a true and certain document entitled "1846." Expediente promovido por Don Antonio Teodoro Goiba en pretension de la Comeria conocida con el nombre de Santiago n^o 559. Said document now being on file and forming part of the said Archives in this Office.

In testimony whereof I have hereto signed my name officially and caused my seal of office, to be affixed at the City of San Francisco this Fourteen day of October A.D. 1853.

John C. Wags. U.S. Surveyor G. for California.

B
Translation
of
Grant

Pío Pico Constitutional Governor of the Department
of the Californias

map 7

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Whereas Don Teodoro Yerba Mexicano by birth has
petitioned for his personal benefit and that of his
family the range of hills situated upon the slope
of the Sierra Nevada by the name of Santiago being
bounded by the same upon the east by the Sierra
de las Ramas and the boundary of San Jacinto
upon the west and by the Rancho del Toro upon the
south being to the extent of four square leagues (cu-
atro sitios de ganado mayor) more or less as is
shown by the map (Diseño) which accompanies this
expediente and as expressed in the petition of the
of the interested party the proper conditions being pre-
viously complied with as required by the laws and
regulations upon the matter by virtue of the powers
which are conferred on me in the name of the Mexican
Nation I hereby grant to him the aforesaid land de-
claring to him the ownership thereof by these present
letters with full subjection to the approbation
of the Excellent Departmental Assembly and
under the following conditions

1. He may enclose it or grant it to the crossings
roads and further as he shall possess it free and
exclusively devoting it to such use and extent
as best may suit him
2. When the ownership is conferred to him he shall
obtain judicial possession of the respective range
which shall be given to him in virtue of this despatch
by whom the boundaries shall be marked not upon
whose limits shall be placed the respective land
marks
3. The land of which donation is made is entirely what
is shown by the map which accompanies this espe-
diente to the extent of which is four square leagues more or
less
4. If he does not occupy the land within the time
prescribed by law he shall lose his right to the
land and it shall be deemed void by another

In consecuencia de lo mandado que el presentamiento
 as atallo se hizo as perin and valid record be made
 of it in the respective books and be delivered to the
 interested party for his security and further ends
 Given in the City of Los Angeles on this common
 Paper for want of the respective sealed paper
 on this 26th of May 1846

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Pio Pico
 Jose Matias Moreno
 Juntang ad interim

Record is made of this expediente in the respective
 Book

Moreno

Filed in Office October 26th 1852

Geo Fisher

Juntang

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FD

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Procecion
a favor de Don Teodoro Yorba.
año de 1846.

Gobierno del Depart^o
de California. } Pio Pico, Gobernador Constitucional
del Departamento de las Californias.

Por cuanto D^o Teodoro Yorba Mexicano por su consentimiento ha pretendido para su beneficio personal y el de su familia la loma que esta situada en la falda de la Sierra denominada de Santiago por la parte del Oeste colindante con la Misma por la del oriente, con el serito de las ranas y lindero de San Donquin por el poniente y con el rancho del Toro por el Sur es estension de cuatro sitios de ganado Mayor por lo mas o menos segun se manifiesta en el disenõ que corre en el expediente y se expresa en la solicitud del interesado: practicadas previamente las diligencias concernientes segun lo dispuesto por las leyes y reglamentos de la materia, usando de las facultades que me son conferidas a nombre de la nacion Mexicana he venido en concederle la propiedad de el por las presentes letras con entera sugerion a la aprobacion de la Exma Asamblea Departamental y bajo las condiciones siguientes.

- 1^a Podra cercarlo sin perjudicar las tenencias linderos y servidumbres lo disfrutara libre y esclusivamente destinando lo al uso y cultivo que mas le convenga.
- 2^a Cuando se le confiere la propiedad solicitada del lugar respectivo, la procecion juridica lo que se le da en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites se podran las en honoras

respectivas. 3.^o El terreno de que se hace donacion es puramente el que manifiesta el diseño que como en el expediente cuya estension es de Cuatro Citios de Ganado Mayor. por lo mas o menos.

4.^o Si no lo ocupare en el termino prescrito por la ley perdera el derecho al terreno y sera denunciabile por otro.

En consecuencia mandó que se viendole de título el presente y teniendose por firmé y validero se tome razon de el en el libro respectivo y se entregue al interesado para su cuidado y demás pines. Dado en la Ciudad de los Angeles en este papel comun por falta del sellado respectivo a veinte y seis de Mayo de mil ochocientos Cuarenta y seis.

Pio Pico. José Matias Moreno. Sur. Int^o.

Queda tomada razon de este Superior Despacho en el libro respectivo. Moreno.

En la Ciudad de los Angeles Capital del Departamento de las Californias a los siete dias del mes de Julio del año de mil ochocientos Cuarenta y seis, anuenta a la Solecitud verbal echa por Don Leonardo Torba para que se le de la posesion Juridica de un parage llamado las Lomeras de Santiago, concedido por el S. S. Gobernador segun lo demuestra el título que en el acto presente y que le fué extendido en veinte y seis de Mayo del presente año; y a los por mi y testigos de asistencia al mencionado parage y previa Citacion de colindantes previosase a dar la correspondiente posesion con tal arreglo a la Concecion echa por la Superioridad. Atri Yo Severando Cota. Regidor decano del Ilte Ayuntamiento, Alcalde Primero y Jefe de la Sala Instancia Interina así lo decreté mandé y firmé con los de asistencia segun derecho en este papel comun por falta del sellado. Doy fe. Severando Cota = asno. Ygnacio Palomares = asno. Juan Foster.

Acto. Continuo y publicadome en esta Ciudad se buscaron Caballeros y publicadome. Consequiolo se emprendio la marcha lo que a efecto para constancia

cota. - En vcho del mes de Julio del mismo año y estando en el parage de las Hornas de Santiago nombré dos oficiales cordaleros que le fueron Gynacio Sepulveda y Gabriel Garcia los que por no saber escribir se omiten sus firmas estos oficiales, aceptaron y bajo del juramento respectivo ofrecieron desempeñar fiel y legalmente su encargo y cumplir con el caracter de tales cordaleros, lo que acento por diligencia segun derecho = hevenardo Cota = aygnacio Palomares. = asistencia = Juan Foster = esto continuo y peruanente en las lomas de Santiago estando ante mi los oficiales cordaleros y testigos de asistencia hize medir un cordel constante de cien varas, al que le mandé utar á sus extremos, unos San cos de madena y previa observacion y calculo por mi disposiciones se tiño el cordel desde una lomita colorada, lindero de Don José Sepulveda rumbo S. siete grados al E. y se mediaron y contaron diez y siete mil quinientas varas por todo el lindero del referido Sepulveda y esta medida por la paccion del terreno se hizo haberia y remota en una mesa que esta inmediata á un terreno baldio donde se mandó poner una mohonera y se marcó un ensino de este punto y con direccion al N. setenta Grados al Este se tiño el cordel y resultaron siete mil quinientas varas q. remataron en la Sierra donde se mandó poner una mohonera. De este punto y con direccion al C. E. se tiño el cordel y resultaron dos mil quinientas varas que remataron en la boca de la cañada de los bueyes. De este sitio y con direccion al S. se tiño la cuerda y resultaron medidas siete mil quinientas varas las que remataron en el punto donde se dio principio á las medidas. Habiendo comparecido los señores Colindantes, el Sr. Don José Sepulveda, manifiestó que las medidas se le hubian metido un poco á su terreno pero á esto quedó conforme el Sr. Don Teodoro Goba de sujetarse al lindero del referido Sepulveda segun la manifiesta el titulo. Con eluidas las referidas medidas

se di posesion solemn y Justicia del terreno o nombre
de la nacion Mexicana el Senor Don Leonardo Gorda
y queda satisfecho y terminado el acto. Lo que autorizo
y firmé con los de asistencia segun derecho. = Leonardo
Cota. = asistencia = Ignacio Palomares. = asno. Juan Moster
Angel Julio. 1º de mil ochocientos cuarenta y seis.

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Dele testimonio al Sr. Don. Leonardo Gorda de las pa-
-ntes diligencias para que agregando las al título le
sirvan para constancia y seguridad. = Atri Joel Yues
que suscribe. decreté mandé y firmé con los de asistencia
segun derecho. Leonardo Cota. = asistencia = Ignacio
Palomares = asistencia Juan Moster.

En la fecha se dio testimonio respectivo. Publica.

Concluida. Con acuerdo con la original
a que me remite y se haya en el protocolo de este
acto del que se sacó conegio y confronto en estas tres
hojas de papel comun por falta del sellado. fecha
ut supra.

Leonardo Cota. = asno. Carlos Aguilar.
de asno. Ignacio. Coronel.

Filed in office. Oct. 29th 1852.

Gen. Fisher.

Sery.

Translation Pio Pico Constitutional Governor of the Department
of California
Grant

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Whence Teodoro Yuba a Mexican by birth has claimed for his personal benefit and that of his family La Limeria situated at the foot of the mountains called of Santiago in the western part adjoining the same on the eastern side with the curto de Las Navas and the line of San Joaquin for the west and with the Rancho of Toro in the South in extension four square leagues a little more or less as it is shown in the map which is annexed to the Expediente as is expressed in the Petition of the interested party the necessary relative steps having been taken according to the dispositions of the Laws and regulations on the subject matter using the powers which are conferred on me in the name of the Mexican nation I have come to grant the mentioned land declaring it his property by the present letters with entire satisfaction to the most excellent Departmental assembly and under the following conditions

First He may enclose it without prejudice to the paths roads and servitudes which shall enjoy it freely and exclusively destined it for the use and cultivation which best may suit him

Second When the property shall be conferred to him he shall solicit of the proper Judge the judicial possession who shall give it to him in virtue of this decree by whom the lines shall be marked at whose cost shall be placed the respective boundary marks

Third The Land which is donated is manifest which is manifested by the map which is annexed to the Expediente the extension of which is four square leagues a little more or less

Fourth If he not occupy it in the term fixed by Law he shall lose his right to the land and it shall be open to denunciation from another

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Whence I am aware that this sum is a
title and is being held firm and valid it be rec-
-ord in the respective Book and be deliver'd to the
interested party for his security and other ends
Given in the City of Los Angeles on this common
paper of mass of the paper stamped on the 26th
May 1846

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Filed in Office December 31st 1853

Geo Fisher

Secretary

C
Translation
of
Possession

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In the City of Los Angeles Capital of the Department
of the Californias on the seventh day of the month of
July of the year one thousand eight hundred and
forty six in obedience to the solicitation made by
Don Teodoro Yerba that juridical possession
might be given to him of a tract called Las Lomas
de Santiago granted by His Excellency the Governor a gr
- seal by the title which he presented and which was
issued to him on the 26th of May of the present year
that I should go with the witnesses of my assistance to
the appraised land and having made a previous cit
- ation of the neighbors that I would proceed to give the
corresponding possession in accordance with the
concession made by Supreme Power

Leonardo Cota
Magistrate of the Illustrious Ayuntamiento first
Alcalde and Judge of the First Instance did decree
command and sign with those of my assistance ac
- cording to Law upon this common paper for want of
the stamped paper which I certify

Leonardo Cota
assistencia
Ygnacio Polanco
assistencia
Juan Foster

In continuation I gave notice to the neighbors making
known to them that I was going to measure the Lomas
de Santiago and to put Don Teodoro Yerba in posses
- sion of this land so that they might previously be pre
- sent upon their boundaries with their respective docum
- ents these neighbors manifested no objection and
remained satisfied and which is duly noted

Leonardo Cota
assistencia
Ygnacio Polanco
assistencia
Juan Foster

The act still continuing and being present in this
City pack animals were sought for and having
been secured the journey was undertaken which I
note in proof thereof

Cota

on the eighth day of the month of July of the same year and being present at the tract of the Lomas de Santiago I named two official cord bearers who were Ignacio Sepulveda and Gabriel Garcia who from not knowing how to write their signatures as written

The said officers did accept and under the respective oath they offered to discharge their duty faithfully and legally and to comply with the obligations of similar cord bearers which I have hereby noted that I wrote mine and signed with those of my assistants

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PAGE 23

assistants
Ignacio Palomeras

assistants
Juan Foster

In continuation and being present at the Lomas de Santiago the official cord bearers and the assisting witnesses being in my presence I caused a cord to be measured consisting of one hundred varas to the ends of which I made wooden stakes to be attached

Having made previous observation and calculation for my own government the cord was stretched from a small red hill the boundary of Don Jose Sepulveda in an East direction seven degrees to the South and they measured seven thousand three hundred and five hundred varas along the whole length of the boundary of the said Sepulveda

As this measurement for the purposes of the land was made transversely and it terminated in a flat piece of land that is contiguous to a river tract where a land mark was made to be placed and an oak tree was marked from this point in a direction North seventy degrees to the East the line was drawn and they measured seven thousand five hundred varas that terminated at the point where a land mark was made to be placed from this point and in a direction to the West the cord was stretched and there resulted two thousand five hundred varas that terminated in the mouth of the cañada de los Reyes,

From this place and in a direction to the South the cord was drawn and there resulted as measured seven thousand and five hundred varas

25-

8/4/1846

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PAGE 24

which terminated at the point where the measurement commenced. The bordering neighbors having appeared in person Don Jose Sepulveda manifested that the measurements had cut off a small portion of his land but to this Don Teodoro Yuba was willing to submit the Normandy of the said Sepulveda to what was manifested by the title.

The measurement therefore being concluded I gave to him solemn and judicial possession in the name of the Mexican Nation to Don Teodoro Yuba who was satisfied and thus the act concluded, which I authorized and signed with those of my assistance according to Law.

Lemado Corta
assistancia
Agnaoio Palomas
assistancia
Juan Foster

Angelus July 1st 1846

Let a copy of these proceedings be given to Don Teodoro Yuba in view that being annexed to his title they may serve him as a proof and safeguard. Thus I the Judge that presides did decree command and sign with those of my assistance according to Law.

Lemado Corta
assistancia
Agnaoio Palomas
assistancia
Juan Foster

By the same date the respective copy was given Rubric.

Agreeing with the original to which I refer and as placed in the judicial record of this year from which it is copied corrected and compared on three three leaves of common paper for want of sealed paper date as above.

Lemado Corta
assistancia
Basilio Aguilar
assistancia
Agnaoio Lemme

Filed in Office October 26th 1852

Geo Fisher
Secretary

26

Opinion
of the
Board

Case No 421

Ferdinand Gorba

vs
The United States

Lomas de Santiago

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PAGE 25

The Claimant has introduced in support of his claim an original grant from Governor Pio Pico dated May 26th 1846 and a duly certified Testimonial of Juridical possession given on the ninth and eighth days of July 1846

The authenticity of these documents is duly proven by the deposition of Abel Stearns. It is also in proof that the claimant was in the occupation of the land as early as the year 1836 that he had abuse in it and a large stock of cattle

That he lived on the land with his family and continued to occupy it up to the time of filing his petition before the Board

The land is described in the grant as the range of hills situated on the slope of the Sierra Muñon by the name of Santiago being bounded by the same on the East by the Cerro de Los Ramos and the boundary of San Joaquin on the west and the Rancho del Toro on the South, being to the extent of four square Leagues (Cuatro Liguas de Ganado Mayor) more or less as shown by the map which accompanies the Expediente

The 3rd Condition is in the following words The land of which mention is made is entirely what is shown by the map which accompanies this Expediente the extent of which is four square leagues more or less

The map which is thus made a part of the grant and of which a true copy from the Archives in the office of the United States Surveyor General is filed in the case delineates the Northern boundary as the line of the Rancho of Santa Ana

The act of Juridical

possession describes the western and Southern lines in accordance with the calls of the grant and the delineations on the map but in the other two lines the officer making the measurement has evidently committed an error in the courses which his survey calls for

Mistakes of this kind are not unusual in the judicial measurements made by the Mexican authorities in California. The officers making them in most cases having but little idea of the points of the compass or the principles of surveying. The

error in the present instance may be readily corrected by reference to the grant and map. From the testimony in the case we think the description is sufficient to segregate the Land and enable the Surveyor to identify it and fix its boundaries. The evidence also shows a full compliance with the conditions of the grant. A Decree of Confirmation will accordingly be issued

Filed in Office August 15th 1854

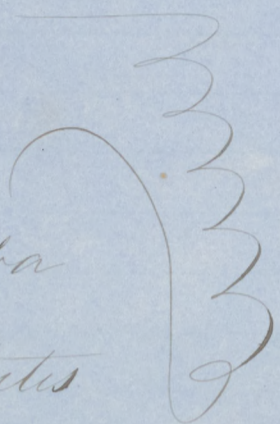
Geo. Fisher

Surveyor

186 SD
PAGE 27
Decree

No 421

of
Confirmation *Ferdicio Yerba*
vs
The United States



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 hereby made is that known by the name of *Sierra de Santa Ana* situated in the County of Los Angeles and now in the occupation of the said claimant and is bounded and described as follows

On the East by the Sierra on the west by the *Sierra de Los Manas* and the boundary of San Joaquin on the South by the *Rancho de Los Ana* and on the North by the line of Santa Ana containing four square leagues more or less

Reference for a more particular description to be had to the original grant and act of homologation together with the map contained in the expediente in the archives a true copy of which and said original documents are filed in the case

Alphus Felch

R. Aug. Thompson
S. B. Farwell

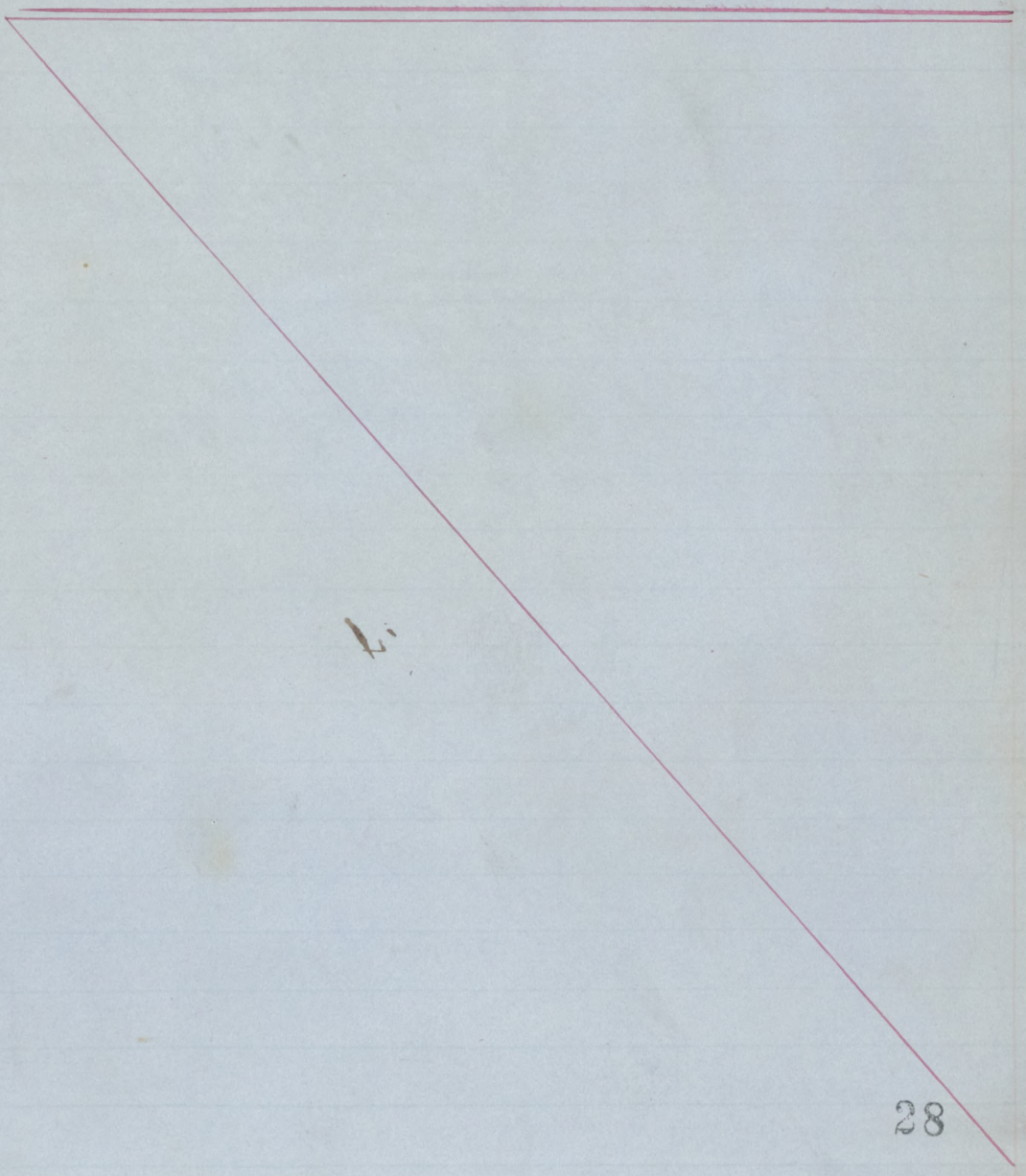
Commissioners
Filed in Office August 15th 1854

Geo Fisher
Secretary

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PAGE 28

And it appearing to the satisfaction of this Board
that the Land hereby adjudicated is situated in the
Southern District of California it is hereby
Ordered

That Two Transcripts of the Proceedings and of the
decision in this case and of the Papers and evidence
upon which the same are founded be made out and
duly certified by the Secretary one of which Transcripts
shall be filed with the clerk of the United States Dis-
-trict 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.

I, *George Fisher* — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Thirty* — pages, numbered from 1 to *30*, 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. *421* on the Docket of the said Board, wherein *Ferdier Yuba* is —

the Claimant, against the United States, for the place known by the name of *Las Lomas de Santiago*.

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



Geo. Fisher.

A large, ornate cursive signature of George Fisher, written in dark ink. The signature is highly stylized and extends across the bottom right of the page.

U. S. District Court
Southern District of California

No. 186

186

The United States

vs.

Judicio Yerba

"Las Lomas de Santiago"

Transcript of the Record
from the 186

Board of U. S. Land Commissioners
in Case No. 421.

Filed Dec 19th 1857.

J. W. W.

U. S.

186

30



On appeal from the Board of U. S. Land Commissioners,
Case No. 186. } In the Southern District.

Sir!

186 SD
PAGE 30

Please to take notice that
the claimant in the above case will
prosecute the appeal therein. —

San L Co
Dec. 8th, 1854.

Yours respectfully,
Campbell, Taylor & Beck
atty. for claimant

To the clerk of
the U. S. District Court,
Southern District of California.

U. S. District Court
Southern District
of California, -

Case No. 186,

Notice of appeal
from the Board
of U. S. Land Com-
missioners. -

Filed Dec 13. 1854.

J. E. Fox,
clerk.

186 SD

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Office of the Attorney General of the United States,

Washington, 7th March 1855.

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PAGE 32

Teodosio Yorta

v.

The United States.

} 421.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of December 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.

424
No 186

U. S. D. Court S. D.

United States

vs,

Leodovis Gorba

Appeal Notice

Filed aprie 21st 1855

J. S. Farr,
clerk.

Office of the Attorney General of the United States,

Washington, 7th March 1855.

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PAGE 34

Teodosio Yorba

vs.

The United States.

} 421.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of December 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Clark

Attorney General.

28.
No 186.

U.S.D. Court S. Dist.

The United States

vs.

Joaquín Gorba

Appeal Notice.

Filed May 11th 1855.

J. S. Jan.
clk.

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Tedoreo Yorba, app^r

Docket No. 186.

vs
The United States, app^r

Transcript No. 421.

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 26th day of October A. D. 1852, *Tedoreo Yorba*

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 *Sumeria Santiago*, 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 15th day of August 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. 421; reference to which it is prayed may be had and made part of this petition. That on or about the 30th day of December 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 21st 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.

1865D

PAGE 37

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

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

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

P. Ord

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

186 SD

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No 186.

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

Teodoro Gorba
appce.

vs.

The United States.
applt.

Petition for Review.

Filed Nov 30th 1855.

J. E. Sam.
Clerk.

UNITED STATES OF AMERICA, }
Southern District of California, } SS.

The President of the United States,

TO

Teodoro Yoba

186 SD

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Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *you* in the District Court of the United States, in and for the Southern District of California, on the *thirteenth* 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 Southern Dist of California praying the Court to review the decision of U.S. Land Commissioners, confirming your claim to the tract of land called "Las Lomas de Santiago" situate in Los Angeles County.

and that *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 the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *fifth* day of *December* A. D. 1855.

C. E. Carr
CLERK.

By Jam. C. R. Sumner
Deft.

Marshal's Court
 Copying Summons - 60
 Serving do 3
 " Petition 3

 \$ 6.60

No. 186

UNITED STATES OF AMERICA,
 Southern District of California,
 U. S. District Court.

Teodoro Vorta appellee
 vs.
 The United States
 Appell.

SUMMONS.

Received December 7th 1855

Edward Hunter

U. S. MARSHAL.

for Mr. L. Goodman
 186 SD Depy
 PAGE 41

I served this Summons, together with a certified copy of the Petition, upon *Teodoro*
Vorta by delivering to him personally a
true copy of the same

at Los Angeles
 the 24th day of December A. D. 1855
 in the Southern District of California, on

Sworn to and subscribed before me,

L. Egan

CLERK.

Edward Hunter

U. S. MARSHAL.

By Attorney at Law
 L. Egan
 for Mr. L. Goodman
 Deputy

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

Teodoro Gorba Case No 186
Appellee ~~~~~
vs ~~~~~
The United States Transcript 421
Appellants ~~~~~
                                                    ~~~~~  
                                                    Thomas de Santiago

186 SD  
PAGE 42

And now comes the Appellee by  
Llancaferri Brent his Attorney and  
for answer to the Petition for Review  
filed in this cause by the Appellants  
says,

That his title to the lands claimed  
in this case is good and valid.

Wherefore he prays the judgment  
of this Honorable Court that the deci-  
sion of the United States Board of Land  
Commissioners may be affirmed and  
his title to said lands may be decreed  
to be valid, and for his costs herein  
expended and for such other or  
further and general relief as to  
Equity and Conscience belong, and  
the nature of his case may require  
Llancaferri Brent  
Attorney for Appellee

I have served this Answer on P. Oro U.S.  
Atty by delivering to him personally a true  
Copy of the same at Los Angeles Dec 27th 1855.

Edward Hunter  
U.S. Marshal  
for the Goodman  
Deputy

Case No 186  
U.S. District Court, Southern  
Dist of California

vs  
Seadocio Gorber  
Abbell

vs  
The United States  
Abbellants

Answer.

Filed Dec 26<sup>th</sup> 1855.

186 SD. E. Jan. 1856  
PAGE 43

J. H. Piment

Marshals Court  
Serving Answer \$ 3.00

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

Teodoro Garba }  
Appellee } Case No. 186.  
vs }  
The United States } "Lomas de Santiago"  
Appellants. } Transcript 421

186 SD  
PAGE 44

In pursuance of a notice from the At-  
torney General of the United States, here-  
to annexed, it is hereby stipulated and  
agreed between the parties that the order  
of the above-District Court made  
granting an appeal to the Supreme  
Court from the decree of confirmation  
of the District Court, may, by order of the  
Court, be ~~made~~ vacated and the  
Claimant proceed under said decree  
as under a final decree.

Thammasat  
Atty for Claimant  
T.M.  
U. States Dist. Atty

No. 186.  
U.S. Dist. Court, South Dist. Cal

Procurio Gorbea

Appellee

vs

The United States  
Appellants.

Stipulation

Filed July 2<sup>d</sup>, 1858

C. J. Smith  
Clk

186 SD

PAGE 45

186 SD  
PAGE 46

California Land Claims.  
Attorney General's Office  
11 Feb. 1857.

Sir,  
In the case of the claim of  
Todorico Yorda, confirmed to  
the claimant by the Commission-  
ers, case no. four hundred and twenty-  
one, (421), appeal will not be pros-  
ecuted by the United States.

I am  
Respectfully,  
Canting

Matias Ad Esq  
U. S. Attorney  
Los Angeles-

No 186

Phonocera Cuba

Filed July 2<sup>d</sup> 1858  
Gins  
ER



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

Teodoro Garba  
Appellee

vs  
The United States  
Appellants

Case No 186,  
"Lomas de Santiago"  
In Rem No 421

186 SD  
PAGE 48

Notice having been given by the  
Attorney General of the United States, that it  
is not the intention of the United States to  
prosecute the appeal to the Supreme Court in  
this case; and a stipulation having been  
entered into, by the parties, between the Dis-  
trict Attorney of the United States and the  
Attorney for the Plaintiff, that the former  
order of this Court granting an appeal here  
in to the Supreme Court, may be vacated, &  
that the decree of this Court heretofore enter-  
ed in this cause, may, by order of this Court  
be made final.

It is ordered; That the order of this  
Court heretofore made in this cause on  
granting an appeal to the  
Supreme Court, from the Decree of Confir-  
mation of this Court, filed  
be, and hereby is, vacated, and that the plain-  
tiff have leave to proceed under said de-  
cree as under a final decree.

Isaac S. Aguirre  
U S District Judge

No. 186, 10.  
U.S. Dist. Court, South<sup>2</sup> Dist.

Geovacio Gorba  
Appellee  
vs  
The United States  
Appellants,

Order vacating order of appeal

Filed July 2<sup>o</sup>, 1888  
C. J. Sims  
C.R.

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

December Term 1855

Teodoro Gorba

Appellee

vs

The United States

186 SD

Appellant.

Case No. 180

Thomas de Santiago

Transcript 421

PAGE 50

This Cause coming on to be heard on appeal from the final decision of the United States Board of Land Commissioners to ascertain and settle the private land claims in California under an Act of Congress approved March 3<sup>d</sup> 1851, on a Certified Transcript of the proceedings and decision of said Board and of the papers and evidence upon which said decision was founded, and it appearing to the Court that the said Transcript and notice of appeal have been duly filed, and counsel for the respective parties having been heard,

It is ordered adjudged & decreed

That the decision of the said Board of Commissioners be and the same hereby is affirmed,

And that the claim of the Appellee is good and valid, and that the same be and hereby is confirmed to him to the extent of seven square leagues & no more, within the boundaries speci-

said in the Grant or "Titulo" filed in this case  
 reference being had to the Expediente and  
 Map referred to in said Grant and to  
 the act of Judicial Possession filed in  
 this case; Provided that if there be less  
 than the quantity of Seven Square Leagues  
 of land contained and included within  
 the boundaries mentioned, then confir-  
 mation is hereby made of such less quan-  
 tity

Thus done & signed in open Court  
 this 11<sup>th</sup> day of December 1850

Isaac L. Ogier  
 U S Dist Judge  
 for the S Dist of Cal

40184

W State Court  
 Court District of Cal  
 Southern District of Cal

~~August 1850~~  
 The above is  
 vs  
 the within

Dea

Filed Dec 13<sup>th</sup> 1850  
 Clerk  
 Clerk

186 SD  
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Recorded pages 103-4