CASE NO.
188

SOUTHERN DISTRICT

PUNTA DE LA LAGUNA GRANT

LUIS ARRELLANES, ET AT

CLAIMANT

LAND CASE 188 SD pgs. 73

121

L. D.

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 121.

Luis Arrellanes, et, al, CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Punta de la Laguna."

/

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* Twenty third day of March, *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 Luis Arrellanes et al; *for the Place named* "Punta de la Laguna", *was presented, and ordered to be filed and docketed with No.* 121 *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 Sept. 9th 1852,

In Case No. 121, Luis Arrellanes & Emigdio Miguel Ortega for the place named "Punta de la Laguna", the deposition of Pablo de la Guerra, a witness in behalf of the Claimants, taken before Commissioner Harry I. Thornton, was filed:

(Vide page 4 of this Transcript.)

San Francisco Jan 15 1853.

In the same Case the deposition of N. A. Den, a witness in behalf of the Claimants, taken before Commissioner Harry I. Thornton, was filed:

(Vide page 5 of this Transcript)

San Francisco, Sept. 13' 1853.

Case no. 120 was Called; the Counsel for the Claimants read the evidence, – argued, submitted and taken under advisement by the Board.

San Francisco May 2d. 1854.

In the same Case Commissioner Thompson Campbell delivered the Opinion of the Board Confirming the Claim;

(Vide page 37 of this Transcript.)

San Francisco Aug. 15 1854.

In the same Case, on Motion of the U. S. Land Agent, the following Order was made, to wit;

(Vide page 42 of this Transcript.)

3.

To the Honorable Commissioners to settle Private Land Claims in California.

Petition

The petitioners Luis Arellanes and Eusebio Miguel Ortega respectfully show

That on the 25th day of September AD 1843 they purchased from the Indians of Purisima any claim which they the Indians may have had to the tract of land which called "La Punta de la Laguna" that on the 28th day of October AD 1843 they applied in due form to the Governor of California for a grant of the said tract of land which petition was referred by the Governor to the subordinate authorities and received their favorable endorsement and consequently the Governor on the 26th day of December AD 1844 made a decree that title be issued to them that on the same day the title was issued in due form by Manuel Micheltorena Governor of California by virtue of authority in him vested granting to the petitioners the said tract of land called La Punta de la Laguna situate in the Jurisdiction of Santa Barbara with the boundaries described in the grant and set forth in the respective map, all of which is shown in the original Expediente, an exact copy of which is submitted herewith marked "A" with a translation marked "B". the petitioners also submit herewith a copy of the original title delivered to them by the Governor marked "C" with a translation marked "D".

That on the 2d day of January 1845 the said tract of land was duly surveyed by the proper authority and the judicial possession of it given to the petitioners, a copy of which survey and judicial possession is submitted herewith marked E, with a translation marked "F".

The petitioners further show that the said tract of land has not been surveyed by the Surveyor General of the United States, but that it was duly surveyed by the proper authority and the boundaries marked out at the time the inchoate possession of it was given to the petitioners

That the petitioners have been for more than ten years and now are in the quiet peaceful and undisputed possession of the said tract of land.

That they know of no conflicting claim.

That they rely for confirmation of title upon the original papers copies of which are submitted herewith upon the documents and minutes in the archives now under the charge of the U. S Surveyor General and upon such other and further Evidence as they may be advised are necessary.

Wherefore they pray the Commissioners to confirm to them the said tract of land

By their Attorneys.

Hallett Pachy & Billings

Filed in Office
March 23° 1852.
Signed, Geo. Fisher Secy.

Office of the Board of California
Land Commissioners
Los Angeles Sept 9. 1852.

Respecting
Pueblo de la
Guerra

On this day before Henry I Thornton one of the Commissioners to ascertain and settle private land claims in California Como. Pablo de la Guerra. a witness produced in behalf of the claimants Luis Arellanes Esqr, in his petition in No 121. on the Docket of the Board & was duly sworn his Evidence being given in English

The Law Agent was notified & attended.

1st Quest. — What is your name, age and place of residence?
Ans. My name is Pablo de la Guerra. My age is about 32 years I reside in Santa Barbara and have resided in California all my life.
2nd Quest. Examine the paper marked No 9; and attached to this deposition and say whether you know the signatures and whether the paper is genuine
Ans. I am acquainted with the signatures of Manuel Micheltorena, Manuel Jimeno, Antonio Rodriguez José Maria Valenzuela, Juan Pablo Ayala and José A de la Guerra y Carillo, their signatures to these papers are genuine and the documents themselves are to the best of my belief genuine.

Pablo de la Guerra

No. S. Law Agent present.
Sworn to & Subscribed this 9th of Sept. 1852, before me.
Henry S Thornton Comr &c.

Filed in Office Sept 9th 1852.
Certified
Geo Fisher Secy.

San Francisco Jany 15th 1853.
On this day before Comr Henry S Thornton came N. A. Den a witness in behalf of the claimants, Luis Arellanes and E. M. Ortega petition No 121, and was duly sworn his evidence being given in English.

Deposition of N A Den

My name is Nicolas A. Den my age is 40 years. I reside in Santa Barbara and have lived in California 16 years.

6.

I know the Rancho called "La Laguna" claimed by Luis Arellanes & Emigdio Ortega it was granted to them by Gov Micheltorena and they have occupied it since 1844. they had a corral built on it. it is still occupied by the claimants or some of the family.

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S. A. Den.

U. S. Law Agent present.

Sworn to & subscribed
before me this 15th of Jany 1853.
Henry I Thomson Comr.

Filed in Office Jany 15. 1853.
Geo Fisher Secy.

T. 1. G. D. 12

"A"

1844

Expediente promovido por los Ciudadanos "Luis Oreganes y Emigdio Miguel Ortega en solicitud del parage llamado

Punta de la Laguna.

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No. 410.

2. S. D. R. Sello Cuarto Dos Reales: Habilitado provisio-
8. almt.e por la Aduana Maritima del puerto
de Monterey, en el Departamento de las Ca-
=lifornias, para el año de mil ocho cientos cua-
renta y tres.

Michel torena — Manuel Castañares

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Excmo Sor Gobernador

Los ciudadanos Luis Arellanes
y Emigdio: Miguel Ortega, Mejicanos
de nacimiento ambos casados
y vecinos del presidio de Santa
Barbara: ante la superioridad
de V. E. en la mejor forma q.e
el derecho les permite, compa-
recen y dicen q.e teniendo un corto numero
de ganado mayor y Caballar y no teniendo
en donde poder fomentar estos bienes para
sostener las crecidas familias q.e tienen
se dirigieron à V. E en 27 del ultimo Ma-
yo con el fin de que se les concediese el pa-
=rage llamado la punta de la Laguna
q.e se halla en los terrenos de la Mision
de Purisima y no abiendoseles podido
adjudicar por oponerse el informe del
S. S. D. R. R.P. ministro de la referida Mision de-
vieron en la necesidad de comprar el
espresado parage, como lo justificar à
el documento del predicho padre minis-
tro de fha 29 de Septiembre proximo pa-
sado q.e Original tenemos el honor de in=
sertar à V. E para q.e si lo encuentra justo
se sirba mandar se nos estienda el ti=
tulo correspondiente. Por tanto A. V. E
rendidam.te suplicamos se digne acce=
der à nuesta solicitud de lo q.e recibire-
mos merced y gracia. Juramos no ser

9. Sta Barbara Octubre 28 de 1843.
Luis Arellanes # Emigdio Mig.l Ortega
1, S.D.R De les concede à los interesados el terreno q.e solicitan de la Punta Laguna" perte necente y à la Mision de la Purisima
de V.E conse de la aprobacion del titulo correspondiente.
Ug.r: Juan Moreno.
Sor Gobernador

El terreno que pretenden los interesados esta Baldio y amas de esto ya tienen entregado la mayor parte de la cantidad en la que se contrato con el respectivo P. ministro, para adquirir el derecho q.e pudieran tener al terreno, los Indios de la purisima por lo que entiendo no haber inconveniente alguno p.a que V.E gusta pue de mandar atender el Titulo que solicitan. Pha lo mismo.
Man.l Jimeno
5-S.D.R Monterey Dbre 26 de 1844
Espidase: Michelt.a
Monterey 26 de Dbre de 1844
Vista la peticion con que da principio este espediente los informes respectivos con todo lo demas que se tubo presente de conformidad con las leyes y reglamentos de la Materia declaro à Dn Emidio Ortega dueño del terreno que se lleta. Recibio la Mision de la Purisima la cantidad de cien reses y doce caballos por venta que hizo del terreno llamado La Punta de la Laguna à los señores Luis Arellanes y Emidio Miguel de Ortega. Para constancia doy este en la Mision de St.a Ines à los 28 dias
6. S.D.R

del mes de Dbr. del año de 1844

10. Fr. Juan Moreno Encargado de la espresada mision de la Pro.

y. L. D. R. Fr. Juan Moreno Ministro actual de la Mision de la Purisima con conocimiento de sus Indigenas, he celebrado con los Sores Luis Arellanes y Egnidio Mig. Ortega el siguiente trato por el parage de La Punta Laguna de la Larga en los siguientes terminos. Que han de dar cien Cabezas de Ganado ~~en este~~ no do cincuenta Vaquillas de dos años y cincuenta Novillos de Matanza. Item 12 Caballos entre de Rienda y dos riendas incluyos dos Potillos Quebrantados. Y todo esto se entregarà cdo. pudiere Ysp.a q. de fe donde convenga la formo en compañia de dhos Sores en esta Mision de la Purisima à Veinte y cinco dias del mes de Septbre de 1843. (haciendo la señal de la Sta. Cruz).

Fr. Juan Moreno ✠ Luis Arellanes ✠
Egnidio Mig. Ortega ✠

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Here follows
Map

S. S. D. R.

11.

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q.D.D.G. El C. Manuel Michel Vr. Gral de Brigada del ejercito Mexicano Ayudante General de la Plana Mayor del mismo Gobernador Comandte. Gral y Inspector del Departamto. de las Californias.

Por cuanto los ciudadanos Luis Arayanes y Emigdio Ortega han pretendido para sus beneficios personales y el de sus familias el parage conocido con el nombre de Punta de la Laguna colindante con el Rancho de Dn. Guillermo Dana con el de Dn. Juan Wilson con el de los Arellanes, con Tomas Olivera con D. Guillermo Hartwell y Amto. Olivera practicadas previamte. las diligencias y averiguaciones consermentes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas à Nombre de la Nacion mexicana he venido en concederles el terreno mencionado; declarandole la propiedad de el por las presentes lehas sugetandose à la aprobacion de la Escma Asamblea Departamental y bajo las condiciones sigts. 1a No podrà venderlo enagenarlo, hipotecarlo imponer censo pinculo fianza ni aun podrà donarlo. 2a Podran cercarlo sin perjudicar las haveras caminos y servidumbres lo disfutara libre y esclusivamte. destinandolo al uso ò cultivo q. mas le acomode; pero dentro de un año fabricarà casa y estara habitada. 3a El terreno de que se hace donacion es de la estencion de seis sitios de ganado mayor segun esplica el Dictamen respectivo. 4a Solicitarà del Juez

10. S. D. R
12.

respectivo que le de posecion juridica en virtud de este despacho por el cual se demarcar an los linderos en cuyos limites pondràn à mas de las mojoneras algunos arboles frutales ò silvestres de alguna utilidad. El Juez que diere la posecion lo hara me dio conforme à Ordenanza quedando el Sobrante que resulte à la Nacion para los usos convenientes. 5ª Si contravinere à estas condiciones perderà su derecho al Terreno y serà denunciable por otro. En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome razon de el en el Libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterey à Veinte y seis de Diciembre de mil ochocientos cuarenta y cuatro. Manuel Michelena. Manuel Jimeno Rio: Queda tomada razon de esta concesion en el Libro respectivo à fojas 18.. Jimeno.

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

I Samuel D. King Surveyor General of the United States for the State of California, and as such, now having in my Office and under my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California. do hereby certify that the ten preceeding and herewith annexed pages of tracing paper numbered from one to Ten inclusive and each of which is verified by my initial (S. D. K) exhibit true and accurate

copies of certain documents now on file and forming part of the said Archives in my Office.

In testimony whereof I have hereunto signed my name Officially and affixed my private seal (not having a seal of Office at the City of San Francisco) this 13th day of February 1852.

Saml. D. King

Actg. Gen. Ad.

Filed in Office —
March 23rd 1852

Geo. Fisher Deery

1 H.

15.

"B"
Translation
of
Expedients

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Monterey Dec 20, 1844.
Sir the Secretary of State report.
(sd) Micheltorena

Stamp Fourth. Two Reals.

Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the Californias for the Year 1843.
(signed) Micheltorena (signed) Manuel Castanares.

Maritime Custom House of Monterey

To His Excellency the Governor

Citizens Luis Arellanes and Eugenio Miguel Ortega Mulcains by birth both of them married and residents of the Presidio of Santa Barbara before the Superiority of Your Excellency in due form and appear and representation make. That having a small number of cattle and horses and having no place wherein they may increase this property for the support of their numerous servants and families they directed themselves to Your Excellency on the 27 of May last for the purpose of Your granting them the place called La Punta de Laguna which lies in the lands of the Mission of La Purisima and not being able to obtain the adjudication because the report of the Rev Father Ministro of said Missions was opposed they found themselves under the necessity of purchasing the said place as proved by the documents of the said Father Ministro of the 29 of September last the original of which we have the honor to transmit to Your Excellency in order that if you deem proper you may order the corresponding title to be issued to us.

Wherefore we humbly pray Your Excellency to be pleased to accede to our petition by which we will receive favor and grace.

We swear that it is not for Evil intent &c.

Santa Barbara October 20th 1843.

(Signed) Luis his mark Arellanes.
(Signed) Emigdio his mark Ortega.

To His Excellency.

I grant to the parties interested the land which they solicit of the Santa Ana Lagoon pertaining to the Mission of La Purisima. they observing from Your Excellency that you grant your approval of the corresponding title.

(Signed) Friar Juan Moreno.

Señor Governor.

The land which the parties interested ask for is vacant. and further they have already received the greater part of the quantity for which they have contracted with the respective Padre Ministro in order to acquire the right which the Indians of Purisima may have to the land by which I understand there is no inconvenience for Your Excellency if you please to order issued the title which they ask.

Date as above.

(Signed) Manuel Jimeno.

Monterey December 26th 1844.

Let it be issued.

(Signed) Micheltorena.

Monterey 26th December 1844.

Having examined the petition at the beginning of this Espediente the respective reports and all that was attended to in conformity with the regulations and laws on the matter. I declare Don Emidio Ortega owner of the land he petitions for.

I Friar Juan Moreno Ministro at present of the Mission of La Purisima with

the Consent of its Indians have Entered into the following Contract with the Senores Luis Arellanes and Emidio Miguel Ortega for the place of the Punta de La Laguna (de la Larga) on the following terms. That they have to give One hundred head of Cattle as follows fifty heifers two years old, and fifty Steers for killing. Also 12 horses without hatto and bridle. and two Colts broken all of which are to be delivered on demand And in testimony of the Contract the two Senores sign together in this Mission of La Purisima the 25 day of September 1843 making the sign of the Cross.

(signed) Luis Arellanes his + mark
(signed) Friar Juan Moreno.
(signed) Emigdio Mig.l Ortega his + mark

The Mission of La Purisima has received the Amount of one hundred Cattle and twelve horses for the sale made of the land called La Punta de Laguna to Senores Luis Arellanes and Emidio Miguel Ortega.

And in testimony I give this in the Mission of Santa Cruz the 28th of the month of September 1844.

(signed) Friar Juan Moreno.
in charge of the said Mission of
La Purisima

Here follows copy of Title as given in Exhibit 'C'.

Co.l C. R. P.

Filed in Office March 25 1852
(signed)
Geo Peshin Secy

18.

19.
"C"
"No 9."
attached to deposition of Pablo de la Guerra.

Dello primero Ocho pesos: Habilitado provi
sionalmte. por la Aduana maritima del
puerto de Monterey en el Departamento
de las Californias, para los años de mil
ocho cientos cuarenta y cinco.
Michel Lovena Pablo de la Guerra

El C. Manuel Michelt.a General
de Brigada del Ejercito mexicano
Ayudante Gral de la Plana Mayor
del mismo Gobernador Comandte. General
y Inspector del Departamento de las Ca
lifornias. Por cuanto los ciudadanos Lis
arellanes y Emigdio Miguel Ortega han
pretendido para sus beneficios persona
les y el de sus familias el terreno conoci
do con el nombre de punto de la Laguna
colindante con el Rancho de Dn. Guil
lermo Dunn, con el de Dn. Juan Wilson
con el de Dn. Teodoro Arellanes con el
de Dn. Tomas Olivera con el de Dn. Guil
lermo Hartwell y con el de Dn. Ant.o Oli
vera practicadas previamente las dili
gencias y averiguaciones concernientes
segun lo dispuesto por reglamento de
la materia usando de las facultades
que me son conferidas à nombre de la
Nacion Mejicana he venido en conce-
derles el terreno mencionado declaran-
doles la propiedad de el por las presen
tes letras sugetandose à la aprobacion
de la Exma Asamblea departamental
y bajo las condiciones siguientes. 1a No
podran venderlo enagenarlo hipotecarlo
ni pasarlo à manos muertas; imponer con
sovrinculo ni otro gravamen alguno ni
donarlo. 2a Podràn cercarlo sin perjuicio

las travesias, caminos y servidumbres lo disfrutarà libre y esclusivamente destinandolo al uso ò cultivo que mas le acomode, pero dentro de un año fabricarà casa y estarà habitada. 3ª Solicitarà del Juez respectivo que les de posesion provisoria en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondràn à mas de sus mojoneras algunos arboles frutales ò silvestres de alguna utilidad. 4ª El terreno de que se hace donacion es de sitios de Ganado mayor segun esplica los documentos respectivos. El juez que diere la posesion lo harà medir conforme à Ordenanzas quedando el sobrante que resulte à la Nacion para los usos convinientes. 5ª Si contravinieren à estas condiciones perderà su derecho al terreno y sera denunciable por otro. En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome razon de el en el Libro respectivo y se entregue à los interesados para su resguardo y demas fines. Dado en Monterey à Veinte y seis de Diciembre de mil ocho cientos cuarenta y cuatro.

Mem.d Jimeno Mem.d Michelt.a

Queda tomada razon de este despacho en el libro respectivo à fojas 19.

Jimeno.

"E" & No 9.
attached to Dep. of Pubs. in la Guerra.

Dello Ayunto un Real. Habilitado provisional.mte por la Aduana maritima del puerto de Monterey en el departamento de las Californias para los años de mil ocho cientos cuarenta y cuatro

y mil ocho cientos cuarenta y cinco.
Micheltorena # Pablo de la Guerra

Luis Arellanes y Emigdio Ortega Me
jicanos y vecinos de esta demarcacion
ante Vm como mas haya lugar en dere
cho dicen: Que abiendo obtenido la concesion pro
pia del Terreno conocido con el nombre de la
punta de la Laguna ocurren à V. con el fin de
q.e se sirva darles posesion juridica conforme
esta prevenido en el articulo tercero de dho terre
no q.e se les espidio el dia Veinte y seis de
Diciembre de mil ocho cientos cuarenta y cua
tro q.e debidamente acompañan como igual
mente la confirmacion respectiva para q.e todo
obre en los efectos deseados. Por tanto. A V.
suplican se sirva ponerlos en la posesion q.e
solicitan de lo q.e recibirè merced y just.a
St.a Barbara Enero 2 de 1844.
Luis Arellanes # Emigdio Ortega
St.a Barbara 2 de Enero de 1844
En virtud de la antecedente solicitud pro
cedase por mi el presente juez à la medicion
señalamiento de linderos y posesion judicial
q.e solicitan los interesados señalandose
para ejecutarlo el dia once de En.o de 1844
para lo que se citaràn con Voleta de compa
rendo à los colindantes. Asi yo el mencionado
juez lo decretè, mandè y firmè con los tes
tigos de asistencia con q.e hiemes actuo por re=
ceptoria à falta de Escribano publico. Doy
fè Antonio Rodriguez
En la fha presente à los ciudadanos Luis
Arellanes y Emigdio Ortega se les notificò
el auto antecedente y de el interesado dijeron
q.e se davan por citados y lo firmaron conmi
go y los de asistencia. Antonio Rodriguez

de assist.^a^ Dc assist.^a^
Josè M.ª Valenzuela Juan P. Ayala
En la misma fha se libraron las Boletas q.^e^ se
manda en el antecedente acto y para q.^e^ con=
ste lo rubrique. En el parage de la punta
de la Laguna à los once dias del mes de E=
nero de mil ocho cientos cuarenta y cinco en
cumplimiento del decreto de dos de Enero
de mil ocho cientos cuarenta y cinco concu
rieron los ciudadanos Diego Olivera por
el Rancho de Guadalupe, Dn Josè Ant.^o^
de la Grd. por el de los Alamos y todos santos
D. Antonio por el de Carmari y citados para la
midicion, señalamiento de linderos y po=
sesion, nombrè por medidores à los ciuda
=danos Juan Pablo Ayala y Josè Olivera
quienes previa la aceptacion y Juram.^to^
procedieron al desempeño de su encargo
asi yo el juez lo mandè y formaron los testi
gos de asistencia. Antonio Rodriguez
Josè M.ª Valenzuela. # Juan P. Ayala
assist.^a^ assist.^a^ —
En la misma fha se les notifico à los colin
dantes el auto q.^e^ antecede y entendidos di
jeron q.^e^ lo oyen y formaron conmigo y los
de asistencia. Antonio Rodriguez
Diego Olivera # Ant.^o^ Olivera
Josè M.ª Valenzuela # Juan P. Ayala —
assist.^a^ assist.^a^
En la misma fecha y en el mismo Rancho
se les notifico el auto en q.^e^ aparesen nom=
brados medidores los ciudadanos Juan
Pablo Ayala y Josè Olivera y entendidos
dijeron q.^e^ aceptan y q.^e^ aceptaban dho en
=cargo y juraron por Dios nuestro señor y
una señal de la Cruz de hacerlo fiel y
legalmente à todo su leal saber y entendi
=ndolo fraude contra persona alguna

y lo firmaron conmigo y los de mi asistencia
Antonio Rodriguez. Juan P. Ayala #
José Olivera + José Mª Valenzuela Asº =
Juan P. Ayala Asº.
Incontinente yo el juez mende traer à mi
presencia el cordel con qe se han de medir
las tierras y que los medidores lo midan
de cincuenta varas y lo firme con los de
asistª. Antonio Rodriguez #
José Mª Valenzuela Asº # Juan P. Ayala Asº.
En la fha en presencia de mi el referido Juez
los espresados medidores tomaron un cor-
del de cañamo y con una vara Mejicana
de medir tomandolo en la mano midie
=ron cincuenta varas para hacer la re=
ferida medicion y pª constancia lo subri
que. En la misma fecha y en el refer
do parage siendo las doce del dia y el
presente juez mende à los ciudadanos se
pongan para la midicion qe se ha de ha
cer del parage de la punta de la Laguna
para qe los mencionados Luis Orellanes
y Enmigdio Ortega tomen posecion de el
y parados en lo Alto de las lomas del
Largo Rumbo al Norte empezaron las me
didas por todo el llano abarcando la
mita de la Laguna y habiendo rematado
en la Cuchilla de Nepomo en donde ov
ben dos caminos dijeron haberse medido
doscientos cuatro. Dello Quinto un Real
Habilitado provisional mt. por la Aduana
maritima del puerto de Monterey en el
departamento de las Californias, para
los años de mil ocho cientos cuarenta y cua
tro y mil ocho cientos cuarenta y cinco.
Michel Torena Pablo de la Guerra

cordeles y se dabo un palo en señal de mohonera desde este punto rumbo al Este por todo el llano y falda de las lomas hasta el frente de la boca de la cañada de Luy y dijeron haberse medido ciento sincuenta y cinco cordeles. Desde este punto rumbo al Sur y por todo el llano remato la medida frente al corral de San Marcos y dijeron haberse medido ciento setenta y cinco cordeles, desde este punto rumbo al Noroeste siguieron las medidas por todo la cuchilla del serro de San Marcos habiendo rematado en donde se comenzo y dijeron haberse medido ciento y noventa cordeles y habiendose concluido esta medicion resultaron medidos seis sitios de ganado mayor y habiendo echo el señalamiento de linderos primero en la cuchilla del Serro de la Zorg. 2º en la cuchilla de Nepomo 3º en la puerta de la cañada de Luy y 4º en la Loma frente al corral de San Marcos mandè formasen Mohoneras y para constancia lo firmè con los testigos de asistencia Antonio Rodriguez # José Mª Valenzuela asoª Juan P. Ayala asistª

En la misma fha yo el mdicado juez mandè qe en virtud de haberse medido el terreno y haberse echo el señalamiento de el señalamiento de linderos, se pongan en posecion juridica los señores Luis Arellanes y Enmigdio Ortega y notifiquesele à los colindantes y firme por auto con los de asistencia. Antonio Rodriguez José Mª Valenzuela asoª # Juan P. Ayala asoª

En la fha se les notifico à los colindantes D. Diego Olivera por el Rancho de Guada

-lupe D. José Ant.º de la Gra.: por el de los
Alamos y todos Santos y Dn. Ant.º Olivera p.:
el de la Comari el cuito q.: antecede dijeron
q.: lo oyen y formaron conmigo y los de asistencia
Antonio Rodriguez # Diego Olivera # Anto.
Olivera # José Ant.º de la Ciriz = José m.ª
Valenzuela Asoc.º Juan P.º Ayala Asoc.º
En el Rancho de la punta de la Laguna
siendo como à las Seis de la tarde del mismo
dia y mes y año los señores Luis Arellanes
y Emigdio Ortega vecinos de Santa Barbara
acompañados del juez y testigos con animo
segun dijeron de tomar la verdadera corpo
ral y real posesion del espresado terreno de
la punta de la Laguna por haberseles con
cedido por justo Titulo y obtubieron del
Gobierno Politico de este departamento
con fha veinte y seis de Diciembre de mi
ochocientos cuarenta y cuatro entraron y
pasaron por dho Terreno arrancaron yer
bas, esparcieron puñadas de tierra rompie-
ron ramas de Arboles è hicieron otras sere
monias de verdadera posesion en señal
de lo que dijeron tomar y q.: tomaban dhas
tierras y mandè yo el citado juez q.: desde
entonces les tubieren y reconociesen à los
mencionados Luis Arellanes y Emigdio
Ortega por verdaderos dueños señores y po
seedores de ello de todo lo referido pidieron
los repetidos señores Arellanes y Ortega p.ª
memoria en lo venideros y conservacion
de sus derechos por mi el juez les fuere en
tendida una constancia à lo q.: asi fue
autorizada siendo testigos de asistencia
los señores José M.ª Valenzuela y Juan Pablo
Ayala con quienes actuo en receptoria à

falta de Escribano publico q.e no lo hay. Doy
fè. Antonio Rodriguez
Josè Mª Valenzuela asso. # Lucas P. Ayala asso.
En la Sta. se debuelve este Espediente à los
interesados en seis fojas utiles y para con-
stancia lo subrigue

Surveyor Office Sept. 9th 1852

Geo. Gisher Secy

"Stamp First. Eight Dollars.

"A"

Transcription of Title

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Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the California for the Year one thousand Eight hundred and forty four and one thousand Eight hundred and forty five –

(Signed) Micheltorena (Signed) Pablo de la Guerra.

Maritime Custom House of Monterey

Citizen Manuel Micheltorena General of Brigade of the Mexican Army. Adjutant General of the Staff of the Supreme Governor Commanding General and Inspector of the Department of the California

Whereas Citizens Luis Arellanes and Emigdio Miguel Ortega have for their own personal benefit and that of their families petitioned for the land known by the name of Santa de la Laguna bounded by the Rancho of Don Guillermo Dana, by that of Don Juan Wilson that of Don Teodoro Arellanes that of Don Tomas Olivera that of Don Guillermo Hartnell and that of Don Antonio Olivera the proper measures and Examinations having been made as required by regulations on the matter by virtue of the powers conferred on me in the name of the Mexican Nation, I have granted them the afore mentioned land declaring to them the ownership of it by these Presents subject to the approval of the Most Excellent Departmental Assembly and under the following conditions viz 1st. They cannot sell it alienate it, mortgage it nor convey it mortmain, subject it to any tax Entail or other incumbrance nor Even alienate it. 2. They may Enclose it without prejudice to the

cross roads, roads and servitudes and enjoy freely and exclusively making such use and cultivation of it as they may see fit but within one year they shall build a house in it and it shall be inhabited –

4th – The land granted in donation is six leguas de ganado mayor (six square leagues for grazing large cattle) as shown by the respective sketch. The Magistrate who may give the possession will cause it to be measured agreeably to ordinance leaving the surplus which may result to the nation for its convenient uses.

5. They will request the proper magistrate to give them juridical possession in virtue of this order by whom its boundaries shall be marked out and he shall place in them besides the land marks some fruit or forest trees of a useful character.

6. If they contravene these conditions they will lose their right to the land and it may be denounced by another.

In consequence I order that this serving them for a title these presents and leaving records firm and valid note be made of them in the proper book and they be delivered to the interested persons for their security and other purposes.

Given at Monterey on the twenty sixth of December one thousand eight hundred and ~~thirty~~ forty four.

(signed) Manuel Micheltorena.
(signed) Manuel Jimeno Secretary –

Note has been taken of this grant in the proper book at folio 13.
(signed) Jimeno. Ex. C. R. P.

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PAGE 27

Filed in Office March 23d 1852.
(signed)
Chas Fishe
Secy.

"F"

Translation of Judicial Survey and Possession

Stamp Fifth. One real

Provisionally authorized by the Maritime Customs House of the Port of Monterey in the Department of the Californias for the Years one thousand Eight hundred and forty four and one thousand eight hundred and forty five.

(Signed) McKettrina —

(Signed) Pablo de la Guerra.

Luis Arellanes and Emigdio Ortega Mexicans and residents of this demarcation before You with due respect represent that having obtained the grant of the land known by the name of the Punta de la Laguna they apply to you that you may be pleased to give them judicial possession as directed in the third article of said land title, which was given them on the twenty sixth of December one thousand Eight hundred and forty four which they duly transmit herewith and also the respective conformation so that all may serve the purposes desired —

Therefore they pray you have the goodness to put them in the possession which they request by which they will receive favor and justice.

Santa Barbara January 2nd 1845.

(Signed) Luis Arellanes

(Signed) Emigdio Ortega.

Santa Barbara January 2d 1845.

In virtue of the preceding request I the present Magistrate will proceed to the measurement making of boundaries and judicial possession which the parties interested ask for the Eleventh day of January 1845 being

fixed for this Edication for which written summons will be sent to the Colindantes Thus I the aforesaid Magistrate decreed ordered and Signed with the Assisting witnesses with whom I act by virtue of my Office there being no Notary Public I Certify –

(Signed) Antonio Rodriguez.

On the same date Citizens Luis Arellanes and Eriquito Ortiga were informed of the preceding order and understanding it they acknowledged notice and signed with me and the assisting witnesses –

(Signed.) Antonio Rodriguez.

Assting witnesses
(Sgd) Jose Maria Valenzuela
(Sgd) Juan Ayala.

On the same date the summons were issued as directed in the preceding order and in testimony I sign it in rubric.

(Rubric of Ant Rodriguez.)

In the place of La Punta de la Laguna on the Eleventh day of the month of January one thousand Eight hundred and forty five there met together the Citizens Hugo Olivera for the Rancho of Guadalupe, Don Jose Antonio de la Guerra for that of San Alamos and Todos Santos and Don Antonio Olivera for that of Casmalia summoned for the measurement marking of boundaries and possession and I appointed Surveyors Citizens Juan Pablo Ayala and Jose Olivera who after accepting and taking the oath proceeded to the discharge of their duties. Thus I the Magistrate

directed and signed with the assisting witnesses
(signed) Antonio Rodriguez.

Assisting witnesses
(sgd) Jose Ma Valenzuela
(sgd) Juan P Ayala.

On the same date the colindantes were notified of the preceding act and having understood it they said that they heard it and signed with me and the assisting witnesses.
(signed) Antonio Rodriguez
(signed) Diego Olivera
(signed) Antonio Olivera

Assisting witnesses
(sgd) Jose Ma Valenzuela
(sgd) Juan P Ayala.

On the same date and in the same Rancho citizens Juan Pablo Ayala and José Olivera were notified of the order in which they appear appointed Salvajos and having understood it they said that they accepted and did accept said office and they swore by God our Lord and the sign of the Holy Cross to perform (this duties) faithfully and lawfully to the best of their knowledge and understanding without deceit or fraud against any person and they signed with me and those of my assistance
(signed) Antonio Rodriguez
(signed) Juan P Ayala
(signed) José Olivera.

Asstg witnesses
(sgd) Jose Ma Valenzuela
(sgd) Juan P Ayala.

In continuation the Magistrate ordered to be brought into my presence the rope with

which the lands are to be measured and that the Surveyors measure off fifty yards of it and I signed it with those of my assistance –

(Signed) Antonio Rodriguez.

asst. Witnesses –

(Sgd) Jose Ma Valenzuela

(Sgd) Juan P Ayala.

On the same date in presence of me the aforesaid Magistrate the Surveyor took a hemp rope and with a Mexican Vara measure taking it in the hand they measured off fifty varas to make the above mentioned measurement and in testimony I signed in rubric

Rubric of Antonio Rodriguez)

On the same date and in the aforesaid place being twelve O'Clock M, I the present Magistrate ordered the Surveyor to prepare for the measurement which is to be made of the place of La Santa de la Laguna that the said Luis Arellanes and Cecilio Ortega may take possession of it and standing on the top of the Lomas de la Laga they commenced measuring northerly over the plain crossing the middle of the Laguna and terminated in the Cachilla de Injerno where two walls ascend distant two hundred and four cordels and a stake was driven as a bound from this point towards the East by the plain and slope of the hills to in front of the mouth of the Canada of ~~Suey~~ Suey distant one hundred and fifty five cordels thence Southerly over the plain the line terminated opposite to the canal of San Marcos distant one hundred and seventy

cordels. Thence the measurements were continued, northwesterly along the ridge of the Sierra de San Marcos and terminated at the place of beginning, distant, one hundred and twenty cordels. And the survey being finished there proved to be six sitios de ganado mayor, (six leagues for grazing large cattle) and the boundaries having been marked, first on the ridge of the Sierra la Larga, second in the cuchilla de Nopomo, third at the mouth of the Cañada of Suez, and fourth on the hill which is in front of the canal of San Marcos. I directed Bounds to be placed and in testimony I signed it with the assisting witnesses.

(Signed) Antonio Rodriguez.

Asstg witnesses
(sgd) Josefa Valenzuela
(sgd) Juan P Ayala.

On the same date I the aforesaid Magistrate directed that in virtue of having measured the land and designated the boundaries the Señores Luis Arellanes and Emigdio Ortega be put in juridical possession of it and I notified the Colindantes and signed officially with the assisting witnesses.

(Signed) Antonio Rodriguez.

Asstg witnesses
(sgd) Josefa Valenzuela
(sgd) Juan Pablo Ayala

On the same day the Colindantes Don Diego Olivera for the Rancho of Guadalupe, Don José Antonio de la Guerra for those of Las Alamos and Todos Santos and Don Antonio Olivera for that of Casmario were notified of the preceding order and having heard it thus

acknowledged notice and signed with me
and the assisting witnesses

(sgd) Antonio Rodriguez
(signo) Hugo Olivera
(signed) Jose Ignto. de la Guerra
(signed) Antonio Olivera.

Assisting witnesses -
(sgd) Jose Marico Valenzuela
(sgd) Juan Pablo Ayala.

In the Rancho of La Punta de la Laguna
being about six O'Clock in the afternoon of
the same day, month and year, Señors Luis
Avellanes and Eugenio Ortega accompanied
by the Magistrate and witnesses, with the intention
as they said of taking the true corporeal and
real possession of the said lands of La Punta
de la Laguna to having been granted to them
by a proper title which they obtained from
the Civil Government of this Department dated
twenty sixth day of December one thousand
Eight hundred and forty four, they entered
upon and walked over said land, pulled up grass
scattered handsfuls of Earth, broke off branches
of trees and performed other ceremonies of the
possession as sign of that which they said they
took and did take of said lands and the
above mentioned Magistrate ordered that from
that time the aforesaid Luis Avellanes and
Eugenio Ortega should be held and recognized
as the true owners lords and possessors of them
and said Señores Avellanes and Ortega
prayed that for a future memorial and the
preservation of their rights a testimony of the
above acts be given them which was authorized
the assisting witnesses being the Señors Jose

35.

José María Valenzuela and Juan Pablo Ayala, with whom I act in virtue of my Office for want of a Notary Public.

(Signd) Antonio Rodriguez

Assisting Witness.

(Sgd) José Mª Valenzuela

(Sgd) Juan P. Ayala

At the same day this Espediente was returned to the parties interested in 4 folios and in testimony I signed it in rubric

Rubric of Antonio Rodriguez.

Filed in Office March 23. 1852

(Signd)

Geo. F. Estudillo Secy.

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Luis Arellanes and
Emigdio Miguel Ortega
vs.
The United States

"Puntas de las Lagas
Ha". Ll Leagues

Opinion

The evidence of title adduced by the Claimants in this case consists of a grant made to them by Governor Micheltorena on the 26th day of December AD 1844. also a record of judicial possession together with a traced copy of the Expediente formed in the case. All of which documents are proved to be genuine.

There is no proof that any approval of said grant was ever made by the departmental Assembly.

It is proved by the Deposition of R. A. Dye that he knew the Rancho called "La Laguna" claimed by Emigdio Miguel Ortega and by Luis Arellanes. that it was granted to them by Governor Micheltorena and that they have occupied it since 1844. That they have a corral & cattle on it. and that it is still occupied by the Claimants or some of the Family.

The foregoing deposition embraces. all the Evidence offered by the Claimants in regard to their occupation of the premises in question –

The Evidence it must be admitted is very meagre and of the most unsatisfactory character and it is not a little strange that the Claimants would submit a case of such magnitude on testimony which to say the least of it is Equivocal and uncertain in its meaning. And it is still more strange that the Officer representing the interests of the Government on that occasion, should sit quietly by without requiring one word of Explanation from the witness –

The question presented is

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whether the Evidence makes out a prima facie case of Conditions performed. The language of the witness is "they (meaning the Claimants) have occupied it since 1841." And then the witness makes an other indefinite statement which is in the following words". They had a canal and cattle on it. it is still occupied by the Claimants or some of the family."

The second Condition of the grant requires that the party shall within one year build a house on the land and that it shall be inhabited.

This Commission as at present constituted has invariably held that proof of the performance of the Condition in all cases where it was inserted should be made or that a substantial Cultivation of the premises should be shown before the party was Entitled to a decree of Confirmation and the question now is whether such proof has been made in this case. The authority of the Governor making the grant to impose this Condition upon the grantees is to be found in the 4th article of the regulations of 1828 where the Political Chief is authorized to determine the proportional time within which the grantee shall cultivate or occupy the land &c. The word occupy has been construed by this Commission to have the same meaning in the 4th article which is intended to be conveyed by the word "inhabiting" in the first article of the same regulations. It would therefore seem that the requirements of building a house within a specified time and of inhabiting it were intended by the Governor to secure the actual occupation of the land granted. Does the language used by the witness imply a fulfilment of this Condition of the law.

That the Claimants occupied the premises in some way is clear and if that statement of the

witness is to be understood as being qualified by the succeeding statement then the manner of the occupancy is explained and the disclosure is made that it was not an actual occupancy by the grantees in person. But I think a fair construction of the language used does not lead to any such conclusion. The witness says in terms that the land granted to the claimants had been occupied by them since the year 1844, the same year in which the grant was made and that they had corrals and cattle out during that time. He then makes the further statement that the land is still occupied by the claimants or some of the family construing all these statements together I think the meaning which the language used by the witness was intended to convey is first that the claimants lived upon the land since the year 1844. Second that they still live upon it and third that they had during that time corrals and cattle on the place. The witness uses the language of the law he says it was occupied. It is true there is nothing in the regulations in regard to building a house but the governor no doubt insists this condition in the grant for the purpose of securing the actual occupation of the land by the grantee and at the same time to prevent an evasion of the true design and intent of the colonization law. If the parties actually occupied the land from the date of the grant up to the time when the witness was testifying the inference that they lived in a house is irresistable. If the witness had stated that the claimants lived upon the land without stating anything in regard to the building of a house the requirements of the law would have been complied with but I think that the word occupied when unqualified

must be taken to mean the same thing.

The question of actual occupancy by the grantee must be determined in every case by the proofs filed and although the proof in the case under consideration is not of that clear and explicit character which the parties should have introduced in order to prove their actual inhabitancy of the land claimed. Still we think they have made such a prima facie showing, as in the absence of all opposing testimony entitles them to a confirmation of their claim.

The difficulty in this case does not arise from any doubt which the Commission entertain of the correctness of any former decision made by them in regard to the essentiality of requiring the party to establish by proof, the actual inhabitancy of the land but grows out of the peculiar phraseology which makes the testimony of the witness upon whom they rely to establish that material fact.

The record of judicial possession designates the land fronting with sufficient certainty to make it ascertainable and the quantity judicially measured appears to be considerably less than the quantity granted so that there is no danger of the party seeking more land than his grant calls for.

A decree of confirmation will accordingly be entered.

Filed in Office May 2. 1854.
(Signed) Geo Fisher Secy.

41.

Luis Arellanes and
Emigdio Ortega
vs.
The United States.

Decree

~~Opinion~~

In this Case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioners is valid and it is therefore decreed that the same be confirmed.

The lands of which confirmation is hereby made are known by the name of the "Punta de la Laguna" and are bounded and described as follows to wit Commencing on the top of the Lomas de la Laguna and running northerly over the plain crossing the middle of the Laguna the distance of one thousand two hundred varas to the Cuchilla de Injerno where two roads ascend and where stake is driven as a bound, thence running seven thousand seven hundred and fifty varas towards the East by the plain and slope of the hills to a point in front of the Cañada — mouth of the Cañada of Seiz, thence running southerly over the plain eight thousand (8000) seven hundred and fifty varas to a point opposite the Corral of San Marcos, thence running northwestery along the ridge of the Serro de San Marcos nine thousand five hundred varas to the place of beginning Reference for further discription to be had to the original grant the map which forms a part of the Expediente and to the translation of the record of Judicial possession all of which documents are on file as evidence in the Cause.

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Filed in office
May 2, 1854.
(Signed)
Geo Fisher
Secy.

Alphens Fitch
Thompson Campbell
R. Aug Thompson
Commrs.

Certificate

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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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 following Forty two pages, numbered from one to 42, 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. 121 on the Docket of the said Board, wherein Luis Arellanes, et, al, are Claimants against the United States, for the place known by the name of Punta de la Laguna

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

Geo: Fisher

No. 188 Docket

U.S. 188

Southern District of Cal

No 188.

Luis Arellanes, et al.

vs.

The United States.

"Punta de la Laguna."

Transcript of Record 188

From the

Board of U.S. Land

Commissioners

in Case No 121.

Filed Dec 19. 1854.

C.E. Carr

Clk.

188

No 121.

No. 188.

The United States
Appellants
vs
Luis Arellanes et al
Appellees.

Index of Case.

The transcript contains

Proceedings in U. S. Dist Court

3°. Petition for Review filed Sept. 28. 1855-
4th Answer " " " "
5th Deposition of Juan José Linarenya Dec. 29/55
- proves building of a house, corral,
& cultivation of land with enclosure
in 1843 -

Remarks = The land is for a specific
quantity - six leagues = called "Santa
de la Laguna" - bounded by certain
other ranches.

The land was juridically surveyed
- and the lines are most distinctly, and
monuments set up in the corners.

By reference to the map - and
the proceedings of possession - it will be
seen that the land was surveyed within
the limits mentioned in the grant
~~Dona~~ Doña & Milan being on the North - Teodoro
Arellanes on the East - Antonio Olivera on
the South

It will also be seen that the
land surveyed was less than six
leagues - The proceedings of Judicial
Possession show the Cordel was 50 varas
- the ranch is on one side 204 Cordels
on the 2° side 145 "
on the 3° " 175 "
on the 4th 190 "

No. 188

The United States
appellant

vs

Luis Arellanes et al
appellees

Index of Case.

Filed Jany 3rd 1855
C. E. Carr
by O. Morgan
Depy

Office of the Attorney General of the United States,

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Washington, 10th February 1855.

Luis Arellanes et al.
vs.
The United States.
} 121.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 25th day of November 1854, the appeal in the district court of the United States for the Southern Judicial district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 188

U. S. District Court for
Southern District, Cala.

The United States

vs

Luis Arellanes, et al.

Appeal Notice.

Filed April 10th 1855

J. E. Carr
Clk.

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Office of the Attorney General of the United States,

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Washington, 10th February 1855.

Luis Arellanes et al.
vs.
The United States. } 121.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 25th day of November 1854, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

C.S.

No. 188

U.S.D. Court S. Dist.

The United States
vs.
Luis Arrellanes et al

Appeal notice.

Filed May 11th 1855.

C. E. Pom.
Clk.

No 188.

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

The United States, appellants
vs.
Luis Arrellanes et al. appellees } Answer of appellees

Luis Arrellanes and Emigdio Miguel Ortega appellees, appear by their attorneys, and for answer to the petition of the United States filed herein, say:

That their title to the land called "Punta de la Laguna", as set forth and described in their petition to the Board of commissioners, and in the documentary and other evidence in this case, is a good and valid title; and they pray this Honorable Court to affirm the decision of the Board of commissioners and to decree their title to be valid.

Halleck Peachy & Billings
Attys for appellees.

No 188

The United States
appellants

vs.

Luis Arellanes et al
appellees

Answer of appellees.

Filed Sept 28th 1855.
C. E. Carroll
By J. W. Roe Dep

Hallett Kenny & Billings
Attys for appellees.

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

Hon Isaac S. K. Ogier Judge.

Luis Arellanes et al. ads. The United States } No. 188. (Transcript No. 121)

The petition of Pacificus Ord, Attorney of the United States, for and in behalf of the United States, respectfully represents, that Luis ~~Arrell~~ Arellannes and Emedio Miguel Ortega on or about the 23d of March AD. 1852, petitioned the Board of United States land Commissioners for the State of California, claiming the place called "La Punta de la Laguna" of the extent of about six square leagues, (in the County of Santa Barbara, State of California). That on or about the 2nd of May AD. 1854, the said Commissioners confirmed the said claim. That on or about the 19th of December AD. 1854, the said Commissioners caused a certified transcript of their proceedings, decision, and evidence, in said cause to be filed in the Office of the Clerk of this Honble Court. That ~~therefore~~ on or about the 25th of November AD. 1854, the Honble Caleb Cushing, Attorney General of the United States received a certified

Transcript of the said proceedings, decision, & evidence in said cause. That thereafter, ~~to wit~~ to wit: on or about the 10th of April A.D. 1855 the said Attorney General filed or caused to be filed in said Clerks Office a Notice of the intention of the said United States to prosecute the appeal in said cause.

That the land claimed lies in the ×× Southern District of California and within the jurisdiction of this Honble Court. And the said United States denies generally that the said claimants have a valid title to the said land.

Wherefore the petitioner prays that the said Luis Arcelannes & Emedio Miguel Ortega or their Attorneys may be served with copies of this petition; and that, after due proceedings had, ~~that~~ the said decision of the said Commissioners in said cause may be reviewed, reversed and set aside, and that the said claim or title may be deemed to be invalid. And general relief.

P. Ord
Attorney of the United States
for the Southern Dist. of Calif.

No. 188.

Luis Arlanno et al
ads.
The United States.

Petition of U States for
Review &c

Filed Sept 28th 1855
O. E. Carr clk
By J. W. Carr Dep

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S. Md Ct S Dist Md

No. 188

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

The United States appellants
vs.
L. Arrellanes et al appellees

Transcript No 121.

On motion of H. W. Halleck of counsel for appellees.

Ordered that additional testimony may be taken by either party in the above entitled cause.

No 188

The United States, appellants

vs.

L. Arnellanes et al, appellees

Order to take further testimony.

Filed Oct 9th 1855.

J. E. Carr
Clk.

United States District Court
Southern District of California

December Term 1855

Luis Arrellanes &
Emidio Miguel Ortega
Appellees

vs

The United States
Appellants

No 188
Transcript from Land
Commissioners No 121

This Cause coming on to be heard on an appeal from the decision of the Commissioners to ascertain and settle the private land Claims in the state of California, under an act of Congress approved March 3d 1851: upon the Transcript of the proceedings and decision and the papers and evidence on which said decision was founded. and it appearing that said Transcript has been filed according to Law. and Counsel for the respective parties having been heard. It is ordered adjudged and decreed that the decision of the said Commissioners be and the same is hereby affirmed, and it is further adjudged and decreed that the Claims of the above Named Appellees is good and valid and the same is hereby Confirmed to them to the extent of six square leagues and no more within the boundaries described in the Grant and the map to which the grant refers. to wit: the Ranchos of Don Guillermo Daua. Don Juan Wilson. the Arrellanes. Tomas Olivera and Guillermo Hartnell. which more fully appears in the act of judicial possession as follows. Commencing on the top of the Lomas de la Laya and running northerly over the Plain. Crossing the middle of the Laguna the distance of ten thousand two hundred varas to the Cuchillo de Nipomi where two roads ascend. and were a stake was driven as a boundary; thence running seven thousand seven hundred and fifty varas to the East by the plain and slope of the hills to a point in front of the mouth of the Cañada of Sucez; thence running southerly over the Plain Eight thousand seven hundred and fifty varas to a point opposite the Corral of San Marcos; thence running northwesterly along the ridge of the Serro de San Marcos nine thousand five hundred varas to the place of beginning: Provided that should the quantity of land within said boundaries be less than six square leagues. then Confirmation is hereby made of such less quantity

Geo W Ogden
U S Dist Judge.

No 188

U. S. Dist. Court
South Dist. of California

Luis Arellanes et al
appellees
vs
The United States
appellants

Decree

Recorded 1857
page ~~188~~ 92
Filed March 3 1856
C. E. Carr Clk
by O Morgan Depy

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

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

Luis Arellanes, et al

..... APPELLEES, VS. UNITED STATES, APPELLANT.	No. 188. (No. 121. 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 7th day of January A. D. 1856.

P. Ord
Dist Atty.

No 188

U. S. Dist Court
South Dist of California

Luis Arellanes Et al
appellees
vs
The United States
appellants

Notice of Appeal S. C.
Filed Mch 13 1856
C. E. Carr Clk
By C. Morgan Depy

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California Land Claims

Attorney General's Office

25 September 1856.

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Sir:

In the case of the claim of Luis Arrellanes et al., confirmed to the claimants by the Commissioners, Case no. one hundred and twenty-one, (121), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am
Respectfully
Cushing

Pacificus Ord Esq.
U S Attorney
Los Angeles.

188,

s Arrellanes et al,

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Nov 4 1836

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

Hon Isaac S K Ogier Judge

December Term 1856

The United States
Appellants
vs
Luis Avellanes et al
Appellees

Docket No. 188

Transcript from the Board of Land Commissioners No 121

In pursuance of a letter from the Attorney General of the United States, hereunto annexed, giving Notice that in the above Cause the Appeal in the Supreme Court will Not be prosecuted by the United States this hereby stipulated and agreed by and between the parties, that the order granting an appeal to the Supreme Court heretofore made in the above Cause be vacated, and that the decree of the Court heretofore rendered in this Cause may by order of the Court be made final

P. H. Dwinelle,
Halleck Peachy & Billings
Atty & Counsel for Appellees.

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U. S. Dist Court
South^n Dist Cal^a

No 188

The United States
Appellant
vs
Luis Arellanes et al
Appellees

Stipulation
to vacate order of
appeal to Supreme Court

Filed this 5th February
1859
Chas Davis clk
J. W. Coleman
Dep

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

Hon Isaac S K Ogier Judge

December Term 1856

The United States
Appellants
vs
Docket No 188
Luis Arrellanes et al
Appellees

Transcript from the Board of Land Commissioners No 121

The Attorney General of the United States having given Notice that the Appeal to the Supreme Court from the decision of this Court in the above entitled Cause will Not be prosecuted by the United States And a Stipulation having been entered into by the United States District Attorney and the Attorneys of the Claimants that the order granting an appeal to the Supreme Court heretofore made in this Cause be vacated, and that the decree of this Court heretofore rendered in this Cause may by order of the Court be made final, it is

Ordered, adjudged and decreed, That the

Order granting an Appeal to the Supreme Court Here=
=tofore made in this Cause be and the same is hereby
Vacated, and that the Claimants have leave to proceed
under the decree of this Court heretofore rendered in
this Cause as under a final decree

Saml S. Ogden
U S Dist Judge

U. S. Dist Court
South'n Dist. Cal.
No 188
The United States
Appellant
vs
Juan Williams et al
Appellees
Order
vacating Appeal
Filed Feb 5th 1857
Geo. Ord
Clerk

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Luis Arellanes et al
Appes
vs. } No 188.
The United States.
Applt

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Deposition of Juan Jose Lusaraga, a witness on the part of Appellees in the above entitled cause, taken before Charles E Carr, U.S. Comr. for the South. Dist. of Cal. this 29th day of Dec. AD. 1858. P. Ord Esqr Atty for Applt. F Billings Atty for Appellees. Wm G Dryden was sworn as Interprete. Juan Jose Lusaraga being duly sworn, in answer to questions propounded by Counsel for the Respective parties, deposes as follows, namely —

Ques. What is your name age & place of residence

Ans. My name is Juan Jose Lusaraga my age is 40 years, my residence in Santa Barbara.

Ques Do you know the claimants in this case Luis Arellanes & Domigdio Miguel Ortega, and the land claimed by them in the County of Santa Barbara called Punta dela Laguna.

Ans. I know the parties, I also know the land in Santa Barbara called Punta dela Laguna claimed by them —

Ques. For how long a time have you known the land, who first lived upon it and when, what improvements were there if any thereon, to whom did they belong, what land was cultivated if any & by whom, what stock was there if any and to whom did it belong.

Ans. - I have known the land since 1843 up to the present time, Emidio Ortega, the claimant, was living on the land at the time I first knew it. There was a house & corral and fence enclosing agricultural lands, on the land in 1843 when I first knew it. The improvements belonged to Emidio Ortega, the claimant, and I also understood that Luis Arellanes the other claimant was in company with him - Ortega was living in the house I have mentioned - I saw that a part of the land was cultivated by Ortega, I saw a great many animals on the Rancho but I did know who were the owners of them.

Ques. How long have Ortega & Arellanes lived upon & cultivated the said Rancho

Ans. Emidio Ortega has not lived upon the Rancho all the time, because he sold to Arellanes, nor

has Arellanes been living on it all the time because he sometimes ~~at~~ lived at the House of the Priest

Ques. Did Ortega live upon the Ranch up to the time you understood he sold to Arellanes, and has Arellanes lived upon it since, up to the present time except when he was at the House of the Priest

Ans. I do not know, in fact, how long Ortega lived on the Ranch. I know he was there in 1843 & 1844. and thereafter I know that Arellanes remained there until 1847. when by an incursion of the Indians who stole his ~~horses~~ mares, he was compelled to go to the Ranch of the Priest — I cant tell whether Arellanes returned to the Ranch because in 1847, ~~he~~ came down to this country. I have been back to Santa Barbara where I now reside, but dont know whether Arellanes ever returned to the Ranch to live there permanently — I ~~know~~ have seen him on the Ranch at various times, whilst I was hunting deer there, the house of the Priest being very near.

Cross Ex — by Asst Atty.

Ques. In what part of the County of

of Santa Barbara is the Ranch situated ~~at~~

Ans. It is in the open plains between Nipoma & Casmali, at the foot of the mountain of Casmali.

Ques. How far is this Ranch from the Ranch of Casmali.

Ans. About six leagues, but I am not positive

Ques. Who first built a house on this land, and when was it built.

Ans. Don Emidio Ortega was the first who built a house on the Ranch, at least I saw him when he was finishing the same house — this was in 1843.

Ques. Who lived in that house after it was built

Ans. For a short time Emidio Ortega and afterwards Luis Arellanes, they both lived together in it.

Ques. How long did Emidio live there

Ans. I knew Emidio Ortega to live there in 1843 & 1844, afterwards I only knew Luis Arellanes as living there.

Ques. What kind of a house was it Ortega built on the Ranch in 1843.

Ans. It was Stake or picket House covered with Tules from the Lake. Ortega lived there with his family.

Ques. Does any one live on the Ranch

at the present time xif. yea, who.

ans. I cannot tell as it is four years since I was there.

Ques. Where does Luis Arellanes now live

ans. His family lives in Santa Barbara

Ques. How long have they been living in Santa Barbara.

Ans. In 1848. when I went up to the mines, they were living on the Rancho, ~~in 1850~~ in 1852. when I returned I found the family in Santa Barbara.

Luis Jose his X mark Lusaraga

Sworn to & subscribed before me this 29th day Dec 1855.

C. E. Carr.
U.S. Comr

No 188.

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

Luis Arellanes
et al. Appellees

vs.

The United States,
Appellants.

Deposition of Juan
Jose Lusaraga.

Filed Dec 29th 1860.

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E. Carr
Clk.

The United States appellants
vs.
Luis Arellanes & Emidia M Ortega, appellees

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The claim in this case is based on a grant from Governor Michel Toreno to the present claimants, bearing date 28 December A.D. 1844—
The genuiness and authenticity of the grant is fully proven, the record of judicial possession is also on file and the parol evidence shows a substantial compliance with all the conditions of the grant.
The grant is for a ~~certain~~ fixed quantity of land within certain external bounds called for in the grant itself and reference is made to the map, the map is not very definite and if the case rested upon it alone it there would be some difficulty in ascertaining the exact ~~boundaries~~ portion which the land granted is to be located, but with the existence of the grant and the judicial possession this difficulty can be readily overcome;
The map itself shows some of external limits called for and there is

enough in the usual of medical possession to show title, the land measured and of which possession was given was within the extreme limits and somewhat less than the quantity called for in the grant.

The medical possession is much more definite and clear than is usually the case in California land titles. The monuments, it seems have been fixed at the time of giving the possession by the Alcalde himself and must be supposed to exist still if they do there can be no difficulty in adjudicating the land but under circumstances, there is such haste to warrant a confirmation of the claim, it is for a fixed quantity within certain limits, these limits can be ascertained from the grant and expedients including the medical possession, and therefore under the rule laid down by the Supreme Court the claimant is entitled to a confirmation. Now a decree will be entered accordingly —