

CASE No.
189

SOUTHERN DISTRICT

PAUMA GRANT

JOSE A. SERRANO
CLAIMANT

LAND CASE 189 SD pgs. 47

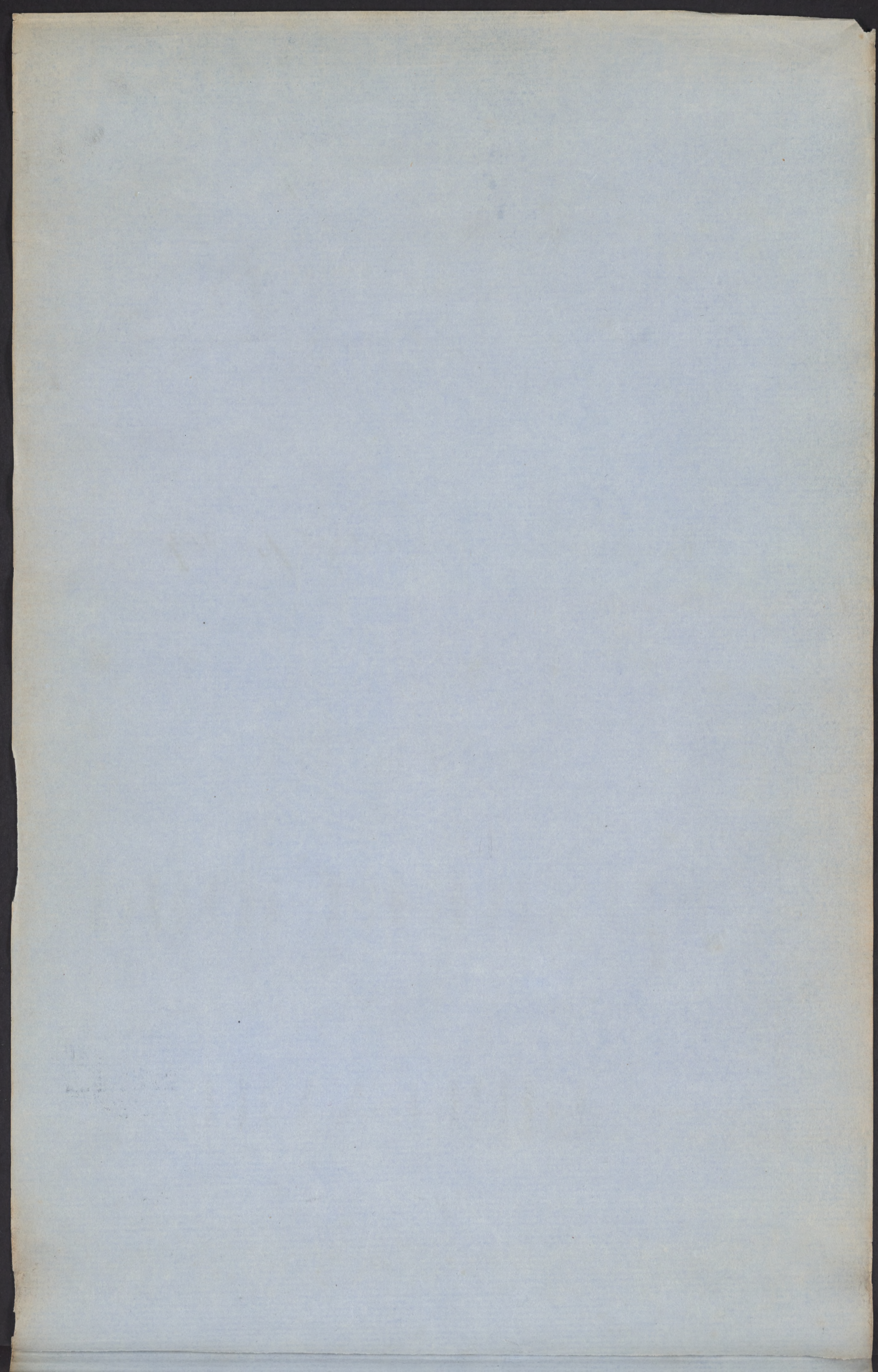
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MAR 8 1963

A. S. V.
52% COTTON FIBRE
B. G. A. B. B. B.

~~437~~ 439.

187.



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 439.

José A. Serrano CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Serrano*"

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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 *First day of November*, 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 *José A. Serrano*,
for the Place named
"Pauma",
was presented, and ordered to be filed and docketed with No. 439, and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

Los Angeles November 5th 1852.
In Case no. 439, José A. Serrano for the place named "Pauma", the deposition of Hugo Reid, a witness in behalf of the claimants, taken before Commissioner Meland Hall, with documents marked N.H. no. 1203, and translations thereof, annexed, thereto was filed;
(Vide page 5 of this Transcript.)

San Francisco June 29th 1853.
In the same case the deposition of J. J. Warner, a witness in behalf of the claimants, taken before Commissioner Alpheus Felch, was filed;
(Vide page 7 of this Transcript.)

San Francisco May 9th 1854.
Case no. 439 was called, submitted on briefs and taken under advisement by the Board,

2.

San Francisco May 16' 1854.

In the same case Commissioner Alphens Felch delivered the opinion of the Board confirming the claim;

(Vide page 33 of this Transcript.)

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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 35 of this Transcript.)

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To the Hon^{ble} the Board of U.S. Land Commissioners appointed to settle Private Land Claims in California.

Petition

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The Petition of José A. Terrano Blas Aguilar and José Aguilar respectfully, sheweth. That on or about the 9th day of November A.D. 1844 Manuel Micheltona then Governor of California in the name of the Mexican Nation, by virtue of the laws then in force, the powers possessed by him, the usages and customs of the Country affecting grants of land in California, granted in full property unto your petitioners the tract of land and Rancho known by the name of Pauma containing three square leagues of land (sitio del ganado mayor) as bounded and described in the papers and maps relating to said grant of land.

That copies of the papers in the possession of your petitioners are herewith filed, and as soon as copies from the Archives now in the custody of the U.S. Surveyor General for California can be procured, your petitioners pray leave to file the same as part of this petition.

And your petitioners further show that on or about the sixth day of October A.D. 1845, the above described grant was duly approved by the Departmental Assembly a copy of an original paper in the possession of your Petitioners is hereto filed as part of the petition showing the said approval of said Departmental Assembly.

And your petitioners further show that on or about the 2nd day of November 1845 your petitioners received and were placed in juridical possession of said tract of land and Rancho

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By the proper officers having jurisdiction of the subject matter, as appears by original papers in the possession of your petitioners, copies of the same being

herewith filed as part of this petition. And your petitioners further show that on or about the second day of November 1845 your petitioners received and were placed in judicial possession of said Tract of Land and Rancho, by the proper officers having jurisdiction of the subject matter as appears by original papers in the possession of your petitioners, copies of the same being herewith filed as part of this petition.

And your petitioners further show that said lands have always since the date of said grant, been in the peaceable and quiet possession of your petitioners, and your petitioners are now in the peaceable and quiet possession of said lands.

There is no conflicting claim to the same known to your petitioners. The said lands have not been surveyed by the U.S. Surveyor General for California. The evidence upon which your petitioners rely in this case are the records of this grant papers and maps in the Archives in custody of the U.S. Surveyor General for California copies of which your petitioners pray leave to file as part of this petition as soon as the same can be obtained, also original papers in the possession of your petitioners relating to said tract of land, and the testimony of witnesses to be produced before Your Honor's Board.

Respectfully submitted for such action, as the justice and nature of the claim may require

E.C. Crosby
Of Counsel for Claimants

Filed in Office
Nov 1st 1852,
Geo. Fisher
Sec.

5-

Los Angeles Nov 5th 1852.

On this day before Court Hall came Hugo Reid a witness in behalf of the Claimants Jose A. Serrano et al, petition 439 and was duly sworn. His evidence being given in English.

The U.S. Associate Land Agent was present.

In answer to Enquiries by the Claimant's Counsel the witness testified as follows.

Deposition
of
Hugo Reid

My name is Hugo Reid, my age is forty one, and I reside at San Gabriel in the County of Los Angeles. I have resided in California nineteen years. I am acquainted with the hands writing & signatures of Manuel Micheltoena Manuel Jimeno Pio Pico, Jose M^a Covarrubias, Jose R. Aguello, Jose de Jesus Moreno, Juan M^a Marron,

A paper is now shown me purporting to be a grant to Jose A. Serrano Blas Aguilar & Jose Aguilar of a tract of land called Pasqua, dated Nov^r 9th 1844. The signatures of said Micheltoena & Jimeno on said paper I believe to be genuine. This hereto annexed and marked H. H. N^o 1.

A paper is also shown me purporting to be a testimonial of the approval of the Departmental Assembly of said grant dated 6th of October 1845.

The signatures of said Pico and Covarrubias on said paper I believe to be genuine. This hereto annexed and marked H. H. N^o 2.

Another paper is also shown me purporting to be a testimonial of Judicial possession given in November 1845.

The names of said Aguello, Marron & Moreno on said paper I believe to

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6.

be their genuine signatures, said Aguillo was acting as second Alcalde, & authorized to give such possession, said papers hereto annexed & marked H. G. N. 3.

I know the land mentioned in said paper. It is situated in the County of San Diego about three leagues northward from the Mission of San Luis Rey. I know the land was in the occupation of the present claimants in 1848.

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They had a house on the land in which they or some of them lived. They had land under cultivation and had stocks there.

I believe them to be still in possession. I was there in 1848, & how long they had previously occupied I cannot say.

In answer to questions by the Associate Land Agent the witness says the house on the land is about four leagues from the Sea Coast.

I never heard that there was any opposing claim to the land.

The land had been used as pasture land by the Mission like other lands in the vicinity.

It had ~~not~~ ^{not} been cultivated by the Mission, nor used for herding cattle.

Henry Reid.

Sworn & Subscribed.

Before me
Heiland Hall Comr.

Filed in Office Nov 5th 1852.
Geo. Fisher Sec.

San Francisco June 29' 1853.
On this day before Com^r Alphens Deleh
came J. J. Warner, a witness on the part
of the Claimants. Jose A. Serrano chal.
petition 439, and was duly sworn, his
evidence being given in English.

The U.S. Associate Land Agent Present,

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Deposition

Questions by Mr. Crosby Attorney for
the Claimant.

J. J. Warner,

1st Question. What is your name,
age and place of residence.

Answer. My name is J. J. Warner
my age about forty five, and I reside
at San Diego in the County of San
Diego in the State of California.

2nd Question. Do you know
the Rancho called Paruma, claimed
by Jose A. Serrano Blas Aguilar and
others?

Answer. - I do.

3rd Question Where is it located
and what do you know of its occupation?

Answer. It is located east
of the Establishment called Pala and
west of an Indian Settlement known
as the Potrero in the County of San
Diego.

About the year 1845 it was
occupied by Jose Antonio Serrano,
who was living there with his family.
They lived in an adobe house on the
premises.

He had a considerable number of
Cattle and Sheep & some horses, and had
also some land under cultivation.

He continued in the occupation
of it up to about the time of the arrival
of General Kearney in California, when
the stock and property on the premises
were removed by the Indians under
the command and control of Antonio

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Garra, Indian Chief Commissioned
by General Kearney, & a brother of Antonio
Serrano was killed by the Indians,
and the stock and moveable property
on the premises were all destroyed
by them.

I am not aware of the premises
having been occupied since that time.
J. J. Warner,

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Subscribed & sworn at San Francisco
this twentieth day of June A.D.
1853, before me.

Mr Greenhow Assistant Land Agent,
being present, at the taking of the
same.

Alphens Deleh
Commissioner

Filed in Office June 29th 1853,
Geo. Fisher Sec.

John Deale
Alphens

L.

1844.

Expediente Promovido por los Ciudadanos José Antonio Serrano Blas Aguilar en pretension del terreno conocido con el nombre de Paoba
N.º 399.

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Sr. Alcalde Constitucional de Primera instancia
Del Puerto de S.º Diego:

José Antonio Serrano Blas Aguilar y José Aguilar
ante V. con el debido respeto aseamos presente que en virtud
de tener echo una solicitud al Superior Gobierno de
este departamento pidiendo p.º el beneficio personal y
de nuestras familias tres sitios de Ganado Mayor
pudió mas o menos en el paraje conocido p.º Parana
que hace algun tiempo esta baldio y por lo que
nuestra Solicitud a los tramites que nos conviene.

P.º. Suplicamos a V. tenga la dignacion de informar
sobre el particular de nuestra peticion, lo que haze p.º
conveniente servendose admitirnos esta en papel
comun por falta del Seyado correspondiente que no
hay en este lugar. Juramos no ser de malicia y lo
necesario. L. San Diego Ocho 1.º de 1844. El paraje
de que se hace mencion en esta peticion esta baldio
y pertenece al establecimiento de S.º Luis Rey y a
propiedad del interesado. Doy este en S.º Diego
a 10 de Abo de 1844. Juan M.º Navarro.

José Joaquin Ortega Administrador de la
Abision de San Luis Rey.

Por quanto Don José Antonio Serrano me ha presentado
el expediente que ante este pidiendome informe sobre
su contenido como encargado de la fiscalidad en
obsequio de la Realidad Obiga: que el paraje sobante
en la presente instancia se halla en la actualidad
enteramente baldio y puede concederse al sobante
si que se resulte ningun gravamen a la Abision
no existiendo en el caso de sus rancherías plus de

gentiles y una de cristianos u quienes en nada de se les perjudica como consta por la presente solicitud: es lícito puedo informar en obsequio de la verdad.
Misión de Sⁿ Luis Rey. Oct. 3 de 1844.

José Joaquín Ortega.

Suplido Sr. Gov^r del departamento de las Calipuyas.

Moroverrey, Oct. 18 de 1844. José Antonio Serrano Blas Aguilar y José Aguilar naturales de este jurisdicción y vecinos del Puerto de Sⁿ Diego

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Despacho recordando ante la recta justificación de V. S. con el todo lo conveniente debido respeto y como mejor pareciere de este pedimento. derecho solicitamos p^a el beneficio personal y el de nuestras familias presentes

de Sⁿ Antonio Mayor por lo mas o menos en el paraje conocido p^r Pavuna, baldío ya aly un tiempo y perteneciente a la Misión de Sⁿ Luis Rey distante de dicha Misión por lo mas o menos diez leguas y habiendo en el mencionado terreno

terreno dos familias de indios Gentiles y una de cristianos asegurando no impedirles el que vivan tray costuras bien el que hayan sus siembras a como lo es en las sumbrados P. S. M. S. Suplicamos agrada a esta nuestra solicitud de lo que recibir unos merced y gracia de V. S. se admitir esta solicitud en papel comun por falta del legajo correspondiente en este lugar. Juro no ser de malicio y lo necesario se. Sⁿ Diego Septiembre 29 de 1844. José Antonio Serrano Blas. Aguilar. en convenio de José Blas Aguilar.

Suplido Sr. Gobernador.

El terreno que pretende los Serranos y Aguilar parece que se puede conceder segun los buenos informes que se a comparen, pero entiendo que ha de ser bajo la condición de no comprender las tierras que actualmente ~~son~~ sepan las cañales con sus labores, y las que pueden necesitar p^a sus bienes sin perjuicio de lo antes

de la Asamblea Departamental que halla sobrefijas
y tierras de Miliones. La Sup^{or} disposicion sera lo que
mejor conveenga. Iba la misma.

Manuel Jimeno.

Monterrey. Noviembre 8 de 1844. = Concurdo con
las condiciones precedidas y concluidas en el anterior
informe las que se hanan saber a las Indias por el
futor respectivo, es poruvolo asi en el esito.

Micheltorena.

Monterrey. 9 de Noviembre de 1844.

Vista la peticion con que da principio este expediente
los buenos informes que preceden con todo lo demas que
se tubo presente y deber^o conrino, se claró a las ciudadanos
Jose Ant^o. Serrano Blas Aguilar y Jose Aguilar dueños
en propiedad del terreno nombrado "Pacba" en estacion
de tres sitios de granoto mayor colindante con la entrada
de la Comandancia de Cuern y Pala. Liresa el correspondiente
despacho truese ralon en el libro respectivo y dividjase
este expediente a la Junta. Asamblea Departamental
poro su aprobacion. El P. S. Gobernador y Comandante
General de este Departamento asi lo curudi oseto y
firmo.

El Ciudadano Manuel Micheltorena General de Brigada
del Ejercito Mexicano, Ayudante General de la
Plana Mayor del mismo Gobernador Comandante
General y Inspector del Departamento de las Californias.

Por quanto los Ciudadanos Jose Antonio Serrano
Blas y Aguilar y Jose Aguilar han presentado poro
sus beneficios personales y el de sus familias el terreno
concurdo con el nombre de Pacba, colindante con la
entrada de la Comandancia de Cuern y Pala: practicadas
previamente las diligencias y averiguaciones correspondientes
segun lo dispuesto por leyes y reglamentos; usando
de las facultades que me son conferidas a virtud
de la nacion Mexicana he venido en declarar que el
terreno mencionado es de claravoles la propiedad de el

por las presentes letras, sujetándose á la aprobación de la Junta. Asamblea Departamental y bajo las condiciones siguientes. - 1.^o Dejarán libre las tierras de Luvor que actualmente tienen los Yndios que en otro parage se hallan establecidos como tambien el terreno que necesitan para sus corrales. 2.^o No podrán venderlos enajenarlos, hipotecarlo, imponer censo, vicario, finca ni otro gravamen alguno ni podran arrendarlo = Podran ser usado sin perjudicar á sus siervos y siervos: lo dispondrán libre y esclusivamente destinado lo al uso y cultivo que mas les convenga pero dentro de un año fabricaran casa y estaran habitada = 3.^o Cuando se les confirme la propiedad, se levantará el Juro respectivo que les den la posesion Jurisdiccion en virtud de este despacho por el cual se demarcan los limites, en cuyos limites podran á mas de sus ranchos algunos arboles frutales ó silvestres de alguna utilidad.

5.^o El terreno de que se hace donacion es de cuerdas á las lites de ganado mayor por lo mas ó menos segun explican los documentos respectivos. El Juro que debe la posesion lo hará cumplir conforme á ordenamiento quedando el sobrante que resulte á la nacion por á los usos Comunes. 6.^o Si Contraviniere á estas condiciones perderá su derecho al terreno y será denunciado por otro. = Se consequence cuando que se levantó de título el presente y se entregare por firme y valido, se tome razón de el en el libro respectivo y se entregue á las vicarías para sus resguardos y Demos finas. Dado en Monterrey a nueve de Noviembre de mil ochocientos cuarenta y cuatro. = Manuel Mitchell - oreca. = N.º 11.º 11.º 11.º A vuelta tomada en on de este despacho en el libro respectivo á f.º 11.º

Angeles. Setiembre 24 de 1845.

Dada cuenta en sesion de hoy á la Asamblea

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Departamento con este Expediente se manda pasar
a la Comision de terrenos baldios.

Pio Pico. Agustín Olvera.

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Here follows a sheet or plan.

Suño Sr.

La Comision de terrenos baldios ha examinado detenidamente el expediente promovido por los Sr's José Antonio Serrano Blas Aguilar y José Aguilar en persecucion del parage conocido con el nombre de Pacha por el que aparece adjudicable. Dho terreno y las individuos sobreantes habiles para poseerlo en tal virtud la Comision somete a la deliberacion de V. S. la proposicion siguiente. = Se aprueba en todas sus partes la concesion hecha por el Sr. Don Manuel Michelmoreno como Gobernador del Departamento a los Sr's José Antonio Serrano Blas y José Aguilar del parage denominado Pacha con arreglo a la ley de 18 de Agosto de 1824 y el articulo 5º del Reglamento de 21 de Noviembre de 1828.

Sala de Comisiones en la ciudad de los Angeles Sta
Ag de 1845. Francisco de la Huera. Narciso Goyette.

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Angeles, Octubre 3 de 1845.

En sesion de hoy se apuro por la Junta Municipal
Departamental la proposicion del precedente orden
mandandose se devuelva el expediente original al S. S.
Gobernador para las fines convenientes.

Pío Vico.

Agustin Obraero.

Octubre 6 de 1845 se hizo a la parte.

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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 custody
a portion of the archives of the former Spanish
and Mexican Territory or Department of Upper
California do hereby certify that the twelve preced-
-ing and hereunto annexed pages of tracing paper
numbered one to twelve inclusive and each of which
is verified by initials (S.D.K.) exhibit true and accur-
-ate copies of certain documents on file and forming
part of the said archives in this 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 Cal. this 23rd day of August, 1852.

Samuel D King.

Surveyor G. Calya

Filed in office. Aug. 31. 1853.

Geo. Fisher.

Secretary.

Record of Proceedings

At the instance of the Citizens Jose Senano Blas Aguilar, and Jose Aguilars solicits the land known by the name of Paoba,

Translation

Exhibit No. 2

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To the Honorable Constitutional Alcalde of the 1st Instance of the Port of San Diego
We Jose Ant Senano, Blas Aguilar and Jose Aguilars, represent before you with due respect, that on account of having forwarded a solicitation to the Superior Government of the Department, asking for our personal benefit and that of our families, three square leagues of land (sitios de ganado mayor) a little more or less in the location known by the name of Paruma, which since some time is vacant and in order to push our solicitation to the process that suits us,

We pray you to have the condescension to report on the subject of our petition what you may think expedient, and be pleased to admit this on common paper for want of corresponding stamped paper which is not to be had in this place, swearing that there is no malice herein, and what else is necessary etc.

San Diego October 1st 1844.

The location mentioned in this petition is vacant and belongs to the Establishment of San Luis Rey, and on request of the interested party I give this in San Diego 1st October 1844.

Juan M. Mason

Jose Joaquin Ortega, Administrator of the Mission of San Luis Rey,
Whereas D. Jose Antonio Senano has

presented in the foregoing Expediente asking me to report on its contents as Superintendent of the said Estate I say in obedience to truth that the location solicited in the present instance is actually and entirely vacant and can be granted to the petitioners without there resulting any incumbrance to the Mission at Wash consisting of the Rancharos two for heathens, and one for christians who will not all be prejudiced as is shown by the present solicitation this is all I can report in obedience to truth.

Mission San Luis Rey Oct 3rd 1844

(signed) Jose Joaquin Ortega.

Excellent Sir Governor of the Department of both Californias,

We Jose Antonio Serrano Blas Aguilar and Jose Arguilar natives of this Department and residents of the Port of San Diego, before Your High Justice with due respect and as best may be consistent with laws, solicits for your personal benefit and that of our families, three square leagues of land (sitios de ganado mayor) a little more or less than ten leagues and having on said land Indian heathen families, and one christian, assuming not to impede those who live there, as also that they may make their cornfields to which they are accustomed.

Therefore we pray you to accede to this our solicitation, whereby we shall receive favors and grace, you being pleased to admit this solicitation on common paper for want of corresponding stamped paper in this place. I swear there is no malice herein and to what else is necessary.

San Diego September
29th 1844.

(signed) Jose Antonio Serrano

Blas Aguilar
 In the absence of José Blas Aguilar

In the margin / Monterey Oct. 18 / 1844.

The Secretary of state will report sending of every thing concerning this petition (signed) Micheltorena

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Excellent Sir Governor

The Land solicited by Ferrans and the Aguilaras seems to be granted according to the good report which are annexed, but I understand that it has to be under the condition that the grounds which the Indians actually occupy with their husbandry and those which they need for their stock be not comprised without prejudice to the Decree of the Excellent Departmental Assembly which treat on Estates and Lands of Missions.

The Superior's Disposition will be that which better may suit.
 The same date.

/ Signed / Manuel Jimeno

Monterey November 8 / 1844,
 Granted on the conditions offered and set forth in the foregoing report, which are to be made known to the Indians by the respective Judge expressing it thus in the title deed.

/ Signed / Micheltorena

Monterey 9th November 1844,
 Having seen the petition, with which this Expediente commences the proceeding favorable report with what else to be born in mind and was to the purpose

I declare the Citizens Jose Ant. Serrano Blas Aguilar, and Jose Aguilar owners in their own right of the tract of land called Panba, in extent three square leagues (sitios de Ganado Mayor) bordering on the entrance of the Canada de Cuernavaca Pala. Let the corresponding documents be issued, enter it in the respective Book and let this Expediente be directed to the Excellent Departmental Assembly for its approbation.

The Excellent Sir Governor and Commandante General of this Department thus did order decree and sign.

The Citizen Manuel Micheltona Brigadier General of the Mexican Army, Adjutant General of the Plaza Mayor of the same Governor Commandante General and Inspector of the Department of Both Californias.

Whereas the Citizens Jose Antonio Serrano, Blas Aguilar, and Jose Aguilar have solicited for their own benefit and that of their families the land known by the name of Paoba bordering on the entrance of the Canada de Cuernavaca Pala, after previously having taken the necessary action and made the necessary investigations according to the requirements of the laws and regulations in exercise of the powers vested in me, in the name of the Mexican Nation, I have concluded to grant them the said land, declaring it their property by the present letter patent subject to the approbation of the Excellent Departmental Assembly and under the following conditions.

1st They will leave free the grounds of husbandry which the Indians who have established themselves in said location actually hold, as also the land they need for their small stock.

2nd They shall not have the power to sell alienate mortgage it, subject it to rent, entail bond or any other incumbrance nor can they donate it.

3rd They may fence it without prejudicing the crossings roads and servitudes, they will enjoy it freely and exclusively appropriating it to the use or culture that best may suit them, but within a year they will build a house to be inhabited.

4. When the ownership be confirmed to them they will solicit of the respective judge to give them judicial possession in virtue of this document, by whom the boundaries are to be marked, on the extremities of which besides the land marks they will put some fruit trees, or wild ones of some utility.

5. The land granted is three square leagues (sitios de ganado mayor) a little more or less, as is shown in the respective documents, the judge who shall give the possession shall cause it to be measured conformably to ordinance leaving the surplus that may result to the nation for convenient purposes.

6. If they should violate these conditions they will lose their right to the land and may be denounced by any other party.

Consequently I order that these presents serving them as a title deed and being held as firm and valid it be entered in the respective Book and delivered to the interested parties for their security and other purposes.

Given in Monterey the 9th of Nov^r 1844,

Mmanuel Micheltorena

Mmanuel Jimenez Secretary,

This grant has been entered in the respective Book in folio.

211.

Angeles September 24th 1845.

Having in today's session given notice of this expediente to the Excellent Departmental Assembly it was ordered sent to the Committee on Vacant Lands,

(signed) Pio Pico President
Agustin Alvera Secretary,

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Excellent Sir

The Committee on Vacant Lands has minutely examined the Expediente at the Instance of Jose Antonio Senang, Blas Aguilera and Jose Aguilera in solicitation of the location known by the name of Paoba by which it appears that said land is granted and the individual petitioners to be capable of possessing it, in this light the Committee submit to your Excellency's deliberation the following propositions.

It appears in all its parts the concession made by D. Manuel Michelto-
sena as Governor of the Department to their Citizens Jose Antonio Senang Blas, and Jose Aguilera of the location denominated Paoba in accordance with the Law of 18th of August 1824 and Article 5th of the Regulation of 31st November 1828.

Heard of Committee in the City of
Lower Angeles September 29th 1845,
Francisco de la Guerra,
Marcisso Bohello.

Angeles Oct^r 3rd 1845.

In today's session the Excellent Depart-
mental Assembly approved of the proposi-
tions in the foregoing opinion ordering the
Expediente to be returned in original to
the Governor for convenient purposes.

(signed) Pio Pico
Agustin Alvera, Secretary

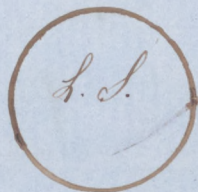
Filed in Office Aug 31st 1853.
Geo. Fisher Sec

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Sello Segundo Cuatro pesos.

Habilitado provisionalmente por la aduana marítima del puerto de Monterrey en el Departamento de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena Pablo de la Guerra.



El Ciudadano Manuel Micheltorena General de Brigada del Ejército Mexicano Ayudante General de la Plana Mayor del mismo Gobierno Militar Comandante General e Inspector del Departamento de las Californias.

Por cuanto los ciudadanos

José A. Lemano de las Aguilar y José Aguilar, han pretendido para sus beneficios personales y el de sus familias el terreno conocido con el nombre de Pasma, colindante con la entrada de la Cañada de Cuernavaca y Pala practicadas previamente las diligencias y averiguaciones concernientes según lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas a nombre de la Nación Mexicana he venido en concederles el terreno mencionado declarando les la propiedad de él por las presentes letras sujetándose a la aprobación de la próxima Asamblea Departamental y bajo las condiciones siguientes.

1.º Dejarán libre las tierras de labor que actualmente tienen los Indios que en otro parage se hallan establecidos, como tambien el terreno que necesitan para sus Cortes de mies.

2.º No podrán venderlo, enagenarlo, hipotecarlo, imponer censo, vicentio, fincar ni otro gravamen alguno ni podrán donarlo.

3.º Podrán sereno lo sin perjudicar las trayectorias caminos y servidumbres: lo disfrutaran libre y eselucivamente destinando lo al uso ó cultivo que mas les acomode, pero dentro de un año fabricaran casa y estarán habitada.

4.º Cuando se les compare la propiedad solicitada del Jefe respectivo que les den la proteccion jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos límites pondran á sus señoras

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Docum. H. H. n.º 1.

algunos arboles frutales o silvestres de alguna utilidad.

5º El terreno de que se hace donacion es de tres sitios de ganado Mayor poli mas o menos segun esplican los documentos respectivos. El Yuer que diere la posesion lo hara median Comforme a ordenanzas quedando el sobrante que resulte a la Nacion para los usos Comunes.

6º Si contraviene a estas condiciones perdera sus derechos al terreno y sera denunciado por otro.

En consecuencia unuado que seruiendo les de titulo el presente y teni envlase por firme y valedero se tome razon de el en el libro respectivo y se entregue a los citados para sus resguardo y Demas fines. Dado en Montarey a nueve de Noiembre de mil ochocientos Cuarenta y cinco.

Manuel Micheltorena. Manuel Jimeno. Sec.

la cual tomara razon de esta Concesion en el libro respectivo a folios 1º.

Jimeno.

Filed in Office, Nov 5th 1852.

Geo. Fisher.
Secretary.

23

Sin Dico, Gobernador Interino del Departamento de las Californias.

La misma Asamblea Departamental en sesion del día 9 del corriente ha decretado lo siguiente.

Se aprueba en todas sus partes la concesion hecha por el Señor Don Manuel Micheltorena y como Gobernador del Departamento a los Ciudadanos José Antonio Terrano Blas y José Aguilar del parage denominado Proba con arreglo a la ley de 18 de Agosto de 1824 y el artículo 5º del reglamento de 21 de Noviembre de 1826.

Y para resguardo de las partes de José Terrano Blas y José Aguilar lo hago así saber. Dado en la Ciudad de Los Angeles a seis de Octubre de mil ochocientos Cuarenta y cinco en este papel comun por falta de sellado.

Sin Dico.

José Maria Covarrubias.

Srio.

Filed in office. Nov. 5th 1852.

Gen. Fisher.

Secretary.

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PAGE 24

Document. No.
nº 21.

[Faint, illegible handwriting covering the majority of the page]

[Faint handwritten notes in the bottom left corner]



Q 5-

In el pueblo de San Diego a los diez dias del mes de Nbre del año de mil ochocientos Cuarenta y cinco; ante mi José M. Argüello Alcalde Segundo Constitucional de este referido punto y su demarcacion: En virtud de la solicitud presentada por los Ciudadanos José Antonio Serrano Blas y José Aguilar a efecto de que se les dé posesion juridica segun el titulo que acompañaron expedido por el Supremo Gobierno de este Departamento: del parage conocido con el nombre de Parana y en cumplimiento con lo dispuesto pasase por mi y testigos de asistencia al mencionado parage y pongase en segura posesion de él a los expresados Serrano Blas y José Aguilar, así Yo el Jefe que suscribe decreté su modo y firmé con los de esta. Segun derecho.

José M. Argüello. de esta. José de Jesus Moreno.

De asistencia Juan M^o Morron.

Estando en el parage de Parana a los diez y siete dias del mes de Nbre. del año mismo, di poder nombrar dos Oficiales Coroneles que por no saber firmar se omiten sus nombres a los que les tome el Juramento respectivo quienes ofrecieron desempeñar fielmente su encargo, lo que a efecto por obligacion que autorise y firmé con los de mi esta. Segun derecho. José M. Argüello.

esta. José de Jesus Moreno. esta. Juan M^o Morron.

In el mismo dia mes y año estando en el parage de Parana a efecto de verificar la posesion a las Torres Serrano y Aguilares, previos todos los requisitos de estilo y estando ante mi los testigos de esta y Coroneles así medir un cordel que tenia cincuenta varas y las estrechas unas sanas de madera previa observacion y calculo por mi disposicion, se tiro el cordel del poniente al N. se midieron y contaron cuatro leguas que remataron arriba de la Sierra en una cañada que estan unas piedras grande y un escudo donde se les mando a las citadas posesion su respectiva posesion, de este punto se tiro el cordel rumbo al S. se midieron y contaron tres leguas ochocientas

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26.

Vanos que remataron en una perra grande que se haya
en un potrero donde se les mando a los interesados
pusiesen su respectiva mchona de este rumbo lo tiro
el Corbel al presente se medireon y contaron tres leguas
que remataron en un camino que esta en el camino
de pila, donde se les mando a los interesados pusiesen
su respectiva mchona a donde les imputase a los dis-
eresales que quedaban en segunda y pacifica posesion
para que disfrutaran de el libre y pacificamente
dando este acto por concluido que entrego y firmo
con las de mi assa. Segun derecho
Jose A. Arguillo.

de assa.

Jose de Jesus Moreno.

De assa.

Juan M^o Moreno.

Filed in office. November 5. 1852.

Geo. Fisher.

Secretary.

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Second Class Stamp Four Dollars.

Issued provisionally by the Maritime Customs of the Port of Monterey in the Department of the Californias for the year One thousand eight hundred and forty four, and one thousand eight hundred and forty five, Micheltoana, Pablo de la Guerra,

Exhibits
"B"

Translation
of Approval
and judicial
possession.

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PAGE 27

L. S. The Citizen Micheltoana, Brigadier General of the Mexican Army Adjutant General of the High Staff of the same, Governor, General Commandant General and Inspector of the Department of the Californias. Whereas, the Citizens Jose A. Suano Blas Aguilar and Jose Aguilar have claimed for their own personal benefit and that of their families the track known by the name of Tamna, bounded by the Entrance of the Canals of Cuernam and Pala; the proceedings and investigations in that behalf having first been taken according to the tenor of laws and regulations. In the exercise of the powers conferred upon me, in the name of the Mexican Nation I do now grant unto them the tract aforesaid declaring unto them the ownership thereof by these present letters subject to the approbation of the Most Excellent (the Departmental) Assembly and under the following conditions: 1st They shall leave open the planting fields actually held by the Indians who may be established in said track, as also the lands which they might require for their little stock, 2nd They shall not have power to sell alien or hypothecate the same, to burden it with rent charge entail

bond nor other encumbrance whatever, nor shall they have power to make a gift of the same;

3rd They may enclose it without prejudice to the Cross roads highways and rights of way; they shall enjoy it freely and exclusively, devoting it to such use or cultivation as best may suit them, but within one year they shall build a house and the same shall be dwelt in.

4th Upon confirmation to them of the ownership they shall request the competent Magistrate to give them the judicial possession in virtue of this Patent. Such Magistrate shall assign the boundaries in whose lines they shall place besides their land marks some fruit or serviceable forest trees.

5th The premises hereby granted consist of three ranges / sitios for neat cattle a little more or less explained by the documents relating to the same. The Judge who gives the possession shall cause it to be measured agreeably to ordinance the surplus that may result remaining for the nation to its behooving uses.

6th If they violate these conditions they shall loose their right to the tract and it may be denounced by another person.

In consequence I order that these presents serving them as a title, and being held as firm and valid, be entered of record, in the appropriate Book and delivered to the parties in interest for their protection and other ends.

Given at Monterey on the 9th of November One Thousand Eight Hundred and forty four.
 Manuel Jimeno
 Manuel Micheltreras
 Secretary.

This grant is entered of record in the appropriate Book at page 12,
 Jimeno

Pro Pro. Governor ad interim of
 the Department of the California.

The Most Excellent the Departmental
 Assembly in Session of the 3rd Instant
 has decreed the following,

Approved in all its parts the grants
 made by Senor Don Manuel Micheltorena
 as Governor of the Department to the
 Citizens Jose Antonio Serrano, Blas and
 Jose Aguilar of the tract called "Pauma"
 in accordance with the Law of the 18th
 of August 1824, and Art 5th of the
 Regulation of the 21st of November 1828,

And for the protection of the said
 Jose A. Serrano, Blas and Jose Aguilar
 I do so make it known,

Given at the City of Los Angeles
 the 6th of October One thousand eight
 hundred and forty five on this common
 paper for want of stamped.

Pro Pro
 Jose M. Covarrubias
 Secretary.

At the Port of San Diego on the 2nd day
 of the month of November of the year one
 thousand eight hundred and forty five
 before me Jose R. Arguello, Second Consti-
 tutional Alcalde of this said place and
 District: By virtue of the Petition
 presented by the Citizens Jose Antonio
 Serrano, Blas and Jose Aguilar to the
 end that Juridical possession be given
 to them according to the title which they
 subjoined granted by the Superior Govern-
 ment of this Department of the tract known
 by the name of Pauma and in compliance
 with the aforesaid ordered that I do repair

with the assisting witnesses to the premises aforesaid and that the said Señores Serrano Blas, and José Aguilar be placed in secure possession of the same.

I the undersigned Judge, have so decreed ordered and subscribed with the attesting witnesses according to law.

Attest José de Jesús Moreno

Attest Juan M. Marro.

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PAGE 30

Being at the premises of Panama on the seventeenth day of the month of November of the same year I determined to appoint two official line bearers whose names are omitted they not knowing how to write

I administered to them the appropriate oath. They promised faithfully to discharge their office which I set down in the minutes certifying and subscribing the same with my attesting witnesses according to law.

Attest José de Jesús Moreno

Attest Juan M. Marro

On the same day month and year being at the premises of Panama for the purpose of delivering the possession thereof to the Señores Serrano and Aguilar's, all the judicial requisites being complied with and the attesting witnesses and line bearers before me I caused a line of fifty varas in length to be measured fastening wooden poles at its extremities, and after observation and calculation under my direction the line was drawn from West to East.

There were measured and counted four leagues which ended on top of the Sierra in La Canada, where there are large stones and an oak. Here the parties interested were ordered to place their proper land mark.

From this point the line was drawn course. There was measured and counted

three leagues eight hundred varas which ended at a large rock, which stands in an enclosure / potrero / Here the parties interested were ordered to place their appropriate land marks.

From this point the line was drawn to the west. There were measured and counted three leagues which ended at an oak which stands in the road of Pala.

Here the parties interested were ordered to place their respective land mark.

Here also I informed the parties interested that they now were in secure and peaceable possession to enjoy the premises freely and without reserve, this proceeding being considered as closed.

Certified and subscribed by me with the Attesting witnesses according to Law.
 Attest José de Jesus Moreno
 Attest Juan M^a Mazon.

Filed in Office No. 1851,
 Geo. Fisher
 Sec.

Span 2000
 follows.

32.

No 439,

Before the Board of Land Commissioners

Stipulation

This hereby stipulated and agreed that the land claimed in this case lies in the State of California, South of the Parallel 37° of North Latitude.

L. H. McKune
Land Agent

E. C. Crosby of Counsel
for Claimants,

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Filed in Office Aug 22nd 1854.
Geo. Fisher Sec.

No 439,
Jose A. Senano vs
as
The United States

} For the place called
"Parrma" situated
in San Diego County containing three
square leagues of land,

Opinion of
The Board of
Commissioners
Alphens Dilch

The claimants have given in evidence, duly proved, a grant made to themselves by Governor Michelena dated November 9th 1844.

They have also proved in proper manner that said grant was approved by the Departmental Assembly on the 3rd day of October 1845, and that judicial possession of the premises was given to the grantee on the 15th day of November 1845.

The testimony of J. J. Warner shows a substantial compliance with the law by the grantees whose occupancy by personal residence on the place and cultivation of a portion

of the land seems to have been commenced in due time.

A decree of Confirmation will be entered
Confirmed.

Jose A. Ferrano et al,

vs
The United States,

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In this case on hearing the proofs and Allegations it is adjudged by the Commission that the claim of the Petitioners is valid, and it is therefore decreed that the same be confirmed.

The Land of which Confirmation is hereby made is situated in San Diego County and known by the name of Pauma and the same of which said Confirmees formally lived, and is bounded and described as follows, To wit; Beginning on the West side of said place called Pauma and running thence eastwardly on a north course four leagues ending on the top of the Sierra in a Canada where there are large stones and an oak tree; thence running South three leagues and eight hundred varas, ending at a large rock, which stands in an enclosure /protero/ thence running to the west three leagues ending at an oak tree which stands in the road of Pala, the place of beginning containing three square leagues of land, agreeably to the grant and map of the same, and the testimonial of judicial possession, which are on file in this case and to which for further description reference is to be had - excepting and reserving however from the premises above described the planting fields actually held by the Indians who were established within said track of land at the time the grant of the same was made, To these Confirmees bearing date November 9th A.D. 1844.

Alphens Felch
Thompson Campbell
R. Aug Thompson

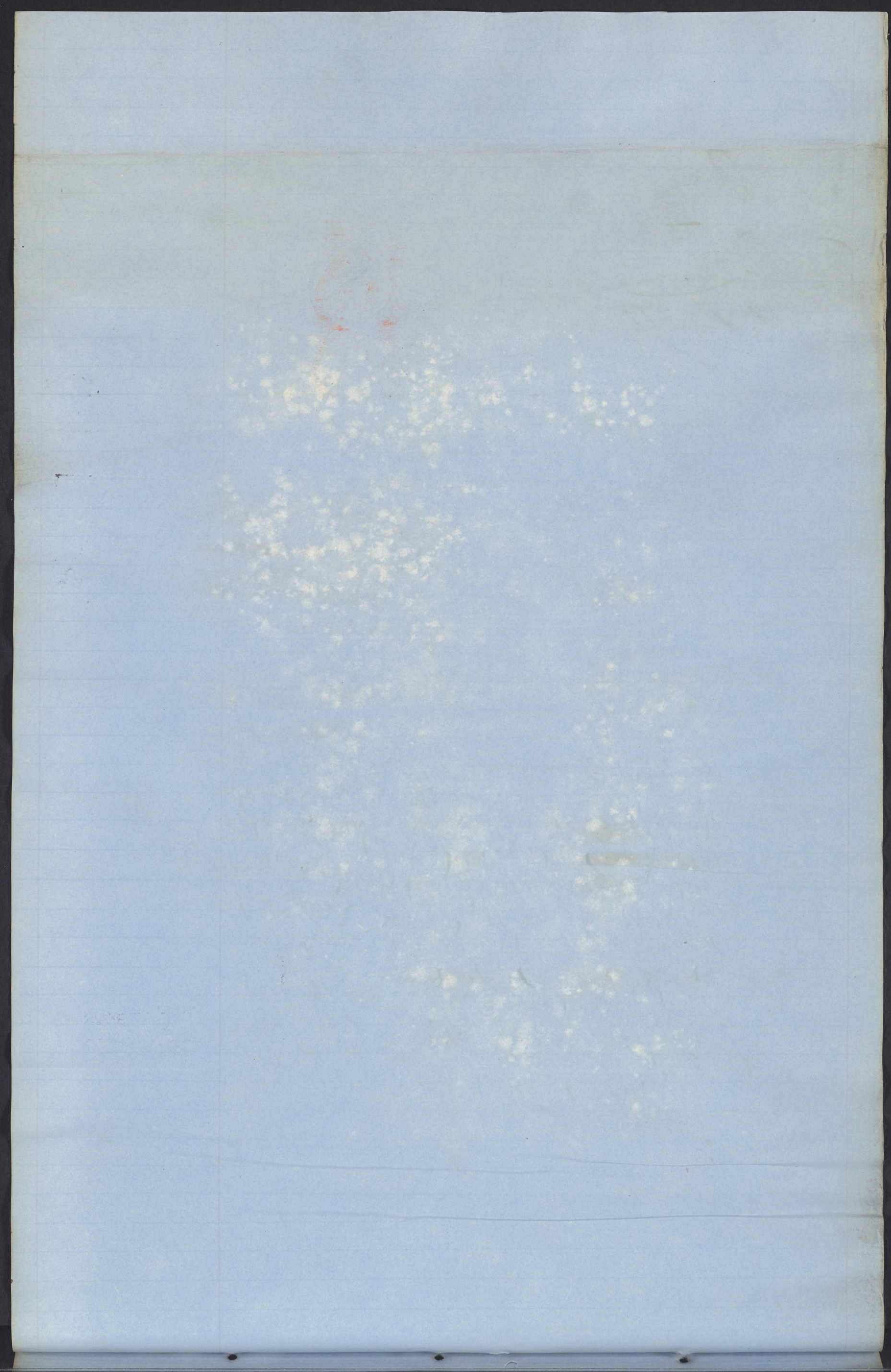
Commissioners

Filed in Office May 16th 1854. Genl Fisher Secy

35.

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,

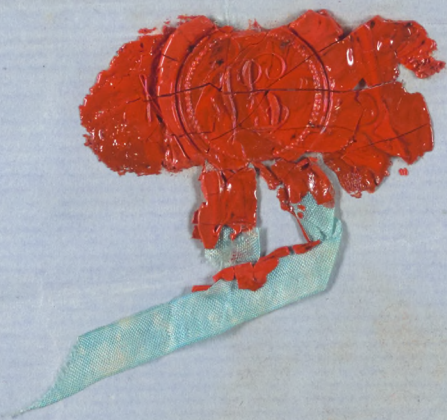
To ascertain and settle the Private Land Claims in the State of California.

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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Thirty five* pages, numbered from
1 to *35*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *439* on the Docket of the said Board,
wherein *José A. Serrano* is

the Claimant against the United States, for the place known by
the name of *Nauima*.

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=*seventh*



Geo. Fisher
Secretary

1

THE
MUSEUM OF
ARTS AND
CRAFTS

1850

1850



(11)

189

U. S. District Court
Southern District of California

No. 189. Dock

The United States.

~~No.~~ 189.

Jose A. Sereno, et al
"Petitioner"

Transcript of the Record
from the

Board of U.S. Land Commissioners
in Case No. 439.

Filed December 19th 1854.

J. E. Fox
clerk.

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No. 439



Office of the Attorney General of the United States,

Washington, 10th February 1855.

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Losi A. Serrano

vs.

The United States.

} 439.

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. 189}
U. S. District Court for
Southern District, Cal.

The United States

vs

Jose A. Serrano

Appeal Notice.

Filed April 10th 1855.

J. E. Carr,
clerk.

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Office of the Attorney General of the United States,

Washington, 10th February 1855.

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José A. Serrano

vs.

The United States.

} 439.

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.

No 189.

U.S.D. Court. S. Dist.

The United States

vs.

Jose A. Serrano

Appeal Notice.

Filed May 11th 1855.

J. E. Farr.
clerk.

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José^a Serrano ^{et al.} appellans
vs.

The United States appellants.

Docket No. 189.

Transcript No. 439.

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 1st day of November A. D. 1852, José^a Serrano, et al,

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 *Pueblo San Juan*

in the County of San Diego — State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 16th day of May — 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. 439; reference to which it is prayed may be had and made part of this petition.

That on or about the 25th day of November A. D. 1854, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit:
on ^{or about} the 10th day of April (11th May) A. D. 1855, the said
Attorney-General of the United States filed, or caused to be filed, in
behalf of the United States, a notice with the Clerk of said District
Court of the United States, that the appeal in said cause from the said
decision of the said Commissioners, in the District Court of the United
States for the Southern District of California, would be prosecuted by the
United States. Your petitioner further represents, that the land claimed,
as aforesaid, is situate in the Southern District of California, and within
the jurisdiction of this Honorable Court. Your petitioner further represents
and insists, that the said claim is invalid; and the said decision of said
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for
many errors and imperfections of law and evidence, apparent in said certified
transcript of the proceedings and decisions of said Commissioners in said
cause, filed and appealed from as aforesaid. And your petitioner denies all
and singular, each and every allegation in the said petition of said claimants
presented as aforesaid to said Commissioners. And your petitioner further
denies that the said claimants ^{have any} ~~has any~~ valid right or title to said land claimed
as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said pe-
tition to said Commissioners, or in support of the said claim, no decision con-
firming the same should have been made by said Commissioners; but the

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

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

J. P. M.

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

N^o 189.

W. D. H. Lomb
County of San Diego

Case A. Serrano et al

vs
The United States

Petition of Return

Filed July 5th 1829

Clerk
of Court

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

The President of the United States,
TO *Jose A Serrano et al*

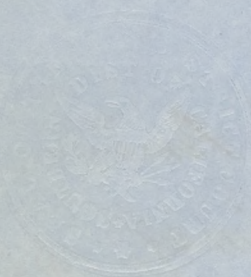
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Greeting :

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 *fifth* day of *January*, in the year of our Lord one thousand eight hundred and fifty-~~seven~~, at the City and County of Los Angeles, in said District, by *P Ara* praying said Court to *review the decision of the United States Land Commissioners of the 16th day of May A.D. 1854 confirming your claim to the land called Paima*

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 *sixth* day of *January* A. D. 185 *7*.



C. J. Smith
J. H. Coleman
Dep

CLERK.

No. 189

UNITED STATES OF AMERICA,

Southern District of California,

U. S. DISTRICT COURT.

In re Evans et al

appellus

The United States

appellus

SUMMONS.

Received *Jan 10th* 1857

Edward Hunter

U. S. MARSHAL.

Wm. G. Adams
189 50
Sept.

PAGE 45

Given on return this 14th
May A D 1858
Levin et al
J. J. Voluntary
Dep.

I served this Summons, together with a certified copy of the Petition, upon

not found

at _____ in the Southern District of California, on
the _____ day of _____ A. D. 185 .

Sworn to and subscribed before me, *this*
14th day of May A D 1858

Levin CLERK.

J. J. Voluntary
Dep.

J. C. Penick U. S. MARSHAL.

Wm. G. Adams
Dep.

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

Sir:
In the case of the claim of
Johi A. Serrano, et al., confirm-
ed to the claimants by the Commis-
sioners, Case no. four hundred and
thirty-nine, (439), appeal will not
be prosecuted by the United States.
I am,

Respectfully,
C. Smith

Recipient, Ad. Esq.
U. S. Attorney
Los Angeles.

No 189

Filed this 1st July 1888
at St. Louis Mo
J. W. Coleman
Dep