

CASE No.  
193

SOUTHERN DISTRICT

SANTA GERTRUDES GRANT

CONCEPCION NIETO, ET AL.

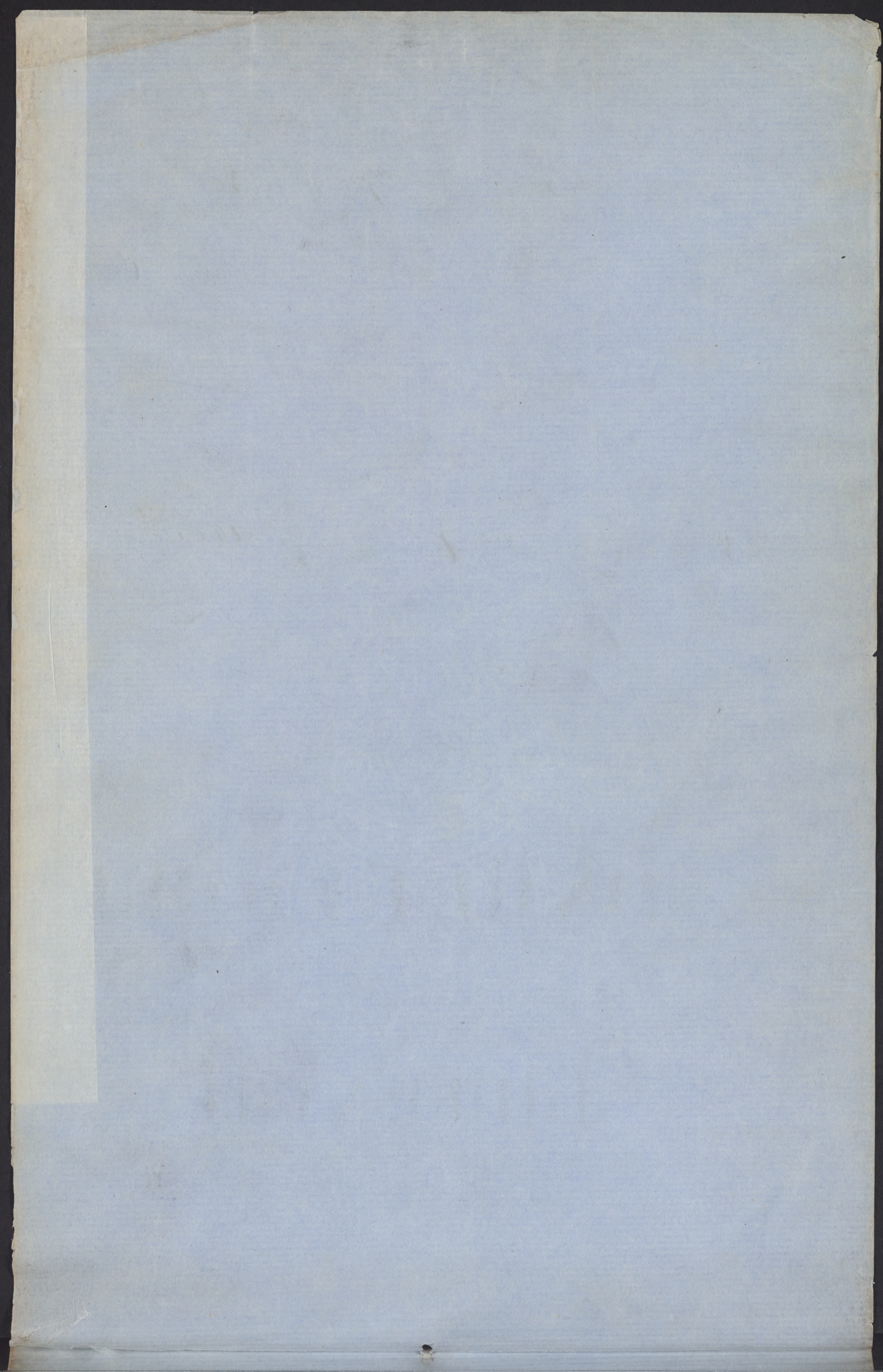
CLAIMANT

SD

MAR 11 1963

SPY COLLECTION BUREAU  
BYGONE BOND  
CONFIDENTIAL

423



TRANSCRIPT  
OF THE  
PROCEEDINGS

IN CASE

NO. 423.

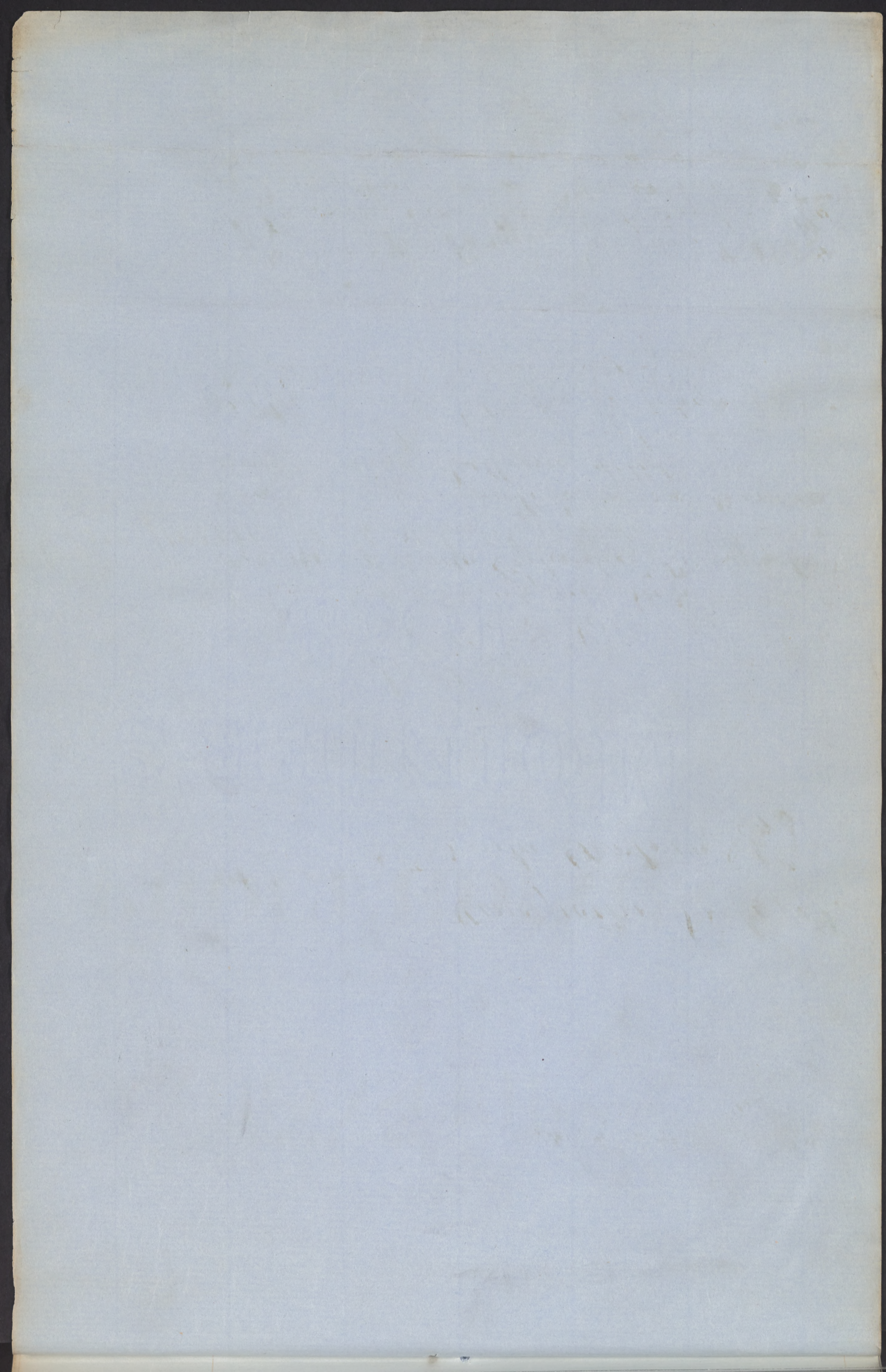
*Concepcion Nieto, et, al,* CLAIMANT &

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

1" *Santa Gertrudes.* "



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

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The Petition of *Concepcion Nieto, et al,*  
for the Place named  
*"Santa Gertrudes."*  
was presented, and ordered to be filed and docketed with No. 423 and  
is as follows, to wit;

(Vide page 5 of this Transcript.)

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

*Sos Angeles, November 1' 1852.*  
In Case No 423, *Concepcion Nieto, et al,* for the  
place named *"Santa Gertrudes,"* the deposition  
of *Francisco Duran Sepulveda,* a witness in  
behalf of the Claimants, taken before Commis-  
sioner *Richard Hall,* was filed.

(Vide page 7 of this Transcript)  
In the same case the parties litigant filed  
the following agreement, to wit:  
(Vide page 39 of this Transcript)

*Sos Angeles, November 2' 1852.*  
In the same case the deposition of *Juan Gal-*  
*sardo,* a witness in behalf of the Claimants, taken  
before Commissioner *Richard Hall,* was filed.  
(Vide page 8 of this Transcript)

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Los Angeles November 8<sup>th</sup> 1852.

In the same case the deposition of J. Antonio Carrillo, a witness in behalf of the Claimants, taken before Commissioner Heiland Hall, was filed.

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(Vide page 9 of this Transcript)

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Los Angeles November 12<sup>th</sup> 1852.

In the same case the parties litigant filed the following agreement, to wit:

(Vide page 39 of this Transcript)

In the same case the Claimants filed as evidence in his behalf by agreement with the Associate U. S. Law Agent, a certified copy of the deposition of Nicolas Alariz, heretofore taken before Commissioner Heiland Hall, in case No 402, on the Docket of this Board, and is as follows, to wit:

(Vide page 9 of this Transcript)

San Francisco December 27<sup>th</sup> 1852.

In the same case an authenticated copy of the deposition of Jose Antonio Carrillo, a witness in behalf of the Claimants, taken before Commissioner Heiland Hall, in case No 404, Abel Starnes for the place named "Los Alamos" was filed.

(Vide page 10 of this Transcript)

San Francisco December 31<sup>st</sup> 1852.

In the same case the Counsel for the Claimants, filed the following agreement, to wit:

(Vide page 39 of this Transcript)

San Francisco, Jan 21<sup>st</sup> 1853.

In the same case a certified copy of the deposition of Felipe Salamantet, a witness in behalf of the Claimants in case No 404, taken before Commissioner Heiland Hall, on the 11<sup>th</sup> November 1852, was



3  
filed by the Council in this case, by consent  
of the U. S. Associate Law Agent.  
(Vide page 13 of this Transcript)

San Francisco Jan 24' 1853.  
In the same case the Council for the Claimants presented an Unsworn petition; ordered that the same be filed among the papers in the case, and is as follows, to wit:  
(Vide page 15 of this Transcript)

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San Francisco Oct 18<sup>th</sup> 1853.  
In the same case the Council for the Claimants filed the following Stipulation, to wit:  
(Vide page 40 of this Transcript)

San Francisco Oct 19' 1853.  
In the same case the depositions of J. A. Warner, a witness in behalf of the Claimants, taken before Commissioner Thompson Campbell, was filed.  
(Vide page 13 of this Transcript)

San Francisco Oct 26' 1853.  
In the same case an authenticated copy of the depositions of T. S. Colvina, a witness in behalf of the Claimants, taken before Commissioner Hiland Hall on the 23<sup>d</sup> Oct, 1852, in Case No 339. Samuel Carpenter, was filed, by consent of the Law Agent, as evidence in this case.  
4 (Vide page 14 of this Transcript)

San Francisco April 18' 1854.  
Case No 423, was submitted on briefs and taken under advisement by the Board.

San Francisco July 8<sup>th</sup> 1854.

In the same case the Counsel for the Claimants  
filed an authenticated copy of the deposition  
of Tomas Sanchez Belina, a witness in  
behalf of the Claimant in No 339, Samuel  
Carpenter, for the place named Santa Ger-  
trudes, taken before Commissioner Heland  
Hall on the 23<sup>rd</sup> October 1852, as evidence  
in this case, in accordance with the stipu-  
lation with the U. S. Law Agent on the  
18<sup>th</sup> October 1853.

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(Vide page 14 of this Transcript)

San Francisco Sept 12<sup>th</sup> 1854.

In the same case Commissioner Alpheus  
Felch delivered the opinion of the Board  
rejecting the claim.

(Vide page 41 of this Transcript)

In the same case the following order was  
made, to wit:

(Vide page 57 of this Transcript)

To the Honble. Board of Commissioners to ascertain and settle Private Land Claims in the State of California  
 The petition of Petra Nieto de Alepuz widow of Martin Alepuz deceased, of Concepcion Nieto, of Diego Nieto, of Jose Antonio Nieto of Dolores Nieto (wife of Wm. G. Dryden and Jose de Jesus Nieto all of Los Angeles County respectfully shows, that they claim in fee a certain tract of Land situate in said County and known by the name of "Santa Gertrudis" containing five square leagues more or less

Petition

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Your petitioners further show that their grand father Manuel Nieto died seized in fee about the year 1804 - 5 of a tract of Land bounded by the river San Gabriel by the Camino (old road) Sta Ana, by the river Sta Ana and by the sea, within said tract was included "Santa Gertrudis"; and that at his death he left four children and only heirs to wit: Jose Antonio Maria (the father of your petitioners) Jose Antonio and Manuela, and that they succeeded to all his Estate and seized, and that they possessed the said tract in undivided portion up to the death of their father the said Antonio Maria, who died seized thereof in 1833 and that after his death your petitioners succeeded to all his Estate and seized and continued to possess the last described tract of land in undivided shares until some time 1833 when upon the petition of the said Juan Jose one of the heirs, Jose Figueroa Governor of California made an informal division of said tract of Land and issued separate titles to each of said heirs or their representatives declaring the property of a certain specified parts of the said tract of Land to be theirs, by reason of their having proved their heirship to the Estate of Manuel Nieto, and that titles were issued to Josefa Leota widow of the said Antonio Maria and to Catalina Ruiz widow of the said Jose Antonio who also died in the month of 1833. of the same "Santa Gertrudis" of "Las Bolsas" respectively as trustees for the benefit of their children

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Your petitioners further show that they believe and aver the title of Manuel Nieto to have been derived from the years 1784 and 1791 from a grant of Don Pedro Bages Governor of the Peninsula under Spanish power in pursuance of power in him vested which said grant was subsequently known to and approved

6  
7  
Keroy of New Spain sometime previous to the death of the said Manuel Nieto, upon what particular titles cannot be clearly shown owing to the loss of the papers and the destruction of the records relative thereto -

Your petitioners further show, that the possession of Manuel Nieto, and his sons up to the time of his death of the said father of these petitioners was peaceable, uninterrupted, public, in good faith according to rules and bounds as Owners actual and adverse to the world, and that it was known and recognized, and confirmed by the Spanish and Mexican Governments -

Your petitioners further show that tho' the petition made by Governor Figueroa may have been unjust and unequal, yet that they are willing for the purpose of avoiding extensive litigation to confirm the same and that it has been recognized by all the other heirs

Your petitioners further represent that the said Josefa Corta their Mother, without any authority illegally pretended to sell "Santa Gertrudis" in 1843 to one Samuel Carpenter, who has filed a claim number 100 on the Docket of your Honble Board, to said tract of land as the grantee claiming it in fee. Your petitioners further represent that the said Josefa Corta never had any title to "Santa Gertrudis" that the Document signed by Jose Figueroa was not a grant to her individually but simply a recognition of the title by the Mexican Government of the said Manuel Nieto, and the declaration that the said Rancho of Santa Gertrudis was the property of the said Josefa Corta widow of Antonio Manuel Nieto as she had proceeded her heirs to the Estate of Manuel Nieto, that meaning that she represented and trustee your petitioners, who were heirs to the said Manuel Nieto, and who at that time were all minors, the eldest being about thirteen or fourteen years of age. Your petitioners further represent that peaceful possession of Santa Gertrudis was given to their said trustee, and its boundaries defined and marked out and that since then, she and the said Carpenter who claims under her have been in peaceable possession of the same, and that they know of no conflicting claim -

They rely upon such documentary and verbal testimony as they may be advised may be necessary to sustain the allegations of this petition and to establish claim and they pray the Honble Board to take into consideration the said claim and decree it good and valid and to confirm the same.

By their Attorney  
M. G. Lyden

Leicester Print

Filed in office Oct 28th 1852 Geo. Fisher Secy  
Concepcion Nieto et al No.

Los Angeles Nov. 1st 1852

423  
Deposition of  
F. J. Sepulveda

On this day before me came Francisco Javier Sepulveda a witness in behalf of the claimant Concepcion Nieto et al petition No 423 and was duly sworn his oath being given in Spanish was interpreted by the Secretary.

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The U.S. Associate Law Agent was present. In answer to questions by counsel for the claimant the witness testifies as follows:

My name is Francisco Javier Sepulveda my age is seventy three years and I reside in the City of Los Angeles.

I know Manuel Nieto and have known him ever since my childhood - He died thirty years ago or more. He occupied the Rancho of "Santa Gertrudes", had a house on it in which he lived with a large family and herd cattle and horses on it. He had three sons and three daughters; the sons were Juan Jose, Jose Antonio and Antonio Maria. After the death of the father, the sons obtained families lived on the land and continued the occupation as before. The stock of cattle and horses was large amounting to thousands of heads. I know the boundaries of the Rancho; they are the river San Gabriel on the one side and the river Santa Ana on the other. The old main road, the Old Main is another boundary & the Coast a fourth boundary. I have seen the cattle and horses of the Nietos ranging over the whole extent of this land many times. They occupied all the land within these boundaries. I knew the family of Antonio Maria Nieto. His wife was Maria Josefa Cortez. He and his wife are both dead. They left two sons & I believe three daughters.

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In answer to questions by the Associate Law Agent the witness says that Manuel Nieto was always under

strove to be the owner of the Land that it was granted him by the King for his long services as a Soldier - I recollect the time when Manuel Nieto first established himself at the Rancho Santa Gertrudes, but I do not recollect the year, it was at a time when I was a Soldier, for I used to take wild horses that to be broke for the service - I enlisted as a Soldier when I was Eighteen years of age and served for twenty one years. The Governor's name at the time the Rancho was established was Pedro Fages. When I enlisted as a Soldier, Arcebuca was Governor and captain; but was soon superseded by Borreau - Jose Romera succeeded Fages as Governor

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Francisco Javier Sepulveda  
Sworn & subscribed before me Iceland Hall Com  
Filed in Office Nov. 1. 1852 Geo Fisher Secy  
Los Angeles Nov. 2a 1852  
On this day before Com Iceland Hall came Juan Gallardo & company in behalf of the Claimant Concepcion Nieto et al petition No. 423 and was duly sworn his recance being interpreted by the Secretary -

Deposition  
of Juan  
Gallardo -

The U. S. Associate Law Agent was present  
In answer to Questions by Counsel for Claimants the witness testified as follows  
My name is Juan Gallardo, my age is fifty seven years and I reside at Los Angeles  
I was not acquainted with Antonio Maria Nieto he having died before I came to the country. I know his children, the following are still living three sons named Diego, Jose de Jesus, & Jose Antonio and three daughters named Petra, Concepcion & Dolores. I think Diego is about twenty two years old, Jose Antonio about nineteen Jose de Jesus about 17 or Eighteen - I think Petra is about thirty five years old Concepcion is about twenty two & Dolores about twenty - When I first knew them they lived on the Rancho Santa Gertrudes this was in 1833 I was in the family and taught the children how to read. There were two other sons who are deceased one was about Eighteen years old when he died and the other about five years, the eldest who died was unmarried  
Sworn & subscribed Juan Gallardo

Before me Iceland Hall Com  
Filed in Office Nov. 2a 1852  
Geo. Fisher Secy

Los Angeles Nov. 8th. 1852

On this day before Commissioner Iceland Hall came Jose Antonio Carrillo, a witness in behalf of the claimant Manuel Nieto et al and was duly sworn his evidence being given in Spanish and interpreted by the Secretary

The U.S. Associate Law Agent was present

In answer to inquiries by counsel for the claimant the witness testified as follows

Deposition  
of Jose Antonio Carrillo

My name is Jose Antonio Carrillo my age is forty seven years & I reside in Los Angeles I am a native of California I know Antonio Maria Nieto. He was married to Josefa Lota. They were received in Society as man & wife and lived together as such. I was present at their marriage in this city. I know one of their children a son by the name of Diego. I know daughters of theirs but do not remember their names. Antonio Maria Nieto and his wife lived on the Rancho called Santa Gertrudis in the County of Los Angeles.

José Antonio Carrillo

Sworn & subscribed before me - Iceland Hall Comr  
Filed in Office Nov. 8th 1852 Geo. Fisher Secy  
Los Angeles Oct. 28th 1852

On this day before Commissioner Iceland Hall came Nicolas Alanes a witness in behalf of the claimants Roman Yuba et al Petition No. 402 and was duly sworn his evidence being interpreted by the Secretary

The U.S. Associate Law Agent was present

In answer to inquiries by counsel for the claimant the witness testified as follows

Deposition  
of Nicolas Alanes

My name is Nicolas Alanes my age is sixty nine years and I reside in Los Angeles. I am a native of California and have lived in this place ever since the year 1801

I know Manuel Nieto from my boyhood. He died in 1804. I first knew him as a Soldier in the year 1795

he went and lived on his Rancho. It was called Santa Gertrudis. It is situated about four leagues and three quarters from the Mission of San Gabriel

I know the boundaries from other persons. They are on one side the main road, on the other side the sea coast, on another the river San Gabriel and on the fourth side is the river Santa Ana. I have understood these to be the boundaries as long as I can recollect.

When I was Mayor of the Mission of San Gabriel in 1813, 1814 & 1815 these boundaries were recognized and before that time Manuel Nieto before he

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deed had more stock than any one else in California  
 and the missions obtained their stock from  
 him. At the death of Nieto he left four children, three  
 sons Juan Jose, Jose Antonio, & Antonio Maria & one  
 daughter named Manuela. She remained with the  
 widow, living on the place & occupied it with  
 stock. In 1812 an inventory of his cattle that were  
 gathered in a bonal was taken amounting to five thousand  
 head. There were other wild ones of which I cannot  
 make an estimate. They had been selling large numbers  
 at different times & I can not tell how many were left.  
 They had neglected branding their cattle for eight  
 years in consequence of a dispute, Nieto and Juan Jose  
 Dominguez had about some cattle that they had placed  
 on the Rancho. The Nietos had also large numbers  
 of horses, so numerous that they were obliged to kill  
 the wild ones. The Rancho Las Bolsas constituted a  
 part of the Rancho of Manuel Nieto. I can not recall  
 when I was a boy that the title papers were sent to  
 Mexico & Spain and were approved by the Viceroy  
 of Mexico. I never saw any papers. The places called  
 Coyotes and Santa Gertrudis were part of Nieto's  
 Rancho.

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Sworn & subscribed before  
 Nicolas <sup>of</sup> Alaric  
 Marshall

Island & Hall Comr

I hereby certify the foregoing to be a true and correct  
 copy of the original on file in this office in case  
 No 404. Los Angeles Nov. 6th 1852 Geo. Fisher Secy  
 Filed in office Nov. 12. 1852 Geo. Fisher Secy

Deposition  
 of Jose Antonio  
 Carrillo

Los Angeles Nov. 8th 1852  
 On this day before Comr Island & Hall came Jose Anto-  
 neo Carrillo a witness in behalf of the claimant Abel  
 Stearns Petition No. 404 and was duly sworn his wi-  
 dence being interpreted by the Secretary.  
 The U S Associate Law Agent was present  
 In answer to questions by Counsel for the Claimant  
 the witness testified as follows:  
 My name is Jose Antonio Carrillo my age is fifty seven  
 years and I reside in Los Angeles. I am a Native of  
 California.  
 I am acquainted with the hand writing signatures of  
 Manuel Dominguez, Ignacio Coronel, Francisco  
 Alvarado, Jose Perez, Manuel Arzaga, Vicente Moraga  
 Ignacio del Valle and Felipe Valenzuela



11  
A paper is now shown me purporting to be an instrument of conveyance from Juan Jose Nieto to Jose Figueroa dated June 30, 1834 and to which is attached an instrument of conveyance from the said Execution of said Figueroa to Abel Stearns dated July 12, 1842. Said paper is hereto annexed, marked S. S. No. 1. The signatures of the said Dominguez, Coronel, Alvarado, Perez, Arzaga, Moraga and del Valle appearing on said paper I believe to be genuine. Jose Perez was acting as Alcalde at the date of the first instrument in 1834 and said Dominguez as Justice of the Peace at the date of the second in 1842 and they were authorized to sanction and certify such instruments. Another paper is also shown me purporting to be a testimonial of Juacelal Popojin dated in September 1842. It is hereto attached and marked S. S. No. 2. The signatures of said Dominguez, Coronel, and Valensuela appearing on said paper I believe to be genuine. Said Dominguez was Justice of the Peace and Judge of first Instance and authorized to give such testimonial. I was acquainted with the children of Manuel Nieto. They were Juan Jose, Jose Antonio, Antonio Manuel and Manicella. I know the tract of land occupied by said children. When I was quite a young man about forty five years ago, I was at the house of Juan Jose and at his request I wrote a letter for him to the Priest of the Mission of San Gabriel requesting him to take away some sheep from the said Juan Jose Nieto's land. At that time he showed me a little paper by which the land had been granted by Governor Pedro Fages by order of the Viceroy of Mexico, as the little paper states. The boundaries of the land in said little paper were the river San Gabriel, the river Santa Ana, the main road leading from San Diego along the hills to San Gabriel on the sea coast. The land has since been divided between the heirs of said Manuel Nieto. The Rancho Alamitas is a part of the land included within the boundaries before mentioned. In answer to enquiries by the Associate Land Agent the witness says he was from twelve to fourteen years of age when he wrote the letter. Also the order from the Viceroy to the Governor which was mentioned in the little paper a Special Order to

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to grant Land to Nieto or a general Order to make grants,  
Answer. I do not know.

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Do you recollect whether this letter made any mention  
of the Commandant General of the Internal Provinces  
Answer. It did not mention him.

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José Antonio Carrillo

Sworn & Subscribed before me & I and I shall come  
I hereby certify the foregoing to be a true & correct  
copy of the Original on file in this office in case  
No. 404 San Francisco Dec. 11th 1852

Geo. Fisher Secy

Filed in Office Dec. 24th 1852 Geo. Fisher Secy  
Los Angeles Nov. 11th 1852

Deposition  
of Felipe  
Salamantes

On this day before me & I and I shall come Felipe  
Salamantes a witness in behalf of the Claimant Abel  
Stearns petition No. 404 and was duly sworn his  
evidence being interpreted by the Secretary  
The U. S. Associate Law Agent was present  
In answer to enquiries by Counsel for the Claimant  
the witness testified as follows

My name is Felipe Salamantes my age is about  
eighty five years and I reside in the County of  
Los Angeles I have lived in the District of Los  
Angeles for fifty or sixty years. I knew Manuel  
Nieto upwards of fifty years ago. I was in his  
employ. He lived on the Rancho of Nietos. I lived  
with him about two years. I cannot tell how many  
years it was before his death. I knew the bounda-  
ries of the Rancho. They were the River Santa Ana  
the River San Gabriel the Old main road and  
the Sea Coast. I cannot tell how long Manuel  
Nieto occupied the Land before his death. He was  
occupying the Land when I first came here. He had  
a house on the Land in which he lived with his  
family. He had great numbers of cattle & horses  
perhaps or twenty thousand or more. He had corn  
and cultivated lands. I was about twenty five or  
twenty six years old when I lived with him with  
Sara Nieto. I cannot tell how long ago he died.  
Nieto was a Soldier, and an old man when he  
retired from the Service and I believe the land was  
given him by the King. Tho' I never saw any papers  
not being able to read. I heard Nieto and his  
children say they had papers that came from the  
Viceroy or from some where. Manuel Nieto occupied

the whole Land included within the boundaries  
 before mentioned with cattle and horses  
 Decisions by the Associate Law Agent  
 Who did the soldiers receive their pay from?  
 Answer. From the King. When they returned as involved they  
 received it by Order of the King.  
 How old was Manuel Nieto when he died?  
 Answer. I cannot tell, he was a very old man  
 (Signed) Felipe <sup>by</sup> Salcamentes  
 Sworn & Subscribed before me  
 Ireland Hall Comr

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San Francisco June 31st 1853  
 I hereby certify that the foregoing is a true and correct  
 copy of the original on file in this Office in case  
 No 404  
 Geo. Fishu Secy

Deposition  
 of J. J. Warner

Filed in office January 31st 1853 Geo Fishu Secy  
 Office of the Board of Commissioners &c &c  
 This day before Comr R. Aug. Thompson Campbell came  
 J. J. Warner a witness in behalf of claimants Concepcion  
 Nieto et al No 423 who after being duly sworn deposed  
 as follows -

What is your name age and place of residence?  
 My name is J. J. Warner. I am forty five years of age  
 and I reside at San Diego  
 Are you acquainted with the tract of Land called  
 Santa Gertrudes, and if so, state if you know how was  
 it occupied?  
 I knew the said Land in 1834. Said tract was occu-  
 pied by Josefa Botia the widow of Nieto - Patricia's  
 Orlenas and others holding under her. There were Adobe  
 houses and carols on the tract. I do not know that  
 there were any cultivated fields on the tract that year  
 not having formed an intimate acquaintance with  
 the family people in that vicinity. I know that they  
 cultivated fields to a considerable extent in various  
 years previous to a change of the sovereignty. There were  
 also large number of cattle and horses on the land  
 Associate Law Agent present - J. J. Warner  
 Sworn and Subscribed

Before me this 19th day of Dec 1853  
 Thompson Campbell Comr  
 Filed in Office Oct. 19- 1853  
 Geo. Fishu Secy

Los Angeles Oct. 23<sup>rd</sup> 1853

Deposition  
of P. S. Colima

On this day before Commissioner Selan Hall came  
Thomas Sanchez Colima a witness in behalf of the  
Claimant Samuel Leayenta petition No. 339 and was  
dearly sworn, his verities being interpreted by the  
Secretary —

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The U. S. Associate Law Agent was present  
In answer to questions by counsel for the claimant the  
Witness testified as follows

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My name is Thomas Sanchez Colima, my age is  
forty eight years and I reside at Los Angeles  
I am acquainted with the Rancho of Santa Gertrudis  
it is in the County of Los Angeles about three leagues  
from this place in a southerly direction. I have known  
the Land since my boyhood. I was deceived by  
Manuel Nieto dead some years ago. I cannot tell  
how long after his death his children occupied —  
Samuel Leayenta bought it of the widow of Antonio  
Maria Nieto, and a son Manuel Nieto and has occu-  
pied it ever since that time —

The Nietos lived on the place, had houses and small  
stocks of hogs and cattle. Mr Leayenta lives on it  
now. has hogs and cattle and cultivates the Land  
I am an adjoining neighbor to him

Questions by the Associate Law Agent  
Have you known of any adverse claim to the land  
Answer — No.

(Signed) Thomas <sup>his</sup> Sanchez Colima  
Sworn and subscribed before me  
Signed Selan Hall Comr

I George Fisher Secretary of the Board of U. S. Comm-  
issioners to ascertain and settle private land claims  
in the State of California, hereby certify the foregoing  
to be a full true and correct copy of a paper on  
file among the archives of said Board and in my  
care and custody as such Secretary.  
Witness my hand this 23<sup>rd</sup> day of October 1853  
Geo. Fisher Secy

Filed in office Oct. 26<sup>th</sup> 1853

Geo. Fisher Secy

Amended petition To the Hon. Board of Commissioners to ascertain and settle the Private Land Claims of California  
The amended petition of Concepcion Nieto, of Petra Nieto de Alipaz widow of Martin Alipaz deca, of Diego Nieto, of Jose Antonio Nieto, of Dolores Nieto wife of William G. Dryden, of Jose de Jesus Nieto of this by leave of the Hon. Board just had and obtained, respectfully shows that they amend their petition, by striking out the words "and containing five square leagues more or less" and inserting in their place "bounded by the Mission of San Gabriel and the Rancho of "Las Coyotes" and "Los Santos" and the said claimants pray as in their original petition and as in duty bound &c  
By their Atty

J Lancaster Bone

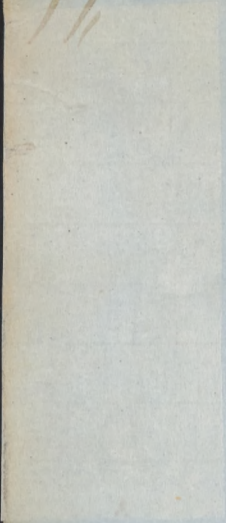
Filed in office Jan'y 24th 1853

Geo. Fisher

Secy

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423-

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Here precedes map

2. S. D. N. Dello Tercero

Para los años de mil <sup>Place of Seal in the Dos. Reales</sup> Original ochocientos veinte y seis y ochocientos veinte y siete.

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<sup>Place of a Stamp in the Original for the year 1828 y 1829</sup> Don Jefe superior Político. El ciudadano Luciano Trifalva natural del Estado de Sonora y abien-  
dado en este Territorio con poder bastan-

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<sup>Place of a Stamp in the Original for the year 1830 y 1831</sup> te del Ciudadano Juan José Nieto cuyo derecho y acción represento a U. S. con el debido respeto y pa. el Ocurro mas a portuno hago presente

<sup>Place of a Stamp in the Original for the year 1832 y 1833</sup> q. el año de 1884 le fue concedido en prope. por el Don Gobernador D. Pedro Tajes a Manuel Nieto la posesion de Terrens q. dem. el dise-

San Diego 2 y de Julio de 1833.

Vista la presente en mi poder. dante, si gueron en estancia; o ando p. pacifica proce. ocupando dho notoriedad publica Terreno como legi. propietarios la posesion pasifica q. en este Estado se ha y jamas interrumpido mas ha Veinte y nueve años con q. Manuel Nieto y sus herederos

no q. con el debido respeto a com. Que havendo fallecido -- su deros entre quienes ha se cabe en dante, si gueron en ocupando dho notoriedad publica Terreno como legi. propietarios la posesion pasifica q. en este Estado se ha y jamas interrumpido mas ha Veinte y nueve años han transcurrido hasta la

3. S. D. N.

han disputado de el gozo de sus derechos -- Que los terrenos demarca havendose extrañado los titulos dno en el diseño; visto q. Legitimavan la propiedad del el expediente en q. Terreno ocurrio varias veces al Jefe constala concesion superior Político para q. en virtud de dho terrenos hech. de las Bonif. estancias existentes por el Gobernador en el Archivo se le espiciera nuevo D. Pedro Tajes al titulo mas en bano repetio sus acciones mencionadas chito hasta q. la Bondad de U. S. se sir con todo lo demas vis atenderlo librandole testimonio q. se tubo presente de la unica Bonif. estancia se encon y ver convino: deto. = to en el harchivo pero q. es bastante tal conformidad a combencer la legitimidad con con las leyes y Re que ha poeido el mencionado Terren glamento de Camano como se demarca en el Exped. Terria con supccion q. respectivamente acompaño en a las condiciones y fojas utiles, a fin de q. dandolo por que señalen se de bastantes y legal se sirva en su clarar dueños merito de justicia como se lo supli

Place of Seal in the Original for the year 1832 y 1833



Note by the Surveyor  
The dotted lines show  
the worn off edge of  
the Orig<sup>l</sup> Sheet...

L. S. D. 18

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PAGE 18

en propiedad a = co, librarle el Título correspon =  
 an José Nieto de los diente y mandar q<sup>d</sup>. se le de pose  
 ages nombrados los eron jurídica. Que deseoso de q<sup>d</sup>.  
 otes, Alamitos y para todos los herederos disputen de  
 to: a D<sup>na</sup> Manuela la merced concedida a su finado  
 rito de los Devritos padre, suplico a V. O. q<sup>d</sup>. si no hub  
 a<sup>ca</sup> Josefa Botta viuda en conveniente, se espidan  
 D. Antonio Maria por separado los títulos de la par  
 lito de Santa Gertrudis q<sup>d</sup>. acceda uno corresponde a q<sup>d</sup>.  
 des: ..... queda de marcado en el mismo  
 a<sup>ca</sup> Catalina Ruiz Diseño en estos terminos. ....  
 rrida de D<sup>na</sup> Jose el paraje de Santa Gertrudis  
 Antonio eto a el para D<sup>na</sup> Josefa Botta y sus hijos  
 paraje de las... como viuda del finado Antonio  
 tras. Librencé los Maria Nieto: el paraje de las  
 ilos correspondiente, bolsas para D<sup>na</sup> Catalina Ruiz  
 ndue dar la pose y sus hijos como viuda del fin  
 n. jurídica que pre do José Antonio Nieto; el paraje  
 den hagase saber los Devritos para D<sup>na</sup> Manuela  
 r partes, y respeto. Nieto y el resto en que se compreni  
 a que no se pueden dar los p - jes nombrados los Boyotas  
 estended los títulos Alamitos p. Alto V<sup>o</sup> para mi p<sup>o</sup>  
 hta estar en la Cap<sup>l</sup> der ante D<sup>na</sup> José Nieto; quien como  
 tal librese provision buvesa de familia ha resuelto fee  
 almt<sup>o</sup>. un testimonio tuar estas particiones en Beneficio  
 certificado de este de sus de sus deudas y para evitar  
 decreto para que todo motivo de litigio pida encare  
 entre tanto les surra acidadamt<sup>o</sup>. se posecione a cada  
 resguardo a los intereses uno de la parte q<sup>d</sup>. les corresponde  
 do. El Sr D. José de en tal concepto.  
 gueroa Jefe sup. po. A. V. S. suplico se sirva acc  
 litico de este Territorio der a mi solicitud en q<sup>d</sup>. se eivri  
 asi lo mandò decreto gracia y justicia q<sup>d</sup>. imploro:  
 y p<sup>o</sup>mo de que doy Duro no ser de malicia y lo nece  
 fee. sario. V<sup>o</sup>

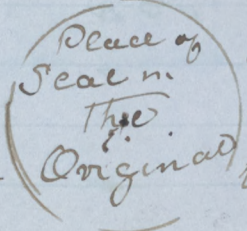
José Izquieroa  
Agustin V. Zamora  
na. S<sup>ro</sup>.

San Diego veinte y seis de Julio  
de mil ocho cientos treinta y  
tres.  
Luciano Grifalbo.

19

F. S. D. 18.

Sello Tercero  
para los años de  
seis y ochocien.



Dos Reales  
mil ochocientos veinte y  
tres, veinte y siete.

Place of a Stamp in the Original for the years 1828 & 1829

Monterey Diciembre 21 de 1833. Cumplase lo mandado en el antecedente Decreto expidiendose los Titulos con pre-

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Place of a Stamp in the Original for the years 1830 & 1831

juridica, respecto a que la antigua y pilitada consecucion y posesion es de ellos. El Cor D. Jose Segueria Gral de Brigada y comandante Gral Jefe superior politico del Territorio asi lo mando decreto y firmo de que doy fe.

Place of a Stamp in the Original for the years 1832 & 1833

Jose Segueria. Agustin V. Zamorana Orio. G. S. D. R. Jose Segueria General de Brigada de los Ejercitos nacionales Mexicanos, comandante Gral Inspector y Jefe superior politico del Territorio de la Alta California.

A. l. p. 28

Por cuanto D. Juan Jose Nieto tiene acreditado su derecho a la Testamentaria del finado Manuel Nieto y tomándolo en consideracion la Antigua y pacifica posesion que tiene del paraje conocido con el nombre de Sta Gertrudes Los Territos, los Alamitos las Bolsas y el Rancho de Paticio practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto p. las Leyes y Reclamamientos usando de las facultades que me son conferidas por decreto de 24 de Julio del año anterior a nombre de la Nacion Mexicana he venido en declararle la propiedad de la propiedad de dicho paraje y de q. se ponga en pacifica posesion, p. las precedentes letras con entera conformidad a lo dispuesto p. las leyes y sugeto a las condiciones siguientes.

1. Que se sometera a las q. estableciere el Reclamamiento q. se ha de formar p. la distribucion de Territos Valdios. y q. entre tanto ni el agraciado ni sus herederos podran dividir ni enagenar el terreno de q. se ha echo mencion imponer censo vinculo fianza, hipoteca ni otro gravamen aunque sea por causa pasada ni pasarlo a manos muertas.

Y. S. D. R. Podra cercarlo sin perjudicar las haciendas

caminos y servidumbres; lo disfrutara libre y exclusivamente destinandole al uso o cultivo q. mas le acomode; pero dentro de un año a lo mas fabricara casa y estara habitada:

3.ª Podrá acede luego solicitar del Juez respectivo q. se de posesion juridica en virtud de este Despacho p. el cual se demarcaran los linderos en cuyos limites pondra a mas de las Mohoneras algunos arboles frutales o si vestes de alguna utilidad.

4.ª El terreno de que se hace referencia es de diez sitios de ganado mayor mas o menos segun esplica el diceño q. corre en el Expedite.

El juez q. diere la posesion lo hara medir conforme a Ordenanza para señalar los linderos, quedando el sobrante q. resulte a la Nacion p. los usos convenientes.

5.ª Si continuiere a estas condiciones perdera su derecho al terreno y sera denunciabile por otro

En consecuencia mando q. sirviendole de título el presente y teniendose p. firme y valdero se tome razon en el Libro a q. corresponde y se le entregue a la interesada para su resguardo y demas fines. Dado en Monterey @ 22 de

J. S. D. R. Mayo de 1884.

José Figueroa # Agustín V. Zamorana  
Secretario.

J. S. D. R. José Figueroa General de Brigada de los Ejercitos Nacionales Mexicanos; comandante Genl. Inspector y Jefe superior Politico del Territorio de la Alta California.

cf. la p. 29.

Por cuanto D.ª Manuela Nieto tiene a creditado su derecho a la Testamentaria del finado Manuel Nieto y tomomdo en consideracion la Antigua y pacifica posesion q. tiene del paraje conocido con el nombre de los Derritos; colindante con los parajes de S. Pedro, Sta. Gertrudes, los Coyotes, los Alamitos y la Costa del Mar: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto p. las leyes y reglamentos: usando de las facultades q. me son conferidas, por decreto de 27 de Julio del año anterior a nombre

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de la Nación Mexicana; he venido en declararle la propiedad del referido parage y de q<sup>d</sup> se le ponga en pacífica posesion p<sup>r</sup> las presentes letras con entera conformidad à lo dispuesto p<sup>r</sup> las leyes y sujeta à las condiciones siguientes.

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1<sup>a</sup> Que se someterà à las q<sup>d</sup> estableciere el Reglamento q<sup>d</sup> se ha de formar p<sup>a</sup> la distribucion de terrenos Baldios y q<sup>d</sup> entre tanto ni la agrada ni sus herederos podran dividir ni enagenar el terreno de q<sup>d</sup> se ha echo mención: imponer censo, vinculo fianza hipoteca ni otro gravamen aun q<sup>d</sup> sea por causa piadosa, ni pasarlo à ma

10.5D. R nos muer tas:

2<sup>a</sup> podrá cercarlo sin perjudicar las traversías caminos, y servidumbres; lo disputar à libre y esclusiva mente destinandolo al uso ò cultivo que mas le acomode; pero dentro de un año à lo mas fabricarà casa y estara habitada.

3<sup>a</sup> podrá desde luego solicitar del juez respectivo que le de posesion jurídica en virtud de este despacho p<sup>r</sup> el cual se demarcaran los linderos en cuyos limites pondrà à mas de las mojoneras algunos arboles frutales ò silvestres de alguna utilidad.

4<sup>a</sup> El terreno de que se hace referencia es de cinco sitios de ganado mayor poco mas o menos segun explica el diseño que corre en el expediente: el juez que diere la posesion lo hara medir conforme à Ordenanza p<sup>a</sup> señalar los linderos quedando el sobrante que resulte à la Nación para los usos convenientes

5<sup>a</sup> Si contraviniere à estas condiciones perderà su derecho al Terreno y sera denunciabile por otro.

En consecuencia mando q<sup>d</sup> Vivendole de título el presente y teniendo por firme y valedero se tome razon en el libro respectivo q<sup>d</sup> corresponde y se le entregue à la interesada para su resguardo y demas fines. Dado en Monterrey Ca 22 de Mayo de 1824.

Josè Figueroa  
Agustín V. Zamorano. Secretario.

23 11. S. D. R. Monterrey Mayo Presento @ V. S. el Diseño q  
14 de 1834. } demarca el Rancho de Los  
Cuyeguesse con el } Nieto hecho en General con el  
Diseño al Cape } Orden correspondiente a los  
diente de Cama } linderos y arreglo à su medi-  
teria. } dao; segun la Vocala sub-  
Yigueroa } ortada en el diceno por lo q. a  
V. S. suplico no retarde Los Ti-  
tulos. Angeles Mayo 3 de 1834  
Luciano Grijalva

12. S. D. R. José Yigueroa General de Brigada de los E-  
jército Mexicanos, Comandante genl. Inspector  
y Jefe Superior Político del Territorio de la  
Alta California.

A. la p. 30. Por cuanto D<sup>a</sup> Josefa Cota Viuda de D<sup>n</sup>  
Antonio M<sup>a</sup> Nieto tiene acreditado su derecho  
à la testamentaria del finado Manuel Nieto  
y tomando en consideracion la antigua y pacifi-  
ca posesion q. tiene del parage conocido con el nom-  
bre de Pt<sup>a</sup> Seritudes colindante con la mission de  
San Gabriel y Ranchos de los Coyotes y los Cerros  
practicadas previamente las diligencias y averi-  
guaciones consernientes; segun lo dispuesto p. las  
leyes y Reglamentos: usando de las facultades  
q. me son conferidas: p. decreto de 24 de Julio  
del año anterior à nombre de la nacion mexicana  
he venido en declararle la propiedad del refe-  
rido parage y de q. se le ponga en pacifica pose-  
cion; p. las presentes letras con entera conformi-  
dad à lo dispuesto por las leyes y sujeta à las  
condiciones sig<sup>tes</sup>.

1<sup>a</sup> Que se someterà à las q. estableciere el Re-  
glamento q. se ha de formar p. la distribucion  
de terrenos baldios y q. entretanto ni la agracia-  
da ni sus herederos podran dividir ni enagenar  
el terreno de q. se ha echo mencion, imponer censo  
vinculo, fianza, hipoteca, ni otro gravamen aun q.  
sea por causa piadosa; ni pasarlo à manos  
muertas.

2<sup>a</sup> podra cercarlo sin perjudicar las traversias  
caminos y servidumbres: la disputar à libre y es-  
clusivamente destinandolo al uso ò cultivo q.  
mas le acomode; pero dentro de un año à lo mas  
fabricara casa y estarà habitada.

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3<sup>a</sup> podrá desde luego solicitar del juez respectivo q<sup>d</sup>. le de posesion juridica en virtud de este despacho p<sup>r</sup>. el cual se demarcaran los linderos en cuyos limites pondra à mas de las mohones ras algunos arboles frutales ò silvestres de alguna utilidad.

2<sup>a</sup> El Terreno de q<sup>d</sup>. se hace referencia es de cinco sitios de ganado mayor segun explica el diseño que corre en el Expediente; el juez q<sup>d</sup>. diere la posesion lo harà medir con arreglo à Ordenanza p<sup>a</sup>. señalar los linderos, quedand. el sobrante q<sup>d</sup>. resulta à la Nacion para los usos convenientes.

4<sup>a</sup> Si contraviniere à estas condiciones perderà su derecho al terreno y sera denunciabile p<sup>r</sup>. otro.

En consecuencia mando yoviendole de titulo el presente; y teniendose p<sup>r</sup>. firme y valedero, se tome razon en el libro à q<sup>d</sup>. corresponde y se le entregue à la interesada p<sup>a</sup>. su resguardo y demas fines. Dado en Monterey Mayo 22 de 1832.

Josè Figueroa

# Agustin N. Zamorano  
Secretario.

14. S. D. N. Josè Figueroa, General de Brigada de Cos Ejercito Nacional Mexicano, comandante gen<sup>l</sup>. Inspector, y Jefe Superior politico del Territorio de la Alta California.

A. la p. 37. Por cuanto D<sup>a</sup>. Catarina Ruiz viuda de D. Josè Antonio Nieto tiene acreditada su derecho à la testamentaria del finado Manuel Nieto y tomando en consideracion la antigua y pacifica posesion q<sup>d</sup>. tiene del paraje conocido con el nombre de las Bolas, colindante con los parajes de los Alamitos, y los Boyotes Rio de Sta Ana y la Costa; practicadas previamente las diligencias y averiguaciones concernientes; segun lo dispuesto p<sup>r</sup>. las leyes y Reglamentos: usando de las facultades q<sup>d</sup>. me son conferidas por decreto de 2<sup>a</sup> de Julio del año p<sup>o</sup>. he venido en declararle la propiedad de otro paraje, y q<sup>d</sup>. se le ponga en posesion pacifica, p<sup>r</sup>. las presentes letras con entera conformidad al dispuesto p<sup>r</sup>. las leyes y sugeto

à las condiciones sigl<sup>tes</sup>  
Que se someterà à las q<sup>as</sup> estableciere el Reglamento  
que se ha de formar p<sup>a</sup> la distribucion de  
terrenos baldios y que entre tanto ni la agru-  
ciada ni sus herederos podran dividir ni  
enagenar el terreno de q<sup>as</sup> se ha e<sup>l</sup>ta mención  
imponer censo vinculo, panza, hipoteca ni

15. S. D. No gravamen alguno sea por causa piado-  
sa, ni pasarlo à manos muertas.

2<sup>a</sup> Podrà cercar lo sin perjudicar las trave-  
sías caminos y servicios. lo disputara  
libre y esclusivamente destinem dolo al uso  
o cultivo que mas le acomode pero de un año  
à lo mas fabricara casa y estara habitada

3<sup>a</sup> Podrà desde luego solicitar del juez res-  
pectivo q<sup>as</sup> le diere posesion juridica en virtud de  
este despacho p<sup>a</sup> el cual se demarcara en los  
linderos en cuyos limites pondrà à mas de las  
mojoneras algunos arboles frutales ò silves-  
tes de alguna utilidad.

4<sup>a</sup> El terreno de q<sup>as</sup> se ha e referencìa es de sie-  
te sitios de ganado mayor por lo mas ò menos  
segun esplica el Diseño q<sup>as</sup> corre en el Coped<sup>to</sup>  
el juez que diere la posesion lo hara medir con-  
forme à Ordenanza p<sup>a</sup> señalar los linderos  
quedando el sobrante q<sup>as</sup> resulta à la Nacion  
para los usos convenientes.

5. Si contraviniere à estas condiciones per-  
derà su derecho al terreno y sera denuncia-  
ble por o<sup>tro</sup>.

En consecuencia mando  
q<sup>as</sup> sirviendole de titulo el presente y tenien-  
dose p<sup>a</sup> firme y valedero se tome razon en el libro  
à que correspondy se le entregue al intere-  
sada p<sup>a</sup> su resguardo y demas fines.

Dado en Monteray @ 29 de Mayo de 1834  
José Figueroa # Agustín U. Zamorano  
Secretario.

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Office of the Surveyor General of the United  
States for the State of California.  
J. Samuel D. King Surveyor Ge-  
neral of the United States for the State of  
California, and as such now in my Office

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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 fifteen preceding and hereunto attached pages of tracing paper, numbered from one to fifteen inclusive and each of which is verified by my initials (S. D. K.) exhibit true and accurate copies of a part of an expediente (103) Relativo à los linderos del Rancho de Sta Gertrudes que posee el cuide. Juan José Nieto "now on file and forming part of the said archives in this Office

(Seal) 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 sixth day of January 1853.

Saml. D. King

Quart. Genl. Cal.



27 Expediente  
L S  
Years 1828 & 1829  
L S  
Years 1830 & 1831  
L S  
Years 1832 & 1833

Third Stamp Two Eighths of One Dollar  
For the years 1826 L S and 1827  
Mr Superior Potestad Chief Magistrate.  
The citizen Luciana Gregalben from the State of Sonora  
and a resident of this Territory with sufficient powers  
of the citizen Juan Jose Nieto whose rights and claims  
I represent before your Excellency with due respect and  
in the most proper manner represent: That in the year  
1784 the Governor Don Pedro Tajes granted to Manuel  
Nieto the ownership of the tract of land laid out  
on the map, which I respectfully accompany  
That upon his death, his heirs, at the head of whom  
is my client remained in peaceable possession occupying  
said tract as legitimate proprietors, that in this  
manner they have possessed for twenty nine years up  
to date without any body interfering with their rights  
That the title having been misplaced which legitimates  
the ownership of the tract, he applied several times  
to the Superior Potestad Chief Magistrate, that he  
might by virtue of the books existing in the Arch  
ives issue a new title to him; in which he represented these  
applications, until your goodness was pleased to hear  
him, remitting to him the only voucher that was found  
in the Archives, which is however sufficient to prove the  
legitimacy with he has possessed the tract as is shown  
by the Expediente respectfully accompanied on fees paid  
and admitting the same to be sufficient and legal you  
will be pleased to issue the appropriate title in virtue  
of Justice, and in conformity with my petition and like  
wise order that the judicial possession be given.  
Desiring to see all the heirs enjoy the granted to them  
by their deceased father I solicit you if it should not  
prove inconvenient to issue separate titles to each one accor  
ding to what corresponds to him as marked out on the  
map in the following terms, the tract of "San Bartolomé"  
to Da. Josefa Bota and her sons as the widow of the late  
Antonio Manuel Nieto, the tract of "Las Bolsas" to Do  
ña Catalina Ruiz and her sons as the widow of the late  
Jose Ant. Nieto, the tract of "Los Coritos" to Doña  
Marcela Nieto and the remainder comprising the  
tracts called "Los Coyotes" "Alamilas" "Solo Alto" &c &c  
to my client Don Jose Nieto, who as the head of the  
family, has resolved to effect this division for the  
benefit of his debts, and to prove against all motives  
for litigation, he earnestly requests that each one may

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be placed in possession of part corresponding to him I therefore solicit your Excellency to accede to my petition by which I shall receive grace and Justice which I implore - I make oath not to proceed through malice. and the necessary &c. San Diego 26th July 1833. Luceano Grijalva

San Diego 27th July 1833

Seen the present instance; it is known by public notoriety that Manuel Nieto and his heirs have peacefully and uninterruptedly enjoyed the possession of the Lands laid out on the Map; having seen the Expediente which shows the grant of said tract made by the Green Peas Taxis to the aforesaid Nieto, with all that was presented besides and was deemed convenient to see, in entire conformity with the Laws and regulations on the subject and subject to the conditions expressed - they are declared owners of the property Don Jose Nieto of the tracts called "Cooytes", "Alamitos" and Palo Alto. Doña Manuela Nieto of "Los Benitos" Doña Josefa Botia widow of Don Antonio Maria Nieto of "Santa Bernades" Doña Catalina Ruiz widow of Jose Antonio Nieto of "Las Bolsas".

Let the appropriate titles be issued and the judicial possession be given. Let this be made known to the parties, as likewise that the titles can only be issued in the Capital. Let a testimony be successively issued certified by this decree, that it may meanwhile serve the parties interested as a security -

For Don Jose Figueroa Supr. Political Chief Magistrate of this Territory has so ordered decreed and signed which I certify - Jose Figueroa

Augustin V. Lamorano Secy

Three Stamp Two Eighths of One Dollar

In the years 1826 & L.S. 1827

Monterey Dec. 21<sup>st</sup> 1833

Let the order in the foregoing decree be complied with to issue the titles, and the judicial possession given in accordance therewith, by virtue of the old and remote grant and possession they have of the -

For Don Jose Figueroa Regencia General and Commandant General, Chief Political Magistrate of the Territory has thus ordered decreed and signed which I certify -

José Figueroa

Augustin V. Lamorano Secy

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L S  
years 1828 & 1829  
L S  
years 1830 & 1831  
L S  
years 1832 & 1833

Jose Figueroa Brigadier General of the National  
Mexican Army Commandant General Inspector and  
Superior Political Chief Magistrate of the Territory  
of Upper California

Whereas Don Jose Nieto has satisfactorily proved  
his right to the Estate of Manuel Nieto deceased and  
taking into consideration the long and peaceable posses-  
sion he has had of the tract of "Coyotes" bounded by  
that of "San Gabriel" "Las Leñas" "Las Alamos" "Las  
Bolsas" and by the Rancho of Talisco Ontiveros, and  
the necessary steps having been taken previously taken  
in accordance with the Laws and Regulations on the  
subject, using the faculties conferred on me by decree  
of the 27th of July last year, in the name of the Mex-  
ican Nation, I have come to declare to him the Owner-  
ship of said tract and let peaceable possession  
be given to him by the present letters and enter conform-  
ably with the dispositions of the Laws and subject  
to the following conditions

1st. That he shall subject himself to whatever may  
be established by the regulations which has to be  
made for the distribution of vacant Lands and that  
meanwhile neither the grantee nor his heirs shall  
have power to divide or alienate the tract in question  
neither shall they can pledge Mortgage or in any other  
way encumber the same though it be for a period  
months nor shall they pay the same to mortmain  
2nd. He may enclose the same without prejudice to  
the crop roads, high ways and rights of way he  
shall ~~use~~ <sup>employ</sup> the same freely and exclusively devoting the  
the same to the use and cultivation, that may best suit  
him, but within one year at least he shall build a  
house which shall be inhabited

3rd. He may immediately select the respectable Judge  
to give him the Judicial possession by virtue of this  
Patent, by whom the limits shall be marked out, on  
the limits of which he shall plant besides placing  
the Land marks some fruit or forest trees of some  
utility

4th. The tract in question comprises ten seats for large  
cattle more or less according to the map annexed  
to the Especiente. The Judge who gives the possession  
shall cause the same to be measured according to  
Ordinance in order to mark the boundaries the  
surplus resulting remaining to the Nation for its <sup>lesio</sup> convenience

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5th. If he violates these conditions he shall lose the right to the tract and it may be denounced by another. Therefore Order that this title being held as firm and valid a record be taken of the same in the appropriate Book and delivered to the parties interested for his Secrecy and further ends—  
Given at Monterey 2<sup>da</sup> May 1834.

Jose Figueroa  
Requester & Lamorano Secretary

Jose Figueroa Brigadier General of the Mexican National Army Commandant General Inspector and Superior Political Chief Magistrate of the Territory of Upper California—

Whereas Dona Manuella Nieto has satisfactorily proved her right to the Estate of the late Manuella Nieto and taking in consideration the ancient and peaceable possession which she holds of the tract known by the name of "Los Cueros" bounded by the tracts of "San Pedro" "Sta. Barbara" "Los Coyotes" "Los Alumbrillos" and by the Sea Coast, the necessary steps having been previously taken according to the dispositions of the Laws and regulations; using the faculties conferred on me by decree of 27<sup>th</sup> of July of last year in the name of the Mexican Nation I have come to declare to her the Ownership of the tract in question and let peaceable possession be given to her by the present letters, in entire conformity with dispositions of the Laws and I refer to the following conditions 1<sup>st</sup> That she shall subject herself to whatever may be established by the Regulation which has to be made for the distribution of vacant Lands, and meanwhile neither the grantee nor her heirs have power to divide or alienate the tract in question to take pledge mortgage the same, nor encumber it in any other way, be it even for pecuniary motives neither shall they transfer the same to mortmain

2<sup>da</sup> She may enclose the same without prejudice to the crop roads high ways or rights of way, but within one year at least she shall construct a house and it shall be inhabited

3<sup>th</sup> The tract in question comprises five seats for Large Cattle more or less as is shown by the map annexed to the Expediente— The Judge who gives the possession shall cause the same to be measured according to Ordinance in order to make out the

boundaries, the surplus resulting, remaining to the benefit of the Nation for its convenient uses

4th. She may immediately select the respective Judge to give her the judicial possession by virtue of this patent by whom the boundaries shall be marked out, in the limits of which she shall plant besides planting the necessary Land marks some fruit or factories of some utility.

5th. If she violates these conditions she shall lose the right to the tract and it may be denounced by another I therefore Order that this Title being held as firm and valid a record be taken of the same in the appropriate etc Book, and delivered to the party interested for her security and other uses. Given at Monterey 22<sup>nd</sup> May 1834 Jose Figueroa Alcazar & Lamoran a Jey Angles 3<sup>rd</sup> May 1834

I transmit to your Excellency the Map which shows the trace of the Ranch of Nieto, made out in general, in the appropriate Ord. of its boundaries and in accordance with its divisions as by the Scale & distance in the Map, requesting you not to return the use of the titles

Licencio Guzman

To the Political Chief Magistrate  
Monterey May 17 1834

Let the map be annexed to the Expediente  
Figueroa

Jose Figueroa Brigadier General of the National Mexican Army Commandant General, Inspector and Superior Political Chief Magistrate of upper California—

Whereas Doña Josefa Cota widow of Don Antonio Nieto has satisfactorily proved her right to the Estate of Manuel Nieto deceased, and taking in consideration the ancient and peaceable possession she holds of the tract known by the name of Sta Barbara bounded by the Mission of San Gabriel and by the Ranchos of "Los Angeles" and "Los Barrios" the necessary steps having been previously taken in accordance with the Laws and dispositions of the Laws and Regulation using the faculties conferred on me by decree of 27<sup>th</sup> of July of last year, in the name of the Mexican Nation I have come to declare to her the ownership of the tract in question and let peaceable possession be given to her by the present letters, in entire conformity

with the disposition of the Law and subject to the following conditions -

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1st. That she shall subject herself to whatever may be established by the regulation, which has been made for the distribution of vacant Lands and meanwhile neither the grantee nor her heirs shall have power to divide or alienate the tract in question to any pledge Mortgage or encumber the same in any other way be it ever for a power mortgage neither shall they transfer the same to Mortmain -

2d. She may enclose the same without prejudice to the crops roads, high ways and rights of way but within one year she shall construct a house and it shall be inhabited -

3d. She may immediately select the respective Judge to give her the Judicial possession in virtue of this Patent by whom the boundaries shall be marked out in the terms of which she shall proceed placing the Land marks, plant some fruit or fastens of some utility -

4th. The tract in question comprises five sections for large cattle made or less according to the map annexed to the Expedition. The Judge who gives possession shall cause it to be measured according to Ordinances in order to show the boundaries, the surplus, remaining to the Nation if or its convenient use -

5th. If she violates these conditions she shall lose her right to the tract and it may be sold or leased by another -

I therefore Order that the present Survey be as a title and being held as firm and valid a record be taken of the same in the appropriate Book and that it be delivered to the party interested for her security and other ends - Given at Monterey May 22<sup>nd</sup> 1834  
Jose Figueroa Augustin V. Lamoreno Secy

Jose Figueroa Brigadier Genl. of the National Mexican Army Commandant General Inspector and Superior Political Chief Magistrate of the Republic of Mexico Whereas Catalina Perez widow of Don Jose Antonio Nieto has satisfactorily proved her right to the estate of the late Manuel Nieto and taking in consideration the ancient and peaceable possession she holds of the tract known as "Las Bolsas" bounded by the tracts of "Las Alamosas" and "Las Coyotas" bounded by the tracts by the River of "Santa Ana" and the Coast, the necessary

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having been previously taken, according to the dispositions of  
Laws and regulations the faculties conferred on me by decree  
of the 27th July of last year, in the name of the Mexican  
Nation Nation I have come to decree to her the owners  
hip of said tract and let peaceable possession be given  
to her by the present letters, in entire conformity with the  
Laws and subject to the following conditions

1<sup>st</sup>. That she shall submit to whatever may be estab-  
lished by the Regulations, which has to be made for  
the distribution of vacant Lands and moreover nec-  
essary that the grantee or her heirs shall have power to  
divide or alienate the tract in question, to tax pleads  
Mortgages or encumber the same in any other way  
be it ever for process Motive, neither shall they  
transfer the same to Mortmain

2<sup>nd</sup> She may fence the same without prejudice to the  
crop roads high ways and rights of way; she shall  
enjoy the same freely and exclusively devoting the same  
to the use or cultivation that may best suit her.

3<sup>rd</sup> She may immediately select the respective Judge  
to give her peaceable possession in virtue of this patent  
by whom the boundaries shall be marked out in  
the limits of which she shall besides placing land  
marks plant some fruit or forest trees of some utility  
4<sup>th</sup>. The tract in question comprises seven seats for  
large cattle more or less, according to the map  
annexed to the Expediente; The Judge who gives  
the possession shall cause the same to be measured  
according to Ordinance in order to show the bound-  
aries the surplus resulting, remaining to the benefit  
of the Nation for its convenient uses.

5<sup>th</sup> If she violate these conditions she shall lose her  
right to the Land and it may be denounced by  
any other - I therefore order that this Denial be as a  
title and being held as firm and valid a record  
be taken of the same in the appropriate books,  
and that it be delivered to the party interested  
for his security and further ends

Given at Monterey May 22<sup>nd</sup> 1834  
Jose Figueroa

Agustín V. Lamorano

Secretary

Filed in Office Oct. 26, 1853

Geo. Fisher Secy

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35



11 35-  
Año de 1835.

Ante mí

Doc. H. H. nº 2.  
ante el Sr. Jefe  
de la Oficina  
de la Com. nº

# Hall. in  
No. 339.

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Expediente practicado de la reuvedida  
y posesion de los citios de Sta Gertrudis  
de los Nietos propiedad de

D<sup>a</sup> Josefa Cota.

Maria Josefa Cota viuda de D. Ant<sup>o</sup>  
 Maria Niete y dueña del Rancho  
 de Sta. Gertrudis ante V. con todo respeto  
 y conforme a Dto. paneseo y dijo: Que  
 conforme al derecho que originalmente  
 le acompaña se ha de servir V. por  
 al mencionado Rancho y posesionarme  
 de los sitios que en el se indican:  
 practicar el respectivo Expediente y luego  
 darne de él un testimonio pr. mi  
 requerido. Por tanto S. V. Duplico se  
 pague en merito de justicia de evitar  
 en favor de mi Solicitud devolverme  
 dichos documentos orig<sup>l</sup> en la provid  
 encia que estime pr. conveniente y  
 recibirme esta espancion en el presente  
 papel por no haberlo del sello que  
 corresponde a cuya reparacion me cons  
 -umeto. Luro no proceder de malicia  
 Pueblo de las Aug<sup>as</sup> 10 de febrero  
 de 1835. No se formar.

Pueblo de los Aug<sup>as</sup> febrero 11 de 1835.  
 Por presentado y admitido segun  
 Derecho procedase a darle a la ult<sup>ima</sup>  
 -ada la posesion que solicita previn  
 la disparicion que solicitara igualmente  
 del adquirentor D. Abel Steadus que  
 debe asistir a las medidas.

Alvarado.

Jurgado D.º Constitucional de las Aug<sup>as</sup>.  
 como las urgentes atenciones ocurridas  
 en este oficio no dan lugar a que  
 yo pase personalmente a dar la cor  
 -respondiente posesion a D<sup>a</sup> Josefa Cota  
 de Niete del terreno que tiene declarado  
 en su favor he venido en cumplir

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en su favor he recibido en cuarenta  
a V. para que asociado con el agrimen-  
sador Don Abel Stearns se convenga  
r. al mencionado terreno llamando  
Santa Gertrudis y la posesion en  
devida forma con arreglo al titulo que  
le confiere el Señor Jefe Político y que  
le acompaño. Dios y Libertad.

Angeles 10. de Marzo de 1835. =

Domingo Romero. = Sr. D.<sup>no</sup> Rafael  
Gertrudis, Registrador del Y. Ayuntamiento  
Pueblo de Los Angeles. 10. de Marzo  
de 1835. = Por recibido el presente  
oficio y atento a la Comision que en el  
me acompaña el Señor Alcalde de  
Constitucional para que para a par-  
ticular a Doña Josefa Lota de Mito de las  
citas y rancho de su propiedad con-  
cido con el nombre de Santa Gertrudis  
de Mito y sus terrenos convenido con el  
agrimensor Don Abel Stearns para  
que recuda los enunciadas terrenos  
con total arreglo y como en el  
Expediente de la materia puesta  
practicada y que existe en poder  
del Señor Jefe Superior Político  
para ser por mi y los testigos de  
mi asistencia al expresado sitio  
y procedase a verificar la particion indi-  
cada con total arreglo al titulo que le  
compro el mismo Jefe. = El Ciudadano  
Rafael Guirado Regidor del Junta Ayun-  
tamiento y Jefe Comisionado arbolado  
mundo y finme con testigos de atto.

Segun ord. de ofe. = Rafael Guirado,  
M. Polycarpo Leal. = M.<sup>do</sup> Oro. Navalto.  
En el Rancho de Santa Gertrudis a las  
once dias del mes de Marzo de

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de mil ochocientos treinta y cinco. El que  
 que suscribe habiendo hecho citaciones  
 de coludantes comparecientes y hechos  
 saber el objeto de mi comision les espuse  
 que manifestaran los documentos que  
 acreditaran tener dno. a otras terrenos que  
 iba a recibirlos y poner en posesion  
 de ellos a D<sup>a</sup> Josefa Cota de Nicto Cuyo  
 Rancho hecho coludante por el norte  
 con terrenos ocupados por D<sup>n</sup> Juan  
 Crespin Perres. por el sur con las tierras  
 propiedad de Dona Manuela Nicto  
 de Cota por el Sur Este con el Rancho  
 de las Coyotes propiedad de Don Juan  
 Jofrito. y por el Oeste con el Rancho  
 de San Gabriel que desde los terrenos  
 es de don Antonio Maria Lugo y no  
 habiendo presentado algunos documentos  
 que acreditaran tener dno. a aquellos  
 terrenos les dije que iba a proceder  
 a cumplir con mi comision lo que  
 pongo por diligencia que autorize  
 a firme con testigos de aña. Segun dno.  
 Rafael Guinaldo. = Calycarpo Leal.  
 aña. Francisco Bernabaldo. = En el  
 mismo Rancho otra, mes, y año  
 yo el propio fue nombre de las  
 mediciones y las cordelinas para recibir  
 la herencia quienes despues de haber  
 aceptado su encargo prometieron  
 desempeñar fielmente en su encargo  
 y no firmaron por no saber, le hice  
 con los testigos de aña. Segun dno.  
 Doy fe. Rafael Guinaldo. = aña.  
 Calycarpo Leal. = aña. Francisco Bernabaldo.

En el mismo Rancho y a los  
 doce dias del mes de Marzo de mil

De mil ochocientos treinta y cinco el que  
 suscribe a efecto de verificar la recepción  
 y medición del Sr. Don Juan Lotu y previas todas  
 las requisitas de Ley, hizo medir un  
 cordel constante de ciento treinta varas  
 el cual fue examinado y reconocido por  
 el agrimensor Don Abel Estanislao y puesto  
 en unos ancos y sacado de sus ancos  
 previa observación y cálculo del  
 mencionado agrimensor, se hizo el cordel  
 por su disposición en la orilla del Rio  
 de San Gabriel en el paso conocido con  
 el nombre de Puerto del Site y por principio  
 de medida se puso un palo de sauco  
 en señal de mojónera se fueron midiendo  
 y contando dos mil seiscientas varas  
 que resultaron de un salto cortado:  
 luego tomando el mismo Site on esgr  
 -ados al Norte se fueron midiendo  
 y contando tres mil seiscientas varas  
 y resultaron el camino viejo de  
 Santa Ana en donde se puso en señal  
 de mojónera un palo de sauco en  
 cada extremo del camino se siguió  
 el mismo Site diez y ocho gradas  
 al Sur y con dirección al mismo camino  
 viejo de Sta Ana pasando el cordel  
 por unas saucos grandes, se medió  
 seon diez mil seiscientas varas que  
 resultaron en una sola atada donde  
 se puso en señal de mojónera un  
 palo de sauco y el punto que queda  
 el nombre de los Coyotes saliendo de  
 este rumbo y tomando al Oeste  
 treinta y cinco gradas al Sur se  
 midieron y contaron diez y seis mil  
 seiscientas varas que resultaron

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en la Sajon de agua de los Christos  
 donde puso por movimiento un palo  
 de sauco en cada orilla, cuya sazon  
 se llama divisiona y es quina de los collotes  
 y cerritos. Luego se tomo el rumbo  
 Oeste diez y ocho grados al Norte  
 y se fueron midiendo y contando  
 6050 varas que recuataron en la  
 orilla del Rio de San Gabriel en donde  
 tambien se puso un palo de sauco  
 en señal de movimiento y tocando  
 el Rio arriba rumbo Norte se midieron  
 y contaron diez mil cuatrocientos varas  
 que recuataron en el mencionado paso  
 de Bartolo. Lo que se concluyo la reunida  
 de estas citias a satisfacion de la Real Audiencia  
 lo que se hizo por diligencia que costó  
 oncho y cinco reales de UPa.  
 Segun dno. Rafael Guizado = alcaide  
 del campo Real = am. Francisco Brando.  
 a los 19 de Marzo de 1835. Situado  
 concluidas las presentes diligencias de  
 reunida y provision dada a D<sup>na</sup>  
 Josefa Cota de las citias de Santa  
 Teresita a su satisfacion recuatare  
 al Señor Alcalde para su conocimiento  
 darole a la citiada testimonio  
 de lo practicado Rafael Guizado Regidor  
 del Jefe Ayuntamiento y Comisionado  
 para estar presente ante el decreto y  
 mandado y firme con los de una  
 Segun dno. Rafael Guizado. Ma.  
 del campo Real = am. Francisco  
 Brando. Paron. En la fha. se reunie-  
 ron al Señor Alcalde las diligen-  
 cias que se mencionan en el  
 d<sup>to</sup> anterior, autentas en papel

papel comun por no haber del sellado correspondiente y para constancia lo rubrique.

Concuerda con su original a que me refiero y esta fielmente a cada congreso y cumplido en este papel comun por no haber del que corresponde: lo que autorizo y firmo con testigos de anto Leyun do. Dayje.

<sup>ana.</sup> Rafael Guirado.  
Polycarpo Luv. <sup>ana.</sup> Juan<sup>to</sup> Samalvo.  
aug. Mayo. 21. de 1835.

Concuerda este testimonio con el escrito que original obra en el atelino de mi cargo y como alcalde 2º de este Pueblo lo autorizo y firmo ante los testigos de mi audiencia Leyun do.

<sup>ana.</sup> Domingo Amervo. <sup>ana.</sup>  
Manuel Arraza. Meuzo Reid.

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I George Fisher, Secretary to the board of the United States Land Commission for ascertaining and settling Private Land claims in the State of California do hereby certify that the foregoing is a true and correct copy of a Spanish document exhibited and filed in case n<sup>o</sup> 339 on the docket before the said board now in this office.

In testimony whereof I have hereunto subscribed my name, office of the Secretary of said board San Francisco, California this 23<sup>rd</sup> day of January A.D. 1855.

Geo. Fisher.  
Secy.

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*Fiduciaria offic. Nov. n<sup>o</sup>. 1852.*

*Gen. Fisher Lecy.*

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F

Translation of  
Survival Possession  
to Josefa Cota de  
Nieta. —  
also being the  
translation of  
"Loc. N. H. no. 2  
arrived to depo. of  
Abel Stearns in no.  
339."

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To the Constitutional Magistrate  
Mama Josefa Cota widow of the late Don Antonio  
Nieta and owner of the Rancho of "Santa  
Gertrudis" before your Honor with respect and in con-  
formity to Law present myself and state that accor-  
ding to the Original despatch which I accompany  
May it please your Honor to pass to the Rancho  
referred to and give me possession of the leagues that  
are in it indicated; To execute the proper proceedings  
and immediately give me testimony of it &c. for my  
security. Wherefore I pray that you will design in  
sense of Justice to decide in favor of my petition  
and return me both Original documents with  
the proceedings you may deem Expedient and  
receive from me this explanation on common  
paper for want of the scales which corresponds  
which I Obligate myself to replace. — I swear  
that I proceed not from Malice &c  
Pueblo of Los Angeles 10th of February 1835

Does not know how to write X

Pueblo of Los Angeles Feb 11th 1835  
Having been presented and admitted according to  
Law proceed to give to the party interested the  
possession which she requests after passing unanim-  
ously which she will collect of the Surveyor Don  
Abel Stearns who should assist at the measure-  
ments —  
Alvarado

Second Constitutional Court of Los Angeles  
As urgent business occurring in this office does not  
permit me to proceed in person to give the corresponding  
possession to Dona Josefa Cota of Nieta of the  
Land declared in her favor I have concluded to  
appoint to that effect with the Surveyor Don  
Abel Stearns you will proceed to the aforesaid land  
called "Santa Gertrudis" and give her possession in  
due form agreeably with the title which the Potestative  
Chief has conferred, and which I transmit to you  
God & Liberty Angeles March 1st 1835

Lorenzo Romo

To Don Rafael Barado Pres<sup>te</sup> of All Town Council  
1st March 1835

Pueblo de Los Angeles 1st March 1835

Having received the present official notice and  
obedient to the command which he confers upon me  
by the Constitutional Magistrate that I shall proceed

to give possession to Dona Josefa Cota de Nieto of the  
 Sequeas and Rancho known by the name of Santa  
 Gertrudis" de Nietos and having agreed with the Sen  
 veyor Don Abel Stearns to rescure the aforesaid  
 lands in full conformity with and as set forth in  
 the proceedings in the matter previously executed  
 and which exists in the possession of the Potestual  
 Chief, See is pass myself and a justane witnesses  
 to the tract referred to, and let us proceed to copy  
 the desired possession with full conformity to the  
 title which the same Chief conferred. The Citizen  
 Rafael Gueraedo Presidente of the El Town Council  
 and Commisionar JUDGE Thus I decree Ordeal  
 and signed with my Assistant witnesses accord  
 ing to Law which I attest

Rafael Gueraedo

Apt. Polcarpio Seal Apt. Francisco Barnalco  
 On the Rancho of Santa Gertrudis" On the 11th day of the  
 Month of March 1835 the Judge who sees cases  
 having summoned the adjoining neighbors they app  
 eared and I informed them of the object of my comm  
 ission, and desired them to show their documents to  
 prove their right to those lands, that I was about to  
 rescure them and put in their possession Dona Jose  
 fa Cota de Nieto whose Rancho was bounded on  
 the North by lands occupied by Don Juan Luis San  
 Pedro; On the South by the little mountains, the property  
 of Dona Manuela Nieto On the South East by the  
 Rancho of the Coyotes" the property of Don Juan L  
 Nieto On the West by the town San Gabriel which  
 abuts the lands of Don Antonio Maria Sego, and  
 no documents having been produced that would  
 give them title to said lands I told them that  
 I would proceed and comply with my Commis  
 ion, which I set down as part of the proceedings in  
 the matter which I authorize and sign with my  
 Assistant witnesses according to Law

Rafael Gueraedo

Apt. Polcarpio Seal Apt. Frances Barnalco  
 On the same day month and year I the proper Judge  
 nominated two official cada beans and two measuring  
 officers to bear by the measurement who after having  
 accepted the appointment promised to discharge  
 their duty faithfully who did not sign their names  
 because they could not write which I did with

B. 7 45-

with my assistance witnesses according to Law  
which I attest — Rafael Guerrero  
Asst. Policarpo Seal Asst. Francisco Bannalco  
On the same Ranch and the 10th day of the month  
of March 1835 he who sells agrees for the object of  
surveying the measurement and possession of Don  
Josefa Alota and hereon performed precisely all  
the requirements of the Law I had a rope measured  
which contained 130 Varas, which was examined  
and recognized by the Surveyor Don Abel Stearns  
placed between the stakes, and its extremities fasten-  
ed thereto, after previous observation and calculation  
of the Surveyor the Cord was extended on the bank  
of the River San Gabriel at the spot known by the  
name of Bartolo Cocose East, and for the beginn-  
ing of the measurement there was fixed a Alda Stake  
as a Land Mark, and they measured & counted 2200  
Varas, which terminated at a tall Alda tree, thence  
taking the Course East  $11^{\circ}$  North they went measuring  
and counting 3300 Varas, which terminated in the  
Old road of Santa Ana, where was placed the  
Sign of a Land Mark, an Alda Stake on each side  
of the Road. The Course was continued East  $18^{\circ}$   
South and in a direction by the same Old road of  
Santa Ana, and passing the end on some deep gullies  
there were measured 10000 Varas which terminated on  
high table Land, where was placed for a Land Mark  
an Alda Stake, and it is a point which divides it from  
the Rancho of the "Coyotes". Turning this direction  
and taking a Course West  $30\frac{1}{2}^{\circ}$  South there were  
measured and counted 16000 Varas which ending  
at the irrigating ditch of the Nietos (Sanje de la  
de los Nietos) where was placed for a Land Mark  
an Alda Stake on each bank, which ditch is the  
dividing line and a Canal to the "Coyotes" "Flores"  
Thence the Course was taken West  $18^{\circ}$  North and  
they went measuring and counting 6050 Varas  
which terminated at the Bank of the River San  
Gabriel where also was placed an Alda Stake  
for a Land Mark, and taking up the River, Course  
North, there were measured and counted 10400  
Varas which terminated at the ofresuree spot  
to Bartolo, with this the survey of this tract was  
concluded to the satisfaction of the party interested  
all of which I set down as a part of the proceedings

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which I authorize and sign with my assistant  
Ultrapas according to Law Rafael Guerra  
Asst. Policarpo Seal Asst. Francisco Bernaldo

Angles March 19 1835

The present proceedings of Resurvey having been con-  
cluded and possession given to Dona Josefa Cota of  
the Lands of "Santa Catalina" to her satisfaction  
let them be transmitted to the Judge for his informa-  
tion testimony of the proceedings which being given  
to the party interested. Rafael Guerra President of  
the Illustrious Town Council and Commissioner to  
give this possession. Thus I declare and declare  
signed with my assistant Ultrapas according to  
Law.

Rafael Guerra  
Asst. Policarpo Seal Asst. Francisco Bernaldo  
Notice - At this date the proceedings were sent to the  
Judge and they are mentioned in the foregoing declar-  
ation of Common paper for the want of proper seal  
and for the perpetuation thereof I see that hereunder  
This agrees with the Original to which I refer and  
it is faithfully taken corrected and compared on  
this Common paper for not having the proper seal  
which I authorize and sign with the assistant  
Ultrapas according to Law which I attest

Rafael Guerra  
Asst. Policarpo Seal Asst. Francisco Bernaldo  
Angles March 21st 1835

This testimony corresponds with the Original proceedings  
which are registered in the Archives under my charge  
as 2<sup>a</sup> Judge of this Town which fact I authorize  
and sign with my assistant Ultrapas ac. to Law  
Lorenzo Romero

Asst. Manuel Arzaga Asst. Diego Pico

I George Fisher Secretary of the Board of United  
States Commissioners to ascertain and settle the  
Private Land in the State of California hereby  
certify that the foregoing is a full true & correct  
copy of a paper on file among the Archives of  
said Board and in my care and custody as  
such Secretary - Ultrapas my hand this 22<sup>nd</sup> day  
of October A.D. 1853

Geo Fisher Secy  
Filed in office Oct. 26th 1853 Geo. Fisher Secy

Agreement (1)  
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No 423. U S Land Commission  
Concepcion Nieto et al Claimants to a tract of  
Land Situated in Los Angeles County called  
"Santa Gertrudes" - It is agreed by Robert Greenhow  
Associate Law Agent for the United States and  
J Lancaster Brent attorney for the Claimants that  
a certified copy of the deposition of Nicolas  
Marias taken in the claim of "Las Bolsas" No. 402  
on the Docket of the Commission may be read on  
the hearing of this claim with the same effect  
as if Originally taken in said claim -

Robert Greenhow  
Filed in office Nov. 1. 1852 } Lancaster Brent  
Geo. Fisher Secy

Agreement (2)

U. S Land Commission Claimant Concepcion  
Nieto et al - Santa Gertrudes No 423  
By consent of the Associate Law Agent for the United  
States & of J Lancaster Brent Atty for the claim  
ants a certified copy of the deposition (with out  
the documents annexed) of Jose Antonio Canales  
taken in the claim of Abel Stearns No 404 may be  
read in the hearing of this claim with the same  
effect & force as if Originally taken in it

Robert Greenhow Assoc.  
Law Agent  
Filed in Office No. 12 1852 } Lancaster Brent  
Geo Fisher Secy

Agreement (3)

Concepcion Nieto vs. United States. No. 423  
U. S Land Commission  
It is agreed between Robert Greenhow Associate  
Law Agent for the United States & J Lancaster  
Brent Atty for the Claimants that a certified copy  
of the deposition of Felipe Tolamontes taken in the  
claim of Abel Stearns No. 404 to the Ranch of  
"Las Alamedas" may be read on the hearing of this  
present claim with the same effect and in the  
same manner as if Originally taken in said  
claim

Robert Greenhow  
U.S. Law Agent  
J Lancaster Brent Atty for  
Claimants  
Filed in office Dec. 31<sup>st</sup> 1852  
Geo. Fisher Secy

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(Agreement) 4

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No 423 Santa Gertrudis  
Concepcion Nieto et al 3

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It is hereby agreed & stipulated between Robert  
Greenhow Associate Suro Agente on behalf of  
the United States and Lancaster Brent Atty  
for the claimants, that a certified copy of  
the Act of judicial possession to Josefa Cota  
& filed and proved in Claim No 339 of Samuel  
Campista (said Act being annexed to the deposi-  
tion of Abel Stearns & marked A A No 2  
and also a certified copy the deposition of  
Thomas Sanchez Coloma taken also in said No 339  
may be read on the hearing of the said claim  
No. 423 as if the Originals had been proven  
and taken therein

Robert Greenhow  
Asst. Suro Agente  
Lancaster Brent  
Atty for Claimant

Filed in office Oct. 18. 1853

Geo. Joshua Seely

Concepcion Nieto & al  
 vs.  
 The United States  
 In the place called Santa  
 Gertrudes in Los Angeles  
 County containing five  
 Square Leagues of Land

# Opinion

The claimants allege that they are and they have proved themselves to be the three sons and three daughters of Antonio Maria Nieto, and they claim the property described in their petition as his heirs at Law. The title of their father is alleged to have been derived from Manuel Nieto his father who claimed under a grant from Governor Pedro Fages about the year 1784. The testimony shows that Manuel Nieto died in 1804 leaving one daughter and three sons of whom the above named Antonio Maria Nieto, the father of the present claimants was one. Antonio Nieto died in 1832 He left a widow Josefa Cota who was the mother of the children above named.

The petition further alleges that after the death of their father, on the petition of Juan Jose Nieto the oldest of the sons of their grand father Jose Figueroa then Governor of California made an informal division of said tract of land and issued separate titles to each of the heirs or representatives declaring the property of a certain specified part of said tract of land to be in them by reason of their having proved their heirship to the Estate of Manuel Nieto; and that a title was issued to Josefa Cota widow of the said Antonio Maria for that portion of the Rancho which was known by the name of Santa Gertrudes which is the same land described in their petition to this Commission. They allege that the partition made by Figueroa was unjust and unequal but that they were nevertheless willing in order to avoid litigation to confirm the same, and that it had been recognized by all the heirs.

They further represent that their mother Josefa Cota has with out any authority sold the premises now claimed by them, to One Samuel Caporta who has filed his claim before this Board for a confirmation of said land to him as the owner under the deed from said Josefa. They claim that said Josefa never had any title to the premises - that the document signed by Figueroa in her favor was not a grant but a repartition

of the Land and recognition of the Deed title from  
Fays to Manuel Nieto, which the Children of  
Antonio Maria Nieto inherited and held in their  
Own right (then Monas) & that at the most she  
held as trustee for them and could not sell or  
dispose of the property so as to divest them of the  
Estate, or impair their right to a Confirmation  
by this Commission -

The claim of the petitioners is two fold. They  
base their right to the premises first on the alle-  
ged grant by Fays to their grand father Manuel  
Nieto, thence deducing the title by inheritance  
to their father and from him to themselves as  
heirs - and secondly on the document issued by  
Governor Figueroa to Josefa Cota their Mother  
which they allege if it is to be regarded as a  
grant was in trust for them, and in fact gave  
them the title and excluded all authority on her  
part to dispose of the premises by sale.

We will first direct our attention to the title of  
the claimants under the alleged grant from  
Fays. The right claimed under the grant is  
independant of all title derived from the action  
of Governor Figueroa on the subject - It assumes  
that the present claimants were Owners under the  
grant from Fays of an indefeasible title, at  
the time of the proceedings before Figueroa,  
which the latter held no power to divest or impair  
the power to make partition of an Estate held by  
tenants in Common among the Owners is entirely  
distinct from the power to grant and while  
the petitioners declare themselves willing by consent  
to abide by the division of the property among  
the heirs of Antonio Maria Nieto made by  
Figueroa, they claim that their title in the prem-  
ises existed antea to that division and was  
independant of any action of his - If title in the  
premises was then vested in them - a title abso-  
lute and conditional and indefeasible, it will  
scarcely be claimed that Figueroa could by  
grant defeat their Estate and convey their premises  
to another - If in contemplation of such indefeasible  
title in the claimants he has granted  
the property to Josefa Cota, the former ~~was~~  
and not the latter would be entitled <sup>as an heir</sup> notwithstanding



to a confirmation by this Commission, nor would  
 he grant it stand in any better position. The bur-  
 den of proof is of course on the claimants to show  
 us the foundation of their right a sealed grant of the  
 Chartered above indicated to Manuel Nieto from  
 whom the alleged title is derived. Is this proof before  
 us? No such Original grant or title paper is given  
 in Evidence. The Claimants rely solely on Sec-  
 ondary proof of the Existence and Contents of such  
 grant. In order to sustain their claim in such a  
 case, they must first show the Existence, and the  
 Copy of the Original Document, and this must be  
 followed by the best Evidence in the power of  
 the power of its genuineness and its Contents—  
 Jose Antonio Carrillo is the Only witness who testi-  
 fies to any knowledge on the Subject. He says  
 that about fifty five years ago he was he was at  
 the house of Juan Jose Nieto and wrote a letter  
 for him to the priest of the "Mission" at that  
 time" the witness states he (Juan Jose Nieto) showed  
 me a title paper by which the land had been  
 granted by Governor Pedro Fages, by Order of the  
 Viceroy of Mexico as the title paper states—  
 The boundaries of the Land in said title paper  
 were the River San Gabriel, the River Santa Ana  
 the Main Road leading from San Diego along  
 the Hills to San Gabriel and the Sea Coast—  
 The Only remaining evidence on this Subject is found  
 in the true copy of the Expediente formed in the  
 proceedings had before Governor Figueroa in  
 1833 above referred to, which is filed in the case  
 by the Claimants. The portions of this Document  
 which bear on the Subject under Consideration  
 are the petition of Juan Jose Nieto (appearing by  
 attorney) and the Order thereon by the Governor. The  
 petitioner alleges that Governor Fages granted the  
 Land to Manuel Nieto in 1784 and that he  
 and his heirs after his death had uninterrupted  
 Occupation of the premises. He further alleges that  
 the title having been mislaid which legitimates  
 the Ownership of the tract he (Juan Jose Nieto)  
 applied several times to the Superior Chief Magistrate  
 that he might by virtue of the Decrees Existing in  
 the Archives issue a new title to him, in vain he  
 repeated these applications until your goodness

was pleased to hear him, remitting to him the only  
 voucher that was found in the Archives, which  
 is however is sufficient to prove the legitimacy  
 with which he has possessed the tract as shown  
 by the Expediente respectively accompanied on five  
 pages". He then solicits the issuing of letters to the  
 several heirs of D. Manuel Nieto in sovereignty  
 according to the map which was presented for  
 that purpose. On this petition the Governor made the  
 following decree dated July 27, 1833. Seen the present  
 Instance: It is known by public Notoriety that Manuel  
 Nieto and his heirs have peaceable and uninterrupted  
 by anyone the possession of the Lanzas Laca and in the  
 map, having seen the Expediente which shows the  
 grant of said tract made by the Governor Pedro Fages  
 to the aforesaid Nieto with all that was present beside  
 and deemed convenient to see, in entire conformity to the  
 Laws and regulations on the subject and subjected  
 the conditions expressed, they are declared owners of the  
 property &c. This proof is not sufficient to establish the  
 existence of a full title to the premises under a grant  
 from Fages to Manuel Nieto.

The top of the Original is not sufficiently established  
 to be in Secondary Evidence of its contents. The docu-  
 ment mentioned by the Plaintiff because the only person  
 who testifies that he has seen any document of the kind  
 was in the hands of Juan Jose Nieto one of the heirs  
 of the alleged grantee and holding an undivided interest  
 in the premises. The petitioners have not shown any effort  
 at to produce the paper in evidence. Nor have they  
 shown any inquiry for it, or any effort to procure it -  
 Why not bring here with a subpoena duces tecum  
 both the holder and the document, or if he is not  
 having the custody of his papers who has it in charge  
 There is not even the affidavit of one of the petitioners  
 that he has made inquiry for the document, nor indeed  
 is it shown that it is not now in the custody of the  
 petitioners themselves who could produce it, if it was  
 favor their claim. Until a showing that the paper is  
 destroyed or beyond the control of the party and cannot  
 after diligent effort be produced, the most liberal  
 rule will not allow them to substitute Secondary  
 evidence for the Original document itself.  
 If the top of the Original was admitted the proofs  
 would still be insufficient. The Archives of the Governor

ment are supposed to afford evidence not only of the  
 issuing of any such official document based on its  
 contents. The record of the early grants of land found  
 it is true are not complete, and therefore in this respect  
 this Commission have not applied to strict a rule as  
 in cases of more recent concession. But in the case  
 before us the documentary evidence introduced by the  
 claimant and corroborated shows that there did  
 exist in the archives of the government evidence of the  
 concession to Manuel Nieto. Governor Figueroa had  
 furnished a copy of it to Juan Jose Figueroa Nieto  
 and the latter attached to his application of the grant  
 made to the heirs by Figueroa in 1833 an Expediente  
 of price leaves which Figueroa in his Order states  
 he has seen and refers to it as the evidence of the  
 claim of the applicant to the land. When the  
 case itself discloses the existence of better evidence  
 and designates the place where it is to be found  
 the party should be required to procure it, or at  
 least to show diligent effort to do so, before an  
 inferior trial of proof should be allowed to be  
 substituted for it. The Expediente referred to in  
 the Order of the Governor, is the same that was for-  
 warded with the petition for the grant in 1833  
 and should be, and probably was attached to the  
 document and is now in the archives. This is the  
 evidence on which the Governor acted and this  
 evidence should have been produced before us in  
 order that we might see what the rights of the par-  
 ties under it are. The true copy of the Expediente  
 produced before us is imperfect; the petitioners have  
 obtained only a portion of it leaving out the por-  
 tion on which they in fact rely as the foundation  
 of their rights or at least making no effort if  
 by any chance it became detached, to obtain it.  
 The inference is irresistible that if there was a grant  
 of a title such as is here claimed from Gov. Jose  
 Manuel Nieto, a title under which the present clai-  
 mants hold the premises independent of and perhaps  
 adverse to any concession made by Governor Figueroa  
 the complete evidence of it is among the archives and  
 could have been produced with the other docu-  
 mentary evidence which they have obtained from  
 that source. Hence these circumstances neither the  
 uncertain recollection of witnesses who saw the

Documents forty five years ago nor the vague inference drawn from brief references to it in the other documents can be permitted to supplant the better evidence which the party himself has shown to exist. But again, if all objection to the character of it was removed, the evidence in regard to the contents of the title paper issued by Governor Fages is not sufficient to sustain the petitioners' allegation. The only witness who testified that he saw the document does not pretend to give its contents. He does not say to whom the grant was made he specifies nothing contained in it, except the boundaries of the land mentioned therein. It might have been an estate at will, a lease for a month or a concession with any conceivable conditions, limitation or defeasance. The reference to it in the decree of Governor Figueroa is not more definite and in my opinion he did not regard it as an instrument vesting a title in the hands of Manuel Nieto and thus withdrawing the land from the operation of the granting power held by him. In this view of the case, the petitioners have failed to establish a title in themselves in the property under a grant from Fages, or to prove the withdrawal of the premises by the Act of that Officer from the Mass of the National Domain subject to the authority of the Governors of California successively given by the Colonization Law. The rights of these claimants if any they have, must rest then on the grant by Figueroa in 1833 which was made to Josefa Lota their mother. They are not named as grantees nor made in any way parties in the grant. It is not then a grant to them in terms Josefa Lota alone is named as grantee and she has by the terms of the grant the full power and control over the property. She is not limited in the use of it. Nor is she restricted more than others in grants made at that period in full power of disposing of the property; nor is there any intimation that she holds it in trust for others. It is however alleged that "she has satisfactorily proved her right to the Estate of Manuel Nieto deceased and bringing into consideration the ancient and peaceable possession she holds of the tract & she is declared Owner of the Land in question. How her right to the Estate of Manuel Nieto was proved whether it was

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were by conveyance from him or by a right which he recognized in her as widow or as tutor of her children is not declared, what was it might have been, it is clear that the grant was made to her alone; and so far as any thing is disclosed in the title paper it was in her own right and subject to her sole control.

This document cannot in my opinion be construed as a mere partition of the estate among the heirs of Manuel Nieto under a title previously held by him - nor is a recognition of the previous title in any sense which would prevent the making of a new grant by the Governor. This grant in its terms is totally inconsistent with such a supposition. If he regarded the title of these heirs already perfect in the land, how could he annex the conditions which this grant contains? How could he declare a title already perfect forfeited if a house was not built on the place within a year? How make a compliance with the terms of future Colonization laws a condition to the holding of that estate. If he regarded this title as already perfect? The heirs as already interested with an independent estate under the former grant - One which with drew the land from his authority under his power to grant the National domain - He could no more annex conditions to that title and declare it null if they were not performed, than he could abolish the title altogether and unconditionally. The truth is that the whole record shows that he did not regard the rights of the parties under any conception made by <sup>the</sup> laws as establishing private ownership and title in them, and making a new grant both unnecessary and without validity. Instead of showing an admission by Governor Figueroa of such prior title under the grant from Sages, it presents conclusive evidence that he regarded such grant whatever it was as having no such effect, but on the contrary he proceeded to make a new conception of the premises on the principles and under the conditions provided in the Law of 1804 and the regulations of 1828 from which he derived his power over the subject. The conceptions under the Spanish Authority made in the California before the independence of Mexico do not purport to be perfect titles, at least none of that character have fallen under the notice of this Commission - One only has received confirmation and

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that on the ground, that an equitable, though not a legal title was established. The old grants were generally on their face mere rights of possession or provisional grants and in almost every case when the Government was established after the Mexican Revolution, the parties applied for new grants which they received, not as mere evidence of a former subsisting title, but in the form and under the terms and subject to the conditions imposed by the Law of 1824 and the regulations of 1828. Under these the power of the Government over the public domain was defined: It was a power to grant on certain conditions not a power to recognize and give new evidence of private titles already existing without conditions and limitations. We had entire discretion as to the choice of grantees and this power enabled him to do most ample justice to persons who held under provisional grants previously issued or who occupied without a shadow of title or right to the possession - all these presented themselves to the new authorities for concessions under the new order of things and usually received grants in the ancient possession. The archives of this Commission are full of such documents, and the custom was all but universal. So far as we can understand the case before us it was of this description - That Manuel Nieto had some sort of a document from Lorenzo Fajó, seems pretty well established and that he and his children had long possession of the premises is equally evident; but there is no proof which shows the precise character of that document, and it was clearly not regarded as one which rendered a new title unnecessary, or one which precluded the authority of the Government to issue a valid grant of the premises.

It is claimed that this is if not a legal estate in the petitioners, a mere trust estate in their mother who took the property under the grant from Figueroa as trustee for them - That the Queen designed to secure the property to the benefit of the Nieto family I have no doubt; but there was nothing disclosed to prevent the full exercise of his discretion in selecting the members of it, to whom he would concede the title on the usual conditions imposed by the Colonization Laws. Perhaps the widow presented the will, or proof of the desire of her husband that she should

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Obtain a grant of the Land on which they lived perhaps he eminent Felipe for the management of such property might have been shown to him - perhaps her anxious care in support of her minor children might have commended her to his attention as the safest depository of the common source of their livelihood - The embarrassments attending the title to infant children, or the of disposing of the premises for their support might have been bred to him - There are many other reasons which might legitimately have operated on his mind in selecting the widow and mother as the proper person to receive the grant - It is sufficient to say that in my opinion he had the power to designate the grantee and seems to have made the selection on principles of Justice -

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The claimants allege that she held the Estate as trustee for them, and that therefore she could not hold it against them, and that therefore she sold to another - Trusts are of two kinds Express and implied. That no trust is expressed in the grant to Josefa Lotia is very certain - On the face of this grant as we have above stated, she was as much the owner of the property with as full right to convey to a third person as any grantee named in any grant issued by the Mexican Government. If there was an implied trust, her conveyance to a third person for a valuable consideration would not be affected by it, unless other circumstances were proved which should impute the grantee with improper conduct on the part of the trustee, making the conveyance to him without proof of the trust, the burden of which is on the party alleging it, it cannot be presumed, and without proof of notice to the purchaser of property held by a title absolute on its face, his title cannot be affected by such implied trust - The trustee in such a case would be liable in Equity to the cestui que trust but the title of the purchaser would be indefeasible - Nothing is alleged or proved in the case before which can affect the right of Josefa Lotia as the bona fide purchaser from Josefa Lotia to the property granted to her and by her conveyance to him - The title being in her by virtue of the grant made by Figueroa, her children the present petitioners claiming title as the heirs of their father and a conveyance to her grant are not proved to be the owners of the premises, and can not

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therefore defeat the title of the purchaser from her  
Their application for a confirmation of the Land to them  
Selves must therefore be refused

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Filed in Office Sept 12<sup>th</sup> 1854

Geo Fisher Secy

423

Concepcion Nieto Val }  
vs }  
The United States }

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Decree

In this case on hearing the proofs and allegations  
it is adjudged by the Commission that the claim of  
the said petitioners is not valid, and it is therefore  
decree'd that their application for a confirmation  
thereof be denied

Alpheus Felch  
R. Aug Thompson  
S. B. Furwell

Commissioners

Filed in Office Sept 12. 1854

Geo. Fisher Secy

And it appearing to the satisfaction to this Board  
that the Land hereby adjudicated is situated in the  
Southern District of California, it is hereby ordered that  
the two Transcripts of the proceedings and of the decis-  
ion 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 Judicial District  
of California and the other be transmitted to the  
Attorney General of the United States—



Office of the Board of Commissioners,

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

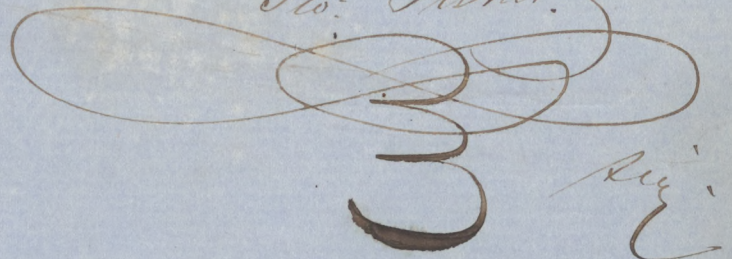
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I, *George Fisher* — Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Fifty eight* — pages, numbered from  
1 to 58, both inclusive, to contain 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. 423 on the Docket of the said Board,  
wherein *Concepcion Nieto, et al,* are —

the Claimants against the United States, for the place known by  
the name of "Santa Gertrudes"

In Testimony Whereof, I hereunto set my hand  
and affix my private Seal (not having a Seal  
of Office) at San Francisco, California, this  
*Thirty first* — day of *January*  
A. D. 1855, and of the Independence of the  
United States of America the seventy-ninth.

*G. Fisher.*



U. S. ~~193~~ **193**  
Southern District of California.

No 193. Doer  
The United States.

~~193~~ **193**  
Concepcion Nieto, et al.  
"Santa Gertrudes"

Transcript of the Record  
from the  
Board of U. S. Land Commissioners  
in case No. 423.

Filed February 5<sup>th</sup> 1855.

J. S. Farr  
clerk.

**193**

Concepcion Nieto  
Petro Nieto de Aliphan  
widow of Martin Aliphan  
don Antonio Nieto, Sr  
Nieto Solano Nieto  
Soyudo & don & don  
Nieto -  
vs  
United States

N<sup>o</sup> 193 = In the Uni-  
ted States District Court  
for the Southern District  
of California -

Appeal ~~taken~~ from the final decision  
of the Board of Commissioners to ascertain  
& settle the Private Land Claims  
in the State of California taken by said  
Board having <sup>Feb 5<sup>th</sup> 1855</sup> filed with the Clerk of  
said court a certified transcript of  
their proceedings & decision, of the papers  
evidence upon which the same were  
made in the said cause being N<sup>o</sup> 423 on  
the docket of said Board -

Notice is hereby given that Concepcion Nieto  
& the others above named  
Appellants in the above cause &  
Claimants before the said Board in a claim  
for a tract of Land called "Santa Gertrudis"  
situated in said Southern District filed before  
said Board Oct 28<sup>th</sup> 1854 & being on its do-  
cket N<sup>o</sup> 423 will prosecute the appeal herein  
from the final decision of said Board entered  
on 12<sup>th</sup> Sept 1854 against & adverse to said Clai-  
-nants -

Stancaza Bunt  
atty for Appellants  
& Claimants -

N<sup>o</sup> 193

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

Concepcion Nieto et al  
appellants

vs

United States

Notice of Intention  
to prosecute Appeal

Filed May 26<sup>th</sup>, 1885.

J. E. Farr.  
clerk.

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J. D. Brent  
atty for app<sup>ts</sup>

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

Concepcion Nieto  
Perra Nieto de Aljar  
Diego Nieto  
José Antonio Nieto  
Dolores Nieto de Dryden  
& José de Jesus Nieto

Appellants

vs

The United States  
Appellees

Case No 193

Transcript, 423.  
"Santa Gertrudes"

In this case it having been  
ordered by the Court that the Transcript  
be returned by the Clerk of this Court to  
the <sup>Secretary</sup> ~~Clerk~~ of the United States Land Com-  
mission, in order that the same may be  
amended; it is hereby stipulated and a-  
greed that no right of the United States or  
of the Claimants shall be affected by said  
order in any respect.

Thancatur Bent

Atty for Appellants  
P. O. M. atty of the U. S. States  
for the South Dist of Cal

Case No 193.  
U. S. Dist. Court, Southern  
District of California

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Concepcion Xito et al.  
Appellants  
vs  
The United States  
Appellees.

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Stipulation

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Filed Oct 11th 1855

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J. E. Jam  
Clerk.

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

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Concepcion Nieto

Petra Nieto de Alipar

Diego Nieto

Jose Antonio Nieto

Dolores Nieto de Dryden

+ Jose de Jesus Nieto

Appellants

By

The United States

Appellees

Case No 193.

Transcript 423.

"Santa Gertrudes."

In this Case, it being suggested by  
J. Lancaster Brent, Counsel for Appellants  
that the Transcript of the Record from the  
United States Board of Land Commissioners  
is imperfect,

It is ordered, that, the District  
Attorney being notified and consenting  
thereto, the original Transcript be returned  
to the office of the Secretary of said Board of  
Commissioners by the Clerk of this Court, in  
order that the same may be amended, and  
that a perfect Copy of the original docu-  
ments may be submitted to this Court.

No Spanish of Ind. Pops. x c x c x c

No - 193 -  
U. S. Dist. Court. South<sup>h</sup>  
District of California

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Concepcion Nieto et al.  
Appellants  
vs  
The United States  
Appellees.

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Order to Return Transcripts

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Filed Oct 11<sup>th</sup> 1885

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J. E. Lang  
Clerk



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

Concepcion Nieto et al  
Appellants

No 193

By  
The United States

Appellees.

"Santa Gertrudes"  
Transcript 423

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To/

The Hon. Isaac S. K. Ogden, District Judge of the above Court,

The petition of the appellants in the above cause, Concepcion Nieto, Petra Nieto de Alipaz (widow of Martin Alipaz, deceased) Dolores Nieto (wife of William G. Dryden), Diego Nieto, Jose Antonio Nieto, and Jose Jesus Nieto, respectfully represents unto your Honor;

That they are claimants for a certain tract of land, situate in Los Angeles County, within the Southern District of California and the jurisdiction of your Honor the Court above mentioned, known as the "Rancho de Santa Gertrudes", under a grant made to Manuel Nieto, the grandfather of your petitioners, of certain lands, of which the said Rancho de Santa Gertrudes forms a part, by Don Pedro Fages, Spanish Governor of California, in or about the year 1798; and which grant was recognized and confirmed by the Mexican Government, May 22, 1834, by sundry titles on that day issued for the benefit of the heirs at law of said Manuel Nieto, by General

José Figueroa, Political Chief of the Territory of Upper California.

That on October 28, 1852, the above Appellants filed before the United States Board of Land Commissioners to ascertain and settle the private land claims in the State of California, their Petition, setting forth their claim and title to said "Santa Gertrudes", and praying a confirmation thereof.

And that hereafter they filed before said Board in support of their claims documentary evidence and the depositions of witnesses;

To which petition to said Board, said documentary evidence and depositions the Appellants hereby respectfully refer, and make the same a part of this petition;

That on September 12, 1854, the said Board made and entered their decision adjudging the title of the Appellants to be invalid and rejecting their claim.

That hereafter, on the 5<sup>th</sup> February 1855, an appeal was taken from said decision, by the said Board causing to be filed on that day in the office of the Clerk of the above District Court, a certified Transcript of the Record of the Board in this case;

That hereafter on May 26, 1855, the Appellants filed in the office of said Clerk their notice of intention to prosecute said appeal.

Wherefore they pray that the Hon<sup>ble</sup> District Court will review the said decision.

of the said Board, and reverse the same,  
and decree their title to the said lands of  
"Santa Gertrudes" to be good and valid and  
to confirm their claim thereto.

And for costs of suit and general re-  
lief agreeable to Equity,  
And as in duty, etc.

*Grant & Dryden*

Attorneys for Appellants

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Case 2° 193  
U. S. Dist. Court, South  
Dist. California

Concepcion Nieto et al  
Appellants

vs

The United States  
Appellees.

Petition for Review

Filed this 10th February  
A D 1858  
Luis C. R.  
J. A. Colman  
Dep

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J. Leicester Brent  
Atty for Appellants

United States of America, } SS.  
SOUTHERN DISTRICT OF CALIFORNIA.

THE PRESIDENT OF THE UNITED STATES,

TO

*P. Govt U S District*

193 SD

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GREETING:  
TAKE NOTICE, That a Petition, a copy of which is herewith served upon you, has been filed against ~~you, and each of you,~~ <sup>in the United States,</sup> in the District Court of the United States, in and for the Southern District of California, on the *10<sup>th</sup>* day of *February* in the year of our Lord, one thousand eight hundred and fifty-*eight*, at the City and County of Los Angeles, in said District, by

*Concepcion Arto et al. praying  
said Court to review the decision of the  
U S Board of Land Commissioners rendered  
on the 12<sup>th</sup> September 1854 rejecting  
their claim to the Rancho called  
"Santa Gertrudis"*

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

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this *10<sup>th</sup>* day of *February*, in the year of our Lord, one thousand eight hundred and fifty-*eight*, at Los Angeles aforesaid.

Clerk.

*Wm. H. Coleman*  
*Self*

1993

SUMMONS

Conception Fructosol

The United States

U. S. DISTRICT COURT.

UNITED STATES OF AMERICA,  
SOUTHERN DISTRICT OF CALIFORNIA,

1858  
11th day of Feb

1858  
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I served this Summons, along with the proper copy of the Petition, upon *Fred*  
*United States Attorney*

at *Los Angeles*, in the Southern District of California, on  
the *11th* day of *Feb*, A. D. 1858.

Sworn to and subscribed before me,

*this 11th day of Feb 1858*

*[Signature]*  
Clerk.

Marshal.

*James C. Permie*

In the Dist Court of the Southern District of  
Calif.

Concepcion Nieto et al  
vs Appellants,  
The United States.  
Appellees.

N. 193.

Proc. N. 423

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The answer of P. Ord Attorney of the U. States for  
the Southern Dist of Calif. to the petition for  
review in this ~~case~~ cause, says, That he denies  
generally the validity of the alleged title  
of the claimants - and prays that the  
Court will affirm the decision of the  
Board of Land Commissioners; and  
decree the alleged title to be invalid;  
and Costs and general Relief.

P. Ord  
Attly.

N<sup>o</sup> 193.

Crescent Nieto sub

or,

The U States,

---

Answer of U States.

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Filed this 24th February  
A D 1858 Edwin Clark  
J. M. Coleman  
Dep



U S District Court  
Southern District of  
California

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no  
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Conception Mito et al  
app<sup>t</sup>  
vs  
The United States

Now comes the  
United States by J M Hittchell  
U S District Attorney and  
moves the Court to set this cause  
for hearing on Wednesday the  
15th Inst

J M Hittchell

U S Dist Atty

Aug 5th 1860

No 193

Concepcion  
Apto stal  
as  
Astals-

Motion to set aside  
for trial

Filed in office this  
8<sup>th</sup> Sept 1860

Chas  
or

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N<sup>o</sup> 193

Edmund being duly sworn deposes & says that he is Attorney for appellants that the present term of Court is an Extra term of Court -

Edmund further says that he has been a practitioner in this Court since its organization & is well acquainted with its practice & that in the belief & knowledge of appellant, no case has ever been summarily forced to trial at an Extra Term against the consent of the parties -

Edmund further says that in his belief, he ~~was~~ did not understand the calling of this Extra Term to convey notice that the above case would be summarily called - & he has made no preparation for its trial -

Edmund

Done and sworn to before me  
this 8<sup>th</sup> of Sept<sup>r</sup> 1860

C. Sims CR

No 193

Affidavit of  
D. L. Brent

Filed this 8th  
August 1860  
Chims. etc

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*[Faint handwritten notes on the right side of the page, including the name "Chims. etc" and other illegible text.]*

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

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In the case of Concepcion Nieto et al.

The United States —  
for the Rancho of Santa Gertrudes. B  
B  
B

On appeal from the United States Land Commission.

The deposition of George Hanson, taken on behalf of the Claimants. Present V. E. Howard for Claimants, and J. R.

Gitchel for the United States. The said George Hanson having been first duly sworn deposes and says:

Q. Where is your residence and occupation?

A. Los Angeles City, County Surveyor.

Q. Are you acquainted with the rancho of Santa Gertrudes, have you surveyed any portion thereof?

A. I know the Rancho Santa Gertrudes, have made several surveys of the same, the latter of which I made yesterday.

Q. What tract did you survey yesterday?

A. I ran the westerly boundary line of the rancho "Paso de Bartolo Brejo" as laid down in the

"diseño" of the "expediente" of said grant of Bartolo Vieja of Crispin Perez, that is to say, I drew a line from the yucca tree South Westward of the ruins of the old house of Crispin Perez in a northerly direction to a point about two hundred yards Eastward of another ruin designated in the diseño - "Vina del Señor Juan ~~Perez~~ José Nieto," thence in a Northwesterly direction according to the dotted line on said diseño to the river San Gabriel. I also commenced at the Paso Bartolo on the San Gabriel River and ran nearly East to the line that I first ran as above explained, the same East line being the northern boundary line of the lands of John G Downey according to the United States Survey of the part of the lands of Santa Gertrudes confirmed to said Downey. The lands included within the above mentioned lines and the River contain <sup>about</sup> two thousand six hundred acres, that is to say that the said two thousand six hundred acres are bounded on the South by the lands of Downey on the East by the lands of Perez, according to grant, by Rio Pico, and on the West by the River San Gabriel, according to Sketch hereto attached, - marked "Exhibit A."

Q. What is the present appearance of the house of Juan Crispin Perez. the tree

and the vineyard as delineated on the said  
diseno?

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A. The house of Juan Crispin Perez and the  
house of José Nieto are ruins, the vineyard  
has disappeared, and the tree is a live  
Sycamore tree; I have no doubt as to the  
identity of these objects because they  
conform so well to the diseno. The oldzanja  
which passes a few steps west of the house  
of Nieto, known as the "zanja Madre" - is  
still in existence and in actual use.

2. Have you any knowledge as how this line  
of Downey's land was established?

A. About twelve or fifteen years ago I made  
a survey for Carpenter at which occasion  
he established this northern boundary line  
of his Rancho now belonging to Downey as  
commencing at the "Paso Bartolo viejo" at  
the River San Gabriel and running easterly  
so as to leave the Garden of Sheriff Barton  
south of said line and following the lane to  
Joaquín Colima; this is the same line which I  
ran yesterday.

Geo. Mansueto

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Subscribed and sworn to

81 before me this July 4<sup>th</sup> 1864

H. J. Ramirez  
United States Commissioner for the Southern District of  
California.

Deposition of William G Dryden taken at the same time and place before me H P Reaney, U.S. Commissioner fourth Dist. of Cal. - to be used by the Claimants in the above entitled case - Present Valney E Howard, Gg. for Claimants, and J. R. Gitchell, Gg. for the United States.

Question? Who are the heirs of Josefa Cota the grantee of Figueroa for the lands of Santa Ysabel?

Ans. Concepcion Nieto who died without children, Diego Nieto, José de Jesus Nieto, Sons of Josefa Cota and brothers of Concepcion Nieto; José Antonio Nieto who died without children, Petra Nieto de Alipáz, daughter of Josefa Cota, now dead and left children to wit: Manuel Alipáz, Modesta and Dolores Alipáz; Dolores Nieto Dryden, daughter of Josefa Cota, now dead, leaving two children Guadalupe and Julia Dryden.

Q. Are you acquainted with the lands surveyed by George Hauser on the 6<sup>th</sup> of July, <sup>1864</sup> and if yes, whether the same were ever conveyed by any one to any one by Josefa Cota during her life-time or by her heirs since her decease?

A. I know the lands well, they were never sold by her during her life-time nor conveyed by any of her heirs since to any body.



Q. Is there to your Knowledge at present any adverse Claimants to this tract of land?

A. There are none at present. Gov. Downey does not claim North of his line as described by Mr. Hauser and Gov. Pico, present owner of San Bartolo, does not claim West of the dotted line on said division as run by said George Hauser.

W. G. Dryden

Subscribed and sworn to before me this 7<sup>th</sup> day of July A.D. 1864.

J. P. Ramirez  
United States Commissioner for the Southern District of California.

United States of America  
Southern District of California ss.

I, J. P. Ramirez, United States Commissioner for the District of California in and for the Southern District of California, do hereby certify that the foregoing depositions of George Hauser and William G. Dryden to be used on behalf of Claimants in the case of Concepcion Nieto et al. vs. The United States for the Rancho

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of Santa Gertrudis, were taken by consent of parties before me this 7<sup>th</sup> day of July A.D. 1864, Volney E Howard, Esq. appearing for claimants and Joseph R Gitchell, Esq. on the part of the Government of the United States. And I further Certify, that after the said depositions were taken by questions and answers, they were carefully read by said deponents, (having been first duly sworn according to law) and then signed by each of them in my presence and in presence of the aforesaid V E Howard and J R Gitchell.

In Witness Whereof. I have hereunto set my hand and affixed my private seal (having no official seal provided) this Seventh day of July A.D. One thousand Eight hundred and sixty four.

J P Ramirez  
Of Commissions South of Cal.



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Concepcion Nieto et al.  
vs.  
The United States.

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The deposition of  
Geo Hanson and  
Wm G Dryden taken

To John O Wheeler, Esq  
Clerk U.S. Dist Court S.D. of Cal.

by consent of parties. before me this July 7th 1864. - to be used on  
the part of Claimants in the case of Concepcion Nieto et. al. vs. The  
United States; in the presence of V. E. Howard, Esq. for claimants and  
Joseph R. Gitchel for the Government of the United States. J. P. Ramirez  
U.S. Court South Dist of Cal.

Filed July 13, 1864  
John M. Miller  
Clk.