CASE NO.
207

SOUTHERN DISTRICT

LAS HUERTAS GRANT

MARIA ANTONIA DE LA
GUERRA Y LATAILLADE

CLAIMANT

LAND CASE 207 SD pgs. 35

322

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 322.

Maria Antonia de la Guerra y Castillo de CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Las Huertas"

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

The Petition of Maria Antonia de la Guerra y Sataillade for the Place named "Las Huertas," was presented, and ordered to be filed and docketed with No. 322 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco February 12' 1853.

In Case no. 322, Maria Antonia de la Guerra y Sataillade for the place named "Las Huertas," the deposition of Pablo de la Guerra, a witness in behalf of the claimant, taken before Commissioner Harry I. Thornton, with document marked H. I. T. no. 1. annexed thereto, was filed:

(Vide page 5 of this Transcript.)

San Francisco Sept. 28' 1853.

Case no. 322, on Motion of the Counsel for the Claimant, was ordered to the foot of the Docket,

San Francisco Sept. 26' 1854.

Case no. 322 was submitted without argument,

San Francisco October 3rd 1854.

In the same Case Commissioner Alpheus Felch delivered the opinion of the Board rejecting the claim:

(Vide page 23 of this Transcript.)

and the following order was made, to wit:

(Vide page 25 of this Transcript.)

3

To the Honorable Commissioners to Settle Private Land Claims in California

207 SD
PAGE 4

Petition

The Petitioner, Maria Antonia de la Guerra de Bataillade respectfully shows:

That in the year 1844, Manuel Micheltorena, Governor of California by virtue of Authority in him vested, granted to certain Emancipated Neophytes of the Mission of Santa Inez, named in the said grants a certain tract of land called "Las Huertos" situate in the Place called Canada de la Presa y "Aliguay or Alatihacy" and containing one Thousand three hundred varas Square, a copy of one of which grants is submitted herewith with a certificate of the Priest of said Mission, marked "A" with translation marked "B".

And the petitioner avers that a part of these title papers have been lost and cannot now be found, but that it is susceptible of proof, and will be proved on trial that such titles were given in due form at the time alleged above;

And the petitioner further avers that in the year 18 the tract of land was duly surveyed and the juridical possession of it given in due form of law.

That on the 28th day of August A.D. 1847, by a public act of sale, the then owners of the said tract of land, viz: Joaquin Domingo Pico, Raymundo José Raymundo Lewis, Juana and Datonia, acting by their Attorney-in-fact, Andres, sold and conveyed to the Petitioner the aforesaid tract of land with the boundaries described in the deed of conveyance, a copy of which power of Attorney and conveyance is submitted herewith marked "C" with a translation marked "D"

That said tract of land has not been surveyed by the Surveyor General of

the United, but that it was duly surveyed and its boundaries marked out;

That the said Neophytes and the Petitioner have been for nearly 10 years, and the petitioner now is, in the quiet and undisputed possession and occupation of the said tract of land;

That she knows of no conflicting claim

That she relies for confirmation of title upon the original papers, copies of which are submitted herewith; upon the records and minutes in the archives of the former Government of California; and upon such other and further proofs, as she may be advised are necessary;

Wherefore she prays the Commissioners to confirm to her the aforesaid tract of land.

By her Attys
Halleck Peachy & Billings

Filed in Office Sept 4th 1852.
Geo. Fisher Sec.

8

San Francisco Feby 12. 1853.

On this day before Comr Hamy D. Thomston came Pablo de la Guerra, a witness in behalf of the Claimant Maria Antonia de la Guerra y Dataillade petition No 322, and was duly sworn, his evidence being given in English.

207 SD
PAGE 6

Deposition of Pablo de la Guerra

In answer to Questions by the Counsel for the Claimant the witness says.

My name is Pablo de la Guerra, my age is 33 years. I reside in Santa Barbara, and am a native of California.

I know the hand writing of Manuel Micheltorena, Manuel Jimeno, José Joaquin Jimeno, Luis Carrillo, Antonio Rodriguez, and Esteban Ortega; their signatures to the papers before me marked Exhibit No. 1 and attached to this Deposition are their genuine signatures.

I know the tract of land described in these papers and called "Los Huertas" it was purchased by the present Claimant in 1847 and has been occupied by her ever since with cattle and horses.

Pablo de la Guerra

W. T. Lean Agent present.

Sworn to & subscribed
Before me this 12 d
Feby 1853.
Hamy D. Thomston
Comr &c.

Filed in Office Feby 12th 1853,
Geo. Fisher Sec.

[Span Doc follows]

6

El C. Manuel Michelt.a General de Bri

gada del Ejercito Mejicano, Ayudante Gene
ral de la plana mayor del mismo, Gobernador
Comandt.e Gral. é inspector del departamento
de las Californias.

Sed al Por cuanto los Indigenas de Sta.
Ines llamados Franco. Luis y Raymun
do han acreditado su honradez y pretender
terreno para su cultivo, he venido en uso de
las facultades que me son conferidas y a
nombre de la Nacion Mejicana en concederles
à los dos primeros hescientos varas cuadradas
y al tercero doscientas en el parage llamado
Alalihacey, sugetos à las condiciones si-
guientes.

1.a No podra venderlo enagenarlo ni hipote
carlo y si por algun motivo lo dejaren baldio
ò murieren los agraciados ò sus herederos,
podra volver el terreno à beneficio de la Mi-
sion.

2.a El Reverendo padre Ministro respectivo
dispondrà que se proceda hacer el sena-
lamto. y mideicion del terreno de que se hace
donacion.

En consecuencia mandoque
sirvendoles de Titulo el presente y teniendose
por firme y valedero se tome razon de el en el
Libro respectivo y se entregue al los interesados
para su resguardo y demas fines.

Dado en Monterrey à veinte y seis de Julio de
mil ocho cientos cuarenta y cuatro.

Manl. Michelt.a

Manl. Jimeno Srio.

Queda tomada razon de este Despacho en el
Libro respectivo à fojas 9. Vuelta:

Tesoreria Office Febry. 12.th 1853

Geo. Fisher Deery

8

Citizen Manuel Micheltorena, General of Brigade of the Mexican Army, Adjutant General of the Staff of the same, Governor Commanding General, and Inspector of the Department of the Californias.

Government of the Deptmt. of Californias

Translation of Title papers

Whereas the natives of Santa Inez named Francisco, Luis, and Raymundo have proved their good character and petitioned for land for cultivation, using the faculties conferred on me and in the name of the Mexican Nation I have granted to the two first three hundred square yards and to the third two hundred in the place called "Alatiracy" subject to the following conditions;

1. They may not sell it, alienate or mortgage it, and if from any cause the grantees should leave it vacant or if they should die, the land shall remain for the benefit of the Mission.

2. The Rev. Father, minister of the place will direct the designation and measurement of the land granted in donation.

In consequence I order that serving them for a title these presents, and being held as firm and valid, note be taken of them in the proper book and they be delivered to the parties interested for their security and other purposes.

Given in Monterey on the twenty sixth of July, one thousand eight hundred and forty four.

(Signed) Manl. Micheltorena

(Signed) Manuel Jimeno
Secretary.

Note has been taken of this order in the proper book on folio nine, over.

10

Friar José Joaquin Jimeno Minister of this Mission of Santa Inez.

I certify in the best form I can, that it is now three years since I received from General Manuel Micheltorena four titles, two which are still here, one which at this time may be in the possession of Don Cesario Lataillade, and another which I delivered to Don Ricardo Ridley, in which were included six peices / Suertes / of land containing about one thousand three hundred varas of the Canada of Alatitna, the owners of which are Joaquin, Ayala, Domingo, Raymundo Juarez, and Polonia.

And in testimony of which I give these presents in this Mission of Santa Inez on the 29th of August 1845.

/signed/ José Joaquin Jimeno.

Filed in Office Septr. 4th 1852
Geo. Fisher Acc

11

Yo. José Joaquin Jimeno Ministro de esta Mision de Sta. Ines.

Certifico en la mejor forma que puedo; que hace tres años que recibi del Señor General. D. Manuel Michelorena cuatro titulos, dos que aqui existen, uno que à la fha puede estar en poder del S. D. Cesar Sataillade y otro que entregue à D. Ricardo Ridley, en el cual estaban contenidos unos seis suertes de tierra que comprenden como mil y trescientas varas de la Coña de la Presa y Alalihua cuyos dueños son Joaquin Ayala, Domingo, Reymundo, Juana y polonia

207 SD
PAGE 10

Y para que conste doi la presente en esta Mision de Sta Ines à 27 de Agosto de 1847

Exhibit No. 1 to the Deposition of Pablo de la Guerra taken in No. 322.

Yo. José Joaquin Jimeno

Joaquin, Domingo, Rio, Raymundo, Luis Juana y polonia, neofitos de esta Mision de Sta Ines damos amplio poder libremente al Alcalde Andres para que en nuestro nombre ben da à Dn. Cesario los pedasos de tierra que nos dio el Gobierno con todo y titulo que comprende toda la Cañada de la presa y Alaliguay como constra por la posecion que nos dio el señor Alcalde de Sta. Barbara.

Y para que conste por no saber formar se pone la Santa Cruz.

Joaquin + Domingo + Rio + Jose Raymundo + Luis + Juana + Apolonia + de asistencia de asist.

Rafael Rodriguez

Juzgado de Sta. Bba.
Agto. 30 de 1847.

Por admitido este poder y surta los efectos como judicial atendiendo à la Clase de recursos de los poderantes con la condicion de q. en el termino de un mes contado desde esta fha, tanto la parte bendedora como compradora esta obligado à presentar el poder judicial conforme à derecho. Yo el Jue lo decreté y firme.

Luis Carillo.

Exhibit No. 1
Continued

En el puerto de Sta Barbara del departamto de California à los veinte i ocho dias del mes de Agosto de mil ocho cientos cuarenta y siete ante mi Luis Carillo Jues 2º de este partido en ejercicio del de 1º por ausencia del propietario y por ante los testigos de mi asistencia con quienes actuo por receptoria à falta de Escribano publico à mas de los instrumentales qe al fin se denominaran compareció el Neofito Andres Alcalde de su clase en la mision de Sta Ines, apoderado en debida forma de los neofitos de la misma mision y nombrados Joaquin, Domingo, Pio, Raymnto Jose Raymnd., Luis, Lucina, y Polonia, Dueños primitivos y herederos y dijo otro Andres, à quien doy fee conosco qe à nombre de sus poderdantes herederos y susesores y de quien de ellos ubiere titulo, voz y causa en qualquiera manera vende y da en venta real y enagenacion perpetua por juro de heredad para siempre jamas à la Sra. Dª Mª Antonia de la Guª de Latteilla de presente y aceptante à quien doy fee conosco, y à los suyos, los terrenos qe poseen de su propiedad en la cañada llamada de la presa y Alaliquai, como consta por la posecion que en adquirido segun los titulos que presentaron sus poderdantes y colinda dhos terrenos por el N. con el Rancho de Maselino, por el Sur con la huerta de la Mision por el Este y Oeste con las lomas, los cuales terrenos contienen mil trescientas varas de Cañada segun los titulos de concecion y posecion. De todo lo qe hase entrega en devida forma à nombre de sus poderdantes herederos y susesores à Dª Mª Antonia de la Ynta de Latteillade, con los corales y sercos para siembra, en cuyos terrenos tienen derecho sus poderdantes por haberlos adquiridos y heredado en varias fechas segun los titulos y espedientes qe existen, por cuyos titulos les corresponde en posecion y propiedad, los cuales terrenos declara el apoderado a nombre de sus poderdantes no tenerlos vendidos, enagenados ni impeñados ni de todo

Exhibit No. 1
continued

ni parte y que estan libres de tributo memoria capellania, vinculo fianza y de otro gravamen real perpetuo, temporal especial general tacito y espreso quedando à entregarlos como venta, en la forma y disposicion q.e particularmente an combenido en la cantidad de ciento cincuenta p.s en moneda corriente los q.e declara el referido Andres haber recibido à toda su satisfaccion, à nombre de sus poderantes, y q.e por tanto à nombre de ellos renuncia la esepcion q.e pudiera oponerse por no contar de presenta la ley 7.a titulo 10 parte 5.a Se formalisa à nombre de sus poderantes y a favor de la compradora la mas forme y efecas carta de pago q.e à su seguida a conclusa y asi mismo declara q.e a echo esta venta à nombre de sus poderantes por no poderlos seguir ocupando y ni haber y no haber allado quien mas les diera por los referidos terrenos y si mas valen ò valer pueda an del exceso en poco ò mucha suma hase Andres à nombre de sus poderantes y a favor de la compradora, herederos y sucesores gracia y donacion pura, mera perpetua y relocable en sanidad con insinuacion y demas formesas legales, y renuncia la ley 2.a titulo 10. para recopilacion q.e trata de los contratos de Ventas, trueque y de otro en q.e hay Recivo en mas ò menos de la mitad de su justo precio, y los cuatro años q.e profita para pedir su Ecision y su plenteno à su justo valor los que da por pasados como si efectivamente lo estubieran y desde hoy en adelante para siempre à nombre de sus poderantes se desapodera de este, quita y aparta à sus poderantes, herederos y sucesores dominio y propiedad, posecion que les competa à los enunciados, terrenos, los se de renuncia, y hasta con las acciones reales y personales, utiles, mistas directas y efectibas en la compradora y en quien la sulla representa para q.e los posee, cambie enagene, use y disponga de ellos à su eleccion como de cosa sulla, adquerido como legitimos y pro

Exhibit no. 1
Continued

=tos titulos les confiere poder irrevocable, con
libre franca y general admon y la constituyen
procuradora, actora en su propia causa p.a q.e
de su autoridad ò judicialm.te entre y se apode
re de los enunciados terrenos de la Cañada de
la presa y Alaliguai y de ellos tome y aprende
la real tenencia y posecion q.e por derecho le
competa y para q.e no persista tomarla pide
sele de copia autorizada por la presente es
critura, con lo cual sin otro acto de aprencion
à de ser visto aberla tomado, aprendido y trasfe
ridosele y en el interim à nombre de sus pode
rantes se constituye su mismo tenedor
y precario poseedor en legal forma y se obliga
à q.e dhos terrenos seran ciertos, seguros y
efectivos à la compradora y nadie la inquie
tara ni mobera pleito sobre la posecion, goze
y disfrute, y contra ellos aparecerà grabamen
alguno y si se la inquietare, mobiere o apara
ere, luego q.e el otorgante à nombre de sus
poderantes, ò ellos mismos herederos y suce
sores seen requeridos conforme à derecho
saldràn à su defensa y lo siguiran a sus
espensas en todas instancias y tribunales
hasta ejecutarselos y dejar à la compra
dora y à los suyos en libre uso, quieta y
pacifica posecion, y no pudiendo conseguir
lo le daràn otro igual en valor de los terrenos
venta y comodidad y en su defecto le
restituyeren la cantidad q.e a desembolsa
do, las mejoras utiles, presisas y voluntarias
que à la sazon tengan los mencionados
terrenos el mayor valor y estimacion q.e con
el tiempo adquieren de todos los, costos, gasto
y menoscabos q.e se le siguieren ò erogaren
p.a todo lo cual se les dade ejecutar en virtud
de esta Escritura y juramentos, y la se leban
de otra prueba. Y à la observancia de to-
do lo referido obliga el Otorgante à nombre
de sus poderantes, herederos y sucesores
sus bienes abidos y por haber q.e renuncian
las leyes de su favor y defensa y con la general
del derecho en forma, y confiere amplio poder
à nombre de sus poderantes à los Sres Juecs

15

que de este negocio deban conocer conforme à derecho para q.e los apremien à su cumplimiento como sentencia difinitiva de juez competente pasado en autoridad de cosa juzgada y consentida q.e por tal la reciben y la firmaron conmigo los de assistencia siendo los instrumentales los b.nos José Lorenzana, Juan M.a Tahegat y José antonio de la Sur.a y Ortega presentes y vecinos de este punto. Hecho en papel comun por no haber del sello correspondt.

Luis Carillo

Exhibit No. 1 continued

Andres por no saver firmar hizo una Cruz +.
Ass.a

Antonio Rodriguez - Ass.a Esteban Ortega.

Filed in Office Feby 12th 1853

Geo. Fisher
Secy

17

We, Joaquin Domingo, Pio, Raymundo, Jose Raymundo, Luis, Juana and Dolonia, neophytes of this Mission of Santa Inez, freely give ample power to the Alcalde Andres to sell in our names to Don Cesario Lataillade the pieces of land which the Government gave us, together with the title, which include all of the Canada of "La Presa" and Alat=igunay, as appears by the possession which was given to us by the Alcalde of Santa Barbara.

207 SD
PAGE 15

In testimony of which and not knowing how to write they make the sign of the Holy Cross.

Translation of Transfer Deed.

Assisting Witnesses
/signed/ Rafael Rodrigues
/signed/ Luis Davila

Joaquin his X mark
Domingo his X mark
Pio his X mark
Jose Raymundo his X mark
Raymundo his X mark
Luis his X mark
Juana her X mark
Dolonia her X mark

Juzgado of Santa Barbara August 30th 1847.

Let this power be admitted and take effect as if it were judicial in view of the class of resources of those empowering, with the condition that within one month from this date the party vending as well as the party purchasing is obliged to present the judicial power of Attorney in conformity with laws. I the magistrate decreed and signed it.

/signed/ Luis Carrillo

In the port of Santa Barbara in the Department of California, on the twenty eighth day of the month of August one Thousand eight hundred and forty seven, before me, Luis Carrillo, 2nd Magistrate of this "partido" acting as first in the absence of the regular judge, and before the witnesses of my assistance with whom I act by virtue of my office for want of a Notary Public, besides the witnesses to the instrument will at the end be named, appeared the neophyte Andres, Alcalde of his tribe in the Mission of Santa Ines, duly appointed attorney-in-fact of the neophytes of the same mission, named Joaquin, Domingo, Pio Raymundo, José Raymundo, Luis Juana, and Paloma, original owners and heirs, and the aforementioned Andres, whom I certify I know, said; that in the name of those empowering, their heirs and successors and whoever of them might have title claim or right, in any manner, he sells and gives in real sale, and perpetual Alienation, with the right of inheritance, forever, to Doña Maria Antonia de la Guerra de Lataillade, present and accepting, whom I certify I know, and to hers the lands which they own in fee in the Cañada named that of the "Presa" and Alaliguai as appears by the possession which they have obtained, according to the titles which they, the persons empowering shall present; and said lands are bounded on the north by the Rancho of Marcelino, on the south by the Garden of the Mission, on the East and West by hills, and they contain one thousand three hundred varas of Cañada. Of all which he makes delivery in the name of those empowering him their heirs and successors, to Doña Maria Antonia de la Guerra de Lataillade, together with the corrales and fences; to which lands those empowering him have a right by having acquired and

inherited them at various times as shown by the titles and expedientes which exist, by which titles they belong to them in possession and fee.

And the Attorney in the name of those empowering him, declares that they have not been sold, alienated or pledged, either entire or in part, and that they are free from all tribute, religious or charitable tax, entail pledge or other incumbrance real, perpetual, temporal, special, general, tacit or expressed, leaving them to be delivered as sold, in the particular form and manner agreed upon, for the sum of one hundred and fifty dollars in current money which said Andres acknowledges that he has received in the name of the principals to his entire satisfaction and therefore in their name he renounces the exception which might otherwise be taken from its not being counted in presence Law 7. title 10. part 5th. and, executes the most firm and effective receipt which can conduce to the security of the purchaser; and he likewise declares in the name of those empowering that he has made this sale because they could not continue occupying the said lands and because they found no one who would give more for them, and if they are or may be worth more of the excess be it large or small, Andres in the name of those empowering him, makes in favor of the purchaser her heirs and successors gift and donation, pure, simple, perfect and irrevocable, in good faith with judicial intervention and other legal securities, and renounces law 2nd "title 10. of the "recopilacion" which treats of contracts of sale, exchange, and others in which there is lesion in more or less than half the just value; and he considers as past as if they actually were, the four years fixed by it in which

207 SD
PAGE 17

to demand restitution of the property or what was wanting of its full value; and from this time forth, forever, in the name of his principles, their heirs and successors, he gives up possession, desists, and retires from the dominion, ownership, and possession which pertains to them in the said lands, and covers renounces and transfers them, with all the actions real and personal, useful, mixed, direct and effective, to the purchaser and whoever may represent her that she may possess it, exchange, alienate, use and dispose of it at her will, as of her own property acquired with just and legal titles; and he confers on her irrevocable power, with free full and general administration and constitutes her their attorney-in-fact that either of her own authority or judicially she may enter upon and take possession of the aforesaid lands of the "Canada de la Presa" and "Alalignai" and of them take and hold the real tenure and possession which legally belongs to her and that she may not need to take them, he prays that an authenticated copy of this writing be given to her, by which without any other act, she may be seen to have taken and seized them and that they have been transferred to her; and in the mean time he, in the name of those empowering him, constitutes himself her tenant and temporary possessor, in legal form, and binds himself that said lands shall be certain pure and effective to the purchaser, and no one shall molest her, or bring suit against her possession, enjoyment and benefit, neither shall any encumbrance appear against them, and if she be molested or suit brought or an incumbrance appear, so soon as the grantor in the name

of those empowering him, or they themselves their heirs and successors are required in conformity with law they shall come forward in her defence, and pursue it at their own expense in all courts and tribunals until they obtain judgment in favor of the purchaser and leave her and hers in free use, quiet and peaceable possession.

And if they are not able to accomplish this they shall give her another equal in value, rent and convenience to the lands, or in default of such they shall make restitution of the same she has expended, the improvements useful necessary and voluntary which at that time the said lands may have with the increased value which by time they may have acquired, with all the costs, expenses and damages which may accrue or be caused to her. All of which shall be executed in virtue of this writing and oaths, and they relieve her of other proof.

And for the observance of all the foregoing the vendors, in the name of his principal, their heirs and successors, their property in present possession or which they may hereafter obtain, and renounces the laws in their favor and defense and the legal exceptions, in form, and, also in their name, he confers ample power on the magistrate who of this matter ought to take cognisance, according to law, that they may force them to comply with it, as a definitive sentance of a competent judge, passed in authority of res judicata and consented to, for as such they receive it, and there signed with me these of my assistance, the witnesses to the instrument being Citizens José Lorenzana, Juan María Fabregat, and José Antonio de la Guerra y Ortega, present and residents of this place, executed on common paper for want of that of the

22

corresponding stamp.
(signed) Luis Carrillo.
Andres not knowing how to write
made a cross

Assisting Witnesses
(signed) Antonio Rodrigues
(signed) Esteban Ortega.

Filed in Office Sept. 3rd 1852.
Geo. Fisher Sec.

207 SD
PAGE 20

Plan see folio

23

Maria Antonio de
la Guerra de Latadeada
vs
The United States.

For the place called Las Huertas in Santa Barbara County, containing 1300 Varas Square of land.

Opinion by Commissioner Alphens Felch

The Claimant Alleges that a grant of the land Claimed was made by Governor Micheltorena to certain emancipated Indians of the Mission of Santa Inez, and that on the 18th day of August 1844, the then owners (naming eight persons) conveyed said tract of land to the petitioner.

As to six of the eight persons named no competent testimony is given showing any right in them to the premises.

As to the other two a grant is presented and proved made by Governor Micheltorena on the 26th day of July 1844 conceding to one of them and undivided half of three hundred Square Varas and to the other two hundred.

These lots are described in the grant as being in the place called "Atitihacy" no boundaries or other description being given. No judicial measurement is shown to have been obtained, nor is there any proof tending to describe or identify the lots granted.

The testimony is also defective on the subject of occupation and cultivation. There is no showing that the grantees were ever on the premises or had any thing to do with any possession or improvements thereon.

The Claimant has thus failed to show any title in the premises in the persons from whom she alleges she obtained the same by conveyance which could be the subject of transfer.

It is unnecessary to state the

other objections which are presented in the case. As the claim of Title in her alleged Grantors is not sustained by the proofs, nothing could pass by the most solemn act of transfer from them to her and she is not therefore entitled to a relinquishment of the title of the United States.

Rejected

Maria Antonia de la Guerra de Ortaillada
vs
The United States

Decree

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Petitioner is not valid, and it is therefore decreed that her application for a confirmation thereof be denied.

Alpheus Felch
R. Aug Thompson
S. B. Farwell.
Commissioners.

Filed in Office Oct 3rd 1853,
Geo. Fisher Sec.

And it appearing to the Satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California, it is hereby ordered that two Transcripts of the proceedings and of the decisions, in this case, and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California and the other be transmitted to the Attorney General of the United States.

Office of the Board of Commissioners,

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

I, George Fisher — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Twenty five — pages, numbered from 1 to 25, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 322 on the Docket of the said Board, wherein Maria Antonia de la Guerra y Lataillade is the Claimant, against the United States, for the place known by the name of "Las Huertas" —

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

Geo. Fisher.
Sec'y.

U. S. DISTRICT COURT,

Southern District of California.

No. 207. D. & R.

THE UNITED STATES,

207

vs.

Maria Antonia de la Guerra y Leatarilla de — "Las Huertas"

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 322

Filed March 6th 1855.

207 J. E. Carr, Clk.

207

322

United States District Court for
the Southern District of California.

Maria Antonia de la Guerra y Lataillade, Appellant, vs. The United States, Appellees.	Notice of intention to prosecute the appeal from the decision of the Board of U. S. Land Commissioners.

The above named appellant, Maria Antonia de la Guerra y Lataillade, claimant of the land known as "Las Huertas," situate in the Southern District of California, hereby gives notice of her intention to prosecute an appeal from the decision of the Board of Commissioners rendered in her claim for the said land which was presented to the said Board of Commissioners and by them rejected. Her claim being that which is numbered on the Docket of the said Board of Commissioners No 322. the transcript whereof as filed in this Office is numbered No 207.

Halleck Pacheco & Billings,
Attorneys for Appellant.

78-58

Hunter

WTS

No 207.

U. S. Dist Court.
Southern Dist of California.

Antonia Maria de la Guerra
y Satillade.
Appellant.

vs.

The United States.
Appellees.

Appeal Notice.

Filed March 16th 1885.

C. E. Carr
Clk.

No 207

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

207 SD
PAGE 27

M. A. de la Guerra y Lataillade, appellant
vs
The United States, appellees.

Petition of appellant praying the Court to review the decision of the Board of Commissioners.

Your petitioner, Maria Antonia de la Guerra y de Lataillade, the appellant in the above entitled cause, respectfully shows unto this Honorable Court, that on the 4th day of September A D 1852 she filed before the Board of Commissioners her petition praying for confirmation of title to the land called "Las Huertas," situate in the County of Santa Barbara and in the Southern District of California, which petition is hereby referred to for a description of the land claimed and the title of the claimant, and that on the 3d day of October A D 1854 the said Board of Commissioners decided upon the validity of her said claim and rejected it.

And your petitioner further shows that a transcript of the proceedings and evidence in the aforementioned claim before the said Board of Commissioners was filed in the office of the Clerk of the United States District Court for the Southern District of California on the 6th day of March A D 1855, and that a notice of claimants intention to prosecute the appeal from the decision of said Board of Commissioners was duly filed in the office of said Clerk of said Court on the 16th day of March A D 1855.

And your petitioner prays this

Honorable Court to review the decision of said Board of Commissioners, and, on the hearing of this cause, to reverse said decision and to confirm her title to the aforesaid land.

And she prays that a copy of this petition be served upon the United States District Attorney for the Southern District of California.

Halleck Peachy & Billings
Attys for Appellant.

No 207

M. A. de la Guerra y Latuillade
appellant
vs.
The United States, appellees

Petition for Review

Filed Octr 12th 1855
O E Carr clk
By W W Pope Dep

207 SD
PAGE 29

Hallett Kenny & Billings
Attys for appellant

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

207 SD
PAGE 30

The President of the United States,

TO

P. Ord U. S. Dist. Atty
for the South. Dist. of California

Greeting:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against The United States in the District Court of the United States, in and for the Southern District of California, on the 12th day of October, in the year of our Lord one thousand eight hundred and fifty-five, at the City and County of Los Angeles, in said District, by

Maria Antonia de la Guerra y Salvidade
praying the Court to review the decision of the U. S. Land Commission rejecting her claim to a tract of land called "Los Huertas".

and that you are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this 15th day of December A. D. 1855.

C. E. Carr

CLERK.

No. 207.

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

M. A. de la Guerra y Estudillo

vs

The United States

SUMMONS.

Received Dec 17 1855

Edward Hunter

U. S. MARSHAL.

207 SD

PAGE 31

Marshals cost

Copying Summons, 60

Serving " 3,00

" Petition 3,00

$6,60

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

M. A. de la Guerra y Estudillo by delivering to him personally a true copy of the same

at Los Angeles in the Southern District of California, on the 18th day of December A. D. 185 5.

Sworn to and subscribed before me,

CLERK.

Edward Hunter

U. S. MARSHAL.

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

M. A. Guerra y Satillado, Appellant
vs.
The United States, Appellee } No. 207. (Docket No. 322)

Hon. Isaac S. K. Ogier Judge.

The answer of Pacificus Ord Attorney of the United States for the Southern District of California praying in behalf of the United States.

To the petition of Maria Antonia de la Guerra y Satillado praying this Court to review the decision of the Board of Commissioners rejecting her claim and title to the land called "Los Huertas", to reverse said decision, and to confirm her title to said land; says.

That he denies all and singular each and every allegation in said petition.

And further this respondent denies generally the validity of the alleged title of said petitioner to said land.

And the said respondent prays, that this Hon.ble Court will affirm the decision of the said Commissioners, and decree the said alleged title of said petitioner to said land invalid. And general relief.

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

I have served the answer on Billings Atty for the parties by delivering to him personally a true Copy of the same at Los Angeles Dec 28th 1885

Edward Dunlap
U.S. Marshal
By M L Goodman
Deputy

No 207.

U.S. Dist Court
Dist of Cal.

M. A. Guirado
~~et al~~ vs La Tailade et al. Appts.

vs

The United States
Appee.

Ans of U.S. Atty.

Filed Dec 31st 1885.
J. E. Carr
Clk

207 SD
PAGE 33

Fees Marshals Costs
Serving Answer $3.00

207

The United States
vs
Mrs Lafaillude
apt

The apt. moves for a continuance of the above cause. and for grounds says that it is not safe to go to trial without further evidence as to the grounds having been issued stock. which she expects to obtain in Texas for the next term of the Court.

By his atty.

207

Mo. for Continuance -

Filed February 10th 1857
Lewis Clk
J. McCollum
Deputy