

CASE No.
212

SOUTHERN DISTRICT

EL ALAMO PINTADO GRANT

MARIA ANTONIA DE LA
GUERRA Y LATAILLADE
CLAIMANT

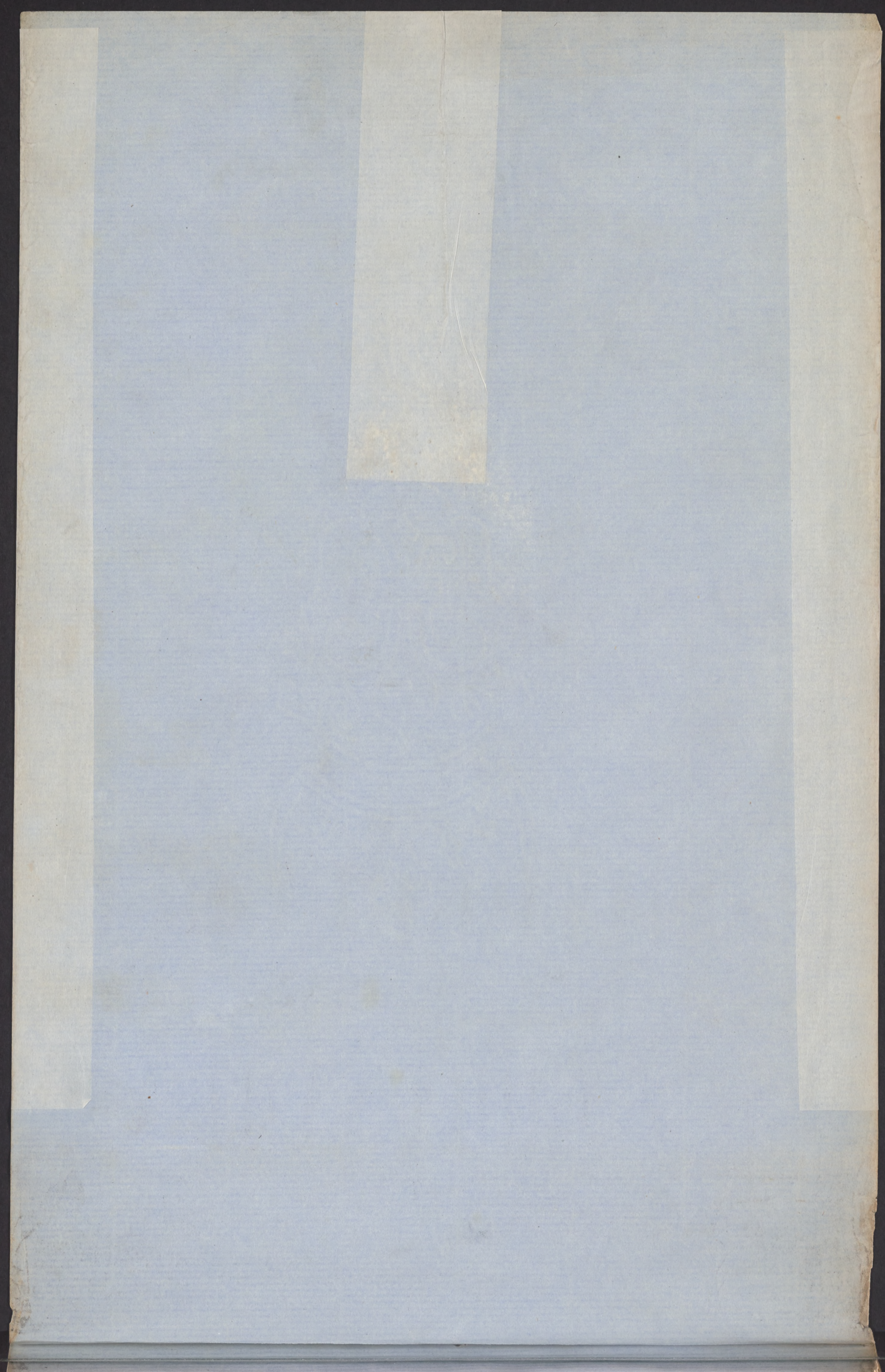
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NEW
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309

(D)

1811



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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 309.

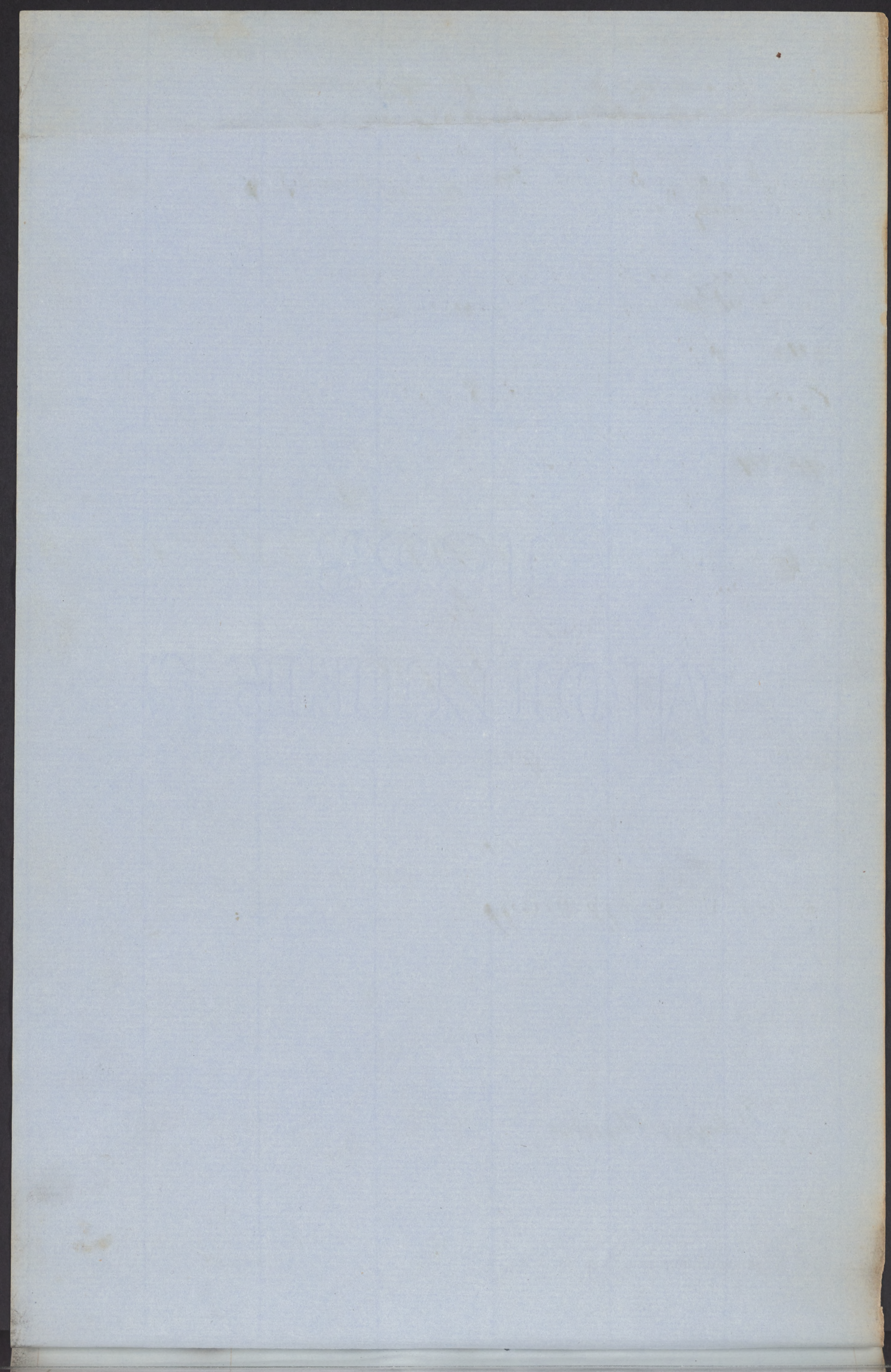
Maria Antonia de la Guerra y Santillana CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"El Arroyo Pintado"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *Thirty first day of August*, 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 "El Alamo Pintado"*, was presented, and ordered to be filed and docketed with No. 309, 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. 309, *Maria Antonia de la Guerra y Sataillade*, for the place named *El Alamo Pintado*, the deposition of *Pablo de la Guerra*, a witness in behalf of the Claimant, taken before Commissioner *Harry J. Thornton*, with document marked *D. D. T. no. 1*, annexed thereto, was filed;

(Vide page 5 of this Transcript.)

San Francisco, Sept. 28' 1853.
Case no. 309, on motion of the Counsel for the Claimant, was ordered to the foot of the Docket;

San Francisco, January 28' 1853,
In the Same Case the deposition of *Joaquin Carrillo*, a witness in behalf of the Claimant, taken before Commissioner *Alpheus Felch*, was filed;

(Vide page 6 of this Transcript.)

San Francisco February 24th 1854.

In the same case the deposition of Don Joaquin Jimeno, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, was filed.

(Vide page 8 of this Transcript.)

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San Francisco Sept. 26th 1854.

Case no. 309 was submitted without argument.

San Francisco October 3rd 1854.

In the same case Commissioner S. B. Farwell delivered the opinion of the Board rejecting the claim.

(Vide page 29 of this Transcript.)

and the following order was made, to wit:

(Vide page 31 of this Transcript.)

To the Honorable Commissioners to settle private land claims in California -

The petitioner Maria Antonia de la Guerra de Sacaillado respectfully shows,

Petition

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That on the 17th day of August AD 1843, Marcelino an Evangelist of the Mission of Santa Inez petitioned to the Governor of California for a grant of the tract of land called "El Alamo Pintado" situated in the present County of Santa Barbara -

That said petition was approved by the priest in charge of the Mission of Santa Inez on the 13th day of August AD 1843 and on the 16th of the same month and year Manuel Micheltorena Governor of California by virtue of authority in him vested directed the said Priest of the said Mission to assign to the said Marcelino the said tract of land and to report to him the Governor the amount or extent of the land so granted in order that it should receive his approval and serve as a title all of which is shown by the original documents in the possession of the petitioner copies of which are submitted herewith marked "A" with a translation marked "B".

And the petitioner further avers and is prepared to prove to your honorable body that immediately on receiving the aforesaid order of Governor Micheltorena the said Priest in charge of said Mission proceeded to designate one square league of land called "El Alamo Pintado" and reported the same to the Governor who approved the grant and thus making the title complete and absolute, which approval or title was subsequently lost and cannot now be found by your petitioner all of which will be verified and proved on trial.

And the petitioner further shows that on the 23rd day of December AD 1843 the aforesaid tract of land was duly surveyed by the proper authority and the juridical possession of it given in due form

of law to said Marcelino, a copy of which act of Survey and judicial possession is submitted herewith marked "C" with a translation marked "D".

That on the 16th day of August AD 1844 the said Marcelino by public act sold and conveyed to the petitioner the aforesaid tract of land a copy of which conveyance is submitted herewith marked "E" with a translation marked "F".

That the said tract of land has not been surveyed by the Surveyor General of the United States, but that it was duly surveyed and its boundaries marked out at the time of giving the judicial possession as aforesaid.

That the said Marcelino and the petitioner have been for some 13 years and the petitioner now is in the quiet peaceable and undisputed possession and occupation of the said tract of land.

That she knows of no conflicting claim.

That she asks for confirmation of title upon the original papers copies of which are submitted herewith upon the Minutes and Records in the Archives of the former Government of California and upon such other and further proofs as she may be advised are necessary.

Therefore she prays the Commission to confirm to her the aforesaid tract of land.

By her Attorney,
Walter Peckys Butts -

Filed in Office August 31. 1852.

(Signed)

Geo Fisher

Secy -

San Francisco July 12, 1853.

On this day before Court H. Thornton
came Pablo de la Guerra a witness produced
in behalf of the Claimant Maria Antonio de
la Guerra of Satevalle petition No 304 and
was duly sworn his Evidence being given in
English -

Deposition
of
Pablo de la
Guerra.

In answer to questions by counsel for
Claimant the Witness says.

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My name is Pablo de la
Guerra My age is 33 years - I am a native
of California &

I know the hand writing of Miguel
del Michiterra. Jose Joaquin Jimeno Jo-
aquin Carlos Vicente Moraga Antonio Rod-
riguez Octaviano Gutierrez Luis Casillo
Mano Antonio de la Guerra de Satevalle
Juan Camirado & Isaac J. Spaul. their
Signatures to the paper before me marked
Exhibit No. 1. and attached to this deposition
are their genuine signatures -

The land described in these
papers has been occupied by the Claimant
since she purchased it in 1844 with cattle
and horses -

Pablo de la Guerra

W. S. Law agent present.

Sworn to & Subscribed
before me this 12th of July 1853.

(signed) Henry Thornton
Court.

Filed in office July 12, 1853.

(signed) Geo Joshua Secy.

United States Land Commission
San Francisco Jan 21, 1854.

Deposition
of
Jaquin
Carillo

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On this day before Commissioner Alpheus
Sulch came Jaquin Carillo a witness in behalf
of claimant Maria Antonio de la Guerra of
Latahade Case No 319 who after being duly
sworn depose as follows his Evidence being
interpreted by the Secretary.

Questions by Mr Hacker Attorney
for Claimant -

1. Question.

What are your name
age and place of residence? -

Answer - My name is Jaquin
Carillo My age is forty years and I reside
at Santa Barbara in California -

2 Question -

Look on the document
here presented to you marked Exhibit No 1
annexed to the deposition of Pablo de la Guerra
heretofore taken and filed in this case (No 319)
and state what you know of the signatures
to the same!

Answer.

I have examined it
I find upon it the true and genuine signi-
tures of Manuel Micheltiengo Sr Jose Jaquin
Janulo Jose Maria Corambias Decinto
Mirafu Antonio Roaquiz Augustin Carillo
Octaviano Gutierrez Luis Carillo & Juan C
& Sparks - I am acquainted with all of these
persons and the hand writing of each these
are their genuine signatures - My own
genuine signature also appears several times
on said document

3. Question -

Did you make the Inve-
stment and give the Judicial possession
as described in said document signed by you
and at the time said document bears date?

Answer - I did.

4. Question Please name the Ranchos
bordering the tract of land of which you have
possession?

Answer

On the North the land
is bounded by the land called Conal de Conf-
aty on the South by the Mission of Santa
Tria on the East by the Rancho of the College
called San Pedro and on the West by the
Rancho called Sonata

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In making the measure-
ment we commenced at an oak tree which
stands on one side of the Enclosure and ran
North - This tree and Enclosure form a part
of the line dividing this land from the land
of said Mission and this line runs East and
West and form the Southern line of said Rancho
Alamo Pintado -

The highest ridge of the hills
is the dividing line between the Rancho Sonata
and the Rancho Alamo Pintado -

5 Question

What improvements, if
any had, Marcelino on the Rancho when you
gave him judicial possession of it?

Answer

He had a house which
was being built of adobe at the time and
had a portion of the land enclosed and under
cultivation - He continued to occupy the
place until he sold it which was in 1846 or
1847 - He sold it to Don Cesario Lecuendado.

J. Carrillo -

My Member Associate Law Agent was
present at the taking of this deposition
but propounded no questions to the witness -

Subscribed and Sworn to
before me this 24th day of January A.D. 1852.

Aphus Rich

Filed in Office Jan 28. 1852
(sgd) Geo. Fisher Secy

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United States Land Commission.
San Francisco Feb. 24. 1854.

Deposition
of
Jose Joaquin
Jimeno

On this day before Commissioner Alphonso
Fitch came Jose Joaquin Jimeno a
witness in behalf of claimant Maria
Antonio de la Grana of Lataillado Case
No 319 who after being duly sworn deposed
as follows his evidence being interrupted by
the Secretary -

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Questions by Mr Hallick Attorney for
Claimants -

1 Question -

Please state your name
age and place of residence -

Answer -

My name is Jose
Joaquin Jimeno. My age is forty nine
years and I reside at Santa Barbara
in California

2 Question -

Do you know the
land called Alamo Pintado? if so please
state where it is situated and what you know
of its occupation?

Answer -

I know it is
situated in the County of Santa Barbara
Marcellus the Captain of the Pueblo Santa
Ynez petitioned the Governor for a grant of
the land and Micheltonica ordered me to
report whether the land could be granted -

The order I believe was my
writing on the margin of the petition - The
place was first occupied by Marcellus and
he commenced building an adobe house on it
I know that he lived on the place I suppose
he went there soon after the grant was made
He cultivated a portion of the land and had
some cattle on the place with a few horses.

He commenced to build
a new house on the land but I cannot
tell whether it is finished or not - He still

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lives in an Indian Hut but I do not know whether it is on the land granted or not as I do not know the lower boundary of the land -

3. Question

Do you know whether Judicial possession of the land was ever given to Marcelino?

Answer

I know that it was given to him by Joaquin Carillo who was Justice of the Peace at Santa Barbara. I suppose it was at the request of the interested party -

4. Question

Do you yourself make any request with respect to it.

Answer

I do not recollect.

5. Question

At what time was the Judicial possession given?

Answer

In the latter part of 1843.

Case of Simino.

Questions by Mr McName Law Agent.

1. Question

How often have you seen Marcelino on said Rancho and what acts of possession have you known him to perform?

Answer

I do not recollect how many times I have seen him there - He lived on the place in an Indian Hut with his family - I cannot tell the time when - either I have been there I have seen them there -

2. Question

Was you present when Judicial possession was given -

Answer

I was not - I know any of the lines, that towards the Mountain which

is a place called Padron Blanco.
This is one of the marks
in the secondary line and is the only one which
they showed me -

3 Trustees Are the family
of Marcelino now all living -

Answer - They are -
Jose B Immo.

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Subscribed and Sworn to
before me this 24. day of February
1854 -

Alphus Fitch
Commissioner

Filed in Office Feb 24, 1854,
(signed)

Geo. Fisher
Clerk

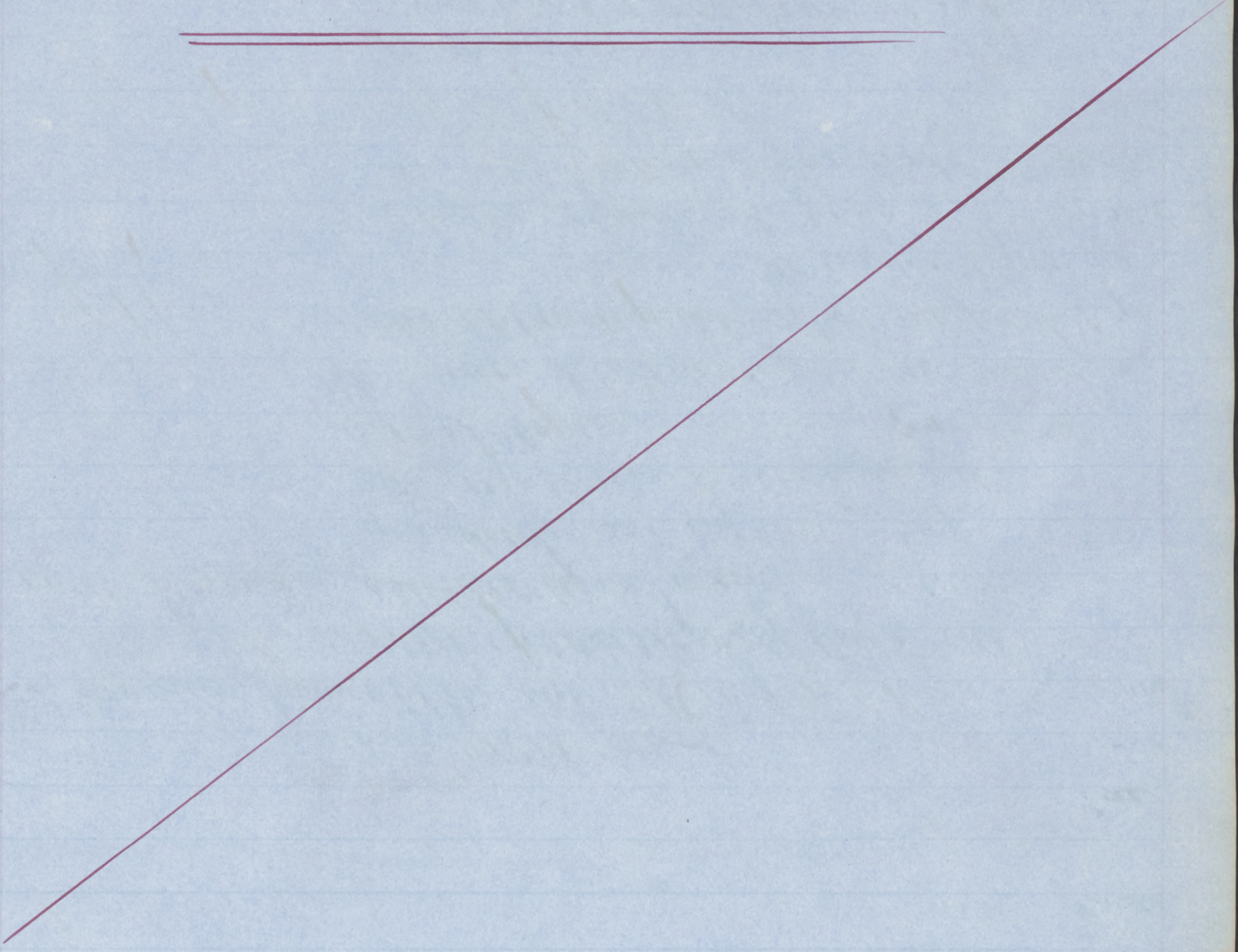
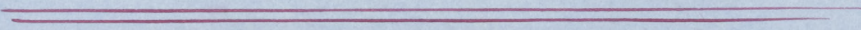


Exhibit No 1.
to separation of
Pueblo de la
Guerrera

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Exmo. Sor. Gobernador.
Santa Ynes. Marcelino neofito de esta Mision ante
Agto 11 de 1843. V. E. con todo el respeto debido y como
Sirase informamos haya lugar haygo presente. Fue
el M. R. P. D. Dns. hace ya el espacio de cuatro años que
que Joaquin Jimeno obtubo del Superior Gobierno Departamental
anteesor de V. E. mi carta de libertad
absoluta y en atencion a mis servicios
que desde mi infancia he prestado a
este establecimiento Suplico à V. E. se
digne conceder me un parangito nom-
brado el Maano pintado para poner
mis pequeños bienesitos que poseo, cuyo
sitio se compone de media legua en
cuadro, igualmente pido se me conceda
de esta Mision una Junta de buelles
cuatro flequas y diez vaquillas para
la manutencion de mi vieecola
familia. P. T. V. E. Suplico acceda
a mi sollicitud de lo que espero
recibir gracia. Dispensando me el
uso de papel comun por no haber
del sellado respectivo.

Sta Ynes. Agto 12 de 1843.

Marcelino.

Exmo Sor. Gobernador.
Atunque el neofito Suplicante asegura una cosa
falta y estener crecicola familia las de parecer
se le concedio algo de lo que pide por ser capitano
de la Mision y su conducta irreprehensible pero
con la condicion de que ningun modo perjudique
à la Mision y no evagene lo que se le concede.
Sta Ynes. Agto 13 de 1843.

P. José Joaquin Jimeno.
Gobierno Supremo de las Californias.

San Luis Obis^o Agosto 16 de 1843.

El M. R. P. Ministro prudencialmente concedera lo q.
jusque asequibles al neofito Marcelino, oliquandose
avisar a este Gobierno al Calvo, lo que sea, para aprobar
y que les sirva de titulo provicional.

Micheltorena.

Sor. Guera de San.

Marcelino, natural de la Mision de Santa
Ynes, ante la justificacion de V. pareco y digo:

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que por la adjunta representacion e informe que se otorga
el Sr. P. M. de esta Mision lo me ha cedido un sitio
de Gauado mayor en el terreno conocido con el nombre
de Maana Pintado y deseando conseguir la posesion
Judicial, ocurre a V. Suplicando de la Siva dar me
la que corresponde a otro sitio de gauado mayor
Por tanto A V. ruego provea como pido en lo que
recibire justicia; admitiendome en este su papel comun
por no haber del Sellado.

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Sta Ynes. Dic^{re} 1^o de 1843.

No se firmar.

Santa Barbara. Dic^{re} 9 de 1843.

Como lo pide el esponente pasese por mi el pres-
ente Juec a la Mision de Sta Ynes el dia veinte y tres
del cor^{te} mes y desde la posesion Judicial que solicita
Don Joaquin Carrillo Juec de paz y de primera instancia
del partido de Sta Barbara actuando por receptoria con
testigos de asistencia por falta de escribano publico asilo
mando proveyo y firmo de que oloy fei.

Joaquin Carrillo. Ma. Sr. Moraga. Jose M^o Covarrubias.
En el parage conocido con el nombre de Maana pintado
Jurisdiccion de Sta Ynes a los veinte y tres dias del mes de
Diciembre de mil ochocientos Cuarenta y tres, Dicho como
las olos horas de la tarde, Yo el Juec en cumplimiento
del auto que antecede acompañado de los testigos
de mi asistencia ordinaria Constituí personalmente
a Marcelino indigena de la Mision de Sta Ynes en
otro terreno del Maana pintado con el objeto de darle
la posesion Judicial que tiene pretendida de un
sitio de tierra de Gauado mayor que le pertenece
posesion del Sr. P. M. de la Mision de Santa
Ynes Sr. José Joaquin Rimens, para lo cual y careci-
-endo de agrimensor mandé traer a mi presencia un
coronel que hizo medir de treinta varas con una
usual Mexicana para que se mediese el espresado sitio
de gauado mayor el que fué medido desde el sereno
de una Siembra que en aquel lugar tiene el espresado
Marcelino, tirando el coronel rumbo al norte, hasta
completar una legua de longitud y en seguida
tirando el coronel de este a Oeste hasta el completo
de otra legua de latitud y mandé se pusieron
las correspondientes mojones en los puntos del
entradada y remate de otras mediciones y dicho
Marcelino con animo segun dijo de tomar la rotacion

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real, actual civil y corporal posesion de dho. finis de
ganado Mayor, por pertenecerle legalmente, entro y pasó
por las tierras ya medidas, aranco yerbas, esparcio puñados
de tierra, rompio ramas de las arboles e hizo otras cere-
-nias y actos de posesion en señal de la que dijo tomar
y tomaba de dhas. tierras; la cual le fué otorgada quieto y
pacíficamente por mi el Sr. sin contradiccion de persona
algunna en la que dije le acompañaba y acompañé para
no ser ganadas despojadas. Y hallandose presente Don
Octaviano Gutierrez representando con poder bastante al
D. P. M. José Joaquín Jimeno le mande a que desde entonces
tubiese y reconociese por verdadero dueño y poseedor de dhas.
tierras al predicho Marcelino. De todo lo cual pidió dho.
Marcelino que para memoria en lo venidero y conservacion de
sus derechos le fuese extendida una Constancia lo que así
fué autorizada con asertacion de dicho Gutierrez, quien lo
firmó con miyo y los testigos de mi año.

Joaquín Carrillo. Asistencia. Antonio Rodríguez.
Asistencia. Agustín Danta.

Sta. Ines. Diciembre 24. de 1843.

Entreguese original el presente expediente al interesado
para su resguardo en este papel común por no
haber del Sellado que corresponde.

Joaquín Carrillo.

Testifico que quando se le dio posesion al neofito de la
Mision de Santa Ines Marcelino el año 43 me sujeté
al D. José Jimeno que fuere a presencia dicha posesion
y fui por parte de la Mision Secundo quien le dio Don
Joaquín Carrillo a quien suplico el D. que le otorga un
poco mas de extension y así lo verifico dicho Don
José Carrillo y para que consta lo firmó en Santa
Barbara a 26 de dho. de 1830.

Octaviano Gutierrez.

En el Sto. de Sta. Barbara del Departamento de
California a los diez y seis dias del mes de agosto
de mil ochocientos cuarenta y siete ante mi Juan Carrillo
Juez 2º de este partido con ejercicio del de primero
por ausencia del propietario y por ante los testigos
de mi asistencia con quienes actúo por receptoria
a falta de escrutinio publico, a mas de los instrumentales
que al fin se otorgaron, comparecio el neofito Mar-
-celino nativo de la Mision de Sta. Ines a quien dije
fui conocido y oigo: que por si y a nombre de sus
herederos y de quien de ellas hubiere titulo voy, causa

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en cualesquiera manera vende y da en venta real
y enajenacion perpetua p^o jure arhebor para siempre
jamás a la Sra. D^a M^a Antonia de la Guerra de
Latayade a quien doy fe conosco y a los suyos el rancho
que tiene de su propiedad conocido con el nombre
de el "Alamo Pintado", Jurisdiccion de Sta Gnes que
colinda por el norte con el rancho de D^o Agustin
Dibvila por el sur con unas quertas de indios, por el
Este con el rancho del colegio, por el Oeste con el
terreno del Sr. Covarubias el cual terreno con quienes
segun la posesion dada un "Citio de ganado mayor
y los documentos de todo lo que hace entrega en
dicha forma a D^a Maria Antonia de la Guerra
de Lataillade con sus corrales y serenos para
siembras en cuyo rancho tiene derecho por fabecela
concedido el Gobierno Depart.^o p^o cuyo titulo se
conesponde en posesion y propiedad el cual declaro y
asegura no tener lo vendido, enajenado ni empeñado ni
del todo ni parte y que está libre de tributo memoria
capellanía, vínculo, finca y de otro gravamen real perp-
-etuo, temporal especial, general tacito y expreso y como
tal se lo vende quedando a entregarlo en la forma y
disposicion que particularmente han convenido en la
cantidad de ochocientos pesos: los que declara el vendedor
haber recibido mitad en plata y la otra mitad en
efectos a precios corrientes a toda su satisfacion y por
tanto renuncia y excepcion que pudiera oponerse por no
contar de presente la ley 1.º título 1.º parte 5.ª formaliza
a favor de la compradora la mas firme y oficial carta
de pago que a su seguridad convenga y así mismo
declara el vendedor que ha hecho esta venta por no
poder ocupar por falta de recursos aquel terreno y ha-
-aree por lo mismo en el caso de denuncia por no tener
bienes suficientes y así mismo declara que los ochocientos
pesos que le han estado los ha recibido de la Sra. D^a
Maria Antonia de la Guerra de Lataillade como por
via de redencion voluntaria, atendiendo que
por denuncia y por las escasas de recursos se veia obligado
el vendedor a enajenarlo que halla quien mas le viene
por el expuesto parage y si valen mas o vale puebla
del exeso en poca o mucha suma hace a favor de la
compradora y sus herederos y sucesores gracia y
donacion pura, buena, perfecta irrevocable en vida
con insinuacion y demas firmes legales y renuncia

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2º título 1º libro 1º para recopilacion que trata de los
contratos de ventas, trueque y de otros en que hay lecion
en mas ó menos de la mitad de su justo precio y los
cuatro años que fija para pedir su rescion ó sup-
lemento a su justo valor las que da por pasados como
si efectivamente los tubieran y desde hoy en adelante para
siempre se despartera, desiste quite y aparta a sus
herederos y sucesores del dominio propiedad, posesion
que le compete al enunciado rancho, le seale, renuncie
y traspaese con las acciones reales y personales, cotas
mixtas directas y efectivas en la compra y en quien
la falta represente para que lo posea, cambie, enagen-
e y disponga de el a su elecion como de cosa suya
adquirida como legitima y justo titulo le confiere
poder irrevocable con libre franca y general administ-
racion y la constitutiva procuradora actora en su
propia cosa, para que de su autoridad o judicialmente
entre y se apodere del enunciado rancho del "Hamo
puerto" y de el tome y aprecie la real tenancia
y posesion que por derecho le compete y para que no
precista tramarla pite se le de copia autorizada por
la presente escritura con lo cual su otro acto de
apreacion ha de ser visto averla tomado aprehido
y transferido se y en el sistema se constituye su in-
quilino, teneor, precario poseedor en legal forma y
se obliga a que dho rancho sea exento, seguro y
efectivo a la compra y que nadie la inquiete ni
movera pleito sobre su propiedad, posesion goze y
disfrute ni contra ello aparezca gravamen alguno
y si se le inquietare moviere ó apuzcare luego que el
stoyante ó sus herederos y sucesores sean requeridos
conforme a derecho Alduan a su defensa y los seguiran
a sus expensas en todas instancias y tribunales hasta
efectuarlas y dejar a la compradora y a los súltos libe-
rura quieta y pacifica posesion y no pudiendo conseguirlo
le dara otro igual en valor del sitio renta y comunidad
y en su defecto le restituira la cantidad que ha
desembolsado, las mejores huiles preciosas y volun-
tarias que a la sazón tenga de mayor valor y esti-
macion que con el tiempo adquirieran de todas
las costas, gastos y suenos. Cados que se le seguir en
ó invogaren por todo lo cual se les a de poder
efectuar en virtud de esta escritura y fundamento
del que la ote quienes la representen en quien

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Ofiense su importe y la rebaja de otra prueba. Y á la observancia de todo lo referido obliga el otorgante su persona bienes abidos y por haber renunciar la ley en su favor en defensa y con la general apel. otorgada en forma y cupiere a cumplir a los tres. Jueces que de este negocio deben conocer conforme a derecho para que aprenien á su Compl.^{to} como testis definitiva de Juez competente parada en autoridad de cosa juzgada y consentida y por tal lo recibe y lo firmo con mi go y las de mi asistencia si en los instrumentos las euidas José Garcia = Diego Penamary. J. Carrillo. presentes y recibidos de este punto.

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Ante mi: Luis Carrillo.
 Por no saber firmaron. Marcelino.
 hizo una enus. Ma^a Ant^a de la Guerra
 de la Estada.
 De assa. Juan Carrillo. Pascal Boteyer.
 de assa. Isaac J. Spark.

Certifico que en este puerto no se halla papel sellado de ninguna clase. Doy fei. ftra. ut. retro.
 Luis Carrillo.

Exhibit nos to the deposition of Pablo de la Guerra taken in no 309.
 Geo. Fisher.
 Secy.

To His Excellency the Governor.

"B"
In
Manuscript
of
Filipinas

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Marcelino A. Rosales of this
Mission before your Excellency with due
respect and in the manner most favorable
in law representation makes that it is now
four years since he obtained from the Superior
Departmental Governor, your Excellency's
predecessor his Certificate of freedom and in
consideration of the services he has from his
infancy rendered this Establishment he prays
your Excellency to have the goodness to grant
him a small place named "El Alamo
Pintado" - in which to put the tools property
he possesses which place is half a league
square. he also prays that there be credited
him from this Mission one yoke of Oxen four
mares and ten young cows for the maintenance
of his large family - Therefore he prays your
Excellency to comply with his request by which
he hopes to receive favor - and to excuse
him for using common paper as there is none
of the proper stamp -

Santo Cruz August 12th 1843.

(sgd)

Marcelino his
mark -

~~~~~

Santo Cruz - August 11. 1843

The Rev Father - Friar  
Jose Inaquin Amimo will be pleased to  
report (with above)

(signed)

Melitona -

~~~~~

To His Excellency the Governor.

Although the Rosales
petitioning makes one false statement which
is that he has a large family. I am of opinion
that something of what he asks should be

granted him as he is Captain of the
Mission (Indians) and his conduct unblame-
able but with the condition that he shall not
prejudice the Mission in any manner or otherwise
that which is granted him -

(signed) Friar Jose Joaquin Amaro.

Santa Cruz August 13th 1843.

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PAGE 19

Supreme Government of the Californias
San Luis Obispo August 16th 1843.

The P. Father Minister will prudently
grant that which he may deem proper to be
given having the power to inform this
Government what it may be that it may be
approved and serve as a provisional title -

(signed) Puchiterra -

Filed in Office August 31. 1852.

(signed)

Geo. Fisher
Secy

To the Justice of the Peace.

"No"
Translation
of
Judicial
Possession

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PAGE 20

J. Marcelino a native of the Mission of Santa Cruz before your Justice appear and represent that by the aforesaid representation and the report which follows it the Rev. Father Minister of this Mission has granted me a "sitio de ganaderia mayor" (one square league) in the land known by the name of "Alamo Pintado" and desiring to obtain the judicial possession. I apply to you praying you to give me that which corresponds to said "sitio de ganaderia mayor" -
Therefore I beseech you I grant as I request by which I will receive Justice and admit this an common paper for want of stamps -

Santa Cruz December 1. 1843.

I do not know how to write -
Marcelino ^{his} mark.

Santa Barbara December 4. 1843.

As the petitioner requests, I the present Magistrate will present to the Mission of Santa Cruz on the 23rd Instant and give the judicial possession solicited -

Don Joaquin Carrillo Justice of the Peace and Judge of First Instance of the Partido of Santa Barbara acting in virtue of his Office with assisting witnesses for want of a Notary Public thus ordered decreed and signed to which I certify -

(signed) Joaquin Carrillo

Atty. Witnesses -
(signed) Vicente Moraga
(signed) Jose Maria Covarrubias -

In the place known by the name of "El Alamo Pintado" in the jurisdiction of Santa

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PAGE 21

Iniz on the twenty third day of the Month
of December a thousand Eight hundred
and forty three about two O'clock in the
Afternoon, of the Magistrato in Compliance
with the foregoing decree accompanied by
my ordinary Assisting witnesses, placed the
Indian, Marcelino of the Mission of Santa
Espa personally in said land of the "Alamo
Pictado" for the purpose of giving him the
judicial possession which he has asked
for as a "sitio de ganado mayor" of land
which belongs to him by grant from the
Rex Catholic Majesty of the Province of Santa
Espa - Juan José Joaquín Moreno for which
purpose and for want of better a Surveyor
I ordered a cord to be brought before me and
I caused thirty varas to be marked off on it
with a common Mexican Measure with which
to measure the said "sitio de ganado mayor"
(Square League of land), which was done
commencing at the fence of a planted field
which said Marcelino has in that place and the
cord was drawn to the North such as being the
length of the land and thence after drawing the
cord Eastward such as being for its breadth
I ordered the corresponding bounds to be
placed at the points of commencement and
the terminations of said measurements. And
said Marcelino with the citation as he
said of taking the true real civil and personal
possession of said Square League of land
which really belongs to him. Entered upon
and walked over the lands just measured
pulled up grass scattered handfuls of earth
broke branches of trees and performed other
ceremonies and acts of possession as signs
of that which he said he took and which he
did take of said lands. the which was
given quietly and peacefully by me the Magis-
trato without opposition from any person
and I said that I would sustain and I
did sustain him in it that he should have
Effect -

And Don Octaviano Gutierrez

being present as representing with the necessary powers the Rev Father Juan Jose Joaquin Jimeno ordered him that from that time forth he should hold and defend the aforesaid Marcelino as the true owner and possessor of said lands. And Marcelino prayed that for a future testimony and the preservation of his rights a certificate of all the foregoing should be issued to him which was granted with the consent of the Governor aforesaid who signed with me and the assisting witnesses.

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PAGE 22

(Signed) Joaquin Carillo.

Assisting Witnesses -

(Signed) Antonio Rodriguez -

(Signed) Augustin Davila -

Santa Cruz
December 2nd 1813

Let this original Expediente be delivered to the party entrusted for his security, as this common paper for want of the corresponding stamp -

(Signed) Joaquin Carillo.

I certify that when possession was given to the Neophyte Marcelino of the Mission of Santa Cruz in the year 1813. Father Jose Jimeno requested me to go and be present at said possession and to write on the part of the Mission the Magistrate who gave it being Don Joaquin Carillo whom the Father requested to certify it a title which was done by said Joaquin Carillo and in testimony I sign this in Santa Barbara on the 26th of June 1851.

(Signed) Octaviano Gutierrez -

Filed in Office Aug. 31. 1852.
(Signed) Geo. McKim Secy

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

[Faint handwritten notes or markings]

"N"
"F"
Transfession
of
Cauterance

212 SD

PAGE 23

In the port of Santa Barbara in the
Department of California on the tenth
day of August one thousand eight hundred
and forty seven before me Luis Carder Second
Magistrate of this Partido, acting as just in
the absence of the regular Judge and before the
Asisting Witnesses with whom I act in virtue
of my Office for want of a notary Public
and the witnesses to this Instrument who
will at the end be named appeared the
prophete Marcelino Gutierrez of the Mission
of Santa Inez whom I certify know and said
that for himself and in the name of his heirs
and successors and of whoever of them might
have title voice or right in any manner he
sells and grants and in real sale and perpet-
ual alienation with the right of inheritance
conveys to Doña Maria Antonia de la
Guerra de Lataillade whom I certify I
know and to his the Rancho which he owns in
fee known by the name of "El Alamo Pintado"
in the jurisdiction of Santa Inez bounded on
the North by the Rancho of Don Augustin
Nolasco, on the South the General Gardens of
Indians, on the East by the Rancho of "El
Cajon" and on the West by land of Senor
Cobarrubias and contains one sitio de
ganado mayor (one square league) as appears
by the possession of all which together with
the documents he makes delivery in due form
to Doña Maria Antonia de la Guerra de
Lataillade with the signals and fences for crops
his right to which Rancho is by grant from
the Departmental Government by which title it
belongs to him in possession and fee and
he declares that it has not been sold aliena-
ted or pledged either entire or in part and
that it is free from all tribute religious or charit-
able, tax, entail pledge and other incum-
brances real perpetual temporal special
general tacit and expressed and as such
he sells it leaving it to be published in the
form and manner which have been agreed
upon for the sum of two hundred dollars.

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PAGE 24

which he the Vendor acknowledges that he has received one half in Cash and the other half in goods at current prices to his satisfaction and he therefore renounces the Election which may otherwise be taken as the Census was not counted in presence of Law 7. title III part 5th and Electus in favor of the purchaser the most legal and effective receipt which can conduce to her security. And the Vendor likewise declares that he has made this sale because for want of means he could not occupy that land which was therefore liable to be denounced as he had not sufficient profits and he also says that the two hundred dollars given him by Doña Maria Antonio de la Guerra de Satañada he has received by way of voluntary indemnification in view of the fact that by her agreement and the secrecy of his means he the Vendor can himself oblige to alienate it and found for one who would give him more for the said piece and if it is or may be worth more of the Estates be it large or small. He 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 requirements and renounces Law 2nd title III book III of the "Recopilación" which treats of Contracts of sale, Exchange and others by which lesion is sustained in more or less than half the just value and he considers as free as if they actually were the four years filed by it in which to demand restitution of the property or what was wanting of its full value and he for himself his heirs and Successors gives up the possession disists and retires from the dominion ownership and possession which pertains to him in said Rancho and he expressly renounces and transfers them with all the rights real personal useful mixed direct and effective to the purchaser or whoever may represent her that she may possess it Exchange alienate use and dispose of it at her own will as

of her own property acquired by just and legal title and he confers on her irrevocable power with full and general Administration and Constitution her his Attorney in fact that of her own authority or judicially she may enter upon and possess herself of the said Rancho of "El Alamo Pintado" and take and hold the actual tenure and possession of it which rightfully belongs to her and that it may not be necessary for her to take it. he prays that an authorized copy of this act be given to her by which it shall appear without any other act to have been taken by and transferred to her and in the meantime he constitutes himself her tenant and temporary possessor in legal form and he binds himself that said Rancho shall be certain sure and effective to the purchaser and that no one shall disturb her or bring suit against her ownership possession enjoyment benefit neither shall there appear against it any incumbrance and if she be disturbed or suit brought or an incumbrance appear immediately that the vendor or his heirs and successors shall be bound according to law that shall come forward in her defence and pursue it in all Courts and tribunals at his own expense until judgment in her favor is obtained and he can leave her the purchaser and his the purchase grant and peaceful possession and not being able to accomplish it he shall give her another equal in value rent and convenience to the place or in default of such will restore her the amount repaid with all the improvements useful necessary and voluntary which at that time it may have with the increased value which in time they may have acquired all of which shall be recovered from him in virtue of this writing and the oath of him or those who represent him to whom he takes it to fill their value and he releases her of other proof -

And for the observance of the foregoing the vendor binds his person and property in present possession and which

he may hereafter obtain and he renounces
the laws in his favor and defence and the legal
elections in form and gives authority
to the Magistrates who ought to take cogni-
sance of this matter to compel him to
comply with it as a definitive sentence of
a competent judge passed in authority of
us fulfilled and consented to for as such
he receives it and he signed with me and
the assisting witnesses, the witnesses to the
instrument being citizens Jose Garcia, Diego
Humandy and Francisco Canales residents
of this place and present -

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PAGE 26

Before Me.
(Signed) Luis Carrillo -
(Signed) Marcelino his
mark

(Signed) Maria Antonio de la Cruz
de Batallado -

Assisting Witnesses -
(Signed) Juan Lunairello
(Signed) Isaac Sparks
(Signed) Pascual Potufin

I certify that there is no stamped paper
of any kind in this part - I certify -
Wato as above

(Signed) Luis Carrillo.

Filed in Office Aug 31th 1852

(Signed) Geo J. Shur
Deef.

Marica Antonio de la
Guma Sataillado -

The United States

for a claim called
El Alamo Pintado
in the County of Santa
Barbara containing
one square league.

Opinion
by
Comr.
Parcell.

The petitioner in this case asks a
confirmation of a grant for the above named
place by virtue of a conveyance by grant claim
made from one Marcitino, an Emancipated
Indian of the Mission of Santa Cruz bearing
date the 16. day of August 1844.

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It appears from the papers
on file that the said Marcitino presented
his application for a grant to Governor Mich
eltorona for the above named place on the 12th
day of August 1843. and that on the same day
the said Governor referred the application to the
Rio Father Joaquin Jimenez for his report.

The Rio Father reported the
next day following recommending
"That something of what
he asked should be granted" but with the
condition that he shall not prejudice the
Mission in any manner or alienate what
is granted him in any manner."

And on the 16th day of Aug-
ust 1843 the Governor made the following
order - "

The Rio Father will prudently grant
that which he may deem proper to give having
the goodness to inform the Governor what it may
be that it may be approved and serve as a
provisional title - "

It also appears that
judicial possession was given to the said
Marcitino and that he has been in the
possession and cultivated a part of the premises
up to the time of the sale to the said claimant
and from the time of the said sale the
present claimant has occupied the premises
up to the time of filing the petition herein -

It does not appear however that
the Governor ever did give any grant

for the place in full property, or even intin-
did to do so, but on the contrary it does appear
by the report of the Rio Father that only a
temporary grant was intended to be given,
giving him only the right of occupancy and
restricting his powers of alienation -
The Board are therefore of the
opinion that the claim is not valid and should
be rejected.

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Repetit.

Filed in Office Oct 3. 1857.
(signed) Geo Fisher
Secy.

Maria Antonio de la
Sataullado
The United States

Decree

In this case on hearing the proofs
and allegations it is adjudged by the Commission
that the claim of the petitioner is not
valid -
It is therefore denied that the claim
application for a confirmation is denied -

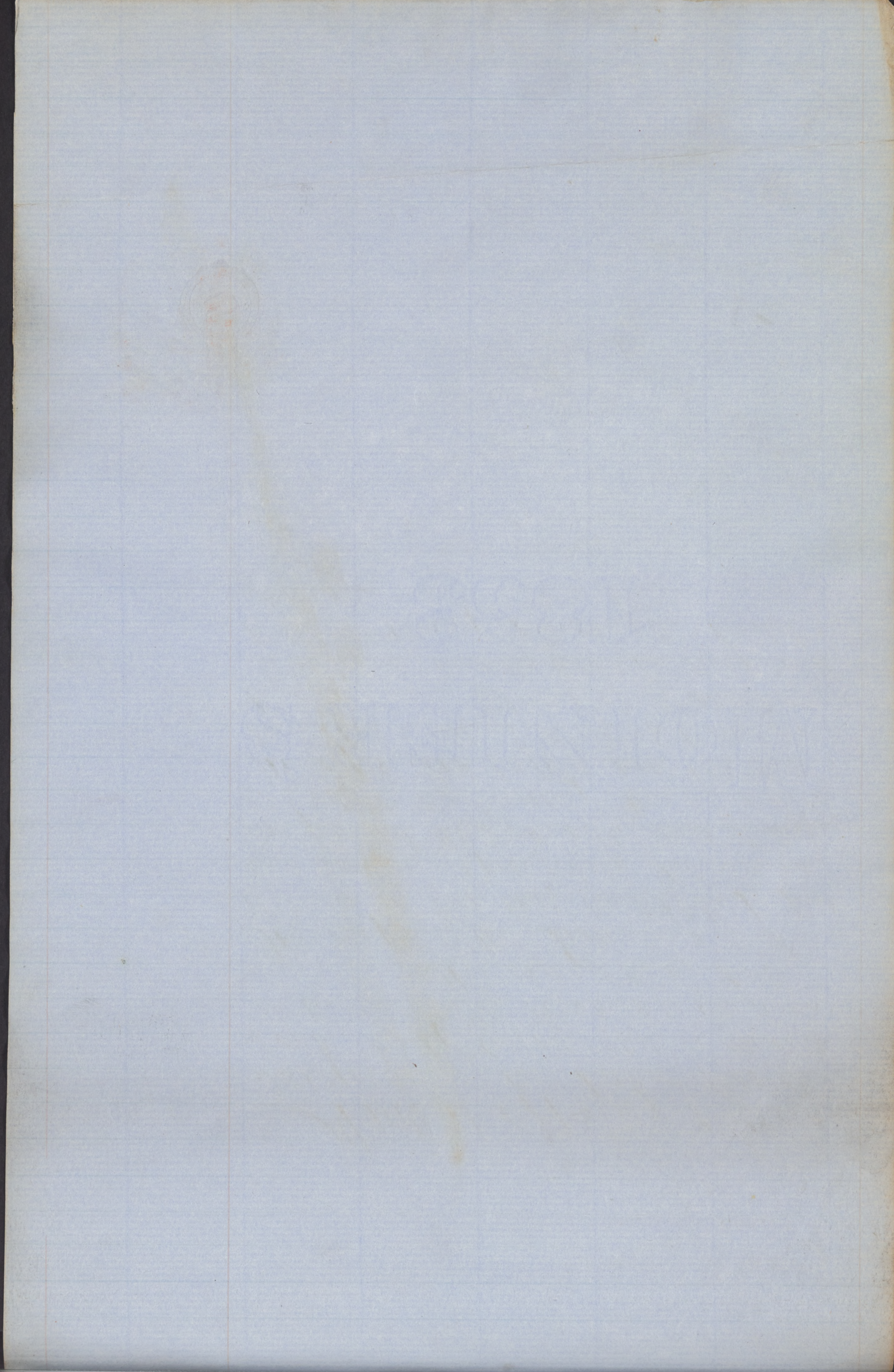
Alphus Tuck
R Aug Thompson
S. B. Farwell
Secretary

Filed in Office Oct 3. 1857.
(signed)
Geo Fisher
Secy.

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

It is ordered that two Transcripts of the Proceedings and Decision in this Case, and of the papers and Evidence upon which the same are founded be made out and duly certified by the Secretary, one of which Transcripts shall be filed with the Clerk 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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PAGE 30

George Fisher Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Thirty one* pages, numbered from
1 to *31*, 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. *309* on the Docket of the said Board,
wherein *Mama Antonia de la Guerra y Sataillade* is
the Claimant against the United States, for the place known by
the name of *El Alamo Pintado*.

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



U. S. DISTRICT COURT,
Southern District of California.

No. 212.

212

THE UNITED STATES,

vs.

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*Maria Antonia de la Guerra
y Sotomayor —
"El Alamo Pintado."*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 309

Filed, March 6th,

1855.

*C. E. Carr.
clk.*

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309

United States District Court for
the Southern District of California.

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María Antonia de la Guerra
y Lataillade,
Appellant,
vs.
The United States.
Appellees.

Notice of intention to prosecute
the appeal from the decision of
the U.S. Board of U.S.
Land Commissioners.

The above named appellant, María Antonia de la Guerra y Lataillade, claimant of the land known as "El Alamo Pintado" situate in the County of Santa Barbara 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 as 309, the Transcript whereof as filed in this Office is numbered N^o 212.

Stallan, Peachy, & Pillsbury,
Attorneys for appellant.

No 212.

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

Antonia Maria de la Guerra
of La Taillade. appellant

vs.

The United States
appellees.

Appeal notice.

Filed March 18th 1835.

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L. E. Evans
clerk

No 212.

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

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M. A. de la Guerra y Lataillade) Petition of appellant
appellant } (praying the court to
vs. } review the decision of
The United States, appellees } the Board of Commissioners.

Your petitioner, the appellant in
the above entitled cause, Maria Antonia
de la Guerra y Lataillade, respectfully
shows unto this Honorable Court, that on
the 31st day of August A.D. 1852 she
filed before the Board of Commissioners her
petition praying for confirmation of title to
the land called "El Alamo Pintado" situate
in the present 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 3^d day of October
A.D. 1854 the said Board of Commissioners
decided upon the validity of 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.

Stallan Beachy & Billings.
Atty's for appellant.

No 212

M. A. de la Guerra y Lataillades
appellant
vs.

The United States, appellee

Petition for Review

Filed Oct^r 12th 1855

C. E. Canalis
By Wm W. Roper

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Hallack Beachy & Billings
Attys for appellant

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

M. A. de la Guerra y Sataillado, Appellant,

vs.

N.º 212.

The United States, Appellee (Transcript N.º 309)

Hon. Isaac S. K. Ogden, Judge.

The Answer of Pacificus Ord, Attorney of
the United States for the Southern District of
California, for and in behalf of the United
States, to the petition of Maria Antonia de la
Guerra y Sataillado, praying this Court to
review the decision of the Board of Commissioners
rejecting her claim and title to the land called
"El Alamo Pintado", - to confirm reverse the said
decision, and to confirm her title to the
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.º 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 sewed this answer on Pellings
attorney for the parties by delivering to him personally
a true copy of the same at Los Angeles,
Dec. 28th 1855

Edward Hunter
U.S. Marshal
per M. L. Goodman
Deputy

No 212.

U.S. District Court
Southern District of Cal.

M. A. de la Guerra
vs
Catachade
app_{ly}

vs.

The United States
vs
app_{ee},

Answer of the U. States

Filed Dec 29th 1855

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[Signature]

Marshals Court

Having answer \$3.00

UNITED STATES OF AMERICA, } SS.

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Southern District of California,

PAGE 38

The President of the United States,

TO

*J. P. 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
of Lataillade, praying the Court to
review the decision of the U.S. Land Commission
respecting her claim to a tract of Land called
"El Llano Pintado"*

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 *14th* day of *December* A. D. 1855.

J. E. Conner
CLERK.

Marshals cost
 Copying Summons 1.00
 Sewing " 3.00
 " Return 3.00
 16.50

J. D. ...

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

M. A. G. ...
vs
The United States

SUMMONS.

Received Dec 17 1854
Edward Hunter

U. S. MARSHAL.

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 PAGE

I served this Summons, together with a certified copy of the Petition, upon *Port*
U.S. Atty by delivering to him
 a true copy of the same
 at *Los Angeles* in the Southern District of California, on
 the *18th* day of *December* A. D. 1854

Sworn to and subscribed before me,

CLERK.

Edward Hunter

U. S. MARSHAL.

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The United States
vs
Mr. Lattinado,
apt.

The apt. move for a continuance
of the above case - and for good
cause that it is not safe to go
to trial without further
evidence as to the exact having
been incurred - which the
applicant to obtain is stated for the
next term of the Court.

Respectfully,
By the apt.

Walter Beach & Billing

212

✓ No. for Continues

Filed 10th February 1857
A Series of
J. A. Colman
Esq.

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

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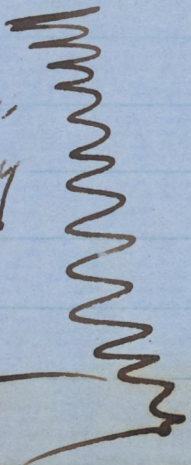
M. A. de la Guerra y Lataillade, appellant } Transcript No 309
vs. } "El Alamo Pintado"
The United States, appellees } One sq. League, in Santa Barbara County.

City of Santa Barbara 3cs.

Maria Antonia de la Guerra y Lataillade, being duly sworn deposes and says: That she is the appellant in the above entitled cause, and claims to be owner of the tract of land called "El Alamo Pintado," as described in her petition to the Board of Commissioners and in the documentary and other evidence filed in this case: That ~~she~~ to the best of her knowledge and belief the original ~~conferment~~ or grant made in the year 1843 by Governor Micheltoarena to Marcelino of said tract of land and in virtue of which the juridical papers ^{thereof} was given to said Marcelino, has been lost or is destroyed, that deponent by herself and her agents has made most diligent search for said original document of conception but cannot find it, that she does not know where it is, and cannot produce it to this Honorable court. M^{te} Ant^{ca} de la Guerra

Subscribed and sworn to before me, at Santa Barbara, on this sixteenth day of January A.D. 1857

Charles Fernald
County Judge



No. 212

The United States
appellus

u

M. A. de la Cueva y
Latorillado
appellavit

u

Affidavit of Claimant
as to loss of grant

Filed 2 June 57
at Taylor
off clk

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Faint handwritten text, possibly a name or title.

Faint handwritten notes or signatures on the right side of the page.

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

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Maria Antonia de la
Guerra y Lataillade
vs
The United States.

This cause came on this day to be heard upon motion of L. W. Latham, Esq., United States District Attorney, that a decree be entered *nunc pro tunc* in this cause in favor of the United States and against the said claimant; and it appearing to the Court by an inspection of the records in this cause that on the 3^d day of June, 1857, the Judge of the District Court of the United States for the Southern District of California delivered an opinion in this cause affirming the decision of the United States Board of Land Commissioners, organized under the Act of Congress of March 3^d, 1851, entitled "An Act to ascertain and settle private land claims in the State of California", rejecting said claim, and ordering that a decree be entered, rejecting the claim of said claimant; and it further appearing that no decree has yet been entered in accordance with the direction of said Court,

It is now, therefore, ordered, adjudged and decreed, and this Court doth hereby order, adjudge and decree, that the decree of the said Board

of Land Commissioners, rejecting this claim,
be affirmed, and that the claim of said claimant
is invalid, and that the same be and is hereby
rejected; and it is further ordered that this
decree be entered *nunc pro tunc* of the 3^d day
of June, A.D. 1857

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PAGE 45

Edw Hoffman

Dated March 25th, 1873.

dist judge

No. 212 - S.D.

" 309 I.D.

U. S. District Court.

Maria Antonia de la
Guerra y Bataillade

212 SD 10

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The United States.

Decree.

Code of P. & Decrees P. 617.

Filed in U. S. District Court
Dist of California, on
Motion Mr Latimer U.S.
Attorney this 2nd day of
April A.D. 1853 as of
June 3rd: A.D. 1854. nunc
pro tunc.

Edw P. Potter Clerk

Ry. M. Grimwood
Deputy Clerk

N^o 212

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

The U. States

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M. de la G. de Sataillaide

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