

CASE No.  
214

SOUTHERN DISTRICT

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CUCAMONGA GRANT

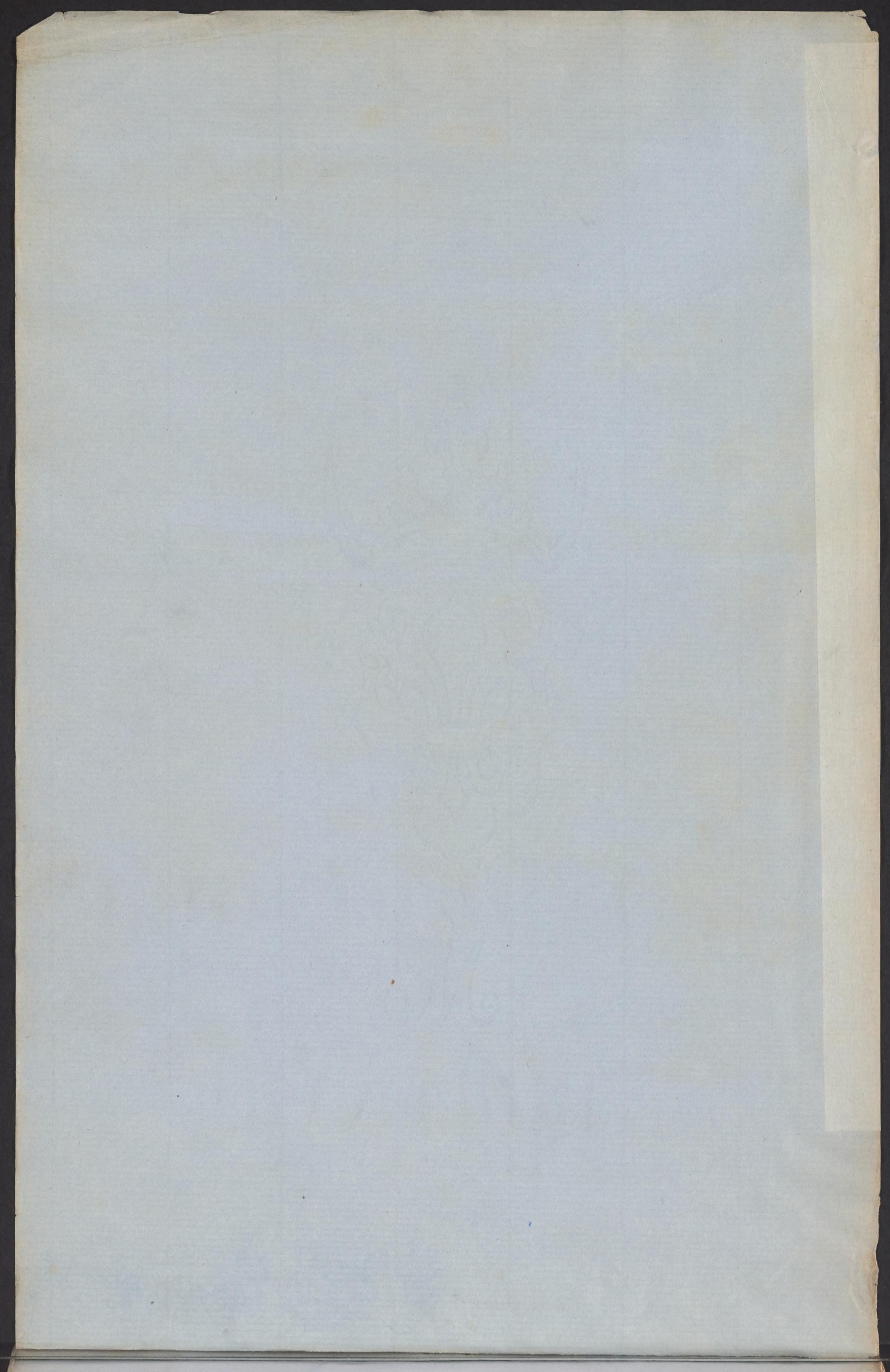
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LEON VICTOR PRUDHOMME, ADMINISTRATOR  
CLAIMANT

MAR 13 1963

OFFICE  
OF THE  
SHERIFF  
COUNTY OF  
SANTA CLARA  
CALIFORNIA

370



# TRANSCRIPT

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PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 370.

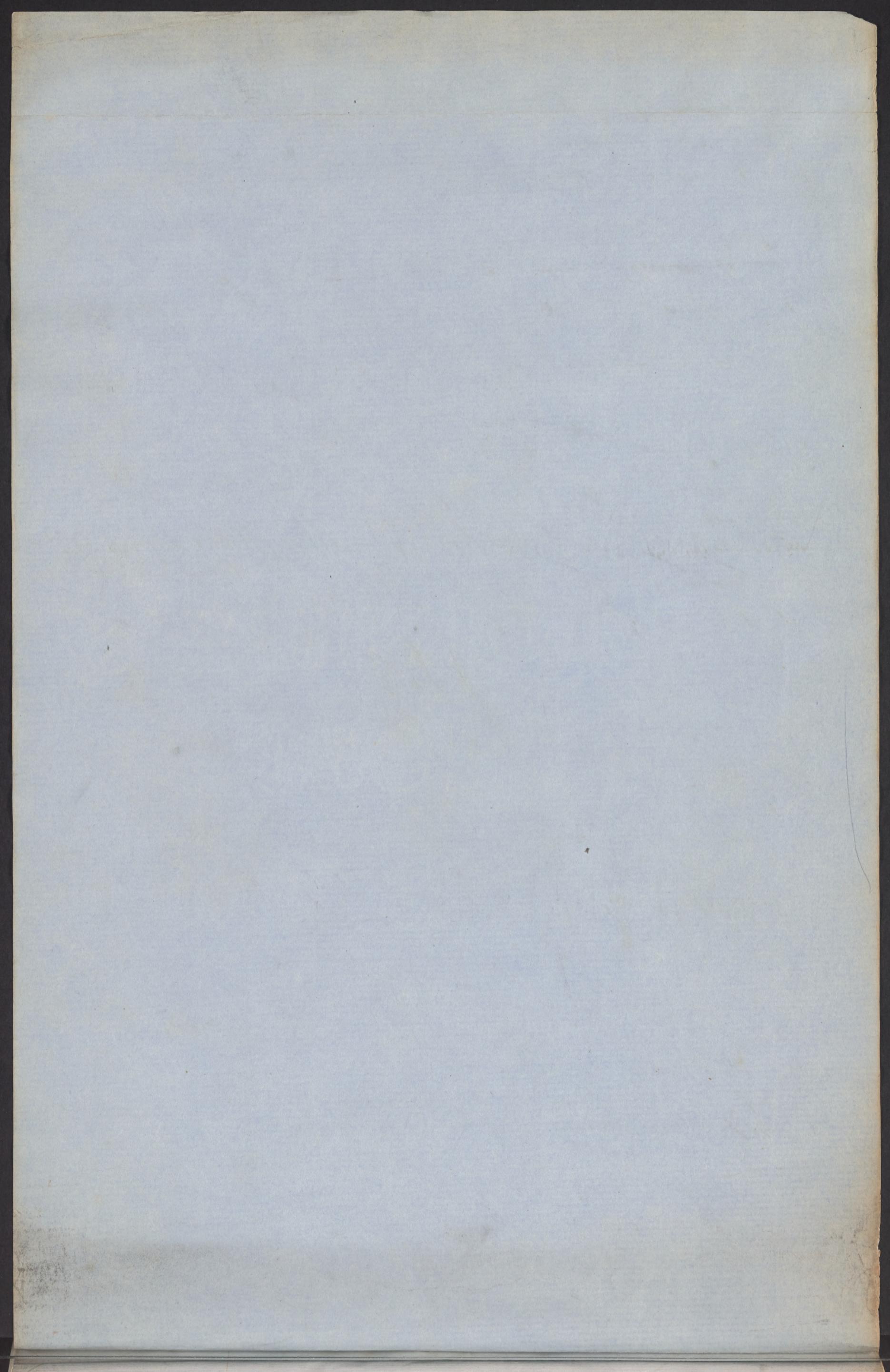
*Leon Victor Rudhamme, Administrator* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"*Orcamonga*."



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

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The Petition of *Leon Victor Prudhomme* Administrator *de* *la* *Succession* *de* *la* *Señora* *Doña* *Isabel* *Prudhomme* for the Place named "*Cucamonga*," was presented, and ordered to be filed and docketed with No. 370 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

*Los Angeles, September 1<sup>st</sup> 1852.*  
In case no. 370, *Leon Victor Prudhomme*, administrator *de* *la* *Succession* *de* *la* *Señora* *Doña* *Isabel* *Prudhomme*, for the place named "*Cucamonga*," the deposition of *Abel Stearns*, a witness in behalf of the Claimant, taken before Commissioner *Niland* *Hall*, with document marked *H. H. no. 1*, and translation thereof marked *No. 2 & 3*, annexed thereto, was filed.

(Vide page 4 of this Transcript.)

*San Francisco October 14<sup>th</sup> 1853.*  
Case no. 370. on motion of the Counsel for the Claimant was ordered to the foot of the Docket.

*San Francisco October 10<sup>th</sup> 1854.*  
Case no. 370 was submitted without argument and taken under advisement by the Board.

San Francisco October 14 1854,

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

(Vide page 27 of this Transcript.)

and the following order was made, to wit;

(Vide page 32 of this Transcript.)

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3 Petition

To the Honorable the United States Commissioners for  
the Settlement of California Land Claims  
Your Petitioner Leon Victor Prochazka resident of  
the County of Los Angeles State of California and ad-  
ministrator of the Estate of Placido Tapia late of said  
County and State deceased respectfully represents  
That the said Placido Tapia died about the year  
A.D. 1849 seized of the lands of the Rancho of Fre-  
cununga which was granted originally to him by  
Juan B. Alvarado as Governor and Lieutenant of the De-  
partment of the Californias and as such having  
ample title in the premises by deed of commission  
bearing date May 30 A.D. 1839 being a grant in  
fee simple of said lands bounded as follows to-  
wit, Beginning at a point where the Creek of  
Cucamonga crosses the main road leading  
from San Gabriel to San Bernardino running  
East 6,300 varas to a hill top where is an alder  
tree forming as a landmark Thence North 12,  
749 varas to the foot of the Mountain where two  
live oak trees are marked standing at the  
edge of a dry creek Return to the place of beginning  
thence westerly 12,000 varas along said road to the  
creek of San Antonio Thence westerly 5,000 varas  
to the foot of said Mountain then east  
along said Mountain 18,300 varas to the said  
live oaks containing three leagues of grazing  
land more or less and situate in the County and  
State aforesaid Judicial possession thereof was  
given by the proper Municipal Authority to the original  
grantee on the 29th of February A.D. 1840  
That from the date of said grant the said original  
grantee held peaceable and uninterrupted posses-  
sion of said Rancho to the day of his death build-  
ing houses and fulfilling all the conditions of  
said grant since which time his legal represen-  
tatives have held the same possession and are  
not interfering claims. It has not been surveyed by the  
United States Survey General for California  
Your Petitioner would further state that said origi-  
nal grantee left as his deceased true legitimate chil-  
dren Maria Maria who is the wife of your Peti-  
tioner and Juan de la Cruz who are yet minors  
and for whose benefit and in whose name this  
Petition is made

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Your Petition would rely in support of said  
Claim upon the following documentary evidence  
to wit a Fac Simile Copy of the Expediente in the case  
marked A

2nd Copy of the original grant marked B.

3rd Copy of the act of judicial possession marked  
C

All of which are accompanied with true translations  
marked 1, 2, 3.

The above papers are filed with the Secretary of your  
Honorable Board he will rely further upon such  
other documentary and lawful evidence as may be  
deemed necessary to support said Claim and he  
prays that you will confirm said title in the property  
and possession of said Ranch and as in duty bound

Leon V. Prudhomme  
Administrator

By Scott & Graeger  
Attorneys

Oct 2nd 1852

Filed in Office October 2nd 1852

Geo Fisher Secretary

Record in Record of Petitions Volume 1 Pages  
290 & 291  
Geo Fisher Secretary

Deposition of  
Abel Stearns

Los Angeles November 1st 1852

On this day before me Commissioned Notary Public came  
Abel Stearns a witness in behalf of the Claimant  
Leon Victor Prudhomme Administrator Petitioner  
The Board was duly sworn

The U.S. Associate Law Agent was present  
in person to questions by Counsel for the Claimant  
and the answers testified as follows

My name is  
Abel Stearns my age fifty four years and I re-  
side in the City of Los Angeles I have resided in  
California over twenty three years

I am acquainted with the handwriting and  
signatures of Feliciano Tapia Juan B. Alvarado  
Manuel Jimenez Manuel Pina Juan B. Leon  
and Manuel Botello and Julian Chavis

A paper is now shown me purporting to be original  
title papers of Feliciano Tapia to certain of land cal-  
led Cucamonga the grant dated 3rd March  
1839 to which is attached a statement of judicial  
possession in February and March 1840.

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5  
The names of the said several persons appearing  
in said paper I believe to be genuine

Said Juan  
-try was at the time of said judicial possession  
acting alcalde and a paper affix to give it said  
paper is here attached and marked H & No 1

I am  
acquainted with the Rancho described in said papers  
was present at the giving of judicial possession  
and directed the measurements of the land there was  
abuse in the land which Tapia had built and  
in which his nurse and servants then lived

He had  
- in quite a stock of cattle I think some fifteen hundred  
- and head and also hens and sheep He set  
- out a nice yard there and also cultivated considerable  
- erable ground

His occupancy continued during his  
lifetime and his family have occupied since to  
the present time I think he died in 1845 His wife  
had and primsly

He left two children a son and  
- a daughter The name of the son who is still a minor  
is Juan or Juella Cruz and the daughter is now  
- the wife of Gen Victor Prudhomme who is now a  
- minister of the estate

I think the daughters name  
is Maria Prud

Attest  
Given and Subscribed before me  
Beland Hall  
Commissioner

Public Office November 1st 1852  
Geo Foster

Secretary  
Received in book B. Volume 2, Page 193  
Geo Foster  
Secretary

11

7 1.º D. R. Sta Barba 22 de Exmo Gov. del Depar.º

Espect.º

En: de 1832. Buel. El Ciudadano Tiburcio Zapia  
: en esta instancia al vecino de la ciudad de Los Angeles  
m.º para que compare ante V. E. en toda forma de derecho  
nando el diseño con espongof. siendo poseedor de  
responcl.º la danga algunos bienes de campo los cua  
el ayuntam.º de Culeles supen notable perjuicio en la  
Ciudad de Los Angeles por estar en un terreno p.º crey  
quer informara de la y al q.º tienen lugar varios her  
terreno mencionado manos necesitando asegurar el  
pertenece ò no à la propiedad comunio asi como el dejar en  
pueda particular mis hijos asegurados su bienestar  
de alg.º individuo ò futuro evitandoles las continuas  
pueblo ò corporacion contienda q.º presentaran los  
Evacuado este es regu.º distritos crederos, he de merecer  
sita vuelva este esped.º de V. E. tenga à bien concederme  
al Gov.º para que el paraje llamado Cucamonga  
solucion.

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Alvarado. como diez leguas y cuya estension  
Ang.º Feb.º 21 de 1839 comprende, desde los linderos  
Dado cuenta al.º de D.º José p.º D.º Bernardino  
yuntam.º de este cinco sitios de ganado mayor con  
dad en seccion de hoy cuya porcion pochte condeguo  
con este esped.º a cargo el mantenimiento y fomento de  
pasara à una comisio mis intereses.

2.º D. R.

en especial compare A. V. E. rendidam.º cumplien  
ta de los D.ºs Rec.º de su via a sedos à mi solitud  
D.º Franco N.º Alva si lo considera de justicia; pro  
rado y D.º José Depu.º testando lo necesario y esperando  
vedap.º q.º informe tenga V. E. à bien admitir el pre  
prena citacion de sente en papel comun p.º no ha  
colindantes. ver el del Dello q.º se requiere.

Tiburcio Zapia Pte. Sta Barbara y Enero 23 de  
Careriso. Botello. 1839.

Sito. Tiburcio Zapia.  
Y. A. La Comision especial nombrada p.º V. E.  
p.º informar à cerca del presente esped.º prebido  
por el C. Tiburcio Zapia dice; q.º habiendo pose  
ado à ha ser la corre sponcl.º aclusion del pare  
ge que solicito conoiedo p.º el nombre Cucamonga  
en citacion de colindantes y Actmo.º de la Mi  
sion de San Gabriel, en cuenta que se le puede  
conceder p.º hayarse enteram.º Valdi pues no ex  
ister en el nin quinos bienes de menos otra clase

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de finca aunque se ha reconocido por de la espresada Misión de D<sup>no</sup> Gabriel lo que hace mucho tiempo lo tiene abandonado; como tambien en consideracion a que el solicitante es C. Mexicano p<sup>o</sup> nacimiento y tiene suficientes bienes de campo para cubrirlo al que se refiere a qua lesquiera otra q<sup>ta</sup> puese necesario.

Ang<sup>o</sup> Febr. 25 de 1839.  
Fram<sup>o</sup> M<sup>o</sup> Alvarado # José Sepulveda.

3. J. D. R. Angeles Febr<sup>o</sup> de 1839.

Dado cuenta al Il<sup>mo</sup> Ayuntamiento de esta ciudad en sesion de hoy con el informe q<sup>l</sup> antecede, fue aprobado p<sup>o</sup> pluralidad absoluta de votos p<sup>o</sup> otra Il<sup>ta</sup> corporacion; acordando se devuelva este expediente al Excmo. Sr. Gobernador del Departamento p<sup>o</sup> su conocimiento.

Libreio Tapia # Narciso Botello. Cero. Monterey 16 de Abril de 1839.

Vista la peticion con que da principio este Expediente y el informe del Il<sup>mo</sup> Ayuntamiento de la Ciudad de los Angeles con todo lo demas que se tubo presente y ver conbini de conformidad con lo dispuesto por las leyes y reglamentos de la materia se declara al Excmo. Libreio Tapia dueño en propiedad del terreno conocido con el nombre de Cucumongo es lindante con D. José en la jurisdiccion de San

4. J. D. R. Gabriel con estencion de tres sitios de ganado mayor, poco mas o menos sugetandose a la aprobacion de la C. Junta Departamental y las condiciones que se esplicuen en el titulo.

El C. D. Juan B. Alvarado Gobernador interino del Departamento asi lo mandè, decretè y firmè de que doy fee.

5. J. D. R.

(Here follows)  
Map

9  
Office of the Surveyor General of the United States for California.

map 6  
I Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office and under my custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the five preceding and hereunto annexed pages of the said paper numbered from One to five inclusive and each of which is verified by my initials (S. D. K.) exhibit true and accurate Copies of certain documents on file and forming part of the said Archives in this Office.

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Geo<sup>l</sup> In testimony whereof I have hereunto signed my name Officially and affixed my private Seal (not having a seal of Office at the City of San Francisco Cal. the 22<sup>nd</sup> day of September 1852.  
Sam<sup>l</sup> D. King

Survey. Gen<sup>l</sup>. Cal.

Filed in Office Oct<sup>r</sup> 2<sup>nd</sup> 1852

Geo. Fisher Secy.

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Approved after citation of the neighborhood  
Landowners they may report them

Francis Tapia President

Narciso Botello Secretary

Illustrations City Council

The Special Committee appointed by you to report  
upon the present expediente occasioned by the Sr. Fran-  
cisco Tapia report that having proceeded to make  
the corresponding examination of the title which he  
solicits, having by the name of Cacamanga upon  
citation of adjoining land claimants and admin-  
istrators of the Mission of San Gabriel found that  
it can be considered wholly unoccupied thus in qua-  
lity of stock ranch less any other class of property exists  
therein although it has been recognized to be of the  
missionary period of San Gabriel.

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It has been deter-  
mined for some time been considering that the  
Petitioner is a Mexican Citizen by birth and has  
sufficient grazing stock to cover that which is re-  
quired to and has what other property would be  
necessary.

Angels February 29th 1839

Franco Real Ovando Jose Sepulveda

Angels February 24th 1839

The Illustrations City Council having taken notice  
of the foregoing report in their session of the day  
was approved by an absolute majority of votes  
by said Corporation resolving that this expediente  
be returned to the Most Excellent Governor of the  
Department for his convenience

Francisco Tapia Narciso Botello Secretary

Montevideo April 16th 1839

Having seen the Petition with which this Expediente  
concerns and the report of the Illustrations City  
Council of the City of Los Angeles with every fur-  
ther step which the present has taken and that all  
appears in conformity with the dictates of the Laws  
and Regulations on the subject the citizen J. Tapia  
is declared owner in property of the land known by the name  
of Cacamanga joining with San Jose in the jurisdiction of San  
Gabriel embracing in its extent three leagues of grazing land  
alittle more less subject to the approval of the Dept assembly and the  
conditions which are explained in the title the D. Inguemto Alvarado for and  
of the Dept. Thus made in the city and sign in which I attest

Filed in Office  
Oct 2nd 1832  
Geo. Keelin  
Secretary

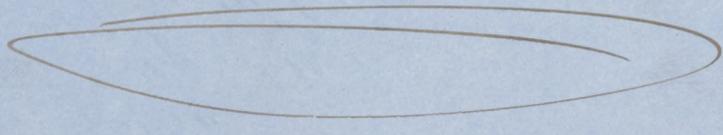
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Testimonio del  
Expediente de posesion del Rancho  
o paraje llamado  
"Qucamonga"  
dado en favor del Sr Don Tiburcio Tapia

Año de

1840.



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Sta Barbara Cal. y Como Cor. Gob. del Departamto.  
 25. de 1839. m. El Ciudadano Tiborcio Tapia Vecino  
 Puede el interesado de la Ciudad de Los Angeles ante  
 en esta representacion V. C. con todo respeto presenta este y  
 ocupado provisional. dice q. teniendo presentada a V. C.  
 el terreno que pretende E. una inst. p. la adquisicion  
 sujetandose al resul. del paraje llamado Cucamonga  
 lado de la instancia y siendo el tiempo preciso p. E.  
 que indica tener para preparar en el las labores  
 diente. y demas trabajos del Campo; se  
 Alvarado. V. C. con se derle la ocupa  
 cion del mencionado paraje  
 con el fin de no perder la oportuna ocasion del  
 tiempo q. se presenta; y sujetandose al resultado  
 de esta instancia. p. lo que V. C. mego me con  
 ceda esta peticion y suplico me admita V. C. la  
 haga en papel comun por no haver sellado en el  
 lugar.

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Alvarado. V. C. con se derle la ocupa  
 cion del mencionado paraje  
 con el fin de no perder la oportuna ocasion del  
 tiempo q. se presenta; y sujetandose al resultado  
 de esta instancia. p. lo que V. C. mego me con  
 ceda esta peticion y suplico me admita V. C. la  
 haga en papel comun por no haver sellado en el  
 lugar.

Sta Barbara y Enero 21 de 1839.  
 Tiborcio Tapia  
 Juan B. Alvarado Gobernador interino del  
 Departamento de las Californias.

Seal Por cuanto D. Tiborcio Tapia meji-  
 cano por nacimiento, ha pretendido para  
 su beneficio personal y el de su familia  
 el terreno conocido con el nombre de Cucamonga  
 situado al Este de D. Gabriel distante  
 doce leguas y con estension de tres sitios de ganado  
 mayor poco mas o menos: practicadas previamente  
 las diligencias y averiguaciones concernientes  
 segun lo dispuesto por las leyes y reglamentos de  
 uso de las facultades que me son conferidas  
 a nombre de la Nacion Mexicana he venido en  
 concederle el mencionado terreno declarandole  
 la propiedad de el por las presentes letras suje-  
 tandose a las condiciones siguientes y a la apro-  
 vacion o desaprobacion de la Comision Junta de  
 parlamental.

Podra cercarlo sin perjudicar las travesias  
 caminos y servidumbres; lo disfrutara libre y  
 exclusivamente destinandolo al uso o cultivo  
 que mas le acomode; pero dentro de un año a lo  
 mas fabricara casa y estara habitada.

2<sup>a</sup> Solicitará del juez respectivo que le de posesion jurídica en virtud de este despacho por el cual se demarcaron los linderos en cuyos limites pondrá à mas de las mojoneras algunos arboles frutales ò olivales de alguna utilidad.

3<sup>a</sup> El terreno de que se hace mencion de tres cuartos de ganado mayor poco mas ò menos segun esplica el diceno que corre al Especte El juez que diere la posesion lo hará medir conforme à Ordenanza; quedando el sobrante que resulte à la Nacion para los usos convenientes.

2<sup>a</sup> Si contravinere à estas condiciones perderá su derecho al terreno y será denunciabile por otro.

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En consecuencia mando que teniendo por firme y valedero este titulo se tome razon de el en el libro à que corresponde y se entregue al interesado para su resguardo y demas fines. Dado en Monterey à tres de Marzo de mil ochocientos treinta y nueve. Estendiendose este titulo en papel comun por no haber del sellado.

Juan B. Alvarado.

Man. Jimeno Ocu. del despacho. Queda tomada razon de este despacho en el libro correspondiente à folios 6.

Man. Jimeno.

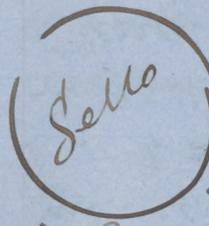
El C. O. Gobernador ha dispuesto de tomar razon de este despacho en la prefectura del segundo Distrito. Jimeno.

Queda tomada razon @ E. 1<sup>a</sup> del libro respectivo, q. para en la Oria de esta prefectura. Como - D. Peña

Del Tercero dos Reales. Habilitado provisionalmente por la Aduana Maritima Monterey para los años de 1839 y 1840.

Alvarado Antonio M. Ocho.

En la Ciudad de los Angeles del departamento de las Californias à los dieciséis y siete dias del mes de Febrero de mil ochocientos cuarenta y siete à la solicitud del Sr. D. Liborio Capia à fin de que se le dé la posesion correspondiente.



del citio y Rancho llamado Cucamonga conoedi-  
do por el Gobierno de este departamento y convenido  
con el Agimenson D<sup>n</sup>. Abel Stearns para que re-  
unida el enunciado terreno con total arreglo à  
las primeras medidas que se han practicado  
pasese por mi y los testigos de mi asistencia al  
espresado citio y procedase à dar posesion in di-  
cada arreglandose al titulo ò despacho que se  
le ha conferido por el Gobierno con fecha de  
marzo de mil ochocientos treinta y nueve.

Juan B<sup>ta</sup>. Leandry. Assist<sup>a</sup>. Narcisso Botella  
Assist<sup>a</sup>. Julian Chaves #

En el mismo dia mes y año estando en el Rancho  
Don Jose el juez que suscribe pasè officio al  
D<sup>n</sup>. Adm<sup>or</sup> de la Misericordia de D<sup>n</sup>. Gabriel D<sup>n</sup>.  
Juan Bandini, como coludante por D<sup>n</sup>. Ana  
del Chino y à D<sup>n</sup>. Ignacio Palomares por el  
mismo D<sup>n</sup>. Jose manifestandoles el objeto  
à que me dirija al punto de Cucamonga,  
pues iba à recibirlo y poner en posesion de el  
al D<sup>n</sup>. D<sup>n</sup>. Tiburcio Tapia y no habiendo ma-  
nifestado excepciones algunas que suspendie-  
ran las medidas, les dije que procedia à ellas  
de lo tercero de los Reales:

*Sello*

Habilitado provisionalmente por la Au-  
toridad Maritima de Monterey para  
los años de 1839 y 1840.

Al veracelo.

Antonio M<sup>a</sup>. Quiro.

Lo que pongo por diligencia que autorizo y firmo  
con los testigos de mi asistencia segun D<sup>to</sup>.

*Corregido*

do y fei. Juan B<sup>ta</sup>. Leandry  
Asistencia. Narcisso Botello # Assist<sup>a</sup>. Julian  
Chaves.

En el Rancho de Cucamonga à los  
veinte y ocho dias del mes de Febrero de mil ocho  
cientos cuarenta y o el propio juez para la pra-  
ctica de estas diligencias nombra dos Oficiales  
cordeleros que por no saber formar se omiten  
sus nombres à quienes les hizo saber su nom-  
bramiento el que aceptaron bajo del juramento  
que otorgaron ofreciendo desempeñar fielmente  
su encargo lo que autorizo y firmo con los testigos  
de mi asistencia segun D<sup>to</sup>:

Juan B<sup>ta</sup>. Leandry

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Assist.<sup>o</sup> Narcisso Botello. Assist.<sup>o</sup> Julian Chaves

En el mismo dia, mes y año estando en el parage del camino que va à Sr. Bernadino y en el punto donde atrabresa el arroyo del mismo Cucamonga frente à la lomita en que esta situada la casa à efecto de verificar las remididas y posesion que corresponde al Sr. D<sup>o</sup> Tiburcio Tapia del repetido sitio Cucamonga previos todos los requisitos de ley y estando ante mi los testigos de asistencia, los Oficiales Cordeleros y el Agrimensor D<sup>o</sup> Abel Stearns, hice medir un Cordel que contenia doscientas nueve varas el cual fuè examinado y reconocido por el enumerado Agrimensor y asido à sus estremos unos sancoos de Madera previa observacion y calculo. Dello tercero dos Reales: Habilitado provisionalmt.<sup>o</sup> por la Aduana maritima de Montevideo para los años de 1839. y 1840.

Alvarado Antonio M<sup>o</sup> Osio

Corregido

**Sello** del repetido Agrimensor por su disposicion se tiro el Cordel à la Orilla y paredon del sus dicho Arroyo, rumbo Este por sobre el camino mencionado que va à Sr. Bernadino se midieron y contaron seis mil trescientas varas hasta un Altito que queda en la misma Cammino en el cual se halla un Dano que se señalo por mohonera à cuyo fin se le contaron algunos brazos.

De este punto habiendo comparecido ay los Sres D<sup>o</sup> Juan Bernadini y D<sup>o</sup> Ignacio Palmareo, tomando la cuerda rumbo Norte se midieron y contaron doce mil setecientos cuarenta y nueve varas los que remataron al pie de la Sierra à la Orilla de un Arroyo seco donde se marcos por Mohonera dos encinas que hoy fin tos. En este estado habiendo comensado à llover se suspendieron estas diligencias para continuar los despues que amoto y firmo para constancia con el Agrimensor y los testigos de mi Asistencia doy fei. Dueno D<sup>o</sup> Leanehy.

Asistencia Narcisso Botello # Asistencia Julian Chaves

En veinte y nueve de dicho mes y año

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haviendo vuelto al mismo punto donde el dia anterior se començaron las medidas y del arroyo referido de cucamonga tomando el rumbo Este y Oeste por el camino se midieron y contaron doce mil varas que remataron en el arroyo de D<sup>no</sup> Antonio que es el lindero del rancho de D<sup>no</sup> Josè y dividiendo à este y Cucamonga. En seguida tirando el Bordo. Bello tercero dos Reales: Habilitado provisionalmente por la Aduana maritima de Monterey para los años de 1839. y 1840.

Alvarado

Antonio Maria Ochoa

**Sello** rumbo Sur à Norte se midieron y contaron cinco mil varas que remataron al pie de la misma Sierra que es lindero rumbo Norte. De aqui tirando la cuerda por el pie de dicha Sierra hasta el punto de los dos encinos en que el dia anterior remataron las medidas y hace esquina rumbo Norte à Este se contaron las mismas varas de diez y ocho mil trescientas que por el camino mencionado que es el otro lindero rumbo Sur con lo que se concluyeron las medidas de este sitio a satisfaccion del interesado a quien le ordenè poner las respectivas mojoneras en los puntos donde corresponde y quedò entendido habiendo sido marcados aquellos en señal de posesion lo que pongo por diligencia advirtiendole que el terreno util de este sitio no llega à cuatro leguas cuadradas por que la mayor parte del que consta al pie de la Sierra es estéril y lo puse para constancia con el Agente y testigos de asistencia doy fe.

Juan B<sup>ta</sup> Leandry # Abel Ocharro.

Asist<sup>a</sup>: Narciso Botello. as<sup>a</sup>: Julian Chaves Angeles Manzo dos de mil Ocho cientos e cuarenta Desele testimonio à la parte de Cas presentes diligencias que le sirvan de titulo de posesion para su resguardo y seguridad.

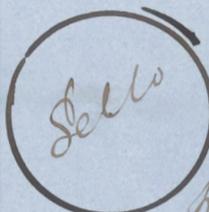
Juan B<sup>ta</sup> Leandry # Juez segundo de paz de esta Ciudad y su comparecion asi lo mandò decreto y firmo por ante los testigos de asist<sup>a</sup> segun l<sup>to</sup>: doy fe.

Juan B<sup>ta</sup> Leandry asist<sup>a</sup>: Narciso Botello asist<sup>a</sup>: Julian Chaves.

19

6  
Concuerda con las diligencias Originales  
delo Tercero dos Reales: Habilitado provisionalmt<sup>o</sup>  
por la Aduana maritima de Monterey para los  
años de 1839 y 1840.

Alvarado Antonio M<sup>a</sup> Osio.

 que se refieren y existen en el libro de  
instrumentos publicos en el que quedan  
protocoladas y constantes desde Texas  
hasta vt<sup>a</sup> Bota fielmente sacada y corre  
quela escrita en cinco fojas que autorizo y firmo  
con los testigos de mi assist<sup>a</sup>, en la Ciudad de  
Angeles a los dos dias del mes de Mayo de mil  
ocho cientos cuarenta.

En testimonio de verdad.

Juan B. Leandry.

Asso Narciso Botello # Julian Chaves.  
Asso

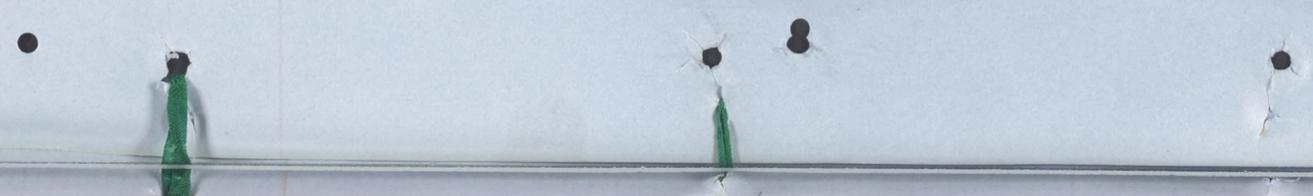
Teledani Office Nov 10<sup>th</sup> 1852

Geo. Fisher Secy.

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25

1956  
30



212.

Translation  
of  
Grant

From Bernardino Governador Intero of the Depart  
ment of the Californias

Thomas Don Juan Tapia a Mexican by birth has  
claimed for his benefit and that of his family the  
land known by the name of Cucamonga situa  
ted to the East of the San Gabriel District twelve  
leagues and of an extent of three leagues for himself  
cattle little more or less having exercised prin  
cipally the investigations and examinations acc  
ording to the disposition made by the Laws and  
regulations using the forms which are ordained  
upon me in the name of the Mexican Nation I have  
resolved to grant him the above mentioned land de  
clared to be his property by the present letters  
being subject to the following conditions and to the  
approbation of the most excellent Departmental Assen  
sly

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1st He may enclose without prejudice to the town  
using roads and frontages he may form it fully  
and exclusively destining it to that use or cultivation  
that may most suit him but within one year he  
shall build a house and it shall be inhabited  
and he shall solicit of the proper Judge that he will  
give him judicial possession by virtue of this  
Dispatch by which the boundaries shall be design  
ated in the limits of which he shall place in addi  
tion to the land marks some posts or fast tuns of some  
solidity

2nd The land of which mention is made is of  
three leagues of broad cattle (tres titos de ganado  
mayor) at the Crown has accorded us the Diagram  
which serves in the expediente explains the Judge  
who may give the possession shall cause to measure  
it in conformity with the ordinance reserving the bur  
den to the nation for necessary uses

3th If he shall contravene these conditions he  
shall lose his right to the land and it shall be  
liable to alienation hereafter

Wherefore I do  
that this title be held firm and valid that account  
of it be taken in the proper book and be delivered  
to the party interested for his protection and for the  
ends

Given at Monterey the third of March one thousand

eight hundred and thirty nine on another to me  
my on common paper for the want of the sealed  
Juan B Alvarado

Manuel Jimeno

Secretary of Dispatch

account of the Dispatch remains taken in the paper  
Book in the 6th leaf

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Manuel Jimeno

His Excellency the Govern has a command that account  
of the Dispatch be taken in the Prefecture of the  
District

Jimeno

account remains to be taken on leaf 1st of the  
proper book for the service of this Prefecture

Comite D Pina

Most Excellent Genl Govern of the Department  
The Citizen Felicio Tapia, resident of the City of  
Los Angeles before your Excellency with empresses  
presents thus and says

Having presented to your  
Excellency a petition for the acquisition of the place  
called Encarnacion and being the season necessary  
to commence a titling and other business of the same  
may I please your Excellency to grant the occupa-  
tion of the place referred to.

To the end that I may  
not lose the opportunity of occupation of the season  
which presents itself and subjecting me to the  
result of my said petition as to what may be just  
I request that your Excellency will grant the said pe-  
tition and I supplicate that he will admit this  
upon common paper there being no sealed paper  
Santa Barbara January 24th 1839

Felicio Tapia

Santa Barbara  
January 25th 1839

The party interested in this representation  
can occupy provisionally the land which he  
presents being subject to the result of the petition  
which he indicates is pending

Alvarado

Moved to the Department of the Stearns of Novem-  
ber 1st 1852

Gov Fisher Secretary

Filed in Office October 2nd 1852

Gov Fisher Secretary

2<sup>d</sup> Manifestation of  
act of judicial  
Possession

Seal of the Third Class 25 cts  
Qualifica Personally for the Maritime Custom House  
at Monterey for the Years 1839 and 1840  
Alvando Auto Maria Escri

In the City of Los Angeles of the Department of the  
California at the twenty seventh day of the month  
of February nineteen hundred and eighty  
corresponding to the Petition of Terenci Tapia to  
the end that the corresponding possession of the  
tract and Rancho called La Cumbre may be  
given him which was granted by the Government  
of this Department and having agreed with Don  
Abel Stearns the Surveyor that he would re-  
measure the same land with total conformity  
to the first measurements that have been made  
let it be passed by me and the witnesses of my  
assistance to the said tract and let it be proceeded  
to give the possession indicated in conformity with  
the title and patch which has been confirmed  
applied by the Government at the date of the third  
of March one thousand eight hundred and twenty  
nine

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Juan Pita Leandry Jun Justice of the Peace of the  
said City thus I do read it aloud it and signed  
it with the witnesses of my assistance according  
to Law which I attest

Assist Assist  
Marcio Botello Gabriel Charis  
On the same day month and year being in  
the Rancho of San Jose the Justice who subscribes  
gave official notice to the administrators of the  
Mission of San Gabriel Don Juan Bandini as  
adjuring neighbors for Santa Ana de Luis  
and to Yocani Palman for the same San Jose  
relating to them the object for which I had  
doubted myself to the point of clearing a tract  
that went to measure it and to put  
into its possession to Don Terenci Tapia and  
they not having manifested any objection which  
I should suspend the measurements I told them  
that I should proceed to the measurements which  
I had done for inspection authorize and sign  
with the witnesses of my assistance which I  
attest Juan B. Leandry

Assist Assist

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Nuncio Protetto Juliani (Crisis  
 on the Ranch of Cucamonga on the twenty eighth  
 day of the month of July one thousand eight hundred  
 and one forty. After proper Justice for the prac-  
 tice of these measures (diligencias) appointed  
 two official cred bears the names of whom be-  
 cause they could not sign them are omitted  
 whom I caused to form the appointment which  
 they accepted under the oath which they com-  
 mitted to agreeing to discharge faithfully their  
 trust which I authorize and sign with the as-  
 sistance of my assistance according to Law

Juan B. Landrau

Asst

Asst

Nuncio Protetto Juliani (Crisis  
 on the same day month and year being in  
 the place of the road which goes to San Bar-  
 nard and as the firm which crosses the creek  
 of the same Cucamonga in form of the bill  
 in which the house is situated for the effect of  
 mapping the measurements and possessions  
 which correspond to Termino Superior of the west  
 estate that Cucamonga all the names regu-  
 lated of the archiving being performed and being  
 in the presence of my witnesses of assistance the  
 official cred bears and the Surveyor Don Abel

Streams I caused a cord to be measured which con-  
 tained two hundred and some varas which was  
 examined and approved by the said Surveyor and  
 fixed to the extremities some wooden stakes

After previous observation and calculation of the  
 Surveyor for his own disposition the cord was stretched  
 at the back or bluff of the said creek a  
 direction east upon the same road which goes  
 to San Barnard in and there was measured and  
 counted six thousand three hundred and one  
 a hillock (or elevation) which rises in the same  
 road in which is an alou tree which was  
 marked for a land mark to which and some  
 branches were cut off. From there some the Srs  
 J. Baudini & Ygnacio Salomans having then in-  
 sented themselves stretching the rope a direction  
 north there was measured and counted two thousand  
 said hundred and forty some varas which  
 terminated at the foot of the mountain at the edge

25

my mis (delegacias) were suspended to be continued thereafter which note and sign for a perpetuation with the Junger and the witnesses of my assistance which I attest

Abel Stearns Juan Bta Leandry  
Narciso Protetto Julian Chavis

On the twenty ninth of said month and year having returned to the same point when the day before the previous route we commenced and from the said creek of Cucamonga taking the direction East and West by the road thro' the Meadows and entered the bottom and vases which terminated in the creek of San Antonio which is the boundary of the Rancho of San Jose and Anadisi and Cucamonga

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PAGE 23

Proceeding stretching the sub direction South and North thro' my measures and entered five thousand vases which terminated at the foot of the said Mountain which is the Mexican boundary. From here stretching the cord by the foot of said Mountain into the point of the two eruptions backs at which the day before the previous route terminated and makes a course North by East and thro' the course the same number of vases to wit Eighteen thousand and three hundred which appears from the measurements along the road before referred to which is the other boundary of the Southern line with the measurements of this tract we concluded to the satisfaction of the party interested whom I advised that we should place the respective land marks at the corresponding points so as to be understood the same having been marked in sign of possession all of which I set down in reference (delegacias) mentioning that the land of this tract which is for a very useful purpose does not reach four square leagues for the greater part of it which is at the foot of the Mountain is three and I sign it for perpetuation with the Junger and the assistant witnesses which I attest

Juan Bta Leandry Abel Stearns  
Asst Asst

Narciso Protetto Julian Chavis

Attest my hand (two) One thousand eight hundred and fifty & certifying be given to the party of these previous returns (delegacias) that it is my opinion that it is a title of possession for his protection and security

Juan Bta Leandry second justice of the Peace of this City and its district (comprehension) Thus I do and I record it and sign it with my assistant witnesses according to Law Father

Juan Bta Leandry

assist  
Narciso Botello

Assist  
Johann (Luis)

Ways with the original returns (delegations) which are found and exist in the book of Public Instruments in which they are entered and appear from pages (leaves) - until -

it is faithfully taken and copied into these five leaves which I authorize and sign with my assistant witnesses in the City of Los Angeles at the second day of the month of March in the said eight hundred and forty first year of the South

Juan B. Leandry

assist  
Narciso Botello

Assist  
Johann (Luis)

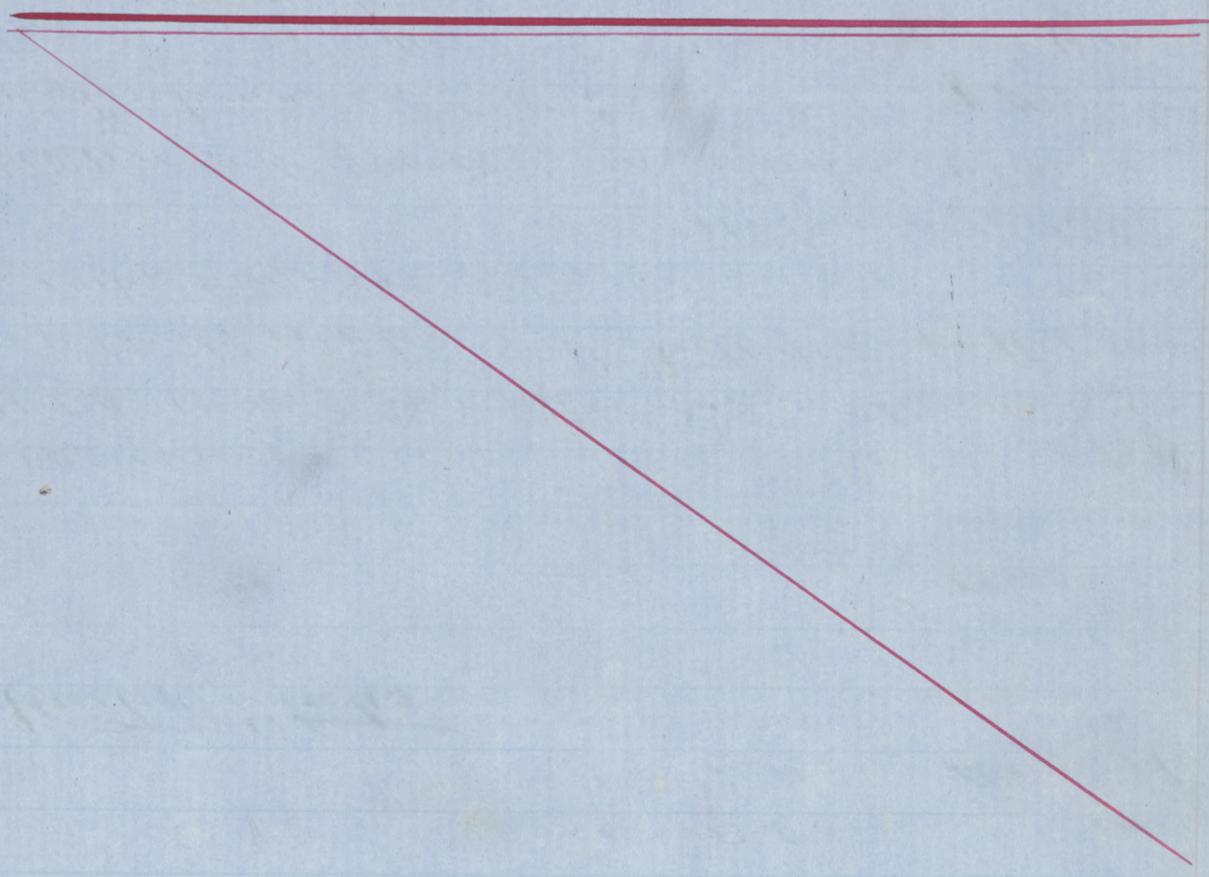
Amused to the Department of Civil Stems of November 1st 1852

George Fisher  
Secretary

Fiduciary Office October 2nd 1852

Geo. Fisher  
Secretary

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27 Opinion of the Board

Leon Victor Prudhomme } For the place  
administrateur &c } called (encouraged)  
of } in Los Angeles Co  
The United States } containing three  
} square leagues of  
} land

The Petitioner alleges himself in his Petition to be the administrator of the Estate of Fern in Tepic deceased in which Representative Charter he seeks a confirmation of the title held by the estate at the time of his death

He has submitted and proved a grant made to said Tepic by Don Juan Beltramo dated March 3rd 1839 and the testimonial of judicial possession which was given to the grantee by a Justice of the Peace February 29th 1840 the approval of the grant by the Departmental Assembly is shown

The grant was solicited for grazing purposes and the grantee does not appear to have ever lived on the land he claims for his stock with an overseer and servants on the place within a year after the grant was made and cultivated a portion of the premises his occupation was entirely nominal until his death

The only question in the case which presents any difficulty is that of boundaries and segregation the land granted is three square leagues a little more or less as the plan designates which quantity must be segregated by judicial measurement leaving the surplus to the use of the nation we have before us copies of the map the record of the proceedings of the Justice of the Peace who gave the judicial possession The measurements appear to have been made with great care the corners are carefully designated the length and direction of the lines are given and land marks duly established and described The quantity of land assigned by this measurement under the grant however instead of being three square leagues is within a minute fraction of two leagues this discrepancy between the quantity granted and that for which official measurement was made is much a creditable discrepancy, unobserved by the parties for the official

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his report of the measurement by declaring that the land of this tract which is fit for any useful purpose does not reach four square leagues for the greater part of it which is at the foot of the mountain is sterile

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Here then is a grant of three square leagues of land and an assignment by judicial measurement of more than double that quantity. Does such a larger measurement give the grantee a right to the entire quantity thus assigned to him or is the larger operative and void

Judicial possession as provided under the Mexican Authority implied First Segregation of the quantity of land granted and the actual demarcation of its boundaries with a definite description of the same in satisfaction of the grant and secondly the solemn act of putting the grantee in possession the officer making proclamation to that effect and the grantee demonstrating his acceptance of and dominion over the premises by walking over the same throwing grass and stones to the four winds of heaven &c

This latter ceremony so like the ancient bening and sign upon seven quarters is regarded by us as useless for matter the performance of which secured no rights and the omission of which defeated no title not so in reference to the segregation of the premises by definite lines and land marks when required by the grant. In such cases the measurement was necessary in order to define the boundaries of the land to which the grantee title would attach

Titles of this kind specifying the quantity of land granted and designating the place where it lay or limits within which it was to be located and requiring a judicial act of measurement to separate and assign to the grantee the particular piece of land which he should hold under his grant are similar in their character to the order of Survey under which most of the titles in Florida were held and the rules of the Supreme Court of the United States applied in those cases are applicable to these In that portion of the Spanish Domain a Surveyor General was the Officer entrusted with the segregation

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When the Alcalde or Judge performed the duty, the Supreme Court has uniformly held that this designation could be made only by the official designated by the former Government a private survey being insufficient. *United States vs Hanson* 16 Pet R 196 that the location could be made only at the place designated in the grant and according to the terms thereof. *United States vs Huertas* 9 Pet R 171 *same vs Levy* 13 Pet R 83 *Forbush* 15 Pet R 172 *Villalobos vs The United States* 10 How R 541 and that the survey must be made to appear to conform to the terms of the concession or it will not be valid.

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*United States vs Huertas*  
19 Pet R 171 The concession or grant is the order under which the survey is made and unless the official executing it pursues strictly his duty is of no avail. The same principle which limits him as to the place of survey limits him also as to the quantity of land to be assigned to the grantee.

The official performing the judicial measurement had no power to grant land his duty under his power was confined to the act of segregating the quantity granted defining its limits and bounds and putting the grantee into possession. If the Government granted three leagues of land it was not in the power of the surveyor or the Alcalde giving judicial possession to assign to the grantee seven leagues.

Such an authority would imply a power in the surveyor or the Alcalde to grant the public domain whatever Law conferred it to the Government and Deputation or assembly. The duty of the Alcalde was in good faith to proceed to measure out in its proper locality the quantity granted. Small and unimportant differences arising from accident or a manner of measurement or the imperfection of instruments would not of course be allowed to vitiate the proceedings. These might well be regarded as covered by the expression a little more or less used to qualify the designation of the number of leagues contained by the grant.

But when through fraud or gross error a quantity

materially greater than that specified in the grant was assigned by the Alcalde to the grantee it must be regarded as a departure from the tenor of his authority and can give the latter no title to the land. In the case before us more than double the quantity granted was measured by the Alcalde to the grantee.

It is evident from the error that excess was not by mistake but designed and that the possession received by the grantee knowing that less than a moiety of the premises measured to him had been conceded by the Government. The official measurement thus made was clearly unauthorized and must be considered void.

Setting aside the act of judicial measurement does not necessarily defeat the grant. The latter then stands as if no such measurement had been made and if without such measurement the grant could be enforced a decree in favor of the claimant might still be entered. But in this case the measurement was indispensable in order to designate the land and to give limits and bounds to that particular portion of which the grantee might hold under the concession to him.

This not having been legally obtained the claim must be rejected. It has been suggested that under the Spanish and Mexican Constitutions when some falling within the limits of a survey according to the calls of a grant was found to be covered with water or marshes or otherwise useless it was to be excluded from the quantity surveyed although included within the bounds of the survey and that an additional quantity of good land should be added equivalent to such portion of water land.

No Law establishing such a rule is presented and no Mexican or Spanish authority recognizing the principle has been adduced. The same proposition was urged before the Supreme Court of the United States in the case of the United States vs. Lopez (13 Pet. R. 81) but in that case as in that now before us no authority or Law was shown and there being no sufficient proof to establish

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Such a custom or practice by the former Govern-  
ment was added, and if such a rule was in  
fact established it would be difficult to see  
how it could apply in sustaining the claim in  
the case under consideration.

Two facts could be  
— cited in the return of the officer who gave the  
— precise possession first that the good land ex-  
— ceeded in quantity three square leagues which were  
— granted and secondly that the sterile and worthless  
land was in the rear part of the premises and by  
— no means necessary to have been included with  
— in the premises in order to have given to the grantee  
— the full quantity of land granted.

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The utmost  
stretch of such a rule could do no more than to al-  
— low compensation by increasing the quantity of  
— worthless land so located as to be mandatorily  
— included in the Survey.

Here more than the quantity  
of unobjectionable land located near public  
highways was included in the Survey but the officer  
still continued his basis of measurement back  
to the Mountains so as to include the sterile lands  
at the base.

The rule as stated if admitted to exist  
would not authorize such an extension. This would  
not be to make compensation by additional acres  
of worthless land necessarily included in a  
Survey but it would be to satisfy a grant by  
assigning the full quantity of valuable lands  
included and then adding to it an equal qua-  
— ntity of which no grant had been made.  
A Decree must be returned rejecting the  
claim.

Rejected

Filed in Office October 17th 1854

Geo. Foster Secretary

Decree

Leon Victor Prud'homme

The United States

— ing the proofs and allegations it is adjudged by  
the Commission that the claim of the said  
Petitioner is not valid and it is therefore

that his application for a writ of habeas corpus should be denied

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

Filed in Office October 17th 1857

Geo. Fisher

Sentary

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And it appearing to the satisfaction of this Board that the Land hereby adjudicated is situate in the Southern District of California it is hereby ordered that ten Transcripts of the Proceedings and of the decision in this case and of the Papers and evidence upon which the same are founded be made in and duly certified by the Sentary 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

EXCE

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Office of the Board of Commissioners,

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

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PAGE 31

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 forty two pages, numbered from  
1 to 32, 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, Case No. 370 on the Docket of the said Board,  
wherein Don Victor Rendhorne, Administrator  
of the Estate of Don Victor Rendhorne  
the Plaintiff against the United States, for the place known by  
the name of Cucamonga

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



Geo. Fisher.  
Geo. Fisher

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

No. 214. *Book*  
**214**  
THE UNITED STATES.

vs.

*Don Victor Puelhonne*  
*Administrator &c*  
*"Cucamonga"*

TRANSCRIPT OF THE RECORD

FROM THE  
**214**  
BOARD OF U. S. LAND COMMISSIONERS,  
In Case No. *370*.

Filed, *April 20<sup>th</sup>* 185 *5*.

*G. E. Jan.*  
*AK.*

**214**

*No. 370*

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

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Leon Victor Prudhomme,  
Administrator etc.

vs.

The United States

No. 360.

For the lands called  
"Cucaamonga"

You will please take notice  
that in the above case, decided, by the Com-  
missioners to ascertain and settle private  
land claims in the State of California, in  
favor of the United States, and a transcript  
of the proceedings in which was filed in the  
Office of the Clerk of the United States Dis-  
trict Court for the Southern District of  
California on the tenth day of April, A.D.  
1855; the appeal in the District Court of the  
United States for the Southern District of  
California, will be prosecuted by the Claim-  
ant.

J. H. Smith  
Atty for Claimant

To/  
Pacific Ord Esq<sup>r</sup>

U. S. Dist. Atty for the Southern  
Dist. of California, r

C. C. Carr Esq<sup>r</sup>

Clerk of the U. S. Dist. Court  
for the Southern District of California

N<sup>o</sup> 214.

Land Comm<sup>rs</sup> N<sup>o</sup> 360.

Seow Victor Prudhomme,  
Administrator, &c.

Appellant

vs.

The United States,

Appellee.

Notice of Appeal.

Filed Aug. 18<sup>th</sup> 1855.

J. E. Jan.

clerk.

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

Leon V. Prudhomme, Administrator  
of Estate of Tiburcio Tapia, deceased  
Appellant

Case 214

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By  
The United States  
Appellee

Transcript 370

"Cucamonga".

To

The Honorable J. S. K. Ogier, Judge of the  
District Court of the United States in and for the  
Southern District of California.

The Petition of Leon V. Prudhomme, Admin-  
istrator of the Estate of Tiburcio Tapia, deceased,  
respectfully sheweth;

That on the 3<sup>d</sup> day of March 1839, Juan B.  
Alvarado, Governor of the Department of the Cali-  
fornias, by virtue of authority in him vested  
by law executed and delivered to Tiburcio Tapia  
a deed of grant of the date aforesaid whereby he  
granted to him all that tract of land, called "Cu-  
camonga", situate in the County of Los Angeles, and  
in the said Southern District of California,  
more particularly described in a petition filed  
by this petitioner on the 2<sup>d</sup> day of October, 1852  
before the United States Land Commission to as-  
certain and settle the private land claims in the  
State of California, and the papers and procee-  
dings thereupon had, which are here specially  
referred unto.

That after the said 3<sup>d</sup> day of March

1839, the said Grantee entered upon and took possession of the said granted premises.

That, thereafter, to wit, about the year 1847 the said Tiburcio died, leaving as his heirs his two children, Maria Merced, wife of your Petitioner, and Juan de la Cruz.

That on the 5<sup>th</sup> day of January 1851, the Probate Court of Los Angeles County issued to your Petitioner letters of Administration on the Estate of the said Tiburcio Tasia, deceased.

Your Petitioner further states that on the 2<sup>nd</sup> day of October 1852, he filed his petition, claiming the said premises as Administrator of the Estate of said Tiburcio Tasia, deceased, before the said Land Commissioners, while sitting as a Board, together with documentary evidence and the testimony of witnesses, and that afterwards, to wit, on the 17<sup>th</sup> day of October, 1854, the said Board proceeded to decide upon the validity of said claim and rejected the same.

That afterwards, to wit, on the 10<sup>th</sup> day of April, 1855, an Appeal was taken, the said Board having filed in the Office of the Clerk of your Honorable Court a certified Transcript of their proceedings and final decision and of the papers and evidence upon which the same are founded.

And that afterwards, to wit, on the 18<sup>th</sup> day of August, 1855, your Petitioner filed in the office of the said Clerk a notice of his intention to prosecute the said appeal.

Wherefore, your Petitioner prays that the Decree of the said Commissioners may

be reversed, and the title of the said heirs of

the Decree of the said Commissioners may  
be reversed, and the title of the said heirs of  
Dionicio Tapia, deceased, may be decreed to  
be valid, and for general relief and costs,  
And as in duty etc -

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J. H. Lott  
Attorney for Applicant.

32  
32

Case. 214.  
U.S. Dist. Court, Southern  
District of California.

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Leow T. Prudhomme, Admin<sup>r</sup>.

Appellant.

By  
The United States  
Appelles.

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Petition for Review.

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Filed Oct 15<sup>th</sup> 1853  
O. E. Carr clerk  
By W. R. R. Dip

---

J. R. Scott, Atty for Appels

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

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Leon C. Prudhomme, Admin-  
istrator of Estate of Tiburcio

Tapia, deceased,

Appellant,

vs

The United States

Appellees.

Case No 214

Transcript, No 370.  
"Encumbrance".

On motion of Jonathan R. Scott, Counsel  
for Appellant, it is by the Court

Ordered,

That either party may take fur-  
ther testimony in the above entitled cause -

Care No 214  
U.S. Dist. Court, Southern  
District of California

---

L. V. Prudhomme, Adm<sup>r</sup>  
Appellant

vs  
The United States.  
Appellee.

---

Order for further testimony

---

Filed Oct. 24<sup>th</sup> 1855,  
O. C. Case Clerk  
By Geo. Am. Deps

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

The President of the United States,

TO

*J. D. U.S. Dist. Atty for the  
South Dist. of California*

214 SD

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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 *15<sup>th</sup>* 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

*Leon V. Pondhomme adm<sup>r</sup> of the  
Estate of Tibucio Tapia dec<sup>d</sup> praying the Court  
to review the decision of the U.S. Land Commission  
respecting his claim to the tract of Land  
Called "Cucamonga"*

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 *14<sup>th</sup>* day of *December* A. D. 1855.



*J. S. Farley*

CLERK.

March 1st  
Copying Summons - 60  
Leaving do 3.  
Petition 3.  
\$ 6.60

No. 244,

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

Sam. V. Bushkum Adm<sup>r</sup>

By  
The United States.

No. 214 SD  
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SUMMONS.

Received Dec 17th 1855

Edward Hunter

U. S. MARSHAL.

J. M. Goodman  
Deputy

I served this Summons, together with a certified copy of the Petition, upon J. Oro  
U. S. Atty for Southern Dist of Cal  
by delivering to personally a true Copy  
of the same  
at Los Angeles in the Southern District of California, on  
the 26th day of Dec A. D. 1855.

Sworn to and subscribed before me, 26<sup>th</sup>  
December 1855  
C. Egan CLERK.  
J. Morgan Deputy

Edward Hunter  
U. S. MARSHAL.  
J. M. Goodman  
Deputy

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

Now Isaac K. Ogier, Judge.

Leon V. Prodhomme, Adm<sup>r</sup>. of Estate of Tiburcio Papiu deceased, ~~44~~

vs,

Appellants,

The United States, Appellee } N<sup>o</sup> 214,

Transcript N<sup>o</sup> 370.

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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  
Leon V. Prodhomme, Adm<sup>r</sup>. of the Estate of Tiburcio Papiu  
for a review of the decision of US Land Commissioners for California,  
deceased; Says: That he denies all and singular  
each and every allegation in said petition contains,  
And further this Respondent denies generally  
the validity of the alleged title to the tract  
of land called "Cucamonga", ~~and~~ claimed in  
said petition. And the said Respondent  
prays that this Hon<sup>ble</sup> Court will affirm  
the decision of the said Commissioners in  
said case, and decree the said alleged  
title to be invalid. And for general  
Relief.

P. Ord

Attorney of the United States for  
the Southern District of California

Marshals for  
Serving for \$3.00

to 214.

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

L. F. Pendleton, adon

applt.

vs.

The United States,  
appce.

Answer of the  
attor.

Filed Jan'y 4<sup>th</sup> 1856.

C. E. Lane  
Clerk

214 SD

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Served on Myron Norton Atty for the  
party Los Angeles January 4<sup>th</sup> 1856.

Edward Hunter  
M. S. Marshal  
for N. S. Woodman  
Deputy

Deposition of Mr L Goodman taken  
before C. Linn. United States Commissioner  
for the District of California, at the  
United States Court House in the City of  
Los Angeles on Wednesday the 31st day of  
December A.D. 1855 at 11 o'clock A.M., by  
consent and agreement of parties to be used  
as testimony on behalf of the claimant  
in a certain cause now pending in the  
United States District Court for the South-  
ern District of California, being case  
No. 214 on Docket of said Court wherein  
L. V. Trudhoun is appellant & Accusant  
and the United States are appellee  
Present, J. Ord Esq. U.S. Atty on  
behalf of appellee and J. R. Scott Esq.  
on behalf of appellant & claimant

Mr L. Goodman being duly sworn dep-  
-osits and says

~~Mr Goodman~~ very duly sworn ~~deposes~~ in the  
part of appellant. ~~depos~~ in the case wherein ~~Mr Goodman~~  
is appellee a witness ~~deposited~~ - deposited ~~same~~

State your name age and  
place of residence,

Ans  
214 SD  
PAGE 45

My name is Mr Goodman  
am 39 years of age and  
reside in Los Angeles, have  
resided here 8 years

Ques Did you know Jose de La Cruz  
Tapia, infant son of Delucio  
Tapia deceased

Ans I did

Ques When and where did you  
know him

Ans I know him in this  
place from 1852 to 53

Ques State whether he is living or  
dead - if dead when and where did he die

Ans He is dead, He died about  
2 or 3 years ago I am not pos-  
itive, I think he died in the  
Territory

Ques State about his having left  
a wife or children,

Ans He left neither wife or  
children, he was a boy, about  
13 or 14 years old I think  
never married

Mr Goodman  
before me this 31<sup>st</sup> Dec 1854

Amos W. Commiskey

No 214

NS DuPont

L V Prudden  
Albany

vs  
The States

Deposition of Prudden

Filed Dec 31<sup>st</sup> 1884

James  
Clark

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State of California  
County of Los Angeles

J. C. Sims United

States Commissioner, for the District  
of California, hereby Certify that the  
foregoing deposition of M. L. Goodman  
was taken before me in accordance  
with the request and agreement of said  
attorneys at the United States Court House  
in the City of Los Angeles, State of Calif-  
ornia; That the said M. L. Goodman  
was by me duly sworn according to law  
as a witness in said cause in the Cap-  
-tion of this deposition mentioned, and  
after being so sworn his testimony was  
by me reduced to writing in his presence  
and that of the said attorneys, and after  
having been by me carefully read to him  
and by him corrected as he desired,  
was by him signed in my presence

In witness whereof I  
hereunto set my hand and  
affix my private seal (there  
being no official seal) this  
31st day of December 1856

J. C. Sims  
United States Commissioner



No. 214

U. S. District Court  
for Southern Dist. California

L. W. Bondhorst  
adv. appell.

vs

The United States  
appellee

Deposition of  
M. L. Goodman

Filed this 31<sup>st</sup> Dec. 1886

By  
J. W. Colman

depo

214 SD

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In United States Dist Court, Southern Dist  
of California December Term 1856

Leon V. Prochance } Case No. 214  
Admin<sup>r</sup> }  
Appellant }

vs } "Lucunonga"  
The United States }  
Appellee }

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This cause coming on to be heard on ap-  
peal from the decision of The United States  
Board of Land Commissioners, to ascertain and  
settle the private land claims in California  
under an Act of Congress approved March  
3<sup>d</sup>, 1851, on a Transcript of the decision &  
proceedings of said Board, and of the papers  
& evidence upon which said decision was  
founded and on additional evidence  
filed before this Court, and it appear-  
ing to the Court that said Transcript  
and the Notice of Appeal have been duly  
filed, and Counsel for the respective  
parties having been heard;

It is ordered, adjudged, and de-  
creed that the decision of the said Board  
be and the same hereby <sup>in all things</sup> reversed.

And it is further adjudged & decreed  
that the claim of the Appellant is good  
and valid & the same is hereby con-  
firmed to Maria Mercad Tapia, sole  
surviving heir of Tibancio Tapia, and

Dona de la Cruz Tapia deceased, ~~and the~~  
same is hereby confirmed to be to the ex-  
tent of three square leagues, and no  
more; within the boundaries descri-  
bed in the grant, and in the map to  
which the grant refers, to wit, the  
Sierra on the north, the Arroyo of San  
Antonio & Rancho de San Jose on  
the west and the road from Los An-  
geles to San Bernardino on the south

Provided that should there be  
a less quantity than 3 square leagues  
of land within said boundaries  
this confirmation is hereby made  
of such less quantity

This done in open Court  
this 31<sup>st</sup> Dec. 1850

James K. Ogden  
W. S. Denbridge  
for the J. Dist. of Cal.

Case 214

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L. V. Foxworth  
Adm<sup>r</sup>

App<sup>t</sup>

vs

The U. S. States

Appellee

Verdict

Filed this 31<sup>st</sup> Dec. 1850

at D. O. 1850

J. H. Williams  
Clerk

Record in page 124

In U. States Dist. Court, South<sup>h</sup>. Dist  
of California

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Leon V. Duchonne Adm<sup>r</sup> Case 214  
Appellant

as  
The United States }  
Appellee }  
Lucamanga

And now comes the Appellant  
& suggests to the Court the death of  
Jose de la Cruz Tapia, one of the heirs  
of Tiburcio Tapia, dec<sup>d</sup> & one of the  
parties for whose interest the claim  
in this case is prosecuted, intestate,  
and without wife or issue, about the  
month of January 1853.

Wherefore he prays the judgment  
of the Court to confirm the claim  
herein for the benefit of Mercedes Ta-  
pia, the sole surviving heir of said  
Tiburcio Tapia and Jose de la Cruz  
Tapia dec<sup>d</sup> & as in duty etc.

J R Scott  
Attorney for Appellant

(Granted)

Case 214

L. V. Proudhomme  
Com<sup>r</sup>

Appellant

vs  
Gov

The U. States  
Appellee

Suggestion of death  
of heir

Filed Dec 31 1854

James  
Cook

214 SD

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PAGE

State of California  
County of Los Angeles

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Probate Court. January 16th 1851.

Court met, Don Augustin Chaves, Judge pro-  
siding. Geo Thompson Burwell, Sheriff, and Wilson  
Jones Deputy Clerk present.

And now on this day comes Leon Victor  
Prudhomme, by Galt and Hays, his Attorneys  
and moves the Court to grant him Letters of  
Administration upon the Estate of Severcio Tapia  
and due proof having been made to the Court  
that publication of Notice of this application  
has been made, as required by Law and no one  
appearing to object to the same, the said Leon  
Victor Prudhomme is hereby appointed and  
constituted Administrator of the Estate of the  
said Severcio Tapia.

State of California  
County of Los Angeles

John W. Storey  
Clerk of the Probate Court of Los Angeles County  
hereby Certify that the foregoing is a full true  
correct Copy of the Original, as the same appears  
of Record in my Office.

Witness my hand and the seal of said  
Court this 31st day of De-  
cember. 1851.

John W. Storey, Clerk  
W. J. Buchanan D.C.

Pl. 30. Fed.

Case 214  
U.S. Dist Court. S. Dist

Leon V. Proudhomme  
Adm<sup>r</sup>  
App<sup>t</sup>

By  
The U. States  
App<sup>ee</sup>  

---

App<sup>t</sup> of Administration

Filed Dec 31<sup>st</sup> 1856.  
Clerk

214 SD  
PAGE 54

State of California }  
County of Los Angeles }

Don Victor Rueda

is hereby appointed Administrator of the Estate  
of Siburcio Tapia decd.

Witness Ben Wilson Clerk of  
the Probate Court of Los Angeles County  
by Deputy Wilson Jones, with the seal  
of the Court affixed this 6th day  
of Janry. 1857.

By order of the Court.

Benjamin Wilson Clerk  
by Wilson Jones Dep

Case 214

Leon V. Pouchouin Adm  
App<sup>ts</sup>

vs

The U. States  
Appelles

Letters of Administra-  
tion.

Filed Dec 31<sup>st</sup> 1884

C. J. Sims  
Clk

214 SD

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Appointments of  
Administrators  
by the Probate  
Court of Los  
Angeles Co  
Calif. 1881

UNITED STATES OF AMERICA, ss.

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THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court  
of the United States, for the Southern District  
of California

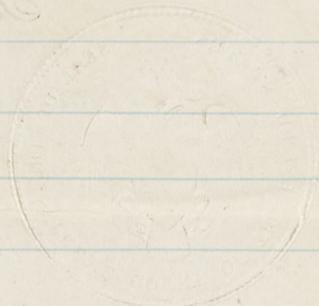


Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District  
of California before you, in a cause  
between Leon V. Prudhomme administrator of Tiburcio Tapia,  
dec<sup>d</sup>, Appellant, and The United States, Appellee (No. 214,  
for "Cucamonga") wherein the decree was rendered  
in favor of the said Appellant

UNITED STATES OF AMERICA

THE PRESIDENT OF THE UNITED STATES OF AMERICA



214 SD  
PAGE 58

as by the inspection of the transcript of the record \_\_\_\_\_ of the said *District* Court, which was brought into the Supreme Court of the United States, by virtue of *an appeal*

agreeably to the act of Congress, \_\_\_\_\_ in such case made and provided, fully and at large appears.

And whereas, in the present term of *December* in the year of our Lord one thousand eight hundred and *sixty three* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and ~~was argued by counsel:~~ ~~On consideration whereof,~~ *on the motion of Mr Attorney General Bates and of counsel for the appellants,* it is now here considered, ordered and decreed by this Court that this cause be and the same is hereby dismissed - 19 Feb.

214 SD

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You, therefore, are hereby commanded that such further proceedings be had in  
said cause,

as according to right and justice, and the laws of the United States ought to be had, the said appeal  
notwithstanding:

Witness the Honorable Roger B. Taney Chief Justice of said Supreme Court, the  
first Monday of December in the year of our Lord one thousand eight hundred  
and sixty three

COSTS OF  
Clerk.....\$  
Attorney...\$  
\$

*Tested by*

*Levi Middleton*

Clerk of the Supreme Court of the United States.

No. 152. December Term, 1863.

MANDATE

SUPREME COURT UNITED STATES.

U. States vs. Buchanan adms

No # 214

*Filed Aug 10, 1864*

*J. P. Johnson*

*CLK*

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PAGE 60

I certify that the plat of survey of the Rancho "Guacamonga", finally confirmed to Leon F. Rudhomme, Adm<sup>r</sup>, has been completed and forwarded to the Commissioner of the General Land Office as required by an "Act to expedite the settlement of titles to lands in the State of California", approved July 1<sup>st</sup> 1864, and that the expenses of survey and publication was four hundred dollars, and that O. P. Sutton of San Francisco is entitled to the said sum in liquidation of the costs of said survey less such fees as the Clerk of the U. S. District Court for the Southern District of California.

In witness whereof, I have hereunto signed my name, and caused the seal of the said office to be affixed, this 29<sup>th</sup> day of December, 4<sup>th</sup> 1865.

L. C. Simpson  
 U. S. Surveyor Gen<sup>l</sup>

Pay the within to O. P. Sutton in  
accordance within certificate

Fletcher M. Haight

San Fran<sup>ca</sup> Dec 29/65

J. O. Wheeler Esq  
Clerk

Please pay Wells Fargo & Co  
Four hundred dollars, less your charges,  
in legal tender notes, on account of survey  
mentioned in the foregoing certificate  
of the U. S. Surveyor General

O. P. Sutton

214 SD

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No. 214

Creamona :

Final Certif of Saw Lumber  
order of Court & receipt  
for Deposite

Filed Jan 7, 1866

J. D. Wheeler

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