

CASE No.
231

SOUTHERN DISTRICT

RIO DE SANTA CLARA GRANT

VALENTIN COTA, ET AL
CLAIMANT.

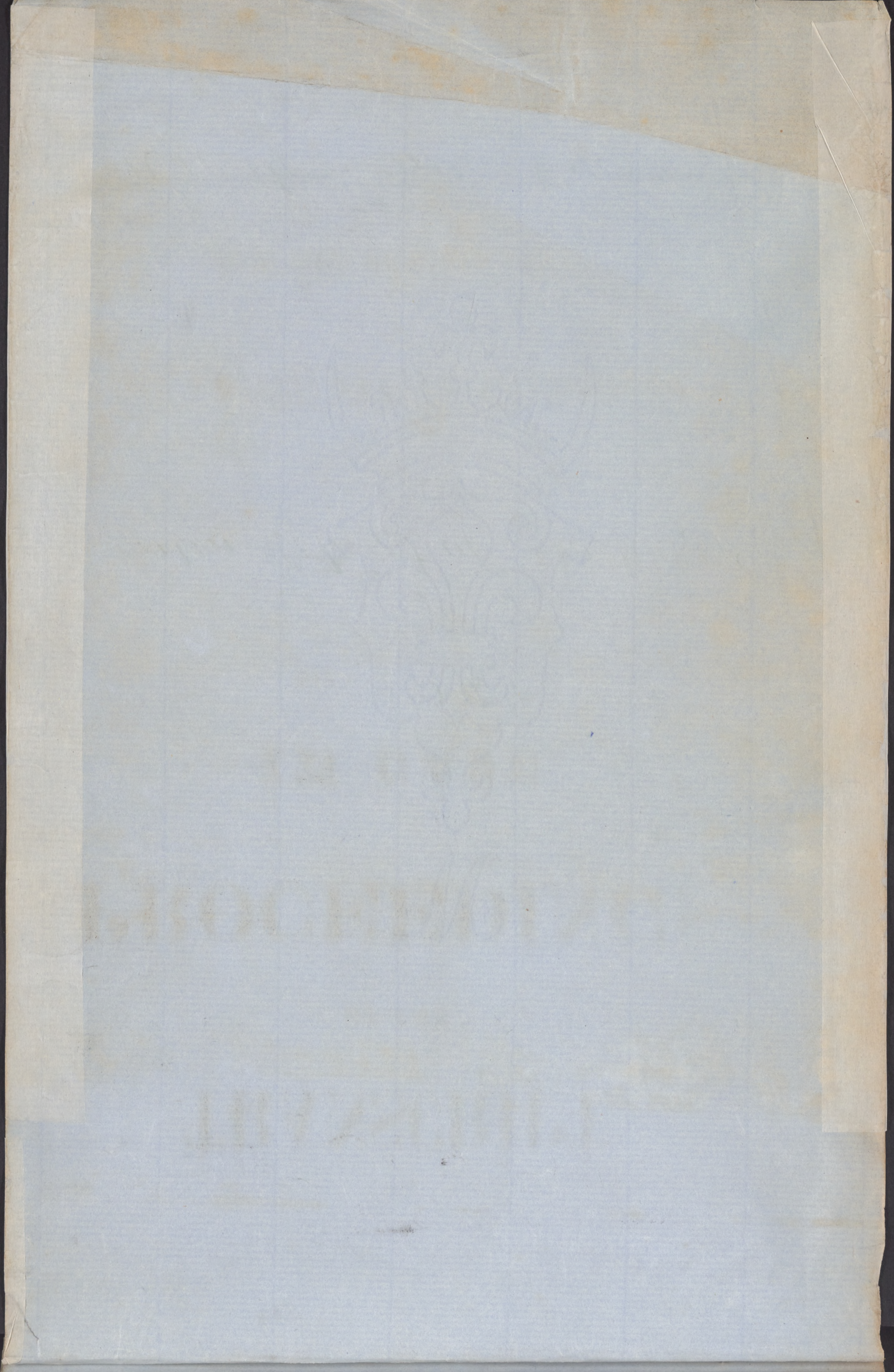
LAND CASE 231 SD pgs. 109

MAR 14 1963

U.S. DEPARTMENT OF AGRICULTURE
SOIL CONSERVATION SERVICE

WATER RESOURCES DIVISION

223



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *225.*

Valentin Cota, et al. CLAIMANT &

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Rio de Santa Clara."

FOR THE YEAR 1911

THE UNITED STATES DEPARTMENT OF THE INTERIOR

AND

GEOLGICAL SURVEY

NO

13 6733

PROCEEDINGS

OF THE

MINERALOGICAL

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 *tenth day of May*
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 *Valentin Cota, et al.*
for the Place named
"Rio de Santa Clara,"
was presented, and ordered to be filed and docketed with No. 225 and
is as follows, to wit;

(Vide page 5 of this Transcript.)

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

San Francisco May 10th 1852.
In Case no. 225, Valentin Cota et al. for the place
named "Rio de Santa Clara", the deposition of Pablo
de la Guerra, a witness in behalf of the Claimants,
taken before Commissioner Harry J. Thornton, was
filed;

(Vide page 6 of this Transcript.)

Los Angeles Sept. 3rd 1852.
In the same Case the parties litigant filed the
following Stipulation relative to placing this Case
on the Trial Docket, to wit;

(Vide page of this Transcript.)

Case no. 225 was ordered to be placed on the Trial
Docket subject to the Stipulation filed by the parties
litigant.

2
San Francisco January 28' 1853.
Case no. 225 called; and was submitted by Mr. Halleck, Counsel for Claimants, with the papers in evidence, by consent of the U. S. Associate Law Agent, without argument and taken under advisement by the Board.

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San Francisco April 22' 1853.
Commissioners Melvin Hall and Harry J. Thornton returned to the Secretary the papers appertaining to Case no. 225 (and others) which they had under advisement without making decisions thereon; after which, pursuant to a notice in the National Intelligencer, they withdrew and ceased to act as Commissioners and members of this Board.

San Francisco July 11' 1853.
Case no. 225, on motion of the U. S. Law Agent was ordered to be placed on the Trial Docket.

San Francisco July 12' 1853.
Case no. 225 was called; Mr. Halleck, one of the Attorneys for the claimants, read the evidence and opened the argument - answered by the U. S. Law Agents, and continued for further argument.

San Francisco July 12' 1853.
Case no. 225 called; argument resumed in behalf of the United States and continued for further argument tomorrow.

San Francisco July 13' 1853.
Case no. 225 called; Argument in behalf of the claimants resumed and concluded; case submitted and taken under advisement by the Board.

V

3
San Francisco October 31 1854.
In the same case Commissioner Alpheus Felch
delivered the opinion of the Board rejecting the
claim.

(Vide page 19 of this Transcript.)
and the following order was made to wit:

(Vide page 25 of this Transcript.)

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Petition

To the Honorable Commissioners to settle Private Land Claims in California

The Petitioners Valentin Cota Leandro Gonzales Rafael Gonzales Salvador Valenzuela Jose Maria Valenzuela Vicente Pico Rafael Valdez and Vicente Felix respectfully shew

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That on the 22nd day of May A.D. 1837 Juan B. Alvarado Governor of California by virtue of the authority vested in him granted to the Petitioners a certain tract of land on the Santa Clara River in the present County of Santa Barbara particularly described in the title and map a copy of which title and map is submitted herewith marked A with a Translation marked B.

That in the 28th day of September A.D. 1840 the said tract of land was duly surveyed and the judicial possession of it given to the Petitioners in due form a copy of which judicial possession is submitted herewith marked C with a Translation marked D.

And the Petitioners further shew that the said tract of land has not been surveyed by the Surveyor General of the United States but that it was duly surveyed at the time of giving the judicial possession of it.

That the Petitioners have been in possession and occupation of said tract of land since 1837 and are now in the quiet peaceful and undisputed possession and occupation of the land described in said Grant and judicial possession.

That they have no competing claim. That they shew for Confirmation of title upon the original Spanish copies of which are submitted herewith upon the records and records in the archives in the Office of the Surveyor General and upon such other and further proofs as they may be advised as necessary. Therefore the Petitioners pray the Commission to confirm to them the aforesaid tract of land.

By their Attorneys
Halluk Peachey & Billings

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Filed in Office May 10th 1852
George Fisher Secretary
Readers in Read of Petitions Volume 1 Pages 90
and 91 George Fisher Secretary

Deposition of Pablo de la Guerra
of the Board of Land Commissioners in California San Francisco May 10. 1852
the Commission for ascertaining and settling Private Land claims in California
Pablo de la Guerra answers produced in be half of the claimants
Petition is No 225 in the Docket of said Commission and after being duly sworn testifies as follows

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The U.S. Law Agent was duly notified and attended

Question What is your name age and place of residence

Answer My name is Pablo de la Guerra my age is thirty two years I reside in Santa Barbara and have resided in California all my life

2nd Question Do you know the Signatures of Juan B Alvarado Victor Pruden Rafael Gonzales Antonio Olivera and Jose Lermilla Donojo if so are the signatures to the papers before you genuine and true papers genuine and authentic sets A and B in Volume Number 225 filed in the office of the Secretary of the Commission two copies of these originals

Answer I know the Signatures of Juan B Alvarado Victor Pruden Rafael Gonzales Antonio Olivera and Jose Lermilla Donojo

These signatures to the papers before me are genuine the papers are genuine and Exhibits A and B are two copies of these originals

Question 3 What do you know about the possession and occupation of the land described in the papers above referred to

Answer The land referred to has been occupied by the claimants at least since 1838 and I believe they went into possession before 1838 and

7
Immediately after the Grant they have built
houses on all farms enclosed ground and cultivated
it and have stock of cattle and horses upon it

Questions by U.S. Law Agent

Question To what extent was the land cultivated
answer About Sixty or seventy years square they
raised upon it what was necessary to them
own consumption grain and vegetables there
may have been more than this

Some years they
cultivated more and some years less the land
was cultivated in different parcels and I am not
able to say what those parcels altogether would
amount to

But my impression is that altogether
it would amount to about two hundred years
square

Question Is all this land within the ten bottom
leagues

answer It is

Pablo de La Guerra
The Law Agent notified and present

Gunn to and subscribed before me this 10th
of May 1852

Henry J. Munton
Commissioner

Filed in Office May 10th 1852

Geo. Foster

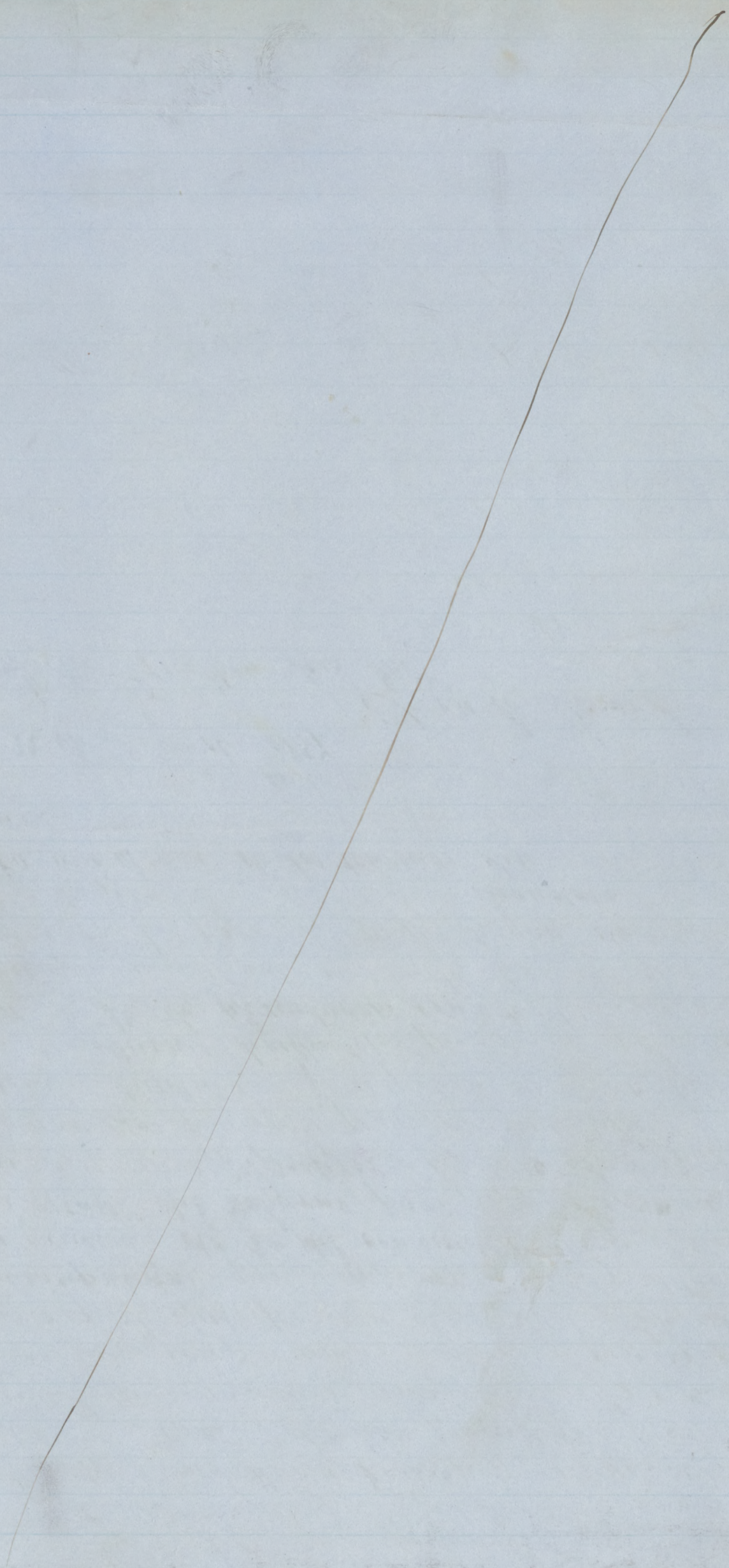
Secretary

Record in Evidence Volume 1st Pages 343 and
344

George Foster

Secretary

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1. 9
El Ciudadano Juan B. Alvarado Gobernador Int^o
del estado libre y soberano de la Alta California y Pres-
-idente de la única diputacion elegida en Congreso
constituyente.

Exhibit "A"
Cited papers.
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map 18
Por cuanto los ciudadanos Valentin
Cota, Leandro Gonzales, Rafael Gonzales, Salvador
Valenzuela, Jose Maria Valenzuela, P^{te} Pico, Rafael
Valdes y Vicente Felis han pretendido situarse con
siete veces y familias en las tierras del rio de Santa
Clara cuya comprension y limites se demarcan en el
diseño q. al efecto formara el Sr. Alcalde de esta
Municipalidad: y en cumplimiento de la facultad que
en acuerdo de 20 del corriente expidió el Congreso
del estado del Gobierno para expedir interinamente
los despachos respectivos a los individuos q. desean
ocupar esas posesiones he venido en conceder a los exp-
-resados Ciudadanos la ocupacion de dichas tierras bajo
las condiciones siguientes.

1^a Se presentaran con este despacho a la aut-
-oridad municipal de Santa Barbara quien les
marcará los parages en que hayan de situarse.

2^a Dha. autoridad mandara levantar un
plano o diseño de los terrenos demarcados y lo remit-
-ara oportunamente al Gobierno.

Es dado en la M. N. Cion de Sta Barbara
a 22 de Mayo de 1837.

Juan B. Alvarado.
Victor Prunthun. Sec. Int^o

here follows a map or plan!

Sello tercero de los reales.

Habilitado provisionalmente por la estatutaria Maris^a de Monterrey para los años de 1839 y 1840.

Abravado.

Antonio Maria Osio.

(Seal)

Sta Barbara. 235^o de 1840.

Juz. de Par del Puerto de Santa Barbara.

Los interesados en esta instancia que obran entendidos que por el dia 30 de Feb^o deberan presentarse para recibir la posesion que solicita el Ciudadano Antonio Olivera Juez de Par de esta Municipalidad asi lo mandó decretó y firmó.

Los Ciudadanos Valentín Cota y Segundo Gurrules Rafael Gurrules, Salvador Valenzuela, Vicente Pico Rafael Valdes y Vicente Felis en el sitio del rio de Santa Clara ante

Antonio Olivera. la integridad de V. se presentan asi de que tenen la bondad de darles la posesion del sitio que estan poseyendo, el cual esta demarcado en la Comprension del rio de Santa Clara segun lo manifiesta el diseño que al efecto acompaño. Por tanto S. Suplican se sirva el tener la bondad de aseverar a esta su solicitud pues en esto esperan recibir merced y gracia.

Sta Barbara. 23 de 1840.

Por si y a nombre de los interesados.

Rafael Gurrules.

En el Periodo de Santa Barbara a las veinte y ocho dias del mes de Feb^o del año de mil ochocientos quatro asiente a la solicitud hecha por los Ciudadanos Valentín Cota, Segundo Gurrules, Rafael Gurrules Salvador Valdes y Vicente Felis asi de que se les otó la correspondiente posesion del sitio conocido con el nombre de Santa Clara concebido en el Gob^{no} de este Depart^o y habiendo la falta de un agrimensor que para efecto de las mediciones correspondientes debia comparecer para que reunida el conocido terreno lo tiene yo el primer nombrado Juez de Par, Ciudadano Antonio Olivera con total arreglo a las primenas medidas que se an practicado las cuyo diseño se anexa al expediente. puse por mi y los testigos de mi asistencia al expresado sitio y procedase a dar la posesion indicada anejandose el titulo que se les a conferido por el Supremo Gobierno de este Departamento con fecha veinte y tres de Mayo de mil ochocientos treinta y siete. En el expresado Juz. de esta Municipalidad asi lo decretó

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mandé y firmé con los testigos de mi asistencia. José Simón
Coloniza = de asistencia = Antonio Rodríguez = En el referido
lugar y en otro día, mes y año yo el propio Juez para
la práctica de estas diligencias nombré dos oficiales cor-
deleros y dos medidores a quienes les hice saber su nom-
bramiento el que aceptaron bajo de juramento que
otorgaron ofreciendo desempeñar fielmente su encargo
lo que autorizo y firmo con los testigos de mi asistencia
según derecho. Antonio Oliviera. = José Simón =
de acta. Antonio Rodríguez. = En otro día, mes y
año estando en el parage nombrado el paso del
rio de Santa Clara a efecto de medir las medidas
y posesion que corresponden a los ciudadanos Valentín
Cota, Leonardo Guinales, Salvador Valenzuela, José
Manía Valenzuela, Vicente Pico, Rafael Valdez y
Vicente Pelis del sitio nombrado Santa Clara previas
los requisitos de ley y estando ante mi los testigos de
asistencia, los oficiales medidores los condeleros y yo el
ciudadano Mexicano Antonio Oliviera y se midió un
condel que contenia sesenta varas el cual fue exa-
minado y reconocido y acento a sus extremos unos
saneos de madera y por mi disposicion se tiró el condel
rumbo al este comenzando desde la orilla del rio andando
se clavo un palo en señal de mayonera y abiendo
medido dos y media leguas remato la medida en
la boca de un medio que esta en la orilla del
Camino real del Conijo en donde se clavo un palo en
señal de Mayonera en seguida y por mi disposicion
se tiró el condel rumbo al sur y habiendose medido
tres leguas por sobre del llano remato la medida en
la orilla del mar en medio de dos esteros en dicho
lugar se clavo un palo en señal de mayonera
incont^{te} y por mi disposicion se tiró el condel por
sur del llano y orilla del mar rumbo al noroeste
y habiendose medido tres leguas remato la medida
en la boca del rio en cuyo lugar esta una sierra
y se clavo un palo en señal de mayonera y por último
se tiró el condel por sobre del yano y orilla del rio
rumbo al norte y abiendo medido una y media
legua remato la medida en donde se comenzó
y se concluyeron las remidas de este sitio a satisfaccion
de los intereses a los lo que pongo por diligencia
que autorizo y firmo con los testigos de asistencia
Antonio Oliviera. José Simón Coloniza.

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Antonio Pradineque.
 Certificó que la presente copia ha sacado fielmente
 a la letra de su original a que me refiero.
 San Buenaventura. Obre. 1^o de 1850.

José Simon Obregon. Antonio Olivera.
 1^o Int^o.

Sello tereno dos reales.
 Habilitado provisionalmente por la dotuana Maritimo
 de Montenegro para los años de 1859 y 1860.

Alvarado. Antonio Maria Oro.

Filed in office. Dec. 29th. 1852.

Geo. Fisher. Secy.

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Translation
of Title

Citizen Juan B Alvarado Governor of the Free and
Sovereign State of Upper California and President
of the Most Excellent Deputation erected into a
Constitutional Congress

Whom as Citizens Valentin Cota Leonardo Gonzales
Rafael Gonzales Salvador Calamzula Jose Maria
Calamzula Vicente Peci Rafael Caldera and
Vicente Pily have sought have to settle with their
families and property in the lands of the River
of Santa Clara whose extent and boundaries will
be marked on the map which for that purpose
the Alcalde of this Municipality shall form

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and
in virtue of the faculty which the Congress of the
State conferred on the Government in resolution
of the 20th Instant to issue provisionally the
proper documents to those persons who may
desire to occupy these possessions

Have granted
the aforementioned citizens the occupation of said
lands under the following conditions

1. They shall present themselves with this order
to the Municipal authority of Santa Barbara
who will designate the places in which they may
settle
2. Said authority will order a map or plan
to be made of the lands designated and will
transmit it to this Government when ready

This is
given in the by Mission of Santa Barbara on
the 22nd of May 1837

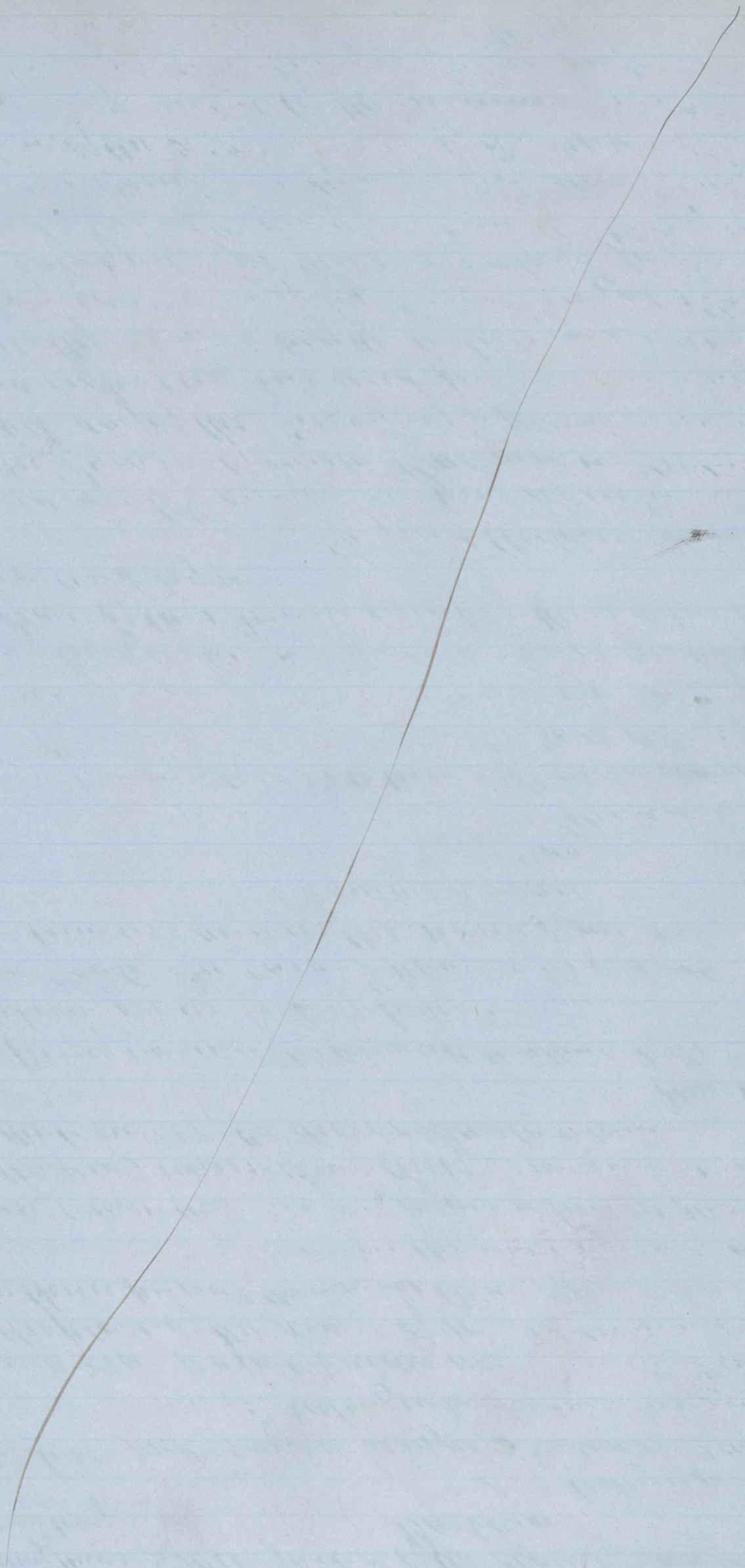
Y signed Juan B. Alvarado
Y signed Victor Prudon

Secretary ad interim
I certify the foregoing to be a true and correct
translation from the original on file in this
Office in case No 225. Valentin Cota et al
George Fisher
Secretary

Filed in Office May 20th 1852

George Fisher
Secretary

14.



PROB
20

Stamp Third Two Reales

Translation
of Judicial
Possession

Provisionally authorized by the maritime custom
House of Montevideo for the years 1839 and 1840
Yeguid Alvarado Yeguid Anto Muniz Aris

Maritime
Custom House
of
Montevideo

To the Justice of the Peace of Santa
Barbara

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Citizens Val
entulo and Leandro Gonzales Galvan Salva
zulla Jose Maria Salazar Rafael Gonzales
Muniz Pico Rafael Valdez and Muniz Felix
in the place of the River of Santa Clara before
you have presented themselves that you may have
the goodness to give them the possession of the
place which they are occupying which is shown
by the maps which they are transmitting to be
within the limits of the River of Santa Clara

They have
properly you will be pleased to attend to this their
Petition for in they hope to receive from and
have Santa Barbara September 23rd 1840
For himself and in the name of all interested
(Yeguid) Rafael Gonzales
Santa Barbara September 23rd 1840

The parties
interested in this Petition will understand
that they must be seen by on the 30th day of
February to receive the possession which they re-
quest Citizern Antonio Olivera Justice of the Peace of
the Peace of this Municipality thus ordered
and signed

Yeguid Antonio Olivera
Yeguid Jose A. Douzi Justice of the Peace
in the Presence of Santa Barbara on the twenty
eighth day of the month of September one thousand
and eight hundred and forty in compliance
with the request made by Citizens Valentin
Cota Leandro Gonzales Rafael Gonzales Galva-
do Salazar Jose Maria Salazar Muniz
Pico Rafael Valdez and Muniz Felix that
the corresponding possession should be given
to them of the place known by the name of Santa
Clara granted by the Government of this De-
partment and there being no proper professional
Jury who ought to appear to receive the

Said Comas the first justice of the Peace acting
in Antonio Alvará and so in entire conformity
with the measurements first made, the maps
of which is attached to the expediente

Said judges

acting witnesses will go to the said place and
proceed to give the possession referred to conform-
ing to the title which was granted them by the
Superior Government of this Department dated
May 22nd one thousand eight hundred and
thirty seven the said Justice of the Peace
publicly thus read and signed with
the assisting witnesses

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Signed Antonio Alvará

asst witness

asst witness

José Guzmán Douzi and Antonio Rodriguez
in the place referred to and on the said day
month and year the proper Magistrate for the
purpose of these official acts appointed two
sumos and two rope beams who notified
of their appointments, which they accepted,
promising and on oath to discharge faithfully
the duties of their office which I can attest
and sign with my assisting witnesses according
to Law

Signed Anto Alvará

asst witness

asst witness

José Guzmán Douzi and Anto Rodriguez
on said day month and year being in the
place called the Passo of the River of Santa Clara
for the purpose of verifying the measurements
and possession which consisted to citizens
Valentin Cota Leandro Gonzales Rafael Gonzales
Salvador Valenzuela José Manuel Valenzuela
Vicente Pici Rafael Valdez and Vicente Pico
of the place named Santa Clara the legal requ-
isites having been previously complied with and
being present the assisting witnesses the sumos
as the rope beams and the Magistrate citizen
Antonio Alvará caused to be measured a cord
which contained fifty paces and it was
announced and recognized and two stakes tied to
its extremities went by my direction drawing the
cord to the east from the bank of the River
where a stake was driven a submergible line was
run two and a half leagues to the hill with the

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Muelle (La Loma de en Muelle) on the side of the
main road of the Corripo where estate was drawn
as above

Thence and by my direction the cordel
was drawn southerly over the plain three leagues
to the sea shore between two esteros (creeks) in which
place estate was drawn as above

In continuation
and by my order the cordel was drawn over the
plain and in the sea shore north west three leagues
to the River where there is a marsh of Caimagajana
estate was drawn in three as above

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and lastly the
cordel was drawn on the plain and bank of the
River north and about leagues to the place
of beginning

And the measurements of this place
were concluded to the satisfaction of the parties
interested which I make of final note of record an
authentic and sign with the persons witnesses

(Signed) Antonio Alvarez
Asst Notary
Signed Jose Guzman O'Donoghue Signed Anto Rodriguez

I certify that this is a faithful and literal copy
of the original to which I refer San Bernardino
October 1st 1840

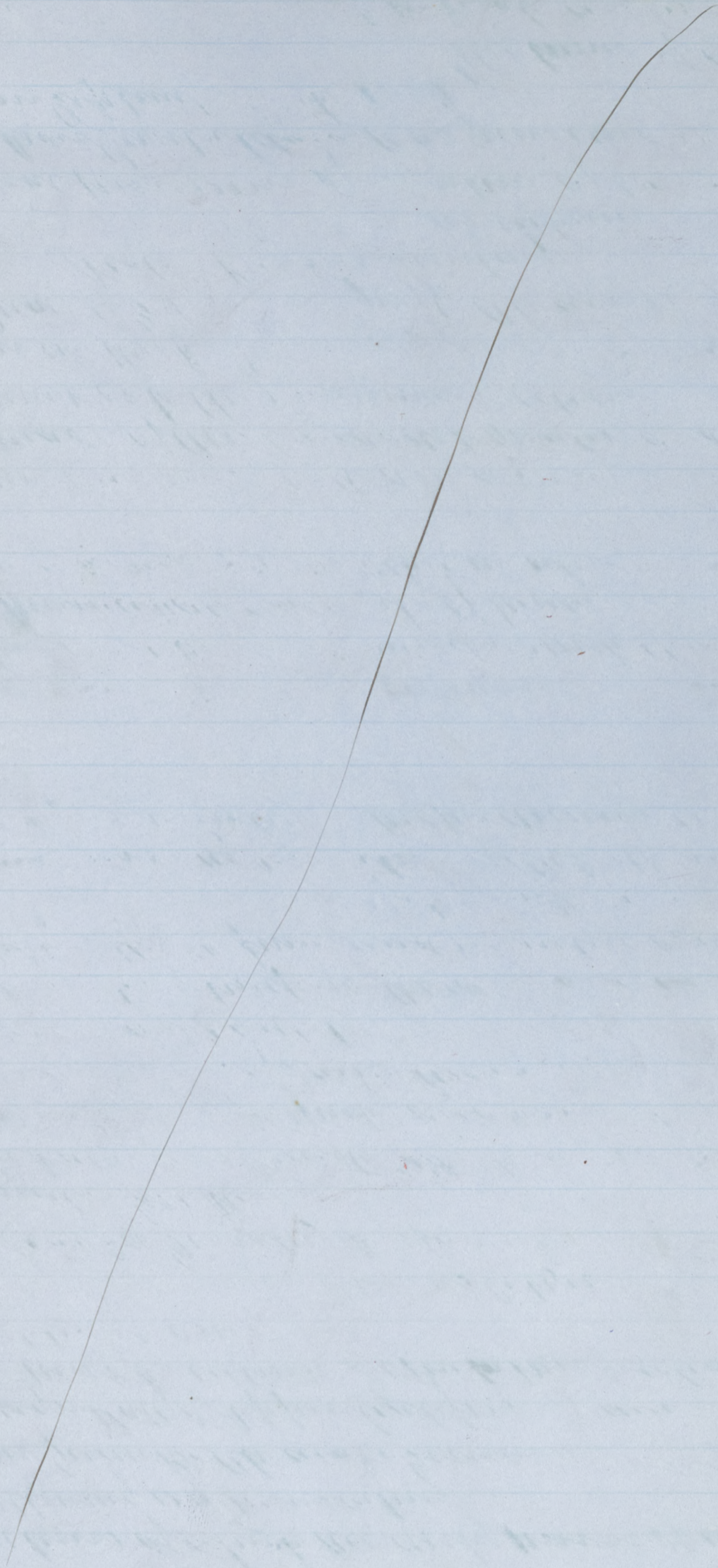
(Signed) Antonio Alvarez
Signed Jose Guzman O'Donoghue
Secretary and Notary

I certify the foregoing to be a true and correct
translation from the original on file in this
office in Case Number 225. Valentin Cortes
Notary

George Fisher
Secretary

Filed in Office May 10th 1852

George Fisher
Secretary



1906
1907

Opinion of
the Board

Kalutrio Costa + as } North plain called Rio
vs. } de Santa Clara in Santa
The United States } Barbara County

The Petitioners claim under documents the
legitimacy of which are duly proved of which
the following is a translation

Citizen Juan B. Alvarado Governor of the Free and
Sovereign State of Upper California and President
of the most Excellent Deputation erected into
a constituent congress

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Mexican Citizens Kalutrio
Costa Leandro Gonzalez Rafael Gonzalez Gabriel
Kaluzula Jose Maria Kaluzula Vicente Puri
Rafael Baldy and Vicente Paly have sought leave
to settle with their property and families on the
lands of the River of Santa Clara whose extent
and boundaries will be marked on the map
which for that purpose the Alcalde of this town
municipality shall form and insert of the fac-
tly which the congress of the State conferred on
the Government in resolution of the 20th instance
to issue provisionally the proper documents to those
persons who may desire to occupy these possessions
I have granted the aforesaid citizens the occupations
of said lands under the following conditions
1. They shall present themselves with this order
to the Municipal authority of Santa Barbara
who will designate the place in which they may
settle

2. Said authority will not a man paper to
be made of the lands designated and will
transmit it to this Government whenever this
is given in the Commission of Santa Barbara on the
22 of May 1837

Aguid Alvarado
Victor Prudon Secretary
ad actum

Judicial possession of a portion of land on the
said River Santa Clara was given under this com-
mission September 28th 1840

The terms of this
document are such as to indicate an intention
to give an immediate temporary occupation of the

land partitioned among the Totto and it
 was clearly contemplated that the parties should
 again petition to the Government and present
 again the merits of their application if they should
 to become the owners of the property in view,
 the document in my opinion indicated an in-
 tention to grant to the eight individuals named
 therein in Salido the lands which they might
 occupy under it.

In it two Spanish and meaning
 is a permission to eight individuals to petition
 the King of Spain at such place as the autho-
 rities of Santa Barbara might designate it
 being contemplated that each individual of
 them who might avail himself of the privilege
 would subsequently apply under such rules
 as then might be in force for a grant of the
 particular portion of land which he might desire.

No such application appears
 to have been made by any of the claimants I
 greatly doubt whether under the same liberal view
 of the meaning and effect of the terms of this
 instrument in connection with the proofs in the
 case the claimants or any one of them
 could be regarded as having established a right
 either legal or equitable in the property at the
 time of the making of the treaty of Guadalupe
 Hidalgo.

But under the view which is taken of
 another point in the case it is unnecessary to
 enter the decision on a construction of the terms of
 the grant. It will be observed that the docu-
 ment above recited does not purport to be a grant
 under the colonial laws and regulations
 of Mexico nor is it made under the authority
 of the Mexican Nation.

It purports to come from
 the Free and Sovereign State of California
 issued and to be issued in the name of that
 sovereignty by the Government thereof by authority
 conferred on him by the Congress of said State. The
 sovereignty had its origin in those turbulent times
 when the Mexican Nation was distracted by intestine
 revolts and rebellion after the death of Don Aguirre in
 September 1835 when Mexico was not free to act

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as Political Chief of the Californians in July of the same year he was expelled from the country by the Californians and Nicolas Gutierrez and the Mexican his second in Military command assumed the duties of the Office

Amos this time intelligence reached the country of the abolition of the Federal System in Mexico and of the success of the Revolution in Texas Encouraged by the former and encouraged by the latter the inhabitants of California both native and foreign united in an effort to overthrow the existing Government

The revolutionary forces were successful The Capital was taken by Gutierrez and his Mexican Affairs were expelled from the country and the insurgents assumed the administration of the Government

On the 9th of November of the same year the plan of the new Government was formed and contained the following articles

1. Upper California is declared to be independent of Mexico until the reestablishment of the Federal System adopted in 1824

2. Said California is erected into a free and sovereign state with a Congress to dictate the particular laws for the country and to elect the other supreme powers the present most Excellent Deputation being declared constituent

This plan a basis was proclaimed and the new Government of the Free and Sovereign State of Upper California organized The Deputation met at Santa Barbara and declared itself a constituent Congress The Municipal Authorities gave in their adhesion to the new Government the excitement of the Revolution subsided and the new Affairs with Alvarado at their head a civil Government proceeded to exercise the functions of their respective Offices

The Californians had long complained of the indignity of having Affairs run from Mexico to rule and of the real or fancied oppressions which they had suffered

attempts which they had often before availed against
these local affairs but soon until Mexico had declared
against the Mexican Government or sought to establish
an independent nation by establishing the free and
sovereign state under the name of 1836

They repudiated all allegiance to Mexico and assumed the position
of an independent sovereignty. Practically however
this position of an independent nation was of
short duration. In the archives of California
you will find records of public acts under
the name of the free and sovereign state of Upper
California

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They had accomplished the object
of expelling the curbs who had been sent to
govern them as assistant Governor and of
giving the reins of the local Government into the
hands of the native Californians. Furthermore
to accomplish their object they seem to have had
no desire to separate their connection with Mexico
and almost immediately afterwards we find
the Government administered by them in the
name of the Mexican Nation

In 1838 an amicable
arrangement was had between Mexico and
the authorities of California and finally demands
were recognized as the Constitutional Government of
the Department in the name of the Mexican
Nation although certain the commission
the subsequent recognition of his authority
seems to have been regarded as confirming
his proceedings and sanctioning his decisions

The granting
of the National Domain is one of the highest
acts of sovereignty. The grant under con-
sideration (if granted) can be considered to
be

Is the act of the Free and Sovereign State
of Upper California in the character of an
independent nation

Assuming to grant
territory which both before and since was the un-
disputed domain of Mexico. It is a grant issued
by a Revolutionary Government in hostility to that
of the nation of which it was a constituent part

Under the recognized rules of international Law
 if an attempted Revolution be successful and
 the actual change in the constitution of the state
 is finally confirmed by the consent of the people
 the public domain passes to the new Government
 of such a state based such Revolution is fol-
 lowed by the restoration of the ancient order
 of things both public and private property
 not actually confiscated reverts to the original
 proprietors or the restoration of the legitimate
 Government

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The natural domain not actually
 alienated by any intermediate act of the state
 returns to the Sovereign along with the
 Sovereignty and where during the existence
 of a revolutionary Government temporarily
 formed the public domain is alienated by
 it to its own citizens

The legitimate Government
 on the restoration of his "own" authority may
 annul or confirm such alienation as to him
 shall seem proper What International Law
 63, 64, 65, 441

a transfer of land by treaty to another Sovereignty
 by a Government de facto would be good and
 notwithstanding the granting authority should be
 superseded by the restoration of the former
 Sovereign

The authentic ruling in the name
 of the Free and Sovereign state of Upper Cal-
 ifornia Scandinavia at the dignity of a
 Government de facto The claim now under
 consideration is the original purporting to be
 based on a grant issued in the name of that
 political organization which have been
 all to find in the archives of this Commission

The
 action of the authorities in the name of the
 new and Sovereign state independent of Mex-
 ico seems to have been relinquished by
 themselves almost as soon as formed and the
 organization passed quietly out of existence
 leaving the documents on which this claim
 is based almost the solitary evidence which

remains of its existence as to this or any other disposition of the public domain made in the name of the new state and by its officers there is nothing presented before which indicates a ratification of the title of the grant by the Mexican Government after the existence of the former ceased and the full power of the latter was restored.

The giving of possession solely jointly by an Alcalde could not have the effect to give validity to a grant issued without authority and which could become valid only by the recognition of the granting power. The eighth section of the act of March 3rd 1851 limits the jurisdiction of this commission to lands claimed by virtue of any right or title derived from the Spanish or Mexican Government.

A grant issued by the free and Sovereign state of Upper California is not within this description and even if shown to be valid to pass title to the grantee existing jointly with the authority by which it was issued this commission could not under the Law enter a case of confirmation not being derived from the Spanish or Mexican Government.

It would not be within the class of cases to which our power is extended by the act of Congress a grant made by the New California Government as before stated could on the restoration of the power of the legitimate national authority become valid only on the recognition of the latter under the Law of March 3rd 1851 the burden of proof is on the claimant to show that the title under which he claims.

Is derived from the authority of Mexico or Spain and as Mexico was under no obligation to recognize title in an individual and citizen to her own lands claimed under a grant emanating from her own subjects in the name of a Free and Sovereign Nation organized within her own territory and hostile to her authority.

Proof by the claimant of the recognition of Mexico

after the restoration of her authority is indis-
pensable to a due course of confirmation within
this it is said presents to be a grant of the Free
and Common State of Upper California and
not a title derived from the Mexican Government
and consequently is not within the class of cases
which the Law has authorized this Commission
to confirm

Regarding the evidence insufficient
for this purpose we must enter a decree rejecting
the claim

Filed in Appeal October 31st 1854
Geo Fisher
Secretary

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PAGE 22

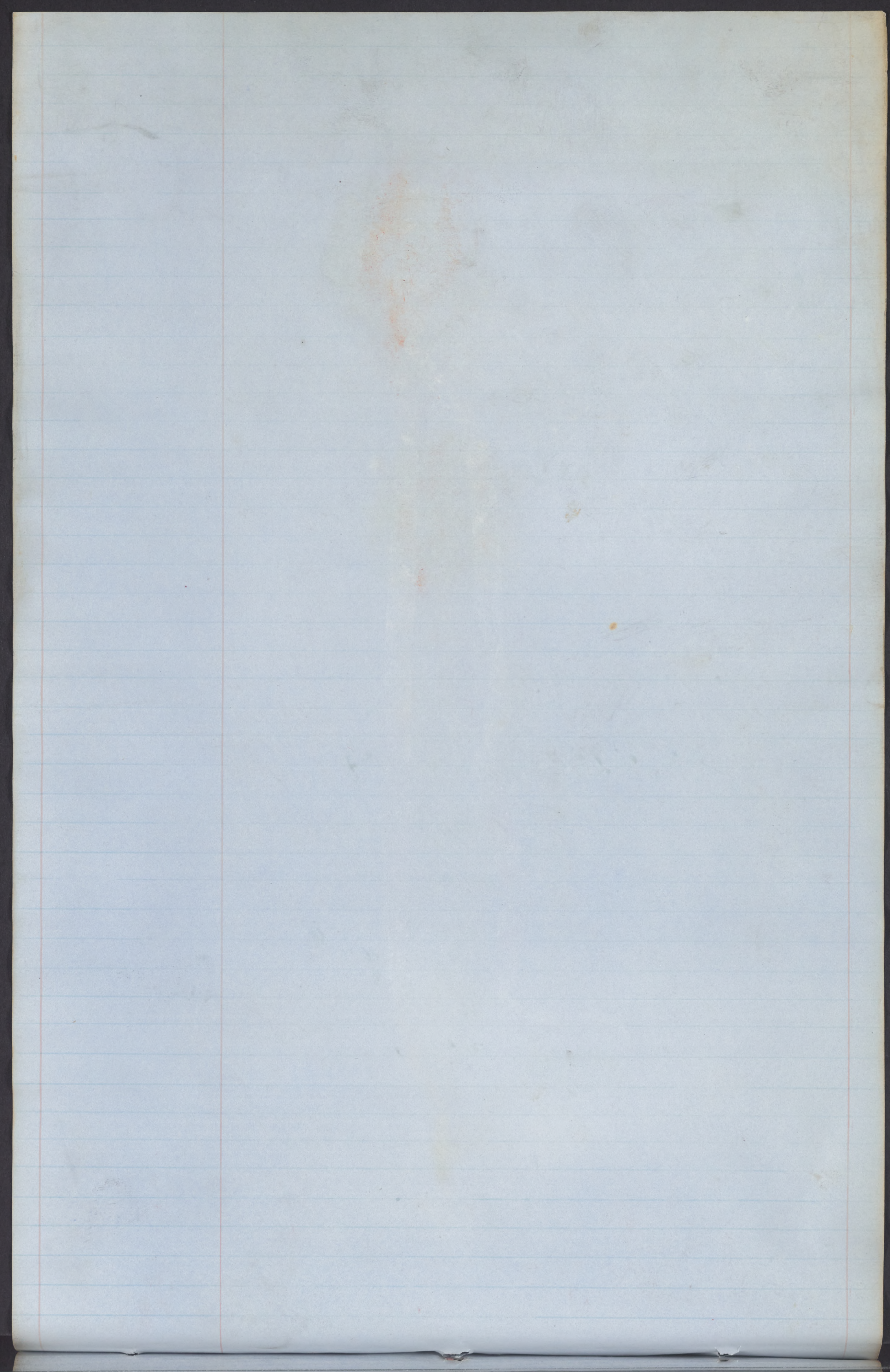
Decree

Valentin Cortez vs
The United States

In this case where
the proofs and allegations it is adjudged
by the Commission that the claim of the
said Petitioner is not valid and it is therefore
decided that their application for a Confir-
mation thereof be denied

Alphus Pitch
A. G. Thompson
G. B. Parwell
Commissioners
Filed in Appeal October 31st 1854
George Fisher
Secretary

and it appearing to the satisfaction of this
Board that the land hereby adjudicated is
situated in the Southern District of Califor-
nia it is hereby ordered that two 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 out
and duly certified by the Secretary and such
transcripts shall be filed with the Clerk of
the United States District Court for the
Southern District of California and the other
be transmitted to the Attorney General
of the United States



Office of the Board of Commissioners,

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

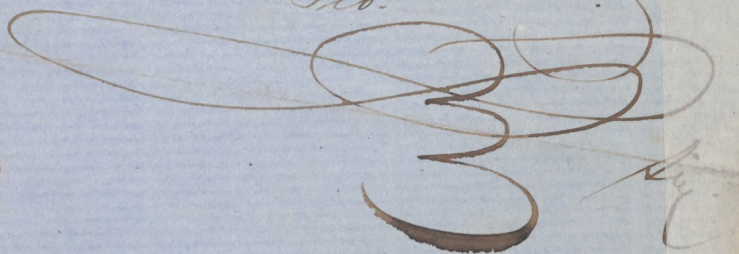
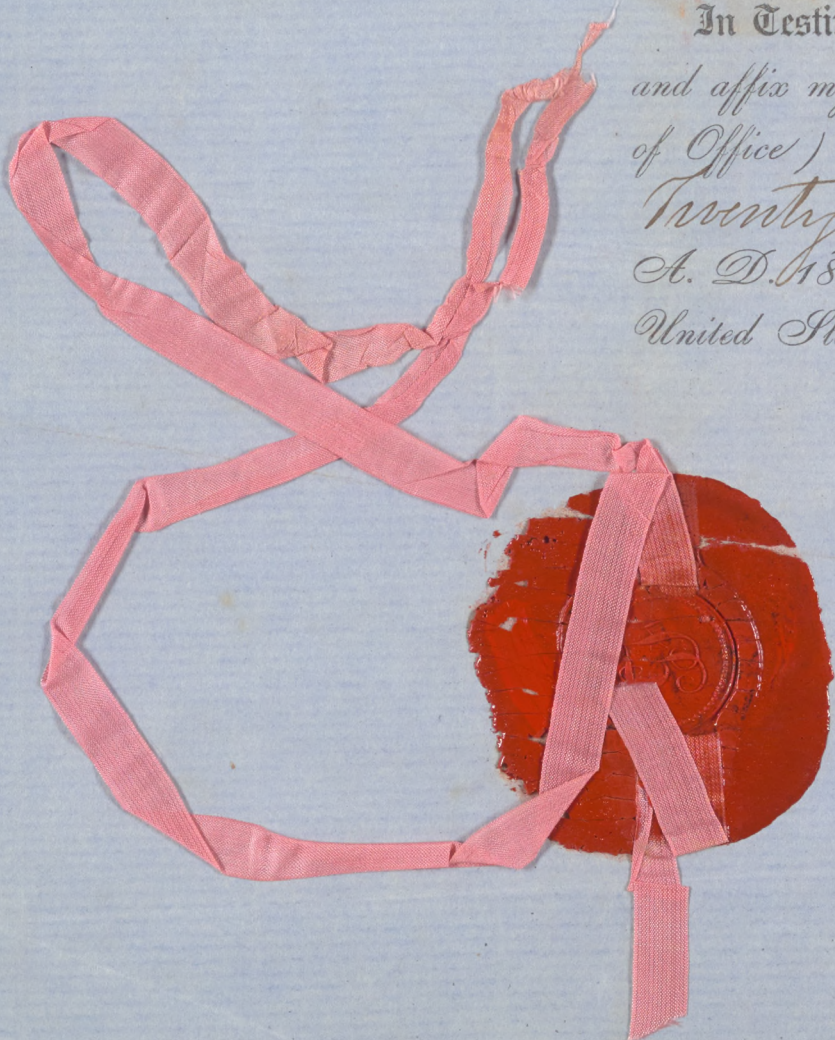
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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twenty five* pages, numbered from
1 to *25*, both inclusive, to contain a true, 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. *225*, on the Docket of the said Board,
wherein *Valentin Cota, et al, are*

the Claimant against the United States, for the place known by
the name of "*Rio de Santa Clara*"

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 fifth day of *May*
A. D. *1855*, and of the Independence of the
United States of America the seventy=*ninth*.

Geo. Fisher



U. S. DISTRICT COURT

Santhum District of California.

No. 231.

Book

THE UNITED STATES,

231

vs.

Sentencia, et al.

"Rio de Santa Clara"

231
TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *225*

Filed, *June 6th* 185 *5*,

J. E. Farr.
clerk.

231

225

00



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Deposition of Estorino Maria Olivera a witness
on behalf of the Claimant and appellants -
taken before Edwin Mendenhall United States Commissioner
for the District of California at the office of
the United States Dist Clerk for the South-
ern Dist of California, in the City of Los
Angeles on Saturday the 10th day of Jan-
uary A D 1857 at 10 o'clock P.M., by
Consent and at the request of the respective
attorneys of the parties, to be used as testi-
mony on behalf of the appellants and Claim-
ants in a certain Cause now pending
in the United States District Court for the
Southern Dist of California being case
No. 231 on the Docket of said Court, wherein
the United States are appellee and Valentin
Cota et al are appellants

Present P. O. P. U. S. Atty &
Healluck Peckey & Bellings Esqs Atty on
behalf of appels and Claimants

Valentin Cota et al
appellants No 231

The United States
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appellants Rio de Santa Clara

~~What~~ Antonio Maria Clevara being duly sworn on the part of the appellants deposes and answers as follows

Qust - What is your name age and place of Residence?

Ans My name is Antonio M^o Clevara I am 71 years of age and reside in San Buenaventura -

Qust Do you know the track of Land called Rio de Santa Clara, claimed in this case by Valentin Cota and others if you, how long you what manner have you known it

Ans I know the Land claimed in this case. I was born there on the Land and have known, it well & constantly, passing over it all my life

Qust In 1840, what office did you hold in California

Ans I was Justice of the Peace at Santa Barbara

Qust As such officer did you give personal possession of the Land claimed?

Ans I did

Quest - Was the Land of which you gave
judicial paper in at that time
in the possession or occupation of any
one, if so, whom show?

Ans - ~~It~~ It was not in possession
of any one, at the time I gave judicial
But the moment I gave judicial pos-
session the Claimants went on it im-
mediately to live.

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Quest - State if the Claimants have con-
tinued to live on the Land since 1840
and in what manner,

Ans - They have continued to live
on it from that time up to the pres-
ent. They ~~have~~ have houses and corrals
^{and have had} all the time from 1840 and they
have likewise been sowing grain
from that time to the present. They
have always had horses and cattle on
the same during all the time. They
have had their families there, but at
the present they have not. Juan de
Gonzales with his family lives there now.

Quest - Is the road called El Camino
Real para el Conijo, a well known
Road -

Ans - It is a wide and well known
Road

Quest - State if the hill called "^{La} Cerro de en medio"
is a well known Hill

Ans - It is well known on the Right hand
side of the Road coming East.

Quest - State if the two ponds or "^{Las} Esteras"

near the Sea Shore, are well known
spots or Localities, and if so how far apart
are they?

Ans. I know the two ponds - they are
231 SD well known, at times there is dryland
PAGE 27 between them - they are close together,

Quest. State of the "Cienega" at the mouth
of the River, is a well known locality

Ans. It is a well known place

Quest. State if at the point of beginning
on the Bank of the River, there was
any monument or mark setup,

Ans. A Stake was setup there as there
was at all the 4 corners

Corp Examination by Messrs. Weston
acting as U.S. Dist. Ctty,

Quest. State the names of the different
persons to whom you gave Surrender
papers of this Land

Ans. Valentin Cota, Rafael Valdez, ~~Jose~~
Rafael Gonzales, Salvador Valenzuela,
Vicente Felix, ~~Jose~~ ~~Francisco~~ ~~Francisco~~ ~~Francisco~~
~~Francisco~~ and Lander Gonzales

I do not recollect any others, they
were all present when I gave possession
of this Land

Quest. Who assisted you in giving pos-
session of this Land,

Ans. Antonio Rodriguez was with me
at the time - and one of the same name
but Rafael Valdez, was also with me

Qust Was there anyone else present adjoining proprietors or others at the time you gave possession and if so what are their names?

Ans There was the owner of the Calleguas, the heirs of deceased Jose Ruiz, this was the only adjoining proprietor present

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PAGE 28

José Ruiz, who is now dead was there present, representing the Ranch of Calleguas, none other was present

Qust ~~Was~~ there any persons, cited by you as already appearing there at the time you gave possession and if so, give their names

Ans I only called José Ruiz as he was the only person who had either name there

Qust Did you at the time know Juan Sanchez?

Ans I did

Qust When did he live at that time?

Ans He ~~was~~ ^{lived} in the Garrison

Qust Was he not the owner of the Ranch situated on the north of the lands of which you gave possession in this case?

Ans As yet Juan Sanchez was not there -

Qust What is the name of the Ranch which is now occupied by Juan Sanchez?

Ans I do not know

Qust What direction is the Ranch now occupied by Juan Sanchez from this Ranch claimed in this case

Ans It is on the north, and adjoins the Ranch in this case

Qust Do you know the Rancho of San Pedro claimed by Jose Chapman?

Ans I do, - It joins this Ranch claimed in this case on the South Side

Qust State how long Jose Chapman has occupied that Ranch

Ans I cannot tell, I have known of him being with his father in Law, but not of his being in "San Pedro"

Qust Do you know of the family of Jose Chapman ever occupied the Ranch of San Pedro;

Ans I do not

Qust Do you know Antonio Del Valle?

Ans I do

Qust Did you know of Antonio Del Valle occupying the Ranch of San Pedro

Ans I never knew nor saw him occupying it

Qust How far is the Mission of San Bruno Ventura from this ranch claimed in this case?

Ans A little more than a league

Qust What houses were on this tract of Land at the time you gave judicial possession to Valentin Costa and others

Ans Only one house, there was a house of Juan Gonzalez, and from that they went on making other houses

Leander ^{Gonzales} and his family, & his Brother
Rafael Gonzales, were living there at the
time, also Rafael Valdez was living in
this same house at the time

Ques On what part of the Rancho was this house
situated?

Ans On the South East Side of the River
231 SD Santa Clara ^{near} a little table mound. — The house
PAGE 30 was about ~~two~~ two hundred yards from
the River, there being wet land between
that and the River

Ques Was there any other houses on the
place —

Ans No, there was not —

Ques When you gave possession
to Valentin to Cola and others whom
you have named, did you give the
paperwork of the whole tract to all of them
jointly or did you give to each of them
a distinct parcel of Land,

Ans I gave it to them all jointly

Ques How far is the Rancho Calleguas
from the Land claimed in this case
and in what direction?

Ans They are more than a half league
distant from one another. It is in
the direction of Coruj, on the East Side

Ques How long have you known the
Rancho of Juan Sanchez?

Ans A great many years, about 20 years

Just Was Juan Sanchez with his family
land upon and occupied it during
that time?

Ans He had - Now he is living
in the Mission, has been ^{living} there 3 or
3 years

Just Who was the Magordomo of the
Mission of San Bruno Ventura at the
time you gave General pappeion
of the land claimed in this case
to Valentin Cota & others?

Ans I do not remember

Just Do you know Rimmas Oliver
Ans Dad

Just Was ever Magordomo of the Mission
of San Bruno Ventura, if so, when?

Ans I do not know

Just At the time you gave General
pappeion of the land claimed in this
case, did the Cante of the Mission
San Bruno Ventura run upon &
occupy the Lands of Santa Clara River?

Ans No I did not see them

Just Did that time have the cattle of
the Mission run upon that Land?

Ans I do not know

Just Do you know where the owners
of the Mission gave their Roads
at that time?

Ans I do not remember at
what place they gave their Roads

Just Do you know the Lands lying -

between the River Santa Clara on
the Road to Las Orjelas and the
Peashow?

Ans I do not know them

Quest Have not these lands always
been considered as belonging to the
Mission of San Buenos Ventura?

Ans I do not know that ~~they~~^{should}
be according to the lines which
the mission may have had,

Quest Have not the Mission always
claimed these lands?

Ans I do not know but I do
know that the Mission claimed that
part of it on the East side of the River

Quest Did not Leonardo and Rafael
Gonzales and Salvador Valenzuela
live on one corner of these lands?

Ans I do not know they live
on the East side of the River and never
have moved from that place

Quest Do you know of there ever being
any disputes between Leonardo,
and Rafael Gonzales and Salvador
Valenzuela and the Administrators
or Owners of the Mission about the
occupation or possession of these lands

Ans I do not know

Quest Do you know of Andres Pico and
Juan Manzo visiting the Mission
of San Buenos Ventura by order of the
Government in 1845?

Ans I do not know
Qust Do you know in what particular
place or places the administration
or owners of the Mission of San Bruno
Ventura gave them Roads?

Ans I do not know

Qust Do you know Pacific Sanchez?

Ans I do

Qust Is Pacific Sanchez ^{owner of Lands} an adjoining
the Lands claimed in this case,
and if so, how long has he owned
and occupied such Lands?

Ans I do not know if he is
owner of any Lands there or not
He lives close by his Father's
name is Juan Sanchez

Qust Do the Lands upon which Pacific
Sanchez lives adjoin the Lands claimed
in this case

Ans It is natural that they do
because they are close together

Qust How far do you live from
the Lands claimed in this case and
how far from the Mission of San -
Bruno Ventura

Ans This is the Mission of San
Bruno Ventura?

Qust How far is the Mission of San -
Bruno Ventura when you live, to the
house which you say is occupied
by Leandro & Rafael Gonzales?

Ans Near two leagues

Qust How long have you lived in that mission

Ans ~~It~~ I was born there 1788 and have lived there off & on since

Qust When did you live when you were not living at the mission

Ans I resided at Santa Barbara at the Garrison

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Examination by Healded Peckham & Bellamy
Atty for appellants resumed

Qust Do you wish to correct the answer you gave to the question on the second page of this deposition which was this "Was the land of which you gave judicial possession at that time in the possession or occupation of any one, if so when & how"

Ans I wish to correct it most assuredly - I did not understand it. Long before the judicial possession Rafael & Leandro Gonzales lived in ~~the~~ ^{at} house on the land which had been built long before. I think Valdez & Valenzuela two others of the claimants lived there with the Gonzales at times. At the

~~Qust~~ time they lived there before the judicial possession they had their stock on the land they had a reasonable quantity of stock on the land

Qust Did you know at the time of the judicial possession of any claim or claim of title affecting this land or bordering on it, save the one you have mentioned of Ruiz

Q I knew of no other but Ruiz

Did you of the Ranch of Juan Sanchez at the time you gave Judicial possession of the land claimed in this case

Ans I saw them looking about there and afterwards they asked for the land. I did not know of the Ranch of Juan Sanchez at the time Judicial possession was given by me of this ranch. Juan Sanchez settled on his ranch one month after I gave judicial possession of the lands claimed in this case.

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Q What State how many years you were Alcalde or Justice of the Peace or occupying any other office under the Government of Mexico

Ans I have only been employed as Justice of the Peace for one year - I have held no other office

In answer to the question "Can you write" the witness says "that he is old and his hands tremble and requests that he be permitted to sign the Cross."

Antonio ^{his} Minax Olvera
mark

Subscribed before me this 10th day of
January A.D. 1857
J. W. Smith
Notary

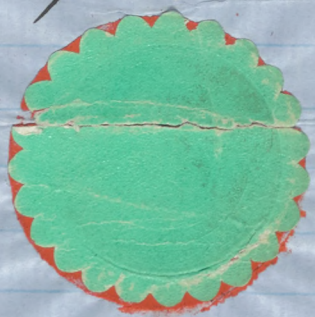
United States of America }
State of California }
County of Los Angeles }

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J. Collins United
States Commissioner for the District of
California, hereby Certify that the foregoing
deposition of Antonio Maria Clevera was
taken before me in accordance with
the request and agreement of the said
attorneys at the United States Court House
District Clerk's office, in the City of Los
Angeles, State of California, that the
said Antonio Maria Clevera was by
me duly sworn according to law, as
a witness in said Cause, in the Caption
of this deposition mentioned, and after
having 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
was by him corrected as he desired, and
was by him signed in my presence.

In testimony whereof
I have set my hand and
affix my private seal (which
being no seal of office) this
10th January A.D. 1857

J. Collins
U.S. Commissioner



No. 231

U.S. District Court
for Southern Dist Cal.

Valentine Costa et al
app'ts

vs

The United States
app'ee

Deposition of
Antonio M. Clivera

Filed this 10th January
1857

Cedrus ckr
J. M. Coleman
clerk

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Deposition of Antonio Rodriguez taken before
6 Swiss United States Commissioner for the
District of California at the United States Court
House in the City of Los Angeles on Monday
the 12th of January A.D. 1857 at 4 o'clock P.M.,
by behalf of the appellants, by Consent and agree-
ment of parties to be used in testimony in a
certain Cause now pending in the United
States District Court for the Southern District
of California being Case No. 231 on docket
of said Court, wherein the United States are
appellee and Valentin Cota et al are
appellants

Present P. Ord Esq. U.S. Atty on
behalf of the appellee and Messrs. Mallish
Rachy & Billings on behalf of appellants

Valentin Cota had ~~appellants~~ No 231

in the United States ~~Appellants~~ Rio de Santa Clara

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Antonio Rodriguez a witness on behalf of the appellants being duly sworn deposes and answers as follows:

Q What is your name age and place of residence

A My name is Antonio Rodriguez am 49 years of age and reside in the County of San Bernardino of Santa Barbara

Q Do you know the claimants in this case

A Yes they are named Valentin Cota Juan Antonio Gonzales Rafael Gonzales Salvador Valenzuela Jose Maria Valenzuela Vicente Pico, Vicente Felix & Rafael Valdarez

Q How long have you known them;
A Upwards of thirty years

Q Do you know the track of land claimed by them called "Rio de Santa Clara", if so, how long have you known it?

A Yes I do I have known ^{du place} since I was nine (9) years of age my brother owns a Ranch adjacent to the same, at a Ranch I have known it since 1840 I mean that I have known the Country

thenabouts and have known the ~~Ranch~~^{Ranch}
place as a Rancho since the year 1840

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Quesk When you present when I received papers
you was given of this land called "Rio
de Santa Clara" by Antonio Maria
Olivara as Justice of the Peace or
Alcalde, if you, whom present, who
were present and to whom was the
judicial possession given

Ans I was present having been
called as a witness of the judicial pap-
ers by Antonio Maria Olivara, acting
as Alcalde and I acted as such wit-
ness. It was in the year 1840 -
upon the part or on behalf of the Mission
of San Benito Ventura there was present
Vicente Rico ^{Magistrado} who was sent by Don Rafael
Gonzales the "administrador of said Mis-
sion, and upon the part of the "Callejas"
there was present Jose Pedro Ruiz
and on the part of Don Juan Sanchez
he himself (Juan Sanchez) was present
with his title papers. There was no
other adjoining proprietors present

The Alcalde himself was there and
the witnesses of assistance, called ~~named~~
who were myself and Simon O'Donohoe

There were various other persons there
who from curiosity looking on

Of the names, Leonardo Gonzales, Salvador
Valenzuela, Valentin Cota were present
as I recollect,

{ . }

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Qust. State what you know of the occupa-
tion or possession of this tract of land
previous to Judicial possession

The persons that lived there previous
to Judicial possession were. Rafael
Gonzalez, Leandro Gonzalez, Salvador
Valenzuela and Louie Valenzuela
four of the present Claimants, I do
not recollect any body else living there
they had three houses contiguous to each
other ^{which were} also some temporary houses which were
at times occupied by the other Claimants
of the Ranch, ^{where they come drop} which houses are now in the
same situation they were then. I mean
by the houses now there in the same situation
only the three contiguous houses above men-
tioned. They also had a large quantity
of horses & Cattle and some Mules, also land
fenced and under Cultivation.

Qust. State if all the Claimants were
at times on this tract of land previous to
the Judicial possession

Ausw. They were all frequently there and
all had animals there

I State what you know of the possession
and Occupation & Cultivation im-
-mediately after the Judicial possession

Ausw. After the Judicial possession
Rafael Gonzalez, Leandro Gonzalez
and Salvador Valenzuela ^{& Louie Valenzuela} remained
upon the land, and annually made
sowed their crops upon the land

Continuing also their animals on the Rancho, without intermission, these ~~two~~ ^{four} had their families there

Q State if the other Claimants besides these ~~two~~ ^{four} had stock on this ~~Rancho~~ tract of land after the Judicial possession, and to what extent

A Answer Of the other owners Valdez remained a short time with his stock, and the others there located themselves in different places

Q Did those of the Claimants who were mentioned as living on this tract of land previous to the Judicial possession have their families on it

A Answer They had their families there
Q State in Continuation of what you have said about the occupation and possession, what you know of the same generally down to the present time

A Answer The two Gonzales and the two Valenzuelas, have continued to reside upon the Rancho sowing upon the lands, raising Cattle and horses up to the present time and they have large families and the number of houses have been considerably increased for their convenience

Q Who is Simon O Donahoe the assisting Witness at the Judicial possession

A Answer He is dead, I do not know the time - he died in Los Angeles

Cross examined by M. Norton, ^{attorney} U. S. Dist Ct

Qunt

San Vicente Pico and Rafael Gonzales whom you stated in your direct examination, were, the one Major-Domo & the other administrador of the Mission of San Buenaventura, at the time judicial possession was given, the same Vicente Pico and Rafael Gonzales, whom you have named, as two of the Claimants in this Case

answ

Qunt

They are the same
How long had they at that time been severally Major, Domo and Administrador of the Mission of San Buenaventura upto the time judicial possession was given of the land in this Case, and how long after that time, did they continue to be such Major Domo & administrador

answ

I do not remember how long before they had been before or how long they continued to be ~~after~~ thereafter

Qunt

When did Vicente Pico and Rafael Gonzales live at the time said judicial possession was given

answ

Rafael Gonzales as administrador of the Mission of San Buenaventura lived at the Mission, but had his house at the time in Santa Clara, his family residing at the last mentioned place taking care of the property and the animals and Vicente Pico lived in Santa Barbara with his family in San Buenaventura

Qunt How long did he continue to live there with his family - in San Buenaventura after Juridical possession was given of the land in this case

Answer I do not remember the time

Qunt How far is it from the Mission building to the house occupied at that time by Rafael Gonzalez

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PAGE 44

Answer The Surveyors say it is three leagues - scant

Qunt Do you know the name of the Rancho occupied by Juan Sanchez and if so what is its name how long has he occupied it, and what distance is it and in what direction from the land claimed in this case

I know the Rancho but I do not know it has a name. he has occupied it since about the year 1838 or 1839
~~the distance between them is only~~

They are divided by the main road, or the "Camino Real del Conejo", coming from Santa Barbara towards Los Angeles the Rancho of Juan Sanchez is on the left hand side of the said road "del Conejo" - that is, the North or North-east side

Q Do you know the Rancho called San Pedro, if so how long have you known it, and in what direction from the lands claimed in this case

Answer I know it from my early youth the distance is something more than three

largely from a southerly direction from the lands claimed in this case

Q. Who has the Ranch of San Pedro been occupied by since you have known it

A. I first know it in possession of the deceased Jose Chapman. Since that time it has been considered as the lands of Santa Clara

Q. How long and in what year did Chapman occupy it

A. I think he occupied it for a short time in 1838 or 1839, I am not positive

Q. When did Jose Chapman die and did he have any family

A. I do not remember the year in which he died, and he left a family

Q. When did his family live since his death

A. They have lived in Santa Barbara

Q. Do you know of the Ranch of San Pedro ever been occupied by Antonio Del Valle, and if so how long, and in what year or years did he occupy it

A. I know that he occupied the same but I do not recollect how long or in what year

Q. Did Del Valle occupy it before or after the occupation of Jose Chapman

A. Del Valle occupied ^{it} before Chapman

For a Considerable time before, in 1837
Del Vally was still there and I do not
know how many years previous

Ques. Who has occupied it since Chapman's
death

answ. It has not been occupied by any one

Ques. Where were the houses, ^{situation} which you have

231 SD
PAGE 46 spoken of in your Direct examination
as existing on the land claimed in this case
previous to the time of Judicial possession

answ. About five thousand yards from the
road, within the boundary of the ranch

Ques. On which side and how far from
the river

answ. They are on the South side of the
river of Santa Clara, and distant
therefrom about five hundred Varas
Some of the houses being nearer the river
than that distance

Ques. Have not the lands mentioned
in this case always been claimed by
the administrator or owners of San
Buenaventura

answ. I have never heard that they did

Ques. Did not their Cattle always run
upon these lands

answ. At one time they did but now
the ^{occupy of the} Mission have no cattle. I delivered
the land by order of Gov. Pico to Jose
Aznar and Esteban Batello

Ques. In what year did you deliver
them

answ. I think it was in 1844

Qunt Previous to this delivery by you and after the Judicial paperion, did not the Cattle of the Mission run upon these lands

answ There was one Small Rodeo upon the lands claimed in this Case, called
231 SD
PAGE 47 "Buen M."

Qunt In what year was that Rodeo and who gave it

answ The Witness himself ~~and his~~ with his servants, held the Rodeo to collect all Mission Cattle and deliver them to the above named Armas and Batello, by express order of the Governor

Qunt Do you ~~not~~ know of disputes between the administrators or owners or owners of the Mission, and Leandro and Rafael Gonzalez, and Salvador Valenzuela about the occupation or paperion of the lands claimed in this Case

answ I have only heard of a dispute about a place above mentioned called "Buen M"

Qunt Was that dispute at the time of the Rodeo

answ No, it was long subsequently and when the Mission was owned by Doctor Pati, I dont remember in what year

Qunt Where is this place called "Buen M" situated

answ It is on the South Side of the Santa Clara

river and near the sea shore, and about three leagues distant from the houses of the Gonzales'. the houses of the Gonzales' are also on the South side of the river

Qunt At the time if this dispute did not Pali claim these lands as a part of the Mission and belonging to him

answ He did claim the place called
231 \$ Buena M., but the claimants in this
PAGE 48 case disputed it

Qunt Do you know of Andres Pico and Juan Manso visiting the Mission of San Buenaventura in 1845 by order of the Government

answ Yes, because the witness was with ~~Andres~~ Pico, when they were putting a valuation upon the Mission property

Qunt Did they not at that time have a dispute with the two Gonzales and Salvador Valenzuela, about the title to these lands

answ They did not

Qunt Why did Pico and Manso at that time give their Rodios and Count the Mission Cattle

answ It took place in "Buena M." also the Mission had a Rodio in a place called the Laguna more distant

Qunt After the Counting of the Cattle what was said between Andres Pico and Leandro Gonzales, relative to these lands

answ Absolutely. I heard them say
nothing

Examination in chief resumed

Ques How long previous to the juridical
possession, had the ^{two} Gonzales and the
two Valenzuelas and the family of the
Vardiz been on the land in question

answ I think they went there 37 or 8 years
before the Ranch was founded, and have
lived there up to the present time

Ques When you answered in reply to a
Cross Interrogatory, that you had
known the Rancho called San Pedro
from your youth up did you mean
~~any thing more, than that you knew~~
a place called that name

answ I wish to say that I have known
the place on the side of the road
going to my own Rancho, that has
always been called San Pedro

Q Do you mean to say that you
knew of any title or claim of title to
the place called San Pedro adverse
to the title claimed by Defendants in
this case — Question objected to
by District atty —

answ I did not intend to say any such
thing, I have only known it as a
place, but I never knew if any body
had a title to it

Q Was not this place included in
the juridical possession given to the

Claimants in this case

— Question objected by Dist Atty

ans It did fall within the judicial
possession

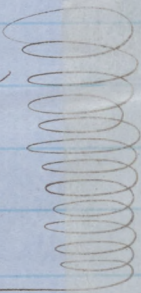
2 Has it not always been claimed
since by the Claimants as part of their

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PAGE 50 land called Rio of Santa Clara
and has not their stock run on it
indiscommutably with other portions
of the land included in the judicial
possession — objected to by Dist Atty

ans The cows have always claimed the
place as part of their rancho, and
their animals have always run
upon the same as upon the other
parts of this land

Antonio M. S. S. S.

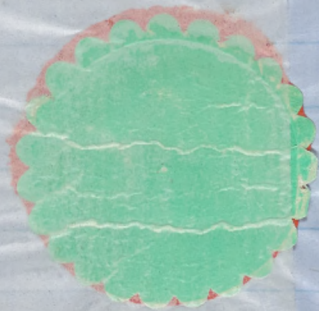
United States of America
State of California
County of Los Angeles



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A. C. Sims United States Commissioner for the District of California do hereby Certify that the foregoing deposition of Antonio Rodriguez was taken before me in accordance with the request and agreement of the said attorneys at the United States Court House in the City of Los Angeles, State of California on behalf of the appellants, that the said Antonio Rodriguez was by me duly sworn according to law as a witness in said Cause in the Caption 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} the
Seal of said Court the 13th
day of January A.D. 1857
A. C. Sims
U.S. Comm.



W. 231

W. S. DeMott Court
for South Dist Cal

Valentin Cota et al
appellants

vs
The United States
appellee

Deportation of Am. Rodriguez

Filed this 12th January
A.D. 1857

W. S. DeMott
Clerk

Valentin Cota et al

appellants

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Case No.

231

The United States, appellees

Deposition of J. Mariano Bonilla

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on Tuesday, the 21st day of January A. D. 1857, at 1 o'clock P. M., on said day, on behalf of the

by the consent and agreement of the attorney of the Parties to be used as testimony in a certain cause now pending in the U.S. Dist. Court for the Southern Dist. of California being Case No. 231, on the Docket of said Court, wherein Valentin Cota et al are appellants, and

The United States are appellees.

Present William Peachy & Billing Attorney in behalf of the appellants

and Ford E. G. W. S. in behalf of appellees.

Ques What is your name age and place of Residence. How long have you lived in California, what Offices have you held, and in what capacities, have you been at any time connected with the Government of California?

Ans My name is Jose Mariano Bonilla - am 51 years of age and reside in San Luis Obispo and have resided here since 1834 having come from the City of Mexico. I am by profession a Lawyer - In the year 1834 I acted as Secretary to the Messrs. Governors, Mariano Chico and Michola Gutierrez, of California In 1834 and 7, I acted as Secretary to the Messrs. Alvarado, Gutierrez

In 1836 & 7 when Alvarado usurped the Government of California he solicited me to act as Secretary, but which I refused to accept, notwithstanding however, I did write in the office as Secretary

In 1834 & 5 I was Secretary in the "Superior Tribunal of Justice" in Monterey

At different times in 1838 & 9 I was occasionally employed by the Government as a private person, and also for a great length of time I have been Alcalde in San Luis Obispo, Sub-Prefect, County Judge, and District Attorney and County Supervisor &c

Ques. When did the "Free and independent Government of California" as it was called with Juan B Alvarado acting as Governor begin & end and what was the nature of that Government

Ans. ~~It~~ It began in November 1834 and ended in the latter part of 1838 as I think, when the Commissioner, Andres Castillero, came from Mexico to settle the difficulties between Mexico and California. The nature of this Government was a Federal Government in opposition to a Central Government. Alvarado being opposed to the Organic bases established by Mariano Chico. Alvarado, in this Government followed the established forms of the previous Government, only modifying the proceedings for the obtaining grants of public lands, not requiring so many requisites

as was required by Figueroa & others but making the proceedings more simple. After the difficulty was arranged by the Commission Alvarado continued ~~to~~ on as he had begun, ~~except~~ that he changed his title. The forms of the Government after the settlement of the difficulty were the same as before and ^{Alvarado} continued on as Governor until the year 1843 at which time Manuel Pineda arrived.

Ques. Were grants of Land made by Alvarado as Governor of before as well as after the settlement of the difficulty?

Ans. ~~Before the difficulty~~ I do not know that he gave grants of lands before the difficulty was settled.

Ques. State what you know relative to the acts of Alvarado acting as Governor ^{of the} acts previous to the settlement of the difficulty & which you have referred to by recognized or not by the Supreme Government.

Ans. I know that they were approved. I know that all the different employees appointed by Alvarado before the arrival of the Commissioner were confirmed by the Commission - and that they continued in office. It was the understanding that if the difficulty was arranged, all the previous acts of Alvarado

would be approved — Castillero brought
a new Constitution which was sworn to and
accepted by the people — — —

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Expatriation by us etc

Ques Did not Alvarado in his Govern-
ment after the usurpation and up to
the time of the Arrival of Castillero, claim
to be and did they not act, entirely, inde-
pendent of the Authority of the Mexican Nation

Ans Almost independent but following
the previous forms used by the ^{previous} Govern-
ment. I may say independent they acted
but always following the usual forms
of the previous Government.

Ques Did the Government of California
after the usurpation and ^{up to} the
arrival of Castillero have any relation
or intercourse politically with the Mexican
Government

Ans Yes, they had some — The Mexican
Government appointed Carlos Carrillo
as Governor of California but Alvarado
refused to acknowledge the appointment
and Alvarado sending despatches to Mex-
ico stating to the Mexican Government
that Carrillo was not a suitable ap-
pointment for California, setting forth

in those despatches after improvements that it would be well for the Mexican Government to attend to in different branches of the Government —

Carrillo assumed back as Governor in the Southern part of California particularly from Santa Barbara and south of that point, but all the time being opposed by Alvarada — Carrillo continued to act in this manner from 4 to 6 months, all of which time there was a continued revolution when Castillos arrived ~~that~~ there had been fighting during this time

Ques. At the time of the Settlement of the difficulties when Castillos arrived, did Carrillo take any part in the Settlement?

Ans. No — Carrillo remained at home rather in the character of a prisoner arrested, whilst Castillos returned to Mexico, who brought back the arrangements that should be observed in the Country with the appointment of Alvarada as Governor

Ques. How do you know that it was understood between Alvarada and Castillos that if the difficulty was arranged all the previous acts of Alvarada, would be approved by the Mexican Government

Ans Because Castellers himself told me so he offering to Alvarada to go to Mexico and obtain the same -

Quest Was that approval ever obtained
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and if so when and how?

PAGE 58
Ans It was obtained when Castellers went to Mexico and returned, in 1838

Quest Did you ever see the approval by the Mexican Government -

Ans I saw no written document but I witnessed the festivals which celebrated that act

Quest Is that all that you know of the approval of the acts of Alvarada ^{by the Mexican Government} during the time that he was at the head of the Revolution, ~~by the~~

Ans This is all I know & depart from what I heard, - Castellers when he returned told me the acts were approved as he was my intimate friend and I frequently conversed with him, -

(All that part of the preceding answer which relates to what Castellers told the witness I objected to by us Atty)

Quest Who was President of Mexico at during the time of this Revolution

Ans Genl Bustamante was president

Ques Was not this Revolution at the
same time of ~~the~~ ^{the} Revolution in Texas

Ans I do not know

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J. Vas^{no} Bonilla

J

Sworn, and subscribed to before
me this 2nd day of January 1857

John
W. Com^{no}

I, C. Sims, of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing Depositions of *J. Manano Bonilla* was taken before me on the *21* day of *January*, A. D. 1857, according to the *agreement and at the request of the attorneys* of the said *parties* at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the *Appellants*. That the said *José Manano Bonilla* was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this *21* day of *January*, A. D. 1857

C. Sims

United States Commissioner.

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No. 231

United States District Court for the
Southern District of California.

Valentino Cata et al
vs. appellants
The United States
appellees

Deposition of J. Mariano Bonilla

Filed this 22nd January 1857

Attest
J. H. McFarlane

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PAGE 1

Valentin Cota et al

vs
appellants

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Case No. 231

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The United States, appellees

Deposition of Jose Antonio Carrillo

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on Wednesday, the 4 day of February A. D. 1857, at 11 o'clock A. M., on said day, on behalf of the appellants by the

to be used as testimony in a certain cause now pending in the United States Dist Court for the Southern Dist of California being Case No. 231, on the Docket of said Court, wherein Valentin Cota et al are appellants, and The United States are appellees.

Present Walter P. Rockey & Billing Attorneys in behalf of the appellants
and John W. Dist. Atty in behalf of appellees.

Questions by atty of appellants

Ques What is your name, age & place of residence?

Ans My name is Jose Anto Carrillo I am sixty one years of age and reside in Los Angeles County - California

Ques How long have you lived in California and when and what offices have you had?

Ans I was born in California I have lived at different places but since the year 1820 I have lived in Los Angeles I have been Judge of "Just Sustained" a member of the departmental assembly I have also been a member of the General Congress of Mexico, - have also been President

of the Supreme Tribunal of Justice, I have
been Major General, and Lieutenant
Colonel

Ques Where were you in the years 1836-7
237 8D and how employed

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Ans In 1836, I was a ^{member} Deputy of the ~~Congress~~
Mexican Congress, and I was there in
the City of Mexico - In 1837 I returned
to California, & continued to remain
here

Ques State generally the Character of the Civil
and Military Government of California
from 1834 to 1838 inclusive, who were the
Governors and what was the nature,
Character, and Authority of such Gov-
ernments

Ans In the ^{year} 1836 I was a member
of the Mexican Congress. In November
1834 took place the Revolution of Alvarado
~~at~~ ~~the~~ ~~time~~ ~~of~~ ~~the~~ ~~Revolution~~ ~~of~~ ~~Alvarado~~
member of the departmental assembly, which
fact made him by Law Governor, ~~and~~
^{as well as} ~~as~~ ^{Castro} as military Commander ^{The Revolution was} against the
Mexican Governors, on account of their
being natives of Mexico, (the City of Mexico) and
not natives of California,

The Government of California during the
years 1837 & 8, always acted, subject to the
Superior Government of Mexico, recognizing
and obeying that Government,
During this time the Legislative period

arrived for the Election of a Constitutional Governor. At which time three (3) persons were proposed, and Alvarado was elected, and he showing his obedience to the Mexican Government on the arrival of Micheltorena in 1841 or 2, delivered up to him the Commission of the Government, Nicholas Gutierrez was Governor, before Alvarado was in the year 1834, the people, not being satisfied with a Central Government expelled Gutierrez from this Country as they were in favor of a Federal Government. When Gutierrez was expelled Alvarado being the oldest member of the departmental assembly of California, came in as Governor and continued as such Governor until the regular Election, which I think was 1839 or 40, at which time he was elected Governor. The Government of Alvarado, differed from the preceding Governments, in this, that, the preceding Governments were Central and that of his was Federal. The people of California had no idea separating themselves from the general Government of Mexico.

Immediately upon Alvarado's coming in as Governor by Virtue of his being the oldest member of the assembly he declared California a free and independent State, it being before only a Territory. This fact will be seen from the many titles & Causes that he issued

made by Alvarado about this time
This free and independent State
declared by Alvarado, was governed
by the Mexican Laws and subject
to the Constitution of 1834. In all
forms & modes of proceeding of this gov-
ernment, it was the same as those
that preceded it,

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Ques Was this Government recognized by
the general Government of Mexico, if so,
how & when?

Ans When I returned from Mex-
ico I brought a commission for my
Brother Carlos Antonio Carrillo as
Governor ad Interim, but this ap-
pointment being central and although
he was ~~not~~ a native of California, yet
Alvarado opposed him, until the
time arrived for the election of a gov-
ernor, when he was elected, and all
he had done was approved by the Mex-
ican Government,

Ques State what was done by Born
& Brother under his Commission?

Ans He came here to Los Angeles, which
was the Capital, and took possession,
This was in December 1837, but Alvarado
would not acknowledge him, and Alvarado
continued on as Governor of California until
Mexico approved what he had done,
my Brother Carlos performed the functions
of Governor here in Los Angeles and in
San Diego - all the other parts of California

came in favor of Alvarado. My Brother continued in the exercise of his functions in Los Angeles about ^{the} four months.

He had taken the oath of office. This was all that he did as Governor. Alvarado visited different points of the State from Santa Barbara, north and finally made his head quarters at Monterey.

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Quest From 1834 when Gutierrez was expelled up to 1839 or 40, when you say that Alvarado was elected Governor. What was the Government in California which was never recognized by the people.

Ans The Federal Government of Alvarado was recognized by the people of California, and was subject to the general Government of Mexico, for there was no difference in the world between this Government of Alvarado and the Governments that preceded it, except that Alvarado called California a free independent State.

Propaganda by Atty of Appeals

Quest How long and where was Chico Governor of California;

Ans I do not know. I was in the City of Mexico, I went there in 1835. He was Governor during my absence.

Quest Do you know any thing of the circumstances of the expulsion of Governor Chico from California, of your own knowledge or otherwise, if yes, state what they were.

Ans, Personally I know nothing, from history

I have learned, that Alvarado was his tyranny and
bad conduct which caused the Californians
to rebel him, ~~It was~~ Alvarado and
Castro headed the Revolution. Chico was
sent in California in the latter part
of 1834 and remained as Governor three
or four months, and in the beginning of 1835
he again returned to the City of Mexico, at
which time I was in Mexico as a member
of Congress. Shortly after the arrival of Chico
from California, in Mexico, my Brother
Carlos was appointed Governor ad interim
of California, he being then in Santa
Barbara. I brought his Commission to him
and delivered to him his Commission
in Los Angeles on the 8th day of December
1837 —

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Ques. Did not Alvarado send troops against
Don Brother after he had received his ap-
pointment as Governor, if so, state
generally what took place?
Ans. He did, but an agreement
at San Buenaventura they had a conflict
and afterwards they entered into an
agreement and Alvarado continued
on with the Government

José Ant. Carrillo

Shown & subs^d to before me this 4th day
of February A.D. 1857

Glenn H. Brown

I, C. Sims,

of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing

Depositions of *Jose Antonio Carrillo* was taken before me on the *4th* day of *February*, A. D. 185*7*, according to the *Consent* ~~of~~ *agreement* of the said *parties* at the United States District Court House, in the City

of Los Angeles, and State of California, in behalf of the *appellants*. That the said *Jose Antonio Carrillo* was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this *4* day of *February*, A. D. 185*7*

C Sims
United States Commissioner.

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No. 231

United States District Court for the
Southern District of California.

Valentine Cota et al
appellants

vs

The United States
appellee

Deposition of

Juan Antonio Carrillo

Filed this

4th February 1854

Wesley et al

H. H. Coleman

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The United States
Valentin Corta et al appellants

Case No. 231

231 SD

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Deposition of Manuel Requena

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on the 9 day of February A. D. 1857, at 11 o'clock A. M., on said day, on behalf of the appellants by the consent of parties to be used as testimony in a certain cause now pending in the said Court, wherein Valentin Corta et al are appellants, and The United States are appellees.

Present Belhuis Esq Attorney in behalf of the appellants
and P. Bod Esq U. S. Atty in behalf of appellees.

Q. What is your name, age and place of residence

A. My name is Manuel Requena my age is 53 years of age and I reside in the City and County of Los Angeles

Q. How long have you lived in California and what offices have you held under the Government of California

A. I have resided in California for 22 years and upwards

I have been Judge of the First Instance in the years 36 and 44 and I have also been a member of the Departmental Assembly

Q. From the year 36 and thereafter name the governors of California and this periods of office

Ann
Jan 31st Nicolas Gutierrez, ^{was Governor and} ~~and~~ ~~who~~
was succeeded by Juan B. Alvarado
who became governor being the eldest member
of the Territorial Deputation.

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Alvarado continued governor until the
arrival of the Chetumala which I think
was in '43. In 1837 in November, I
think, a Commission came from
Mexico to Carlos Carrillo appointing
him governor, who remained in Los
Angeles as governor by right, but Alva-
rado was the de-facto governor in
Monterey ^{and} he was recognized by the people
of California as governor. ~~The~~ rep-
-resentation was sent on to Mexico stating
the opposition of Alvarado to Carrillo
but the government ~~approved the acts~~ ^{appointed}
of Alvarado as Governor and approved
his acts from his extrajurisdictional office.

Ann

Answer

State what Carrillo did under his Commission

He only acted in self defence here in Los
Angeles, ~~against~~ ⁱⁿ the opposition to the
government of Alvarado - this he
did for till about March 38. ~~when~~
he gave up at which time I left for
Lower California - on my return in
October in the same year I found Al-
-varado acting as Governor

Ann

In what respect did the Government
of Alvarado differ from that of any
other Governor of California

Answer

There was no difference whatever, he governed in the name of the Mexican Nation following the same caution as other governors, and the only difference was in name. ~~as~~ Many States of Mexico approved the policy of the general government of Mexico, and California under Alvarado only did the same, all the while being subject to the Mexican government. This opposition to the policy of the Mexican government was simply in the desire of the people to have a federal rather than a Central government. In this opposition there was not the slightest intention to become independent of the Mexican government

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Cris examined by W.S. Dir. all.

Ques. State, at what time, and in what manner the Mexican Government approved of the acts of Alvarado, during his revolutionary or independent government, and generally state in detail?

Answer

From the commencement of Alvarado's government up to the time of the arrival of Michetterena, I never heard of the Mexican government having disapproved his acts

Ques

Is this the only knowledge that you have of the approval by the Mexican government of the revolutionary government of Alvarado

Answer

Yes —
Manuel Requena

I, C. Sims,

of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing

Depositions of *Manuel Requena* was taken before me on the *9* day of *February*, A. D. 185*7*, according to the *consent of* *parties* of the said

at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the *appellants*

That the said *Manuel Requena* was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this *9* day of *February*, A. D. 185*7*

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C. Sims
United States Commissioner.

[Signature]

No. 251

United States District Court for the
Southern District of California.

Deposition of *Mammul Riquena*

Filed this *4th* February, 1857

*at San Jose
J. A. Columbus*

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U. S. Dist. Ct.
So. Dist. California

The United States
appellor

Valentin Cota hal
appellor

No. 231

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The Attys of the appellor in the
above case move for a con-
tinuance - & for grounds state
that it is necessary to take the
depositions of certain witnesses
in the Southern District - and
that by a stipulation between
the attys of the appellor and
the attys of the U. S. it has been
stipulated that they may be
taken.

Walter R. R. R.

231.

The United States
Appelles

or

Valentin Cota et al
Appellants

vs.
Mrs. J. Conner et al

X
Filed Feb 10th 1857
C. J. S. C. R.

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RANCHO Rio de Santa Clara documents
from former Public Survey Office,
Cheyenne, Wyo.
Sent to Regional Chief Cadastral
Engineer, Carl S. Swanholm, Bureau
of Land Management, San Francisco,
January 1950

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I. Certificate of J. R. Hardenbergh, U.S. Surveyor General for California, dated 19th day of July 1871, pertaining to attached "true, full and correct copy of the original diseno, or map of the Rancho "Rio de Santa Clara" as the same is on file "in his office at the City of San Francisco."

II. Case No. 225, Valentina Cota, et al:

Copy of translation of right to occupy lands of the River of Santa Clara, given by Juan B. Alvarado ("Governor of the Free and Sovereign State of Upper California and President of the Most Excellent Deputation erected into a constituent congress") to citizens Valentine Cota, Leandro Gonzalez, Rafael Gonzalez, Salvador Valenzuela, Jose Maria Valenzuela, Vicente Pico, Rafael Valdez and Vicente Feliz with their properties and families (subject to the conditions:

1. That they shall present themselves with this order to the municipal authority of Santa Barbara, who will designate the places in which they may settle.
2. Said authority will order a map or plan (i.e. diseno) to be made of the lands designated, and will transmit it to this Government when ready.)

Note: Order signed Juan B. Alvarado, 22nd May 1837.

(Copy of translation and copy of certificate of same as signed:

Geo. Fisher, Sec.

Filed in office May 10, 1852.

Note: This document is described as "Translation of Title".

III. Map of Santa Barbara, with township lines protracted thereon, shows the following: (Small - approx. $8\frac{1}{2} \times 10\frac{1}{2}$ -undated)

1. Rio de Santa Clara
2. Guadaluca
3. El Conejo
4. Calleguas
5. Las Posas
6. Santa Clara del Norte
7. Lomas Barancosas

8. Santa Paula y Saticoy
9. San Miguel
10. Canada de San Miguelito
11. Canada Larga
12. Mission San Buena Ventura
13. Ojai
14. Santa Ana
15. Sespe
16. Cuchilla de Azufre

IV. Printed map representing locality of the Ojai Ranch in Santa Barbara County belonging to the California Petroleum Company, dated 1865, showing Rancho acreages.

Within townships from 6 North to 5 South, including all ranges from 13 W. to 35 W., S.B.M.

Insert on this map shows also Map of the Basin of Ojai, compiled from surveys made by G. H. Thompson, U.S. Deputy Surveyor. Map compiled by J. H. Wildes, Principal Draftsman to U.S. Surveyor General California, Nov. 1864, Oil springs of the Ojai Basin.

V. Memo taken from field notes, dated Feb. 26, 1869, of Q. R. Bard, for subdivisions of the Rancho El Rio de Santa Clara o La Colonia. On the reverse side is a memo of retracing survey dated March 3, 1869, of Bishop Amata's claim called "Laguna".

VI. Plat of the Rancho Rio de Sta Clara made from the field notes of the Rancho Rio de Sta Clara, signed by U.S. Surveyor General of California, Sherman Day, on June 22, 1869. Copy of the Diseno del Rio de Santa Clara is drawn on same sheet with the following signed notation:

No. 225

Valentin Cota et al

Rio de Santa Clara

Title Papers

Filed in office Dec. 29, 1852.

(Signed) Geo. Fisher, Sec.

Note: The following scarcely discernible penciled notations appear on the paper cover:

Rodriguess

C. Priest - translator

"Sousul" or Willow Grove (Saucedal)

6 water ponds from wharf to
mouth S. Clara river

VII. Plat of the lands of Ex-Mission San Buenaventura finally confirmed to Maria A. Rodriguez De Poli.

Surveyed in accordance with the Final Decree of the U.S. District Court, dated October 13th, 1864, and located from records in the office of the U.S. Surveyor General and by Geo. H. Thompson, Deputy Surveyor, as follows:

Tract No. 1 (A) containing	49975-30/100	Acres
2 (B) "	83350-85/100	"
3 (C) "	11544-00/100	"
Total -	144870-24/100	"

Scale 120 chains to 1 inch
Variation - 14°5'E, and 15°30'E

References

Lines colored red show the Boundaries of Ex Mission as testified to by old residents and officials:

D. Rancho El Rincon	Finally confirmed to	Teodoro Arellanes
E. Santa Ana	" " "	Ayala et al
F. Canada de San Miguelito	" " "	Juan F. de Rodrigues
G. Canada Larga	" " "	Joaquin Alvarado
H. San Miguel	" " "	Raymundo Olivas & Felipe Lorenzana
I. Santa Paula y Saticoy	" " "	John P. Davidson
J. Santa Clara del Norte	" " "	Juan Sanchez
K. Las Posas	" " "	Jose de la Guerra y Noriega
L. Calleguas	" " "	Gabriel Suarez (?)
M. Guadaluca	" " "	Ysabel Yorba
a. Three lots	" " "	J.S. Allemany, Bishop
b. One lot	" " "	Fernanda Tico
N. Location of Rancho Sespe in accordance with decree and assent of grantees		
O. Location of Rancho Ojai in accordance with Specific Decree of District Court.		

Approval

The field notes of the surveys of the above tracts, having been examined and found correct, are hereby approved.

U. S. Surveyor General's Office
San Francisco, California
February 21st 1865.

L. Upson
U.S. Surveyor General California

VIII. Unsigned memo dated October 6, 1871, from Santa Barbara, referring to Antonio Rodrigues - age sixty three, formerly part owner of the Conejo Ranch, one of the assisting witnesses accompanying the party who gave judicial possession of the Rio de Santa Clara, in which the boundaries between Ranch Rio de Santa Clara and those of the Guadaluasca are described, and the position of the Conejo road as it had been for the previous fifty years:

The NE bdy. of Sta. Clara Ranch was on the NE part of the hill in medio not entirely over it but on eastern slope where there are 2 barrancas and an elder bush.

The Punta Las Positas = on left of Conejo road going towards the hill in medio and has not been known as lomita da in medio, etc.

The southern point of the E. bdy. of Santa Clara Ranch was about $2\frac{1}{2}$ leagues below the Point Huenema and about 2 and a-half leagues above Point Maco.

IX. Penned notations re: Diseno of Guadaluasca Grant:

May 6, 1836 - "The plain and the Laguna marked on the map being excluded in conformity with the opinion of Rev. Father Area (?)"

"4th The land granted in donation is that contained between the plain and the Punta de Mejia as marked on the map."

April 6th, 1847 - Grant extended so as to include "the land from the Cerrito of the Laguna to that of Guadaluasca which was formerly granted her within the boundaries marked on the map."

"Punta de Mejia"

Laguna Pleno

X. Exhibits 1, 2, 3 in U.S. District Court, in and for the Southern District of California:

Valentina Cota, et als, Appellants)	No. 231
vs.)	Transcript
The U. S. Appellees)	No. 225
Hon. Isaac S. K. Ogier, Judge)	June Term 1857

Exhibit No. 1 - Reverses decision of Board of Commissioners and confirms title to appellants.

Decree of confirmation filed 4th June 1857. Recorded on p. 243 per A. S. Taylor, Deputy Clerk.

Exhibit No. 2 - Letter to Justice of Peace of Santa Barbara, Sept. 23, 1840, signed by Rafael Gonzales, requesting Valentina Cota, et als be given possession of the place which they are occupying.

Antonio Olivera (first Justice of the Peace Santa Barbara) endorsement that parties be ready to receive possession on Sept. 30, 1840.

Antonio Olivera's and assisting witnesses, Jose Lemos; O. Donojue, Antonio Rodriguez, statement of survey made Sept. 28, 1840 (in compliance with Juan B. Alvarado's order of May 22, 1857).

Antonio Olivera's certificate.

George Fisher's certificate that foregoing is true and correct translation from the original on file in Surveyor General's office in case No. 225, Valentina Cota et al.

Endorsement of George Fisher that translation of judicial possession filed (in Surveyor General's office) May 10, 1852.

Exhibit No. 3 - Excerpts from "an act entitled, "An act to ascertain and settle the private land claims in the State of California," approved March 3, 1851. (Sects. 13, 6 and 7)

XI. Letter dated June 19, 1871, from Commissioner of the General Land Office, Willis Drummond, to U. S. Surveyor General, J. R. Hardenbergh, referring to predecessor's approved survey (2 July, 1869) of Rancho Rio de Santa Clara concerning which the Secretary of the Interior reversed the General Land Office decision of June 15, 1870, that survey was correct and should go to patent and directed that a reduced survey be made. Drummond orders a close examination in connection with decree of court confirming title and report whether survey is in accordance with the decree; also Drummond orders that no action be taken in the matter of a resurvey of said Rancho.

XII. Sketch of the Rancho Rio de Santa Clara - apparently preliminary to the plat approved June 22, 1869 by U.S. Surveyor General, Sherman Day.

XIII. Printed copy (captioned Exhibit No. 2) of letter dated June 18, 1869, from Sherman Day, U.S. Surveyor General for California, to Joseph S. Wilson, Commissioner of the General Land Office, Washington, D.C., recommending that survey of the Rancho Rio de Santa Clara go to patent.

Printed copy (captioned Exhibit 3) of letter dated Dec. 3, 1869, from Jos. S. Wilson, Commissioner General Land Office, Washington, D.C., to Sherman Day, U.S. Surveyor General for California, wherein chronological history of the Rancho Rio de Santa Clara is listed; opposition to patent by church authorities because of an alleged infringement of the East boundary on Rancho Laguna is referred to as disallowed; analysis of the survey in relation to the calls of the confirmatory judicial decree; reference to original survey under Mexican Alcalde Olivera in which Jose Dolores Chapman claims to have been one of the parties that ran the lines of the Rio de Santa Clara.

- Note: 1. Objections filed a year and a half after date expired fixed by statute for filing objections.
2. This is attributed by counsel to the fact that the attorney in California was deceived as to the locus of the rancho by the entry of the case in Hoffman's Reports of California land cases, where it is set down as in Santa Clara County instead of Santa Barbara County.

Decision that survey of 1869 is in accordance with judicial decree of confirmation, and that notice for appeal within 30 days be given claimants.

XIV. Copy of letter dated June 15, 1870, from Secretary of the Interior, J. D. Cox, resolving whether the decree of confirmation and survey are in conformity. Cox decides survey is not in conformity and gives his decision as to how the lines should have been run. He orders a survey conformable to his decision.

XV. Copy of letter dated Sept. 9, 1871, from Commissioner of the General Land Office, Willis Drummond, to J. R. Hardenbergh, U.S. Survey General, San Francisco, California, informing him that by direction of Secretary of the Interior, Drummond orders the Surveyor General of Wyoming Territory, Silas Reed, to conduct the survey of the Rancho Rio de Santa Clara in person. Commissioner Drummond states that he has furnished Reed with:

1. Copies of the plat of survey
2. Decree of confirmation by the U.S. District Court
3. Juridical possession referred to
4. The grant
5. The diseno
6. Opinion of Surveyor General Day, dated June 18, 1869
7. Decision of General Land Office, dated 3 Dec. 1869
8. Decision of Secretary Cox, dated 15 June 1870

XVI. Penciled memo on scrap paper defining "Estero", and relating the features shown on the Diseno of the Rancho Rio de Santa Clara.

XVII. Crude penciled copy (inked over) of diseno of the Rancho Rio de Santa Clara, with English terms defining the Spanish place names. The notation on back says "Huename" and gives description of artesian wells.

XVIII. Copy of The Field Notes of Survey of Rancho Rio de Santa Clara, commenced Sept. 16, 1867, by G. H. Thompson, Deputy Surveyor, under instructions from L. Upson, U.S. Surveyor General, July 22, 1867.

Note: Penciled notation on front of Field Notes gives the following:

210.68 chs. to one league - 632.24 chs. from Station 38 (witness post R.C.22) to a point on line 24 - 5.33 lks. dist. from R.C.24.

State of California
County of Santa Barbara: Antonio Oliveira
being duly sworn says that in the year
eighteen hundred and forty he was a Justice
of the Peace in and for the Pueblo of Santa
Barbara in Alta California; that in said
year there was presented to this deponent
a grant by Juan B. Alvarado then Governor
of California, to Valentin Coto, Leandro
Gonzales, Rafael Gonzales, Salvador Val-
enzuela, Jose Maria Valenzuela, Vicente Felix
Vicente Pico & Rafael Valdez, of certain lands
within the jurisdiction of this deponent as
said Justice of the Peace, situate to the
East of the Mission of San Buenaventura,
then and still known as the Rancho of
"Rio de Santo Clara"; that upon the presenta-
tion of said grant this deponent did,
as said Justice of the Peace, assisted by
Simon O'Donahoe and Antonio Rodriguez
as witnesses, deliver possession of the
aforesaid lands to the above named
grantees. Deponent further says that
after giving possession of said lands there
remained to the Government no sobrante
or surplus. Deponent further says that
immediately after giving possession of
said lands he prepared a statement
thereof in due and legal form, and
deposited the same in the public mail
then authorized and employed by the
Government of California, addressed and
directed to his Excellency Don Juan B. Al-
varado then Governor of California residing in

in Monterey. And this deponent further says that he verily believes that said statement was duly and delivered to said Governor Alvarado.

Deponent further says that he is now more than seventy two years of age, that he is very infirm, and that he has not been able to leave his house for more than two months, and that he is at this present time compelled to keep his bed.

Subscribed and sworn } Antonio Maria y Olivia
before me this 22^d day } mark
of February 1857. } Witness J. P. Vincelmann

Fernando Lico
Treas & Secy

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No 231

In the United States Dist Court
Southern Dist of Cal

Valentin Costa et al.
appellants

The United States
appellees.

Afft of A. M. Blinera

X

Filed 3 June 1857
A. S. Taylor

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No 231

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

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Valentin Cota
 Leandro Gonzales
 Rafael Gonzales
 Salvador Valenzuela
 Vicente Pico, Josefa Valenzuela
 Rafael Valdez &
 Vicente Felix, appellants
 vs
 The United States, appellee

No 231

Transcript No 225

June Term 1857
 Hon Isaac S. H. Ogden, Judge

This cause coming on to be heard on appeal
 from the decision of the Board of Commissioners
 to ascertain and settle Private Land claims in
 the State of California, upon the Transcript of
 the proceedings and the decision of said Board
 and the documentary and other evidence upon
 which said decision was founded, and also
 upon other evidence taken and filed in this
 Court, and counsel for the respective parties having
 been heard;

It is ordered, adjudged and decreed that
 the decision of said Board of Commissioners
 declaring invalid and rejecting the claim of
 the appellants to the land set forth and
 described in their petition to said Board
 and the documentary and other evidence in
 this case, be and the same is hereby reversed.

And it is further ordered, adjudged and decreed that the title of the appellants, Valentín Cota, Leandro Gonzales, Rafael Gonzales, Salvador Valenzuela, Vicente Pico, Rafael Valdez, Vicente Feliz, and José María Valenzuela, to the land so claimed by them is a good and valid title and that their claim to said land be and the same hereby is confirmed.

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The land of which confirmation is hereby made is situate in the county of Santa Barbara and known as ~~"La Colonia"~~ ^{"El Rio Santa Clara"} and is bounded as follows: beginning on the Santa Clara river in the place called "El Paso del Rio" and thence easterly two and a half leagues to a hill called ~~"El Medio"~~ ^{"El Medio"} on the side of the main road to El Conejo; thence southerly to the sea shore between two esteros, three leagues, thence ^{over the plain to} along the sea shore north west to the river where there is a ciénega or marsh, three leagues, thence ^{over the plain to} along the bank of the bank of the river to the point of beginning to the point of beginning, one and a half leagues, stakes being driven in each corner; as is more particularly described in the judicial possession which is of record in this case; and to which reference is had in aid of said description.

Guaspar Rojas
W S Dist Judge

No 231

In the United States Dist Court
Southern Dist of Cal.

Valentin Costa et al
Appellants

The United States,
Appellee

Secur

X

Filed 4 June 1907
A.S. Taylor
Dist. Clk.

Recorded on Page 240

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Hulbert, Peckham & Billings
Attys for appellants.

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

Valentin Cota
Leandro Gonzales
Rafael Gonzales
Salvador Valenzuelas
Vicente Pico
Rafael Valdez, and
Vicente Felis

Appellants

vs.

The United States Appellees

Petitions on appeals from
the United States Land
Commissioners.

The Petitions of Valentin Cota, Leandro Gonzales,
Rafael Gonzales, Salvador Valenzuelas, Vicente
Pico, Rafael Valdez and Vicente Felis, respectfully
shows to this Honorable Court.

That on the tenth day of May 1852
they filed a petition before the United States Board of
Commissioners "to ascertain and settle private land claims
in California" when sitting as a Board asking for a
confirmations of the tract of lands granted to them
on the Rio de Santa Clara, in the County of Santa
Barbara, by Juan B. Alvarado Governor of California
on the 22nd day of May 1837. as more particularly
described in the Grant, records of judicial posses-
sions and maps, copies of which were filed with the
said petition and of which the originals were
afterwards produced and duly proved before said
commissioners.

That afterwards to wit on the 31st day of
October 1854. the said Board of Commissioners decid-
ed upon the validity of the petitioners' said claim
and rejected it.

That on the Sixth day of June

1855. the transcript of the proceedings in this case before the said Boards of Commissioners was filed in the office of the Clerk of the United States District Court for the Southern District of California; and that as notice of the intentions of these claimants to prosecute an appeal from the decisions of the Board of Commissioners in their claims for the said lands was filed in the Office of said Clerk on the twelfth day of July, 1855.

The petitioners further show that the lands claimed are situate in the County of Santa Barbara and in the Southern District of California.

Your petitioners pray that the transcript of the report of the said Boards of Commissioners on the claims presented to them as aforesaid and the documentary evidence and testimony of witnesses on which it was founded which is filed with the Clerk of this Court, may be held and considered as a part of this petition; and your petitioners appealing from the said decisions of the said Boards of Commissioners presents this petition to the Honorable the District Court for the Southern District of California, being the District Court of the District in which the lands is situated, and they pray this Honorable Court to review the said decisions of said Boards of Commissioners and to reverse it, and to confirm their title to the said lands.

Halleck Peachy & Billings
Attys for Appellants

N^o 231

United States District Court
Southern District of
California

Valentino Cota et al
Appellants

vs.

The United States
Appellees.

Petition of Appellants.

Filed July 12th 1885

H. T. Mann
Clerk

By A. H. Clark
Deputy

X

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Halleck, Peachy & Billings
Attorneys for Appellants

United States District Court for the Southern
District of California.

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Valentin Cotas
Leandro Gonzales,
Rafael Gonzales,
Salvador Valenzuela
Vicente Pico,
Rafael Valdez and
Vicente Felix
Appellants

Notice of intentions to prosecute
the appeals from the decisions of
the Boards of United States Land
Commissioners.

vs

The United States Appellees.

Valentin Cotas, Leandro Gonzales,
Rafael Gonzales, Salvador Valenzuela, Vicente Pico,
Rafael Valdez, and Vicente Felix Claimants for
Lands on the Rio de Santos Clara, situate in the
County of Santa Barbara in the Southern District
of California hereby give notice of their intentions to
prosecute and appeal from the decisions of the Boards
of Commissioners in their claims for the said lands
which claims were presented to the said Boards of
Commissioners and by them rejected; their claim
being that which is numbered on the Docket of
said Boards of Commissioners, N^o 225, the transcript
whereof as filed in this Office is numbered N^o 231

Halleck, Beachy and Billings
Attorneys for Appellants.

N^o 231

United States District Court
Southern District of
California

Valentine Cotas et al.
Appellants
vs.
The United States
Appellees.

Notice of intentions to
prosecute appeals.

Filed July 12 1855
N. E. Kern
Clerk
By A. W. Leach
Deputy

X

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Halleck, Peachy & Billings
Attorneys for Appellants

United States of America, } SS.
Southern District of California.

TO

The President of the United States,

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

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GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *twelfth* day of *July* 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 *Valentin Cota, Leonardo Gonzales, Rafael Gonzales, Salvador Valenzuela, Vicente Rico, Rafael Valdez, & Vicente Felix,* paying the said court to review, upon the grounds therein set forth, the decision of *Repetition* by the U.S. Land Commissioners, appointed *Warrant* and settle private land claims in the State of California of their claim for a tract of land ~~called~~ on the *Rio de Santa Clara* in the County of *Santa Barbara*, which said claim was presented to the Commissioners and was by them rejected on or about the *31st* day of *October* A.D. 1854.

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

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *thirteenth* day of *August* in the year of our Lord one thousand eight hundred and fifty-*five* at Los Angeles aforesaid.



J. E. Farr
Clerk.

No 231.

United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Salvador Cota, et al.

appellants

vs.

The United State, appellants

SUMMONS.

The. August 16th, 1853

Lawrence Hunter

W. B. Marshall

SD

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I served this summons along with the proper copy of the petition upon *P. Orfathy* of the U. S. by delivering to him a true copy

at *Los Angeles* in the Southern District of California or
the *20th* day of *Aug* A. D. 185 *3*

Sworn to and subscribed before me, *this 20th*
aug. 1853. *J. C. Jan.* Clerk.

Lawrence Hunter
W. B. Marshall Marshal.

In the District Court of the United States
for the Southern District of California
Los Angeles County, State of California

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Valentine Cota }
Leandre Gonzales } N^o 231
Rafael Gonzales }
Salvador Valenzuela } (Transcript N^o 225)
Vicente Pico }
Rafael Valdez }
Vicente Felix }
appellants }
vs }
The United States }
appellees }

The answer of Pacificus
Ord, Attorney of the United States for the
Southern District of California, on behalf of
the United States, to the petition for review
of Valentine Cota, et al, praying that the
decision of the Board of Commissioners,
upon their petition claiming a tract of
land on the River Santa Clara, in the
County of Santa Barbara, state of Cali-
fornia, may be reviewed, and reversed, and
their title to said land confirmed.

and the said attorney answering
said petition on behalf of the United

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States, denies generally all and singular each and every allegation, in the said petition contained, except such as are expressly admitted.

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And the said Attorney further answering says. That he admits that on the 10th of May 1853, the said Claimants (with José María Valenzuela) filed a petition before the U.S. Board of Commissioners to ascertain and settle the private land claims in California, when sitting as a Board, asking for a Confirmation of the tract of Land, alleged to have been granted to them, (and the said José María Valenzuela) on the Rio de Santa Clara, in the County of Santa Barbara, by Juan B. Alvarado Governor of California on the 22nd day of May 1834, as more particularly described in the alleged grant, records of juridical possession and map, Copies of which were filed. That afterwards, to wit, on the 31st day of October 1854 the said Board of Commissioners decided upon the validity of the said claim, and rejected it. That on the 6th day of June 1855 the Transcript of the proceedings in this case before said Board of Commissioners was

filed in the office of the Clerk of the United States District Court for the Southern District of California; And that a notice of the intention of the said Claimants to prosecute an appeal from the decision of the Board of Commissioners in their Claim for said lands, was filed in the office of the said Clerk on the 12th day of July 1855. And that the said lands claimed, are situate in the County of Santa Barbara, and in the Southern District of California; as alleged in said petition for review.

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And the said Atty of the U.S. further answering denies that the said Claimants have any valid right, title, or claim to said tract of land.

And the said attorney of the United States, in pursuance of the provisions of the act of Congress approved 3rd of March 1851, entitled "An act to ascertain and settle the private land claims in the state of California", herein fully and distinctly sets forth the grounds on which said claim is invalid. To wit:—
I. That the said alleged grant of the Mexican Government, from the Governor of California, was made in violation of

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4th Article of the Colonization Law of Mexico of the 10th of August AD 1824, in this; that the land granted as alleged by Claimants, was and is within ten leagues of the Sea Coast; and that there is no evidence shown by Claimants, that the Supreme General Executive power of Mexico previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of the Sea ~~shore~~^{Coast}. And it is denied that such previous Consent of said Supreme General Executive power of Mexico in such case was ever had.

II That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by, and in the possession of the Missions of Upper California; and it was held and occupied particularly, by the Mission of San Buenaventura, and could not therefore be Colonized.

III. That the said grant has not the Conditions required by, and is not made in entire Conformity with the laws of Mexico of the 10th of August AD 1824, and the regulations for the Colonization of the

Territories of Mexico of 21st November 1828.

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IV. That the said petition for review, does not set forth fully the nature of the Claim, and the names of the original and present Claimants; and it does not contain a deraimment of the Claimants title.

V. That Juan B. Alvarado, calling himself the Governor of the free and Sovereign State of Upper California; and President of the most excellent Reputation, had no lawful authority on the 28th of May 1831, to grant the land claimed. That the pretended grant of said date, is not upon stamped paper; - That it purports to be a temporary or conditional permission or license to occupy lands of the Rio Santa Clara - That it contains no description of the locality, extent and boundaries of the land pretended to have been granted.

That it was not made in Common as pretended. That it is vague, indefinite, uncertain and void.

VI. That the Claimants fail to show that they performed the conditions of the said pretended grant, or license. That they fail to show a map or plan of the lands, made by the proper municipal authority

designating the lands upon which they should settle. That they fail to show that they presented themselves to such Authority with said pretended grant, or license asking that the places where they might settle should be designated.

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VII. That there is no evidence that the said Claimants with their families ever settled upon, occupied, improved and cultivated places upon the Rio Santa Clara, designated by said Municipal Authority.

VIII. That the pretended juridical survey and possession of the 28th or 29th of September 1840, of the land pretended to have been granted as aforesaid, was not made by the proper Municipal Authority having jurisdiction of the subject matter. That it was not made according to the said pretended grant. That it was not made according to law. That there is no evidence that Antonio Olvera was a Justice of the peace of Santa Barbara, on or about the 28th & 29th of September, and the 1st October 1840, that the pretended testimonial of juridical survey and possession of said land, is not executed

upon the lawful stamped paper, That it is not executed and authenticated according to law. That it is vague, indefinite, and void.

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IX. That the said Claimants fail to show any approbation or confirmation of the said pretended grant, by the Territorial Representation or Departmental assembly of California, or the Supreme Government of Mexico.

X. And that they failed to show a definitive title for the said land, claimed as aforesaid.

And the said Claimants not having any valid right or title to the said land, claimed by them as aforesaid, the lawful right and title in and to the same, was acquired by, and it now belongs to the United States, by virtue of the treaty of peace, friendship, limits and settlement with the Republic of Mexico, dated at the City of Guadalupe Hidalgo, February 2nd A. D. 1848.

Wherefore, the said premises considered, the said attorney respondent on behalf of the United States, prays that the said Claimants, Valentin Cota, Leonardo Gonzalez, Rafael Gonzalez, Salvador Valenzuela, Vicente Pico, Rafael

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Valdez, and Vicente Felix, may be
served with a copies of this answer; and
that after due proceedings, this Hon
Court will decree the said claim of
the said petitioners for said land to
be invalid; and to decree costs against
them. And general relief.

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J. Ord

Attorney of the United States
for the Southern Dist of Cal.

I have now ~~sent~~ this Answer upon the
within named parties except Vicente feliz
he being dead by delivering to each
personaly a true Copy of the same
at Santa Barbara and one at San
Brunoventura on the 17th and 19th
of January. 1856

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

Marshals Cost

Serving Claims \$18.

Actual Travelling Expenses,
Expense to Santa

Barbara and San

Brunoventura \$84

\$102

No 231

United States Dist Court
Southern Dist of Cal²

Valentine Costa, et al

vs

The United States

Answer to petition for removal

Filed August 23^d 1855.
J. E. Farr
CLK.

~~X~~
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J. M. Disbatty

No 231

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

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Valentin et al appellants }
vs. } Transcript No ²²⁵~~320~~
The United States appellees. }

On motion of H. M. Hallak of counsel
for appellants:

Ordered that additional testimony
may be taken by either party in the
above entitled cause.

No 231.

V. Carter et al appellants

vs
The United States appellees

order to take
further testimony

X

Filed Oct. 9th 1855

C. S. Janes
Clerk.

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Hallen & Beachy & Billings
Attys for appellants

No. 231.

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In the District Court of
the United States for the
Southern District of California
Decr. Term 1855

Valentino Pota et al
Appellants
vs.

The United States
Appellees.

The appellants, by their counsel
move for an order continuing
the above case until the next
Term - and in support of the
motion refer to the annexed affidavit
of Frederick Bellings
By their Atty

Frederick Bellings

Josuek Billings on oath says, that he is of the firm of Hallack Peachy & Billings the attorneys of the claimants in the case of Valentin Cota et al appellants vs. the United States Appellees No 231; that Juan B. Alvarado formerly Governor of California is a material witness for the claimants in said cause without whose testimony they cannot safely proceed to trial; that the grant upon which the claimants claim was issued by said Alvarado on the 22^d of May 1837 in the capacity of Governor of the Free Sovereign State of Upper California - that one ground upon which the claim was rejected by the Land Commissioners was that the Sovereignty of which Alvarado was the head at the time of the grant was made, did not reach the dignity of a de facto government, and that grants emanating from it could not be confirmed by the Commission under the Act to settle private land claims in California - that the testimony of said Alvarado in connection relating to the said independent government is material & necessary - further that the testimony of said Alvarado is necessary to prove that at the time of issuing the said grant, he directed the Alcalde to give judicial possession of the private land which was given afterwards by

the Alcaide to the claimants - that this
direction in connection with the grant
map and judicial possession will
make clear the identity and capability
of acquisition of the land - that
this direction they expect to prove
by said Alvarado, and this
testimony can be supplied by that
of no other witness. - that now
since issue was joined in this
case ^{has} the said Alvarado ~~has~~
to the information & belief of the
affiant been within the ~~process~~
of jurisdiction of the process of this
Court by which his attendance
could be compelled - that he has
promised to attend the next term
of this Court to be held at Monterey
at which time his deposition
can be taken

Inducto Pelling

Subscribed & sworn to
this 30th day of
December A.D. 1855
Before me
J. E. Fox
Clerk

No. 231.

The United States
Appellus
vs.

Valentine Cota et al
Appellants

Mo. for Contumace
& Affidavit

Filed Dec 31st 1835.

J. E. San.
CLK

X
H. P. P.

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UNITED STATES OF AMERICA, ss.

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.



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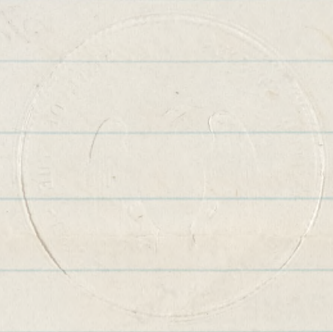
Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California before you, in a cause
between Valentin Cota, Leandro Gonzales, Rafael Gonzales,
Salvador Valenzuela, Vicente Rio Jose Ma Valenzuela,
Rafael Valdez and Vicente Felix appellants, and
The United States appellees, (No. 231, for "Rio de
Santa Clara") wherein the decree was rendered in
favor of the said appellants.

No. 231

UNITED STATES OF AMERICA

THE PRESIDENT OF THE UNITED STATES OF AMERICA



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* of Mr Attorney General Bates 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 - 8 March

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[Faint handwritten notes]

[Faint handwritten notes]

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...\$ _____
\$ _____

Taxed by Leominadtm
Clerk of the Supreme Court of the United States.

No. 231
No. 1074. December Term, 1863.

MANDATE
SUPREME COURT UNITED STATES.

U. States vs. Boston

Filed Sept. 18, 1864

John A. McArthur
Clerk

Presented for Recd. by
I send early copy of order
to come to C. D.
Sutway's hand