

CASE No.

251

SOUTHERN DISTRICT

CUCA GRANT

MARIA JUANA DE LOS ANGELES

CLAIMANT

LEGAL CASES

SD

LAND CASE 251 SD 52 pgs. (plus 53) - map)

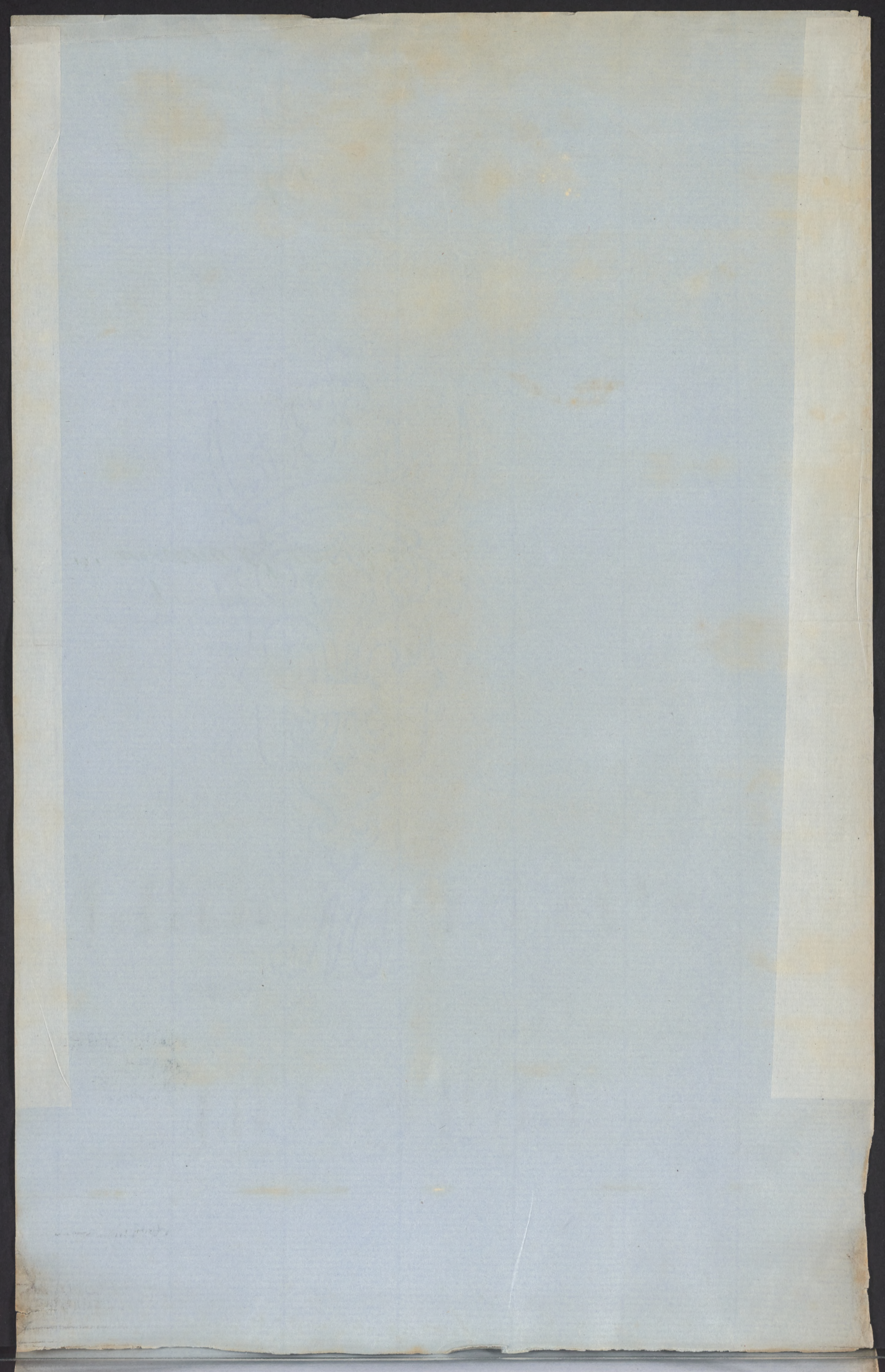
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471



TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *471.*

Maria Juana de los Angeles CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Cucua"

London
18th Dec 1841

Dear Mother
I received your kind letter
of the 11th and was glad
to hear from you and
to hear that you were
all well.

I am well at present
and hope these few lines
will find you all the same.
I have not much news
to write at present.

Yours affectionately
John

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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

The Petition of *Maria Juana de los Angeles*
for the Place named

"Cuca"

was presented, and ordered to be filed and docketed with No. *471* and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

Sos Angeles, November 13' 1852.

In case no. *471*, *Maria Juana de los Angeles* for the place named *"Cuca"*, the deposition of *Abel Stearns*, a witness in behalf of the claimant, taken before Commissioner *Melania Hall*, was filed;

(Vide page *5* of this Transcript.)

San Francisco January 15' 1853.

In the same case the deposition of *Amador Pio*, a witness in behalf of the claimant, taken before Commissioner *Melania Hall*, was filed;

(Vide page *6* of this Transcript.)

San Francisco October 3' 1853.

Case no. *471*, on motion of the Counsel for the claimant, was ordered to the foot of the Docket.

San Francisco December 16' 1853.

In the same case the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Alpheus Felch, with document marked N. 1. A. F., annexed thereto, was filed;

(Vide page 7 of this Transcript.)

San Francisco July 18' 1854.

In the same case the deposition of Jose Joaquin Ortega, a witness in behalf of the claimant, taken before Commissioner G. J. Burrill, was filed.

(Vide page 10 of this Transcript.)

San Francisco Sept. 5 1854.

In the same case the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Peter Sott, with Exhibit marked "A. P. L.", annexed thereto, was filed.

(Vide page 13 of this Transcript.)

San Francisco Sept. 12' 1854.

In the same case the counsel for the claimant filed the following motion, to wit:

(Vide page 29 of this Transcript.)

Motion granted.

San Francisco Oct. 3' 1854.

Case no. 441 was submitted on Briefs and taken under advisement by the Board.

San Francisco Oct. 10' 1854.

In the same case Commissioner R. Aug. Thompson delivered the opinion of the Board confirming the claim:

(Vide page 31 of this Transcript.)

and the following order was made, to wit,

(Vide page 34 of this Transcript.)

3
Petition

To the Hon. Board of Land Com-
-missioners for ascertaining and settling
private land claims on the state of Cal-
-ifornia

Your Petitioners Maria Juana de
los Angeles, a Native Indian and resident
of San Luis Rey County of San Diego
and State of California, respectfully pre-
sents to your Honorable Board, that
she claims a tract of land called "Luca"
or El Potrero situated in San Luis Rey
County of San Diego and State of Cal-
-ifornia containing about one half of a
square league. That she claims the same
in fee by virtue of a grant made to
her under the authority of the Mexican
Government by His Most Excellent
-Government of the Californias of Date
7th of May A.D. 1845 since which time
she has been in undisturbed and pea-
-ceable possession without knowledge of
any interfering claimant.

Your Petitioner would further
represent that possession was given by the
Administrator of the Mission of San Luis
Rey in compliance with the first con-
-dition of the grant on the 1st of June
A.D. 1845

Your petitioner presents herewith
the original grant with possession en-
-rolled together with their translations
and will proceed to make such further
proof as may be required by the
board.

Your Petitioner prays your Hon-
-orable board to take into consideration
her claim to the said tract of land
and to declare her title to be valid
and confirm the same
And your Petitioner

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Will now pray

Made this 9th day of November at the City of Los Angeles
Henry Winckler
Atty for Claimant

Filed in Office Nov. 9th 1852
(Signed) Geo. Fisher
Secy

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5-
Deposition
of
Abel Stearns

San Angeles
Nov. 13th 1852

On this day before Com^r. Meland
Hall came Abel Stearns a Witness
in behalf the Claimant Maria Juana
Petition N^o 471 and was duly sworn
his evidence being given in English.
The U. S. Associate Law Agent was
present.

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In answer to inquiries by Counsel for
the Claimant the Witness testified as follows

My name is Abel Stearns my age
is fifty four years and I reside in San
Angeles.

A paper is shown me purporting to be
a grant to M^a Juana, dated May
7th 1845. The signatures of Pio Pico
Juan Bandini and Jose Joaquin Ortega
on said paper with which I am ac-
quainted I believe to be genuine. Ortega
was Administrator of the Mission of San
Luis Rey at the date of the certificate
to which his signature is attached, said
paper is hereto annexed and marked H. H.
N^o 1

(signed) Abel Stearns

Sworn and subscribed

Before me -

(signed) Meland Hall
Com^r.

Filed in Office Nov. 13th 1852.

Geo. Fisher
Secy

6
Deposition
of
Andres Pico

San Francisco
January 15th 1853

On this day before Com^r. Meland
Hall came Andres Pico, a witness
in behalf of the Claimant Maria
Juana, Petition No. 471, and was
duly sworn his evidence being interpre-
ted by the Secretary

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The U. S. Associate Law Agent
was present

In answer to inquiries by Counsel
for the Claimant the witness testified
as follows

My name is Andres Pico, my age
is forty two years and I reside at Los
Angeles.

I know the rancho called "Cuca"
at the Mission of San Luis Rey.
I have known it from the year 1832.
From the year 1845 the land has
been occupied by some Neophytes of
the Mission Maria Juana de Los An-
geles was a Neophyte and she occupied
it previous to 1845 and since to the
present time, separate from the Mission.
Her husband was a chief of the Indians
his name was Casino Pas I think and
he has been living on the same land since
1845 and has jointly occupied it with
her. They built an adobe house on the
land within a year from June 1845,
- they had a small stock of cattle on
the land - they cultivated small portions
of the land according to their means

(signed) Andres Pico
Sworn and Subscribed

Before me,
(signed) Meland Hall
Commissioner

7
Filed in Office January 13th 1853

(Signed) Geo. Fisher
Soc'y

Deposition
of
J. J. Warner

Office of the Board of
M^{rs}. S. Land Com^{rs} of
San Francisco
Dec. 16th 1853

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This day before Commissioner Alpheus
Fitch came J. J. Warner a Witness
on behalf of Claimant Maria Grand
Petitioner No 471 and being sworn de-
posed as follows —

Questions by Mr. Hancock Attorney
for Claimant.

1st Question.

What are your name, age
and place of residence?

Answer My name is J. J. Warner
my age is forty six years, and I reside
at San Diego in California

2^d Question

How long have you resided
in California

Answer, Twenty years.

3rd Question

Do you know the place called
Peters of the Mission of San Luis Rey
or "Cucal" if so how long have you known
it

Answer, I know the place and have
known it since 1831, and have been
pretty intimately acquainted with it about

twelve years-

4th Question

What are its location - boundaries and quantity of land.

Answer - It is located on the San Luis Rey River about forty miles from the Mission and directly East and above the Rancho of Pauma. It is bounded on the South by said river on the North by a high ridge of Mountains called Palomar sometimes Pala and sometimes Pauma, on the West it is bounded by a spur running out of this Mountain down close to the river land on the East by another spur of the same mountain which separates it from a place called La Jaja. It is almost entirely enclosed by the mountain and spurs referred to as well as a high mountain on the opposite or south side of the River and contains about one square league of land some portion of which is covered with spurs of the Mountain. The little sketch which I here present and which is marked "Exhibit No 1" with the initials A. T. and annexed to this Report was made by me and it is as accurate a representation of the place as I can make. I have had long acquaintance with the place and am familiar with the localities.

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5th Question

By what name have you known the place?

Answer. By that of Petron of the Mission of San Luis Rey. I believe that the Indian name is "Cuca"

6th Question

By whom is it occupied?

Answer. The last time I was there and for some three years previous it was occupied by an Indian woman whom

I knew by the name of Maria de los Angeles and her family.

7th Question. How much arable land is there within the boundaries of the place as above mentioned by you.

Answer. I should think about half a league.

8th Question

Have you known Maria de los Angeles to occupy any other than the arable portion above described?

Answer. She has had the arable part under cultivation and she had a small number of cattle and horse which I have frequently seen outside of the arable land but they were generally kept on the arable part. The portion marked on the sketch above mentioned as the village. I believe was the part called by the Indian name "Luca" I never knew any Judicial boundaries to it, but only the Natural boundaries formed by the Mountains.

9th Question. What do you estimate the quantity of land to be in that portion on which you say the village is said to be called "Luca" by the Indians?

Answer. About one fourth of a square league, perhaps a little more.

10th Question

Do you know of any other place called "Luca" on the Mexican property of San Luis Rey?

Answer. I do not.

Questions by Mr. Greenhow Associate Survey Agent.

1st Question. On what grounds do

you give these boundaries as the proper boundaries of the tract claimed in this case?

Answer From information derived from the Indians residents - there who on one occasion consulted me in conjunction with the Claimant, respecting the land covered by her grant

(signed) J. J. Warner

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Subscribed and sworn to before me this sixteenth day of December, 1853

(signed) Alpheus Tetch
Commissioner

Filed in Office December 16th 1853

(signed) Geo. Fisher
Secy

Deposition
of
Jose Joaquin
Ortega

Office of the Commissioner
G. Thompson Burrill
at Los Angeles Cal-
ifornia

Before me G. Thompson Burrill Commissioner duly qualified for the taking of Testimony, to be used before the Board of Commissioners to ascertain and settle the private land claims in the State of California Personally appeared Jose Joaquin Ortega a Witness in behalf of Juana M^a de los Angeles Claimant - for the land named Rancho Couca numbered on the Docket of the said Board with

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N^o 471, who upon oath declareth and saith as follows —

Questions asked by Counsel for Claimant

Question N^o 1. What is your name age and place of residence?

Answer. My name is Jose Joaquin Ortega I am fifty three years of age and I reside in the County of San Diego.

Question N^o 2.

Do you know the Rancho called Ateca of San Diego County and if so state what you know in reference to the Judicial possession of the same —

Answer.

Yes I know the Rancho I gave possession of the Rancho to Juana M^a de los Angeles, I believe it was in the year 1843 but do not recollect the time exactly, and am not able to tell without seeing the papers. I was Administrator of the Mission of San Luis Rey, and in charge of the duties of Alcalde except in Criminal cases.

Question N^o 3.

State in what manner you gave possession and what acts you performed what were the bounds of the Rancho and what quantity it embraced.

Answer. I gave possession by measuring the land and by order of a title which she presented, On the East up the river near some Oak trees and a quantity of large stone placed upon the rocks this is the first boundary from there below the house and about fifty yards from it and passing a little beyond it put another mound of rock which was about half a league from the place of beginning

from thence crossing the river to the foot of the Mountain called the Cucu half a league from thence to the Arroyo below I mean on lower land and passing it to a rock said Arroyo forming the River of San Luis Rey which River runs through the land making this side half a league from thence to the place of beginning.

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Question Asked by C. E. Thom acting
Saw Agent

Question No 1. In what year and what month was Judicial possession of the Rancho of Cucu given by you to Juana Ma de los Angeles name all the persons who were present at the giving of Judicial possession.

Answer. I do not recollect the month it was in the year 1841 or 1843. I was then acting Alcalde for both of these years my proper title being Administrator. Edward Stokes, was present at the time who knew more about measuring than I did. there were also present a number of persons whose names I do not now recollect. I think that one of these persons was Manuel Machado both of these persons are dead. I think that Vicente Moraga wrote the document of possession who was then my Secretary who is also dead, the land was measured by a measurers compass and the distances taken by a rope.

(signed) Jose Joaquin Ortega

Sworn to and Subscribed
before me this 29 day of
June A. D. 1854

(signed) G. Thompson Rurrill
Commissioner

I hereby certify that C. E. Thom was present at the time that the foregoing testimony was taken acting for on behalf of and by the authority of J. W. McKim Esq. U. S. Saw Agent.

(signed) G. Thompson Rurrill

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Filed in Office July 10th 1854
(signed) Geo. Fisher
Secy

Deposition
J. J. Warner

United States of America
State of California } S.

San Francisco Sep^r 4: 1854

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This day came before Peter Gott Com-
missioner for taking Testimony to be used
before the Board of M S Land Com-
missioners in said state J. J. Warner
a Witness on behalf of the Claimant Maria
Juana de los Angeles (Indian) in Case No
471 on the Docket of said Board and
said Witness being sworn, deposed as follows

The N. S. Associate Law Agent is
present

Questions by Mr Hancock Esq for claimant

1st Question What is your name age and
residence?

Answer My name is J. J. Warner
my age 46 years. my residence San Diego
California.

2^d Question Look at the traced copy of
of the Expediente now shown to you marked
"A." P. S. "
and filed in this case and state whether
you have examined the original thereof
in the Office of the N. S. Surveyor General
for the State of California, if yes are you
acquainted with the hand writing of the per-
sons whose names appear signed there to
and if yes state your means of knowledge
and whether their sig-natures to said

original document, wherever they respectively occur thereto are genuine?

Answer, I have examined said original Expediente in said Surveyor General's Office, and am acquainted with the hand writing of Pio Pico and Jose Joaquin Ortega having seen them write and their signatures wherever they occur to said Original document are genuine

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Cross. examined by W S Saw Agent

1st Question At whose instance did you examine said document in said Surveyor General's Office?

Answer At the instance of Henry Hancock Esq who acts as Attorney in this case

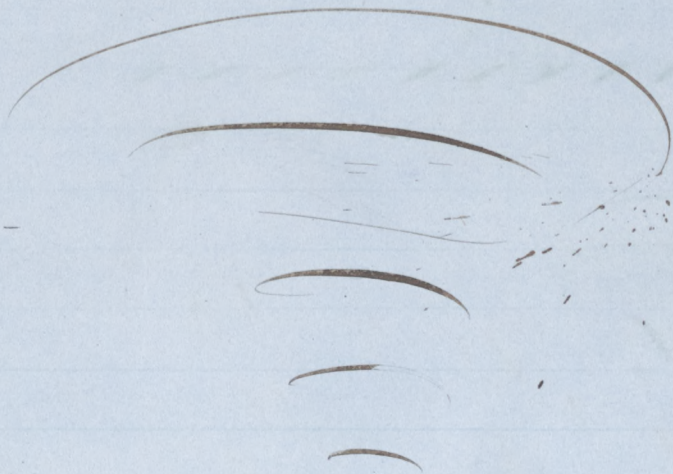
(signed) J. J. Warner

Subscribed and sworn to before me Sept 21 1834

(signed) Peter Sott
Commissioner

Filed in Office Sept 5, 1834

(signed) Geo. Fisher
sec



Trace of Expediente
from Archives.

1845.

A.P.T.

Expediente promovido por Maria Juana
natural de San Luis Rey en pretension del terreno
nombrado "Cueca"

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16
2. Ang. Abril 28 de 1845.

Exmo. Sr. Gob.^{or}

Fase a informe el administrador de la Misión de San Luis Rey.

Pico.

Maria Juana, viuda de Casiano natural de la Misión de San Luis Rey ante V. E. con atención y respeto

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dijo: Que estando poseyendo hace algunos años un corte terreno, llamado Cucha, perteneciente a la Misión de mi nacimiento el cual consta de una suerte de tierra de labor y medio legua de terreno para mantener escasam.^{te} algunos buecos de campo y teniendo alguna familia que en mi Misión pasan miserios y en atención a mis servicios en la Misión y los muchos de mi ofiunto unido a esta Misión, imploro la gracia de V. E. para que se me conceda a fin de dedicarlo a mi aprovechamiento y el de mi familia esperando de la benevolencia a cualquier a ello por ser justicio que pido lo que impeto y unido lo no malicio y sirviendose al autor el presente en papel comun por no haber del Letrado correspondiente.

Ciudad de los Angeles. 25 de abril de 1845.
Maria Juana.

Administracion de San Luis Rey, Angeles. abril 30. de 1845. Por cuanto a informe que se me pide en la presente solicitud y en consecuencia al Sup.^{or} decreto que antecede digo: que hace algun tiempo que la Suplicante ocupa con sus buecos y labores una parte de "Cucha" sin perjuicio de los demas Indigenas que ahi existen "lo que representa es viuda y con bastante familia la que mantiene con su familia trabajo personal y la de todos ellos y puede ser agraciado con lo que solicita si V. E. lo tuviere a bien. Es cuanto puedo informar sobre la materia.

José Joaquin Ortega.

Ang.^o Mayo. 7. de 1845.

Se le concede a Maria Juana la propiedad del terreno que posee y al efecto librese el título correspondiente.

Pico

9. 17

que posee y a efecto de este es un libro correspondiente.

Queva tomada rason de este titulo en el libro respectivo.

Office of Surveyor General of the United States for Calif.^{ca}

I John C. Hays, Surveyor General of the United States for the State of California and as such having in my office and in my charge and custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California by virtue of the power vested in me by law, Do hereby certify that the four preceding and hereunto annexed pages of tracing paper, numbered from One to four inclusive exhibit a true and accurate copy of a certain document now on file and forming part of the said Archives in this Office.

In testimony whereof, I have hereunto signed my name officially and caused my Seal of office to be affixed at the City of San Francisco this Fourteenth day of December. A. D. 1853.

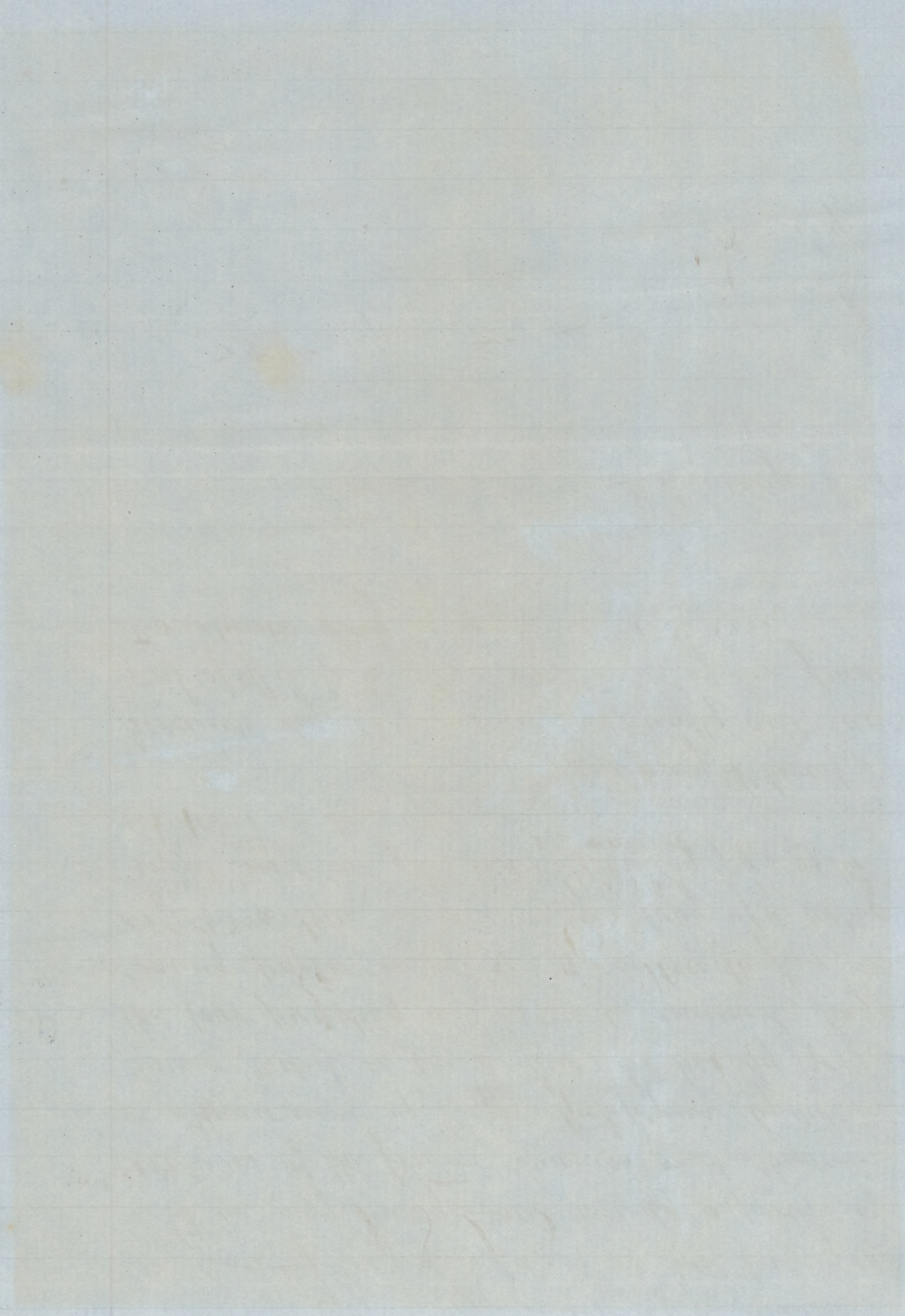
John C. Hays.

U. S. Surveyor G.^l for Calif.^{ca}

Filed in office. Sept. 4. 1854.

Geo. Fisher. Secy.

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[Faint, illegible markings or text]

1845

Translation of the Traced copy of Expediente

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Expediente of Maria

Quana Native of Mission San Luis
by asking the place called "Luca"

map 36


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April 28th 1845

Pass to the -
Administrators of
the Mission San
Luis Rey.

(signed) Pico


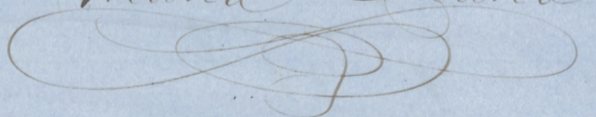
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Excellent Senor Governos

Manra Juana widow of
Cassiano native of the Mission
San Luis Rey before Your
Excellency with due respect says
that having been for some years
in possession of a small tract
of land called "Luca" belong-
ing to the Mission of my birth
which contains my garden tract
and one half of a league of
land being scarcely enough for

my maintenance and that of my little stock
of cattle having something of a family who
rely with me in my wants, and attention
to my services and the many of of my de-
ceased husband which have been rendered
the Mission I beseech your Grace that it
be ceded to me, by which myself and family
will be favored, hoping that from a knowl-
edge of the benevolence of your Excellency
the justice which I ask may be accorded
me swearing that I do not ask in malice
and requesting that this Petition may be
received on common paper for want of
sealed.

City of Los Angeles April 25th 1843

(signed) Maria Juana


Administrator of the Mission San Luis
Rey April 30th 1845

Wherefore to the information which is
asked in this present solicitude and in-
-consequence of the Superior Decree which
precedes (I reply) That for some time the
Petitioner has occupied planting grounds and
cattle a part of "Luca". The Petitioner is
a widow with a large family all of

whom she maintains with her own personal labor, as well as others who exist there and who must not be prejudiced and in case Y. E. thinks best that which she asks may be ceded to her.

This is all I can inform on the matter

(signed) Jose Joaquin Ortega

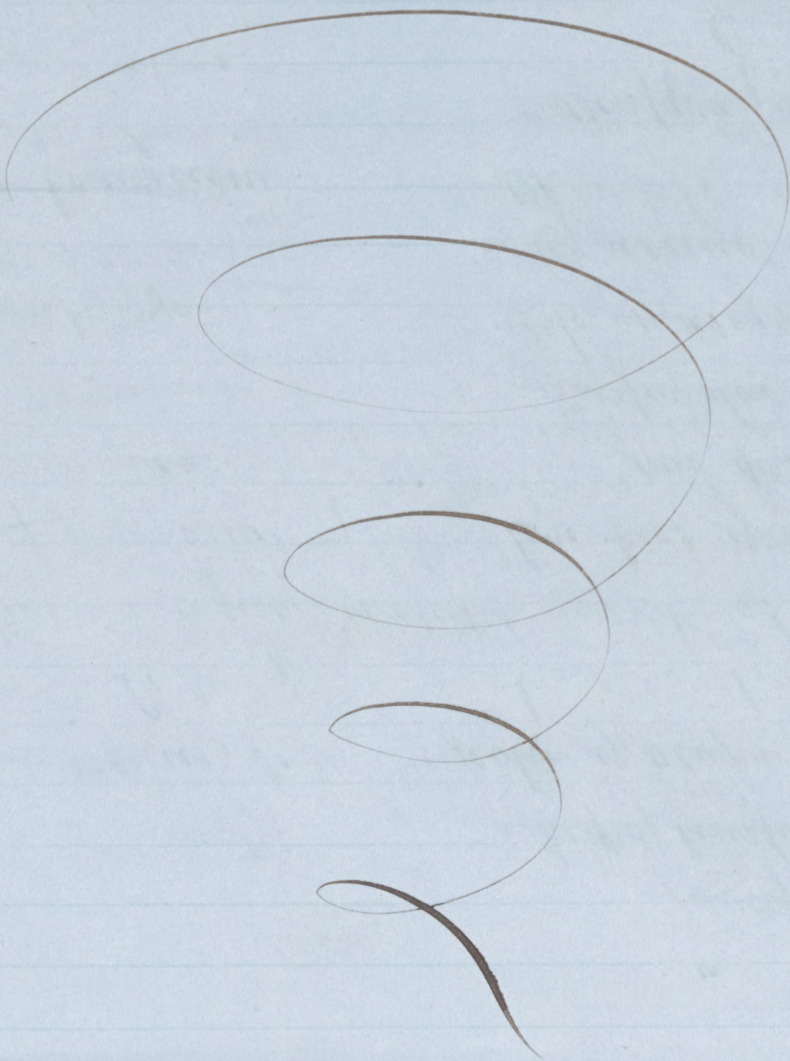
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Angels. May 7. 1845
The ownership of the property which Maria Juana possessed is ceded to her and to this effect let the corresponding title be issued

(signed) Pico

Filed in Office September 15th 1834

(signed) Geo. Fisher
Secy



1. 23

Pío Pico Primer vocal de la Extra Asamblea deputada y Gobernador Interino del departamento.

Por cuanto M^{ta} Juana Guadalupe de la Misión de San Luis Rey. ha hecho constar que desde años anteriores, se le concedió y ocupa el paraje llamado Cuesta perteneciente a otra Misión, constante como media legua incluído las tierras de labor, practicadas previamente las diligencias y averiguaciones necesarias segun lo dispuesto por las leyes, usando de las facultades que me son conferidas a nombre de la Nación Mexicana, he venido en asegurarle por las presentes letras la propiedad del terreno mencionado bajo las condiciones siguientes.

Doc. H. H. N^o 1.
ann^o to Depo. of
Abel Stearns taken
before Com^{rs} H. Hall.

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1.^a La interesada se presentara al administrador de la Misión de San Luis Rey para que le dé la posesion del terreno señalado con anterioridad lo hara medir y fijar los limites respectivos.

2.^a La agraviada y sus herederos lo disfrutaran libre y exclusivamente destinandolo al uso y aprovechamiento que mas le convenga.

En consecuencia tomese rason de este despacho en el libro respectivo y entreguese a la interesada para su resguardo y demas fines.

Ciudad de los Angeles. Mayo. 7. de 1845.

Pío Pico. Juan Bandini. Trío.

Queda tomada razon de esta concecion en el libro respectivo. Bandini.

En cumplimiento del antecedido decreto prosigo a hacer la medicion del terreno concedido a favor de las Angeles y familia de conformidad con lo dispuesto por su expediente.

Amador de San Luis Rey. Junio. 1. 1845.

José Joaquín Ortega.

Filed in Office. Nov. 9th 1852.

Geo. Fisher Secy.

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

This is the first road of the excellent

"B"
Translation of
Original Grant
of
Possession

Pio Pico first vocal of the Excellent
Departmental Assembly and Governor,
ad interim of the Department.

Whereas Maria Juana Aborigine
of the Mission San Luis Rey has made
it appear that from years past the place
called "Cuca" belonging to the said
Mission containing about a half of a
league including the sowing lands granted
to her which she now occupies the ne-
cessary requisites being practiced according
to the disposition of the laws using the
faculties that are conferred on me in the
name of the Mexican Nation. I have
come to secure to her by these presents
letters the ownership of the land men-
tioned under the following conditions.

1^o The interested party shall present
herself to the Administrator of the Mis-
sion San Luis Rey that he may give
her possession of the land aforesaid
formally having measured it and fixed
the respective lines.

2^o The Donee and her heirs shall
freely and exclusively enjoy destining it
to the purpose or use they may think
proper.

In consequence let note of this
title be taken in the respective book and
it be delivered to the interested party
for her security and other uses City of
Los Angeles May 7^o 1845

Pio Pico

Juan Bandini
Secy

This concession remains noted in the
respective Book.

Bandini

In compliance with the antecedent decree
I proceeded to measure the land ceded
to Maria de las Angeles and family
in conformity with the dispositions of
his Excellency and worship of San Luis
Pey June 10. 1843.

José Joaquín Ortega

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I George Fisher Secretary to the
U S Land Commission I hereby certify
the foregoing to be a true and correct
translation

Office of the Secretary of
said Commission San Fran-
cisco California this 6th day
of January A D 1854

Geo. Fisher



City of Los Angeles May 7. 1845
The registry of this Grant has been
made in the proper Book

Filed in Office November 9. 1852

Geo. Fisher



Translation of Record of Title.

Traced copy of
translation.

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On the 7.th of May 1845 is delivered to Maria Juana Indian of the Mission of San Luis Rey, title to the place called "Cueca" belonging to the said Mission about one half of a league including the tithage land.

[En y de Mayo de 1845 se le libro a titulo a Juana N^a Indígena de la Misión de San Luis Rey del paraje llamado Cueca perteneciente a d^{ha}. Misión constante como media legua inclusive en tierras de labor.]

Office of Surveyor General of the United States
for California.

I John C. Hays Surveyor General of the United States for the State of California and as such having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California by virtue of the power vested in me by law do hereby Certify that the preceding and herewith annexed page of tracing paper exhibits a true and accurate copy of a portion of a certain half bound book purporting to be a Registry of Titles" said book now being on file and forming part of the said archives in this office.

In testimony whereof I have herewith signed my name officially and caused my seal of office

In testimony whereof I have hereunto signed my name officially and caused my seal of office to be affixed at the City of San Francisco this seventeenth day of December a. d. 1853.

John C. Hoags.

U. S. Surveyor G. for Calif.

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Filed in Office. December 24. 1853.

Geo. Fisher. Secy.

29 Motion
to
Amend Petition

Case No 471.

Before the United States Land
Commission for California in session
on this day of — AD 1854

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Motion is hereby made to amend
the Petition in this case so as that
it shall read in reference to quantity
of land claimed - about one half of a
league square and an Affidavit is
herewith filed explaining the reasons for
it

(Signed) Henry Hancock
Atty for Claimant

Filed in Office Sept. 12. 1854

(Signed) Geo. Fisher

Secretary

[Faint, illegible handwriting covering the majority of the page, possibly bleed-through from the reverse side.]

OCT 31
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Case N^o 471.

Opinion

Maria Juana de las Angeles

vs

The United States

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The Petitioner in this case is a native Indian woman and claims a half a league of land situated in the County of San Diego and formerly belonging to the Mission of San Luis Rey. She has introduced in support of her claim the original grant from Governor Pio Pico dated the seventh of May 1845 to which is appended a certificate of Jose Joaquin Ortega dated the first of June 1845 setting forth that he had on that day proceeded to measure the land granted to Maria de las Angeles in conformity with the foregoing decree. The genuineness of those documents is established by satisfactory testimony. The grant is for the place called Leuca formerly belonging to the Mission of San Luis Rey containing about half a league.

There is no other description given in the grant or in the certificate of judicial possession measurement but the Administrator of the Mission is required by the grant to give for the possession and to measure and fix the boundaries. The Deposition of Jose Joaquin Ortega who is proven to ^{have} been at the time Administrator of the Mission and acting Alcalde has been taken and filed in the case. He states that in the year 1845 he gave the claimant possession of the land according to the title which she presented by marking and measuring the boundaries. Those boundaries according to his description embrace a tract of land in a square form

each side of which was about half a league in extent.

This would give about a quarter of a square league of land. With the aid of this testimony there will be no difficulty in locating and fixing the boundaries of the land to this extent. The grant recites and it is also shown by other testimony in the case, that the claimant lived upon and cultivated the land from a period several years anterior to the grant up to the time of filing her Petition.

A decree of Confirmation will be entered in accordance with the testimony.

Filed in Office Oct. 10. 1854

(signed) Geo. Fisher

Secy

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RECORDED
INDEXED

Large decorative flourish consisting of several overlapping loops and curves.

Decree. Maria Juana de
San Angeles

vs.

The United States

Cucua
El. Potrero

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In this case on hearing the proofs and allegations it is adjudged by the Commission, that the claim of the Petitioner is valid and it is therefore decreed that the same be confirmed. The land of which confirmation is made is situated in the County of San Diego on the San Luis Rey River and about forty five miles from the Mission of the same name and is known by the name of Cucua being the same which has been possessed and occupied by the Claimant from a period anterior to the year 1843 and is bounded as follows.

Beginning at a point at or near the river of San Luis Rey near some oak trees and some large stones placed upon the rocks from thence down the river about half a league to another mound or pile of rocks about fifty varas beyond the house from thence crossing the River to the foot of the Mountain called "Cucua" a distance of about half a league. From thence crossing an arroyo on the low land about half a league to a rock, and from thence to the place of beginning being half a league of land more or less - reference for a more particular description to be had to the Original grant and the deposition of J. J. Warner and Jose Joaquin Ortega all of which are on file in the case.

(signed) Alpheus. Felch
(signed) P. Aug. Thompson

(signed) S. B. Farwell
Commissioner

Filed in Office Oct 10th 1854

(signed) Geo. Fisher

Secretary

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PAGE 31

Order

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

Office of the Board of Commissioners,

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

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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Thirty four* pages, numbered from
1 to *34*, 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. *471* on the Docket of the said Board,
wherein

Maria Juana de los Angeles is
the Claimant against the United States, for the place known by
the name of "*Conca*"

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

Geo. Fisher



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

No. 251.
251
THE UNITED STATES,

vs.

Maria Inocencia de los
Angeles **251**
of Cuca or La Potters

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COMMISSIONERS,
In Case No. *471*

Filed, *July 2* 1855
C. E. Carr
clerk
By *A. H. Clark*
Deputy

251

No 471



Office of the Attorney General of the United States,

Washington, 7th April 1855.

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Maria Juana de los Angeles }
vs. } 471.
The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 27th day of February 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Anthony

Attorney General.

No. 257.

U. S. District Court
Southern Dist. of Cal^a

The United States

vs

Mano Francisco de
Los Angeles.

Notice of appeal
in case no. 471

Filed July 20 1853.
C. C. Case
Clerk
By A. W. Clark
Deputy

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

The President of the United States,

TO

Maná Juana de Los Angeles

251 SD

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Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *you* in the District Court of the United States, in and for the Southern District of California, on the *24th* day of *December* in the year of our Lord one thousand eight hundred and fifty-*six*, at the City and County of Los Angeles, in said District, by

J. Ord U. S. Dist attorney
praying said Court to reverse the decision
of the United States Commissioners of the
10th day of October 1854 confirming your
claim to the lands called
"Cueca or El Petro" "
County of San Diego

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

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *24th* day of *December* A. D. 185*6*

Clerk
J. W. Coleman
clerk

CLERK.

Marshals Court
Copying Summons - 50
Serving do 3
Petition 3
J. C. Co.

11.2.57

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

Maria Chama de Los Angeles

Appellee

The United States

Appellant

*Filed on return this 24th of
December A.D. 1856.*

Edwin Clark

J. M. Coleman

at

SUMMONS.

Received Dec 24th 1856

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Edward Hunter

U. S. MARSHAL.

*Edw. Goodman
Deputy*

I served this Summons, together with a certified copy of the Petition, upon *Henry Hancock* personally by delivering to him a true Copy of same

at *Los Angeles*
the *24*

day of *December* in the Southern District of California, on
A. D. 1856.

Sworn to and subscribed before me,

CLERK.

Edward Hunter

U. S. MARSHAL.

*Edw. Goodman
Deputy*



Marina Brana delos Angeles (Indian)
Appellee

Docket No. 251.

vs.
The United States.

Transcript No. 471.

TO THE HON. ISAAC S. K. OGIER, JUDGE:

The Petition of Pacificus Ord, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 9th day of November A. D. 1852, Marina Brana delos Angeles.

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *Cuca, or St. Peters* in the County of *San Diego* State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 10th day of October A. D. 1854, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 2nd day of July A. D. 1855, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 471; reference to which it is prayed may be had and made part of this petition. That on or about the 27th day of February A. D. 1855, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit:
~~about~~ on the 2^d day of July ——— A. D. 1855; the said
Attorney-General of the United States filed, or caused to be filed, in
behalf of the United States, a notice with the Clerk of said District
Court of the United States, that the appeal in said cause from the said
decision of the said Commissioners, in the District Court of the United
States for the Southern District of California, would be prosecuted by the
United States. Your petitioner further represents, that the land claimed,
as aforesaid, is situate in the Southern District of California, and within
the jurisdiction of this Honorable Court. Your petitioner further represents
and insists, that the said claim is invalid; and the said decision of said
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for
many errors and imperfections of law and evidence, apparent in said certified
transcript of the proceedings and decisions of said Commissioners in said
cause, filed and appealed from as aforesaid. And your petitioner denies all
and singular, each and every allegation in the said petition of said claimant,
presented as aforesaid to said Commissioners. And your petitioner further
denies that the said claimant has any valid right or title to said land claimed
as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said pe-
tition to said Commissioners, or in support of the said claim, no decision con-
firming the same should have been made by said Commissioners; but the

said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of ^{said claim,} the same, and decree the alleged title to be invalid: with costs and general relief.

P. O. A.

128
Attorney of the United States for
the Southern District of California.

N. 257.

Maria Juana de los Angeles

Appellee

vs

United States

Appellant

Petition for
Review

Filed this 24 December

A. D. 1856

Clerk

J. M. Coleman

Clk

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P. Ord. U. S. Dist. Ctty

In the United States District Court
for the Southern Dist. of Cal.,
Before Honorable Isaac P. K. Ogier
United States Dist Judge
December Term 1836

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Maria Juana de los Angeles } Docket N^o 251
Appellee }
ad }
United States Appellant } Term N^o 471

"Cueca" or "El Toturo"

In answer to the petition of Pacificus
Ord U.S. Attorney for the Southern Dist
of Cal. filed in this Hon. Court on
this 23^d day of Decr 1836 The
Claimant by her attorneys in the
above entitled cause, admits all
that is set forth in the said petition
concerning the proceedings already
had saving and excepting only
such portions of the same as there
may be therein alleged touching the
validity of the said claim and errors
and imperfections of law and evidence
or "that it ought to be reviewed waived and
set aside" together with whatever else
there may be therein alleged concerning
a want of proof, or what should have been
done by the said Board of Land Commissioners,
therein alluded to —

Your Respondent further respectfully avers that her claim to the said land called "Cueca or El Potrillo" is a good and valid claim and was justly and properly confirmed by the said Land Commission; Wherefore she prays this Honorable Court to affirm the decree of the Land Commission appointed under the act of Congress for ascertaining and settling private land claims in California approved on the 3rd of March 1851, heretofore rendered by said Commission to wit on the 10th day of October 1854 and to decree her said claim to be a good and valid claim and for such further relief as she may in equity be entitled to

Henry Wanco etc
Atty for Claimant

No- 251

Maria Juana de los Angeles
advs Appellante

United States Appellant

Cuica o El Potrero

Answer to
petition for a
Reversal

Filed in office

Filed this 24th December

A. D. 1856

Clerk of the
J. H. Colman
sep

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decree that the said claim
of the said Maria Juana
de los Angeles is a good and
valid claim and the same is
hereby confirmed to the extent
of that which was included within
the limits of the judicial pos-
-session, provided the same
do not embrace more than
one half of a square league
and is described and bounded
as follows The place called
'Caca' or El Toturo situated in
the County of San Diego, on
the river San Luis Rey and
occupied by said appellee
Bigniny at a point at or near
the river San Luis Rey, near
some Oak trees and some large
stones placed upon the rocks
from thence ~~along~~ ^{down} the river
about a half of a league
to another mound or pile of
rocks, about fifty varas
beyond the house, from thence
crossing the river to the foot
of the mountain called 'Caca'
a distance of about a half
of a league, from thence cross-
-ing the arroyo in the low

H5-A

land about a half of a
league to a rock, and from
thence to the place of
beginning. Reference for
a more particular de-
scription to be had to
the grant.

Francis K Ogden
U S Surveyor
for the S. Division of Cal

No 251

W. D. Westcomb
Supt. Dist of Cal.

M^{rs} Juana de los Angeles
all

W. L. L. L.

Diem

Filed Dec 29th 1854

251 SD Chis
PAGE 46 Chis

Recorded in page 116

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



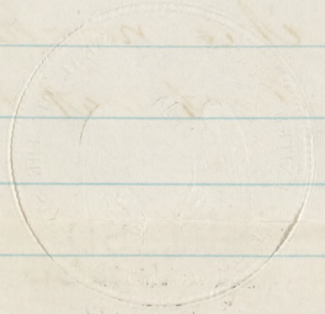
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Greeting:

Whereas, lately, in the District Court of the United States, for the Southern District
of California before you, in a cause
between The United States, Appellants and Maria Juana
de los Angeles, appellee, (N^o 251 for "Coca" or El Potrero)
wherein the decree was rendered in favor of the said
appellee

ADMITTED TO RECORD



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.

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

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

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

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

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

Tracy

L. W. M. Adolton
Clerk of the Supreme Court of the United States.

No 251 S. D.
No. 155. December Term, 1863.

MANDATE
SUPREME COURT UNITED STATES.

U. States vs. Angeles

Filed Nov 29th 1864

John A. M. ...
for Robert Hoaght
clerk

In the United States District
Court for California

The United States Appellants

vs

Maria Juana de Los Angeles Appellee

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N. 251

"Cuenca or El Potrero"

Before Hon Ogden Hoffman
U. S. Dist Judge

Whereas an appeal in the
above cause has heretofore
been allowed from the decision
of the United States Dist Court
for the Southern Dist of Cal
concerning the claim of Appellee
to the Supreme Court of the
United States and whereas
a mandate from the Supreme
Court of the United States
dismissing said appeal has
been filed in this cause

Now therefore It is
ordered that the order of the

said court ordering an
appeal to the Supreme Court
of the United States as aforesaid
be vacated and the said appeal
dismissed and that the Claimants
be allowed to proceed under the
decrees heretofore rendered as under
a final decree

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