

CASE No.

260

SOUTHERN DISTRICT

SAN JUAN CAPISTRANO
DEL CAMOTE GRANT

THOMAS HERRERA, ET AL
CLAIMANT

ALSO AVAILABLE ON MICROFILM

MAR 16 1963

LAND CASE 260 SD 38 pgs.

304

D

20

TRANSCRIPT

260 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *304*

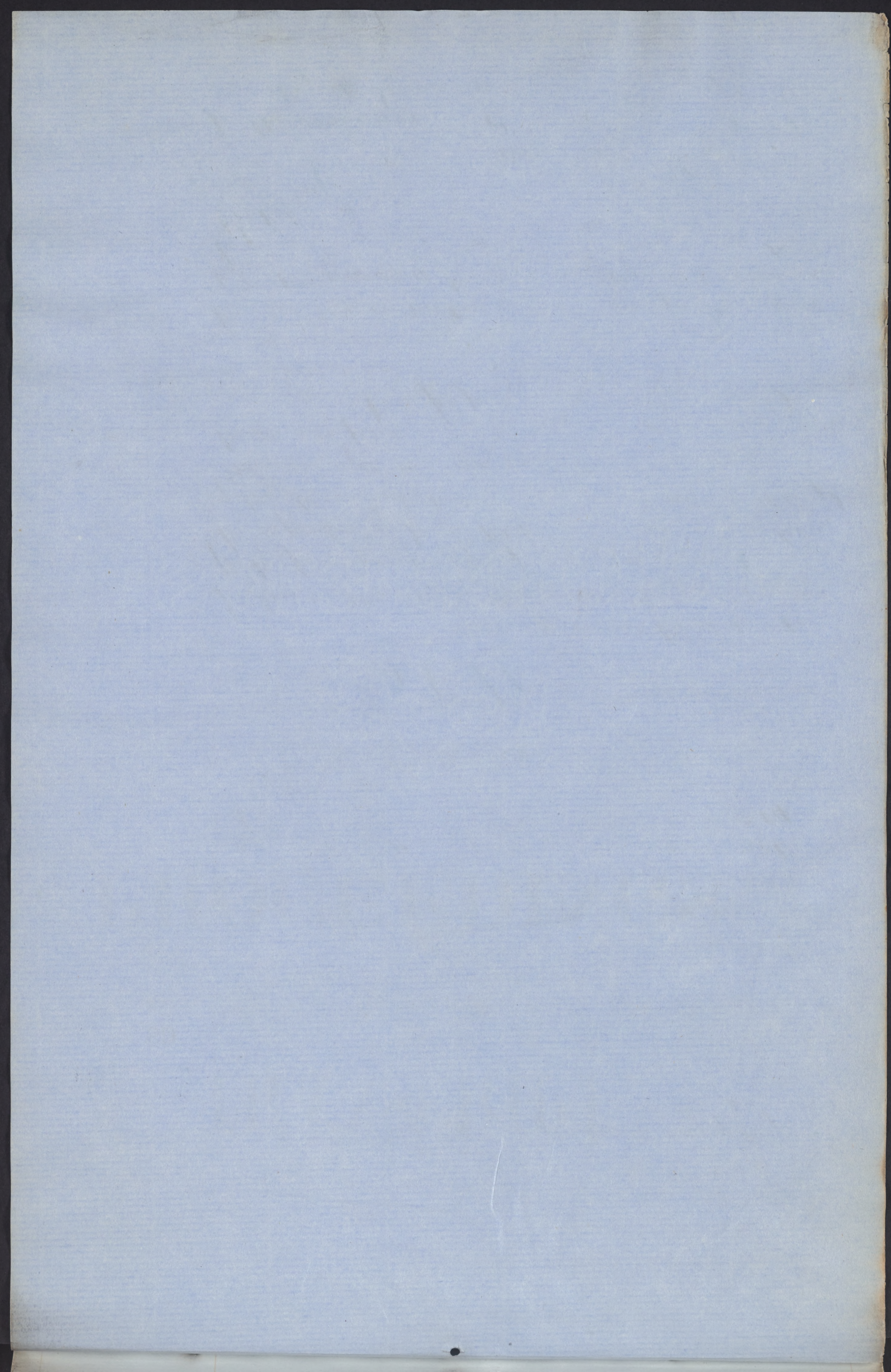
Thomas Herrera, et al, CLAIMANT *&*

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Juan Capistrano del Carmo."



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

The Petition of *Thomas Herrera et al.* ~~was~~
~~presented~~ for the Place named
"San Juan Capistrano del Camote,"
was presented, and ordered to be filed and docketed with No. 304, and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco March 4th 1853.

In Case no. 304, *Thomas Herrera and Gerónimo Quintana*, for the place named *"San Juan Capistrano del Camote,"* the deposition of *Juan B. Alvarado*, a witness in behalf of the claimants, taken before Commissioner *Henry J. Thornton*, with document marked *H. J. T. no. 1*, annexed thereto, was filed

(Vide page 3 of this Transcript.)

San Francisco November 28th 1854.

Case no. 304, on motion of the counsel for the claimant with the consent of the U. S. Law Agent, was ordered to be placed at the foot of the 3^d class cases on the Trial Docket.

San Francisco December 1st 1854.

In the same case the depositions of *José Maria Balboa* and *Miguel Serrano*, witnesses in behalf of the claimants,

2

Letters before Commissioner Peter Sott, were filed;
(Vide pages 4 & 5 of this Transcript.)

~~~~~

San Francisco December 19<sup>th</sup> 1854.  
Case no. 304 was submitted without argument and  
taken under advisement by the Board.

~~~~~

San Francisco December 26th 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 20 of this Transcript)

~~~~~

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3 Petition

Respectfully Humbly The Commissionists ascertain and settle the Private Land Claims in California Thomas Herrera Gramus Luntana presented that they claim by virtue of a right and title derived from the Mexican Government about of land in said state situated near the Valley of the Tulans and known by the name of San Juan Capistrano all of which said tract was granted to said claimants on the 11th day of July 1846 by Don Pio Pico Comendador General of the Department of California and thereby authorized to make such grant in the name and in behalf of the Mexican Nation

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PAGE 4

Said tract contains the quantity of Ten sitios of 1428 acres each there is no conflicting claim thereto known to claimants

By their Attorneys  
Jas Murphy & Stodd

Filed in Office August 14th 1852

George Fishery

Secretary

Recorded in Records of Petitions Vol 11 Page 198

George Fishery

Secretary

Deposition

San Francisco March 4th 1853

On this day before Commissionary Harry J. Thom Juan B. Alvarado came Juan B. Alvarado and others in behalf of the claimants Thomas Herrera and Petition Number 304 and was duly sworn his understanding interpreted by the Secretary

Questions by claimant

Question 1st What is your name age and place of residence

Answer My name is Juan B. Alvarado my age is forty three and my residence is in the county of Contra Costa California

Question 2nd Are you acquainted with the handwriting of Pio Pico and if you look upon the document now and then you marked Dots and filed here with and say whether the signature of said Pio Pico in and to the said document is genuine Answer I am acquainted with the handwriting of Pio Pico having often seen him write and upon

4

examining the said document Exhibit No 1 state that his signature thereto is his genuine signature

Dustin B. Waspi Pici who signed this grant acting as Commissioner in California at the time he made it

and he was respected by the citizens of California and the Mexican authorities therein as the Governor at that time

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U.S. Law Agent present

Juan B. Alvarado

Sworn to and Subscribed before me this 4th of March 1853

Henry J. Thurston  
Commissioner

Filed in Office March 4th 1853

George Fisher  
Secretary

Recorded in Evidence B. Vol 2 Page 26

George Fisher  
Secretary

Disposition of Jesus Maria Baldy

United States of America  
State of California ss

San Francisco Nov 29th 1854

This day personally came before Peter Lott a Commissioner for taking Testimony to be used before the Board of U.S. Land Commissioners in said State Jesus Maria Baldy a witness in behalf of the Claimant in case No 304 in the docket of said Board, wherein Thomas Hanna and Thomas Luntana are Claimants and said witness being duly sworn in oath depose in Spanish as follows

That U.S. Law Agent is present

Dustin B. Council for Claimant

Question What is your name and place of residence

Answer My name is Jesus Maria Baldy my age fifty five years my residence in the County of San Luis Obispo State of California

2nd Question Do you know the place called San Juan Capistrano of 10 leagues if you state what your own or its occupation and locality

Anders Jan acquainted with the place in the year 1847 Thomas Hanna and Quintana built the house in the place near the center of the tract

They also put about four hundred head of cattle on the place fields of wheat and barley are also sown and some fruit trees are planted

They have excultivated in the occupation of the place within personally by persons in their employ to the present time

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J. H. McKinnon Law Agent is present and declines Cross Examination

Jesus Maria Baldery  
Subscribed and sworn to before me  
on this 29th of November A.D. 1854

Peter Lott

Commissioner &c

Filed in office December 1st 1854

George Festly

Secretary

Record in Evidence B. Volume 4 Page 7

George Festly

Secretary

Disposition  
of Miguel  
Suarez

United States of America 3

State of California ss 3

San Francisco 29th 1854

This day personally came before Peter Lott a sworn  
missioner for taking testimony to be used before  
the Board of United States Land Commis-  
sioners in said State Miguel Suarez

at witness

in behalf of the claimant in case number 304  
in the Docket of said Board, wherein Thomas  
Hanna and Thomas Quintana are claimants  
and said witness being duly sworn in oath de-  
posed in Spanish as follows to wit

The United States Law Agent is present

Questions by counsel for Claimants

Q. What is your name and place  
of residence

6  
Answer My name is Inguil Suarez my age  
thirty years My residence San Louis Obispo County  
State of California

2 Question Do you know a place called San  
Juan Capistrano yes Camate if you know  
is said, place situated

Answer I am acquainted with the said place  
it is situated in the County of San Louis Obispo  
and North ward of the Mission buildings of San  
Louis Obispo

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and of the Rancho of Santa Maria  
- anta in said County

3rd Question Do you know anything respecting  
the occupation of said tract of land if you know  
was said land occupied and by whom and in what  
manner

Answer I know that the said place was occupied  
by Thomas Herma and Gnomidomiana in 1847

They  
planted upon it at that time about four hundred  
head of neat cattle and built two dwelling  
houses and two small (cattle pens) on the  
place

The houses were built of wood they also  
sowed fields of wheat and barley and planted  
a garden and fruit trees

Herma had a family  
which moved into the place and resided there  
more than one year

From that time to the  
present the place has continued to be occupied  
by a person in their employ

Wm McKim North States Law Agent is present  
but declines cross examination

Inguil & Suarez  
Subscribed and sworn to before me on this 29th  
day of November A.D. 1854

John Lott

Commissioner &c  
Filed in Office December 1st 1854

George Fisher Secretary

(1 L.N.)

1846.

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Expediente promovido por los  
ciudadanos Tomas Herrera y Ge-  
ronimo Quintana por el paraje  
llamado San Juan Capistrano de  
Camate.

N.º 577.

(2 L.N.)

San Luis Obispo ju-  
lio 10 de 1846.

Pase al Juez de  
Paz de este punto p.  
q. informo adverti-  
endo a los interesados  
q. con la mayor  
oportunidad re-  
mitan al Gob.  
el dicho respectivo

Pido.



San Juan Capistrano y el Camate con la  
extension de diez sitios de ganado mayor por  
lo que a V.E. respetuosamente pido y su-  
plico se sirva proveer como pedimos que  
en ello recibiremos gracia y justicia y jur-  
ta. San Luis Obispo julio 10 de 1846.

Tomas Herrera, Jose M. Quintana.

(3 L.N.)

Exmo. Sr. Gobernador -  
Tomas Herrera y  
Jose M. Quintana vecinos  
de este Establecimiento de S.  
Luis Obispo ante V.E. con el  
debido respeto y como mas  
haya lugar el derecho deci-  
mos: Que teniendo un nu-  
mero considerable de ganado  
menor y mayor, y no teni-  
endo absolutamente en don-  
de tenerlo pedimos a V.E. se  
sirva concedernos el paraje  
conocido con el nombre de

8  
Exmo. Sr.

En atencion al Superior decreto de 10 del presente relativo á que informo si el terreno solicitado en la antecedente instancia se halla baldío ó pertenece á algun particular ó Corporacion, digo á V.E. que no pertenece á propiedad alguna que esta baldío y por consiguiente siendo los interesados dignos de los derechos de b.b. pueden ser agraviados si V.E. lo juzga conveniente.

San Luis Obispo Julio 10 de 1846.

Jose de Jesus Pico.

(4. S. N. 10.)

San Luis Obispo Julio 11 de 1846.

Vista la Solicitud con que dá principio este Expediente el informo que en el espacio con todo lo demas que se tuvo presente y ver conrinos de conformidad con la ley de 18 de Agosto de 1824 y el reglamento de 21 de Noviembre de 1828 usando de las facultades con que me hallo autorizado por el Supremo Gobierno á nombre de la Nacion Mexicana he venido por las presentes letras en concederlos á los b.b. Tomas Herrera y Geronimo Quintana el paraje conocido con el nombre de San Juan Capistrano del Parate. En consecuencia expedaselas el titulo correspondiente y sometes esta Concesion á la Aprobacion de la Exma. Asambléa Departamental.

Pio Pico Gobernador Constitucional del Departamento de Californias así lo provey, mandé y firmé de que doy fé.

(5. S. N. 10.)

Pio Pico Gobernador Constitucional del Departamento de Californias.

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Por cuanto los C. C. Tomas Herrera  
y Gerónimo Quintana han pretendido p<sup>er</sup>  
su beneficio personal y el de sus famili-  
as un terreno antiguo á los Indios lla-  
mado San Juan Capistrano del barrio; -  
practicadas previamente las diligencias y  
avizoraciones convenientes segun lo dispuesto  
y de conformidad con la ley de 18 de Agosto  
de 1824 he venido por decreto de este dia en  
uso de las facultades que me estan conferi-  
das á nombre de la Nacion Mexicana en  
concordia y refrendo porafe de los autos  
la propiedad de él por las presuntas letras  
á Tenura de la aprobacion de la Exma. A-  
samblea Departamental y bajo las condi-  
ciones siguientes:

1<sup>a</sup> Podrá ser usado sin perjuicio  
las traversias caminos y servidumbres, lo  
disfrutaran libre y esclusivamente desti-  
nandolo al uso ó cultivos que mas les aco-  
moden pero estará habitado y ocupado  
con bienes semovientes.

2<sup>a</sup> Cuando se les confirme la pro-  
piedad solicitarán del Juez respectivo los de  
la posesion juridica en virtud de este des-  
pacho por el cual se demarcarán los lín-  
deros con las mozoneras necesarias.

3<sup>a</sup> El terreno de que á ambos se  
les hace donacion es puramente de diez sitios  
de ganado mayor. El Juez que los posesi-  
one lo hará medi conformé á Ordenanza  
dejando el Abstrato que resulte á la Na-  
cion para los usos convenientes.

4<sup>a</sup> Si contravinieren á estas con-  
diciones perderán su derecho al terreno y

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(C. L. D. N.)

10  
Será denunciado por otro.

En consecuencia mando que teniendo  
dese el presente título por firme y valioso  
de tomo ragon de él en el libro Libro adju-  
dicaciones de terrenos y se entregue al in-  
teresado para su resguardo y demás fines.  
Dado en el Pueblo de San Luis Obispo en este  
papel común por falta de sellado á once de  
Julio de mil ochocientos cincuenta y seis.  
= Pio Pico = J. M. Moreno - Pro. Int.

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

I Samuel S. King, Surveyor General  
of the United States for the State of California  
and as such now having in my office and un-  
der my custody a portion of the Archives of  
the former Spanish and Mexican Territory or  
Department of Upper California do hereby certi-  
fy that the six preceding and hereto an-  
nexed pages of tracing paper numbered from  
one to six inclusive and each of which is veri-  
fied by my initials (S.S.K.) exhibit true and  
accurate copies of certain documents on file  
and forming part of the said Archives in this  
Office.

In testimony whereof I have hereto  
signed my name officially and affixed  
my private seal (not having a seal of  
Office) at the City of San Francisco, Cal.  
the 9<sup>th</sup> day of August 1852 -  
Samuel S. King, Sur. Gen. Cal.

Filed in Office October 8, 1853. - Geo. Fisher Secy.



1846

Expediente instituido por el Sr. D. Juan  
Herrera y S. D. Don Juan de los Rios  
callado San Juan Capistrano de la comarca  
No 377

Translation  
of  
Expediente

2 1846 }  
San Luis Obispo Post by Colonel Juan  
July 10th 1846

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Let Juan Herrera and Jose  
de las Peras to the Don Juan de los Rios  
the Com. de Paz of the established limits  
of this place to San Luis Obispo appear  
reports respecting the land of the  
the parties with due respect in the  
order to remit last form of our superior  
to the Government. That  
the respect to having a considerable  
amount of cattle and  
appreciable sheep and being in the  
vicinity of the place  
on which to keep things

And your Excellency to be pleased to grant  
that the place known by the name  
of San Juan Capistrano of the comarca  
embracing two square leagues of  
land through the ash and being  
your Excellency to be pleased to grant  
that your Excellency the said  
grants justice and honor &c  
San Luis Obispo July 10th 1846

35516

(Signed) Juan Herrera  
(Signed) Don Juan de los Rios

Post Excellent Sir  
In compliance with  
the superior decree of the 10th instant  
requiring me to report whether the land  
asked for in the foregoing Petition is  
vacant or belongs to any individual or  
corporation I have inform you by adding  
that it does not belong to any one that  
it is vacant and that the interested  
parties being entitled to the rights of

Citizens of San Luis Obispo to the Hon. Secretary  
of the California State Government  
San Luis Obispo July 10th 1846

Respect

Jacques Price

4 SD 13

San Luis Obispo July 11th 1846

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Having examined the Petition of the Citizens of this  
County the report therein contained  
with everything else considered and  
deemed necessary to be investigated in  
conformity with the Law of the 15th of  
August 1824 and the Regulations of  
the 21st November 1828.

In the exercise  
of the power, with which I am invested  
by the Supreme Government in the  
Name of the Mexican Nation I have  
concluded by these presents to grant  
to Citizens Juan Herrera and S. Quintana  
the tract known by the name of San  
Juan Capistrano de la Cañada.

Therefore let  
the corresponding title issue to them  
and let this grant be submitted to the  
most excellent Departmental Assembly  
for its approval.

This Price Constitutional  
Governor of the Department of the  
Irrigacion thus decrees, orders, and signs  
whom I callist

SDR

This Price Constitutional  
Governor of the Department of the  
California

Whom Juan Herrera, Juan  
Herrera and S. Quintana have petitioned  
for the personal benefit and that of  
their families for a tract of land  
equivalent to the salary called San Juan  
Capistrano de la Cañada the provisions  
relative thereto having been previously  
read, approved and in conformity  
with the Law of the 15th of August 1824  
and the Regulations of the 21st of  
November 1828

Have concluded by a decree of this day  
with the exercise of the powers in the whole  
Sanctioned in the name of the  
Mexican nation to grant to them  
the adjacent place being according  
in the terms the ownership of subject  
to the approval of the most excellent  
Departmental assembly and under the  
following conditions

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1st They shall enclose within the period  
of the crossings roads and boundaries  
They shall enjoy it freely and exclusively  
appropriating it to the use of  
cultivation most convenient to  
them but it shall be inhabited and  
occupied with cattle

2nd When the ownership of these  
be confirmed to them they shall re-  
quest the proper Juntas to give them the  
juridical possession of the same in virtue  
of this despatch by which the boundaries  
shall be designated by the necessary  
land marks

C. S. R.

3rd The lands which is hereby granted  
to them jointly comprises several  
square leagues The Juntas who shall  
give them possession shall cause it  
to be measured according to the usual  
manner the remaining surplus to the  
national superintendence

4th If they contravene these conditions  
they shall lose their right to the lands  
and it shall be administered by another  
Junta The present title being void  
as from and void. In all that con-  
cerns be made thereof in the books  
of Grants of lands and that it be ac-  
cording to the interests Parties for  
their security and other purposes

Given  
in the Pueblo of San Luis Obispo on common  
paper for want of stamped on the 11th  
day of July 1846

signed by the  
signed by the Juntas

14

The foregoing is a true and correct translation  
of its original in Case Number 304  
now on file in this office

Witness my official signature  
this 8th day of October 1853

Signed  
Geo Fisher  
Sey

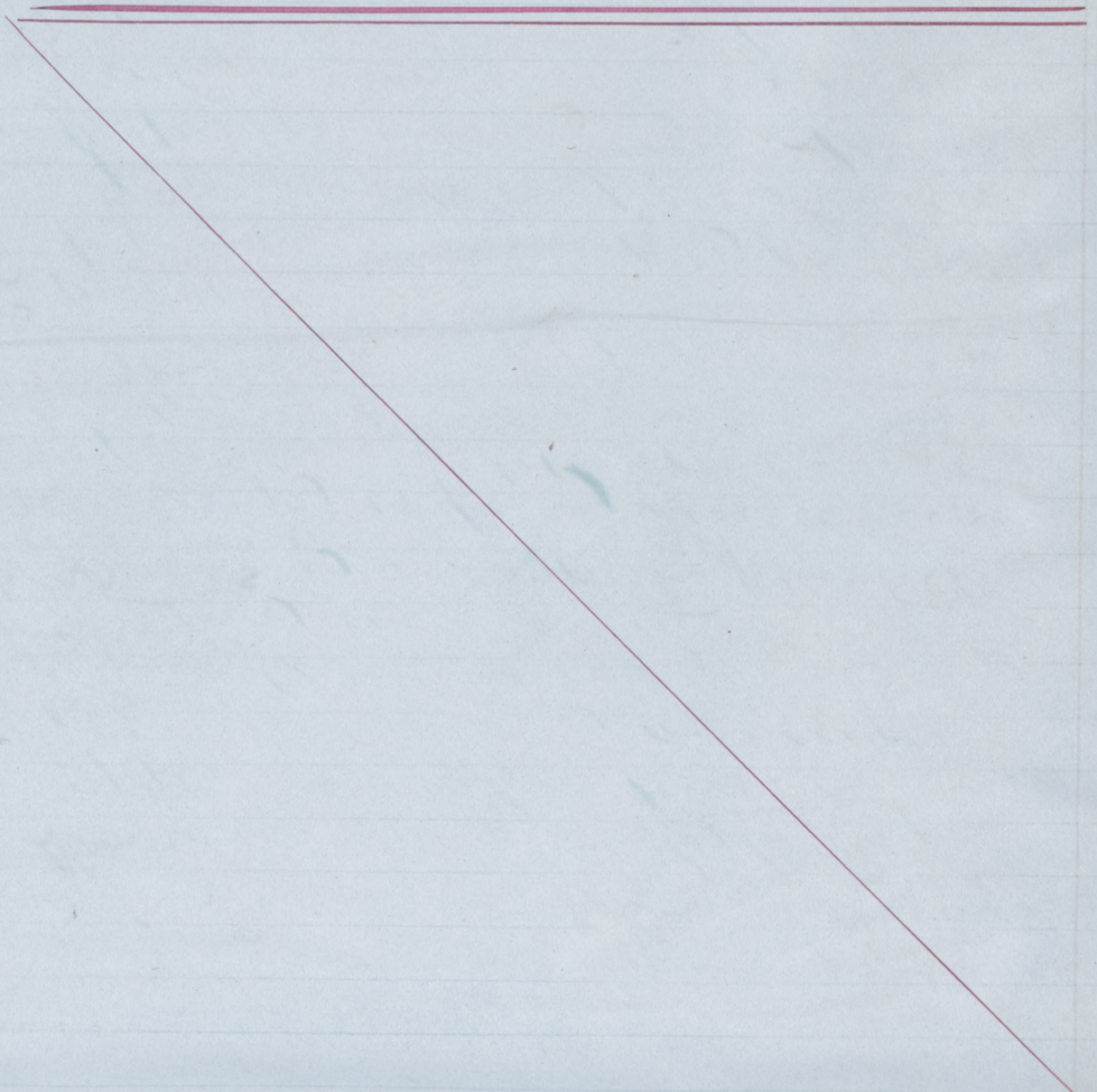
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Filed in Office October 8th 1853

Signed  
Geo Fisher  
Sey

Recorded in Ex. B Volume 1 Page 100

Signed  
Geo Fisher  
Sey



15  
Piipei Gobernada Constitucional del  
Departamento de California.

Doc H. J. <sup>gdo</sup> Por Cuanto los Ciudadanos  
No. 1. amos. Tomas Menares y Geronimo Quintana  
to the Depo. of y el de sus familias un terreno contiguo  
S. B. Alvarado a los titulares llamado Don Juan  
taken before Capitanes del Camette, practicadas  
Com. H. J. previamente las diligencias y averigua-  
Thornton - ciones convenientes segun lo dispuesto  
y de conformidad con la ley de 18 de  
Agosto de 1824 y reglamento de 21 de  
Noviembre de 1828. he venido por decre-  
to de este dia en uso de la facultad  
des que me estan conferidas a nombre  
de la Nacion Mexicana en concederles  
el Rependio porage de el cancholo  
la propiedad de el por las presentes  
letras a Reserva de la aprobacion de  
la Sesma Asamblea Departamental  
y bajo las condiciones sigtes

1<sup>a</sup> Que puedan cercarlo sin perjudicar las  
haciendas, caminos y servidumbres, lo  
disputaran libre y exclusivamente  
destinendolo al uso o cultivo que mas les  
aconviene pero estara habitado y ocupado  
con brenes semovientes.

2<sup>a</sup> Quando se les confirme la propiedad  
solicitaran del juez respectivo les de la  
posesion juridica en virtud de este  
despacho por el cual se demarcan los  
lineeros con las mojoneras necesarias.

3<sup>a</sup> El terreno de que a ambos se les  
hace donacion es puramente de diez sitios  
de fanegas menyas. El juez que les pose-  
sione lo hara medir conforme a Orden

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9E

manera dejando el sobrante que resulte  
a la Nueva para los usos conve-  
nientes. Si contravinere a estas condiciones  
perderan su derecho al terreno y seran  
denunciabile por otro.

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En consecuencia mande  
que teniendo se el presente titulo por firme  
y valiendo se tome razon de el en el libro  
sobre Adjudicaciones de terrenos y se  
entregue al interesado para su resguardo  
y demas fines. Dado en El Pueblo  
de San Luis Obispo en este papel comun  
por falta de sellado a Once de julio  
de mil Ocho cientos cuarenta y seis.

Propio

Jose Matias Moreno. Dno Int<sup>o</sup>

Queda tomada Razon de Este supe-  
rior despacho en el libro Respectivo.

Menos

Filed in Office March 21<sup>st</sup> 1853

Geo: Elsie Deery

17 C.

Translation Pro Pici Constitucional Gubern of the Depart  
ment of the Californias

Seal

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Thomas Letzgers Minors Bernier and Grommins  
Serritana have solicited further personal  
benefit and that of their families a tract of  
land contiguous to the place called San Juan  
Leopoldo all claimants the proper steps and  
investigations having been previously taken  
according to the disposition of order in conformity  
with the Law of the 18th of August 1824 and regu-  
lation of 21st of November 1828

Having a view

of this day using the premises as a compound  
in the name of the Mexican Nation con-  
ceded to them the said tract according to them  
the ownership thereof by the present letters res-  
erving the approval of the next & next Dep-  
artmental assembly and under the following  
conditions

1st They may exercise without injury the  
crossings roads and through ways and shall  
enjoy it fully and exclusively as long as it is  
for the use or cultivation that may best suit them  
but it shall be cultivated and occupied by  
cattle

2nd When the ownership thereof is confirmed  
to them they shall solicit the proper judge to  
give them judicial possession by virtue of this  
dispatch whereby the boundaries shall be de-  
scribed with the necessary land marks

3rd The tract of which a donation is made to  
both of them is solely ten sitis de campo hence  
the judge giving them the possession shall cause  
it to be measured according to the usual manner  
the surplus thereof to be left to the proper  
uses

4th If they should continue these conditions  
they shall lose their right to the tract and that  
shall be alienable by another

Whence

from this present title being held as firm and  
valid entry thereof be made in the libro of

applicatours of lands and it becomin to  
the parties interested, for their safety and other  
purposes

Given in the Town of San Luis Obispo  
in this common paper for want of sealed ones  
the 11th of July 1846

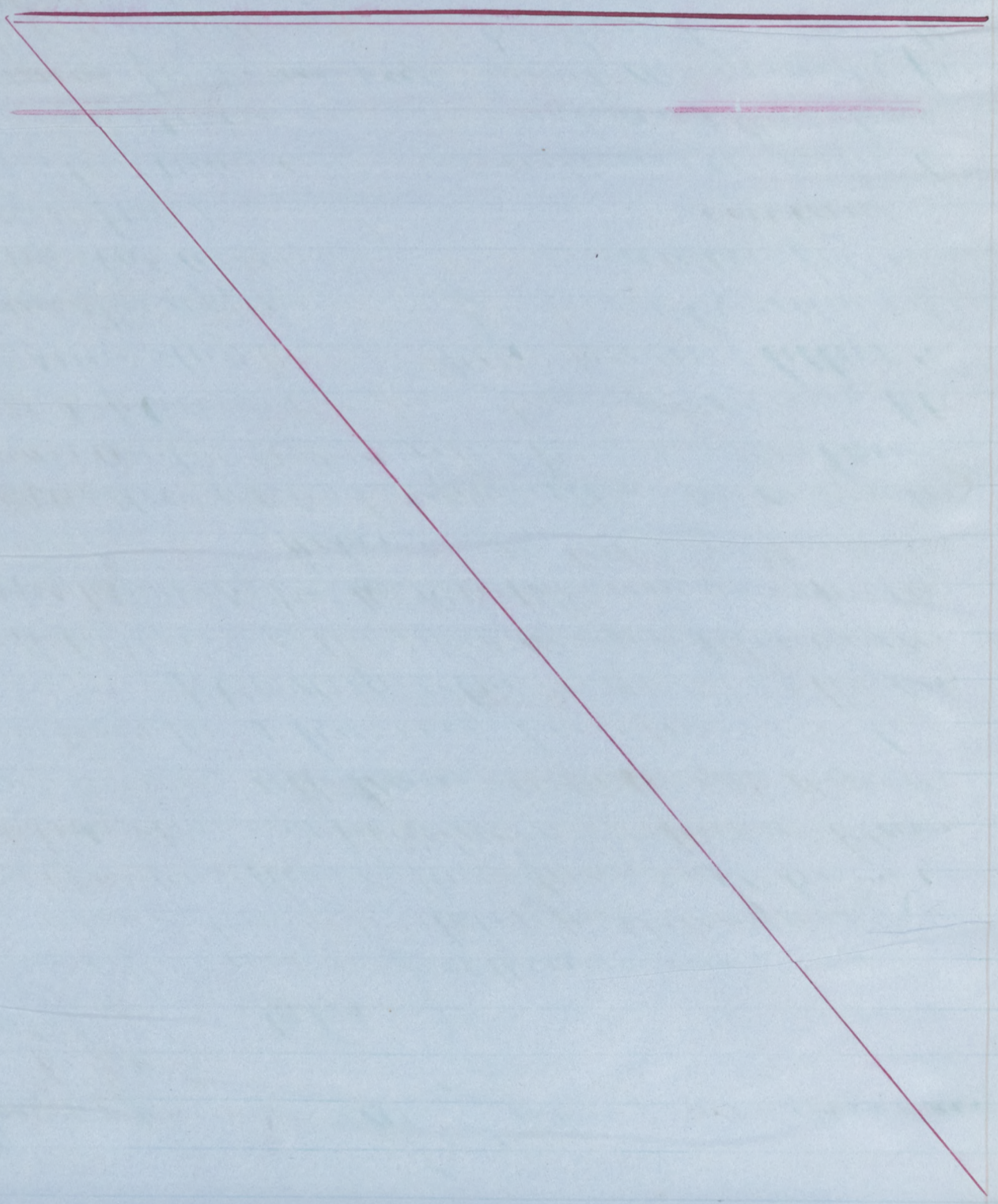
Pio Pici  
procurator Minor  
Secretary ad interim

Entry of this Superior dispatch is made in the  
proper books

Minor

Filed in Office August 4th 1852  
George Taylor  
Secretary

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Opinion of  
the Board

Thomas Hanna & al  
vs  
The United States

} For the place called San  
Juan Capistrano and  
} located in San Luis  
} Abasco County containing  
two square leagues of land

This claim is founded on a grant alleged in their  
petition to have been made to the petitioners claim-  
ant by Simon Pichie on the 11th day of  
July 1846

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This was after the conquest of the country  
by the American forces and was therefore accor-  
ding to the views of this Commission as expressed  
in the Opinion delivered in Case No 30 without  
authority and not entitled to compensation  
under the Law admitting the claim  
will be denied

Filed in Office

Rejected

George Fisher  
Secretary

Decree

Thomas Hanna & al  
vs  
The United States

In this case on hearing  
the proofs and allegations it is adjudged by the  
Commission that the claim of the petitioners  
is not valid, and it is therefore decreed that  
their application for a compensation thereon be  
denied

Alplund Felch

Wm. Thompson

G. B. Farwell

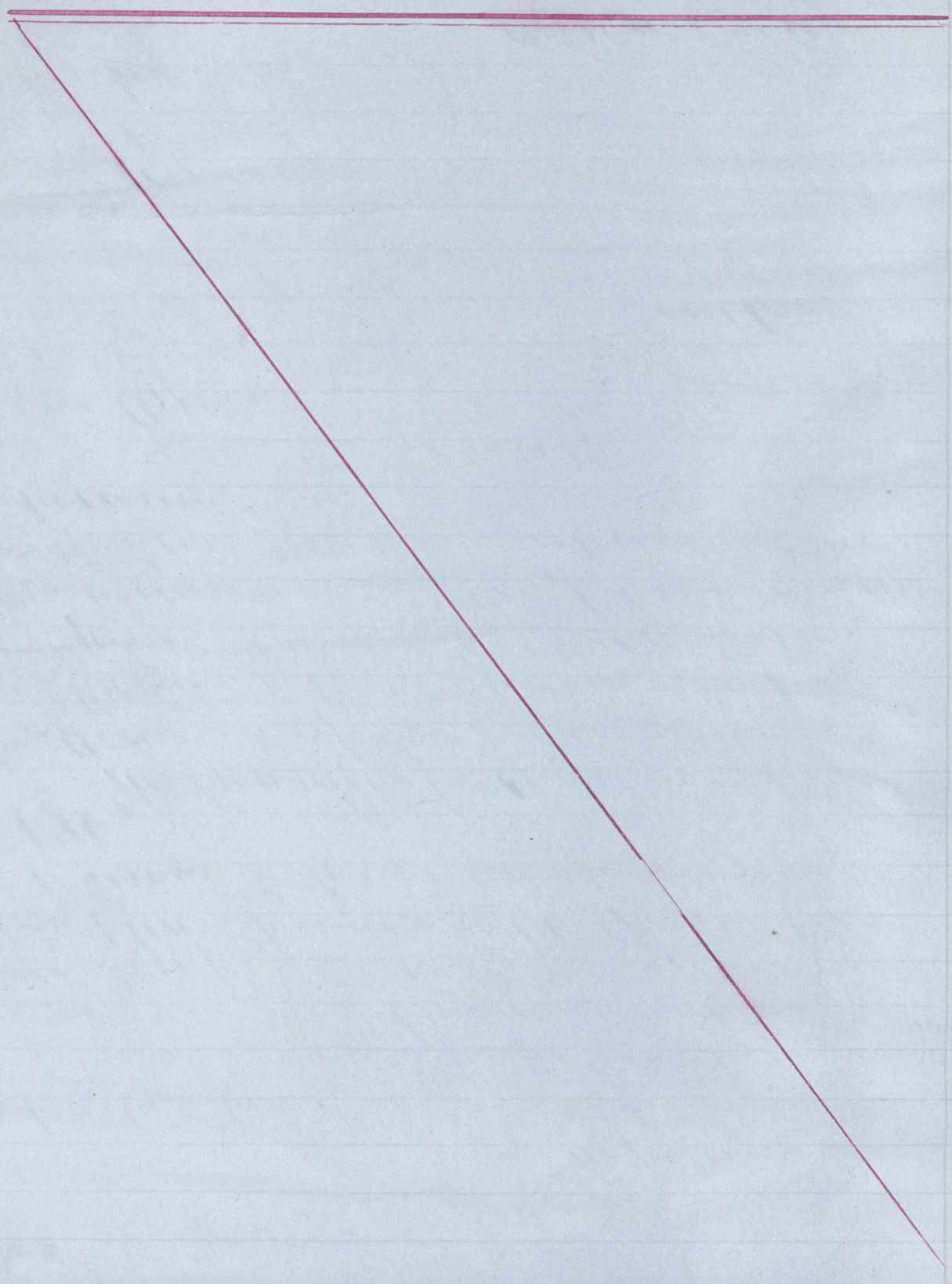
Commissioners

Filed in Office

George Fisher  
Secy

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PAGE 21

And it appearing to the satisfaction of this Board that the said hereby adjudicator is situated in the Southern District of California 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 in and which copies shall be filed with the clerk of the U.S. District Court for the Southern District of California and the other be transmitted to the Attorney General of the U.S.



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* pages, numbered from  
1 to 20, 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. 314 on the Docket of the said Board,  
wherein

*Thomas Herrera, et al, are*

the Claimants against the United States, for the place known by  
the name of "San Juan Capistrano del  
Carnote"

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

*Geo. Fisher*

*Geo. Fisher*

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

No. 260. **260**

THE UNITED STATES,

vs.

*Thomas Herrera, et al.*  
*San Juan Capistrano del Camate*

**260**

TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *314*.

Filed, *July 12* 185*5*,  
*L. E. Carr*  
Clerk

*By A. A. Clark*  
Deputy

**260.**

Thomas Herrera et al }  
vs } Case 304  
United States of America }

260 SD

PAGE 23

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

An appeal will be taken  
from the decision of the United States  
Board of Land Commissioners on behalf  
of the Plaintiffs in the above entitled  
Cause wherein the said Plaintiffs  
claim from the defendant ten square  
Leagues of Land in the County of  
San Luis Obispo  
San Francisco May 2, 1855,

A Packard  
for Claimants

No 260.

United States District Court  
Southern District of Cal.

Thomas Herrera, et al.

vs

The United States.

Appeal Notice.

Filed May 11<sup>th</sup> 1875.

C. E. Farr,  
clerk.

Thomas Herrera et al, appellants  
versus  
The United States.

260 SD  
PAGE 25

To the Clerk of the District Court  
of the United States for the Southern  
District of California.

Sir,

Please take notice that  
the appeal in the above case, from  
the decision of the commissioners to  
ascertain & settle land titles in California  
will be prosecuted by the above named  
appellants.

Wm. Carey Jones  
attorney for appts.

No. 260.

U. S. District Court,  
Southern District of Cal.

Thomas Herrera, et al.  
appellants

vs.

The United States,  
appellees.

Notice of Appeal.

Filed Sept 3<sup>d</sup> 1855  
J. E. San.  
Clk.



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

Thomas Herrera and Geronimo Quintana,  
vs. The United States. appellants

260 SD  
PAGE 27

On appeal from the Commission to  
ascertain title lands in California

The petition of Thomas Herrera & Geronimo  
Quintana respectfully shows: That on the  
17th day of July, 1846, they received from the  
then Governor of the Department of the  
California, Don Pío Pico, acting on behalf  
& with the authority of the Mexican nation,  
a tract of land known by the name  
of San Juan Capistrano del Camote, &  
situated in the present County of San  
Luis Obispo, & within the jurisdiction of  
this honorable court; & proceeded as soon  
thereafter as was possible for them to do  
so to the occupation, use & cultivation of  
said tract, according to the conditions of  
the grant thereof, & the objects for which it  
was made. That afterward, namely, on  
or about 14 August 1852, they presented their  
~~claim~~ claim for said land to the Commission

established by the United States for the purpose  
of ascertaining & settling land titles in California;  
& the said Commission denied on their said claim  
& decided it to be invalid. That the transcripts  
of the said decision of said Commission & the  
papers & evidence on which it was founded has  
been filed in the office of the clerk of this court  
according to act of Congress, & the appellants  
herein have filed in due time & according to  
law a notice that they intend to prosecute  
an appeal before this honorable court from  
said decision of said Commission. That the  
decision of said Commission is erroneous, & ought  
to be reversed & annulled; & that said claim is  
valid, & ought to be confirmed. Wherefore they  
pray this honorable court to reverse &  
annul the decision of said Commission, &  
to declare the claim of these petitioners to  
be valid, & to confirm the same, & to render  
to them such other relief as may be in its  
power.

By their attorney,  
Wm. Carey Jones

No. 260.

U. S. District Court,  
Southern District of Cal.

Tomás Herrera, et al.  
Appellants.

vs.

The United States,  
Appellees.

(Petition of Appellants.)

Filed Aug. Sept 6. 1855.

J. S. Carr,  
Clerk.

260 SD

PAGE 23

James Proclamant.

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

TO

The President of the United States,

Pacificus Ord., Attorney of the United States,  
for the Southern District of California.

260 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, and each of you~~ <sup>the United States</sup> in the District Court of the United States, in and for the Southern District of California, on the sixth day of September 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

Wm Carey Jones, Attorney, in behalf of Tomas Herrera and Geronimo Quintana, praying the said Court to review upon the grounds therein set forth, the decision of said commissioners to ascertain and settle the private land claims in the State of California of the claim to the tract of land called San Juan Capistrano de Camate, situate in the present County of San Luis Obispo, - which claim was presented by them to said Commissioners and was by them rejected.

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 therein~~

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

*J. S. Jones*  
Clerk.



No 260.

Marshals. fees.

Copying summons. 50

Leaving do 3.00

Leaving Petition 3.00

United States of America,

Southern District of California,

U. S. DISTRICT COURT.

Thomas Geneva et al,  
Appellants

VS.

The United States,  
260 SD, Appellants

PAGE 31

SUMMONS.

P.O. Sept 8th 1855,

E. Hunter,  
Marshal

By R. S. Jones, Deputy.

I served this summons along with the proper copy of the petition upon Pacificus Ord  
Attorney of the United States for the Southern District  
of Cal. by leaving with him personally a true copy  
of the Summons and Petition.

at the City of Los Angeles in the Southern District of California on  
the Tenth day of September A. D. 1855.

Sworn to and subscribed before me, this 10th  
of Sept 1855, J. E. Jones, Clerk.

Edward Hunter  
U. S.  
Marshal.

By R. S. Jones, Deputy.

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

260 SD

PAGE 32

Thomas Herrera A al.

vs.

appellants

The United States, appellee.

On motion of appellants' Counsel  
It is

Ordered, That either party have  
leave to take additional testimony in this  
cause.

M. Carey Jones,

att'y for appellants.

N<sup>o</sup> 260

Thomas Herrera et al.

vs.  
The United States.

Order to take testimony.

Filed <sup>Sept 10.</sup> 1855

J. C. Lan.  
Clerk.

260 SD

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Jones for abt.





No 260,

Thomas Navarra &  
Gerardo Quintana.

As  
The United States.

Answer of M.S.

Filed September 11<sup>th</sup> 1855  
@ B Carr & M  
By M. S. Marshall

I served this answer on Wm Cary Jones  
by delivering to him in person a certified  
copy of the same at the city of Los Angeles  
this Sept 12<sup>th</sup> 1855

Edward Hunt  
M. S. Marshall

U S District Court  
Southern District of  
California

No  
260

Tomás Herrera et al  
applt  
vs  
The United States

260 SD  
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Now on this day comes the  
United States by J. Mitchell U S  
District Attorney, and the app-  
ellant failing to appear  
either in person or by attorney

On motion of J. Mitchell U S  
District Attorney it is ordered  
adjudged and decreed that this  
cause be and the same is hereby  
dismissed for want of final  
prosecution and that the  
decree of the U S Board of Land  
Commissioners stand as a final  
decree

Francis J. O'Neil  
U S District Judge

NO 240

W D Inst Court

Thomas Arana et al  
vs  
The United States

Secretary dismissed

Filed this 8<sup>th</sup> Aug<sup>r</sup>  
1860  
C. Sims

260 SD

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No. 260.

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

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Thomas Herrera et al.

vs  
The United States

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