CASE NO.
263

SOUTHERN DISTRICT

JURUPA GRANT

LUIS ROUBIDEAU

CLAIMANT

LAND CASE 263 SD 68 pgs.

MAR 16 1963

463

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 463.

Louis Bourbideau CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Surfa"

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* Eighth 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 Luis Roubideau, *for the Place named* "Jurupa," *was presented, and ordered to be filed and docketed with No.* 463. *and is as follows, to wit;*

(Vide page 3 *of this Transcript.)*

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

Los Angeles November 9th 1852.

In Case No. 463, Luis Rubideau for the place named "Jurupa," the deposition of Abel Stearns a witness in behalf of the Claimant, taken before Commissioner Hiland Hall, with documents marked H.H. Nos. 1.2.3. 4 & 5, and translations thereof marked B. D. F. H. annexed thereto, was filed.

(Vide page 4 of this Transcript.)

San Francisco July 10th 1854.

In the same Case the depositions of Benjamin F. Wilson and Juan Bandini, witnesses in behalf of the Claimant, taken before Commissioner G. Simpson Burrill, was filed;

(Vide pages 7 & 8 of this Transcript.)

San Francisco November 28 1854.

Case No. 463 on motion of the Counsel for the Claimant, with the consent of the U. S. Law Agent, was

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Ordered to be placed at the foot of the 3rd Class Cases on the Trial Docket.

San Francisco December 5th 1854.

In the Same Case the Counsel for the Claimant filed the following Stipulation, to wit;

(Vide page 35 of this Transcript)

San Francisco December 12th 1854.

Case No. 463 was submitted without argument and taken under advisement by the Board.

San Francisco December 19th 1854.

In the Same Case Commissioner Alpheus Felch delivered the Opinion of the Board confirming the claim:

(Vide pages 5-7 of this Transcript)

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And the following order was made, to wit;

(Vide page 60 of this Transcript)

3 Petition

To the Hon: the Board of U. S. Land Commissioners appointed to settle private Land claims in California

The petition of Luis Rubidoux respectfully represents

That on or about the 28th day of September A D 1838 Juan B Alvarado then Governor of California in the name of the Mexican Nation, by virtue of the Laws then in force, granted in full property unto Juan Bandini the tract of Land in the present County of Los Angeles known by the name of "Jurupa" containing about Seven Square leagues of Land as described in the papers and Maps relating to said grant.

And your petitioner further shows that said grant was approved by the Departmental Assembly of California and the said Juan Bandini received judicial possession thereof from the proper officer having jurisdiction of such subject matters.

And your petitioner further shows that the said Juan Bandini has presented his claim to said Lands called Jurupa to your Hon. Board and the same is now pending on the Docket as No. 361. That the Original papers relating to said grant of Land are now on file in said Cause No. 361 and are attached as Exhibits to the testimony of Abel Stearns in said cause No. 361. That a certified copy of the same made by the Secretary of your Honorable Board is herewith filed as part of this petition

And your petitioner further shows that said Juan Bandini conveyed by deed dated May 6th 1843 unto Benjamin D Wilson then called Benito Wilson a portion of said Lands and Rancho of Jurupa described in said deed as follows to wit: "A part of "the Rancho which he owns among the Lands of "Jurupa of about One and a half leagues in extent "within its boundaries which are from the meeting of "the Aqueduct which comes from Jurupa on the Eastern "side of the river upon a line run towards the North "inclining Westwardly up to the Potrero del Chame "Sul. Thence in an Easterly direction along the boundary "of the Lands granted conditionally to the New Mexicans to the latter Land of the same Jurupa and taking "a course nearly South until meeting with the Cana "de Tequesquite and thence following down the Canada "running up to the first mentioned aqueduct and follow

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ing the latter to its junction with the river the course from which place the Aforement of the boundaries Commenced.

And your petitioner further shows that the said tract of land was subsequently sold and conveyed, the one half part to your petitioner by deed dated May 8th 1848 and Executed by said Wilson, and the other half having been respectively conveyed to Williams and by Williams to your Petitioner and ratified by deed of said Wilson dated September 30th 1852 the whole title of said tract of land became fully vested in your petitioner. That Copies of all of said deeds are herewith filed as part of this petition There is no Conflicting Claim to said Lands known to your petitioner, the said Juan Bandini having in his petition in said Cause No 361 relinquished all right & claim to said lands herein before described

That said Lands have not been surveyed by the U.S. Surveyor General for California.

The evidence upon which your petitioner relies in support of this Claim Consists of the records of this grant papers and maps in the Office of the U.S. Surveyor General for California, Original papers now On file in said Cause No. 361 On the Docket of your Hon'd Board the several deeds of Conveyance now in the possession of your petitioner ready to be produced and proved and the testimony of Witnesses to be produced before your Hon'd Board.

All of which is respectfully submitted for such action as the Justice and Nature of this claim may require

Crosby & Naton
of Counsel for the Claimants

Filed in Office Nov. 8th 1853
Geo. Fisher Secy

Recorded in Record of Petitions.
Pages 417. 418 & 419
Geo. Fisher Secy

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Dep. of Abel Stearns

Los Angeles Nov. 9th 1852.

On this day before Wm. M. Stuart came Abel Stearns a witness in behalf of the Claimant Luis Rubidean petition No. 463 and was duly sworn his Evidence being given in English.

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 Abel Stearns, my age is fifty four years & residence the City of Los Angeles & have resided in California One twenty three years.

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I am acquainted with the hand writing & signatures of Juan Bandini, Augustin Olivera & Daniel Alexander A paper is shown me purporting to be a transfer from Juan Bandini to Benito Wilson dated May 6 1843 The signatures of said several persons on said paper I believe to be genuine. Said paper is hereto annexed & marked H. H. No 1 Benito Wilson & Benjamin D Wilson are the same person.

A paper is also shown me purporting to be a transfer from B. D Wilson to Luis Rubidean dated May 3, 1848. The signatures of the said B. D Wilson and Stephen C Foster, Ignacio Coronel, Manuel Requena Francisco P Temple & Jose Salazar appearing on said paper I believe to be genuine. It is hereto annexed & marked H. H. No 2. I am acquainted with the signatures of said several persons-

A paper is also shown me purporting to be a transfer from Julian Williams to Luis Rubidean dated 18th December 1849. I am acquainted with the hand writing & signatures of Jose del C Lugo, Jesus Guirado & Juliano Chavoya & I believe their signatures on said paper to be genuine. Said Lugo was Alcalde at the date of said transfer & authorized to sanction and certify it Said paper is hereto annexed & marked H. H. No. 3

A paper is also shown me purporting to be a transfer from Santiago Johnson to Luis Rubidean dated 16th March 1844- I am acquainted with the hand writing & signatures of Manuel Requena, Ignacio Coronel & Juan Domingo & believe their signatures on said paper to be genuine- Said Requena was Alcalde at the date of said instrument & authorized to sanction & certify it, said paper is hereto annexed & marked H. H. No 4

A paper is now shown me purporting to be an instrument

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of Conveyance from Benjamin D Wilson to Julian Wil-
liams & Lois Rebecca Clarke 13th September 1852
I am acquainted with the hand writing of Said
Benjr D Wilson & believe that of Myron Norton
& Thompson Burnes
I believe their signatures on said paper to be genuine
Said paper is annexed & marked S.A. No 5
I am acquainted with the land described in the foregoing
papers. It was occupied by Benjamin D. Wilson
immediately after the transfer to him in 1843
who built a house on it in which he lived until
about the year 1847 when it was occupied by Lois
Rebecca who lives on the place & has continued
to reside there to the present time - Another house was
built on the land in 1843 - From 1843 to the present
time a considerable tract has been cultivated & it
has been well stocked with cattle & horses - Cotton
has been raised on the land

Abel Stearns

Sworn & Subscribed
Before me
Hiram Hall Comr

Filed in Office Nov. 9th 1852
Geo. Fisher Secy

Recorded in Ev B Vol 2 p 243
Geo. Fisher Secy

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Deposition of Benj. Wilson

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Office of the Commissioner G Tompson Burnell at Los Angeles California

Before me G Tompson Burnell 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 Benjamin D Wilson a Witness in behalf of Juan Rubideaux Claimant for the land named Lands of Jurupa numbered on the Docket of the Said Board No 463 who upon Oath declareth and saith as follows

Questions agreed by Counsel for Claimant

Question 1. What is your Name age and place of residence

Answer. My Name is Benjamin D. Wilson. I am forty two years of age and I reside in the County of Los Angeles

Question No 2. Do you know the Lands Jurupa Claimed by said Rubideaux in this Case and were you ever the Owner of the Same, and if so When, and did you live upon and Occupy the Same while you were the Owner thereof and if So, in what Manner did you Occupy them and with what Stock, if any

Answer. I know the Land claimed I was formerly the Owner of Said Lands, I think it was in the Winter of 1842 and 1843 I lived upon Said Lands until the year 1847 - I Occupied them and built a house and put Stock upon them and farmed it. The Stock consisted of five hundred head of Cattle - I always had from Sixty to One hundred head of Cattle horses When I left I had about two thousand head of Cattle

Question No. 3. Describe as near as you can the Said Lands or Rancho with their boundaries

Answer. They are Situated in the County of San Bernardino which was formerly a part of this County Situated on the ~~junction~~ Santa Ana River. The boundaries Commence at the junction of a Cañon with the Said River which is on the South East Side of the river from thence North only inclining Westerly up to the Polvorado or Chemical, from thence in an Easterly direction along

and adjoining the Lands conditionally granted to the New Mexicans from thence it crosses the river in a South Easterly direction to the Potrero land Tenejpa and runs in a South West direction until meeting with the Canada of Tequisquite and following down said Canada to the head of the Tanjo, thence down said Tanjo to the place of beginning including about a league and a half of land

Questions Asked by Le. E Thom acting Land Agent

Question No. 1. Did you ever measure or see measured the above mentioned Land

And I never did. It was never measured because the boundaries were so natural, and the Lands bounding it are worth nothing, at the junction of the Tanjo with the river the valley closes in and the river runs through a deep canon. Previous to the year 1843 there were no houses On the Land

B. D. Wilson

Sworn & Subscribed before me
this 30th day of June A. D. 1854

G. Tompson Burnell
Com.

I certify that C. E. Thom was present at the time that the above and foregoing testimony was taken acting for and On behalf of and by the authority of J. A. McKune Esqr. U S Land Agent
Los Angeles June 30th 1854

G Tompson Burnell Com.

Filed in Office July 10. 1854
Geo. Fisher Secy

Recorded in Rec. B Vol 5 p 124
Geo. Fisher Secy

Office of the Commissioner Los Angeles California
G Tompson Burnell Com.

Deposition of Juan Bandini

Before me G Tompson Burnell 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 Juan Bandini a witness in behalf of Felis Residencia Claimant for the Lands of Tenejpa Number One the Archive of the said Board with

No. 463 who upon Oath declareth and saith — as follows:

Questions asked by Counsel of Claimant

Question No. 1 What is your name age and place of residence?

Answer. My name is Juan Bandini I am fifty four years of age and I reside in the County of San Diego

Question. No. 2 Do you know the Lands of Jurupa claimed in this Case by Tiburcio Rubidoux and were you ever the Owner of the same and where are they situated

Answer. I know the lands of Jurupa where Rubidoux now lives I have been the Owner of them, and they are situated in the County of San Bernardino formerly a part of the County of Los Angeles

Question 3d. Were those Lands ever granted to you by the Governor and if so, at what time and by what Governor, and did you ever or not receive Juridical possession of the ~~Land~~ same.

Answer Yes they were granted to me by the Governor Juan B. Alvarado. I think it was about the year 1838 that I received the title from the Governor and I received Juridical possession.

Question 4th. Did you ever Occupy said Lands, if yes, how and when?

Answer I Occupied the Lands by putting Cattle thereon and also built a house there in the year 1839 — I lived in that house with my family up to the time that I removed to house which I built in the Rancho in the year 1840 or 1841 — The Lands claimed in this case by Rubidoux and on which he now resides are a part of the Original grant made to me by Juan B Alvarado Governor in the year 1838 and called Jurupa.

Question 5th Did you ever sell said lands and if so, to whom, and about what time?

Answer. I sold a part of those Lands to Benjamin D Wilson in the latter part of the year 1842 — or the beginning of the 1843, but I cannot recollect which year —

Question No 6. After you sold to Wilson did you

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not Wilson live upon the Lands with his family being a house thereon and place stock upon the Rancho and if so how long did he remain there?

Answer. Yes Wilson built a house there and lived there with his family, he also placed Cattle and horses On the Rancho I do not know how long he lived there, but he lived there for a long time.

Question 7. Who lives now upon the place how long has he lived there, what stock if any he has upon the place, how many houses, and what portion if any he has had under cultivation and how long?

Answer. Luis Rembedeau lives upon the place, I cant tell how long he has been there but know that he has been there for a long time I know that he has stock on the place, but do not know the number. I have seen fields planted there, but I do not know to what extent I know that there are a number of houses on the Lands

Question 8. Describe as well as you can remember the Lands claimed in this Case by Luis Rembedeau

Answer. One particular point is where a branch of Water runs into the river On its Eastern bank. Another line is the place known as the leanadas of the Tequesquites On the East side, the line On the North side which runs by the Mesa to its junction with the line which is the boundary of the Lands designated for the use of the New Mexicans which is the Northern boundary, from thence Westerly to the Potrequito del Chimisal from thence running South to the junction of the same branch with the river being the place of beginning Containing about a league and a half of Land.

Questions asked by C. E. Thom Esq Acting Law Agent

Question No 1. What portion of the Rancho Sanipa was sold by you to Wilson?

Answer. About a league and a half towards the East side of the Rancho. I think Wilson built a house there in the year 1843

Question No. 2. How far is the Rancho Jurupa situated from the Sea

Answer. I do not know the distance that it is more than ten leagues from the nearest point of the Rancho to the Ocean.

Question No. 3. When did you visit the Rancho of Jurupa the last time?

Answer. In the beginning of last year I was at the Rancho for the space of three days. Since which time I have not visited it Mr. Robideaux was on the Rancho at the time with his family

Question 4. When and from whom did you receive the produced possession of the Rancho of Jurupa name all the persons present at that time

Answer. I think that I received possession in the year 1839 from the then Alcalde of Los Angeles Juan Abrenas. His Secretary was Narciso Botello, they were present also three or four Apostates of whom I do not recollect the names of any Except Ignacio Polonares.

Juan Bandini

Sworn to and Subscribed before me this 28th day of June A.D. 1854

G Tompson Burnett Comr

I hereby certify that Le. Ee. Thom Esq. was present at the time that the above and foregoing testimony was taken acting for and on behalf of and by the authority of J. H. McKune Esq. U.S. Land Agent —

Los Angeles June 28th 1854

G. Tompson Burnett
Comr

Filed in Office July 10. 1854
Geo. Fisher Secy

Recorded in Ev. B. Vol 5 p. 125
Geo. Fisher

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Doc: A. A. No. 1. annexed to the Depo of Abel D Leans taken before Com: Hall.

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En la Ciudad de los Angeles Capital del Departamento de California à los seis dias del mes de Mayo de mil ocho cientos cuarenta y tres. Yo Juan Bandini por la presente en aquella via y forma que mas lugar haya en derecho y por mi y à nombre de mis herederos y de quien de ellos hubiere titulo Doy ò cause en cualesquiera manera venda y doy en Venta real y enagenacion perpetua por juro de heredad para siempre jamas al señor Don Benito Wilson y à los suyos una parte del Rancho de mi propiedad entre los terrenos de Jurupa en la estencion como una legua y media dentro de sus linderos que son desde la union de la zanja de agua que viene de Jurupa por la parte del Este del rio, sobre una linea corrida hacia al Norte inclinado al Oeste hasta el portezuelo del chamisal: de aqui con direccion al Est. formando lindero con los terrenos cedidos condicionalmte. à los nuevos Mejicanos hasta la mesa del mismo Jurupa y tomando rumbo Sur poco mas ò menos hasta encontrarse en la cañada del tequesquite y de aqui bajando toda la cañada encontrandose con la Zanja primeramente dicha siguiendo esta hasta la union del Rio desde donde se empezo el señalamto. en cuyo terreno tengo derecho por justo titulo y legal pacifica posesion: por tanto lo vendo y traspaso el derecho de propiedad en favor del referido Dn. Benito Wilson por la cantidad de mil pesos que à mi satisfaccion he recivido. En tal virtud declaro que el nominado Dn. Benito Wilson es el unico y legitimo dueño de la parte de terreno de Jurupa que arriba queda delineada por consiguiente podra poseerlo disputarlo cambiarlo venderlo ò disponer de el à su eleccion y arbitrio como de cosa propia adquirida con legitimo y justo titulo sin que sea molestado por persona alguna pues ni esta gravada ni se halla afecto à ninguna cosa. Asimismo declaro que el justo precio y verdadero valor del enunciado terreno son los mil

M. & S.

pesos que tengo recebidos: y que para su enagenacion no ha intervenido lesion ni otra irregularidad, pues de mi libre y espontanea voluntad la he verificado del modo mas solemne que aunque esta judicialmte quiero y la considero con tanta fuerza y valor como si fuere instrumento publico sin que por falta de requisitos y palabras del derecho que aqui se omitan y que doy por inserto todo deje de obrar su efectos.

Y à la observancia de lo referido obligo mi persona benes hibidos, y por haber y con ellos me someto al fuero y jurisdiccion de las autoridades para que à su cumplimiento me compelan y apremien por todo rigor de derecho y via executiva como si fuera por sentencia pasada en autoridad de cosa juzgada, consentida y sin mas recurso Renuncio las leyes de su favor y defensa con la general del derecho en forma en cuya testimonio asi lo otorgo y firmo por ante dos testigos en este papel comun por falta de sellado.

Juan Bandini

Testigo. Agustin Olvera

Testigo David de Alexancho.

Filed in Office Novr 9th 1852

Geo. W. Pesher Deny;

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Doc. St. St.
No. 1 annexed
to Deposition
of Abel
Stearns.

Translation

At the City of Los Angeles Capital of the Department
of California on the sixth day of the month of May
One thousand eight hundred and forty three I Juan
Bandini, by these presents in that way and form that
may be more Efficient in the Law and for me and
in the name of my heirs or whomever of them may have
title claim or right in whatever manner do sell and
give in real sale and perpetual alienation by lenure
of inheritance forever more to Mr Don Benito Wilson
and his heirs a part of the Rancho which I own among
the Lands of Jurupa of about One and a half leagues
in Extent within its boundaries which are from the
meeting of the aqueduct which comes from Jurupa
on the East side of the River upon a line running towards
the North inclining Westerly up to the Potrero del
del Chamisal: Thence an Easterly direction along the
boundary of the Lands granted Conditionally to the
New Mexicans to the table land of the same Jurupa
and taking a course nearly South until meeting with
the barranca del Tequesquite and hence following
down the barranca running up to the first mentioned
aqueduct and following the latter to its junction
with the River, from which place the alignment of
the boundaries commenced, in which Lands I have
right by just title and legal and peaceable possession. Wherefore I sell and assign the right of Ownership in favor of the said Don Benito Wilson for
the sum of One thousand dollars which I have
received to my satisfaction. By virtue whereof I
declare that the said Don Benito Wilson is sole
and legitimate owner of the part of the tract of
Jurupa which is above set forth. Consequently he may
possess enjoy exchange or sell the same or make disposition thereof at his choice and will as of his own
thing acquired by legitimate and just title without
being molested by any person for it is not encumbered
nor subject to anything —
I likewise declare that the just price and true
value of the said tract are the One thousand
dollars which I have received and that in the
act of alienation there intervened neither damage
nor other irregularity but that I have made it of
my own and spontaneous will and in the most
solemn manner and although executed extrajudicially I purpose and consider it as having as much

strength and value as if it were a public instrument
Nor shall any want of technical requisites and words
here omitted and which are to be considered as inserted
prevent its full operation.
And to the observance of the aforesaid I bind my
person, present and future property and therewith
submit to the authority and jurisdiction of the Courts
to the end that they may compel and oblige me to
its accomplishment by all the rego of Law and by
way of Execution as if it were by virtue of a sentence
entered in an adjudicated matter appeal being
waived and without further resort. I renounce the
laws in my favor and defence together with the
general reservation of the Law as if in due form here
expressed. In testimony whereof I Execute & sign this
document in presence of two witnesses on this comm
on paper there being none stamped.

Juan Bandini

Witnes. Augustin Olvera. Witnes David de Alejandro

Filed in office Nov. 8th 1852

Geo. Fisher
Secy

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Doc: H. H
No 2. annexed
to the Dcho of
Abel Stearns
taken before
Comm.
Helena Hall

En la Ciudad de los angeles de la Alta California à los tres dias del mes de Mayo de mil ocho cientos cuarenta y ocho ante mi Esteven C. Foster Alcalde primero y juez de primera instancia de la referida Ciudad y por ante mis testigos de assistencia con quienes actuo à falta de Escribano publico compareció el sor Don Benito Wilson de esta vecindad à quien doy fee conozco y dijo. Que por sí y à nombre de sus herederos sucesores y de quien de ellos hubiese titulo. Voz y causa en cualesquiera manera vende y da en Venta real y enagenacion perpetua por juro de heredad para siempre jamas à Don Luis Ruvidu vecino de la misma y à los suyos la mitad del Rancho de Simpa que es propiedad del citado Wilson segun consta en una escritura de Venta que otorgo à su favor Don Juan Bandini por cuya escritura y titulos le corresponde en propiedad al Otorgante trasmitiendole las franquicias que ella tiene, para que las disfrute el mencionado Ruvidu; Que por lo mismo declara y asegura estar libre absolutamte. de todo Gravamen; Y por lo mismo se lo vende con todas las entradas y salidas que le pertenecen segun derecho siendo el Valor el de quinientos pesos de los que se da por recibidos y pasaron à su poder realy efectivamente. Y desde hoy se desapodera del dominio que pueda tener y asegura que dicha venta sera cierta y legal al comprador y nadie le inquietara ni movera pleito sobre su posecion quiè ò disfrute y si se le inquietare ò moviere luego que el otorgante y sus herederos y sucesores sean requiridos conforme à derecho saldràn à la defenza y le siguiren en todas instancias y tribunales, hasta dejar al comprador en libre uso quieta y pacifica posesion: y de no conseguirlo le restituiran la cantidad que ha de embolzado y le pagaran las mejoras y perjuicios que se le siguieren è irrogaren. Y para la perpetua validacion se obliga con todas las formulas y renunciaciones de estilo en su testimonio

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Mas

asi lo otorgo y firmo con migo y los de asistencia segun derecho siendo los instrumentales los señores Don Jeronimo Plinio Temple y Don José Salvador presentes y vecinos de Sfee

Stephen B. Foster - Alcalde 1.o } B. D. Wilson

Asse:
Ign.o J. Coronel # Asse Manuel Enriquez.

Ins.t
Jerome P. Temple # Ins.t José Salvador

Filed in Office Nov. 9th 1852
Geo: Fisher Secy

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Doc. H. H.
No. 2.
Translation annexed to the deposition of Abel Stearns

At the City of Los Angeles Alta California on the third day of the month of May One thousand Eight hundred and forty Eight before me Esteban le Foster first Alcalde and Judge of first Instance of the said City and before my attesting witnesses with whom I act in the Absence of a Notary Public appeared Don Don Benito Wilson of this place whose identity I certify from my Own knowledge and said that for himself and in the name of his heirs successors and whoever among them may have title claim and right in any manner whatever, He sells and gives in real sale and perpetual alienation by tenure of inheritance for ever and ever to Don Luis Rubidieu a resident of the same place and to his heirs the One half of the Rancho of Jurupa which is property of the said Wilson as appears by a deed of sale Executed in his favor by Don Juan Bandini by which writing and title the granters also late Owner of the same. And he assigns to him the appertenances belonging thereto to the end that the said Rubidieu may enjoy the same –

That he also hereby declares and guarantees the same is absolutely free of all incumbrance and as such sells it to him with all the entrances and issues thereunto belonging according to Law.

The value thereof is five hundred dollars the receipt of which he Acknowledges and the said sum came to his hands really and effectually – And henceforth he devests himself of the Ownership thereof that he may have, and he warrants that the said sale shall be absolute and legal to the purchaser and that no One shall molest him nor contest his right to the possession, Enjoyment & use, and in case of any such molestation & contest the granter and his heirs and successors immediately upon being thereunto requested according to Law shall undertake the defence and follow the same through all courts and tribunals until the purchaser be left in the free use quiet and peaceable possession and in case of not Obtaining the same shall make restitution of the sum he has disbursed and pay to him the improvements and damages which may ensue and be assessed – And to give due force to these presents he binds himself with all the technical Covenants and renouncements

In testimony whereof he did Execute and sign the same with myself and the assisting witnesses the Special

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Witnesses to this instrument being the Senores Don Francisco Pleico Temple and Don Jose Salazar present residentes of this place

Certifico B. D. Wilson

Stephen C. Foster Just Alcalde

Attest. Ygno. Flores Attest. Manuel Enriquez

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Special Witness Special Witness
Franco. P. Temple Jose Salazar

Filed in Office Nov. 8th. 1852
Geo. Fisher Secy

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Doc H. 14 Ann. 3 annexd to Deny of Abel Stearns before comr. H. Hall

En la Ciudad de los Angeles à los trece dias del mes de Diciembre de mil ochocientos cuarenta y nueve. Ante mi Dioscoro Carmen Lugo Juez de 1a instancia de esta misma Ciudad los testigos instrumentales que al fin se nombraran y los de mi asistencia con quienes actuo à falta de Escribano que no lo hay segun ch̃o: parecio presente Don Julian Willson de esta misma vecindad quien doy fee conozco y dijo: Que por si y à nombre de sus herederos y sucesores y de quien de ellos huviere tt.o voz y causa en cualquiera manera, vende y da en venta real y enagenacion perpetua ò por juro de heredad para siempre jamas à Don Luis Rubidum de esta misma vecindad la mitad del Rancho de Surupa con las casas y corrales que en el tiene hubicado, cuyo Rancho le pertenece en posesion y propiedad por compra que del hizo à Don Benito D. Wilson reservandose unicamente el ch̃o de hacer leña cal y tequesquite solo para proveer de estos art.os à su rancho del Chino pues solo el Señor Rubidan como man comunero de dho: Rancho puede concederle sin perjuicio de la compra que de el hizo el ch̃o que se reserva: declarando asimismo el Otorgante que aunque havra vendido la citada mitad del Rancho de Surupa havra sido en concepto de haver creido que el Don Rubidum no querria comprarselo pero que haviendose presentado el mencionado Rubidum reclamando el ch̃o; del retracto como socio del espresado rancho en que le corresponde la mitad pide que quede chancelado aquella escritura y que se estienda la presente en favor de Don Luis Rubidum por la cual declara y asegura no tener la vendida enagenada, ni empeñada y que esta libre de tributo, memoria, capellania vinculo patronato vianza y de otro gravamen real perpetuo temporal general especial tacito ni espreso y como tal se la vende con todas sus entradas salidas pahicas, usos, costumbres que ha tenido tiene y le pertenecen por la cantidad de tres mil pesos en moneda y doscientas fanegas de grano que compreda

MxS

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Recivido à su entera satisfaccion y por no pare
cer de presente su entrega: renuncia la ley 9.
tit.lo 1.o Part.a 5.a y formaliza à favor del com-
prador la mas firme y eficaz carta de pago que
à su seguridad conduzca, que no vale mas
ni hallo quien tanto le haya dado por ella y
que si mas valer valer pudiere del exceso
en poca ò mucha suma hace à favor del com
prador y de sus herederos y sucesores gracia
y donacion pura mera perfecta è irrevocable
en sanidad con insinuacion y demas for
mas legales: renuncia la ley 2 tit.o 1.o Libro
10. Nov.a recop.n que trata de los contratos
de ventas trueques y otras en que hay leccion
en mas ò menos de la mitad del justo pre
cio y los cuatro años que prefinen para pedir
su rescision ò suplemento à su justo valor
los da por pasados como si efectivamente
lo estubieren y desde hoy en adelante se
desapodera desiste quita y aparta y à sus
herederos y sucesores del dominio propie
dad ò posesion tit.o voz recurso y otro cual
quiera dho que les compete à la enunciada
mitad del terreno la cede, renuncia y pas
pasa para que la posee goze, benda enajene
y disponga de ella como de cosa suya ad
quirida con legitimo y justo tit.o y le confiere
poder irrevocable con libre franca y general
administracion y se constituye procurador
actor en su propia causa para que de su au
toridad ò judicialmente entre y se apodere
del mencionado Rancho y del tome y apren
da la real tenencia y posesion que por dho
le compete y para que no necesite tomarla
me pide le dè copia autorizada de la pres.te
escritura con la cual sin otro acto de apren
cion ha de ser visto, haverla tomado, aprendi
do y transferidosele. Y à la firmeza y ha
=bidacion de todo lo que en virtud de esta
escritura se obrare se obliga el otorgante
con sus bienes presentes y futuros y con ello
se someten al fuero y jurisdiccion de los
señores jueces que de sus asuntos pueden y
devan conocer conforme à dho y lo recibe n.

como por sentencia pronunciada por juez com
petente consentida y pasada en autoridad
de cosa juzgada y consentida. En cuyo testi=
monio así lo otorgaron y firmo con mi yo y
testigos de asistencia siendo instrumentales
Don Gregorio de Apuria, Don Manuel Reque
na y Don Juan Temple presentes y vecinos
que tambien firmaron doy fee.

José del Carmen Lugo # Julian Willson
Instrumt. Instrumt.

Manuel Requena # Juan Temple
Asoa. Asoa.

Jesus Lunado # Julian Chaves

Concuerda con su Original à que me remito
de donde ha sido fielmente sacado y corregi
do hoy dia de su otorgamiento en estas dos
fojas utiles del papel comun por falta del
sellado correspondiente.
Y lo autorizo con testigos de assistencia en la
forma Ordinaria de que doy fee.

José del C. Lugo

Asoa. Asoa
Jesus Lunado # Julian Chaves

Filed in Office Nov. 9th 1852
Geo: Yerkes Decd.

Doc. He He
No. 3
Translation
annexed to
the deposition
of Abel Stearns

At the City of Los Angeles on the thirteenth day of the month of December One thousand Eight hundred and forty nine before me, Jose del Carmen Lugo, Judge of first Instance of this same City, the special witness to this instrument named at the end and my own assisting Witness by whose aid I act notarially in the absence of Notary Public there being none, according to law made his appearance Don Juan William of this same place whose identity I know and certify and he says That for himself and in the name of his heirs and successors and whoever among them may have title claim and right in any manner whatever, He sells and gives in actual sale and perpetual alienation by lineage of inheritance for ever and to Don Luis Rubidoux of this place the One half of the Rancho of Jurupa with the houses and corrals now Existing thereon which Rancho belongs to him by title and possession by purchase he made from Don Benito Wilson reserving to himself merely the right of cutting wood, burning lime and digging "legas gute" (an alkaline salt so called) Only for the consumption of those articles for his Rancho del Chino, Mr Rubidoux as joint Owner of said Rancho alone having the the power of granting to him without prejudice of the purchase made of him, the right hereby reserved. The grantor likewise declares that although he had sold the said One half of the Rancho of Jurupa it was with the idea that Mr Rubidoux did not wish to purchase it of him, but that the said Rubidoux having presented himself claiming the right of retraction as joint owner of said Rancho the half of which belongs to him, he requests that that document be cancelled and that the present One be Executed in favor of Don Luis Rubidoux hereby declaring and warranting that it is not sold alienated nor mortgaged and that it is free from tax account clerical foundation entail presentment, bonds and other incumbrances actual perpetual temporal general, Special implied nor Express and as such he sells it, with all its entrances issues, Servitudes usages customs, rights of way which it has had or has or appertain thereto for the sum of three thousand dollars in money and two hundred fanegas of grain which he acknowledges to have received to his entire Satisfaction and as the delivery of the same does not take place at the present instant, he renounces Law 9, title 1 Part 5 and Executes in favor

of the purchaser the most valid and efficacious
receipt which his safety may require, the said Rancho
is not worth any more nor did he know any one who
would give him so much for it, or if of more value
it is or may be, be the balance great or small, he makes
to the purchaser and his heirs and successors a full
simple perfect and irrevocable gift and present of
the same, in the excess of his sound judgment with
legal exhibition and other binding formalities —
He renounces Law 2nd title 1 Book 10 of the New
Recopilacion that treats of contracts of sale, exchan-
ges and other transactions in which damages occur
for more or less than the half of the just price together
with the four years limited for demanding the recip-
ion or supplemental payment of the just price. He
acknowledges them to have expired as if they were so
in fact, and henceforth abandons releases quit
claims and divests himself his heirs and successors
of the dominion, ownership, possession, title, claim, re
course and other rights whatever vested in them of
the aforesaid one half of the premises, assigns renoun-
ces and transfers the same to the end that he may
possess, enjoy, exchange, claim and dispose of the
same as of a thing of his own acquired by a legiti-
mate and just title and confers upon him irrevoca-
ble power with free unrestrained and general adm-
inistration and constitutes him an attorney acting in his own
cause to the end that of his own authority or pre-
cisely the grantee may enter and hold the said
Rancho and take and seize the actual holding
and possession which belong to him by law
and further to avoid the necessity of actual livery
of seizin, the grantor prays that a certified copy of
this instrument be delivered to the purchaser where-
with, and without any further act of seizin he
shall be considered to have taken seizen and recei-
ved the delivery of possession. And to the end that
more force and validity may attach to all acts
that may be done in virtue of this writing the
grantor binds himself with his property present &
future, and therewith submits himself to the auth-
ority and jurisdiction of the Alcaldes Judges who
may be or should take cognizance of his affairs
according to law and he accepts their decision as
a sentence pronounced by a competent Judge against

voiced and having the force of a final adjudication
In testimony whereof He Executed the same and subscribed
with me and the attesting Witnesses the special Witnesses
being Don Inequis de Aguico, Don Manuel Requeno
Don Juan Temple present and residents of this place
who likewise subscribed which I certify -
Jose del Carmen Lugo, Julian Millan. Special Witnesses
Juan Temple = Attest Jesus Gerardo. Attest Julian Chaves

A true copy of this Original to which I refer from which it was faithfully taken and corrected On this day of its Execution in these two sheets of writing On Common paper there being none of the proper stamped and I certify the same with the attesting ~~attesting~~ witnesses in the usual form -
Certified

Jose del Carmen Lugo
Attest - Jesus Gerardo Attest Julian Chaves

Filed in Office Nov. 8th 1852

Geo. Fisher
Secy

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Doc: H. H. No 4 annexed to the Depo: of Abel Stearns before Comr H. Hall.

En la ciudad de los Angeles del Departam.to de California à los diez y seis dias del mes de Marzo de mil Ochocientos cuarenta y cuatro ante mi Manuel Requena Alcalde 1.o Constitucional y juez de la mist.a de esta ciudad y su comprencion y p.r ante los testigos de mi Asist.a con quienes actuo à falta de Escrib.no publico comparecieron los Sres D.n Santiago Johnson y D.n Luis Rubidoux a quienes doy fee conozco y dijo el primero: que p.r si y à nombre de sus herederos, sucesores y de quien de ellos hubiere titulo voz y causa en cualesquiera manera vende y da en venta real y enagenacion perpetua p.r puro de heredad para siempre jamas al segundo, el derecho que tiene en el litio nombrado Jurupa, y es la mitad de el, siendola otra parte de D.n Benito Wilson, con casa, corral siembra de trigo y c.a comunas un caso grande de Cobre que existe en el mismo Rancho y el derecho que le compete al parage D.n Gorgorio. q.e es de una legua en cuadro cuyo titulo pasara à favor del citado Sor Rubidu; todo por la cantidad de mil y quinientos pesos que tiene recibidos à su entera satisfaccion y pasaran à su favor real y efectivamente por lo que formalisa à favor del comprador la mas forme y eficaz carta de pago que à su seguridad conduzca y asi mismo declara q.e el justo precio y verdadero valor de los citados sitios y demas espresado; son los mil y quinientos pesos; que no valen mas y en caso de que mas valgan ò valer puedan del exceso en poca ò mucha cantidad hace a favor del comprador gracia y donacion pura mera, perfecta, è irrevocable, con insinuacion y demas formalidades legales, y renuncia la ley 2.a tit.o 10. Nor.a recopilacion q.e trata de los contratos de ventas, hieques y de otros en que rayleccion en mas ò menos de la mitad del justo precio y los cuatro años q.e prefina p.a pedir su rescision ò suplemento à su justo valor los q.e da por pasados como si efectivam.te lo estubiesen y desde hoy en adelante p.a siempre se desapodera, desiste quita y aparta, à sus herederos y sucesores del dominio propiedad

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propiedad, posesion titulo, voz recurso y otro cualesquiera derecho que le competa a los enunciados sitios.

Y à la observancia de todo lo referido obliga su persona bienes habidos y por haber y con ello se somete al fuero y jurisdiccion de los señores jueces y justicias que en el presente asunto pueden y deven conocer p.a q.e a su cumplimiento lo compelan y apremien por todo rigor de derecho y via executiva como si fuere por sentencia pasada en autoridad de cosa juzgada y consentida, renuncia su propia fuero, domicilio y vecindad las leyes de su favor y defenza con la general en forma.
En cuyo testimonio asi lo otorga y firmo con migo y testigos de asistencia en este papel comun por no haber del sellado correspondiente segun dho doy fee.

Manuel Requena / Santiago Johnson
Ass.o

Ignacio Coronel # Juan Domingo
Instrumental Ass.o Instrumental
Maria Aragon # Basilio Aguilar

Concuerda con su Original à que me remito que se halla en el libro de instrumentos publicos de este año del cual se saca corrigio y concuerdo en este pliego de papel comun à falta de sellado en la Ciudad de Los Angeles à quince de Marzo de mil ocho cientos cuarenta y cuatro.

En Testimonio de Verdad
Manuel Requena.

Ass.a.
Ign.o Coronel # Juan Domingo
Ass.a

Filed in Office Nov 9th 1852

Geo: Fisher Dep.y

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Doc. He He
No 4
Translation
annexed to
the deposition
of Abel Stearns

At the City of Los Angeles in the Department of California on the Sixteenth day of the month of March One thousand Eight hundred and forty four before me Manuel Requena, first Constitutional Alcalde and Judge of the first Instance of this City and Jurisdiction, and before my attesting Witnesses by whose aid I act in the absence of any Notary public appeared Messrs. Don Santiago Johnston and Don Luis Rubedo (whose identity they being known to me I certify) and the first said That for himself in the name of his heirs successors and whomsoever of them have title claim and cause in any manner whatever, he sells and gives in actual sale and perpetual alienation by tenure of inheritance for ever to the second the right which he holds in the premises called Jurupa which is the One half thereof, the other half belonging to Don Benito Wilson, with the house corral, field of wheat &c. together with a large Copper Kettle which is On the same Rancho and the rights which belong to him in the tract San Gorgonio which is One Square league the title where of shall pass in favor of the said Mr Rubedo — The whole for the sum of One thousand five hundred dollars, which he has received to his entire satisfaction and were passed over in his favor truly and effectually, whereof he executes in favor of the purchaser the most firm and efficacious acquittance which can promote his security and in the same manner he declares, that the just price and true value of the said tracts and other things mentioned are the same One thousand five hundred dollars; that they are not worth more and in case they are or can be worth more, be the excess a small or great sum, he gives and donates the same in favor of the purchaser, purely entirely perfectly and irrevocably with legal Exhibition and other legal guarantees, and he waives Law 2. Title 1 Book 10 Nova Recopilacion which treats of contracts of sale Exchanges and others where there is damage in more or less than the just price and as to the four years limited to demand annulment thereof or a supplement to the just value, he allows them to have Expired in the same way as if they effectually had and henceforward and forever he renounces abandons quit claims and sets apart for himself his

heirs and Successors the domain, ownership, possession title, claim recourse and any other right whatever which may belong to them in the said tracts of land And to the observance of all the aforesaid he binds his person, his property present and future and with them submits to the power and jurisdiction of the Honorable Judges and Justices who Can & ought to have cognizance of the present subject to the end that they may compel and enforce by all Extremity of law and Execution as if it were upon a Sentence passed by authority of a thing adjudicated and assented to he renounces his own privilege of jurisdiction domicil and neighborhood the Laws in his favor and defence and the general clauses in due form. In testimony whereof he so Executes and subscribes the same with me and the attesting witnesses on this common paper there being none of the requisite Stamp according to Law. Witness my hand Manuel Requena = Santiago Johnston = Attest Ignacio Coronel Attest. Juan Domingo = Instrumental Witness Marcos Aragon = Instrumental Vicente Aguilar

A true copy of the original to which I refer which is found in the Book of Public Instruments of this year from which it was taken & corrected in this folded sheet of common paper there being none of the Stamped at the City of Los Angeles on this 15 of March One thousand Eight hundred and forty four

In testimony of truth

Manuel Requena

Attest - Ignacio Coronel Attest - Juan Domingo

Filed in Office Nov. 8th 1852
Geo. Fisher Secy

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Doc. 54. 54
No. 5
Translation annexed to the deposition of Abel Stearns

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Whereas heretofore to wit in or about the year One thousand Eight hundred and forty Seven Benjamin D Wilson of the City and County of Los Angeles and State of California, then being the Owner of the undivided One half part of that certain tract or parcel of Land situate in the Said County of Los Angeles and called the Rancho of "Sunapee" containing about One leagues and a half of Land being the Same tract of Land mentioned and described in a certain deed from Don Juan Bandini to the said Wilson bearing date the Sixth day of May One thousand Eight hundred and forty three, And for a more perfect and particular description of the said tract of Land reference is hereunto had to the said deed) bargained and Sold the said undivided One half part of the said tract of Land to Isaac Williams of the Rancho del Chino in said County

And whereas also On the third day of December One thousand Eight hundred and forty Nine the said Isaac Williams by deed bearing date on that day, Sold and Conveyed the said One half part of said tract of Land to Louis Robidoux of said County of Los Angeles

And whereas also No deed or instrument of Conveyance was ever Executed by the said Wilson to the said Williams for the said one half part of said tract of Land. Now therefore Know all Men by these that I Benjamin D Wilson on above named in Consideration of the foregoing premises and for the better Security of the said Williams as well as the said Robidoux and also in Consideration of the Sum of One dollar to me in hand paid the receipt whereof is hereby acknowledged have granted bargained and Sold, & by these presents do grant bargain Sell convey and Confirm unto the said Isaac Williams his heirs Executors Administrators and Assigns forever the said undivided One half part of the tract or parcel of land as above mentioned together with all and singular the tenements, hereditaments and appurtenances thereunto belonging

To have and to hold all and singular the above mentioned and described premises together with the appurtenances unto the said Isaac Williams his heirs and Assigns forever—

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In Witness whereof I have hereunto set my hand and seal this thirteenth day of September One thousand Eight hundred and fifty two
In presence of
Myron Norton B. L. Wilson

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U. States of America }
State of California }
County of Los Angeles }

On the 30th day of September A.D. 1852 personally appeared before me a Notary Public Public in and for said County B. L. Wilson known to me to be the person described in and who executed the annexed instrument who acknowledged to me that he executed the same freely and voluntarily and for the uses & purposes therein mentioned

G. Timpson Burrill
L.S. Notary Public

Filed in Office Nov. 8th 1852
Geo. W. Fisher
Secy

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No 463

U. S Land Commission

Stipulation

Luis Rubiaux Claimant
Part of Turupa

It is hereby stipulated by the U. S Law Agent and Claimants Counsel that the Original papers and depositions proving their Authenticity filed and taken in Case No. 361 — before this Board may be read and considered in evidence in this Case the same as if filed and taken herein, and that certified Copies of said papers & depositions shall be filed by Claimants & his Counsel at Claimants Expense

Luis Blandeng
Asso. Law Agent
E A Crosby of Counsel
for Claimant

Filed in Office Dec. 5th 1854

Geo. Fisher
Secy

37 Deposition of Abel Stearns

Office of the U. S. Land Commission
Los Angeles Oct. 19th. 1852

On this day before Hilario Hall one of the Commissioners for ascertaining and settling Private Land claims in California came Abel Stearns a witness produced on behalf of the claimant Juan Bandini whose petition is No 361 on the Docket of the Board and was duly sworn his evidence being given in English.

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

In answer to questions by Counsel for the Claimants the Witness testified as follows:

My name is Abel Stearns my age sixty four years & I reside in Los Angeles – I have resided in California over twenty three years

I am acquainted with the hand writing and signature of Juan B Alvarado A paper is now shown me purporting to be a grant made by him as Governor of Upper California to Juan Bandini dated 28th September 1838 I believe the signature attached to said paper is genuine of said Alvarado. said paper is hereto annexed & marked No. 1 H H

I am acquainted with hand writing and signatures of Juan Avenas, Ignacio Palomares & Benedino Serrano – A paper is now shown me purporting to be a copy of the proceedings of Juez de paz in to Juan Bandini dated 10th December 1838 at the end of which appear the names of the said Avenas, Palomares, and Serrano. I have no doubt the signatures to the same are genuine said Avenas was Alcalde as stated in said paper It is hereto annexed & marked No 2 H H

A paper is now shown me purporting to be an approval of the Departmental Assembly of a grant of land by the Governor, which approval purports to have been made May 22d

1840 and to which is attached the signature of Juan B Alvarado which signature I have no doubt is genuine. The signature of Manuel Jimeno as Secretary is also upon said paper I am acquainted with his signature and believe it to be genuine.

The grant to which said approval refers is described in the same as bearing date the 16th of April 1839 not the date of the grant herein before described and marked No. 1. Said approval is hereto annexed & marked No 3 S.A. S.A.

I am acquainted with the land called Jemeyes described in the before mentioned grant. It is situated on the River Santa Ana in the County of Los Angeles. Juan Bernardino was in the possession of the land the year of the date of his title & I think a little before the date of the title. He built a house on it that year as I think & a larger one in 1839. He planted a vineyard cultivated a portion of the land and had stock on it which flocks increased up to the year 1844 or 1845 when his stock was not less than four thousand head. He sold a portion of the land in 1841 or 1842 to Benjamin D Wilson. The part sold is now in the possession of his Representatives. The residue containing in the possession of Barandini and is occupied by Bernardo Yorba under him. Bernardino lived on the land with his family from 1839 till the year 1843 afterwards it was occupied by his agents and servants.

Filed in Office Oct 19th 1852 Geo. Fisher Secy

In answer to questions by the Special Law Agent, the deponent says that he has always understood & believes that the grant has been approved by the Departmental Assembly and that the land is not within ten leagues of the sea coast and that he is not aware of any adverse title to any part of it.

Alex Stearns

Recorded in Rec. B p 101 Vol 2 Geo. Fisher Geo. Fisher Secy

Sworn & subscribed before me

Milton Hall Comr.

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Doc. No. 1 N.N. annexed to the Deposition of Abel Stearns.

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Juan Bta. Alvarado Gefe Político interino de la Alta California.

L. S. J.

Por cuanto el Ciudadano Juan Bandini ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Jurupa dentro de los linderos del diseño que acompañó á su solicitud: practicadas previamente las diligencias concernientes segun lo dispuesto por leyes y reglamentos de la materia usando de las facultades que me son conferidas á nombre de la Nacion Mejicana he venido en conceder el terreno mencionado declarandole la propiedad de él por las presentes letras entendiendose dicha concesion con entera conformidad á las leyes á reserva de la aprobacion ó desaprobacion de la Excma. Junta Departamental y bajo las condiciones siguientes:

1ª El agraciado ni sus herederos podrán dividir ni enagenar el que se les adjudica, imponerle censo, vinculo, fianza, hipoteca ni otro gravamen aunque sea por causa piadosa ni pasarlo á manos muertas.

2ª Podrá cercarlo sin perjudicar las travesias carreiros y servidumbres; lo disfrutará libre y exclusivamente dedicandolo al cultivo y usos que le acomode.

3ª Solicitará del Juez respectivo le dé la posesion juridica en virtud de este despacho por el cual se demarcarán sus linderos y pondrá sus mojoneras.

4ª El terreno de que se hace donacion es precisamente el que se espresa en la solicitud del interesado y se demarca en el diseño; y el Juez que lo posesione pasará aviso á este Gobierno del numero de sitios que comprende.

En consecuencia mando que sirviendole de titulo el presente y teniendose por firme y valedero se tome razon en el libro que corresponda y se entregue al interesado para su resguardo y demas fines convenientes.

Dado en Santa Barbara á veinte y ocho de Septiembre de mil ochocientos treinta y ocho.

Juan B. Alvarado.

Filed in Office, Oct. 19, 1852.
Geo. Fisher
Secy.

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4 Doc Ses Sol No. 1
Annexed to Depo
of Alex Stearns

Juan B.ta Alvarado Political Chief ad interim
of Alta California

Whereas the Citizen Juan Bandini has asked
for his personal benefit and that of his
family the land known by the name of
Jamiupa within the boundaries of the Diagram
which accompanies his petition having previo
usly gone through with the respective proceedings
according to the direction of the Laws and reg
ulations on the Matter; Exercising the authority
conferred on me in the name of the Mexican
Nation I have concluded to grant him the
aforesaid Land declaring it to be his property
by the present letters title grant being under
stood to be in Entire Conformity with the laws
and reserved for the approval or disapproval
of the Most Excellent Departmental Assembly
and subject to the following Conditions

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1st "The grantee or his heirs shall divide no
alienate what to them is adjudged, impose
rent Entail mortgage lien or other incumbra
nce, even though it should be for pious use
nor pass it into Mortmain

2d "He may Enclose it without prejudice to the
crops and easements, he may farm it freely
and Exclusively devoting it to the culture and
uses that may best suit him

3d He shall request of the proper Judge to give
him juridical possession thereof by virtue of this
dispatch whereby its boundaries shall be
designated

4th. "The Land of which grant is hereby made
is merely that which is Expressed in the petition
of the party interested and is sketched in the
Diagram; and the Judge who shall give him
possession shall advise this Government of
the Number of leagues it Comprises

Wherefore I order that
the present serving him for title and being held

fam and value account thereof be taken in the Corresponding Book and be delivered to the party interested for his protection and further convenient purposes.

Given in Santa Barbara the 28th of September 1838

Juan B Alvarado

(Endorsed) "Doc A.A. No 1 annexed to the deposition of Alex Stearns of Oct 19. 1852

Geo Fisher Secy"

Filed in Office Sept 25th 1852

Geo. Fisher Secy

Recorded in Record of Evidence Vol 15 p 322

Geo. Fisher Secy

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Doc. "No. 2 H.H." annexed to the deposition of Abel Stearnes.

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Testimonio del Espediente de Posesion practicado en fabor del Sr. D. Juan Bandini del sitio conocido con el nombre de

Jurupa.

año de

1838

En la Ciudad de los Angeles Departamento de Californias á los cuatro dias del mes de Diciembre de mil ochocientos treinta y ocho, ante mi á la solicitud del Sor. D. Juan Bandini á fin de que se le dé la correspondiente posesion del sitio y rancho llamado Jurupa concedido por el Exmo. Sor. Gobernador de este Departamento y en virtud á no haber en el pais Agrimensor examinado que remida el mencionado terreno pasese por mi y los testigos de mi asistencia al espresado sitio y con total arreglo á las primeras medidas que se han practicado cuyo diseño agregó al Espediente el interesado, procediese á dar la posesion indicada, arreglandose al titulo ó despacho que se le ha conferido por el Gobierno con fecha veinte y ocho de Septiembre ultimo — El Ciudadano Luis Arenas Alcalde 1º Constitucional de esta referida Ciudad, asi lo dispuse, mandé y firmo con los testigos de mi asistencia en este papel comun por no haber del sellado respectivo. Doy fé.

Luis Arenas.

corregido.

asta. asta.
Ygnacio Palomares. Bernardino Guirado.

En el mismo dia, mes y año, estando en la Ex Mision de San Gabriel el Juez que subscribe pase oficio al Sor. Administrador de dicha Mision y á los Sres. Yorras, como unicos colindantes, manifestandoles el objeto á q. me dirigia al punto de Jurapa, como que pertenecia este á aquella comunidad de donde es Administrador el primer, y colindantes los segundos, pues iba á amedirlo y poner en posesion de el á D. Juan Bandini; lo que pongo por diligencia que autorizo y firmo con los testigos de mi asistencia segun dro. doy fé.

Luis Arenas.

asta. asta
Ygnacio Palomares. Bernardino Guirado.

En el rancho de Jurapa á cinco de Diciembre de mil ochocientos treinta y ocho, yo el propio Juez para la practica de estas diligencias y en presencia del Sor. Administrador de la Ex. Mision de San Gabriel y de Dn. Carlos Dominguez que comparecio por parte de los Sres. Yorras, quienes no habiendo manifestado excepciones ningunas que suspendieran las medidas, nombré dos oficiales cordeleros, que por no saber firmar, se omitieron sus nombres, á quienes les hize saber sus nombramientos el que aceptaron bajo de juramento que otorgaron ofreciendo desempeñar fielmente su encargo, lo que autorizo y firmo con los testigos de mi asistencia segun dro.

Luis Arenas.

asta. asta.

Ygnacio Palomares. Bernardino Guirado.

En el mismo dia mes y año, estando en el parage y cañada hasta donde los Sres. Gorvas reconocian anteriormente, por su lindero, a efecto de verificar las remedidas y posesion que corresponden al Sor. D. Juan Benellini del sitio nombrado Jurupa, previos todos los requisitos de ley y estando ante mi los testigos de asistencia y los oficiales cordeleros, hize medir un cordel que contenia cien varas y asido á sus estremos unos sancos de madera, previa observacion y calculo, por mi disposicion se tiró el cordel al pie de un serrito que se halla solo en la cañada referida que reconocian por linderos los Sres. Gorvas al otro lado del rio de Jurupa cuyo serrito que llaman los Indios en su lengua, Pachappa, se tomó por mohonera, poniendo en el unas piedras sobre otras, rumbos Este á Oeste, se midieron y contaron por sobre la orilla del dicho rio treinta mil varas que remataron á la punta de la misma mesa en que el Sor. Benellini tiene establecida la casa y da vuelta el repetido rio, en donde se puso por mohonera y palo clavado. En seguida tirando la cuerda rumbo Sur á Norte, frente al Serro de Cucamonga, se midieron y contaron siete mil varas atravesando por entre los aguajes de Guapum las que remataron en el primer mezcaus blanco que hay en dicho rumbo de Cucamonga. En seguida se tiró el cordel rumbo Oeste á Este y se midieron las mismas treinta mil varas que remataron en un serrito ayslado que se halla

Corregido:

á la izquierda del Camino real que pasa de San Gabriel á San Bernardino y llaman los Indios Cutelamaccy, el cual se señaló por mohonera. De aqui se tiró el corral rumbo Norte Sur en donde se midieron y contaron siete mil varas las que remataron al mismo pie del Serrito llamado Pachappa, de donde comenzaron las remididas y que hace esquina rumbo Este Oeste; con lo que se concluyeron las medidas de este sitio á satisfaccion del interesado y colindantes en cuya estension de terreno, se componen los siete sitios que se refieren en el titulo concedido al Sor. Bandini á quien le ordenó pusiese las correspondientes Mohoneras en los puntos donde corresponden y marcó en señal en posesion y quedó enterado; lo que pongo por diligencia que autorizo y firmo con los testigos de asistencia segun ord. Doy fé.

Luis Arenas.

Asta. Asta.

Ygnacio Palomares. Bernardino Guirado.

Angeles Diciembre diez de mil ochocientos treinta y ocho = Dese testimonio á la parte de las presentes diligencias en papel comun por no haber del sellado que corresponde. Luis Arenas Alcalde 1.º Constitucional de esta Ciudad y su Jurisdiccion asi lo decretó mandó y firmó por ante los testigos de mi asistencia segun derecho. Doy fé.

Luis Arenas.

Asta. Asta.

Ygnacio Palomares. Bernardino Guirado.

Concuerda con su original á que me refiero que existe en el libro de instrumentos publicos llevado en ambos juzgados en el presente año. Está fielmente sacado y concertado escrito en estas 3 fojas de papel comun por no haber del sellado correspondiente que autorizo y firmo con los testigos de mi asistencia, en la ciudad de los Angeles del Departamento de California á los diez dias del mes de Diciembre de mil ochocientos treinta y ocho. Doy fé.

En testimonio de Verdad.

Luis Arenas.

asso. Yg.º Palomares. asso. Bernardino Guirado.

Filed in Office, Oct. 19, 1852.
Geo. Fisher
Secy.

49 Doc. H H No. 2 annexed to the deposition of Abel Stearns of Oct 19. 1852

Testimony of the Espediente of pobepion Executed in favor of Don Juan Bandini of the tract known by the name of Jurupa in the year 1838

In the City of Los Angeles. Department of California on the 4th day of December 1838 Complying with the request of Sr Don Juan Bandini, to the End that the Corresponding pobepion may be given him of the tract and Ranch called Jurupa granted by the. Most Excellent Sr Governor of this Department, and from the fact of not having in the Country a learned Surveyor that can measure the aforesaid tract let it be proceeded by me and my assistant Witnesses to the tract aforesaid, and in full Conformity with the former measurements, whose decrepam is attached to the Espediente of the party interested, proceed to give the pobepion requested Conformably to the title or dispatch that has been conferred upon him by the Government of date the 28th of September last. The Citizen Luis Arenas 1st Alcalde Constitutional of this said City; thus I dare Ordered and signed with my assistant Witnesses on this Common paper for want of the proper Sealed.

I attest. Luis Arenas

Ass. Palomares Ass. Bernardino Serrano

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On the same day month and year being at the Ex Mission of San Gabriel the Judge that subscribes, gave notice to the administrator of said Mission and the Yorbas, as the adjoining neighbors, then, showing them the object which had drawn me to the point of Jurupa; that it had belonged to the Corporation of which he is administrator and the first adjoining neighbor, and to the Second adjoining neighbors then, that I went to remeasure it, and to place in its pobepion Don Juan Bandini which I set down as part of the proceedings which I authorize and sign with my

assistant witnesses according to Law –
I Attest

Luis Arenas

Ass. Ignacio Palomares. Ass. Bernardo Guerado

At the Ranch of Temepa the 5th of December 1838. I the proper Judge for the execution of these proceedings, and in presence of the Señor Administrador of the Mission of San Gabriel and of Don Carlos Domingez, who appeared on the part of Messrs. Yorbas who not having manifested any objections, that should suspend the Measurements – I appointed two assistant and bearers whose names are omitted as they could not write them, to whom I caused the appointment to be made known which they accepted under Oaths, to which they consented offering to discharge faithfully their trust which I authorize and sign with my assistant Witnesses, according to Law

Luis Arenas

Ass Ignacio Palomares Ass. Bernardo Guerado

On the same day month and year being at the place and ranch where the Messrs Yorbas have formerly established their boundary line for the purpose of verifying the remeasurement and possession that belong to Don Juan Bandini of the tract named Temepa, the previous requisite of the Law having been performed, and being present my assistant Witnesses and officers and bearers I caused a cord to be measured which contained one hundred varas and fastened to its Ends stakes, and after previous observation and calculating for my direction, the cord was extended to the foot of the little mountain which stands alone at the aforesaid tract which the Messrs Yorbas have established for a boundary to the other side of the ranch of Temepa which little mountain the Indians in their language call "Pachappa" and which was

taken for a land mark placing in it a
pile of stones, Course East to West, there
were measured and counted along the bank
of said river Thirty thousand varas, which
terminated at the point of the same table
land, where Mr Bandini had established
the house, and where the said river makes
a turn, at which point a land mark was
placed, to wit; a stake driven in the gro
und. Thence extending the core course
South to North in front of the mountain
of Cucamonga there were measured and coun
ted Seven thousand varas, cropping between
the two springs of Guapin, which terminated
at the first white sand Bank which is in
said Course to Cucamonga. Thence the
Core was stretched, Course West to East
and there were measured the same thirty
Thousand varas which terminated at an
isolated small Mountain which on the
left of the road then runs from San Gabri
el to San Bernardino which the Indians
Call Cucalmacy, which was designated by
a land mark. Thence the Core was stretch
ed, Course North to South in which there
were measured and counted Seven thous
and varas which terminated at the same
foot of the little mountain called Puchay
pa where the measurements commenced &
which makes a Corner Course East West
with which the measurements of this tract
were concluded to the satisfaction of the
party interested, in which Extent of land
there are Seven leagues that are referred to
in the title granted to Mr Bandini, whom
I ordered that he should fix corresponding
land marks at the points where they stood
and mark them in token of possession, and
leave them easy to be known all of whi
ch I set down in the proceeding which
I authorize and sign with the assistance
Witnesses according to Law

I attest — Lee's Ames

Ass. Ignacio Palomares As. Bernardino Guirado

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Angeles December 10th. 1838

Give testimony to the party interested of the proceedings on comm on paper for want of the proper sealed Seis Arenas 1st Constitutional Alcalde of this City and its pueblo — Thus I decreed Ordered and Signed in presence of my Apostolic Witnesses according to Law — I Attest

Seis Arenas

Ass. Ignacio Palomares Ass. Bernardino Guerrero

It agrees with the original to which I refered that Exists in the Book of public instruments kept in both Courts the present year. It is faithfully taken and Compared written in these three leaves of Common paper for want of the sealed Corresponding to it which I authorize and sign with my Apostolic witnesses —

In the City of Los Angeles of the Department of the California on the 10th day of the month of December 1838

I Attest

In Witness of the truth

Seis Arenas

Ass. Ignacio Palomares. Ass. Bernardino Guerrero

I certify the above to be a true Copy

Los Angeles Sept. 17th 1852

John A Wheeler

Endorsed

"Doc He He No. 2 annexed to the deposition of Alex Stearns Oct. 19/52

Geo. Fisher Secy

Filed in Office Sept. 25th. 1852

Geo Fisher Secy

Recorded in Record of Evidence Vol 15 p 323

Geo. Fisher Secy

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Doc. No. 3, H. H. annexed to the Deposition of Abel Stearns.

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PAGE 49.

Sello Tercero Dos Reales.
Habilitado provisionalmente por la Aduana Marítima del Puerto de Monterey en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.
Alvarado. Antonio María Osio.

L. S. Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

La Exma. Junta Departamental en sesion del dia 22 de Mayo del presente año aprobó la concesion que este Gobierno hizo con fha. 16 de Abril de 839 del terreno conocido con el nombre de Jurupa á D. Juan Bandini en los terminos siguientes = Artº. 1º. – Se aprueba la concesion hecha por el Gobierno Departamental con fha. 16. de Abril de 1839 en la persona de D. Juan Bandini del parage llamado Jurupa.

Y para resguardo del interesado se estiende el presente en Monterey á treinta de Mayo de mil ochocientos cuarenta.
Juan B. Alvarado.
Manl. Jimeno
Srio del Despacho.

Filed in Office Oct. 19, 1852.
Geo. Fisher
Secy.

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35 Doc. H. H. No 3
Annexed to Depo of
Abel Stearns

Seal of the Third Class 25cts
Qualified provisionally by the Maritime Custom
House of the Port of Monterey in the
Department of the Californias during the
years 1840 & 1841

Alvarado Antonio Maria Osio

Seal

John B Alvarado Constitutional
Governor of the Department of the
Californias

The Most Excellent Departmental Assembly in
Session of the 22d of May of the present
year approved the grant heretofore the Govern
ment made of the date the 16th April 1839
of the land known by the name of Jacupa
to Don. Juan Bancino in the following terms

Art. 1st "The grant made by the Government
of the Department dated the 16th of April 1839
to the person of Don. Juan Bancino of the place
called Jacupa is approved

And for the protection of the party interested
the present is issued at Monterey the 30th
of May 1840.

Juan B Alvarado

Manuel Jimeno
Secretary of the Despatch

(Endorsed) "Doc "H. H. No. 3 annexed to the Depose
tion of Abel Stearns of Oct. 19th. 1853
Geo. Fisher Secy"

Filed in Office Sept. 25th 1853
Geo. Fisher Secy

Recorded in Record of Evidence Vol 15. 326
Geo. Fisher Secy

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5 Opinion

Luis Robideau
vs
The United States } For a part of the place called Temupa in Los Angeles County Containing about 1/2 Square Leagues

The land known by the name of Temupa of which that claimed in this case is a part, was granted to Juan Bandini by Governor Alvarado September 28. 1838. The grant received the approval of the Departmental Assembly and on the 10th of December 1838 judicial possession was given and the boundaries marked out. The conditions of inhabitancy or cultivation is fully proved.

The present claimant derives his title to the portion of said premises claimed by him through the following Conveyances which are given in Evidence; to wit;

A Conveyance from said Bandini dated May 6 1843 to Benito Wilson who was also known by the name of Benjamin D Wilson

A Conveyance from said Wilson of one undivided half of said premises to the present Claimant Executed May 3d 1848

A Conveyance from said Wilson of the other undivided half of said Land to Isaac Williams dated September 3. 1852. This deed recites that the sale of the premises was made to Isaac Williams in 1847, but no Conveyance given to him, and that the Land had been sold by Isaac Williams to Robideau, said deed being given to perfect the title in the latter under the Conveyance from the former.

A Conveyance from said Williams to said Robideau dated December 13. 1849

There is also filed in the case a deed of one undivided half of the premises Executed by one Santiago Johnston to Isaac Robideau on the 10th day of March 1844 but there is nothing to show any title in this grantor, or to connect him in any way with the property

From a recital contained in the deed from Williams to Robideau it seems that the former had already made a conveyance but of what particular character does not appear, to some

third person who is not named
Whatever it was the legal title of the land was not in Wille
ams when it was made, nor have he acquired that
title when he conveyed to the present claimant
The legal title remained in Wilson until he Execu
ted his Conveyance of the 30th September 1852
When Williams thus acquired the title he had
already made two Conveyances of the property;
and if the deed to him contained no specific
designation as to the use to which the title convey
ed should inure justice would require that the
first grantee of Williams should have the
benefit of the after acquired title. But in this
case it is expressly specified in the deed that it
was intended that the title thus conveyed should
inure to Robideau's benefit. It may possibly
admit of some question, whether the grantor had
the right thus to make the designation; but as
neither of Williams' grantees could have title
under his Conveyance, but through the medium
of this Deed. I think it must be taken as the grantor
has seen fit to make it, and we must give it
the Effect intended by him; prima facie it inures
to the benefit of the present Claimant and a
decree in his favor could be Entered

Confirmed

Filed in Office Dec. 19. 1854
Geo. Fisher Secy

59 Decree

Luis Robideau
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said petitioner is valid and it is therefore decreed that the same be confirmed.

The land of which confirmation is hereby made is situated in the County of Los Angeles and is a part of the place granted to Juan Bandini by Governor Alvarado in September 1828 by the name of Jurupa which place is bounded as follows to wit: Commencing at a mound called Puchappa with a pile of stones placed thereon, running West on the bank of the River thirty thousand varas terminating at a point of table land, and where the river makes a turn, thence North in front of the Mountain Cucamonga seven thousand varas passing between the two springs called Guagran terminating at the first white sand bank in the course last mentioned; thence East thirty thousand varas to a small isolated mountain, to the left of the road running from San Gabriel to San Bernardino; thence South to the place of begining.

The portion of the premises above described of which confirmation is hereby made to said Robideau is bounded and described as follows, to wit: Being about one and a half leagues in extent within the boundaries which are the meeting of the aqueduct which comes from the Jurupa on the East side of the River upon a line run towards the North inclining westwardly up to the Polizuelo del Chamisal; thence in an Easterly direction along the boundary of the lands granted conditionally to the New Mexicans to the table land of the same Jurupa and taking a course nearly South until meeting with the Cañada del Tequesquite and hence following down the Cañada running up to the first mentioned aqueduct and following the latter to its junction with the river from which place the aforementioned boundaries herein specified commenced being the same

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Lands conveyed by said Bancino to Benito Wilson and by subsequent conveyances transferred to said Rubideau

Alphens Felch
R Aug Thompson
S. B Farwell
Claimants

Filed in Office Dec. 19. 1854

Geo. Fisher Secy

And it appearing to the satisfaction of the Board that the Lands hereby adjudicated is situated in the Southern District of Indiana it is hereby Ordered that two transcripts of the proceedings and decision in this case and of the papers and Evidence upon which the same are founded be made out and certified by the Secretary, one of which shall be filed with the Clerk of the United States District Court for the Southern Indiana District of Indiana 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.

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 Sixty pages, numbered from 1 to 60, both inclusive, to contain a true, correct and full Transcript 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. 463 on the Docket of the said Board, wherein Luis Rondideau is the Claimant against the United States, for the place known by the name of "Jurupa"

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-~~ eighteenth

Geo. Fisher.

U. S. DISTRICT COURT,

Southern District of California.

No. 263

THE UNITED STATES,

vs.

Louis Rambideau

'Jurupa'

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 463

Filed, July 12th 1855

W. E. Carr

Clerk

By A. H. Clark

Deputy

5 Nov

19 Sep

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Office of the Attorney General of the United States,

Washington, 10. October, 1855.

463. "Jurupa"

Luis Rubideaux, Claimant.

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 1st day of August, 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing.

Attorney General.

No 263.

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

The United States, appl.
vs.
Luis Roubidoux.

Appeal Notice.

Filed Nov. 20th 1855.
J. E. Carr.

463. 8.

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

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.

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Luis Rubideau, Appellee
vs
The United States, Appellant.

Docket No. 263.

Transcript No. 463.

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* 8th *day of* November *A. D.* 1852, Luis Rubideau

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 Jarupa

in the County of San Bernardino *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* 19th *day of* December *A. D* 1854, *the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the* 12th *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.* 463; *reference to which it is prayed may be had and made part of this petition. That on or about the* 1st *day of* August *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: on the 20th day of November 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.

And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming 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 the ~~same~~ said claim, and decree the alleged title to be invalid: with costs and general relief.

P. Ord.

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

No. 263.

Filed this 5th January
A.D. 1857

C. Swis Clk
By A. H. Coleman
Dep

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

The President of the United States,

TO Luis Rubidoux

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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 fifth day of January, 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 P Ord praying said Court to reverse the decision of the United States Land Commissioners of the 19th day of December AD 1854 confirming your claim to the land called Jurupa

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 1st day of January A. D. 185[illegible].

J. Mills CLERK.

J. H. Coleman
Dep

No. 263

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

Juis Pubolcar
against
The United States
appellee

Filed this 20th day of Jany 1858
Lewis Clk
J. M. Coleman
Dep

SUMMONS.

Received Jany 10th 1857
Edward Hunter
U. S. Marshal.

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Arthur Jordan
Deputy

I ~~served~~ return this Summons, together with a certified copy of the Petition, ~~upon~~ by order of P. Ord U.S. Dist Attorney as the case has been dismissed

at in the Southern District of California, on
the 18th day of January A. D. 1858.

Sworn to and subscribed before me,

CLERK.

U. S. MARSHAL.

James C. Pennie
U. S. Marshal
for the S.D. of California

California Land Claims.
Attorney General's Office
2 Febry 1857.

Sir:

In the case of the claim of Louis Rondideau, confirmed to the claimant by the Commissioners, (case no. four hundred and sixty-three, (463), appeal will not be prosecuted by the United States.

I am,
Respectfully,
Cushing

Pacificus Ord Esq
U. S. Attorney.
Los Angeles.

No. 263

Filed 4th March 1858 for
8th June 1857 / C Luis Clk
J H Coleman
Dep

In the Dist Court of the United States for the Northern Dist of Cal. Monday June term 1857, Hon I. S. K. Ogier Judge.

Luis Rubideau Appellee vs. The United States, Appellant.	No. 263. Docket No. 463.

On Motion of P. Wd Atty of the United States for the said Dist. & on suggesting to the Court that it is not the intention of the United States to prosecute further the appeal in the above cause, it is ordered by the Court that the appeal in said cause be dismissed; & that the claimant have leave to proceed upon the decree of the Commissioners heretofore rendered, as a final decree.

Isaac S. K. Ogier
Dist Judge

No. 263

Louis Rubideaux
vs
The U. States

Dismissal of Appeal

Filed 8 June 57
A Stuart Jr
Dep'y. Clk

No 263

United States Dist Court
for Southn Dist California

Luis Rubidoux
Appellee

vs

The United States
appellants