

CASE No.

269

SOUTHERN DISTRICT

SAN JACINTO AND SAN
GREGORIO GRANT

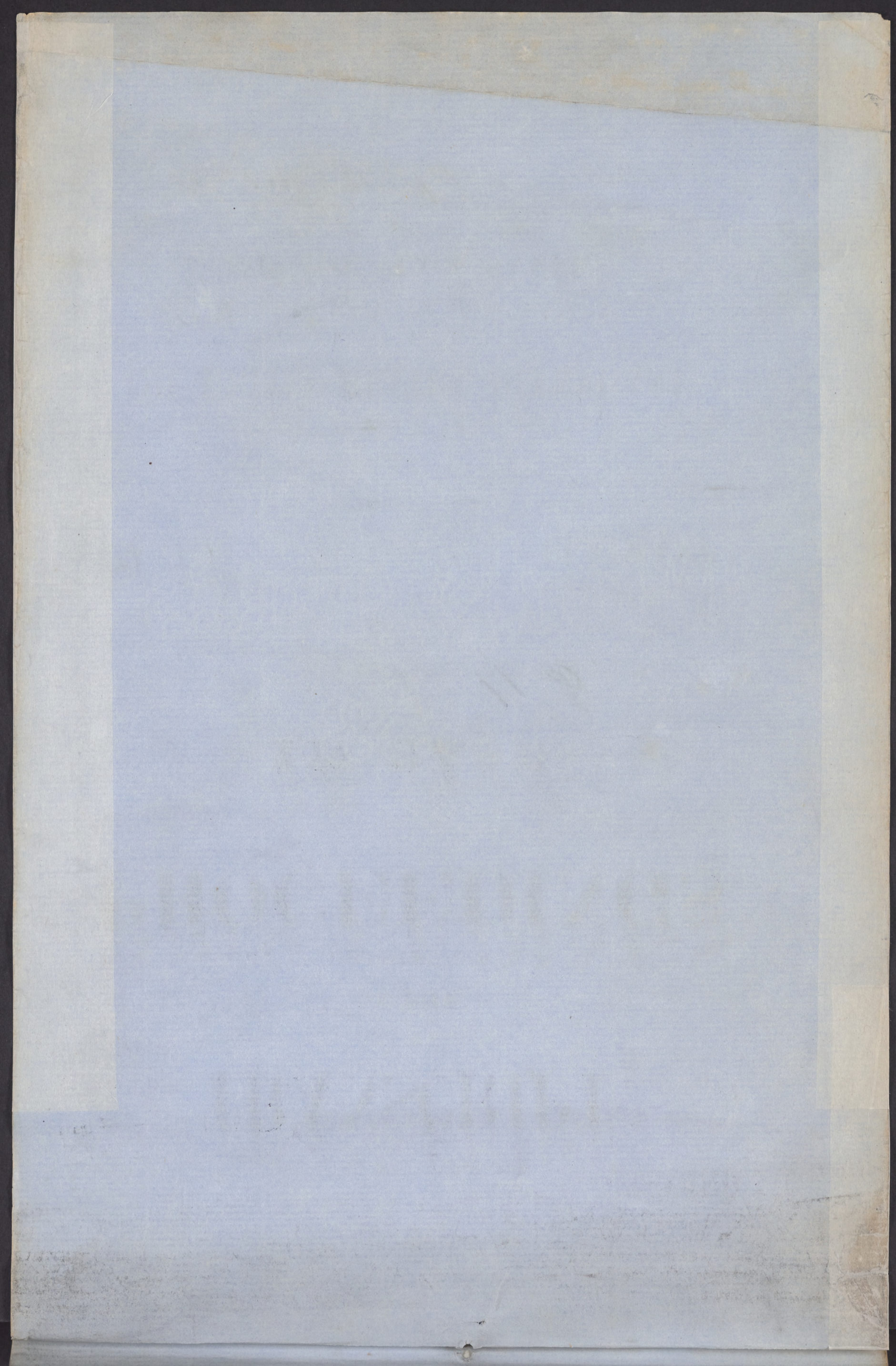
LUIS ROUBIDEAU
CLAIMANT

LAND CASE 269 SD 80 pgs.

MAR 16 1963

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PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. *443*

Louis Roubideau

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"San Jacinto and San Geronimo."

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 *first 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
San Jacinto & San Geronio,
was presented, and ordered to be filed and docketed with No. *443* 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 5' 1852.
In Case no. *443*, *Luis Roubideau* for the place named "*San Jacinto & San Geronio*," the deposition of *Hugo Reid*, a witness in behalf of the Claimant, taken before Commissioner *Milan D. Hall*, with documents marked *N. H. Nos. 1 & 2* and translations marked *B & D*, annexed thereto, was filed:

(Vide page *3* of this Transcript.)

San Francisco July 10' 1854.
In the same case the depositions of *Antonio F. Coronel*, *José Carmen Lugo*, and *José D. Sepulveda*, witnesses in behalf of the claimant, taken before Commissioner *H. S. Burrill*, were filed:

(Vide pages *15 & 16* of this Transcript.)

San Francisco, November 28' 1854.
Case no. 443, on motion of the Counsel for the
Claimant, with the consent of the U. S. Land
Agent, was ordered to be placed at the foot
of the 3^d class Cases on the Trial Docket,

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San Francisco Decem. 19' 1854.
Case no. 443 was submitted under the Rule of 21st
of March 1854 and taken under advisement by
the Board.

San Francisco January 2^d 1855.
In the same case Commissioner Alpheus Felch
delivered the Opinion of the Board rejecting
the claim:

(Vide page 41 of this Transcript.)

And the following order was made, to wit:
(Vide page 43 of this Transcript.)

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To the Honl. the Board of U.S. Land Commis
sioners appointed to settle private Land claims
in California

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PAGE 4.

The petition of Lucas Rouleau
respectfully represents, that on or about the 22^d
day of March 1843 Manuel Micheltorena then
Governor of California in the name of the Mexican
Nation, by virtue of the Laws then in force the
customs and usages of the Country affecting grants
of Land in California granted in full property unto
Santiago Johnston the tract of Lomas and Rancho
in the present County of Los Angeles known by the
name of San Jacinto and San Eugenio contain
ing about One Square league of Lomas more
particularly described in the papers and maps
relating to said part of Land. Copies of said
papers and maps are herewith filed as part of
this petition

And your petitioners further shows that the said
Santiago Johnston received judicial possession
of said Lomas from the proper Officer having
jurisdiction of such matters as appears by Origi
nal documents and papers now in the posses
sion of your petitioners ready to be produced and
proved

That Copies of said Original Documents
and papers are herewith filed as part of this
petition

And your petitioners further shows that
On or about the 2^d day of April 1844 the said
Santiago Johnston sold and conveyed the said
tract of Lomas and Rancho unto your petitioners
a Memorandum of said Sale in writing being
now in the possession of your petitioners ready to
be produced and proved. That a copy of said
Memorandum is herewith filed as part of this
petition

There is no conflicting claim to said Lomas
known to your petitioners and the said Lomas
have not been surveyed by the U. S. Surveyor
General for California

The Evidence upon which your petition relies
in support of this claim consists of the Records
of this grant in the Archives in Custody of the
U. S. Surveyor General for California - Original

H

Documents papers and maps in possession of
your petitioners and the testimony of witnesses
to be produced before your Hon. Board
Respectfully submitted for such action
as the Justice of Nature of this claim may
require

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E. C. Crosby
of counsel for Claimant

Filed in Office Nov. 1st 1852
Geo. Fisher
Secy

Recorded in Record of Petitions
Vol 1 pages 394 & 395
Geo. Fisher
Secy

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Deposition of
Hugo Reia

Los Angeles Nov. 5th 1853

On this day before Comr. Helman
I call came Hugo Reia a witness produced in
behalf of the Claimant Luis Robledo de
petition No. 443. and was duly sworn his
evidence being given in English.

The U. S. Associate Survey Agent was present

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

My name is Hugo Reia my age is forty one
years and I reside at San Gabriel in the County
of Los Angeles I have lived in California
nineteen years.

I am acquainted with the hand writing and
signatures of Antonio F. Coronel, Santiago John-
ston, ^{Mar} Micheltreña, Francisco Ace and Felipe
Valensuela.

A paper is now shown me purporting to be a
petition for judicial possession; to which is
attached a grant to Santiago Johnston of a tract
of land called San Gerónimo dated 23^d March
1843 & also a testimonial of judicial possession
given in March 1843. The signatures of the said
several persons appearing on said paper I
believe to be genuine. It is hereto annexed &
marked A. A. No. 1 Antonio F. Coronel was
at the date of said possession acting as Justice
of the peace & authorized to give it.

A paper is now shown me purporting to be a
copy of Expediente Dupon which is a memorandum
and of date from Santiago Johnston to Luis
Robledo dated April 2^o 1843. The signature
of Santiago Johnston to said memorandum of
date I believe to be genuine. The paper is
hereto annexed & marked A. A. No. 2.

I know the land described on the papers I made
the sketch & plan of the same land which
was sent to the Surveyor with the petition for the

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land. Johnston placed cattle on the land immediately after judicial possession was given him but I cannot tell how long they were continued there I think he took there from five to seven hundred head and also some horses

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In answer to Questions by the Associate Law Agent

I am not aware of his building a house on the land, he was out there occasionally but lived in Los Angeles. I never heard of his giving up the place until he sold to Luis Roelbeaen I have not been on the land since I drew the sketch before mentioned -

Hugo Reid

Sworn & Subscribed

Before me & land shall come
Filed in Office Nov. 5th 1852

Geo. Fisher Secy

Recorded in Ev. B Vol 2 p 217

Geo. Fisher Secy

Deposition of
Jose le Lugo

Office of the Commissioners G. Simpson Bureau at
Los Angeles California.

Before me G Simpson

Bureau Commissioners duly qualified for the taking of testimony to be used before the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, personally appeared Jose Carmen Lugo a witness in behalf of Luis Roelbeaen claimant for the land named San Jacinto & San Geronimo also called San Tomatis numbered on the Docket of the Survey Board with No. 443 who upon Oath declareth and saith as follows

Questions asked by Counsel for Claimant

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

Answer. My name is Jose Carmen Lugo I am five one years of age and reside in the County of Los Angeles

Question No. 2. State if you know a tract of land or Rancho called San Jacinto San Geronimo or San Tomatis and where is the same situated?

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Answer. Yes. I know all three, they are situated
from the City of Los Angeles on the other side
of San Bernardino.

Question 3. Did you know San
tiago Johnston in his life time?

Answer. Yes.

Question No. 4. Did he own and
occupy any of these Rancho and if so state
what Rancho they were.

Answer. Yes, he was the owner of
San Simoteo and occupied the same

Question No. 5. Is or is not the place
you call San Simoteo situated between or ad-
joining the places called Yucca-pa, San Jacinto
and San Geronimo, and are they or not generally
called by either of those names

(Question objected to by C. E. Thom as being leading)

Answer. It is situated between
and adjoining them every one is distinguished by
its own proper name

Question No. 6. Did Santiago
Johnston in his lifetime occupy any portion of
these Rancho and if so what portion and did
did he occupy the same?

Answer. I know that he occupied
San Simoteo in the year 1843 & I believe he oc-
cupied the same with Cattle and horses

Question No. 7. Do you know
whether or not he built a house upon the place
and if so in what year did he build it?

Answer. I do not know

Question 8. When did you first know
Robideau?

Answer. In the year 1843

Question No. 9. Do you know whether
or not Robideau left California for New Mex-
ico, and if so in what year and for what purpose

Answer. I know that he left
California. I think in the year 1843 for New
Mexico for the purpose of bringing his family
here

Question No. 10. Did you ever
occupy the same Rancho and if so when and
how long and for whom?

Answer. Yes I have occupied

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Saeed Rancho, commencing in the year 1844 and
continued for five or six years, on account
of Luis Robledo

Question No. 11. Do you or not
know that Robledo purchased the Saeed
Rancho from Johnston and if so whom?
(Question objected to by C. E. Thom acting Law Agent)

Answer, I know that Robledo
purchased the Rancho from Johnston in the
year 1843 or 1844

Question No. 12. At the time you
occupied the Rancho for Robledo state whether
or not you had a house and corral upon the
place and cattle and horses and if so what
number of cattle and horses you had on the
place and further state if the same was culti-
vated or any part thereof and if so in what
manner?

Answer, I built a house thro
of poles and branches and a corral and also
had a number of cattle and horses. I recollect
had about five hundred or six hundred of the Rancho
was cultivated with Corn Wheat Barley Beans
Melons Pumpkins &c.

Question No. 13. During this
time did you or not live on the house you
speak of and take care of Saeed Rancho and if
so for whom and on account of whom did
you do it

Answer, I had a Mayordomo
with servants there but did not live there myself
and they were placed there by me for account
of Luis Robledo

Question No. 14. Where did you
live at that time and how far was your place
of residence from the Saeed Rancho

Answer, I lived in San Berna-
dino which is a little over two leagues from
Rancho of San Simotio Most of the time I
was in San Simotio going and coming
(Questions asked by C. E. Thom acting Law Agent)

Question No. 1. Where did you
know Santiago Johnston. How long did you know
him and when and where did he die?

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Answer. I knew him in Los Angeles - I knew him from the year 1832 until the time of his death
Question No. 3 If he was alive in 1843 where was he then residing?

Answer. In the year 1842 he was living in Serepca, in the year 1843 I do not know where he was residing as I was sick

Question No. 3 What part of the Land mentioned in your Examination in Chief was occupied by Santiago Johnston when and in what manner?

Answer. The Rancho he occupied was called San Simón but I do not know if he occupied any of the adjoining lands this was in the year 1842 and on my return a year afterwards he was not there he occupied land about two hundred heads of Cattle more or less I do not know how many horses he had there, he had no horses there but lived in Serepca which is distant about four leagues from San Simón

Question 4. In what month of what year did Luis Robideau leave California & for what length of time was he absent

Answer. He left here in the year 1843 or 1844 I saw him here in the year 1843 and do not recollect how long a time he was absent

Question No. 5. Was Luis Robideau absent from California for as long a time as three years

Answer. I am certain he was absent for as long a time as two

Question No. 6. How do you know that Mr Robideau purchased a Rancho from S Johnston?

Answer. Because Mr Robideau told me so afterwards I heard it from Diego Sepulveda who was living in Yecapca this was in the following year I did not know it from any other source

Question 7. To whom belonged the Cattle and horses mentioned by you in your Examination in Chief as having been placed by you upon the Rancho?

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Answer. The horses and cattle placed there were my own, the Mayor Domo placed there were my servant and were responsible to me for his acts particularly the Lucal a house placed there by you

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Answer. The roof was of Teles the sides were composed of poles and interwoven with small willow and fastened together with crop poles, it was ten varas long and five varas wide and two varas and a half high in the middle, it had no window or doors, and was inhabited in the rainy season (Examination in chief resumed by counsel for claimant)

Question No. 1. State explicitly if when you went upon the Rancho of San Simoteo and occupied the same as you have before stated, you did so at the request of and for the benefit of Juan Robledo and if not in what capacity did you go there

Answer, I went there for the benefit and at request of Juan Robledo

Cross Examination resumed by C. E. Thom acting Law Agent.

Question No. 1. What became of the proceeds of the Rancho during the time you were in possession and to whose use and benefit were they appropriated

Answer. They were consumed by my family and my servants

Sworn to & Subscribed

Before me this 23rd day of June 1854

G. Thompson Burdell

I hereby certify that C. E. 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. Law Agent. Los Angeles June 23rd 1854

G. Thompson Burdell Com

Filed in office July 10. 1854

Geo. Fisher Secy

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Deposition of
Jose Sepulveda

Office of the Commissioner G Thompson Burrell
at Los Angeles California

Before me G Thompson Burrell
Commissioner duly qualified for the taking of
Testimony to be used before the Board of Comm-
missioners to ascertain and settle the Private Land
Claims in the State of California. Personally
appeared Jose Diego Sepulveda a witness
in behalf of Luis Ruiz de Alameda Clement for
the Land named San Jacinto de San Geronio
and numbered on the Docket of the said
Board with No. 443 who upon Oath declar-
eth and saith as follows

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Questions asked by counsel for the claimant

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

Answer. My name is Jose Diego
Sepulveda I am thirty four years of age and
I reside in the County of Los Angeles

Question No. 2. Do you know
a tract of Land lying between places called
San Jacinto and San Geronio in the County of
San Bernardino formerly a part of the County
of Los Angeles, and if so what was the name
of the tract called?

Answer. Yes I do. It is called
San Tomaso and comprises a part of San Gero-
nio and is sometimes called by both names.

Question No. 3. Do you know if
judicial possession of that tract of Land was
ever given to Santiago Johnston and if so
when and by whom?

Answer. I know that judicial
possession to him on the 14th or 16th of
March 1843 by Antonio F. Lerona he then being
Alcalde, a man by the name of Basilio Belding
and myself assisted when the Land was measured

Question 4. Describe as well as
you can recollect the manner which it was
measured and its boundaries

Answer. They measured first
a rope one hundred varas long and affixed
sticks at each end of the rope. They commenced

First there is an Oak tree on the boundary of San Barnabeno, from thence went along a Canada where they came to a small hill (Somoto) the top of which was the boundary in that direction, from thence along a Canadio to an Oak tree in the middle of a creek in San Geronimo upon which they put a brand cut with a knife which was the brand used by Johnston for marking Cattle, from thence through the Land of San Geronimo to some other small hills where they placed a pile of stones on the side of the road as a Land Mark from thence along the road to the top of a hill which forms one of the boundaries of Yucaypa, from there along the foot of the hills of San Somoto forming the boundaries line of the Yucaypa to the place of beginning Yucaypa forms a part of San Barnabeno.

Question No. 5. How much land was included in that measurement?

Answer, I do not recollect but it contains one or two leagues I do not recollect which.

Question No. 6. Was there or not a map of said Lands made, and if so by whom and when was it made?

Answer. Diego Reid made a map of the Land before possession was given

Question No. 7. Were said Lands ever occupied, or improvements made there and if so, how were they occupied and what improvements made and when & by whom?

Answer - Yes the Lands were occupied and a house (Casal) and a canal with stakes which grew into trees, fields of corn and wheat were planted some months after possession was given, it was occupied by a Mayor Domo who Jose Carmona Diego placed there with Cattle and who made these improvements -

Question 8. How many and what kind of Cattle was placed upon the land by Diego, and by order of whom and how long were they kept there?

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Answer. He had a quantity of cattle there and
would cattle in considerable numbers, he had
also a dairy there, the cattle were placed there
by Order of Luis Robledo, the cattle remain
were there about four or five years there was
also a large quantity of cattle houses and one
drace of Mares there

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Question No. 9. about the time
Lugo took possession of the place for Luis Roble-
do, placed the cattle on and made the improvements
there on, when did Robledo go and for what
purpose and how long was it before he returned

Answer. He made a journey
to New Mexico for the purpose of bringing his
family and I know that he returned with his
family, and there he has been living on the Rancho
of Santa Ana a distance about three or four leagues
from this Rancho

I do not know the exact time he was absent

Questions asked by L. E. Thom acting Law agent

Question No. 1 Name all the per-
sons that were present with you at the time of
giving judicial possession of the Rancho?

Answer. Mr Johnston was present
Anto. F. Coronel & Basilio Valdez, there were also
servants of Mr Johnston whose names I do
not know

Question No. 2. Is the ~~Old~~ Oak
tree to which you allude as having been the
point of commencement on the boundary of San
Bernardino the Only One on that line?

Ans. There are various Oak trees
there on the hill but this is the Only One at the
bottom of the hill. I know the points of the Comp
up, the Course from the ~~Old~~ Oak tree to the small
hill is in a South East direction, I do not know
the distance. I was there carrying the ropes
The Rancho is an irregular square they put a
pile of stones for one mark and the other marks
were trees. One of which was marked with a
knife

Question No. 3. dea Santiago Johnson

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were used upon the Rancho?

Answer. I have had servants cutting wood there; the cattle places that belong to Jose Guzman Diego, but he never lived there. The Sacal was burnt in the middle of the year 1843 by the Mayor Doms of Jose Guzman Diego. I have seen the map of the Land I do not recollect the exact time when the Sacal was burnt.

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Jose Diego Sepulveda
Sworn to and subscribed
before me this 16th day of June A.D. 1854
G. Thompson Bailiff
Comd.

I hereby certify that Sr. Thom Esq. was present at the time the above and foregoing testimony was taken taken, on behalf of and by authority of Sr. McKinn Esq. U.S. Agent
Los Angeles June 16th 1854

G. Thompson Bailiff Comd.

Filed in Office July 10. 1854

Geo. Fisher

Recorded in Ev. B. Vol 5, p 118

Geo. Fisher
Secy

Office of the Commissioner G. Simpson Burrell at Los Angeles California;

Deposition of Antonio Floronel.

Before me G. Simpson Burrell 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 Antonio Floronel a witness in behalf of Luis Reubedeux claimant for the Lanzas named San Jacinto de San Geronimo, numbered on the docket of said Board with No 448 who upon oath deareth and saith as follows

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Questions asked by Counsel for claimant

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

Answer. My name is Antonio Floronel I am thirty five years of age and I reside in the County of Los Angeles

Question No. 2. Do you know the Lanzas claimed by Luis Reubedeux, and does you ever measure them, and if so when and in what capacity, and describe as near ^{as you can} recollect the situation and boundaries of said Lanzas

Answer, I know the Lanzas I measured them - I was Alcalde and Secy of Just Instance of Los Angeles at that time, they are situated in the County of San Bernardino formerly a part of Los Angeles County. The first boundary commences at an Oak tree on the boundary of Yecaypa and runs in a South Eastward direction to a hill about five thousand varas, from thence in a North East direction about five thousand five hundred varas to an Oak tree in a landmark fixed on as a Land mark, from thence in a North West direction two thousand ^{varas} along some hills where a Land mark was ordered to be placed ^{from} thence in a Westward direction along the Edge of the hills four thousand four hundred varas to a hill in the middle of a rancho being the boundary of Yecaypa from thence along the same boundary of Yecaypa, three thousand varas to the place of Beginning, the land was measured in the month of March in the year 1843 A. Floronel

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Sworn to and subscribed before me this 1st day
of July AD 1854
G. Thompson Burrell Comr.

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I hereby certify that C. E. Thim Esq^r was
present at the time that the foregoing testimony
was taken acting for on behalf and by the author-
ity of P. H. McKean Esq^r U. S. Land Agent
Los Angeles July 1st 1854
G. Thompson Burrell
Comr.

Filed in Office July 10. 1854
Geo. Fisher
Secy

Recorded in Ev. B. Vol 5 p 113
Geo. Fisher
Secy

Expediente Promovido
por el Vecino de la Ciudad de Los An-
geles "D^{no} Santiago Johnson en So-
litud del paraje conocido con el nom-
bre de Don Jacinto y J. Gorgonio.

1828.

N^o 521.

18 2. G. D. / 12

C. Dñ Gobernador. quando

Ang. Marzo q de Santiago Johnson, de la Gran
de 1821/3. Donase Britaña, radicado en la Re
informar el C. pref. publica Mexicana hace ve-
to del 2º Distrito. inte años; y diez en el de parte
p. conoce el terreno amento casado con Mexicana
que se ~~conf.~~ se entrase y pache de una numerosa
este escrito ò toman familia ante la sup. au
do los q se parecieren toridad de U. E. respetosa
conducentes. mt. espone.

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Michel ta. Que proveyendo algunos bi
Angeles Myo. q de enes de campo y no tienen de
1821/3. terreno en q. establecer se
De conformidad d suplica à U. E. se sirva
con el superior de concederle en propiedad
creto q. antecede m perpetua y hereditaria
ff. el prez 1º de paz la Cañada situada entre
de esta Ciudad Si Dñ Jacinto y Dñ Gorgonio.
el parage q. solicita y colindante con el prime
el intereado, de lo p. el C. con el 2º p. el
Cañada entre D. E. y con Dñ Jimoteo y Jacay
Jacinto y Dñ Gorgo p. al C. cuyo terreno se ha
no corresponde la Valdivia; y tiene de esta C.
à comunidad con una legua y de C. @ Ouna
poracion ò parteu Milla conforme al diseño
lar, si esta Valdivia adjunto. P. J. A. U. E.
si esta cañada este

comprendido den uega se digne acceder à
tro dentro del Rancho esta su solicitud q. presen
conocido de D. D. ta en papel comun p. falte
cinto, con todo lo de del sellado correspondt.
mas que le pareca en lo q. recibira merced y
combeniente à ilus justicia.

Para la materia y para lo necesario se
evacuada asibud en g. Marzo q. 1821/3.
va el Expediente
à esta pref. p.
los demas fines.

Santiago Johnson

Anguello

Señor Prefecto

He practicado la mayor escruposibilidad las
averiguaciones necesarias para saber si
hay embarazo en el terreno que solicita
Don Santiago Johnson, y dicen varios

4. S. D. 12.

testigos que antes se conocia por de Don Gabriel y que hoy no se sabe ser de otro. Cuando yo pase (hace poco) por aquel sitio lo vi absolutamente baldio y supe lo mismo que habia por lo que oyes el no haber embarazo Es lo que informo en cumplimiento de la superior disposicion.

Angelos Marzo 10. / 1843
Man. Dominguez

S. S. D. R. Como Señor.

Mandado practicar el informe respectivo conforme a lo prevenido en el superior decreto marginal of. oha en esta Ciudad que el terreno of. solicita D. Santiago Johnson con esta baldio y un ocupacion; tiene bienes con que cubrirlo y es laborioso p. lo of. es de D. minor esta prefectura se le puede conceder y como en el diceño of. presenta a haz a parte del terreno de Lucupa de la propiedad de Cos Dros Luz y Diego Sepulveda p. evitar tropiezos, va señalado p. nota el terreno of. quedo baldio y es el of. se solicita p. el superior conocimiento de V. C. y resolucior de lo of. estime conveniente.

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Angelos Marzo 11 de 1843.
L. Arguello

José P. Arguello Srto

Anglo. M. 20. 1^{uy} de 1843.
b. S. D. R. Se vase informar el M. R. P. Sr. y Tomas Estenega. Michelto

En virtud del informe que se me pide por superior Orden: digo que de parte de esta comunicada de Sr. Gabriel no hay impedimento alguno en que se le conceda al Sr. D. Santiago Johnson la parte del terreno que solicita en Lucupa.

J. Thomas Estenega

Sr. Gabriel 22 de Mayo de 1843.

Anglo Mayo 22 de 1843.

Eschidasele el Titulo

Michelto

Angelos Mayo 22 de 1843.

Vista la petreior con que da principio a este expediente las informes del Sr. prefecto.

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de este Distrito el del juez primero de paz
y el del R. P. Sr. Tomas Estenega con todo
lo demas que se tubo presente y ver con vino de
conformidad con las leyes y reglamentos de
la materia declaro dueño en propiedad
del parage que se halla situado entre Sr.
Jacinto y San Gonzonio a Don Santiago Johnson
colindante por el Q. con Sr. Jacinto al Q. con
San Gonzonio y al Q. con Don Amoteo y la
causa en estencion de un sitio de ganado
mayor por es mas o menos Librese el despacho
correspondiente tomese razon en el libro respec
tivo y dirijase este Expediente a la Coma
Departamental para su aprobacion. El
Sr. Dr. Manuel Micheltoena Gobernador
y J. D. R. Comandte General e Inspector de ambas
Californias asi lo mandò, decretò y firmò.
de que doy fe.

Michelto

Here follows
Map

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

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

Seal In Testimony whereof I have herewith signed my name Officially and affixed my private seal (not having a seal of Office) at the City of San Francisco Cal. the 1st day of August 1852

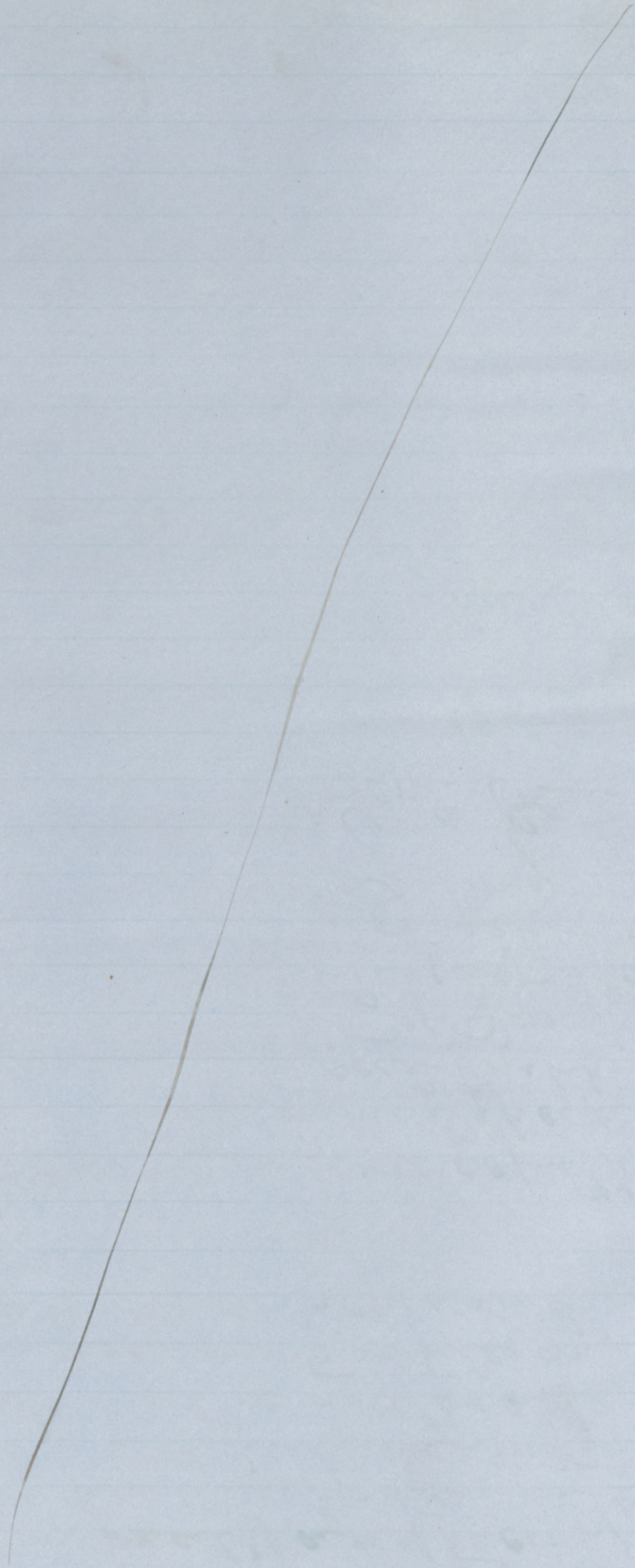
Saml. D. King

Survey. Gen. Cal.

Filed in Office Nov. 1st 1853

Geo. Fisher Secy.

22



1910

23
Doc. H. H. No.
L. annexa to
Depo: of Hugo
Reid taken
before Comr.
Hilanda Hall

Copia
del

Expediente promovido por Don San
trajo Johnson en solicitud del paraje
"Cañada entre D^{no} Jacinto y D^{no} Go
gonio.

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PAGE 23

Año de 1843.

Solicitud del Sr. J. Gobernador Santiago —
interesado en Johnson oriundo de la Gran
Bretaña, radicado en la Republica Mexicana
hace veinte años; y que en el departamento
casado con Mexicana y padre de una nume-
rosa familia ante la superior autoridad
de U. C. respetuosamente espone; que ha-
yendo algunos terrenos de campo y no tenien-
do terreno en que establecerse, suplica
à U. C. se sirva concederle en propiedad
perpetua y hereditaria, la Canchada situ-
ada entre Sr. Jacinto y Sr. Gorgonio y colin-
dante con el primero por el N. con el 2º por
el E. y con Sr. Jimenez y Yucarpa al S.
cuyo terreno se halla baldío y tiene de
N. à S. una legua y de E. à O. una milla
conforme al croquis adjunto.

p. D. U. S. meza se digne acceder
à esta mi solicitud que presento en pa-
pel común por falta del sellado corres-
pondiente en lo que recibiere gracia y jus-
ticia.

Juro lo necesario T

Angelos Marzo 9 de 1843.

1º proveído, Angelos Marzo 9 de 1843
del Gobno } se sirva informar el Sr. pre-
fecto del 2º Distrito si por si
conoce el terreno à que se refiere este
Escrito ó tomando los que le parecieron con-
vinientes.

Michetta

1º Informe del Angelos Marzo 9 de 1843
prefecto mun } De conformidad con
el superior decreto que antecede informe
el juez 1º de paz de esta ciudad si el para-
je que solicita el interesado de la Can-
chada entre Sr. Jacinto y San Gorgonio corres-
ponde à Comunidad, corporacion ó par-
teicular si esta baldío; si esta Canchada
esta comprendido dentro del Rancho cono-
cido de Sr. Jacinto con todo lo demas que le
parezca conveniente à ilustrar la materia
y evacuado así, vuelva el Especto à
esta prefectura para los demas fines
argüello.

Informe del Sr. prefecto.

Informe del Sr. Prefecto.
 D. Juez 1º de paz } He practicado con la mayor
 es escrupulosidad de las averigua-
 ciones necesarias para saber si hay embara-
 zo en el terreno que solicita D^o Santiago
 Johnson y dicen varios testigos que antes
 se conocia por de D^o Gabriel y que hoy
 no se sabe ser de otro.

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cuando yo pase / hace poco / por aquel sitio
 lo vi absolutamente baldio y supe lo mismo
 que ahora, por lo que creo el no haber em-
 barazo. Es lo que informo en cumplimiento
 a la superior disposicion.

Angeles Marzo 10 de 1821 B.

Manuel Dominguez

2º Informe del prefecto } Como Sr. Mandado pra-
 cticar el informe respectivo conforme a lo pre-
 venido en el superior decreto marginal que obra
 en este expediente, resulta por el del juez 1º de
 paz de esta ciudad que el terreno que solicita
 D^o Santiago Johnson esta baldio y sin ocupa-
 cion; tiene vinas con que cubrirlo y es laborioso
 por lo que es de opinion esta prefectura se le
 puede conceder y como en el dictamen que presen-
 ta ahora parte del terreno de Yucaypa de la
 propiedad de los D^{os} Lujos y Diego Sepulveda
 para entar hospesos, va señalado p^a nota el
 terreno que queda baldio que es el que se
 solicita para el superior conocimiento de V. E. y
 resolucion de lo que estime con b^o.

Angeles Marzo 11 de 1821 B.

D. Arguello José R. Arguello Veru.

2º proveido, angeles marzo 17 del 1821 B.

del Gobierno } Quiese informado el M. R. P.

Jeray Tomas esteneza.

Michel torera

Informe del P. - } En virtud del informe
 Sr. Tomas Esteneza } que se me pide por superior orden; digo: de
 parte de esta comunidad de D^o Gabriel no
 hay impedim^{to} alguno en que se le conceda
 al Sr. D^o Santiago Johnson la parte del
 terreno que solicita en Yucaypa.

D^o. Gabriel 22 de Mayo de 1843
 Sr. Tomas Estenega

Provd^a del
 Gobierno en los Angeles Mayo 22 de 1843.
 Espidasele el título

Michelena.

Decreto del Angeles Mayo 22 de 1843
 Gobierno en los Angeles Mayo 22 de 1843
 Vista la peticion con que da
 principio a este expediente los informes del Sr
 Jefe de este Distrito el del puey 1^o de
 May y el del Sr. Sr. Tomas Estenega con
 todo lo demas que se tubo presente y ver con
 vino de conformidad con las leyes de la
 materia, declaro dueño en propiedad del
 paraje que se halla situado entre D^{os}
 Jacinto y Sr. Gorgonio a Sr. Santiago Johnson,
 colindante por el O. con D^o Jacinto
 al E. con O. Gorgonio y al N. con D^{os} Jimeno
 y Jucaipa en extension de un sitio de gana-
 do mayor o es mas o menos. Librese el des-
 pacho correspondiente tomese razon en el libro
 respectivo y dirijase este expediente a la Com-
 pte Departamental para su aproba-
 cion.

El Sr. D^o Manuel Michelena
 Gobernador, Comandante General y inspec-
 tor de ambas Californias asi lo mando, de-
 creto y firmo de que doy fe.
 Michelena

Y aspas este documento en cuantos
 derechos en el seme confiere a Sr. Luis
 Ruben: Ciudad de los Angeles Abril
 2 de 1844.

Santiago Johnson

Filed in Office Nov. 8th 1852

Geo. Geisha seery

Translation of
Especcente

Doc. 14 14 No. 2
annexed to the
Deposition of Hugo
Reid.

Excellent Sir Governor
Santiago Johnston arrived from Great Britain
established since twenty years in the Mexican
Republic and since ten in the Department, married
to a Mexican and father of a large family, respec-
tfully sets forth before the Superior Authority
of your Excellency:

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That being possessed of some
stock and having no land on which to settle
he beseeches your Excellency to grant to him a perpet-
ual and hereditary Ownership the Valley situated
between San Jacinto and San Geronimo and bound-
ed by the former on the W. the second on the
E. and by San Jacinto y Yucaypa on the N
which promises are unoccupied and extend from
N to S one league and from E to W one mile
conformable to the annexed Sketch -

Wherefore he prays your Excellency to be so good
to accede to this petition which he presents on com-
mon paper for want of the appropriate stamp
ed - I make the necessary Oath &c.

Angeles March 9. 1843

Santiago Johnston

Angeles March 9. 1843 (In the Margin)

Let the Prefect of the 2nd District
report if he knows of his own knowledge the
promises to which this writing refers or take
such reports as may appear to him to be to the
purpose
Michetta

Angeles March 9. 1843

In Conformity with the foregoing Superior Decree
let the Juste Justice of the Peace of this City
report whether the tract which the petitioner claims
consisting of the Valley between San Jacinto &
San Geronimo belongs to any Community Corporation
or individual, whether it is unoccupied whether
this Valley is included within the Rancho kno-
wn as San Jacinto with all other things that
may appear suitable to elucidate the matter
and this being done let the minutes of Proceed-
ings be returned to this Prefecture for other
purposes
Angeles

Mr Prefect

I have effected with the greatest simplicity the

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necessary inquiries to know if there is any obstacle
as to the premises solicited by Don Santiago
Johnston and various witnesses say that before
it was known as property of San Gabriel and
that it is not known now to belong to any
one else.

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When I passed lately by those premises I saw it
absolutely unoccupied and understood the
same as now appears, wherefore I think there
is no obstacle. This I report in compliance
with the Superior Order
Angels March 10. 1843 Manuel Dominguez

Most Excellent Sir

In owing obedience to be taken the
appropriate report in conformity with the provision
of the Superior Order which appears in the
margin of this Minute of Proceedings, that
results from that of the Just Justice of the
Peace of this City that the premises solicited
by Don Santiago Johnston are waste and unoccupied
He owns stock wherewith to cultivate
and is laborious wherefore this Prefecture opines
that it may be granted to him and as in the
Sketch which he presents he embraces part of
the premises of Yucaypa, property of Messrs
Lugo & Diego Sepulveda to prevent error the
tract which is unoccupied is pointed out by
a note that which is solicited. In the Superior
enformation of your Excellency and
such determination as may be esteemed best
owing - Angels March 11. 1843

S. Arguello

José A. Arguello Secretary
Angels March 11. 1843

Let the Reverend Father Fray Tomas Estenaga
report
Mechetto

By virtue of the report asked of me by Superior
Order I say that on the part of this Commun-
ity of San Gabriel there is no obstacle to Mr.
Don Santiago Johnston receiving the grant of the
tract which he solicits in Yucaypa
Fr. Thomas Estenaga

Angeles March 22^o 1843

Set the title upon to him
Michelt^o

Angeles March 22^o 1843

In view of the petitions wherewith these procees
along Originate, the Reports of the Hon. Prefect
of this District, that of the Just Justice of the
Peace and that of the Aduana Faltu Ray
Thomas Estenaga and all other things that was
presented at it behooves to keep in view, in
Conformity with the Laces and regulations on
the subject I declare Don Santiago Johnston
to be the absolute Owner of the tract of land
which is delineated between San Jacinto and
San Geronimo bounded on the E by San Jacin
to on the E by San Geronimo and on the N by
San Tomo and Yucapasa containing one
Rancho (Silo) for Meat Cattle more or less
Set the suitable title deed upon and be enter
ed of record in the appropriate book -
And let this Minute of proceedings be forward
ed to the Most Excellent Department of Spain
for its approval

W Don Manuel Michelt^o
Governor General Commandant and Inspector of
both Californias has ordered decreed and
subscribed to
Writ up my hand Michelt^o

I assign this Document together with all things
and the rights therein conferred upon me
to Don Luis Reubel

City of Los Angeles April 3^o 1844

Santiago Johnston

Filed in Office Nov 1st 1853

Geo. Fisher
Secy

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Poderacion del Parage entre
Don Jacinto y Don Gorgonio

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Año de 1843.

Doc. N.H.
No. 1 Annexed
to the deposition
of Hugo Reid.

Angeles Mar. 24. de 1843. por presentado y admitido en suan to he lugar à D^{no} como lo pide el solicitante que subescriba de este.

D^{no} Juan 2^o de paz
 Santiago Johnson de esta
 vecindad, ante U. con el
 debido respeto y bajo los
 terminos mas conformes à D^{no}
 me presento y digo: Que ha
 brendo obtenido del Sup^{to}
 Gob^{no} Dep^{to} de Fomento, le
 he mande con los dichos
 en propiedad
 de un parage p^a Rancho
 situado entre Tacapa
 D^{no} Jacinto y demas sitios
 con que colinda, suplico à U. se
 sirva darme la correspondiente
 posesion del enunciado
 parage, conforme se previene
 en el titulo respectivo y of.
 original a compania à esta
 mi solicitud p^a su conocimiento
 y pido me lo devuelva con las
 demas diligencias q^e corresponde.
 Por tanto U. V. meo acceda
 à esta solicitud en lo que
 recibiere gracia y justicia
 cuyas costas estoy pronto à
 satisfacer. juro &c. dignandose
 admitirme en este papel, p^a no
 haber del sellado respectivo.

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Angeles Marzo 23 de 1843
 Santiago Johnson

Manuel Michelarena Gobernador
 Comandante General e Inspector de
 ambas Californias.

(Sello) Por cuanto D^{no} Santiago Johnson
 Ciudadano Mexicano por natura-
 lizacion ha pretendido para su bene-
 ficio personal y el de su familia un
 parage que se halla situado entre Don
 Jacinto y Don Torronio, colindante por el
 Oriente con Don Jacinto, al O. con D^{no} Tor-
 ronio y al N. con Don Amoteo y Tacapa
 practicadas previamente las diligencias
 y averiguaciones convenientes segun lo
 dispuesto por leyes y reglamentos; usando
 de las facultades que me son conferidas
 à nombre de Casta eion Mexicana he

he venido en concederle el terreno mencionado

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he venido en concederle el terreno mencion
ado declarandole la propiedad de el por las
lehas, sujetandose à la aprobacion de la Coma
Junta Departamental y bajo las condiciones
siguientes.

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1^o Podrà cercarlo sin perjudicar las hovecias
caminos y servidumbres; lo disfrutará libre y
exclusivamente destinandolo al uso ò cultivo
que mas le acomode, pero dentro de un año
fabricarà casa y estara habitada.

2^o Solicitara del juez respectivo que le de
la posesion juridica en virtud de este des-
pacho por el cual se demarcaran los linderos
en cuyos limites podrà à mas de las mayone-
ras algunos arboles frutales ò silvestres de
alguna utilidad.

3^o El terreno de que se hace donacion es de
un sitio de ganado mayor poco mas ò meno
segun esplica el diseño que corre agregado
en el esped. respectivo. El juez que diere
la posesion lo hara medi conforme à Cide-
nencia quedando el sobrante que resulte
à la Nacion para los usos convenientes.

4^o Si contraviere à estas condiciones
perdera su derecho al terreno y sera denun-
ciable por otro.

En consecuencia
mando que teniendo se por firme y valedero
este titulo se tome razon de en el libro respec-
tivo y se entregue al interesado para su res-
guardo y demas fines. Dado en la Ciudad
de los Angeles à veinte y dos de Marzo de mil
ochocientos cuarenta y tres.

Man. Michel
Franc. Arce Dño Int.

Queda tomado razon de esta consecucion pro-
vicional en el libro respectivo à f. 1^a
Arce.

4. En la Ciudad de los Angeles del departa-
mento de las Californias à los seis dias del
mes de Marzo de mil ochocientos cuarenta
y tres. Arriente à la solicitud que ha hecho
Don Santiago Tomson à fin de que se le de
la correspond. posesion del parage nom

correjele.

trado Cañada de San Simoteo y parte de San Gorgonio, concedido por el Supremo Gobierno departamental para que se verificuen las remiديدas del espedado sitio; pasese por mi y los testigos de asistencia y procedase a dar la posesion indicada con arreglo al titulo o despacho que se le ha conferido por el superior Gobierno con fecha veinte y dos de Marzo del presente año. Antonio Coronel Juez 2º de paz asi lo decreto mando y firmo con los de asistencia segun oho: en este papel comun por falta de sellado:

Asa Antonio Coronel Asa
Basilio Valdez # Diego Sepulveda
año. tachado = Verbal = No Vale.

En seguida yo el mismo Juez pase oficio a los señores colindantes manifestandoles el objeto a que me dirigia al punto de San Simoteo y Gorgonio pues iba a remiديدarlo y poner en posesion al señor Don Santiago Comaron los que no manifestando objecion ninguna se puso la aclaracion de que el sitio es entre San Jacinto y San Gorgonio; y dije proceda a la posesion respectiva lo que pongo por diligencia que autorise y firme con los de asistencia segun oho:

leonejda

asa. Antonio J. Coronel. Asa
Basilio Valdez # Diego Sepulveda

En la misma fecha y hallandome en el parage ya nombrado puse dos Oficiales cordeleros los que por no saber escribir se omiten sus nombres a quienes hice saber su nombramiento el que aceptaron bajo de juramento respectivo ofreciendo desempeñar fielmente y legalmente su encargo lo que autorise y firme con mis testigos de asistencia segun oho.

Antonio J. Coronel #
Asa Basilio Valdez: Asa Diego Sepulveda

Acto continuo y aun permaneciendo en el mismo parage a efecto de verificar las remiديدas y posesion que corresponde al situado

Corregido

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Don Santiago Tomson previos los requisitos de ley y estando ante mi los testigos de asistencia y los Oficiales Cordeleros hize medir un cordel constante de cien varas, al que se ataron en sus estremos unos ramos de Madera para observacion y calculo por mi disposicion se tiro el cordel desde un costado de ^{la} Encuipa donde se halla por mofonera un encino del rumbo N. O. al S. E. se midieron y contaron en es mil varas que remataron en una lomita que se puso por mofonera. De este punto se tiro el cordel rumbo N. E. y se midieron y contaron en es mil quinientas varas que remataron en la Cañada en donde esta un encino el que tambien se puso por mofonera; de este punto se tiro el cordel con direccion al N. O. y se midieron y contaron dos mil varas que remataron en la Orilla de ^{unas} lomas donde se mande poner una mofonera. De aqui se tiro el Cordel rumbo O. O. toda la orilla de Cas Lomas y se midieron y contaron cuatro mil varas ^{que remataron en la punta de una loma} que remataron en la punta de una loma en medio de una cañada que es el lindero de Encuipa de este punto se tiro el cordel por el mismo lindero de Encuipa a rematar donde se comenzo y se contaron y midieron tres mil varas que remataron en el punto citado.

Corregido

4. donde se comenzo en las medidas se hicieron a satisfaccion del interesado lo que auto use y firme con los de asistencia a segun dho.

Antonio Gerardo Coronel

Asa

Asa

Basilio Valdez: # Diego Sepulveda
tachado = varas = no vale.

De este testimonio a la parte de las presentes diligencias para su resguardo. Asi yo Antonio Coronel juez 2º de paz decrete y firme con los de Asa a segun dho.

Antonio Gerardo Sepulveda

Asa

Basilio Valdez # Diego Sepulveda

En la fha se dio el testimonio respectivo:

Concuerda con su Original a que me remito y se habla en el libro de instrumentos publicos de este año del que se sacó y corre quiérel y legalmente en estas cuatro fojas de papel común por falta de sellado.

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En Testimonio
de
Verdad

Ante el Coronel

Asa Felipe Valenzuela # Asa Salvador Pacheco

Miami Office Nov 5th 1852

Geo: Fisher Deery

37
Translation of
papepion &
D.

Loc. 44 No 1,
Annexed to the
Depo. of Hugo Reid.

M^r 2^o Justice of the Peace
Santiago Johnston of this place before you with
due respect and in the manner most conformable
with the Laws do present myself and say
That having obtained from the Superior Depart
mental Government the grant in fee of a tract
of a Rancho situate between Yucacapa San Jacan
to and other premises that be and on the same
I beseech you to be pleased to give me the pape
pion to which I am entitled of the said tract
according to the provisions of the respective letter
which I annex in the Original to this my petition
for your information and request the same to be
returned to me together with the other proceedings
relating thereto wherefore I pray you to grant
this petition wherein I shall receive favor and
Justice. I am ready to satisfy the Costs of the
same. I make Oath &c. Be please to admit
this ^{upon this} paper there being none of the requisite Stamp
Angels March 23^o 1843

Santiago Johnston

Angels March 24th 1843

This petition being granted presented
and allowed to all legal intents let papepion
in question be delivered to him as the petitioner
demands. I the undersigned Clerks have deemed
and ordered with the assisting Notaries according
to Law

Ante J. Coronel

Manuel Micheltoreno Governor General Command
ant and Inspector of both Californias
L. S.

Whereas Santiago Johnston a Mexican Citizen
by Naturalization has claimed for his personal
benefit and that of his family a tract which
is situate between San Jacinto and San Ga
gonos bounded on the East (West) by San Jacinto
East by San Gagonos and on the North by San
Jeronimo and Yucacapa after going through the
 requisite proceedings and investigations according
to the tenor of the Laws and Regulations. In the
Exercise of the Powers conferred upon me in the
Name of the Mexican Nation I have granted
come to grant him the said premises declaring
him to be the Owner thereof by the present letters

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Subject to the approval of the Most Excellent Departmental Assembly and under the following Conditions

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1st. He may fence it without prejudice to the crop areas high ways and rights of way, he may enjoy it freely and exclusively devoting it to the use of cultivation which may best be proved him but within one year he shall erect a house and it shall be inhabited.

2^d. He shall solicit the Judge who has jurisdiction to give him the jurisdictional possession by virtue of this grant. The boundaries shall be marked out by such Judge and in the lines thereof shall be placed besides the Land marks some fruit trees or fruit trees of some species.

3^d. The tract hereby granted consists of one (sitio) range of neat cattle a little more or less as explained by the design which is annexed to the Minutes of the proceedings relating thereto. The Judge who gives the possession will cause it to be measured according to Ordinances, the surplus which may result remaining the property of the Nation for its behooving uses.

4th. If he fails to perform these Conditions he shall lose his right to the Land and it may be devoted to use by another.

In consequence I order that this letter being held as firm and valid be entered of Record in the proper Books and delivered to the party interested for his protection and other purposes.

Given at the City of Los Angeles on the twenty second of March One thousand Eight hundred and fifty three

Manuel Michellor
Francisco Arco Secretary pro tem

This Provisional Grant is entered of Record in the proper Books at page 1 Arco

At the City of Los Angeles of the Department of the

California on the sixth day of the month of March
 One thousand eight hundred and forty three in compli-
 ance with the petition which Don Santiago Johnston
 has made to the effect that due possession be given
 to him of the tract called "Cauca de San Timoteo"
 and part of the San Geronimo granted by the Superior
 Departmental Government for the purpose of perform-
 ing the remeasurement of said ^{tract} and that
 and the attesting witnesses to repair and proceed
 to give the said possession according to the title
 or grant which has been confirmed by the Superior
 Government dated 22nd of March of the present
 year, I Antonio Coronel J. Justice of the peace
 have so deemed ordered and subscribed with
 my attesting witnesses according to Law on this
 common paper for want of the stamps
 Antonio Coronel - Basilio Buldery Alise Diego
 Sepulveda Alise Efrued Bulal - Out -

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In reception of the same I gave sent notice to
 the owners of neighboring lands stating to them the
 object of my visit to the premises of San Timoteo
 and Geronimo viz that I was going to remeasure
 it and put in possession Mr Don Santiago John-
 son. They manifested no objection and it was
 explained that the premises are between San Jac-
 into and San Geronimo and I stated that I
 proceeded to deliver due possession which I note
 in the proceedings ordered and subscribed by me
 with the attesting witnesses according to Law
 Antonio J Coronel Alise Basilio Buldery
 Alise Diego Sepulveda

On the same date I being on the premises afore-
 said I appointed two officers and clerks whose
 names are omitted on account of their not know-
 ing how to write. I informed them of their appoin-
 tment which they accepted under the approp-
 ate Oath and undertaking the discharge faithfully
 and legally their duty, certified and sub-
 scribed by me with my attesting witnesses ac-
 cording to Law - Antonio J Coronel Alise
 Basilio Buldery Alise Diego Sepulveda

In Continuance, still remaining on the same premises

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to the effect of effecting the remeasurement and delivering
 possession to which the Sacer Santiago Johnston is
 entitled all the requisites of Law being complied
 with and having in my presence the attesting witnesses
 and official and being I caused a line to be measured
 consisting of one hundred varas to the extremities of which
 wooden poles were fastened, after observation and
 calculation under my directions the line was drawn
 from one side of Yucapoo where an Oak stands
 for a Land mark and from the point N 111 to S E
 there were counted five thousand varas which
 ended on a small hill, which was assigned for a
 Land mark. From this point the line was run on
 a N.E. course and there was measured and coun-
 ted five hundred varas which terminated in a
 small valley where stands an Oak tree which
 likewise was assigned for a Land mark from this
 point the line was drawn in a N 111 direction
 and there was measured and counted two thous-
 and varas which terminated on the top of some
 hills, where a Land mark was ordered to be placed
 thence the line was drawn on a West course
 along the top of the hills and there was measured
 and counted four thousand and four hundred
 varas which terminated at the point of a hill
 in the middle of a valley which is the boundary of

corrected faithful Yucapoo to terminate at the place of beginning and
 by and legally in. There were counted and measured three thousand
 these four sheets of varas which terminated at the same point of
 common paper for beginning - which measurements were made to the
 view of the sealed Sacer factum of the party in interest, collected and
 in testimony of truth subscribed by me with the attesting witnesses
 Ant^o J Coronel and to Law. Antonio Franco Coronel - Attest
 Attest Felipe Lopez Basilio Valdez Attest Diego Sepulveda -
 Attest Jose Vazquez Efface = Benad = Out

Taken in Office
 Nov. 1st 1852
 Geo Fisher
 Secy

The certificate given to the party of these present proceedings
 being for his protection I Antonio Coronel J Justice of
 the Peace have so decreed and subscribed with the
 attesting witnesses according to Law. Antonio Franco
 Coronel Attest Basilio Valdez Attest Diego Sepulveda

On the same date the appropriate certificate was
 given - flourish -
 A true copy of the Original to which I refer and
 which is to be found in the Book of Public Instru-
 ments for this year from which this was taken and

Louis Roubideau

41

Louis Roubideau vs
The United States

In the place called San Jacinto and San Gonzalo in San Bernardino County, containing one square League of land

Opinion.

Proof is given in this case, of a grant made by Governor Manuel Michelena on the 22nd day of March 1843 to Santiago Johnston and of the official act of judicial possession which was given to the grantee on the 6th day of the same month. The approval of the Departmental Assembly does not appear to have been obtained.

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The evidence of the purchase of the premises of the grantee by the present claimant consists of a brief and informal memorandum at the end of a copy of the Expediente simply assigning said document together with all and singular the rights conferred thereby to said Roubideau. This document is signed by said Johnston and bears the date of April 2nd 1844. This purchase will be observed was made a little more than a year after the grant. The grant contains the usual conditions including the requirement of building a house within a year.

It is claimed from the proof in the case that Johnston performed substantially the requirements of the laws and regulations under which he took the grant. Nothing more could properly be claimed than that he put a few cattle on the place which could have remained but a very short period of time. He built no house and made no cultivation, and is not proved to have had even a servant established there. The putting of a few cattle temporarily on the place granted is not, and we have before us in several cases, a compliance with the conditions of the Colonial laws and regulations as well entitled a party to a decree of Confirmation in his own behalf or in the name of his assignee.

But on examining the proof in this case we think the testimony insufficient to show that Johnston ever even put any cattle on the premises granted. One witness states that he died so immediately after the judicial possession was given to him, but on the cross examination he declares that he was never

On the place after the grant was made, and he evidently does not speak from any personal knowledge of the fact - Another witness says that Johnson occupied the place (San Timoteo) in 1843 but in a subsequent portion of his deposition he states that this occupancy was in 1842 and that he was in 1842 not there in 1843 and that he (the witness) does not know where the grant resided in 1843 the year the grant was issued.

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The place referred to by these two witnesses whose depositions contain all the material testimony on this branch of the case is denominated San Timoteo but the premises described in the grant are bounded by San Timoteo, and consequently the place known by that name is excluded from the land conceded.

There is some confusion in the use of this appellation, but I incline to the opinion that the place which the witness testified was occupied by Johnson in 1842 was the adjoining place known as San Timoteo and was not within the limits of the land granted and apportioned by judicial measurement. Be this as it may however, the proof is not sufficient to show that he took cattle on the premises apportioned to him under the concession and now claimed by the petitioners at any time during the year that intervened between the issuing of the grant to him and his sale to Roubidoux; and no other acts of settlement or cultivation are pretended. If Johnson had really occupied the place in any manner, or had cultivated or improved any portion of it, there surely would be difficulty in proving it, as the case is presented on the proofs now before us, we cannot find that he did anything towards the performance of the conditions of his inchoate title, which would authorize him to claim to be made the absolute owner of the premises, or enable him to sell it to another with a similar right.

For the want of proof of the performance of the conditions imposed by the law and regulations applicable to the case, the claim must be rejected.

Rejected

Filed in office January 2^d 1855.

Geo. Fisher Secy

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Louis Roubideau }
vs }
The United States }

In this case on hearing the proofs and allegations
it is adjudged by the Commissem that the claim
of the said petitioner is not valid, and it is
therefore decreed that his application for a
Confirmation thereof be denied

Decree.

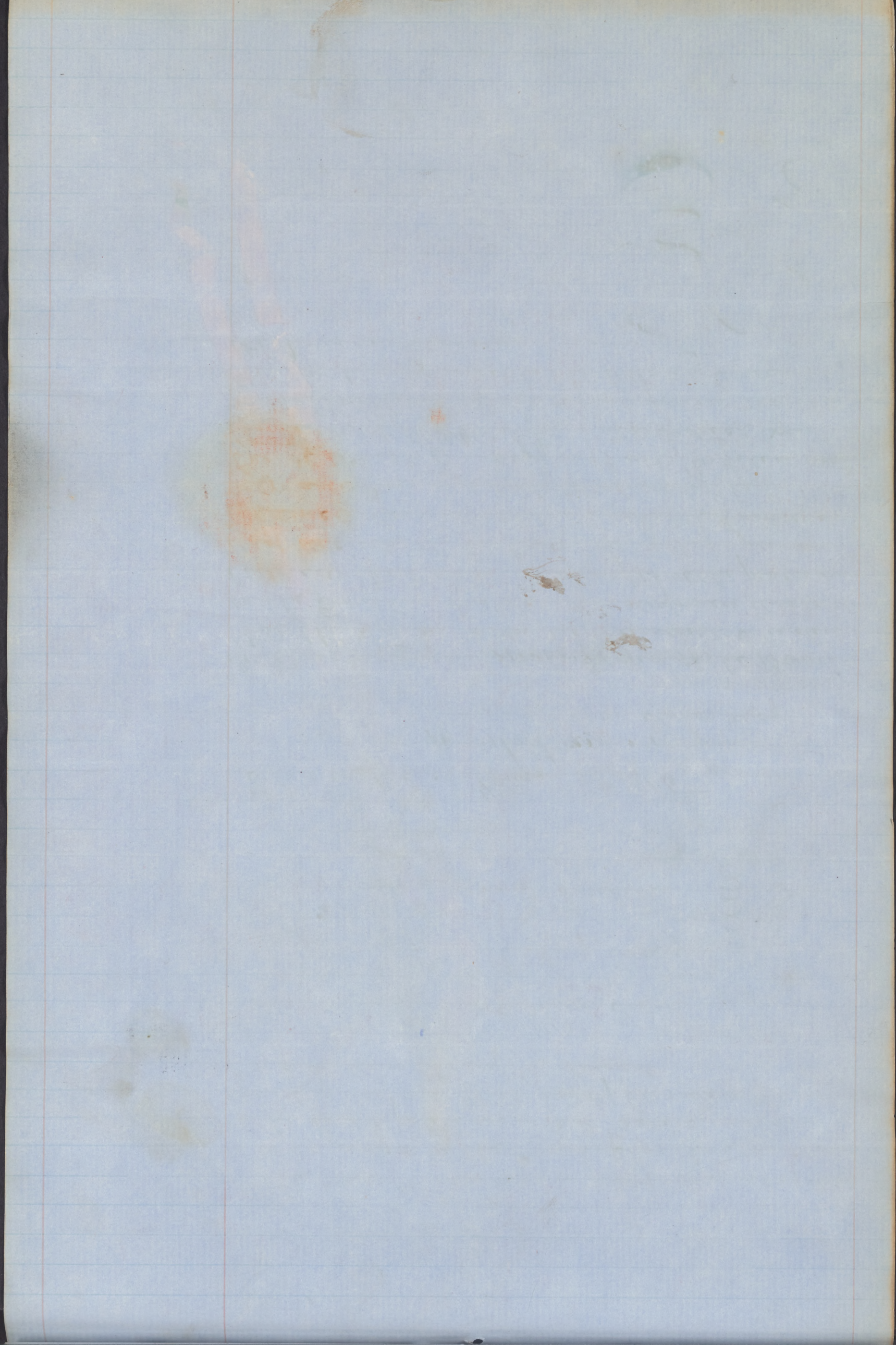
269 SD
PAGE 42

Alpheus Felch }
R. Aug Thompson }
S. B. Fawcett }
Commissem

Filed in Office January 2^d 1855.

Geo. Fisher Secy

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



Office of the Board of Commissioners,

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

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J. George Fisher Secretary to
Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Forty three* pages, numbered from
1 to *H 3*, 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. *H 3* on the Docket of the said Board,
wherein

Louis Ronbideau is

the Claimant against the United States, for the place known by
name of "*San Jacinto & San Geronimo*."

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*.

J. G. Fisher

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

No. ~~269~~ **269**

THE UNITED STATES,

vs.

Ernie Roubideau
'San Jacinto & San Geronimo'

269

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *443*.

Filed, *July 12th 1855*
C. E. Carr
clerk
By A. H. Clark
deputy

269

443

Los Angeles November
the 13th A. D. 1855.

The United States

vs
Louis Robidoux

N^o 443.

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 United States and against the Claimant, and a transcript of the proceedings in which was filed in the Office of the Clerk of the U. S. District Court for the Southern District of California on the 12th day of July A. D. 1855, the appeal in the District Court aforesaid will be prosecuted by the Claimant.

L. Robidoux

To P. Ora Esq.

U. S. District Atty
for said Dist. Court.

No 269.

Nov 15/55

U.S. Dist Court
Southern Dist of Cal.

The United States

— vs —

Louis. Robinson

Appeal Notice

~~I accept service of the within by
receiving a true copy thereof this
Nov. 15th 1855 at Los Angeles.~~

Filed Nov. 15th 1855

J. E. G...
Clerk

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Doc. H. H. No. 4 annexed to the Depo. of
Abel Stearns, before Bond. H. H. Hall.

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En la Ciudad de Los Angeles del Departamento
de California a los diez y seis dias del mes de
Marzo, de año Ochocientos cuarenta y cuatro,
ante mi Manuel Requena, Alcalde 1.^o Con-
=stitucional y Juez de 1.^o Inst.^o de esta ciudad
y su comparecion y p.^o ante los testigos de mi
asist.^o con quienes a etuo a falta de Escriba=
=no publico, comparecieron los D^{os} D^{os}
Santiago Johnson y D^o Luis Rubide (a
quienes doy fe conozco, y dijo el primero: que
por si y a nombre de sus herederos, sucesores
y de quien de ellos hubiere titulo, voz y cau=
=sa en cuales quiera manera, vende y da
en Venta real y enagenacion perpetua,
p.^o jurato de heredad para siempre jamas
al segundo, el derecho que tiene en el
sitio nombrado Jarupa, y es la mitad de
el, siendo la otra parte de D^o Benito
Wilson, con casa, corral, siembra de trigo
y^o coninas un caso grande de Dobre que
existe en el mismo Rancho, y el derecho
que le compete al parage D^o Jorgonio que es
de una legua en cuadro cuyo titulo pa=
=sara a favor del citado D^o Rubide,
todo por la cantidad de mil y quinientos
pesos, que tiene recibidos a su entera

satisfacción, y pasaron á su favor real y
efectivamente por lo que formaliza á favor del
comprador la mas firme y eficaz carta de pa-
= go. que á su seguridad conduca y asi mis-
= no debara q^d el justo precio y verdadero
valor de los citados sitios y demas expresados
son los mil y quinientos pesos: de que no
valen mas y en caso de que mas valgan ó
valer puedan del exceso en poca ó mucha
cantidad hace a favor del Comprador gra-
= cia y donacion, pura, mera, perfecta, é
irrevocable, con insinuacion y demas
firmas legales, y renuncia la ley 2^a
tít^o. 10. Nov^{ta}. recopilacion, q^d trata de los
contratos de Ventas, trueques y de otros
en que razonacion es mas ó menos de la mi-
= tad del justo precio y los cuatro años q^d
previene p^{ra} pedir en rescision ó suplemen-
= to á su justo Valor, los q^d de por pasados
como ^{si} efectivamente lo estuviesen y desde hoy
en adelante p^{ra} siempre se desapodera,
desiste quita y aparta, a sus herederos y
sucesores del dominio propiedad, propi-
= edad, posesion titulo, Voy. resciso y otro
cuales quiera derecho que le compete á los
enunciados sitios.

Y á la observancia de todo lo referido.

and ochocientos cuarenta y cuatro.

En testimonio de Verdad

Manuel Requena,

asse

asse

Agust. Borond

#

Juan Domingo.

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Filed in Office Nov. 9th, 1852.

Geo. Fisher, Secy.

United States of America,
State of California
Southern District of California.

J. S. Sims,

Clerk of the District Court of the United States
for the Southern District of California, do
hereby certify the foregoing to be a true, full
and correct copy of pages No. 29 and 30, in
the Transcript of the U. S. Land Commis-
= sioners No. 463, in case No. 263, on the
Docket of said Court, as the same appear
of file in any Office.

In witness whereof I hereto
set my hand and affix the
Seal of said Court, this 14th
day of December A.D. 1852.

J. S. Sims, Clerk.

per W. W. Stetson, Deputy.



U.S. 269-SD
En Roll Comptrol
Acta Recop. 14 de Dic. 1852
J. S. Sims

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

Luis Rubidoux

Appellant

vs
United States

} N^o 269

To the Hon Isaac S. H. Ogier
United States Dist Judge for the
Southern Dist of Cal.

The petition of Luis
Rubidoux resident of Los
Angeles the said Dist respect-
fully sheweth, that he is
the owner of a certain square
league of land situated in the
County of San Bernardino Cal,
and between the places called
San Jacinto and San Geronimo
that the said league of land
was in the month of March
eighteen hundred and forty three
granted to one Santiago Johnson
through whom your petitioner de-
rived title by Manuel Micheltoreau
then Governor of the California by
virtue of the authority in him
vested by law, that judicial

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possession was duly given; that his claim for the said land was regularly and in conformity with the requirements of the act of Congress passed on the 3^d of March 1851 for ascertaining and settling private land claims in California. That transcript of the proceeding papers and evidence upon which such claim was founded was filed in this Honorable Court on the 12th day of July 1855 whereby it will be perceived that the said board rendered a decree rejecting the said claim. That on the 15th day of November 1855 a notice of intention to prosecute the appeal was in conformity to law filed in this Court.

Your petitioner would further respectfully represent that his claim to the said tract of land is a just and legal one and ought to be confirmed.

Whereupon Your petitioner respectfully prays that this Honorable Court may

review the said decision
of the said Commission
and to reverse the same, and
to declare upon the validity
of the same and to confirm
it to him and for such fur-
-ther and other relief as he
may in law and equity be
entitled to under the afore-
-said act of Congress

And your petitioners
will ever pray

Henry Hancock
Counsel for
Claimant

Ms. A. 9. 2. 2. 11

Oct 29 58

No. 269.

Louis Rubidoux
Appellant
vs
The United States
Appellee

Petition of review.

Filed Oct. 29. 1858

L. Sims, Clerk
for W. W. Stetson
Dpty.

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United States District Court
Southern District of California

Louis Rubedeaux

vs App't

The United States

San Francisco San Bernardino
No 269

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Now comes J. P. Mitchell
Attorney for the United States for the
Southern District of California
and for and behalf of the United
States for answer to the petition
of Louis Rubedeaux for review
of the decision of the Land Commissioners
says - that he denies all and singular
each and every allegation in
said petition contained - and further
the respondent denies generally
the validity of the alleged title of
the claimants to the land claimed by
them

And said
respondent prays this Hon'ble Court
will affirm the decision of the
said United States Land Commissioners
in said case and decree the said
alleged title to be invalid - and
general relief

J. P. Mitchell
Att'y for the U.S. for the
Southern Dist. of Cal.

No 269

Dec 13/58

Luis Subodant

is

The United States

Consul of U.S

Filed Dec: 13th 1858,

J. Sims, Clk,
for W. W. Stetson,
Atty.

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W. W. Stetson
best atty

Doc. No. No. No. 4.

Translation annexed to the deposition of
Abel Stearns

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At the City of Los Angeles in the Depart-
=ment of California on the Sixteenth day
of the month of March One thousand eight
hundred and forty four. before me Ma-
=rquis Reguera first Constitutional Al-
=calde 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 Louis Rabide, (whose identity they
being known to me, I certify) And the
first said. That for himself, in the name
of his heirs successors and whoever 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 forever more
to the second the right which he holds
in the premises called Jacupa, 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 vessel which is on the
same Rancho, and the rights which

belong to him in the tract San Lorenzo,
which is One square league, the title where
of shall pass in favor of the said Mr. Ruc
vide. - The whole for the sum of One thou-
sand five hundred dollars, which he has
received to his entire satisfaction, and
were passed over in his favor truly and
effectually, wherefore he executes in fa-
vor of the purchaser the most firm and
efficacious acquittance which can promote
the security and in the same manner he
declares that the just price and true value
of the said tracts and other things men-
tioned are the same One thousand five hun-
dred 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 denotes the same in favor of
the purchaser, purely, entirely, perfectly
and irrevocably, with legal prohibition
and other legal guarantees, and he waves
Law 2. Title 1. Book 10. Nov. Reespilacion,
which treats of contracts of sales, 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 there-
of, or a supplement to the just value,
he allows them to have expired in the same

away as if they effectually had, and hence =
= forward and forever, he releases and aband=
= out, quit-claims and sets apart for him=
= self, his heirs and successors, the domain =
ownership, possession, title, claim, re=
= course or any other right whatever, which
may belong to them in the said tract 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 or ought to have cognizance
of the present subject, to the end that they
may compel and enforce by all expediency
of law and execution, as if it was upon a
sentence passed by Authority of a thing ad=
= judged and asserted to, he renounces
his own privilege of jurisdiction, domicile, and
neighborhood, the Laws in his favor and
defense, adding the general clauses in due
form. In testimony whereof he do executed
and subscribed the same with one 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. Mateo Aragon =
Instrumental Witness. Basilio Aguilar.

A true copy of the Original to which I refer, which is found in the ^{4th} Book of ~~Public~~ Instruments of this year, from which it was taken and corrected on this ^{folded} sheet of common paper, there being none of the stamped, at the City of Los Angeles on this 15th, of March, One thousand eight hundred and forty four.

In testimony of truth,

Manuel Requena,

Attest. Ign^o Borond.

Attest. Juan Domingos,

Filed in Office Nov. 8th. 1852,

Jos. Fisher, Secy.

No 269

San Bull Comh

Filed Dec 14th 1858
Gland
etc

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Mar 15/44

Guert Robideau
appell

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Case No. 269

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The State appellee

Deposition of *Manuel Requena*

taken before C. SIMS, United States Commissioner for the District of California, at the United States Court House, in the City of Los Angeles, on *2nd*, the day of *December* A. D. 185 *8*, at *1/2* o'clock - M., on said day, on behalf of the *appellants* by the

to be used as testimony in a certain cause now pending in the *United States* being Case No. 269, on the Docket of said Court, wherein *Guert Robideau* are appellants, and *U States* are appellees.

Present *W. Hancock* Attorney in behalf of the appellants
and *F. A. Sawyer* representing behalf of appellees. *the appellee*
and *J. Warner* Interpreter

Q. What is your name - age and place of residence -
A. My name is Manuel Requena I am 57 years of age and reside in the city of Los Angeles, -

Q. You are here shown a copy of a *transfer of lands* from which by the same purport to have been conveyed by one *Leustaf Johnson* to *Guert Robideau* appellt in this cause which conveyance as appears from the copy has had *signature* before you as *Heard* Judge of the *First* District

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on the 16th day of March 1844
 you will please I mean the same
 And state if you have any recollection
 concerning either place in
 particular what you understand
 to be meant by the place named
 in the 26th line of the first page from
 the top of said copy called place
 San Gregorio also whether said
 place was ever known by any other
 name than that of San Gregorio
 and what you may know of the
 locality of the one leaf in square recited
 on line 27th from the top in said copy
 and by the parties to the said Inste-
 ments of transfer called San Gregorio
 in the 24th line of said

Ans. By the beginning of the year 1844
 Santiago Robinson was the owner
 of a tract of land called San Gregorio
 and he was also owner of another
 tract of land of which I do not know
 the name - in the ^{vicinity} vicinity of San Gregorio
 of which land I understand possession had
 been given him in the previous year by
 Antonio Coronel that in March 1844
 Santiago Robinson appeared before
 me asking a document of sale
 from him to Luis Robedon for the
 said San Gregorio piece of land as well
 as for "Europa" and I made the
 document which was duly deposited
 in the records and of which this ap-
 pears to be a copy.

...which was duly deposited
...and of which this sh-
...had to be a copy

Qust Did you know if Santiago
Johnson owned any other tract
of land at that time containing
a square league &

Ans I do not know

Graphamistation by A. Sawyer
acting as the best atty

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PAGE 62

Qust Did you ever hear of this piece
of land ^{being} called San Geronimo?

Ans I do not know the land pu-
sonally but at the time Santiago
Johnson gave me a memorandum
-dum from which to extend the doc-
-ument of sale he placed the name
of San Geronimo in that memorandum
and I understood it to be a
part of the tract of San Geronimo
but that the tract of land called
San Geronimo to be a much larger
tract

Manuel Requena

Shorn Sub^{ll} to before
me this 20th day of Dec^r 1858
Ojuna
Alcarrnupian

I, C. Sims, of the City and County of Los Angeles, and State of California, Commissioner to take Affidavits and Bail, in civil case pending in the Courts of the United States, and Depositions under the Acts of Congress, approved September 24th, A. D. 1789, February 20th, A. D. 1812, and March 1st, A. D. 1812, by virtue of my office of Clerk of the United States Court of the Southern District of California, and by special appointment by the United States Circuit Court for the State and circuit of California, do hereby certify that the foregoing Depositions of Maurice Reguma was taken before me on the 20 day of Decr, A. D. 1858, according to the consent of status of the said

at the United States District Court House, in the City of Los Angeles, and State of California, in behalf of the appellant That the said Maurice Reguma was by me duly sworn according to law as a Witness in said cause in the caption of this Deposition mentioned, and after being so sworn, his Testimony was by me reduced to writing in his presence, and after having been by me carefully read to him, and by him corrected in every particular as he desired, was by him signed in my presence.

In witness whereof, I hereunto set my hand and private Seal, (having no Seal of Office,) this 20th day of December, A. D. 1858

C Sims

United States Commissioner.

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Dec 20/58

No. 269

United States District Court for the
Southern District of California.

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Deposition of Maud R.
Quinn
Filed this 20th Dec 1858

1858

Quinn
et al

The President of the United States of
America

To Daniel Requena,

Greeting;

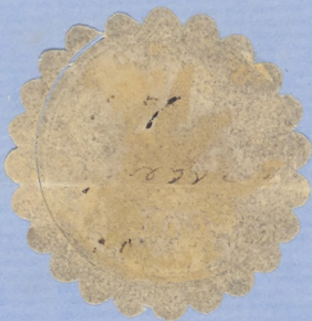
We command you, that, all and singular
business and expenses being laid aside, you
do and appear before the Judge of the Dist-
-ict Court of the United States for the
Southern District of California, at a
Regular Term of said Court now in ses-
-sion at the Court Room in the City of
Los Angeles, on the 20th. day of December,
A.D. 1858, forthwith, to testify and give
evidence in a certain cause pending in
said Court, on the part of the Appellant,

And

this you in no wise omit, under the penalty
upon you of Two Hundred and fifty dollars.

Witness. Hon. Isaac D. H.
Dyer, Judge of the District
Court of the United States
at the City of Los Angeles
this 20th. day of December,
A.D. 1858,

D. Sims, Clerk.
per W. W. Stearns, Deputy,



Marshals Return
I have served this writ personally by Copy
on Manuel Requena this 20th day of December
A.D. 1858

James C. Prairie
U. S. Marshal for the
South Dist of California

No. 269.

U. S. Dist. Court for the
South Dist. of Calif.

Louis Rubisearant
Appellant
vs

The United States
Appellee,

Subpoena on the part
of Appellant,
for witness

Manuel Requena

Filed West. 20th 1858
J. C. Sims Clerk,
for U. S. Dist. Court
Capt. J. C. Sims

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Dec 20. 1858

No ~~377~~ 269

J. Poubert

By
A. J. G. J. G.

deposition

Filed in office this

28th Feb 1868

C. J. G. J. G.
C. J. G.

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SD

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Louis Roubidoux
M

The United States No 269

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J. C. Fries being duly sworn ^{in open court} the fact
of the claimant in the above cause says
in answer to interrogatories of course of
claimant ~~and~~ that on the 20th day of
December 1858 he was US Commissioner
for the State of California, that on or about said
day he took the deposition of Manuel Requena
that the paper in English purporting to be a
translation of a certified copy of a transfer
of Johnston & Louis Roubidoux & now
marked "A" was as appears upon its filed on
the 14th Dec^r, 1858 with him as Clerk of US Dist
Court for Southern Dist of Cal., that from
the fact that said paper having the word
"Jau Gorgonio" in the 26th line from the top
referred to in the said deposition, in fact
that it is the paper alluded to in said de-
position

C. Fries

Feb 29/66

No 269

S. Bonbrant

(P)

The United States

Filed in office this
29th July 1866

C. Sims M

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United States District Court for the
Southern District of California

Before Hon. J. S. K. Ogier
U. S. Dist Judge

December Term 1859

Louis Rubidraux

Appellant

vs

The United States

Appellee

} No 269

This cause coming on to be heard
on appeal from the decision of the
Board of Land Commissioners to ac=
=ertain and settle private Land Claims
in the State of California upon the Trans=
=cript of the proceedings and decision
of the said board and the documentary
and other evidence upon which the same
was founded, and upon other evidence
taken and filed in this Court; and counsel
for the respective parties having been
heard It is ordered adjudged and
decreed that the decision of the said
Board of Land Commissioners declaring
~~the same~~ invalid and rejecting the
claim of the above named Appellant
Louis Rubidraux to the Lands set forth

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and described in the petition to the said Board and in the documentary and other evidence filed in this cause be and the same is hereby reversed

and it is further ordered and decreed that the title of the said Appellant Lornis Rubidraz to the said Land as set forth and described in the original grant on file in this cause is a good and valid title and that the claim to the said land be and the same is hereby confirmed

The land of which confirmation is hereby made is situated in ^{the} that portion of the ~~former~~ County of Los Angeles ~~which is now called~~ San Bernardino California and is known as a tract of land lying between San Jacinto and San Geronimo bounded on the East by San Geronimo on the North by San Timoteo and Yucaipia and on the West by San Jacinto containing one square league of land and no more

Guillermo G. G. G.
N. S. O. S.

Done in open Court this 29th day of July 1860

Dec term 1859

Docket No 269

Louis Rubidoux

Appellant

vs

United States

Appellee

Decree
of Confirmation

Filed in office
this 29th July 1860

C. Lewis
ck

Recorded on page 273

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United States District
Court District of California

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Louis Rubedeaux
Appellant
vs
The United States
Appellee

On reading the Mandate of
the Supreme Court of the United
States, and it appearing that
the appeal heretofore taken
in the above entitled cause
from the District Court of the
Southern District of California
has been dismissed Now on
motion of Henry Hancock
Attorney for Claimant it is
ordered that the said Mandate
be filed and that the Claimant
be allowed to proceed under
the said former decree of
the said District Court as a
final Decree

John D. Hoffmann
Clerk of Court

269. S.D.
U.S. District Court
Dist of California

Louis Rubideaux

vs

The United States

Order on pluing mandate
that claimant pro-
ceed as under final
decree

Filed September 16th 1870

Edw B Coffey Clerk

By A D Sprinwood

THE PRESIDENT OF THE UNITED STATES OF AMERICA,



To the Honorable the Judges of the *District* Court
of the United States for the _____ District
of *California* _____

GREETING:

Whereas lately, in the *District* Court of the United States for the *Southern*
District of *California*, before you, _____
in a cause between *Louis Rubideaux*, Appellant, and
The United States, Appellee, wherein the
decree of the said *District* Court, entered
in said Cause on the 29th day of February
A. D. 1860, was in favor of the said appellant,
Louis Rubideaux, and against the said
appellee *The United States*, - Whereupon
the said appellee, prayed an appeal to the
Supreme Court of the *United States*.

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as by the inspection of the ~~manuscript of the record~~ certificate of the clerk of the said District Court, under the seal of the said District Court, which was brought into the Supreme Court of the United States ~~by virtue of~~

agreeably to the Act of Congress, and the rules of the said Supreme Court in such case made and provided, fully and at large appears

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and ~~sixty-seven~~, the said cause came on to be heard before the said Supreme Court, ~~the said transcript of the record, and was argued by counsel: On consideration whereof, and it~~ appearing that the said appellants have failed to have their cause filed and docketed in conformity with the rules of this Court, it is now here ordered adjudged and decreed by this court that this appeal from the District Court of the United States for the Southern District of California, be, and the same is hereby docketed and dismissed.

And it is further ordered that this cause, be, and the same is hereby remanded to the District Court of the United States, for the District of California.

11th December 1869.

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

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

Witness the Honorable *Salmon P. Chase*, Chief Justice of said Supreme
Court, the *first* Monday of *December*, in the year of our Lord one
thousand eight hundred and *Sixty-nine*.

COSTS OF— _____

Clerk . . . \$ _____

Attorney . . . \$ _____

\$ _____

Witnessed by _____

J. W. Middleton

Clerk of the Supreme Court of the United States.

No. 338. *December* Term, 1869.

MANDATE

SUPREME COURT UNITED STATES

W. J. Richardson

269. 89.

1st Monday Dec 1869

*Filed on motion of
Henry Staunton City
for Clerks and Septembers
1869: 261890*

Edw. J. Carter Clerk

Wm. H. Pinwood

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Memorandum of papers contained U.S. District Court file
Dist. of California, in Case "No. 269,
Louis Roubideau

vs.

The United States.
(San Jacinto & San Gregorio)"

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January 1930.

- 1 ✓ 1. Filed Nov. 15th, 1855: U.S. v. Louis Robideau. Appeal Notice Signed "L. Robidoux".
- 2 ✓ 2. ~~xx~~ Filed Oct. 29, 1858: Luis Rubidoux, Appellant, v. The United States, Appellee. Petition of Review (of Louis Rubideaux,) addressed to Hon. Isaac S.R. Ogier, U.S. Dist. Judge for the Southern District of Cal.
- 5 ✓ 3. ~~xx~~ Filed Decr. 18th, 1858, Luis Rubedeaux vs. The United States. Answer of U.S.
- 3 ✓ 4. Filed Decr. 14th, 1858 "No. 269. In Dist. Court U.S." (No title endorsed). "Doc. H.H. No. 4 annexed to the Depo. of Abel Stearns, before Com^r H. Hall." (In Spanish)
(signed: "# Juan Domingo,
~~xx~~ Ynstrumental
Casildo Aguilar. ~~x~~.....
In testimonio de Verdad
Manuel Requena
Assu
Juan Domingo."
(At end: "Filed in Office Nov. 9th, 1852., Geo. Fisher, Secy.")
- 4 ✓ 5. Filed Decr. 14th 1858: "No. 269 In Dist. Court" (No title endorsed). "Doc. H.H. No. 4." Translation annexed to the deposition of Abel Stearns" Zapparently a translation of No. 4
- ✓ 6. "No. 269. United States District Court for the Southern District of California." (No endorsed title) "Deposition of Manuel Requena, Filed this 20th Decr. 1858. C. Sims, Clk."
- ✓ 7. "No. 269 U.S. Dist. Court for the Southn Dist. of Cala. Louis Rubideaux, Appellant, ads. The United States, Appellee." "Subpoena on the part of Appellant. Witness Manuel Requena. Filed Decr. 20th 1858. C. Sims, Clk. per W.W. Sutton, Dpty."
8. "No. 269. L. Roubideux v. U. States. Stipulation" (that deposition of Manuel Requena be admitted as evidence" etc. Signed, G.R. Gitchell, U.S. Dist. Atty. Harry Hancock of Counsel for Claimant."
9. "No. 269. L. Boubideux vs. The United States. Filed in office this 29th Feby. 1860." Answer to Interrogatory, of C. Sims, that on the 20th day of Decr. 1858, he was U.S. Commr. for the State of Cal., & on or about that day took the deposition of Manuel Requena, that the paper in English purporting to be a translation of a certified copy of a transfer of Johnston to Louis Roubideux & now marked "A" was, as appears upon it, filed on the 14th Decr. 1858, with me as Clerk of U.S. Dist. Ct. for the Southern Dist. of Cal.; that from the fact that said paper having the word "San Gergonio" in the 26th line from the top referred to in the said deposition, I infer that it is the paper alluded to in said deposition."
- ✓ 10. Docket No. 269: Louis Rubideaux, Appellant v. United States, Appellee Decree of Confirmation, filed in office this 29th Feby. 1860." (Over

Filed
Feb. 28, 1860

✓ 11. "269 S.D. No.338 December Term 1869 Mandate Supreme Court
United States. U.S. V. Rubideaux. Filed on Motion of
Henry Hancock, Atty. for Claimants, Sept.16th, 1870."

✓ 12. "269 S.D. U.S.District Court, Dist. of California.
Louis Rubideaux vs. The United States." Order on filing
Mandate & that claimant proceed as under final decree. Filed
September 16, 1870.

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