

CASE No.
104

SOUTHERN DISTRICT

CUYOMA GRANT

THE HEIRS OF CESARIA LATAILLADE

CLAIMANT

LAND CASE 104 SD 117 pgs.

FEB 25 1963

120

Southern District

TRANSCRIPT

104 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 120

The Heirs of Cesario Palaillade

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Guyoma."

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 twenty third day of March, 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 The Heirs of Cesario La-Faille, "Guayoma", for the Place named
was presented, and ordered to be filed and docketed with No. 120 and
is as follows, to wit;

(Vide page 3 of this Transcript.)

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

San Francisco, October 13, 1852.
In the same case, the Deposition of Ignacio del Valle, a witness in behalf of the claimant, taken before Commissioner, Waland Hall, with Documents marked No. N. W. 1, and the Translation thereof marked T3, was filed, and is in the words and figures as follows, to wit:

(Vide page 4 of this Transcript.)

San Francisco, February 12, 1853.
In the same case, the Deposition of Mr. R. Button, a witness in behalf of the claimant, taken before Waland Hall, Commissioner, was filed, and is in the words and figures as follows, to wit: (Vide Page 6 of this Transcript.)

2
San Francisco February 12, 1853.

In the same case, the Depositions of Pablo de la Gaura and Jose Maria Goranubias, witnesses in behalf of the claimants, taken before Harry Thornton, Commissioner, were filed, and are in the words and figures as follows, to wit:

(Vide page 587 of this Transcript.)

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San Francisco, September 28, 1853.

This Case was submitted on Briefs and Taken under advisement by the Board.

San Francisco, February 28, 1854.

In the same case, Commissioner R. Aug. Thompson, delivered the Opinion of the Board, rejecting the claim.

(Vide page 32 of this Transcript.)

San Francisco, Aug. 15, 1854.

In the same Case, on motion of the U.S. Law Agent, the following Order was made to wit:

(Vide page 35 of this Transcript.)

To the Honorable Commissioners to Settle
Private Land Claims in California.

The petitioners Maria Antonio de la Guana
y Sataillado, widow and Maria Antonia Sataillado
lado, and Cisneros & Sataillado children of
Don Cesario Sataillado deceased respectively
show. That on the 9th day of June AD
1846, Pio Pico Governor of California by virtue
of authority herein vested, granted to the aforesaid
Cesario Sataillado, alias Soto, the tract of land
known by the name of "Cayoma", in the then
jurisdiction of Santa Barbara consisting of
Eleven square leagues, with the boundaries descri-
bed in the grant and map accompanying the
Request.

That on the 8th day of July AD 1846
the Departmental Assembly of California appro-
ved the said grant in due form of law, copies of
which original petition, grant, map and appro-
val are hereto annexed marked A with Poems
written marked B.

That the said land has not been
claimed by the Major General of the United
States but that it is defined in quantity with
boundaries fully described in the grant and
accompanying papers.

That the grantee and his heirs
have done and performed all the requirements
of the said grant necessary to make the grant
aforesaid full, perfect and absolute.

That they know of no conflicting claim.
The petitioners further show, that on the 12th
day of April AD 1849 the said Cesario
Sataillado died intestate at Santa Barbara
in California leaving them his sole heirs.

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The petitioners rely for confirmation
upon the original papers, copies of
which are hereto annexed upon the papers and
minutes relating to the same in the archives now
in the possession of the Surveyor General and
upon such other and further proofs as they may
be advised are necessary.

Wherefore they pray the Commiss
ioners to confirm to him the aforesaid grant.

By their Attorneys.

Walter, Ratch & Bellings.

Filed in Office March 28th 1852.

(Signed)

Geo. Fisher Secy.

X
Office of the U.S. Land Commis -
sion -

Los Angeles Oct. 15th 1852

On this day before Herlend Hallam of the
Coms for ascertaining and settling private
land claims in California came Ignacio del
Valle a witness produced in behalf of the claim
ant Maria Antonia de la Guardia Lataillade
whose petition is No 120 on the Docket of the
Board and was duly sworn.

Her evidence being given in Spanish was im-
terpreted by the Secretary.

The Associate Land Agent was notified and
attended.

1st Question - What is your name and place
of residence?

Answer. My name is Ignacio del Valle. My
age about 40 I reside in Los Angeles and
have lived in California 27 years.

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2. Just - Examine the document before you marked No 1118 and say if you know the signatures, if they are genuine, and if the document is genuine?

Ans - I have examined the document and am acquainted with the signatures of Pedro Piero Jose Maria Morano & Narciso Botillo, their signatures to this document are genuine and the document itself to the best of my knowledge, and belief, is also genuine.

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Ignacio del Valle.

Swear & Subscribed

Before me

Heiland Hall, Commissioner,

Public Office Oct 15th 1853

(Signed) W Fisher S. A.

X
Deposition
of
Jose Maria Covarrubias

San Francisco Feb 12, 1853.
On this day before Court No 16 I Shonton
came Jose Maria Covarrubias a witness in behalf
of the claimants Maria Antonia de la Guana
& Pataillado et al petition No 120 and was duly
sworn his evidence being interrupted by the
Secretary.

The U.S. Associate Law Agent present

In answer to questions by Comst for
claimants the witness testified as follows.

My name is Jose Maria Covarrubias
my age is 44 years. I resided in Santa
Barbara County and have lived in California
19 years.

I know the Rancho called "Cenoma",
which was granted to Cesario Pataillado
in 1846. It is near the northern end of Santa
Barbara County. The Indians in that part of
the County had been hostile since 1847 having

6

Show all the settlers from the neighbouring ranches and destroyed their property. My own
~~robbed in 1850 and my horses driven to Santa~~
Ranch near Santa Fe was broken for safety
from the Indians. The Indians are still in pos-
session of "Cajome". With the horses and it would
be unsafe for white men to go there. It is situated
about 30 miles East of Santa Fe. Cesario Lata
lado died in 1849 leaving a widow Maria Antonia
de la Guina & two children, Maria Antonia de la
Guina & Cesario. I always understood that
he made no will, I know of this grant at the
time it was given and consider it a valid title.
The land is very poor & considered of little
value.

Jose Ma Coconubias.

U. S. Law Agent present.
Sworn to & Subscribed before me,
this 12th of February 1853.

Henry J. Homlin

Filed in Office Feb. 12. 1853.

(Signed) Geo. F. Fox Secy.

San Francisco Feby. 12. 1853.

On this day before Com^r H. Hall came
Mr R. Heath a witness in behalf of the claim
ants. Maria Antonia de la Guina & Lata lado
at al petition No 120 and was duly sworn his
evidence being given in English -

U. S. Associate Law Agent present.

In answer to questions by Claimant Com
to the witness testified as follows.

My name is William R. Heath my of-

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Deposition
of
Wm R. Heath

4

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27 years and I have lived in California ever
since.

I was on the Rancho called "Cuyamaca"
claimed by Mrs. Gatañada and children in
May 1857, with an armed body of men in
pursuit of hostile Indians. I saw the ruins
of a house and an old fence. The Indians
occupying this part of the country are so
hostile that white men can not live in the
vicinity. Only armed parties of men can go
through them without the risk of an attack.

This I know from my own observation
and the reports of others.

Wm R. Hutton.

Sworn & Subscribed

Before me

Edmund Hall

Comr.

Filed in Office Feb 12, 1853.

(Signed)

Law Fisher Secy.

Deposition
of
Pablo de la
Guzma

San Francisco Feby 12, 1853.
On this day before him H. J. Thornton
came Pablo de la Guzma a witness in behalf
of the Claimants Maria Antonio de la Guzma &
Gatañada et al. petition no 120 and was duly
sworn his evidence being interrupted by the
Scrivener.

In answer to questions by Claimants counsel
the witness testified as follows.

My name is Pablo de la Guzma. My age
is 38 years. I reside in Santa Barbara and
am a native of California.

Casilio Gatañada received a grant
of the tract of land called "Cuyamaca" in 1844

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but was unable to occupy it on account of
the hostility of the Indians. Latait add
did in 1849 leaving a widow Maria Antonia
and two small children. Maria Antonio and
Orlando. I have had charge of his Estate
since his death but could not occupy the land
on account of the Indians.

They have robed most of
the Ranchos in that part of the Country and
it would be dangerous for white men to go there.

The land is located in between the
Counties of Sonoma Barbero & San Luis Obispo
and a equal distance from each Settlement.

Pablo de la Guma.

U. S. Law Agent present.

Swear to & Subscribed before me
this 11th of May, 1853.

Wm. J. Thornton Esq. &c.

X

File in office File. D. 1853.

(Signed)

Geo. Fisher Secy.

9

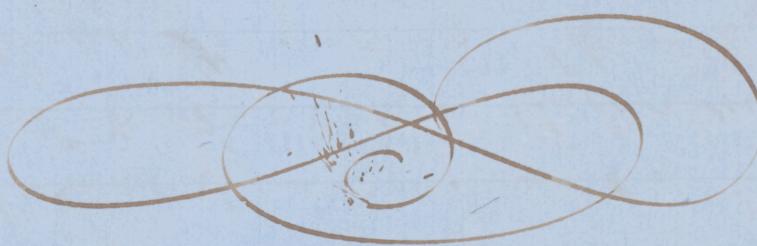
[1]

Expediente

1846

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Expediente promovido por Dr.
Cesario Lataillade en preten-
cion de once sitios de ganado
mayor en los Lulares, en el pa-
raje llamado Cuyama.



Nº 559

SVCE
20

Senor Sub-Prefecto

Cesareo Sataillade, sub-
st.^o Barbara dito frances, casado en este viu-
Junio 5 de 1848
dido con Mexicana, ante V. como
haya mejor lugar en derechos

Hebiendo tomado pr^{ro} esta Sub-Pref^{ecto}
todas las averi-
guaciones ne-
cesarias de ho-
bre de propriedad
y que convencen
el paraje quo
solicita el es-
ponente, como
tambien cons-
tan al que
subcribe, u-
sulta que dho.
paraje está
baldrío y pr^{ro}
consequently no
hayarse nin-
guna dificul-
tad en la em-
plazación, espe-
rando que el
Exmo Srº Go-
bernador ten-
dra atencion
deponer á

companeros y hago presente =
Que deseando para mi beneficio
y el de mi familia poseer un
terreno en este Departamento, pro-
prio para criadero de ganado, y
saredor quo se halla baldío el
paraje quo á continuacion se
expresa a V^r solicito, Señor Sub-
Prefecto, que tomadas las averigua-
ciones necesarias, se sirva devol-
verme el presente con su dictamen
y vista de él, presentarme
al Exmo Señor Gobernador de este
Departamento =

= Lindos del paraje q^e solici-
to

Al Norte = colinda con la Sierra
de este rumbo =
" Sur = con la Sierra madre
y Lomerios muertos al P.O.
Este = colinda con las lomas
muertas, conocido vul-
garmente con el Río de la
Palita rumbo para San
Miguel - incluyendo en
este limite las lomas
al Este de la Palita =

3 3 3

11

120-1

favor del soli-
citante por
resultar en be-
neficio del De-
partamento -

Anast. Canillo



M. dese - colinda con el pa-
raje concedido en Abril 1843
al finado Leandro Sosa illo Rojo
El paraje está situado dentro
de la canada llamada gene-
ralmente de "Cuyamá" y
consta de diez sitios pocos mas
o menos de largo y seis de
ancho; es decir 10 de Nat.

y 5. de E a O: en el quedan incluidos los
puntos nombrados "Agua Caliente" arroyo
del Siquies "Cienega del Tular" su ta.
y Agua salada =

Protesto presentar en caso de
acquiescencia, el dinero exacto y juro no
obrar de malicia ~

Presentando este en papel comun
por no haber del sellado en Santa Barbara
á tres de Junio de mil ochocientos cuarenta
y seis ~

Cesareo Lataillade



Here follows a sketch marked [4]

[5]

Exmo Señor Gobernador

Cesareo Lataillade subditos

frances y casado en este Departamento con
Mexicana, en la mejor forma que haya
lugar en derecho, me presento y expongo -
Que deseando para mi beneficio particular
y el de mi familia, un terreno para
criaderos de ganado y sombras, y habiendo
hallado uno propio para este fin, que es el

13

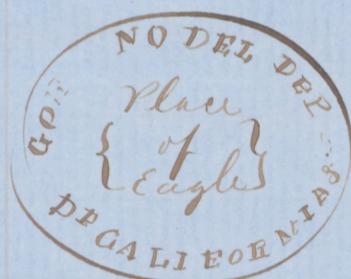
mismo que he solicitado al S. Sub-Prefecto,
como verá V.C. por el adjunto documento
de pedido -

Duplico á V.E si sirva mandar si
tiene atien, extenderme el título de propiedad
por once sitios de ganado mayor en la com-
prehension del paraje — — — — — [P.]
— que soy señalado en el adjunto dicen —

Es gracia q^e solicito de V. Eo y fijo
no obrar de malicia -

Presentado en papel comum por no
haber del sellado en la ciudad de los angeles
á 9 de Junio de 1845.

Cesario Lataillade



{ of
Eagles }
D. G. A. L. I. E. O. R. N. I. A. S.) Angeles a' 9 de Junio de 1845.
Vista la solicitud con que da principio este expediente y del informe que obra a continuacion del Dr. Sub-prefecto del partido de Santa Barbara, con todo lo demás q. se hubo presente y ver como de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828; usando de las facultades con que me hallo autorizado por la Nación Mejicana, declaro por las presentes letras al Dr. Cesario de Gaillard, dueño en propiedad del paraje de "Cuyama" hacia los Tulares, compuesto de once sitios de ganado mayor, colindante al Norte con la Sierra de este nombre.

— — — — — [9]
al Este con las Somas conocidas bajo el
nombre de la Paleta; al Sur con la Sierra

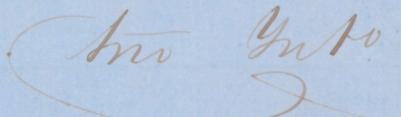
madre y hermanas muertas del S. O., al oeste con
el paraje que fue del fallecido José María Rojas
y trácese en consequencia al interesado el título
respectivo y entreguesele para su uso y demás
fines, reservándose el Expediente para someterlos
a la aprobación de la Exma Asamblea Departamental de California.

Pío Pico Gobernador Constitucional de este
Departamento así lo mando' decreto' y firmo'
doy fe-

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Pío Pico

 José Matías Moreno

 Antonio Yusto

[8]

Pío Pico Gobernador Constitucional del Departamento de California.

Por cuento Dñ Cesario Lataillade
ha pretendido para su beneficio personal y el de
su familia el terreno conocido bajo el nombre
de "Cuyama" por la parte de los Tutes, prac-
ticadas primitivamente las averiguaciones conci-
entes, usando de las facultades con que me hallo
autorizado a nombre de la Nación Mexicana
he reunido por decreto de este día en consideración
el mencionado paraje, declarandole la propiedad
de él por las presentes letras de conformidad con
la ley de 18 de Agosto de 1824 y regla-
minto de 21 de Noviembre de 1828 a reserva
de la aprobación de la Exma Asamblea Departamental,
y bajo las condiciones siguientes:

ta Porán cercarlo sin perjudicar las
traviesas caminos y servidumbres; lo diafrutará
libre y exclusivamente destinándolo al uso y
cultivo que mas le acomode.

9º Solicitará del juez respectivo le de la posesión jurídica en virtud de este despacho, por el cual se le demarcarán los límites con las respectivas mojoneras, poniendo a unos de ellos algunos árboles plantados ó de alguna utilidad.

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[9]

5º El terreno de que se le hace donación es de once sitios de ganado mayor, y limita al Norte con la finca de este nombre, al Este con las lomas conocidas bajo el nombre de la Palita, al Sur con unas lomas que se hallan hacia el S. O., al Oeste con el paraje del finado José Ma. Rojo. El juez que dice la posesión lo hará medir con arzuelo ó ordinanza.

En consecuencia mando que firme y valorese el presente título por falso y valevado, si tiene razón de él en el libro a que corresponde y se le entregue al interesado para su resguardo y demás fines. Dado en la ciudad de los Angeles en papel común por no haber sellado, á los nueve días del mes de Junio de mil ochocientos cincuenta y seis - Pío Pied - I.M.C.L.
Pro. Int.

[10]

Título

20

La comisión de menores balazos encargada de examinar el presente expediente promovido p^r don Cesario Yataillado relativo al paraje conocido con el nombre de Cuyamá p^r la parte de los Atulares q^r la fue concedido por el Supr. Gob. disponiéndole con anejo á las leyes de la materia, en este concepto pone á la deliberación de V. E. la proposición siguiente

Se aprueba la concesión hecha á don

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Cesario Lataillade, casado con Mexicana, del
pueblo Cuyama & la parte de los títulos en es-
tencin de once sitios de ganado mayor segun
titulo librado para su beneficio y el desafamilia
con fecha 9 de Junio de este año en arreglo a la
ley de 18 de Agosto de 1824 y artº 50 del regla-
mento de 21 de Abril de 1828.

Salvo de com. en la ciudad de los Ang.
Julio 24 de 1846.

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J. Arriéullo

Office of the Surveyor General of
the United States for California

I, John C. Fleay, Surveyor General of the
United States for the State of California, and as
such having in my charge and custody a
portion of the Archives of the former Spanish
and Mexican Territory or Department of Upper
California, by virtue of the powers invested in me
vested by law, do hereby certify that the few
preceding and herewith attached pages of tracing
paper numbered from 1 to 10 inclusive, ex-
hibit a true and accurate copy of a certain
document intitulated "Expediente promovido
p. D. Cesario Lataillade en pretencion de
once sitios de ganado mayor en los Títulos
en el pueblo Manzana Cuyama N° 559"
now on file and forming part of the said
Archives in this office.

In testimony whereof I have
hereunto signed my name
officially and caused my

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* seal of office to be affixed at
the city of San Francisco Cal.
this 28th day of September
1853

(Signed) John C Hayes
U.S. Sur Genl Cal.



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Sited in office November 3rd 1853
Geo. Fisher
Surp

5000

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Document
"Nº 1 H.H."
annexed to the
Deposition of
Ignacio del
Valle



Solicitud del
Interesado

Sor Sub-Prefecto

Cesario Lataillade, súbdito francés, casado en esta vecindad con Mexicana, ante V. como haya ^{mejor} lugar en derecho comparecio y hago presente: Que deseando

para mi beneficio y el de mi familia poseer un terreno en este Departamento, propio para criadero de ganado, y sabedor que se hallabáis el paraje que á continuacion se expresa á V. solicitó, Sor Sub-Prefecto, que tomadas las averiguaciones necesarias, se sirva devolverme el presente con su dictamen para en vista de él, presentarme al Demt Sor Gobernador de este Departamento = Linderos del paraje que solicito =

Al Norte = colinda con la sierra de este rumbo = Sur = con la sierra madre y Lomerias muertas, al S.O = Este colinda con las lomas muertas; conocido vulgarmente con el Pie de la Paleta rumbo para San Simón incluyendo en este límite las lomerias al Este de la Paleta - Al Oeste colinda con el paraje encerrado en Abril 1823 - al finado Ciudadano José Mo Rojo = El paraje está situado dentro de la Cañada llamada generalmente de "cuyamán" y consta de diez sitios poco mas ó menos de largo y seis de ancho: es decir 10 de N. a S. y 5 de E. a O.: en él quedan incluidos los puntos nominados "Agua-Caliente" arroyo del Siquico" Cienega del Tular" ^{3w.p.} y agua Salada. = Protesto presentar enciso de acgniescencia el discurso exacto y juro no obviar

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demencia ~ Presentado este en papel comun por no haber del sellado en Santa Barbara á tres de Junio de mil ochocientos cuarenta y seis = Cesario Lataillade. = Santa Barbara Junio - 5 de 1845. = Hechindo tomado por este Sub- Dictamen del Prefecto todas las averiguaciones necesarias de hombres de destino Barbara } probadas y que conocen el paraje que solicita el exponente, como tambien constan al que subcribe, resulta que otro paraje esta valido y por consiguiente no hayarse ninguna dificultad en la concesion, esperando que el Exmo Sr Gobernador tendré a bien disponer á favor del solicitante, por resultar en beneficio del Departamento = Anastasio Carrillo = Exmo Sr Gobernador = Cesario

Solicitud del Lataillade, subdito francés naturalizado en el y casado en este Departamento al Exmo Sr Gobernador ~ mejor forma que haya lugar en derecho, me presento y

espongo: Que deseando para mi beneficio personal y el de mi familia un terreno para criadero de ganado y sombras, y habiendo hallado uno propio para este fin, que es el mismo que he solicitado al Sr Sub-Prefecto, como verá V.E. por el adjunto documento de pedido, suplico a V.E. se sirva mandar se tiene á bien entenderme el título de propiedad por once sitios de ganado mayor, en la comprensión del paraje que va señalado en el adjunto dibujo. = Es gracia que solicito de V.E. juro no obrar de malicia. = Presentado en papel comun por no haber del sellado en la Ciudad de los d' 9 de Junio de 1845. =

Cesario Lataillade. - Angelis 9 de Junio de
 Decreto de con - 1845 Vista la solicitud
 cesum expedido } en que con principio este ex-
 por el Exmo Sr } petente y del informe que
 Gobernador } obra a continuacion del Dr
 Sub-Prefecto del Partido de Pto
 Barbero, con todo lo demas que se subo presento y
 ver inmiso de conformidad con la ley de 18 de
 Agosto de 1826, y reglamento de ~~21~~ de Noviembre
 de 1828, usando de las facultades con que me
 hallo autorizado por la Nacion Mexicana, declaro
 por las presentes letras al Dr. Cesario de La-
 taillade dueño en propiedad del paraje de
 "Cuyama" hacia los Tulares, compuesto de once
 sitios de ganado mayor, colindante al norte con
 la Sierra de este nombre al oeste con las lomas
 conocidas bajo el nombre de la Palita, al sur
 con la Sierra madre y lomerias mueras del Pto.
 al oeste con el paraje que fue del finado José
 Ima Rijo. Librarse en consecuencia al interesado
 el titulo respectivo, y entreguesele para su
 resguardo y demas fines, reservandose el espe-
 diente para someterlo a la aprobacion de la
 Exma Asamblea Departamental de California: =
 Rio Rico Gobernador Constitucional de este De-
 partamento asi lo mando decreto y firmo - Impfe' =
 - Rio Rico - José Matias Morelos - Secretario in-
 terino =

Título librado con } Rio Rico Gobernador Consti-
 tucional del Departamento
 delas Californias - Por quanto
 Dñ Cesario Lataillade, ha pretendido para su
 beneficio personal y el de su familia el terreno
 conocido bajo el nombre de "Cuyama" por la
 parte de los Tulares, practicadas previamente las

averiguaciones concernientes, usando de las facultades con que me hallo autorizado a' nombre de la Nación Mexicana, he venido por decreto de este dia encomendado el mencionado paraje declarandole la propiedad de él por las presentes letras de conformidad con la ley de 18 de Agosto de 1824 - y reglamento de 21 de Noviembre de 1828, a reserva de la aprobacion de la Dama Asamblea Departamental y bajo las condiciones siguientes -

= 1º = Podrá cercarlo sin perjudicar las travesias caminos y servidumbres; lo disfrutará libre y exclusivamente destinandolo al uso y cultivo que mas le acomode: = 2º = Solicitará del Juez respectivo le dé la posesión jurídica en virtud de este despacho por el cual se demarcarán los linderos con las suscitas mojoneras, poniendo a' mas de ellas algunos arbolitos frutales ó de alguna utilidad = 3º = El terreno de que se le hace donación es de once sitios de ganado mayor, y linda al Norte con la Sierra de este nombre, al Este con las lomas conocidas bajo el nombre de la Palita, al Sur con mas lomas que se hallan hacia el S. O., al oeste con el paraje del finado Isai M^r Rojo - El Juez que diera la posesión lo hará medir con arreglo a' ordenanza.

En consecuencia mando que teniendo el presente título por firme y valedero se tome razón de él en el libro a' que corresponde y se lo entregue al interesado para su resguardo y demás fines -

Dado en la Ciudad de los Angeles, en papel comum por no haber sellado, al los nueve dias del mes de Mayo de mil ochocientos cuarenta y seis -

Rio Pico - Isai Matias Moreno Secretario interino: Queda tomada razon de este superior

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despacho en el libro respectivo. = Angeles fha
ut supra. = Moreno

Certifico que la presente copia es fiel-
mente sacada del expediente original que obra
en la Secretaría que es a' mi cargo, y a pedi-
miento del interesado lo estiendo en papel co-
mún por falta de sellado.

Angeles Junio 13 de 1845

(Signed) José Matías Moreno

(Signature)

Pío Pico Gobernador Constitucional del Departamento de las Californias.



Por cuanto Dr. Cesario Gataillard ha pretendido para su beneficio personal y el de su familia el terreno conocido bajo el nombre de Cuyama por la parte de los Tulares; practicadas previamente las averiguaciones concernientes, usando de las facultades conque me allo autorizado a' nombre de la Nación Mexicana he venido por decreto de este día en concederle el mencionado paraje declarandole la propiedad de él por las presentes letras, de conformidad con la ley de 18 de Agosto de 1826 y reglamento de 21 de Noviembre de 1828 a' reserva de la aprobación de la Exma. Cámara Departamental y bajo las condiciones siguientes.

1º Podrá cercarlo sin perjudicar las traeicias caminos y servidumbres; lo disfrutará libre y exclusivamente destinándolo al uso y cultivo que mas le convenga.

2º Solicitará del Juez respectivo le dé la posesión jurídica en virtud de este despacho, por

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el cual se demarcarán los linderos con los respec-
tivas mojoneras, poniendo á mas de ellas algunos
árboles frutales ó de alguna utilidad.

Yº El terreno de que se le hace donación
es de once sitios de ganado mayor y limita el
Norte con la Sierra de este nombre al Este con
las lomas conocidas bajo el nombre de la Falita,
al Sur con unas lomas que se hallan hacia el S. O.,
al oeste con el paraje del fundo Isai' illo Rojo -
El Juez que diere la posesión lo hará medir con
aneglo á ordenanza.

En consecuencia mando que se
mirende el presente título por falso y náleido,
se tome razón de él en el libro á que corresponde
y se entregue al interesado para su roquedo
y demás fines. Dado en la Ciudad de los Angeles
en papel común por no haber sellado, a los
nueve días del mes de Junio de mil ochocientos
cuarenta y seis.

(Signed) Pío Pico

(Signed) Isai' illoas Moreno

Pro Gto

Queda armada razón de este superior despacho
en el libro respectivo.

Angeles Jta ut supra.

Moreno

Narciso Botello Diputado Secretario de la
Honorable Asamblea Dipartamental de
California.

Certifico que en sesión de este día

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aprobo' la Epma Asamblea la concesion hecha
p' el Gob^ro Departamental, á fabr de don Ce-
sario Lataillade, del parage Cuyamo, y en
los terminos siguientes.

" Se aprueba la concesion hecha a' Don Cesario
Lataillade, casado en Mexicano, del parage
Cuyamo p' la parte de los Tularos, en estacion
de once sitios de ganado mayor, segun titulos
librados p' su beneficio y el de su familia, con
fecha 9 de Junio de este año, con arreglo á la ley
de 18 de Agosto de 1824 y artº 5º del re-
gamento de 21 de Noviembre de 1828."

O para que el interesado pueda ocurrir
al d^r l Gob^ro p' el titulo de aprobacion rupre-
sente, libro la presente en cumplimiento a' los
dispuestos p' don B. Asamblea, en la Ciudad de
los angeles a' 8 de Julio de 1825.

(Signed) Narciso Botello

Pio Pico Gobernador Constitucional del Depar-
tamento de California



La Epma Asamblea Depar-
tamental en sesion del dia veinte
del presenteJulio año álien
decretar lo que sigue:

" Se aprueba la concesion hecha a' Don Cesario
Lataillade, casado en Mexicano, del parage
"Cuyamo" por la parte de los Tularos, en
estacion de once sitios de ganado mayor, segun
titulos librados para su beneficio y el de su fa-
milia con fecha nueve de Junio de este año,
con arreglo á la ley de 18 de Agosto de 1824,
y artº 5º del regamento de 21 de Noviembre

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de 1828^o.

Y para resguardo de la parte de don Ce-
sares Lataillade, lo hago así saber.

Dado en Santa Barbara en papel
común por falta de sellado, á diez y seis de
Julio de mil ochocientos cuarenta y seis.

(Signed) Pío Pier

Isidro Matias Moreno
Atto. Gnto.

Filed in office Oct^r 15th 1852
Geo. Fisher -
Secy

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Secretary's Office
of the

Botho Sub. Distict.



Cesarino Lataillade

a French Subject married on this night
February to a Mexican Woman before you in this Mem -
or most favorable in law, appears and expresses
that he has no desire to become a citizen of the United States and that
of his family a law fit for
raising cattle and knowing that the place herein
after described is vacant he requests you after mak -
ing the necessary examinations to be pleased to
return him this with your report that with it
he may present himself to His Excellency the
Governor of this Department.

Boundaries of the place petitioned for.

On the North as is bounded by the River.
On the South by the main ridge (Sierra Madre)
and low hills on the South west. East by the hills
commonly known as "El Padilla Batista" in the
direction of San Emigdio including in this domain
the hills East of la Batista.

West it is bounded by the place granted in April
1843 to the deceased citizen Jose Mariano Roso.

The place is situated within the Rancho called
generally "Cuyama" and contains ten leagues or
less more or less, in length and set in breadth, that
is to say two from N to S and six from E to W, in
cluding the places called "Agua Caliente" "Amoyod
Siquicio", "Cinaga de Pilar" &c, and "Agua
Salada". He also promises to present an exact
map of it in case this request is acceded to and
he swears that he has no acts of malice.

Presented on common paper third being by stamp
in Santa Barbara this third of June but the
said eight hundred and forty six

(Signed) Cesarino Lataillade

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Santa Barbara June 5th 1846.

This Sub-Prefecture having made
the necessary examinations of persons of probity and
who know the place solicited, as also does the Subsidiary
and it appears that the land is vacant and there will
be no difficulty in making the grant of his Excellency
of the Governor should think proper to favor the
petitioner and this result in benefit to the Depart-
ment.

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The Petition to
the Governor.

X

Cisario Lataillade a French
subject and married in this Department to a Mexican
woman in the manner most favorable law appears
and expresses that desiring for his own benefit
and that of his family, a land for raising stock
and crops and having found outfit for this purpose
the same which he has solicited from the Sub-Prefet
as Your Excellency will see by the annexed docu-
ments, he prays Your Excellency of his pleasure if you
will be pleased to grant the title of ownership to be
issued to him for Elviro Sotis de Guadalupe Mayor,
(Chair Squardier), in extent of the place designa-
ted on the accompanying map. This is a favor which
he requests of Your Excellency and he swears that
he does not act from malice.
Presented on common paper there being no stamped
in the City of Los Angeles June 9th 1846.

(Signed) Cisario Lataillade -
Angels June 9th 1846.

Decr of Grant
issued by his
Excellency the
Governor.

Having seen the petition
with which this Department commences and the
report which follows it, of the Sub-Prefect of the
Pueblo of Santa Barbara and all other informa-
tion which was presented and deemed to be proper
to be considered in conformity with the law of

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August 18th 1824 and Regulation of November
21st 1828 using the facultas with which I am
authorized by the Mexican Nation, I by these presents
declare Don Casario Gataillad owner in full of the
place of "Cuyama" towards the Potosas, containing
Elron "Sedes de ganada mayor", Elron Agave
(agaves) bounded on the North by the River, on
the East by the hills known by the name of "Los
Patois" South by the main road (send madre)
and two hills to the South west, and West by the place
that was of the deceased Jose' Morico Roso, Thus
at the proper time he issued and delivered to the
party interested for his security and other purposes
reserving the right to that it may be submitted
to the most Excellent Departmental Assembly of
California for its approval. Por Pico Constitutional
Governor of this Department thus ordered and
and signed I certify -

(Signed) Pico Pico.

(Signed) Jose' Matias Moreno.

Secretary ad interim

Pico Constitutional Governor of the Depart
ment of California.

Whereas Don Casario
Gataillad has for his own personal benefit and
that of his family, petitioned for the land known
with the name of "Cuyama" in the district of Potosas
the necessary examinations having been previously
made, using the facultas with which I am author
ized in the name of the Mexican Nation. I have
ordered of this day grants him the aforesaid
place according to him the ownership of it by these
presents in conformity with the law of August 18th
1824 and regulation of November 21st 1828, subject
to the approval of the most Excellent Departmental
Assembly, and the following conditions

The Title is given
the 9th of June.

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1. He may enclose it without prejudice to the roads cross roads and servitudes and enjoy it freely and exclusively making such use or cultivation of it as he may find most convenient.
2. He shall request the proper magistrate to give him immediate possession in virtue of this order for which purpose the commandos will be marked out with the proper commandos lines which he shall place some fruit or trees of a useful character.
3. The land granted in Amatim is called Sitio de la granada mayor (Eleon Square leaf) and is bounded on the north by the Sierra, on the East by the hills known by the name of La Patita South by some hills which towards the S. W. and west by the place of the deceased Jose Maria Rijo. The magistrate who may give the possession will cause it to be measured in conformity with the ordinance.

In consequence I order that this title being held as firm and valid, noted taken in the corresponding book and be advised to the party interested for his security and other purposes.

Given in the City of Los Angeles
On common paper forward of stamped this
thirtieth day of June One thousand Eight hundred
and forty six.

(Signed) P. P. C.

(Signed) Jose Matias Moreno

Secretary ad interim,

Who has undertaken of this Superior order in
the proper book.

At this date as above.

(Signed) Moreno.

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I certify that the present is a copy faithfully made from the original Despatch which exists in the Office in my charge, and at the request of the party interested I assent on common paper for want of Stamped -
August 2nd 1846.

(sgd) Jose Matias Moreno Secretary

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To His Pier Constitutional Governor
of the Department of the Californias.

Govt
of the Dept.
California.

X

Whereas Don Cesario Galvez had
had for his own personal benefit
and that of his family petitioned
for land known under the name of "Luzama" in the
district of the Salares the proper clamations
having been previously made using the faculties
which are confirmed on me in the name of the Mexican
nation. I have by decree of this day granted
him the aforesaid place dictating to him the owner
ship of it by these presents in conformity with
the law of August 18th 1824, and regulation of
November 21. 1828 subject to the approval of
the most Excellent Departmental Assembly,
and under the following conditions.

1. It may be used without prejudice to the
cross roads and services and causing it truly
and really ready making such use or utilization
of it as he may find most convenient.
2. He will request the proper magistrate to give
him judicial possession in virtue of this order
for which purpose the commandant will be
marked out with the proper boundaries besides
which he shall place some fruit trees or forest
trees of some utility -
3. The land granted in donation is Elvira
(sitios de ganado mayor) Elvira sq leagues)

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and is bounded by the north by the Sierra and
the East by the hills known by the name of "Los
Pátilos". On the South by the hills & the South
west and west by the place of the deceased Jose'
Maria Poco. The Magistrate who may give the
possession will cause to be measured in con-
formity with the ordinance.

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In consequence I order that this title
being held as firm and valid not be taken in the
corresponding book and to be delivered to the party
interested for his security and other purposes.

Guan in the City of Los Angeles on
common paper for want of stamped this
ninth day of the month of June One thousand
Eight hundred and forty six.

(seguid) R. Poco.

(seguid) Jose Matias Moreno

Secretary ad interim.

Note has been taken of this Satisfied order in
the proper book.

Angels date as above.

(seguid) Moreno.

I Francisco Botello Deputy Secretary of the
Honorable Departmental Assembly of Califor-
nia.

Do. 20
Certify that in session of this day the most
Excellent Assembly approved the grant made by
the Departmental Government in favor of Don
Cesario Lataillade of the place "Cajama" in
the following terms:

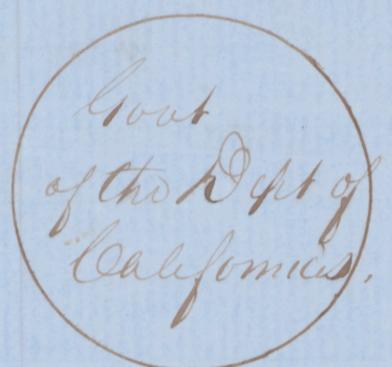
"The grant made to Don Cesario
Lataillade manied to a Mexican of the place
called "Cajama". Martha Palacio in Extint Ciliver
Sitas Arquada Mayor" as appears by the
title issued for his benefit and that of his family

Dated June 9th of this year is approved in conformity with the Law of August 18th 1824 and Article 5th of Regulation of November 21. 1828."

And that the person interested may apply to His Excellency the Governor for the respective title of approval. I send these presents in compliance with the order of said Excellent Assembly in the City of Los Angeles on the 8th of July 1846.

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(Signed) Mariano Botello.



Pio Pico Constitutional Governor
of the Department of the California
was -

The most Excellent Departmental
Assembly in session of the eighth of July instant
thought proper to decree the following.

"The great maestro Don Cesario Gata
lado married to a Mexican of the place "Cuguna"
near the Salons, in Cittas Elbaen Siles as gunade
mayor (Colonial Guard League) as appears by
the bill issued for his benefit and that of his
family date June "ninth of this year was approved
in conformity with the Law of August 18. 1824
and Article 5th of Regulation of November 21
1828."

And for the security of the party Don
Cesario Gata lado I thus make it known.

Given in Santa Barbara on common
paper foreseen of stamped actus sicutum
of July twentieth and eight hundred and
forty six -

(Signed) Pio Pico.

(Signed)

José Matías Moreno Secretary.
Filed in Office March 23rd 1852.

(Signed) Wm. F. Estes Secy D

Wards of Cesario Datalado & Sons
of the United States

This is a claim for Elviro Serrano

leaves of land situated north portion and of
Santa Barbara County. It is founded upon
a grant made by Gov Pio Pico to Cesario Da
Tallado who presents himself as a French
subject married to a Mexican woman dated
July 9th 1846. A copy of the original Espidito
to and map duly certified by Jose Matias Munoz
Secretary the original grant, the certificate of
the approval of the Departmental Assembly
signed by the Deputy Secretary Francisco Bernal
and dated July 8, 1846 and the Governor's testimo-
nial of such approval dated July 16, 1846 are
all set in Evidence and thus genuine from
by the deposition of Ignacio del Valle. It is also
in proof that the Grantees Datalado and in the
year 1851 relinquish the present title to his wife
and children his sole heirs.

The grantee in his petition
to the prefect for the grant gives the boundaries
substantially as described in the grant and
delineated on the map or asiento which accompa-
nies the Espidito. He then goes on to state that
the land which they embrace is two leagues in
size more or less from North to South and six from
East to West. - In his subsequent petition to the
Governor he prays for Elviro Serrano of the place
designated on the accompanying map. Upon this
petition and the recommendation of the prefect
the Governor issued the grant requiring the grantee
to apply to the people magistrate to give him the
judicial possession by whom the people boundary
lines would be marked out.

The usual condition requiring

Oppression

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the building of a house and its habitation with
in a year is omitted, but it has been apparently
acted by the Board that the conditions of habi-
tation or cultivation are imposed by the terms of
the 1st article of the regulation of 1828 and
apply to all grants made under them whatever
expressed in the grant or not.

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PAGE 34

This is very clearly a grant of
Eleven leagues of land to be laid off within
a boundary of nearly six times its extent, and
requires either an actual segregation of the
quantity granted from that contained in the
description and map, or some point of identifi-
cation by which the particular portion may
and to be granted could be ascertained and
located. There is no evidence that any act of
judicial Survey or possession was ever held
and we must look to the grant itself and the
official documents connected with it for such
proof of identification as is necessary to make a
location. The boundaries described in the
grant are the Sierra on the North, on the
East by the hills known by the name of La
Palma", on the South by the hills to the South
west and west by the place of the deceased
Jose' Maria Rijo". A reference to the map
shows that these lines embrace the sixth sq
leagues described in the original petition but
furnished as would be containing in what part
of this large extent of country the land granted
was to be located. It is true there are a number
of natural objects laid down within the bound-
aries described which might serve as points
of identification and fix the location. if there
was any evidence connecting them with the
grant but there is none whatever, and in this

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case soon five or six tracts of Eleven leagues
Each might be located within the Cuernavaca
given and each in thus entire Extent embrace
different lands.

This is certainly not such a
description as would operate as a segregation
of the land granted from the public domain.
It brings the case clearly within the operation
of the principles laid down in the Case of
Decampo vs. The United States 11th Howard
p. 115. And is fatal to its Confirmation.

There are other questions connected
with the occupation and cultivation of the land
and the Co-operation of the planter to take under
the Mexican law, but the objection to the em-
piration of the claim upon the point already dis-
cussed are so conclusive that it is scarcely no
cessary to consider them.

The claim is therefore rejected.
Filed in Office Dec. 18. 1854.

(Signed) Geo Fisher Secy.

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Case No 120.

The Heirs of Cesario
Sataelado,

"
The United States

"
"Cusomaw".

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Decd

In this Case on hearing the proofs
and allegations it is adjudged by the Commissioner
that the claim of the petitioner is not valid
and it is therefore ordered that his application
for a confirmation thereof be denied.

Alpheus Filch

X Thompson Campbell Commissioner

B. Aug. Thompson

Filed in Office Feb. 18. 1854.

Sequitur, Llo Fisher Secy.

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X
Ann it appears by to the satisfaction of this Board that the land hereby acquired extra is situated in the Southern District of California it is hereby ordered that the Transcripts of the proceedings of the decision in this case and of the papers and evidence is upon which the same are founded be made out and duly certified by the Secretary one of which copies shall be filed with the Clerk of the Central States District Court for the Southern District of California and the other be transmitted to the Attorney General of the Central States

LVEE

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Office of the Board of Commissioners,

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

M 104 SD
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I, George Fisher, Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing thirty five — pages, numbered from
1 to 35, 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. 120 on the Docket of the said Board,
wherein The Heirs of Cesario La-
taillade are —
the Claimant, against the United States, for the place known by
the name of "Cuyoma" —

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
thirteenth day of October
A. D. 1854, and of the Independence of the
United States of America the seventy-ninth.

Geo. Fisher.

3rd



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U. S. DISTRICT COURT,

Southern District of California.

No. 104. Docket

THE UNITED STATES,

vs.

The Heirs of Cesario

Lataillade.

"Cuyoma."

SCRIPT OF THE RECORD

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FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 120.

Filed, November 8th, 1854.

C. E. Farr.
Clerk.

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United States District Court for the
Southern District of California.

Maria Antonia de la Guerra
y Gataillade,
Maria Antonia Gataillade,
Césario Gataillade
vs
The United States.
Appellants

Appellee

Notice of intention
to prosecute their
Appeal from the
decision of the Board
of U. S. Land Commissioners.

No. 120.

Maria Antonia de la Guerra y Gataillade, Maria
Antonia Gataillade, and Césario Gataillade, claimants
of the land known by the name of "Cuyosma", situate
in the former jurisdiction, and now County of Santa
Barbara, and Southern District of California, hereby
give notice of their intention to prosecute an appeal
from the decision of the Board of Commissioners rendered
in their claim for the said land which was presented
to the said Board of Commissioners, and by them
rejected. - Their claim being that which is numbered
on the Docket of said Board of Commissioners No. 120,
the manuscript whereof as filed in this office is
numbered

Halleck Peachy & Billings
Attorneys for appellants.

No 104.

U. States District Court
Southern District of California

Maria A. de la Guerra y
Gataillade et al^s
Appellants

The United States
Appellee.

Notice of intention to
prosecute appeal.

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Filed Dec 26. 1854.

C. E. Farr
clerk

Halleck Peachy & Bellings
attorneys for appellants

104.

Office of the Attorney General of the United States,

Washington, 17th January 1855

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Maria Antonia de la Guerra y Sataillar et al.
vs.
The United States } 120.

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
28th day of September 1854, the appeal
in the district court of the United States for the ~~Southern~~
~~Southern~~ district of California will be prosecuted by the
United States.

Clemency

Attorney General.

No 104.

U.S. Dist Court.
Southern Dist of Cal.

The United States,

vs.

Maria Antonia de la Guerra
y La Taillade.

appeal denied.

Filed March 8th 1885.

J. E. Jan.
clerk.

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No 104

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

Heirs of Cesario Latuillade }
appellants } Petition of appellants
vs. } Praying the court
The United States. } to review the decision
appellees } of the said court.

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Your petitioners, Maria Antonia de la Guerra y Latuillade, Maria Antonia Latuillade and Cesario Latuillade ^{widow and children} ~~deceased~~ widow and children of Cesario Latuillade, the appellants in the above entitled cause, respectfully show unto this Honorable court, that on the 23^d day of March A D 1852 they filed before the Board of Commissioners their petition praying for confirmation of title to the land called "Cugna" situate in the southern district of California, which petition is hereby referred to for a description of the land claimed and the title of claimants; and that on the 28th day of February A D 1854 the said Board of commissioners decided upon the validity of their said claim and rejected it.

And your petitioners further show that a transcript of the proceedings and evidence in the aforementioned claim before the said Board of commissioners was filed in the office of the Clerk of the United States District Court for the Southern District of California on the 8th day of November A D 1854, and that a notice of claimants' intention to prosecute the appeal from the decision of said

Board of Commissioners was duly filed
in the office of said Clerk of said court
on the 25th day of December AD 1854.

And your petitioners pray this
Honorable Court to review the decision
of said Board of Commissioners, and, on
the hearing of this cause, to reverse
said decision and to confirm their title
to the aforesaid land.

And your petitioners pray that a
copy of this petition be served upon the
United States District Attorney for the
Southern District of California

Stallkne Pecky & Billing
Atlys for Appellants.

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X No 104
Heirs of Cesario Datuallack
appellants
vs.
The United States
appellees
Petition for Review

Filed Oct 12th 1835

O E Canner
By Wm M Ross Dsp

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Hallum Pecky & Billings
Atts for appellants.

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

The President of the United States,

TO

Lord Adm'rt. atty. for
the South. Dist. of California

No. 104 SD

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Greeting:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against ~~The United States~~ in the District Court of the United States, in and for the Southern District of California, on the 12th day of October, in the year of our Lord one thousand eight hundred and fifty-four, at the City and County of Los Angeles, in said District, by

The Heirs of Cesario Lataillade, praying
the Court to review the decision of the U. S. Land
Commissioners respecting their claim to a tract
of land called "Cuyama"

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 15th day of December A.D. 1855.

Cesario

CLERK.

Marshal sent

Copied from
Loring " 3.00
Bethune 3.00
\$5.00

J. H. 104

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

Heirs of Leon Lataille

or

The United States

SUMMONS.

Received Dec 17 1855

Edward Hunter

U. S. MARSHAL

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I served this Summons, together with a certified copy of the Petition, upon P. Orel
as & by delivering to him
personally a copy of the same
at Los Angeles in the Southern District of California, on
the 18 day of December A. D. 1855

Sworn to and subscribed before me,

CLERK.

Edward Hunter

U. S. MARSHAL

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

Heirs of Cesario Lataillade, Appellant,
vs.

The United States, Appellee.

No. 104. (Trans. No. 120)

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Hon. Isaac H. Ogur Judge.

The answer of Pacificus Ord, Attorney of the
United States for the Southern District of California,
for and in behalf of the United States, to the petition
of Maria Antonia dela Guerra y Sathillade, Maria Antonia
Lataillade, and Cesario Lataillade, widow and
children of Cesario Lataillade, deceased, praying this
Court to review the decision of the Board of
Commissioners rejecting their claim and title to the
land called "Cuyama"; to reverse said decision,
and to confirm their title to said land;
says. That he denies all and singular
such and every allegation in said petition.
And further this respondent denies generally
the validity of the alleged title of said
Petitioners to said land.

And the said respondent prays that this
Hon. Court will affirm the decision of the said
Commissioners, and decree the said alleged title
to said land invalid. And general relief.

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

I have served this answer on Billings
Atty for the parties by delivering to him
personally a true copy of the same at
Los Angeles Dec 28th 1857

Edward Hunter

U S Marshal

Dr M D Goodman

Deputy

10/104.
Marshals Court
U. S. Dist. Court.
Judge District Cal.
Living Lawyer \$3.00

Heirs of Casimiro
Catalina de' afft

vs.
The United States,
afft
Out of its alleg.

Liber & read by J. B.

104 SD J. L. Jan.
PAGE 49 C.R.

2 104

The United States
Horn of La Jolla
off.

104 SD
PAGE 50

The apt runs for a customer
- L - It above case

By the apt
- Wallack Peacock & Shiley

104

Recd. for Contractor

Friu 10th February

1857 C. S. & Son Elk

J. H. Coleman

Debt

104 SD

PAGE 51

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

104 SD

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The United States Appellants

m

Maria Ant de la Guerra. Appellee } No 104

To the said Appellee or their Attorneys
Morgan Wallen Pecking & Billings
Enc.

You will please take notice
that on the 4th day of October next at
11 A.M. of said day or as soon thereafter
as the same can be heard at the United
States Court House in the City of San Francisco
or as soon thereafter as the same can
be heard I will move to dismiss the
above entitled cause for want of pro-
secution Sep 29. 1863.

Isaac Hartman
Special Counsel
for Appellants.

No 104

The United States

vs
Maria An^c de la Guana

Notice to dismiss

104 SD

PAGE 53

Fled debt 20th 1863
and Walter C.
serving as his attorney
on J. Billings Esq. in
close notice to him
of S. S. some change
less to U. S.

J. Billings Esq could not
be found till Oct 8th.

CW Raoul
205m

Sue Preseco
Oct 8 1863

Chas Raoul
W. Marshale
W. Raoul

Whereby certify that on the 8th day of October A.D.
1863 I served this Notice to dismiss on J. Billings
by leaving a copy thereof with him the above
named person

W. Marshale Office
Matthew Dick California

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PAGE 54

Maria Antonia de la Guerra v. 104
y Lataillade } La Cuyamas
v. } for 11 Leagues
The United States }

In the United States Dist Court
in and for the Southern Dist
of Cal^{v-}

Please Take
Notice that on the first day
of the next Term of this Hon.
Court or as soon thereafter as may
be a Motion will be made asking
that the above entitled cause
be restored to the docket that
it may be heard on its merits

Respy Yours

To Col. B. C. Whiting } Henry Hancock
U.S. Dist Atty for } of counsel for
the Southern Dist of Cal^{v-}} Claimant.

Nº 104

Maria Antonia de la Guerra
y Lataillade

vs
United States

La Guyana

Notice of Motion
to Weston to Docket

Filed March 18th 1865

John Whaler Elk
Wobed Maigly
Jep.

104 SD

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104 SD

PAGE 56

In the U.S. Dist Court
in and for the Southern Dist of Cal-
Maria Antonia de la Guerra
y Satailladr } n° 104
vs } La Cuguna
The United States 11 Draynes

Please take notice
that the undersigned appears
as Atty in the above entitled
cause

J. Col B. G. Whiting } Henry Hancock
U.S. Dist Atty in } of counsel
and for the Southern } for claimant
Dist of Cal -

N^o 104

Maria Antonia de la
Grunay y Lataillade
vs
United States

Notice of
Appearance
of Atty

Filed March

18th A.D. 1808 -

Zolmon Whaler Esq

Robt Meaght
Atty

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In the U.S. Dist Court for the
Southern Dist of Cal-

Maria Antonia de la Guerra
y Lataillade et al. } N° 104
Appellants } "Cuyamas"
vs
The United States
Appellee

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June Term 1865

Henry Hancock on oath states that
in the month of March last past
he was employed to act as Attorney in
the above entitled cause, and that
he affiant is informed and believes that
at the time, the said cause was
dismissed for want of prosecution
& wit. on the 21st of Oct. 1863 as appears
on the minutes of this Honourable Court
(no order of dismissal appearing on file) That
Attorneys of record & wit. Messrs Wallack
Peachy and Billings had agreed to act
for Appellants as their attorneys in
this cause. That Gaspar Oñate
resident of Santa Barbara and
husband of Appellant and guardian
of the heirs of Cesario Lataillade the
grantor, other appellants, was for some
time after the dismissal of this cause,
on motion of the Atty. of the United States
for want of prosecution, ignorant
of ^{the same} that no copy to that effect
was ever served on him or Appellants
and affiant here states that after

diligent search, and a thorough examination of the papers in file in this cause, ^{is unable} to find any such order on file

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PAGE 59

And Affiant further States that he has been informed by said Orvis husband of Appellant and guardian of the heirs as aforesaid that he has exercised due diligence to procure counsel in this cause, ever since it came to his knowledge that the same had been dismissed for want of prosecution on motion of the United States Dist. Attorney; as also before that time

Henry Wanock
of Counsel for
Appellants

Sub ope from to before
Me this 10th day July 1861—
John S. Whelby
U.S. Com'r

No 104

X SD

Affy Hancock

Bled July 10/55
A. Whale Ate

411

104 SD

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In the U. S. Dist. Court
for the Southern Dist. of Cal-
fornia Term 1865

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PAGE 61

Maria Antonia de la
Guzma y Lataillade et al. } N^o 104
Appellants }
vs } Cuyamas
The United States } Appellee

Before Hon. Fletcher M. Waugh
U. S. Dist. Judge

Now comes Henry Hancock
and makes oath that he is employed
as ~~counsel~~^{Attorney} in the above entitled cause
and moves that his name be
substituted as Attorney for Appellants

412

Henry Hancock

Promulgated before
me this 10th July 1865
John D. Wheeler
Clerk

No 104
SD

aff of Hancock

Filed July 10/65
J D Wheeler Cet

413

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PAGE 62

U.S. Dist. Court. South Dak. Cal.

Maria Ad. de la Guerra v. Latillarde

The United States

3

Y 104

104 SD

PAGE 63

Deposition of Smith taken before
me John O'Whalley United States Commissioner
at my office in Monterey on the 11th day of
July A.D. 1865 on the part of the claimant
in case Y 104 upon the Hockett of the United
States District Court for the Northern District
of California wherein M. A. de la Guerra &
Latillarde is claimant against the U.S.
said deposition to be used in said
Court.

Present, Henry Hancock Atty for
Claimant, and R. Whiting A. S. D. U. S.
Atty for the United States

Auson Smith being duly sworn
testified as follows. To wit

My Name is Auson Smith, aged
Fifty Seven years. Reside in Monterey
and by profession a gentleman

Ques. Look at the Deeds in
the transcript of the proceedings
of the Land Commission in the care
of M. A. de la Guerra in the United

States for the Rancho of Cuyama, and state if you know any of the natural objects delineated thereon, and in particular the place called "Rancho o Rancharia de Cuyama" situated near the central portion of said map.

— And I recognize something of that description in a place called Cuyama. I was there with a surveying party in the spring of 1858. There was an old Indian Rancharia, then. and it was a wet place, sprucey & swampy, a green place, & the only one in that section of country. Such places are called Cienegas. There was a stream of water running from that, running westwardly. I recognize the mountains also, but Cuyama is the only name that I recollect. The other names of places, I knew nothing about. The party that I was with, were strangers in the country,

the place. Please state how far the place you have described as Cuyama is from the nearest point of the sea coast, or from the boundary of any foreign Country, —

— And, it is at least fifty miles from the sea coast, and farther from the boundary of any

Foreign Country.

Anson Smith

Published from before me
this 11th day of July ad 1865
John D. Whaler
U.S. M^r.

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X No 104
A. S. Duhonot
South Kankakee

Mr. A. S. Duhonot
Lataille
The United States

Dept of Aaron Smith

Filed July 11th 1815
John Whalen
Clerk

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PAGE 66

United States District Court Southern
District of California

Anti-Madeira Guerra v Latillaude

The United States

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- Deposition of Henry Pitt taken
before me Wm O'Whales United States Com -
missioner before me at my office in Monterey
on the 11th day of July A.D. 1865 on the
part of Claimants in the above cause
to be used as evidence for the United
States District Court for the Southern District
of California

Present Henry Hancock atty for Claimants
and B C Whiting City Mfthy. on part of
the United States,

Henry Pitts being first duly sworn
testified as follows to wit:

My name is Henry Pitts, my age
is 36 years, I reside in
Monterey and am a miner by
occupation,

Ques. Look upon the map or descent
accompanying the transcript of
the proceedings of the Land Commission
in this case, and state whether

You are familiar with the Natural
objects delineated thereon.

And I am

In the State where they are
situated,

and about 40 miles from
the Coast in Santa Barbara County

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PAGE 68

In the State whether the Natural
objects on the Map, bear the names
thereon.

And I know the Country by
the Map, the place written
"Cancion de Ezei" is the road or
trail to Santa Barbara. I know the
springs of water. I have seen
what is marked as Cimexon
de tulles. I know the Creek
running towards San Buenaventura.
I know the Cimexon marked
in red & the oyo de Agua in
blue on the eastern edge
of the map. The red place
marked Rotness in the centre
of the map I know & the arroyo
running to the west from it.

I know the hills on the North
& the high portion are called
the Gimmeron or Peacock de Cimaron

on Wild Sheep peaks I know
the Mountains on the North, South
etc, I know the land by the
map. The house of the Vauchos
is at the Easterly portion of the
red patch in the Centre of the
map. a large swivel break
at there

Gap Spination

How long have you known this
Vauch

and about 3 years

John F. Pitt

front of him before me
this 4th day of July 1865

John Whaler

Jeff Thompson

no 104

T. W. S. Dahlquist
South Dakota

W. W. de la Guerra
of La Crosse

The United States

Dept. of P. T. P. Pitts

Filed July 11th 1865
John Wheeler
CCR

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

The United States
104 SD VS.
HAGEMAN 71
Heirs of Cesario Sataillado

No. 104 Southern Dist
"California"

Be it Remembered, that on this 29th day of October A. D. 1868

at my office in the United States Court Building, in the city of San Francisco, personally appeared before

me Geo E. Whitney a Commissioner,

to take acknowledgment of Bail and Affidavits, etc., duly appointed by the Circuit Court of the United

States, for the District of California, Rufus C. Hopkins a witness on

the behalf of the claimants in the above entitled suit.

R. J. Morrison Esq., appeared as attorney
for the United States and E. A. Lawrence & W. P. Whiting Esq., as attorneys
for the claimants.

And the said Witness, having been by me first cautioned and sworn, to testify to the truth, the whole truth, and nothing but the truth, in the cause aforesaid, did thereupon depose and say as follows, that is to say:

Examination in chief by attorney for claimants -

Question:—What is your name, age, occupation, and place of residence?

Answer:—My name is Rufus C. Hopkins; my age is 25 years and upwards; my occupation is Keeper of Archives in the Surveyor General's Office for California; and my place of residence San Francisco.

Question:—How long have you been Keeper of Archives?

v

Aus. Thirteen years.

Ques. Have you the original papers consisting of the expediente, action of the Departmental Assembly, and original grant in this case in your possession?

F 104 SD
PAGE 72

Aus. I have the original expediente, grant, and certificate of approval by the Departmental Assembly.

Ques. Where did those papers come from?

Aus. The expediente is from the archives belonging to the Secretary of State of the former Government; the grant & other papers were filed by the Claimant before the Land Commission & came from the Commission into my hands.

Ques. Examine the expediente & state your opinion in regard to the genuineness of the signatures & seals & whether they were executed at the times they respectively bear date?

Aus. I think the expediente is a genuine document - the signatures are genuine - there are no seals on it. I know all of the signatures save that of Lataillado - I think them all genuine.

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Inqs. Is the paper that in common use at that time?

Aus. Yes sir.

Inqs. Examine the original grant in this case and state whether in your opinion it is a genuine document, - the grant marked "Exhibit P.D. No. 1." - also your opinion as to the genuineness of the seals & signatures?

Aus. I think the grant a genuine paper the signatures of Moreno & Pico are genuine and also the seal is genuine

Inqs. What of the paper upon which it is written?

Aus. It is paper in use at that time

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PAGE 74

Ques. Look at paper mark "Exhibit Q.E.W. No 2" and state it in your opinion it is, as to the genuineness of said document and of the signatures thereon and as to its being made at the time it bears date?

Aus. It is a certified copy of the original instrument, certified by Jose Matias Moreno Secretary of State, on the 13th of May 1846 and of the certificate of approval by the Departmental Assembly - The signatures of Moreno and Pico are genuine. I have no reason to believe it was not written at the time it bears date. The seals are genuine. This document was filed before the Land Commission by the claimants, & from the Commission it came into my custody.

Ques. Look at Exhibit Q.E.W. Nos 3 & 4

and state whether there are translations made by yourself & if so - are they correct translations - and where are the original documents therein translated?

104 SD
PAGE 75

Ans. They are both translations made by me - They are correct translations. ~~The~~ from the originals as found in the archives - as is recited in the respective certificates

Ques. How did the originals of those translations come into your possession?

Ans. From the archives of the former government.

Cross examination on behalf of the United States waived.

R. C. Hopkins,

Signed & sworn to
this 29th October 1868
For & on behalf of
the U.S. Court of Cal.

Sir.

The Committee on vacant lands, directed to examine this Especial, instituted by Don Cesario Lataillade, in relation to the place known by the name of Lengama, in the direction of the Tafares, which was granted to him by the Superior Department Government, in accordance with the laws on the subject, have examined the same, and submit to Your Excellency, the following proposition.

That the concession made to Don Cesario Lataillade, married to a Mexican woman, of the place named Lengama, in the direction of the Tafares, of the extent of eleven square leagues, granted to him for his personal benefit and that of his family, as shown by the letter issued on the 9th of June of this year, be approved, the same being in accordance with the law of the 18th of August 1824, and article 5th of the Regulations of the 21st of November 1828.

Chamber of the Committee, Los Angeles July 4th 1846

S. Arfield.

The above is a correct translation of the original report of the Committee on vacant lands, in relation to the grant for the place called Lengama, as the same is found in the corresponding Especial.

R. C. Hopkins.

Keeper of Spanish Archives.

Nº 104

aria de la Guerra
Lataillade et al.

"Cuyama"

United States

auslation of
port of Coonutt
vacant Lands of
Dept. Assy.
July 4th 1846

Tiled in office

Geo. Sawyer
Geo. C. Whitney
Geo. Newell

Exhibit P. E. C.

No 3

104 SD

PAGE

Office of the Secretary
of State

His Excellency the Governor
directs me to advise you that at this
date copies of decrees have been issued
to the subaltern authorities of the districts
under your charge one of which relates
to the division of the department into
districts in accordance with a resolution
of the most excellent departmental junta
and another requiring petitions for
lands and others of this nature, to be
made to the corresponding Prefectural
communicating this fact to the authorities
and directing them in future to communicate
directly with the officers mentioned in the
decrees respecting the interior of the Depart-
ment.

Dated March 1837

March 11th 1839 God & Liberty Monterey
Manuel Jimenez

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To the Prefect of the 1st District

The foregoing is a correct
translation of the original as
found on pages 13 and 14 vol. 5
Departmental State Papers, Monterey
which book forms a part of the
archives under my charge

R. C. Hopkins

Keeper of Spanish Archs

Office of U. S. Law. Govt

Jan 8th 1868

Keeper of the Spanish Archives
Office of the U. S. Law. Govt
for Col

Nº 104

Maria de la Guadalupe Sataillo
vs
The United States
of Cuyama

Translation of
from Dept. Stat. Paper
of Spanish Arch
directing petition
for lands to be made
to Projects

Filed in Office
Geo. C. Whittier
C. C.
G. Steury

Exhibit D.E.
104

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X N^o 104. Southth Dist
U.S. District Court
District of California

United States

v.

Heirs of Cesario Lataill
ads - claimants

Deposition of R.C. Hopkins

Filed 29 October 1868

Rev. Elbridge
Whitney
Clerk

U. S. District Court

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The Heirs of
Cesario Lataillade }
" the United States)

To Delos Lake Esq
Atty. for Deft.

Please take notice
that on the 17 day of November 1868
at the opening of the Court on that day
or as soon thereafter as counsel can
be heard, the undersigned will move
the said Court that the above entitled
cause be submitted on the transcript and
the proofs & papers on file herein

San Francisco
November 10th 1868

Yours &c

Whiting & Abbott
of Counsel for Plff.

114

U. S. District Ct.

The Heirs of
Cesario Lataillade

The United States

Notice

Service of Copy admitted
on 10th 1868

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Geo. L. Lake

Tuesday, 10th 1868,

Geo. E. Whitney
Clark,

By W. H. Gardner
D.C.

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

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Maria Antonio de la Guerra
y Lataillade et al

appellants

The United States

appellee

This is a claim for Eleven Square Leagues
of land known as the "Cuyama" Rancho which
was submitted for confirmation to the "Board of
Commissioners to ascertain and settle private
land claims in the State of California" in 1852
and the confirmation of which was denied
by the Board for the following reasons stated
in their decision.

1st Because although "the usual condition
requiring the building of a house and its habi-
tation within a year is omitted" from the grant
in this case yet it has been previously by the
Board that the conditions of habitation or
cultivation are imposed by the terms of the
1st Article of the Regulations of 1828, and apply
to all Grants made under them whether ex-
pressed in the Grant or not

2^d - Because it is a grant of Eleven

Square leagues of land to be laid off within a boundary of nearly six times its extent and requires either an actual segregation of the quantity granted from that contained in the description or some point of identification by which the particular portion intended to be granted could be ascertained and located - In short that it is within the case of *Decomplex Hellas*.

11. Now 115 and void for uncertainty

3rd. The Board intimated that there might be other objections connected with the occupation and cultivation of the land and the competency of the Grantee (a French subject married to a Mexican woman) to take under the Mexican law but do not consider them.

Since this decision of the Board the law on this subject has been so well settled and is of course so familiar to this Court and to the counsel for the Appellee that argument would be superfluous and we shall content ourselves with simply citing one or two decisions which as we understand apply to and control the case at bar

This first grounds of objection, which are suggested rather than decided substantial those as to the omission from the grant of the

usual conditions as to habitation and occupation are disposed so we claim, as well by the proofs in the case as by the decision of the Supreme Court in the case of United States v Yorba, 1 Wallace 423 where it is expressly held that the absence from a grant of the conditions requiring cultivation inhabitancy and the construction of a house within a year does not effect the validity of the grant.

The Proposition that a grant is void for uncertainty because it conveys an unselected portion of land to be selected within certain natural boundaries including a much larger tract has been long since disapproved and abandoned - The erroneous rulings of the Board of Commissioners was we believe first corrected in this Court - the Supreme Court of the U.S. in Fremont vs the U.S. in 1854 held such a grant to be valid and such has since in all the Courts been held to be the law of the land.

The objection which it is intimated might exist as to the capacity of the Grantee, being a French subject to take under the Mexican Law is easily disposed of - The regulation referred to is undoubtedly that which prohibited grants to foreigners within ten leagues of the Sea coast - That regulation has in the first place been decided inapplicable to such a case as in this and in the next place the deposition

La Cuyama - Describes of land to be laid off within
of Auson Smith on file in the cause shows
that La Cuyama was within Seventy
miles of the Sea Coast.

There are so far as we are aware no question
of fact in dispute. The facts recited in the Decision
of the Board of Commissioners being as the law
is now settled, fully sufficient to sustain the
Grant. As however since the appeal was taken
the deposition of R. C. Hopkins has been filed
as to the genuineness of the original papers &
signatures, now testimony has been given showing
that a house was built on the premises in accordance
with what was supposed to be the law at the
time the decision of the Commissioners was ren-
dered that they were subjected to all the
possession cultivation and occupation possible
under the circumstances - that La Cuyoma
is more than Seventy miles from the Sea
Coast and still further from any foreign
country - thus obviating all the possible objections
suggested by the Board of Commissioners except
the single one that the grant was for Eleven
unsegregated leagues within exterior boundaries
of sixty. We have for the convenience of the
Court and of counsel for the appellee appen-
ded a syllabus of the Transcript with margin-
al references to the pages so that the

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PAGE 87

testimony on any point may be easily referred to.
We have not submitted any certified copy
of Hartnell's Index, in which this case is numbered
523 presuming that under the decision in
Romero v. United States 1 Wallace 721 the Court
will take judicial notice of the Jemino & Hartnell
Indices.

Whiting & Apthorp
of counsel for Appellants

Pages of Transcript

Syllabus of Evidence

3

Petition of Widow and heirs to Board of
Commissioners

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PAGE 88

415

Deposition of Don Ygnacio Del Valle -
proof of signatures of Expediente Grant &c &c
(See Deposition of RC Hopkins filed in this
Court Oct 1848 on same subject)

417

Deposition of W^m B. Hutton relating
to the hostility of Indians - Ruins of House
and fence

418

Deposition of Don Pablo de la Guerra
relating to Indians preventing to occupation
of the Premises. - Death of the Granter -
His heirs.

9.10.11.12

Expediente - Petition of Don Cesario La
taillade, French subject married to a Mexican.
Dated June 3^d 1846 made to Sub Prefect of
Santa Barbara County (under Decree of
Departmental Assembly in such cases
See certificate of RC Hopkins on file in Disk
Court of date March 11. 1839) - Favourable
Report of Sub Prefect June 5 1846 at
Santa Barbara.

for various tranches of land to be laid off within

Pages of Transcript

11 & 12

Petition to Governor at Los Angelos
June 9th 1846 and Deseigno

12 & 13

Decree of same date

13, 14, 15

Formal Grant dated at Los Angelos
June 9th 1846.

14. 15

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The committee of the Departmental Assembly on vacant lands "charged with the examination of the Expediente of Cesario Lativallade French subject married to a Mexican" state that all prerequisites were had and recommended approval of grant
July 4th 1846.

17.18.19.20 & 21

Certified Copy of Original Expediente made by Secretary Jose Matias Moreno at Los Angelos June 13. 1846.

21.22

Certified copy of Grant made by Moreno same date as above

23. 24
TOV 2D

Certificate of Moreno given at Santa Barbara July 16th 1846, that on the 8th day of July the Grant to Don Cesario Lativallade French subject married to a Mexican was

Pages of Transcript

approved by Departmental Assembly

25. 26.

Translation of Petition of June 3^d 1846
and of Report of Sub-Prefect June 5-1846

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27.28.29

Translation of the certified Copy of
Expediente.

29.30

Translation of the certified copy of Grant

30.31

Translation of Secretary Botello's certificate
that Grant was approved by Departmental
Assembly.

31

Translation of certificate of Moreno that
Grant was approved on the 8th of July given
at Santa Barbara July 16th 1846

32.33.34

Opinion of Commission rejecting claim
for want of certainty of boundaries because
the exterior boundaries included more than
the Grant

BYRF 8T
35 2D

Decree rejecting claim.

Deposition of Henry F. Pitts on Boundaries
and locality showing the premises to be more
than Seventy miles from the Sea.

Deposition of Anson Smith relative
to boundaries locality &c

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Deposition of R.C. Hopkins relative
to the genuineness of the Papers, Signatures under
which title is claimed.

"La Cuyama" +
104. S.D.

United States Dist. Court

The Heirs of Cesario
Lataillade

vs

The United States

Brief for Appellant

I acknowledge receipt of a
copy hereof this nineteenth
day of January AD 1869.

P. Lake

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Whiting & Apthorp
Of Counsel for Appellants

104. S.D.

Land case

"La Guyana"

The United States

vs

Heirs of Cesario Lataillade

Sue Jan'y 19th 1869
on one of claimants that
day filed = U.S. Atty
atty to reply in 5 days

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

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The United States)

vs.

The Heirs of
Cesario Sataillade

No 104 Southern District

This cause came on to be heard on the Appeal of the Claimants from the final decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California under the act of Congress approved March 3rd 1851 upon the transcript of the proceedings and Decision of the said Board duly filed according to law and upon the further evidence duly taken in this Court and was regularly submitted to the Court after argument of Counsel in behalf of the respective parties, all of which having been duly considered by the Court.

It is now ordered adjudged and Decreed that there is error in the Decision of the said Board, and that the same

is invalid, and that the said Decree
be and the same is hereby set aside va-
cated and reversed.

And it is further ordered ad-
judged and decreed that the claim
of Maria Antonia de la Guerra y
Lataillade, widow of Cesario Lataillade
deceased, and Maria Antonia Lataillade
and Cesario E. Lataillade children
and Heirs of Don Cesario Lataillade
deceased is valid and the same is
hereby confirmed to the extent of Eleven
(11) Square Leagues of Land and no
more to be located within the bounda-
ries mentioned in the Grant herein and
represented on the Descrip accompanying
the same at the election of the said
Claimants but subject to the rules to be
observed in like cases and the said lands
to be taken in the form and divisions
prescribed by law for surveys in Cali-
fornia, and uniting the said land
hereby confirmed in one entire tract.

Ottie Hoffman
Sisk Judge

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Entered April sixth (6th) Ad 1869
in Book 1. Judgments & Decrees p 254.

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

No 104 - S.D.

The Heirs of Cesario
Sataillade, deceased

-v.-

The United States

Decree of Confirmation

Filed April 6th: 1869

Geo Whitney Clerk
By A D Grinwood
L
D C P

Entered Libr! Jdgph & Recs p 2574

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Whiting & Tapley
Atty's for Petitioners

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At a stated term of the District Court of the United States of America, for the District of California, held at the Court Room, in the City of San Francisco, on Thursday the twelfth day of January in the year of our Lord, one thousand eight hundred and seventy one

Present:

The Honorable OGDEN HOFFMAN, Judge.

The United States }
VS.
The heirs of Cesario Lataillade }

No. 104 S. D.

The Attorney General of the United States having given notice that no appeal will be taken by the United States in this case and a stipulation to that effect having been entered into: On motion of L. D. Latimer Esq. U. S. Attorney, it is ordered that claimants have leave to proceed under the decree of this court rendered in their favor as under Final Decree..

No 104 S. & S.

United States District Court,
DISTRICT OF CALIFORNIA.

The United States
vs.

The heirs of Henry Detwiler
attorney claimant &
prosecutor as next final
heir.

Filed, January 12th 1871

Edward C. Miller
Clerk.

By H. Grinnell
Deputy.

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I hereby certify that the foregoing is a full, true and correct copy of an original order made and entered in the above entitled action.

Attest my hand and seal of said District Court,
this 12th day of January A. D. 1871

Edward C. Miller

Clerk.

By

H. Grinnell

Deputy Clerk.

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

United States

v.

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The heirs of Cesario Lataillade } 104 S. D.

In pursuance of a notice from the U. S. Attorney General, a copy of which has been filed herein, the original being on file in the Office of the U. S. District Attorney for the District of California, it is hereby stipulated and agreed that no further appeal be taken in this case on the part of the U. S. and that claimants have leave to proceed under the decree of this Court heretofore rendered in their favor as under Final Decree

San Francisco January 12. 1891

L. D. Latimer
U. S. Attorney

Whiting & Naphtaly
Attorneys for claimants

104 S. D

U. S. Dist Court

The United States

v.

The heirs of Beauriv
Lataillade

Stipulation waiving
appeal

Filed January 12th 1891
Edw B Cottier Clark
By R D Grimwood
D.C.

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Copy
Department of Justice
Washington Jan. 3d 1871

Hon. L. D. Latimer
U. S. Atty, District of California
Sir:

I have duly considered your letter to the Attorney General of the 6th ultmo in respect of the case of the United States vs. Heir of Cesario Lataillado, and after examination of the paper, I deem it my duty to consent, on the part of the United States, that their right of appeal from the decision of the District Court be waived.

I remain,
Very Respectfully, &c.
B. H. Brown
Solicitor General, and
Acting Atty General.

I certify the foregoing to be a full true and correct copy of an original letter now on file in my office -

Office U.S. Attorney } L. D. Latimer
for California, Jan'y } U.S. Attorney
11th 1871 - }

104. S.D.

U. S. Dist Court
District of Col.

The United States
vs
Cesario Lapatillo

Copy of letter of
Hon. B. N. Briskin
Solicitor Gen. and Acting
Atty. Gen.

Filed January 12th 1871

Edw B Cottet Clerk

By M W Grinnwood

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In the District Court of the United States,
District of California

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The United States v.
The Heir of Cesario Lataillade

The consent of the Hon.
Attorney General of the United States,
having been granted by letter to L. D.
Latimer Esq. United States Attorney for
the District of California, dated January
3d 1871, that the right of the United
States to an appeal from the decision
of the District Court confirming the
claim of the Heir of Cesario Lataillade
to eleven (11) square leagues of land
as described in the decree of confirmation
in the above entitled case, he
waived; it is hereby stipulated
and agreed that the right of the
United States to appeal from the
decision of the District Court confirming
the claim herein, he and the same is
hereby waived.

L. D. Latimer
U. S. Attorney

January 11th 1871.

90
120
100
20
20
600
100
9.50

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U. S. Dist Court
Dist. of Cal.

The United States

— vs —

The Heirs of
Cesario Lataillade

Stipulation waiving right
of the United States to ap-
peal &c.

Filed January 12th 1871
Edw D Cotted Clerk
By J H Grinwood
J. H. G.

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The United States

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vs

The Hacienda of Cesario Lataillade

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The claim in this case is for
11 square leagues of land in
Santa Barbara County ~~between~~
in the place known as "Luga-
ma."

The evidence is produced from
the Archives. It is of unques-
tionable authenticity —

From this record it appears
that on the 3rd June, 1846
Cesario Lataillade presented his
petition to the Sub Prefect of
the District, setting forth his
desire to obtain a grant of
a vacant place the boundaries
of which he gives and
praying the Prefect to make
the necessary investigation &
to report in order that the
Petitioner may present him-
self in due form before the
Governor.

2

On the 5th June the Prefect
reports that from his own know-
ledge and from information
obtained from men of probity
the place is vacant and he
expresses the hope that the
Governor will favor the pe-
tition as it will be for the inter-
est of the Department.

On the 9th June of the same
year Lataillade transmits this
petition & report to the Governor
together with a formal appli-
cation for a grant. To this
application he appends a
discreto:

On the same day the Gove-
nor makes a decree of con-
cession declaring Lataillade
owner in full property of the
place called "uyama" to the
extent of eleven leagues, the
boundaries of which are given.
~~The expediente~~ The title is rated
to be issued but the ~~expediente~~
~~is reserved to be submitted to~~

3 the Departmental Assembly
for its approval
on the same day the
title issued - the Forador
or draft being found as
usual in the Appendix -
appended to the Forador
is a report or certificate of
a resolution of approval
by the Departmental Assembly -
there is also produced from
the custody of the claimants
a certified copy of the ~~Bill~~
~~Bill~~ containing all the
foregoing documents above re-
ferred to except the Resolution
of approval, and certified to
be a faithful copy of the
original, by Mathias Moreau
~~the Secretary, on the 13th June~~
~~1846~~ The signature of Moreau
is duly proved and its genuine-
ness is not doubted
The claimants also produced
the title issued to him, of
which the Forador is found

in the Expediente. It is signed
by Pio Pico Governor & by José
Matías Morelos Secretary In
terino

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He also produces a certificate
of Narciso Botello Secretary
of the Departmental Assembly
to the effect that the coup
ou made by the Governor
of the place called "Cuyamá"
was approved by the Assembly
on the 8th July 1845 by a
resolution which he reads
This certificate is followed by
a "testimonia" of the same
fact signed by the Governor
and Secretary and furnished
to the interested party -

By reference to the Journals
of the Departmental Assembly
preserved in the Archives
it appears that on the 18th
June the Expediente was
received and referred to
the Committee on Public
Lands - That on the 21st

And Numbered 523 in Harbott's

On July the Committee adopted
a resolution of approval
which on the 8th July was
adopted by the Assembly.
The expedite is also mentioned
From the foregoing it is evident
that the claimants have pro-
duced complete and unequivocal
evidence from the archives of the
origin of the issuance of the
grant and its approval. In
fact every formality required by
the law has been followed
except that no of obtaining
judicial possession of the land.

The claim was rejected by
the Board on the ground
that there were no means
of separating the eleven
leagues granted from the
large quantity embraced
within the exterior bounda-
ries - What that quantity
is, does not appear except
from the loose estimate of

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6 Lataillade himself who states in his petition to the Prefet that the land is about 10 leagues in length by 6 in breadth — It is quite possible that this estimate is grossly erroneous — But accepting it as true I am not aware that the Supreme Court have ever departed from the just equitable rule laid down in the case of U.S. vs Meachum (14th Howard) ~~which~~ to the effect that ~~it was so given~~ the fact that ^{the} ~~of tenor~~ limit mentioned in the grant included more land than the quantity mentioned ~~was~~ ^{is} no ground for rejecting the claim —

In almost every case the Governor recognises such a contingency as probable, and he provides for the ^{public} ~~interest~~ of the nation by limiting the grant to a specified number of leagues and

to the ration

by reserving the right, to be
ascertained by the magistrate
giving the possession, to
when the measurement has not
been effected under the former
Government it is the right and
duty of its successor to cause it
to be done by its own officers—
But it would be the height
of injustice to refuse ^{refusing to} the
claimant his land any where
within his limits, because the
precise place where it is to be
located may not be apparent
on an inspection of the grant
and dismo—

You It does not appear that
the conditions of occupation
and settlement were performed
by the claimant—

But it is to be observed
1. That from the date of his
grant (June 9th 1846) until July 5th
1848 which has been assumed
as the date of the subversion of
the former government, less than

- 8 One month intervened -
No inference of abandonment
can be drawn from a delay
of so short duration and the
Supreme Court has decided in
the case of Remoah, that nothing
done or omitted to be done
after the change of flags can
affect the claimants rights.
- 2 It may be doubted
whether in case of perfect
or approved grants any for-
feiture growing out of the
Oudhia heath of Oudhias
Subsequent ~~in a grant~~ can
now be set up and avoided
of by the A. S. rules declared
and enforced in an appro-
priate proceeding under the
former Government.
- 3 The grant in this case
fixes no time within which
the claiming of judicial posses-
sion & the designation of the
boundaries by suit or other use
ful trees (which are the only

9 conditions of the grant shall
be effected -

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4. It is shown that the land
at the date of the grant &
~~fit~~ up to a comparatively re-
cent period has been infest-
ed by Hostile ~~savages~~ Indians
ans - It is remote from settle-
ments and a residence upon
it would have been dangerous
if not impracticable -

No opposition is made to the
confirmation of this claim.
The District Attorney after ex-
amining the transcript stated
that he had no reasons to
offer why it should not be
confirmed nor does the Court
perceive any grounds for re-
jecting it. It does not appear
to have been settled ^{by adoue parties} or
probably owing to its remote
situation and to the ^{quality} nature
of the land which is

10

said to be very inferior

My opinion is that the
claimants should be confirmed
to the extent of eleven leagues
to be located within the town
limits mentioned in the grant
and represented on the survey
at the election of the claimants
but subject to the regulations
rules to be stated in like
cases, and in the form & di-
visions prescribed by law for
surveys in California & in
authorizing the grant in one
active tract

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W.

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U.S. District Court

The United States

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The Heirs of Cesario
Latauallade &c

Opinion

Rendered March

11th 1869.

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