

CASE No.
218

SOUTHERN DISTRICT

VALLE DESAN JOSE Y
AGUAS CALIENTES GRANT

J. J. WARNER
CLAIMANT

MAR 13 1963

П. А. У.
52X-50101 1963
БГОЛЕВ БОИД
В. П. П. П.

TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. *254.*

J. J. Warner

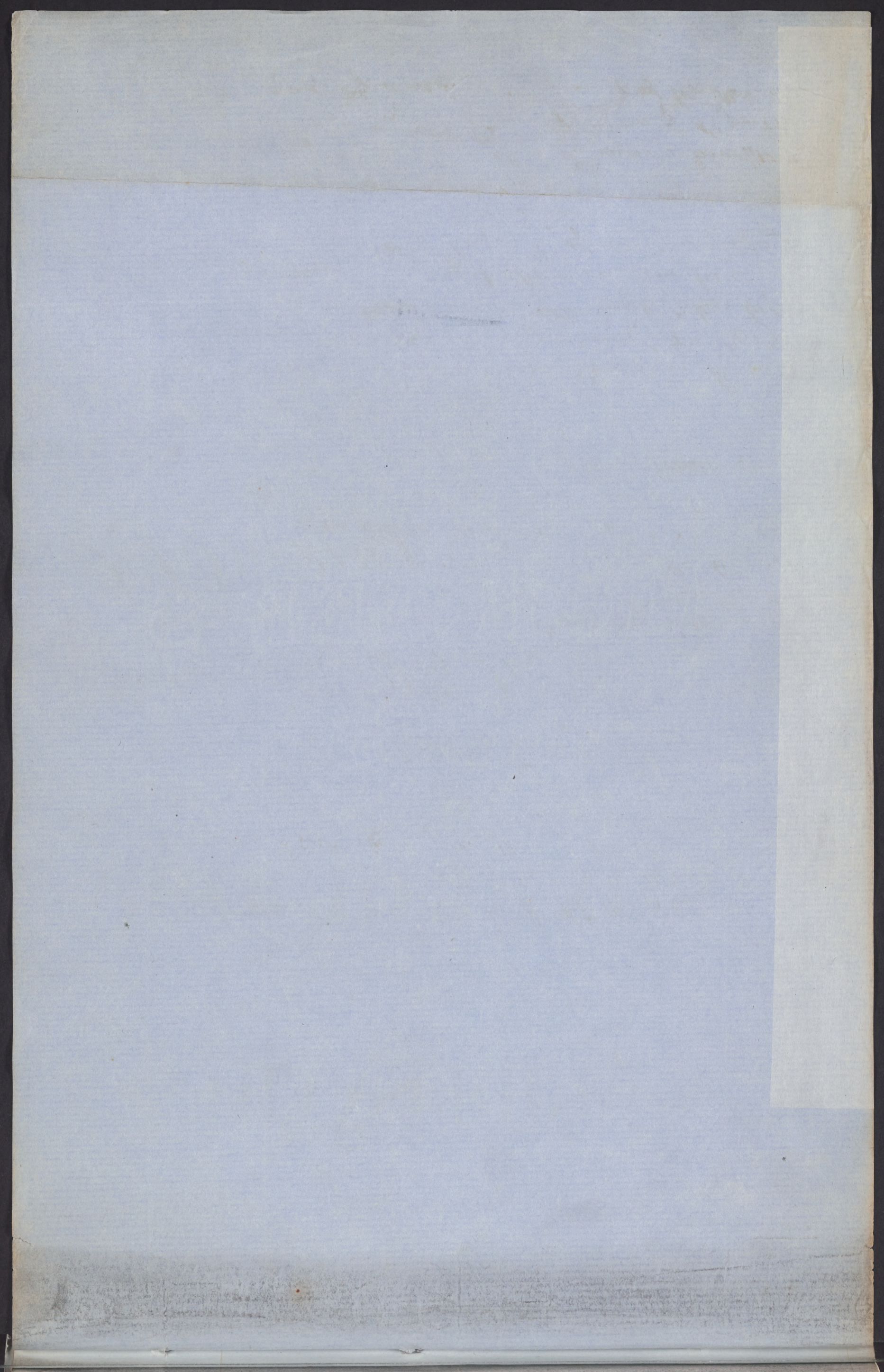
CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Valle de San José y Aguas Calientes.



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this *thirty first day of May*, 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;

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The Petition of *J. J. Warner* for the Place named "*Valle de San Jose y Aguas Calientes*", was presented, and ordered to be filed and docketed with No. 254, and is as follows, to wit;

(Vide page 5 of this Transcript.)

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

San Francisco February 25 1853.
In Case 224, *J. J. Warner* for the place named "*Aguas Calientes*", the deposition of *M. M. Sexton*, a witness in behalf of the claimant, taken before Commissioner *Niland Hall*, was filed:

(Vide page 7 of this Transcript.)

San Francisco March 4 1853.
In the same case the deposition of *Jose Castro*, a witness in behalf of the claimant, taken before Commissioner *Harry J. Thornton*, was filed:

(Vide page 8 of this Transcript.)

San Francisco June 11 1853.
In the same case the deposition of *Agostin Marasny*, a witness in behalf of the claimant,

taken before Commissioner Thompson Campbell was filed;
(Vide page 8 of this Transcript.)

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San Francisco June 14<sup>th</sup> 1853.

In the same case the deposition of John Foster,  
a witness in behalf of the claimant, taken  
before Commissioner \_\_\_\_\_ was filed;  
(Vide page 11 of this Transcript.)

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San Francisco Aug. 18th 1853.

In the same case the deposition of Andrus Pico, a
witness in behalf of the claimant, taken before
Commissioner Robert A. Thompson, was filed;
(Vide page 11 of this Transcript.)

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San Francisco Aug. 31<sup>st</sup> 1853

In the same case the deposition of Russell Sackett,  
a witness in behalf of the claimant, taken before  
Commissioner Alpheus Felch, was filed;  
(Vide page 13 of this Transcript.)

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San Francisco Sept. 8th 1853.

In the same case the deposition of Andrus Pico,
a witness in behalf of the claimant, taken before
Commissioner Thompson Campbell, was filed;
(Vide page 14 of this Transcript.)

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San Francisco Oct. 3<sup>rd</sup> 1853.

Case no. 254, on motion of the counsel for the  
claimant, was ordered to the foot of the Docket,

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3
San Francisco, November 1 1853
In the same case the deposition of Santiago E. Argüello, a witness in behalf of the claimant, taken before Commissioner R. A. Thompson, was filed:

(Vide page 14 of this Transcript.)
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San Francisco, December 13 1853.  
In the same case the deposition of S. E. Argüello, a witness in behalf of the claimant, taken before Commissioner Alphens Felch, with documents marked Nov. 1 & 2, A. F., annexed thereto, was filed:

(Vide page 16 of this Transcript.)  
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San Francisco December 15 1853.
In the same case the claimant filed the following Affidavit, to wit:

(Vide page 63 of this Transcript.)
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San Francisco, Sept. 6 1854.  
In the same case the deposition of John Foster, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed:

(Vide page 71 of this Transcript.)  
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San Francisco Sept. 15 1854.
In the same case the depositions of Philip M. Hoop and John Foster, witnesses in behalf of the claimant, taken before Commissioner Peter Sott, with documents marked A & B, P. S., annexed thereto was filed:

(Vide pages 20 & 19 of this Transcript.)
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San Francisco October 2<sup>d</sup> 1854.

In the same case the Claimant filed a certified copy of the deposition of John Hamilton, a witness in behalf of the Claimant, in Case no. 253, before Commissioner Thompson Campbell, by virtue of a stipulation with the U. S. Land Agent, annexed thereto, as evidence in this case:

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(Vide page 17 of this Transcript.)

San Francisco Oct. 3<sup>d</sup> 1854.

Case no. 254 was submitted on briefs and taken under advisement by the Board.

San Francisco October 10<sup>th</sup> 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the Board confirming the claim:

(Vide page 65 of this Transcript.)

And the following order was made, to wit

(Vide page 67 of this Transcript.)

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Before the Hon. Commissioners on Private Land Claims in the State of California  
The petition of I S Warner respectfully represents that he claims by virtue of grants from the Mexican Nation a tract of Land in the County of San Diego in said State known as the Valle de San Jose and "Agua Caliente" as the same is described in the grants thereof and in the accompanying map or design that so much of said Land as is known as Agua Caliente was on the 8th day of June 1840 granted to Jose Antonio Pico by Juan B. Alvarado Governor of California and authorized to grant Lands in the name and on behalf of the Mexican Nation: and the same has since become vested in the present claimant. That the remainder of said tract was subsequently granted to this claimant by a decree of Concepcion made on the 2<sup>d</sup> day of September 1844 by Manuel Micheltorena Governor of California and authorized to grant Lands in the name and on behalf of the Mexican Nation and by a Grant or Patent therefor issued to said claimant by said Micheltorena on the 28th day of November 1844. That the claimant went into possession of said Land by virtue of said decree of Concepcion, and of a decree or license accompanying the same authorizing him so to do - and after that he has ever since continued in peaceable occupation and possession of the same except when disturbed by the prevalence of war in the Country or by the incursions of hostile Indians. That said second named grant was approved and confirmed to the claimant by an Act of the Departmental Assembly of California passed on the 17th day of June 1845. The claimant has no knowledge whether said first named grant has or not been so confirmed. A copy of the said grant to Jose Antonio Pico and a copy of said grant to your petitioner are herewith filed and prayed to be taken as part of this petition, the originals will be produced and proved as may be required. The other papers and documents relating thereto exist in the archives of the former Governments of California in possession of the Secretary General of the United States for the State of California. The claimant relies on the above mentioned documents



any evidence and will produce other proof should  
it be required by the Board

J. J. McNamee

Filed in Office May 31<sup>st</sup> 1852  
Geo. Fisher Secy

Recorded in Record of Petitions Vol 1  
pages 121 & 122  
Geo. Fisher Secy

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San Francisco Feby 25th 1853

Dep. of M. M  
Sexton

On this day before Lemuel H. Hall came M. M. Sexton a witness on behalf of the Claimant J. J. Warner petition No. 252. and was duly sworn his witness being given in English.

The U. S. Associate Suro Agent was present In answer to inquiries by Counsel for the Claimant the witness testified as follows

My name is M. M. Sexton, my age is thirty two years and I reside in the County of San Diego I know the Rancho generally called the Valle or Valley of San Jose situated in the County of San Diego about fifty five miles in a North Eastern direction from San Diego. I first knew the place in the month of February 1850. It was then occupied by J. J. Warner He had stocks there. I was there oftentimes when he had about 180 head of cattle and from 100 to 150 horses He had an adobe house and several out houses and a Corral on the place and he was living in the house with his family. He had some twenty <sup>acres</sup> of land cattle pasture. There was a vineyard on the place formerly in dispute between David Warner and the Indians, but now acknowledged by the Indians to belong to Warner. The vineyard was in that part of the Rancho called Agua Caliente, where there is a hot spring There are ruins of large buildings at this place formerly occupied by Indians for the Mission of San Luis Rey and erected by the Mission as I have been told and believe. These buildings were burnt about the month of December 1851. The land is on the frontier & I have never heard of any Contesting Claimant. It is called sometimes the Valle of San Jose, sometimes Agua Caliente and by the Americans Warner's Rancho I do not know the quantity of the Land. I lived about fifteen miles from Warner. The Indians were troublesome to him. He was obliged to Corral his stock at night & they would sometimes steal them from the Corral. In the Indian outbreak in December 1851 Warner had all his cattle taken away & never recovered but a small portion of them. His horses were at that time at another place and were not lost. At the present time he has horses on the place in charge of an Indian as I understand

In answer to inquiries by Associate Suro Agent the witness says there are two Indian Rancheros, one at

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 a gran hacienda where there are from 100 to 150 Indians  
 The other is on the Southern part of the Ranch &  
 is occupied by from 50 to 100 Indians during the  
 winter - There is still another Rancharias near the  
 Mountain containing some thirty or forty Indians  
 during the winter - In the summer, the Indians  
 of these two latter places live in the Mountains  
 known as Huasacabeles M M Linton  
 Before me Nelson Steel Comr

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Filed in office Feby 25. 1853 Geo. Fisher Secy  
 Recorded in Ev. B. Vol. 2 p 607 Geo. Fisher Secy

Depo. of  
 Jose Castro

San Francisco March 4. 1853  
 On this day before Comr J. J. Shannon came Jose  
 Castro a witness in behalf of the Claimant J J  
 Warner Petition No. 354 and was duly sworn his  
 evidence being interpreted by the Secretary  
 Question by Claimant  
 1. Ques. What is your name age and place of residence  
 Ans. My name is Jose Castro my age is forty four  
 my residence in Monterey California  
 2. Ques. Are you acquainted with the Rancho of gran  
 hacienda and Valle of San Jose in the County of  
 San Diego California called Warner's Ranch and if  
 yes, state if you know when & how it was occupied  
 by whom -

Answer. I am acquainted with this land or Rancho it  
 was granted in 1844 by Mechetorena - In July 1846 this  
 place was occupied by the Claimant Warner who  
 had a house, and lived upon it and cultivated it  
 extensively & had Cattle & Horses upon it

U. S. Secy Agent present Jose Castro  
 Sworn and Subscribed before me this 4 March 1853  
 Harry J Shannon Comr &c  
 Filed in Office March 4th 1853 Geo. Fisher Secy  
 Recorded in Ev. B. Vol 2 p 627 Geo. Fisher Secy

No 354  
 Depo. of Aug.  
 Harazthy

San Francisco June 11th 1853  
 On this day before Comr Thompson Campbell came  
 Augustus Harazthy a witness on behalf of the Claim  
 ant J. J. Warner petition No. 354 and was duly  
 sworn his evidence being given in English -  
 The U. S. Associate Secy Agent was present  
 Questions by Claimant -



1<sup>st</sup> Quest. What is your name and place of residence?

Ans. My name is Augustus Starazythy and I reside in the <sup>city</sup> of San Francisco

2<sup>nd</sup> Quest. Are you acquainted with the location of the Rancho Valle de San Jose y Agua Caliente; State all you know about the occupancy of said Rancho

Ans. I am acquainted with the Rancho mentioned in the question - as above referred to since December 1849 at that time Mr. Ullman was in possession of said Rancho I knew him to be in possession for three years after December 1839 and he is still in possession during the period referred to I resided in the County where said Rancho is located and was Sheriff of that County The Rancho was appraised to him. The said Ullman occupied said Rancho by cultivating the same and lived on it with his family until the Indians burnt down his house, in the Revolution, which burning took place in November 1851. The place was known by two names, one Valle de San Jose y Agua Caliente On the San Jose there was a substantial good adobe house several Corals and two large fences fences and some few out houses of not much value - The improvements were new, about three years old from the time they were burnt having been made in 1849 and 50. In 1849 when I assessed there, there was only one Shanty on the premises it might have been built a year or so before, it looked new - The field at the house was made in 1850. I observed several fences, by whom made I do not know - They were not fences and not cultivated at that time. At Agua Caliente there was an old house which from appearance must have been very old, there were also a Vineyard - During my whole stay in San Diego County he the Claimant had one or more Indians in his employment - He employed Indians generally - The improvements to which I have referred are about three miles apart, that is according to the Spanish saying - but I think they are five miles apart

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Crop Examined by Mr. Greenhow  
1<sup>st</sup> Quest. Illustrate how the Indians who came of the right to live on the Rancho referred to by you in your Examination in Chief

Ans. Yes. Indians did live there and applied to me as Sheriff to keep Ullman from driving them off. The Indians continued to remain there and kept the grapes



from the vineyard which Capt. Umana claimed and about November 1851 the Indian Chief who resided at Agua Caliente came down burnt the house drove away the cattle - this was on San Jose

Examined by Acty of Claimant  
The Indians claimed Agua Caliente and the fields which they cultivated - The Cause of quarrel as I understand it, between the Indians & Capt Umana was that the Indians claimed the Vineyard & Capt. Umana claimed the Vineyard. The dispute to which I have referred was with Antonio Gama who was afterwards shot under sentence of a Court Martial - Augustus Harzthy sworn to and Subscribed

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Before me this 11th of June A.D. 1853 Thompson Campbell  
Tells in office June 11. 1853 Com.  
Geo. Fisher Secy

Recorded in Ev. B Vol. 3 p 5 Geo. Fisher Secy

No. 254  
Deposit of  
No. Foster

San Francisco June 14. 1853  
On this day before Com Thompson Campbell came John Foster a witness on behalf of J. J. Umana claimant in case No. 254 and was duly sworn his evidence being given in English

The U. S. Depoitee Secy Agent was present  
Testimony by claimant

Quest 1st. What is your Name age & place of residence  
Answer 1st. My name is John Foster age 38 years and reside at San Jose Capistrano

Quest 2nd. State if you are acquainted with the Ranch called Agua Caliente situated in the County of San Diego California, if so, state all you know about its occupancy

Ans 2nd. I am acquainted with it - I know that Jose Antonio Pico had a number of hands employed on that Ranch making a vineyard, to the extent of two thousand vines - I passed over the Ranch in 1833 - the Indians were in possession at that time, and have been in possession ever since that time - The Indians never have been expelled from that that I know of. The next thing I know Antonio Pico was in possession as I understand by grant from the Government. The Indians I have referred to as occupying the Ranch were Mexican Indians - The same Indians were in the employment of Antonio



Pico about the year 1840. I only know of the Indians by Pico, for the one purpose of setting out the vines Pico's Agent occupied the Ranch until the Land was transferred as I understood to John Ullman. While Ullman lived on the Ranch, I never visited it since that time. I have been there, I don't know the time when the possession changed from Pico to Ullman. As a general thing the grants were made with the condition that the Indians should be permitted to remain there -

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Examined by Mr Greenhow  
The Mexican Indians to whom I have referred in my examination in chief were the only Indians established on the Land - J. Forster

Sworn to & subscribed before me this 14th day of June A. D. 1853 - Thompson Campbell Com<sup>r</sup>  
Filed in Office June 14. 1853  
Geo. Fisher Secy

Recorded in Ev. B Vol 3 p 7  
Case No 254 -

Geo. Fisher Secy

Office of the Commissioners of California  
Land Commission San Francisco -

Dep. of Amicus  
Pico

This day before Com<sup>r</sup> Robert Thompson came Amicus Pico a witness in behalf of the claimant J. J. Ullman Case No. 254 and being duly sworn deposed as follows  
Present J. J. Ullman Claimant and Volney E. Howard U. S. Law Agent -

Question by Claimant - What is your name age and place of residence -

Ans. My name is Amicus Pico. My age forty two years and my residence the County of Los Angeles California  
Question by Same - Do you know the Rancho of "Valle de San Jose" and of "Agua Caliente", if so? State if they were ever occupied by Mexicans & what Mexican  
Ans. I do know them - When I first knew them in 1831 the Rancho of the Valle of San Jose was occupied by the Mexican of San Diego - and the Agua Caliente by Mexican of San Luis Rey -

Question by Same - State what you know in relation to the occupancy of the Rancho of "Valle San Jose" by the Claimant in this case -

Ans. In the latter part of the year 1844 I was at the Rancho "Valle de San Jose" and then I saw a stock of cattle of some six or eight hundred head, a drove of horses and a house built of adobe all belonging to the Claimant J. J. Ullman - There were



Some herdsmen living in the house who herded the Cattle - there were also some Corals or Cattle pens -  
 Question by Same. State what you know in relation to the Occupation of the Rancho Agave Caliente by the Original grantee and by the present Claimant  
 Ans. In 1840 Jose Antonio Pico selected the grant of said Rancho from the Government, having occupied previously by three bands of horses and planted a vineyard - In consequence of the hostility of Indians Pico was compelled to abandon the Rancho about the year 1842 - There were some houses on the Rancho prior to the grant, which had been burnt down by the Mission and abandoned by them - Pico built a house subsequent to the grant which was standing on the place when he left it in 1842 - He had also on the place a manager or Superintendent who occupied the house - I was there again in 1844 - and found the Claimant Alvarado occupying the same Rancho, living on the place with his family - He had also repaired the houses and other buildings and on the place and was occupying them - He also cultivated some of the Land and had about two hundred head of tame Cattle and some tame horses and had erected some Corals or Cattle pens on the Land

Question by Same - Do you know any thing of the difficulties in obtaining judicial possession of those Ranchos if so State what they were?

Ans. Whenever the lands were situated in Chosoma districts it was very difficult to get the Magistrates to execute the judicial possession - I know that Pico the Original grantee applied once in my presence to the Magistrate to give him judicial possession, and he promised to do so - but I do not know whether he ever did so or not -

Question by Same - Do the two Ranches join or not  
 Answer. They do not join

Question by U. S. Land Agent  
 How much Land was in cultivation on either Rancho when you visited it in 1844 or at any other time -

Ans. In 1844 there were fifty or sixty acres in cultivation on the Agave Caliente in wheat, barley, corn and beans, it was not the custom of the Country to cultivate more than was necessary for the consumption



of the Ranch, there being no market for the sale of  
of any surplus - there was no cultivation in the "Valle  
de San Jose" - and further this deponent hath not  
sworn to and subscribed

Andres Pico

before me this 18th day of Aug. 1853

R. Aug. Thompson U.S. Land Comr

Filed in office Aug 18. 1853. Geo. Joshua Deeg

Recorded in Ev. B Vol. 3 p 57 Geo. Joshua Deeg

Office of Commissioners of Land Claims in California

San Francisco Aug 30. 1853

Dep of Rufel  
Sackett

This day before Commissioner Alphus Felch came  
Russell Sackett a witness in behalf of Claimant  
J. J. Warner Case No. 254 who after being duly sworn

deposed as follows - Questions by the Claimant

1 Question. What are your name age & place of residence

Answer - My name is Rufel Sackett, my age is forty  
four years and I reside in Marin County in the  
State of California

2a Question - Do you know the Ranch Alcala Caliente  
in San Diego County in this State -?

Answer. I do -

3 Question. What is the extent of that Ranch?

Answer. I know nothing of the boundaries except  
what I have learned from Mr Warner when I have  
been at his Ranch - I know the house on the Ranch  
The Valley in which it is situated is according to  
the best of my judgment ten or eleven miles in extent  
from East to West - From North to South the Valley  
is more irregular - Spurs of the Mountains coming  
down into it in different places - In some places I  
think the Valley extends seven or eight miles on the  
North side of a line drawn East and West through  
the center of Valley, in other places it is not more  
than two or three miles, according to my best re-  
ollection. The piece of land lying between such  
East and West line and the Mountains would  
probably average four or five miles wide

4 Question. How is the portion of land you have de-  
scribed as lying north of an East and West line  
bounded?

Answer. It is bounded by high mountains on the East  
North and West -

Rufel Sackett

Mr Greenhow Associate Law Agent was present at the  
taking of this deposition, but propounded no questions  
to the witness - Subscribed and sworn to before me

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at San Francisco this thirteenth day of August  
A.L. 1853 Alpheus Felch  
Filed in Office Aug 31-1853 Commissioner  
Geo. Fesha Secy

Dep. of Andrus  
Pico

Recorded in Ev. B Vol 3 p 103 Geo. Fesha Secy  
Office of Commissioners of Land Claims in California  
On this day before Comr. Thompson Campbell came  
Andrus Pico a witness in behalf of claimant J I  
Umana No. 254 who after being duly sworn deposes  
as follows—

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What is your name age and place of residence?  
My name is Andrus Pico my age forty two years &  
I reside at Los Angeles—

Are you acquainted with the Rancho Agua Caliente  
and if so what is the quantity of land embraced  
in the grant? Said Rancho is situated in San Diego County  
I am acquainted with said Rancho, but I do not  
know the quantity contained in the grant— The Rancho  
may contain some four or half leagues of land  
Sworn to and subscribed Andrus Pico

before me this 8th day of September 1853

Thompson Campbell Comr

I certify that the aforesaid Saw Agent was present  
when this deposition was taken

Thompson Campbell Comr

Filed in Office Sept. 8. 1853

Geo. Fesha Secy

Case No. 252  
Dep. of S. Co  
Arquello

Recorded in Ev. B Vol 3 p 163 Geo. Fesha Secy  
Office of the Board of Commissioners de ve  
This day before Commissioner Robt. A Thompson  
came Santiago E Arquello a witness in behalf of  
claimant J I Umana No. 252 who after being  
duly sworn deposed as follows—

Present claimant J I. Umana and R Greenhow Esq  
Associate Saw Agent—

In answer to questions witness states that his name  
is Santiago E Arquello, age forty years residence  
San Diego County California—

Question by claimant—

Do you know the place called Valle de San  
Jose in the County of San Diego—  
Ans: I do

Question by same— do you know the localities  
mentioned in the grant filed by the claimant  
in this case as boundaries of the Ranch claimed



by him named the Valle de San Jose, called first "Puerto or Entrada de San Felipe" second "Aqueanga" third "Puerto or Entrada de Palo" fourth "Entrada Isabel or Canisal" if so describe them -

Answer - The Puerto or Entrada de San Felipe is a gap or opening between two points of the Sierra de San Felipe through which passes the road from San Diego to Colorado River. It is a narrow pass about twenty feet wide and is a well known point "Aqueanga" is the name of a Canada and was an Indian trading ground, and there was formerly an Indian Rancheria which was called Aqueanga near where the Canada seems to terminate which is also a well known point. The Puerto or Entrada de Palo is an arroyo or creek which form a Cañon or narrow defile through which the road from the Valle de San Jose to San Luis Rey passes. the widest part is about half a mile in width it becomes narrower at the distance of about two leagues from the Valle, it is bounded on both sides by high mountains - it is also a well known and well defended locality - The Entrada de Santa Isabel or Canisal is a Canada leading from Santa Isabel to the Valle of San Jose which terminate at the Entrada or Entrance. There is a Portezuelo through which the road passes to Santa Isabel - The Mestas Aridas in the Canada a part running to San Jose and part to Santa Isabel About the point where the Mestas Aridas it is about two thousand varas wide. The hills on either side are high and there are some Springs of Mesta and some Old Indian planting provinces - It is a well known point -

Question by Same - Describe the mountains by which the Valle de San Jose is surrounded -  
Answer. The Valle is surrounded by a high range of mountains intersected in several points by dry valleys or passes through which the roads leading into the pass - it appears to the view, as if the Valley was entirely inclosed by the mountains through as you approach the Valle you discover the passes leading out -

Question by Same - State if you know of any difficulties in obtaining the successful possession of the land claimed in this case, from the proper authorities and



if so what they were?  
 Answer. Witness states that he does not know that  
 judicial possession of the Land was ever demanded  
 he thinks that the authorities were always ready to  
 give such possession when required -  
 Question by Same. State if you know of insurrection  
 or war during the years 1845 or 1846 by which  
 such possession or continued occupation of the claimant  
 might have been prevented (Objected to by  
 Mr Greenhow as irrelevant)

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Answer After the American invasion or occupation of  
 of the Country in 1846 the Country being in a very  
 unsettled state - the Indians in that section of the  
 Country were in insurrection in consequence of which  
 the authorities could not give judicial possession  
 Question - State if you know, whether claimant was  
 at that time prohibited from occupying the land  
 in question by the same causes

Answer He was. The Indians were plundering &  
 committing depredations - The claimant was brought  
 into San Diego but I do not know whether he came  
 as a prisoner. He went in with Capt Gallispeer  
 and myself. Capt. Gallispeer said it was necessary  
 for him to go in order to answer some questions, and  
 I afterwards understood that he was arrested and  
 further this dependent I will not

Santiago E Arguello

Shorn to & subscribed before me  
 this 31<sup>st</sup> of October 1853 R. Aug Thompson Com<sup>r</sup>  
 San Francisco December 17. 1853

It is hereby agreed and stipulated between the U.S. Law  
 agent and the claimants in this case that the above depo-  
 sition may be used in the case No. 253, in the same  
 manner as if it had been taken in that case

Robert Greenhow U.S. Agent Law Agent  
 J. J. Alama claimant

Filed in Office Nov. 1<sup>st</sup> 1853. Geo. Fisher Secy Secy  
 Recorded in Ev. B Vol 3. p 334 Geo. Fisher Secy

Office of the Board of U.S. Land Commissioners &c &c  
 San Francisco December 13<sup>th</sup> 1853

This day before Commissioner Alpheus Felch came S. E.  
 Arguello, a witness on behalf of claimant J. J. Alama  
 Petition No. 254 and being sworn, his evidence being in  
 Spanish was interpreted by the Secretary as follows

Dep. of S. E.  
 Arguello



Questions by Col. Warner the Claimant.

1 Question. What are your name age and place of residence  
Answer. My name is Santiago E. Arguello, My age is forty  
years and I reside in San Diego California. I have  
lived in California all my life?

2 Question. Look on the paper marked Exhibit No 1 with  
the initials "A F" purporting to be a title to S. Warner  
filed in this case and make a part of this deposition  
on which appears the signature of Manuel Mecheo  
reus and the signature of Manuel Jimeno in two  
places, and also on the paper marked Exhibit No 2  
purporting to be a title to Jose Antonio Pico which  
is also marked with the initials "A F" and annexed  
to this deposition, on which appears the signature of  
Juan B. Alvarado and of Manuel Jimeno in two  
places and say whether or not they are their true and  
genuine signatures and are you acquainted with their  
respective signatures

Answer. I have looked on said papers and I recog-  
nize the signatures above mentioned as the true and  
genuine signatures of said Manuel Mecheo reus,  
Juan B. Alvarado and Manuel Jimeno. I have often  
seen each of them write, and know their handwriting  
Mr. Greenhow associate Suro S. E. Arguello  
Agent was present at the taking of this deposition but  
propounded no questions to the witness - Subscribed  
and sworn to before me this thirteenth day of December  
1853

Alpheus Felch Commissioner

Filed in office December 13th 1853 Geo. Fishu Secy  
Recorded in Vol B Vol 3. p 714 Geo. Fishu Secy

Copy of dep of  
Mr. Hamilton

Office of the Board of U.S. Land Commissioners &c &c  
San Francisco December 10th. 1853

This day before Commissioner Thompson Campbell came  
John John Hamilton a witness on behalf of Claimant  
S. Warner Petition No. 253 who being duly sworn deposed  
as follows -

1. Question. What is your name age & place of residence?  
Answer. My name is John Hamilton. I am thirty one  
years of age and reside at Venice

2. Question. Are you acquainted with the houses, location  
and villages on the vicinity of Warner's Ranch  
situated in the County of San Diego -

Ans. I am pretty well acquainted with that region  
of country and those places - In December 1851 I



passed through Santa Isabel to the Valley of Coyotes  
 On the desert thus entering the Ranch of Mr. McClain by  
 the South, and travelling in a direction North of East  
 out of it, through the Valley of San Isidro, returning  
 in the mouth of San Juan. From the Coyotes I struck the  
 road from McClain's Ranch to Tomecillo about four  
 miles North West from an Indian Village Ahuango  
 After going to Tomecillo I returned. I was then aware  
 that there were two Ahuanguos. I passed through  
 two places called Ahuango and I believe the one  
 further up has been called Comoteco and is also  
 called Ahuanga Arriba. That is the place lying four  
 miles to the South East of the point above referred  
 to where I struck the road. The place where I  
 struck the road is also called Ahuango

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3. Ques. Look at the traced copy of the Expediente filed  
 in Case No. 254 and marked P. 101 and state whe-  
 ther the place marked on the map which is a part  
 of said document and called Ahuango is the  
 same place which you have described as  
 Ahuanga Arriba, and what its location on said  
 map corresponds with the location you have  
 described it as occupying

Ans. When I travelled through there I took topograph-  
 ical notes of the country and therefore I am pretty  
 well prepared to say that the map as far as that  
 place is concerned is good, and that is the place  
 I have called Ahuanga Arriba on my evidence  
 just given.

4. Look on the same map just shown you and state  
 if you pass the point San Jose, where it is men-  
 tioned on said map, and also state what you saw  
 at that point concerning improvement.

Ans. On the sixth day of January 1853 I passed that  
 point in company with Mr. McClain and Don. Ozm-  
 croft, and was joking Mr. McClain on account of  
 the position in which he had placed his house  
 telling him he had picked out the bleakest portion  
 of his Rancho to put his house on. he told me it was  
 not his taste that had directed him in the matter  
 but the farming advantages of the position but gave  
 me some other reasons which I do not now recollect  
 He then pointed out to me the place which had been  
 his choice, and there were at that place the ruins of  
 an adobe house, and if he was going to build at all



that would be the place. The walls appeared to have been built a number of years before that time - These walls were in the immediate vicinity of the point San Jose - At this time I was acting as Interpreter and Secretary for the Indian Agent Doña. Ozyerote. I acted as recorder and interpreter of the Council of laws that executed under Major Heintzelman's Order of four Indians of San Jacinto and Agave Caliente for the burning of Mr. Williams' Ranch in November 1851

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5 Question. What did the Indians say at that time in relation to Mr. Williams living at that place  
Ans. They said that they had no cause for violence towards Mr. Williams and threw all the blame on the an Indian called Garcia whose object was a political one -  
I Hamilton

Associate Law Agent present  
Sworn to and subscribed this 10th day of December A.D. 1853  
Thompson Campbell Comr  
December 10th 1853 -

It is agreed that this deposition may be used in Case No. 254 in the same manner as if it had been originally taken in that case  
J. J. Williams Claimant c  
R Greenhow left  
Law Agent

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 that the foregoing is a true Copy and correct copy of the deposition of I Hamilton taken before Comr. Thompson Campbell in Case No. 253 on file in this office and in my care and custody as such Secretary given under my hand this second day of October A.D. 1854 c

Geo. Fisher Secy  
Filed in Office Oct. 2nd 1854  
United States of America  
State of California  
San Francisco Sept. 12. 1854

Deposition of John Foster

This day came before Peter Gott Commissioner for taking testimony to be used before the Board of U. S Land Commission in said State, John Foster, a witness on behalf of the Claimant J. J. Williams in Case No. 259 on the docket of said Board, and said witness being sworn deposed as follows:  
The U. S. Associate Law Agent is present



Questions by Claimant in person  
1<sup>st</sup> Question. What is your name age and residence  
Answer. My name is John Foster my age 38 years  
My residence in Los Angeles County California

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2<sup>d</sup> Question. Are you acquainted with the hand writing  
of Pio Pico and Juan Bandini if you state your  
means of knowledge, and look at the documents now  
shown you and marked "B. P. L" and filed in this  
case as an Exhibit to the deposition of Philip H Hoop  
on 11<sup>th</sup> of Sept. 1854 and state whether their signatures  
as therein are genuine?

Answer. I am acquainted with their hand writing  
I have seen them both write, and their signatures  
here on this document are genuine.

3<sup>d</sup> Question. Was said Pio Pico Governor of California  
and said Juan Bandini his Secretary of State  
on the 17<sup>th</sup> of June 1844 A. D. 1845 to your own  
knowledge

Answer. Yes. I know them to be acting in those  
capacities respectively at that time.  
John Foster

Subscribed and sworn to before me on this 12<sup>th</sup>  
day of September A. D. 1854  
Peter Gott Comm<sup>r</sup> W

Filed in office Sept. 12. 1854 Geo. Fisher Secy  
Recorded in W. B. Vol 5. p 347 Geo Fisher Secy

United States of America }  
State of California }  
San Francisco Sept 11. 1854

Deposition of  
P. H Hoop

This day came before Peter Gott Commissioner for  
taking testimony to be used before the Board of  
U. S. Land Commission in said State Philip H  
Hoop a witness on behalf of the Claimant J. S.  
Wanna in case 254 on the docket of said Board  
and said witness being sworn deposed as  
follows

The U. S. Associate Surveyor is present

Questions by Claimant in person

1<sup>st</sup> Question. What is your name age and residence  
Answer. My name is Philip H Hoop my age 34  
years, My residence in San Diego County California

2<sup>d</sup> Question. Are you acquainted with the hand writing  
of William H Moon, William Larney, Thomas Wright



ington, Juan Bandini and Pio Pico? if you state your means of knowledge and look at the documents now shown you marked the one "A P L" and the other "B P L" and annex to this deposition and state whether their signatures wherever they occur therein are genuine?

Answer. I am acquainted with the hand writing of Isaac Moon, Wreghington, Bandini and Searney having seen them all write, and these are their genuine signatures - I am not acquainted with Pio Pico's hand writing and cannot testify to his signature -

P. H. Hooff Jr  
Subscribed and sworn to before me  
Sept. 11. 1854 - Peter Lott Com. &c.

Filed in office Sept. 13. 1854. Geo. Fisher Secy  
Recorded in Vol. B p 377. Geo. Fisher Secy  
United States of America  
State of California

San Francisco Sept. 4. 1854

deposition of  
John Foster

This day came before Peter Lott Commissioner for taking testimony to be used before the Board of Land Commissioners in said State John Foster a citizen in behalf of the claimant I William in case No 254 On the docket of said Board and said witness being sworn deposed as follows

The U. S. Associate Surveyor present  
Questions by claimant in person -  
1st. Question. What is your name age and residence  
Answer. My name is John Foster my age 38 years  
my residence in Los Angeles California

2nd Question. Look at the the traced copies of the two Expedientes respectively now shown to you marked respectively "Expediente A. P. L" and filed in this case and state whether you have examined the Original thereof in the office of the U S Surveyor General for the State of California if you are you acquainted with the hand writing of the several persons whose names appear signed respectively to said Original Expedientes and if you state your means of knowledge and whether their signatures to said Original documents wherever they respectively appear therein are genuine?

Answer. I have examined both of said Original Expedientes in said Surveyor Generals Office and

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I am acquainted with the handwriting of Manuel  
 Michelena J. J. Urcina, Manuel Jimeno Juan Manuel  
 Maun, Padre Vicente P. Olvera Jose Antonio Pico  
 Silveira Tapia, Narciso Botello Juan Manuel  
 Osuna, Andres Pico, and Juan B. Alvarado, having  
 seen them all write and I believe their respective  
 signatures wherever they occur in either of said  
 Original Documents are genuine.

John Foster

Subscribed and sworn to before me Sept. 4 1854

Juan Lopez Com<sup>o</sup> de. de.

Filed in office Sept. 6. 1854 Geo. Fisher Secy

Recorded in Ev B Vol 5 p 340

Geo. Fisher Secy

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23192.16

1844

# Expediente

Promovido por el Ciudadano naturalizado

D<sup>o</sup> Juan Warner en solicitud del para  
je conocido con el nombre de

Valle de San José.

N<sup>o</sup> 210<sup>my</sup>.

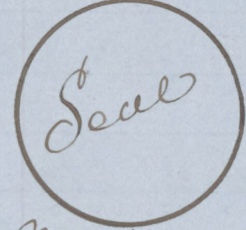
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S. G. D. N. Delto Cuarto Dos Reales: Habilitado provi-  
cionalmt. por la Aduana Maritima del puerto  
de Monterrey, en el departamento de las Cali-  
fornias, para los años de mil ochocientos eua-  
renta y cuatro y mil ochocientos cuarenta y  
cinco.

Micheltovena Pablo de la Guerra.  
Por aus. del Admón.  
Guillermo Ed. Hartwell.

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Excmo Señor.

Juan José Warner vecindado y casado  
Monterrey agt.º en este departamento con Anita  
30 de 1844 } Gale padre de familia: ante U.  
Inf. el O. Serio } O. como mas haya lugar en derecho  
del Despacho } se presento. Que desde el año 1833  
tomando previa } radicado en la Ciudad  
mt. todos los q. } de los Angeles; padre de hijos naci-  
ere necesarios } dos en este Departamento que ne-  
Michelto } cesitando un parage en donde col-  
car una cantidad bastante consi-  
derable de ganado mayor y menor perteneciente  
à los hijos de matrimonio con mi esposa de Espu-  
sa. Suplico a U. C. tenga la bondad de conceder  
à mis esposados hijos en propiedad el parage cono-  
cido con el nombre del Valle de San José que se  
halla Valcillo; situado al Este del pueblo de San  
Diego y distante de dcha poblacion como veinte le-  
guas circundado por la Oreria con encerado de  
San Felipe por el Este de Fenicala por el Norte  
de Pala por el Oeste y de Santa Isabel por el  
Sur. obligandome a levantar en diseño exacto  
de dcho parage por el uso del Gobierno y la Asamblea  
Departamental. Y espero que no habra inconveni-  
ente alguno en concederlo y librar el Título corres-  
pondiente con tal que U. C. considere.

S. G. D. N. mis hijos acreedores à la gracia que solicito  
Por tanto à U. C. ruego ammente suplico que  
tenga à bien decretar favorablemente con lo que  
quedare muy reconocido por ando de no proce-  
der de Malicia y lo necesario Et.

Monterrey à los 30 dias de Agosto de 1844.

Juan José Warner.  
Excmo Sr Gobernador.



El terreno que se pretende parece que no hay inconveniente al punto p.º q.º se conceda segun los informes que se acompañan del R. P.º Sr. Vicente Oliva y del juez de S.º Diego Don Juan Barron. El que lo pretende esta naturalizado, y es sujeto de Duenas circunstancias, p.º q.º si V.º E. no dispone otra cosa puede accederse a su solicitud.

Monterrey Setiembre 2 de 1844.

Man.º Jimeno

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Para el Sr. Espidasele el titulo queda Obligado a presentar el diseño en cuatro meses de la fecha, y q.º de no hacerlo y el mismo titulo cuando cumpla tal Obligacion, si pasare el termino sera nulo y de ningun valor el titulo formandose en el Espidasele de y conforme.

Michelt

Conforme con el anterior supor. Decreto y p.º constancia lo firmo en la misma fecha y lugar Juan J. Warner.

Conformado el interesado con el supor. decreto quedara obligado a presentar al diseño en el tiempo fijado y entro tanto podra el mismo interesado ocupar el terreno, obligandose a presentar un documento del encargado de San Luis Rey en el que conste el finca que pagara, en los terminos que el Gob.º disponga.

Monterrey Set. 6. de 1844

Man.º Jimeno.

S.º D. 1.º. Monterrey 27 de Nbre de 1844

Lista la peticion con que da principio este expediente, los informes que preceden de claro a D. Juan Barbera dueño del terreno que solicita.

S.º D. 1.º. Juzgado 1.º del puerto, Señor Juez primera de San de San Diego. En nombre de Diego.

En el informe of. pido con objeto de solicitar en pro a este juzgado el interes propiedad el parage conocido gado en la presente y con el nombre del Valle de época se haya el men.º Don José antes ocupado por cionado D.º José del la Misión de San Diego su Valle Valdivia; y como plico a V.º de servir informar dos años poco mas o menos abandonado } acerca de lo siguiente. Si en la fecha esta en aban



donde el tiempo que se halla en este Estado si  
ha sido abandonado por motivo de los muchos ro-  
bos de los Indios Barbaros. Si en la fha la mi-  
sion de San Diego tiene bienes con que cubrirlo.  
La distancia entre la mision de San Diego y di-  
cho parage.

Siendo admitido esto en este papel con un  
falta del que corresponde. San Diego 5 de  
Agosto de 1844.

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Juan S. Warner  
y. O. D. H. Al Muy R. P.

con objeto de solicitar en propiedad el parage  
conocido con el nombre del Valle de San José  
antes ocupado por la mision de su Cargo ex-  
plicio se solicita informar si en la fha la mision  
de San Diego tiene ocupado otro terreno y si no  
desde que tiempo ha sido abandonado.

San Diego Agosto 5 de 1844.

Juan S. Warner

El Valle de S<sup>ra</sup> José se le puede dar al preten-  
dente que lo solicita por quanto la mision  
de S<sup>ra</sup> Diego à quien pertenece no tiene bienes  
bastantes para cultivarlo y cubrirlo y no es tan  
necesario à la mision.

Mision de San Diego Agosto 5 de 1844.

J. Vicente R. Oliva.



27 g. S. D. N. El Ciudadano Manuel Micheltoena Gene-  
ral de Brigada del Ejercito Mexicano Ayudante  
General de la plaza mayor del mismo, Go-  
bernador Comandante Galè Inspector de  
las Californias.

Por cuanto D. Juan José Warner Mexicano  
por Naturalización ha pretendido para su be-  
neficio personal y el de su familia el terreno  
conocido con el nombre Valle de San José con-  
dante al E. con la Entrada de D. Felipe y la  
Sierra al O. E. con la Sierra y Cañada de A-  
cuanga y la Sierra al N. siendo los límites por  
la parte del Sur el Carrisal y la Sierra pra-  
cticadas previamente las diligencias y averi-  
guaciones concernientes según lo dispuesto  
por leyes y reglamentos usando de las facultades  
que me son conferidas à nombre de la  
Nación Mexicana he venido en concederle  
el terreno mencionado declarándole la pro-  
piedad de el por las presentes letras sujetan-  
dose à la aprobación de la Exma. Asamblea  
Departamental y à las condiciones siguientes

1.ª No podrá venderlo enagenarlo ni hipotecar  
ni gravamen alguno ni donarlo.

2.ª podrá cercarlo sin perjudicar las tra-  
vecias caminos y servidumbres lo disputara  
libre y exclusivamente destinándolo al uso  
ocultivo que mas le acomode, pero dentro  
de un año fabricará casa y estará habitada

3.ª Solicitará del juez respectivo que le de  
la posesion juridica en virtud de este des-  
pacho por el cual se demarcaran los límites  
en cuyos límites pondrá à mas de las mofo-  
neras algunos arboles frutales ó silvestres de  
alguna utilidad.

4.ª El terreno de que se hace donacion es de  
la Estension de seis sitios de ganado mayor  
poco mas ó menos según explica el diseño res-  
pectivo. El juez que diere la posesion lo hará  
medir conforme à Ordenanza que elando el  
sobrante que resulte à la Nación para los  
convinientes. 5.ª Si contraviere à estas  
condiciones perderá su derecho al terreno y

map 4

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11. S. D. N. será denunciado por oho. En consecuencia  
mando que sobreviniendo de título el presente y  
teniendo por firme y valedero se tome razon  
de el en el libro respectivo y se entregue al intere-  
sado para su resguardo y demas fines. Dado  
en Monterey à Veinte y ocho de Noviembre de  
1844. Queda tomada razon de esta conse-  
cion en el Libro respectivo à folios 12 Vta

12. S. D. N. Excmo Señor Gobernador.

Juan J. Warner natural de los E. U. de A-  
merica naturalizado y vecindado en este  
departamento ante V. E. como mas haya lu-  
gar en derecho presento y digo. Que en virtud del  
título expedido por el Gobierno concediendome  
en propiedad de Valle de San José con la  
aprobacion de la Excmo. Asamblea Departe-  
mental; acompaño el Título, diseño y copia  
autorizada del Expediente p<sup>a</sup> que se viva  
pasarle à la Excmo. Asamblea à ser aprobado  
en caso de no encontrar impedimento: advertiendo  
de no haber podido acompañar el documento  
del encargado de la Misión de San Luis Rey  
de la finca perteneciente  
a otra Misión y que el Gobierno se no dispone  
de otro modo mejor nombre por su parte un  
perito y los interesados oho por cada parte para  
la debida valuacion. Juro lo necesario Etc.

13. S. D. N. sobreviendo V. E. admitir esta en papel comun  
por falta del que corresponde.

Angeles 12 de Mayo de 1845.

Juan J. Warner

Angeles Mayo 14 de 1845.

Dado cuenta de esta y demas documentos a  
ella acompañar el interesado. De pasarlo  
à la Comisión de Terrenos Baldios.

Propio Presd<sup>te</sup>.

Agustín Olvera Ocho.

Etc.

La Comisión de terrenos Baldios ha examinado  
con toda la diligencia posible el Expediente for-  
mado à consecuencia de la solicitud hecha p<sup>a</sup>  
D<sup>o</sup> Juan J. Warner con fha 30 de Agosto del  
año p<sup>o</sup> p<sup>o</sup> sobre el parage conocido con el nombre  
del Valle de San José que le fue concedido

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N.º título legalmente librado p.º el Gobierno del Departamento con fha 28 de Nov. del proximo año citado y resultando del examen referido q.º la comision espresada en favor de D.º Juan D. Warner fue hecha con total arreglo a lo q.º sobre el particular disponen las leyes y q.º solo falta q.º el agraciado con la prevencion q.º se le hizo p.º el Gobierno y a que queda obligado antes de estenderle el título referido de presentar un documento del encargado de la Misión de San Luis Rey en el que consta el Avaluo de la finca en dho parage cuyo valor debe ir a pagar en los terminos q.º determinè el mismo Gobierno. En tal concepto la comision sujeta a la deliberacion de la Honorable Asamblea la proposicion q.º sigue.

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15 J. D. R.

Se aprueba la concesion hecha en favor de D.º Juan D. Warner del parage nombrado Valle de San José adjudicado en propiedad p.º el Gobierno de este Departamento en título legalmente librado con fha 28 de Noviembre ultimo de conformidad con lo prevenido en la Ley de 18 de Agt.º de 1824 y el Art.º 8.º del Reglamento de 21 de Noviembre de 1828. Ordiendo se tome avel el Excmo D.º Gobernador las providencias q.º crea conducentes a fin de que se verifique el avulso de la finca arriente en dho parage asi como el pago de su monto.

Dada de las Sesiones en la Ciudad de los Angeles Mayo 14 de 1849.

Ignacio del Valle - Narciso Botello  
angeles Mayo 21 de 1845.

En sesion de este dia se aprobò por la Honorable Asamblea la proposicion del dictamen antecedente mandando se devuelva el presente Copediente al Excmo Señor Gobernador para los fines consiguientes.

Pio p.º Presdt.º Agustín Olvera D.º

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

J. Samuel D. King Surveyor General of the United States for the State of California and as such now having in my Office and under my custody a portion of



The Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the fifteen preceeding and hereunto annexed pages of tracing paper numbered from One to fifteen inclusive, and each of which is verified by my initials (S. D. B.) exhibit true and accurate copies of certain documents on file and forming part of the said Archive in this Office.

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*Seal* In Testimony whereof I have hereunto signed my Name Officially and affixed my private Seal (not having a Seal of Office) at the City of San Francisco Cal the fifteenth day of November 1852.

Saml. D. King

Quar. Genl. Cal.

Keiled in Office Decr: 14<sup>th</sup> 1853

Geo. Fisher Secy



3<sup>d</sup> Translation of  
Especiente

To the very Reverend Father "Vicente Oliva:  
For the purpose of selecting the property in that tract  
of Land ("en propiedad de parage") known by the  
name of "Valley of San Jose" previously occupied  
by the Mission under your care, I request that you  
will please state, if at this time the Mission of  
San Jose has in Occupation some Land and if  
not from what time has the same been abandoned  
San Diego August 5. 1854 Juan J. McClunor

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The Valley of San Jose may be given to the applicant  
who selects it, as the Mission of San Diego to which  
it belongs hath not sufficient property "tierras"  
with which to cultivate and cover it ("cubiertos")  
and is not much needed for the Mission —  
San Diego Mission August 5 1844 Father "Vicente  
J. Oliva —

To the first Judge ("Jefe Primero") of San Diego —  
For the purpose of selecting the property in ("en prop-  
iedad") that tract of Land "parage" known by the  
name of the Valley of San Jose previously occupied  
by the Mission of San Diego I request that you  
will inform touching the following subjects  
if at the present time it is in an abandoned state  
The time which it has been so abandoned. If it  
has been so abandoned because of the many thefts  
committed by the Ute Indians. If at this date  
the Mission of San Diego has the means to cover  
the same "cubiertos". The distance from the Mission  
of San Diego to the said Lands ("parage") you  
will be pleased to receive this on common paper  
in fulfillment of the request.  
San Diego August 5. 1844 J. J. McClunor

In view of the information asked of this Court by  
the applicant, we find at this present time the  
said "San Jose de Valle" vacant "tierras" and  
that for two years more or less abandoned without  
cultures ("tierras") of any kind, neither is it occupied  
by cultivating grain fields by the Mission of San  
Diego, but some tract "parage" at the present date  
belongs to said Mission, and at the request of  
the applicant in San Diego August 6. 1844  
Juan Nu. Muron = First Court (Jefe 1<sup>o</sup>)  
of the Port of San Diego —



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To his Excellency  
Don Jose Manner resident of and married in  
this Department with Anita Gale - head of  
a family - before you in the broadest manner  
According to Rights - before you and say that  
since the year 1833, I have <sup>been</sup> a resident of the  
City of the Angeles - father of children born in  
this Department - that being in need of a tract of  
Land (un parage) on which to place a considerable num-  
ber of neat cattle (ganado Mayor y menor) belonging to  
the children of your petitioner by his Lucie wife - I request  
you to have the goodness to grant (conceder) to my  
Lucie children as their property the tract of land  
(parage) known by the name of Valley of San Jose  
which is found to be vacant (vacuo) situated  
to the East of the Town of San Diego and distant  
from said Town about twenty leagues Surround-  
ed by the Mountains with an Entrance at the  
East from San Felipe - at the North from Temecula  
at the West from Palmdale and at the South from  
San Gabriel, obliging myself to make an exact  
map (deseno) of said tract of Land (parage)  
for the use of the Executive and Legislative  
And I anticipate that there will be no inconve-  
nience in granting the same (conceder) and issuing  
the corresponding title if your Excellency should  
consider my children creditable to the gift which  
I solicit - In the which with due submission  
I request that you consider it advisable to decide  
favorably for which I shall remain a debtor -  
protesting that I have not taken this step with  
malice &c. - Monterey August the 30 1844  
Don Jose Manner

Monterey August 30th. 1844

The Secretary of State will give information  
after having taken all that he may deem need-  
ful  
Michelle

To the Governor, It appears that the same  
application may be granted (conceder) with-  
out injury as shown from information given by  
the R. P. J. (reverendo father friar) Vicente Oliva  
and the Judge of San Diego Mr. Canellun -  
The applicant is naturalized and is a person of  
good habits, for which if your Excellency  
should not otherwise determine you might concede



to his request - Monterey Sept. 2. 1844  
Manuel Jimeno - Juhatec Superior  
See the Title be made out Expressing that he is  
Obliged to deliver the Map (Censo) within four  
Months from this date which not being performed  
and notes on the same title if the time should  
transpire, the title will be null and void, Signing  
this Decree (Expediente) with this knowledge  
and understanding = Micheltan =

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Complying with the foregoing Superior Decree I affix  
my Signature same date & place Juan Illana  
The applicant having complied with the Superior  
Decree he remains obliged to deliver the Map  
(Censo) within the time specified. In the mean  
time the applicant may occupy the land - and he  
will deliver from the person in charge of the Map  
in of San Luis Rey a document in which shall  
appear the valuation of the improvement which  
will be paid as shall be provided for by the  
Executive. Monterey Sept. 6 1844 Manuel Jimeno  
Monterey Nov. 27. 1844

In view of the petition with which this document  
(Expediente) commences the information which  
precedes - I declare Don Juan Illana owner of  
the lands applied for by him -

Citizen Manuel Micheltan Regencia General  
of the Mexican Army Adjutant of the General Staff  
and Inspector of the Californias -

Whereas Don Juan Jose Illana a naturalized  
American has made application for his personal  
benefit and that of his family for the lands  
known by the name of Valle de San Jose bounded  
on the East with the entrance from San Felipe  
and the Mountain - On the West by the Mountain  
and the Ruine (Cunado) of Ahuanga - and the  
Mountain on the North - The limits on the South  
being the Corriual and the Mountains. The uni-  
tary steps and proceedings prescribed by Law  
and the regulations having been completed with  
I have determined by the virtue of the powers  
with which I am invested to grant to him in  
the name of the Mexican Nation

(Concedo) the described land, declaring by this  
Title (Los presentes litras) the property to be his sub-  
ject to the approval of the Legislature of the



Department and with the following conditions—  
 1<sup>st</sup>. He shall not sell, dispose, hypothecate, impose  
 tribute or incumbrance nor donate it,  
 2<sup>nd</sup>. He may enclose the Land but not to the prejudice  
 of roads and streets. He shall enjoy the free  
 and Exclusive use of the same, using it for the  
 purpose or Cultivation which was most agreeable  
 to him, but within one year he shall construct a house  
 and it shall be inhabited.

3<sup>rd</sup>. By virtue of this title (Cespedazo) he will request  
 the proper Officer to give him possession papers  
 and by it the lines shall be established at the  
 terminations of which besides the monuments he  
 shall place some fruit or forest trees of service.  
 4<sup>th</sup>. The Land of which donation is made is of  
 the extent of six square leagues ("Seis de ganados  
 Mayas") a little more or less agreeable to the de-  
 scription by the respective Map (Ceseno). The Officer  
 who may give possession will cause it to be meas-  
 ured in conformity to Ordinance, the remainder  
 which may reside continuing with the govern-  
 ment (Nacion) for its Conviencencias—

5<sup>th</sup>. If he should fail ("Comoviere") in these con-  
 ditions he will lose his right to the Land and  
 it will be subject to denouncement ("denunciable")  
 by another person. In consequence I order that this  
 warning him for a title be held firm and valid  
 and that notice of it be taken in the respective  
 Book and that it be delivered to the person  
 in interest (interesado) for his security & other  
 purposes— Given in Montevideo November twenty  
 Eighth 1844— Manuel Micheltore

Manuel Jimeno Secretary

Note is made of this grant (concesion) on folio  
 twelfth and ordered in the respective book  
 Jimeno

To his Excellency the Governor  
 Juan Manuel Rivera of the U.S. of America  
 Naturalized and resident in this Department  
 in the broadest manner consistent with right  
 appear before you and say— That by virtue  
 of a Title made by the Executive pointing to me  
 (Concediendome) in property the Valley of San  
 Jose with the approval of the Legislature. I transmit  
 herewith the Title— Map and authorized Copy of the



Documents (Espediente) that you may please submit it to the Assembly to be approved in case they find no obstacle. Assuring that it has not been possible to present the document of valuation of the improvement belonging to the Mission of San Luis Rey from the person in charge of said Mission, and if the Government should not provide a better mode than an appraiser be appointed by the government and one by each of the interested parties to make the valuation. I make the necessary protests &c. your Excellency will receive this on common paper for want of the sequencia - Angeles May 12 1845  
P. J. Ullman

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Angeles May 14. 1845

Hearing taken into consideration this and the documents with which the applicant has accompanied it, let it pass to the Committee on Vacant Lands (terrenos baldíos) Pio Pico presidente

Augustin Obispo, Secretary

Sr. The Committee on Vacant Lands having examined with all possible solicitude the document (Espediente) made in consequence of the petition of Mr. Juan Ullman on the 30th of August of the year last past touching the tract of land (paraje) known by the name of Valley of San Jose which was granted to him (before Concesion) by a title legally executed by the Executive of the Department on the 28th of November of the last year as cited, and receiving from Examination that the said grant (Concesion) in favor of Mr. Juan Ullman was made in full and perfect ("total") accordance with the requirements of the laws upon this subject and that it only remains that the grantee comply with the provision made by the Executive before entering the title, to present from the person in charge of the Mission of San Luis Rey a document of the valuation of the improvement existing on said tract of land (paraje) which amount he shall pay as might be provided for by the same Executive. Your Committee therefore presents for the consideration of the Assembly the following resolution. The grant (Concesion) made in favor of Mr. Juan Ullman of the tract of land (paraje) named Valle de San Jose aforesaid in property by the Executive of this Department by



by Title legally made out on the 28th of November  
last in conformity with the provisions of the Law  
of August 18. 1824 and Article 5th of the Regulations  
of November 21st 1828 is approved. The Governor  
being pleased to take those steps which he believes  
may conduce to the satisfaction of the valuation  
of the property existing on said tract of land as well  
as to the payment of the amount.

Chamber of Deputies in the City of Angeles May 17  
1845 — Agnacedo del Valle — Narciso Botello

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Angeles May 31. 1845

In the Session of this day the  
the Resolution in the preceding report was concurred  
in (aprove) Ordering that the document (Espediente)  
be returned to the Government for that  
purpose (finis "Consequencias")

Pío Pío Presidente

Agustin Olvera Secretario

Filed in Office December 6th 1853

Geo. Fisher

Secy



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L. S. D. 12

# Expediente

Promovido por Don José Antonio Pico en  
pretencion del parage nombrado la

## Agua Caliente

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PAGE 37

Año de 1840.

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J. G. D. R.

Por Decreto del 2º Distrito.

Angelos En. 21 de 1840. Informe el Sr. José Antonio Pico Ten. del a. Luez de Paz del muer. to de Sr. Diego sobre el contenido en esta inst.ª haciendo que el interesado agregue el correspondt.º de diseño ael parage q.º espresa y luego para al Adm.º istador de la Misión de Sr. Luis Rey, p.º q.º p.º en parte esponga lo q.º le comenga

Jose Botello Can. de Sr. Luis Rey pues no le ase falta a la espresada Misión teniendo unas Casas y una Huerta de poca utilidad. Por tanto a V.º S.º suplico se digna esta mi Solicitud como lo pido a V.º S.º consideracion que dare agradecido cobriendose V.º S.º admitir esta en papel comun p.º no haber en el lugar del d.º respectivo.

Pueblo de Las Flores

En. 7 de 1840.

J. Ant. Pico

J. G. D. R. Don Diego Abril 7 de 1840.

Con respecto al supor. Decreto q.º antecede fecha 21 de Enero, de este año. Digo q.º el terreno de la Agua Caliente es propiedad de la Misión de San Luis Rey, q.º se haya con fincas, Labores y Huerta, de donde adquiren su subsistencia los Indios q.º abitan en dicho Terreno; el q.º colinda con el Rancho de Don José, propiedad de Sr. J.º Aquin Ortega, y es podra darse al Interesado p.º ser acreedor, pero sin perjuicio de los Indigenas q.º de alli se sostienen. Es cuento tengo que decir. V.º S.º

Juan M.º

En Vista del superior decreto digo q.º el parage mencionado de la Agua Caliente perteneciente a esta Exc. Misión dista veinte leguas y tiene en dicho parage y tierras de Cult. una.

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J. G. D. R.

huerta de poca consideracion que no le es de mucha utilidad a esta Ex. Mision de la puede conceder al interesado pagando los referidos y huerta sin perjudicar a los Indigenas que subsisten en otra Agua Caliente. Es cuanto puedo decir sobre el particular.

San Luis Rey 8 de Abril de 1840.

Por Auto<sup>a</sup> del Admo:

Andres Pico.

map 5

Monterey 21 de Junio de 1840.

Vista la peticion con que da principio este Expediente el informe del juez de paz de San Diego el del Administrador de San Luis Rey y el del Sr. prefecto del 2<sup>o</sup> Distrito con todo lo demas que se tuvo presente y ver convido de conformidad con las Leyes y reglamentos de la Materia declaro al Genl.<sup>l</sup> D<sup>o</sup> Jose Antonio Pico dueño en propiedad del parage conocido con el nombre de la Agua Caliente de la comprension de San Luis Rey colindante con el Rancho de San Jose del Valle con el lindero de la Cañada de Buena Vista y con la Sierra del palomar, sujetandose a pagar la y otras propiedades que en dicho sitio tenga la Mision de San Luis Rey y con la condicion de no perjudicar a los Indigenas que alli se hallan establecidos. Libre el correspondiente despacho y dirijase este Exped.<sup>l</sup> a la Exma Junta para su aprobacion. Col Sr Don Juan B. Alvarado G<sup>o</sup>bn<sup>l</sup> Constitucional del Departamento de las Californias asi lo mando, decreto y firmo de que doy fe.

Alvarado

Here follows Map

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J. G. D. R.



411  
J. G. D. R.

Jor. Prefecto Político del 2º Distrito  
 Angl. Ab. 11 de 1840. El Ciudadano José Ant. Pico  
 Agreuese á sus ante cedentes y con todo pa-  
 se al C. G. Gobernador del departamto. pa su superior determinacion  
 Japra  
 Narciso Botello. con fecha siete de Enero de  
 Jiro este año solicitando el terreno  
 llamado la Agua Caliente  
 en esta solicitud á faltandole el requisito en  
 q. se funda para la citada instancia; y q. de  
 acuerdo con los Indios que viven en el dicho  
 parage á tomar estas medidas, pues los Indi-  
 genas me cedien todo el derecho de q. son a credito  
 tan solo por q. ponga mi asiento á el lado de ellos  
 para al Ciudadano de los pocos intereses  
 q. ellos tienen para su subsistencia; suplicando  
 ellos por mi conducta su emancipacion. p.ª poder  
 emprender con libertad sus trabajos para el sos-  
 ten y beneficio de sus familias. Por lo Espuesto  
 á C. G. suplico se dignen esceder esta mi represen-  
 tacion, con mis Diligencias hasta donde con

J. G. D. R. Benza.

P. O. Espero de la benignidad de U. S  
 que impuesto de esta mi representacion le de el  
 curso á que corresponde; admitiendlo esta con  
 papel comun por falta del sellado correspon-  
 diente.

Juro no ser de Malicia y lo necesario  
 Pueblo de Cas Felores Abril 3 de 1840.

J. Ant. Pico.

Como. Jor. Gobernador.

La prefectura de este 2º Distrito impuesta de  
 los informes y documto que anteeden cre q.  
 es de accederse á la solicitud del interesado  
 si asi fuese del sup. agrado de U. G. previa la  
 correspondiente indemnizacion á la mision  
 de Sr. Luis Rey y bajo las condiciones q. espresa  
 el actual encargado de dho establecimto.

Angl. Abril 11 de 1840.

Juvenio Japra

Narciso Botello  
 Jiro.

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Office of Surveyor General of the United States  
for California.

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

In Testimony whereof I have hereunto signed my name Officially and affixed my private Seal at the City of San Francisco Cal. the twenty second day of November. 1852.

Sam<sup>l</sup> D. King  
Survey. Genl. Cal.

Filed in Office Dec<sup>r</sup>. 14. 1852

Geo<sup>y</sup> Fisher Deery.

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1862

to the office of the S. M. ...  
Case Auto Rico ... of the company ...



To the Prefect of the 2<sup>o</sup> District  
 Jose Anto Pico Secretane of the Company Stationed  
 at San Francisco by both a Mexican and at this  
 time following the Military profession in conformity  
 with which I appear once say that having one  
 hundred head of Cattle I am in want of a place  
 (paraje) on which to breed and increase this number  
 which I now have in my possession. I ask for  
 the tract of Landes (paraje) "Agua Caliente" appur-  
 taining to the Mission of San Luis Rey, as it will be  
 no detriment to the said Mission having some houses  
 and a garden of little benefit. In the which I ask  
 if you will please advance this my solicitation as  
 requested, in consideration I shall be grateful. Be pleas-  
 ed to accept this on common paper there being no sealers  
 in this place.

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Pueblo de las Flores July 7. 1840 Cetan I Antonio Pico  
 Angeles July 31<sup>st</sup>. 1840

Let the Justice of the Peace of the Port of San Diego  
 inform respecting the subject matter of this petition  
 (instancias) making the person in interest and a  
 corresponding map (deseno) of the said tract of land  
 (paraje) and then remit it to the Administration of  
 the Mexican of San Luis Rey that he may on his part  
 allege what may be pertinent. - Topico

Narciso Botello Secretary

San Diego June 7. 1840

With respect to the preceding Superior Decree of July  
 31<sup>st</sup> of this year I say that the Landes of Agua Caliente  
 is the property of the Mexican of San Luis Rey, that  
 there are houses, arable Landes and garden from  
 which the Indians living there obtain subsistence  
 that it joins the Rancho of San Jose the property of  
 Mr. Diego Ortega, and I believe it might be given  
 to the applicant he being worthy, but without injury  
 to the Indians who there subsist, is all that I have  
 to say. Juan Ma. Osuna

In view of the Superior Decree I say that the tract  
 of Landes paraje named Agua Caliente appur-  
 taining to this Mexican is twenty leagues distant  
 and and it has in said place granaries and  
 arable Landes, a garden of little consideration and  
 that it is of not much importance to this Mexican  
 and that it may be given to the applicant by pay-  
 ing for the said granaries and garden without



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injury to the Indians. that subsist in said Agave Caliente. Is what I am able to say on this Subject San Luis Rey April 8. 1840 - in the absence of the Administration = Andres Pico

x Angeles April 11<sup>th</sup> 1840  
Unite this with its antecedents and remit the whole to his Excellency for his Supreme determination

Japico  
Narciso Botello  
Secretary  
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To the Intelectual Prefect of the 2<sup>a</sup> District.  
The citizen Jose Antonio Pico Lieutenant of the permanent company of San Francisco in the best form as by right appear and say that on the 7<sup>th</sup> of January of this year having appeared before this Prefecture petitioning for the same called the Agave Caliente - In that solicitation, the necessity which was founded the requirement in said document (Instance) does not exist, as the Indians which live in said place (paraje) have agreed (de acuerdo) with me, that if I will locate with them (al lado de ellos) they will cede to me all the right to which they are entitled, if I will only set down by their side and help them to take care of the little property on which they subsist, and asking me to assist in procuring their emancipation, so that they may freely labor for their own benefit and that of their families - In which case as to you shown will you forward this petition together with my papers (delegaciones) to the proper destination - In all which I expect from your benevolence, that understanding this my petition, you will give it the proper direction - Accepting this by common paper for want of sealed - protesting that I do not proceed from malice and what is necessary &c.

Pueblo de las Flores April 9. 1840  
J Antonio Pico

x Most Excellent Governor  
The Prefecture of this 2<sup>a</sup> District understanding the preceding document and informations, accedes to accede to the petition of the person in interest provided it shall proceed with your Superior disposition, with the proceeds in indemnification of the Mission of San Luis Rey and under the Conditions expressed by the acting Administration of the Establishment  
Angeles April 11 1840 Tiburcio Japico

Narciso Botello Secretary  
Monterey June 4<sup>th</sup> 1840 - Having seen the petition with which these documents (Espedientes) Commanes the information of the Justices of the Peace of San

that of the Prefect of the 2<sup>a</sup> District with whatever may be



Diego, that of the Administrators of San Luis Rey and that of the Prefect of the 2<sup>a</sup> District with whatever more was pertinent and to be seen I have concluded in accordance with the laws and regulations on the Subject to declare Licentiate Don Jose Antonio Pico Sole owner ("Quinto in propiedad") of the tract of Land ("paraje") known by the name of Agua Caliente of the jurisdiction of San Luis Rey bounded by the Rancho of San Jose de Valle by the line of the Canales of Buena Vista and by the Mountain of Palomar obligating himself to pay to the Mission of San Luis Rey for the granaries and other property which the Mission has there, and with the condition, that he shall not injure the Indians which have located themselves there - Extends the corresponding Title (despacho) and decrees these documents (Especie) to the Legislative body (Excmo. Junta) for approval in witness whereof the Constitutional Governor of the Department of the Californias Juan B. Alvarado thus commands decrees and signs

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Alvarado  
Juan B. Alvarado Constitutional Governor of the Department of the Californias - Whereas Jose Antonio Pico for his personal benefit and that of his family has applied for the Land known by the name of Agua Caliente bounded by the Rancho of San Jose de Valle, by the line of the Canales of Buena Vista and by the Mountain of Palomar - The exigencies Examinations and Steps by laws and regulations provided for, having been attended to, using the powers which are conferred upon me I have concluded to grant him (concedale) on the name of the Mexican Nation the said tract of Land (Paraje) Subject to the payment for the granary and other property of the Mission of San Luis Rey which is to be found there - Not to injure the Indians Established there - to the approval of the Legislative body, and the following Conditions (Junta Departamental)

- 1<sup>a</sup> He may enclose the same without prejudice to roads, crops and servitudes, he will freely and exclusively enjoy the benefits of it, making such use or cultivation of the same as may suit but within one year he will construct a house and it and it shall be inhabited
- 2<sup>a</sup> When the property is confirmed he will request of the proper officer (Jefe) that by virtue of this Title (despacho) he give possession and establish the lines by it - placing at their terminations beside the monuments some useful fruit or forest trees
- 3<sup>a</sup> The price of which donation is made is that quantity



which appears by the map (deseno) which belongs in the  
Documentos (Expediente) The Officer (Juez) who may give  
possession will cause it to be measured conformable to  
Ordinance the remainder that results continuing to the  
Government (Nacion) for its proper use -

4th. If he should continue these concerns he will lose  
his right to the land and it will be subject to alienation  
by another person - I therefore command that this  
serving him as a Title and holding it firm and true  
note of it be taken in the proper books, and that it  
be delivered to the person interested for his security and  
Other Ends (demas fines)

Monterey June 8. 1840

Juan B Alvarado

Marcos Jimeno

Secretary of State (despacho)

Note is taken of this title (despacho) in the book of  
recognition of vacant Lands of the 2<sup>nd</sup> -

Monterey "Jha Et Super" Jimeno

Filed in Office December 6<sup>th</sup> 1853

Geo. Fisher  
Secy

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Dello primero Ocho pesos: Habilitado provisionalmente por la Aduana Maritima del Puerto de Monterrey, en el departamento de las Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.  
 Micheltoena Pablo de la Guerra

El C. B. Manuel Micheltoena General de Brigada del Ejercito Mexicano Ayudante General de la plana Mayor del mismo Gobernador, Comandante Gral e Inspector del departamento de las Californias.

Por cuanto D. Juan José Warner Mexicano por naturalizacion ha pretendido para su beneficio personal y el de su familia el terreno conocido con el nombre de Valle de San Joa, co-

Escrito No. 1 lindante al E. con la entrada de Don Felipe A. de Amescedy la Sierra; al O. E. con la Sierra y Cañada de to depositions Aguanga y la Sierra al Norte siendo el limite y D. E. Anguel por la parte del O. el Carrizal y la Sierra: practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos; usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras, sujetandose a la aprobacion de la Excmo Asamblea Departamental y bajo las condiciones siguientes.

1ª No podra venderlo, enagenarlo, ni hipotecarlo ni poner censos, vinculo, panza ni otro gravamen alguno ni aun podra donarlo.

2ª podra cercarlo sin perjudicar las heredadas caminos y servidumbres; lo disputara libre y exclusivamente destinandole al uso o cultivo que mas le acomode pero dentro de un año fabricara casa y estara habitada.

3ª Solicitara del juez respectivo que le de la posesion juridica en virtud de este despacho, por el cual se demarcaran los linderos en cuyo limite pondra a mas de los mojones algunos arboles frutales o silvestres de alguna utilidad.

4ª El terreno de que se le hace donacion es de seis sitios de ganado mayor poco mas o menos



según explica el diccionario respectivo. El Chez que diere la posesion lo hará medir conforme à ordenanza quedando el sobrante que resulte à la Nacion para los usos convenientes.

Si contraviere à estas condiciones, perderá su derecho al terreno y será denunciado por otro. En consecuencia mando que sirviendole de título el presente y teniendose por firme y valiendo, se tome razon de el en el Libro respectivo y se entregue al interesado para su resguardo y demás fines. Dado en Monterrey à Quince y ocho de Noviembre de mil ochocientos cincuenta y cuatro.

Man. Michelt.

Man. Jimeno. Srio.

Queda tomada razon de esta condecion en el Libro respectivo à folias 12. vuelta.

Jimeno.

Filed in Office December 13<sup>th</sup> 1853.

Geo. Fisher Deery.



Translation  
of Exhibit  
Nº 1 A F  
annexed to  
Deposition  
of  
S. F. Argueta

Stamps First Eight Dollars

Provisionally authorized by the Mexican  
Custom House of the Port of Monterey in the  
Department of the Californias for the years  
Eighteen hundred and forty four and  
Eighteen hundred and forty five  
Militarmente Pabro del Alamo  
Mexican Custom  
House of Monterey  
Seal

Theulitzer Manuel  
Militarmente General of  
Brigade of the Mexican

Army Captain General of the Staff of the  
same General General Commandant  
Inspector of the Department of the Californias  
Whom Don Juan Jose Barrera Mexican by  
naturalization has acted for his personal  
benefit and that of his family for the term  
years by the name of Calle de San Jose  
bordering on the east with the entrance  
from San Felipe and the mountain, on  
the west by the mountain and the ravine  
leaves of Aguanga and the mountain  
to the north the limits in the front being  
the leaves and the mountain

De Mexico

any proceedings and investigations har-  
ing been previously had as prescribed by  
the Laws and Regulations by virtue of the  
powers to me vested in the name of the  
Mexican Nation have granted to him  
the said land declaring him the owner  
thereof by these presents

Subject to the appro-  
val of the next by all the Departmental  
assembly and under the following conditions

- I shall not sell or alienate by hypoth-  
ecate or lease or in any other manner  
- nor shall he donate it
- And he may use it without prejudice  
to the crossing roads and paths he  
shall enjoy it forty years exclusively and  
- may it to the use or cultivation which he may  
think fit but within a year he shall  
build a house and it shall be inha-  
- bited

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3<sup>d</sup> The shall solent from the restrictive judge  
for juridical possession by virtue of this despa-  
-che by whom the boundaries shall be estab-  
-lished in the limits of which shall not  
be within the land marks some frontiers or  
with some of some utility

4<sup>th</sup> The land of which donation is made  
is of the extent of six square leagues (sitios  
de Guaymas Mayor) a little more or less as  
designated on the restrictive maps the judge  
who may give the possession will cause it  
to be measured according to measure in  
leaving the surplus for the nation for  
its common uses

5<sup>th</sup> If he should contravene these condi-  
-tions shall lose his right to the land and  
will be subject to punishment by  
another

Therefore I order that this writing  
being for title and being held as firm  
and valid that a note of it be taken  
in the respective book and that it be  
delivered to the interested party for his  
security and other purposes

Given in Mex-  
-ico on the twenty eighth day of November  
eighteen hundred and forty four

Manuel Michelena

Manuel Jimenez Secretary

Due note of this Grant has been made  
in the respective book on page twelve  
and onward Jimenez

I George Fisher Secretary of the Board of Land  
Law Commissioners to witte private Land  
claims in the state of California do hereby  
certify that the foregoing is true and correct  
Translation of document number Exhibit  
No 1 A. To annexed to deposition of Le Arguilla  
filed in case No 254 G. To annexed in  
- case for the piece called Agua Caliente  
Intersting whom I have been to require  
my name officially set off in the City  
of San Francisco the 13<sup>th</sup> day of Dec 1853

Geo Fisher Secretary

Filed in office December 13<sup>th</sup> 1853 Geo Fisher Secy

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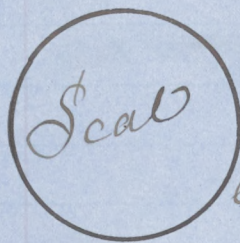


Dello primero Diez pesos:

Habilitado provisionalmente por la Aduana Marítima del Puerto de Monterey, en el Departamento de las Californias, para los años de milcientos cuarenta y mil ochocientos cuarenta y uno.

Alvarado

Antonio Maria Osio.



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

Por cuanto Don José

Antonio Osio ha pretendido para su beneficio personal y el de su familia, el terreno conocido con el nombre de La Agua Caliente, colindante con el Rancho de Sr. José del Valle, con el lindero de la Cañada de Buena Vista y con la Derrama del Palomar; practicadas previamente las diligencias y averiguaciones concernientes según lo dispuesto por leyes y reglamentos: usando de las facultades que me son conferidas, à nombre de la Nacion Mexicana he venido en concederle el mencionado parage, sugetandose à pagar la tasa y otras propiedades que alli se haya pertenecientes à la Mision de Sr. Luis Rey, à no perjudicar à los Indios que en el se hayan establecido à la aprobacion de la Comision Junta Departamental, y à las condiciones siguientes.

1ª Que obra en Carlo sin perjudicar las travesías caminos y servicios, lo disputará libre y exclusivamente destinandolo al uso ó cultivo que mas le acomode pero dentro de un año fabricará casa y estará habitada.

2ª Cuando se le confirme la propiedad solicitada del juez respectivo que le de posesion en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites ponchá à mas de las mojoneas, algunos arboles frutales ó silvestres de alguna utilidad.

3ª El terreno de que se le hace donacion es de la estension que esplica el diseño que corre en el Cope diente: el juez que ofiere la posesion lo hará media conforme à Ordenanza quedando el sobrante que resulte à la Nacion para los usos convenientes

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Exhibit No. 2

A. L. annexed

to disposition

of S. E. Argüello

X



4<sup>o</sup> Si con ha viere à estas condiciones perderà su derecho al terreno y será denunciado por oho. En consecuencia mando que viviendo de titulo el presente y teniendose por firme y valedero se tome razon en el libro à que corresponde y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey à ocho de Junio de mil ochocientos cuarenta.

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Juan B. Alvarado  
 Manl. Jimeno.  
 Secretario del despacho.

Queda tomada razon de este despacho en el libro de acientos sobre adjudicaciones de terrenos Valdios à paja 2.<sup>o</sup>

Monterey p<sup>ha</sup> ut supra  
 Jimeno.

Filed in Office December 13<sup>th</sup> 1853

Geo. Fisher Secy.



Translation  
 of  
 Ex.hibit No 2  
 of Annexed  
 to  
 Deposition  
 of S E  
 Arzobedo

Stamp Five Six Dollars

Provisionally authorized by the Maritime  
 Customs House of the Port of Montevideo in the  
 Department of the Californias for the years  
 eight hundred and fifty and eight hundred

and five hundred  
 Alvarado Antonio Maria Alar  
 Maritime Customs  
 House of Montevideo  
 Seal } Juan Balboa  
 Constitutional  
 Governor of the Depart

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 PAGE 52

ment of the Californias  
 whereas Don Jose Antonio Picolas acted  
 for his personal benefit and that of his  
 family for the land known by the name of  
 La Agua Caliente bounded by the waters of  
 San Jose del Valle with the boundary line of  
 the Hacienda de Buena Vista and with the  
 Mountain of Palomas

The measures proposed  
 and investigations being permitted by  
 as provided by the Laws and Regulations by  
 virtue of the powers in me vested in the name  
 of the Mexican Nation I have decreed to have  
 the said plan subject to the payment for the  
 Treasury and other property of the Mission  
 of San Luis Rey which is to be paid there  
 to the approval of the Departmental Junta and  
 to the following conditions

1st He may exercise without prejudice to  
 the crossings roads and servitudes he shall  
 enjoy it fully and exclusively putting it to the  
 use he thinks proper which he may think fit  
 but within a year he shall build a house and  
 it shall be inhabited

2nd When the property is surveyed he shall  
 solicit of the respective Judge to give him  
 possession by virtue of this dispatch by  
 whom the boundaries shall be marked  
 out in the limits of which he shall put the  
 said the land marks some fruit trees or other  
 signs of some utility

3rd The land of which donation is made is  
 that quantity which appears by the map  
 which goes with the Expediente this offer



may give possession, will consent to be pro-  
- asured compulsorily to maintain leaving the  
surplus which may result to the nation for  
its convenience  
+th if he should contravene these conditions  
he shall lose his right to the land, and it will  
be subject to denouncement by any other  
person

Therefore I command that this foregoing  
- title and being held as firm and  
- valid due note of it be taken in the con-  
- pending book

and it be delivered to the inter-  
- ested Party, for his security and other pur-  
- poses given at Monterey on the eighth day  
of June one thousand eight hundred and  
- forty

Juan B. Alvarado  
Manuel Jimeno  
Secretary

Due note of this title has been made in  
the book of adjudications of vacant lands  
on page 2

Monterey date as above

George Fisher Secretary of the Board of  
United States Land Commissioners to  
the Private Land Claims in the State  
of California

I do hereby certify that the  
- foregoing is a true and correct translation  
of document marked Exhibit No 2 A F  
annexed to deposition of S. C. Arguilla filed  
in case number 234 J. J. Warner claim  
- an & for the place called Agua Caliente

Monterey, where I have  
- been to require my name  
at office in San Francisco  
this 13th day of December  
AD 1853

George Fisher  
Secretary

Filed in Office December 13th 1853

Geo Fisher  
Secretary

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PAGE 53

6709



Pro Pies Primer Vocal de la Exma Asamblea  
y Gobernador interino del departamento de Ca  
lifornias.

La Exma Asamblea Departamentaria  
en sesion del dia 21 de Mayo del presente año  
acordó lo siguiente.

Se aprueba la concecion hecha en favor de  
D. Juan S. Warner del parage nombrado Valle  
de D. José adjudicado en propiedad por el Gobi  
erno de este Departamento en título legalmente  
librado con fecha 28 de Abril ultimo de conformi  
dad con lo prevenido en la Ley de 18 de Agosto  
de 1824 y el Art. 5º del reglamento de 21 de  
Abril de 1828. Ordiendose tomar el Exmo. Gov  
Gobernador las providencias que crea conducen  
tes a fin de que se verifique el Avaluo de la  
finca existente en dho parage, asi como el pago  
de su monto.

Y para resguardo del interesado se extiende el  
presente en papel comun por falta del sellado

B. P. L. *Amador* en la Ciudad de Los Angeles a diez y siete de Ju  
to de 1854

of Philip  
H. Hoag Sept  
11 1854

Pro Pies

Juan Pandini Secretario del despacho

Filed in Office Dept. 12<sup>th</sup> 1854.

Geo: Fisher Secy







57

El Rdo. P.<sup>o</sup> Fr. Vicente Oliva como Ministro Apostolico de la Misión de S. Diego y el Ciudad. Joaquin Ortega del puerto del mismo nombre y propietario del Rancho de

Copy of Agreement José have conveniently reciprocally  
 men between and ante los testigos de asistencia q. igualm.  
 Don. J. Loaga firmam el presente documento lo siguiente  
 Ortega and Fr. El R. P.<sup>o</sup> Fr. Vicente cede a favor del S.  
 Vicente Oliva Ortega cuatro sitios de ganaderia con  
 prehendidos desde los Aguajitos entrada  
 del Llano de Pano hasta la cuesta de  
 la Salvia tomando de este punto de  
 linea recta a la Rancharia de Comaja  
 quedando libre toda la cañada de  
 la Bullena a beneficio de la Misión  
 y el enmerado Ortega en retribucion de  
 a la referida Misión de S.<sup>o</sup> Diego el Valle  
 de S.<sup>o</sup> José para que haga de el el uso  
 que le convenga y para que le divida con tem  
 era y que este documento tenga el valor  
 necesario, lo firmaron los contrahentes y  
 testigos en S. Diego a Veinte de Mayo de  
 mil ochocientos cuarenta y tres.

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José Joaquin Ortega  
 Fr. Vicente Pascual Oliva

Como testigos  
 Julio Osuna ? Juan M<sup>o</sup> Manon  
 Officer of the Board of U. S. Land Commis  
 sioners for the State of California.

San Francisco June 14. 1853

I certify the foregoing to be a true and cor  
 rect copy of the Original Document  
 on file in this Office, in case No 332.

Geo. Fisher Secy.

It is agreed between S. J. Warner and the  
 Associate Law Agent of the U. S. that  
 the said copy thus duly certified may  
 be used in the case 254. in the same  
 manner as of the Original had been produced  
 and filed.

R. Greenhoe U. S. Law Agent

S. J. Warner

Filed in Office June 14<sup>th</sup> 1853.

Geo. Fisher Secy.



5-8

59  
Cable ... to ...



5-9

Copy of agreement

The Rev<sup>d</sup> Father Juan Vicente Olvera as Apostolic  
 Minister of the Mission of San Diego and the  
 Citizen Joaquin Ortega of the Town of the same  
 name and owner of the Rancho of San José have  
 mutually agreed and in presence of the assisting  
 witnesses have also signed this document as  
 follows. The Rev<sup>d</sup> Father Juan Vicente cedes in favor  
 of Ortega four leagues of Land (Cuatro Sitios de  
 ganado Mayor) comprised between the Aguajito,  
 Entrance of the Plain of Pamo to the Mountain Range  
 of the "Salvada" from this point taking a right line  
 to the "Rancho de Camaya" leaving over the  
 "Canales de Ballena" which still remains to the  
 Mission for its use and benefit, and the said Ortega  
 in recompense cedes to the said Mission of San Diego  
 "El Valle de San José" to make of it such disposition  
 as may be convenient, and for its due observance  
 and that this document may have the necessary  
 effect the parties and witnesses signed in San  
 Diego on the 20. of May 1843—

José Joaquin Ortega  
 Juan Vicente Pascual Olvera

Witnesses  
 Julio Osuna  
 Juan M<sup>o</sup>. Marron

To this document in the Spanish Language is  
 appended the Certificate of the Secretary of the  
 Board of U.S. Land Commissioners for California

Filed in Office December 6th 1853

Geo. Fisher Secy

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1862

A. J. D. annexed I know all men by these presents that I Jose. A. D.



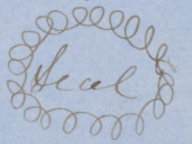
6<sup>th</sup> A.P.L. annexed  
to deposition of  
Philip H. Hoop  
Sept 11 1854 -

Know all men by these presents that I Jose A Pico  
resident of the City and County of San Diego & State of  
California do hereby make & nominate my trusty friend  
Hon J. J. McManis my attorney in fact for me and in  
my name to sell and dispose of a tract of land situate  
in San Diego County, being part of the Pacer  
McManis Ranch & I hereby do give grant & convey the  
same unto him so that he can convey the same in as  
ample a form as I can the same is situated as aforesaid  
at Agua Caliente, as in Title granted me by Dean B  
Alvarado Governor of California dated 8th June 1840  
& registered on the 2<sup>nd</sup> leaf of the Archives of the books  
of Records of Unoccupied lands - dated at Monte-  
rey - I hereby ratifying all that he may lawfully  
do in the premises

Given under my hand & seal this 13th day of June A.D.  
1852 - Attest -

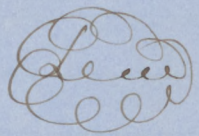
William Seames  
Thomas McWhorter

Anto Pico



I William H. Moon an Acting Justice of the peace  
in and for the City and County of San Diego and  
State of California, do hereby certify that the  
above named Jose A Pico personally came before  
me and is personally known to me and acknowledged  
the foregoing power of attorney to be his free act  
and deed for the purposes therein contained  
Given under my hand and private seal this 13th  
day of January A.D. 1852

Wm. H. Moon



Filed in office Sept. 13th. 1854

Geo. Fisher

Secy



Transfr. J. A. Pico  
to J. J. Munn

Know all men by these presents that I Jose' Antonio  
resident of the City and County of San Diego and  
State of California do hereby make and nominate  
my trusty friend and J. J. Munn my attorney in fact  
for me and in my name to sell and dispose of a tract  
of land situated in San Diego County being part of  
Diego Munnus Rancho and I do hereby give and  
convey the same unto him so that he can convey the  
same unto him so that he can convey the same in as  
simple a form as I can. The same is situated as of  
record at Ayer's Office as per title granted me  
by Juan B. Alvarado Governor of California dated 8th  
of June 1840 and registered on the 2<sup>d</sup> leaf of the Archives  
of the book of records of unoccupied lands dated  
at Monterey - hereby ratifying all that he may lawfully  
do in the premises - Given under my hand and seal  
this 13<sup>th</sup> day of June A. D. 1852

Anto Pico

Attest

William Scenery  
Thomas Wrethampton

I William H. Moon an acting Justice of the peace  
in and for the City and County of San Diego and  
State of California do hereby certify that the above  
named Jose' Antonio Pico personally came before me and  
is personally known to me and acknowledged the  
foregoing power of attorney to be his free act and  
deed for the purposes therein contained -  
Given under my hand and private seal this 13<sup>th</sup>  
day of June A. D. 1852

Wm H. Moon J. P.

Filed in office May 31<sup>st</sup> 1852

Geo. Fisher Secy

Recorded in Record of Evidence Vol 8 p 474

Geo. Fisher Secy



63

Affidavit of  
J. J. Warner

J. J. Warner

Resides

The United States

of Pasmully appeared before me  
of Apheus Fitch, United States  
Commissioner for the Settlement of  
Land Claims in California J. J.

Warner Claimant in case No. 255 before the Board  
of Commissioners for the Settlement of Land Claims  
in the State of California, who being duly sworn de  
poses and says; that during that part of the year 1844  
subsequent to the receipt by deponent of the Title  
to the "Valle de San Jose" from the Executive of Cali  
fornia, and in the year 1845. and again within the  
first half of 1846, the deponent presenting said title,  
made application in person to the Alcalde of San  
Diego, who was the Officer to whom deponent owes by  
said title, directed to make application for judicial  
possession of the said Land -

That although no One of said Officers directly or  
indirectly refused to give the said possession, but con  
sented so to do, yet that they invariably postponed  
it to some future day, or some more convenient season  
giving as a reason for the delay, the distance to the land  
inability to procure the necessary persons to assist in  
the judicial proceedings required to be had on the  
Land - the season of the year, and in two instances  
once in 1844 by Mr. Mason and once in 1845 by Mr  
Fitch; the ill health of the Alcalde at the time of  
making application -

That the said deponent procured for but two Alcaldes  
and most of the time for but One within the jurisdic  
tion of San Diego, who always resided and whose  
office was required to be in the Town and Port of  
San Diego - That your deponent at the time of obtaining  
the said title and for many years previous had  
been a resident of Los Angeles - That after removing  
to San Jose del Valle in 1844 owing to the business  
relations which continued to exist between deponent  
and the citizens of Los Angeles, the deponent had either  
or no intercourse with and seldom visited the Town  
of San Diego, previous to Sept. 1846 except for the  
purpose of obtaining said judicial possession  
and the subsequent part of land called Camaya and  
Palomar - That the persons who were Alcaldes and to  
whom deponent made application from Dec. 1844  
to July 1846 in the said Town of San Diego were Jose  
Antonio Estradella, Juan M. Mason Juan Maria Osuna

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Henry de Fitch and Thomas DeLamington and that no other person was Alcalde within this period, and that no one of said persons is now living, and that deponent is unable to produce any other or better proof of having made application for judicial possession deponent.

Further says that from San Diego to San Jose del Valle is about sixty miles, that previous to 1846 there was little or no intercourse between the two places after the abandonment of the Rancho of San Jose del Valle and Agua Caliente about the year 1840. That from the date of the title to deponent to July 1846 was only twenty months one half of which time or ten months was the winter or rainy season, in movement if not impracticable for complying the object viz judicial possession and measurement.

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PAGE 60

That during this period there was no other officer authorized to give judicial possession than the Alcalde of San Diego who always resided in the town of San Diego which town contained but few inhabitants, especially in that season of the year in which it was practicable to perform the duty; viz, except in the winter or rainy season most if not all of the male inhabitants of said town who were Mexican citizens, a requisite qualification to assist in this duty, resided on their Ranchos or farms remote from the town and from one another - that owing to the difficulty of procuring by the Alcalde a sufficient number of persons, as there was but one family, or occupied Rancho within thirty miles of the residence of your deponent at San Jose del Valle, the said judicial possession was deferred.

deponent further says that from the knowledge which he had obtained with the practice usage and customs of the country he did not consider the immediate judicial possession of importance what

he did in office that was no adjoining and conflicting properties, but December 15th 1853 as a requirement which could be deferred with impunity.

Geo. Fisher agent deponent says time as adjoining grants of the Government might require the demarcation of the lines and boundaries - that taking this view of the subject your deponent did not impart the necessities for immediate judicial possession or take or take any measures by which he could at a future time, make proof of application for such judicial possession. J. M. Alarcon subscribed and sworn to before me this 15th day of December 1853

Alphesus Fitch Commissioner

Recorded in Journal Vol 3 page 539 Geo Fisher Agt



J. J. Warner } For the place called Agua Caliente  
 vs } y Valle de San Jose in San Diego  
 The United States } County containing Six Square leagues  
 } of Land -

Opinion of Board  
 by Com: Welch

Two grants are presented and proved in this case; the first made by Governor Juan B Alvarado to Jose Antonio Pico on the 8th day of June 1840, the other by Governor Manuel Micheltreina on the 28th November 1844 to the present claimant. The Land embraced in the grant to Pico is described by the name of Agua Caliente and that described in the grant to Warner is called the Valle de San Jose. On comparing the description of the Two parcels of Land and the Maps which constitute portions of the two Expeditions it is manifest that the grant to Warner embraces the premises described in the previous grant to Pico. The place known by the name of Agua Caliente constituted the Northern portion of the Valley known by the name of San Jose, while the grant to Warner describes the entire Valley - and the witnesses testify that the Rancho claimed by Warner is known by these names - but more frequently it has been called Warner's Rancho. The testimony shows that Pico had set out some vines on the place before the grant was made to him and that he built a house on the place after the grant, but in 1842 he left the place, probably on account of the danger from the Indians, and does not appear to have done anything more in connection with it. The proof is scarcely sufficient to establish the performance of the Conditions of the grant by him while his absence from the place, and the want of any evidence of an attempt to return to it after 1842 indicates an abandonment of it. It was so treated by Warner in petitioning for a grant of the same in 1844 and by the Governor in making the Concessions to him - If however there was any remaining interest in said Pico by virtue of the grant to him the present claimant has succeeded to that interest by virtue of a Conveyance made to him by said Pico on the thirteenth day of January 1852 this Conveyance is given in Evidence - I think however that the right of the present claimant must be determined entirely by the merits of the Case based on Micheltreina's grant to him. This grant was approved by the Secretary Departmental



Assembly May 21. 1845

The testimony of Andres Pico shows that Manuel was living with his family on the place in the fall of 1844 and cultivating portions of the land. His residence on the place appears to have been continuous until 1851, when the Indians became his creditors and destroyed his stock. Since that time his occupation has been continued by his servants.

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In the grant, the description of the land petitioned for is such as to embrace the entire valley called San Jose as laid down on the map constituting a part of the Esmeralda, giving well defined land marks and boundaries which the witnesses testify are well known objects. The valley is very irregular in shape and is surrounded by high hills. A careful measurement was required, and the quantity of six square leagues was granted, but as the measurement was never obtained, it is important to determine whether the grantee is entitled to hold the entire premises described in the grant. Using the scale given on the desino referred to in the grant, the quantity included in the premises cannot exceed six square leagues of land.

The testimony of <sup>the</sup> witnesses who were interrogated on the subject estimate it variously, some more and some less than the quantity conceded. On an examination of the whole case however we are inclined to the opinion that the petitioner should have a confirmation of the premises according to the description contained in the grant to him, and a decree will be entered accordingly.

Confirmed

Filed in office Oct. 10, 1854  
Geo. Fisher Secy



67  
Decree

J. J. Warner }  
vs }  
The United States }

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

The Land of which Confirmation is hereby made is situated in San Diego County and known by the name of the Valle de San Jose and is described & bounded as follows to wit: Bounded on the East with the Entrance from San Felipe and the Mountain and the Ravine (Canales) of Ahueanga; On the North by the Mountain and on the South by the Carraced and the Mountains; references for more particular description to be had to the grant made to said Warner and the Map therein contained references to which are on file in this case; The Lands hereby confirmed are intended to be confined to the valley and do not extend beyond the foot of the mountains referred to in the above description and containing six square leagues of land a little more or less

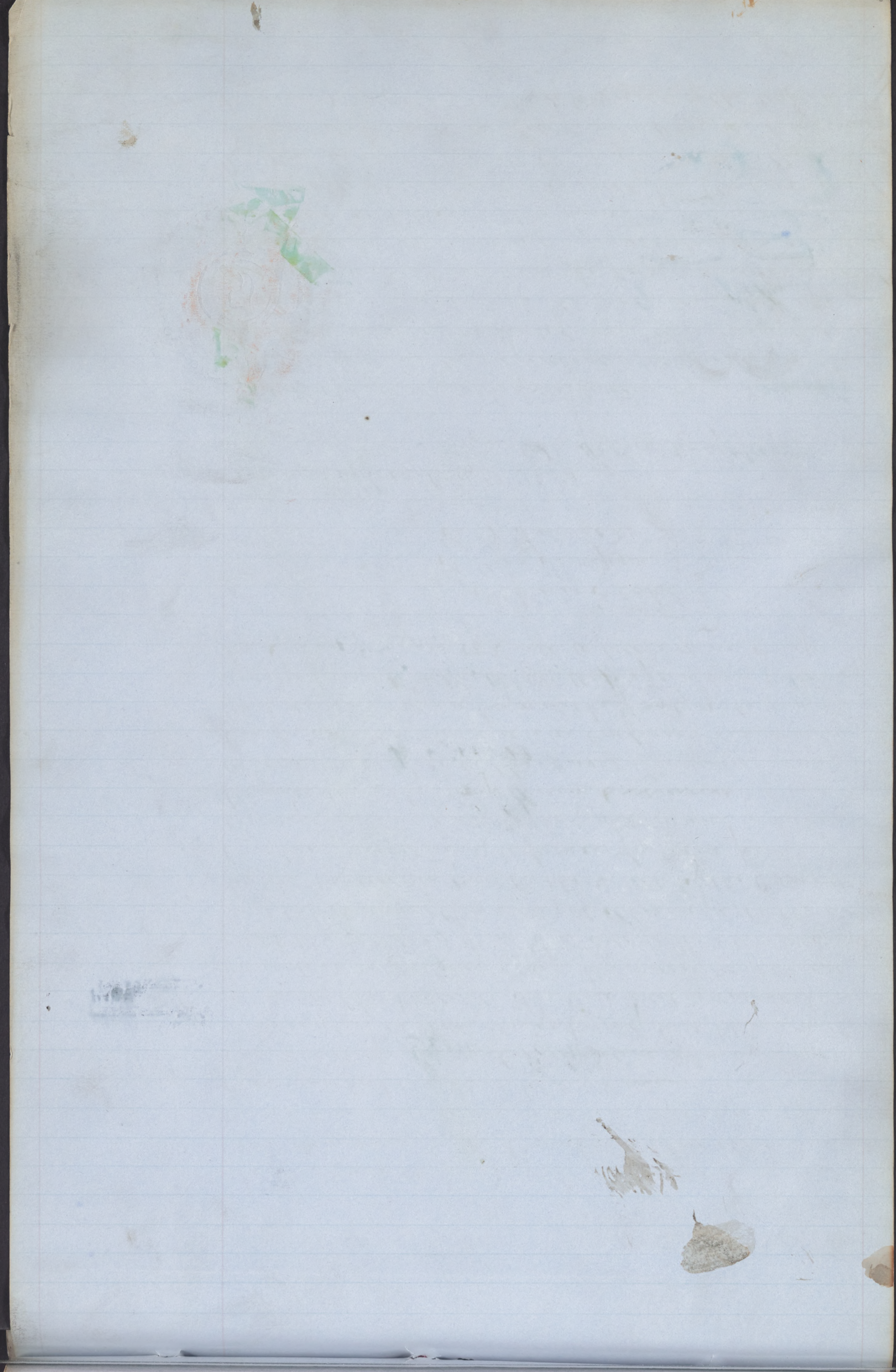
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Alphus Felch }  
A. C. Thompson }  
S. B. Furvell }  
Commissioners

Filed in office Oct. 10. 1854  
Geo. Fisher Secy

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







Office of the Board of Commissioners,

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

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I, *George Fisher* Secretary to  
the Board of Commissioners to ascertain and settle the Private  
Land Claims in the State of California, do hereby certify the  
foregoing *Sixty seven* pages, numbered from  
1 to *67*, 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. *254* on the Docket of the said Board,  
wherein *J. J. Warner* is

the Claimant against the United States, for the place known by  
the name of *Valle de San Jozé y Aguas Ca-  
lientes*

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



*Geo. Fisher*  
*Geo. Fisher*



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

No. 218. *Book*  
**218**  
THE UNITED STATES,

v8.

*J. J. Warner*

*"Valle de San Jose y Aguas Calientes"*

**218**  
TRANSCRIPT OF THE RECORD

FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,  
In Case No. *254*.

Filed, *April 10<sup>th</sup>* 1855.

*L. E. Farr,*  
*clerk.*

*No 254*

**218**



IN THE DISTRICT COURT OF THE UNITED STATES,  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles,.....December Term, 1855.

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PAGE 70

*J. J. Warner*

.....  
APPELLEE,  
VS.  
UNITED STATES,  
APPELLANT.

No. *218.*  
(No. *254* of Transcript.)  
On Appeal from the United States Land Commission.

On motion of P. ORD, Attorney of the United States for the Southern District of California, it is hereby

ORDERED by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the said United States in the above entitled cause, rendered on or about the 6<sup>th</sup> day of *February* A. D. 1856.

*P. Ord*  
*Dist Atty.*



No. 218.

U.S. District Court  
Southern District of California

J. J. Warner  
appellee

vs  
The United States  
appellants

Notice of Appeal J. B.

Filed March 14, 1888  
C. E. Law Clerk  
by Morgan De Fey



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Office of the Attorney General of the United States,

Washington, June 13<sup>th</sup> 1855.

254. Valle de San José y Aguas Calientes

J. J. Warner, Claimant.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 9<sup>th</sup> day of April 1855 the appeal in the district court of the United States for the ~~Southern~~ district of California will be prosecuted by the United States.

Very Respectfully,  
Cushing

Attorney General.



No. 218,

U. S. District Court  
Southern Dist of Cal

United States

vs

J. J. Warner,

Notice of Appeal  
in Case no. 254,

Filed July 31, 1855.  
to the clerk

By A. H. Clark  
Deputy



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

Hon. Isaac S. K. Ogier Judge.

J. S. Warner vs N<sup>o</sup> 218.

ads

(Manuscript N<sup>o</sup> 254)

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The United States

The Petitioner of Pacificus Dist. Attorney  
of the United States, <sup>for the Southern Dist of California</sup> for and on behalf  
of the United States, respectfully represents  
That on the 31<sup>st</sup> day of May AD 1852, I  
J. Warner, petitioned the Board of United  
States Land Commissioners, <sup>for the State of California</sup> claiming the  
place called Valle de San Joaquin y Aguas +  
Calientes, in the County of San Diego, State  
of California. That on the 10<sup>th</sup> day of  
October AD. 1854 the said Commissioners  
confirmed the said claim. That on  
the 11<sup>th</sup> day of April AD. 1855, the said  
Commissioners caused a <sup>certified</sup> transcript of their  
proceedings with the evidence and decision  
in said cause, to be filed in the Office  
of the Clerk of this Hon<sup>ble</sup> Court. That  
thereafter, to wit, on or about the 9<sup>th</sup> +  
day of April AD 1855, the Hon<sup>ble</sup> Caleb  
Cushing Attorney General of the United  
States received a certified transcript of  
the proceedings, evidence & decision of said  
Board of Commissioners in said cause.



That thereafter, to-wit, on or about the  
21<sup>st</sup> of July A.D. 1835, the said Attorney  
General filed or caused to be filed <sup>in said Clerk's Office,</sup> a  
Notice of intention of the <sup>said</sup> United States  
to prosecute the appeal in said Cause.

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PAGE 75

That the land claimed is in the Southern  
District of California, and within the  
said State, <sup>denies generally, that the said claimant has a valid title to the said land,</sup>  
jurisdiction of this Hon<sup>ble</sup> Court. And the

Wherefore the petitioner prays that the  
said J. J. Warner <sup>or his Attorney</sup> may be served with  
a copy of this petition; and that after  
due proceedings had, ~~that~~ the said  
decision of the said Commissioners in  
said Cause, may be reviewed, reversed,  
and set aside, and that the said  
claim or title may be decreed to be  
invalid, and general relief.

P. O'D

Attorney of the United  
States for the Southern Dist of Cal.



N<sup>o</sup> 218.

J. J. Warner  
ad

The Militia States.

Petition of U States for  
Review.

Filed Sept 28<sup>th</sup> 1855.

O. C. Carrick

J. A. Ross Dep

218 SD

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P. and W. A. S.



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

The President of the United States,

TO

*L. J. Warner*

218 SD  
PAGE 77

Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *you* in the District Court of the United States, in and for the Southern District of California, on the *28<sup>th</sup>* day of *September*, in the year of our Lord one thousand eight hundred and fifty-*five*, at the City and County of Los Angeles, in said District, by

*P. Ord. U.S. Dist. atty. for the  
S. District of California praying the Court to  
review the Decision of the U.S. Land Commissioners  
confirming your claim to a tract of land called  
"Valle de San Juan y Aguas Calientes"*

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 *12<sup>th</sup>* day of *December* A. D. 1855.

*J. E. Sanborn*

CLERK.



Marchal Port  
Copying Summons 60  
Serving Returns do 6.00  
\$ 6.00

U. S.

UNITED STATES OF AMERICA,  
Southern District of California,  
U. S. District Court.

J. J. Warner  
appellant  
vs.  
The United States  
appellee

SUMMONS.  
Received Dec 12th 1855  
218 SD  
PAGE 78  
Edward Hunter  
U. S. MARSHAL.  
M. L. Goodman  
Deputy

I served this Summons, together with a certified copy of the Petition, upon *Alouzo*  
*Thomas* Atty for J. J. Warner by delivering  
to him personally a true Copy of the same  
at the City of Los Angeles in the Southern District of California, on  
the 28th day of January A. D. 1856.

Sworn to and subscribed before me, this 28th  
day of Jan'y 1856.  
J. E. Jones  
CLERK.

Edward Hunter  
U. S. MARSHAL.  
By M. L. Goodman  
Deputy







No 218

U S Dist Ct S Dist

John J Warner  
vs  
The United States

Answer

218 SD

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Filed Aug 29<sup>th</sup> 86

J. J. Warner  
Att'y

A Thomas  
att'y for appellee  
41



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

J. J. Warner - Appellee } Case No 218

vs

The United States Appellant } "San José del Valle"

218 SD

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This cause coming on to be heard on Appeal from the final decision of the United States Board of Land Commissioners to ascertain and settle the private land claims in the State of California under an act of Congress approved March 3<sup>d</sup> 1851, on the transcript of the proceedings and decision of said Board and of the papers and evidence upon which said decision was founded; and it appearing to the Court that the said transcript and notice of Appeal had been duly filed according to law, and Counsel for the respective parties having been heard: It is ordered adjudged and decreed that the said decision of said Commissioners be affirmed, and it is further adjudged and decreed that the claim of the above named Appellee to the land as described in the grant is a good and valid claim and it is ordered adjudged and decreed that the same be and is hereby confirmed.

The land of which confirmation is hereby made is situated in the County of San Diego and known as the "Valley of San José" and is described and bounded in the original grant and map to which it refers copies of which grant and map are on file with the papers in this case, as follows to wit: on the east by the entrance from San Felipe and the mountains; on the west by the mountains and a file of Aguanga; on the north by the mountains; the southern limits being the Carrisal and mountains; to the extent of six square leagues, provided said quantity of six square leagues



be contained within the boundaries but if there be a less  
quantity than six square leagues, then the claim of  
Appellee to such less quantity is hereby confirmed,  
James K. Ogden  
U S Dist Judge

No 218

U.S. District Court  
Southern District of California

J. J. Warner  
appellant

vs

The United States  
appellants

Deceit

Filed July 13<sup>th</sup> 1856.

J. C. Jamison  
Clerk

218 SD

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Recorded on Page 198



California Land Claims,

Attorney General's Office

29 September, 1856,

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Sir,

In the case of the claim of J. J. Warner, confirmed to the claimant by the Commissioners, case no. two hundred and fifty-four, (254), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

Yours,

Respectfully,

Cushing

Pacificus Ord Esq

U. S. Atty for the

Southern Dist. of Cal.



vv 218

J. J. Warner  
254

Filed 24th February 1857  
C. Sims clk  
J. M. Coleman  
Dep

218 SD

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Recd Nov 4 1836



U. S. District Court  
Southern District of California

In the matter of  
the Survey of <sup>San José del Valle</sup> "Valle de San José"  
sometimes called "Warner's Ranch"

218 SD

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To the Hon.

J. S. K Ogier, District Judge  
of the U. S. District Court in & for the Southern District  
of California.

Your petitioner, J. Mora Moss, a resident  
of the City of San Francisco in said State, respectfully  
shows:

That in the month of July 1859, as he has  
been informed and believes; by virtue of a Decree of  
this Honorable Court, & other proceedings whereby the  
title of J. J. Warner to the premises hereinafter  
mentioned was finally confirmed, a survey was  
made by John C. Hays Deputy Surveyor, under the  
instructions of the U. S. Surveyor General for California  
of premises in the County of San Bernardino described  
as follows:

Commencing at or near a certain live oak on  
or near the road from Itassabel in the proximity of  
a pile of rocks in Carizo Cañon. Thence N. 20 $\frac{3}{4}$ ° E.  
173 chs. Thence S. 51 $\frac{1}{4}$ ° E. 188 chs 50 chs. Thence N.



45  $\frac{1}{4}$ ° E. 25 chs. thence W. 15  $\frac{3}{4}$ ° W. 123 chs. Thence  
W. 19° E. 52 chs 50 lks. Thence S. 57° E. 231 chs  
15 lks. Thence N. 177 chs - Thence E. 60 chs - Thence  
N. 120 chs. Thence W. 40. All the foregoing courses  
terminating at posts marked S. J. & numbered. Thence  
W. 80 chains to a  $\frac{1}{4}$  Sec. Post. Thence W. 240 chs  
Thence N. 90 chs to a post in a mound of rocks -  
Thence W. 140 chs - Thence S. 90 chs. 240 chs 80 lks.  
Thence N. 40 chs. to a section post. Thence W. 80 chs  
to a section post. Thence S. 20 chs. Thence East  
20 chs. Thence S. 20 chains - Thence E. 20 chs  
Thence S. 40 chs. Thence E. 20 chs. Thence S. 20 chs  
Thence E. 20 chs. Thence S. 140 chs to a section post  
at the S. W. Corner of Section 35 of T. X. S. R. II. E.  
Thence S. 16  $\frac{3}{4}$ ° W. 112 chains to a Live oak And  
thence S. 49° E. 257 ~~lks~~ chs to the place of beginning

Your petitioner further shows that the  
tract so confirmed to said post J. J. Warner was  
intended to be the same ~~gr~~ tract which was  
confirmed to him by the U. S. Board of Land  
Commissioners by decree dated Oct. 10 1854 in  
Case N<sup>o</sup>. 254. - before that Board.

Your petitioner further shows that on  
the 11<sup>th</sup> of Nov. 1854 the said J. J. Warner  
mortgaged the tract so confirmed to him by the  
said Board on the 10<sup>th</sup> of October 1854 to Samuel  
Moss to secure a promissory note of \$11000 bearing  
a certain interest & the accruing interest thereon.



That said Samuel Mop assigned said note & mortgage to your petitioner who afterwards instituted proceedings for the foreclosure thereof & such proceedings were thereupon had that by a decree of the ~~Circuit~~ District Court for the 3<sup>d</sup> judicial District of the State of California in & for the County of San Diego, the said mortgage was decreed to be foreclosed and it was further ordered that the mortgaged premises be sold for the satisfaction ~~thereof~~ of the debt except a portion thereof to be set out as a homestead for said Warner & his wife.

Your petitioner further shows that in pursuance of such decree the remainder of the premises after deducting said homestead was sold and that your petitioner was the best bidder and purchaser and that a sheriff's deed was executed to him for the same.

Your petitioner further shows that he has compared the above mentioned survey with the report of the Commissioners appointed to set off the homestead of said Warner. That in said report the lines assigned all depend upon the position of a certain oak tree which petitioner cannot locate with reference to said survey without inspection of the locality. But that to the best of his information and belief, the said remainder of said premises so adjudicated to be sold under said decree of foreclosure & so



sold and conveyed to him by the sheriff has been left out of said survey to your petitioner's manifest wrong & injury. And your petitioner avers that until a few days ago he had no knowledge of any such survey having been made.

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PAGE 88

Your petitioner further shows that in addition to an examination of localities he requires inspection of certain records and papers at a great distance from his residence viz. situate in the counties of San Diego, San Bernardino and Los Angeles.

Wherefore your petitioner prays that it may please this Court to order <sup>that said survey be returned into this Court for further proceedings</sup> & that your petitioner have sixty days further time to intervene in this cause and file his exceptions to the said survey.

And your petitioner will ever pray &c

J. Mora. Mora  
City & County of San Francisco:

J. Mora Map. of said City & County being duly sworn says that he has read the foregoing petition & knows the contents thereof & that the same are true of his own knowledge except as to the matters therein stated upon information & belief & as to those he believes it to be true

Subscribed & sworn to before  
me this 9<sup>th</sup> day of Oct. 1880

J. Mora. Mora  
Notary Public



U. S. Dis. Court  
South. Dis. California

In the Matter of the Survey  
of Valle de San Jose  
sometimes called Warner's ranch

Petition of J. Mora Mops  
for extension of time to  
intervene & file exceptions to  
survey.

Eugene Lico  
of Counsel for Intervenor  
Filed Nov 3<sup>d</sup> 1860  
C. J. Find

Dep. an order  
for return of sur-  
vey issue

Nov 3<sup>d</sup> 1860

James W. Co. J.

U. S. Dis. Judge



UNITED STATES DISTRICT COURT,  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA. }

*J. J. Warner*

No. 218

218 SD

PAGE 90

*vs*  
*The United States*

It being suggested to the Court that the survey of the land claimed in this case, made under final decree, and approved by the U. S. Surveyor General for California, does not conform to said decree and is erroneous and that said survey will be to the injury of the *J. Mora*

*Mrs. A. S. Suter*  
on application of *the Secy Atty of J. Mora Mrs*  
it is ordered that the said Surveyor General return to this Court *forthwith*  
the plat of said survey, and that the *Said Suter*

be allowed *Twenty* days, from and after the return thereof, to file exceptions thereto; and it is further ordered that a certified copy of this order be served upon the said Surveyor General for his information. I. S. K. OGIER, U. S. District Judge.

UNITED STATES OF AMERICA, SOUTHERN DISTRICT OF CALIFORNIA. }  
COUNTY OF LOS ANGELES. }

I, C. Sims, Clerk of the United States District Court for the Southern District of California, do hereby certify that the above and foregoing is a full true and correct copy of the original order, made and entered on the *30* day of *November* 186*0*, in said case, No. *218* on the docket of said Court, wherein *J. J. Warner*  
*is*  
claimant against the United States, as appears of record in my office.

In witness whereof I herewith set my hand and affix the seal of said Court this the *30* day of *November* 186*0*.

*C Sims*, Clerk.

UNITED STATES OF AMERICA, }  
SOUTHERN DISTRICT OF CALIFORNIA. }

THE PRESIDENT OF THE UNITED STATES,

To. J. W. MANDAVILLE, U. S. Surveyor General, for California—Greeting :

You are hereby notified that the United States District Court, for the Southern District of California, at the *Special Supt* Term of said Court, 186*0*, in case No. *218* on the docket of said Court, wherein *J. J. Warner*  
*is*  
claimant against the United States, made and caused to be entered an order, of which the above and foregoing is a certified copy herewith transmitted to you for your information, and you are hereby required to take notice of the same.

Witness the Hon. ISAAC S. K. OGIER, Judge of the United States District Court, for the Southern District of California, this the *30* day of *Nov* 186*0*.

Attest my hand and the seal of said Court the day and year last above written *C Sims*, Clerk.



No 218

San Francisco Nov 10<sup>th</sup> 1860

I hereby certify that I have this day made personal service of this order on J. W. Mandaville W. S. Surveyor General for California by leaving with him a certified copy of the same

James C. Peunie  
or S. Mandaville  
per A. W. Buchanan  
Dept. Marshal

Marshals fees  
For Mileage \$30.00  
" Service 2.00

Filed Nov 14. 1860

C. Sims clk  
John Whelan Depy

218 SD

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*[Faint, mostly illegible handwriting on the reverse side of the page, including a circular stamp on the left and a large rectangular stamp on the right.]*



U. S. District Court

For the Southern District of California

In the matter of  
The Survey of the tract called  
San José del Valle or Warner's Ranch

L. C. No. 254

L. C. No. 218.

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Exceptions to Survey.

And now comes into this Court J. Mora Mop, of the city of San Francisco, an intervenor, not a party to the record of the proceedings wherein the above named rancho or tract was confirmed to J. J. Warner the claimant therein, by Eugene Lie's his attorney, and excepts to all and singular the survey of the rancho called San José del Valle made in July 1859 under instructions from the U. S. Surveyor General by John C. Hays, Deputy Surveyor containing  $26629 \frac{88}{100}$  acres, because he says that the said survey is so made as to exclude the whole or the greater part of a tract of one league, conveyed to him the said J. Mora Mop by George Lyons, Sheriff of the county of San Diego, by virtue of a certain order of sale issued out of the District Court of the first Judicial District of the State of California, in pursuance of a decree of said court in a suit wherein said J. Mora Mop was plaintiff and the said J. J. Warner was defendant, and by virtue of other proceedings duly had under said decree and order of sale, by conveyance dated Dec. 23<sup>d</sup> 1859, duly recorded, wherein said tract so conveyed to



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this Intervenor is described as follows: "one square league of land (mexican measure) situated in the county of San Diego, State aforesaid, and being part of the rancho known by the name of Valle de San Jose' or Warner's Rancho and bounded and described as follows: Commencing on the south eastern (western?) boundary of said rancho at such a point that a due North line will cut an oak tree marked W. on the north side. Said tree stands on the first rocky point on the South side of the Meadow Valley. From thence northerly, until a due West line to the Western Boundary of said rancho and thence following said boundary southerly and Easterly to the place of beginning which will embrace one league of land, Mexican Measure and being the same property and tract of land set off by the Commissioners in this cause as subject to sale. Reference being hereby had to said report for further description".

And this intervenor on information and belief states that the said oak tree stands less than two miles east of the western boundary assigned by said survey so excepted by him.

And this intervenor particularly excepts to Courses Nos. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26 27. 28 & 29 in said survey because he says that the said courses are run so as to exclude the place called San Jose' Indian Village from the tract so confirmed to said J. J. Warner, whereas the said village forms about the centre of a compact



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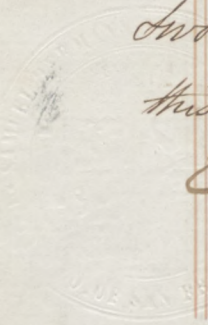
tract of one league in extent, part of the said Rancho of San Jose' del Valle, which by the election of the said J. J. Warner was allotted and set off to be sold under the said decree of the said Court and was sold and conveyed to this intervenor as aforesaid

And this Intervenor particularly excepts to the aforementioned courses Nos. 17- to 29- as at variance with the decree of this Court by virtue of which said survey was made, and at variance with the proofs in the cause, in this that the westerly boundary of said tract should follow and skirt certain hills or mountains situated at a considerable distance west of the westerly line of said survey, to the best of this intervenor's information & belief.

Eugene Lie's  
of Counsel for Intervenor.

City & County of San Francisco: J. Mora Mof. the intervenor in this proceeding, being duly sworn says that he has read the foregoing exceptions subscribed by his attorney & knows the contents thereof and that the same are true of his own knowledge except as to those matters there stated upon information & belief and as to those, he believes them to be true

Sworn & subscribed before me  
this 22<sup>nd</sup> day of Nov. 1876 } J. Mora Mof.  
J. J. Hermann  
Notary Public





No. 218

In Dubt Comt  
S. Dubt of Cal.

J. J. Warner

or

United States

4 Captains to survey

Paid Nov 28/60

J. J. Warner Ck

J. J. Warner  
Depts

218SD.

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

**NOTICE.**  
In the District Court of the United States, for  
the Southern District of California.  
J. J. Warner vs. The United States.—No. 218—  
San Jose del Valle.  
IN THE ABOVE CASE, the final survey of the  
lands claimed by the parties to the record having  
been returned into Court and objected to and the  
exceptions taken having been served on the oppo-  
site party, all parties in interest are hereby admon-  
ished to intervene for the protection of their inter-  
ests.  
Witness my hand and the seal of the  
Court, at Los Angeles, this 14th day  
of March, 1861.  
G. L. MIX, Cl'k.  
L. S.  
mr1613  
IT IS A FACT THAT

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N. Hamilton being duly  
sworn deposes and says that he is the  
Editor of the Los Angeles Star a newspaper  
printed in the City and County of Los An-  
geles, State of California, and that  
the Notice above affixed was published  
in said newspaper for three succes-  
sive weeks. The first insertion being on  
the 16th day of March A.D. 1861 and  
the last on the 30th day of March  
A.D. 1861.

N. Hamilton  
Sworn to and subscribed }  
before me this 9th day of }  
April A.D. 1861. — }  
G. L. Mix  
Clerk



No. 218.

U. S. Dist Court for  
Southern Dist of Cal<sup>a</sup>

J. A. Warner

vs

The United States

affidavit of publication  
of notice

Filed April 9<sup>th</sup> 1861

G. L. Noy

CLERK

218 SD

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**U.S.**  
**Surveyor-General's Office,**  
**CALIFORNIA.**



Post Office Box No. 2260.

NO. 610 COMMERCIAL STREET.

218 SD

San Francisco, March 20<sup>th</sup> 1879

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I hereby certify that the plat of survey and descriptive notes in the case of the Rancho San José del Valle were transmitted to Washington for patent under the Act of July 4<sup>th</sup> 1864, Feb 7 76. 1879; and that the expenses of this Office in preparing said plat and descriptive notes were sufficient to fully cover the amount deposited in the U. S. District Court for the District of Calia, under the provisions of sec. 6 of said act,

March 3, 1879.

Am't. of Deposit \$100.-

*Theo. Wagner*  
U. S. Surveyor-General



U. S. District Court  
District of California

In the Matter of  
the Payment of the  
U. S. Surveyor General  
for Survey of the  
Rancho San José del  
Valle

218. S. D.

U. S. District Court  
Dist of Cal

The United States

<sup>vs</sup>  
J. J. Warner

Certificate from U. S. Surveyor  
General that Plat surveys  
have been forwarded to  
Comm Genl Land Office

Filed March 21<sup>st</sup> 1879  
Southard Hoffman Clerk  
By W. D. Grimwood  
Deputy Clerk

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U. S. District Court

For the Southern District of California

In the matter of  
the Survey of San Jose del Valle  
sometimes called Warner's ranch

S. C. 254

D. C. 218.

City & County of Los Angeles s:

218 SD

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Eugene Liss of the city &  
County of San Francisco being duly sworn says that  
he is the attorney & authorized agent of J. Mora Mops  
the petitioner in the annexed petition, for the purpose  
among other things of establishing the rights of said  
Mora Mops in the tract above mentioned. That deponent  
after diligent inquiry and examination verily believes  
that the survey in said petition mentioned is  
injurious to the said petitioner in this that it leaves  
out the greater part of the tract of one league so in  
said petition <sup>shown</sup> to have been conveyed to said petitioner.  
which said last mentioned tract of one league was  
included in the lands confirmed to said J. J. Warner  
by decree of this Court in Case N<sup>o</sup>. 218

Subscribed & sworn to before me

this 3<sup>d</sup> day of November 1880

C. J. Davis

U. S. Commissioner

Eugene Liss