

CASE No.

281

SOUTHERN DISTRICT

---

MUSCUIABE GRANT

---

MICHAEL WHITE

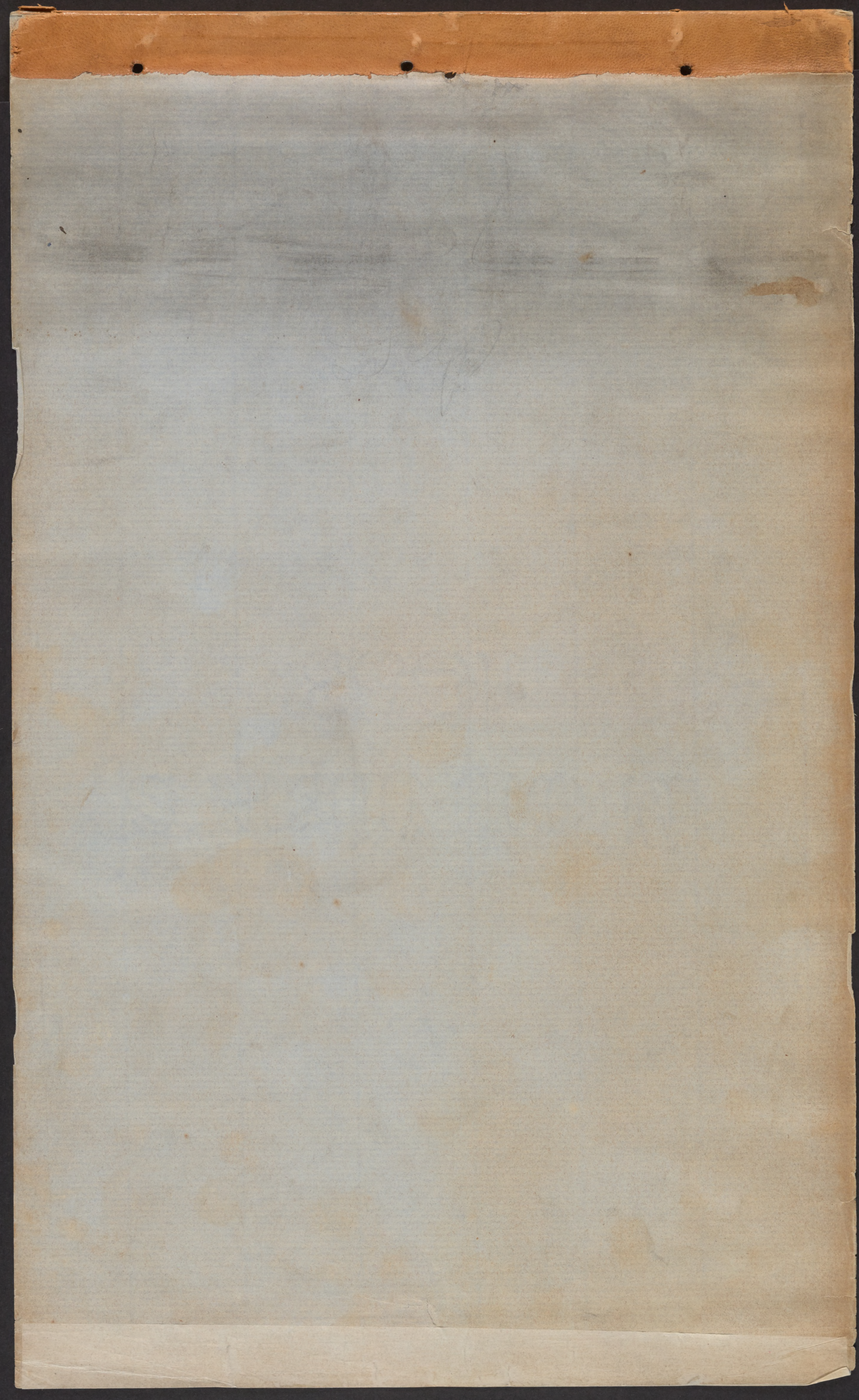
CLAIMANT



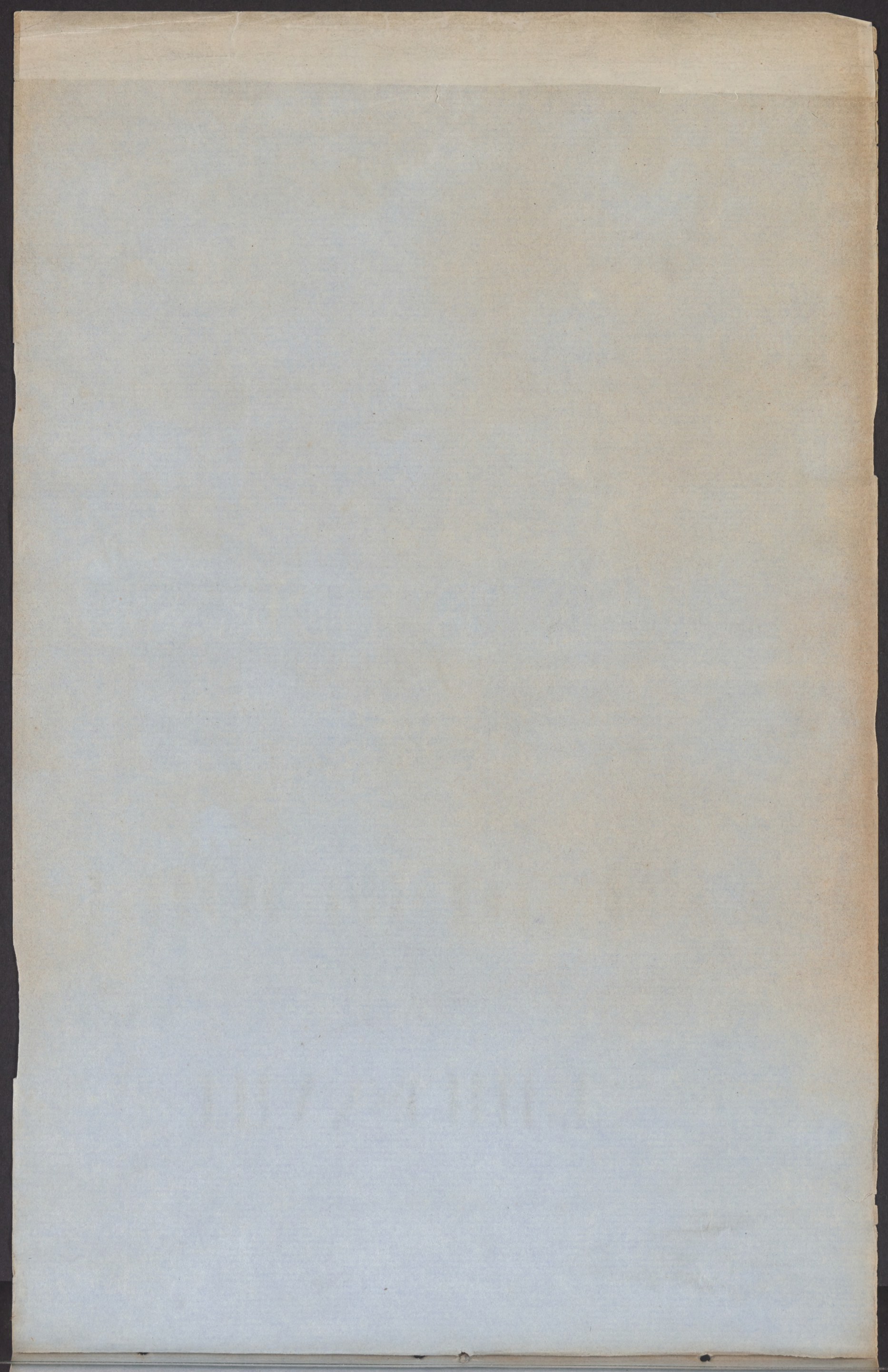
LAND CASE 281 SD 45 pgs.

MAR 19 1963











# TRANSCRIPT

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PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. *561*

*Michael White*

CLAIMANT

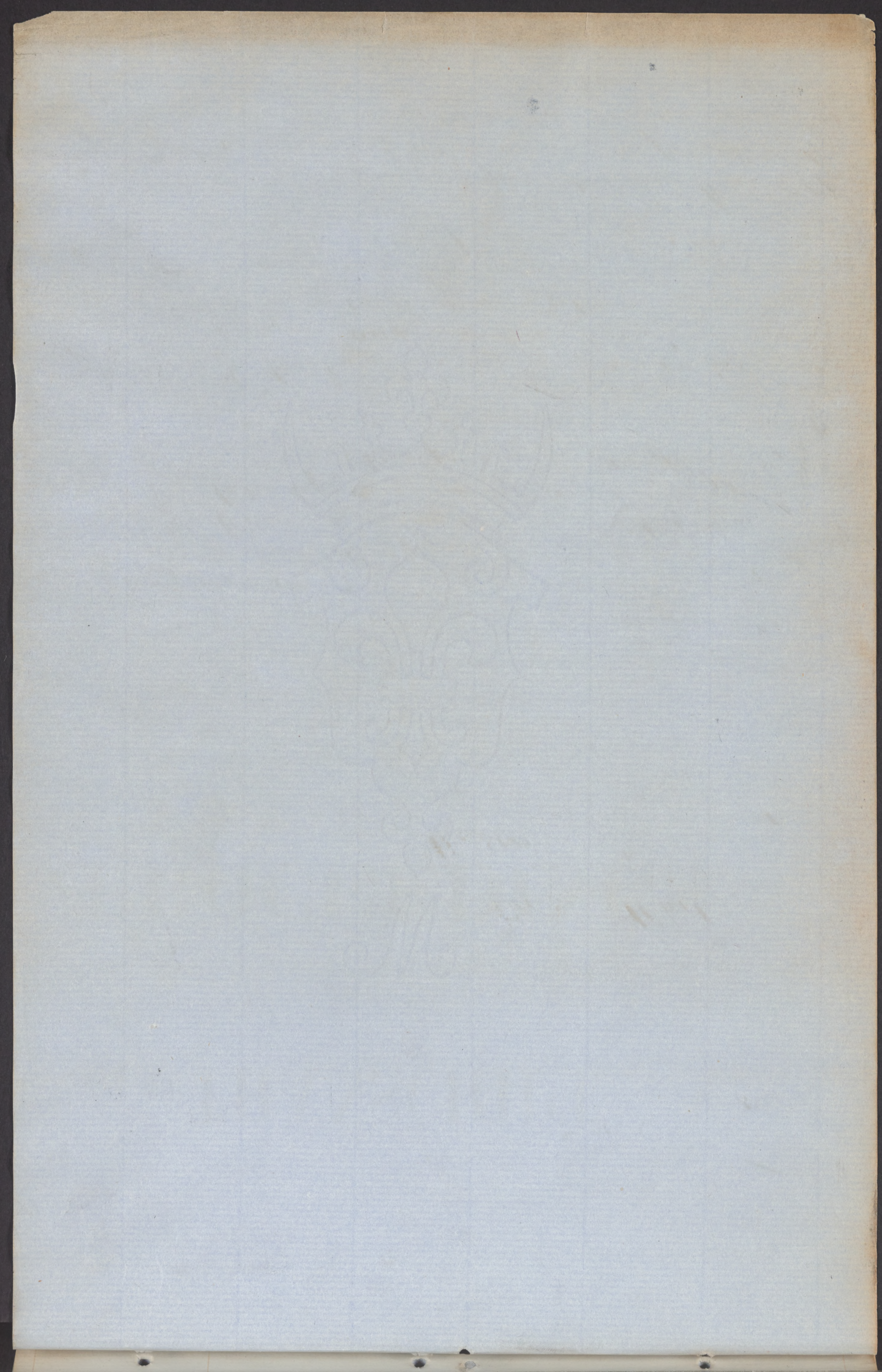
VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*Monserriabe*







Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *Eighth* day of *February*, Anno Domini One Thousand Eight Hundred and Fifty-*Three*, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of *Michael White*,  
for the Place named  
*"Muscupiate"*  
was presented, and ordered to be filed and docketed with No. *561* and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

*San Francisco February 12' 1853.*  
In Case no. 561, Michael White for the place named "Muscupiate", the deposition of B. D. Wilson, a witness in behalf of the Claimant, taken before Commissioner William Hall, was filed.  
(Vide page *3* of this Transcript.)

*San Francisco June 26' 1854.*  
In the same case the depositions of Jose Ygnacio Beradillo and Anastasio Verdugo, witnesses in behalf of the Claimant, taken before Commissioner G. D. Burnett, were filed.  
(Vide pages 4 & 8 of this Transcript.)

*San Francisco December 5' 1854.*  
Case no. 561 was ordered to be placed at the foot of the 3<sup>rd</sup> class cases on the Dual Docket.



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San Francisco December 19<sup>th</sup> 1854.  
Case no. 561 was submitted under the Rule  
of March 21<sup>st</sup> 1854.

San Francisco, December 21<sup>st</sup> 1854.  
In the same case the deposition of Thomas C.  
Sarkin, a witness in behalf of the Claimant,  
taken before Commissioner Peter Sott, with  
Exhibit 1 marked "B original Grant annexed  
thereto, in accordance with the stipulation  
at the foot of said Deposition, was filed;  
(Vide pages 2417 of this Transcript.)

San Francisco March 6<sup>th</sup> 1855.  
In the same case Commissioner S. B. Powell  
delivered the Opinion of the Board confirming  
the claim;

(Vide page 28 of this Transcript.)  
And the following order was made, to wit;  
(Vide page 30 of this Transcript.)

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S.



3

Petition

To the Commissioners to ascertain and settle the private land claims in the State of California.

Michael White presents and prays the confirmation of his title to a tract of land lying in the County of ~~San Francisco~~ called Muscupabe and containing one league more or less, which was granted to him on the 29th of April 1843, by Manuel Micheltorna, then Governor of California, acting under the authority conferred upon him by the laws then in force.

He files herewith a certified copy of the Escondite, marked A, a translation thereof marked m, the original grant, marked B, and a translation thereof marked P.

In support of his claim he relies upon the papers now filed and such other evidence as he may hereafter offer.

He knows of no other claim to any part of the land.

A. P. Brettonden  
Atty for Claimant

Filed in office Feb 8, 1853  
(Sizard)

Geo. Fisher  
Secy.

San Francisco Feb 12, 1853.

Deposition  
of  
B. D. Wilson

On this day before Comr. Wiland Hall came B. D. Wilson a witness in behalf of the claimant Michael White petition No. 561 and was duly sworn his evidence being given in English.

The U. S. Associate Law Agent was present.

In answer to inquiries by counsel for the claimant the witness testified as follows,  
My name is Benjamin D. Wilson my age is forty one years and I reside at Los



H

Angeles. I know Michael White who claims a tract of land lying at the Cajon about sixty miles, in a direction a little to the north of East from Los Angeles. It is the tract of land described in Exhibit C. filed in this case - He built a house on the tract and cultivated some land and had some stock. I passed there several times when he was there. It was before the war with the United States and I think in 1844, tho' I cannot be certain in regard to the year

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B. D. Wilson

Sworn and subscribed  
Before me  
Richard Hall  
Clerk

Filed in office July 12. 1853.  
Geo. Fisher  
Clerk

Office of the Commission  
S. Thompson Burritt at Los  
Angeles California

Deposition  
of  
Ignacio Bradilla

Before me S. Thompson Burritt Commissioner, duly qualified for the taking of testimony to be used before the Board of Commissioners to ascertain and settle the Private land claims in the State of California, personally appeared Jose Ignacio Bradilla a witness in behalf of Michael White claimant for the land named "el Muscupiate" numbered on the docket of the said Board with No: 561, who upon oath declared and said as follows

Questions asked by Counsel for claimant:

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

Answer. My name is Jose Igna



5-  
cio Ciracilia I am forty four years of age  
and I reside in the county of Los Angeles  
Question No 2. How long have you lived  
in California.

Answer. Nearly five years.

Question No. 3. Are you acquainted with Michael White and if so how long.

Answer. Yes, for sixteen years.

Question No. 4. What name was he known by in this country prior to its occupation by the American Government.

Answer. He was known by the name of Miguel Blanco which is the translation into Spanish of Michael White.

Question No 5. Do you know the Rancho of Muscupriabe.

Answer. Yes, it is up at the Cajon pass at its mouth, which is distant from this place about fourteen or fifteen leagues in an easterly direction.

Question No 6. State all you know about the occupation of the Rancho by Michael White.

Answer. In 1843 in the month of February I went there with Michael White, and he built a strong log cabin house, and made a strong corral and planted a vineyard and fruit trees and put in crops after he had built the house and corral he commenced cutting timber for the purpose of making carts to be used on the Rancho, he took there twenty head of horses and mares, and about forty head of cattle large and small, and he lived there about nine or ten months during the same year, and I was there all the time working for him, at that time the Indians stole all his horses and cattle and we had to contend with the Indians night and day, after this he left the Rancho with the intention of returning.

Question No. 7. State whether the Cajon pass is the only pass easterly from this place where Indians can enter the valley.



Answer. There is another pass which is very difficult, but the Cajon pass is the only road for the ingress of Indians into the valley and which they continually use.

Question No. 8. State if the Indians have made yearly incursions into the valley through the Cajon pass for the purpose of stealing stock since the year 1843.

Answer. Yes they have, and have robbed every year quantities of horses and cattle.

Question No. 9. State what you know of the safety of a family living at the mouth of the Cajon pass as regards life and property.

Answer. I know it would be unsafe to life and property for a family to reside there, since the year 1843.

Question No. 10. State how the loss of Michael White during the year 1843 by Indian robbery affected his means for occupying and defending himself on the Rancho afterwards.

Answer. He lost all he had, and was unable to live and defend himself there being a poor man and being obliged to maintain his family by the cultivation of the soil, and has since that time had to support his family by manual labor.

Question No. 11. State what family Michael White had in the year 1843.

Answer. He had a wife and six children.

Question No. 12. State what were the boundaries of that Rancho occupied by Michael White and the extent of the land within the boundaries.

Answer. It is bounded on the north and East by the mountain, on the south by the Agua Caliente, and on the west by a line of Sycamores along the "arroyo de los negros". These are the boundaries of the Rancho.

Questions asked by C. E. Thom acting Law Agent.



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Question No. 1. How long have you lived with Michael White

Answer. In the year 1843 I lived with him for nine months since which time I have not lived with him but have resided within a league and a half where has, since the year 1843. Michael White has resided at the Mission of San Gabriel.

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Question 2. What sort of a house was built on the Rancho of Muscupiabi, state particularly as to the time at which it was built, the materials and dimensions.

Answer. The house was built in the year 1843 and was commenced in the month of February and completed in the month of April, it was built of heavy timber or logs, it was ten varas wide and twelve varas long, and consisted of one room, the family of White lived there for about a month and a half and were obliged to leave on account of the attacks of the Indians, myself and White with two Indian servants lived there for nine months. Mr. White has been there since, but has not lived there. I have not been at the Rancho since 1843.

Question No. 3. Did you ever measure, or did you ever see measured, the Rancho of Muscupiabi if no how do you know that the boundaries that you have delineated in your examination in chief are correct.

Answer. I never have measured or seen measured the Rancho, but I know that the boundaries as given by me in my examination in chief are correct as told to me by Mr. Bandini and Mr. White.

Question No. 4. How many leagues are there between the northern and southern line of the Rancho as given by you in your examination in chief, also between the eastern and western line described by you as being the boundary.

Answer. I think between the northern and southern line about two leagues



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and from east to west about one league.  
for Ignacio <sup>his</sup> ~~X~~ <sup>mark</sup> ~~heradila~~

Sworn to and subscribed  
before me this 17th day  
of June A.D. 1847 by  
G. Thompson Burrill  
Comr.

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I do hereby certify that E. C. Thorne  
Esq. was present at the time the above and fore-  
going testimony was taken acting for or behalf  
of, and by the authority of J. W. McName Esq.  
Law Agent.

G. Thompson Burrill  
Comr.

Filed in office June 26. 1854  
Geo. Fisher  
Secy.

Office of the Commission  
G. Thompson Burrill at Los  
Angeles, California

Deposition  
of  
Anastacio Verdugo

Before me G. Thompson Burrill commis-  
sioner, duly qualified for the taking of tes-  
timony, to be used before the Board of Com-  
missioners to ascertain and settle the pri-  
vate Land claims in the State of Califor-  
nia personally appeared Anastacio Verdugo  
a witness in behalf of Michael White, claimant  
for the land named "Muscupiabi" numbered  
on the Docket of said Board with No. 561,  
who upon oath declares and saith as fol-  
lows

Questions asked by Counsel for Claimant  
Question No 1. What is your name age and place  
of residence.

Answer. My name is Anastacio Verdugo,  
I am fifty four years of age, and I live in  
the county of Los Angeles.



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Question No. 2. Do you know the Rancho of Muespiaks, how long have you known it, where is it situated

Answer. Yes I know the Rancho, I have known it as a Rancho about eleven years it is situated to the east of this place in the mountains on the south side it is 12 to fifteen leagues distant from Los Angeles.

Question No. 3. Do you know Michael White, how long have you known him and where

Answer. Yes I know him and have known him about fifteen years in this County

Question No. 4. State all you know of the occupation of said Rancho by Michael White

Answer. When I first knew him in the occupation of the Rancho he was working there with Don Ignacio Carradilla this was in the year 1843 and I think it was in the month of February. I was at the Rancho various times during the time that Mr. White occupied it, when I first knew him he was building a house and corral at the Rancho and put a Vineyard and Fruit Trees there and planting grounds, he also had about thirty or forty head of cattle and about twenty head of horses, the house was built of very heavy timber, well built and covered with mud, said White occupied the Rancho for about nine or ten months he had his family there about a month and a half but he was not able to remain there with his family on account of the Indians.

Question No. 5. State all you know about the incursions of the Indians through the Cajon in the year 1843 and since.

Answer. I know that the Indians made at that time frequent incursions for the purpose of robbery and since that time they make incursions

Question No. 6. State if the incursions of Indians through that pass has made it unsafe for a family to live there.



Answer. Yes, the frequent incursions of Indians have made it unsafe.

Question No. 7. Do you know if Michael White lost all his property by the Indians during the time that he was living there.

Answer. Yes he lost all his horses and cattle together with his crops, and since that time being a poor man has been obliged to maintain his family by his own labor.

Question No. 8. State if you know the boundaries of said Rancho and its extent as occupied by Michael White.

Answer. Yes I know the boundaries, the stream of the agua Caliente, the mountain of Jurupa, the Cajon of los negros and the line of Sycamores, and the foot of the mountain until it reaches the agua Caliente, in extent within the boundaries it is about a league and a half.

Question No. 9. How far from the mouth of the Cajon pass was the nearest Rancho in the year 1843.

Answer. The Rancho of the Lugo was the nearest and was about four leagues from the mouth to the house of the Lugos.

Question No. 10. State what name Michael White has always borne in the country among them speaking the Spanish tongue.

Answer. He was called Miguel Blanco.

Questions asked by C. C. Thom, Esq. San Aguit.

Question No. 1. Where did you live in the year 1843, and how frequently during that year did you visit the Rancho of Musapibe.

Answer. I lived in Cucumonga which is four or five leagues distant from the Rancho which I visited during that year about six or seven times at the least. I went there frequently to hunt my horses which were robbed by the Indians.

Question No. 2. Did you ever encounter any hostile Indians at the Pass during the year



1843.

Answer. No I did not but I found a number of horses that had been wounded by arrows of the Indians I have seen horses shot there a number of times, since the year 1843 Michael White has lived at the Mission of San Gabriel upon his Rancho in San Gabriel.

Question No. 3. How do you know that the points mentioned by you in your examination in chief are the boundaries of the Rancho

Answer. Because Teburcia Tapia de arand told me so when I was his majordomo, at Cucumunga, also Juan Bordini told me so who was a neighbor the distance from north to south is about one league and a half and from east to west about one league and a half the Rancho is in a Triangular shape

Sworn to and subscribed before me this 17 day of June A.D. 1854

Anastasio + Verdugo  
his mark

G. Tompson Burrill

Comr.

I do hereby certify that C.E. Thom Esq was present at the time the above and foregoing testimony was taken, acting for on account of, and by the authority of J. H. McKune, Esq. Law Agent.

G. Tompson Burrill

Comr

Filed in office June 26. 1854

George Fisher

Secy.

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United States of America }  
 State of California } ss.

San Francisco Dec. 21. 1854.

Deposition  
 of  
 T. O. Larkin

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This day came before Peter Lott Commissioner for taking testimony to be used before the Board of U. S. Land Commissioners for said State Thomas C. Larkin, a witness on behalf of the claimant in case No. 561 on the Docket of said Board, and said witness being sworn deposed as follows: The claimant is Michael White

Questions by the Attorney for Claimant

1<sup>st</sup> Question. What is your name age and residence

Answer. My name is Thomas C. Larkin, my age 52 years, my residence in San Francisco California

2<sup>d</sup> Question. Are you acquainted with the signatures of Manuel Micheltorena and Francisco Arce, if you state your means of knowing them, and look at the document marked Exhibit 1. to this deposition and heretofore filed in this case, and state whether their signatures respectively wherever they occur therein are genuine?

Answer. I am well acquainted with the signatures of both the persons named, I have often seen them both write, I know their signatures in this document, the one of said Micheltorena and the two of said Arce, and I believe them to be in the genuine hand writing of those persons respectively

Thomas C. Larkin

Subscribed & sworn to  
 before me this 21<sup>st</sup> day  
 of December A. D. 1854

Peter Lott

Commissioner



Manuel Micheltona, Gobernador Comandante  
General e Inspector del Departamento de am-  
bas Californias -

Exhibit 1 to  
Depo. of  
J. O. Barkin

Dec. 21, 1854 -

L.S. 3

Por cuanto D<sup>no</sup> Miguel Blanco  
Mijicano por naturalizacion ha preten-  
dido para su beneficio personal y el de  
su familia el paraje conocido con el  
nombre de Muscupiabe, colindante por el  
O. con el pie de la Sierra, por el S. con  
agua caliente, y por el Poniente con los  
alios que estan al otro lado del arroyo  
llamado de los negros: practicadas pri-  
viamente las diligencias y averiguaciones  
concernientes segun lo dispuesto por  
leyes y reglamentos: usando de las fa-  
cultades que me son conferidas a nom-  
bre de la Nacion Mijicana he venido en  
concederle el terreno mencionado decla-  
rándole la propiedad de el por las presen-  
tes letras sujetandose a la aprobacion  
de la Ex<sup>ma</sup>. Junta Departamental y ba-  
jo las condiciones siguientes:

1<sup>a</sup> Podrá cercarlo sin perjudicar  
las travesias Caminos y servidumbres:  
lo disfrutará libre y exclusivamente des-  
tinandolo al uso o cultivo que mas le  
aconosiere pero dentro de un año fabri-  
cara casa y estará habitada -

2<sup>a</sup> Solicitara del Juez respectivo  
que le dé posicion juridica en virtud  
de este despacho por el cual se demar-  
caran los linderos en cuyos limites pon-  
dra unas de las mojoneras algunos ar-



boles frontales á silvestres de alguna utilidad -

3<sup>a</sup> El terreno de que se hace donación es de un sitio de ganado mayor por esomas ó menos, según explica el diseño que corre agregado en el Expediente respectivo - El Juez que diere la posesión lo hará medir conforme á ordenanza quedando el sobrante que resulte á la Nación para los usos convenientes -

4<sup>a</sup> Si contraviniere á estas condiciones perderá su derecho al terreno y será denunciado por otros -

En consecuencia mando que sirviéndole de título el presente y teniendo por firme y válido se tome razón de él en el libro á que corresponde y se entregue al interesado para su resguardo y demás fines - Dado en la Ciudad de los Angeles á veinte y nueve de Abril de mil ochocientos cuarenta y tres -

Abant. Michette

Fran<sup>co</sup> Arce

Fris Gnt<sup>o</sup>

Queda tomada razón de esta concepción en el libro respectivo á f.º 2 -

Fran<sup>co</sup> Arce -

El E. S. Gobernador heo dispuesto se tome razón de este Despacho en la Prefectura de este Segundo Distrito -

L. S. y Queda tomada razón de este Despacho conforme en el se previene



à f.º de este del libro respectivo llevado en  
esta prefectura de mi Cargo -

Angelles Str. 11 de 1843 -

Man.º Dominguez

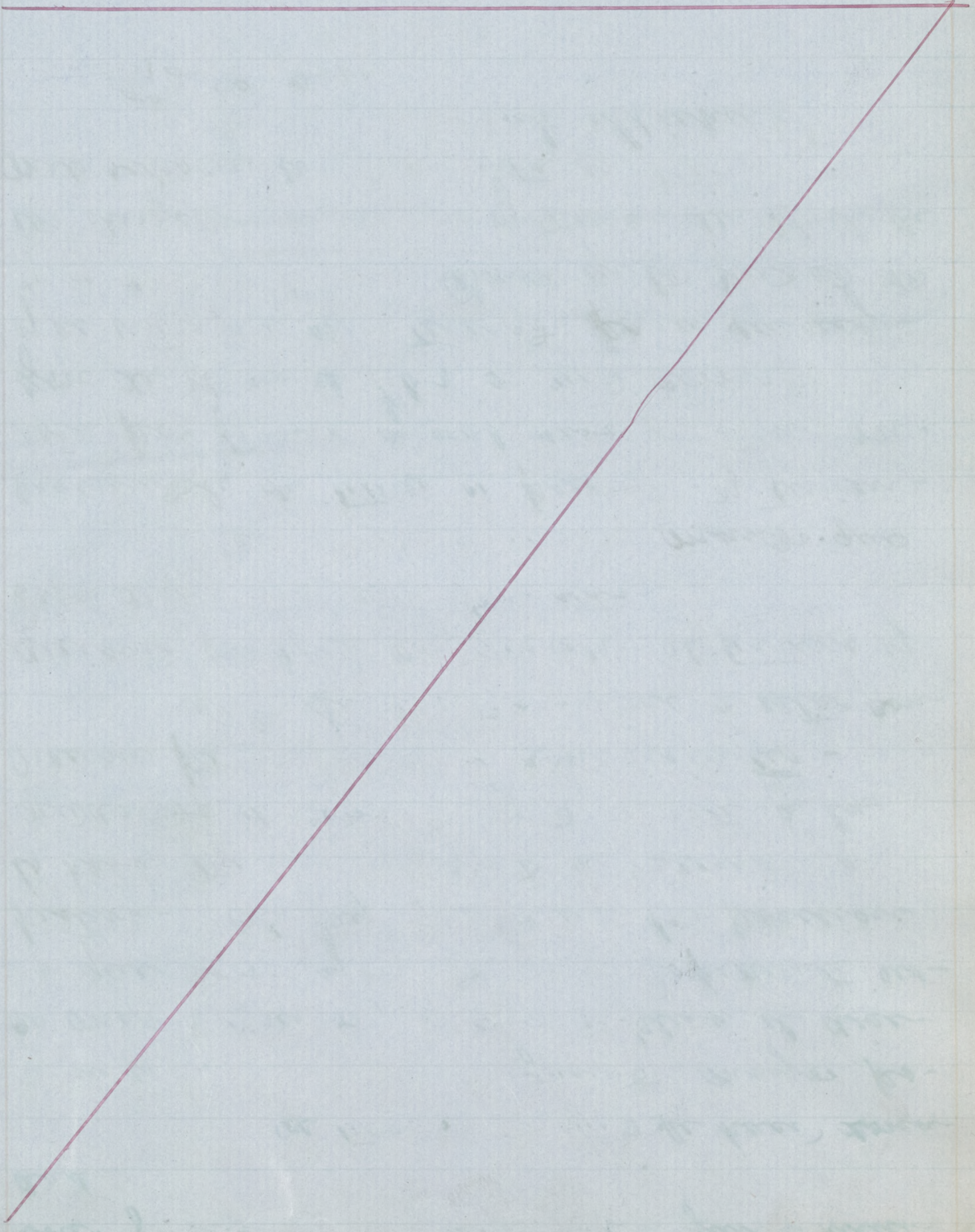
Narciso Botello  
F.º

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Filed in Office July 8, 1853 -

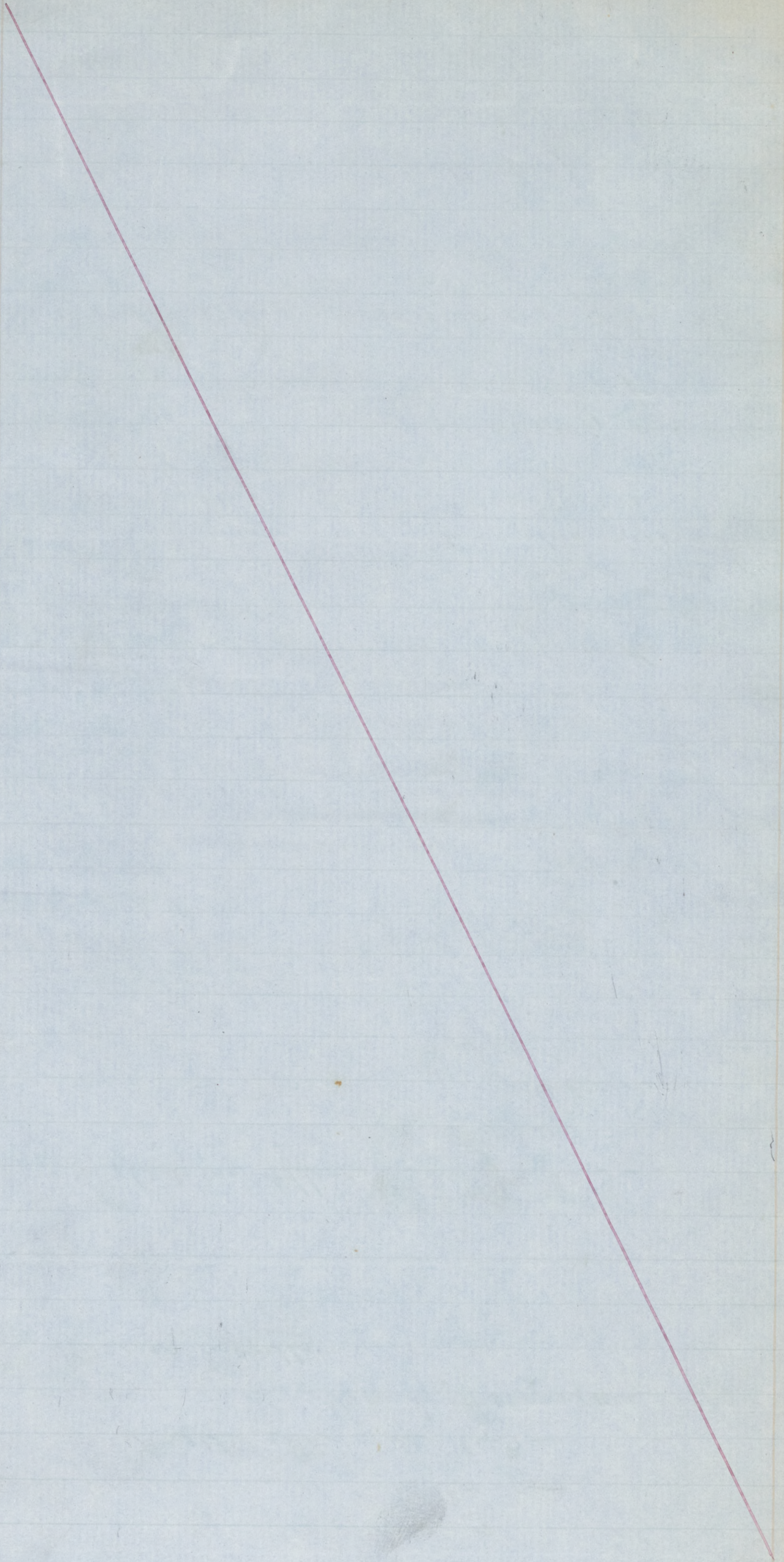
Geo. Fisher

Clery-





16





17

Stipulation

annexed to Depo. of T. O. Learkin. (see page 12)

The foregoing is admitted by consent and is to be considered as taken prior to the submission of the case

December 21. 1854

J. M. McKim

U. S. Geo Agent

Filed in office Dec. 21. 1854.

Geo. Fisher, Secy.

Exhibit P

Translation of Original Grant

Manuel Micheltonna Commandant General and Inspector of the Department of both the Californias

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Whereas Don Michael White, a Mexican by naturalization has petitioned for his own benefit and that of his family for the place known by the name of "Muscupabi", bounded on the North by the foot of the mountain, on the South by the Agua Caliente, and on the west by the "Alisos" Cottonwoods, which are on the other side of the creek, called "de los negros" having practiced the proceedings and relative observations, according to the direction of the laws and regulations; exercising the authority conferred upon me in the name of the Mexican Nation, I have concluded to grant him the aforesaid land, declaring it to be his property, by the present letters, subject to the approval of the most Excellent Departmental Assembly and under the following conditions.

1<sup>st</sup> He may enclose it without prejudice to the cross roads, and easements; he may farm it freely and exclusively, destining it to that use or culture that shall best suit him; But within one year he shall build a house and it shall be inhabited

2<sup>d</sup> He shall solicit from the proper Judge that he may give him judicial possession by virtue of this despatch, by which the boundaries shall be defined, in the limits of which he shall place in addition to the land marks some fruit or forest trees of some utility.



3<sup>d</sup>. The land of which grant is hereby made consists of a league (un sitio de ganado mayor) a little more or less, according to the explanation of the Diagram, which is attached to the respective "Expedients"

The Judge that shall give the possession shall cause it to be surveyed in conformity with the ordinance, reserving the cross plus that may result to the nation for convenient uses

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4<sup>th</sup>. If he shall fail in these conditions, he shall lose his right to the land, and it may be denounced by another

Wherefore I order, that the present writing for title, and having been firm and valid, account thereof be taken in the Book which relates thereto, and be delivered to the party interested for his protection and further ends.

Given at the city of Los Angeles  
on the twenty-ninth of April one  
thousand eight hundred and forty  
three

Mansur Micheltorrea

Francisco Arce

Secretary ad interim.

Account of this grant remains  
taken in the respective Book at page 2<sup>nd</sup>

Francisco Arce

His Excellency the Governor has ordered  
that account of this despatch be taken in  
the Prefecture of this 2<sup>nd</sup> District.

Francisco Arce

Account of this Despatch remains taken  
in conformity with that which precedes  
at page 5<sup>th</sup> on the other side of the respective  
Book kept at this Prefecture, under my charge

Angels September 11<sup>th</sup> 1843

Mansur Dominguez

Narciso Botello,

Filed in office July 8 1853  
J. J. Grey. Geo. Fisher Secy.



1 L.D.K.

1843

Exhibit A. Expediente promovido por el  
 Ciudadano naturalizado Miguel  
 Blanca en solicitud del paraje co-  
 nocido con el nombre de Mousucen-  
piavit.

Copy of Espe-  
 diente &c

1843.

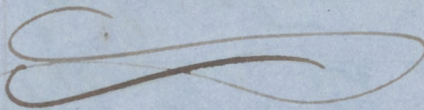
N<sup>o</sup> 828-

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2 L.D.K.

Duplicado marzo  
 2 de 1843 -

Informe al  
 S. Prefecto del  
 2<sup>o</sup> Distrito  
 Michelt.



Excmo. Sr. Gob<sup>or</sup> del Dep<sup>to</sup>  
 de California -

Miguel Blanco  
 (Ciudadano) Mexicano por  
 naturalizacion, casado, y  
 con hijos en el pais, ante  
 V.E. con el debido respeto  
 y segun ha lugar en to-  
 da forma de derecho pa-  
 rezco y digo: Que siendo  
 poseedor de una anuqf.

corta cantidad de bienes, y teniendo la  
 necesidad de el fomento de estos, asi  
 como el de labrar la tierra para el  
 fin de mantener mi familia; me  
 hallo precisado a impetrar la gracia  
 de V.E. para que si lo considera de  
 justicia, se sirva concederme en pro-  
 piedad, poco mas de un sitio de ga-  
 nado mayor, en la Boca del Cajon



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3 L.D.N.

de Muscupiabi, ó ultimamente llama-  
do de los Michicanos, segun Manifiesto  
en el diseño que debidamente tengo el  
honor de acompañar. Este terreno q-  
pretendo está baldío y no sé que perte-  
nezca á ninguna Comunidad ó perso-  
na, y antes siendo el camino por donde  
los Indios entran y salen con los robos  
de caballería que ha algun tiempo es-  
tan ejecutando; si V.E. tiene á bien con-  
cederme lo servirá un radicacion en  
el caso de obstáculo para que los  
ladrones no hagan sus correrias con-  
la libertad que hasta ahora lo han  
practicado, y de que yo he logrado por  
dos ocasiones quitar las Caballerías que  
ellos robaban. Por todo lo expuesto -

A. V.E. humildemente pido y su-  
plico se sirva acceder á mi petición,  
y por ser de justicia, implorar la gra-  
cia, y la espero de la ceta justifica-  
cion de V.E. protestando lo necesario, &c.

Pasego á V.E. admita la presente  
en papel común por falta en el lugar  
del sellado necesario -

Angulo y Ferrero 27 de 1843 -  
A cargo de Miguel Blanco,  
Juan Bordini -

Exmo. Sr.

Atento al Superior decreto que an-  
teceda informare á V.E. que el terreno  
que solicita el Naturalizado Miguel  
Blanco de la Boca del Cajon de Mus-  
cupiavit, no corresponde á Comunidad



H.S.N.

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ni particular, esta baldío, y tiene circunstancias para ser atendido en cuanto es laborioso; Por lo que esta Prefectura es de parecer se le puede conceder, si así fuese del agrado de V.E., y por que el mismo interesado se compromete á evitar en to posible los robos de Caballada que hacen los Indios por aquel Camino, como ya lo ha verificado. Compero, sin embargo de lo espuesto, V.E. con mejor acierto dispondrá lo que fuere de su superior agrado.

Amples Marzo 3 de 1843.

S. Arguello.

Amples Marzo 17 de 1843 -

Espidase el título con las formalidades de estilo -

Michelt<sup>a</sup>

Amples Abril 29 de 1843 -

Osta la petición con que da principio este Expediente, el informe del Sr. Prefecto de este Segundo Distrito, con todo lo demas que se tuvo presente y un convenio de conformidad con las leyes y reglamentos de la materia declaro dueño en propiedad del terreno paraje conocido con el nombre de Muscupiarit al Ciudadano naturalizado Miguel Blanco, en estension de un sitio de ganado mayor poco mas ó menos, colindante por el N. con el pie de la Sierra, por el S. con el Agua Caliente y por el P. con los Alisos que

H.S.N.



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están situados al otro lado del Arroyo llamado de los Negros - Se libre el correspondiente despacho Tomese razon en el libro respectivo y dirijase este expediente á la E. Junta Departamental para su aprobacion - El Ciudadano Manuel Micheltona Gobernador Leonar<sup>do</sup> General é Inspector del Departamento de las Californias, así lo mandó decretó y firmó.

Micheltona -

(Here follows the map)

Office of the 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 custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the six preceding and herewith annexed pages of tracing paper numbered from one to six 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  
hereto signed my name  
officially and affixed my  
private seal (not having a  
seal of office) at the City of  
San Francisco, Cal) the 23<sup>rd</sup>  
day of September 1852 -

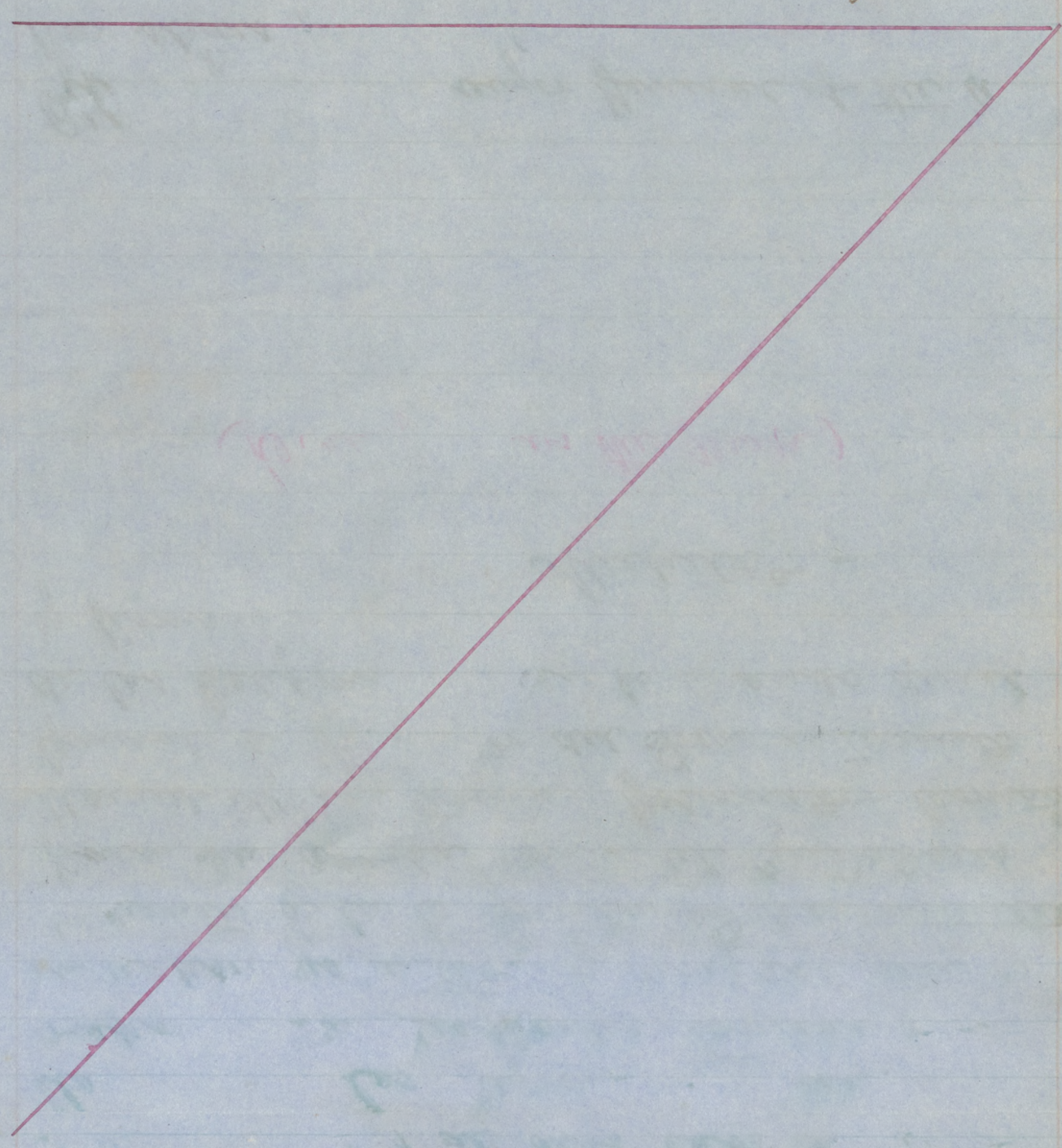
581-Dep

L.S. }

Saml. D. King  
Ser. Gen. Cal -

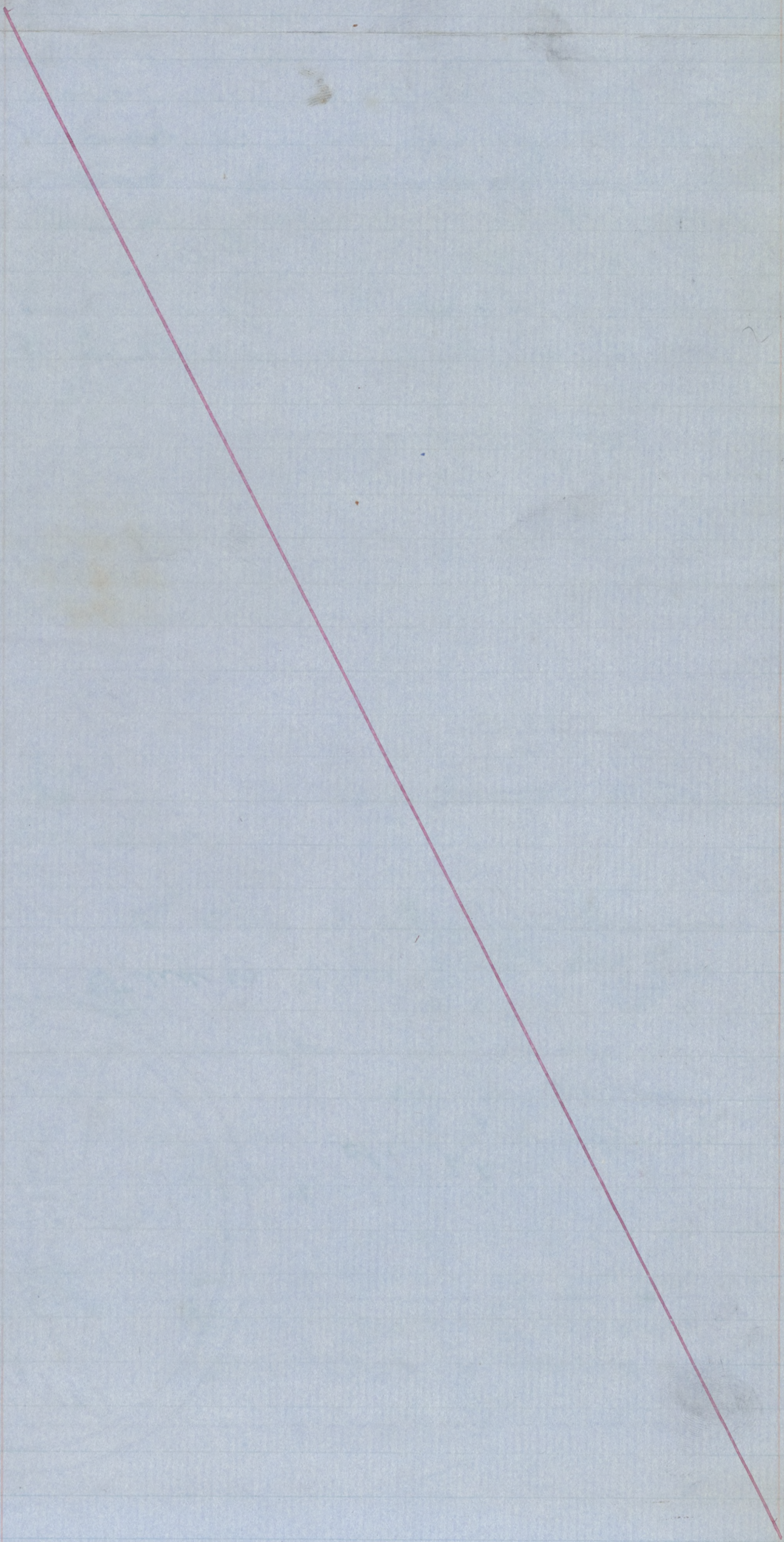
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PAGE 23

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





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25  
Hundred Office Feb 8. 1853

Geo. Fisher  
Secy.

Exhibit 221  
Translation  
of  
Esposicion

To His Excellency the Gov. of California

I Michael White a Mexican by naturalization, married and with children in the country, appear before your Excy. with the proper respect and in the best form in law and say; that having some stock and being under the necessity of taking care of it, as also of cultivating the land for the maintenance of my family, I am obliged to ask the favor of your Excy. if you think it just, that you will be pleased to grant me as property a little more than one league at the mouth of the Cajon de Musepich of late called Cajon de los Mexicanos, as it is shown in the diseno which I have the honor herewith to present. This land which I ask is vacant and I do not know that it belongs to any community or person; besides it being the road by which the Indians enter and go out with stolen horses, as they have been doing for some time, if your Excy. thinks proper to grant it to me, it will create an obstacle to the Indians making incursions with the freedom which till now they have enjoyed - I having already, on two occasions, been successful in taking from them the horses they had stolen. In consideration of all which I ask and beseech you Excy. to be pleased to grant my petition; and if being just, I implore this favor and hope for it from the judgment of your Excy. protesting what is necessary &c. I ask your Excy. to admit this on common paper for want of the proper sealed in this place.

Angels 27<sup>th</sup> of February 1843.

At the request of Michael White  
Juan Bandini

Angels March 2<sup>d</sup> 1843

The Prefect of the 2<sup>d</sup> Dist. will report  
Michelt<sup>o</sup>

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PAGE 24



Excellent Sir

In obedience to the preceding Superior Decree I will inform your Excellency that the land which the naturalized citizen Michael White solicits at the mouth of the Cajon de Maseubian belongs to no community nor individual, but is vacant, and that there are reasons why it should be granted to him, wherefore this Prefecture is of opinion that it may be granted if it be your Excellency's pleasure, especially because the applicant binds himself to prevent as far as possible the robberies of horses which the Indians may carry on by this road as they have done heretofore. But notwithstanding what is said your Excellency will better determine according to your Superior will.

Angeles March 3<sup>d</sup> 1843.

J. Arguella

Angeles March 17<sup>th</sup> 1843.

Let the title be issued with the usual formalities

Michelt<sup>o</sup>

Angeles April 29<sup>th</sup> 1843.

In view of the petition with which this Esprovinante begins, the report of the Prefect of this 2<sup>d</sup> District and of all else made known and proper to be considered, in conformity with the laws and regulations on the subject, I declare the naturalized citizen Michael White owner in property of the place known by the name of Maseubianit of the extent of one league "de ganado mayor", a little more or less, bounded on the north by the foot of the mountains, on the south by the Agua Caliente and on the west by the cotton woods which are situated on the other side of the Arroyo called las Negras. Let the proper decree be issued, let it be recorded in the proper book, and let this Esprovinante be submitted to the Excellent Departmental Junta for its approbation. The citizen Manuel Micheltorrea Gov<sup>o</sup> Com<sup>o</sup> General and Inspector of the Department of



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The Californias thus ordered, decreed and signed

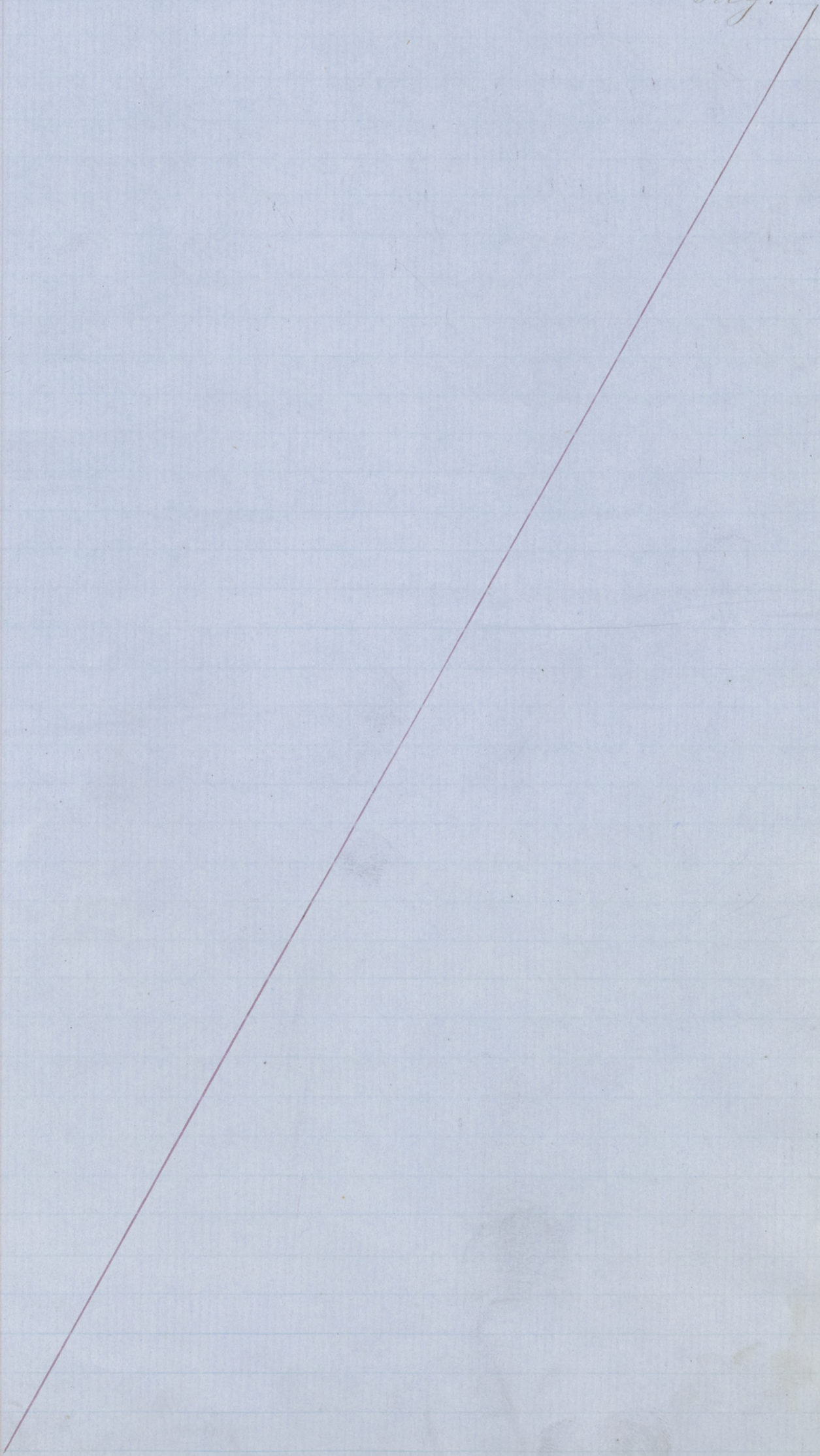
Mitchell

Filed in office July 8. 1853.

Geo: Fisher

Secy.

281 SD  
PAGE 26





Michael White

vs.

The United States

For a place called  
"Muscupiatec"  
in Los Angeles  
County containing  
one League

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PAGE 27

The claimant in this case has placed on file in support of his claim as proof in part, a traced copy of his copied title accompanied with a map of the place, and a grant issued by Governor Micheltorena bearing date the 29th. day of April 1843, the execution of which said grant is duly authenticated. No juridical measurement is proven, but the boundaries are satisfactorily established by the map and the testimony of the witnesses and that the place as described does not contain more than one league of land.

The claimant has also proven that he went into possession of the place in person with his family within the same year and built a large and strong log house and had his family in the house a part of the time, and that he built a corral, and took on the place a quantity of stock, hogs, and cattle and also set out a vineyard, and that he remained on the place about nine months, when all his stock was stolen and his crops destroyed by the Indians and he compelled to leave on account of Indian hostilities.

We are of the opinion that the claim of the petitioner is a valid one, and a decree of confirmation will be entered according to the prayer of the petition.

Confirmed

Filed in office March 6. 1855

Geo. Fisher

Clerk.



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Decree

Michael White

The United States

Copies

In this case on hearing the proofs and allegations it is adjudged by the commission that the claim of the petitioner is valid and it is therefore decreed that his application for a confirmation be allowed, with the following boundaries, to wit, on north and east by the foot of the mountains, on the south by the Agua Caliente, and on the west by the cottonwoods which are on the other side of the creek, reference being had to the map accompanying the Expediente

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PAGE 28

Alfonso Gilch

H. Aug. Thompson  
U. B. Farwell

Commissioners

Filed in office March 6. 1855

Geo. Fisher

Secy.



Order

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PAGE 29

And it appearing to the satisfaction of this 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 of the decisions in this case, and of the papers and evidence upon which the same are founded, be made out and duly certified by the Secretary, one of which transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California, and the other be transmitted to the Attorney General of the United States.



Office of the Board of Commissioners,

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

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PAGE 30

J. George Fisher

Secretary to

the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Thirty* pages, numbered from 1 to 30, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 561, on the Docket of the said Board, wherein

*Michael White is*

the Claimant against the United States, for the place known by the name of *Muscupriabe*

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

*Geo. Fisher*





281

U. S. DISTRICT COURT,  
*San Francisco* District of California.

No. 281.

THE UNITED STATES,

281

*Michael White*  
*Muscogee*

TRANSCRIPT OF THE RECORD  
FROM THE  
BOARD OF U. S. LAND COMMISSIONERS,  
In Case No. *561*

Filed, *Oct 4<sup>th</sup>* 185*5*  
*J. E. Love*  
*Clk*

281



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Office of the Attorney General of the United States,

Washington, 10. October, 1855.

561. "Muscupiale."

Michael White 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 15<sup>th</sup> day of September, 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cluding

Attorney General.



No. 281.

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

The United States  
applt.

vs.

Michael White.

Appeal Notice.

Filed Nov 20<sup>th</sup> 1855

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561





*Michael White, appellee.*  
*vs*

*The United States, Appellant.*

Docket No. 281.

561.  
Transcript No. ~~678~~

**TO THE HON. ISAAC S. K. OGIER, JUDGE:**

The Petitioner of **Pacificus Ord**, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 8<sup>th</sup> day of *February* — A. D. 1853, *Michael White*

presented a petition to the Commissioners to ascertain and settle the private land claims in the State of California, when sitting as a Board, claiming a tract of land called *Muscupicabe*

in the County of *San Bernardino* — State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 6<sup>th</sup> day of *March* — A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 4<sup>th</sup> day of *October* — A. D. 1855, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. ~~678~~ <sup>561</sup>; reference to which it is prayed may be had and made part of this petition. That on or about the 13<sup>th</sup> day of *September* — A. D. 1855, the Honorable *Caleb Cushing*, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and



evidence on which said decision was founded. That thereafter, to wit:  
on <sup>or about</sup> the 20<sup>th</sup> day of November A. D. 1855, the said  
Attorney-General of the United States filed, or caused to be filed, in  
behalf of the United States, a notice with the Clerk of said District  
Court of the United States, that the appeal in said cause from the said  
decision of the said Commissioners, in the District Court of the United  
States for the Southern District of California, would be prosecuted by the  
United States. Your petitioner further represents, that the land claimed,  
as aforesaid, is situate in the Southern District of California, and within  
the jurisdiction of this Honorable Court. Your petitioner further represents  
and insists, that the said claim is invalid; and the said decision of said  
Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for  
many errors and imperfections of law and evidence, apparent in said certified  
transcript of the proceedings and decisions of said Commissioners in said  
cause, filed and appealed from as aforesaid. And your petitioner denies all  
and singular, each and every allegation in the said petition of said claimant,  
presented as aforesaid to said Commissioners. And your petitioner further  
denies that the said claimant has any valid right or title to said land claimed  
as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said pe-  
tition to said Commissioners, or in support of the said claim, no decision con-  
firming the same should have been made by said Commissioners; but the



said claim should have been rejected by them. And the said claimant, having no valid right or title derived from the Spanish or Mexican Governments, to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest, and the Treaty of peace, friendship, limits and settlement, between the United States and the Republic of Mexico, made at the City of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the Act of Congress, entitled "An Act to ascertain and settle the Private Land Claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant, or his attorney may be served with a copy of this petition; and that this Honorable Court will review the said decision of said Commissioners, and reverse the same; and decide on the validity of the <sup>said claim,</sup> ~~same,~~ and decree the alleged title to be invalid: with costs and general relief.

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PAGE 35

J. P. M.

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



N. 281.

Filed this 5th January  
A.D. 1857  
C. Smith clerk  
J. W. Coleman  
Sep

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**United States of America,** } SS.  
**SOUTHERN DISTRICT OF CALIFORNIA.**

THE PRESIDENT OF THE UNITED STATES,

TO

*Michael White*

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PAGE 37

TAKE NOTICE, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *5th* day of *January* in the year of our Lord, one thousand eight hundred and fifty-*seven*, at the City and County of Los Angeles, in said District, by

GREETING :

*P. Ord U.S. atty. praying*  
*said Court to review the decision of the U. S.*  
*Board of Land Commissioners of the 6th*  
*March 1855 confirming your claims*  
*to the lands*  
*"Muscuprabe"*  
*in the County of San Bernardino*

and that you, and each of you, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs.

In witness whereof, I have hereunto set my hand, and affixed the Seal of the said Court, this *24th* day of *January*, in the year of our Lord, one thousand eight hundred and fifty-*seven*, at Los Angeles aforesaid.

Clerk.

*John S. Coleman*  
*et al*





No. 281

Marchal Court

Copy of Summons

Subj. same

Petition

40  
2.  
2.  
\$ 4. 40

UNITED STATES OF AMERICA,  
SOUTHERN DISTRICT OF CALIFORNIA.

U. S. DISTRICT COURT.

Michael White  
The Lady  
The United States

Return on Return this 5th  
March 1857

Edwards  
J. McColman

281 SD

PAGE

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SUMMONS.

Received feby 2d 1857

Edward Hunter

U.S. Marshal

Jr. W. L. Goodman  
Depty.

I served this Summons, along with the proper copy of the Petition, upon Michael White by delivering to him personally a true copy of same at Los Angeles, in the Southern District of California, on the 5th day of February, A. D. 1857.

Sworn to and subscribed before me, this

5th March A. D. 1857

Edwards  
J. McColman  
Clerk.

Edward Hunter  
U.S. Marshal.

Jr. W. L. Goodman  
Depty.



No-281,

In the District Court of the  
United States for the Southern  
District of California Los Angeles  
County State of California  
Before the Hon J. S. K. Ogier  
District Judge

Michael White }  
                  ads }  
The United State }

Transcript - 561

Answer in an appeal

The Appeller and Respondent  
Michael White for answer to  
the petition filed in this Cause  
says that it is true that the  
Land mentioned in said petition  
and in said Transcript of the  
proceeding before the said board  
of Commissioners lies within said  
Southern District of California  
and is within the jurisdiction  
of this Honorable Court but  
that the Appeller and Respondent  
deny that his title to said land  
is invalid and avers that the  
same is valid and he prays  
judgment that his title be  
declared valid and a decree  
of Confirmation of the <sup>Said Claim</sup> ~~same~~



be adjudged and for further  
and general relief

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PAGE 40

K. M. Summerville  
Atty for  
Michael White



281

District Court of  
the United States

Michael White

v

The United States

281 SD

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Answer

Filed this 14th March  
A.D. 1857

C. S. S. clerk  
J. H. Coleman  
Dep.

K. H. Simms  
1857



In the Dist Court of the U.S. for the  
Southern Dist of Cal. Monterey June Term  
1857. Hon. J. S. K. Ogden Judge.

Michael White

appellee

N<sup>o</sup>. 281.

vs.  
The United States.

Trans. N<sup>o</sup>. 561.

Appellant.

On Motion of P. O. K. atty of the U States  
for the said Dist. & on suggestion to the  
Court that it is not the intention of the  
U States to prosecute further the appeal  
in the above cause, it is ordered by  
the Court that the appeal in the said  
cause be dismissed, & that the claimants  
have leave to proceed upon the decree  
of the Commissioners heretofore rendered,  
as a final decree.

Charles H. Ogden  
U.S. District Judge



No. 281

Michael White  
vs  
The U States  
Dismissal of appeal

Copy

Filed June 17  
A. T. Hays  
Spt. Clk

281 SD  
PAGE 43



California Land Claims.  
Attorney General's Office  
28 Jan'y 1857.

Sir: In the case of the claim of  
Michael White, confirmed to the  
claimant by the Commissioner, case  
no. five hundred and sixty-one (561),  
appeal will not be prosecuted by  
the United States.

I am,

Respectfully,

Cushing

Placiano Ord Esq  
U. S. Attorney  
Los Angeles.



No 281

↓  
Paid 4th March 1858  
for 8th June 1857  
to Lewis clerk  
J. H. Coleman  
Dep

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