

CASE No.  
287

SOUTHERN DISTRICT

LA BREA GRANT

ANTONIA ROCHA, ET AL

CLAIMANT

Microfilm

SD

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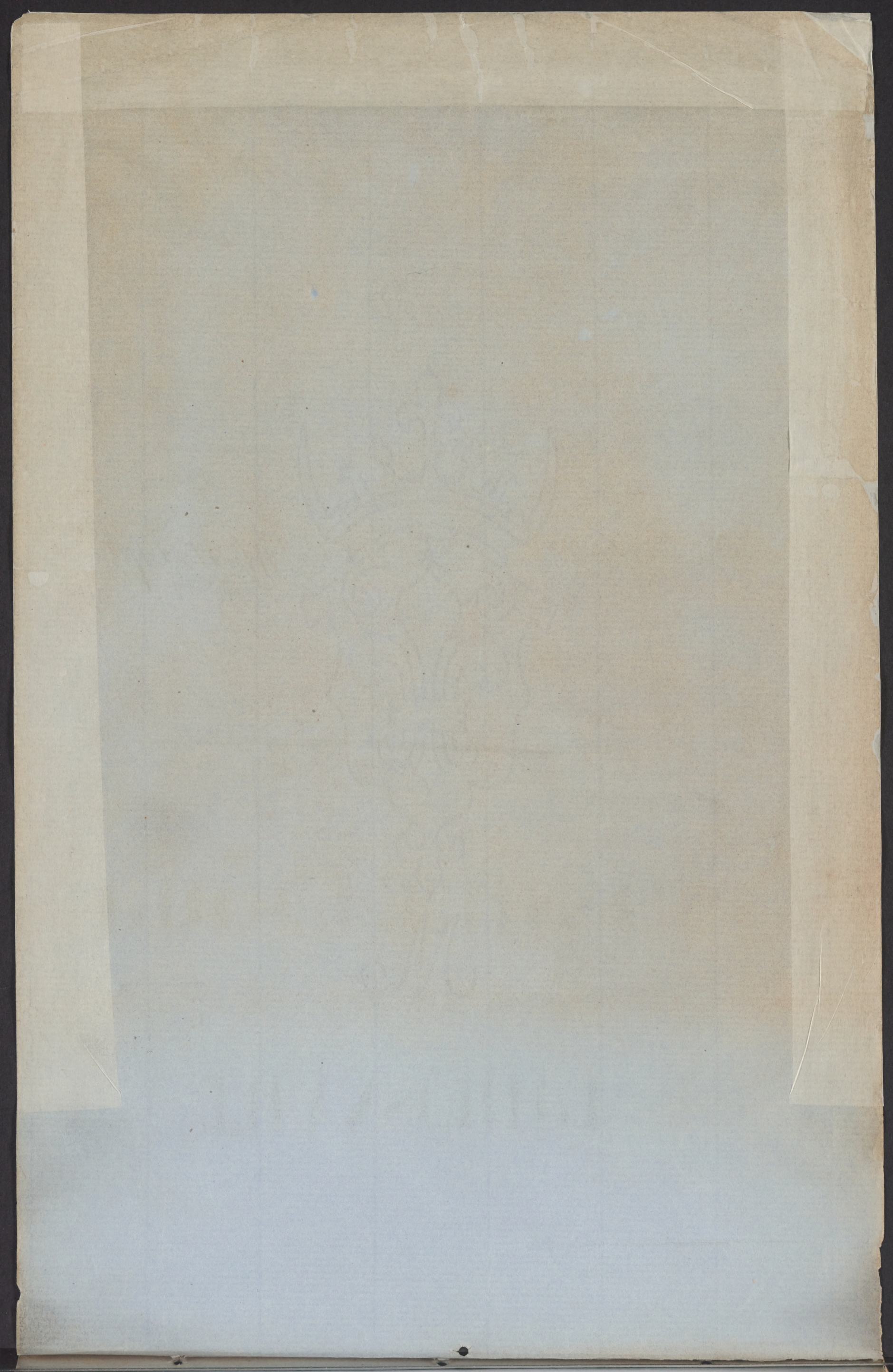
LAND CASE 287 SD 140 pgs.

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# TRANSCRIPT

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PAGE 1

OF THE

# PROCEEDINGS

IN CASE

NO. 487

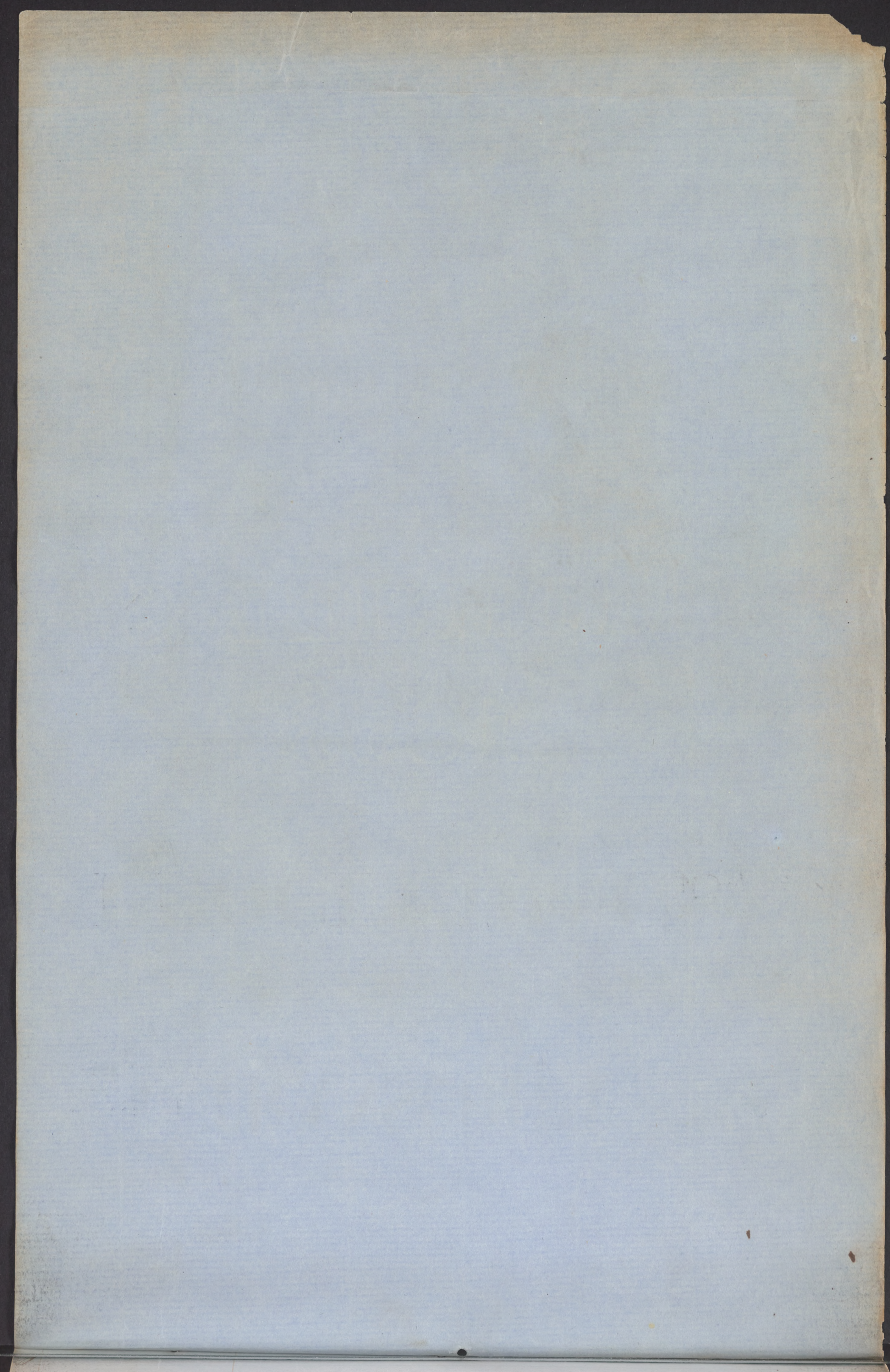
*Antonio Rocha, et al,* CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*La Brea*



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 *fifteenth day of November*, Anno Domini One Thousand Eight Hundred and Fifty-*two*, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of *Antonio Rocha et al;* *for the Place named*  
*"La Brea"*  
was presented, and ordered to be filed and docketed with No. 487 and is as follows, to wit;

(Vide page 3 of this Transcript.)

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

*Los Angeles November 15 1852*  
In Case no. 487, *Antonio Rocha et al;* for the place named "La Brea," the deposition of *Abel Stearns*, a witness in behalf of the claimants, taken before Commissioner *Island Hall*, was filed;

(Vide page 7 of this Transcript.)

*San Francisco December 13 1852.*  
In the same case the deposition of *José Antonio Canillo*, a witness in behalf of the claimants, taken before Commissioner *Island Hall*, with document marked *N. H. no. 1*, and translation thereof, annexed thereto, was filed;

(Vide page 9 of this Transcript.)

*San Francisco December 5 1854.*  
Case no. 487 was ordered to be placed at the foot of the 3<sup>rd</sup> class cases on the Trial Docket.

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San Francisco December 19<sup>th</sup> 1854.  
Case no. 487 was submitted under the Rule of 21<sup>st</sup>  
March 1854.

San Francisco March 6<sup>th</sup> 1855.

In the same case Commissioner S. B. Farwell  
delivered the Opinion of the Board rejecting the  
claim:

(Vide page 19 of this Transcript)

and the following order was made, to wit:

(Vide page 21 of this Transcript)

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S:



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Petition

To the Honorable  
The United States Land Com-  
missioners for ascertaining and settling  
Private Land claims in California.

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Your Petitioner Antonio Jose Rocha  
for himself and Jose Jorge Rocha and  
Josefa de la Merced Jordan residents  
of Los Angeles County State of California  
respectfully represents That they claim  
to owners in fee simple of the lands called  
"La Brea" situate in the county aforesaid  
and containing one square league more or  
less That in the year 1828 the father  
of your Petitioner and Jose Jorge, and  
grandfather of said Josefa de la Merced  
joined with Nemesis Dominguez in a Pe-  
tition to the proper authority of the  
Pueblo of Los Angeles for grant to them  
jointly in fee of the said lands of La  
Brea all parties believing the same to  
have belonged to the said Pueblo, lying  
within its limits and that consequently  
grant thereof was made in fee to said  
petitioners, by the proper Officer Jose  
Antonio Carrillo by decree dated April 8<sup>th</sup>  
1828. That the father of your Petitioner  
died several years since leaving two  
sons your petitioner and Jose Jorge and  
one daughter Maria Timotea Rocha, who  
died after marriage leaving the said dau-  
ghter Josefa. That the mother of your  
petitioner died before his fathers decease -  
That the said Nemesis Dominguez sold  
to your petitioner all his interest in said  
lands

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lands by deed of conveyance bearing date October 21<sup>st</sup> AD 1852. Said lands are bounded and described as follows - On the South by the Rancho of Samario Abila On the East by the lands of the city of Los Angeles on the North by the Rancho called "Los Pinos" and on the West by the Rancho of Ricardo Vexar and Pita Villa. Your Petitioner is in doubt whether all of the within described lands of La Brea lie within the ancient limits of the said Pueblo although it was always heretofore believed that the same pertained to said Pueblo, and the said Grant was always respected by all the authorities of California from the year in which said grant was made until the present time. That from the time of the grant said lands have been occupied by said grantees or their legal representatives until the present time being occupied by horse corral and cattle the lands not admitting of cultivation being fit only for pasturage. There is no interfering claim nor have the lands aforesaid been surveyed by the United States Surveyor General for California.

Your Petitioner prays Your Hon<sup>ble</sup> Board that if it should result, that a part of the whole of said lands lie without the limits of said Pueblo in consideration of the long and continued occupation and the respect paid thereto by all authorities of the country, you will be pleased to confirm to him and those he represents in his petition their due proportion to said lands -

Yrs

5  
We file herewith a copy of said grant  
marked A; with a true translation marked  
B, and copy of the deed of conveyance  
marked C, aforesaid upon which he relies  
in support of his claim, and he will rely  
upon such further documentary and parole  
evidence as may be thought necessary. And  
he prays for confirmation of title in property  
and possession of the lands of La Brea aforesaid  
to him the undivided four sixth parts  
thereof, and to the said Jose Jorge and  
Josefa the other two sixths in equal undivided  
parts.

And as in duty bound &c

Los Angeles, Nov. 15<sup>th</sup> 1852

(Signed) Scott & Cranger  
Atty for Petitioner

Filed in Office November 15<sup>th</sup> 1852

(Signed) Geo. Fisher  
Clerk

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7  
Los Angeles. Nov. 13<sup>th</sup> 1832.

Deposition  
of  
Abel Stearns

On this day before Com<sup>r</sup> Meland Hall  
came Abel Stearns a Witness in behalf  
of the Claimant - Antonio Rocha et al  
Petition N<sup>o</sup> 487 and was duly sworn  
his evidence being given in English

The U S Associate Saw Agent was  
present.

In answer to questions by Counsel  
for the Claimant - the Witness testified as  
follows.

My name is Abel Stearns my  
age is fifty four years and I reside  
in Los Angeles

I know the Rancho called La Brea  
It is about two and a half leagues in  
a Western direction from the City. I  
have known the place ever since about  
the years 1833 or 1834. When I first  
knew the place it was occupied by  
Antonio Jose Rocha and afterwards  
by his heirs. He had a thousand  
or fifteen hundred head of cattle on  
the place a portion of the time - there  
was a house on the place which was  
inhabited and also corals; It has  
been occupied by the family and the  
sons of said Antonio Jose Rocha are  
now occupying it - I believe his only  
ascendants now living are Antonio Jose  
Rocha and Jose Jorge Rocha, two sons,  
and Josefa de la Merced Jordan a  
grand daughter

(Signed) Abel Stearns

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Sworn and Subscribed  
Before me

(Signed) Meland Hall  
Commr.

Filed in Office November 13<sup>th</sup> 1852.

(Signed) Geo. Herbert  
Jury

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Deposition  
of  
Jose Ant<sup>o</sup> Carrillo

Los Angeles, Nov. 23<sup>o</sup> 1852

On this day before Com<sup>o</sup> Michael Hall came Jose Antonio Carrillo a Witness in behalf of the Claimant Antonio Rocha or as Petition N<sup>o</sup> 487 and was duly sworn his evidence being interpreted by the Secretary

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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 Jose Antonio Carrillo my age is fifty seven years and I reside in Los Angeles.

A paper is now shown me purporting to be a permission to occupy land given to Antonio Jose Rocha and Nemesia Dominguez dated April 8. 1828. My own genuine signature is on said paper and was placed there at the date to which it is appended. I was at the time first Alcalde and Judge of the First Instance. The Petition was presented to me in person by Rocha and Dominguez who acknowledged their signatures that of Dominguez being a cross. The whole paper is a genuine official document and what it purports to be - I was President of the Ayuntamiento and the paper was executed by me with their approbation

approbation after consulting them. The land mentioned in the paper was at the time considered as belonging to the town. Now it is now I do not know. Rocha and Dominguez immediately occupied the land and Phelipe have continued occupying it to the present time. Dominguez has left the place and the present occupants are the children of Jose Antonio Rocha. Whether they occupy in person or by their agents and servants I cannot say. It is recognized as their property. Said paper is hereto annexed and marked Y. H. N. 1

Questions by the Associate Law Agent  
Before the occupancy of the land by Rocha and Dominguez it was occupied by the town of San Angelis. No person lived on it. When the land was lent to Rocha and Dominguez it was not occupied by Nepomaceno Alvarado nor any one else. It belonged to the town. Dominguez has left this land and has gone to another rancho. I do not know that any other grant of this land has been made to these persons.

(signed) Jose Ant<sup>o</sup> Carrillo

Sworn and Subscribed

Before me

Ysidro Hall  
Clerk

Filed in Office December 13<sup>th</sup> 1859.

(signed) Geo. Fisher

Deputy



1. //

M. J. A.

Pueblo de los Angeles  
8 de Abril de 1828.

Los interesados en esta instancia pueden formular sus corrales agraciar sus bienes haber sus labores en los terrenos que solo los señalado en la viola y en sus terminos y circunstancias que lo han hecho regular para la eria q. solicitan los señores Ciudadanos de la beneficencia de V. S. se dignen que han sabido esta gracia, responsables al ciudadano, se solo de dar parte de los exesos q. estan en su Demora en un.

Los ciudadanos Antonio Jose Rocha y Nemesio Dominguez, radicados en este pueblo ante la Comisaria de V. S. hacen presente: que siendo preciso poner un pie de granulo q. en alguna parte les ayude a las necesidades de la viola y en sus terminos y circunstancias que lo han hecho regular para la eria q. solicitan los señores Ciudadanos de la beneficencia de V. S. se dignen aconsejarles el parage nombrado el Rancho de la Brea que ocupaba anteriormente Neposumo Albarado con la calidad de interior y en cuya virtud lo solicitan permitiendose les a los que representan poder poner el corral necesario y casa para cuidar del numero de cuatrocientas caberas que dichos individuos poseen.

Carrillo.  
del numero de cuatrocientas caberas que dichos individuos poseen.

Solicitan poder poner el corral necesario y casa para cuidar del numero de cuatrocientas caberas que dichos individuos poseen. Por tanto

A. V. S. Suplican se dignen proveer como piden en q. recibiran gracia. 2º

Pueblo de los Angeles.  
Enero 6 de 1828.

Antonio Jose Rocha. Nemesio Dominguez.

Filed in Office. Dec 13<sup>th</sup>. 1859.

Geo. Fisher. Sec.

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Translation of  
Grant.

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Most Illustrious Ayuntamiento  
Citizen Antonio Jose  
Rocha and Nemesio Dominguez established  
in this town, before the well known integrity  
of Your Honors represent, That being under  
necessity to place the rudiment of a stock  
of cattle that in some part may assist them  
to the comforts of life, and being in need  
for the end indicated of a tract of land on  
which they may immediately depend with reg-  
ular security for the increasing of stock they  
solicit of the beneficence of Your Honors to  
deign to grant them the place called the  
Rancho de la Brea (bitumen) which Nepomencio  
Alvarado formerly occupied in a provisional  
manner by reason whereof they solicit it to  
be permitted to these petitioners to build the  
necessary corral and house to the care of  
the number of Four Hundred head of  
cattle which both individuals possess,

Wherefore they supplicate of Your Honor  
to deign to grant it as prayed whereby they  
shall receive favor &c

Town of Los Angeles January 6<sup>th</sup> 1828.

(Signed) Antonio Rocha. (Signed) Nemesio Dominguez +

Town of Los Angeles 8<sup>th</sup> of April 1828

The parties interested in this petition can  
build their corrals place their stock, make  
their fields in the lands which they have  
signified on the same terms conditions and  
circumstances as the other citizens have done  
who have received such a favor being respon-  
-sible

AH

- sible for care and only to report any crime  
which they may notice within their boundaries  
Carrillo

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Filed in Office Nov. 15<sup>th</sup> 1852

(signed) Geo. Fisher  
Sey

1.15-

Copy of Decree of  
Conveyance.

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Este Documento hecho en los Angeles a los veinte y uno dias del mes de Octubre de mil ochocientos cuarenta y dos entre Nemesio Dominguez de Santa Barbara de la parte primera y Antonio Procha de los Angeles de la parte segunda hace constar: que el de la parte primera en consideracion de un caso que se le otio en el auto de otorgar la presente por el de la parte segunda y en consideracion de varios otros motivos ha otorgado, cedido y traspasado y por estas presentas da, cede y traspasa a don Antonio Procha de la dicha parte segunda todo el derecho, titulo, recurso, uso y accion de dicho Nemesio Dominguez en el rancho conocido con el nombre de la Breca situado como al Poniente de la Ciudad de los Angeles, cuyo rancho se concedio en el año de 1828 al finado Don Procha ya dicho Nemesio Dominguez.

Y se esteude este documento o compare de la parte primera de sus albaceas, herederos y de quienes demas representen su persona, y a favor del de la parte segunda sus herederos y quienes se representen.

Y para constancia por al pie de estas mis firmas y un sello que reconozco en el día que arriba consta.

Festigos.

Las voces "Santa Barbara" y dicho punto se hallan tachadas no valen y las voces los Angeles y Sta. Barbara subrayadas valen.

Nemesio<sup>da</sup> Dominguez.  
Cruz F.

Eugene Fied.  
Casimiro Laro.

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Handwritten scribbles and marks on the left margin.

Faint, illegible markings or smudges on the right side of the page.

Faint, illegible markings or smudges in the lower-left quadrant.



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Translation  
of  
Deed of Convey-  
-ance.

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This document made in Los Angeles the 21<sup>st</sup> day of the Month of October 1852. Between Nemecio Dominguez of Santa Barbara of the first part and Antonio Rocha of Los Angeles of the second part represents that the party of the first part in consideration of One dollar which was given him in the delivery of these presents by the party of the second part and in consideration of various other reasons has given granted and transferred and by these presents doth give grant and transfer to Don Antonio Rocha of the second part all the right and title, recourse word, and action of the said Nemecio Dominguez on the place known by the name of the "San Brea" situated to the West of the City of Los Angeles which place was granted in the year 1828 to the late Jose Antonio Rocha and to the said Nemecio Dominguez and this document is extended in the name of the party of the first part. His Administrators, heirs and whomsoever may represent his person and in favor of the party of the second part his heirs and whomsoever may represent them and to perpetuate it I have placed in the foot of these presents my signature and a seal which I use on the day that above appears.

(Signed) Nemecio <sup>his</sup> Dominguez <sup>mark</sup>

Witnesses

The words, "Santa Barbara" and "dicho Puento" are marked out and of no value and the words "Los Angeles" and "Santa Barbara" interlined are of value, (Sgd) Eugenio Luis  
(Sgd) Casimira Lora

see  
Ls  
mark

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Filed in Office November, 13<sup>th</sup> 1852  
(Signed) Geo. Fisher  
Secy.

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48) Antonio José Rocha et al. } Claim for a place  
 vs } called "La Brea"  
 The United States } in the County of Los  
 Angeles.

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Opinion by  
 Commissioner  
 J. W. Farwell

The present claimants claim title to the place in question as heirs and assignees from Antonio José Rocha and Mercedes Dominguez, and the said Rocha and Dominguez claimed by virtue of a grant issued by José Antonio Carillo Alcalde of the Los Angeles District bearing date the 8<sup>th</sup> day of April 1838. There is no amount of land specified in the grant nor any line established, and no description whatever excepting the name and that was the same place once occupied by one Beponusino Alvarado, and nothing now appears by the testimony as to the description amount, or locality except that one of the witnesses swears that it is about two and a half leagues in an easterly direction from the City of Los Angeles. We are therefore of the opinion that the claim is invalid and a decree will be entered accordingly.

Rejected

Filed in Office March 6, 1855  
 Geo. Fisher

Sec

485

Antonio José Rochas et al. }

vs  
The United States }

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

Alphens Pelch

R. Aug Thompson,

L. B. Farwell,  
CommissionersFiled in Office March 6, 1855,  
Geo. Fisher Sec.

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Order.

And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California this 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.

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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 *Twenty one* pages, numbered from 1 to *21*, 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. *487* on the Docket of the said Board, wherein

*Antonio Rocha, et al,* are the Claimant against the United States, for the place known by the name of "*La Brea*"



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-eight*th.

*Geo. Fisher*  
*Geo. Fisher*

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U. S. DISTRICT COURT,

*Southern* District of California.

No. 287.

THE UNITED STATES,

vs.

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*Antonio Rocha, et al.*

*"La Brea"*

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 487.

Filed, *Oct. 16<sup>th</sup>* 1855.

*J. E. Carr  
Clerk*

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

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Antonio Jose Rocha,  
Jose Jorge Rocha, and  
Josefa de la Merced Rocha

Appellants

vs

The United States

Appellees.

Case No 287.

Transcript 487.

"La Brea".

Appeal from the decision of the  
Board of Commissioners to ascertain and  
settle the private land claims in the State  
of California, taken on the 4<sup>th</sup> day of Octo-  
ber, 1855, by the said Board having filed with  
the Clerk of the above Court a certified Tran-  
script of their proceedings and decision in  
the said cause, and of the papers and evi-  
dence upon which the same are founded -  
Said cause being No 487 on the Docket of  
the said Board.

Notice is hereby given that An-  
tonio Jose Rocha, Jose Jorge Rocha, and Jo-  
sefa de la Merced Rocha, Appellants in the  
above entitled cause, and Claimants  
before the said Board in a Claim for a  
tract of Land, called "La Brea", situate in  
the Southern District of California, filed  
before said Board on the 15<sup>th</sup> day of Novem-  
ber 1852, and being No 487 on its Docket,  
will prosecute the appeal herein from the

Final Judgment of Said Board, entered  
on the 5<sup>th</sup> day of March, 1855, against Said  
Claimants and Appellants.

J. R. Scott  
Attorney for Appellant.

Case No 287

U. S. Dist. Court Southern  
District of California

Antonio S. Rocha

Appellant

vs

The United States

Appellee

Notice of Appeal.

Filed Dec. 15<sup>th</sup> 1855

J. B. Canons

J. W. Scott

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J. R. Scott, Atty's Atty



In the United States Dist Court, Southern District of  
California -

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Antonio José Rocha  
José Jorge Rocha &  
Josefa de la Merced Rocha

Appellants

vs

The United States

Appellees

Case No 287

Transcript No 487

"La Brea"

On motion of Jonathan R. Scott, Attorney  
for Appellants, it is by the Court -

Ordered - That further testimony may  
be taken in the above cause by either party.

Case n<sup>o</sup> 287.  
U.S. Dist. Court, Southern  
District of California

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Ant<sup>o</sup> J. Rocha et al.  
Appellants

<sup>vs</sup>  
The United States  
Appellees.

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Order for further testimony

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Filed Oct 24<sup>th</sup> 1855  
O. E. Canwell  
By J. W. Rindick

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United States District Court  
Southern District of California

Antonia Rocha et al  
Appellants } no 287 Dist Court  
vs } Le Bray  
The United States } no 487 Land Commission  
Appellee }

To J R Scott Esq  
Att'y for Appellants  
Sir

You will take  
notice that on the 7<sup>th</sup> Inst a motion  
was filed in said Court on behalf  
of the Appellee to dismiss the above  
entitled cause from the docket  
for want of prosecution and  
that by order of the Court the  
same will be heard on Thursday  
20<sup>th</sup> January 1859

J W Gitchell  
U S Dist Atty

U S Atty's office  
Dec 15<sup>th</sup> 1858

I served the within notice on T. R. Scott  
by giving him a copy of the same personally  
on Dec. 17<sup>th</sup> 1858 in the City of Los Angeles  
James C. Penne  
U. S. Marshal for the  
South<sup>n</sup> Dist of California

Nov 28 89

U S Dist Court  
Southern Dist of California

Antonio Rocha et al  
app'ts

vs  
The United States  
app'ee

Notice of Motion to dismiss

Filed Dec 15 1858.

J. Sims. Clerk.  
for W. W. Watson,  
App't.

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

Antonio Jose Rocha et al. } Case N<sup>o</sup> 287.  
Appellants }  
by } "La Brea"  
The United States }  
Appellees. } Transcript N<sup>o</sup> 487.

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PAGE

To/

The Hon. Isaac S. K. Ogier, Judge of the  
District Court of the United States  
for the Southern District of Cali-  
fornia,

The Petition of the Appellants in this  
Case respectfully represents unto Your Honor,  
That they claim as owners, a certain tract  
of land situate in the present County of Los  
Angeles, known as "La Brea", under and by  
virtue of a Grant thereof by the Ayuntamiento  
of the Pueblo of Los Angeles of date April  
8, 1828, and of long and peaceable occupation  
since said date.

That said lands are situate in the South-  
ern District of California, and within the  
jurisdiction of Your Hon. Court.

That Your Petitioners, on the 15<sup>th</sup> day of  
November 1832, filed before the United States  
Board of Land Commissioners to ascertain  
and settle the private land claims in the  
State of California, while sitting as a Board,  
their Petition, praying for a confirma-  
tion of their claim to said lands, together

with documentary and perol evidence in support of the same; to which Petition and Evidence the Appellants hereby refer for a further description of said lands.

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That thereafter, on the 5<sup>th</sup> day of March 1835, the said Board rendered its final decision in said case, the same being numbered 487 on its Docket, rejecting the said claim of the Petitioners and adjudging the same to be invalid.

That thereafter, on the 4<sup>th</sup> day of October 1835, an appeal was taken from said Decision of said Board to Your Hon. Court, by the said Board causing to be filed on that day, in the office of the Clerk of said Court a certified Transcript of their Proceedings and Decision in said case, and of the Papers and Evidence on which said Decision was founded; all of which Transcript the Appellants hereby refer to, and pray to make the same a part of this their Petition.

That thereafter on the 15<sup>th</sup> day of October 1835, and within six months after the filing of said Transcript, the Appellants filed in said Clerk's Office a notice of their intention to prosecute said Appeal.

Wherefore, the Appellants now come, and averring that their said claim is good and valid, and that said Decision rejecting the same is erroneous, pray Your Hon. Court to review the Proceedings and Decision of said Board in this case, and that said Decision may be, by the Judgment of this Court, in all things reversed, and

that the title of the Appellants to said lands  
of "La Brea" may be decreed to be valid and  
confirmed to them, and for such other &  
further or general relief as shall be agree-  
ble to Equity and good Conscience, or the na-  
ture of the Case shall require

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Robt J. Plauder  
Appellants Atty

I hereby certify that I served the within  
Petition on J. R. Gitchell U. S. Atty by giving  
him personally a copy of the same on Jan<sup>14</sup><sup>th</sup>  
1859 in the City of Los Angeles

James C. Peunio  
U. S. Marshal

Case No 287  
U. S. Dist Court, South  
Dist of California

Ant: Jane Roche et al.  
Appellants  
by  
The United States  
Appellees.

Petition for Review.

Filed again 20. 1859  
J. R. Gitchell, U. S. Atty.

U. S. Dist Court

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Cate & Lander



United States District Court  
Southern District of California

Antonia Jose Rocha et al } Appeal from the Land Commission  
vs } docket No 287  
The United States } No 487 S C  
Appellee }

Now comes J P Mitchell  
attorney for the United States for the  
Southern District of California, and  
for and in behalf of the United States  
for answer to the petition of Antonia Jose  
Rocha et al for review of decision of Land  
Commissioners - says that he denies all and  
singular each and every allegation in said  
petition contained, and farther this  
respondent denies generally the validity  
of the alleged title of the claimants to  
the lands claimed by them, or that a  
grant ever issued to them for the land claimed.

And the said respondent prays that  
this Hon<sup>ble</sup> Court will affirm the decision  
of the said United States Land Commissioners  
in said case and decree the said alleged  
title to be invalid. And for general relief

J P Mitchell  
Atty for the US for the  
Southern Dist of California

No 287

Antonio Jose Rocha et al

at

The United States

---

Answer

Filed Jan 27. 1859  
for W. H. Stetson  
D. Sims Clerk  
D. J. H. D. J.

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PAGE 32

19  
J. Mitchell  
u. et al



U S District Court  
Southern District of  
California

287 SD  
PAGE 33

no  
287

Antonia J Rocha Etal )  
is Appellant )  
The United States }

Now on this day comes  
the United States by J H Mitchell  
U S District Attorney and the  
appellant failing to appear  
either in person or by attorney  
on motion of Mitchell U  
S District attorney, it is ordered  
adjudged and decreed that this  
cause be and the same is hereby  
dismissed for want of prosecution  
and that the decree of the U S  
Board of land commissioners stand  
as a final decree

James K Ogden  
U S District Judge

No  
287

W D Just Court

Aut<sup>r</sup> J Rocha et al  
vs  
The United States

Decree of Dismissal

No 287

J Rocha  
vs  
U States

Decree of dis-  
missal

Filed this 8<sup>th</sup> Augt  
1860.

Chins  
CR

287 SD  
PAGE 34

Jose Antonio Roche et al. }  
Appellants } R. 287  
vs }  
The United States Appellee }

United States Dist. Court  
for the Southern Dist of Cal<sup>a</sup>

To Col. J. E. Gitchell  
U. S. Dist. Atty. for the above  
named Dist

Sir

You will  
please take notice that the  
undersigned will move this  
Hon. Court for leave to file  
a Bill of Review in the above  
entitled cause

Respy Yours  
Henry Hancock Attorney for  
Appellants

Service of the above acknowl-  
-edged on this 22<sup>d</sup> day of July 1861

J. E. Gitchell  
U. S. Dist Atty

No 284

U. S. Dist Court  
South Dist of Cal

In and against Roche et al

United States

Notice of motion for leave  
to file bill of review

Filed July 22<sup>nd</sup> 1861  
J. L. M. Clerk  
John Wheeler Secy

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PAGE 36

*[Faint handwritten notes in the left margin, including the word "Motion"]*

*[Extensive handwritten notes in the right margin, including the name "James C. ..."]*

Jose Antonio Rocha et al. }  
 Appellants } n<sup>o</sup> 287  
 vs }  
 The United States }  
 Appellee }

United States Dist Court for  
 the Southern Dist of Cal<sup>a</sup>

To Officers of same  
 Gentlemen

You will  
 please take notice that  
 the undersigned hereby files  
 information of his appearance  
 as attorney for appellants  
 in the above entitled cause

Henry Hancock

Service acknowledged on this 22<sup>d</sup>  
 day of July 1861

J. P. Mitchell  
 U.S. Dist. Atty

No 287

U.S. Dist Court  
Smith Dist of Cal

Jno Ault Rochester

vs

United States

notice of appearance of  
attorney

Filed July 22 1861

J. L. [unclear]  
[unclear]

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PAGE 38

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SD

*[Faint handwritten notes on the left side of the page]*

17

*[Faint handwritten notes on the right side of the page]*



287 SD  
PAGE 39

Angl. Abil 14 de  
1840.  
Ynforme el  
Sr. Juez 2º de  
Paz de esta lin-  
-dad, sobre el  
contenido en  
esta instancia  
con respecto  
a la solicitam-  
-te, y vudra  
a esta Pre-  
-fectura, pº  
sus ulteriores  
tramites.

Tapia  
Narciso Botello  
Srno.

Sr. Prefecto de este Distrito,  
Maria Josefa Alvarado  
de esta vecinidad y viuded del finado An-  
tonio Rocha, ante V. S. con el debido res-  
-pecto me presento y digo: Que desde  
el año de veinte y seis le fue concedido  
provisionalmente a mi finado marido,  
el parage que apereze en el adjunto  
diseño conocido con el nombre de  
la Perea, distante de esta Ciudad como  
dos leguas desde cuya fha. ha estado  
cubierto con ganado y caballada, y due-  
-ando asegurar la subsistencia de mi  
numerosa familia, suplico a V. S. se  
sirva concederme la propiedad de  
dicho sitio mandando se me di  
la correspondiente posesion de el, cuyo  
paraje se haya contiguo al nombrado,  
roder de las aguas que pose en actual-  
-mente los Sres. Vezares: Por tanto  
A. V. S. Rendidamente pido asido a esta  
mi solicitud decretandola de conformi-  
-dad, pues en ella resivire gracia y  
justicia que imploro, Jurando no  
proceder de malicia y lo necesario.  
Dignandose admitir esta en papel comun  
por no haver del que corresponde  
Ciudad de los Angeles Abril 13. de 1840

Aruego de mi hermana Josefa  
Ygnas Ma. Alvarado.

Sr. Prefecto interino,

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PAGE 40

Para darle su cumpli-  
-ento al decreto superior marginal fha. 14  
del actual. Puse de haber hecho las  
aberiaguaciones que fueran necesarias, poré  
en compañía de dos testigos de asistencia  
d' reconocer el terreno del que se halla  
agregado el correspondiente diseño del  
paraje nombrado La Pira, y vi ser con-  
forme con la instancia é igualmente  
tener bienes suficientes con arreglo á  
ordenanza si V. S.ª tubiere á bien  
creer no hay obstaculo para que se  
le conceda á quien lo solicita.

Angeles Abril 28 de 1840. —

Juan B. Leandro.

Exmo. Sr. Gobernador.

La Prefectura de  
sete 2.º Distrito, impuesta de la instancia  
y el informe qe anteceden creé qe es de  
accederse á la solicitud de la interesada,  
si así fuere del Sup<sup>or</sup> agrado de V. E.,  
pues que á mas de tener la solicitante  
los bienes de campo suficientes p<sup>a</sup> cu-

brir el sitio q<sup>l</sup> se menciona, la viuda  
cargada de familia.

Ang<sup>l</sup>. Mayo 2 de 1840.

Tiburcio Tapia.  
Narciso Botello, Srío.

Ang<sup>l</sup>. Mayo 10 de 1840.

Conforme á lo dispuesto  
por el E. S. Gobernador, comunicado á  
esta Prefectura en nota de 27 de Abril  
ultimo, respecto á q<sup>l</sup> p<sup>a</sup> acuerdos de la  
E. Junta Departamental, quedan todos  
los parages concedidos por ranchos en  
esta Jurisdiccion, con el carácter de  
provisionales hasta q<sup>l</sup> se arreglen los  
segidos de la Com<sup>l</sup>, hize saber á la  
Sup<sup>or</sup> disposicion á la interesada en  
el presente expediente, y quedo im-  
puesta.

Tapia.  
Narciso Botello Srío

Office of the Surveyor General, }  
Of the United States, for California. }

287 SD  
PAGE 42

I, J. W. MANDEVILLE, Surveyor General of the United States for the State of California, and as such, having in my office, and in my charge and custody, a portion of the Archives of the former Spanish and Mexican Territory, or Department of Upper California, also the papers of the late Board of Commissioners to ascertain and settle the private land claims in California; by virtue of the power vested in me by law, I hereby Certify, that the ~~four~~<sup>and</sup> preceding, and hereunto annexed pages, of traced <sup>and written</sup> paper, numbered from one to ~~four~~ inclusive, exhibit a true, full, and correct copy of pages 164-165-166 & 167 of a Book entitled "Departmental State Papers, Angeles Miscellaneous. Vol. XII.", as the same appears on file among, and constitutes a portion of said Archives.

Keeper of Archives.

EXAMINED AND FOUND CORRECT.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this 8<sup>th</sup> day of October 1864

*J. W. Mandville* U. S. Surveyor General, for California.

No 287 SD  
487 Bd

Antonio Jose Rocha  
Appellants

<sup>vs</sup>  
The United States  
Appellee

Specimen of Expediente  
from Archives

Filed in office  
April 15, 1861

G. L. Nix  
clerk

287 SD  
PAGE 42<sup>A</sup>

33

H. Hancock Cop.

Senor Prefect of this District

I Maria Josefa Alvarado of this vicinity and widow of the deceased Antonio Rocha before your Excellency with due respect present myself and say that since the year 1826 there was ceded to my deceased husband provisionally the place which appears in the adjoined desenho known by the name of "La Brea" distant from this city about two leagues from which date it has been covered by cattle and horses, and desiring to secure subsistence for my numerous family, I supplicate your Excellency that you may serve me by ceding to me the property of the said sitio, commanding that there may be given me the corresponding possession of it which place is found contiguous to the one called Rodra de las Aguas which the Senors Bizaris actually occupy

Whereupon I ask that your Excellency may give it to me, according to this my request and directing in conformity, then in this I shall receive that grace and justice which I ask swearing that I do not proceed of malice but of necessity

That you may admit this on common paper for not having that <sup>on</sup> which it should be made

City of Los Angeles April 13<sup>th</sup> 1840

Signing for my sister Josefa

Ignacio M<sup>a</sup> Alvarado

Angeles April 14 1840

The 2<sup>d</sup> Justice of the Peace of this city will inform upon what is contained in this petition, and with respect to the solicitant and return it to this prefectura for future proceedings.

Japia  
Narciso Botello  
Secretary

Senor Prefect

In order to comply with the <sup>Superior</sup> marginal decree of the 14<sup>th</sup> inst, after having performed the necessary requisites, I went with two witnesses of ~~assistance~~ assistance to examine the land which is shown in the annexed Deseño of "La Brea" and see that it is in conformity with the petition and that she has the stock required by ordinance to cover it. If your Excellency shall deem it well I believe there is no obstacle in the way of ceding it to her who solicits it.

Angeles April 28 1840

Juan B. Seandry

Excellent Senor Governour

The Prefectural of this 2<sup>d</sup> District being

N<sup>o</sup> 287

Antonio J. Roche  
vs et al.

The United States

Translation of  
Expenditures filed  
on the 15<sup>th</sup> of April  
1861

Filed March 24<sup>th</sup>  
1864

Geo. O. Wheeler  
Clerk

by Geo. B. Van Ness  
Dep. Clerk

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PAGE 45

*[Faint, mostly illegible handwritten text in cursive script, likely bleed-through from the reverse side of the page.]*



informed of the petition and the preceding information, believes that the request of the petitioner may be granted the interested party, if thus should be ~~your~~ <sup>the</sup> superior pleasure of your Excellency, ~~and besides~~ and the petitioner besides having a sufficient number of cattle to cover the tract mentioned is a widow encharged with a family

Angles May 2 1840

Siburcio Tapia

Narciso Botello Secretary

Angles May 10 1840

In conformity with the disposition of his Excellency the Senior Governor Communicated to this Department Prefecture in note of the 27<sup>th</sup> of April last with respect to that resolution of the Excellent Departmental Junta, all of the places cited for ranchos of this jurisdiction will remain of the character of provisional until the ejidos of the City shall be regulated. I have made known the said Superior disposition to the interested party to this petition and he remained informed

Tapia

Narciso Botello Secret

71287

Antonio Jose Rocha  
Appellant

The United States  
Appellee

Translation of  
Expenditure

Fieldin Office  
April 15<sup>th</sup> 1861

G. L. Meix  
Clerk

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In the United States Dist Court in  
and for the Southern District of Cal<sup>a</sup>

287

SD

PAGE

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Antonio Rocha et al. }  
Appellants } No 287  
The United States }  
Appellee } "La Brie"

Before Hon. S. J. H. Ogier  
Dist. Judge

December Term of 1860

Henry Hancock of Counsel in  
the above entitled cause makes  
oath and states that one of the Appellants  
to wit George Rocha some time in  
the month of April 1860 made  
application to him requesting affiant  
to undertake for him the prosecution  
of this cause as against the United  
States, that said Appellant stated  
that he was in indigent circumstances  
that affiant after having become satis-  
fied that the Attorneys of record had  
ceased to act for Appellants ~~on account~~  
~~of not having been remunerated~~ to wit some  
time between the middle of August and  
the 20<sup>th</sup> of September 1860 affiant

By diligent search of The Archives of  
The Ex. Dept. of California now under  
the Custody of The United States Surveyor  
General for the State of California, met  
with the evidence of the proceedings  
had by the said Ex. Dept. Govt. in the  
year 1840 in favor of Appellants, a  
certified traced copy of which together  
with its translation accompanies  
this affidavit That the indices  
of the said archives make no mention  
of the said evidence and that the archive  
clerk or keeper of the said archives was  
ignorant of the Expediente in favor of the  
Appellants in this cause until by affidavit  
he was shown the same on pages 164  
165, 166 & 167 of a "Book entitled  
"Departmental State Papers, Angeles  
"Miscellaneous, Vol. XII," as the  
"same appears on file among and  
"constituting a portion of said Archives",  
and that consequently what might  
have been deemed due and diligent  
search of the said archives, might  
have been previously made without  
any thing having been therein met  
with relating to the rights or title  
of Appellants. That from a

examination of the opinion of the Board of U.S. Land Commission seen on page of the Transcript in this case it is apparant that had the said Board been possessed of the aforesaid newly discovered evidence a different result would have been had by them and the claim would have been by them been confirmed That the minutes of this Honorable Court disclose the fact that on the 8<sup>th</sup> day of August this case was dismissed for the want of prosecution and consequently without having ~~been~~ had its merits passed upon by this Honorable Court That ~~affairs~~ ~~believe~~ this claim ~~to be~~ <sup>is</sup> a very meritorious and one which by the aid of the said newly discovered ~~will~~ <sup>ought to</sup> be entitled to a confirmation, and that the said witness has been discovered since the dismissal of the case and further that by ordinary diligence it was not susceptible of having been discovered before the said dismissal —

Henry Hancock  
of Counsel for Appellants

N<sup>o</sup> 287 - SD

Antonio Rocha  
Appellants

vs  
The United States  
Appellees

Affidavit  
concerning  
Newly discovered  
evidence

Filed in office  
on this 15<sup>th</sup> day of  
April 1864

G. L. May  
Clerk

492

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*[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]*

Antonio Roche et al }  
vs } N° 287  
The United States }

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PAGE 52

In the matter of a motion for leave  
to file a Bill of Review

Jonathan R. Scott upon oath  
states that when employed by claimants  
of the land in this cause he made  
an express search for evidence in  
the Archives in the custody of the  
U. S. Sur. Genl. pertaining to this  
case, and that he was after diligent  
search thereof, unable to find any  
further evidence than is found em-  
-braced in the Transcript and  
further states that in the said search  
he was aided by the clerk of the  
archives

J. M. Swift

Promote this before me this  
2<sup>d</sup> day of Octy A.D. 1862  
John Wheeler  
Clerk of Dist Court S. Dist Cal.

NO 287  
US Dist Court  
S. Dist Cal

Aut<sup>o</sup> Rochetal

in  
United States

aff<sup>o</sup>al Shenton

Filed Oct 27 1862

John P. Wheeler

Clk

287 SD

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U.S. Dist Court in and  
for Southern Dist of Cal -  
Special Term  
of 1862 at Los Angeles Cal

Jose Antonio Roche et al }  
vs } No 287  
The United States }

The argument of Counsel  
having been heard and the papers  
and evidence upon which the  
same was founded having been  
duly considered by the Court

It is hereby ordered adjudged and  
decided that the petition of claim-  
ants for leave to file a Bill of  
Review in the above entitled  
cause be ~~granted~~ and is hereby  
granted

N: 287

Joseph Anton  
Roche et al

in <sup>the</sup> United States

Order  
granting leave  
to file bill  
of novum

Filed Oct 4,

1862

John Whalen

Clk

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PAGE 55

In the United States District  
Court for the Dist of Cal<sup>a</sup>  
Special Term at Los Angeles  
of 1862

Before Hon Fitch M Wright  
U.S. Dist Judge for Southern Dist of Cal<sup>a</sup>

Antonio Rocha et al. }  
v } N<sup>o</sup> 287  
The United States }

Petition for leave to file a Bill  
of Review

Your petitioner  
respectfully represents that on the  
8<sup>th</sup> day of August 1860 this case was  
dismissed for want of prosecution, and  
that since that date to wit, on or about  
the first of September 1860 claimants  
discovered amongst the unsorted archives  
of the Ex. Dept. Govt of Cal<sup>a</sup> in the  
custody of the U.S. Sur. Gen<sup>l</sup> for  
Cal<sup>a</sup> <sup>and that</sup> firstly a petition of the mother  
of claimants for the land claimed in  
this case of date April 18<sup>th</sup> 1860 with  
a marginal order of the Paper to  
whom said petition was addressed  
& inform in relation to same of date  
April 14<sup>th</sup> 1860 followed by the

information of the 2<sup>d</sup> July del Poz  
in favor of ~~the~~ petitioner, and  
also followed by the Commu-  
-nication of the Superintendente  
Tapia to the Governor of date  
May 27 1840 and further  
followed by a Notice of the  
Superintendente of date May 10 1840 informing  
the petitioner that in accordance  
with the disposition of the Junta  
Departmental the Governor had  
suspended all grants in the vicinity  
of the City of Los Angeles until the  
lands belonging to the ejidos  
should be determined. The afore-  
-said papers constituting the expediente of  
of the ~~succession~~ of the ancestors  
of claimants in her effort to procure  
title under the colonization act of  
1824

Your petitioners further represent  
that on the ~~part~~ the U.S.  
Land Commission delivered an opinion  
rejecting the claim for the want of  
definite boundaries which want is  
by the newly discovered evidence fully  
supplied as will appear from the  
aforesaid newly discovered evidence or  
Expediente <sup>a certified copy</sup> the same having been

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PAGE 57

placed on file in this cause  
on the 15<sup>th</sup> day of April 1861 —  
together with two affidavits  
relating to the said evidence one  
having been filed on the 15<sup>th</sup> of April  
1861 and the other on the  
October 1862.

Whereupon your petitioners  
humbly pray that their petition  
for leave to file a  
bill of Review on the ground  
of newly discovered evidence be  
granted and will ever pray

Henry Hancock  
of Counsel for  
Plaintiff

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PAGE 58

N. 287

Jose Antonio  
Rocha et al  
vs  
The United States

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Petition for  
leave to file  
Bill of Review

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Filed in  
Office Oct

Filed Oct 4. 1862

John Whelan  
Clerk

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PAGE 59

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In the U.S. District Court  
in and for the Southern District  
of Cal<sup>a</sup>

By Special Term  
of 1860 at Los Angeles

Jose Antonio Roche et al. } 287  
vs  
The United States }

Application for leave to take  
further testimony having been  
made in the above entitled  
cause it is hereby ordered  
that the same be and  
is hereby granted

Walter M. Haigh  
U. S. Judge Southern  
District of California

no 287  
U of South  
South Dakota

J. A. Rocher et al

The United States

Order to take  
Certification

Filed Oct 6/62

John A. White et al



In the United States Dist Court  
in and for the Southern  
Dist of California  
Hon Fletcher M. Waugh  
U.S. Dist Judge  
Special Term  
held at Los Angeles  
1860

Jos Antonio Rockwell }  
vs } 287  
The United States

Now comes claimant  
by Attorney and moves  
this Hon Court for  
an order granting  
him to take further tes-  
timony in the above en-  
titled cause

Nemy Hancock  
of Counsel  
for Claimant

N<sup>o</sup> 287

from Anton Reck  
et al.

vs  
The United States

Application  
for leave to  
take for the  
testimony

Filed in office

Filed at St. Louis  
John Wheeler  
Clerk

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*[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]*

✓

In the U.S. Dist Court in and  
for the Southern Dist of Cal. -  
Special Term of 1860  
held at Los Angeles

Antonio Rocha et al. }  
vs } 2287  
The United States }

To Hon. Fletcher M. Waight  
U.S. Dist. Judge in and for the  
Southern Dist of Cal.

Your petitioners claimants  
in the above entitled cause -  
complaining respectfully  
sheweth unto your honor  
that on the 15<sup>th</sup> of November -  
1852 at Los Angeles California  
Antonio Jose Rocha for himself  
Jose George Rocha and Josefa  
de la Merced Jordan daughter and  
the only surviving heir of  
Rocha de Jordan deceased. filed  
a petition before the U.S. Land Commission  
appointed <sup>under</sup> the act of Congress ap-  
-proved on the 3<sup>d</sup> of March 1851 for  
ascertaining and settling private

land claims in the state of California, and thereafter certain documentary and testimonial evidence of their title to the Rancho "La Brea" situate in the County of Los Angeles. That on the 6<sup>th</sup> day of March 1855 the said Commission delivered their opinion rejecting the claim of your petitioners, which opinion seems to have been unfavorable to claimants on the ground of a want of sufficient description of the land which will appear by the said opinion found on page 19 of the Transcript in this cause to which reference is hereby made. The said Transcript of the proceedings, papers and evidence upon which the said opinion and decree rejecting the claim was made having been filed in this Hon. Court on the 4<sup>th</sup> day of October 1855

Your petitioners further shew unto your Honor that on the ~~20<sup>th</sup> day of January 1859~~ 8<sup>th</sup> day of August 1860 a decree was filed in this honorable Court dismissing the claim for want of prosecution

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PAGE

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PAGE 66

That soon thereafter & wit  
in the month of February 1861  
and during the next regular Term  
of this Hon. Court thereafter  
held at Los Angeles your  
petitioners commenced their  
proceedings for the purpose  
of obtaining leave to file  
a Bill of Review for newly  
discovered evidence which new-  
ly discovered evidence could not  
by diligent search and reasonable  
effort have been discovered prior  
to the decision of this Hon. Court  
dismissing the cause as aforesaid  
for the reason that it was not  
included in the indices of archives  
of the former Govt in the custody of  
the U.S. Sur. Gen<sup>l</sup> for Cal<sup>a</sup> - but was  
by extraordinary effort by a party  
familiarily associated with the said  
archives both indexed and unindexed  
since 1852 found in one of the  
numerous books of unindexed papers of the  
Ex. Govt of Cal<sup>a</sup> - And your  
petitioners further respectfully  
shew that ~~you~~ unto your Honor  
that upon the filing of certain

Affidavits and the traced copy  
 duly certified by the U.S. Sur. Gen.  
 of the said newly discovered evidence  
 and argument of counsel had on  
 same. an order was made by  
 your Honor granting leave to file  
 a Bill of Review to wit. on the  
 4<sup>th</sup> day of Oct 1862 in open  
 Court.

Your petitioners  
 respectfully represent to your  
 Honor, that their claim is a  
 good and valid claim and one  
 amply protected by the act of the  
 3<sup>d</sup> of March 1851 by the Congress  
 of the United States for the ac-  
 certainment of private land  
 claims in California and  
 therefore consider themselves ag-  
 grieved in not having had the  
 same decreed to them

Therefore Your petitioners  
 respectfully pray that your  
 Honor may review and reverse  
 the decree heretofore rendered upsetting  
 their claim to the aforesaid  
 rancho La Brea and declare  
 the same to be a good and

~~valid~~ valid claim  
and that the same  
may be conferred to  
them

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And your  
petitioners will  
ever humbly pray

Henry Hancock  
of counsel for  
claimants

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No 287

Antonio Roche  
et al

vs  
The United States

Petition  
for Review

Filed in  
office Oct 11/64

John D. Wheeler  
Clerk

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In the U. S. District Court in & for the  
Southern District of California.

Antonio Rocha et al  
Appellant  
vs.  
The United States  
Appellee

No 287  
"La Bria"

To the Honorable  
Judge M. Haight U. S. District Judge  
in & for the Southern District of California  
Now comes the Appellee, Respondent  
herin, by P. C. Whiting U. S. District  
attorney for the Southern District  
of California, and for answer to the  
Petition of Review herin filed, admit  
that on the 15<sup>th</sup> day of November 1852  
Antonio Jose Rocha for himself and for  
Jose Rocha and Josefa de la Merced for don  
filed a petition before the U. S. board  
of land commissioners, appointed under  
the act of Congress approved on the 3<sup>d</sup>  
day of March 1851, for ascertaining and  
settling private land claims in California  
as stated in said Bill of Review.  
And that subsequently, to wit, on the  
6<sup>th</sup> day of March 1855 the said board  
of land commissioners rejected said  
claim of Pffs. Respondent denies that  
said claim was rejected solely on the  
ground of the insufficiency of the description

of the property or tract of land called "La Brea" a confirmation of which was sought by Pffs - and Respondent avers that said decree of the board of land Commissioners was based upon the total invalidity of Pffs claim, as well as the insufficiency of the description of the property to enable the U. S. Surveyor General to locate the same, if any sufficient title had been established therefor -

Respondent admits that on the 8<sup>th</sup> day of August 1860 a decree was filed in this honorable court dismissing the said Pffs claim to the tract of land called "La Brea" for want of prosecution and denies that any petition for leave to file a bill of review herein was filed with the clerk of this court before the 4<sup>th</sup> day of October 1862 - and denies that either the affidavit of Henry Hancock filed April 15, 1861, the petition for review filed Oct 4<sup>th</sup> 1862 or the bill of review filed Oct 6<sup>th</sup> 1862 shows sufficient grounds for setting aside the decree of dismissal herein or the decree of the board of land Commissioners in said case -

The Respondent admits that leave was given by this honorable court

to the Pffs to file a bill of review & that said bill of review was filed on the 6<sup>th</sup> day of October 1862 -

The Respondent Specifically denies each & every allegation set forth in said Pffs bill of review except as herein admitted - and denies that Pffs claim to the tract of land called "La Brea" is good & valid, and one protected, or contemplated, by the act of Congress approved March 3<sup>d</sup> 1851, and referred to in Pffs Petition - and denies that Pffs are entitled to have the same confirmed to them by this honorable Court, or that Pffs claim to the tract of land called "La Brea" is of any validity whatever - and the Respondent prays that this honorable Court will affirm the decision of the said board of U.S. land Commissioners in said case, and decree the said Pffs title to the land called "La Brea" to be invalid -

A. H. Whiting U.S.  
District Attorney for the  
Southern Dist. of Cal.

No 287

Antonio Rocha et al.

vs.

The United States

Respectful Answer

Filed June 1<sup>st</sup> 1863

John Wheeler  
clerk

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Copy would serve 19<sup>th</sup> for  
service on Hancock or Ruff

either copy of Bond of Revenue  
charged

In the U. S. District Court in & for the Southern  
District of California

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PAGE

Antonio Rocha et als

Appellant

Vol # 284

The United States

Appellee

"La Brea"

To The Honorable Ditcher M. Waight U.S. District Judge,  
in & for the Southern District of California

Now Comes the Appellee Respondent herein,  
by J. Whiting, U.S. District Attorney for the Southern  
District of California, and for answer to the Petition  
Bill of Review herein filed, admits that on the 15<sup>th</sup> day  
of November 1852 Antonio José Rocha for himself and  
Jose Jorge Rocha and Josefa de la Merced Jordan  
filed a petition before the U.S. Board of Land Commis-  
sioners, appointed under the act of Congress approved  
on the 3<sup>d</sup> day of March 1851, for ascertaining and sett-  
ling private land claims in California as stated  
in said bill of review, and that subsequently, to wit,  
on the 6<sup>th</sup> day of March 1853, the said Board of Land  
Commissioners rejected said claim of Petitioner Respondent  
denies that said claim was rejected solely on the  
ground of the insufficiency of the description

of the property or tract of land called "La Pnea" a Confirmation of which was sought by Plff and Respondent avers that said decree of the Board of Land Commissioners was based upon the total invalidity of Plffs Claim, as well as the insufficiency of the description of the property to enable the U.S. Surveyor General to locate the same, if any sufficient title had been established therefor.

Respondent admits that on the 8th day of August 1860 a decree was filed in this honorable Court dismissing the said Plffs Claim to the tract of land called "La Pnea" for want of prosecution and denies that any petition for leave to file a bill of review herein was filed with the Clerk of this Court before the 4th day of October 1862, and denies that either the affidavit of Henry Hancock filed April 15, 1861, the petition for review filed Oct 7th 1862, or the bill of review filed Oct 6th 1862 shows sufficient grounds for setting aside the decree of dismissal herein, or the decree of the Board of Land Commissioners in said cause.

The Respondent admits that leave was given by this honorable Court to the Plff to file a bill of review & that said bill of review was filed on the 6th day of October 1862

The Respondent specifically denies each and every allegation set forth in said Petition bill of Review except as herein admitted. And denies that Petition Claim to the tract of land called "La Prena" is good & valid, and are protected, as contemplated by the act of Congress approved March 3<sup>d</sup> 1837 and referred to in Petition. And denies that Petition are entitled to have the same confirmed to them by this honorable Court on that Petition Claim to the tract of land called "La Prena". is of any validity whatever. And the Respondent prays that this Honorable Court will affirm the decision of the said Board of U.S. Land Commissioners in said Cause and decree the said Petition title to the land called "La Prena" to be invalid.

J. S. Whitney  
U.S. District Attorney for the Southern Dist of Cal.

Filed June 14<sup>th</sup> 1863

John Whitney  
J. S.

United States of America,  
South District California

I John Wheeler Clerk  
of the United States District Court for the South District  
of California hereby certify the above and foregoing to be  
a full true and correct copy of the original as the same  
appears on file in my office

Witness my hand & the seal of said  
Court at Los Angeles this 19<sup>th</sup> day of June  
AD 1863

John Wheeler  
Clerk of District Court

21284  
U.S. District Court  
South District California

Antonio Rocha et al

vs  
The United States

Answer to Petition of Rocha et al

Copy

Filed July 11<sup>th</sup> 1863

John Wheeler  
Clerk

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Served July 7

Served the above and foregoing on Antonio Rocha  
at Los Angeles July 7, 1863 by personally de-  
livering to him a true copy of the same.

H. D. Barrows, U.S. Marshal



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

The United States

Appellus

vs

No 287

Antonio Pacho et al

Appellants

Now come the said  
Appellus by B. C. Whiting U. S. District  
attorney for the Southern Dist of  
California and moves the court to  
reconsider and strike from the files  
and records in this cause, the  
Bill of Review filed herein on  
the 6<sup>th</sup> day of October 1862  
and all orders & other papers &  
proceedings relating thereto -

B. C. Whiting U. S.  
District Attorney

NO 287 -

United States  
at  
Antonio Rocks

Motion to dis-  
miss bill of review

Made Oct 21, 1863

John P. Schuler  
Clerk

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U. S. District Court Southern District California  
Regular Term 1862  
October 21<sup>st</sup> 1862

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Antonio Rocha et al }  
                                  } Appellants } No 284  
The United States }  
                                  } Appellees }

Now comes the said Appellees by J. L. Whiting a State Attorney for the Southern District of California and moves the Court to rescind and strike from the files and records in this Cause the Bill of Review filed herein on the 6<sup>th</sup> day of October 1862, and all other papers & proceedings relating thereto.

Whereupon it is ordered that said Motion be set for hearing on the 1<sup>st</sup> day of the next term of this Court, and that notice thereof be served on the appellants at least twenty days before said day.

I hereby certify the above to be a true copy of the original as it appears of record in my office.

John P. Wheeler  
Clerk of the District Court



To  
Auto Rocha et al or their attys.

Take Notice. That the motion set forth in the  
preceding. will be brought on to a hearing on the  
1<sup>st</sup> day of the next term of said Court in pur-  
-suance of its order

John Whaley  
Clerk of said Court

Served the within on Antonio Rocha  
by personally delivering to him a true  
copy of the same in the city of  
Los Angeles on the 24<sup>th</sup> day of Nov. 1863.  
H. D. Barrow  
US Marshal

No 284

W. S. Dub Gmb  
Smith Dun Calc

Auto. Roche et al

W. S. Dub Gmb

Notice of hearing

Filed Nov 28th 1882  
John White Clerk

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

Thursday March 17<sup>th</sup> 1864

12 O'clock M.

Antonio Rocha et al.

Appellants

vs.

The United States

Appellee

# 287

It is known that on this 17<sup>th</sup> day of March 1864 at the city of Los Angeles in the Southern Dist. of California came before me George B. Vandusey Dep. Clerk of the United States District Court for the Southern District of California and Ex Officio United States Commissioner duly authorized to take depositions to be used in the Courts of the United States. Ricardo Vejar a witness in behalf of the appellants in the above entitled cause now pending in the ~~above~~ entitled said Court of the United States for the Southern Dis. of California. Who being duly sworn testifies as follows. to wit:

Present St. Hancock on behalf of the appellants and the United

States Attorney on behalf of the United States

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Henry D. Parsons being duly sworn  
to interpret Spanish into English and  
English into Spanish  
Ques. by Clerk

What is your name age occupation  
and place of residence

Ans. Ricardo Vejar. 55 1/2 years. Ranchero and laborer  
Rancho Nogales in the County of Los Angeles

Ques. by Cl. How long have you lived on said Rancho

Ans. 14 years

Ques. Where did you live prior to living on  
that Rancho

Ans. In the Rancho of the Rodeo de las  
Aguas. and near the Rancho of la  
Brea of the deceased Portuguese Auto.  
Rocha

Ques. How long since you lived ~~there~~ on the  
Rancho de los Aguas

ans. About 10 years

Ques. on which side of the Rancho de  
Brea  
~~los Aguas~~ is the Rancho de los  
3

ques. on ~~the~~ <sup>the</sup> western side of the Rancho de  
~~Los~~ <sup>Brea</sup> ~~Aguas~~. is the Rancho de los <sup>3</sup>  
aguas

ans. On the western side

ques. Do the two Ranchos. La Brea and  
Aguas adjoin each other

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Ans. They do, there is only a ditch or  
Creek between them which is the  
line

by Clerk You are now shown a traced copy  
of an expediente from the Archives  
filed in ~~the~~ ~~office~~ this Cause. April  
18<sup>th</sup> 1861: look at the Diseno. or map  
therein contained. and say if you recog-  
nize certain natural objects delin-  
iated thereon. as for instance in  
the Southeast <sup>con</sup> corner of the same  
mesa sauco ~~con~~ nopales. Sanj. veaga  
and aqua-jer.

ans. I recognize the sauco con nopales as  
being on the third ditch. passed in going  
from Los Angeles to the Rancho. ~~and not~~  
Certain that there are only three ditches  
between Los Angeles and the Rancho ~~but~~  
~~and~~ certain. that the objects mentioned  
are on the last ditch passed in going  
from Los Angeles to the Rancho House



4

Ques. On which side of the road, was the  
sanco and the nopales

Ans. I do not recollect well but I think  
it was on the right hand side going  
that way

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Ques. Within how many varas of the road  
were the nopales and the tree

Ans. I do not recollect well: it was many  
years ago. but I think they might  
have been eight or ten varas

Ques. Do you remember the objects marked  
thereon. nopalera. Cañada de Alisos  
and another Cañada de los Alisos  
and another Cañada de los Jarales  
Sierra Siemga Aguaje to the west of  
the same Aliso and Alisos and Alisos  
being two together in the last instance  
also in the southern and westerly por-  
tions of the tract sanja de agua

Ans. I recollect all the objects marked thereon

Ques.

By this map the Sitio called La Brea is shown to be bounded on the west by lands of the Vegars. What lands were those lands of the Vegars?

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Ans.

It was the owner and they were called the Rhodero de los aguas

Ques.

Who was Antonio Rocha

Ans.

He was an old Portuguese and the Father of the Rochas who now live in this County

Ques.

Is he now living or dead

Ans.

He has been dead many years

Ques.

What children had he

Ans.

I do not recollect well, but he had Antonia, Jose, and Maria, the latter being the wife of Jordan, and ~~other~~ ~~but~~ another daughter who I think is dead

Ques.

Who was the mother of these children

Ans.

Josefa Alvares

Ques. Who is <sup>maia</sup> Geracio, Alvarado

Ans. He is the brother of the deceased Josefa Alvarado

Ques. Was the deceased Josefa Alvarado the wife of the Portuguese Rocha

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Ans. Yes.

Ques. Which died first Josefa or her husband

Ans. Her husband

Ques. Who lived on the Rancho La Brea during the 10 years you were residing on the Rancho Rodeo de los Aguas

Ans. As first herdsman of Rocha, <sup>with their families</sup> and afterwards a Blacksmith. but I had charge of the Rancho for Rocha. and Rocha himself was often there.

Cross examination by U. S. Atty.

Ques. Was Antonio Rocha the deceased a naturalized citizen of the Mexican Government

Ans.

I can't say he has been here many years

Ques.

Where did he reside during the time you knew him

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Ans.

In the house where the jail now is, in the city of Los Angeles

Ques.

What families if any resided on the Rancho La Brea during that time

Ans.

Pedro Lopez and his wife now dead  
Antonio Rosas and family now dead  
and an old man named Fragozo. And  
after that the Blacksmith who had no  
family.

Ques.

Did the Blacksmith carry on business on his own account

Ans.

He did

Ques.

What was the business of Lopez, Rosas, and Fragozo

Ans.

Taking care of the cattle & horses

Ques.

Of your cattle & horses?

Ans. No. they ~~was~~ belonged to the deceased Rocha. his Rancho was on this side and mine on the other

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Ques. Did Rocha ever live on the Rancho and make it his place of residence

Ans. No he never lived there during his life time. but often went there mornings and came back at night. sometimes slept there

Ques. Who lives on the Rancho La Brea now

Ans. Don't know. it is a long time. 20 or 21 years since I was there

Ques. How far is that Rancho from this city of Los Angeles

Ans. About 7 miles

Ques. Do you know of the Rocha family or any of them having any title to that land or papers purporting to be a title

Ans. I do not

Ques. How do you know that this map or Desiño  
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represents the Rancho de La Brea

Ans. I know the land

Ques. How do you know <sup>the objects on</sup> that this map  
represents the objects on the Rancho  
La Brea any more than any other Rancho

Ans. Because I have seen the nopales and  
Cairadas

Ques. Have you not seen nopales and alisos  
on other Ranchos in this Country as well

Ans. Yes, but this nopalero is <sup>and round</sup> large, and  
the relation of these Sycamores to the  
nopalero is such that I recognize them

Ques. Would you know that ~~the~~ the trees  
shown on the map, or the nopalero shown  
on the map, were such, if your attention  
had not been called to them by Major  
Hancock

Above question objected to by counsel  
~~Answer~~ for appellants as being circumstantial  
and irrelevant

Ans. I can not read or write. but I recognize this Map as being a representation of the Rancho La Brea

Ques. Point out on the map with your finger. the road leading from Los Angeles to the Rancho

Ans. ~~It passes by the~~ <sup>(The witness</sup> ~~It~~ lays his finger <sup>on</sup> the bottom of the map near the Sanja) ~~and~~ passes it by the sauce or tree. over the words written Desino de Sitio. ~~and on the~~ to near the centre of the map. and makes a cross as the point nearly in front of the Canada de los Laureles. as being the place where the House to which the road led. stood)

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Ques. Were any of the Sanjones. that you spoke of Crossing in going from Los Angeles to the La Brea. on the Rancho of La Brea

Ans. No they were towards Los Angeles

~~Ques.~~ Directly assumed

ques. by Mr. Hancock - was ~~the~~ Dona Josefa Alvarado. the wife of Rocha and mother of the claimants a native of California

Ans. Yes.

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Signed Ricardo <sup>his</sup> ~~son~~ <sup>Vejar</sup>  
Subscribed and sworn to before me  
this 17<sup>th</sup> day of March 1864

John C. Wheeler Clerk and  
Ex Officio U.S. Com. South. Dis. Cal. by George B. Van Ness Dep.



Dis. Court South Dis. Cal.

No. 287

Antonio Rocha

vs.

The United States  
Deposition of Ricardo  
Vejar. Claimants  
Witness

Filed March 17<sup>th</sup>

1864. Geo. O. Wheeler  
Clerk

by Geo. S. Van Ness  
Dep. Clerk

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

Antonio Rocha

vs.

The United States

No. 287

"La Brea"

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PAGE

Be it known that, on this 22<sup>nd</sup> day  
of March A.D. 1864 at the City of Los Angeles  
in the Southern District of California. Came  
before me, George B. Van Ness, Deputy Clerk of  
the U. S. District Court for the Southern District  
of Cal. duly authorized to take depositions to  
be used in the courts of the United States. by  
an order of said Dis. Court entered on the minutes  
of said Court on the 17<sup>th</sup> day of March 1864.

Rudres Pico a witness on behalf of Claimants  
in the above entitled cause now pending in  
said District Court of the United States for  
the Southern District of California - who  
being duly sworn deposes and says as  
follows - to-wit

The United States District Attorney for  
the Southern District of California being  
present as Attorney for the United States  
and Henry Hancock Esqr. appearing as  
counsel and attorney for the Claimants  
in this cause

J. J. Warner being sworn to interpret  
Spanish into English and English into  
Spanish

Andreas Pico being duly sworn deposes and says

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Direct examination by ~~Dis. Attorney~~ Major Hancock

ques. How old are you what is your name occupation and place of residence

ans. Andreas Pico. 53 years of age. I reside in the County of Los Angeles and am a farmer

ques. Do you know the Rancho called La Brea if so to whom it belonged prior to the occupation by the Americans of the Country

ans. I do know. It belonged to Rocha. I know it ~~was in~~ in 1834 in the possession of Antonio Rocha. ~~It~~ It occupied with cattle & horses. he had Corrales upon it, and a house made of poles set in the ground

In 1834 I went upon this Rancho for the purpose of receiving cattle which I had purchased of Antonio Rocha and I received the cattle upon his order on the Rancho

I was not upon the Rancho from that time until the change of Government

Ques. You are now shown the map ~~is~~ filed in this case on the 15<sup>th</sup> day of April 1861. look upon it. and say whether you know the natural objects thereon shown

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Ans. I only know the places marked as <sup>nopalero</sup> and Canada de Alisos. and know them to be on the road from Cahuenza to Los Angeles

Ques. Place your finger on the map and show where the road runs

Ans. The road passes on the south and west side of the nopalero and enters into the place marked Canada de Alisos.

From the nopalero there are three roads leading towards the City of Los Angeles running southerly

Cross examination by Col. Whiting

Ques. At the time you recd. the cattle at La Brea in 1834 was Antonio Rocha present

Ans. He was not

Ques. Was you receiving cattle there by his order all that you know of his ownership of the Rancho

Ans. I know it was his Rancho because at the time I contracted for the cattle Rocha told me I would have to go out to his Rancho to receive them

Ques. Is that all that you know about the ownerships

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Ans. I heard a number of people say that it was his Rancho, and when I went to get the cattle I know that he sent word to adjoining proprietors that he was going to make a rodeo and <sup>they</sup> came to it and spoke of its being a rodeo on Rochas land

Ques. About how many cattle did Rocha have at the time of this rodeo

Ans. I do not know

Ques. Did you ever see Rocha upon that Rancho or did he ever live there to your knowledge

Ans. I never saw him there and don't know that he ever lived there. I have not been on the Rancho since the time I got the cattle

Ques. Are there such places on other Ranchos as

the nopalero and the Canada de aliso

Ans. I do not know of any

Ques. Are there not patches of Cactus all over this country

Ans. There are many, but this particular one has been known from olden time by the name of the nopalero.

~~Ques.~~ Any of the native Californians upon being told that a horse was at the nopalero, would know ~~the~~ without any explanation where that place was. so ~~not~~ universally is that name applied to this particular Cactus patch

*Andres Bido*

I George B. Vandress, Deputy Clerk of the District Court of the United States, for the Southern District of California, certify that the above deposition was made sworn and subscribed to before me this 22<sup>o</sup> day of March 1864

Geo. B. Vandress Dep. Clerk  
Dis. Court, Souther. Dis. Cal.

#287 "La Brea"

Aut. Rocha

vs

The United States

Dep. of Andrew Pico

Claimants witness

Filed March 22<sup>nd</sup>  
1864

Geo. O. Whelan Clerk

by Geo. B. Van Ness

Dep. Clerk

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

Antonio Rocha

Vs.

# 287

The United States

"La Brea"

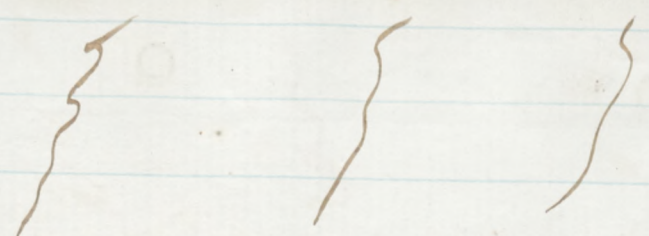
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Be it known that on this 22<sup>nd</sup> day  
of March 1864. came before me George B. Van  
Ness Deputy Clerk of the United States District  
Court of the Southern District of California  
duly appointed by an order entered on the  
minutes of said District Court on the 17<sup>th</sup>  
day of March 1864 to take depositions to be used  
in the Courts of the United States. at the  
city of Los Angeles. Juan M<sup>o</sup>. Sepulveda  
who being first duly sworn as a witness  
on the part of the claimants in the above  
entitled cause now pending in the said  
District Court of the United States in  
and for the Southern District of California

who being duly sworn deposes as follows  
to wit. the United States Dis. Atty. for South.  
Dis. of Cal. being present for the United States  
Henry Hancock Esq. appearing as counsel  
and attorney for the claimants in the above  
entitled cause

3 0 }  
3 0 }  
3 0 }





J. J. Warner being sworn as Interpreter. to interpret correctly Spanish into English and English into Spanish

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Juan M. Sepulveda being first duly sworn deposes and says

Ques. What is your name age, occupation and place of residence

Ans. Juan Maria Sepulveda. 34 years. Cultivator of the soil. in the County of Los Angeles where I have always resided

Ques. Tell what Ranchos are west of the city of Los Angeles and between it and the sea. and south of the ~~Cadiz~~ Cadiz or Coast Range of Mountains

Ans. The Rancho of San Vicente. Buenos Ayres. Vejar or Rodeo de los Aguas. the Rancho of Rocha- or la Pica. beginning at the coast and following along the south side of the Mountains to the City of Los Angeles

Ques. How long have you known these Ranchos

Aug. From Childhood

Ques. State what you know of the possession, occupancy and ownership of the Rancho la Brea, by whom it has been occupied, and as to whether there has been Houses and Corals there with Cattle

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Ans. The Rancho of La Brea was occupied by Rocha <sup>about</sup> up to 1846. Since which time it has been subdivided and occupied by different individuals.

Rocha had a considerable number of Cattle and Horses and also a Corral on the Rancho. This property was in the possession of <sup>Ricardo</sup> ~~Antonio~~ Vezar as Rocha's agent, during the whole time of my acquaintance with the Rancho up to ~~about 1846~~ some time previous to 1846.

Ques. What subdivision was made of the Rancho if any

Ans. I said subdivision because I see it occupied now by several say 8 or 10 ~~Houses~~ persons

Ques. Have those persons Houses and Corals, and if so how many Horses are there and by whom owned

Ans. They have Houses.

Ques. How many Houses

Ans. There are three or four belonging to <sup>the</sup> Valdezes different Houses belonging to different families from fifty to one hundred yards apart.

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One House belonging to Olivarez, 1 to Thompson 2 to Antonio Maria Valdez, and another one of which I do not remember the owner

Ques. Look at the Deseño filed in this case on the 15<sup>th</sup> day of April 1861. and say where Thompson lives. and where the Valdezes live

Ans. (Witness points about one inch nearly South of the letter S. on the deseño. which letter S. stands for South on a digram representing the Compass)

Ques. Which way and how far from where Thompson lives. are the Houses of the Valdezes

Ans. Nearly west. or north west and about one mile distant

Ques. Who has the best House and buildings on the Ranch

Ans. Thompson

ques. Which way and how far from Thompsons House is the House of Olivarez

Ans. It lies more to the north ~~of~~ from Thompsons House than the Valdez Houses. and the distance is a little less

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ques. Are there any other persons having Houses on the Rancho than those you have already named

Ans. To the best of my recollection there are none

ques. Do you know well the boundary line between the Rancho <sup>Rodeo</sup> de los Aguas and La Brea

Ans. I do not

Cross Questions by Col. Whiting for U. S.

ques. Did Antonio Rocha ever live on that Rancho himself

Ans. I do not remember ever having known of his having lived there

Ques. How do you know he owned it

Ans. Because I saw his stock there. I saw the corral of his. and because every body said it was his

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Ques. Do you know of your own personal knowledge who built the corral

Ans. I do not know

Ques. Did not you see Rochas stock on the other Ranchos you have named also

Ans. Not in such numbers as upon the Rancho where the corral was. but I have seen cattle of his upon other Ranchos

Ques. Where did you live prior to 1846; how far from that Rancho

Ans. In this ~~city~~ County. ~~about~~ on my Rancho about 3 Leagues from La Brea Rancho. excepting two or three years during which I resided on the Rancho of Santa Ana

Ques. What years were those years during which you lived on the Rancho of Santa Ana

Ans From 1846 to 1850

Ques. How often were you at the Rancho of La Brea prior to 1846

Ans. Frequently. in passing to my Rancho which is beyond the Rancho of Rocha

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Direct resumed Mr Hancock  
Ques. On what Rancho did Rocha hold his Rodeos

Ans. He held them on the Rancho of La Brea. but I do not know the limits of it

Ques. Did you ever know of his holding rodeos on any other Rancho. and about what number of Cattle had he

Ans. I did not. and I do not know of the number of cattle

Cross by Col. Whiting resumed

Ques. Did you ever attend any rodeo on the La Brea Rancho prior to 1846

Ans. I did not. my brothers attended the rodeos previous to 1846

8-

John W. Linnard

I have and subscribed to before me  
at Los Angeles this 22<sup>nd</sup> day of March  
1864 George B. Van Ness Dep. Clerk  
and authorized to take depositions  
to be used in U.S. courts by and  
order entered on the minutes of  
the Dis. Court of South Dis. of  
Cal. on the 17<sup>th</sup> day of March 1864

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# 287. La Brea  
Aut. Rocha

Vs.

The U. States

Deposition of Juan  
Maria Sepulveda Claimants  
Witness

Filed March 22<sup>nd</sup> 1864

Jno. O. Wheeler Clerk

by Geo. B. Van Ness

dep.

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3

3



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

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PAGE 110

Antonio Rocha et. al. }  
vs. } # 287  
The United States } "La Brea"

Be it known that on this 24<sup>th</sup> day of March 1864 at the city of Los Angeles. before our George B. Vansteele Deputy Clerk of the United States District Court for the Southern District of California and duly authorized by an order of said Court entered on the minutes thereof on the 17<sup>th</sup> day of March 1864. to take depositions to be used in the United States Courts

Came J. J. Warner a witness on behalf of Claimants in the above entitled cause now pending in said District Court of the United States for the Southern District of California. who being duly sworn deposes and says as follows - to-wit  
~~the~~ B. C. Whiting U.S. Dis. Attorney for said Southern District of Cal. on the part of the United States

And Henry Hancock Esq. appearing as attorney on the part of the Claimants in the above entitled cause. being present

Direct examination by Major Hancock

J. J. Warner being duly sworn says

Ques.

What is your name age occupation and place of residence

Ans.

J. J. Warner. 56 years. Labourer - City of Los Angeles. I have resided in California 32 years

Ques.

Ques.

State if you know of any Rancho called La Brea. if so how long you may have known it. and to whom according to the usages and customs of the County under the Mexican rule. has it by common or general reputation belonged

Col. Whiting objects to the question from the words "to whom" to the words "belonged"

Ans.

I do know of a Rancho by that name situated about six or eight miles to the westward of Los Angeles. I have known it since 1834. at which time and for some ten years subsequent it was known and recognized in the City of Los Angeles as the Rancho of Antonio Rocha

Ques.

Was it <sup>or was it not</sup> occupied by him with Stock and Corals. as also a house. in the customary way of occupying Ranchos at that period by people of this particular section ~~of~~ of Country

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The question is objected to by Col. Whiting U. S. Dis. Atty. as leading

Ans.

My knowledge of its occupancy was derived only from general reports from which source I know it was occupied with Horses and Cattle. and that he gave rodeos upon it in the same manner as other Rancheros in this part of the Territory

He resided in the city of Los Angeles with his family. as was the general custom with ~~all~~ the Rancheros living within five and twenty miles of the city. I do not know of his having any Houses or Corals upon the ranch - never having visited the immediate locality. where such Houses or corals were said to have existed

Ques.

~~was there~~ Did any incidents ever occur pertaining to the occupancy of the Rancho by Rocha. which has ever brought the same to the particular notice

of yourself and others. if so state what  
and when

Ans.

Some time not far from 1836. from the  
bell having been stolen from his Bell-  
-maw. with which his gentle horses  
ran upon that ranch. he brought the  
man into the city and being ~~and~~ a  
Blacksmith ~~by trade~~ he placed a Bell  
upon an Iron strap. and riveted the same  
around the mans neck. and turned her  
back. with his horses upon the Ranch.  
soon after which. the man was found de-  
-capitated. and the Bell missing

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Ques.

What was the character of Rocha ~~and~~ as  
a citizen. was he a substantial citizen

Ans.

He was a pious man. quite a favorite  
with all the Priests. a very industrious  
man. and one of the most respectable  
and esteemed citizens of Los Angeles.  
from the time of my first acqum-  
-tance with him in 1831. to the time  
of his death

Ques.

Look at the Decree of the expediente filed in this case on the 15<sup>th</sup> of April 1861. and say whether by its scale the residence of the Valdezes alluded to in the deposition of Juan M. Sepulveda taken the other day in this cause. wherein he states that they resided something like a mile west of the House of James Thompson. and that said House of Thompson would be represented ~~and~~ ~~this~~ or fall on this decree as a point about an inch southerly of the place marked "S". You having acted as interpreter on that occasion. and say whether the said Houses of the Valdezes would fall inside or outside of the lines of the La Brea Rancho.

This question is objected to by the United States atty. upon the ground that it assumes that the witness knows the precise boundaries of the La Brea Rancho whereas he only testifies that he knew the Rancho by reputation and also upon the ground that the question is of a compound form and embraces several distinct questions and hypotheses.

Ans.

They would not be embraced within the exterior lines of ~~this~~ as shown on this diseño

Ques.

Have you any knowledge of maps or the art of surveying

Ans.

I know a map when I see it, and studied the art of surveying and have practiced a little in California

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Cross examination by Col. Whiting  
vs. S. Atty.

Ques.

Did you see the Bell mare of Rocha or do you only speak of it from what others told you

Ans.

I did not see the mare at the time the Iron strap was put on her neck or after  
I only know the circumstance from general reports

Ques.

Were you ever upon this Rancho or do you know of your own personal knowledge the boundary

Ans.

I have been upon the Rancho frequently

but have no knowledge of its boundaries

Ques. Were you upon the Rancho between 1834  
and 1844

Ans. I passed over some portions of it repeated  
-ly

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Ques. Did you ever see Ant. Rocha there

Ans. Never

Ques. All you know of the ownership there.  
is what you have heard other people say  
is it?

Ans. Yes. What I have heard people say for a  
long number of years

J. J. Warner

Subscribed and sworn to before me  
this 24<sup>th</sup> day of March 1864

Geo. B. Van Ness Dep. Clerk  
U.S. Dis. Court South. Dis. Cal. and duly  
authorized to take depositions to be  
used in U.S. Courts

No. 287  
"La Brea"  
Antonio Rocha et als.

Vs.

The United States

---

Deposition of J. J.  
Tramer Claimants  
Witness

---

Filed this 24<sup>th</sup>  
day of March 1864

Jno. O. Wheeler

Clerk

by Geo. P. Van Nest  
dep. Clerk

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In the United States Dist  
Court in and for the Southern  
Dist of Calo

Antonio Jose Rochas et al } No 287  
vs } La Brea  
The United States }

In name of title

Henry Hancock upon oath states  
that he is acquainted with the land claimed  
in this case, as also with the Natural  
objects shown on the designs including  
the Nopalero mentioned by Andreas Pico in his  
deposition on file and the Louco in that of  
Ricardo Luján and further that  
in 1858 he executed the final Survey  
of the Pueblo lands of the City of  
Los Angeles and that the said  
Nopalero and Louco ~~are~~ in  
the direction of the said city lands  
are some distance west of the  
lines of the survey of the said city  
lands and that none of the lands  
claimed in this case fall inside of  
or conflict with the land finally  
conferred to and surveyed for said  
Pueblo

Henry Hancock

487

Sworn and Subscribed to before me  
this 20th day of November A D 1854

John Wheeler Clerk  
By Robert Haight Dep

No 287 SD

Antonio Jose Roche

vs

The United States

Affidavit of

Henry Hancock

Filed in office

Nov 29th 1887

John Wheeler

By

Robert W. [unclear]

488

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It is hereby stipulated by and between  
undersigned that the within affidavit  
be filed with and taken as evidence  
in the within entitled cause

J. C. Whiting

Atty for U.S.

Henry Hancock

Atty for Plaintiff

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

Antonio Jose Roche et al. }  
Appellants } N° 287  
vs }  
The United States } "La Brea"  
Appellee } Trans N° 487

<sup>on bill of review to set aside decree of dismissal in this court and</sup>  
This cause coming on to be heard on appeal  
from the decision of the United States Board of Land  
Commissioners to ascertain and settle private land  
claims in the State of California on a transcript of the  
proceedings and decision of said Board, and on the papers  
and evidence on which said decision was founded and on  
additional testimony taken in this court and it appearing  
that said transcript and notice of appeal ~~appeal~~ have  
been duly filed according to law and counsel for the respective  
parties having been heard

It is hereby ordered adjudged and decreed that  
<sup>the decree of dismissal be set aside and</sup>  
the decision of the said Board of Land Commissioners be and  
the same is hereby reversed; and it is further adjudged and  
decreed that the claim of the above named Appellants is a  
good and valid claim, and further that the same is hereby  
confirmed for the said Rancho "La Brea"

The land whereof confirmation is hereby made  
is situate in the County of Los Angeles and known by the  
name of "La Brea" or the Roche Rancho and is bounded  
on the West by the rancho "Rodea de las Aguas" on  
the North by the Mountain and on the East and South  
by the lines shown by the diseño or map of the Expediente  
on file in this case and embraces the lands and natural

objects thereon delineated but in no case to exceed the maximum quantity of <sup>one square</sup> eleven square leagues of land.

Provided that the said tract of land thus described contains a less quantity than <sup>the square</sup> eleven square leagues then confirmation is hereby made to said less quantity.

This done and signed in open court on this eighth day of December 1864

Fletcher M. Haight

U. S. Dist Judge  
for the Southern  
Dist of Cal.

No 287

Antonio J. M. Reche

The United States

Greene v. the  
Heirs of the United  
States Land Commissioners

Made by the Hon Judge

F. M. Haight

Filed December 6th 1864

John Wheeler

Clerk

By

Robert Haight Secy

United States District Court, Southern  
District of California

The President of the United States

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of Antonio Rocha, Jorge Rocha  
their legal representatives or attorneys,  
Meeting,

Whereas by the said Court for the Southern  
District of California a decree was rendered on the  
day of                      A.D. 1865                      confirming  
the land claimed in Rancho La Brea  
and whereas the United States by their  
attorney has prayed for an order of appeal  
therefrom to the Supreme Court of the United  
States.

Now therefore you are hereby cited  
to appear at said Court on the first day  
of the October Term 1865, or so soon thereafter  
as the same may be heard by show  
cause - if any you have - why said ap-  
plication for an appeal should not  
be allowed, and hereof fail not

Witness the hand of Samuel P. Hall  
U. S. Supreme Judge, and the Seal  
of said Court attached  
this 5<sup>th</sup> June A.D. 1865

attest  
John D. Wheeler Clerk

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I hereby accept service  
of the within citation at  
Montrey Cala on this 10<sup>th</sup>  
day of July 1865

Henry Hancock  
Atty for Clants



No 287  
W. S. Dub Court  
South Dub Cal

Aut, Rocha vals  
United States

Citation to show cause  
against order of appeal

Filed July 10 1865  
John D. Wheeler  
Clerk

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court  
of the United States, for the \_\_\_\_\_ District  
of California

Greeting:

Whereas lately, in the District Court of the United States for the Southern District  
of California <sup>before you,</sup> in a cause  
between Antonio Jose Rocha et al. appellants and  
The United States, appellees, wherein the decree of  
the said district court entered on the 8<sup>th</sup> day of  
December, 1864, is in the following words, viz;

"This cause coming on to be heard on bill of  
review to set aside decree of dismissal in this court  
and on appeal from the decision of the United States  
board of land commissioners, to ascertain and settle  
private land claims in the State of California, on  
a transcript of the proceedings and decision of said  
board, and on the papers and evidence on which said  
decision was founded, and on additional testimony  
taken in this court, and it appearing that said  
transcript and notice of appeal have been duly filed  
according to law and counsel for the respective parties  
having been heard.

It is hereby ordered, adjudged and decreed,  
that the decree of dismissal be set aside and the  
decision of the said board of land commissioners be,  
and the same is hereby, reversed; and it is further ad-  
judged and decreed that the claim of the above-  
named appellants is a good and valid claim; and,  
further, that the same is hereby confirmed for the said  
Rancho "La Brea."

The land whereof confirmation is hereby made



is situate in the county of Los Angeles, and known by the name of La Brea, on the Rocha rancho, and is bounded on the West by the rancho "Rodeo de las Aguas", on the north by the mountains, and on the east and south by the lines shown by the descent or map of the Expediente on file in this case, and embraces the lands and natural objects thereon delineated, but in no case to exceed one square league of land, provided that the said tract of land thus described contains a less quantity than one square league, the confirmation is hereby made to said less quantity."

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as by the inspection of the transcript of the record \_\_\_\_\_

of the said District

Court, which was brought into the Supreme Court of the United States by virtue of an appeal

agreeably to the act of Congress,

in such case made and provided, fully and at large appears.

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *fifty-six* the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and ~~was argued by counsel.~~ ~~On consideration whereof,~~ *on the motion of* Mr. Attorney General *Staubery* of counsel for the appellants, it is now here ordered, adjudged and decreed by this court that this appeal be and the same is hereby dismissed without prejudice to appellants' right to take a new appeal.

And it is further ordered, adjudged and decreed that this cause be and the same is hereby remanded to the district court of the United States for the district of California

21 Feb.

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68 188  
188 330

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

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

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

COSTS OF \_\_\_\_\_  
Clerk..... \$ \_\_\_\_\_  
Attorney ... \$ \_\_\_\_\_  
\$ \_\_\_\_\_

Taxed by *W. Middleton*

Clerk of the Supreme Court of the United States.

No. *254* *December* Term, 1866.

MANDATE

SUPREME COURT UNITED STATES.

*W. Foster v. Jackson*

*Wm. B. Bly*  
*Genl. & Attorney*

*J. S. Hance*  
*h.c.*

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United States District Court  
District of California

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Antonio Rocha  
et al

vs.

The United States

} No. 287.

Henry Hancock Esq.  
Attorney for Claimants

You will please take notice that the mandate from the Supreme Court of the United States in the above case will be filed in the District Court of the United States at 11 o'clock A. M. on the 18<sup>th</sup> day of September A. D. 1867; and that a motion will be made at that time for a new appeal on behalf of the United States.

Yours &c.  
Delos Lake  
U. S. Attorney.

Service of Copy of the within  
notice admitted this 17<sup>th</sup> day  
of September, A.D. 1867.

Henry Hancock  
Atty for Claimants

287 S. A

U. S. District Court  
District of California

Antonio Rocha  
et al

vs.

The United States

Notice

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Filed Sept 17. 1867

Geo. C. Whitney

J. S. Neal  
Att

The Western Union Telegraph Company.

Pacific Division.

The rules of this Company require that all messages received for transmission, shall be written on the message blanks of the Company, under and subject to the conditions printed thereon, which conditions have been agreed to, by the sender of the following message.

WM. ORTON, President, } New York.  
O. H. PALMER, Secretary. }

G. H. MUMFORD, General Agent, } San Francisco.  
JAS. GAMBLE, General Sup't, }

5

Washington Nov 26 1869

Received at San Francisco Nov 26 1869 9<sup>21</sup>/<sub>a</sub> M.

To Geo E Whitney  
Clerk U S Circuit Court

Send by mail to Clerk  
U S Supreme Court original  
Citation in United States vs  
Antonio Rocha or affidavit  
of its loss immediately

ER Hoar  
Atty Gen

21 p 442  
F

The Western Union Telegraph Company

Pacific Division

RECEIVED  
NOV 26 1889

Mr. J. B. [unclear]

St. Louis, Mo.

Per E. Whitney  
Clerk U. S. Court

Original citation sent  
as requested.

E. Whitney  
Clerk

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

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The United States      L.C. No 487.  
vs.      "La Brea"  
Antonio J. Rocha, for      S.D.C. No 287  
himself and others

J. Hartman Esq. is hereby substituted as  
the Attorney of record of the claimants in  
the above entitled Cause.

All other attorneys heretofore appearing  
in the Cause for claimants are hereby su-  
-sceeded and discharged.

Los Angeles April 2<sup>d</sup> 1870.

Antonio J. Rocha  
por el y otros Reclamantes



No 287 S. D.

Antonio J. Rocha  
Ats.

The United States

Substitution of Attorney

Filed April 15<sup>th</sup> 1890

E. B. Cotter Clerk

By S. W. Gimwood  
D.C.

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UNITED STATES OF AMERICA, ss.

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THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court  
of the United States for the \_\_\_\_\_ District  
of California.



GREETING:

Whereas, lately, in the District Court of the United States for the \_\_\_\_\_  
District of California before you, \_\_\_\_\_  
in a cause between Antonia Jose Rocha et al. Appel-  
lants, and The United States Appellees,  
wherein the decree of the said District  
Court, entered in said cause on the  
8<sup>th</sup> day of December A.D., 1864, is in the  
following words, viz: "This cause coming  
onto be heard on bill of review, to set aside  
decree of dismissal in this Court and an  
appeal from the decision of the United States  
Board of Land Commissioners, to ascertain  
and settle private land claims in the State  
of California, on a transcript of the proceed-  
ings and decision of the board; and on  
the papers and evidence on which said  
decision was founded and on additional  
testimony taken in this Court; and it  
appearing that said transcript and notice  
of appeal have been duly filed according to  
law, and counsel for the respective parties  
having been \_\_\_\_\_ it is hereby ordered,  
adjudged and decreed, that the decree of  
dismissal be set aside, and the decision  
of the said board of Land Commissioners  
be, and the same is hereby reversed; and  
it is further adjudged and decreed, that the

claim of the above named appellants, is a good and valid claim, and further, that the same is hereby confirmed for the said rancho, "La Brea".

The land whereof confirmation is hereby made is situate in the County of Los Angeles, and known by the name of La Brea, or the Rocha rancho, and is bounded on the west by the rancho "Rodeo de las Agnas;" on the north by the mountain; and on the east and south by the lines shown by the desino, or map of the expediente on file in this case, and embraces the lands and natural objects thereon delineated, but in no case to exceed one square league of land, provided that the said tract of land, thus described, contains a less quantity than one square league, then confirmation is hereby made to said less quantity.

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as by the inspection of the transcript of the record

of the said

District

Court, which was brought into the Supreme Court of the United States by virtue of an appeal.

agreeably to the act of Congress,

in such case made and provided, fully and at large appears

And whereas, in the present term of *December*, in the year of our Lord one thousand eight hundred and *eighty nine*, the said cause came on to be heard before the said Supreme Court, on the said transcript of the record, and was argued by counsel: On consideration whereof, it is now here ordered adjudged and decreed by this Court, that the decree of the said District Court, in this cause, be, and the same is hereby affirmed -

*21<sup>st</sup> February 1890.*

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

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

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

COSTS OF—  
Clerk . . . \$ \_\_\_\_\_  
Attorney . . . \$ \_\_\_\_\_  
\$ \_\_\_\_\_

Taxed by *B. W. Madaen*

Clerk of the Supreme Court of the United States.

287. 89.

No. 48. December Term, 1869.

MANDATE  
SUPREME COURT UNITED STATES.

*W. S. v. Rockafall*

*Jedon Motion of*

*Henry Sturcock Atty  
for Plaintiff; Dep't  
Nov. 28/69*

*Wm. W. Carter Clerk*

*By J. H. Ginniss Atty*

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United States District  
Court District of California

287 SD  
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Antonio Jose Roche et al.  
Appellants

vs  
The United States  
Appellee

On reading the Mandate of The  
Supreme Court of the United  
States and it appearing that  
upon appeal heretofore taken  
in the above entitled case from  
the District Court of the Southern  
District of California the decree  
confirming the claim was affirmed

Now on motion of Henry  
Wancock Attorney for Claimants  
it is ordered that the said Mandate  
be filed and that the Claimants  
be allowed to proceed under  
the decree heretofore rendered  
as a final decree

John W. Hoffman  
Clerk of Court

NOV 13 1890  
501 2D

U.S. District Court  
District of California

Antonio José Rocha  
et al

vs -

The United States

Order on plea of Maudake  
that demand proceed  
on under final decree

Filed September 16<sup>th</sup> 1890

Edw B. Potter Clerk

By A. D. Strimwood

*[Faint handwritten notes in the left margin, including "Antonio José Rocha et al" and "The United States"]*

*[Faint handwritten notes in the right margin, including "Antonio José Rocha et al" and "The United States"]*

*[Faint handwritten notes in the bottom right corner]*

OFFICE OF THE BOARD OF COMMISSIONERS,  
TO ASCERTAIN AND SETTLE THE  
PRIVATE LAND CLAIMS IN THE  
STATE OF CALIFORNIA.

I, GEORGE FISHER, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing twenty one pages, numbered from 1 to 21, 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. 487 on the Docket of the said Board, wherein

Antonio Rocha, et al,

are the Claimants against the United States, for the place known by the name of

"LA BREA"

(SEAL)

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~~ eightieth.

(signed) Geo. Fisher

Secy.



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

ORDER

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.

BE IT REMEMBERED, that on this fifteenth day of November Anno Domini One Thousand Eight Hundred and Fifty-two, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to-wit;

The Petition of Antonio Rocha, et al, for the Place named "LA BREA" was presented, and ordered to be filed and docketed with No. 487 and is as follows, towit;

(Vide page 3 of this Transcript.)

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

Los Angeles November 15 1852

In case No. 487, Antonio Rocha, et al, for the place named "La Brea", the deposition of Abel Stearns, a witness in behalf of the Claimants, taken before Commissioner Hiland Hall, was filed:

(Vide Page 7 of this Transcript)

---

San Francisco December 13 1852

In the same case the deposition of Jose Antonio Carrillo, a witness in behalf of the Claimants, taken before Commissioner Hiland Hall, with document marked H, H No. 1, and translation thereof, annexed thereto, was filed:

(Vide page 9 of this Transcript)

---

San Francisco December 5 1854,  
Case No. 487 was ordered to be placed at the foot of the  
3d class cases on the Trial Docket.

San Francisco December 19 1854  
Case No. 487 was submitted under the Rule of 21st March 1854.

---

San Francisco March 6 1855.

In the same case Commissioner S. B. Farwell delivered the  
Opinion of the Board rejecting the claim:

(Vide Page 19 of this Transcript)

and the following order was made, to-wit:

(Vide Page 21 of this Transcript)

---