

CASE No.

312

SOUTHERN DISTRICT

RINCON DEL DIABLO GRANT

THE HEIRS OF JUAN B. ALVARADO

CLAIMANT

10
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MAR 21 1963

LAND CASE 312 SD

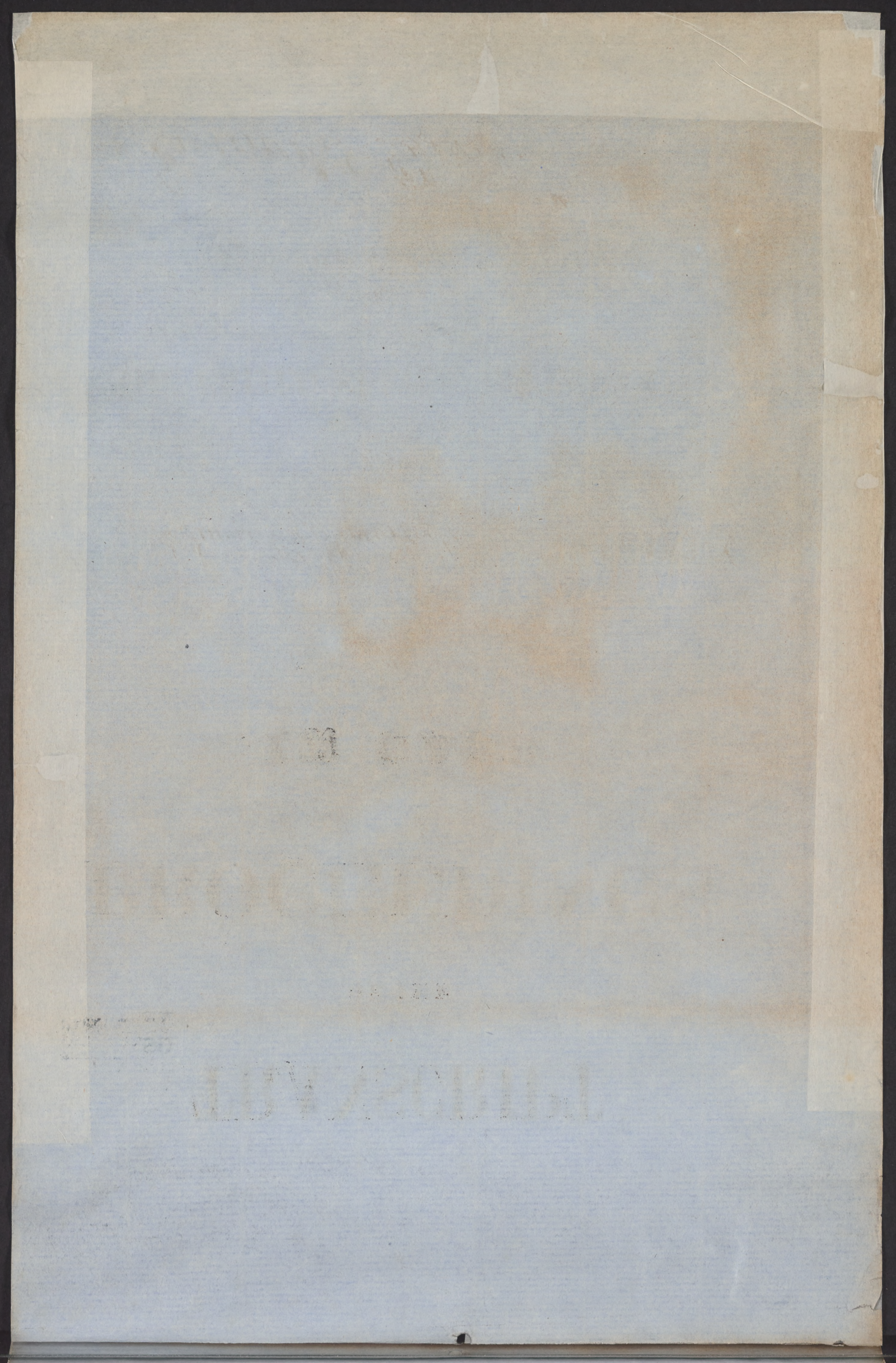
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TRANSCRIPT

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PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 462

The Heirs of Juan B. Alvarado — CLAIMANT &

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

" Rincon del Diablo. "

THE UNIVERSITY OF CHICAGO
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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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Be it Remembered, that on this *Eightth 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 The Heirs of Juan B. Murado, for the Place named "*Rincon del Diablo*," was presented, and ordered to be filed and docketed with No. 462, 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 10, 1852.
In Case No. 462, the Heirs of Juan B. Murado, for the place named "*Rincon del Diablo*," the deposition of S. Argicello, a witness in behalf of the claimants, taken before Commissioner Wiland Hall, with documents marked "N. N. Nos. 1, 2, 3 & 4" and translations thereof marked "C. F. & annexed thereto, was filed:
(Vide page *4* of this Transcript.)

San Francisco September 19, 1853.
Case No. 462 was ordered to be placed at the foot of the Docket.

San Francisco September 12, 1854.
Case No. 462 was ordered to be placed at the foot of the 2^d Class Cases on the Trial Docket.

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San Francisco October 14, 1854.
In the same case the deposition of Jesus Moreno
a witness in behalf of the claimants taken before
Commissioner Peter Lott, was filed;
(Vide page 6 of this Transcript.)

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San Francisco October 17, 1854.
Case No. 463 was submitted without argument
and taken under advisement by the Board.

San Francisco May 23, 1855.
In the same case Commissioner S. B. Farnell
delivered the Opinion of the Board confirm-
ing the claim:
(Vide page 23 of this Transcript.)

5.

And the following Order was made to wit:
(Vide page 25 of this Transcript.)

To the Board of Commissioners
for ascertaining and settling Private
land claims in the State of California.

Petition.

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Your petitioners legal heirs
of Juan Benito Alvarado of the County
of San Diego in the State of California
respectfully represent to your Honorable
Board that they claim a certain tract
of land called "Rincón del Diabolo" con-
taining three sitios de ganada Mayor
situated in the County of San Diego afore-
said, that they claim the same as the

legal representatives of the said Juan
Benito Alvarado deceased, the said
tract of land having been granted in
fee to the said Alvarado deceased under
the authority of the Mexican Government
by Don Manuel Micheltorena Governor
of the Department of California by grant
bearing date the 15th day of May one
thousand eight hundred and forty
three.

Your petitioners would
further represent that judicial possession
of said tract of land was given to the
said Alvarado deceased on the 12th day
of January 1844 and the Comendario
thereof designated and defined, and that he
during his life time and those now
claiming under him have been in the
peaceable possession thereof ever since
and that they have no knowledge of any
interfering claim.

Your petitioners present
herewith the grant with the certificate
of judicial possession of said land in the
Spanish language with translations

H

thereof and will make further proof if required by the Court.

Your Petitioners pray your Honorable Court to take into consideration their claim to said tract of land and decree their title to be valid and confirm the same.

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Sutherland & Carr.
Attys.

Filed in Office Nov 8. 1832.

(Signed) Geo Fisher Secy.

Las Angeles Nov 10th 1832

Depo. of S. Arguello

On this day before Com Heilant Head Com Santiago Arguello a witness in behalf of the claimant's deems of Juan B Alvarado Petition No 462 and was duly sworn his conduct being interpreted by the Secretary.

The U.S. Associate Law Agent was present.

In answer to enquiries by Counsel for the claimants the witness testified as follows.

Mrs. Maria's Santiago Arguello Mrs age is forty years and resides in San Diego.

A paper is now shown me purporting to be a grant to Juan B Alvarado dated 11th of May 1813 to which is attached a testimonial of Judicial possession given in January 1814.

5- The signatures of Manuel
Micheletto, Francisco Arce, Marcisa
Botello & Juan Ma Marron appeared
on said paper & believe to be genuine. I
am acquainted with their signatures. Said
Marron was acting as Justice of the
Peace at the date of said possession.

Said paper is hereto an-
nued & marked H. H. No. 1.

I know the rancho
called Rincon del Diablo. Juan B Alvarado
had a small stock of horses on it from
1842 or 1843 until the time of his death
about the year 1844.

His Widow and
oldest Son have occupied it since his
death. The Widow died in 1851 and the
Son is also dead. There was a house on
the land from its first occupation & it has
been inhabited to the present time & the
widow of the deceased Son is now living in
it. A small quantity of the land has
been cultivated.

Sworn & Subscribed

Before me

Herland Heald
Cmrr.

Filed in Office Nov 11. 1852.

(Signed)

Geo Fisher Secy.

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United States of America.
State of California, 3 ss.
San Francisco, Oct. 12, 1854.

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Depo. of Jesus
Morgan

This day came before Peter Lott
a Commissioner for taking testimony to
be used before the Board of W. S. Land
Commissioners in said State Jesus Morgan
a witness on behalf of the claimants The
Heirs of Juan P. Alvarado deceased
in Case No 462 on the docket of said
Board and said witness being sworn
deposed in Spanish which is interpreted
by the interpreter to said Board as follows.

The U S Associate Law Agent is present.

Questions by Judge Sutherland attorney
for claimant.

Question.

What is your name
age and residence.

Answer.

My name is Jesus Morgan
My age 45 years My residence San
Diego California.

2 Question.

Do you know the
boundaries of the Rancho called Rincón
del Diablo if you state what you know
about them.

Answer.

I know the boundaries of said
Rancho from what the owner thereof
has told me. he has pointed them out to
me I have seen them and understand

what they were from their being recog-
nized by the Neighbors.

It is bounded on the
Southern side by the Rancho of San Bernar-
do. the line there is the public Road which
leads from San Pasqual to San Marcos over
a hill on the Eastern side by the common
lands of the Pueblo of San Pasqual.

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That line is marked
by the Sierra on the North western
side it is bounded by the Rancho of
San Marcos. There is a small arroyo
which runs down from the Mountain and
divides this Rancho of Diablo from that
of San Marcos.

By these Ranchos, Diablo
San Marcos and San Bernardo all
come together at the Arroyo Seco on the
plain. On the North of Diablo is bounded
by the Sierra which are called "Sierras
de Rincon del Diablo".

3rd Question.

How far is it from the
Northern line of the Rancho of San
Bernardo across the Rancho of Rincon
del Diablo to the Sierra on its North
side.

Answer.

I should say it is from 2 to
2 1/2 leagues more or less.

4th Question.

How far is it from East
to west across said Rancho of Diablo.

Answer.

It is about two leagues I have
never seen it measured. I have travelled
over it and I think this is about the
distance.

5th Question.

State if you know whom Juan Bautista Alvarado, the claimant in this case did if you state whether he left a widow and children if you name them and state which of them are still living.

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Answer.

He died I think about 1845 or 1846 I am not positive as to the time. He left a widow named Ramonada Yorda de Alvarado who is since deceased. I think she died about 1852. He left 5 children. Maria Antonia Snook, Yusef Bonilla, Guadalupe de Croser, Juan Maria and Francisco. These are all living. There are living three children of Jose Maria Alvarado a son of said Juan Bautista who was killed by the Indians before the death of his father. These are the grand children of said claimant and are named Jose Maria, Federico and Simedus.

Cross Examined by U S Associate Law Agent.

1st Question.

State the shape and average length and breadth of the Rancho in Question?

Answer.

It is rather of a triangular form as near as I can tell I cannot speak with any certainty of the dimensions of the Rancho.

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Question.

What is the custom command of said Rancho?

Answer.

It is a small stream of water which comes out of the mountains here and divides this Rancho from San Marcos.

Question.

State how you know the names of the children in this case.

Answer.

I lived with them and was very intimate in the family.

José Moreno.

Subscribed and sworn to before me on this 12th day of October A.D. 1854.

Peter Lott Comr &c.

Filed in Office Oct 14, 1854.

(Signed)

Geo Fisher Secy

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El Ciudadano Manuel Micheltorena Gobernador
Comandante General e Inspector del Departamento
de Tubas Californias.

(Seal) Por cuanto el Ciudadano Juan Bautista
Alvarado ha pretendido para su beneficio personal
y el de su familia el rancho conocido con el nombre
de Rancho del Diablo, colindante al S. con el Rancho
de San Fernando, al E. con el Pueblo de San Pascual
original Grant al N. con las Serranias muertas y al N.E. con el rancho
and Certificate de San Marcos: practicadas oportunamente las diligencias
of judicial pro- y averiguaciones convenientes segun lo dispuesto por
session & leyes y reglamentos: usando de las facultades que me son
312 SD conferidas a nombre de la nacion mejicana he venido en
PAGE 11 concederle la propiedad de el por las presentes letras sus-
auctorizadas a la aprobacion de la Junta Suprema departament
y bajo las condiciones siguientes.

1.^a Podrá sercarlo sin perjudicar las franjas
caminos y servidumbres: lo disfrutará libre y calmu-
camente destinandolo al uso o cultivo que mas le acomode
pero dentro de un año fabricará casa y estera habitada.

2.^a Solicitara del juez respectivo la posesion juratoria
en virtud de este despacho por el cual se demarcan las
lindes en cuyos limites podrá o mas de sus mojoneras
algunos arboles frutales o silvestres de alguna utilidad.

3.^a El terreno de que se hace donacion es de tres sitios
de ganado mayor poco mas o menos segun esplica el
diseño respectivo. El juez que tiene la posesion lo hará
medir conforme a ordenanza quedando el sobrante
que resulte a la nacion para los usos convenientes.

4.^a Si contraviere a estas condiciones perderá su
derecho al terreno y será denunciado por otro.

En consecuencia mando que sirviendole de
titulo el presente y teniendole por firme y valeroso se
tome rason de el en el libro a que corresponde y se entreg-
ue al interesado para su resguardo y demas fines.
Dado en la Ciudad de los Angeles a diez y ocho de
Mayo de mil ochocientos cuarenta y tres.

Manuel Micheltorena. Fran^{co} Arce. Sr. Int^o.

Queda tomada razon de esta concesion en el libro respectivo a p. 4.

Fran^{co} Arce.

El Sr. Gobernador ha dispuesto se tome razon de este despacho en la Prefectura de este Segundo Distrito.

Fran^{co} Arce.

En esta fha. se tomó razon de este despacho en la Prefectura del 2^o Distrito conforme se previene y cuenta a p. 4. del libro respectivo. Aug^o Mayo 30 de 1843.

Narciso Boleto. Sr.

Letto Cuarto Los Reales.

Ha habilitado provisionalmente por la aduana maritima del puerto de Monterrey en el Departamento de las Calij^{as} para el año de mil ochocientos cuarenta y tres.

Micheltorena.

Manuel Castañares.

Sr. Lucey de Bay del Pto. de S. Diego.

El Ciudadano Juan Bta. Alvarado vecino de la Municipalidad del caudal de V. como mejor halla lugar espongo que habiendo obtenido con fha treinta de Mayo de mil ochocientos cuarenta y tres por el Sr. Gobernador y Comand^{te} Jeneral del Departamento la concesion del terreno conocido con el nombre del Rincon del Diablo y reconocido antes por de la Mision de San Diego.

A. V. pido que impuesto del titulo de propiedad que respectivamente acompaño tenga a bien dar me la posesion segun lo dispuesto por la Superioridad segun me en un todo a los articulos de otro titulo.

Pueblo de San Diego. 30 de ag^o de 1843.

Juan Bta. Alvarado.

En el Pueblo de San Diego de la Atta California a los doce dias del mes de Enero de mil ochocientos cuarenta y quatro ante a la solicitud del Sr. D^o Juan Bautista Alvarado, vecino de esta Municipalidad a fin de que se le de la correspondiente posesion del sitio y rancho llamado Rincon del Diablo, concedido por el Gobierno de este Departamento: cuyo titulo en su citada solicitud

Pasé con los testigos de existencia al expresado litio que procedí a dar la posesion involuntaria, previa citacion de colindantes arreglados al repetido titulo que se lo ha conseruido por el Excmo. Sr. Gobernador D^o Manuel Michelarena con fecha de diez y ocho de Mayo de mil ochocientos quarenta tres.

El Cincobetano Juan Maria Marron fue de 1^a instancia de esta demarcacion asi lo provey, mandé y firmé ante los testigos expresados de existencia con quienes actuó por receptoria a falta de escribano publico segun derecho doy fe.

Juan M^e Marron.

Blas Aguilar. de aso. Mariano Reyes.

En el rancho del Nueve del Diablo a los diez de Enero de mil ochocientos quarenta y quatro: Yo el mismo fue para la practica de estas diligencias nombren los hombres condeberos a quienes hice saber su nombramiento el que aceptaron bajo juram^{to} que otorgaron, ofreciendo desempeñar fielmente su encargo lo que autorizo y firmo con los testigos de existencia segun derecho.

Juan M^e Marron.

de aso. Blas Aguilar. de aso. Mariano Reyes.

En el mismo dia, mes y año estauo en el poverge del Nueve del Diablo a efecto de verificar las medidas posesion de D^o Juan Bautista Alvarado del citio nomb^o rancho Nueve del Diablo: previos todos los requisitos de ley, y estauo ante mi los testigos de existencia y condeberos hice medir un cordel que contenia sesenta y a los extremos unos saneas de madera: previa observancia y calculo por mi disposicion, se tiro el cordel desde el lindero del Pueblo de San Pascual del S^{te} al norueste ocho mil setecientas cincuenta varas, Su seguida de Sur a norte se midieron ocho mil setecientas cincuenta en donde se fijaron las cujuevas y no habiendo manifestado objeciones algunas que superuoliera las medidas fueron concluidas las medidas del Rancho del Nueve del Diablo a satisfacion del interesado al cual

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ordena pusiera las respectivas mojoneras en los puntos correspondientes y questo entendido habiendo marcado aquellos en señal de posesion lo que autorizo y firmo con los testigos de asistencia segun derecho hoy fe.

Juan M^a Barron.

De asda. Blas Aguilar. De asda. Mariano Reyes.

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En el dicho dia, mes y año, habiendose concluido las diligencias de este expediente perteneciente al Rancho del Rincon del Diablo, desele testimonio a D. Juan Bautista Alvarado interesado en ellas para su resguardo y demas seguridad y mas que le combengan. El Cud^o Juan M^a Barron. Juez de 1^a instancia de esta Demarcacion asi lo provee y firme con los testigos de asistencia segun derecho hoy fe.

Juan M^a Barron.

De asda. Blas Aguilar. De asda. Mariano Reyes.

En el mismo dia, mes y año questo librado al interesado el testimonio que se refiere en el auto anterior y para constancia lo rublique.

Filed in Office. Nov^r 8th 1852.

Geo. Fisher Secy.

The Clerk Manuel Michelt...

The Citizen Manuel Micheltorena Governor Commandante General and Inspector of the Department of both Californias.

Translation of Grant &c.

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Inasmuch as the Citizen Juan Bautista Alvarado has solicited for his personal benefit and that of his family the place known by the name of the Rincon del Diablo bounded on the South by the Rancho of San Bernardo on the East by the Tierras of San Pascual on the North by the Ridges of dead Mountains Serranus Muertos, and on the North East by the Rancho of San Marcos having previously complied with the requirements and obligations according to the laws and regulations concerning them In virtue of the powers conferred upon me in the name of the Mexican Nation I have concluded to grant him the above mentioned land, declaring it to be his property by these presents subject to the approval of the Excellent Departmental Junta and under the following conditions.

1st. He may enclose it without prejudice to cross roads and servitudes, he shall enjoy it fully and exclusively devoting it to the use or culture most agreeable to himself but within one year he shall build a house upon it and which shall be inhabited.

2d. He shall solicit of the proper Judge to give him judicial possession by virtue of this dispatch by whom shall be

marked the boundaries on whose limits he shall place for land marks some fruit or forest trees of same utility.

3^o. The land of which donation is made is of three 'Sitios de ganada Mayor' more or less as explained by the petition and respective map or design.

The Judge who shall give the possession shall have it measured conformably to the ordinance retaining the remainder which results to the Nation for its common use.

4th. If he contravenes these conditions he shall lose his right to the land which may be demanded.

Wherefore I order that this serving him as a Title and being held firm and valid record of it be made in the corresponding Book and delivered to the interested parties for his security and further ends.

Given at the City of Los Angeles on the eighteenth day of May one thousand eight hundred and forty three.

Manuel Michelena
Francisco Arce
Sec. at int.

This concession is recorded in the proper Book at page 4.

Francisco Arce.

H. C. the Governor has directed this dispatch to be recorded in the Prefecture of the 2^o district.

Francisco Arce.

At this date this Dispatch was
recorded in the Prefecture of the 2^d District
agreeably to direction, and as appears
at page 14 of the respective Book Aug
(May 30th 1843.)

Francisco Botello
Secret

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Seal Third, One Dollar.

Provisionally directed by the Maritime
Custom House of Monterey in the Depart-
ment of the Californias for the year 1843.

Mickettonna Manuel Castanaris

Seal Third, One Dollar.

Seal Fourth, Two Reals.

Provisionally authorized by the
Maritime Custom House of the port of
Monterey in the Department of the
Californias for the year Eighteen hundred
and forty three.

Mickettonna Manuel Castanaris.

Seal
Fourth

To the Judge of the Peace of
the port of San Diego & the Citizen Juan
Bto Alvarado, a resident of the Munic-
ipality under your command in the most
proper form represents that he has
obtained under date of May the thirtieth
Eighteen hundred and forty three from

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His Excellency the Governor and
Commandant General of the Depart-
ment the execution of the land known by
the name of the "Rincón del Diablo" and
heretofore acknowledged by the Mission
of San Diego, ask Your Honor in
virtue of the Title of property which
respectively accompanies this that it
may please you to give me the possession
according to the direction of the Superior
authority being subject to the articles
of said Title.

Pueblo of San Diego }
August 20th 1843. }

Juan Pto Alvarado.

In the pueblo of San Diego Alta Califor-
nia on the twelfth day of the month of
January one thousand Eight hundred
and forty four agreeably to the solicitation
of Don Juan Bautista Alvarado a resident
of this Municipality to the end that
I should give him the proper possession
of the place and Rancho called "Rincón
del Diablo" granted to him by the Govern-
ment of this Department, whose title is
quoted in his petition I went with the
witnesses of assistance to the said
place and proceeded to give the posses-
sion required having previously cited to
appear the neighbors in reference to said
title which was granted to him by his
Excellency the Governor Don Manuel
Michatzena on the eighteenth day of
May Eighteen Hundred and Forty
three.

Mariano Saez of the Court of Justice

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I the Citizen Juan Maria
Marron Judge of first instance
of this jurisdiction in the manner pro-
vided order and sign before the said
witnesses of assistance with whom I
act in the absence of a Notary Public
according to law, which I hereby certify,
Juan Maria Marron,
Witness
Blos Aguilar. Maesupma Rufes. &

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Upon the Rancho of the Rincon del
Diablo on the 12th of January 1844, I
the said Judge for the Execution of these
proceedings named two persons Chain bearers
and caused them to be informed of their
appointment which they accepted taking
an oath faithfully to perform their duties,
which was authorized and signed with
the assisting witnesses according to law.
Juan Maria Marron.
Assisting
Blos Aguilar. Masimo Rufes.

On the same day month and year being
upon the "Rincon del Diablo" for the
purpose of making the measurement
and delivery possession to Don Juan
Bentista Alvarado, of the place
called "Rincon del Diablo" all the re-
quisites of the law having been com-
plied with, and the assisting witnesses
and chain bearers being present, I
caused a cord to be measured which
contained one hundred bars and sticks
of wood to be attached to its extremities

After observation and calculation by my direction a line was run from the Caudanal of the Pueblo of San Pascual in a direction from East to the North West. Eight thousand seven hundred and fifty varas thence from South to North eight thousand seven hundred and fifty varas where the land marks were established

And no objection having been made nor reason shown why they should be suspended the measurement of the Rancho of the Rincon del Diablo was concluded to the satisfaction of the party whom I ordered to place land marks at the proper points there to remain as evidence of his possession which was authorized and signed with the assisting witnesses according to law as I certify.

Juan Maria Marron.

Wt.

Blas Aguilar

Wt.

Maximo Ruiz

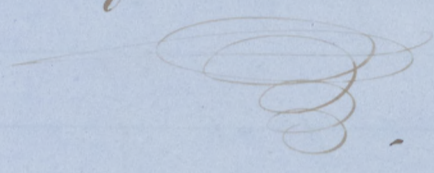
On the same day month and year the proceedings of this Expediente relating to the Rancho of the Rincon del Diablo being concluded a copy was delivered to Don Juan Benito Alvarado the party for his protection and security and for the purposes for which he may require it.

I the Certyfyr Juan Maria Marron Judge of the First instance of this jurisdiction thus decreed and signed with the assisting witnesses

Juan Maria Marron.

Signed with the assisting witnesses
according to law as I certify,
Jaime Maria Mamon,
Blas Aguilar, Maximino Rufes.

On the same day month and
year the copy referred to in the prece-
ding decree is delivered to the party
and in proof thereof this is certified.



Filed in Office Nov 8, 1832.
(Signed) Geo Fisher Secy

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No. 462 Heirs of Juan Pontuta Alvarado dec'd
 vs. The United States
 place called
 Rincon del Diablo
 in San Diego County
 containing two square
 leagues

Opinion

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In this case the claimants
 have filed in evidence a grant issued by
 Manuel Michellena on the 18th day
 of May 1843 to Juan P. Alvarado,

And also the proceedings of
 the judge of the first instance of the proper
 district giving judicial possession dated
 the 12th day of January, 1844,

Which documents are properly
 authenticated

The death of the said
 grantee Alvarado is also proven and that
 he left a wife and four children and
 that the said wife has since deceased leaving
 the following named children the sole heirs
 to the estate, viz: Mariano Antonio Ines
 Isabel Bonilla, Guadalupe de Chasco,
 & Juan Maria Francisco

We think from the proofs
 that this claim is a valid one and a decree
 of confirmation will be entered herein

Filed in office May 27, 1853

Signed / Geo. D. Jones

24 Perce

Heirs of Juan Bautista Alvarado et al

The United States

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In this case after hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioners is valid and it is therefore decreed that their application for a confirmation thereof be allowed.

The land of which confirmation is hereby given is situated in the county of San Diego, and known by the name of Rincon del Diablo and embracing three square leagues, and described as follows: bounded on the south by the Rancho of San Bernabe, on the east by the pueblo of San Jacinto on the north by the ranges of dead mountains, and on the north-east by the rancho of San Marcos. Reference being had to the grant and proceedings in judicial measurement on file in this case.

A. Aug. Thompson

S. B. Farnell

Filed in office May 22, 1855

(signed) Geo John Feay

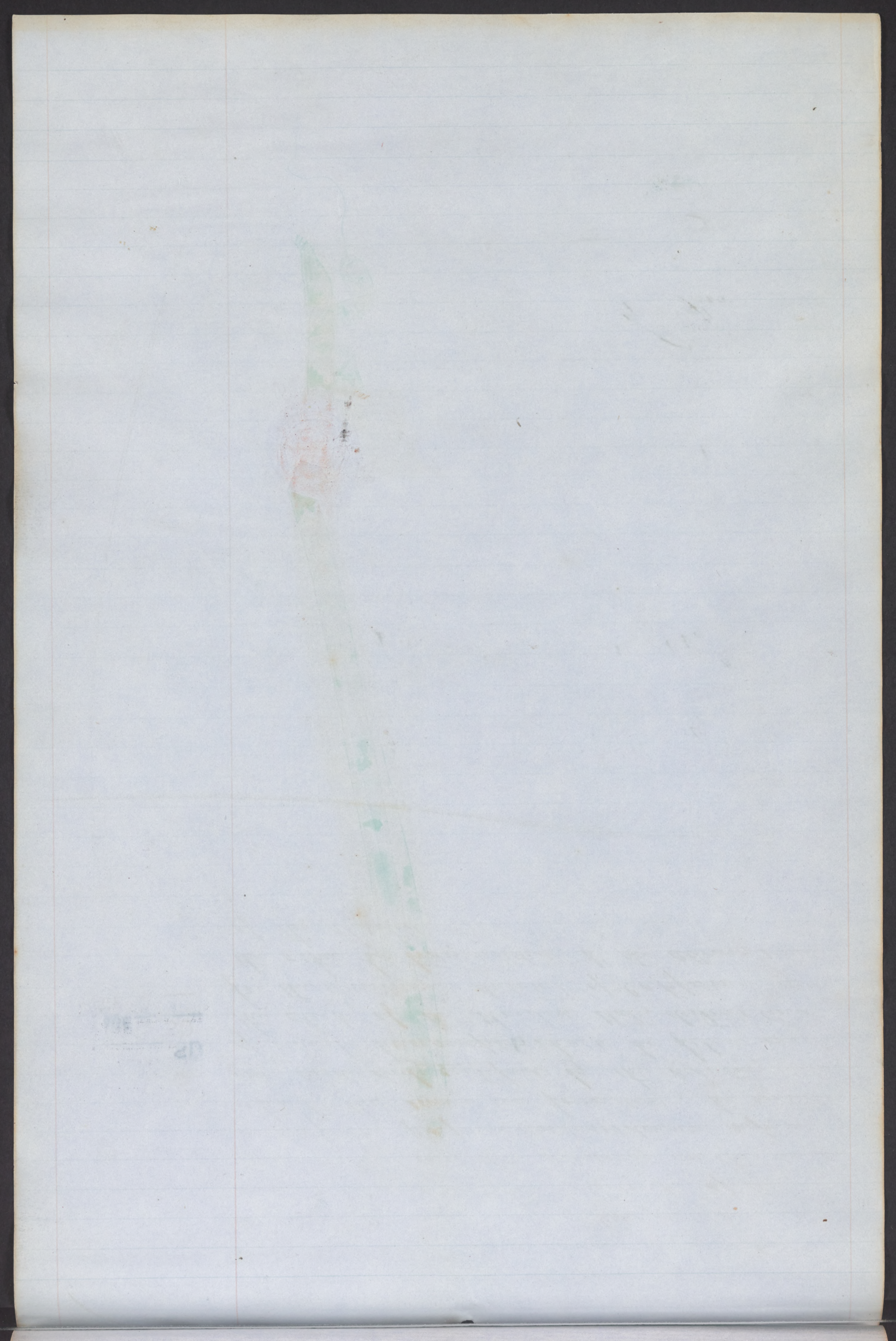
and it appearing to the satisfaction of the Board

25th Order

And it appearing to the satisfaction of the Board
that the land hereby adjudicated is situated
in the Eastern district of California it is
hereby ordered that two transcripts of the
proceedings and the decision 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 Eastern 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 five* pages, numbered from
1 to *25*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *462* on the Docket of the said Board,
wherein

The Heirs of Juan B. Murarado are
the Claimant against the United States, for the place known by
the name of "*Rancho del Diablo*."

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

G. Fisher



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

No. 312

THE UNITED STATES,

vs.

*The Heirs of Juan B. Alvarado.
Rincon del Diablo.*

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TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 462

Filed, Oct 25 1855

*J. E. Carr.
Clerk.*

*8. 20 52
22 May 55* 312

Office of the Attorney General of the United States,

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Washington, 3. December, 1855.

462.) — "Rincon del Diablo" —

The Heirs of Juan B. Alvarado, Claimants

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 20th day of November, 1855, the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Cushing

Attorney General.

No. 312.

U. S. Dist Court
South Dist California

Heirs of Juan Ballewado
appellans
ad

The United States
appellants

Notice of Appeal

Filed Feb 12, 1856

C. E. Jones
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In the United States District Court for
the Southern District of California

The United States

No 372

Appellants

March Term 1886

vs

Rincedel Diablo

The Heirs of Juan Bautista Alvarado

appellants

312 SD

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This cause coming on to be heard on
an appeal from the decision of the Commis-
sioners to ascertain and settle private land
claims in the State of California under an act
of Congress approved March 3^d 1851, upon the
transcript of the decision and proceedings and
the papers and evidence upon which said
decision was founded and it appearing that
said transcript has been fully filed according
to Law and Counsel for the respective parties
having been heard. It is ordered adjudged
and decreed that the decision of the Commis-
sioners be affirmed and that the claim of
the said appellees is good and valid and
the same is confirmed to the extent of three
square leagues and no more within the
following described boundaries to wit: Bounded
on the South by the Rancho of San Bernardo, on
the East by the Pueblo of San Pasqual, on the
North by the Ridges of Dead Mountains,
(Serranias Muertes) and on the North
East by the Rancho of San Marcus, as desig-
nated in the Grant. Provided that the
quantity contained within said boundaries
be less than said quantity of three ^{Square} leagues, then
confirmation is hereby made of such less quantity

Isaac R. Ogden
U. S. District Judge
for the S. Dist. of Cal.

No 312

District Court United
States for the Southern
District of California

The Heirs of Juan B. Alvarado
vs
advs

The United States

Decree

Filed July 6th 1887

Spicer
clerk

Recorded as page 126
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In the District Court of the United States for the Southern District of California.

CITY AND COUNTY OF LOS ANGELES--STATE OF CALIFORNIA.



Juan B. Alvarado, heir &
appellans.

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ad.
The United States, Appellant.

Docket No. 312.

Transcript No. 462.

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

The Petitioner of **Pacificus Ord**, a resident of said City, County, and State, Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court, in the name and behalf of the United States, represents as follows: That heretofore, to wit: on or about the 8th day of November A. D. 1852, Heir of Juan B. Alvarado

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

in the County of San Diego — State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit: on or about the 22nd day of May — A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 23rd day of October A. D. 1855, a duly certified transcript of the proceedings and decision of the said Commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California, and marked No. 462; reference to which it is prayed may be had and made part of this petition. That on or about the 20th day of November A. D. 1855, the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and

evidence on which said decision was founded. That thereafter, to wit: ^{or about} on the 12th day of February — A. D. 1856, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimants presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimants ~~has~~ ^{have} any valid right or title to said land claimed as aforesaid, or any part thereof.

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And no sufficient proof having been made of the allegations in said petition to said Commissioners, or in support of the said claim, no decision confirming the same should have been made by said Commissioners; but the

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

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

J. Ord

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

N^o 312.

Filed this 6th January
A.D. 1857
J. M. M. M. M.
J. M. M. M. M.

312 SD

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

312 SD

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The Heirs of Juan B. Alvarado } No 312
} abs appellees
The United States } Rincon del Diablo
} appellant.

And now comes the said appellees by Thomas Wetherland their attorney and for answer to the petition for review filed in this case by the United States District Attorney says -

That their claim to the lands mentioned and described in this case is good and valid & ought to be confirmed.

Wherefore they pray that this Honorable Court will affirm the said decision of the said Land Commissioners and decree the claim of the said appellee to be good and valid and for such other or further and general relief as may seem just and equitable in the premises

Thos Wetherland
atly for appellees

No. 312.
District of the West
Southern District of
California

Paris of Jan 18th Alvarado
Wads
The United States

Answer

Filed this 6th January
A.D. 1857
C. F. W. Adams
J. S. W. Adams
J. S. W. Adams

That W. S. W. Adams
atty for appellants

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

The President of the United States,

TO *the*

Heirs of Juan B. Alvarado & Co,

312 SD

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Greeting:

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

Alfred W. D. Stately, praying

the Court to review its decision of the United States Land Commission of 22^d day of May A.D. 1855, confirming your claim to the land called

"Rincon del Diablo"

and that *you* are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or the Petitioner will apply to the Court for the relief demanded therein.

In Witness whereof, I have hereunto set my hand, and affixed the Seal of said Court, at the City of Los Angeles, this *fifth* day of *January* A. D. 1857.

C. Spivey CLERK.

Marshall's Cost

Copying Summons - 10
Serving same 3. -
Petition 3. -
\$ 6.00

3/2

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

Wm of B. B. ...

vs

W. Bates

Filed this 9th January A. D. 1857
C. Brown clerk
J. A. Holman
clerk

SUMMONS.

Received 185

U. S. MARSHAL.

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I served this Summons, together with a certified copy of the Petition, upon *W. Southland*
by his acknowledging Service (attty for answer)

at *Los Angeles* in the Southern District of California, on
the *7th* day of *January* A. D. 1857.

Sworn to and subscribed before me,

CLERK.

Edward Hunter
U. S. MARSHAL.

Dr. McGoodman
Supt.

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California Land Claims.
Attorney General's Office
3 Feby, 1857.

Sir:
In the case of the claim of the
Heir of Juan Alvarado, confirmed
to the claimant by the Commission-
ers, Case no. four hundred and sixty-
two, (462), appeal will not be prot-
ected by the United States.

I am,

Respectfully,

Chauncy

William Ad Ely
U. S. Attorney,
Los Angeles.

No. 312,

Filed 4 March 1858,
B. King Clerk,
for W. W. Stetson,
Dpty.