CASE NO.
327
SOUTHERN DISTRICT

TEJON GRANT

JOSE ANTONIA AGUIRRE
CLAIMANT

LAND CASE 327 SD 88pages

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 240.

José Antonio Aguirre, et, al, CLAIMANTS.

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Tejon"

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

The Petition of José Antonio Aguirre et al; *for the Place named* "Tejon,"

was presented, and ordered to be filed and docketed with No. 240 *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 October 19th 1852.

In Case no. 240, Antonio Aguirre et al. for the place named "Tejon," the deposition of Samuel J. Fogo, a witness in behalf of the claimants, taken before Commissioner Kilburn Hall, was filed;

(Vide page 5 of this Transcript.)

Los Angeles October 27th 1852.

In the same Case the deposition of Abel Stearns, a witness in behalf of the claimants, taken before Commissioner Kilburn Hall, with documents marked A. S. No. 1 to 2, annexed thereto, was filed;

(Vide page 32 of this Transcript.)

San Francisco September 28th 1853.

Case no. 240 was ordered to be placed at the foot of the Docket.

2

San Francisco November 5 1853.

In the same case the deposition of Inez Maria Covarrubias, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson was filed;

(vide page 6 of this Transcript.)

San Francisco November 25 1853.

In the same case the deposition of Juan Gallardo, a witness in behalf of the claimant, taken before Commissioner R. Aug. Thompson was filed;

(vide page 8 of this Transcript.)

San Francisco September 26 1854.

Case no. 240 was ordered to be placed at the foot of the 2d Class Cases on the Trial Docket.

San Francisco November 21 1854.

Case no. 240 was submitted on Briefs & taken under advisement by the Board.

San Francisco May 8 1855.

In the same case Commissioner R. Aug. Thompson delivered the Opinion of the Board confirming the claim;

(vide page 33 of this Transcript.)

5 And the following order was made, to wit;

(vide page 36 of this Transcript)

3 Petition

No 340

To the Board of Commissioners for ascertaining and settling private Land claims in the State of California

José Antonio Aguirre, a naturalized citizen residing in the county of San Diego and Ignacio del Valle, a native of Mexico, residing in the county of Los Angeles, both citizens of the State of California, respectfully represent to your honorable board, that they claim a certain tract of land called the "Tejon" containing twenty-two (22) "sitios de ganado mayor" more or less, situated in the county of Tulare, in said State of California; that they claim the same in fee, by virtue of a grant made to your petitioners, under the authority of the Mexican Government, by Don Manuel Micheltorena Governor and Commander General of the Department of the Californias, bearing date, Monterey November 24, 1843, and approved by the Territorial Deputation on the 30th day of June, 1845.

Your petitioners would further represent that owing to the large number of hostile Indians who infested that region of the state, it was impracticable on the part of the grantee of the place to give them the judicial possession mentioned in the grant; but that in all other respects, they have complied with the regulations of the Mexican Laws - that they have ever since, exercised such acts of ownership and possession over said land, as under the circumstances they were allowed to do, and that they have no knowledge of any interfering claim to the said Rancho de Tejon

Your petitioners present herewith their expediente, containing the original grant and approval of the Territorial Deputation, and other documents relating thereto, in the Spanish language, together with translations of the same, and will make further proof of title if required by the Board

Your petitioners pray your Honorable Board to take into consideration their claim

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to said tract of land, and decree their Title to be valid and confirm the same.

And Your petitioners will ever pray.

Sutherland & Carr

Attorneys for Petitioners.

Filed in office May 25th 1852.

(signed) Geo John Gray

5

No 249
Deposition of
M. J. Fogo.

324 SD
PAGE 6

Office of the U.S. Land Commission
Los Angeles, Oct. 19 1857.

On this day before Roland Hall one of the Commissioners for ascertaining and settling private claims in California, came Manuel Jacinto Fogo, a witness produced in behalf of the claimants Antonio Aguirre and Ignacio del Valle, whose petition is No. 249, on the Docket of the Commission and was duly sworn. His evidence being given in Spanish was interpreted by the Secretary

The U. S. Associate Law Agent was notified and attended

In answer to questions by counsel for the claimant the witness testified as follows:

My name is Manuel Jacinto Fogo, my age is fifty-two years, and I reside in Los Angeles.

I am acquainted with the rancho called Tejon — It is in a northerly direction from this place about thirty leagues distant. I occupied the place from the 9th of July 1845. until the latter part of August 1846. and left there the 5th of September that year. I occupied it in behalf of Jose Antonio Aguirre and Ignacio del Valle I built a house and corral and cultivated some land, and had a small stock of horses on the place. The corral was one hundred varas long by ninety varas broad. I raised two crops, the first year was a crop of corn the second corn, beans and other vegetables

I left the place in consequence of the war and sent as about one thousand head of cattle more to be sent there. It was supposed Fremont was coming that way with his military force. I had five servants with me on the place to

6

apiet me when I occupied it, who were left there when I came away and who I believe remain there yet

his
Manuel + Jacinto Fogo
mark

Sworn and subscribed
before me
Hiland Hall
Comr.

Filed in Office Oct 19, 1852. (signed) Geo Fisher Jr

No 240

Office of the Board
of Commissioners &c

Deposition of J. M. Covarrubias

On this day before Commr R. Aug: Thompson come José María Covarrubias a witness in behalf of claimant Antonio Aguirre y Ignacio del Valle No 240, who after being duly sworn deposed as follows:

What is your name, age and place of residence?

Answer. My name is José María Covarrubias, my age is 45 years and my residence is in Santa Barbara

Question. Were you alcalde and judge of first instance of the county of Santa Barbara in the year 1844?

Answer. I was.

Question. Did or did not José Antonio Aguirre and Ignacio del Valle as grantees of the Rancho of Tejon ask of you as said Alcalde and judge of first instance of the jurisdiction of Santa Barbara the juridical possession of said Rancho.

Answer. They did, but I refused to go and deliver them possession of said rancho in consequence of the danger at that time of the Indians. The said Indians

being very troublesome and dangerous at that time — the Rancho of Tejon was in the jurisdiction of Santa Barbara at that time

Question Do you know of any other application for the judicial possession of said Rancho having been made

Answer — I know that José Antonio Aguirre and Ygnacio del Valle applied to Don Joaquin Carillo who was Alcalde and Judge of First Instance of the jurisdiction of Santa Barbara in the year 1843 for judicial possession of the Tejon — It was in the latter part of the year 1843 that they applied to Don Joaquin Carillo — Carillo declined giving judicial possession to them for the same reasons that caused me to refuse giving them judicial possession, viz; the dangers growing out of the hostile state of the Indians.

Question Were you present with Ygnacio del Valle in the year 1843, at the Rancho of Tejon?

Answer, I was there with del Valle at the time that he made the examination of the Rancho and made the map a copy of which is filed with the papers in this case. It was in the early part of the year 1843. I think in the month of April. The map designates the land correctly, and can by the boundaries thereon marked be readily surveyed

José Mª Covarrubias

Sworn to and subscribed before me Nov. 5th 1853

A. Aug. Thompson Com'r

Filed in Office Nov 5. 1853

(Signed) Geo Fisher Jony

8

340

Board of U. S. Land Commissioners &c

Deposition of Juan Gallardo

324 SD
PAGE 9

This day before Commissioner R. Aug Thompson come Juan Gallardo, a witness in behalf of Claimants, Antonio Aguirre and Ignacio del Valle, Petition No 340 and being duly sworn his evidence being in Spanish was interpreted by the Secretary as follows

Testimony on behalf of claimants

Present claimants atty and U. S. Associate Law agent

Witness states his name is Juan Gallardo, his age fifty-one years and residence Los Angeles California

Question by Claimants attorney

Are you acquainted with the Rancho called Tejon claimed in this case? if so, state what you know of the occupation, improvement and cultivation of the same, by the claimants, Jose Antonio Aguirre and Ignatio del Valle

Answer. I know said Rancho in 1845 in the month of August. I went there in company with three other persons at the request a party in search of a silver mine We took with us two Indians as guides and found the mine. While there we found living on said Ranch a Spaniard by the name of Fogo who told us that he occupied it in behalf of Ignatio del Valle and Antonio Aguirre. They were there building a corral and there was a large Indy cabin or hut which was occupied by Fogo. We had in cultivation a small field in corn and melons and a small stock of tame cattle and horses. There were a few Indians working on the corral.

Question. Did you ever hear

Question. Did you ever hold office in Los Angeles? if so, what was it and when?

Answer. In 1845 I was first Justice of the peace and Judge of the first Instance in Los Angeles

Question Were you ever applied to in your official capacity to give the juridical possession of said Rancho? if so, by whom and when?

Answer. In the month of May, 1845, I was applied to by Ignatio del Valle to give juridical possession of said Rancho to him and Antonio Aguirre. I did not give said possession because I was ordered at that time by the Governor to go out and prep horses for the public service

Question by same.

Was said Rancho at that time within the jurisdiction of Los Angeles?

Answer. In 1838 there was a question of jurisdiction between Carlos Carillo and Juan B. Alvarado both acting as Governors of California. I at that time received an order from Alvarado stating that from San Fernando toward San Diego, Don Carlos was in command, I do not know whether said Rancho was in the jurisdiction of Los Angeles or not.

Question by same

Were you ever requested to go on said Rancho as Mayor Domo to take charge of stock? if so, when and by whom?

Answer. I was requested by Ignatio del Valle in August 1845 to go on said Rancho and take charge of the stock, but I refused in consequence of the unsettled state of the country and the hostility of the Indians. He proposed to me to take charge of one thousand head of cattle. In 1850 I passed said rancho again with six hundred head of cattle going to Tulare, when I saw some cattle on the rancho and exchanged twenty=

810

two head of mine which was with the man in charge of the Ranch. He informed me that the cattle belonged to Ignatio de Valle and Antonio Azuiro. He also informed me that there were about 500 head

Juan Gallardo

Sworn to and subscribed before me Nov. 25th 1853

R. Aug Thompson
Comr

Filed in Office Nov 25. 1853

(signed) Geo Fisher Secy

11 I.S.D.K

Expediente

Promovido por los Ciudadanos Ignacio del Valle y José Antonio Aguirre en Solicitud del Parage Conocido con el Nombre de "Yefon"

92 ff

12 2.S.D.K.

Sello.

Exmo señor Gobernador

José Antonio Aguirre
è Ignacio del Valle Vecinos
de este puerto, ante la a=
creditada justificacion
de V.E. como mas haya lu
gar en derecho y mejor proceda
comparecen y dicen: que
siendo dueños de un numero
considerable de ganado ma
yor y caballar, y careciendo
de un terreno de la amplitud
q.e requiere el fomento de
dichos reses, han indagado
uno propio al efecto, q.e se
haya absolutamente baldio
y se conoce con el nombre
del Sepn.

Este terreno Exmo Sor este
situado en los tilares y
su ocupacion seria muy
ventajosa al Departamto
por estar circundado de
otros parages feraces cuya
colonizacion se emprenderia
sin duda, por brazos utiles
y laboriosos si encontrasen
alguna seguridad en ellos
la q.e desde luego encontra
rian en parte el establecmto
q.e los q.e suscriben ponerian en dicho Sepn
por lo expuesto a V.E. suplican se digne con
cederles la propiedad de dicho terreno, cuya
estencion y limites se señalaran en el diceno
q.e oportunamte presentaran à V.E. sovirien
dose. V.E. admitir esta en papel comun por
no ser de malicia y lo recelaran. q.e

Angles Mayo 30 de
1843. Llevese infor
mar el S. prefecto
del Distrito segun
do, tomando previa
mente los q.e necesi
tare al efecto.

Michelena

Angles Mayo 30 de
1843. pase este Es
pedte al Sor juez de
paz de Sta Barbara
p.a q.e como comprendi
do en aquel partido
el paraje que se pre
tende informe cir=
cunstanciadamte
espresando si pertene
ce à propiedad par
ticular à comunidad
alguna y evacuado
vuelva à esta pre=
fectura p.a los demas
fines.

M. Dominguez
Narciso Botello
Secro.

324 SD
PAGE 13

2.S.D.K

dose. V. E. admitir esta en papel comun por no haber del sellado respectivo. Juzgamos no ser de malicia y lo necesario. V.

Santa Barbara Mayo 14 de 1843

José Antonio Aguirre

Ignacio del Valle.

Sr. Prefecto del 2º Distrito.

Los interesados en esta instancia tienen todos los requisitos para ser atendidos. El terreno que solicitan se halla enteramte Baldio y no pertenece à particular ni comunidad alguna por lo que creo poderse adjudicar y es cuanto puedo informar à V. S. en cumplimiento del superior decreto de 20 de Mayo ppdo

4. L. D. R

Santa Barta Junio 13 de 1843

Joaqn Carillo

Excmo. Sr.

Del informe qe antecede pedido pr esta prefectura al juzgado de paz de Sta Barbara resulta absolutamte Baldio el parage qe solicita en el presente Expedte y tanto pr esto como pr q los representantes son personas de algunos proporciones y actividad no cabe duda darán à aquellos terrenos, si V. E. tubie

5. L. D. R

re à bien concederseles pues qe à mas de protegerse en ellos el Ventajoso Ramo de la agricultura tan recomendado pr nuestras leyes, la propagacion y fomento de los bienes del Campo, resulta à esta parte poblada del Departamto; el beneficio de tener alli una seguridad como sabe qe aunque no del todo, al menos en parte impedirà, la ocupacion de aquel sitio, la facil Entrada y salida de ladrones cuateros y demas Indios gentiles qe hacia aquel Rumbo tienen sus Rancherias. Esto es E. S. lo qe creo de mi deber hacer presente al Gobierno en Obsequio

124

de la Vadad, p.a su sup.or Conocim.to y
Resolucion de lo que tubiere à bien
Angeles Junio 14. de 1843.
Man.l Dominguez.
Narcisso Botello Sno.
Monterey Febo 23. de 1844.
Como este ya espedido el tit.o agreguese al Espe
dte. y archivese. Michelt.a

6. L. D. R.

{Here follows
Mas}

4. L. D. R. Sello cuarto Dos Reales.
Habilitado provisionalmt.e por la Aduana
maritima del puerto de Monterey, en el
Departamento de las Californias, para el
ano de mil Ocho cientos cuarenta y tres.
Michelorena Manuel Castañares

Exmo Sor Gobernador
Sello
Ignacio del Valle Vecino de este pue
to p.r si y por D.n Jose Antonio Aguirre como
pretendte. del Terreno del Tefon, ante V. E
parezco y digo: Que al punto paso à las superiores
manos de V. E. el plano del predicho terreno
suplicandole se digne mandarlo
Sello agregar al Espedte. de la Materia
y espedirme el titulo de propiedad
respectivo. Por tanto a V. E. pido y Ruego
se sirva proveer como solicito en lo q.e recibirè
gracia y justicia. Juro q.e
Santa Barbara Setembre 26. de 1843
Ignacio del Valle
Monterey dic.e 14/43. Al sor secretario del des=
pacho p.a q.e informe. Michelt.a

15-8. L. D. R Manuel Micheltorena General de Brigada del Ejercito Mejicano, Ayudante Gral de la plana Mayor del mismo, Gobernador y Comandte Gral del Departamto de las Californias

324 SD
PAGE 16
11

Por cuanto los señores Dn Antonio Aguirre y Dn Ignacio del Valle han pretendido para sus beneficios personales y los de sus familias el terreno conocido con el nombre del Leon, colindante en el Arroyo del Rincon, con la sierra, con la Cañada de los Alamos con direccion a los tulares y el Rio; practicadas previamte las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y Reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mejicana he venido en concederles el terreno mencionado declarandoles la propiedad de el sugetandose a
G. S. D. R la aprobacion de la Soma Asamblea Departamental y a las condiciones sigtes
1ª No podran venderlo ni enagenarlo ni ipotecarlo ni pasarlo a man.s muertas.
2ª No impidiran el cultivo y demas beneficios qe han disfrutado siempre los indios que se hallan Establecidos en dho parage
3ª Dejaran libre el terreno que sea necesario pa el Establecimto militar que en algn tiempo se determine establecer pa dicho terreno.
4. podran cercarlo sin perjudicar las travesias, caminos y servidumbres lo disfrutaran libre y Exclusivamte destinandolo al uso o cultivo que mas les acomode, pero dentro de un año fabricaran casa y Estara habitada
5. Solicitaran del juez respectivo que les

posesion juridica en virtud de este despacho p.r el cual se demarcaran los linderos en cuyos limites funda a mas de las mojoneras algunos arboles frutales ó silvestres de alguna utilidad.

10. L. D. R. 6.a El terreno de que se hace donacion es de diez y ocho sitios de ganado mayor poco mas ó menos segun explica el diseño que corre agregado en el expd.te respectivo. El juez que diere la posesion lo hara medir conforme á Ordenanza quedando el sobr.te que resulte á la Nacion para los usos convn.tes

7.o Si contravinieren á estas condiciones perderan sus derechos al terreno y seran denunciable por otro.

En consecuencia mando que teniendose por firme y valedero este titulo se tome Razon de el en el Libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterey á veinte y cuatro de Nov.re de mil ochocientos cuarenta y tres.

Manuel Ja.

11. L. D. R.

Exmo Sr.

La Comision Especial encargada de dar dictamen sobre el espediente promovido por los C. C. Dn. Jose Antonio Aguirre y Dn. Ignacio del Valle en pretencion del parage conocido con el Nombre del Leon situado en el Valle de los tulares; que les fue concedido p.r el superior Gobierno en titulo librado con fha 22 de Nov.re de 1843. se ha enterado con toda prolijidad y macheo detenim.te de las diligencias practicadas en dho Expedte y resultando del Examen verificado ef.te la indicada concesion fue hecha con total arreglo á lo que

17

sección fue hecha con otra anterior á esta sobre el particular disponen las leyes de la materia la referida concesion sujeta á la deliberacion de V. E. la siguiente proposicion.

Se aprueba la concesion hecha p.r el superior Gobierno Departamental en favor de los C. C. Mejicanos p.r naturalizacion José Ant.o Aguirre y por Nacimiento Ignacio del Valle del parage conocido con el nombre del Lejon situado en el Valle de los Tulares en estencion de 22 sitios de ganado mayor; de entera conformidad con la Ley de 18 de Agt.o de 1824. y el Art.o

324 SD
PAGE 18

12. S. D. 125.o del Reglamento de 21 de Nb.re de 1828. Sala de Comisiones en la Ciudad de los Angeles Junio 26. de 1845.

Franc.co de la Guerra

Franc.co Figueroa

Angeles Junio 30 de 1845.

En sesion de este dia se aprobó por la Honorable Asamblea la proposicion del dictamen antecedt.e mandando se devuelva el Expd.te al Exmo. Sor Gobernador para los fines correspondt.es

Pio Pico. presdt.e

Agustin Olvera Sto

Se libró á los interesados el comprobante respectivo en la misma fha.

Office of the Surveyor General of the United States for the State of California and as such having in my charge and control a portion of the Archives of the former Spanish and Mexican Territory or Departments of Upper California, do hereby certify that the twelve preceeding and hereunto annexed

18

pages of tracing paper numbered from One to Twelve inclusive and each of which is verified by my initials (L. D. R.) exhibit true and accurate copies of certain documents on file and forming part of the said Archives in this Office.

Seal

In Testimony whereof I have hereunto signed my name Officially and Affixed my private seal (not having a seal of Office) at the City of San Francisco Cal. this 13th day of May 1852

Samt. D. King
Survr. Genl. Cal

Filed in Office May 25th 1852

Geo: Fisher Secy

19

Sello primero Ocho pesos:
Habilitado provincialmte por la Aduana maritima del puerto de Monterey, en el Departamento de las Californias, para los años de mil Ocho cientos cuarenta y cuatro y mil Ocho cientos cuarenta y cinco.
Micheltorena Pablo de la Guerra

Doc. H. H. No. 1. annex to Depo: of Abel Stearns taken before Comr H. Hall

Sello 1o Sello 1o

El Ciudadano Manuel Micheltorena Jeneral de Brigada del Ejercito Mejicano Ayudte Jeneral de la plana mayor del mismo, Gobernador Comandte Jeneral è Inspector del Departamento de las Californias.

Por Cuanto Dn José Antonio Aguirre y Dn Ignacio del Valle, han pretendido para sus beneficios personales y de sus familias el terreno conocido con el nombre de Lejos, colindte con la Cañada de los Alisos, con la sierra del Rincon, y con el paraje de Cantee; tomando por lindero desde la dha Cañada con direccion à la Laguna de los Tulares hasta el Rio de la Purisima practicadas previamte las diligencias y averiguaciones concernts segun lo dispuesto por leyes y Reglamentos, usando de las facultades que me son conferidas à nombre de la Nacion Mejicana, he venido en concederles el terreno mencionado declarandoles la propiedad de el por las presentes letras, sujetandose à la aprobacion de la Exma Asamblea Departamtal y bajo las condiciones sigtes.

1a No impiduran à los Indios el cultivo

y demas Beneficios que han disfrutado en otro parage, ni se les molestarà p.r causa alg.n
2.da Dejaran libre el terreno que se a necesario p.a beneficio del Establiem.to militar q.e en algun tiempo se destinare p.r aquel parage
3.ra podràn cercarlo sin perjudicar las tierras, caminos y servidumbres, lo disfrutaran libre y Exclusivam.te destinandolo al uso ó cultivo que mas les acomode. pero dentro de un año fabricaran Casa y Estarà habitada
4.ta No podran venderlo, enagenarlo ni hipotecarlo imponer censo, vinculo, ó gravamen alguno.
5.ta Solicitaràn del del Juez respectivo que les dé la posesion juridica en Virtud de Este Despacho por el cual se demarcaran los linderos en sus limites pondrà à mas de las mojoneras algunos Arboles frutales ó silvestres de alguna utilidad.
6.ta El terreno de que se hace donacion es de Veinte y dos sitios de Ganado mayor, segun esplica el Diseño respectivo. El Juez que deba la posesion lo harà medir conforme à Ordenanza quedando el sobrante que resulte à la Nacion para los usos comun.es
7.ma Si contravinieren à Estas condiciones perderan su derecho al terreno y sera denunciable por otro.

En consecuencia mando q.e sirviendoles de Titulo el presente y teniendose por formè y Valedero se tome Razon de el en el Libro Respectivo y se entregue al interesado para su resguardo y demas fines:
Dado en Monterey à Veinte y dos de Norbe de mil ocho cientos cuarenta y tres.

Man.l Michel.a

Man.l Jimeno Rio.

21 Fue da tomada Razon de Concession en el Libro Respectivo á fs. 3.

Jimeno.

Filed in Office Octr. 24th 1852

Geo: Fisher Recr

22

=ménto de las California,

Prefecto Gobernador interino del Departamento de las Californias.

La Excma Asamblea Departamental en sesion de hoy ha tenido á bien decretar lo sigte=

Doc: H. H. No 2. annexed to the Depo: of Abel Stearns taken before Comr H. Hall

Se aprueba la concesion hecha por el superior Gobierno del Departamto en favor de los C.C. mejicanos por naturalizacion José Antonio Aguirre y por naciamto Ignacio del Valle, del parage conocido en el Nombre del Cejon situado en el Valle de los tulares en Extencion de Veinte y dos sitios de ganado mayor: de entera conformidad con la Ley de 18 de Agto de 1824 y el artº 5º del Reglamento de 1828.

Y para resguardo de las partes de los señores Dn José Antonio Aguirre lo hago asi saber. Dado en la Ciudad de los Angeles en este papel comun por falta de sellado á treinta de junio de mil Ochocientos cuarenta y cinco.

pio pico

José Mª Covarrubias Secretario

Filed in Office Octr 24th 1852

Geo: Fisher Secy

No

Translation

Government of the Department of California

Angeles May 30, 1843
Let the Prefect of the second district report latter before=hand the necessary steps to the effect
Micheltorena

Angeles May 30/43
Let this record of proceedings be placed before the Justice of the Peace of Sta Barbara, for the reason that the land petitioned for lies in that district and let him report minutely whether it belongs to any particular person or community whatever, this having been done let it be returned to the prefecture for further disposition
M. Dominguez
Rosario Botello
Sry.

Most Excellent Señor Governor

José Antonio Aguirre and Ignacio del Valle both residents of this port, before Your Excellency with due respect and proper form appear and say: That they being the owners of a considerable quantity of cattle and horses, and requiring a piece of land of sufficient amplitude as will serve to increase said stock, they have searched for a proper place for that purpose and have found one absolutely vacant and known by the name of Tejon.

This land, most Excellent Sir, is situated in the Tulares and its occupation will be very advantageous to the department it being surrounded by other places where colonization will without doubt be commenced by useful and industrious persons, should they find that security which they would find immediately in the establishment that the subscribers chose form in said Tejon.

In accordance with the foregoing they request that your Excellency will design to grant to them the ownership to said land, the extension and boundaries of which will be found designated in the plan that they will timely present to your Excellency. Your Excellency will please admit this upon common paper there being no stamped as corresponds.

We swear that we have no evil design in this, and what may be necessary &c.

Santa Barbara May 14th 1843.

José Antonio Aguirre

Ignacio del Valle.

Señor Prefect of the 2d District:

The parties interested in this instance have all that is requisite to be attended to. The land that they solicit is found entirely vacant and does not belong to any private person nor any community whatsoever, for which I think it might be adjudicated to them. This is all the information that I can give your Excellency, in fulfillment of the superior decree of the 30th of May last.

Santa Barbara June 13. 1843

Joaquin Carillo.

Most Excellent Sir:

From the foregoing information asked for by this Prefecture of the Justice of the peace of Santa Barbara the result is, that the land requested for in the present record of proceedings is absolutely vacant, and inasmuch for this as well as because the parties representing are persons of some means and activity there is no doubt that they would give the best cultivation and advancement to said lands. Hence your Excellency deem it wise to grant it to them, because, besides protecting hereby the advantageous branch of agriculture, so well recommended by our laws, the propagation and fermentation of country property, it would result in favor of this populous portion of the department the benefits of having there some security, which, as you may see, although not in all, at least in part, would prevent the occupation of that place (by the Indians) and the easy entrance and outlet for horse thieves and other wild Indians who

have their Ranchérias in that direction.

This is what, Most Excellent Sir, I consider my duty to present to the government in obeying of the mandate for your superior knowledge and such resolution as you shall consider well.

Angeles June 17. 1843

Manuel Domínguez

Navario Batlle

Secy

Monterey Feby 23d 1844.

In accordance with the above, dispatch the title, aggregate the patent and deposit the same in the archives

Micheltorena

#The map accompanies and follows, an original

Fourth Stamp — Two Reales

Provisionally used by the Maritime Customs of the port of Monterey, in the Department of California for the year 1843.

Micheltorena Manuel Castañares.

Stamp

Most Excellent Señor Governor:

Ignacio del Valle a resident of this Port, for himself and Don Juan Antonio Aguirre, as solicitor for the land of Tejon. before Your Excellency hereby appears and says:

That accompanying this they transmit to the superior power of

Your Excellency the plan of the aforesaid lands, requesting that you will deign to order the patent to be aggregated and to expedite to us the respective title of ownership. Therefore I request and pray that you will approve of this as I solicit, by doing which, I shall receive a favor and justice. Swearing &c, Santa Barbara, Sept. 26th 1843.

Ignacio del Valle

Monterey Dec. 17/43

Refer this to the Senior Secretary of the Despatch for him to inform himself

Micheltorena

Manuel Micheltorena Brigadier General of the Mexican Army, Adjutant General of the Staff of the said Government, and Commandant General of the department of California

Forasmuch that Mesrs Don Antonio Ayuso and Don Ignacio del Valle have pretension to the land known by the name of Tejon for their own personal benefit and that of their families, said land being bounded by the arroyo del Rincon which the Sierra and the Cañada de los Alamos in the direction of the Tulas, and the river, the previous measures and investigations having been made according to the disposition of the laws and regulations in relation to the subject in use of the faculties conferred upon me in the name of the Mexican nation. I have concluded to grant them the land mentioned declaring it to be their property subject to the approval of the most Excellent Departmental Assembly and under the following directions:

1st They can neither

sell, alienate, hypothecate, or place any

sell, alienate, hypothecate, or place any burden upon the same.

2d They must not prevent the cultivation and other benefits that the Indians may have established in said place.

3d They will leave free such land as may be necessary for the Military establishment which at some future time it is expected will be established there

4th They can enclose it without prejudice to the crossings, roads and services, enjoy it fully and exclusively devoting it to the use or cultivation most agreeable to them, but within one year they must build a house which shall be inhabited.

5th They will request the respective Justice to give them judicial possession, by virtue of this dispatch by which he will mark out the lines, in the limits of which they will place, beside the land marks some fruit trees or plants of some utility.

6th The land of which donation is made of Eighteen "sitios de Ganado Mayor" a little more or less in accordance with the design accompanying the respective patent. The magistrate who gives possession thereof will have it measured in conformity with the ordinance, the surplus which results, remaining to the nation for its convenient use.

7th If they shall contravene these conditions they will lose their right to the land and it will be denounceable by another

In consequence, I, command that this shall serve them as a title and holding it as firm and valid a record thereof shall be made in the respective book and it shall be delivered

to the party interested for his security and other ends

Given in Monterey, the Twenty-fourth day of November in the year One thousand eight hundred and forty-three

Manuel Jo.

Most Excellent Sir

The special Committee charged with opening an investigation regarding the patent aspired to by Messrs Antonio Aguirre and Don Ignacio del Valle, pertaining for the "Parage" known as Tejon, situated in the Valle de los Tulares" which was granted to them by the Superior Government with the title delivered, dated November 22d in the year, 1843; they have entered into it with all probity and with due regard to the investigations set forth in said Expediente, and to the result of the examination, they verify that the said grant was made with due regard & formerly as set forth by the laws in this subject; the said Commission subject the deliberation of Your Excellency the following propositions:

They approve of the grant made by the Superior Government of the Department in favor of José Antonio Aguirre a Mexican citizen by naturalization and Ignacio del Valle by birth, of the Parage known by the name of Tejon, situated in the Valley of the Tulares, extending "22 sitios de ganado Mayor" it having been granted in entire conformity with the law of the 18th August 1824, and with the Article 5th of the regulations of 21st of November, 1828.

Commissioners Room in the City of Los

31

Commissioners Room in the City of Los Angeles. June 26th 1843

Francisco de la Guerra Francisco Figueroa

Angeles June 30th 1845

At a session of this date the Honorable Assembly approved of the propositions of the foregoing opinion ordering that the Talent should be returned to the Most Excellent Governor for his corresponding ends.

Pio Pico
President

Agustin Olvera
Secy

The foregoing was delivered to the parties interested on the same day

Filed in office May 25th 1852

Signed

Geo Fisher Secy

32 No 240

324 SD
PAGE 31

240
Deposition of Abel Stearns

Office of the U. S. Land Commission Los Angeles Oct 27. 1852
On this day befor Com. Leland Hall comes Abel Stearns a witness in behalf of the claimants Antonio Aguirre & Ignacio del Valle, petition No 240 and was duly sworn his evidence being given in English. The U. S. Associate Law Agent is present. In answer to questions by counsel for claimants the witness testified as follows: My name is Abel Stearns. my age is fifty-four years and I reside at Los Angeles. I have resided in California over twenty-three years. I am acquainted with the handwriting and signature of Manuel Micheltorena & Manuel Jimeno. Pio Pico and Jose Maria Covarrubias. A paper is now shown me purporting to be a grant of a tract of land to Antonio Aguirre & Ignacio del Valle dated 22d November 1843. I believe the signatures attached to the said paper of said Micheltorena and Jimeno to be genuine. Said paper is hereto annexed and marked H.H. No 1. A paper is also shown me purporting to be a certificate of approval by the Departmental Assembly of a grant to the said Aguirre and del Valle dated June 30. 1845. The signatures of Pio Pico and José M. Covarrubias upon said paper I believe to be genuine. Said paper is hereto annexed and marked H.H. No 2

Abel Stearns

Sworn & subscribed befor me
Leland Hall

Filed in office October 27. 1852

(Signed) Geo Parker Fay

33

No 244 José Antonio Aguirre and Ignacio del Valle vs The United States

Claim for 22 square leagues of land in Tulare County called "Tejon"

Opinion.

The petitioners have introduced and proved in this case an original grant duly executed by Governor Manuel Micheltorena on the 22d of November, 1843, and the certificate of the approval of the same by the Departmental Assembly issued to the parties by Governor Pico, Pico on the 30th of June 1845

It is in proof that in the year 1845 the grantees had occupied the land with a mayor-domo and five servants; during that year they built a house and corral and had on the place a small stock of horses and raised a crop of corn. This occupation continued until the month of August, 1845 when it was abandoned in consequence of the breaking out of hostilities with the U. States. In 1850 they were again in the occupancy of the premises by their servant or agents, and had on it about five hundred head of cattle The testimony also shows that they made repeated applications to different magistrates to give them judicial possession of the land which they agreed to do in consequence of the apprehended hostility of the Indians.

The boundaries with which the land granted is to be located are described in the grant and delineated on the map with unusual certainty and precision. The claim is clearly embraced within the principles settled by the Supreme Court in its recent decisions and a decree of confirmation will be entered

It is proper to remark in reference to this grant that it contained a

reservation of such lands as may be necessary for a neighboring establishment which it was in the contemplation of the government to establish there at some future time

The United States under the treaty by which the territory of California was acquired has succeeded to the rights acquired by the Mexican Government under this clause of the grant, and the decree of confirmation will be entered subject to such reservation

There is also a provision requiring the grantees not to "prevent" "the cultivation and other benefits that the "Indians may have established in said place" This restriction we have heretofore decided does not affect the right of property though it may create a use in favor of the Indians living on the land at the time the grant was made to the extent actually occupied by them. This however is a question cognizable before another tribunal

Filed in office May 8. 1855.

(signed)

Geo. Hehn Fecy

35 No 240

José Antonio Aguirre and
Ignacio del Valle
vs
The United States

Decree.

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

The land of which confirmation is made is situated in the county of Solano and is known by the name of "Tejon" being the same which was granted to the said claimants by Gov. Manuel Micheltorena on the 22d of November, 1843. to the extent of twenty-two square leagues, leaving free the lands necessary for the military establishment which may at any time be wanted in that place, which said lands with the reservation aforesaid are to be located within the following boundaries, to-wit: The Cañada de los Alisos, the Sierra del Rincon, and the place called Castac, taking as a boundary from the said Cañada in a direction towards the laguna de las Milas as far as the Rio de Lorenzana; for a more particular description reference to be had to the original grant and map contained in the expediente a true copy of which together with said grant are filed among the papers in the case

R. Aug. Thompson
J. B. Farnell } Comrs

Filed in office May 8, 1855

(signed) Geo. Fisher Jr.

36 Order

And it appearing to the satisfaction of the Board that the land hereby adjudicated is situated in the Southern district of California it is hereby ordered that two transcripts of the proceedings and of 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 Southern district of California and the other be transmitted to the Attorney General of the United States.

240

Office of the Board of Commissioners,

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

324 SD
PAGE 36

I, George Fisher Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing Thirty six pages, numbered from 1 to 36, 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. 241 on the Docket of the said Board, wherein José Antonio Aguirre, et, al, as the Claimant's against the United States, for the place known by the name of "Tejon."

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

Geo. Fisher
Sec'y

327

U. S. DISTRICT COURT,

Southern District of California.

No. 327.

THE UNITED STATES,

vs. 327

Antonio Aguirre et al.

Tejon

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 246

Filed, Nov. 24 — 185 5.

C. E. Lan[illegible]
Clk.

327

Office of the Attorney General of the United States,

Washington, 31. Dec. 1855.

240.) "Tejon" —

San Antonio Aguirre et al. 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 3rd day of December 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. 327.

U. S. Dist Court
South Dist California

Antonio Alguire et al
appellees
vs
The United States

Notice of Appeal

Filed Feby 12th 1856
J. E. Carr
Clk

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

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

José Antonio Aguirre &
Ignacio del Valle
vs
The United States

Docket No. 327.

Transcript No. 240.

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

The Petition 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* 25th *day of* May *A. D.* 1852, José Antonio Aguirre & Ignacio del Valle

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 Sejon *in the County of* Los Angeles *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* 8th *day of* May *A. D.* 1855, *the said Commissioners confirmed, by final decision, the said claim of said petitioners. That thereafter, to wit: on or about the* 24th *day of* November *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.* 240; *reference to which it is prayed may be had and made part of this petition. That on or about the* 5th *day of* Dec. *A. D.* 1855, *the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and*

evidence on which said decision was founded. That thereafter, to wit: on 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.

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

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

P. Ord.

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

No 327
U S Dist Court
Southn Dist Ala

P. A. Aguero et al
ads
The U States

Petition of Rehr

Filed 8th Dec 1836
C Sims
Clk

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

The President of the United States,

TO

Jose Antonio Aguirre &
Ygnacio Del Valle

327 SD
PAGE 43

Greeting:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you and each of you in the District Court of the United States, in and for the Southern District of California, on the 8th day of December, in the year of our Lord one thousand eight hundred and fifty-six, at the City and County of Los Angeles, in said District, by

Pacificus Ord United States Attorney

praying the said Court to review the decision of the United States Land Commissioners of the 8th day of May 1855 Confirming your claim to the lands Called

"Tejon"

Situate in the County of Los Angeles

and that you & each of you are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or 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 11th day of December A. D. 1856.

C. Sims CLERK.
By James H. Coleman
Depty

No. 327

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

J. A. Aguirre et al
vs
The United States

Filed on Return this 12th Dec. 1856 Chas S Clk
J. H. Coleman
Deputy

SUMMONS.

Received December 11th 1856

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

327 SD
PAGE 44

Marshals Cost

Copying Summons — 60
Serving do 3. —
" Petition 3. —
$6. 60

I served this Summons, together with a certified copy of the Petition, upon S. S. Breat City for S. F. Aguirre personally by delivering to him a true copy of the same

at the City of San Diego in the Southern District of California, on the 11th day of December A. D. 1856.

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

Sworn to and subscribed before me, 12th day of Dec 1856
Chas S Sims CLERK.

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

The President of the United States,

TO

Don Antonio Aguirre &
Ygnacio Del Valle

327 SD
PAGE 45

Greeting:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you & each of you in the District Court of the United States, in and for the Southern District of California, on the 8th day of December, in the year of our Lord one thousand eight hundred and fifty-six, at the City and County of Los Angeles, in said District, by

P. Ord United States Attorney

praying the said Court to review the decision of the United States Land Commissioners of the 8th day of May 1855 confirming your claim to the land called

"Tejon"

Situate in the County of Los Angeles

and that you & each of you are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said Petition, or 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 11th day of December A. D. 1856.

C. Sims Clerk.

Jas. Samuel Coleman
Dep'y

No. 327

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

I. A. Aguirre et al
vs
The United States

Filed on return this 12th Dec. 1856 C. Sims clk
P. H. Coleman
Dep

SUMMONS.

Received Dec 11th 1856.

Edward Hunter
U. S. Marshal.
per M. L. Goodman
Deputy

327 SD
PAGE 46

Marshals Cost

Copying Summons — 60
Serving do 3. —
" Petition 3
$ 6. 60.

I served this Summons, together with a certified copy of the Petition, upon Ignacio del Valle by delivering to him personally a true Copy of the same at the City of Los Angeles in the Southern District of California, on the 11th day of December A. D. 1856.

Sworn to and subscribed before me, this 1st day of Dec 1856
C. Sims Clerk.

Edward Hunter
U. S. Marshal.
per M. L. Goodman
Dep

United States
appellants
vs
Jose A. Aguirre
& Ygnacio del
Valle -
appellees

No 327 - In the U. S. Dist. Court for the Southern District of California -

Appeal by U. S. from decision of U. S. Land Commissioners to ascertain & settle Private land claims of California

To the United States or the U. S. District Atty for the Southern District of California -

Please take notice that Jose A. Aguirre & Ygnacio del Valle, appellees & defendants in the above cause will call the same on for a hearing on the 16th December 1857 in open court. —

Lancaster Brent
Atty for Appellees
& Defendants -

No 327

United States
appellants
vs
Jose A. Aguirre &
Ignacio del Valle

Notice of trial.

Filed this 9th December
1857
G Sims clk
J H Carlisway
Dep

Brent
Atty.

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

José Antonio Aguirre et al Appellees, vs The United States, Appellants.	Case No. 327 "Tejon" Transcript. 240

And now come the above Appellees, José Antonio Aguirre and Ignacio del Valle, by Lancaster Brent their attorney and for answer to the Petition for Review filed herein by the Appellant, say;

That the title of the Appellees to the land called "Tejon", claimed in this case, is good and valid,

Wherefore they pray the judgment of this Hon. Court, that the decision of the United States Board of Land Commissioners may be affirmed, and the title of these Claimants and Appellees may be decreed to be valid, and for their costs herein expended, with such other or further or general relief as may be agreable to Equity & good conscience or the nature of their case shall require.

Lancaster Brent
Attorney for Appellees

No. 327

In U. S. Dist. Court
South'n Dist. California

José Ant. Aguirre et al
Appellees
vs
The United States
Appellants.

Answer

Filed this 14th December 1856
C. Sims clk
J. H. Coleman
Dep

J. K. Brent

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

José A. Aguirre et al		No 327
Appellees		
vs		Dijon
The United States		
Appellants		Transcript 240

And now at this day on motion of the Appellees José A. Aguirre & Ignacio del Valle by & Lancaster Brent their attorney

It is ordered

That either party have leave to file additional testimony in the above case

No 327
In U. S. Dist Court
South^n Dist of Cal^a.

Jose Antº. Aguirre et al
Appellees

ads

The United States
Appellants.

Order for additional Testimony

Filed Dec 11th 1851
Ofm^s
Clk

United States
appellants
vs
Jose A. Aguirre et al appellees

No 327

Now come the defendants & appellees & by R. H. Brent their Attorney move the Court to set the above cause for hearing on Monday 21st Dec 1857.—

R. H. Brent
Atty for Defts —

No 327 =

United States ctd.

vs

Agnew et al

—

Motion to set cause for hearing.

Filed 16th Decr 1837
C. Sims
Clk

United States
appellants
vs
J. A. Aguirre &
Figueroa et Valez
appellees

327 SD
PAGE 55

On motion of defendants & appellees counsel & upon showing to the court that this cause was put at issue on Dec 17th 1856 & that defendants & appellees have duly complied with the 7th rule of this court by filing with the clerk a notice of trial addressed to appellants & plaintiffs at least more than four days previous to this day It is hereby ordered that the above entitled cause be set for hearing upon

No. 327

Filed this 18th Oct. 1857
C Sims clk
J H Coleman
Dep

N. ~~244~~ 327. Form No. 240.

Witliatnio Aguirre et al. vs. The United States.

In the District Court of the U.S. for the Southern Dist. of Cal. Los Angeles, Dec. term 1857.

P. M. Ellis for the U. States being duly sworn says that Edw. F. Beale is an important witness for the U. States, that a subpoena has been issued commanding his attendance at this term of this day, & that he claims that the U. States exhibits & proves said Beale, will not be in town in a day or two.

That upon the tract of land, claimed in this case, there was established, under the authority of the laws & instructions of Executive Depts. an Indian Reservation called Sebastian Reservation. ~~(The act of Congress of the March 3d 1853. &c)~~ That Edw. F. Beale was Superintendent of Indian Affairs, while acting as such, in 1853 ~~he made a reservation upon the land claimed of about 1 acre~~ and ~~also~~ in virtue of the legal laws & instructions, to make military reservations from the public domain of Cal. Organized ~~to~~ did make ~~the~~ and establish a reservation of about 25,000. acres of land upon the land now claimed in this cause. That at the time the said Beale made ~~the~~ established and said reservation he did not know of any existing claim ~~of~~ or title of said claimant & appellee. That he was not at any time interrupted ~~by~~ by any person or persons in the establishment of said reservation. That the said land so reserved was only occupied by Indians. That he never heard of any grant or ~~adverse~~ claim to the land so reserved as aforesaid until after he had ~~made~~ made such reservation & built & established valuable improvements, on the part of the United States, on ~~since~~ the same ~~reservation~~. That prior to and at the time of the establishment of the said reservation (called the Sebastian Reservation) there was a tribe ~~of~~ or community of ~~Indians~~ about

350 ~~and Indian called~~ peaceable Indians called the Pejin Indians, living at and upon said Reservation, who cultivated Corn and Wheat. That since the year 1853, the number of resident Indians ~~based~~ on the ~~pl~~ said Reservation has increased to about 800 souls.

~~That Jose A. Aguirre is a native born citizen by birth of Spain & came to reside in Calif. Mexico after 1825. That before the date of the alleged grant in this case he had married a native Mexican woman & was living with her in Calif.~~

~~That the said Jose A. Aguirre, in the name of his, for himself & family filed before the Board of Land Commrs. of Calif. claiming on the day of claiming tract of land in San Diego Co. Calif. called "Island of San Quintin, Viejo y Nuevo", of the extent of four leagues. That on the day of the said claim was confirmed by said Board. That on the 20th day of September 1854 there was an appeal to the Dist. Court of the Southern Dist. of Calif. That on the 24th day of December 1855 the said case on appeal was decided & confirmed by said Court~~ and defendant further says that the application for a continuance for two days is not made for delay, but for the ends of justice.

P. O. H. Wills.

Sworn to & subscribed before me this 9th day of Jan'y 1858

H. Sims Clk
by J. Alderman Dep'y
Clerk

~~Jose A. Aguirre & Ch~~

That said case is now pending on appeal to the Supreme Court.

The Respondent General U.S. Col. Mansfield U.S.A. selected a site for a military post on the Pejin Ranch, and within the limits of the Sebastian Reservation, under the General law of Congress (Preemption law of Cal.) Major Donaldson Maj. & Q.M. of the Quarter Master's Dep't. was sent about 1853.

No. 327.

José Antonio Aguirre
vs.
Pio W. Staley.

Affidavit of P. W. Staley
for Continuance.

Filed this 7th January
1858 L. Sinnickx
J. H. Coleman
Clerk

United States
appellants
vs
Jose Antonio Aguirre
& Ignacio del Valle

In the U. S. Dist.
Court for the
South Dist. of
California

El Jefe = No.

State of California
County of Los Angeles

Jose Antonio
Aguirre being duly sworn deposes
that he is a party to the above
entitled cause.
And further affiant says
that Gen. Micheltorena first
granted a grant in favor of affiant
and one Ignacio del Valle for
eighteen leagues of land at the
place described in the papers herein
but that affiant took said grant
to the said Governor, surrendering
the same & petitioning verbally
that the title thereof should be
granted in his favor & the said
del Valle for the extent of
twenty two leagues; that the
said Micheltorena accepted the
said surrender & then & there made
executed & delivered to affiant
the original title & grant for

twenty two leagues ~~filed~~ of land ~~for Affiant~~ in favor of this Affiant & the said Del Valle - which said grant was filed before the U. S. Land Commission & by them approved —

And further Affiant saith not —

Jose A Aguirre

Sworn to & subscribed before me this 2nd December A.D. 1856 —

C. Ames Clk

No. 327

El Dyon —

United States
vs
Aguirre et al.

Appeal of
Aguirre —

Filed this 7th January
1858
Chas Ellis Clk
J. H. Coleman
Dep

Translation of conditions of treaty 2d July.

1 They shall not hinder the Indians from cultivation, or ~~from~~ interfere with the other privileges which they have enjoyed in that place; for any cause

2. They shall leave free the land which may be necessary for the use of the Military establishments which may at some time be located at that place

No. 327.

Mr Antonio Aguirre
vs
The U States.

Translation of 1st
& 2d Condition of grant.
by U S Atty.

Filed this 7th January
1858 C Sims clk
J A Coleman
Dep

No. 327

On behalf U. S.

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

Answer: My name is P. G. S. Fitzbrooks my age is 35 years and City of New York my place of residence & lately stationed at Fort Tejon and am assistant Surgeon of the U S Army

Quest: Do you or not know the locality of the Sebastian Indian Reservation

Answer I know where the head quarters are

Question Do you or not know a tract of land claimed in this case called Tejon

Answer I know all the land about there

Question Will you look at the Transcript title ~~and~~ Map thereon in this case and say whether or not the said Sebastian Reservation is within the exterior limits of the said title ~~and~~ Map (objected to by Brent atty for appellee)

Answer It is within the boundaries of the Map is correct

Question Do you or not know that the United States have established by its officers an Indian reservation at the said place. and that the said reservation is still kept up by the United States
(objected to by Brent atty for appellee)

Answer I do

Question Do you or not know when this reservation was established

and if yea. when. by whom and in what manner

Answer — of my own knowledge I do not

Question — How long have you known it as established

Answer — For a little more than 3 years

P. E. L. Pittburg
Asst Eng
N. L. Co

No. 327

Depn. of P. G. S. Tuttle

Filed this 7th January 1858

C. Lins clk

J. H. Coleman

Dep

327 SD

PAGE 68

taken in the Court

No 327

on behalf of Aguirre

Quest. What is your name, age and place of residence

Answer My name is Abel Stearns my age is 59 years and reside in Los Angeles

Question Did you know Jose Antonio Aguirre claimant in this case

Answer I do

Quest How long did you know him and where did he reside

answer I know him about 23 years and he now resides in San Diego

Quest Do you or not know whether he was ~~at the~~ by birth a Citizen of Mexico

Answer I do not know whether he was or was not, but I have always understood that he was born in Spain

Quest Do you or not know whether said Aguirre came to reside in Mexico in the Republic of Mexico after the year 1824

Answer I do not know when he came to the Republic

Question Do you or not know a tract of land called Tejon claimed in this case and if so, how long have you known it

Answer I know the land called Tejon I first knew it in 1842 and I was on it at the same time — I was last on the tract in 1848

Quest At the time that you were on the ~~tract~~ land was it or not in the occupation or any part thereof of any person or persons, and if yes, what person or persons what number and what was

the character of the occupation

answer When I was at that place it was occupied by a Rancheria of what was called the Tejon Indians in number about 50 or 60 and these Indians had some small fields

Cross E

Quest. When was Jose Antonio Aguirre first married and to whom

answer I think he was married in the latter part of 1842 or in the early part of 1843. and married a daughter of Jose Antonio Esturdillo who was a native of California and died about a year or so after her marriage

Abel Stearns

No 327

Depn of Abel Stearns

Filed this 4th January 1858 C Sims Clk

J H Coleman Deb

327 SD

PAGE 72

taken in open Court

The President of the United States of America

To Abel Stearns, J. J. Warner, E. F. Beale & Dr. Tac Brock.

Greeting

We Command you that all business and excuses being laid aside, you and each of you appear and attend before the Judge of the District Court of the United States of America for the Southern District of California at a Court to be held at the Court Room in the City of Los Angeles in and for the said Southern District of California on the 7th day of January 1858 at 11 O'Clock A. M. to testify and give evidence in a certain Cause pending in the said Court, and then and there to be tried between The United States appellants and J. A. Aguirre et al appellees, and this you, or any of you are not to omit under the penalty upon you and every of you of Two Hundred and fifty Dollars

Witness the Hon S. S. K Ogier Judge of the District Court of the United States at the City of Los Angeles the 7th January 1858

C Sims Clk

J H Coleman

Dep

James C Pennie U S Marshal for the S Dist of Cal

I Certify that I have served this Subpoena upon Abel Stearns Dr Ten Brock: and was unable to find I. I. Warner and E F. Beale - on this 7th day of January A D. 1858

James C Pennie
U. S. Marshal

No. 327

Dist Court of the U. States

Subpoenae

Filed this 9th January 1858
C. Sims Clk
J. H. Coleman
Deh

327 SD
PAGE 75

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

Jose Antonio Aguirre & Ignacio del Valle, Appellees, vs. The United States, Appellants.	Case No. 327 "Dejon" Transcript 240

This cause coming on to be heard on appeal from the final decision of the United States Board of Land Commissioners to ascertain and settle the private land claims in the State of California, under an act of Congress approved March 3d 1851, upon a transcript of the proceedings and decision of said Board, and of the papers and evidence upon which said decision was founded, and upon further evidence offered before this Court, and it appearing to the Court that said transcript and the notice of appeal have been duly filed according to law, and Counsel for the respective parties having been heard,

It is ordered, adjudged and decreed that the said decision of said Board be and hereby is affirmed.

And it is further adjudged and decreed that the claim of the Ap-

pellee to the lands in this case is good and valid and the same are hereby confirmed to the as follows;

"The lands of which confirmation is hereby made are those known as "Tejon", situate in the County of Los Angeles, to the extent of Twenty (22) ~~Five~~ Two Square leagues of land, and no more, within the boundaries described in the Grant and Expediente, and in the Map in the Expediente to which the Grant refers, to wit;

"Bounded by the Cañada de Los Alisos, by the Sierra del Rincon, and by the tract of Castec, taking for boundary, from said Cañada with direction towards the Laguna de Los Dulces; as far as the River or Rio de la Sancinuela."

Provided that should the quantity of land within said boundaries be less than twenty ~~five~~ two (22) square leagues then confirmation is hereby made of such less quantity.

Thus done and signed, in open Court, this 16th day of March 1858.

James A McGee
U S Dist Judge

No 327
In Dist. Court
U. States South. Dist

J. A. Aguirre et al
Appellees

vs

The United States
Appellants

Decree

Filed this 19th March
1858 C Lincoln Clk
J. H. Coleman
Dep

Recorded on Page 267

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

December Term AD 1862.
Present Hon F. M. Haight Dist Judge

327 SD
PAGE 79

The United States
vs.
Jose Antonio Aguirre & Ignacio Del Valle

Land Com. No. 240
Dist Ct. No. 327

And now on this First day of December AD. 1862, on application of the attorney for claimants, the District attorney of the United States for this District being present, it is ordered that the mandate of the Supreme Court of the United States remanding said Cause to this Court for further proceedings under the decree of this Court confirming the claim entered and filed March 18th 1858, be filed in the Cause, and it is further ordered the District attorney of the United States being present that said claimants have leave to procure a survey by the Surveyor General of the United

States for Cal California of the land confirmed to the Claimants by the said Decree of March 18th 1858, which said decree of March 18th 1858, is hereby adjudged to be a final decree.

Hetchen M. Wright
District Judge of U.S.
for Southern District of California

U.S. Dist Court

No 327.

The United States

v.

Jose Antonio Aguirre et al

Order

Filed this December 1st 1862.

John A. Wheeler, Clk

By W. J. Ramirez Dep Clk

327 SD
PAGE 81

R. A. Lloyd
for claimants

UNITED STATES OF AMERICA, SS.

THE PRESIDENT OF THE UNITED STATES OF AMERICA,

To the Honorable the Judges of the District Court of the United States, for the Southern District of California ——

greeting:

Whereas, lately, in the District Court of the United States, for the Southern District of California —— before you, —— in a cause between José Antonio Aguirre and Ignacio del Valle, Claimants against the United States, wherein a decree was rendered in favor of the said Claimants - Whereupon the said United States by their Attorney prayed an appeal, which was duly allowed by the said District Court to remove the said cause to the Supreme Court of the United States - ——

as by the inspection of the ~~transcript of the record~~ Certificate of the Clerk of said Court under the seal _____ of the said District Court, which was brought into the Supreme Court of the United States, ~~by virtue of~~ _____

agreeably to the act of Congress, and the rules of said Supreme Court _____ 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 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. Ut consideratione whereof~~, And it appearing that the United States have failed to have their cause filed and docketed in conformity to the rules of this Court – It is now here ordered and decreed by this Court that this appeal from the District Court of the United States for the Southern District of California be and the same is hereby docketed and dismissed, and that this cause be and the same is hereby remanded to the said District Court. ——— 19th April –

You, therefore, are hereby commanded that such further 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 Roger B. Taney Chief Justice of said Supreme Court, the first Monday of December in the year of our Lord one thousand eight hundred and fifty nine —

Duplicate.

~~COSTS OF~~
~~Clerk..... $~~
~~Attorney.... $~~
$

~~Taxed by~~ Wm. R. Carroll
Clerk of the Supreme Court of the United States.

No. 36, December Term, 1859

MANDATE
SUPREME COURT UNITED STATES.

No. 27

U. States vs Alvarez & as

Duplicate.

Filed the 1st day of December A.D. 1859 by order of the Supreme Court of the United States for the Southern District of Ala.

John Cochran Clerk
by F. R. Canning
Deputy Clerk

Office of the Surveyor General of the United States,
FOR CALIFORNIA.

327 SD
PAGE 86

E. F. Beale

I, ~~J. N. MANDEVILLE~~, United States Surveyor General, for the State of California, do hereby certify that the Rancho El Tejon

confirmed to J. A. Aguirre & J. del Valle

has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 13th day of September 1862; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Visalia Delta published in the County of Tulare being the newspaper published nearest to where the said Rancho is located, the first publication being on the 24th day of September 1862, and the last on 22nd day of October 1862; also, in the Southern News, a newspaper published in the City and County of Los Angeles the first publication being on the 19th day of September 1862, and the last on the 17th day of October 1862, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

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 15th day of November 1862

E. F. Beale

U. S. Surveyor General for California.

No 327

Filed January 24th 1863
John C. Wheeler
Clerk
Jno Chas Hauger
Deputy

Office of the Surveyor General of the United States,
FOR CALIFORNIA.

327 SD
PAGE 88

I, ~~J. W. MANDEVILLE~~ E. F. Beale, United States Surveyor General, for the State of California, do hereby certify that the Rancho El Tejon

confirmed to S. A. Aguirre & S. del Valle

has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the 13th day of September 1862; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Visalia Delta published in the County of Tulare being the newspaper published nearest to where the said Rancho is located, the first publication being on the 25th day of September 1862, and the last, on 22nd day of October 1862; also, in the Southern News a newspaper published in the City and County of Los Angeles. the first publication being on the 19th. day of Sept 1862, and the last on the 17th day of October 1862, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

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 15th day of November 1862.

E. F. Beale,
U. S. Surveyor General for California.