CASE NO.
343
SOUTHERN DISTRICT

MISSION SAN FERNANDO GRANT

EULOGIO DE CELIS
CLAIMANT

Pages 1 - to 113

Maps

1389 - 1390 - 1391

LAND CA SE 343 SD pgs. 113

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 378

Eulogio de Celis — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Mission San Fernando."

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* Seventh day of October, *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 Eulogio de Celis, *for the Place named* Mission San Fernando, *was presented, and ordered to be filed and docketed with No.* 378 *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 19' 1852.

In Case no. 378, Eulogio de Celis for the place named "San Fernando," the deposition of Pio Pico, a witness in behalf of the Claimant, taken before Commissioner Hilard Hall, with documents marked H. H. No. 1 to 2, annexed thereto, was filed;

(Vide page 4 of this Transcript)

Los Angeles October 21' 1852.

In the same case the deposition of Nemecio Dominguez, a witness in behalf of the Claimant, taken before Commissioner Hilard Hall, was filed;

(Vide page 9 of this Transcript)

Los Angeles November 5 1852.

In the same case the deposition of Agustin Olvera, a witness in behalf of the Claimant, taken before Commissioner Hilard Hall, was filed;

(Vide page 11 of this Transcript)

San Francisco December 13 1852.

In the same case the deposition of Manuel Jerman, a witness in behalf of the claimant, taken before Commissioner Roland Hall, was filed.

(vide page 12 of this Transcript.)

San Francisco November 28 1854.

Case no. 378 was ordered to be placed at the foot of the 3d Class cases on the Trial docket.

San Francisco December 26 1854.

Case no. 378 was ordered to be placed at the foot of the 4th class cases on the Trial docket.

San Francisco March 22 1855.

Case no. 378 was submitted on briefs and taken under advisement.

San Francisco July 3 1855.

In the same case Commissioner S. B. Farwell delivered the opinion of the Board confirming the claim;

(vide page 27 of this Transcript.)

6. and the following decree was made, to wit;

(vide page 31 of this Transcript.)

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Before the Commissioners to ascertain and settle private land claims in the State of California -

Petition

Eulogio Celis gives Notice that he claims a tract of land situated in the present County of Los Angeles known by the name of Mejicana of San Fernando bounded as follows on the North by the Rancho of San Francisco on the west by the Mountains of Santa Susana on the East by the Rancho of Miguel Triunfo and on the South by the mountains of Portezuela which tract is supposed to contain fourteen square leagues

Said land was sold to the said Celis by a deed of grant dated the twentieth day of June of the year Eighteen hundred and forty six by Pio Pico Constitutional Governor of the Californias thereto duly authorized by the Supreme Government of the Nation and by a decree of the departmental Assembly of April third Eighteen hundred and forty six. Said sale was made for the sum of fourteen thousand dollars which was paid by the said Celis to the said Pio Pico who acknowledged the receipt thereof as will more fully appear by reference to the aforesaid deed of grant. Copy whereof marked A is hereto annexed together with a certified copy of the instructions from the Minister of War and Navy to the Governor of the Californias marked B and a certified copy of the entry made in the archives of the former Spanish and Mexican Secretary of Department of Upper California of the aforesaid deed of grant marked C which said documents are herein annexed.

Claimant avers that the aforesaid deed of sale contains the condition that the Government of Mexico shall have the right to annul

contract by reimbursing to this Claimant the aforesaid sum of fourteen thousand dollars with the current rates of interest and in case said sum is not reimbursed within said Eight Months said Mission of San Fernando shall be his in fee property and this Claimant avers that said sum of Fourteen thousand dollars has never reimbursed to him by the Mexican Government or by any person whatsoever.

Said Mission of San Fernando was leased by the Government of Mexico to Andres Pico in December 1845 for the term of years which lease has been in the occupancy of the said property up to the present date.

Claimant further avers that he knows of no other claim to the aforesaid Mission and he relies on the documents above referred to and Witnesses he shall produce to substantiate his claim.

R. Hubert
Attorney for Claimant.

Filed in Office Oct 7. 1852.
(Signed)
Geo Fisher Secy.

Office of U. S. Land Commission.
Los Angeles October 19. 1852

Deposition of Pio Pico.

On this day before Heland Hall one of the Commissioners for ascertaining & settling private land claims in the State of California came Pio Pico a Witness produced in behalf of the Claimant in the case of the petition of Eulogio de Celis being No 378 on the

docket of the Commissioners & was duly sworn.

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

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

My name is Pio Pico age fifty one years & my residence is in the City of Los Angeles. I am a native of California & have always resided here. I was actually in the Exercise of the Office of Governor of California from the latter part of the year 1845 to the month of September 1846.

In the month of June 1846 I was Exercising the Office of Governor of José Matias Moreno was discharging the duties of the Office of Secretary ad interim —

A paper has shown me purporting to be a grant from the Government of Mexico made by myself as Governor of the Californias to Eulogio de Celis dated the 17th of June 1846 was executed by me in my Official capacity at the day it bears date and the signature of Moreno who was then acting as Secretary is his genuine signature

Said paper is here to attached & marked No 1 36 46.

I made the grant under and by virtue of my authority as Governor and for the purpose of providing means to carry on the War then Existing between the Government of Mexico and the United States.

I had authority to make the grant by virtue of instructions from the Minister of War & Marine of Mexico bearing date

Mexico March 10 1846 & which I now produce. It is a paper connected with my official duty and conduct and I desire to retain it in my possession. paper marked No 2. H.H. hereto annexed is a true copy of said original compared by myself and also by the Secretary of the Board of Commissioners. The original is a minute paper furnished me officially.

I am well acquainted with the laws, usages and customs by which the Governors of California were governed in the granting of land, and the issuing of titles.

The title paper before mentioned would have conferred on Ellis the grantee a good and valid title to the land described if the government of the country had not been changed from that of Mexico to the United States. –

The residence of Moreno the former Secretary is in San Diego but he has been absent on a voyage to Mazatlan and I do not know that he has returned.

The sum of fourteen thousand dollars mentioned in the grant to Ellis was paid to me while I was acting as Governor & it was applied to the public purposes in the defence of the country.

The government of Mexico did not furnish the government of California any means for defending itself. there was no funds in the hands of the local government. It was necessary that the government should procure the means of defence even by extraordinary sacrifices – there being no money at the command of the Governor it was necessary to sell the

Mission lands to raise it —

I know of no other means by which the money could have been raised.

The Missions were in a decaying condition and going to ruin. the local government of California had assumed an authority over them and it had been the intention of the Government to dispose of their lands either by sale or distribution previous to receiving the special authority before mentioned.

The sum of fourteen thousand dollars for which the property was sold to Celis as before mentioned was considered at the time as a fair price for it by the government.

The money was not paid back to Celis according to the terms of the grant nor any part of it.

Before the sale to Celis the land had been leased by the government to Juan Manzo and Andres Pico for three years and since the sale it has been occupied by the said lessees and they still occupy it —

In answer to questions by the Associate Law Agent the Witness testified as follows.

At the time of the sale I do not know whether the Mission was indebted to Celis or not.

The sale to Celis was not at public auction but at private sale

I do not recollect the precise terms of the decree of the departmental Assembly of the thirteenth of April 1846 referred to in the grant to Celis. It had referred

to the authority given to the local government to provide the means to carry on the war and also to the leasing or selling of the Mission lands.

I do not recollect whether it directed the sale of the Mission lands to be made at public auction or not.

There was not any law in force at the time of the sale of the Mission lands of the Government of Mexico prohibiting their sale. By the terms of the sale to Ellis he was bound to support a Priest at the Mission always. Ellis has not yet entered into the possession of the land. I do not know whether the present tenants pay rent or not.

I believe they ought to pay rent according to the tenor of the lease but whether they do or not or to whom I do not know. I believe that no part of the land sold was set apart for the support of the Priest or the maintenance of public worship. No part of the money received on the sale was divided among the Indians.

In answer to questions by the Claimant, the witness on referring to the deed of sale to Ellis says that he still thinks the grantee was bound to support the Priest always as before stated.

Pio Pico.

Sworn & Subscribed
Before me
Hiland Hall Comr.
Filed in Office Oct 19. 1852.
Sgnd
Geo Fisher Secy.

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Office of the U. S. Land Commission.
Los Angeles Oct 21. 1852.

Deposition of N. Dominguez

On this day before Hiland Hall one of the Commissioners for ascertaining and settling private land claims in California came Eusicio Dominguez a witness produced in behalf of the Claimant Eulogio de Celis whose petition is No 878 on the docket of the Board 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 the Counsel for the Claimant the Witness testified as follows.

My name is Eusicio Dominguez my age is sixty five years and I reside at Santa Barbara. I am a native of Santa Barbara in California.

I am acquainted with the Mission of San Fernando. I know a tract of land called Encinos which adjoins the Mission.

The Mission in 1846 was bounded on the North by the Rancho San Francisco on the East by lands of Cerdugos. on the South by the lands of Millas & by the river Las Angelas and on the west by my own land called Encinos & Escorpion

All the lands within those boundaries were claimed by the Mission at that time. I believe about thirteen or fourteen vaqueros constituted the Mission at that time.

In answer to questions by the Associate Land Agent.

There are some Mopkytes children of the Mission living on the land before described.

It is understood that they have a right to live there having been born there and being children of the Mission.

These Indians occupy two square leagues of land that was assigned them and the Cumuderias put up & I as one of the adjoining Neighbors know it was done, having been cited to be present at the time.

These Cumuderias were fired when Don José Castro was the Commandant General in the time of the revolution.

The Indians applied to have the Cumuderias fired & it was done Manuel Pico now occupies the Mission as I understand under a lease for nine years which will expire in about two years. More or less.

Ramicio his mark Domingez

Sworn & Subscribed
Before me
Herland Heal Comr

Filed in Office Oct 21st 1852
(signed)
Geo Fisher Secy.

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Deposition of A. Olvera.

Los Angeles Nov 5th 1852.

On this day before Comr Heiland Hall came Agustin Olvera a Witness in behalf of the Claimant Eulogio de Celis petition No 338 and was duly sworn his evidence being interpreted by the Secretary.

The U. S Associate Law Agent was present.

In answer to questions by the Claimants Counsel the Witness testified as follows.

My name is Agustin Olvera My age is thirty two and I reside at Los Angeles.

A paper is now shown me purporting to be a grant to Eulogio de Celis of the Mysion of San Fernando dated 14th of June 1846. The body of said grant is in my hand writing - It was written by me during the time Pio Pico was Governor and I think it was at the date of the document - It was written I believe in the Office of the Governor.

In answer to questions by the Associate Law Agent the Witness testified as follows.

At the time I wrote the document I was Secretary to the Departmental Assembly and a Member of it. and I frequently assisted in the Governors Office -

I do not know whether the sale was at public auction or not -

Said paper is annexed to the deposition of Pio Pico heretofore taken in this case.

Agustin Olvera.

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Sworn & Subscribed
Before me
Heland Hall Comr.

Filed in Office Nov 5, 1852.
(Signed)
Geo Fisher Secy.

Los Angeles Nov 17th 1852.

Deposition of M. German.

On this day before Comr Heland Hall came Manuel Gorman a witness in behalf of the claimant Eulogio de Celis petition No 378 and was duly sworn his evidence being given in Spanish and interpreted by the Secretary —

The U S Associate Law Agent was present.

In answer to inquiries by the Counsel for the claimant the witness testified as follows.

My name is Manuel Gorman My age is fifty nine years and I reside in Los Angeles.

I know the Mission of San Fernando — I know the boundaries. They are the rancho of the Bordyos on one side. the Rancho of San Francisco on another. The Rancho of Verjenes on another side. The river of Angeles is another boundary.

Filed in Office Dec 13. 1852.
(Sgd)
Geo Fisher
Secy

Manuel his Gorman mark.

Sworn & Subscribed before me
Heland Hall Comr.

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Doc: N°=1
H. H. annex: to the Depo: of Pio Pico taken before: H. Hall

(Del.) El infrascrito Gobernador Constitucional del Departamento de California en virtud de las facultades que de que se halla investido por el Gobierno Supremo de la Nacion y por decreto de la Honorable Asamblea Departamental de trece de Abril del presente año para proporcionar recursos à fin de sostener la integridad del territorio de este Departamento, enajena en la persona de D.n Eulogio de Celis y sus herederos la Exencion de D.n Fernando en la cantidad de Catorce mil pesos que recibe con todas sus propiedades fincas, terrenos è inventario menos la Iglesia que queda para uso publico en todas sus pertenencias y à proporcionar lo necesario del culto Divino.

Constituyendose el referido comprador mantener los actuales indios de sus terrenos por el tiempo de sus dias pudiendo hacer sus siembras con solo la condicion de no poder enagenar los terrenos que cultiven y en algunas otras que posean sin titulo anterior del Gobierno Departamental; por tanto se reconocerà al citado señor Celis como legitimo propietario de la mencionada Exencion de Don Fernando para que haga el uso que mejor le convenga garantizandole como le garantiza este Gobierno la precitada finca por bien habida con todas las prerogativas que las leyes señalan à favor de los compradores con solo la condicion de que no tomarà posesion el referido comprador en el termino de Ocho meses contados desde la fha en cuyo termino le queda la accion al Gobierno de hacer nulo el presente contrato reintegrando al espresado señor Celis la cantidad de catorce mil pesos que desembolsa con el correspondiente premio à Estilo de Comercio; pero si este reintegro no tuviere efecto en los citados ochomeses

tengase por Valida la presente Venta.

El antecedido comprador se compromete en asegurarle al padre ministro de aquel Establecimiento, la manutencion y Vestuario con la posible decencia y a si mismo las piezas de habitacion que tiene asignadas ó las que justamente necesite.

Y para la debida constancia y seguridad del interesado se estiende la presente escritura que será reconocida y acatada por todas las autoridades del Departamento para su mejor cumplimiento.

Y en prueba de lo cual se autoriza y firma por el Infrascrito y secretario del Despacho en este papel comun por falta de sellado, á diez y siete de junio de mil Ochocientos cuarenta y seis.

Por juez
José Matias Moreno.
Srio in 1.

Queda tomada Razon de Este superior despacho en el libro Respectivo.

Moreno

Filed in Office Octr 19th 1852
Geo: Fisher Secy

15 L. D. R

Eulogio de Celis

A certified copy of the Entry of the deed of grant.

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(8 M°) San Fernando

El infrascrito Gobernador Constitucional del Departamento de California; en virtud de las facultades de que se halla investido por el Gobierno Supremo de la Nacion y por decreto de la H. Honorable Asamblea Departamental de fecha de Abril del presente año para proporcionar Recursos á fin sostener la integridad del territorio de este Departamento, enajena en la persona de D. Eulogio de Celis y sus herederos, la Exmision de San Fernando en la cantidad de catorce mil pesos que recibe, contados sus propiedades, fincas, terrenos, é inventario menos la Iglesia que queda para uso publico, contados sus pertenencias.

Constituyendose el referido comprador mantener los actuales Indios viejos, en sus terrenos por el tiempo de sus vidas pudiendo hacer sus siembras con sola la condicion de no poder enajenar los terrenos que cultivan y cualquiera otros que posean sin titulo anterior del Gobierno Departamental por tanto se reconocerá al citado señor Celis como legitimo propietario de la mencionada Exmision de San Fernando para que haga el uso que mejor le convenga garantizandole como le garantiza este Gobierno la precitada finca por bien habida con todas las prerogativas que las leyes señalan á su favor de los compradores con solo la condicion de que no tomará posesion del referido comprado en el termino de ocho meses contados desde la fecha en cuyo termino le queda la accion al Gobierno de hacer nulo el presente contrato reintegrando al especiado señor Celis la cantidad de catorce mil pesos que desembolsa con el correspondiente permiso á estilo de Comercio; pero si este Reintegro no tubiese efecto en los citados ocho meses tengase por valida la presente venta.

2. S. D. R

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y para la debida constancia y seguridad del interesado se estienda la presente escritura que será reconocido y acatado por todas las autoridades del Departamto para su mejor cumplimiento.
En fuerza de lo cual se autoriza y firma por el infrascrito secretario del Despacho en la Ciudad de los Angeles en este papel comun por falta de sellados á diez y ~~seis~~ siete de Junio de mil ocho cientos cuarenta y seis. J. Jamel y

J. D. K

El ante Referido comprador se compromete el asegurarle al padre ministro de aquel Establecimto, la manutencion y Vestuario con la posible decencia y asi mismo las piezas de habitacion que tiene asignadas á las que justamente necesite.

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

I, Samuel D. King Surveyor General of the United States of California and as such now having in my Office and under my custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the three preceeding and hereunto annexed pages of writing paper numbered One two and three inclusive and each of which is verified by my initials (S. D. K) exhibit true and accurate copies of a Document 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, this 24th day of September A. D. 1852.

Sam. D. King
Survr. Genl. C. P.

Filed in Office Octr. 4th 1852
Geo: Fisher
Secy

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Translation.

Translation of Deed of Grant

The undersigned Constitutional Governor of the department of California In virtue of the powers vested unto him by the Supreme Government of the Nation and in virtue of a decree of the honorable departmental assembly of April third of the present year to raise Means for the purpose of Maintaining the integrity of the Territory of this department for the sum of fourteen thousand dollars which he receives sells unto Don Eulogio de Celis and his hijos the Ex Mission of San Fernando with all is proprietis Estates lands and Moveables with the Exception of the Church and all its appurtenances which remains for public use.

Said purchaser obligating himself to Maintain on their lands the old Indians on the premises during their life time with the right to make their crops with the only Condition that they shall not have the right to sell the lands they cultivate and any other which they possess without anterior tith from the departmental Government for all of which the aforesaid Senor Celis shall be acknowledged as the legitimate owner of the aforesaid Ex Mission of San Fernando to use the same as to him shall seem best guaranteeing unto him as this Government does guarantee that he is well possessed of the aforesaid Estate with all the prerogatives granted by law to purchasers with the only Condition that the above mentioned purchaser shall not take possession within the space of Eight Months from the date hereof whether which

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delay the Government shall have the right to annul this contract by reimbursing to the aforesaid Señor Celis the sum of Fourteen thousand dollars with interest at the current commercial rates but if this reimbursement is not operated within the aforesaid Eight Months this sale shall be valid.

The above mentioned purchaser binds himself to warrant to the Father Minister of the aforesaid Establishment his subsistence and clothing with all possible decency together with the rooms assigned to him or those which he justly requires.

And for the Establishment of this fact and the security of the purchaser the present document is issued and shall be acknowledged and respected by all the authorities of the department for its better accomplishment —

And in faith of which the undersigned and Secretary of the Department grant their authority and affix their signatures in the City of Los Angeles on this ordinary paper for want of stamped paper the Seventeenth of June one thousand Eight hundred and forty six —

Pio Pico

José Matias Moreno
Secretary pro tem

For Entry of the above be made in the respective book.

Moreno.

Filed in Office Oct. 7. 1852.
(Signed)
Geo Fisher Secy

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Ministerio de Guerra y Marina
Seccion de Operaciones

C. S.
El S. Comandte G. de California principal dispo hor/ lo Dpto.

Doc: H. H
No. 2. annexto Dcho of pri pico Octbre 19te 1852

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Los preparativos que hacen los Estados Unidos y la aproximacion de sus fuerzas navales á nuestros puertos no dejan duda de que la guerra con aquella potencia esta prontísima y como el C. S. presidte mte esta decidido á sostener los derechos de la Nacion quiere que en todos los puertos de la Republica en que se presente el enemigo se haga una defensa vigorosa y capaz de dar honor y gloria al pabellon Nacional del Efecto, mientras que el Sprmo Gobno prepara una á V. S. los auxilios convenes espera de su patriotismo y lealtad que dictará las providcs que juzgue oportunas p.a la defensa de ese Dpto. con cuyo objeto queda V.S y el Sr. Gobor facultado ampliamte y tengo el honor de insertarlo á V.E para su conocimto esperando que por su parte no perdonará medio p.a conservar ilesos los derechos de la patria.

Dios y Libertad Mexico
Marzo 10. de 1846.

Lonel
C. S. Gobor del Departamto de California

Es copia fiel de su Original que queda en mi poder y á que me remito.
Angeles Setiembre 30.o de 1852
pri pico

I Certify the foregoing to be a true and correct copy of the Original in my possession of the Ultimo which copy I have compared with the Original
Office of the Board of Land Commissioners for California
Angeles September 30th 1852.
Geo: Hansen Secty

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Filed in Office Octr 4th 1852

Geo: Fisher Secy.

Ministry of War
and Marine.

Section of Operations
principal

Translation of D. annexed to depo. of Pio Pico.

To the General Commander of California. I this day communicate as follows—

The preparations which the United States are making and the approach of their Naval forces towards our ports leave no doubt that war with that power is about breaking out and as His Excellency the President protem is resolved to sustain the rights of the Nation he wishes that in all the ports of the Republic where the Enemy may present himself a vigorous defence be made capable of giving honor and glory to the National flag.

For that object and until the Supreme Government appropriates and sends you the necessary means he relies upon your patriotism and fidelity to dictate the measures which you may judge necessary for the defence of that department for which purpose you and His Excellency are invested with full powers. And I have the honor to insert the same to you for your Cognisance hoping that you on your part will loose no efforts to preserve entire the rights of the Nation.

God and Liberty.
March 10th 1846

Tornel.

To His Excellency the Governor of the department of the Californias –

This is a true copy of the original which remains in my possession and to which I refer.
Angeles Sept 30. 1852.
(Signed)
Pio Pico.

I certify the foregoing to be a true and correct translation of the certified copy of the original in possession of Pio Pico late Governor of the Department of the Californias which copy I have compared with the original office of the Board of Land Commissioners for California –
Angeles Octr 8. 1852.
Geo Fisher Secy

Filed in Oct 7. 1852.
(Signed)
Geo Fisher Secy.

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1. Ministerio de fomento é instruccion publica

E. S.

Ha llegado á noticia del E. S. presdte. que el Gobierno de ese Departamento ha dispuesto sacar á publica subasta todos los bienes pertenecientes á las misiones del mismo que el antecesor de V. E. habia mandado devolver á los respectivos misioneros para el manejo y admon. de sus temporalidades en consecuencia se ha servido prevenirme que ese Gobierno se sirva informar sobre estos particulares, suspendiendo desde luego todo procedimto. en cuanto á enagenacion de los bienes de que se trata, hasta la resolucion del Supmo. Gobierno.

Eulogio de Celis communication from the minister of Justice of Mexico to the Governor of California

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Tengo el honor de decirlo á V. E. con los fines indicados, protestandole mi consideracion y aprecio.

Dios y Libertad
Mexico Noviembre 14 de 1849.
Montes-Claros
E. S. Gobernador del Departamto. de Californias
Puerto de Monterey

Office of the Surveyor General of the United States for California

I, John C. Hays, Surveyor General of the United States for the State of California, and as such, having in my Office and in my Charge and Custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power vested in me by law, Do hereby certify, that the preceeding and hereunto annexed half of tracing paper numbered One, exhibits a true and accurate copy of a certain document now on file and forming part of the said Archives in this office

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(Seal) 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 Seventh day of March 1855.

John C. Hays
U. S. Surveyor General
for California.

Sealed in Office March 21st 1855
Geo: Fisher Secy

Translation of Communication from the Minister of Justice.

Ministry of Justice
and
Public Instruction

Most Excellent Sir

His Excellency the President has received information that the Governor of that Department has ordered that the property belonging to the Missions thereof be put up for sale at Public Auction, which your predecessor had ordered to be returned to the respective Missioneries for the direction and administration of their temporalities: therefore he decreed proper to direct me to say that the said Governor will please to report upon these particulars, suspending immediately all proceedings respecting the alienation of the aforementioned property till the determination of the Supreme Government.

I have the honor to communicate it to your Excellency for the purposes indicated protesting to you my consideration and esteem.

God & Liberty Mexico November 14, 1845

(Signed) Montesdeoca

His Excellency the Governor of the Department of the Californias Port of Monterey

A true and correct translation of a traced copy in Case No 348 filed Apl 10, 1855. Witness my Official Signature this 14. April 1855.

Geo. Fisher Sec.

Filed in Office Apl 14, 1855
Geo. Fisher Sec.

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No 378.

Eulogio de Celis
vs
The United States

For the Ex Mission of San Fernando in the County of Los Angeles containing about thirteen square leagues

Opinion of the Board delivered by Commissioner S. B. Farwell

This claim is based upon a grant issued to the claimant by Governor Pio Pico on the 17th day of June, 1846.

The grant purports to have been made in consideration of the payment of the sum of fourteen thousand dollars in money.

Pio Pico testifies that he executed the grant at the date that the same bears and that it was made under special instructions of his government for the purpose of raising the necessary funds to enable the department to prepare for a defence against the attack of the Americans and that the sum of fourteen thousand dollars was actually received by him from the grantee in consideration thereof and that the funds were used by him for the benefit of the nation in the defence of the same.

The genuineness of the grant is clearly established, and the circumstances under which it was made so clearly explained as to leave no doubt but it was done in good faith.

The grant contains a clause reserving the right of the government to annul the same at any time within eight months from the date thereof

by refunding to the grantee the consideration money, together with the usual rate of interest thereon, which rate, if the transaction had been between individuals changed the nature of the grant to that of a mortgage. But to apply the doctrine in this case would be in effect to compel the grantee to remain a mortgagee, without power to foreclose the mortgage against the government inasmuch as the government stands upon its sovereignty not acknowledging the rights of individuals to have their actions of law against it, only in cases where provisions are made by special statute

We think the petitioner in this case is entitled to a confirmation and a decree will be entered accordingly

Filed in office July 3d 1855
(Signed)

Geo Fisher Grey.

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No 378

Eulogio de Celis
vs
The United States

Decree of Confirmation

In this case on hearing the proofs and allegations, it is adjudged by the Commission that the claim of the said petitioner is valid and it is therefore decreed that his application for a confirmation thereof be allowed.

The land of which confirmation is hereby given is called the Exmission of San Fernando, situate in the County of Los Angeles and to be located. The boundaries are known and recognized on the 17th day of June 1846,

Bounded on the north by the Rancho called San Francisco, on the West by the mountains Santa Susana on the east by the Ranch Mejuel and on the south by the puerto Potrero

S. Aug. Thompson

S. B. Farwell

Commissioners

Filed in Office July 30 1855
(Signed)

Geo Fisher Secy

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Order

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

Office of the Board of Commissioners,

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

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 one pages, numbered from 1 to 31, 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. 378 on the Docket of the said Board, wherein Eulogio de Celis is the Claimant against the United States, for the place known by the name of "Mission San Fernando."

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

Geo: Fisher
Sec'y

343 1

S. DISTRICT COURT,

Southern District of California.

No. 343

THE UNITED STATES,

vs.

Eulogio de Celis

Mission of San Fernando

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U.S. LAND COMMISSIONERS

In Case No. 343

Filed, September 6th 1855

C. E. Carr Clk

By R. Demmon Deply.

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Office of the Attorney General of the United States,

Washington, 31. Dec. 1855.

378. "Mission San Fernando."

Eulogio de Celis, Claimant.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 18th 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. 343.

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

Eulogio de Celis
appellee

ads

The United States
Appellants

Notice of Appeal

Filed Feby 12th 1856

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J. E. Carr
Clk

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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.

Eulogio de Celis. appellee
vs
The United States. Appellant.

Docket No. 343.

Transcript No. 378.

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 7th day of October A. D. 1852, Eulogio de Celis 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 Mission of San Fernando 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 3d day of July A. D 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 6th day of December 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. 378; reference to which it is prayed may be had and made part of this petition. That on or about the 18th day of December 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 about the 12th day of February A. D. 1853, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said claimant, presented as aforesaid to said Commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

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 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. 343.

Filed this 5th January
A.D. 1857

C. Sinnock
Clk

J. H. Coleman
Dep

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

The President of the United States,

TO

Eulogio de Celis

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PAGE 38

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 5th day of January, in the year of our Lord one thousand eight hundred and fifty-seven, at the City and County of Los Angeles, in said District, by

P Ord U.S. Atty praying Said Court to review the decision of the United States Board of Land Commissioners of the 3d July 1855 Confirming your claim to the lands called "Mission of San Fernando"

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 16th day of January A. D. 1857

J Mills Clerk.

By J H Coleman Dep

41

No. 343

UNITED STATES OF AMERICA,

Southern District of California,

U. S. District Court.

Eulogio de Celis
against
The United States
against
Filed this 20 to Jan'y 1858
Tobias Ch
J. Hollinsworth
Dep

SUMMONS.

Received January 19th 1857

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Edward Hunter
U. S. Marshal.
J. M. Hollinsworth
Dep'y.

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I ~~served~~ return this Summons, together with a certified copy of the Petition, ~~upon~~ by order of P. Ord U. S. Dist Attorney as there has been no answer filed

~~at~~ in the Southern District of California, on the 18th day of January A. D. 1858.

Sworn to and subscribed before me,

CLERK.

U. S. MARSHAL.

James G. Pennie
U. S. Marshal
for the S. D. of California

California Land Claims.
Attorney General's Office
26 Jany. 1859.

Sir:

In the case of the claim of Eulogio de Celis, confirmed to the claimant by the Commissioners, Case no. three hundred and seventy-eight, (378), appeal will not be prosecuted by the United States.

I am,
Respectfully,
C. Cushing

Pacificus Ord. esq.
U. S. Attorney.
Los Angeles.

No. 343.

Filed this 15th March 1858

C Sims Clk

J H Coleman
Deputy

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

Eulogio de Celis
vs
The United States

Mission of San Fernando

Now comes the United States by J. H. Gitchell U. S. Dist. Atty and suggests to this Hon'ble Court that the final survey approved by the U. S. Surveyor General for California of the above named ranch of the Mission of San Fernando is not made in conformity with the final decree of this Court in said case and that the United States will be injured by said survey as now approved

Wherefore the moves the Court for an order upon the Surveyor General of California directing him to return such survey into Court for its further action

J. H. Gitchell
U. S. Dist Atty

No 343

Exceptions of Atty Gen.
to Final Survey

Filed in Office this
17th July 1860
C Lanus
Clk

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

Eulogio de Celis appellee
vs
The United States appellant

No. 343
"Rancho of San Fernando"

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

on application of E. R. Ritchell U S Dist attorney

it is ordered that the said Surveyor General return to this Court forthwith the plat of said survey, and that the said United States Government

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

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

I, C. Sims, Clerk of the United States District Court for the Southern District of California, do hereby certiy that the above and foregoing is a full true and correct copy of the original order, made and entered on the 17th day of February 1860; in said case, No. 343 on the docket of said Court, wherein Eulogio de Celis is claimant against the United States, as appears of record in my office.

In witness whereof I here~~with~~unto set my hand and affix the seal of said Court this the 21st day of February 1860.

C. Sims, Clerk.

UNITED STATES OF AMERICA,
SOUTHERN DISTRICT OF CALIFORNIA.
THE PRESIDENT OF THE UNITED STATES,
To. J. W. MANDAVILLE, U. S. Surveyor General, for California—Greeting:

You are hereby notified that the United States District Court, for the Southern District of California, at the December Term of said Court, 1860, in case No. 343 on the docket of said Court, wherein Eulogio de Celis is claimant against the United States, made and caused to be entered an order, of which the above and foregoing is a certified copy herewith transmitted to you for your information, and you are hereby required to take notice of the same.

Witness the Hon. ISAAC S. K. OGIER, Judge of the United States District Court, for the Southern District of California, this the 21st day of February 1860.

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

I served a copy of the within personally on J. W. Mandeville U.S. Surveyor General for the State of California in the City of San Francisco on the 13th day of March 1860

James C. Pennie
US Marshal
per A. W. Buchanan
Dep US Marshall

No 323

Energis de Ellis
Attorney
as
The United States
Appellants

Order for return
of
Survey.

Filed in Office
this 21st March
A.D. 1860
Chas. Ohr

United States District Court for the Southern District of California

The President of the United States of America

To

The Marshal of the United States for the Southern District of California

Greeting

Whereas an order has been this day entered by this Court, that J. W. Mandeville Surveyor General of the United States for the State of California be cited and admonished to appear and show cause forthwith why he has not returned into this Court the approved plat of the survey in the case of Eulogio de Celis as the United States, being No. 343 on the Docket of said Court, for the place known as "Mission of San Fernando"

Now Therefore, This is to command you, that you cite and admonish the said J. W. Mandeville, Surveyor General of the United States for the State of California, wherever he may be found, to be and appear before the Honorable Isaac S. K. Ogier Judge of the United States District Court for the Southern District of California, at the Court Room in the City of Los Angeles, forthwith, that he may then and there show cause - if any he can - why he has not returned the plat of survey as aforesaid

Witness, The Honorable Isaac S. K.

Ogier, Judge of the United States District Court for the Southern District of California this the Twenty first day of March One Thousand Eight Hundred and Sixty One

Attest my hand & the seal of said Court the day and year last above written

A. J. Mix Clk

John S. Wheeler Deputy

Personally served the within upon the within named J. W. Mandeville by delivering a true copy and reading to him the Original at his Office in San Francisco California April 2nd A.D. 1861

James C Pennie
U S Marshal
per A W Buchanan
Deputy

No 343
U. S. District Court
Dist of California

Gilroy de Sales
vs
United States

Citation to atty Gen
to return Chinese

Filed this 6th of April 1861
J. L. Mayo
Clerk

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

The United States Appellants
vs
Eulogio de Celis Appellee

No 343
Ex Mission of San Fernando

Now comes the said appellants by J R Mitchell United States District Attorney for the Southern District of California and excepts to the final survey of the premises claimed in this cause and made and approved by the Surveyor General of the United States And the said United States specify the following lines upon the map of said survey to which exceptions are taken. to wit Lines sixteen commencing at a point on said map marked "Black Walnut S.T. 16" lines seventeen - eighteen nineteen - twenty - twenty one - twenty two - twenty three twenty four - twenty five - twenty six - twenty seven - twenty eight - twenty nine - thirty - thirty one - thirty two - thirty three - thirty four - thirty five - thirty six - thirty seven - thirty eight - thirty nine - forty forty one - forty two. forty three and forty four also line No 1 commencing at a point on

said plat of survey marked "Beginning post S.F. 1" and ending at a point marked "Oak tree S.F. 2"

J. R. Mitchell
U. S. Dist Atty

United States ~~district Court~~ ~~Southern~~
Southern District of California }

J. R. Mitchell

U. S. District Attorney for the Southern District of California, being duly sworn says that the above and foregoing exceptions to the survey of the premises claimed in said cause are true as he is informed and believes

J. R. Mitchell

Sworn and subscribed to before me this 12th day of April A.D. 1861

G. L. Mix
Clerk

To Elogio de Celis or his atty

Take notice that the foregoing exceptions to the final survey in this cause have been filed in the District Court of the United States for the Southern District of California

and that the same will be brought on for hearing within thirty days after service of this notice upon you or as soon thereafter as counsel can be heard.

April 12th 1861

J W Mitchell
U S Dist Atty

No 343

United States
vs
Eulogio de Celis

Exceptions to Answer

Filed this 12th April
A.D. 1861 -
G. L. Mix
Clerk

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55.

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

The United States
Appellant

vs

Eulogio de Celis
Appellee

No. 343.

Ex Mission of San Fernando

Now comes the said appellants by J. R. Gitchell United States District Attorney for the Southern District of California and excepts to the final survey of the premises claimed in this cause and made and approved by the Surveyor General of the United States. And the said United States specify the following lines upon the Map of said survey to which exceptions are taken, to wit, Line Sixteen commencing at a point on said Map marked "Black Walnut S.F. 16" lines Seventeen - Eighteen - Nineteen - twenty - twenty one - twenty two - twenty three - twenty four - twenty five - twenty six - twenty seven - twenty eight - twenty nine - thirty - thirty one - thirty two - thirty three - thirty four - thirty five - thirty six - thirty seven - thirty eight - thirty nine - forty - forty one - forty two - forty three & forty four. Also line No. 1. commencing at a point on said plat of Survey marked "Beginning post S.F. 1" and ending at a point marked "Oak tree S.F. 2"

J. R. Gitchell
U. S. Dist Atty

United States District Court }
Southern District of California }

J. R. Gitchell

U. S. District Attorney for the Southern District of California, being duly sworn says that the abovforgoing exceptions to the survey of the premises claimed in said cause are true as he is informed and believes

J. R. Gitchell

Sworn and subscribed to before me this 12th day of April AD 1861

G. L. Mix
Clerk

To Eulogio de Celis or his Atty.

Take notice that the forgoing exceptions to the final survey in this cause have been filed in the District Court of the United States for the Southern District of California and that the same will be brought on for hearing within thirty days after service of this notice upon you or as soon thereafter as Counsel can be heard.

April 12th 1861.

J. R. Gitchell
U. S. Dist Atty

United States of America }
Southern District of California }

I, G. L. Mix
Clerk of the United States District Court in & for the Southern District of California do hereby certify that the within & foregoing is a full true & correct copy of the Original Exceptions filed in this cause on the 12th day of April AD 1861. as the same appears on file & of record in my office —

In witness whereof I have hereunto set my hand & affixed the seal of this Court this 22d day of April AD 1861.

G. L. Mix
Clerk

Served by me personally on Andres Pico according to law ~~instructions~~. this 30th day of October 1861 in the city of Los Angeles. Henry D. Barrows
U.S. Marshal. S. dist. Cal.

Not served, because the party Andres Pico on whom instructions were given to serve the within process by the District Attorney could not be found in the Southern District of Cal.

Los Angeles June 26th 1861

James C Pennie U.S. Marshal
Per J. F. Burns Deputy

343

U. S. Dist Court for the
South'n Dist of Cal.

The United States
vs
Eulogio de Celis

Copy of Execution & Sur'y

Filed 11th April 1861

Filed October 31st 1861
G. W. Wix
Clk

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In the District Court of the 1st Judicial District of California for Los Angeles County.

Francis Mellus }
against }
His Creditors }

This indenture made the 4th day of February A.D. 1861 between Augustus R. Hinchman of the County of Los Angeles assignee of Francis Mellus the above named insolvent of the first part and Alexander Bell of the second part. Whereas by virtue of an order in the above cause tested the 9th day of January 1861 I was authorized to sell at public auction all the property of said insolvent of whatsoever nature and kind as by said order and papers on file reference being thereunto had will more fully appear; by virtue of said order I did on the 4th day of February 1861 sell all the right, title and interest, together with the right of redemption of the said insolvent in and to the premises hereafter described at public auction according to the statute in such case made and provided at which sale the right title and interest, together with the right of redemption of said insolvent in and to the following premises were struck off and sold to Alexander Bell, respectively for the aggregate sum of five hundred and sixty dollars, that is to say for the first piece or tract four hundred & fifty dollars, for the second ten dollars and for the last two tracts one hundred dollars, he the said Alexander Bell being the highest bidder and there being the highest sums bidden for the same

Now therefore this indenture witnesseth that I

Augustus P. Hinchman assigne as aforesaid of said insolvent by virtue of said order and in pursuance of the statute in such case made and provided for and in consideration of the sum of money above mentioned to me in hand paid as aforesaid the receipt whereof is hereby acknowledged, have granted bargained and sold and by these presents do grant bargain and sell unto the said Alexander Bell his heirs and assigns all the estate right title and interest, together with the right of redemption of Francis Mellus the said insolvent in and to the following described property situate in the city and County of Los Angeles and State of California, to wit; Bounded on the North by Los Angeles Street and running on said Street one hundred and five and one half varas a little more or less, on the North East by Alisos Street and running on said last mentioned street from its Northwestern intersection with Los Angeles Street eighty varas cropping and including the Acequia until it reaches the land belonging to Manuel Requena, on the South East by the lands of Manuel Requena distance one hundred and twenty five varas more or less and on the South West and West by a line agreed upon by Alexander Bell and Johann Carl Eserich as will more fully appear by the written agreement made and entered into between said parties with date August 16th 1851 and duly recorded in the recorders office of the County of Los Angeles And for a more particular description of said premises reference is hereby made to deed of Luis Vignes to the party of the second part with date 27th day of August AD 1844 and no other deeds from

the Ayuntamiento of the City of Los Angeles, one with date of 23d of September 1844 and the other of date of June 8th 1830 - Also the undivided one half of the Wooden Wharf house situate at the landing at Old San Pedro in the County of Los Angeles the land upon which the same is situate being one hundred yards in front and fifty yards in depth lying thereto with of the landing at Higher Bates Wharf - Also that tract of land situate in Los Angeles County known as Cienega being the land granted by Geo Mitchelltorena to J. Trumpo and confirmed by the U.S. District Court to D.W. Alexander et al containing one fourth of one square league Also that certain other piece of land situate in the County of Los Angeles and called La Providencia situate [illegible] City of Los Angeles and [illegible] bounded to Becerra de la Osa and by said Osa [illegible] and by the U.S. District Court confirmed to D.W. Alexander et al containing one square league of land; together with all and singular the hereditaments and appurtenances thereunto belonging or in any wise appertaining to have and hold the above described premises with the appurtenances unto the said Alexander Reed his heirs and assigns forever as fully and absolutely as I Augustus P. Hinchman assignee as aforesaid can may or ought to by virtue of the said order and of the statutes in such cases made and provided grant bargain sell release assign convey and confirm the same

In witness whereof I the said assignee have hereunto set my hand and seal the day and year first above written

A. P. Hinchman
Assignee of F. Mellus Trustee

Seal

No. 3.

Printed and sold by Wm. B. Cooke & Co. Importing and Jobbing Stationers, No. 158 Montgomery street, Montgomery Block, San Francisco

State of California, County of Los Angeles } ss. On this Fifth day of February A. D. One Thousand Eight Hundred and Sixty One before me, Myer J. Newmark a Notary Public in and for said County, duly commissioned and sworn, personally appeared the within named

Augustus F. Hinchman, Assignee of the Estate of Francis Mellus an Insolvent

whose name is subscribed to the annexed Instrument as a party thereto, personally known to me to be the individual described in and who executed the said annexed instrument, and the said Augustus F. Hinchman acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness Whereof, I have hereunto set my hand, and affixed my official seal, the day and year in this Certificate first above written.

Myer J. Newmark

NOTARY PUBLIC.

MYER J. NEWMARK NOTARY PUBLIC LOS ANGELES CO.

Deed
No 343
A. F. Hinchman
Assignee &c
to
Alexander Bell

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Filed for Record this 6th. day of January, A.D. 1861, at 9 hrs. 20 Minutes A.M. at request of Alexander Bell.
John W. Shore Co. Recorder
By W. W. Stevens Deputy

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Recorded this 6th. day of February, A.D. 1861, at 9 hrs. 20 Minutes A.M. at request of Alexander Bell, in Liber 5 of Deeds, pages 248 & 249.
John W. Shore, Co. Recorder,
By W. W. Stevens Deputy

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

The United States vs Eulogio Celis

To the Hon Fletcher M Haight Judge of said Court

Your petitioner Thaddeus Amant respectfully shows to your Honor that on the day of 1858 the U S Board of Land Commissioners confirmed to J S Alemany catholic Bishop and your petitioners predecessor certain house churches gardens and vineyards and appurtenances, situate in the County of Los Angeles State of California, and within the jurisdiction of this Court known as the Mission buildings gardens vineyards and appurtenances of the ex Mission of San Fernando for a more full and particular description of which reference is hereby had to the plat or survey of the same made by the United States Surveyor General for the State of California hereunto attached and made part of this petition, which said confirmation was made final by the dismissal of appeal on the part of the United States in your Honors Court as will fully appear by

the records thereof reference to which is hereby had.

Your Petitioner further represents that one Eulogio Celis has also had confirmed to him the lands of said Mission of San Fernando not otherwise disposed of and that he the said Celis has procured a survey of said lands, which said survey is now in Court upon the application of the United States. He further represents that the said survey of the said Celis, to the great injury of your petitioner includes all the buildings gardens vineyards and appurtenances heretofore confirmed to your petitioners predecessor, J S Alemany

He therefore prays your Honor that he may be allowed to intervene in the said case of Eulogio Celis ads The United States, and that upon the final hearing of said cause the said buildings gardens vineyards and appurtenances, belonging to your petitioner as aforesaid, may be expressly exempted and excluded from any survey confirmed to said Celis and for general relief in the premises

J R Mitchell
Atty for Petitioner

State of California
County of Los Angeles

Joseph R Mitchell being duly sworn deposes and says that he is attorney for the petitioner J Amat and that he has read the foregoing petition and knows the contents thereof and that the same is true to the best of his information and belief and further that this affidavit is made by counsel for the reason of the temporary absence of the petitioner from the County of Los Angeles

Joseph R Mitchell

Subscribed & sworn to before me this 4th day of Oct 1862

Jas D Wheeler
Clerk of Dist Court of Dist Cal

No 343

The United States
vs
Eulogio Celis

Intervention of L Amat

Filed Oct 4. 1862
John S Wheeler
Clk

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

Eulogio Celis
vs
The United States

Your Petitioner
Alexander Bell respectfully represents
to your Honor that on the 13th day of
December AD 185 the United States
Board of Land Commissioners for the
State of California confirmed to
David W Alexander et al the tract of
land known as the Cahuenga - and
farther that the said United States
Board of Land Commissioners on the
day of AD 185 confirmed to
Alexander & Mellus a certain other
tract of land known as the La
Providencia both of the aforesaid
tracts lying and being within the County
of Los Angeles State of California
and within the jurisdiction of this
Court which said confirmations were
afterwards upon appeal affirmed
by this Court as will fully appear
by the records thereof to which ref-
=erence is hereby made

Your Petitioner would further represent that afterwards to wit on the 4th day of February AD 1861 one of the aforesaid claimants Francis Mellus by deed conveyed to petitioner all his right title and interest in and to said Ranchos which said deed is hereunto attached and made part of this petition. Your Petitioner would further represent that he is informed and believes that one Eulogio Celis has had confirmed to him certain lands known as the lands of the Ex Mission of San Fernando, and that he has procured a survey of said lands by the United States Surveyor for the State of California, which said survey has been returned to this Court on the application of the United States District Attorney. Your petitioner is informed and believes that the said survey thus procured by the said Celis interferes with your petitioners rights in the said Ranchos of Cahuenga and La Providencia and that his injured thereby. He therefore prays that he may be allowed to intervene in the aforesaid cause of Eulogio Celis vs the United States for the protection

of his interests as aforesaid, and that upon the final hearing of said cause the said survey of the said Ciles may be so amended as not to include within its boundaries any of the aforesaid lands of your petitioner - and for general relief

J M Gitchell
Atty for Petitioner

State of California }
County of Los Angeles } ss

Alexander Bell the above named petitioner being duly sworn deposes and says that he has heard the foregoing petition read and knows the contents thereof and that the same is true of his own knowledge except as to the matters which are therein stated on his information or belief and as to those matters he believes it to be true

Alexander Bell

Subscribed and sworn to before me this 25th day of May a.d. 1873.

F P Ramirez
United States Commissioner, South Dist of California.

343

U S Dist Court

Eulogio Celis
vs
The United States

Intervention of
Alexander Bell

Filed June 1st 1868
John S Wheeler
Clk

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

Eulogio Celis
vs
The United States

No 343
In Return of Survey

Now comes Alexander Bell by J. R. Mitchell his attorney and by leave of the Court first had intervenes, and excepts to the final survey of the premises claimed in this cause and made and approved by the Surveyor General of the United States for the State of California, and now on file in this cause. And for cause excepts to the following lines in said survey to wit, Commencing at a point in the southern line of said survey one mile west of the point marked thence Cahuenga pass, thence easterly to the said point marked "Cahuenga pass," thence north easterly to a point marked "Beginning post S.F. 1" thence north westerly to point marke "oak tree S.F. 2" thence northerly to a point in line no 2 to a point marked "old trail," and he claims that said lines should be changed so as to run in a strait line commencing at a point one mile west of the last

mentioned point to wit "old trail on line "2" thence in a direct line southerly to the point first excepted to wit one mile west of the point marked "Cauenga pass." said line being the true line fixed by the expediente diseño, grant, and juridical possession of the Rancho's of La Providencia and Cauenga

Wherefore the said intervenor prays that the said eastern and southern lines of said survey of San Fernando be ordered to be changed and be made in conformity with the foregoing corrections suggested herein.

J M Gitchell
Atty for Intervenor.

State of California
County of Monterey

J M Gitchell

being duly sworn deposes and says that he is attorney for the said Intervenor and that he has read the foregoing exceptions and knows the contents thereof and that the same are true as therein stated as he is informed and believes and that such information he believes to be true

J M Gitchell

Sworn to & subscribed before me this 11 th day of June 1873

[illegible]

To Eulogio Celis or his attorney and
to B. C. Whiting U S Dist Attorney
Take notice that
the foregoing exceptions to the final
survey in this case have been filed
in the District Court of the United States
for the Southern District of California
by Alexander Bell Intervenor herein
and that the same will be brought
on for hearing within thirty days after
service of notice upon you, or as soon
thereafter as counsel can be heard

June 11th 1863

J R Pitchell
Atty for Intervenor

Served the foregoing Exceptions on B. C. Whiting Esq
U.S. Dis. Atty. by personally delivering to him
a true copy of the same on the 26th day
of June 1863 at Monterey

H. D. Barrows
U.S. Marshal

No 343

Eulogio Celis
vs
The United States

Exceptions to
Survey by A Ball
Surveyor

on Celis claim
U. S. passed 19th June

Filed June 11, 1866
John A Wheeler
Clk

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

Eulogio Celes
vs
The United States

No 343
On return of Survey

Now comes Alexander Bell by J. R. Mitchell his Attorney and by leave of the Court first had, intervenes and excepts to the final Survey of the premises claimed in this cause and made and approved by the Surveyor General of the United States for the State of California and now on file in this cause — And for cause excepts to the following lines in said survey to wit: Commencing at point in the Southern line of said survey one mile West of the point marked thereon Cahuenga pass thence Easterly to the said point Marked "Cahuenga pass" thence North Easterly to a point Marked "Beginning post S F 1" thence North Westerly to point marked "Oak tree S. F. 2" thence Northerly to a point in line No 2 to a point marked "Old trail". And he claims said lines should be changed so as to run in a strait line commencing at a point one mile West of the last Mentioned point to wit: "Old trail" on line "2", thence in a direct line Southerly to the point first Excepted, to wit: One Mile West of the point marked "Cahuenga" pass" said line being the true line fixed by

the expediente diseño, grant and juridical possession of the Ranchos of La Providentia and Cahuenga

Wherefore the said intervenor prays that the said Eastern and Southern lines of said Survey of San Fernando be ordered to be changed and be made in conformity with the foregoing corrections suggested herein

J. R. Gitchell
Atty for Intervenor

State of California
County of Monterey

J. R. Gitchell being duly sworn deposes and says that he is Attorney for the said Intervenor and that he has read the foregoing Exceptions and knows the contents thereof and that the same are true as therein stated as he is informed and believes and that such information he believes to be true

J. R. Gitchell

Sworn to & subscribed before me this 11th day of June 1863

Certificate of John C. Wheeler Sheriff

Clerk U.S. Dist Court S. Dist Cal

To Eulogio Celis or his Attorney And to
B. C. Whiting U. S. Dist Attorney

Take notice that the foregoing Exceptions to the final survey in this Case have been filed in the District Court of the United States for the Southern District of California by Alexander Bell Intervenor herein And that the same will be brought on for hearing within thirty days after service of notice upon or as soon thereafter as Counsel can be heard

June 11th 1863

J. R. Mitchell
Atty for Intervenor

Filed June 11. 1863
John Wheeler Clk

United States of America
Ruth Dwyer Ca

I John Wheeler Clk of Dwyer Court Ruth Dwyer Ca hereby Certify the above & foregoing to be a full true & Correct Copy of the original as the same appear on file in my office

Witness my hand & the Seal of said Court this the 19th day of June A.D. 1863

John Wheeler Clk

Served the within on Andres Pico personally by delivering to him in the City of San Francisco on the day of July 1863 H D Barrows U.S. Mar

per

Deputy

Served the within on Andreas Pico personally by delivering a true Copy to him in the City of San Francisco on the 14th day of July A.D. 1863.

H. D. Barrows, U.S. Marshal

per D. McLaren,

Depty.

No. 343

U. S. Dist Court

North Dist Calif

Calvez et al

vs

Pellmitz et al

Alexander Bell, Attorney

Eastham & Thornton

Attorneys

343 SD

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Copy

Filed July 16th 1863

John Ahern

Clk

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In the United States
District Court in and
for the Southern Dist
of Calⁿ

The United States
vs
Elugio Celis
} No 343

In the matter of survey

On Motion by Henry Hancock
of Counsel for Claimant in
the above entitled cause
it is hereby ordered adjudged
and decreed that the exceptions
to the survey heretofore filed in
this Court by the U. S. Dist
Attorney be and they are hereby over
ruled

F. M. Haight
U. S. District Judge
of Southern Dist California

No 343

The United States
v
Eugio Coles

In the matter
of Savory

Order overruling
Exceptions of the
12th of April 1861

Filed this
18th day of March 1864
John O. Wheelock Clerk
By Geo B Andrews
Deputy

In the United States
District Court Southern District
of California

The United States
vs
Eulogio de Celis

The President of the United States Sends
Greeting to Antonio F. Coronel, Luis
Jordan James Moran, and Michael Shea
and Narciso Botelles
We command you that all and singu
=lar business and excuses being laid aside
you appear and attend before Geo B. Van
Nest Deputy Clerk of said Court at the U
S District Court Room on the 17 day of March
1864 at 3 - o'clock - P M to testify in
the above entitled cause on behalf of the U S
and for failure you will be deemed
guilty of Contempt of Court

Witness the Hon Fitzhugh M. Haight
Judge of said Court this 16th
day of March 1864
Attest my hand and seal of Court
the day and year above written
Jno. O. Wheeler Clerk
by Geo. B. Van Nest Dep.

Served the within personally on L Jordan & Moran & McBride in Los Angeles on the 17th Mch 1864
A F Coronel not found
H D Barrows
U S Marshal
By Wm G Warren
Dep'y

Served the within personally on A. F. Coronel & Narciso Botello in the City of Los Angeles on the 17th day of Mch 1864
H D Barrows
U S Marshal

No. 343
Subpoena
The United States
vs.
G. de Celis

3 Witnesses
Filed this 17th day of March 1864
Jno. O. Wheeler Clerk
By Geo. S. Van Ness
Dep. Clerk

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

Eligio de Celis
vs
The United States } Nº 343 "San Fernando"

In the matter of the Intervention of Thaddeus Amat

Dec Term of 1863

Before Hon. Fletcher M. Haight U. S. Dist Judge in and for the Southern District of California

Now comes Henry Hancock of Counsel for Claimant in the above entitled Cause and moves this Hon. Court that in the above entitled Cause the petition of Thaddeus Amat filed in this court Oct. 4 1862 relative to intervention in the matter of Sarony together with all other proceedings pertaining thereunto be overruled

No 343

Eliezer de Cibis
vs
The United States

Motion
to dismiss
Petition of
Intervention
amicus

Filed this 21st day
of March 1864
Jno. O'Meell Clk
by Geo. B. Mundell Dep.

343 SD
PAGE 82

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In the United States Dist Court in and for the South Dist. of Calª

Eligio de Celis
vs
The United States
} No 343 "San Fernando"

In the matter of the Intervention of Thaddeus Amat

On Motion of Henry Hancock of counsel for claimant in the above entitled cause The petition of Thaddeus Amat Intervenor in the matter of Lawry filed in this cause Oct 4th 1862 is hereby ordered adjudged and deemed to be overruled together with all other proceedings relative thereto

Fletcher M. Haight
U.S. Judge S. District of California.

3

No. 343

Eleugio de Celis
vs
The United States

Order overruling Petition of Thaddeus Amat Intervenor in the matter of Survey

Filed this 21st of March 1864
Jno. O. Wheeler Clerk
by Geo. B. Van Ness
deputy

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PAGE 84

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The Undersigned, Abitrators, created by the District Court of the United States for the Southern District of California, at its Term for the year , to fix and determine the boundary line between the lands claimed by Alexander Bell and Andres Pico, Claimants respect==ively of the tracts of land known as the Ranchos of "Providencia" and "Cahuenga" on the one part and the lands or Rancho of the ex-Mission of San Fernando, the same being situated in the County of Los Angeles, State of California, have agreed and determined, that the Oak Tree marked S.F. s. 2, (being Station two (2) of the Eastern Boundary line of San Fernando as Surveyed by H. Hancock, Dec. 1858 and approved by Surveyor General Mandeville February 5, 1861) be the North western Corner of the Rancho Providencia; and that a right line drawn from said Oak tree Southerly, through

~~through~~ the centre of the Laguna, and passing about ten (10) chains westerly of the house of Cyrus Lyons, and being one League in length, be the dividing line between the Rancho Providencia and the Ex-Mission San Fernando.

Los Angeles, June 22. 1865.

Henry D. Barrows
J. J. Warner
Matthew Keller

N

U. S. Dist Court
S. Dist. Cal.

E. de Celis
vs
U. States

Determination of boundary line in the matter of Bell. an intervenor —
Filed June 23/15
by Chas. Albrecht Clerk
Rehearing & Affidavits &c
Another

Los Angeles Aug 1st 1865

J. O. Wheeler Esq

Dear Sir

Enclosed herewith you will please find, the appointement and report of the referees in the intervention of Mr Bell on the return of the survey of the ex-Mission of San Fernando, together with a decree to be entered by the Court.

Mr Bell requests of you the favor of having all proper entrys made and furnishing the Surveyor General with a certified copy of the decree as

soon as convenient after the same is entered,

For all of which you will please forward your charges and the same will be paid on its receipt

Respectfully Yours

J R Mitchell

PS What is being done politically in your County

Los Angeles as usual has made a fool of herself and I fear has lost all hopes of success for the present.

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

Eulogio Celis vs The United States & Alex Bell interveno

On return of Survey of the Rancho of the Ex Mission of San Fernando

Now on this day this cause coming on to be heard on the report of J J Warner, Henry D Barrow and Matthew Keller referees heretofore agreed upon by the parties hereto, and appointed by the Court. And the said report having been duly filed, and examined and understood by the Court, It is hereby ordered adjudged and decreed that the Eastern boundary line of the survey of the said Ex Mission of San Fernando bounding on the Ranchos of La Providencia and Cahuenga, as heretofore returned to this Court be and the same is hereby corrected and amended in accordance with the report of said referees and is decreed to be as follows to wit. Commencing at an oak tree marked S. F. S. 2 being Station No 2 of the Eastern boundary line of the Ex Mission of

San Fernando as surveyed by H Hancock in 1858 and approved by Surveyor General Mandeville on the 5th day of February 1861, and being the North West corner of the Ranchos La Providencia and Cahuenga, running thence in a right line drawn from said oak tree South 20½° East passing through the centre of the Laguna about ten chains westerly of the house of Cyrus Lyons and being one league (5000 varas) in length

Thus done and signed in open Court this 14th day of August 1865

Fletcher M. Haight
Judge 1st Dist. Court

No 4

United States Dist Court
South Dist Cal

Eulogio Celis
vs
The United States
Alex Bell Intervenor

Decree

Filed Augt. 14th 1865
John S Whelan
Clk

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

Eulogio Celis vs The United States Alex Bell Intervenor	On return of survey of the Rancho of the Ex Mission of San Fernando

Now on this day this cause coming on to be heard on the report of J. J. Warner, Henry D. Barrow and Matthew Keller referees heretofore agreed upon by the parties hereto, and appointed by the court.

And the said report having been duly filed, and examined and understood by the court.

It is hereby ordered, adjudged and decreed, that the eastern boundary line of the survey of the said Ex-mission of San Fernando bounding on the Ranchos of La Providencia and Cahuenga, as heretofore returned to this Court, be and the same is hereby corrected and amended in accordance with the report of said referees and is decreed to be as follows to wit;

Commencing at an Oak tree marked

S. F. S. 2 being Station No. 2 of the Eastern boundary line of the Ex Mission of San Fernando, as surveyed by A. Hancock in 1858 and approved by Surveyor General Mandeville on the 5th day of February 1861 and being the North west corner of the Rancho La Providencia and Cahuenga, running thence in a right line drawn from said Oak tree South 20½° East passing through the centre of the Laguna about ten chains westerly of the house of Cyrus Lyons and being one league (5000 varas) in length.

Thus done and signed in open Court this 14th day of Augt. 1865.

(Endorsed) Filed Augt. 14th 1865. John O'Meuler Clerk.

Fletcher M. Haight
Judge U. S. Dist. Ct. S. Dist. of Calª

I, George E. Whitney, Clerk of the Circuit Court of the United States for the District of California, and ex officio Clerk of the District Court of the United States in and for said District, hereby certify that the foregoing is a full and true copy of the Decree in the above entitled action, filed in my office on the 14th day of Augt. A.D. 1865

Seal

Attest my hand and the seal of said District Court this 24th day of May A.D. 1869
Geo. E. Whitney, Clerk
by H. F. Lardner
Deputy Clerk

I certify the foregoing to be a full, true and correct copy of a certified copy of the Decree in the above entitled action as the same appears on file in my Office.
U. S. Sur. Genl's Office
San Francisco Cal.
June 1st 1869
Sherman Day
U. S. Sur. Genl.
for California and Arizona

No 343

The United States
vs
Eulogio Celis

Certified Copy of Decree of August 14th 1865 - Filed this 7th day of June AD 1869.

Geo E Whitney Clerk

By A D Grimwood Dep. C.

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In the United States District Court Southern District of California

Eulogio Celis
vs
The United States

On return of Survey

Report of Referees.

The undersigned J. J. Warner and H. D. Barrows, referees heretofore appointed under and by authority of the agreement hereto annexed, Respectfully report that in accordance with the agreement by which they were appointed. They first duly qualified, and afterwards proceeded to the lands in dispute between the parties taking with them a competent surveyor and after having the disputed lines run and hearing the testimony of a number of witnesses old residents of this vicinity, we were unable to agree upon the line between the Ranchos of the Ex Mission of San Fernando and the Ranchos of La Providencia and Cahuenga. Acting by virtue of the power in us vested by said agreement hereunto annexed we selected Matthew Keller a disinterested person to act as the third referee, who

then and there consented to act as such referee. The undersigned J J Warner H D Barrows and Matthew Keller referees as aforesaid then proceeded to lands in dispute and after having examined the same, and having heard all the testimony produced before us by the parties, have agreed and established as the line between the Rancho Ex Mission of San Fernando and the Rancho La Providencia Cahuenga to be as follows to wit, Commencing at an oak tree marked S. F. S. 2, being Station 2 of the eastern boundary line of Ex Mission of San Fernando as surveyed by H Hancock Dec 1858 and approved by Surveyor General Mandeville Feb 5th 1861, at the North West corner of the Rancho La Providencia Cahuenga, and thence in a right line drawn from said Oak tree South 20½° East passing through the centre of the Laguna about ten chains westerly of the house of Cyrus Lyons, and being one league (5000 varas) in length.

All of which is respectfully submitted

We the undersigned approve the division made by the arbitrators in the above cause

J J Warner
Henry D Barrows
Matthew Keller
Referees

Andres Pico
Alexander Bell

101

Los Angeles July 5th 1865.

Alexander Bell 101

Los Angeles July 5th 1865.

This indenture of agreement made by and between Andres Pico for himself and Eluqio Celis claimants of the rancho San Fernando party of the first part and Alexander Bell party of the second part & Claimant of the Ranchos La Providencia and Cahuenga all of said rancho's lying within the County of Los Angeles State of California and in the vicinity of each other

Witnesseth that whereas the official survey of the rancho of San Fernando has been objected to and returned into the District Court of the United States for the Southern District of California and whereas the said Alexander Bell was permitted by said Court on the first of June 1863 to intervene for the protection of his interests, and did in accordance therewith file in said cause in the Court aforesaid on the 16th of July 1863 his exceptions to the Southern ~~boundary~~ and Eastern boundaries of said survey as returned by the Surveyor General and Whereas the said parties desire to settle amicably the boundaries between said Ranchos so far as they may be found to be in conflict with each other

Submission
to Contractors

Therefore it is agreed between the said Andres Pico for himself and for Eligio Celis claimants of the San Fernando and the said Alexander Bell claimant of the La Providencia and Cahuenga Ranchos that they will submit the dispute between them relative to the location of the line between these said Ranchos to the arbitration of J. J. Warner Esq and Henry S Barrows Esq and if they two cannot agree then that they are authorized to select a third person and the decision of any two shall be final The said arbitrators are to have before them all necessary papers and testimony to finally settle and determine upon the division line of said Ranchos and may summons all testimony repair to the land and do all other things necessary to a fair and full understanding and determination of this dispute; and to hear said referees shall have so determined it is agreed between the parties hereto that the line so marked off by said referees as the division line between said Ranchos shall be adopted

by both parties and they each agree that a decree shall be drawn up in conformity thereto and filed by consent of the parties in the District Court of the United States as the final decree on the return of survey in the case of Hugo Ellis vs the United States now in the United States District Court for the Southern Dist of California and numbered 343 on the docket of said court

For the full and complete performance of this our agreement each to the other is hereby bound in the penal sum of one thousand dollars

Witness our hands and seals this twelfth day of April 1864 ~~Given~~ at Los Angeles Cal

Attest
A K Count
Luis Peralta

Andres Pico

Alex Bell

Filed Aug 14 1865
John W Walker clk

343 SD
PAGE 101

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United States vs Eulogio de Celis } No 343 of Dist. Court "Ex Mission de San Fernando"

To the Hon. District Court of the U. States for California.

The U. S. Surveyor General for California has the honor herewith to return to the Court the map of the survey of the Ex Mission de San Fernando, with the alterations of the boundary adjoining the Rancho Providencia made by order of the U. S. District Court of July 8th 1868, on courses No 1 & No 46; and a traced copy of the same with the alterations thereon according to the decree.

The correction reduces the area within the corrected boundaries from 121619 $\frac{24}{100}$ acres to 121396 $\frac{13}{100}$ acres.

These are the only corrections strictly in conformity with the decree of the Court, and therefore nothing more has been put upon this map. but the Surveyor General deems it proper to inform the Court that it is ascertained that two other bodies of land, both finally confirmed by the Southern Dist. Court, and one of them patented, have their proper location within the boundaries of this map, and must eventually, when the surveys are finally patented, require other deductions from the number of acres noted on the map returned to the Court.

One of them is a group of eight small tracts

surrounding the Old Mission buildings of San Fernando, patented to Bishop Alemany amounting to 76 94/100 acres: and the other is the Rancho El Encino, confirmed to Vicente de la Osa, by the Southern Dist. Court, Feby 8th 1858, and surveyed in Sept 1868, containing 4460 73/100 acres.

The two deductions amounting to 4537 67/100, which would if allowed reduce the area of the Ex Mission de San Fernando to 11658 46/100 acres. The survey and map of El Encino rancho is still subject to the supervision of the Commrs of the Genl Land Office and the Secy of the Interior; but as the rancho is limited to a league it is not probable that any change will be made in the quantity.

A separate map is herewith transmitted for the information of the Court, (marked A) which will show the location of the tract alluded to, and tabular statements of quantity, and certificates of facts concerning the different surveys.

Respectfully submitted to the Hon. District Court. by

Sherman Day
U. S. Surveyor General
for California and Arizona

U. S. Sur. Genl's Office
San Francisco June 3rd 1869

No 343

The United States
vs
Eulogio Cibs

Letter from U.S. Surveyor General, relative to Survey

Filed June 4th AD 1869
Geo S Whitney Clk
By A D Grimwood
D C

San Francisco
June 4th 1869

Hon. Frank M Pixley U.S.
Dist Atty for Calr

Sir

Permit me
to herewith transmit the draft
of Decree in the matter of survey
of the Ex Mission San Fernando
case No 343 in accordance with
our understanding at the Chambers
of Judge Hoffman in order that
on the first judicial day of his
Court to wit Tuesday next you
may present the said decree
and move for Judge Hoffman
to sign in open court

and to be filed with
the Clerk of the U.S.
Dist Court to be entered
up as you have kindly
assured me you would
do

Very Respy
Your Obt Servt

Henry Hancock
Atty for
Claimant

343.

U.S. District Court
Dist of Cal

Eulogio de Celis
ads
The United States

Letter from Henry Hancock Atty for Claimants, to Frank M. Pixley, U.S. Attorney

Filed June 8th 1869
Geo. E. Whitney Clerk
By R. H. Grimwood Deputy
D.C.

In the United States District Court
for the State of California

The United States
vs
Eulogio de Celis

No 343
Ex Mission
San Fernando

Upon motion of claimant by his attorney based upon a plat of the survey of the "Ex Mission San Fernando" approved by Sherman Day United States Surveyor General for California May 27th 1869 marked A and hereunto annexed and marked "Approved June 8th 1869 Ogden" "Hoffman District Judge" The United States District Attorney having been notified, and it appearing to the satisfaction of the court that the survey of the land claimed in this case, was by a decree of the late United States District Court for the Southern District of California of date August 14th 1865 rejected to the extent of stations one and forty four, and a resurvey thereof ordered; the said late United States District Court for the Southern District of California having been by an act of Congress abolished, and the jurisdiction of this cause, having been, by law transferred to this court, and the said United States Surveyor General having executed approved and returned the amended survey to this court, and that it is in conformity with the aforesaid decree of the late United States

District Court for the Southern District of California
And it further appearing that, in the said return of
the said United Surveyor General to this court of the
amended survey of the lands of the said "Ex Mission
San Fernando" as appears by the said plat marked "A"
and the letter of the said United States Surveyor General
accompanying the same on file in this cause he
has excluded therefrom eight small tracts containing
76 24/100 acres heretofore "patented to Bishop Alemany"
and the rancho called "El Encino" confirmed to "Vicente
de la Osa" and recently surveyed by the United States
Surveyor General containing 4460 73/100 acres, as the same appears on said plat marked A, the United
States District Attorney and the Attorney for claimant
consenting to the deduction of the said tracts The
United States District Attorney assenting thereto,
It is hereby ordered adjudged and decreed that the said
amended survey is a valid survey of the lands claimed
in the case and the same is hereby approved, and it
is further ordered that the Clerk of this court return
a copy of the final survey hereunto annexed together
with a copy of this order to the said United
States Surveyor General for his guidance
in the premises

Ogden Hoffman
Dist Judge

No 343 SD

378 Bd.

The United States
v
Eulogio Celis

Decree

In matter
of survey of
the Ex Mission
San Fernando

Filed June 8th AD 1869
Geo E Whitney Clerk
By N D Grimwood
Dep Clk

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Ent'd in Book 1 Judgt & Decrees
page 265.

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

The United States
vs
Eulogio Celis

} No 343
Ex Mission
San Fernando
In matter of Survey

Before Hon. Ogden Hoffman Dist. Judge

On Motion of Henry Hancock Atty for claimant and upon consent of Hon Delos Lake United States Dist. Atty. it appearing to the satisfaction of the Court that Exceptions to the survey of the land claimed in this cause were regularly filed by the United States on the 12th day of April 1861 and overruled by the late United States Dist Court for the Southern District of California on the 18th day of March 1864 That Thaddeus Amat was allowed to intervene by order of the 4th of Oct 1862 and that said intervention was overruled on the 21st day of March 1864 and that Alexander Bell Intervenor

filed Exceptions to the survey of the land claimed in this instance on the 11th day of June AD 1863 and that the same were disposed of by a decree of the late United States District Court for the Southern Dist of Calⁿ on the 14th of August 1865 ~~thereto~~ authorizing and directing a modification of the survey. It is hereby ordered that a certified copy of this order together with a certified copy of the said decree of the 14th of August 1865 be made out by the Clerk of this Court and forwarded to the United States Surveyor General for his guidance in the premises

Ogden Hoffman
Dist Judge

4

U. S. Dist Court
Dist Cal

The United States
vs
Eulogio Celis.

343
S. D.

Ex Mexicano
San Fernando

Filed & Ent July 8th 1868
Geo Evoniney
Clk
E. Greene
Dep

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