CASE NO.
365
SOUTHERN DISTRICT

CAYAMA GRANT

MARIA ANTONIA DE LA
GUERRA Y LATAILLADE
CLAIMANT

LAND CASE 365 SD pgs. 58

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 67.

Maria Antonia de la Guerra y Ezcaitilla de CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Cayama.

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this twenty fourth of February, Anno Domini One Thousand Eight Hundred and Fifty=, 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 Maria Antonia de la Guerra y Lataillade for the Place named "Cayama" was presented, and ordered to be filed and docketed with No. 67 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 15. 1852

In case No 67. Maria Antonia de la Guerra y Lataillade for the place named "Cayama" the deposition of Ignacio del Valle, a witness in behalf of the claimant taken before Commissioner Hiland Hall, with document marked H. H. No 1 and the translation thereof marked "A & B" annexed thereto, was filed;

(Vide page 4 of this transcript)

San Francisco, February 12. 1853

In the same case the depositions of Pablo de la Guerra William R. Hutton, and Jose Maria Covarrubias, witnesses in behalf of the claimant, taken before Commissioner Henry I. Thornton were filed

(Vide pages 5. & 6 of this transcript)

San Francisco Sept 20 1853

In the same case the deposition of Francisco de la Guerra a witness in behalf of the claimant

taken before Commissioner Alpheus Felch was filed
(vide page 9 of this transcript)

San Francisco Sept 25. 1853
Case No 67 was ordered to the foot of the docket

San Francisco Sept 26. 1854
Case No 67 was ordered to be placed at the foot of the 2d class cases on the trial docket.

San Francisco Oct 3d 1854
Case No 67 was submitted on briefs and taken under advisement by the Board

San Francisco July 17. 1855
In the same case Commissioner R. Aug Thompson delivered the opinion of the Board confirming the claim
(vide page 41 of this transcript)
and the following order was made, to wit:
(vide page 42 of this transcript)

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Petition

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To the Honorable Commissioners to settle Private Land Claims in California

The Petitioner Juan Maria Antonio de la Guerra y Lataillarde respectfully shows that on the 24th day of April A.D. 1843 Manuel Micheltorena Governor of California by virtue of the authority in him vested granted to Jose Maria Rojo the tract of land known by the name of Cayamus situated in the Mission district of Santa Barbara with the boundaries described in the Grant and marked out upon the respective map containing five square leagues or twenty two thousand acres.

That on the 8th day of July A.D. 1846 the Departmental Assembly of California approved the said Grant in due form of Law.

That on the 6th day of July A.D. 1846 the heirs of the said Jose Maria Rojo sold and conveyed the said tract of land by formal act in due form of Law to the Petitioner copies of which original papers are hereto annexed marked A and translations marked B

and the Petitioner further shows that the reason of his interfering claim

That the said tract of land has not been surveyed by the surveyor general of the United States but that its boundaries are definitely described in the Grant itself and shown on the corresponding map that the quantity of land is definite and its limits well known.

The Petitioner bases his own information of title upon the original papers copies of which are hereto annexed upon the documents and minutes relating to the same in the archives and upon the possession of the surveyor general and upon such other

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proofs as the nature of the case may require and necessary
to enable the parties the Commissioners to
confirm to him the said grant
By his attorneys
Hallock Peachy & Billings
Filed in office February 24th 1852
Signed
Geo Fisher
Secretary
Recorded Journal Vol 1 pg 21 Jan 28
Signed
Geo Fisher
Secretary

Deposition of Ygnacio del Valle
VALLE

Office of the U S Land Commission
Los Angeles October 15th 1852
Appears day before Orlando Poland one of
the Commissioners for ascertaining and settling
Private Land Claims in California Ygnacio del Valle a witness produced on
behalf of the claimant Juan Antonio
de la Guerra y Salvidrage whose petition
is numbered 6 for the Rancho of the Boxes
and being duly sworn his evidence being
given in Spanish was interpreted by the
Interpreter
The Associate Land agent
was notified and attended
Translation where is your
damage and place of residence
answer
My name is Ygnacio
del Valle my age is forty four years
I reside in Los Angeles and have been
in California 27 years
I Translate
Examine the
document before you marked No 1 1 4
and say if you know the signatures if
they are genuine and if the document
is genuine

2/67 —

5 —

Answer

Have examined the document and am acquainted with the signatures of Manuel Nicholtima Francisco Arce W. E. P. Hartnell Narciso Botello Pio Pico José Matias Moreno Antonio María Ortega Luis Carrillo Lucario Litrillade and have ever held regard their signatures to this document are genuine and the document itself to be that of my knowledge and belief is also genuine

Juan de la Valle

Sworn and subscribed
before me
Edwd Hall
Commissioner

Filed in Office October 15th 1852
Signed
Geo Fisher
Secretary

Recorded in Original Book 2p 80
Signed
Geo Fisher
Secretary

Depo of Pablo de la Guerra

San Francisco February 12th 1853

On this day before Commissioner Harry Thornton came Pablo de la Guerra a witness in behalf of the claimant Maria Antonia de la Guerra y Lataillade and petitioner under the Act and being duly sworn his evidence being interpreted by the Secretary

Answer to Questions by Counsel for the claimant the witness testified as follows

My name is Pablo de La Guerra my age is thirty three years resided in Santa Barbara and am a native of California

Question José María Rojo he does serve

Eighteen or nine years ago having in
children his widow married a gracian
Sarcia in 1846 & this Rancho called
Buyamato the present claimant

Raja
occupied this land with his life time but
since his death the Indians who live
about there have been so hostile as to
render it impossible to occupy the Rancho
and the cattle and horses left there have
become wild

Pablo de la Guerra
U S Land Agent present
Sworn to and subscribed
before me this 12th of February
1853

Harry I Thornton
Commissioner

Filed in Office February 12th 1853
Signed
Geo Fisher
Secretary

Recorded in Lib B Volume p 358
Signed
Geo Fisher
Secretary

Depos of
Wm R Hutton

San Francisco February 12th 1853
On this day before Commissioner Thornton
Hall came William R Hutton a witness
produced in behalf of the claimant
Maria Antonia de la Guerra y Lataillade
Petition number 67 and upon oath
his evidence being given in English
The United States associ
ate Land Agent was present
Examined by Messrs Shafter & Wills
claimants Counsel the witness testifies
as follows
My name is William R
Hutton My age is 27 years and I have
been in California over 6 years

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Texas in the Rancho called Cuyamaca
claimed by Mrs Estudillo in May
1851 with an armed body of men in
pursuit of hostile Indians I saw the ruins
of a house and adobe pueblo

The Indians
occupying this part of the country are
hostile to all white men commencing
in the vicinity by armed parties of
men can go there and return the
Rancho from attack This Rancho from
my own observation

Wm R Hutton
Sworn and Subscribed
Before me
Edwd Dall
Commissioner
Filed in Office February 12th 1853
Signed
Geo Fisher
Secretary
Recorded in Book B Vol 2 page 559
Signed
Geo Fisher
Secretary

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Deposition
Jose M.
Covarrubias

San Francisco Feby 12th 1853
On this day before Commissioner Edwd
F. Hamilton came Jose Maria Covarrubias
witness in behalf of the claimant Maria
Antonia de la Guerra y Estudillo de
petition number 67 and was examined
his evidence being interpreted by the
Secretary

Translated to witness by
claimants Counsel the witness states upon
oath as follows

My name is Jose Maria
Covarrubias my age is forty four years I
reside in Santa Barbara and have been
in California twenty years

Whereas the Rancho called Cayamca granted to José Maria Rojo by Governor Micheltorena in 1843

Rojo built a house on the land immediately after it was granted to him and occupied it with his cattle

Rojo died in 1845 and his widow sold the land to Maria Antonia de la Guerra de Lataillade within the last few years the Indians in that part of the country have driven off all the settlers and prevented them from occupying the lands

There are still cattle and horses on this land but they are mostly held for want of corralling the hostile Indians having prevented owners of lands in that district from attending to their stock

José Ma Covarrubias
U S Law Agent present

Sworn and Subscribed
before me this 12th of
February 1853

Harry I Thornton
Commissioner &c

Filed in Office February 12th 1853
Signed
Geo Fisher
Secretary

Recorded in Book B Vol 2 page 55 &c
Signed
George Fisher
Secretary

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Deposo of F de la Guerra

Office of the Board of United States Land Commissioners &c &c

This day before Commissioners appeared Francisco de la Guerra a witness in behalf of Maria Antonia de la Guerra y Sotelo and number 67 who after being duly sworn deposes as follows

Questions by Mr Halleck attorney for claimant

1 Question

What is your name age and place of residence

answer

My name is Francisco de la Guerra my age is thirty six years and I reside at Santa Barbara California

2 Question

Did you know Jose Maria Ros the original grantee in this case if so how long have you known him

answer

I have known him from a long time but do not recollect the precise time I have known him at least since 1835 he is now dead and died I believe in 1844

3 Question

Do you know what relatives or his heirs he left and if so who are they

answer

He left a widow and to other his relatives to my knowledge I know none of any other

The widows name is Maria Altagracia Garcia she is living in this State

Francisco de la Guerra

Jno Gardner associate Law agent was present at the taking of this deposition but declined to propound questions to the witness

Subscribed and sworn before me at San Francisco in this county 27th day of September 1853

The Deposition was given in the Spanish Language Jno Foster Secretary & Ex officio Justice of the Peace
Alpheus Felch
Commissioner

Filed in Office September 26th 1853
Attest
Jno Foster
Secretary

Recorded in Liber B Vol 3 page 207
Attest
Jno Foster
Secretary

N 1.

Espedte

Año de 1843

Espedte Promovido pr
El Vecno de Sta Barbara Ciudo
Jozè Mn Rojo en Solicitud del
Parajo de Cuyama
No 523

2. Sello

Sr. Prefecto del 2do distrito
José Mª Rosi mexicano
por nacimiento y Radicado
en este puerto de Sta. Barba
de Este Departamento ante
V. S. con el debido respeto
y como mas haya lugar digo
que hallandose un paraje
para el Rumbo interior de los
terrenos propiamente baldio
y sin ocupacion ni cultivo
en cuya virtud soy teni
endo yo familia y deseam
do proporcionar su Esta
blecimto teniendo al uso
Vienes semovientes sin
un lugar fijo en q. poneros
y por tal motivo padecer
demerito en ellos, suplico
a V. S. se sirva tomar los
informes convenientes y
previos estos dar el q. a
V. S. corresponda p.a q.
sea elevada esta solici
tud al conocimiento del
Excmo Sor Gobernador
y su E. tenga a bien con
cederme la propiedad
de otro paraje en el d.
pondrè mis frutos culti
varè sus tierras y fijare
mi Establecimto y el de
mi familia asi pues
sera molesta significa
a V. S. el bien que se
me solicita el pase cuando es manifiesto
al mismo tiempo El bien publico q. resulta
del cultivo de unas tierras q. naturalmte
solo presentan el aspecto de habitaciones
de las fieras en el aglomeramiento de
Malezas y vegetales q. sus faltan les

Sello
ang.l. En.o 2.do
de 1843. De con
formidad con
las leyes y Reglam.tos
de la Materia m
forme el juez de
paz del partido
de Sta. Barbara
si el terreno que
solicita el inte
resado pertenece a
corporacion, comu
nidad ó particular
si esta comprendido
en las 10 leguas lito
rales ó 20 limitrofes
si el interesado tie
ne bienes para cu
brirlo y los requisi
tos necesarios pa.a
ser atenedido en todo
lo demas que parez
ca conbiniente a ilu
strar la materia y cua
ndo asi buelba
asi buelba el Espe
dte. a esta pref.a
para los fines que
correspondan
Arguello.
José. R. Arguello
Sno Sn.te

la mano del nombre solamente sabien de reconbra.
El terreno en su Extencion comprende siete sitios de ganado mayor y sus limites los manifiesta el dezeño que derida mente acompaño es como hantes è dicho propiamente baldio y yo tengo bienes y posibilidad de adquirir mas que po mentarlo.

Suplico se Sirba acceder fa vorable en la que le pertenece à mi peti cion Pª ef. asi haga el E. O. Gobernada y en ello recibirè gracia y justicia Si vrenclose admitir esta en papel comun por no haber del sello que corresponde Stª Barbara Agosto 15 de 1842
José Mª Rojo

2. Sor. Prefecto
El interesado en Esta instancia ob tiene todos los requisitos legales para ser atendido, tiene bienes semobientes que fomentar y es acreedor por sus Esquisitos personales para ser atendido. El terreno que pretende esta Baldio se halla fue ra de las leguas litorales y dentro de las limitrofes de q. trata la ley de la Materia. Lo que tengo el honor de decir à V. S. por Via de informe ob sequiando su superior proveido de 2ª de Enero Ultimo.
Sta Barbara Febrero 20 de 1842
Joaqn Canillo

3. Excmo Señor.
Practicado el Informe Respectivo à la Solicitud que hace el Vecino del partido de Sta Barbara al Ciudno José Mª Rojo del parage conocido con el nombre de Burcma se se pr. el informe del juez del menci onado partido hallarse Baldio y obtener el interesado los Requisitos para ser

atendido, pr lo que es de Opinion esta prefectura que no se presenta Obstaculo pr. concederle, y en atencion à que se fomentan terrenos interiores à los Valle del tulare. E mpero sin embargo de lo dh. Espongo pr. via de informe, V. E. con mejor acierto resolverco lo dh. puere de su superior agrado.

Angl.s Febrero 2 de 1843
J. Arpiello

Angl.s Marzo 1 de 1843.
Espidase el titulo previas las formalidades de Costumbre.

Michelorena

6. Angeles Abril 24 de 1843.
Vista la peticion con que da principio Este Espediente los informes del Juez prefecto de Este segundo Distrito y el del Juez prez de paz de Sta Barbara con todo lo demas que se tubo presente y ver con vno de conformidad con la Leyes y Reglamentos de la Materia declaro dueño de en propiedad del parage llamado Cuyama al Ciudadano José Ma Rios en estencion de cinco sitios de ganado mayor segun Esplica el dueño que corre agregado en el Espediente respectivo colindante por el O con la Ranchería de Liguilinio que se halla situada en la boca de la Cañada por el N. con el Encinal que linea pr el Valle de las Tulares y Ranchería de Cullama por el E. con la Sierra y por el S. con las Lomerias quebradas. Libese el correspondte Despacho tomese Razon el libro respectivo y dirijase este Espedte à la Sesma Junta Departamental para su aprovacion. El C. S. Gobernador, Comandte General è inspector del Departamento de las Californias asi lo mando decreto

1 ou

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y firmo de que doy fee.
Michel

A. Hace follows
Map.

Exmo Sor Gobernador
Ignacio del Valle vecino
de esta Ciudad y
Alvacea del finado D.
José Mª Rojo ante V.E.
en la forma legal compa-
rece y dice: que heven-
dosele concedido por
el Superior Gobierno al
finado en el Valle de
los tulares, en la Extension
de cinco sitios de ganado
mayor como lo acredita
el del punto titulo que de-
vidamente acompeño.
y Estando esta concesion
sugeta á la aprovacion
de la Exma Asamblea
Departamental suplico
á V. E. encarecidamte
se digne mandar poner
en conocimiento de Este
Honorable Corporacion
el Espedte Respectivo
para que en su vista
y en el caso de que no
haya inconvente tenga
á bien aprovar dicha

Leido

Angles Junio 10.
de 1846. No pare-
ciendo en el Archi-
vo de la Secretaria
de Gobierno el Espe-
diente á que se
hace relacion en
este pedimiento
por haberse extra-
viado segun Ma
desde el quinqua-
ños pasados por
no contar ni en
los indices respec-
tivos: pero Estando
satisfecho este
Gobierno de la le-
gal concesion en
que el interesado
obtubo este terreno
pase esta instan-
cia á la H. Asam-
blea para que de
segun crea de justa
Pa eo.

cuseccion. P. D.
A. V. E. Rendidamte. reitero mi suplica de cuya gracia le viverè eternamente reconocida sobiendose V. E. admitir esta en papel comun por falta de sellado. Sino no ser de Malicia y lo necesario
Angeles Junio 10 de 1846.

Ignacio del Valle

Señor.

La comision de terrenos Baldios á examinado el presente Espte. promovido por el Ciudno. Ignc. del Valle en solicitud de la aprovacion del terreno concedido por el Supo. Gobo. Departamto. del parage conocido Cuyerma jurisdiccion de Sta. Barba. y estimado conforme á las leyes de la Materia pone á la Deliberacion de V. E. la proposicion siguiente.

Se Aprueva la concession hecha al Ciudno. Josè Ma. Rojo del parage conocido Cuyerma en el tular en Extencion de cinco sitios de ganado mayor segun titulo librado con fha 24 de Abril de 1845 de conformidad con la ley de 18 de Agosto de 1824. y arts. 8o. del Reglamento de 21 de Octbre. de 1828 Sala de Comisiones en la Ciudad de los Angls. Junio 12 de 1846

S. Argüello

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 now 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 Cali

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fornia by virtue of the power vested in me by law: do hereby certify, that the nine preceeding and hereunto annexed pages of tracing paper, numbered from One to Nine inclusive, exhibit a true and accurate copy of a certain document now on file and forming part of the said archives in this Office.

(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 October A. D. 1853

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

Filed in Office Septr: 15 1854.
Geo: Fisher Secy

Translation of Espediente

9672

Year 1843

Espediente moved by Citizen Jose Maria Rojo resident of Santa Barbara asking for the place of Cangueja

No 523

Stamps of the Prefectura Angeles January 27th 1843

In conformity with the Laws and Regulations on the matter let the Justice of the Peace of the Partido of Santa Barbara report if the land asked for belongs to any corporation community and private property is included in the 10 litteral leagues or the 20 leagues of the Pueblo which order to stock it and the necessary requisites to build home to be attended to with all the proper tanto to illustrate the matter and having finished it return this Espediente to the prefecture for the proper ends Arguello

Jose R Arguello
Secretary

Senor Prefect of the 2nd District Jose Maria Rojo a native and by birth and settler in the Port of Santa Barbara of this Department before your Honor with due respect and in proper manner says

That there is a place known by the name of Cangueja within the interior direction of the lands of the Indians entirely uncultivated without occupation or culture

Whereof Senor having capacity and being desirous to establish it and having some stock without any proper place to put it and for this reason I pray your Honor to be so good as to call or the corresponding rights and having made this to direct as this my petition to the Ayuntamiento the Government that he may be so good as to grant me the ground ships of said place so that I may export my stock there cultivate the lands and for there my establishment and that of my family

Thus then the trouble to your office be a benefit to me and it shall be just as the same time that a public benefit will result

from the cultivation of lands which naturally present only the aspect of habitations of wild beasts in the a formation of brambles and vegetables which only want the hand of man to remove them

Rulans in its extent includes twenty square leagues and its limits are shown in the deed on which I daily accompany herewith

It is as Hamson's before entirely necessary Hamson calls and the reasons of acquiring more stock is which he has good and strong reasons to my petition in and thanks by calling the former Mayordomo same hereinbefore I shall receive favors justice considering to admit this on common paper as there is none of the corresponding stamps

Santa Barbara August 15th 1842

Jose Maria Rojo

Señor Prefect

The petitioner in this case has all the legal requisites to enable him to be admitted to his stock for stocking the lands and of his present circumstances assures it Rulans which he asks his petition on one side of the Ortega leagues and inside of the 20 by one leagues mentioned in the law on the matter

This is what Hamson the Hamson has to Gov. Hamson by way of report which I have to your honor order of the 27th of January last

Santa Barbara February 20th 1843

Joaquin Carrillo

Most Ex. and Señor

Having in mind the respective investigation on the petition of the resident of the Partido of Santa Barbara citizen Jose Maria Rojo for the place known

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by the same of Surveyor is sent by the
Report of the Magistrate of the Sixth Par-
tido that it is a court that the Petitioner
has the requisites to entitle him to be
attended to

Consequently this Prefecture is
of opinion that no obstacle presents itself
to granting it to him as it will improve
the interior land, in the valley of the Sa-
ras

But without being embarrassed
by what is represented by many of your
Gov.ds will determine what
may be Your superior pleasure
Angeles February 27th 1843

S. Argüello

Angeles March 17th 1843
Let the title be issued out according to the
usual formalities

Micheltorena

Angeles April 24th 1843

Having seen
the Petition at the beginning of this
expediente the reports of the Prefects of
this Second District of the Justices of
the peace of Santa Barbara and to all the
presentes and perspicuo to be seen in con-
formity with the Laws and Regulations
on the matter.

I declare citizen Jose Maria
Raposo in fee of the peace called Ley
ona in extent pie & quare leagues as the
map which goes in the expediente expe
ans bounds on the East by the Ran
cheria of Jesús Jurado in which is situated
in the mouth of the Cañada on the
west by the creek Bruce which forms line
by the Valley of the Tecars and the Ran
cheria of Calleron on the North by the
mountain range (Sierra) and on the South
by the broken hills (Lomas quebradas
See the corresponding expediente made

ont let records be made in the respective
Book and letters expedited be written
to the Most Excellent Department
Juntas for its approbation

The Most Ex
cellent Señor Governor Commandant
General and Inspector of the Department
of the California, this seventh
and signed of which I certify

Nicolas Guillemin

Here follows the map referred to in Petition
and letter

Government
Stamp

Angeles June 10. 1846

The
Expediente of which
mention is made
not appearing in
the archives of the
office of the Secretary
of the Government
it having been
lost on 7 June
of this year and does
not appear in the
Indexes therefor
less this Government
being satisfied of
the legal grant
of which the party
interested claims
of these lands pass
this Petition to the
Honorable assem
bly that it may do
what it may seem
proper

Sepúlveda
Pico

Most Excellent Señor
Governor

Grande
vale in virtue of the
laws and decrees of
the late Don José Figueroa
Rejo before proceed
ing in legal form app
ears and says

That the
having been granted by
this Supreme Government
to the late Rejo the lands
of Longomar situated in
the Valley of the Milars
in extent one square
leagues as is shown
in the annexed title
which I hereby submit
and being subject to the
approbation of the Most
Excellent Department to
assent by the competent
authorities as to order
to the submitted to that Hon
orable Corporation the
respective Expediente
in order that having it
and in case there is no
objection it may be

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asto approve said grant, wherefore praying petition with you to order, by granting which I shall be under great favor you being so good, asto grant this on common paper not being more of the proper stamps

Ignacio &c

Angeles June 10th 1846

Ignacio del Valle

Señor

The Committee on vacant lands, has examined the present expediente of Citizen Ignacio del Valle asking the approbation of the lands granted by the Supreme Departmental Government of the place called Cayuenga in the Jurisdiction of Santa Barbara and being in conformity with the laws of the Mexican Nation for the adjudication of public lands, the following proposition

approves

the grant made to Citizen Ignacio Rojo of the place Cayuenga in the Jurisdiction of Santa Barbara according to the titles issued April 24th 1843 in conformity with the Law of August 18th 1824 and the Regulation of November 21st 1828

Hall of the Committee in the City of Los Angeles June 12th 1846

J. Argüello

Filed in office September 15th 1854

Segundo

Sen Fernando

Secretary

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Doc marked No. 1. H. H. annexed to the Depo: of Ignacio del Valle.

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Manuel Micheltorena Gobernador Comandante General è Inspector de ambas Californias.

(Sello) Por Cuanto El Ciudadano José Mª Rios ha pretendido para su beneficio personal y de su familia el ranchito concedido con el nombre de Cuyamas colindante por el O. con la Ranchería de Dilicquilimio que se halla situada en la Boca de la Cañada por el N. con el Cercado que linea para el Valle de los Pulgas y Ranchería de Cuyamas por el Ote. con la Principal S. con las Lomerias que hacen; practicadas previamte. las diligencias y averiguaciones concernientes segun lo dispuesto por leyes y Reglamentos usando de las facultades que me son conferidas à nombre de la Nacion Mexicana he venido en concederle el terreno mencionado declarandole la propiedad de el por las presentes letras sujetandose à la aprobacion de la Exma Junta Departamental y bajo las condiciones sigtes.

1ª podrá cercarlo sin perjudicar las heredades caminos y servidumbres; lo disfrutará libre y exclusivamente destinandolo al uso ò cultivo que mas le acomode pero dentro de un año fabricará casa y estará habitada.

2ª El terreno de que se hace donacion es de cinco sitios de ganado mayor poco mas ò menos segun esplica el diseño respectivo que corre agregado en el Expediente

3ª El juez que diere la posesion lo hará medir conforme à Ordenanza quedando el sobrante que resulte à la Nacion para los usos convinientes; solicitando al efecto el interesado del juez Respectivo para que

le de la posesion pacífica en virtud de este despacho p.r el cual se demarcarán los linderos en cuyos límites pondrá á mas de las mohoneras algunos arboles frutales ó silvestres de alguna utilidad y.e si contraviniere á estas condiciones perderá su derecho al terreno y será demandable por ocho.

En consecuencia, mando que teniendose por firme y valedero este titulo se tome razon de él en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en la Ciudad de los Angeles á veinte y cuatro de Abril de mil ocho cientos cuarenta y tres

Mam.l Michelt.a

Frnco. Arce

Sec.o Int.o

Queda tomada razon de este Despacho en el libro respectivo á f.s 2.

Frnco. Arce

El C. Gobernador ha dispuesto se tome razon de esta concesion provisional en la prefectura de este segundo distrito.

Frnco. Arce.

Narciso Botello Diputado Secr.o de la H. Asamblea Departamental de California.

Certifico que en sesion de este dia aprobó la Exma Asamblea Departam.l la concesion hecha p.r el Gobierno á favor del Ciud.no José M.a Rojo del parage conocido Cuyuma en los terminos siguientes.

Se aprueba la concesion hecha al Ciudadano José M.a Rojo del parage conocido Cuyuma en el Tular en extension de cinco sitios de ganado mayor segun titulo librado con fha 24 de Abril de 1844 y de conformidad

con la ley de 18 de Agosto de 1824 y
Artto: 5º del Reglamento de 21 de Nbre
de 1828.
Y p.r q.e el interesado pueda ocurrir al
E. Sr Gobernador p.r el titulo de aprovecho
respectivo libro la presente en cumplimto
à lo dispuesto p.r dha E. Asamblea en
la ciudad de los angl.s Julio 8 de 1846

Manuel Jose Botello
Pri.mer Gobernador Constitucional del
Departamento de California.

(sello) La Exma Asamblea Departa-
mental en sesion del dia 8 de Julio
presente, tubo à bien decretar lo sig.te
Se aprueba la concesion hecha del Ciu-
dadano Jose Maria Rojo del parage co-
nocido, "Cuyuma" en el Tular en Ester
con de cinco sitios de ganado mayor segun
titulo librado con fha 24 de Abril de
1843. de conformidad con la ley de
de 18 de Agosto de 1824, y Ar.l 5º del Re
glamento de 21 de Nbre de 1828.
Y para resguardo de la parte de Dn
Jose Maria Rojo, lo hago asi saber:
Dado en Santa Barbara en papel comun
p.r falta de sellado à diez y seis de ju-
lio de mil ocho cientos cuarenta y seis.

Pri.mer
Jose Matias Moreno
Sno. Sn 1º

Con el Juez de Santa Bar.a del
Departamento de California à los seis
dias del mes de Julio de mil ocho cie-
entos cuarenta y seis, ante mi Antonio
M.a Ortega Juez 1º de este partido y por
ante los testigos de mi Asist.a en que
no actuo por receptoria à falta de Es-
=crivano publico à mas de los instrumen
tales que al fin se denominaran en

Extendido esta escritura en papel comun por no haberlo sellado en esta notaria en otro tiempo. Se interpuso en el Contra lo aprepara el correspondiente sello por el Dr. Ortega en 12 Mr.

compareci Da Ma Altra Gracia Garcia
Viuda del finado Rosp. à quien doy fee
conozco y Dip que por mi y à nombre de su
herederos y sucesores y de quien de ellos
ubiere titulo Voz, causa en cualesquiera
manera vendo y da en Venta real y en a
jenacion perpetua por juro de heredad el
para siempre jamas à la Sra Da Ma
antonia de la Grra representada pr
este acto por mi hermano Dn Loaqn de
la Grra à quien doy fè conozco y à los su
yos el Rancho qe tiene de su propiedad
conocido con el nombre de Cullama
colindante por el Oeste con la Ranchería
de filiquilimui que se halla situado
en la Voca de la Cañada por el Este con
el Concejil qe linea para el Valle
de los tulares y Ranchería de Cullama
por el Norte con la Sierra y por el sur con
las lomerias, que Rancho el cual tenenc
contiene cinco sitios de Ganado Mayor
segun el titulo de concesion y demas res=
pectivo inclusos los documentos de todo
lo qe hase Entrega en devida forma a
Da Maria Antonia de la Guerra con los
corrales y sercos para siembras En cuyo
Rancho tiene derecho por haberlo heredado
de su finado Esposo Dn Josè Ma Rosp
quien lo Obtubo gratuitamte y legalmte
del supor Gobno Departamental el veinte
Cuatro de abril de mil Ocho cientos cua
renta y tres por cuyo titulo le corresponde
en posesion y propiedad el cual declara
y asegura no tenerlo vendido enajena
do, ni empeñado, ni del todo ni parte
y qe esta libre de tributo memoria capel
lania, Vincilo prenza y de otro gravamen
real perpetuo, temporal especial general
Facilty Espresso, y como tal se lo vende
quedando à Entregarlo en la forma
disposicion qe particularmte en cum

=bemido en la Cantidad de Ciento Cinco

29

=bendido en la Cantidad de Ciento Veinte
ps. en moneda corriente los que declara
la bendedora haber recebido en moneda
Contante à toda su Satisfaccion y
qe. por tanto renuncia la Excepcion qe.
pudiera aponerse pr. no entrar de presente
la ley 4a. tito. 10. parte 5a. formalisa
à favor de la compradora la mas prime
y eficaz carta de paso que à su seguri=
dad conduzca y asi mismo declara
la bendedora qe. a Echo esta venta pr.
no poder ocupar por falta de Recurso
à aquel terreno y allarse por lo mismo
en el caso de haberse podido denun=
ciar al Sobno como terreno Baldio con
arreglo à las Leyes vigentes y no tenerlo
ocupado hase mucho tiempo con muebles
semovientes propios ni ajenos ni haber
fabricado casa 5a. y asi mismo de
clara que los ciento Veinte ps. en plata
que le an dado los ha recebido de la Sra
Doña Mna. Antonia de la Serna como
pr. Via de indemnizacion Voluntaria
atendiendo que por llenuncio y por la
Escasez de sus Recursos se beia Obli
gado la bendedora à perder el terreno
irremisiblemte. y ni Ello quien mas
le diera por el espresado titulo y si
mas vale ò veder pueda del Exceso
en poca ò mucha suma hace à favor
de la compradora y de sus herederos
y sucesores, gracia y donacion pura
mera perfecta è irrebocable en sanidad
con inmunidad y demas firmezas
legales y renuncia la ley 2a. tito 10
libro 10 para recopilacion que hasta
de los contratos de Venta, trueque y
de otra en qe. hay lesion en mas ò
menos de la mitad de su justo precio
y los cuatro años que prefiere para pe
dir su rescision ò suplemento de su

justo Valor los que da por pagados como si efectivamte. lo le estubieran y desde hoy en Adelante para siempre se des=apodera desiste, quita y aparta sus herederos y ousesores del dominio propiedad posesion que le compete al enunciado Rancho le sede renuncia que traspasa con las acciones Reales y personales, utiles, mistas directas y efectivas en la compradora y en quien la suya represente, para que lo posee cimbre enajene, use, y disponga de ella à su Oberecion como de cosa suya adquerida como ligitimo y justo titulo le confiere poder irrevocable con libre premea y qe. admon y la constituye procuradora actora en su propia causa para qe. de su autoridad ò judicialmte. entre y se apodere del enunciado Rancho de Ballana y de el tome y aprende la Real tenencia y posesion que por derecho le compete y para qe no precise tomarla, pide se le de Copia autorizada por la presente Escritura con lo cual sin otro acto de aprencion ha de servir haberla tomado, aprendido y traspeidosele y en el interim se constituè su mequilino tenedora y precaria poseedor en legal forma y se Obliga à qe. dha Rancho serà cierto, seguro y Efectivo à la compradora y nadie la mequietarà ni movera pleito sobre su propiedad posesion, posè y disfrute ni contra ello apareceràgravamen alguno y si se le mequietare, moviere ò apareciere luego que el Otorgante ò sus herederos y ousesores sean requeridos conforme à derecho saldran à su defensa y lo seguiran à sus Expensas en todas instancias y tribunales hasta efecuto

=miento, y defas à la compradora y à los

=ncalos, y defaw à los compradores y à los
suyos en libre uso, quieta y pacifica
posesion y no pudiendo conseguirlo, le dara
ahorrial en valor del sitio, venta y
comodidad y en su defecto le restitu
ra la cantidad que ha desembolsa
do, los mejoras utiles, precisas y volun
tarias que à los sazon tengan el mayor
valor y estimacion que con el tiempo
adquieran de todas las costas gasto
y menoscabos q.e se le siguieren o sin
faren p.a lo lo cual se les a de poder
ejecutar en virtud de esta escritu
ra y juramento del q.e la ò de quien
la representare, en cuien difiere su
importe y la relevo de otra prueba. Y à
la observancia de todo lo referido obliga
la otorgante su persona, bienes abidos
y por ber, renuncia la Ley de su favor
y defensa y con la q.e del derecho en
forma y empiere amplio poder à los Tes
Tuezes que de este negocio deben con
ocer conforme à derecho para que la
apremien à su cumplimiento como
sentencia difinitiva de juez competente
pasada en autoridad de cosa juzgada
y consentida que por tal la reciba y
la firmo conmigo y los de mi asist.a
siendo los instrumentales los c.nos Ray
mun.do Carillo, Pascual Botillez y
Antonio Anellanes, presentes y vecinos
de este punto.

Ant.o M.a Ortega # Por mandado
de D.a Ortega para
no saber escribir
José Garcia
A ruego
Luis Carillo # A ruego
Narciso Tabuco

Es mi voluntad que mi
Esposa D.ra Maria Antonia de

la Guerra entre en Convencion Dna. Mª de la Altª Gracia Garcia Viuda del finado C. José Mª Rojo para la compra del Rancho llamado Cuyuma de la pertenencia de esta jurda

Stª Barbª Julio 4 de 1846

Cesareo Latailladé

Sello

Excmo Sor Gobernador

Antonio Mª de la Guerra á nombre de su hermana Dª Mª Antª de la Guerra con el debido Respecto ante V. E. comparezco y hago presente: Que habiendo comprado el terreno conocido con el nombre de Cuyama que situado en los Tulares pertenecia al finado José Mª Rojo y Visto el Estado tan critico en que se encuentra el pais amagado por Enemigos del sociego publico se encuentra en la imposibilidad de poderlo ocupar con bueyes semovientes ni hallar persona que quiera habitarlo V. E. por lo tanto suplico se sirva concederme un cmo de termino desde esta fha pª poder cumplir con la Clausula que prescribe el titulo y resguardarme de todo denuncio como terreno que fuese Baldio.

Se le concede al interesado lo pronto que solicita en cuanto presente manifestacion por la qual nadie podrá denunciarlo en el termino de un cmo contado desde esta fha.

Rico

Me obligo á seguir la fundacion tan luego como las circunstancias del pais lo permitan.

Es gracia que pido. Stª Bbª Julio 14 de 1846.

Por mi hermana. Antonio Mª de la Guerra

Presentó su Oficio Octe. 15 1852

Geo: Fisher secretario

B
Translation of Title of Sale.

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PAGE 32

Manuel Muchitorena Governor Commanding General and Inspector of both Californias

Govt of the Dept of California

Whereas Don Jose Maria Rojas has pr his own personal behalf and that of his family petitioned pr the land known by the name of Sanjamon bounded on the East by the Rancheria of Teliqui limit which is situated in the mouth of the Canada on the west the grove of oaks called Jalpi which adjoins the Sacramento and the rancheria of Sanjamon on the South by the sierra and South by the range of rough hills the proper measures and examinations having been previously made as regards the Laws and regulations

Using the powers conferred on me in the name of the Mexican nation I have granted him the aforesaid land declaring to him the ownership of it by these presents subject to the approval of the most Excellent Departmental Junta and under the following conditions

1st He may enclose it without prejudice to the roads cross roads and servitudes and enjoy it freely and exclusively making such use or cultivation of it as he shall think proper but within one year he shall build a house on it and it shall be inhabited

2nd The land granted in advantageous contains five sitios de ganado mayor five square leagues a little more or less as shown by the map which is attached to the expediente

3rd The Magistrate who will give the possession will cause it to be measured in conformity with the ordinance leaving the surplus which may result to the nation for its common use and for this purpose

the party interested shall request the proper magistrate to give him provisional possession in virtue of this order by whom the boundaries will be marked out in which he shall place besides the beams some fruit or forest trees of some useful

4 If he shall contravene these conditions he shall lose his right to the land and it may be denounced by another person

In consequence I order that this title being held as firm and valid note be made of it in the proper book and it be delivered to the party interested for his security and other purposes

Given in the City of Los Angeles on the 24th of April 1843

Signed Manuel Micheltorena

Signed Francisco Arce.

Secretary ad interim

Note has been made of this order in the proper book on folio 2

Signed Francisco Arce

This Excellency the Governor observed that note be taken of this provisional grant in the Inspection of this Second District

Signed

Francisco Arce

B

Narciso Botello Deputy Secretary of the most Excellent Departmental Assembly of California

Certify that in session of this day the most Excellent Departmental Assembly approved the grant made by the Governor in favor of Don José Maria Rejo of the peace called Cuyamaca in the following terms viz. the grant made to Don José Maria Rejo of the peace between Cuyamaca in the Sierra in the interior, in extent pueblitos de Santiago Mayor (five square leagues)

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according to the Petitioning under 24th of April 1843 is approved in conformity with the Law of August 18th 1824 and article 5th of the Regulation of November 21st 1828

and that the person interested may apply to this Ex. calling the Juzgado for the respective title of approbation I issue these presents in compliance with the Act decreed by Sovereign assembly in the City of Los Angeles July 8th 1846

signed Francisco Botello

The Prefect constitutional Juzgado of the Department of California

Governor of the Dept of California

The most Ex. cellent Departmental assembly in session of the 8th of Just instant has thought proper to decree the following

The Franciscan Fathers in Jose Maria Rosa of the place known as Ex Garita in the Mars in extent five sitios all sand and wages (five square leagues) according to the decreed under 24th of April 1843 is approved in conformity with the Law of August 18th 1824 and article 5th of the Regulation of November 21st 1828 and for the security of the party Don Jose Maria Rosa this market known

Given

in Santa Barbara on common paper for want of stamps on this 10th of July one thousand eight hundred and forty six

signed Pio Pico

signed

Jose Antonio Ruiseco

Secretary ad interim

B

In the Port of Santa Barbara in the Department of California and the day the month of July one thousand eight hundred and forty six before me and term

Maria Ortega First Magistrate of this Partido and before the assisting witnesses with whom I act in virtue of my office for want of a Notary Public I asure the witnesses to the Instrument whereof mention after hereinafter.

appeared Doña Maria Alta Garcia. Garcia widow of the deceased Rojo whom I certify I know and said that for herself and in the name of her heirs and successors and whoever of them might have title or in claim in any manner the sells and gives in real sale and perpetual alienation with the right of inheritance forever to Doña Maria Antonia de la Guerra represented for this act by her brother Don Joaquin de la Guerra whom I certify I know and to his Wife and which she owes in the bounds of the name of Cayama.

Bounded on the west by the Rancheria of Jilguel river which is situated in the Mouth of the Cayama on the East by the usual boundary on the side of the Mare valley and the rancheria of Cayama on the South by the Sierra and South by the broken hills which land contains about five Sitios de Ganado Mayor according to the title of concession and accompanying map.

All of which with the accounts the marks shown are form to Doña Maria Antonia de la Guerra into the corrals (pens) and fences for crops which land pertains to her by inheritance from her deceased husband Don Jose Maria Rojo who obtained it gratuitously and legally from the Most Excellent Departmental Government on the twenty fourth of April 1843 by which title it belongs to him in possession and fee

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9/67

and the declares and asserts that it has not burdens, alienates or pledges either entire or in part that it is free from any tribute religious or charitable tax entail bond and all other incumbrances whatever and perpetual limited special grants tax or expenses and as such the sells it premises right to be admitted in the form and manner which they have agreed upon in the sum of one hundred and twenty dollars in current money which the vendor acknowledges that he has received in cash to his entire satisfaction and thereby the hereunto the exception that may be taken from its not being country in pursuance by law 7 title 10 part 5 and executes in favor of the purchaser the next form and effective receipt that can conduce to his security

and

he also declares that he makes sale be cause from want of means the could not occupy that land which might consequently have been adjudged to the government as vacant in accordance with existing laws and that during time it has not been occupied with persons or by moving property other by owner or any other person within has above been built &c

and he likewise declares that the one hundred and twenty dollars which have been given the he received from Doña Maria Antonia de la Serna by way of voluntary indemnification as it is evident that by announcement and through the country of his means the vendor sanction obligates to part with the land irrevocably and found in one who would give more for thousand tale and if it is or may be worth more

Mexico 20 March 1867 Received of Mr Wood twenty dollars in full for one lot of land situated in the Mission Dolores bounded as follows

of the Estate be at large or remove the marks in favor of the purchaser his heirs and successors gift and donation pure mere proper and irrevocable for good faith with judicial intervention and other legal securities and remedies Law 2nd Title 19th Book 19th of the recopilacion which treats of contracts of sale exchange and others by which damage is sustained of more or less than half the just value,

And she considers as past as if they actually were the four years in which to demand restitution of the property or whatever was worth of its just value and from this time forth power shall herself and her heirs and successors given of the possession as its and titles from the dominion ownership and possession which belong to him said Rancho and she conveys and transfers them with all the actions and personal useful rights and effective to the purchaser and whomever may represent him,

That she may possess exclusively use it and enjoy it as she may see fit as her own property according with alegal and just title: and she confers on him irrevocable power with free and general administration and constitutes him his attorney in fact in her name of his own authority or judicially shall enter and take possession of the said Rancho of Bergama and take and hold the actual home and possession of it which rightfully belong to him,

And that she may not need to take it she the vendor proves that an authenticated copy of this writing be given to the purchaser by which it would be seen to have been transferred

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to and to hold by her and in the name thereof the vendor renders himself liable and temporary possessor for the same and binds himself that said Rancho shall be legal free and effectual to the purchaser and that no one shall assert hereafter any suit against her right possession enjoyment or title nor shall any incumbrance appear against it and if any person shall molest or sue her or any incumbrance appear the vendor or his heirs and successors shall as soon as they are legally called upon compromise in equitable and secure it without expense in all courts and tribunals until shall obtain judgment in favor of the purchaser and have her and his in peace quiet and peaceable possession

and not being able to accomplish this shall give her another equal in value and convenience or in default of such shall refize the sum paid the improvements useful necessary and voluntary which at the time they may be with the increased value which in the meeting may have acquired and all the costs expenses and damages which may accrue to her all of which shall be exacted in virtue of this writing and the validity of him or them who may represent her to whom she has sold to prove their value and shall be of other proof, and for the observance of the foregoing the vendor binds his property in present possession or which shall hereafter obtain and he renounces the laws in his favor and defences and the legal exceptions in form and the competent ample power on the magistrate which law ought to take cognizance of the matter to compel and

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comply with this as a definitive sentence of a competent Judge passed in another stage of his proceedings and consented to for ever such the reasons it and the signing with me and those of my assistance the witnesses to the instrument being citizens Raymundo Carrillo Pascual Bulillas and Santiago Arellanes residents of this Port and present. By direction of Doña Maria Antonia Garcia Garcia who does not know how to write signing Jose Garcia

assisting witnesses " Antonio Ortega

Luis Carrillo

Juan Fabrenat

It is my will that my wife Doña Maria Antonia de la Guerra may enter into an agreement with Doña Maria de la Asuncion Garcia widow of the deceased Jose Maria Rojas for the purchase of the Rancho called Muy and belonging to the latter

Santa Barbara July 4th 1846

signed Jesus Lataillade

B. Great seal of the Dept of California

To this Excellency the Governor Antonio Maria de la Guerra in the name of his sister Doña Maria Antonia de la Guerra before your Excellency with due respect appears and represents that having purchased the land known by the name of Muy Muy which situated in the mears pertaining to the deceased Jose Maria Rojas and in consequence of the critical situation of the country brought on by the ravages of the Public Robbery it has proved impossible to occupy it with suitable property or to find a person willing to take it at the limited prices given by Excellency to hold it the term of one year from this date to comply with the conditions prescribed in the title and secondly from all denouncement as if the lands were vacant and she obliges herself to proceed into its occupation so soon as the state of the country will permit. It is a grant which she asks Santa Barbara July 7th 1846 A. Maria Guerra

The Executive solicits in the petition is granted to the person interested that no person can denounce the lands with in the term of one year from this date July 7th 1846

signed Pico

Feliz in office

Feby 24th 1852

La Fisher

Secy

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Opinion
of the
Board

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PAGE 40

Number 67
Maria Antonia de la
Guerra y Sataillade
vs
The United States

Benjamin Pine
& Isaac Higgins
for Santa Barbara

The Petitioner claims title to the lands described in his Petition by a written grant made to Jose Maria Rogers by Governor Micheltorena on the 24th of April 1843 and a deed from Maria Ana Garcia widow and heir of Josefa Higuera grantee bearing date the 20th day of July 1846 conveying the premises to the said Petitioner

Both of these documents are put in evidence and their execution and authenticity established by the proofs

It also appears that the lands were occupied by the original grantee soon after the grant was made and such occupation continued until driven away by the hostility of the Indians

The lands are described with sufficient certainty to obviate any difficulty in their location and identification. The evidence in our Opinion establishes the validity of the claim and a decree of confirmation will be entered

Filed in office 1855
Signed
Geo Fisher
Secretary

Recorded in Records of Decisions
Geo Fisher Secy

Decree
of
Confirmation

Number 67
Maria Antonia de la Guerra y Sataillade
vs
The United States

In this case on hearing the pleadings allegations it is adjudged by the Commissioner that the claim of the said Petitioners is valid and it is therefore decreed that his application for a confirmation title of the grants Rancho of which confirmation is made is situated in the Pueblo jurisdiction of Santa Barbara and is known by the name of Cuyama containing five square leagues to be located within the boundaries described in the original grant and delineated on the map contained in the Expediente

Which said grant and true copy of said Expediente and papers among the papers in the case and to which reference is hereby made for more particular description

Nathaniel Thompson

S. B. Farwell
Commissioner

Filed in Office 1855
Signed Geo Fisher
Secretary

Recorded in Records of Decisions Vol
Signed
Geo Fisher
Secretary

And it appearing to the satisfaction of the Board that the claim hereby adjudicated is located in the Southern District of California it is hereby ordered that the transcripts of the Proceedings and of the decision in this case and of the papers and evidence upon which the same is founded be forwarded certified under the seal of the Board to the District Court of the Southern District of Cal the Attorney thereof to the Attorney of the U S

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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 Forty two — pages, numbered from 1 to 42, 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. 67 on the Docket of the said Board, wherein

Mª Antonia de la Guerra y Lataillade is the Claimant against the United States, for the place known by the name of Cayama —

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

Geo: Fisher.

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U. S. DISTRICT COURT,

Southern District of California.

No. 365.

THE UNITED STATES,

vs. 365

Ma. Anta de la Guerra y Leataillarde

"Cayama"

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 67.

Filed, January 5th, 1856,

C. C. Carr.
Clk.

365

Office of the Attorney General of the United States,

Washington, 11. Feb. 1856.

67. "Cayama"

Maria Antonia de la Guerra y Latillade.

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 1st day of January, 1856, 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. 365

U. S. Dist. Court

South. Dist. of Cal.

M. A. de la Guerra y Lataillade

vs.

The United States

Notice of Appeal

Filed June 3d 1856

C. E. Carr

Clk

By O. Morgan Dy

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

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

Maria A. de la Guerra Lataillade
appellee,
vs
The United States. Appellant.

Docket No. 365.

Transcript No. 67.

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* 24 *day of* February *A. D.* 1852, Maria Antonia de la Guerra Lataillade

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 Cayamus

in the County of 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 17th *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* 5th *day of* January *A. D.* 1856, *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.* 67; *reference to which it is prayed may be had and made part of this petition. That on or about the* 1st *day of* January *A. D.* 1856, *the Honorable Caleb Cushing, Attorney-General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said Commissioners in said cause, and the papers and*

evidence on which said decision was founded. That thereafter, to wit: on the 3d day of June A. D. 1856, the said Attorney-General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the Clerk of said District Court of the United States, that the appeal in said cause from the said decision of the said Commissioners, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents, that the land claimed, as aforesaid, is situate in the Southern District of California, and within the jurisdiction of this Honorable Court. Your petitioner further represents and insists, that the said claim is invalid; and the said decision of said Commissioners is erroneous, and ought to be reviewed, reversed and set aside, for many errors and imperfections of law and evidence, apparent in said certified transcript of the proceedings and decisions of said Commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular, each and every allegation in the said petition of said 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. 365.

Filed this 5th January
1857 C Smith Clk
J H Coleman
Dep

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

The President of the United States,

TO

Ma Ao de la Guerra y Lataillade

365 SD
PAGE 49

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. Bob U.S. Atty praying said court to review the decision of the U.S. Land Commissioners of the 17th of July 1855 confirming your claim to the Land called

"Cayuma"

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 10th day of Jany A. D. 1857

C Sims CLERK.

J. A. Coleman
Dep

No. 365

365 SD
PAGE 50

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

Maria de la Luz Latillada
vs
The United States
et al

Filed on return day 10th January 1857
Cleris
J. H. Robinson
Deputy

SUMMONS.

Received Jany 10th 1857
Edward Hunter
U. S. Marshal.
per M. L. Goodman
Dept

Marshals Cost
Copying Summons - 50
Serving same 3 —
4 Petition 3 —
$6.00

I served this Summons, together with a certified copy of the Petition, upon F. Billings Atty for Appee by him acknowledging service of same

at Los Angeles
the 10th day of January in the Southern District of California, on A. D. 1857.

Sworn to and subscribed before me, this 10th January 1857
Cleris
J. H. Robinson
Deputy
CLERK.

Edward Hunter
U. S. MARSHAL.
per M. L. Goodman
Dept

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

The United States
Appellants
vs.
Maria Antonia de la Guerra y Lataillade
Appellee

No. 365.
Trans^t No. 67. Cuyama

Maria Antonia de la Guerra y Lataillade, the appellee, appears in Court by her attorneys, and for answer to the Petition for review of the United States filed herein says:

That her title to the land called "Cuyama", as set forth and described in ~~the~~ her Petition to the Board of Commissioners and in the documentary and other evidence filed in this case, is a good and valid title. The land claimed is situated in the Southern District of California

And she prays this Honorable Court to affirm the decision of the Commissioners and to decree her title to be valid

By her Attys
Hallick Peachy & Billings

No. 365.

The United States
Appellants
vs
Maria A. de la Guerra
y Estudillo.
Appellee

Brief of Appellee

Filed this 20th January
1857 Wm Van Dyke
J. H. Coleman
Clk

365 SD
PAGE 52

Hall & Read & Billing
Attys.

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

Hon. Isaac S. K. Ogier, Judge

December Term 1856.

The United States
Appellant
vs
Maria Antonia de la Guerra y Lataillade
Appellee

No. 365.

Transcript from the Board of Land Commissioners No. 67.

This cause coming on to be heard, on appeal from the decision of the Board of Land Commissioners to ascertain and settle private land claims in California, upon the Transcript of the proceedings and decision of said Board and the documentary and other evidence upon which said decision was founded; and counsel for the respective parties having been heard, it is

Ordered, Adjudged and Decreed,

That the decision of said

Board of Land Commissioners declaring valid and confirming the claim of the appellee, Maria Antonia de la Guerra y Lataillade, to the land set forth and described in her petition to the Board and in the documentary and other evidence in this case, be and the same hereby is affirmed; and that the title of the said appellee, Maria Antonia de la Guerra y Lataillade, to the said land is a good and valid title.

The land of which confirmation is hereby made is known by the name of "Cuyama", is of the extent of five square leagues and no more, is the same granted on the 24th day of April A.D. 1843 by Manuel Micheltorena to José Maria Rojo, and is bounded on the East by the Ranchería of Ziliguilimá which is situated in the mouth of the Cañada, on the West by the Oak Grove which forms a line by the valley of the Tulares and the Ranchería of Cuyama, on the North by the Sierra, and on the South by the broken hills (lomas quebradas), according to the grant and the map referred to in the grant which influence is had for description of the boundaries.

If the land within said boundaries exceeds in quantity five square leagues the confirmation hereby made is made to five square

leagues and no more; but if the land within said boundaries is less in quantity than five square leagues then the confirmation hereby made is made to such less quantity.

Stanc Sept Ogier
U S Dist Judge
for the S Dist of Cal

No. 365.

The United States
appellant

vs.

Maria Antonia de la
Guerra y Lataillade

Decree.

Affirming decision of
Land Commissioners &
Confirming Claim.

Recorded in page 149

Filed Jany 20th 1857
Ogden
Clk

California Land Claims-
Attorney General's Office
12 Feb, 1857.

Sir:

In the case of the claim of Maria Antª de la Guerra y Lataillade, confirmed to the claimant by the Commissioners, Case no. Sixty-seven. (67), appeal will not be prosecuted by the United States.

I am,
Respectfully,
[illegible]

Pacificus Ord Esq
U. S. Attorney
Los Angeles-

No. 365

Filed 4 March, 1858
C. Sims, Clk.
by W. W. Stetson,
Dpty.