

CASE No.

368

SOUTHERN DISTRICT

ISLAND OF SANTA CATALINA GRANT

JOSE MARIA COVARRUBIAS
CLAIMANT

Photostat 12/9/78

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PLOVER BOND
25% COTTON FIBER
U.S.A.

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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 547

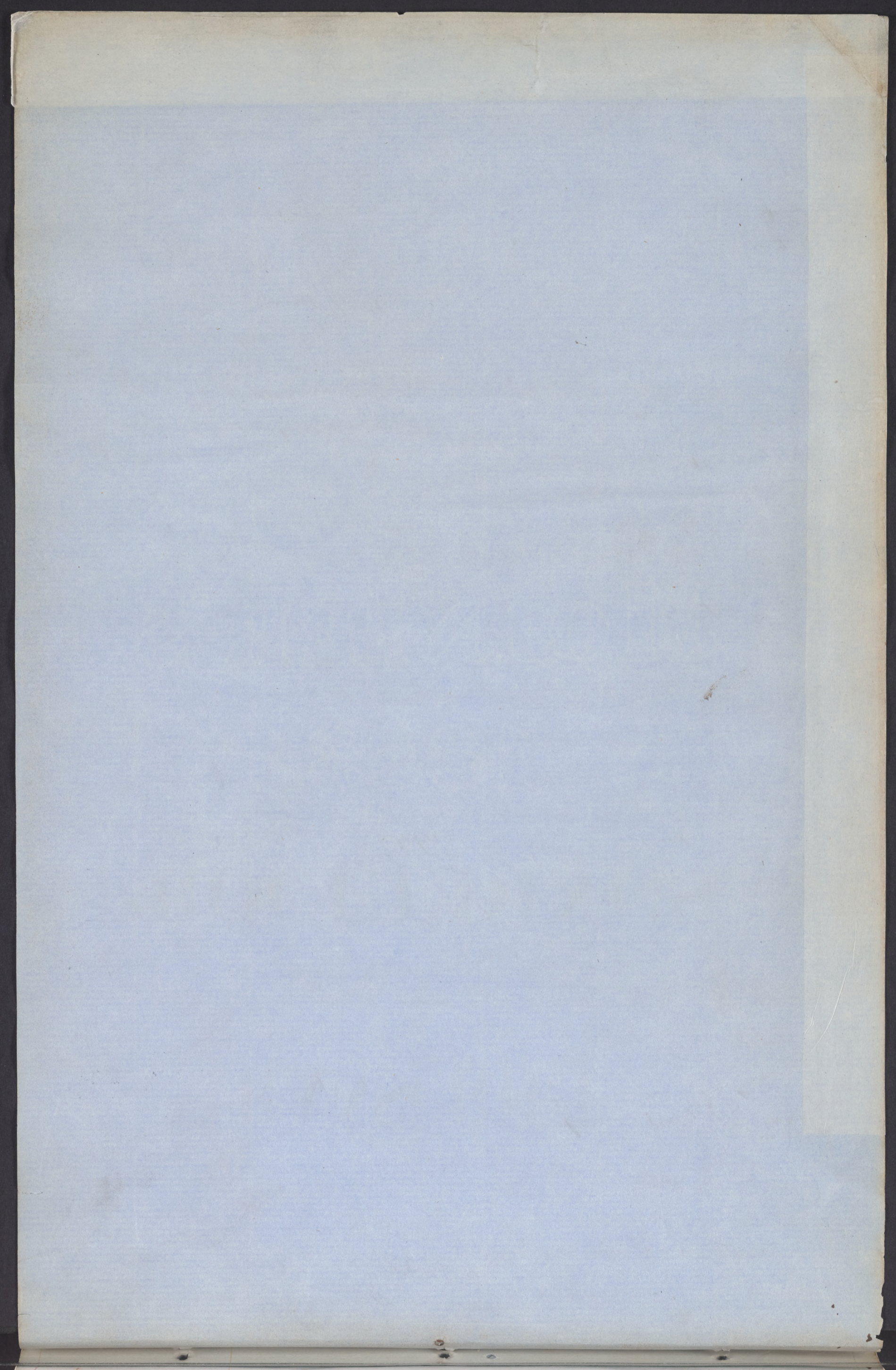
José Maria Covarrubias — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

Island of Santa Catalina



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *third day of February*, Anno Domini One Thousand Eight Hundred and Fifty-*three*, before the Commissioners to ascertain and settle the Private Land Claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following Proceedings were had, to wit;

The Petition of *José Maria Guarnidias*,
for the Place named
"*Island of Santa Catalina*,"
was presented, and ordered to be filed and docketed with No. 547 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;

San Francisco, Sept. 28' 1853.

Case no. 547, *José Maria Guarnidias* for the Island of "*Santa Catalina*," on motion of *Guarnidias* Counsel was ordered to the foot of the docket.

San Francisco March 21' 1854.

In the same case, on motion of the *U. S. Land Agent*, it is ordered, in conformity to the notice served upon him by Messrs. *Hallack, Beachy & Billing*, that their names be withdrawn hereafter as Counsel for the Claimants.

San Francisco Sept. 5' 1854.

In the same case the deposition of *John Foster*, a witness in behalf of the Claimant, taken before Commissioner *Peter Sott*, was filed;

(Vide page 4 of this Transcript.)

San Francisco Sept. 6' 1854,

In the same case the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Peter Sott, was filed;

(Vide page 6 of this Transcript)

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San Francisco Sept. 26' 1854,

Case no. 547 was ordered to be placed at the foot of the 2 Class Cases on the Trial Docket.

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San Francisco Oct. 28' 1854,

In the same case the deposition of Edmund A. King, a witness in behalf of the claimant, taken before Commissioner S. B. Farwell, was filed;

(Vide page 10 of this Transcript)

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San Francisco November 6' 1854,

In the same case the deposition of J. J. Warner, a witness in behalf of the claimant, taken before Commissioner Peter Sott, with document marked "Exhibit P. S." annexed thereto, was filed;

(Vide page 13 of this Transcript)

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San Francisco November 7' 1854,

Case no. 547 was submitted on briefs and taken under advisement by the Board,

~~~~~

San Francisco September 25' 1855,

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

(Vide page 31 of this Transcript)

and the following order was made, to wit;

(Vide page 33 of this Transcript)

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S.

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To The Honorable Commissioners to settle
Private Land Claims in California.

The Petitioner, José Maria Covarrubias
respectfully represents:

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Petition

That on the 4th day of July A.D. 1846,
Pío Pico Governor of California, by virtue
of Authority in him vested, granted to
Thomas M. Robbins the Island called
"Santa Catalina" in the present County of
Los Angeles, all of which is shown by the
original Expediente, a certified copy of
which is submitted herewith marked
"A", with a Translation marked "B" and
by the Original Title issued to said Robbins
which through a mistake of the agent of
said Robbins was deposited in the
archives of the Government on the 4th day
of February A.D. 1850, as shown by the
exact copy submitted herewith marked
"C", with a Translation marked "D"

And the Petitioner further repre-
sents that on the 31st day of August A.D. 1850
the said Thomas M. Robbins sold & conveyed
the said tract of land to the Petitioner,
which original Deed of conveyance is
submitted herewith marked "E"

That he has been for several years
and now is in the legal possession
of said land and knows of no conflicting
claim;

That he relies for confirmation of Title
upon the original papers referred to in
this petition, and upon such other and
further proofs as he may be advised
are necessary.

Wherefore he prays the Commissioners

to confirm to him the aforesaid tract of land
By his Atty
Kedrick Peachy & Billings.

Filed in Office Feby 3, 1853.
Geo. Fishers Sec.

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United States Land Commission }
State of California } 3 ff.

San Francisco Sep^r 1854.

This day came before Peter Scott, Com-
missioner for taking Testimony to be used
before the Board of U.S. Land Commis-
sioners in said State. John Foster
a witness on behalf of the Claimant, Jose
Maria Covarrubias in Case No 54, on
the Locket of said Board and said
witness being sworn deposed as follows:

Deposition
of
John Foster

The U.S. Associate Land Agent is present

Questions by Mr Packard
who appears for Claimant's Counsel.

1st Question, What is
your name, age and residence?

Answer, My name is
John Foster, my age 38 years, and my
residence Los Angeles California.

2nd Question, Are you
acquainted with the Island of Catalina,
if yea, state what you know respecting
the grant thereof?

Answer, I know said

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Island, I petitioned in company with James Johnson of Los Angeles for a grant of said Island to us, about the year 1839 or 1840 our petition was refused by the Governor Alvarado, on the ground by him stated, that by the laws of Mexico other persons had a preference as grantees of the Islands on the coast, in consideration of their services to the Government of Mexico.

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Cross Examined by W. S. Associate Law Agent

1st Question, How was the refusal of the Governor of which you speak conveyed to the parties, was it in writing if yes, where is it?

Answer, It was in writing in the form of a decree on the Petition itself which was returned to us, we considered it of no value, and it has been destroyed or lost.

2nd Question, (Were the names of the parties preferred by the Governor as grantees, mentioned in said writing, if yes who were they?)

Answer, I think their names were not mentioned in the writing.

3^d Question, Did said writing contain any reference to a grant to be made by the Governor himself or by the Government of Mexico and by force of the laws of the General Government?

Answer, It was merely a simple statement that the petition could not be complied with because

there were others to be preferred as grantees.

4th Question, Did this refusal of the Governor apply to all Islands on the one petitioned for alone?

Answer. It referred to the one petitioned for, without mentioning the name of the Island.

John Forster,
Subscribed & Sworn to
before me on this 2^d
day of September A.D. 1854.

Peter Scott Commissioner &c

Filed in Office Sept 5th 1854,
Geo. Fisher Sec.

United States of America }
State of California } J. J.

San Francisco Sept 5, 1854,

This day came before Peter Scott Commissioner for taking testimony to be used before the Board of W. S. Land Commissioners in said State, J. J. Warner a witness on behalf of Claimant José Maria Covarrubias, in Case No 54, on the docket of said Board, and said witness being sworn deposed as follows,

The W. S. Associate Land Agent is present

Questions by Mr Packard who

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Deposition of
J. J. Warner,

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appears for claimant.

1st Question. What is your name, age and residence?

Answer. My name is L. L. Warner, my age 46 years, my residence San Diego, California.

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2nd Question. Look at the traced copy of the Expediente now shown to you marked "A. P. L." and also at the traced copy of Title marked "C. P. L." both of which are filed in this case and state whether you have examined the originals of these two documents in the U. S. Surveyor General's Office for the State of California, if yes, are you acquainted with the hand writing of the several persons whose names appear signed thereto, and if yes, state your means of knowledge, and whether their signatures wherever they respectively occur in said original documents are genuine?

Answer. I have examined both of the said original documents in said Surveyor General's Office, and I am acquainted with the hand writing of Pio Pico.

Thomas M. Robbins & José Matias Moreno, having seen them write, and I believe their signatures respectively wherever they occur in either and both of said original documents are genuine.

3rd Question. Look at the amendment or additional clause of the Petition signed "Robbins" on the 2nd written page of said traced copy of Expediente, and state whether you noticed said clause in the original thereof in

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said Surveyor General's office, if you state
in whose hand writing it is there writ-
ten, and how you know?

Answer, I did notice
said clause particularly in said original
document, and I believe it to be in the
hand writing of José María Covarrubias,
the same as the main body of the petition
above it. I have seen him write and
think I know his hand well.

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4th Question. Are you
acquainted with the Island of Catalina
claimed in this case, if you state where
it is situated and also whether you
know of any other Island of that name
on the Coast of California, and state
as near as you can the degree of lat-
itude of said Island claimed?

Answer, I am acquainted
with said Island claimed. It is situated
a little west of South from the landing
of the Port of San Pedro in Los Angeles
County, distant from San Pedro about
15 miles, and to the best of my knowl-
edge it is a little north of 34 degrees
of North Latitude. I know of no other
Island in the Pacific Ocean or in the
State of California of that name.

5th Question. What is the
General character of the land on said
Island?

Answer, It is mountainous

Cross-Examined by (W. P. Associate Land)
Agents.

6th Question. Were you

even on the said Island of Catalina, it near

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even on the said Island of Catalina, if you
when and how often?

Answer. I was on the
Island in the fall of 1841 or 1842. I do
not remember which of those years,
I was there and on the adjoining Islands
some 15 or 20 days. I was several times
on said Island during that period.

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2nd Question. How do you
judge of its Latitude?

Answer. By its course
and distance from the Town of Los Angeles
which place I have been informed by
Astronomers is in about 34 degrees of
North Latitude. It is nearly South
about 35 or 40 Geographic miles distant
from Los Angeles.

3rd Question. What is
about the average width and length of
said Island?

Answer. I think it is
about 15 miles long, and about 6 miles
wide. I have not crossed it in its
widest part nor traversed its length on
the land. I have been round it in
a boat, and do not speak confidently
of its exact extent.

4th Question. How do you
know it is generally mountainous?

Answer. By travelling to
the Summit, from which most of the
Island can be seen. There are valley
lands on the Island of small extent along
the shore.

J. J. Warner.

Subscribed and sworn to
before me,
Sept 5, 1854.

Peter Lott, Commr. &c.

Filed in Office Sept 6th 1854.

Geo. Fisher Sec.

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Office of the Board of Commissioners

On this day before Comr. J.B. Darwell came Edward A. King a witness on behalf of the Claimant Jose Maria Covarrubias in case No 547, and after being duly sworn deposes and says as follows:

Deposition
of
Edward A. King

1st Question, What are your name age and place of residence?

Answer, Edward A. King age thirty six years residence San Francisco.

2nd Question, Did you know Tho^s Robbins the original Grantee in this case and the Island in question.

Answer, I do.

3rd Question, Do you know any thing of the occupation of the Island in question by the said Robbins during the year 1847 if you state what you know?

Answer, About the first of March 1847 I lived at the Port of Santa Barbara on the Brig Elizabeth, bound for San Pedro, after discharging some freight and some for Capt Robbins Capt Robbins was a passenger.

Arrived in San Pedro on the 2nd of March

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Arrived in San Pedro on the 3rd of March
and about the 6th I visited the Island of
Catalina for a depot for salting hides,
having previously asked, and Capt
Robbins he told me he owned the Island,
and told me to go and look.

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He told me any thing I wanted on the
Island I could have, and that I would
find some of his men there and they would
give me any thing I would ask for.

I selected a spot, killed a calf, and went
to his house built of adobes and wood.

The house was on the northern
part of the Island, there were two men
there taking care of Capt Robbins Cattle
and a corral near the house.

Saw some land broke up evidently
for cultivation, I returned that same
evening to San Pedro.

A few days afterwards I went
to the Island again in company with
Capt Robbins, and saw the same men
and carried some stones for Capt Robbins
was on the Island several times and
saw the same men there, saw a patch
of land under cultivation.

Questions by Seamy Agent.

1st Question. When, where
and under what circumstances did you
first know Capt Robbins.

Answer. I met him
in Santa Barbara on the 22nd day of
February 1843. I was introduced to
him by Mr Thompson he then resided
at Santa Barbara so far as I know he
resided there to his death.

2nd Question. How far is

the Island from Santa Barbara?

Answer. About 80 to 90 miles.

3^d Question, What were the names of the persons you saw on the Island.

Answer, I do not know.

4th Question, What were they doing when you saw them there?

Answer. They were on top of horses when I saw them, they went and caught a calf and killed him for me, they furnished me a horse to ride about two miles to look at a place for a depot to salt my hides, that is all I know of their doing when I was there (the first time).

5th Question, What is the size of the Island?

Answer, I should think the circumference of the Island about eight leagues.

Leand Agent Present,

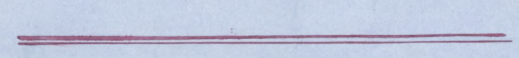
Edward A. King

Sworn to & subscribed
Before me this 25th
day of Oct 1854.

A. B. Darwell Com^r.

Filed in Office Oct 28, 1854.

Geo. Fisher Sec.



United States of America }
State of California } p.

San Francisco, May 6, 1854.

This day came before Peter Scott Commissioner for taking testimony to be used before the Board of W. S. Land Commissioners in said State L. I. Warner a witness on behalf of the Claimant Jose Maria Cobarrubias in case No 547 on the docket of said Board, and said witness being sworn deposed as follows.

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Deposition

L. I. Warner

The United States Land Agent present
Questions by Attorney for Claimant,

1st Question. What is your name, age, and place of residence?

Answer. My name is L. I. Warner, age 46 years, and place of residence San Diego California

2nd Question. Do you know the original grantee in this case if you are you acquainted with his signature and writing?

Answer. I am acquainted with the signature of the grantee having frequently seen him write, was intimately acquainted with him many years previous to his demise.

3rd Question. Look on the document now shown you purporting to be a traced copy of a document existing in the Archives of California while a part of the Mexican Republic and now in

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the possession of the U.S. Surveyor General for California and state if you have examined the said original documents; and if so, is the signature of Thomas M. Robbins thereto his genuine signature.

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Answer, I have examined a document in the office of the U.S. Surveyor general for California a traced copy of which is now before me marked "C. L." and have no hesitation in saying that to the best of my knowledge and belief it has the true and genuine signature of the said Thomas M. Robbins the grantee in this case.

4th Question, Was the Original grantee in this case employed in the service of the Mexican Government in the Department of California.

Answer, I know that the said Thomas M. Robbins was in the service and employ of the Departmental Government of California, from having seen him in command of a vessel belonging to the Government and from his having informed me that he was in the service of the said Government. I think he was so employed for some time previous to 1840.

Questions by Associate Loan Agent

1st Question. Where did you see the vessel that he commanded and in what trade was she employed?

Answer, I saw the vessel

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in the port of Santa Barbara and were in the port of San Pedro. The vessel was employed not so much in trade, although she sometimes carried some cargo for individuals, as in conveying Government dispatches between California and Mexico, and in bringing supplies from the Mexican coast forwarded by the general Government to the Departmental Government of California the vessel was called the "California" or "Love's California" do not recollect which.

The vessel was a schooner, this I well recollect, but am not so confident of the name.

J. J. Warner

Subscribed and sworn to before me
on this 6th day of November A.D. 1854.

Peter Scott Commissioner.

Filed in Office Nov^r 6th 1854.

Geo. Fisher Sec.

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No 549.

Claim of J. M. Coramubias

To

" Isla de Santa Catalina "

To The U. S. Land Agent,

for

Please take notice that

we hereby withdraw our names as Atty
for the claimant in the above entitled
case.

San Francisco, March 14. 1854.

Kellogg Peachy & Billing

Filed in Office Marsh Do. 1854.

Geo. Fisher sec.

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Service
Acknowledged
March 14/54

(Span Doc follows)

17. I. G. D. R

Excmo Sr Gobernador

Tomás Robbins vecino

St^a Barbara julio 4 de 1846. Libres y puertos, ante la justificación del Título por el Sr. don de V. C. pavez secretario de mi despacho y digo: Que existiendo hoy en archivo de este Expediente.

Expediente

A. P. L.

Exhibir 1.

to Depo. of D. J.

Marines Sept.

Pres.

del supremo Gobierno de la Nación para que las Islas adya-

centes a la costa de este Departa-

mento seran concedidas en coloniza-

cion y teniendo yo intencion de ocupar

una de ellas con bienes semovientes

de mi pertenencia suplico a V. C. se

digne concederme la que es consida

con el nombre de Santa Catalina

dentro de los limites que le son naturales

Este Isla se halla en frente y al Sur de

I. G. D. R

la Rada de San Pedro a los 24^o 20

m^o de latitud Norte y forma ha per-

teneido a la propiedad particular

de ningun individuo; se encuentra

de consiguiente enteramente baldia

y en Estado de colonizarse.

Por tanto a V. C. en respecto que

se sirva dar me en propiedad la Espe-

sada Isla de St^a Catalina en con-

Recebre gracia y justicia dignandose

V. C. admitirme en este papel como

por no haber del sellado que corre-

ponde. Ans no ser de malicia y lo ne-

cesario &c.

St^a Barbara julio 4 de 1846

Otro si la Isla que pretende esta si-

tuada a los 24^o 20 m. de latitud

Norte a los 24^o 30 que espresa mi intencion

Robbins.

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3. G. D. R. Santa Barbara Julio 4 de 1846
 Vista la anterior solicitud con todo
 lo demas que se tubo presente medita
 que convino usar de las facultades
 con que me hallo autorizado por el Su
 premo Gobierno nacional y obrando
 de conformidad con la Ley de 18 de
 Agosto de 1824. y reglamento de 21 de
 Noviembre de 1828 he venido por las
 presentes letas en de clarar al señor
 Don Tomas Robbins, dueño en propie
 dad de la Isla de Santa Catalina
 situada en frente de la Rada de San
 Pedro entre los 2/3 grados 20 minutos
 de latitud Norte. Libesele en conse
 cuencia al interesado el título espe
 cial para su resguardo y enteguesele
 para los usos que sean convenientes
 Por mi Gobernador Constitucional
 del Departamento de California asi
 lo mandò decretar y firmò. Day fee
 pio piei

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Deposited in the Govt. Archives this
 12th day of April 1850 by Don Pablo de
 la Guerra.

W. G. P. Hartnell, José Matias
 Interp: Head Lt. 10. } Moreno
 mil. Depart. — } Div: Int

Office of the Governor General
 of the United States for California.
 I. Samuel D. King Governor General
 of the United States for the State of Ca
 lifornia 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

19.

of Upper California do hereby certify that the three preceding on a hereunto annexed pages of tracing paper numbered from One to three inclusive and each of which is verified by my initials S. D. K exhibit true and accurate copies of certain documents 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 affixed my private seal (not having a seal of Office) at the City of San Francisco, Cal. the 19th day of January 1853.

Saml. D. King
Survt. Genl. Cal.

Sealed in Office Secy 3rd 1853
Geo. Bishop Secy

To His Excellency the Governor

Feal

Santa Barbara

July 4, 1846.

Let the title
be issued by
the Secretary
of my Office
and let this
Expediente be

filed.
(signed) Pico.

I Thomas Robbins, neighbor,
and of the Commerce of this Port,
before Your Excellency's justifi-
fication, appear and say:
that as there exists a special
order of the Supreme Government
of the Nation that the Islands
adjacent to the Coast of this Sea
partments be granted in Coloniz-
ation, and as I have the in-
tention of occupying one of
them with self moving prop-
erty belonging to me. I pray

Your Excellency to have the goodness to
grant me the one known by the name
of Santa Catalina, within its natural
limits.

This Island is situated in
front and to the South of the anchorage of
San Pedro, in 43° 20' north Latitude,
& has never belonged to the private
ownership of any individual;

consequently it is entirely vacant, and
in condition to be colonized.

Wherefore I pray Your Excellency
with respect, that you will be pleased
to give me in ownership the foresaid
Island of Santa Catalina, in which I
will receive favor and justice; Your
Excellency having the goodness to admit
this from me on common paper, there
being none of the corresponding stamps.

I swear not to ask from malice
& what ever else may be necessary.

Santa Barbara. July 4, 1846.

(signed) Thomas M. Robbins,

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"B"

Translation of
Expediente,

Note. The Island I petition for is situated in $34^{\circ} 40'$ North Latitude, and not in 43° as my petition represents,
/ signed, Robbins.

Santa Barbara. July 4, 1846.

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Having seen the foregoing petition with all other information which was presented, and was proper to be seen and considered, using the powers vested in me by the Supreme National Government, and acting in conformity with the Law of Aug 18, 1824, and regulation of Nov 21, 1828, I do by the present Letters, declare Señor Don Tomas Robbins owner in fee of the Island of Santa Catalina situated in front of the anchorage of San Pedro, in $23^{\circ} 20'$ N Latitude. Let the respective title be, in consequence, issued to the person interested for his security, and let it be delivered to him for the uses he may find convenient.

Pío Pico, Constitutional Governor of the Department of California, thus ordered, decreed, and signed it. I certify
/ signed, Pío Pico

Deposited in the government Archives this 12th day of April 1850. by Don Pablo de la Guerra.

/ signed, José Matías Moreno
Secretary ad int

(signed) W. E. P. Hartnell
Interp Head Quarters 10. Military Depart

Filed in Office July 3, 1853.

Gen. Fisher Sec.

I do not know

231. L. D. R

Provee Gobernador Constitucional
del Departamento de California

C. P. L. (sell^o) Por cuanto Don Tomas Robbins
Vecino de Este puerto ha pretendido para
Copy of sw beneficio personal la Isla conocida
Title - Cachi con el nombre de Santa Catalina situ
Lib 2. to Dada en frente y al sur de la de Dempe
af J. J. Wamphell en los 2, 3. grados veinte minutos
de Latitud Norte he venido por decreto
de Este dia y en uso de las facultades que
me son conferidas por Orden Especial del
supremo Gobierno en conceder al Exposedo
D^o Tomas Robbins la ya nominada Isla
de Santa Catalina dentro de los lmi-
tos que le son naturales, declarando
la propiedad de ella por las presentes

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L. D. R. lehas para que la dispute libre y Sober-
sivamente destinandole al uso y Cultivo que
mas le acomode pudiendo en virtud de
Este Despacho solicitar la respectiva
posesion fiducial.

En consecuencia mandado que teniendo
se el presente titulo por firme y Validas
se tome Razon de el en el libro respectivo
y se entregue al interesado para su res-
guardo y demas fines.

Dado en el puerto de Santa Barbara en
este papel comun por no haber selado
a los cuatro dias del mes de julio del
año mil ochocientos cuarenta y seis.

Propio

Jose Matias Moreno
D^o Int^o.

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J.L.D.R. Queda tomada Reason de Este super
avi despacho en el libro Respectivo.

Moreno

Received Monterey, California ^{us} Febry
24th 1850. from Don J.M. Covarrubias
with a Request that it be deposited
in the Government Archives.

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H. W. Halleck

Office of the Surveyor General of the Uni-
ted States for California.

I Samuel D. King Surveyor
General of the United States for the State
of California and as such now having
in my Office and under my custody a
portion of the Archives of the former Spa-
nish and Mexican Territory or Depart-
ment of Upper California. Do hereby
certify that the three preceding and
hereunto annexed pages of tracing paper
numbered from One to Three inclusive
and each of which is verified by my ini-
tials (S. D. K.) exhibit true and accu-
rate copies of certain documents on file
and forming part of the said Archives
in this Office.

In Testimony whereof I
have hereunto signed my name
officially and affixed my private seal
(not having a seal of Office) at the City
of San Francisco Cal. the 19th day of Ja-
nuary 1853.

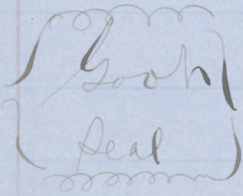
Saml. D. King

Survey. Genl. Cal.

^{us} Filed in Office ^{us} Febry 3rd 1853

Geo: Fisher Secy

Pio Pico Constitutional Governor of the Department of California.



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"Lo"
Translation
of
Title.

Whereas, Don Tomas Robbins, resident of this port, has for his own personal benefit, asked for the Island known by the name of Santa Catalina, situated in front and to the south of the Anchorage of San Pedro, in 43° 20' north latitude, I have in decree of this day and in use of the powers conferred on me by special order of the Supreme Government, granted to the said Don Tomas Robbins, the before named Island of Santa Catalina within its natural boundaries, declaring to him the ownership of it by the present letters, that he may enjoy it freely and exclusively, making such use and cultivation of it as may best suit him; being authorized by this patent to solicit the respective Judicial possession.

In consequence I order that the present title being held as firm and valid, note be made of it in the proper book, and it be given to the person interested for his security and other purposes.

Given in the port of Santa Barbara, on this common paper for want of stamped, on the fourth day of the month of July, of the year five thousand eight hundred & forty six.

/ signed / Pio Pico

(Signed) José Matias Moreno
Secretary ad interior

Note has been made of this Superior Patent
in the respective Book,
/signed/ Moreno.

Received Monterey California. Feb 4 '1850,
from Don J. M. Covarrubias, with a request
that it be deposited in the Government
Archives.

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/signed/ H. W. Kebleck.

Filed in Office Feb 3^d 1853.
Gen. Fisher
Sec.

20

20

27

Como Va Gobro

P.L. Exhibito
to Depo: of S.
J. Warner

Jomas M. Roblino Capitan de la Go-
leta nacional California ante la
justificacion de V. E. dijo Que ha
visto la Orden del Supremo Gobro
relativa a que se proceda a la Colo-
nizacion de las Islas adyacentes a
las costas de este Departamento p-
el supremo Gobro departamental
de acuerdo con la junta de este mismo
y como las necesidades de mi familia
me estechen a emprender un viaje que
les proporcione un nivel comodo, ^{de} subsis-
tencia he creido conveniente solicitar de
V. E. la concesion de una llamada
Sta Catalina p- dedicarme al Ramo
de Agricultura y en las de jamados
p. V. E. se servira conde demela
en lo que recibire la gracia que solicito
Monterey ^{el} febrero 11 de 1839.

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Jomas. M. Roblino.

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 in and under my
custody a portion of the Archive of
the former Spanish and Mexican
Territory or Departments of Upper California
by virtue of the power vested in me by law
do hereby certify that the preceding and
herewith annexed pages of tracing paper
exhibit a true and accurate copy
of a certain document now on file
and forming part of the said Ar-

archives in this Office.

Seal In testimony whereof I have
herewith signed my name Offi-
cially and caused my seal of Office
to be affixed at the City of San Francisco
this 6th day of November 1854

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

Filed in Office Nov- 6th 1854

Geo: Fisher Deery

Translation of
P.L. Exhibit
to deposition
of J. J. Warner

Most Excellent Governor,

Thomas M. Robbins

Captain of the national Schooner California, be-
fore your Excellency appears and says: That
he has seen the orders of the Supreme Government,
directing that the Supreme Government of that
Department with the advice of the Junta of
the same should proceed to colonize the Island
adjacent to the Coasts of the Department; and
as I am Compelled by necessity to seek
a convenient mode of supporting my family
I have thought proper to ask of your Excellen-
cy for the grant of the Island called Santa
Catalina, to dedicate myself to agriculture
and the raising of stock.

Therefore, your Excellency will plea-
se grant it to me, in which I shall re-
ceive a favor & February 11th 1839

Thomas M. Robbins

Filed in office Nov 6th 1854

Geo. Fisher Deery

29

This Indenture made this 31st day of August
Eighteen Hundred & fifty.

Between Thomas Robbins of the County
of Santa Barbara and State of California
and José Maria Covarrubias of the City of
Santa Barbara, County & State aforesaid,

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PAGE 28

Witnesseth, That the said Thomas
Robbins for and in consideration of the
sum of Ten Thousand Dollars, to him
paid the receipt whereof is hereby acknow-
ledged, has granted bargained & sold,
and by these presents does grant, bargain
and sell, to the said José Maria Covarrubias
his heirs and assigns, all his right,
title and interest in and to the follow-
ing described real estate:

"E"

Deed.

To wit: all that certain tract of land
situate in the Pacific Ocean in front
of the Port of San Pedro de los Angeles, on
the coast of California, and within
the limits of the state of California aforesaid,
and known as the "Island of Santa
Catalina" It being the same property
for which the title was given by the
Governor of the Department of the Califor-
nia to the said Thomas Robbins, on the
fourth day of July eighteen hundred
and forty six.

To have and to hold the above
granted premises to the sole use and
benefit of the said José Maria Covar-
rubias his heirs and assigns forever.

In witness whereof the said
Thomas Robbins has hereunto set his hand
and seal the day and year first above
written at the city of Santa Barbara aforesaid.
In presence of, James M. Robbins (Seal)

Lewis T. Burton }
Henry Carnes. }

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State of California }
County of Santa Barbara } p.

Personally appeared before me Thomas M. Robbins of the County of Santa Barbara, and stated under oath that he signed the within deed of conveyance, with his own free will & consent.

J. Carrillo }
Juzde Condado } Seal }
Santa Barbara pph }
2nd 1850,

Filed in Office July 3d 1853.
Geo. D. Fisher
Sec

José M. Covarrubias }
 }
The United States } Island of Santa
 } Catalina.

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Opinion by
Comr R. Aug
Thompson

This claim is founded on a grant made to Thomas M. Robbins by Governor Pio Pico on the 4th day of July 1846

The original grant is not produced but a traced copy from the Archives is introduced duly certified by the U.S. Surveyor General from which it appears that said original was deposited with H. W. Halleck those in charge of said Archives by the present claimant in the month of February 1850 where it has remained ever since.

The genuineness and authenticity of the document's are fully established by the proofs and the fact that it was deposited in the public Archives as late as the year 1850 taken in connection with the proof of occupation and cultivation by the original grantee under it from a period shortly after its date leaves little or no doubt as to its delivery to the party or his agent.

Another traced copy from the Archives is also introduced containing the petition of the grantee for the land and the Governor's decree of concession on the same corresponding in all respects with the grant.

The present Petitioner claims under a deed from said Robbins to him bearing date August 31st 1850 the original of which properly authenticated is filed in the case

We think the evidence sufficient to establish the validity of the claim and a decree of confirmation will be entered.

Filed in Office Sept 25th 1855
Ge. Fisher Sec.

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Jose Maria Covarrubias

vs

The United States

No 547

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 the same be confirmed to him.

Decree

The land of which confirmation is made is situated in the County of Los Angeles near the Coast of California and is known as the Island of Santa Catalina, and is bounded on all sides by the sea.

For a more particular description reference to be had to the original grant and Expediente among the archives in the Custody of the U.S. Surveyor General traced copies of which are filed among the papers in the case.

Stephen Delch
R. Aug Thompson
S. B. Danwell.

Commissioners

Filed in Office Sept 25th 1855

Ge. Fisher Sec.

And it appearing to the satisfaction of this Board that the land hereby adjudicated is situated in the Southern District of California, it is hereby 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 Board, one of which transcripts shall be filed with the Clerk of the United States District Court for the Southern District of California and the other be transmitted to the Attorney General of the United States.



BYGE

(Faint, illegible handwritten text)



Office of the Board of Commissioners,

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

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PAGE 34

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 three* pages, numbered from
1 to *33*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *547* on the Docket of the said Board,
wherein

José Maria Covarrubias is
the Claimant against the United States, for the place known by
the name of *Island of Santa Catalina*

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

Geo. Fisher.

[Signature]



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

No. 368.

THE UNITED STATES,

vs.

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Jose Maria Comarubias.
Island of Sta Catalina,

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *54*

Filed, *July 19th* 1856.

J. J. San
Cek.

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368 SD Office of the Attorney General of the United States,

PAGE 35

Washington, 11. Feby, 1856.

547. / "Island of Santa Catalina."

Jose Maria Cocarubias 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 **17th** 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.

Clint

Attorney General.

No. 368

U. S. Dist. Court
South Dist California

Jose M. Covarrubias

vs

The United States

Notice of appeal

Filed June 3 1886

C. E. Can
Clerk

Thy O'Flanagan
Deputy

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

The President of the United States,

TO

Jose M^o Covarrubias

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Greeting :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against *You* in the District Court of the United States, in and for the Southern District of California, on the *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. Oro U.S. Atty praying
said court to review the decision of
the United States Law commissioners
confirming yours of the 28th of September
1855 confirming your claim to the land
called
Island of Santa Catalina*

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 *5th* day of *January* A. D. 1857.

*Clerk
J. M. Coleman*

CLERK.

No. 368

Marshals book

Copying Announcements - 60
Serving same 3.
Petition 3.
\$ 6.00

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

Jorge M. de Covarrubias
of
The United States

SUMMONS.

Received *Jan'y 5th* 1857

Edward Hunter

U. S. MARSHAL.

Dr. Mc Goodman
368 SD Sept
PAGE 38

I served this Summons, together with a certified copy of the Petition, upon *A Packard*
Atty for Appellee by him acknowledging
service of same

at *Los Angeles* in the Southern District of California, on
the *5th* day of *January* A. D. 1857.

Sworn to and subscribed before me, *this*
5th January 1857
[Signature] CLERK.
J. A. Robinson
[Signature]

Edward Hunter
U. S. MARSHAL.
Dr. Mc Goodman
Sept

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

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



Jose Maria Covarrubias, Appeller

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vs

Docket No. 368.

PAGE 39

The United States Appellant.

Transcript No. 577.

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 4th 3rd day of February A. D. 1853, Jose Maria Covarrubias

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 Island of Santa Catalina 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 25th day of September A. D. 1855, the said Commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit: on or about the 19th 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. 577; reference to which it is prayed may be had and made part of this petition. That on or about the 17th 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 ^{or about} 3^d 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.

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SD

PAGE

And no sufficient proof having been made of the allegations in said pe-
tition to said Commissioners, or in support of the said claim, no decision con-
firming 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 ^{said claim} ~~same~~, and decree the alleged title to be invalid: with costs and general relief.

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

N^o 368.

Filed this 5th January 1857
W. Sims clk
J. W. Hillman
sup

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

United States appellants

vs

José M. Covarrubias appellee

No 31,8

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José M. Covarrubias the appellee in
the above entitled cause appears by his attorney
and for answer to the petition of the United
States filed herein says that his title to the
Island called "Catalina" as set forth and described
in his petition Board of Land Commissioners
is good and valid and that the tract claimed
in within the Southern District of California
and within the jurisdiction of this Court

Wherefore he prays that this Honorable
Court will affirm the decree of the Board
of Commissioners and decree his title to be
valid

A. Packard Atty
for Claimant

No 368

United States

vs

John M Coverrobbius

Answer of Appelle

Filed this 4th January
A D 1857
John M Coverrobbius
J M Coleman
atw

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United States District Court for the Southern
District of California

the United States appellants }
368 SD } No 318
PAGE 45 }
Jose Marin Covarrubias appellee }

It is hereby stipulated that this case
be now submitted; on the condition that
the final decree shall not be entered
until the second Monday of December
next; and further ^{that,} if on or before ~~that~~
^{time,} the appellants should discover
~~new~~ evidence, then this case, on
motion, may be reopened.

A Packard atty
for Claimant

P. O. M. D. C. U. L. L. Y.

United States
Appellants
vs
Jose Maria Cuervo
appellee

No. 368

UNITED STATES DISTRICT
COURT FOR THE SOUTHERN
DISTRICT OF CALIFORNIA.

Stipulation

Filed July 27, 1887
C. J. R.
C. J. R.

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

December Term 1857

The United States appellants

vs
Jose Maria Covarrubias
appellee

No. 368

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Transcript No 547

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
the State of 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 it appearing to the
Court that the Transcript aforesaid, has
been duly filed according to law, and counsel
for the respective parties having been heard,
It is ordered, adjudged and decreed, That the
decision of said Board of Land Commissioners
confirming unto the above named appellee Jose
Maria Covarrubias the land set forth and
described in his petition to the said Board of
Land Commissioners, and in the documentary
and other evidence taken in this case, be and
the same is hereby affirmed, and that the
title of the said Covarrubias to the said
land is a good and valid one.

The land of which confirmation is hereby
made is the Island known by the name of
San Catalina situated in the County of
Los Angeles, being the same granted to
Thomas Robbins by Governor Pio Pico on

the fourth day of July 1846, ~~and is in~~ to the extent of eleven square leagues, and no more; and has for its boundaries the waters edge.

If the quantity of land within said boundaries is less than eleven square leagues, the confirmation hereby made, is made to such less quantity; but if the quantity within said boundaries exceeds eleven square leagues then the confirmation hereby made is made to eleven square leagues, and no more.

James H. Ogden
U.S. Dist. Judge

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No 368

Catalina
Santa Catalina

Jose Maria Cobarrubias
appeller

vs
United States

Secura

Filed this 1st March 1858
to Supt City
of Mclellan
Dist

Recorded on Page 253

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m

United States District Court for the
Southern District of California
State of California ~~Montgomery~~ James H. Ray being
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duly sworn deposes & says that
on the 14th day of May 1864 he
purchased of Jose Maria Covarrubias
& Albert Packard three fourths of
a tract of land in Los Angeles County
called the Island of Santa Catalina
and that Deponent and one James
Lick of San Francisco are at the present
time the owners in fee simple
of the said undivided three fourths
of said island.

Deponent further
says that he is informed & believes
the original grant of said tract
of land was made to Thomas H.
Robbins (deceased) and that during
the lifetime of said Robbins he
the said Thomas H. Robbins sold
& conveyed said tract of land
to the said Jose Maria Covarrubias
on the 31st day of August 1850 —
and that said deed of conveyance
from said Thomas H. Robbins
to said Covarrubias was used in
evidence before the ^{late} board of land
Commissioners, ~~of which~~ was placed

one file in the archives of said office
and is now in the custody of the
keeper of said archives at the
office of the U.S. Surveyor General
for the state of ^{California} at San Francisco.

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Deponent further
says that he is informed & believes
that said deed has never been
recorded in Los Angeles County,
and that the intent of Deponent
& said James Leek require that
said original deed of conveyance
from said Robbins to said Covarrubias
be withdrawn from the files of the
Surveyor General's office & placed
upon record in Los Angeles County
and that Deponent & said Leek are
largely interested in the custody of
said deed.

Subscribed & sworn to
before me this 6th day of June 1864 - James H. Ray

Wm. H. French before
Methu. C. Jewell of Calif.
John A. Huley
Clerk of Dist. Ct. for Calif.

No. 368
U. S. Dist Court
South Dist Cal

J. M. Covarrubias
^{vs}
The United States

aff of J. H. Ray
for withdrawal of Deed
from U. S. Land Office.

Filed June 6, 1864
John D. Whalen
CLK

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

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State of California
Montgomery County; }

On Motion of
J. H. Whiting U.S. District Attorney
for the Southern District of California
And on reading & filing the affidavit
of James H. Ray, showing more
conveyances, and establishing a
present & subsisting interest of
an undivided three fourths of
certain tract of land called Santa
Catalina Island in Los Angeles County
to be in default & James Dick,
And further showing that the said
tract of land was originally granted
to Thomas Robbins (deceased) and
conveyed by him, in his life time,
to wit, the 31st day of August 1840
to Jose Maria Covarrubias, and
by him conveyed to default-
And it appearing to the Court
that said deed of conveyance
of said tract of land from said
Robbins to Covarrubias dated as

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affidavit on the 31st day of August
1870 is now on file in the office
of the said U.S. Surveyor General ^{for California} it
has not yet been recorded in
the office of the County Recorder of
Los Angeles County, and that the
interest of said James H. Ray and
James Dick require that they have
the custody of said deed it is now
here ordered by the court that
they or either of them have leave
to withdraw said deed from
Robbins to be removed as aforesaid
from the said files by leaving
with the said U.S. Surveyor General
a certified copy of the same.

Hitcher M. Deight
U.S. Judge of Dist. Cal.

No. 368

W. S. Dubout
Scrib. Dub. Cal.

J. M. Covarrubias

ⁱⁿ
The United States

Order for withdrawal
of Deed from S. Gen's Office

Filed June 6th 1864

John Wheeler
clk

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In the Supreme Court of the United States
No. 305 December Term 1864 -

The United States } Appeal from the
vs. Appellants } District Court of
Jose Maria Covarrubias } the United States for
Appellee } the Southern district
of California.

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Having examined the record in this case and being satisfied that there is no just ground for prosecuting this appeal, I do hereby discontinue the further prosecution thereof and consent that the discontinuance be filed and entered of record in the Supreme Court and that the claimant be at liberty to proceed and obtain a survey and patent in conformity with the decree of confirmation and the acts of Congress relating to private land claims in California, the appellee paying costs and Clerk's fees.

Washington City }
March 29. 1865 }

James Speed
Attorney General U.S.

The foregoing discontinuance is accepted
J. M. Carlisle
for Appellee

As counsel of record for the appellee in the aforesaid case I hereby consent & agree that the appeal in this case be discontinued

pursuant to the 29th rule of this Court,

J. M. Carlisle

Counsel for Appellee

March 29th 1865

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1865 March 29th - The preceding stipulation to dismiss this case having been this day filed and the fees due the Clerk by the parties in this case having been paid, this case is thereupon now here dismissed pursuant to the 29th rule of this Court.

D. W. Middleton

C. S. C. U. S.

I, Daniel Wesley Middleton, Clerk of the Supreme Court of the United States do hereby certify that the preceding is a true copy of the Stipulation filed in the above entitled cause of the entry endorsed by me thereon dismissing the said cause pursuant to the 29th rule of this Court.

In testimony whereof I hereunto subscribe my name and affix the seal of the said Supreme Court of the United States at the City of Washington this twentieth day of March A.D. 1865

D. W. Middleton

Clerk Sup. Ct. U. S.



^{No 368}
Supreme Court W.D.

No 305 Dec: Term 1864

The United States

v. Opps

Jose Maria Covarrubias

(Decorative flourish)

Filed Aug 15, 1865

John Wheeler
Clerk

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