

No. 47763
 Superior Court of
 the State of California
 George H. Porter et al
 vs
 U. B. Rinaldi et al
 Plaintiff
 vs
 Defendant
 Dated March 24, 1911
 M. H. G. G.
 Clerk
 Glanville Chapman
 Attorney for Defendant

Page

In the District Court of the 23rd
 judicial district of the State
 of California in and for the
 City & County of San Francisco

George H. Porter et al
 vs
 Plaintiff
 C. M. Rinaldi et al.
 Defendants

in answer
 I

The defendants C. M. Rinaldi and
 Guacerrica Valder de Rinaldi
 his wife, and A. Glassell, ~~and~~
 A. B. Chapman, George H.
 Smith and Henry M. Smith
 answering the complaint herein
 allege as follows:

The plaintiffs neither have nor
 claim ~~to have~~ any right, title or interest
 in the premises described in the Com-

1 In the District Court of the 23rd
2 Judicial District of the State
3 of California in and for the
4 City & County of San Francisco.

5
6
7 George W. Porter et al
8 vs Plaintiffs
9 C. M. Mivaldi et al.
10 Defendants.

11 answer

12 I

13 The defendants C. M. Mivaldi and
14 Francisca Valden de Mivaldi
15 his wife, and A. Glassell, ~~and~~
16 A. B. Chapman, George H.
17 Smith and Henry M. Smith
18 answering the complaint herein
19 allege as follows:

20 The plaintiffs neither have nor
21 claim ~~to have~~ any right, title or interest
22 in the land described in the com-
23 -plaint otherwise than under
24 a deed of conveyance from
25 Eulogio Y. de Celis Administra-
26 -tor of the estate of Eulogio de Celis
27 Celis deceased to the plaintiff
28 MacLay, of date August 31st 1872
29 conveying to the said MacLay

PAGE
2

the interest of the said Estate in
& to the Rancho by Mission of
San Fernando in the County
of Los Angeles.

The said deed was made under
an order of sale of the Probate
Court of Los Angeles County
directing the sale of said real
estate, which order was duly
made and given.

The said Maclay afterwards
conveyed an undivided part of
said interest to the plaintiff
Parley.

On the 1st day
of July 1871 Maria de los Angeles
Felix de Burrows conveyed to
the defendant C. R. Pinaldi, by
a deed of that date duly execut-
ed, all of the land described
in the complaint except a part
thereof previously conveyed by her
to Gerónimo Lopez and now oc-
cupied by him; and afterwards
the said Pinaldi declared
a homestead on the land con-
veyed to him.

29

These defendants deny

Page 7

that they are or ever have been in pos-
-session of the land above described
as conveyed by the said Maria de los
Angeles to the said Geronimo.

Prior to the 5th day of December 1840
an action was pending in the Dist-
-rict Court of the 17th Judicial Dist-
-rict of the State of California in
Honor the County of Los Angeles for
the partition of the said Rancho Ex-
-pension of San Fernando, em-
-bracing the land in controversy herein,
in which action the San Fernando Farm Homestead
association was plaintiff

and the said Eulogio G. de
Celis as administrator of
the said Estate, the said Maria
de los Angeles Felis de Burrows;
and all other persons interested
in said Rancho were parties
and such proceedings were
had in said action that on the 29th day
of November 1841 judgment was duly
made and given by the said Court
and duly entered whereby the tract
of land described in the complaint
was duly set apart and allotted
to the said Maria de los Angeles
Felis de Burrows and said judgment

SECTION 17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

to be her property in fee simple.

Before the entry of said judgment the plaintiff in said action and the said Eulogio F. de Celis as ~~administrator~~ administrator as aforesaid and others interested consented -

Page
4

1 and agreed to said judgment
2 and said agreement was
3 reduced to writing & signed by
4 their attorneys and filed in
5 the case before the entry of
6 said judgment.

7 wherefore these defendants
8 say that the plaintiffs are
9 estopped by said record from
10 saying that they or either of
11 them, or any one other than
12 the said Maria de los
13 Angeles Yelis de Burrows
14 or those deriving title from
15 her ~~the~~ own the land described
16 in the complaint or any
17 part of it, or have any right
18 title or interest therein; and
19 that said plaintiffs are
20 estopped from claiming
21 said land or any part of it.

II

22 and for a second and separate
23 defense these defendants
24 allege as follows:

25 whatever title the plaintiffs
26 have to the land described in
27 the complaint was derived
28 under a deed of conveyance

1 and agreed to said judgment
2 and said agreement was
3 reduced to writing & signed by
4 their attorneys and filed in
5 the case before the entry of
6 said judgment.

7 Wherefore these defendants
8 say that the plaintiffs are
9 estopped by said record from
10 saying that they or either of
11 them, or any one other than
12 the said Maria de los
13 Angeles Yelis de Burrows
14 or those deriving title from
15 her ~~the~~ own the land described
16 in the complaint or any
17 part of it, or have any right
18 title or interest therein; and
19 that said plaintiffs are
20 estopped from claiming
21 said land or any part of it.

II

22 And for a second and separate
23 defense these defendants
24 allege as follows:

25 Whatever title the plaintiffs
26 have to the land described in
27 the complaint was derived
28 under a deed of conveyance
29

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

of date Aug 31, 1871 from Enludio de
Celi's administrator of the Estate of En-
-ludio de Celi deceased to the plaintiff
Macloy conveying to the said Mac-
-loy the interest of said Estate in &
to the Rancho by Mission of
San Fernando

the interest conveyed being the
interest of which said deceased
died seized.

The said Macloy afterwards
conveyed an undivided part of
said Rancho to the plaintiff
Poultin. Otherwise than by
said conveyances the plaintiff
-iffs neither ~~claim~~ have nor claim
any right, title or interest
in the land described in
the complaint.

The said Enludio, deceased,
derived whatever title he had
to said Rancho under a grant
grant to him & from Pio Pico
Governor of California of date
June 17th 1846.

The said Enludio, deceased,

1 on the 19th day of December
2 1854, by a deed duly executed
3 of that date, conveyed an un-
4 divided half of the said Rancho
5 to Andres Pico. Said deed,
6 was executed under contract
7 of the said Eulogio to sell &
8 convey the said interest made
9 sometime prior to the year
10 1853, under which the said An-
11 dres had entered & ~~was~~ occupied
12 said undivided half as co-
13 tenant of the said Eulogio.

14 & from the date of said con-
15 tract to wit prior to the
16 year 1853 to Dec 29th 1862, &
17 the said Andres was in pos-
18 session of said Rancho
19 in his own right as to one
20 half and as the agent of the
21 said Eulogio, deceased, as to
22 the other half - in the last of

23 ~~the said day~~ the said Andres
24 by deed of that date conveyed
25 to Pio Pico his interest in
26 said Rancho, and afterwards
27 to wit on the 2nd day of July
28 1869 the said Pio conveyed
29 his interest in said Rancho (

create a specific tract of 1000
acres - which he afterwards re-

conveyed to the said (children)

to the said Francisco Ferrer

Therese's daughter

on the first day of March

1851 (children of Jose Antonio

and Francis were the owners in

fee simple of the land described

in the complaint under a

deed of conveyance of that date

of one Francis San Antonio of

the Mission of San Fernando

to whom known to the grant to be

de cede to him on the 15th

day of May 1849 said land

had been granted by written grant

by Manuel Michelena Governor

of California - afterwards to

him on the 29th day of June 1858

the said (children) conveyed his

undivided half of said land

to Maria de los Angeles Yello

de Barrera; and on the 14th

day of August 1862 the

said Jose Antonio conveyed his

undivided half of said land

to her - and the said Francis

afterwards to her on the 15th

8

1 day of February 1871 conveyed
 2 a part of said tract to one
 3 Geronimo Lopez, and after-
 4 wards the balance thereof
 5 to the defendant C. R. Min-
 6

7 aldi to wit on the 6th day of July 1872

8 The said grant to Samuel and
 9 all of the deeds aforesaid were
 10 duly recorded in the Recorder's
 11 Office of Los Angeles County
 12 and the tract of land described
 13 in the complaint has ever since
 14 the date of said grant been in
 15 the actual, exclusive,
 16 notorious and adverse posses-
 17 sion and occupation of the
 18 said Samuel and his successors in
 19 interest aforesaid respectively
 20 to wit of the said Samuel to
 21 the date of his deed to the Triunfos,
 22 of the Triunfos to the
 23 dates of their deeds to the said
 24 Maria de los Angeles, of the
 25 said Maria to the dates ~~of the~~ to
 26 of the deeds to the said Geron-
 27 mis and the said Minaldi &
 28 the said Geronimo & Minaldi
 29 (each of his respective tract) ever
 30 since to this date -

ever since the sale of the grant
 aforesaid to the said de Celis,
 deceased, he and his successors
 in interest the said Andres & Pio
 Pico, and San Fernando Farm
 Homestead Association,
 and the said Guloquio J. de Celis
 Celis administrator of the said
 de Celis, deceased, respectively
 each during the period of his
 or its interest in said Rancho
 have known of and acquiesced
 in

the occupation
 and claim of title of said land
 by the said Samuel and his
 successors aforesaid and
 have repeatedly & expressly ac-
 knowledged their title.

The said Quiñones were
 both unlearned and ignorant men
 and unacquainted with the laws
 and language of the Americans
 and were in the habit of advis-
 ing with the said Andres
 who was a prominent man
 in the community; and
 after the passage of the act of
 March 3rd 1851 to es-

land claims in the State of California", the said ~~Triumfos~~ Triumfos applied to the said Andres for advice & counsel as to what they should do about their land and thereupon the said Andres, acting for himself and as agent for the said Gulegio, deceased, advised & counselled the said Triumfos that it was unnecessary for them to present their claim to the U. S. Land Commission as they, the said Andres & Gulegio set up no claim to said land and would protect them in their title. Relying upon these assurances and in consequence of this advice the said Triumfos did not present their claim to their said land, as they otherwise would have done.

The said Maria de los Angeles was also ignorant and illiterate and unacquainted with the laws and language of the Americans; and

said Triunfos, applied to the said
 Andres, then being in possession of
 the Rancho by Mission of San Fernan-
 do in his own right and as agent of
 the said de Celis deceased, for in-
 formation as to the title of the said
 Triunfos and thereupon the said An-
 dres for himself and as agent of the
 said Celis represented that the title
 of the said Triunfos was good and
 that she might buy the land of them
 safely, and she, relying upon said re-
 presentations and assurances bought
 the said land and would not have other-
 wise done so.

Afterwards the said Gulagio & de Ce-
 lis, administrator, and the other parties in
 the partition suit hereinbefore in the first
 defense mentioned filed their written con-
 sent and agreement that judgment might be en-
 tered in favor of the said Maria de los Angeles,
 as in said defense stated and said judgment
 was accordingly duly
 made and entered by
 the said Court
 all of which is in said