

CASE No.

374

NORTHERN DISTRICT

TZABASCO GRANT

THE HEIRS OF J. G. PINA

CLAIMANT

LAND CASE 374 ND 66 pgs.

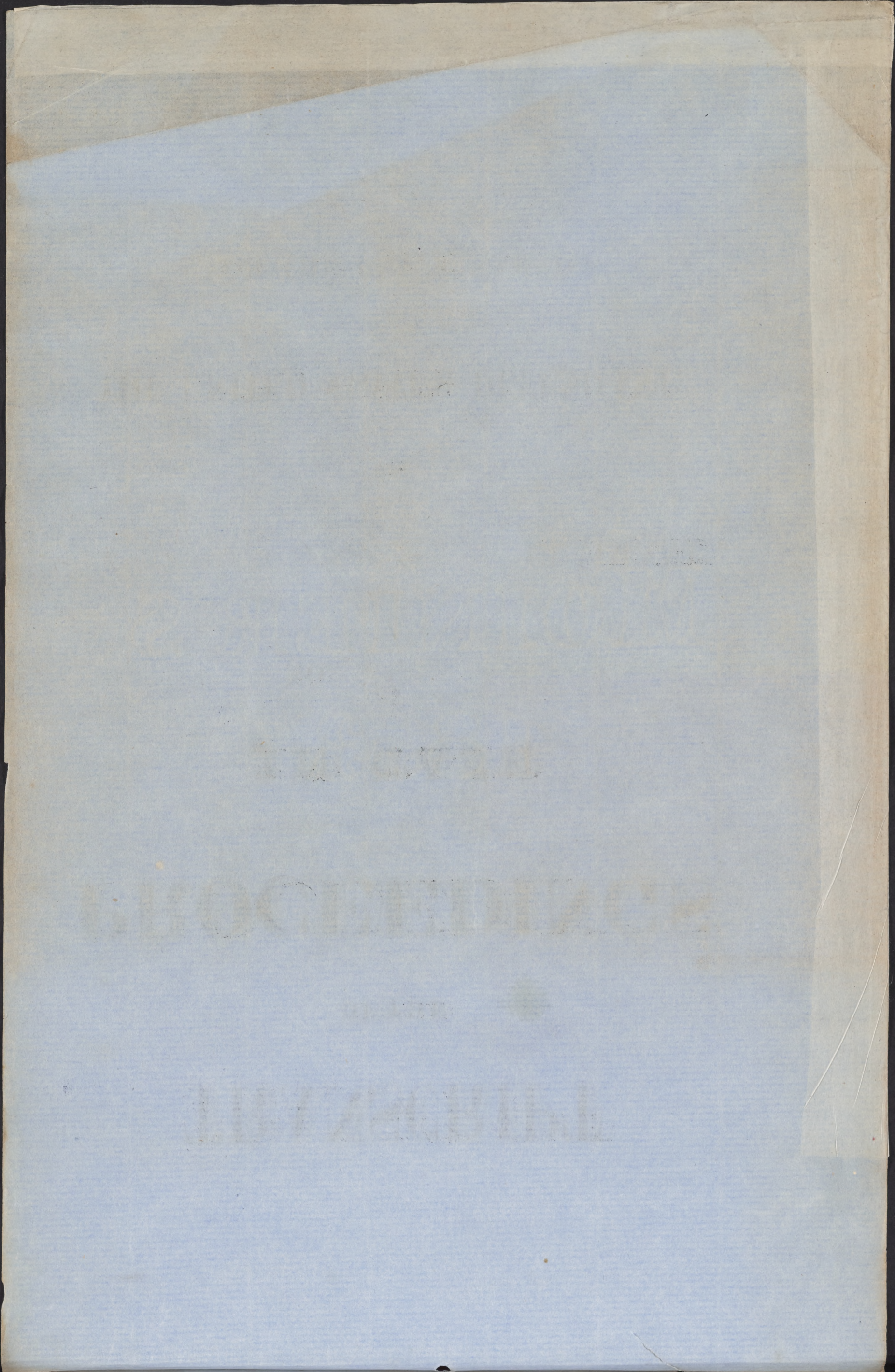
DEC 19 1962

U.S.A.
25% COTTON FIBER
FLOWER BOND
Dormer

298

1 map

Map



374 ND
PAGE 1

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 298

The Heirs of J. G. Pinta — CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Zabasco"

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Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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PAGE 00. 2

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

The Petition of *The Heirs of J. G. Pina*,
 for the Place named
 "*Trabasco*,"
 was presented, and ordered to be filed and docketed with No. *298*, 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 August 6, 1852.
 In Case No. *298*, Heirs of *J. G. Pina*, for the place named "*Trabasco*", the depositions of *José de la Rosa* and *M. G. Vallijo*, witnesses in behalf of the claimants, taken before Commissioner *Henry D. Thornton*, was filed:

(Vide pages *4 & 5* of this Transcript.)

San Francisco Sept. 23, 1853.
 Case No. *298* was called. On Motion of the Counsel for the claimants, ordered to the foot of the docket.

San Francisco January 30, 1854.
 In the same Case the deposition of *Mariano G. Vallijo*, a witness in behalf of the claimants, taken before Commis-

2
sioner R. Aug. Thompson = was filed.
(Vide page 7 of this Transcript.)

San Francisco Sept. 12, 1854.
Case No. 298 was ordered to be placed at
the foot of the 2^d Class Cases on the
Trial Docket.

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San Francisco October 23, 1854.
In the same Case the Counsel for the
Claimants filed the following affi-
davit, to wit:

(Vide page 25 of this Transcript.)

San Francisco October 24, 1854.
Case No. 298 was submitted without ar-
gument and taken under advisement.

San Francisco Jan. 26, 1855.
In the same Case Commissioner R. Aug-
Thompson delivered the Opinion of the
Board, confirming the Claim:

(Vide page 35 of this Transcript.)

and the following order was made
to wit:

(Vide page 38 of this Transcript.)

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11/2/51

Petition

To the Honorable Commissioners to settle Private Land Claims in California
The Petitioners J. Jose Pena Antonio Pena Luis Pena and Francisco Pena brothers and Maria Pena sister and heirs of Jose Herman Pena deceased respectfully shew

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That on the 14th day of October 1843 Manuel Nieto then Governor of California by virtue of authority in him vested granted to the said Jose Herman Pena the tract of land called Trabaca in the jurisdiction of San Juan County containing four square leagues of land with the boundaries described in the aforesaid grant and the corresponding map a copy of which expedient is submitted herewith marked A with a translation marked B. The Petitioners also submit herewith a copy of the grant marked C with a translation marked D.

That the said grant was duly confirmed by the Departmental Assembly.

That the said tract of land was not surveyed by the Surveyor General of the United States but the boundaries are fully ascribed in said grant and map and are well known.

That on the day of July 1847 the said Jose Herman Pena died leaving the Petitioners his heirs as shown by his last will and testament a certified copy of which is submitted herewith marked E.

That the said Jose Pena and the Petitioners have been since 1841 and still continue as men and with peaceful and undisturbed possession and occupation of the aforesaid tract of land.

That they have for ever conflicting claims.

H

That they rely for confirmation of title upon the original papers copies of which are submitted herewith and upon such other and further proofs as they may deem it necessary

Whence they pray the Commission to confer with them the persons tract of land

By their Attorneys

Walter Peckham & Billings

Filed in Office August 5th 1852

Geo Fisher

Secretary

Records, pages 193 and 144 of Record of Petitions

Geo Fisher

Secretary

Depo of
Jose de la
Rosa

Office of the Board of Commissioners of California Land Claims

San Francisco August 6th 1852

On this day before me Harry J. Thronton one of the Commissioners for settling and settling Private Land Claims in California came Jose de la Rosa a witness produced in behalf of the Commission of Jose P. King whose Petition is number 298 under Decket and was duly sworn

His affidavit was interpreted from the Spanish by the Secretary

The Law Agent was notified and did attend

Questions propounded by claimant

Question What is your name age and place of residence

Answer My name is Jose de la Rosa my age is sixty one years I reside in Sonoma and have resided in California 21 years

Question You will please examine the papers before you on aforesaid

5-

The first part of these papers is the official copy of the original grant and whether the second is the original map which accompanied the grant and if it truly represents the land granted

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The first part of these papers is the official copy of the original grant made and signed by me as first Alcalde on the 14th of August 1845 I am acquainted with the signatures of Manuel Medina Almona and Manuel Jimenez their signatures to the originals of which this is an official copy as given

The originals were taken away by Lazaro Pena to Mexico and I do not know that it was ever brought back Lazaro Pena has not to my knowledge ever been heard of since he left this country in 1845

The second paper is the original map made by myself and truly represents the land granted

Jose de la Rosa
3 of I deduce Cross
Patronization 3

George W. Leach
U.S. Law Agent
I am to and subscribe
before me this 11th of August 1851
Harry J. Robertson
Commissioner &c

Filed in Office August 10th 1852
Signed

Geo Fisher
Secretary

Records in American Book Vol 1 page 72
Signed

Geo Fisher
Secretary

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Depto of
M. G.
Vallejo

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PAGE 7

office of the Board of Commissioners
of California Land Claims

San Francisco August 10th 1852
On this day before me Harry J. Thwaites
one of the Commissioners for ascertaining
and settling Private Land Claims in
the State of California came G. Vallejo
a witness, personal, individual of the claim
ants heirs of Jose Maria whose petition is
298 on the docket of the Board and was
only summoned because being a witness
Spanish was interrupted by the Secretary

The U. S. Law Agent was
notified and did attend

1 Question What is your
name and place of residence

Answer My name is
Mariano Guadalupe Vallejo my age 45
years I reside in Sonoma and have resided
in California all my life

2 Question State what you
know about the Rancho called Palacau
its occupation and ownership

Answer
I have known the
Rancho called Palacau since twenty
years It is situated in the County of Sonoma
near the line of Sonoma County
about twelve leagues north west of
Sonoma

It was first occupied by Jose
German Pina about the year 1811 and
was granted to him by Governor Manuel
Pituhuma in 1843 He first cultivated
the land in 1841 or 1842 He continued
to occupy it until his death in 1847 and

since his death by his brothers and sister
the present claimants He occupied it
with three or four hundred horses and
from six hundred to 1000 cattle The
heirs of German Pina are his brothers

3/28 +

Jose de Jesus Antonio Luis and Fran-
cisco and his sister Clara. His mother is
dead and his father went to Mexico many
years ago and has not been heard of
since

Mr. G. Valley

I decline Cross Interrogation

Gen. W. Lealey

U.S. Land Agent

Sworn to and Subscribed

Superior Court of August 1851

Hearing of Robinson

Commissioner de

Files in Office August letter 1851

signed

Gen. Fisher

Secretary

Records in Los Baños Volume 11 pages 73

signed

Gen. Fisher

Secretary

Depo of
M & G
Vallejo

Case Number 298

United States Land Commission

San Francisco January 30th 1854

On this day before Commissioner R. Aug

Thompson cause Mariano S. Valley

plaintiff in behalf of claimants heirs

of J. P. Peña case Number 298 who after

being duly sworn deposed as follows his

deposition being introduced by the Secretary

and U.S. Ass. with Land Agent

Witness states that his name

is Mariano S. Valley his age forty six and

residence San Juan California

Testified by claimant Attorney so far

knows the names called by the claimants

in this case if possible the names

drawn of it with reference to the map

contained in the same copy of the de-
positions in this case

Answer

I am well acquainted with said Rancho it lies between the two ranges of hills embracing the Cañon or valley ground by the stream running through it which is called Zabaco.

It contains the fourth part of the Rancho of the late Captain Fitch that line extends from hill to hill and is one league in length.

From that line the Rancho extends up the valley to its head being four leagues in length by one in breadth.

The valley as indicated on the map as the Rio Grande being not least of said Rancho is not included in the boundary running along the inner range of hills.

Yours truly
J. W. Fisher

In answer to your former deposition filed in this case and state of your knowledge of any other names of Jose German Pico except those names in said deposition.

Answer

I do recollect another who was named in said deposition his name is Feliciano Pico.

He is a brother of said Jose German Pico the brothers and sisters of the said Jose German Pico are now in the possession and occupancy of said Rancho.

J. W. Fisher

Sworn and subscribed before me this 30th 1854

Wm. Thompson Comr

J. W. Fisher

Secretary

Records in Co. of Placer, Page 673

J. W. Fisher Secy

9

1. G. D. 12

Expediente

At

Expediente

Promovido promovido por el Ciudadano

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José German Pina en solicitud del

Paraje conocido con el nombre de

^u
Cheruco

Nº 312.

10 J. G. D. R. Como sñ Comandante Gral y Jefe político
de ambos Californias

(Jd^{to}) José German pñca Vecino de Sonoma
y Radicado en dicho punto, ante V. E.
con el debido Respeto y
Monterey Oct^{va} } en la mejor forma de derecho
5. de 1823 } me presenté y dije: que halla
E. O. Dño del } come con el sñor mi padre
despacho oñendo } avanzado de edad y em-
à la prefectura } pleado en el servicio de los
armas reforme } Armas de Artilleria e igno
que crea convenientemente teniendo algunos
espaldas el sup } breñas de campo y casa en
Michelt^o } de un terreno propio para su
seguridad solicito de V. E.

se digné con celeridad eructo sitios de sanado
Maizos, colindando con los linderos del
sñ Don Enrique Richito para cuyo fin al
punto un cñeno del sitio que pretendo, con
ocaso con el nombre de Gratero contribuyen
do V. E. de esta manera, à la felicidad
de una numerosa familia que se halla
incierta de la seguridad de sus intereses
y de su subsistencia y bien Estar.

Por tanto à V. E. suplico se digné hacer
deu à mi solicitud de quien siempre espero
Merced y gracia; jurando no ser de maleu
en todo lo necesario.

Sonoma Septiembre 25. de 1823.

José German pñca

Nota en papel sellado por no haberlo en este
lugar.

Nota en papel sellado por no haberlo en
este lugar.

J. G. D. R. Como dispone el C. O. Dño pase estas
not^{as} al sñ prefecto del primer distrito

11
p.º que informe sobre el contenido de
Ella, y vuelva p.º dar el que se me pida
conforme se me previene en el presd.º
Superior decreto de hoy.

Monterey 5. de Obo de 1843.

Man. Jimeno

El Encargado de justicia de la frontera
de Sonora informará a esta p.º se el
teneno que se pretende, se halla baldío
o si pertenece a algun particular o corpo-
racion con los demas esplicaciones de
Estilo.

Monterey Obo 6. de 1843.

Estados.

2. J. D. 12 Hallandose en Bote Capital el Coronel
Don Mariano Guadalupe Vallejo quien
como encargado militar de la frontera
de Sonora tiene un pleno conocimiento
de los tenenos inmediatos y va a infor-
mar a esta p.º sobre el que se
pretende en esta instancia haciendo
cuantos esplicaciones estime necesarias

Monterey Obo 7. de 1843

Estados

Don prefecto

El teneno que se solicita en la Inst.º
of. p.º de esta Valdivia y no pertenece a
propiedad particular, corporacion ni
pueblo: no esta en las veinte leguas limi-
tropes: el solicitante es Mexicano por nati-
vidad y tiene una fam.º numerosa: tiene
emas bienes semovientes con que poblarlo
y la posibilidad de darle un perfecto culti-
vo.

Monty Obo 7. de 1843

M. J. Vallejo

5. J. D. 12

Don Secretario del Despacho.

Don José German Piña pretende en esta instancia el terreno conocido con el nombre de Chabues en la frontera de Donoma y esta prefectura impuesta del informe precedente no encuentra inconveniente en que se le conceda en propiedad el espresado terreno si el Superior Gobierno del Departamento lo cree de justicia.

Monterey Obr. de 1843.

José R. Estada

Excmo. Sr.:

Por el informe del Sr. prefecto y del Encargado de Donoma como por el escrito acreditado de Sr. José German Piña en muchos años se hace acreedor a que se le declare la propiedad del terreno que tiene ocupado con sus bienes; Salvo la disposición de V. E. que le sea la mas acertada.

Monterey 12 de Obr. de 1843.

Vistos los informes anteriores y descargados en Olla, espida se el tit.

Michelha

b. J. D. R. Monterey 14 de Obr. de 1843.

Vista la petición con que da principio este Excmo. los informes anteriores con todo lo demás que se tubo presente y por convido de conformidad con la Leyes y Reglamentos de la materia declaro a Sr. José German Piña dueño del paraje nombrado Chabues colindante al Sur con el Remedio de Sr. Enrique Vichi y al Oriente, poniente y Norte con las señalamientos en Esteneion de cuartas sitios de Ganado el 1.º del mayo. Dese el Corresponsal de despacho, tomese Razón en el libro Respectivo

1.º del
lib. Reg.

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y entreguese al interesado para su respo
nso y demas fines.

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J. G. D. K.

Here follows
Map.

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

I, Samuel D. King, Surveyor Gene
ral of the United States for the State
of California, and as such now having
in my Office and under my charge and
control a portion of the Archives of the Ar
chives of the former Spanish and Mexican
Territory or Department of Upper Califor
nia do hereby certify that the Seven
preceding and herewith annexed pages
of tracing paper numbered from One to
Seven inclusive and each of which is
verified by my initials (S. D. K.) exhibit
true and accurate copies of certain do
cuments on file and forming part of the said
Archives in this Office.

In Testimony whereof I have
herewith subscribed my name Offi
cially and affixed my private seal
(not having a seal of Office) at the City
of San Francisco Cal. This 25th day

14

day of February 1852.

Comd. D. King
Surry. Gen. Co.

Filed in Office Aug: 5th 1852

Geo. Kisher Secy

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To His Excellency the Commanding General and Political Governor of the California.

B. Requestation of Expediente

Governor of the Dept of California

Jose Manuel Pineda a resident of Sonoma

March 10th 1843

settled in the place of San Francisco

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Let the Secretary of the Department perform of San Francisco the reports of the myself and say

Proprietors and such others who being in the same may claim property in the same and employ in the same

Signis Miguel Aleman

in four square leagues adjoining the boundaries of San Antonio Pacha for which purpose I annex a map of the same which I petition for inventory of the name of Zabaco

Your Excellency will in this manner contribute to the happiness of a numerous family which is in want of the security of its property and of its subsistence and prosperity

Whom you Excellency to are the goodness to accede to my request from whom I will always expect favor and grace meaning that this is not done from malice and without necessity

Signis Jose Manuel Pineda This does not go on stamped paper because there is none in this place

As directed by His Excellency the Governor pass this petition

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to the Prefect of the first District that he
may inform upon its contents and let
it be returned that he may give the infor-
- mation which is asked of me as a witness
in the preceding Superior decree of this
day

Manzanillo October 5th 1843

Señor Manuel Jimeno

The person charged with the administ-
- ration of justice in the frontier of your
- area will report to this Prefecture whether
the land Petition for is vacant or if it
pertains to any individual or corporation
with the other usual explanations

Manzanillo October 6th 1843

Señor

Estrada

Colonel Don Mariano Saucedo
- perhaps being present in this Capital
who as the officer in charge of the fron-
- tier of Sonora has a full knowledge
of the neighboring lands he will be
pleased to report to this Prefecture upon
the Petition for in this Petition making
such explanations as he may think proper

Manzanillo October 7th 1843

Señor

Estrada

Señor Prefect

The land requested in the
- preceding Petition is vacant and does
not belong to the ownership of any
individual corporation or Pueblo
It is not within the territory leased from
the Spaniards the Petitioner is a Mexican
by birth and has a numerous family he
has also self moving property with which
to stock it and the possibility of cultivating
it perfectly Manzanillo October 10th 1843
- thousands eight hundred and fifty three

Señor

M. G. Vallejo

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17

Senior Secretary of State

San Jose German
Pena in this petition asks for the lands
known by the name of In loco on the
frontier of Panama and the Department
having examined the foregoing report
finds no objection to the said lands being
granted to him in fee of the Superior
Government of the Department should
think it just

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Montreal October 9th 1843

Signe

Jose R Estrada

Most Excellent Sir

By the report of the
Superior of the Pension in charge of
Panama as well as by the previous report
of San Jose German Pena for many
years, his petition to have declared to
him the ownership of the lands which
he now occupies with his property
having the disposition of your Excellency
which will be the most proper

Montreal 12th of October 1843

Signe

Manuel Garcia

Montreal October 13th 1843

Having seen the foregoing
reports and being satisfied with them
let the title be signed

Signe Michelina

Montreal October 14th 1843

Having seen the petition with which
this Expediente came, the previous
and reports and all other information
which was presented and deemed pro-
per to be in accordance with the
Laws and Regulations on the matter
I declare San Jose German Pena owner
of the place named Tzaba bounded
on the south by the Rancho of Don
Cayetano Pichard and on the east west

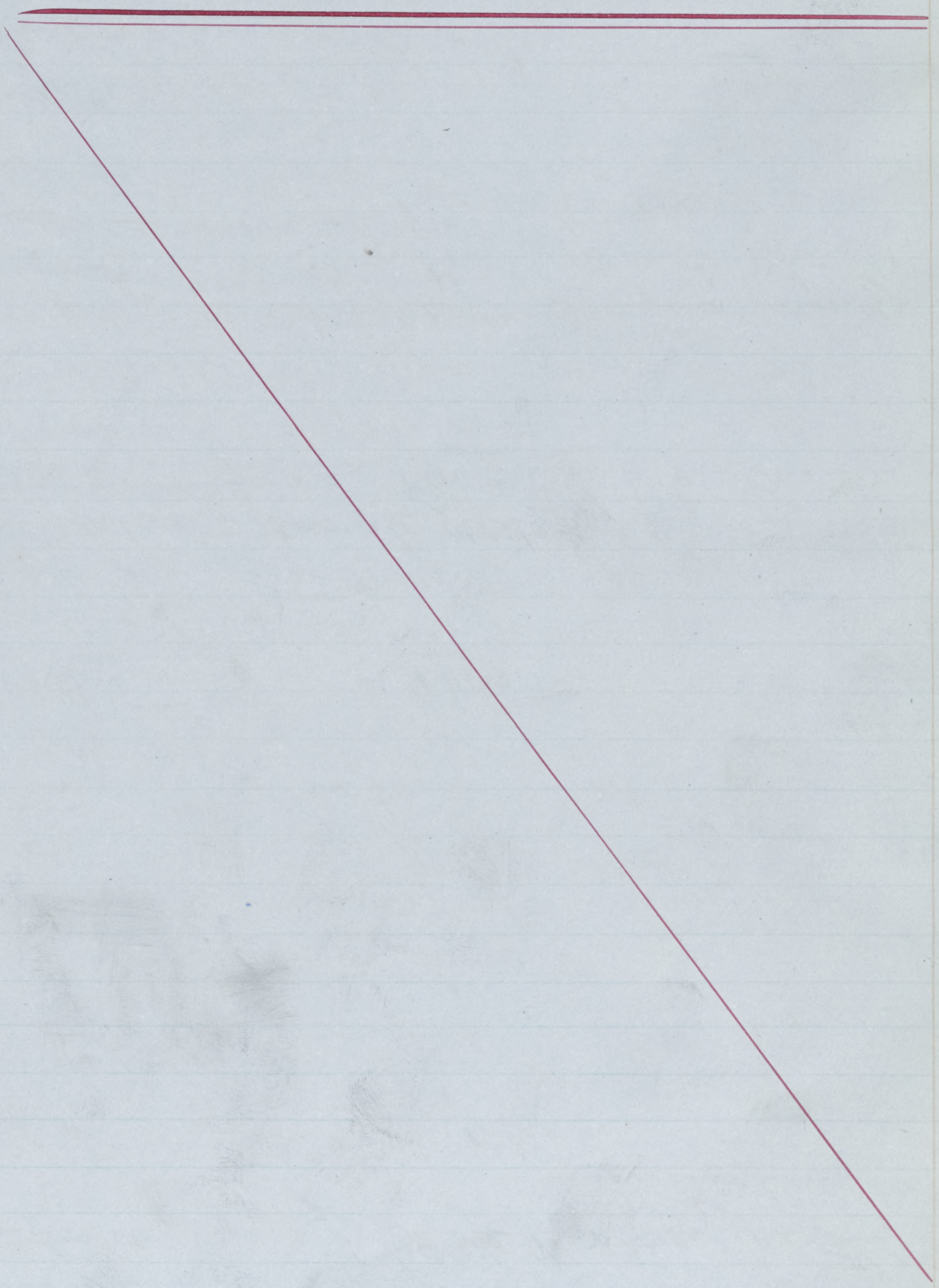
18

and built by ranges of mountains in
extent four square leagues

Let the courts
pounding till the sun is set not to be made
in the respective books and deliver it
to the person instructed for his security
and other purposes

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Filed in Office August 5th 1852
Sir Fisher King



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2ª Solicitud del juez respectivo que lede la posesion juridica en Virtud de Este despacho por el cual se demarcaran los linderos en sus limites poncho à mas de las mofoneras algunos arboles o frutales ò silvestres de alguna utilidad. El juez que diese la posesion lo harà medir con forma à Ordenanza que demede el sobrante que Resulte à la Nacion para los usos comunitarios.

3ª El terreno de que se hace donacion es de cuatro otros de ganado mayor poco mas ò menos segun Explico el diceno que agregado corre en el Expediente. Respetivo.

4ª Si contraviniere à Estas condiciones perdiera su derecho al terreno y sera denunciabile por otro.

En consecuencia
mientras que teniendo por firme y Valida este titulo se tome Razon de el en el libro sobre adjudicaciones de terrenos Baldios y se entregue al interesado para su registro ò de mas fines.

Dado en Monterey à Catarse de Octubre de mil Ocho cientos cuarenta y tres.

Manuel Micheltoena

Manuel Ameno. Orio.

Queda tomada Razon de Este despacho en el libro Respectivo à fojas primera del libro seguneto. Ameno.

Es copia del Original que me presento y devolvi al interesado y queda archivado en Este juzgado primero de mi Cargo. Donoma Agosto 10 de 1845.

Jose de la Rosa

Alcalde 1º

Copia C. C. que suscribe Secretario del Gobierno del Departamento de las Californias certifica. Que el diseño que se demuestra en la ofa. anterior es igual al Original que existe en la mencionada Secretaria.

Monterey a Torce de Octubre de mil Ochocientos cuarenta y tres.

Manuel Jimeno.

Otro si. por falta de papel correspondiente se extendio la presente en esta forma ut supra. Jimeno

Copia del Original que me presento y devolvi al interesado y que lo archiva en este juzgado primer de mi cargo.

Monterey Agosto 10. de 1843.

Jose de la Rosa

Alcalde 12

Here follows

{ Map. }

El que suscribe Secretario del Gobierno del Departamento de las Californias certifica. Que el diseño que se demuestra en la hoja anterior es igual al Original que existe en la mencionada Secretaria. Monterey a Torce de Ocho de mil Ochocientos cuarenta y tres.

Manuel Jimeno

Otro si. Por falta de papel correspondiente se extendio la presente en esta forma ut supra.

Jimeno.

Filed in Office Aug 6th 1852

Geo. Fisher Secy

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Stamp Faint to Two Reals

Translation of Title

Provisionally authorized by the Maritime Custom House of the Port of Monterey in the Department of the California for the year one thousand eight hundred and fifty three

Agustin Nieto y Guzman, Captain of the Maritime Custom House of Monterey of Brigade of the Mexican Army Government Commandant General of the Department of the California

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Whenas Don Juan Pineda has for his own possession a lump of land that of his family as land for the land however by the name of Galena bounded on the South by San Domingue Fitch and on the North East and West by the Sierra the proper measures and examinations having been previously taken according to Law and Regulation

Using the fact of the Company received the name of the Mexican nation have granted to him the above said land declaring to him the ownership of it by these presents subject to the approbation of the most Excellent Department Junta and to the following conditions

That he may not close it without prejudice to the cross roads and cuttings keep it open and exclusive making such use and cultivation of it as he may see fit but without more yearly shall be abused and it shall be null and void

And he shall also the respective Magistrate to give him the juridical possession in virtue of this a part of which for the limits shall be marked out in the boundaries besides the monuments shall place some print trees

orally on some matter. The
Magistrate who will find the proceeds
from will leave it measured accord-
ing to advance leaving the surplus
which may result to the nation for
its common use.

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3rd The land hereby granted is four
leagues four tiers (the same as major)
title here unless as explained by the
map which goes into the corresponding
Espediente.

4th If the grant continues this con-
ditions shall lose his right to the land
and it will be deemed cable by another

In consequence here that this title being
held as private and valid title relations
exist in the back of parts of the land
and that it belongs to the party interested
public security and other purposes.

at Montevideo the 14th of September 1852
thousand eight hundred and forty three
signs

Manuel Michelena
signs
Manuel Jimenez
Secretary

Note has been taken of this dispatch
in the corresponding book plus part
of book 2nd

signs
Jimenez

Filed in Office August 5th 1852

signs
Gen Fisher
Secretary

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United States of America }
State of California ss }

Affidavit

San Francisco October 4th 1854

Before me the undersigned a Commissioner of the Probate Court of the County of San Francisco, in and for said State, having been duly sworn and says that he is the administrator of the estate of Herman Peña deceased, being appointed as such by the Probate Court of said County. That he was well acquainted with Herman Peña in his life time and with his father Lazaro Peña deceased and with his brothers and sister the petitioners in this case.

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That Lazaro Peña the father of the said Herman Peña and of the petitioners in this case left California in the year 1845 and that it was understood and believed that he had in his possession and took away with him the title papers of the Rancho called Sycamore belonging to his son Herman. Said Lazaro Peña was killed at the Battle of Cerro Gordo in Mexico and it is believed that his papers and among them the said title were lost in Mexico. In view of the facts of the petitioners prior to his appointment as administrator and since as such administrator has made diligent search and inquiry for said title papers but has not been able to find them and does not know where they are that he hereby believes that they were lost in Mexico by said Lazaro Peña and cannot be produced. W. S. Halliday
Subscribed and sworn to before me on this 21st of October 1854. Peter J. Leary
Filed in Office October 23rd 1854
Geo. Fisher Secy



[Faint, illegible handwriting covering the majority of the page, likely bleed-through from the reverse side.]

[Small, illegible handwritten mark or signature.]

Copy of Will

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En el Nombre de Dios todopoderoso. Amen
 y otorgo sea à todos los que el presente ve-
 -ner como yo Germano Jina. Originario de
 San Francisco de Asis y residente en San
 Gerone: Solano, hijo legitimo de D. Lazaro Jina
 y de D^a Placida Villeda difunta estubo
 en cama enferma de enfermedad que D.
 N. D. se ha servido enviarme por su infinita
 misericordia: En mi entero juicio, memoria
 y entendim^{to} natural, creyendo como creo
 firmam^{te} en el inefable y augusto misterio
 de la Santissima Trinidad, padre hijo y
 Espiritu Santo tres personas, distintas y
 un solo Dios verdadero el de la Encarnacion
 del Verbo Divino en las purisimas Enteras
 de nuestra Señora la Virgen Maria por
 obra del Espiritu Santo, siendo Virgen ante
 del parto en el parto y despues del parto
 en el del Santissimo Sacramento del Altar
 y todos los demas misterios que cree y confiesa
 nuestra madre la Santa Iglesia C. A. R.
 en cuya fe y creencia he vivido y protesto vivir
 y morir como Catolico Cristiano temiendo la
 muerte que es cosa muy natural y deseoso
 de que esta no me acometa sin tener dispuestas
 las cosas tocantes el cargo de mi conciencia
 he invocado como modelos à la Santissima
 Reyna de los Angeles Maria Santissima
 à el Santissimo Patriarca, Señor San Jose
 à el Arcangel San Miguel y à los Santos
 & Apostoles San Pedro, y Pablo al Santo Angel
 de mi guarda, y el de mi Nombre y à todos
 los Santos y Santas de la corte Celestial
 para que intercedan con Dios Nuestro Señor
 me perdone mis pecados y lleve mi Alma à
 gozar de la eterna bienaventura: Hago y
 Ordeno mi testamento en esta ultima y

y postrema Voluntad, en la forma sigte.

Primero encomiendo mi Alma à Dios nuestro señor que la crió y la redimió con su preciosa sangre y el cuerpo mando à la tierra de que fué formado, quiero sea amantado con el hábito de nuestro padre San Francisco y sepultado en el Campo Santo de San Francisco. Solo segun ordeno à los Encargados Juan Elizal de y José Veliz. Item. declaro ser soltero y tener cuatro hermanos hombres y una mujer: —

Item. Con mi Última Voluntad dejar à mi hermano José de Jesus pina de Albasca de todos sus hermanos, siendo responsable ante Dios de la educacion, y buen ejemplo de todos ellos, como tambien el tenero que poseo:

Item: Que los encargados de sepultar este mi cuerpo paguen con los Caballos que uso en mi silla.

Item. Declaro. Que soy deudor à D. Manuel Torres de la Cantidad de =

Item. Que soy deudor à D. Estan Copan de cien pesos en trigo que sera entregado à el Doctor Bale.

Item que debo à Moises treinta pesos en Covelmos.

3. Item. que debo à Marcos West diez pesos en idem.

Item que tengo en mi poder cien lleguas de D.^{na} Mariana Guadalupe Vallejo por el termino de diez años y concluidos nos partiremos las medias de las erias:

Item: que si fallecieren entre que mi Albasca las cien lleguas à dicho señor Vallejo, recogiendole en su poder para aumento de los herederos —

en sus poderes para aumento de los Reales de los

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las eras que le corresponden = Item que Don Guadalupe Valles me debe sesenta y siete pesos, y tengo recibidos siete quedando a mi favor sesenta pesos:

Item que Severio Alvaris me debe veinte pesos de un caballo: =

Item: Que D. Manuel Lones me debe cuatro potros escogidos por dos caballos que le vendi:

Item: que Juan Bofaquea, me debe dos tratos

Item: Ignacio Balenzuela me debe una llepua bronca:

Item: y para cumplir este mi Testamento Ultima y postuma Voluntad firmo y pongo por testigos a el presbitero D. Prudencio Santillan a D. Jose de la Rosa y a D. Antonio Ortega:

San Mateo ^{Calif} Junio 14 de 1841

German Pina

Presbitero Jose Prudencio Santillan:

Assistencia Assistencia

Jose de la Rosa # Antonio Ortega.

Nota: Son en mi poderes diez y ocho potros de la propiedad de D. Juan Cooper para donarlos hasta ponerlos de tienda a unon de seis pesos cada uno, los que entregara mi albacea si yo fallezca exceptuando a demas los potros que se desgraiasen

4 que seran de cuenta de dicho Sr Cooper presbitero. Jose Prudencio Santillan

State of California }
County of Sonoma }

I hereby certify the foregoing transcript from pages 1 # to 4 # inclusive is a true copy of the Record of the Will of German Pina, as Recorded in Book 7 on pages 11. and 12. in this Office.

Witness my hand and seal of Office at

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The City of Sonoma on this 2⁴th day of July
A. D. 1852.

John Henley
County Clerk & Recorder
of Sonoma Co
By John A. Brewster Deputy.

Filed in Office Aug. 5th 1852

Geo. Fisher Deery

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In the name of Almighty God, Amen.

Know all men by these presents that I German Pina a native of San Francisco de Asis, and resident in San Francisco Volano, legitimate son of Joaquin Pina and Dona Placida Villa deceased, being upon a sick bed of a disease which God in his infinite will has been pleased to send upon me, but through his infinite mercy in my entire senses memory and natural understanding, believing as I firmly do believe in the ineffable and august mystery of the Holy Trinity Father, Son and Holy Ghost, three distinct persons and only one true God, that of the divine word ^{incarnated} in the pure bowels of our Lady the virgin Mary through the Holy Ghost, being a virgin before parturition, in parturition and after parturition: in that of the Holy Sacrament of the Altar and all other Mysteries which the Holy Roman Catholic Apostolic Church our mother believes and confesses, in which faith and belief I have lived and protest to live, and die, as a Catholic Christian fearing death which is the most natural thing, and desiring that this may not come upon me without having prepared the affairs relative to the charge of my Conscience, I have invoked as I do invoke the Holy Queen of the Angels Holy Mary, the Holy Patriarch, Senior San Jose, the Arcangel, San Miguel and the Holy Apostles, Saint Peter and

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Copy of Will
of G. Pina

Saint Paul, My Holy Guardian Angel and that of my name, and all other Saints and virgins of the Celestial Court to intercede with God our Lord to forgive my sins and bear my soul to the enjoyment of eternal blessedness.

I make and ordain this my last will and testament in the following form.

Firstly. I commend my soul to God our Lord who created and redeemed it with his precious blood, and I consign my body to the earth from which it was formed. I wish it to be shrouded with the habit of our Father Saint Francis and buried in the Cemetery of Saint Francis Solano as I order Juan Alzola and Jose Feliz who were there with entrusted.

Item. I declare that I am single and have four brothers and one sister.

Item. It is my wish to leave my brother Jose de Jesus Pina the Albacea of all the property which remains for him and his brothers, he being responsible before God for the education and good example of all of them, as also the land which I possess.

Item. That the Encargados to bury my body pay the expenses thereof with my saddle horses.

Item. I declare that I owe Don Manuel Torres the sum of

Item. That I owe Don Matan

Espear \$100 in wheat to be delivered to Doctor Bale,

Item - That I owe Moses 30% in produce.

Item. That I owe Marcos West \$10 do.

Item. That I have in my pos.

- session 100 mares of Don Mariano Guadalupe Vallejo for the term of ten years, at the expiration of which we will divide equally between us the increase thereof.

Item. That if I die, my Albacea deliver the 100 mares to said Vallejo taking possession of the proportional part of the increase as an augmentation of the heirs.

Item - That Don Guadalupe Vallejo owes me \$77 of which I have received \$7; leaving a balance of \$70⁰⁰ in my favor.

Item. That Jerino Alviso owes me four selected colts for two horses which I sold him.

Item. That Juan Bojorquez owes me one untamed mare.

Item. And for the fulfillment of this my last will and testament I sign it and call the Presbyters D. Pondercio Santillan, Don Jose de la Rosa and Antonio Ortega to attest it.

San Francisco Polano June 17, 1847

(Signed) German Pina,

(Witnesses,

(Signed) Presbyter José Pondercio Santillan

(") Jose de la Rosa

(") Antonio Ortega,

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Note. There are in my possession
18 colts belonging to Don Juan Cooper
for the purpose of breaking them to
the bridle at the rate of \$ 6 each,
which, if I did my Albacia will
deliver, excepting moreover the colts
that may be hurt which shall
be placed to the account of the said
Don Cooper.

(Signed) Presbytero Jose Pondercio
Santillan,

A true and correct Translation of a
document in case No 298, filed August
5th 1852,

Witness my Official signature
this 24th day of October A.D.
1854.

Geo. Fisher,

Filed in Office Oct 24th 1854.

Geo. Fisher,

Sec.

35-

Opinion
of the
Board

Number 298
Heirs of J. G. Peña
of
United States } Tzabaca

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The claimants in this case have filed in support of their claim a true copy of an expediente from the archives in the custody of the United States Survey General and by certified by that officer containing the original petition of Jose German Peña for a grant of the land claimed dated September 23rd 1843

The order of reference of Governor Micheltreana Commission the reports and inquiries in response thereto and concluding with advice of concession by the Governor bearing the title to the land dated October 14th 1843 Also the map drawn on which the grant was made

The original title is not produced but an affidavit of M. S. Kelly administrator of the estate of German Peña deposes & filed setting out that Lazaro Peña the father of the original grantee and of the present claimants was under arms and killed at the battle of Cerro Gordo and that he had in his possession the original grant and that he took the same along with him to Mexico in the year 1845

That the said Lazaro Peña was killed at the battle of Cerro Gordo and it is believed and understood that his papers and among them the original title to the said land were lost in Mexico that appears as the finding of the Petitioner prior to his appointment as administrator and since

as such administrator has made all
 up to such and enquiring for said
 title papers but has not been able
 to find them and does not know where
 they are and that he can only believe
 they were lost in Mexico by said
 Lazaro Pina and cannot produce
 produced

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In the absence of the original
 the Claimants have introduced an official
 copy certifying by pre del Rosa just
 Alcalde of Sonora under date of Aug
 10th 1843.

The Grant itself purports
 to be duly executed by General Manuel
 Micheltreina on the 4th of ^{October} September
 1843 and is countersigned by Manuel
 Jimenez Secretary

Error in translation

Appended to this docu-
 ment is also a copy of the map containing
 in the Españoles copy in the usual
 form by Jimenez Secretary

The depositor
 of pre del Rosa has been taken and
 filed in the case in which he testifies
 that the official copy produced by the
 Petitioners was only made and certifi-
 ed by him in his official capacity at
 the time it bears date from the original
 that he is well acquainted with the
 signatures of Micheltreina and Jimenez
 and that their signatures to said original
 are genuine

That said original was taken
 away to Mexico by Lazaro Pina and he
 does not know that it was returned

This
 evidence taken in connection with that
 contained in the Españoles from the
 Archives can leave little or no doubt
 that the Grant was duly executed by
 the General as alleged by the Petitioners

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and that the copy filed is a correct trans-
cript of the same. The occupation of the
premises by the grantee from a period
anterior to the grant to the time of his
death in 1847 and by his heirs since is
satisfactorily shown.

And the claims are
identified with sufficient certainty to
fix their location.

The claim as presented
is sustained by the testimony and a
decree of confirmation will be entered.

Filed in Office June 26th 1853

Sign'd
Geo. Fisher
Secretary

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Decree
of
Confirmation

Number 298
Heirs of J. B. Pura
vs
The United States

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.

The land of which confir-
mation is made is situated in the
County of Meigs, and is known by
the name of Zabaco.

And is bounded
on the south east by the land of H.
Fitch and the north east and west
by the land being located in the valley
through which flows the stream known
by the name of Zabaco running up
the same and bounded by the hills
on each side to the extent of four

Some papers as described in the report
and shown by the map containing in
the Espinanto blocks of which paper
- was made from more particular
description

R. Aug. Thompson
S. B. Farnell
Commissioner

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Filed in Office June 26th 1853
Signed
Geo. Fisher
Secretary

and it appearing to the satisfaction
of the Board that the same being a paper
deposited in the Northern
District of California it is hereby
ordered that the transcripts of the
proceedings and of the depositions in this
case and of the papers and exhibits upon
which the same are founded be made
out and duly certified by the Secretary
one
of which transcripts shall be filed
with the Clerk of the United States
District Court for the Northern District
of California and the other be transmitted
to the Attorney General of the United
States

Office of the Board of Commissioners,

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

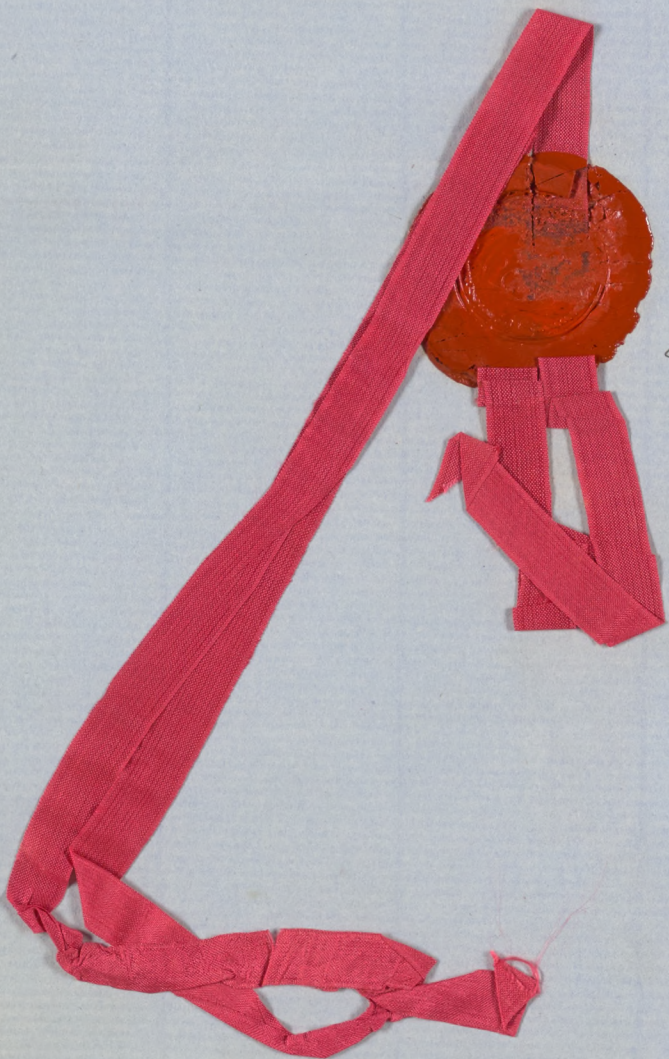
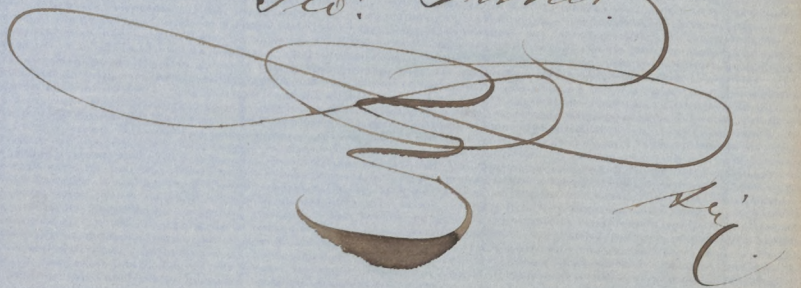
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I, *George Fisher* Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Thirty eight* pages, numbered from
1 to *38*, both inclusive, to contain a true, 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. *298* on the Docket of the said Board,
wherein

Hours of J. G. Pina are
the Claimant against the United States, for the place known by
the name of *Isabasco*

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-eighth.

Geo. Fisher



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

No. 374

374

THE UNITED STATES,

MO

vs.

The Heirs of J. G. Pina.

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS.

In No. 2

Filed, Dec 1855

M

Office of the Attorney General of the United States,

Washington, 31 Dec.

1855.

290.) "Tabaco"

The Heirs of J. G. Pina Claimants

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 18th day of December 1855 the appeal in the district court of the United States for the Northern district of California will be prosecuted by the United States.

Chauncy

Attorney General.

No. 374

United States

The heirs of J. S. Peña,

Petition of Appeal in
Case no. 298.

Filed Feb 11, 1856,
J. C. Chaves,
Deputy.

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To the Honorable District Court of the
United States in and for the Northern
District of California.

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The United States
Appellants } No 374.
vs
Heirs of J. G. Peña }

The Petition of the United States by
their attorney represents: that this cause
is an application for a review of the
decision of the Board of Commissioners whereby
the claim of the said Appellee was
Confirmed as appears by reference to the
Records in the Case; That a transcript
of the said Records was filed in this court
on the 1st day of May 1855; That a
notice of appeal was filed on the 1st
day of Aug 1855 and that the land
claimed lies in the said District.

That the said claim is invalid.
Wherefore appellants pray that the said
decision of the Board be reversed &
that this Court decree the said title to
be invalid. Respectfully
S. W. King
U.S. Dist. atty.

No. 374

U.S. Dist. Court

The U. States
v
Hens of J. S. Perin

Petition

Filed July 16. 1856
by Cheever,
Deputy.

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Wassell

No 374

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

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The United States, appellants } Transcript No 298.
vs. }
Heirs of J. German Peña, appellees } 4 Leagues in Sonoma County.

Jesus Peña, Lorenza Peña, Luis Peña
and Francisco Peña, Brothers, and Clara Peña,
sister, and heirs of J. German Peña, deceased,
appellees in a home entitled cause, appear
by their Atlys, and for answer to the
petition of the United States filed
herein, say:

That their title to the tract of land called
"La hacienda", as set forth and described
in their petition to the Board of Commis-
sioners filed in the documentary and
other evidence filed herein, is a
good and valid title. The land claimed
is situate in the northern district of
California.

And they pray this Honorable
Court to affirm the decision of the
Board of Commissioners and to decree
their title to be valid.

Hallam Peasbey & Pittman
Atlys for appellees.

No 374

The United States, appellants
vs.
Heirs of J. G. Peña, appellees.

Answer of Appellees

16.

Filed Febry 16. 1856.
By Charles
Deputy

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Hull & Remond & Billings
Attys for Appellees

No 374

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

The United States, appellants

vs

The Heirs of J. G. Pena, appellees

"La Haco" 4 square leagues

Sonoma County.

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Stated term ~~March~~ 2^d 1857

On appeal from the final decision of the Board
of Commissioners to ascertain and settle Private
Land claims in the State of California.

Decree.

This cause came on to be heard at a stated Term
of the Court on appeal from the final decision of
the Board of Commissioners to ascertain and settle
the Private Land Claims in the State of California
under the Act of Congress approved on the 3^d of
March AD 1851. Upon the Transcript of the proceed-
ings and decision of the said Board of Commis-
sioners and the papers and evidence in which the
said decision was founded; and it appearing
to the Court that the said Transcript has been
duly filed according to law, and counsel for
the respective parties having been heard, it is by
the Court hereby ordered, adjudged, and decreed
that the said decision be and the same is hereby
in all things affirmed; and it is likewise
further ordered, adjudged and decreed that the
claim of the appellee is a good and valid
claim, and that the said claim be and the
same is hereby confirmed to the extent and
quantity of four Square Leagues

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being the same land described in the grant and
and of which the possession was proved to have
been long enjoyed; Provided that the said quantity
of ~~four~~ Square Leagues not confirmed
to the claimants be contained within the boundar-
ies called for within the said grant and the map
to which the grant refers; and if there be less
than that quantity within the said boundaries
then we confirm to the claimants that less
quantity.

Edw Hoffman
U. S. Dist Judge

This deed is correct
Wm Blanding
Dist atty

No 374

In the U.S. Dist Court
Northern Dist of Cal.

The U. States, Appellants

vs

Heins of J. G. Pina, Appellees

Deceit

Filed March 9, 1857,
W. F. Chivers,
Deputy.

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Hullaba, Beachy & Pillsbury
Attys for appellees.

California Land Claims.

Attorney General's Office

9 January 1857.

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Sr.

In the case of the claim of Heintz
of J. G. Pena, confirmed to the claimants
by the Commissioner, case no. two hundred
and ninety-eight, (298), appeal will not
be further prosecuted by the United States.

I am,

Respectfully,

Clinton

Wm. Blanding Esq.,

U. S. Attorney.

San Francisco.

In the District Court of the U. S.
for the Northern Dist of Cal.

The United States

v

Heirs J. G. Lina

} D. C. 374 : L. C. 298

In pursuance of a notice
from the U. S. Attorney General, herunto annexed
it is hereby stipulated and agreed that no further
appeal be taken in this case on the part of the U. S.
and that claimants have leave to proceed under
the decree of this Court heretofore rendered in
their favor, as under Final Decree.

San Francisco
April 2. 1857

Wm Blanding
Dist Atty
Hallam Beachy & Wiggins
Atty for Claimants.

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298

U. S. District Court

The United States

vs
Heirs J. G. Peña

Stipulation,

Filed April 20 1887
W. A. Chivers,
Deputy.

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At a Stated Term of the District Court of the
UNITED STATES OF AMERICA, for the Northern District of
California, held at the Court Room, in the City of SAN FRANCISCO,
on *Thursday* the *second* day of
April in the year of our Lord one thousand
eight hundred and fifty-seven.

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Present :

The Honorable OGDEN HOFFMAN, *District Judge.*

The United States
v
Heirs of J. G. Peña

D. C. 374 : L. C. 298.

The Attorney General
of the United States having given notice
that appeal will not be prosecuted in
this case; and a stipulation to that
effect having been entered into by the
U. S. Attorney:

On motion of the District
attorney it is ordered adjudged and
decreed that claimants have leave
to proceed under the decree of this
Court heretofore rendered in their
favor, as under Final Decree.

Ogden Hoffman
U. S. District Judge

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United States District Court, Northern
District of California.

The United States

vs.

Hern J. G. Peña

ORDER.

vacating appeal.

Filed *April 2^d* 1857

John A. Monroe

CLERK.

By *M. St. Chiers*

DEPUTY.

Exhibit B

In the United States district Court for the
Northern district of California

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The United States } No 374
vs applts } "Tzabaco" 4 square leagues
Heirs of J. G. Peña } Sonoma County,
apples }

Stated Term March 9 1857.

On appeal from the final decision of the board
of Commissioners, to ascertain and settle private
land claims in the State of California,

Decree.

This cause came on to be heard at a stated Term
of the Court on appeal, from the final decision
of the Board of Commissioners, to ascertain and settle
the private land claims in the State of California
under the act of Congress approved on the
3^d of March a. d. 1851, upon the transcript
of the proceedings, and decision of the said
Board of Commissioners and the papers and
evidence on which the said decision was
founded, and it appearing to the Court that
the said transcript has been duly filed according
to law, and counsel for the respective parties
having been heard It is by the Court hereby

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Orders adjudged and decreed, that the said decision be, and the same is hereby in all things affirmed, And it is likewise further order adjudged and decreed, that the claim of the Appellee is a good and valid claim, and that the said claim be, and the same is hereby confirmed to the extent and quantity of four square leagues, being the same land described in the Grant, and of which the possession was proved to have been long enjoyed

Provided that the said quantity of ~~land~~ four square leagues now confirmed to the Claimants be confirmed contained within the boundaries, called for within the said Grant, and the map to which the Grant refers, and if there be less than that quantity within the said boundaries then we confirm to the Claimants that left quantity

Ogden Hoffman
U. S. Dist Judge

This decree is correct

Wm. Blouning

Dist Attorney

Entered, Filed March 9th 1857

John A. Mowrie Clerk

By W. H. Chevers

Deputy

Exhibit B

At a stated term of the District Court of the United States of America for the Northern District of California held at the Court Room, in the City of San Francisco, on Thursday the second day of April A. D. 1857

Present.

Hon. Ogden Hoffman Dist. Judge

The United States } D. C. 374
vs } L. C. 298
Lewis J. G. Pugh }

The Attorney General of the United States having given notice, that appeal will not be prosecuted in this case and a stipulation, to that effect having been entered into by the U. S. Attorney

On motion of the Dist Attorney, It is Ordered, Adjudged, and decreed, that Claimants have leave to proceed, under the decree of this Court heretofore rendered in their favor, as under final Decree.

Ogden Hoffman U. S. Dist. Judge

Endorsed

Filed April 2nd 1857

John A. Monroe Clerk

By W. H. Chivers

Deputy

J. H. Chevers Clerk of the District
Court of the United States for the Nor-
thern District of California, do hereby
certify the writings annexed to this
certificate to be full true and correct
copies of their respective originals
now on file and remaining of record
in my office.

In testimony whereof
I have hereunto set my
hand and affixed the seal
of said Court this 29th
day of October A. D. 1860
J. H. Chevers,
Clerk.

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In the Circuit Court of the United States for the Districts of California, in and for the Northern District-

The United States
v.
The Heirs of J. G. Pina Decid
et al.

Upon reading the Bill filed in this cause by Tully R. Wise, District Attorney, and on motion of said Attorney Counsel for the United States -

It is Ordered that the defendants J. Jesus Pina, Antonio Pina, Francisco Pina brothers, and Clara Pina Sister, and heirs at law of Jose German Pina deceased, and William Fitch husband of the said Clara Pina, together with John B. Frisbie, Jose Leandro Lucas, William H. Patterson and Blas Pina claiming to be grantees of the heirs at law of the said Jose German Pina deceased, or of some one or more of them, show cause before me in the Court Room of the said Circuit Court on the fifteenth day of June next at 11 o'clock A. M. of that day A. D. 1860, why a writ of Injunction against them should not be granted according to the prayer of the said Bill, and in the meantime, and until the further order of this Court or Judge that all proceedings on the part of the said Defendants, and each and all of them under said

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ND

Patent in said Bill mentioned, so far as the same relates to that portion of the land herein described as lying in the Russian River Valley, and North and East of the line drawn along the summit of the Range of hills separating the said Valley of Russian River, from the Valley Izabaca, as shown in the Plat of the survey of the Deputy Surveyor Hoys filed as an exhibit to said Bill, and especially as to the alienating, encumbering, leasing or disposing of said land or any part thereof, by the said Defendants or either of them, be stayed, and the same are hereby stayed.

M. Hall McAllister
Judge Cir. Ct. U.S.
Districts of Cal.

I, Walter McAllister Clerk of the Circuit Court of the United States for the Districts of California, do hereby certify the foregoing to be a true, full and correct copy of the Original Restraining Order issued in above entitled cause now on file in my office.

Witness my hand and the seal of said Court this 21st day of May A. D. 1860.

Walter McAllister
Clerk

UNITED STATES OF AMERICA.

CIRCUIT COURT, UNITED STATES,

FOR THE

DISTRICTS OF CALIFORNIA,

IN EQUITY.

THE PRESIDENT OF THE UNITED STATES,

GREETING:

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To
I. Jesus Piña - Antonio Piña -
Francisco Piña - Clara Piña - William Fitch -
John B. Frisbie - Jose Leandro Lucio - William
H. Patterson and Blas Piña

You are hereby commanded that you be and appear in said Circuit Court of the United States
aforesaid, at the Court Room, in San Francisco, on the

First Monday of July next

to answer a Bill of Complaint exhibited against

you in said Court, by

The United States of America

~~who are citizens of~~

and to do and receive what the said Court shall have consid-
ered in that behalf. And this you are not to omit under the penalty of Five Thousand Dollars.

WITNESS, The HONORABLE ROGER B. TANEY, Chief Justice of the Supreme Court
of the United States of America, this *21st* day of *May* in the year of our Lord one
thousand eight hundred and ~~fifty~~ *Sixty* and of our Independence the *84th*



Cutter McAllister

Clerk.

Memorandum, pursuant to Rule 12 Supreme Court U. S.,

You are hereby required to enter your appearance in the above suit, on or before the first
Monday of *July* next, at the Clerk's office of said Court, pursuant to said Bill:
otherwise the said Bill will be taken pro confesso.

No. 374

N.D.

CIRCUIT COURT, U. S.,
IN EQUITY.

The United States

Complainants.

vs.

The Heirs of J. G. Pina
Dec^d et al

Defendants.

SUBPCENA.

29th May 1865

Jully R. Wise

Solicitors for Complainants.

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United States D. C. 374.
N. }
Heirs of J. G. Peña } L. C. 298.

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Confirmed by Land Com.

The claim is presented in the name of Jesus, Antonio, Luis, Francisco, & Clara Peña described as Heirs of Jose German Peña decd.

To establish their claim the claimants produced Certified Copies of from the Surveyor Genls Office of the following papers.

1. Petition of Jose German Peña for 4 square leagues of land known as "Trabuco" adjoining land of Henry Fitch, accompanied by a Diseno, dated Sep²⁵ 1843. Annued is the usual reference by the Govr Micheltorne for information dated Oct 3, 1843.
2. a favorable report dated Oct¹² 1843.
3. A Decree of concession by Govr Micheltorne dated Oct 14, 1843. for the land known as Trabuco, bounded on the south by the Rancho of Henry Fitch, & East West and North by ranges of Mountains

an intent four square leagues.

No ^{original} title was produced, but a paper purporting to be the original Grant was produced accompanied by a Deseño, and José de la Rosa testified that it was an Official Copy of the original Grant made and signed by him as First Alcalde on 10 Aug 1845, and the signatures of Micheltorena & Linares to the original were genuine.

This paper, so proved, is a title from Micheltorena to German Peña dated 14 ^{sept} 1843, for the tract as described in the concession.

The existence of the Grant being thus proved, the nonproduction was accounted for thus:

José de la Rosa, proved that he delivered it to Lorenzo Peña who left Cal. for Mexico in 1845 and has never returned.

M. J. Vallejo made affidavit that he is Adm'n of Estate of German Peña that Lorenzo Peña (father of German) left California in 1845 and it is believed with the original title in his possession; that he was killed at Cerro Gordo; that he has made diligent search and inquiry but cannot

find the papers, but believe them lost.

The cultivation and occupancy of the land has been continuous from a period anterior to the date of the Grant.

The land is well known by the name of "Trabuco" and its boundaries distinctly marked out so that there will be no difficulty in locating it.

If the Court should deem the evidence sufficient to establish the loss of the Grant and account for its nonproduction I interpose no objection to the confirmation

Wm Blanding
Dist Atty

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United States

N. { No 374

Heirs of J. G. Pinco

Brief

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U.S. Circuit Court.

Northern District
of California.

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The United States. }
vs. }
The heirs of S. G. Pina }
et al. }

Please take notice
that at the opening of the next regular
Term of this Court to be held at the
Court room, in the City and Co. of San
Francisco, on the 1st Monday of June 1863, or
as soon thereafter as Counsel can be
heard this cause will be brought to
a hearing and trial.

Dated May 11 1863.

C. R. Aug. Thompson Esq.
Atty for Deft

and
M. M. Sharp Esq.
U.S. Dist. Atty

Yours &c
William & Thornton
Atty for Depts -

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U.S. Circuit Ct.

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W. H. Sharp
U.S. Dist Atty