

CASE NO.

195

NORTHERN DISTRICT

---

LAND AT THE  
MISSION DOLORES GRANT

---

ANDRES PICO

CLAIMANT



NOV 5 1962

PLOVER BOND  
55% COTTON FIBER  
U.S.A.



612

2



THE UNIVERSITY OF CHICAGO  
LIBRARY  
IN OVER  
BYOCSEEDIZON  
LIBRARY



# TRANSCRIPT

OF THE

# PROCEEDINGS

IN CASE

NO. 612.

*Andres Pico*

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

*"Land at the Mission Dolores"*



THE STATE OF NEW YORK

IN SENATE

JANUARY

1873

PROCEEDINGS

OF THE

LEGISLATURE



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, that on this twenty first 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;

195 ND  
PAGE 2

The Petition of Andres Pico, for the Place named Land at the Mission Dolores was presented, and ordered to be filed and docketed with No. 612, 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;

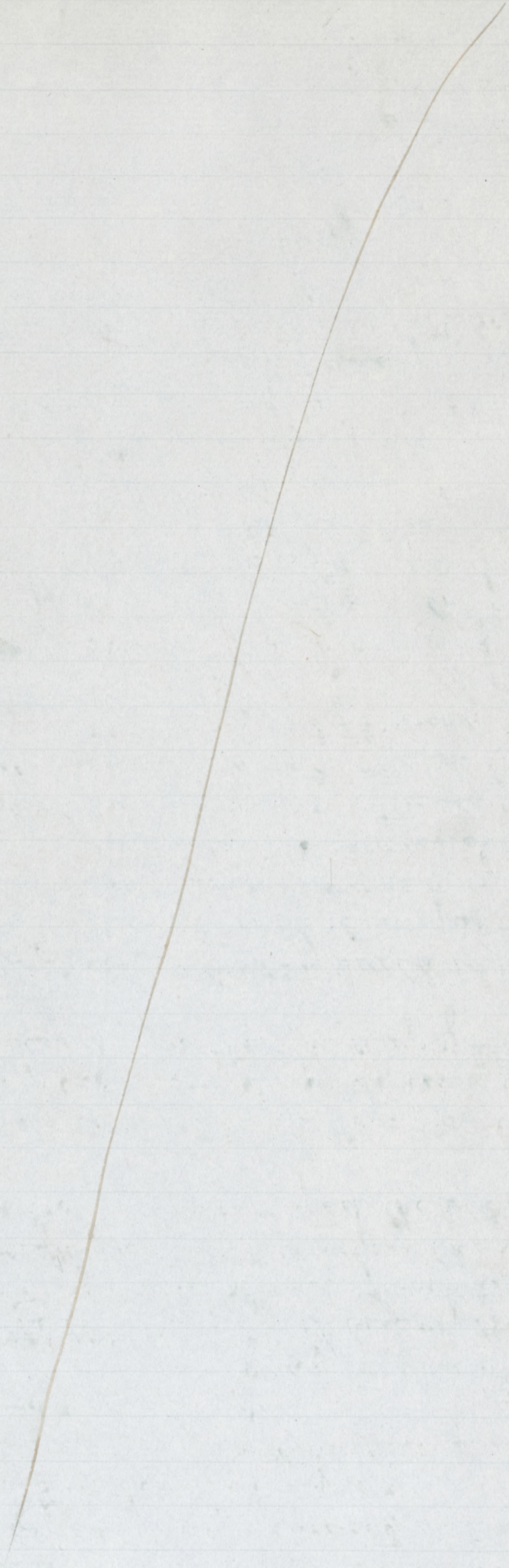
San Francisco December 5' 1854,  
Case no 612, Andres Pico for land at the Mission Dolores, was ordered to be placed at the foot of the 3<sup>d</sup> Class cases on the Trial Docket.

San Francisco December 19' 1854.  
Case no. 612 was submitted under the Rule of 21<sup>st</sup> March 1854.

San Francisco January 23' 1855.  
In the Same case Commissioner R. Aug. Thompson delivered the Opinion of the Board respecting the claim.

(Vide page 11 of this Transcript.)  
And the following order was made, to wit,  
(Vide page 11 of this Transcript.)







To the U. S. Board of Land Commissioners for  
ascertaining and settling of Private Land Claims  
in the State of California

Your Petitioner Andrus  
Pico a Native and resident of the State of  
California respectfully sheweth unto your  
Hon. Board that he is the legal Owner of a  
tract of Land hereinafter described and for  
further Explanation alleges

195 ND  
PAGE 3

That one Jose Pineda  
Santellan on the 10th day of February 1846 ob-  
tained a grant of said Land from the Govern-  
ment of California and conveyed the same to  
Joaquin Cardo by deed dated the 6th of  
April 1846.

That your petitioner for a valuable  
consideration purchased said Land of Joaquin  
Cardo by deed dated the 8th day of January  
1853.

And your petitioner further saith that the  
Original grant as well as the conveyance above  
mentioned are in his hands and ready to be  
exhibited in evidence whenever required.

That said Land is situated in the  
Mision of Dolores and County of San Francisco  
and known and described as follows: Commen-  
cing at a point on the Road, which lies from  
the Mision of Dolores to the Pueblo of San  
Jose in the gap or hollow about one quarter of  
a mile South of the Mision Church and which  
said point is formed by the junction of  
a small creek and the public Road, thence  
running along the Eastern line of said Road  
four hundred Spanish Varas South Eastward  
thence at right angles North Eastward four hundred  
Spanish Varas, thence at right angles to said men-  
tioned line North Westward four hundred Varas  
thence to the place of beginning.

And your petitioner  
further saith that he is not aware of the  
existence of any title paramount superior  
to his own - Wherefore he claims to be the  
lawful Owner of said Land and prays that your Hon.  
Board will confirm and validate his claim & title  
\* Thats - Clark Taylor & Beckh. Atty for Pico



4  
Filed in Office July 31. 1883

Geo. Fisher  
Secy

195 ND  
PAGE 4

Recorded in Vol 1 of Petitions on pages  
608 & 609

Geo. Fisher  
Secy



En la Misión de Santa Barbara de Alta California a los seis dias del mes de Abril del año del Señor de mil Ocho cientos cuarenta y seis; José Prudencio Santillan Cura parroco y ministro de la Misión de Dolores; bendito y conocho en Verdad y perpetua Venta al Sr. D<sup>o</sup> Joaquin Carrillo Exhibido de Vecino del precidio de Santa Barbara la No: of Anton Esteneion de Cuatrocientos Varas en su Manera de Landa, situadas junto al Camino que se Quieren en Caserle de la Misión de Dolores p<sup>o</sup> el pueblo No 81. de Don José quedando otro terreno a la otra parte del Riachuelo y a la izquierda del otro camino y conocho diendole todos los privilegios de derecho e interés que otro cuacero pose.

195 ND  
PAGE 5

En Consideracion de José Cavallo mansos q<sup>o</sup> he recibido a mi Entera satisfaccion por lo q<sup>o</sup> declaro ser el legitimo y justo precio, que si el valor es mas, le hago una Remision y donacion de lo mismo a el que en la Ley llama Intervias; tambien Renuncio las leyes que hatan de lesion. Enorme Enormisimo desean do que todo lo que le vendo sea p<sup>o</sup> el, sus herederos y subseores, gaxando libemente y temo quilo, tomando posesion legal de Ello cuando piensan bien y proprio haserselo; y para prueba de todo lo dicho y mayor fuerza tenga el presente; digo todo esto ante los testigos que abajo se firman. Ademas de claro que la mencionada Venta la hago por el derecho que he obtenido segun consta en el titulo Oficial que el Gobierno del Departamento me ha conocho con fha dies de Febrero del año del Señor de mil Ocho cientos cua-



6

enta y seis. Dicha Escritura la Botendo  
en este papel simple por falta del papel  
sellado.

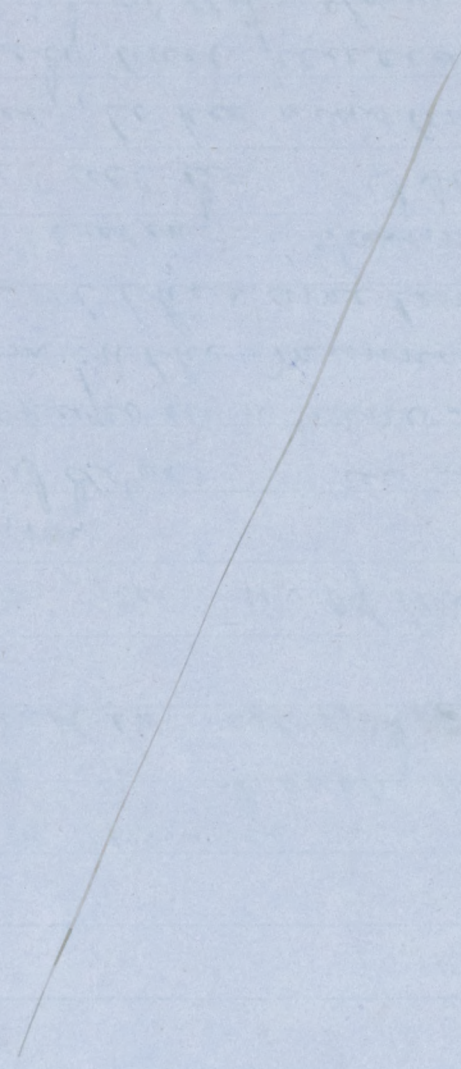
Escrito en la Misión dicha p<sup>ra</sup>  
ut supra -

195 ND  
PAGE 6

José Pruden<sup>te</sup> Domittem  
Esteban Ortega # com<sup>o</sup> m<sup>o</sup> de la guerra

Heled in Office Secy, 21<sup>th</sup>  
1853.

Geo. Fisher Secy



... from the mission of Santa ...  
... 16th ... of Amie ... 1846



7 Deeds from  
J. P. Santillan  
to J. Canillo  
under 2000

195 ND  
PAGE 7

In the Mission of Santa Barbara in Alta California this sixth day of April A.D. 1846 I have I Jose Piedad Santillan, Curate and Priest of the Mission de Dolores Sole and granted and by these presents do sell and grant Don Joaquin Canillo a resident of the Presidio of Santa Barbara a piece of Land of four hundred Veras Square, situate on the Road which runs from the Mission of Dolores to the Pueblo de San Jose, said Land lying on the Other Side of the Creek or Arroyo and on the left Side of said Road; and I hereby transfer him all my right title and interest which I have in said piece of

In Consideration of twelve tamed horses received to my full and entire satisfaction, and which I declare to be a just and legitimate Deed, or perhaps even more - I hereby remise and give it to him in the Manner called by Law "Venta Vieva" - at the same time I hereby renounce the Lawes treating of Sesion en omnia en omnesimo wishing that all what I sell him shall belong to him entirely, to his heirs and Successors to enjoy it freely and peacefully, so that he may take possession in due form of Law, when it seems meet to him and proper - And as proof of all what I have said, and for the purpose of giving additional strength to these presents I declare all this before the witnesses under signed - At the same time do I hereby declare that I make this Sale upon the rights obtained which appear to have been granted given to me by the Officers title granted to me by the Departmental Government on the 10th day of February 1846 said Writing being given on Common paper for want of stamped one Green in the Mission of presence

José Piedad Santillan  
J  
Esteban Ortega Ant. Ma. de la Guerra

Filed in Office Feb. 21. 1853

Geo. Fisher  
Key



8

Blue ink smudge

Faint handwriting at the bottom edge of the page



Deed from  
J. Carrillo  
to Andres Pico

Know all men by these Presents that I Joaquin Carrillo of the City and County Santa Barbara for divers good Causes and Considerations thereunto moving, especially for the Sum of Six hundred Dollars received to my full Satisfaction of Andres Pico, have remised released and forever quiet claimed, and by these presents do for myself my heirs, Executors and Administrators justly and absolutely remise release and forever quiet claim unto the Saide Andres Pico and to his heirs and assigns for ever all such right and title as I the Saide Joaquin Carrillo have or ought to have in or to that certain piece or parcel of Land situate in the Mission of Dolores so called, County of San Francisco and State of California, being described as follows "La estacion de quatro centos varas en Cadenas, situada junto al Camano que sale de la Mission de Dolores pa el Pueblo de San Jose, que dando el otro terreno a la otra parte del ranchuelo y a la izquierda del otro Camano" and being the same tract of Land which was conveyed to Joaquin Carrillo by deed from Jose Precencio Santellan dated April 6th of One thousand Eight hundred and forty six.

To have and to hold the above released premises unto him the Saide Andres Pico to his heirs and assigns, to his and their only proper use and behoof for ever; so that neither I the Saide Joaquin Carrillo or any other person in my name and behalf, shall or will hereafter claim or demand any right or title to the premises or any part thereof; but they and every of them shall by these presents be excluded and forever barred.

In testimony whereof I have hereunto set my hand and seal the Eighth day of January in the Year One thousand Eight hundred and forty three

Signed sealed and Delivered in presence of  
J. Carrillo  
Manuel Carrillo



State of California }  
County of Santa Barbara } ss

195 ND  
PAGE 9

On this Eighth day of January in the year of our Lord one thousand eight hundred and fifty-three Came Joaquin Carrillo to me known to be the undersigned described in and who executed the within Instrument, and acknowledged that he executed the same of his own free act and deed and for the purposes therein mentioned; Also appeared Mercedes Carrillo, his wife, who on Examination apart from, and without the hearing of her husband, acknowledged that she had executed the same freely and voluntarily and without undue influence of her husband and that she does not wish to retract the execution of the same

In Witness Whereof I have hereunto set my hand and seal affixed my Official Seal the day and year first above written

Reyno Carrillo  
Notary Public

Filed in Office Feb. 21. 1853

Geo. Fisher  
Secy



11 Openion

Andres Pico }  
vs } 400 Varas Mexican Dolars  
The United States }

195 ND  
PAGE 10

The claimant alleges title to the premises claimed in his petition by virtue of a grant made Jose Pineda y Santellan by the Government of California on the 10th February 1846 and transferred by proper legal conveyances from said Santellan to him - No grant from the Government is produced, nor is there any evidence in the case showing that such a grant as that described in the claimant's petition ever was made - A decree rejecting the claim will be entered

Filed in Office Jan. 23<sup>rd</sup> 1855  
Geo. Fisher Secy

Decree

Andres Pico }  
vs }  
The United States }

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the petitioner is not valid and it is therefore decreed that his application for a Confirmation thereof be denied

Alpheus Felch }  
A. Aug. Thompson }  
S. B. Farwell }

Filed in office Jan 23<sup>rd</sup> 1855

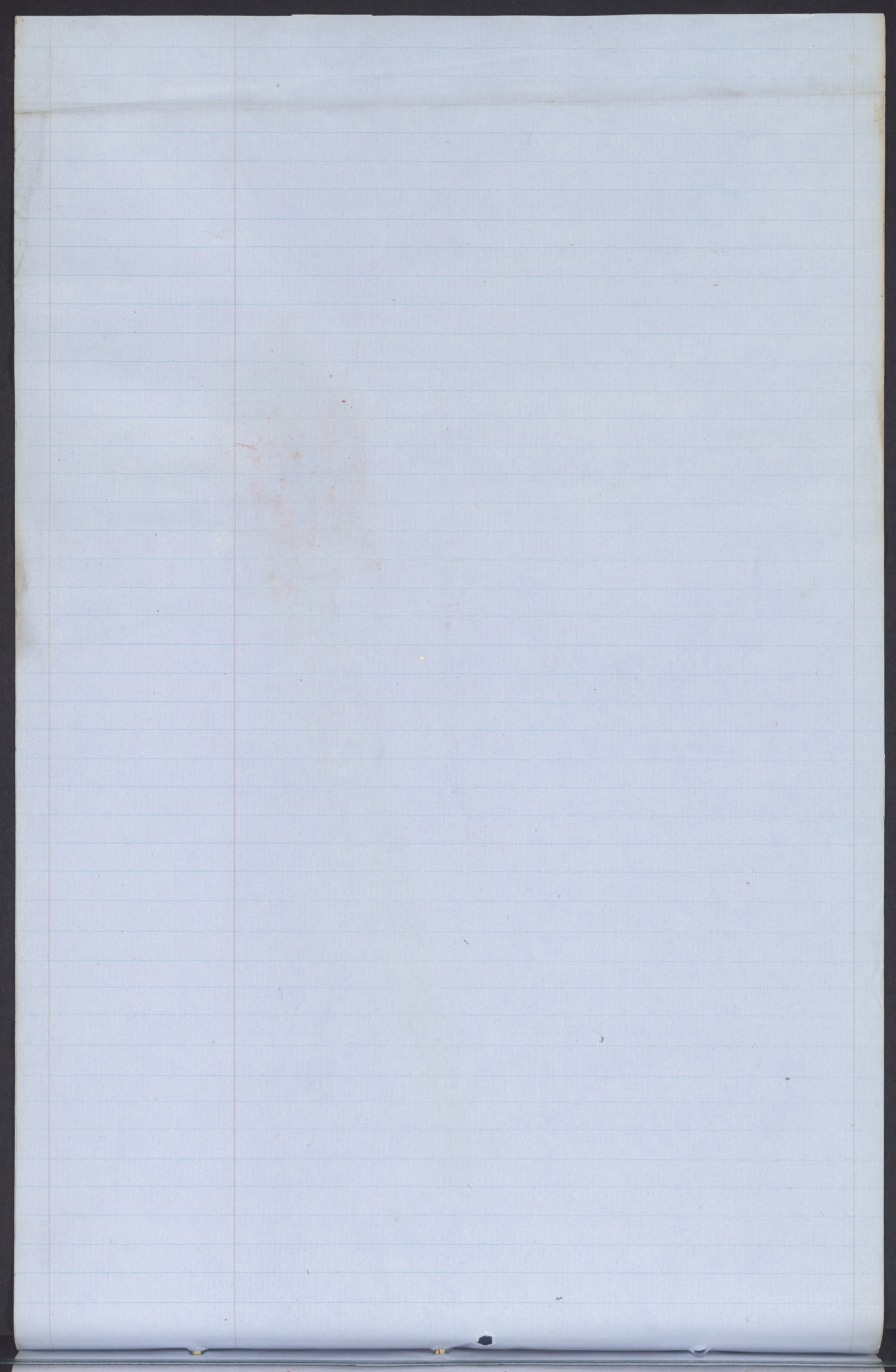
Geo. Fisher Secy

Commissioner

Order

And it appearing to the Sales Officer of the Board that the Canal hereby adjudicated is situated on the Northern District of California it is hereby ordered that two transcripts of the proceedings and decision in this case and of the papers and evidence upon which the same are founded be made out and duly certified by the Secretary, one of which transcripts shall be filed with the Clerk of the United States District Court for the 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.

195 ND  
PAGE 11

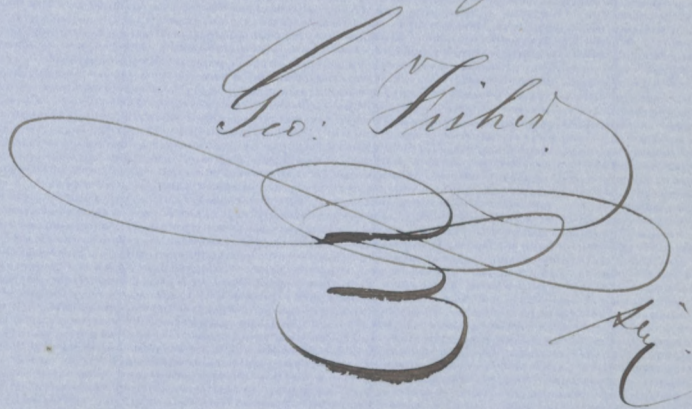
I, *George Fisher* — Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing *Eleven* — pages, numbered from 1 to *11*, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. *612*, on the Docket of the said Board, wherein

*Andres Pico* is

the Claimant against the United States, for the place known by the name of "Land at the Mission Dolores."

In Testimony Whereof, I hereunto set my hand and affix my private Seal (not having a Seal of Office) at San Francisco, California, this *Twenty first* — day of *July* A. D. *1853*, and of the Independence of the United States of America the *seventy-eighth*.

*Geo. Fisher*





U. S. DISTRICT COURT,

*Northern* District of California.

No. ~~195~~ **195**

THE UNITED STATES, **ND**

vs.

*Andres Pico.*

TRANSCRIPT OF THE RECORD

FROM THE

OF U. S. LAND COMMISSIONERS,

Case No. *012.*

*July 21<sup>st</sup> 185<sup>5</sup>*

*J. A. Monroe,  
Clerk.*



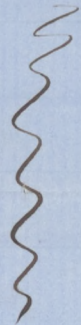
Case No 612

On appeal from the Board of  
M. C. Land Commissioners

195 ND  
PAGE 12

Indras Pico  
app<sup>te</sup>

vs.  
The United States  
app<sup>lee</sup>



claim for 400 varas square  
in Mission Colores

Sir!

Please to take notice that the  
claimant in the above case, will prosecute  
the appeal therein.

San Francisco  
May 9<sup>th</sup> 1855

Yours respectfully  
Charles Taylor & Beck  
Attys for claimant

To the Clerk of the M. C.  
District Court for the Northern  
District of California



No 195 —  
U. S. District Court  
for the Northern District  
of California. —

---

Andreas Pico  
appt.

vs  
The United States

claim for 400 acres  
situate in Mexican  
Cedars. —

---

Notice of appeal

---

Filed May 9<sup>th</sup> 55  
J. A. Munroe  
Clk

Charles Taylor & Co  
Attys. for claimant

195 ND  
PAGE 13



Andres Pico vs The United States -  
Land claim No 612.

To the Clerk of the U.S. Court for the  
Northern District of California.

195 ND  
PAGE 14

Andres Pico of Los Angeles, California  
humbly gives notice in pursuance of law, that  
he intends to prosecute his appeal in said County  
from a decision made by the Board of Mex.  
Land Commissioners on the 23<sup>d</sup> January 1855, by  
which his claim No 612 on the Doctos of the  
said Board, to a lot of land at the Mission  
Solares, under a grant from the Mexican  
government to Jose Pardo y Sanz, was  
rejected.

Andres Pico,  
by his Attorneys  
Manly King

San Francisco. }  
15 Jan 1855. }



No 195 -  
In the United States  
District Court  
Andres Pico

<sup>m</sup>  
The United States  
Notice of appeal  
No: 612 on Docket  
of Land Commission

Filed June 19. 1853.

by Chevers  
Deputy.



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

Juanes Pico  
Appellant  
vs  
The United States

No. 195 (L.C.ocket, No. 112)

Your Petitioner Juanes Pico respectfully shows that herebefore viz. on the 28<sup>th</sup> day of February 1853. he filed before the United States Board of Land Commissioners for California a petition for the confirmation of his claim to a tract of land situate in the Northern District of California viz. in the County of San Francisco for a description of which land and the title of your Petitioner reference is hereby made to said petition.

That after hearing said Petition with the proofs and the argument of Counsel in the cause the said Board on the 23<sup>rd</sup> day of January 1854 rejected said claim as invalid.

That on the 19<sup>th</sup> day of June 1855 a transcript of the records of said cause was filed in this Court: by virtue whereof and by force of the statute in that case made and provided an appeal to this Court was duly effected. — That on



The 9<sup>th</sup> day of May 1855 your petitioner filed  
in this Court a notice of his intention to  
prosecute said appeal.

Your Petitioner therefore prays that  
the decision of said Board may be reversed and  
that this Court may confirm his title to the  
said land.

Respectfully  
J. Clarke Atty.  
for Claimant.

195 ND  
PAGE 17

M. A. District Court.

No. 195

Andrew Pico  
Appellant

vs

The United States

Petitioner

Dated June 30, 1855,  
by Charles  
deputy

J. Clarke Atty for  
Claimant.



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

---

The United States  
vs  
Andreas Pico

No 195.

---

The United States, by  
their attorney, deny the validity of the  
title set out in the petition of the appellant  
and pray that the decision of the United  
States Land Commission be affirmed and  
that the said title be decreed invalid.  
San Francisco, Dec 10. 1857

Wm Blanning  
Dist Atty



195

U. S. District Court

---

The United States

vs.

Andreas Pico

---

Answer

---

~~Filed Febry 10. 1857,~~

~~W. H. Chivers,~~

~~Deputy,~~

Filed Febry 10. 1857

W. H. Chivers

Deputy.

195 ND

PAGE 19

---

Wm Blanding  
W. S. Atty.



No 195

Andes Pico

4

The United States

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

It is hereby stipulated that a copy of the grant from Gen: Pio Pico to Purducia Santellan, marked "A. W. B." and paper marked "B. W. B." being a copy of the translation of said grant, the originals of which were filed in case No: 81, in the Land Commission, & No 338 in this Court, be admitted as evidence in this case, as fully as if the originals were filed herein.

May 25<sup>th</sup> 1857

Wm. H. Garrison  
Dist Atty



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

No: 195

Andres Pico

vs

The United States

Shiptation

Lied May 25, 1857.

W. H. Chewes,  
Deputy.



{ Government  
of the Department of  
the Californias }

195 ND  
PAGE 22

Pío Pico, first member of the Assembly of the Department of the Californias, and Commissioner by law, for the administration of the Government of the same.

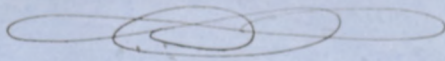
Whereas, the Priest, Don Prudencio Santillan has solicited for his personal benefit, all the vacant lands acknowledged as belonging to the Mission of Dolores, as well as all the houses pertaining to the settlements of said Mission, which might have been abandoned; by virtue of the power conferred upon me, in the name of the Mexican Nation, I have thought proper to grant, as by these presents, I do grant, to the aforesaid Priest Don Prudencio Santillan, the ownership of all the houses pertaining to the settlements, which have been, or are at present, acknowledged as belonging to the Mission of Dolores, and all the vacant lands which have been and are at present, acknowledged as belonging to the same Mission of Dolores; under the following Conditions:

1<sup>st</sup>. The grantee shall enjoy peacefully and exclusively the houses, and lands granted to him; but he shall pay, as a compensation for the said grant, all the debts which may appear to the present day, against the Mission of Dolores.

2<sup>nd</sup>. He shall petition the respective Judge for the judicial possession, in virtue of his patent, of all the lands and houses granted to him; and in the meantime the possession which he has of said houses and lands, may







same as legal, in his Capacity of administrator, appointed as such, by the Prelate of the Missions of the College of our Lady of Guadalupe of Zacatecas, for the temporal matters of the said Mission of Dolores.

195 ND  
PAGE 23

3<sup>da</sup> The land of which donation is made, consists of three square leagues (tres sitios de ganada mayor) more or less. The Judge who shall give the possession, shall have it measured, and fix the boundaries with the customary land marks, being understood that the said land is bounded on the North by Yerba Buena, on the North West by the Presidio of San Francisco, on the West by the lands of Don Francisco Haro, on the South by a portion of the Rancho of the Sanchez, and on the East by the Bay of San Francisco.

4<sup>ta</sup> The grantee, and in his default his heirs and successors, shall respect the property which some persons possess in virtue of good titles, as well of the lands, as of the houses of the settlements, comprised within the limits of the Mission of Dolores, and which are hereby acknowledged.

5<sup>a</sup> In this grant, there are expressly excepted the House of the Priest (Casa Cural) and the Church of Dolores, as belonging to the Bishop, as in this Decree.

Consequently I command that the present title, being held as firm and valid, it be entered in the respective book, and be delivered to the party concerned for his security and other ends.

Given in the City of Los Angeles, Metropolis of





*[Decorative flourish]*

California, on this common paper, there not  
being any stamped, on the 10<sup>th</sup> of February 1846

Signed *Pico Pico*

Signed *Don Mariano Covarrubias*  
Secy.

This title has been entered in the respective  
book - Angeles, date as above

(Signed, *Covarrubias*.)

Office of the Board of Land Claims  
of California Land Claims.

I certify the foregoing to be a true and correct transla-  
tion, from the Spanish Original, filed in Office, and  
annexed to the deposition of Don Mariano Covarrubias

San Francisco. May the 11<sup>th</sup> 1852.

*Geo. Fisher.*

Secy.

I J. C. Hayes, U. S. Sur. Genl for California, and as  
such having in my custody the papers of the late Board of Land  
Commissioners to ascertain and settle the private land claims in  
California, do hereby certify the foregoing to be a correct copy of  
a document on file in Case N<sup>o</sup> 81 on the Docket of said Board  
labeled (enclosed) "N<sup>o</sup> 81 James R. Bolton, Document

filed with the Deposition of Don M<sup>o</sup>  
Covarrubias, marked "A". Translation D, made  
in Office May 11<sup>th</sup> 1852. - Geo. Fisher Secy &c. -

Given under my hand & seal of Office this 25<sup>th</sup> day of  
May 1857

*John C. Hayes* U. S. Sur. Genl





195  
Certified Copy of the  
Transcription of the Grant  
made by Gov. P. Pico  
to P. Santillan, on  
10<sup>a</sup> Feby 1846 -

Original filed in Land Grants  
Case No 81. J. R. Bolton  
under P. Santillan -

"B"  
M.B.

195 ND  
PAGE 25

Filed May 25, 1857.  
W. H. Chimes,  
Deputy.

To be filed in support of  
Claim of Andres Pico under  
P. Santillan -

Count No 195. Land Office 612





Cl.

Don Pico, primer vocal de la Asamblea del Departamento de las Californias, y encargado por el ministerio de la ley del Gobierno del mismo.

Recorded in Record of  
Evidence Vol I page  
207 & 208. Geo. Fisher  
Secy.

Por cuanto el Presbitero Don Prudencio Santillan, ha pretendido por su beneficio personal todos los terrenos baldios que se reconocen como pertenecientes a la Mision de Dolores, asi como todas las casas de las rancherias de la misma Mision, que se hallan en estado de abandono; en un de las facultades que me son conferidas a nombre de la Nacion Mexicana, he reunido en consideracion como por las presentas letras, coniedo, al expresado Presbitero Don Prudencio Santillan, la propiedad de todas las casas de las rancherias que se han reconocido y se reconocen como de la pertenencia de la Mision de Dolores, y todas las tierras baldias que se han reconocido y se reconocen como pertenecientes a la misma Mision de Dolores, bajo las condiciones



Siguientes.

1<sup>a</sup> El agraciado disfrutará libre y exclusivamente de las casas y de las tierras que se le conceden; pero pagará como un rescompenso de la concesión que se le hace, todas las deudas que hasta ahora aparecieron contra la Misión de Dolores.

2<sup>a</sup> Solicitará del juez respectivo la posesión jurídica en virtud de este despacho, de las tierras y casas que se le conceden, pudiendo mientras servirles como legal, las que tiene de dichas fincas y tierras como encargado que es por el respectivo Prelado de las Misiones del Colegio de Nuestra Señora de Guadalupe en Tacaticas, de las temporalidades de dicha Misión de Dolores.

3<sup>a</sup> El terreno de que se hace donación es de tres sitios de ganado mayor, mas ó menos; el juez que diere la posesión lo hará medir, y fijará los linderos con las mojeras acostumbradas; en la inteligencia que dicho terreno colinda al Norte con Ferru-Puma, al Noroeste con el Principio de S<sup>o</sup>



195 ND  
PAGE 28

Francisco, al Oeste con tierras de Don Francisco Alvaro, al Sur con parte del rancho de los Sanchez, y al Este con la bahia de San Francisco.

4<sup>a</sup> Los agraciados, y en su defecto sus herederos y sucesores, respetaran las propiedades que algunos individuos, obtuvieron con justos titulos, tanto de terrenos como de casas de ranchos, y en la comprension de lo perteneciente a la Misión de Dolores, y que por este titulo se concieden.

5<sup>a</sup> En la presente concecion se exceptuan expresamente la casa cural y la Iglesia de Dolores, como pertenecientes a la Mitra de este Obispado.

En consecuencia mando que firmados el presente titulo por firmes y validos, se tome razon de el en el libro respectivo, y se entregue al interesado para su resguardo y demas fines. Dado en la Ciudad de los Angeles, Capital de California, en este papel comun por falta del sellado,



a los diez dias del mes de Febrero  
de mil ochocientos cuarenta y seis.

195 ND  
PAGE 29

Pio Pico

José María Covarrubias  
Frio

Queda tomada razon de este  
titulo en el libro respectivo.

Angelés fecha en supra

Covarrubias

Recorded in the office of the County Recorder of San  
Francisco in Liber 1 of Spanish Records page 25.  
March 21<sup>st</sup>. 1851 at 10 o'c. a. m.

J. M. A. W. [Signature]  
County Recorder  
By [Signature] Deputy

Grants  
Pio Pico  
A.  
P. [Signature]  
Recorded Liber 1 of Sp  
Records page 25  
Recd by [Signature] 26<sup>th</sup> day  
of March 1851 at 10  
A. M.  
[Signature]  
[Signature]



Recorded in Records  
of Evidence No. 1 pages  
207 & 208.

Geo. Fisher

*[Signature]*

No 81

James R. Bolton

A

Document filed with  
the Deposition of Jose  
Maria Covarrubias.

Filed in Office May 3<sup>rd</sup>  
1852

Geo. Fisher

*[Signature]*

Translated and filed in office,  
May 11<sup>th</sup> 1852.

Geo. Fisher

*[Signature]*

"A. P. L." Exhibit to the  
deposition of Jose S.  
Berryeda, Nov. 11. 1854

X. P. L. Exhibited in depo-  
sitions of Fred & P. Tracy  
Dec. 13. 1854.

[Note - The following are Copies of the Enclosures  
on the Envelope attached to and covering the  
foregoing documents - Mr. Johnson's Office]



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

I, JOHN C. HAYS, Surveyor General of the United States for the State of California, and as such, having on file in my office, and in my charge and custody the Records and papers, of the late Board of United States Commissioners to ascertain and settle the private land claims in California, by virtue of the power vested in me by law, Do Hereby Certify, that the five preceding, and hereunto annexed pages of tracing paper, numbered from one to five — inclusive, exhibit a true and accurate copy of a document on file in case No 81. on the Pocket of the late Board of Land Commissioners — Said document purporting to be a grant from Pio Pio to J. Sanlleten.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of Office to be affixed, at the City of San Francisco, this twentieth day of May — 1857

*John C. Hays*

U. S. Surveyor General for California.

Extract from the 2nd Section of the Act of Congress "providing for the Survey of Public Lands in California, and for other purposes," Approved, March 3d, 1855.

"The Secretary of the Interior is hereby authorized to cause an official Seal to be prepared for the Office of the said Surveyor General, [California] and any copy or extract from the plats, field notes and other records and documents on file in his office, when attested as such by the said Seal and the signature of the Surveyor General, shall, in all judicial matters, have the same force and effect as the original."



195-

Certified Copy of the  
Grant from Gov. P. Pico  
to Prudencio Santillan  
dated 10 Feby 1846

Original filed in Exhibit A.  
to affidavit of Jose Maria  
Levarubias, in Case No 81,  
claim of J. R. Bolton, in  
ocket of Land Commrs.

A.  
W.B.

Filed May 25, 1857.  
W. H. Chevers,  
Deputy

195 ND  
PAGE 32

To be filed in support of Case  
No 195 - San Juan No 672 and  
P.



United States of America }  
State of California }.

San Francisco Nov<sup>r</sup> 24 1854

195 ND  
PAGE 33

This day came before Peter Kott, Commissioner for taking testimony to be used before the Board of U.S. Land Commissioners, in said State, Antonio Maria de la Guerra, a witness and behuef of the claimant James R. Bolton, in Case No 81, in the docket of said Board, and said witness being sworn deposed in Spanish which was interpreted into English by the interpreter to said Board as follows.

The U.S. Law Agent is present  
Questions by Mr Williams for claimant  
1<sup>st</sup> Question - What is your name, age, and residence?

Answer - My name is Antonio Maria de la Guerra, my age 28 years, my residence in Santa Barbara, California.

2<sup>nd</sup> Question - Look at the document marked "A. P. S." exhibited in this deposition, and filed in Case No 612 in the Archives of this Commission, purporting to be a deed from Fri' Paudencio Santillan to Joaquin Carrillo and state whether you are acquainted with the handwriting of Fri' Paudencio Santillan, Esteban Ortega, and Antonio Maria de la Guerra, if you state your means of knowledge, and also whether their signatures, in said document are genuine, and look also at the document marked "B. P. S." and filed in this case as an Exhibit to this deposition, and state whether it is a true and correct copy of said document



"A. P. S." before referred to.?

195 ND  
PAGE 34

Answer. I am not acquainted with Padre Santillan's hand writing any further than this, that I saw him sign his name here where it appears signed in this document. I am acquainted with Esteban Ortega's hand writing. I have often seen him write, and saw him sign his name here to this document, and the other signature is my own. I knew the three signatures, there to be genuine. And this document marked "B. P. S." and filed as an exhibit to my deposition is an exact copy of said document "A. P. S."

3<sup>o</sup> Question - When was <sup>the</sup> said document "A. P. S." presented and signed by the persons above named?

Answer - At the time of its date. April 6. 1846

Crop Examined by the U.S. Law Agents  
1<sup>o</sup> Question - In whose hand writing is the body of the document "A. P. S." before referred to by you?

Answer - I do not know who wrote it. I think it is in the hand writing of one Vicente Maza now deceased. I am not certain. It was presented to me in Santa Barbara in 1846 to be signed by me as a witness. Joaquin Canillo presented it to me already written.

2<sup>o</sup> Question - At what place in Santa Barbara was said document signed?

Answer - It was in a house used for a Court house. (Juzgado.)

3<sup>o</sup> Question - Who were present at the time of signing said document?

Answer. Joaquin Canillo. Padre Santillan and Esteban Ortega were there present, and

I do not now recollect whether others were present or



I do not now recollect whether others were present or not.

4<sup>th</sup> Question. How long had you known said Santallan, when you saw him execute said document?

Answer. I think I first knew him in 1844 at the Mission of Santa Barbara.

5<sup>th</sup> Question. When you signed said document as a witness did you know any thing about the terms of the Sale?

Answer. The document was read at the time I think by Joaquin Leculle in my hearing, and I understood then the terms and meaning of said document.

6<sup>th</sup> Question. About how long was said Padre Santallan in Santa Barbara on the visit in which he signed said document?

Answer. I do not know. He staid at the Mission, and I knew nothing of his coming or going.

7<sup>th</sup> Question. How often did you see him while he was there on that occasion?

Answer. I have not now any recollection of seeing him at any other time than that when he signed said paper, but may have seen him on other occasions during said visit.

8<sup>th</sup> Question. Was you acquainted with Rodriguez de Poli - if yea, was he either present at the signing of said document, or about Santa Barbara at that time?

9<sup>th</sup> Question. Answer. I knew said de Poli. He was not acquainted to by there in 1846. He came there in 1850

claimants counsel 9<sup>th</sup> Question. Was not said de Poli in Santa Barbara to your knowledge before said



document was signed?

Answer. I have already said he came in 1850 to Santa Barbara and that is the first I knew of his ever being there.

10 Questions  
objection by  
claimant's counsel  
as irrelevant

10<sup>th</sup> Question - Did said Santillan and said de Poli go together to Santa Barbara in 1850, if yes, at what time did you first see them there in that year?

Answer. The said de Poli came to Santa Barbara in 1850 with my brother Don Pablo de la Guerra, after the adjournment of the Legislature, and I saw nothing of said Santillan about there at that time according to my present recollection.

The Pres. Law Agent objects to <sup>the</sup> reading of the foregoing deposition in evidence in this case because it is in the matter providens, inter alios acta.

Ant<sup>a</sup> Ma de la Guerra.

Subscribed and sworn to before me  
on the 24<sup>th</sup> day of November AD 1854

Peter Sott, Comptroller.

---

[Endorsed]

No 81. James R. Bolton - Mission Dolores.  
Deposition of Antonia Maria de la Guerra  
taken before Comptroller Peter Sott.

Filed in Office Nov 27. 1854 Geo. Fisher, Secy  
Recorded in Ev: B. Vol 5 p 703. Ex: B 85.

Geo. Fisher, Secy

---

---

M. A. Superior General's Office



U. S. Surveyor General's Office  
San Francisco California.

195 ND  
PAGE 37

I, James W. Mandeville, U. S. Surv. Genl for California, and as such, having in my custody the papers of the late Board of Land Commissioners, "to ascertain and settle the private land claims in California, do hereby certify the foregoing to be a true and correct copy of the Deposition of <sup>Antonio</sup> Maria de la Guerra on file in Case N<sup>o</sup>. 81. on the Pocket of said Board of Land Commissioners, together with the endorsements thereon; and I do also certify that the Document on file in this Office in Case N<sup>o</sup>. 612 of said Board, being the claim of Andres Pico under Pedro Santillan to a lot of the Mission Dolores, and endorsed as follows "N<sup>o</sup> 612. U. S. Land Commission, 400 square varas in Mission Dolores - Andres Pico - Bill of sale and translation - Filed in Office July 21, 1853. Geo Fisher Secy. A. P. L. Exhibit to Deposition of Antonio Maria de la Guerra in Case N<sup>o</sup>. 81. Nov. 24, 1854 Recorded in C. B. Vol. 17, p. 233 Spanish portion, recorded in Book of Ev. Vol XIV page 214" purports to be an original deed dated April 6, 1846 from Don Pedro Santillan to Gregorio Carrillo and a translation thereof.



Given under my hand and Official  
Seal of the City of San Francisco this  
27 day of Oct. 1854  
J. W. Mandeville  
U. S. Surv. Genl. Cal



Count No 195. Lect No 612.

Andres Pico

Set at Missions School.

Certified copy of the  
deposition of Antoniana  
de la Guerra, in case  
No 81 (San Leandro)  
referring to proving  
signatures to deed from  
Santillan v Carrillo  
marked "A. P. S." and  
filed as evidence in  
Case No 102 of San Leandro.  
Count No 195.

195 ND

PAGE 38



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

Andres Pico

The United States

No. 195. L.C. No. 512

195 ND

PAGE 39

It appearing by the annexed copy  
of a deposition of Antonia Maria de la Guerra  
in case No 81. before the U. S. Land Commissioners,  
and by the certificate of the U. S. Surveyor General,  
that said de la Guerra, procured the execution of  
the original deed, from Jose Rudencio Santillan  
to Joaquin Carrillo, - the paper purporting to  
be said original being on file in said  
Surveyor General's office, - it is hereby  
stipulated that, the said copy certified by  
said Surveyor General, ~~and hereto annexed~~  
as aforesaid, be admitted as evidence in this  
case, as fully, as if said deposition had been  
taken in this case: it being admitted  
that the paper in the transcript, purporting to  
be a deed from said Santillan to said Carrillo,  
dated April 6<sup>th</sup>. 1846, is a copy of the one  
witnessed by said de la Guerra, and referred to  
in his deposition. -

P. Della Torre  
U. S. atty.

Stanley King atty for  
Claimant



no 195

U.S. Dist Court

Andres Pico

vs

The United States

Stipulation

Filed Nov 2nd 1884

J. G. Hughes

deputy

195 ND

PAGE 40



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 Tuesday the tenth day of June in the year of our Lord one thousand eight hundred and sixty-two

195 ND  
PAGE 41

Present:

The Honorable OGDEN HOFFMAN, District Judge.

Andrés Pico

v.

The United States

70195

This cause came on to be heard on appeal from the 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 March 3, 1851, upon the transcript of the proceedings and decision of the said Board of Commissioners and the papers and evidence on which said decision was founded, and upon the further evidence taken in this Court; and it appearing to the Court that the said transcript has been duly filed, Now Therefore, this cause having been regularly brought to a hearing, and due deliberation had, It is ordered adjudged and decreed that the said decision be and the same hereby is in all things affirmed, that the claim of the said Andrés Pico is not a valid claim, and that the said claim be and hereby is rejected.

Ogden Hoffman  
District Judge



No 195

UNITED STATES DISTRICT COURT

Northern District of California.

*Andres Pico*

v.

*The United States*

*Decree  
rejecting claim.*

Filed *June 10th* 1862

*W. D. Cheever*  
Clerk.



Court No 195. Land Claim No 612.

Sanctus Pico - 400 varas square at the  
Mission Dolores -

195 ND  
PAGE 43

It will be perceived that this claim is based upon a deed made 6<sup>th</sup> April 1846, by which José P. Santillan conveyed the lands now claimed, as being a portion of the grant made to him by the Mexican government of the land of the Es-Mission Dolores, on the 10 Feb'y 1846.

The Land Commissioners, in their reasons for rejecting the claim say that altho' the claimant produced

"transfers by proper legal conveyances from  
"said Santillan to him; No grant from the  
"government is produced, nor is there any  
"evidence in the case, showing that such a grant  
"as that described in the claimant's petition  
"was ever made."

The original grant by the proper authorities to Santillan of the 10 Feb'y 1846, for the whole tract of which this is a part, is the foundation of the claim of his Appliance. J. R. Bolton, Court No

Transcript No 81. and under that claim the title was papered up and confirmed by the Commissioners and the District Court.

The present claim is for a part of the land so originally granted to Santillan, and which he had sold and conveyed prior to his making the transfer in Case No 81.

The original title having been confirmed, the objections specified by the Commissioners are now obviated.

Stanly H. King  
Atty for Clt.



U.S. Dist. Ct. Northern Dist.  
of Cal.

Case No. 195. Loc. 612

Audrey Pico  
vs appellants

The U.S. States  
appellees

400 Veras as Plaintiff  
Declarant.

Order of Court.

195 ND  
PAGE 44

Marty Klingman



Index-

Court No 195. Land Concess No 12.

195 ND  
PAGE 45

Andres Pico	} Lot of 400 Varas Square at Mujin Solares.
vs. Appellant	
The United States Appellees.	

Manuscript

Page.	Petition of Andres Pico to Land Concess
Page-	Conveyance from J. P. Santillan to J. Carrillo
Page	of land claimed, and translation
Page.	conveyance from Carrillo to Pico.
	Opinion and decision of Land Concess.

Additional evidence

A. Certified copy of the original grant from P. Pico to P. Santillan, of 10 July 1846, as filed in case of J. R. Bolton - Transcript No 81. Secured by the Court

B Certified copy of official translation of said grant, filed in said case No 81.



U.S. District Court for the  
North District of Cal.

Court No 195  
Transcript 612.

Andres Pico  
vs app<sup>t</sup>  
The United States  
400 Varas. Super Dolores

Index-

195 ND  
PAGE 46

Shanty, 1847  
ali



Index.

Court N<sup>o</sup> 195. Land Claims N<sup>o</sup> 612.

195 ND  
PAGE 47

Audres Pico  
vs  
The United States  
Appellants  
Appellees

} Lot of 400 Varas  
Square at the  
Mission Dolores.

Transcript Petition to Land Claims of Audres Pico

Conveyance of land claimed from Jose P  
San Calixto to J. Carrillo & translation

Conveyance from Carrillo to Pico.  
Opinion and decision of the Land  
Claiming.



Brief  
Case No 195. Transcript No 12

Andres Pico - Set at Mexico

195 ND  
PAGE 48

It will be perceived that this claim is based upon a deed made to April 1846, by whom José P. Santillan conveyed the lands in question, as being a portion of the grant made to him by the Mexican Government on the 10 July 1846, of the lands of the Exemption of Dolores.

The Land Commissioners, as the reasons for rejecting the claim, say that although the claimant produced "transfers by proper legal conveyances from said Santillan to him, no grant from the government is produced, nor is there any evidence in the case showing that such a grant as that described in the claimant's petition was ever made"

The original grant by the proper authorities to Santillan of the 10 July 1846, for the whole tract, of which this is a part, is the foundation of the claim of J. C. Bolton, Case No Transcript No 81, in which case the original grant was presented & proved. The validity of that grant has been proved upon both by the Commissioners, the Court, and the claim confirmed.

The present claim is for a portion of the land so originally granted, which had been sold by the grantee to the assignee of the present claimant, before the residue of the tract was sold to Barron the claimant in Case No 81, therefore the original title being approved & there being no objection to the conveyances now adduced in this case, the confirmation of this claim would seem to follow as a matter of course.  
Shanty Hill  
July 1st 1851



U.S. District Court for  
the Northern District  
of California  
Case No. 195. Transcript 612

Ander Pico  
<sup>vs</sup>  
United States  
Set at San Francisco

In Reply to  
Brief

195 ND  
PAGE 49

Marty Pico  
Attorney



195 ND  
PAGE 50

Office of the Board of Commissioners,

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

San Francisco, July 21<sup>st</sup>, 1855.

J. A. Monroe Esq.

Clerk of the U. S. District Court for the  
Northern District of California.

Sir;

I herewith transmit you, pursuant to the requirements of the Act of Congress, approved August 31<sup>st</sup>, 1852, a Transcript of the Record of the Proceedings and of the Decision of this Board, of the Documentary Evidence and of the Testimony of the witnesses upon which the same is founded, in Case No. 612 on the Docket of the said Board, wherein

Andres Pico is \_\_\_\_\_

the Claimant against the United States, for the place known by the name of "Land at the Mission Dolores."

and request your receipt for the same.

I am, Respectfully,

Your Obedt Servant,

Geo. Fisher.