

CASE No.

11

SOUTHERN DISTRICT

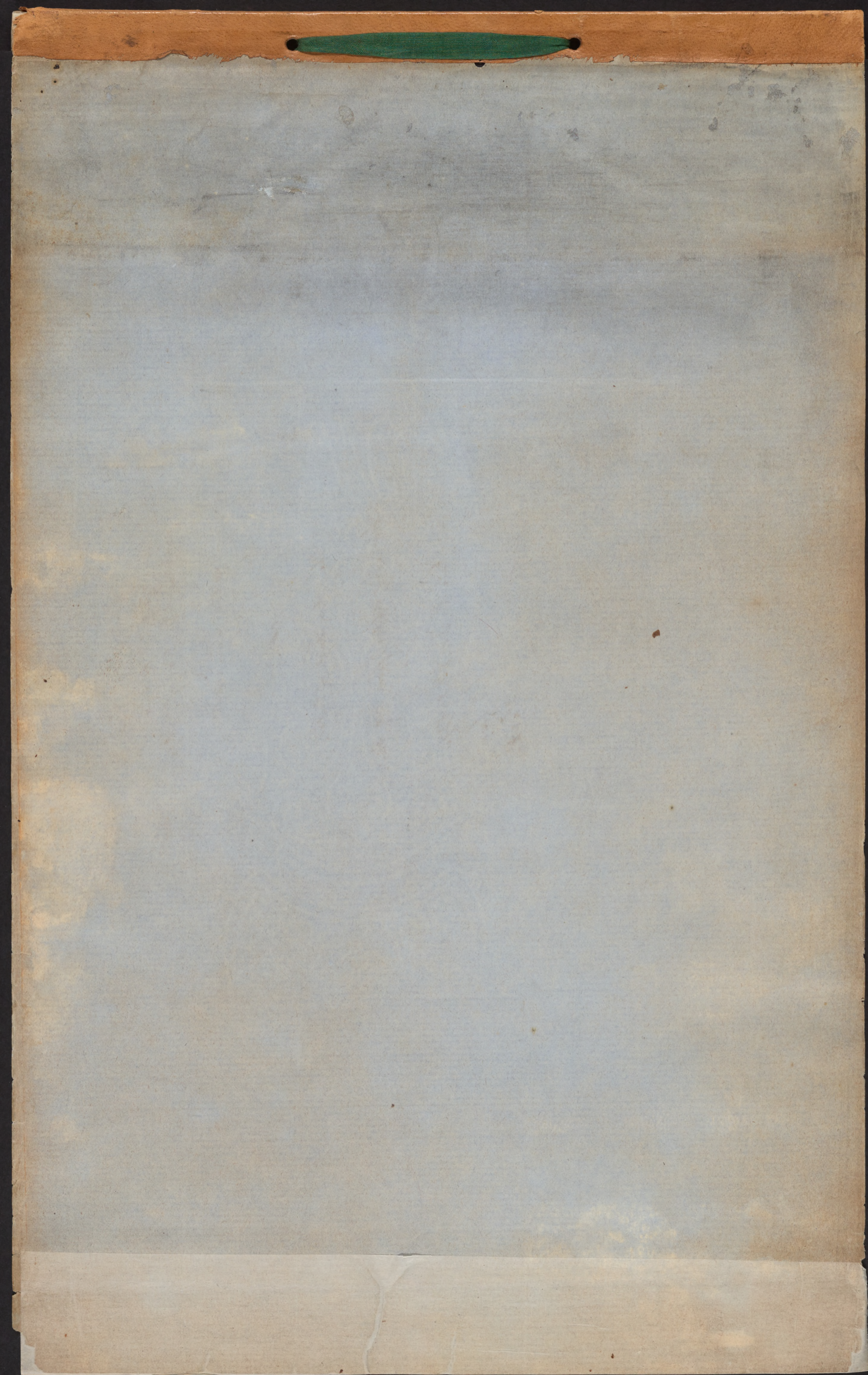
MISSION OF SAN LUIS OBISPO GRANT

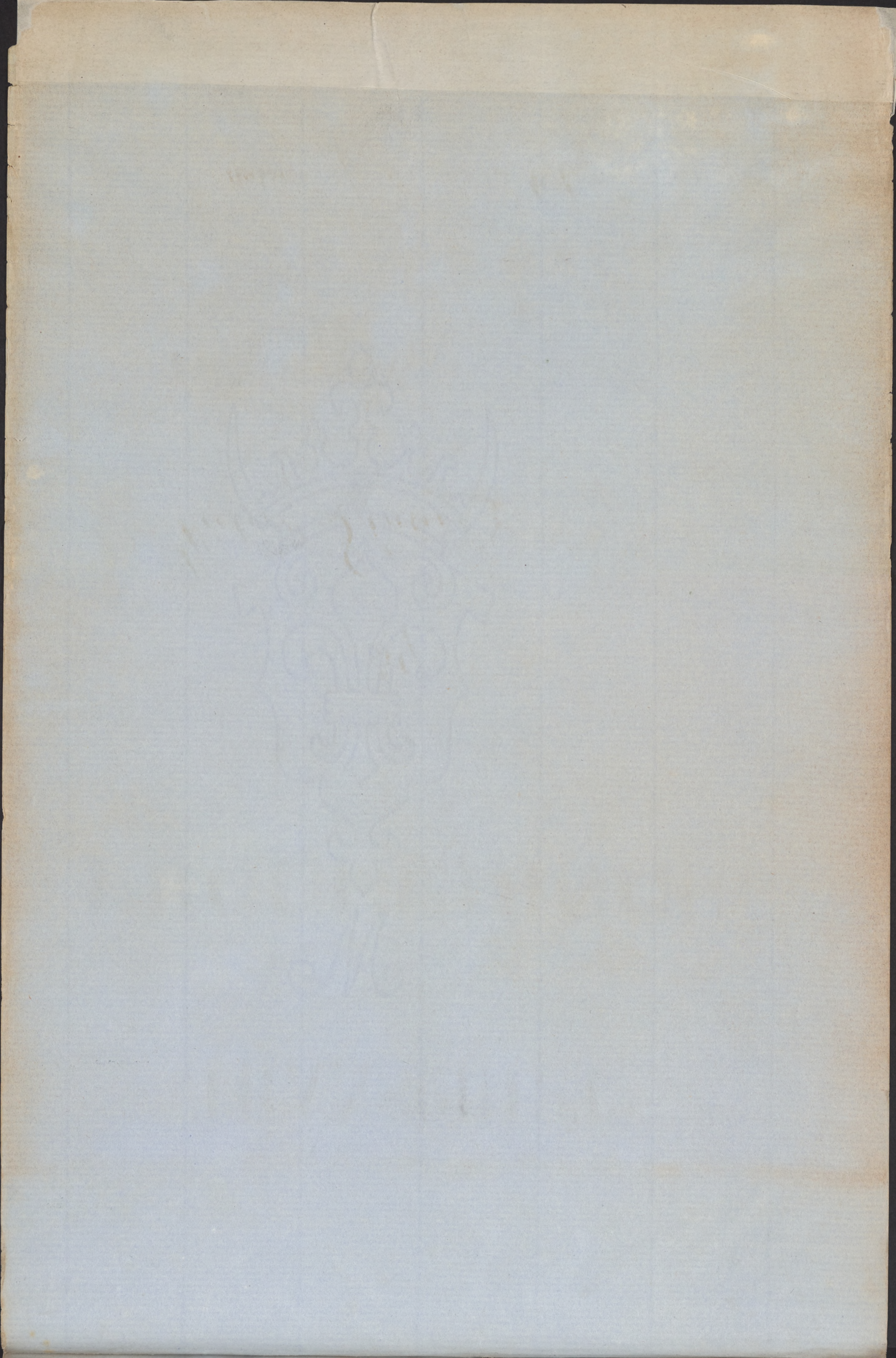
VICTOR LINARES

CLAIMANT

LAND CASE 11 SD PAGES 60

FEB 8 1963





TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 39

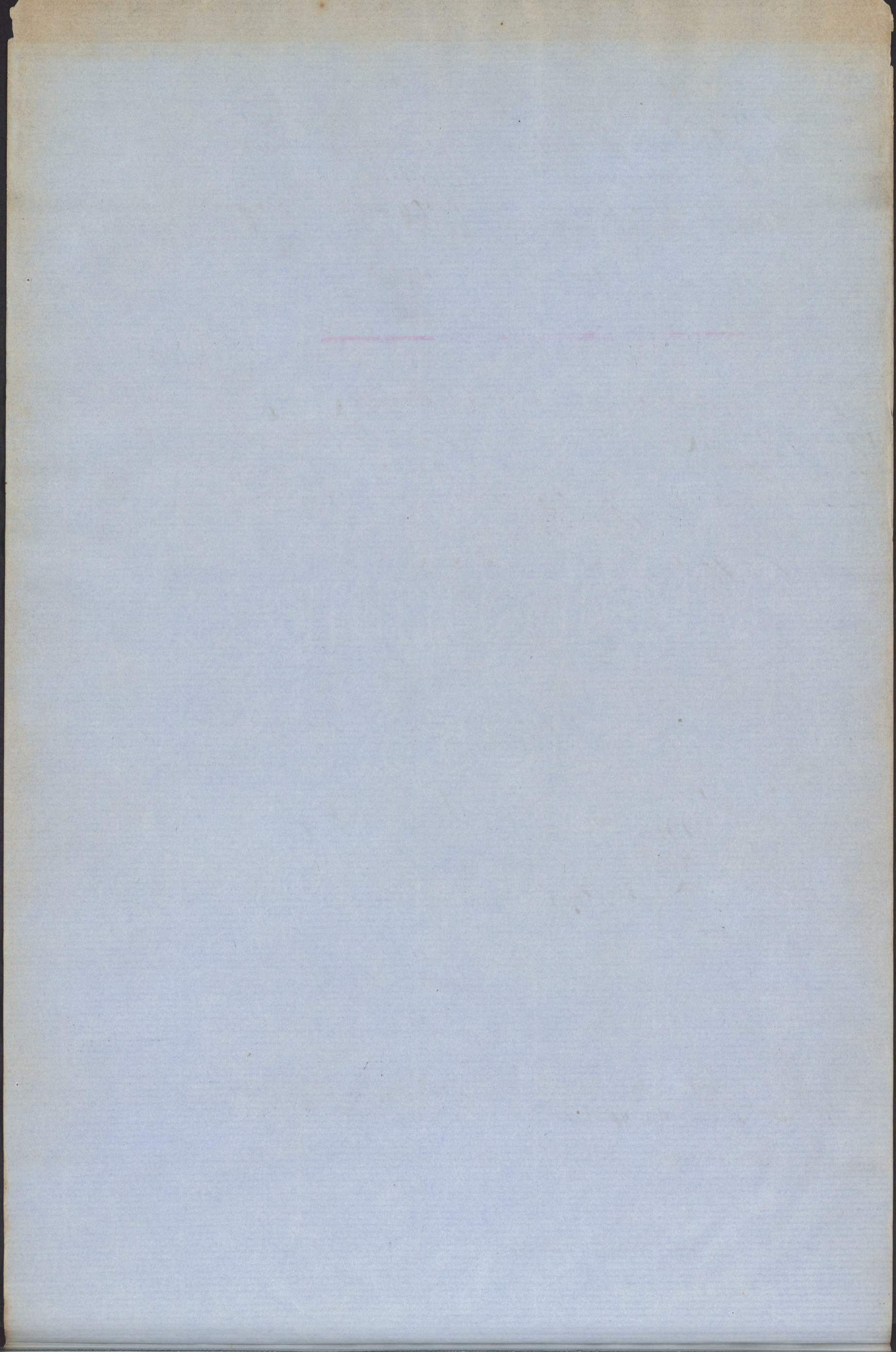
Victor Linares CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Mission of San Luis Obispo"



Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *twelfth day of February*, 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 *Victor Linares* for the Place named "*Mission of San Luis Obispo*" was presented, and ordered to be filed and docketed with No. 39 and is as follows, to wit;

(Vide page 5 of this Transcript.)

Upon which Petition the following subsequent Proceedings were had in their chronological order, to wit;

Los Angeles Oct 11th 1852

In case No. 39 Victor Linares the Counsel for the Claimant moved to place the same on the Trial Docket Motion taken under advisement.

San Francisco Decr 31st 1852

In case No 39. Victor Linares for the Mission of San Luis Obispo, the deposition of Jose Maria Casarubias a witness in behalf of the Claimant taken before Commissioner Meliana Keall with Document Maria Ke Ke N^o 1 annexed thereto was filed

and is in the words and figures as follows to wit
(Vide page 6 of the Transcript)

San Francisco Feby 21st 1853

Ordered on motion of the United States Associate
Law Agent that the following case be placed on
the Trial docket to wit No 39, Victor Linares
for the Mission of "San Luis Obispo,"

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San Francisco Feby 28th 1853

Case No 39, Victor Linares for One Thousand
Varas square of Land at the Mission of San
Luis Obispo Called: The Counsel for the claimant
Mr. Heallick read the Petition and the papers
in Evidence, The United States Associate Law
Agent filed his Brief: case submitted and taken
under advisement by the Board

San Francisco Mar. 8th 1853

In case No 39, Victor Linares for Land in San
Luis Obispo, The Counsel for the claimant filed
the following Stipulation to wit
(Vide page 24 of this Transcript)

San Francisco March 14th 1853

In case No 39, Victor Linares for the place named
"San Luis Obispo," Commissioner He J. Thornton
delivered the Opinion and the final Decree of Confirmation
of the Board

Ordered that the said Opinion and Decree of
Final Confirmation be Recorded in the Record

of decisions of this Board

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of decisions of this Board
Which Opinion and Decree of final
confirmation are in the words and figures
as follows to wit
(Vide page 24 of the Transcript)

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[Faint, illegible handwriting covering the right side of the page]

BYC

To the Honorable Commissioners to settle
Private Land claims in California

The Petitioner Victor Sinaes, respectfully
shows.

That on the 7th day of February A. D.,
1842, Juan B. Alvarado, Governor of
California, gave to the petitioner a written
permission to occupy and cultivate a small
tract of land a few miles south of the
Mission of San Luis Obispo being one
thousand Varas square;

That on the eighteenth day of September
A. D., 1842, the said Juan B. Alvarado
by virtue of authority in him vested,
granted to the petitioner the aforesaid
tract of land, with the boundaries
described in the Expediente and corres-
ponding Map;

That on the 5th day of December A.
D., 1842, the aforesaid tract of land
was surveyed by the proper authority
and the judicial possession of it
given to the petitioner in due form of
land: Copies of which grants, maps,
and judicial act of survey and possession
are hereto annexed marked A. with trans-
lations marked B.

And the Petitioner
further shows that the said tract of land
has not been surveyed by the Surveyor
General of the United States, but that
it was surveyed and its boundaries
marked out by the proper authority
at the time of giving the judicial
possession of it: That the Petition-
er has been for more than ten years
and now is, in quiet, peaceful and
undisputed possession of the said

Petition

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tract of land, and that he knows of no interfering claim.

The petitioner relies for confirmation of title upon the original papers, copies of which are heretofore annexed; upon the documents and minutes relating to the same in the archives now in the possession of the Surveyor General and upon such other and further proof as he may be advised are necessary.

Wherefore he prays the Commissioners to confirm to him the said grant.

By his Attorneys
Kealley Peachy & Billings

Filed in Office 12th Feb'y 1852.

Chas. Fisher
Secy

San Francisco Decr 31st 1852.

Deposition
of Jose Maria
Covarrubias

On this day before Comr. Neiland Hoall came Jose Maria Covarrubias a witness in behalf of the claimant Victor Linares petition, No 39, and was duly sworn, his evidence being interpreted by the Secretary.

The U.S. Associate Land Agent was present.

In answer to questions by counsel for the claimant the witness testified as follows. My name is Jose Maria Covarrubias, My age is 44 years, I reside in Santa Barbara and have lived in California 18 years.

I have examined the papers before marked No. No. No 1 being the Expediente of the claim of Victor Linares the signatures of Juan B. Alvarado, Jose
(see p. 161)

7

1

15. folios = \$ 2.70.

Demarcacion de el Puro Obispo en
Jurisdiccion de Monterrey.

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Año de 1842.

Espediente formado en la posesion
Juridica y se dio a Dⁿ Victor Sinceres
de mil 4⁵ de tierra a distancia de
una legua al S. O. de la finca principal
de este pueblo.

[Faint, illegible handwriting covering the majority of the page]

1825

Sello tercero dos Reales

Habilitado provisionalmente por la Aduana maritima del Puerto de Monterey en el Departamento de las Californias para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Jimeno

Antonia Maria Osio.

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(Seal) Sr. Prefecto del 5^o Distrito.

Monterey Feb^o
7. de 1849.

1 folio

Ocupado actualmente el go^o p^o reglamentar el modo y forma en que se debe colonizar el terreno sobrante de la Misión de Sⁿ Luis ob^o reservese su instancia el interesado para aquella ver.

2f

Alvarado.

otro si Podrá el interesado sembrar en el terreno mencionado

Victor Pinars, natural de este Departamento ante la notaria Justificación de U. S. con el debido respeto y como mas haya lugar digo. q^o aunque p^o un decreto del gobierno departamental ocupó y posee un terreno q^o pertenece á la misión de S. Luis Obispo, p^o no tener el d^{ho} en toda su estension, ninguna parte de regadio ni humedad constante en que asegurar alguna siembra sin otro motivo de perderla, pido a U. S. se sirba concederme un corto espacio de tierra q^o se haya en terminos de los terrenos de la referida Misión y linderos de los de S. Miguel Avila y cuyas dimensiones y situacion manifiesta el diseño que debidamente acompañado comprendiendo en su estension dos Caballerias de tierra o mil varas de longitud y igual latitud. Por tanto, á U. S. suplico se sirva proveer como pido q^o en ello recibire' gracia y justicia que juro &c.

me out. Dic^o 1^o de 1849.

Victor Pinars.

3 folios

S. prefecto.

A pedimento del interesado p^a
el tiempo en caso que asi lo determinara V. S. digo
en informe que el terreno q^e se solicita no se
ocupa por este establecim^{to} ni le es necesario.

S. Luis Obispo. Dic^{to} 1^o de 1841.

Vicente Canete

(Seal)

Sello tercero dos reales

Habilitado provisionalmente por la Aduana mari-
tima del puerto de Monterrey, en el departamento de
las californias, para los años de mil ochocientos cua-
renta y mil ochocientos cuarenta y uno.

Gerónimo

Antonio Maria Seo.

Excmo Sr.

Atendiendo al informe dado p^o el
Adm^{or} del Establecimiento de S. Luis Obispo, la
Prefectura de mi Cargo opina q^e puede concederse al
solicitante la gracia que pretende. Pero, sin embar-
go V. S. determinara lo q^e crea de justicia.

Monterrey En 26 de 1842.

José B. Estrada.

A Petition del interesado, yo el encar-
gado actual de este establecimiento, Certifico q^e el
terreno q^e pretende, lo he medido, y en su estension
comprende mil V^o Castellanas, distando de la finca
principal de este mismo establecimiento una legua
y cuatrocientas V^o en linea recta, culla distancia
la he medido yo mismo, y q^e lo q^e toca a la ocupa

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4

5.

5

20

cion del dho terreno, el mismo interesado lo
ocupa actualmente en virtud del decreto a su
solicitud

J. M. de ^{no} Bonilla

Monterrey sept^{bre} 18 de 1842

De conformidad con lo peticionado por el in-
teresado en esta representacion, y por los informes
anteriores se concede a D^{no} Vitor Linares las mil
varas de tierra demarcadas en en dicho adunto.
El encargado del establecimto de S. Luis Obispo dara
la posesion correspondiente midiendo el terreno y
haciendo poner los linderos.

Alvarado.

here follows the
margin

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6.

S^{ra} Juez de Paz de S. Luis Obpo

S. Luis Obpo D^{to} 3 de 1842.

y.
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Por presenta Victor Linares vecino de esta
do y admitido - Jurisdiccion ante V. como mejor proceda y
como lo pide - digo: que en virtud del ultimo decreto q
haciendose saber aparece en los pliegos que acompaño se
al solicitante me conceden mil varas de tierra en el
que p^o el lunes lugar que manifiesta el diceno, y como
5 del con^{te} se por el mismo decreto se habilita a V. p^o
medira la tierraarme la posesion, pido se sirva acceder
ra que se le ha a ello, señalando el dia q se verifique;
concedido y se Por tanto, A. V. suplico se sirva prover
le dara la pose como pido que en esto recibire gracia
cion juridica y justicia V.

7

que pretende

Victor Linares.

Asi lo de-
creto y firmo
yo el Juez de
paz de esta
demarcacion

Otro se digo: que se sirva
admitir esto en papel comun p^o no
haberlo del sello que corresponde.

Bonilla

En el pueblo de S. Luis Obpo a
las tres dias del mes de D^{to} del año
de 1842. siendo presente D. Victor Linares en su
casa de habitacion, le hize saber el auto anterior y
dijo: lo oye y es conforme, de lo que doy feé con los
testigos de asistencia p^o falta de escribanos.

8

J. Mar^{no} Bonilla

de asista

de asista

Vicente Bonilla, Mercurial Garcia.

En el pueblo de S. Luis Obpo a los
cinco dias del mes de D^{to} del año de mil ochocientos
cuarenta y dos, paso a la casa de habitacion

9.1

de D^{to} Victor Linares a una legua de distancia

9

de D.^o Victor Linares a una legua de distancia de la finca principal de este pueblo al SO, y siendo presente el referido Linares, dispuse que se midiese un cordel p.^o con el verificar las medidas del terreno y al efecto se midió un cordel de cuerda de cincuenta v.^o castellanas, y en sus extremos se ataron dos estacas, y concluido q^o fué lo asente p.^o diligencia que firmé con los de asist.^o

10. T.

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J. Max^{no} Bonilla.de asist.^ode asist.^o

A continuación en el mismo paraje, día, mes y año, yo, el Juez de Paz de este pueblo, con los de asist.^o p.^o faltar un perito Agrimensor, ~~con los de asist.^o p.^o~~ dispuse nombrar dos medidores cordeleros de los concurrentes, y fueron nombrados Fran.^{co} Villa y Sebastian Villa, los cuales aceptando el encargo, juraron p.^o Dios y la Sta.^a Cruz — desempeñar lo fielmt.^o según su saber y entendid.^o, y asente p.^o diligencia que firmé con los de asist.^o

10

J. Max^{no} Bonillade asist.^ode asist.^o

Vicente Bonilla. Mercurial Garcia

11.

En seguida en el mismo paraje, día, mes y año yo el Juez de Paz de S. Luis Obispo acompañado de los de asistencia y concurrentes ya citados y presente D. Victor Linares, con objeto de medir el terreno, fuimos al punto q^o p.^o el dicho se señalaba el lindero con el pueblo y que es marcado p.^o unas grandes piedras, y tomando los medidores el cordel p.^o sus extremos, midieron en tierra plana en su mayor estension un cuadro de veinte cordeleros p.^o lado (o mil v.^o Castellanas) cuyos cuatro angulos fueron señalados con unas cruces, q^o en ellos se fijaron, y quedando concluido la

11

12.

12

medida y señalados los linderos y terminos dentro de los que se comprendio un cuadro de cuatro mil vñs tomé por la mano a D^{no} Victor Linares y en presencia de los asistentes en voz clara le dije: en nombre de la nacion mexicana doy a V. posesion de este terreno q se ha medido, y respondiendo que la tomaba, le mandé que hiciere alguna demostracion de haber adquirido el dominio util y directo, y con ello la propiedad de aquel terreno, y el como en demostracion de ser dueño y D^{no} cabó la tierra, avanzó yerbas y tiró piedras con loqual se concluyó el acto y para su constancia, lo firmé con los de asistencia.

J. Mar^{no} Bonilla

de asista
Vicente Bonilla

de asista
Mercurial Garcia.

13

S. Luis Obpo 26^{no} de 1849.

Debutranse estas diligencias originales al interesado p^{ra} testimonio de adquisicion de propiedad, y el uso que le combenga.

Bonilla

S. Luis obpo 26^{no} de 1849.

14

Atendido el auto anterior con esta fha se devolvió a D^{no} Victor Linares este expediente en 6 f^{as} utiles y lo asenté por diligencia y rubrique.

Queda tomada raron este juzgado en el libro respectivo a f^{as} 14, 15, y 16.

J. Mar^{no} Bonilla.

Filed in office decr 31 1862

Geo. Fisher
Juz.

14
15. folios

R. Estrada, I. Mariano Bonilla, Vicente Bonilla, & Mercenial Garcia, are all well known to me & are genuine. I know the land described in these papers it has been occupied by Victor Garcia since 1842, with a house, cattle & horses & sowing grounds, he lives on it now with his family.

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Jose M. Covarrubias
sworn & subscribed

Before me

Holland Hall Court

Filed in Office Dec. 31st 1852

Geo. Fisher
Secy

Span Dec 26 1852 "A" following

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[Faint, illegible handwriting covering most of the page]

BYCE

 2D

18 B.

Stamp Third Two Reales

Provisionally authorized by the Maritime
Custom House of the Port of Monterey in
the Department of the Californias for the
years one thousand eight hundred and
forty and one thousand eight hundred
and forty one.

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(signed) Jimeno. / signed / Antonio Maria Osig

Maritime
Custom House
Monterey

Monterey Feb 7^o of
1842.

As the Government
is at present
occupied in
determining the
proper manner
in which to
colonize the
surplus land
of San Luis
Obispo let the
interested party
reserve his
petition until
that time.

(signed) Alvarado
P.S. The persons within the boundaries
interested may of the lands of the said
plant this year Mission and adjoins those
in the lands of Don Miguel Arila the
mentioned.

(Rubrick)

To the Prefect of the First
District I, Victor Lozano
native of this Department
before the well known justice
of Your Honor with due
respect and in legal form,
represent that although by
a Decree of the Departmen-
tal Government, I, occupy
and possess a peice of
land which pertained to the
Mission of San Luis Obispo,
nevertheless as there is no
part of it permanently moist
or that may be watered,
so as to insure a crop
when there is no other
reason for losing it,
I pray Your Honor will
be pleased to grant me
a small peice of land which
is within the boundaries
of the Lands of the said
Mission and adjoins those
of Don Miguel Arila the
size and situation of
which are shown by
the Map which I truly trans-

therewith, its extent being two caballerias
of land on one thousand varas in length
and the same in breadth. I therefore
request Your Honor to comply with
my petition, by which I will receive
favor and justice which I swear to
Monterey Decr 1' 1841
(Signed) Victor Linares

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To the Prefect

At the request of the
interested person to shorten the time
in case Your Honor should thus
determine, I report that the land
solicited is not occupied by this establish-
ment nor has it, need for it San Luis
Obispo December 10' 1841
(Signed) Vicente Carnet

To His Excellency the Governor, In view
of the report made by the Administrator of
of the Establishment of San Luis Obispo
this prefecture is of opinion that the
favor which he seeks may be granted
to the petitioner, nevertheless your
Excellency will decide as you may think
just. Monterey January 26th 1842
(Signed) Jose R. Estrada

San Luis Obispo September 8' 1842
At the request of the person interested
I, the person actually in charge of
this Establishment certify: that I have
measured the land which he requests
and its extent is one thousand Castilian
varas, distant from the principal build-
-ding of this Establishment one league
four hundred varas in a right line
which distance I myself have measured

and in referance to the occupation of said Land the interested party actually occupies it in virtue of the Decree made at his request.

(Signed) J. Mariano Bouilla
Monterey September 18' 1842.

In conformity with the request of the party interested in this representation and the foregoing reports, the thousand Varas of Land shown on the annexed map are granted to Don Victor Linares.

The person in charge of the Establishment of San Luis Obispo will give the corresponding possession, measuring the Land and causing the Land marks to be placed.

(Signed) Alvarado

To the Justice of the Peace of San Luis Obispo.

San Luis Obispo
December 3. 1842
Presented and admitted
as requested:
Let the petitioners
know that on Monday
the 3rd inst: the
land which has
been granted him
will be measured
and the judicial
possession given
which he seeks
Thus I the Justice
of the Peace of this
Demarkation
decreed ordered
(Signed)
(Signed) Bouilla

Victor Linares resident of this jurisdiction before you in the most proper manner, represents: that of the last Decree which is contained in the papers which he transmits one thousand Varas of Land are granted to him in the place shown on the Map, and as by the same Decree you are authorized to give him ^{the} possession, he prays that you will please to grant it designating the day on which to verify it. Therefore he requests you to comply with his petition, by which he will receive favor and justice
&c.

/ Signed / Victor Linares

P.S. Be pleased to admit this on common papers as there is none of the corresponding stamp.

In the Pueblo of San Luis Obispo on the third day of the month of December of the year 1842. Don Victor Linares being present in his dwelling house, I, notified him of the foregoing order and he acknowledged notice, which I certify with assisting witnesses for want of a Notary.

/ Signed / J. Marias Bonilla

Asstg. Witnesses.

/sgd/ Vicente Bonilla
/sgd/ Mercurial Garcia.

In the Pueblo of San Luis Obispo on the fifth day of December in the year one thousand eight hundred and forty two. I, the justice of the peace of this Demarcation accompanied by the assisting witnesses went to the dwelling house of Don Victor Linares, distant one league N.W. of the principal building of the Pueblo, and said Linares being present, I directed a cord to be measured with which to verify the measures of the lands, and there I was measured a hair rope of fifty spanish varas long, and at its extremities two stakes were tied, and this being finished I noted it officially and signed with those of my assistance.

/ Signed / J. Marias Bonilla

Asstg. Witnesses

/sgd/ In continuation and in the same place, day month and year I, the justice of the Peace of this Pueblo with the assisting witnesses for want of a professional

summoner decided to appoint some of the

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surveyor, decided to appoint from the by-standers two measuring rope bearers, and those appointed were Francisco Villa and Sebastian Villa, who, accepting the office, made oath by God and the Holy Cross to discharge its duties faithfully to the best of their knowledge and understanding and I noted it officially and signed with those of assistance.

(Signed) J. Mariang Bonilla

(Sgd) Vicente Bonilla

(Sgd) Mercurio Garcia

Afterwards, in the same place, day, month and year, I, the Justice of the Peace of San Luis Obispo, accompanied by the assisting witnesses and other persons before named, and being present Don Victor Sinares for the purpose of measuring the land, we went to the point which the Map shows to be the boundary with the Pueblo which is marked by a large rock, and the measurers taking the cordel by its extremities, measured on level ground a square of twenty cordels each side (or a thousand Spanish Varas) the four angles of which were marked with crosses which were fixed in them, and the measurements being finished and the boundaries marked which include a square of four thousand Varas: I took Don Victor Sinares by the hand and in presence of the assisting witnesses, in a loud voice I said to him; In the name of the Mexican Nation I give you possession of this land which has just been measured, and he replied that he took it, and having directed him to make some demonstration of having acquired

the useful and direct dominion and as such the ownership of that land, he dug up earth, pulled up grass and threw stones with which the act was ended, and in testimony I signed with those of assistance.

/signed/ J. Mariand Bonilla

Asst. Witnesses
 (sgd) Vicente Bonilla
 (sgd) Moeremial Asarcia

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San Luis Obispo Dec 5th 1842.
 Let these original official papers be delivered to the party interested in testimony of acquisition of ownership and the use he may find convenient.

/Signed/ Bonilla

San Luis Obispo Dec 6th 1842
 In compliance with the proceeding order, on this date this record of proceedings was delivered to Don Victor Linares in six written folios and I made official note of it which I signed in rubric.

(Rubric of Bonilla)

It has been registered in this office, in the respective books, on folios 14, 15, and sixteen.

/signed/ J. Mariand Bonilla

I certify the foregoing to be a true and correct Translation from the original Spanish document on file in this office in case No 39. Victor Linares

Clerk Fisher

Secy

Filed in Office Feby 12th 1852

Clerk Fisher

Secy

No 39,
Before the U.S. Land Commission
In the claim of Victor Siniars.

Stipulation
Suite on Tract of Land near San Luis
Abispo.

In this case it is agreed between the
Counsel of the Claimant and the Land Agent
of the United States, that all the Laws, decrees,
ordinances, and regulations, and especially
the colonisation Law of Mexico passed
on the 18th August 1824, and the regulations
made by the Supreme Executive Power
of Mexico on the 21st November 1828, shall
be considered as having been offered in
evidence in this case and duly proven.

Walter Peachy & Billings
Counsel for Claimant
R. Greenhow
Asst. Land Agent.

Filed in Office March 8th 1853,

Geo. Fisher
Secy

Opinion

Victor Siniars Claimant } U.S. Land Commission
vs } for California.
The United States } Session at San Francisco
No 39, for 1000 Varas square

The claim in this case is founded upon
a grant, made by Governor Alvarado,
on the 18th September 1842, to the claimant,
for one thousand Varas square of land,
according to the petition and Map present-
ed. The usual order of the Governor
for a measurement and delivery of the
possession of the land granted, was
made in the grant, and it appears,

that, by the proper officers those requirements were complied with. There does not appear to be any thing in the Public Archives relative to this grant tho there is a Memorandum of a provisional Grant of a prior date viz: in February of the same year, by the same Governor to the same Grantee, for a much larger quantity in the same locality, under which no claim is now made. The original Grant and Documentary Evidence Constituting the Expediente of Titte in the case are now proved and their genuineness fully established.

The possession of and residence upon the Land by the Grantee and its cultivation even since the year 1842. when it was granted is also proved. The Land was granted under the Decree of the 18th of August 1824 and the ordinance of the 21st of November 1828. and the only objections urged against its confirmation are that the Land lies within the ten Littoral leagues and that the Governor does not appear to have obtained the approval of the Departmental Assembly.

Both of these objections have been considered, and overruled by this Board, in the case of Comd. Cervantes, and others, heretofore decided. With regard to the first objection, that the Land is within the ten Littoral leagues, as the Board cannot judicially notice its locality, the question, the question does not arise, there being no evidence on that subject in the records. In accordance with the principles of decision prescribed for our Government in the 11th section of the Act of 3^d March 1851, we think

the claim is valid, and enter the following

the claim is valid, and enter the following
 Decree of final confirmation Commissioner
 Kealy concerning in the result
 Kealy J. Thornton

Decree

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This Board upon full consideration of
 the various grounds affecting the validity of
 the said claim, having come to the conclu-
 sion that the same is valid. Therefore
 now proceed to make and does hereby
 make the following Decree on report of
 Final Confirmation viz: It is decreed
 that the said claim be confirmed to the
 claimant, to the extent and quantity
 of one thousand Varas square, and
 for no more; being the same land
 described in the grant and Expediente
 referred to therein and of which pos-
 session has been held and enjoyed
 under the said grant, from its date
 to the present time. Provided that
 the said quantity of land granted, and
 now here confirmed be contained
 within the boundaries of the map
 referred to in the grant, and if there
 be less than the said above named
 quantity within the said bounds, then
 we confirm to the said claimant that
 less quantity, it being apparant that
 there is within said bounds more
 than the minimum of two hundred
 square Varas as prescribed in the
 ordinance of the 21st November 1828,
 Keiland Kealy
 Kealy J. Thornton / Commis^{rs}

Filed in Office March 14th 1853

Geo. Fisher
 Secy

1/2

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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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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 *twenty seven* pages, numbered from 1 to *27*, 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. 39 on the Docket of the said Board, wherein

Victor Linares is the Claimant - against the United States, for the place known by the name of "*Mission of San Luis Obispo*"

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 *June* A. D. 1854, and of the Independence of the United States of America the seventy=*eight*

Geo. Fisher

3 *Sy.*

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10000s. Sq.

VI

appelt.

11

The U. States

11

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N: 39

20



Office of the Attorney General of the United States,

Washington, 11th September 1854.

11 SD
PAGE 25

Victor Squares,

vs.

The United States.

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 30th day of June 1854 the appeal in the district court of the United States for the Southern district of California will be prosecuted by the United States.

Andrew

Attorney General.

N^o 11.

United States District Court.
Southern District of California

Victor Linases

vs.

The United States.

Notice of appeal from atty. Gen.

Filed Nov 7th 1837.

J. E. Janes

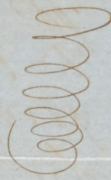
Clerk.

In the District Court of the United States for
the Southern District of California.
Los Angeles County.

Victor Linares

advs.

The United States



No. 39.

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PAGE

To the Honorable Isaac S. K. Ogier Judge of
the District Court of the United States for the
Southern District of California.

The petition of Pacificus Ord (of Monterey
County) Attorney of the United States for the
Southern District of California, who petitions
in this behalf for the United States, and being
present here in Court in his proper person, in
the name and behalf of the United States rep-
resents as follows.

That heretofore to wit on or about the 12th day
of February AD 1852 Victor Linares presented a
petition to the Commissioners to ascertain and
settle the private land claims in the State of
California, ^{claiming a tract of land} in the following words, viz. "The petitioner
"Victor Linares respectfully shows. That on the 7th
"day of February AD 1842, Juan B. Alvarado, Gov-
"ernor of California, gave to the petitioner a writ-
"ten permission to occupy and cultivate a small
"tract of land a few miles South of the Mission
"of San Luis Obispo, being one thousand varas square.
"That on the eighteenth day of September AD 1842,
"the said Juan B. Alvarado by virtue of authority
"in him vested, granted to the petitioner the
"aforesaid tract of land, with the boundaries

11 SD
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"described in the expediente and Corresponding Map:
 "That on the 5th day of December AD 1842, the
 "aforesaid tract of land was surveyed by the
 "proper Authority and the Judicial possession
 "of it given to the petitioner in due form of law:
 "Copies of which grants, Map, and Judicial
 "act of Survey and possession are hereto annexed
 "marked, A, with translations marked, B. And
 "the petitioner further shows that the said tract
 "of land has not been surveyed by the Surveyor
 "General of the United States, but that it was
 "surveyed and its boundaries marked out by the
 "proper authority at the time of giving the Ju-
 "dicial possession of it; that the petitioner has
 "been for more than ten years and now is, in
 "quiet, peaceful and undisputed possession
 "of the said tract of land, and that he knows
 "of no interfering claim. The petitioner relies
 "for confirmation of title, upon the original papers,
 "Copies of which are hereto annexed; upon the
 "documents and minutes relating to the same
 "in the Archives now in the possession of the
 "Surveyor General and upon such other and
 "further proofs as he may be advised ^{are} necessary.
 "Wherefore he prays the Commissioners to Con-
 "firm to him the said grant. &c.

Your petitioner further represents that thereafter,
 to wit, on the 14th day of March AD 1853, the said
 Commissioners confirmed by final decree the said
 Claim of the said Victor Linares, in the words ^{and figures} fol-
 lowing, to wit. "This Board upon full consideration
 "of the various grounds affecting the validity of
 "the said claim, having come to the conclusion

... it is now proceed to

11 SD
PAGE 29

that the same is valid. Therefore now proceed to
make and does hereby make the following decree
or report of final Confirmation. Viz: It is decreed
that the said claim be confirmed to the Claimant,
to the extent and quantity of One thousand varas
square, and for no more; being the same land de-
scribed in the grant and expediente referred to
therein and of which possession has been held and
enjoyed under the said grant, from its date to
the present time. Provided that the said quantity
of land granted, and now here confirmed be
contained within the boundaries of the map
referred to in the grant, and if there be less
than the said above named quantity within
the said bounds, then we confirm to the said
Claimant that less quantity, it being as apparent
that there is within said bounds more than the
minimum of two hundred square varas as pre-
scribed in the Ordinance of the 21st November 1828.

Signed Hiland Hall
Harry J. Thornton
Commissioners

That thereafter, to wit, on the 27th day of June AD
1854, a duly certified transcript of the said decree
and proceedings, and the papers and evidence on
which it was founded, in said Cause, was filed
in the Office of the clerk of the District Court of
the United States for the Southern District of Cal-
ifornia, and marked No. 39, reference to which
it is prayed may be had and made a part of
this petition.

That on the 30th day of June AD 1854, the Hon-
orable Caleb Cushing Attorney General of the
United States, received a duly certified duplicate.

of said transcript of said final decree, and proceedings, of said Commissioners in said Cause (N^o 39) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 7th day of November AD 1854, the said Attorney General of the United States, filed, or caused to be filed, on behalf of the United States a Notice with the said Clerk of said District Court for the Southern District of California, that the Appeal in said cause of Victor Linares vs the United States from the decision of the said Commissioners to ascertain and settle the private land Claims in the State of California, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States.

Your petitioner further represents that the said land claimed as aforesaid, is within the Jurisdiction of this Honorable Court.

And your petitioner further represents and insists that the said decree of said Commissioners is erroneous, and ought to be reviewed, ^{reversed} and set aside, for many errors and imperfections of law and evidence apparent in said certified transcript of said Cause now on Appeal from said Commissioners to this Honorable Court.

And your petitioner further represents that the said Claim is invalid, and said decree erroneous on the following grounds.

1. That the said Victor Linares shows no valid title to the said land claimed by him as aforesaid; and it is denied that he has any.
2. That the said land claimed as aforesaid

11 SD
30
PAGE

is with the ten houses of the sea coast and was

is within ten leagues of the Sea Coast; and was not therefore subject to Colonization or grant, by the said Governor of California, without the previous authority of the Supreme Government.

3. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by the ~~Missions of California~~; and particularly the Mission of San Luis Obispo; and could not therefore be Colonized.

4. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the law of the 18th of August AD1824, and the regulations of the 21st of November AD1828.

5. That the said alleged grant of the 18th of September AD1842, is not on sealed paper; that the land is not described sufficiently in said grant; that no time is fixed therein, within which the land should be improved and occupied by the Claimant, as required by law; and that the map referred to in said grant is vague and indefinite; that the said grant has not the signature of the Governor of California as such; that it has not the signature of the Secretary of State of California; that "Alvarado" had no legal authority to grant ^{the} public lands in the manner and form as ^{shown} alleged.

6. That there is no evidence, that the said grant was approved by the Territorial Deputation, or Departmental Assembly; and it is denied that said grant was approved.

7. That the alleged Insidious possession could not be lawfully given, until after the definitive

title issued; and no definitive title is shown by Claimant.

8. That the alleged Juridical possession of the 5th of December AD 1842, is not according to law; there is no evidence that I Mariano Bonilla was a Justice of the Peace of San Luis Obispo on said 5th of December AD 1842, and that he had lawful authority to make a survey, and give possession of said land. It is denied that he was such Justice at said time, and had such lawful authority. And said measurement and Juridical possession of said land were not made according to the ordinance or laws, or according to said grant and map referred to therein; that the map by which said survey was made was not the original map which accompanied the said petition of Claimant to the Governor asking for the said land; that the map shown by Claimant is not the said Original map, nor is it a duly authenticated copy.

9. That there is no evidence that Claimant ever lived on the said land; or that he built a house on it within a year after the date of the grant, and occupied it; or that he cultivated it.

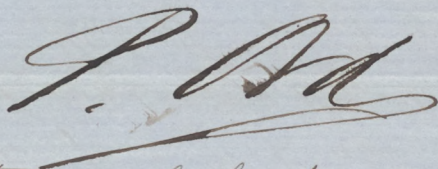
And no proof having been made by said Claimant of the allegations of his said petition, or in support of his said Claim filed as aforesaid, no decree ought to have been made or grounded thereon, but the said petition, ought to have been dismissed and said Claim rejected by said Commissioners upon the grounds aforesaid.

Wherefore the said Pacificus Ord Attorney of the United States for the Southern District of

11 SD
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California, do and in behalf of the United States

California, for and in behalf of the United States, by reason of the premises, and the laws and Statutes in such case made and provided, prays that the said Victor Sinares, or his Attorney, may be served with a copy of this petition, and that this Honorable Court will review the said ~~decision~~ ~~or final decree~~ of Confirmation of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said Victor Sinares for said land claimed and confirmed as aforesaid, and that the same may be decreed invalid. And all such other Orders, Judgments or decrees as may be just. With costs, and general relief.



Attorney of the United States
for the Southern District of Cal^a

11.
No 11
(No 39 *Manuscript*)

Victor Linares et al
ads.
The United States

Petition of *ads.* for
review to

Filed Dec 21. 1854.
J. S. Farr
clerk.

11 SD
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In the District Court of the United States
for the Southern District of California,
Los Angeles, Los Angeles County, California

Victor Senares, Appellant. } N. 11.

ad

(N. 39 of Transcript)

The United States, Appellee

11 SD
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On Motion of Pacificus Ord, Attorney of the
United States for the Southern District of
California, and on suggestion to the Court,
it is ~~Ordered~~, that Victor Senares, the Appellant
in the above entitled cause, died about
two years ago, it is Ordered that the appeal,
~~petition for review in the above entitled cause~~
in the
said cause, filed ^{in this Court} on the 27th of June 1854, &
the ~~21st of December 1854~~ petition for review
in said cause, filed in this Court on the
21st of December 1854, by the said District
Attorney, in behalf of the United States,
be allowed to continue against the rep-
resentatives, or successors in interest of the
said Victor Senares appellant, deceased,
and that the ~~name~~ of Michaela Senares
be Executing and legal representative of
the said Victor Senares, deceased, be made
a party defendant ^{and appellant} ~~to~~ in said ^{action and} ~~cause~~,
Cause cause.

N^o 11

Sinners }
 and }
U. States. }

Mo to Substitute.

Filed April 12th 1855

J. E. Jan.
clk.

11 SD
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No. 11.

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

The United States, appellants
vs.

Vitor Linares, &c appellees.

Transcript No 39.

Answer of appellees

11 SD
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Micaela Linares, executrix of the last will of
Vitor Linares, deceased, for herself as widow
of said Linares, and for Pio Linares, Fernando
Linares, Augustus Linares, Pedro Linares &
La Chata Linares, children and heirs of said
Linares, appears by her Attorneys, and
for answer to the petition of the United States
filed herein, says:

That the title of the said Vitor Linares to
the small tract of land near the Mission of
San Luis Obispo as set forth and described in
his petition to the Board of Commissioners and
in the documentary and other evidence
filed in this case is a good and valid
title. The land claimed is situate in the Southern
District of California.

And the petitioner, executrix &c, for herself and
for her said children, the heirs and legal representatives &
successors of the said Vitor Linares who departed this
life since the decision by the Commissioners in the above
entitled cause, prays this Honorable court to
affirm the decision of the Board of Commissioners, and
to decree the title of these petitioners to this land to
be valid.

Hullish Beachy & Bellings
Attys for appellees.

I have served this answer upon J. A. U.S.
Atty by delivering to him personally a true
Copy of the same at Los Angeles Aug 4th 1856

Edward Hunter

U.S. Marshal

Mr. McLaughlin

Deputy

No. 11.
The United States, appellants
vs.
Victor Linares, &c appellées
Answer of appellées

Hallam Pinsky & Billing
Attys for appellées

No. 11.
The United States
ap^{ts}
vs
McCuleo Linares
Executrix of
Victor Linares.
Answer

Filed Dec 28th 1856

11 SD

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H. P. P.

Marshals foot
Hiring Answer \$3.00

No 11.

The United States

vs

Micalla Linard

Ex^{ist} of her

vs. Dist Court

So. Dist of Cal^a

11 SD
PAGE 39

On motion of F. Billings of counsel
for claimant it is ordered that either
party may take further testimony in the
above entitled cause

July 6/56.

No 11.

The United States

4

Miscellaneous

by ~~the~~ the

Order to take further
inquiry

Filed Aug 7th 1856.
J. E. [unclear]

11 SD
PAGE 40

W. A. R.

p. Clam t.

Deposition of Jose Mariano Bonilla taken before
C. Lewis United States Commissioner for
the District of California at the United
States Court House in the City of San
Augustine on Tuesday the 13th day of
January A.D. 1857 at 4 O'clock P.M.
on behalf of the Appellants by consent and
agreement of parties to be used in testimony
in a certain cause now pending in the
United States District Court for the Southern
District of California, being Case No. 11
on Docket of said Court, wherein the
United States are appellants and ~~the~~ ^{the} ~~McCann~~
^{the} Secretary of Victor Senans ^{are} ~~is~~ appellees

Present P. Ordell

I Atty for and on behalf of Appellants
and Walter Peckham & Billings on behalf of the
appellee

Heirs of Victor Seno No 3911
vs — appelles

cas
The United States Mission San Luis
appellant Obispo

11 SD
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Jose Mariano Bonilla a Interventor on the
part of the appelles being duly sworn deposes
and avers as follows

Ques What is your name age and place
of residence

Ans My name is Jose Mariano Bonilla
am 51 years of age and reside in the
County of San Luis Obispo

Ques Do you know the tract of Land claim-
ed in this case by the Heirs of Victor Seno,
and if you state how long you have known them?

Ans I do know it, I have known
it since the year 1841. It is situated
south west of the principal Mission building
of San Luis Obispo and distant from
said Mission building about a league. I
mean from the line building to the line of
this land. The carriage road of San Luis, runs
through the Land

Ques What office did you hold under the
Mexican Government, in 1842 in San Luis
Obispo?

Ans I was Alcalde with power also to par-
tition out the Lands to the Indians

Ques Did you as such Alcalde give
any legal paper of this Land, if so

to whom —
Ques. Did I give sundry possession
of the Land in 1843 to Victor. Senard

Ques. State the point at which you com-
menced your measurement ^{and} what
it is, & if a natural and conspicuous object
~~that~~ or no?

Ans. I began at a large notable Rock
the north West Corner of the Land in question

Ques. State what marks of anything the line
between the Land in question and the
mission land?

Ans. On the line there is a small hill
with projecting Rocks and in continuation
of the line at the other end there are also
large projecting Rocks

Ques. How is the Land ~~in~~ in question
situated in reference to the Lands of Miguel
Abela?

Ans. It is adjoining and on the north
side of the Lands of Miguel Abela

Ques. Do the Hill and the continuation of the
hills which you have mentioned as marked
in the boundary between the Lands in question
and the mission ~~lands~~, make a clearly defined
and easily recognised line?

Ans. It does make a very clear
and distinct boundary line, which
cannot be mistaken. This forms the
northern line of the Lands in question in this
case

Ques. Is the Rock which you have mentioned

United States of America
State of California
County of Los Angeles

J. C. Smith United

States Commissioner for the District of California
do hereby certify that the foregoing deposition of
Case Manano Bonilla was taken before me
in accordance with the request and agreement
of the said attorneys at the United States Court
House in the City of Los Angeles State of Cal-
ifornia on behalf of the Appellees that the
said Case Manano Bonilla was by me duly sworn
according to law as a witness in said cause
in the caption of this deposition mentioned
and after being so sworn his testimony was
by me reduced to writing in his presence and
that of the said Attorneys, and after having
been by me carefully read to him and by him
corrected as he desired, was by him signed in
my presence



In witness whereof I hereto
set my hand and affix my
private seal (having no seal of the
office) this 13th January 1857

J. C. Smith

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No 11

U.S. District Court
for Southern Dist. Cal.

Wm. S. Smales' Exors.,
appellus
all

The United States
appellants

Deposition of Jesse W. Bonilla

Filed this 14th January
1857
C. S. S. Clerk
J. M. Coleman
Dep

No 11.

In the United States Dist Court in and for
the Southern District of Cal.

The United States, appellants

No 11.

vs

Transcript from

The widow and heirs of
Victor Linares, deceased appellees

the Board of Com's

No 39.

11 SD
PAGE 47

In pursuance of a notice from the Atty
Genl of the United States filed herein, it is hereby
stipulated and agreed ^{by between the parties} that the appeal heretofore
taken in this case on the part of the United States
from the decision of this court be waived, and
that the claimants have leave to proceed
under the decree of this court heretofore
rendered as under final decree.

P. Ord

Dist Atty U.S.

Hallam Puckey & Billings
Atty's for claimants.

U. S. Dist. Court
South. Dist. of Cal.

The U. S. Appell.

vs.

Heirs of Victor Senars

Stipulation

11 SD
PAGE 48

Filed 3 June 1877
W. Taylor
S. J. Clerk

R. P. Billings

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

Hon. J. S. K. Ogier Judge.

June Term 1857

The United States, appellants
vs.

The widows and heirs of
Victor Linares, deceased

11 SD

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Transcript from the Board of Com.^s No 39.

The Attorney General of the United States
having given notice that the appeal to the
Supreme Court from the decision of this court
in the above entitled cause will not
be prosecuted by the United States, and
a stipulation having been entered into by
the United States District Attorney and the
Attorneys of the Claimants that the order
granting an appeal to the Supreme Court,
heretofore made in this cause be vacated, and
that the decree of this court heretofore
rendered in this cause may by order of the court be
made final:

It is ordered, adjudged and decreed, that
the order granting an appeal to the Supreme Court
heretofore made in this cause, be and the same is
hereby vacated, and that the claimants have leave
to proceed under the decree of this court heretofore
rendered in this cause, as under a final decree.

Quas. K. Ogier
N. S. Davis Judge

No. 11
In the United States District Court
Southern District of California

The United States, appellants
vs
the widow and heirs of
Victor Linares, deceased
Order dismissing appeal

11 SD
PAGE 50

Filed 3 June 1917
At Taylor
Paid Spt. Clk
H. P. & Billings

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

Hon. Isaac L. K. Ogier Judge.

11 SD
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December Term A.D. 1856.

The United States

Appellant

v.

Michaela Linares, Executrix of the Last Will and Testament of Victor Linares deceased, representing herself, being the widow of said Victor Linares, and Pío Linares, Fernando Linares Arguñitia Linares, Pedro Linares and La Chata Linares, Children of said Victor Linares

Appellees

No. 11.

Transcript from the Board of Land Commissioners No. 39.

This cause coming on to be heard, on appeal from the decision of the Board of Land Commissioners to settle private land claims in California, upon the transcript of the proceedings and decision of said Board and the documentary and other evidence upon which said decision was founded, and upon other evidence taken and filed in this Court, and counsel for the respective parties having been heard, It is

Ordered, advised and decreed that the

decision of said Board of Land Commissioners
decreasing the title, originally in this case claimed
by Victor Sinares, to the land set forth and described
in his petition to the said Board of Commissioners
and in the documentary and other evidence taken
in this case, to be a good and valid one, be
and the same is hereby affirmed -

And the said Victor Sinares, having died, and
Micaela Sinares, the executrix of his last will
and testament, representing herself, being the
widow of said Victor Sinares, and also the
children of said Victor Sinares, whose names
are above set forth, having been substituted
as the claimants in this case in this Court,
it is further -

Ordered, adjudged and decreed that the
title of the said Micaela Sinares, executrix
of the last will and testament of Victor
Sinares deceased and representing herself, the
widow of said Victor Sinares, and also the
children of said Victor Sinares as aforesaid,
to the land originally claimed by said Victor
Sinares and set forth in his petition to the
Board of Land Commissioners and in the
documentary and other evidence taken in this
case, is a good and valid one - and
it is further

Ordered adjudged and decreed that the claim
of the said executrix Micaela Sinares,
representing herself the widow of Victor Sinares
and also the children of said Victor Sinares
be and the same is hereby confirmed.

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~~~~~

~~~~~

~ ~ ~ ~ ~

The land of which confirmation is hereby made is situated in the County of San Luis Obispo, and the same granted on the 18th day of September A. D. 1842 to Peter Linares and is in extent and quantity one thousand seven hundred ^{and no more} square feet as described in the grant and map: reference being had in aid of said description to the measurement and document of juridical possession.

11 SD
PAGE 53

James H. Ogden
Notary Public
for the State of Cal

No. 11.

The United States.
appellant

vs.
Mecalla Sinares
Executor of Victor Sinares
deceased. appellee

vs.
Deceit.

vs.
Affirming Decision of
Board of Land Commissioners
and Confirming Claim

Filed Aug. 14th 1857
C. J. Smith
at
Recorded in page 138

California Land Claims.
Attorney General's Office
20 Feb. 1857.

11 SD
PAGE 55

Sir:
In the case of the claim of
Victor Linares, confirmed to the
claimant by the Commissioners, case
no. thirty-nine, (39), appeal will
not be prosecuted by the United
States.

I am,
Respectfully,
Ours,

Pacific Ad Esq
U. S. Attorney
Los Angeles.

No 11

Filed 4th March 1858 for
8th June 1857
C. Lewis clerk
J. M. Lakeman
Debt

11 SD
PAGE 56

United States of America, }
Southern District of California. } SS.

TO

The President of the United States,

Victor Linares

11 SD
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GREETING:

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *Twenty first* day of *December* in the year of our Lord one thousand eight hundred and fifty-*four* at the City and County of Los Angeles, in said District, by *Pacificus Ord Attorney of the United States for the Southern District of California in behalf of the United States, praying the said Court to review, upon the grounds therein set forth, the decision of final confirmation of the Commissioners to ascertain and settle the private land claims in the State of California, of the Claim of Victor Linares, for a tract of land called near the Mission of San Luis Obispo, to the extent of about one thousand yards square, which said claim was presented by some petition to said Commissioners, on or about the 12th of February, A.D. 1852, and by them confirmed on or about the 14th of March A.D. 1853.*

and that you, and each of you, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs. *The plaintiff will apply to the Court for the relief demanded therein.*

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *second* day of *February* in the year of our Lord one thousand eight hundred and fifty-*five* at Los Angeles aforesaid.

J. O. Farr
Clerk.

Marshals Cost -

Copying Summons	1.00
Serving Petition	4.00
Serving Summons	4.00
Actual expenses	12.00
<hr/>	
	\$21.00

No. 11

GA

United States of America,
 Southern District of California,
 U. S. DISTRICT COURT.

Victor Linares, et al

vs

The United States

SUMMONS.

Received February 2, 1855

Edward Hunter
 U.S. Marshal

11 SD

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I served this summons along with the proper copy of the petition upon *Micela Linares* ~~the legal representative~~ ^{Executrix and} the legal representative of Victor Linares, deceased, by delivering to her personally a true copy of the summons and petition.

at *San Rancho in the County of San Luis Obispo* in the Southern District of California on the *twenty-second* day of *February* A. D. 1855.

Sworn to and subscribed before me, *this 10th* }
 of *March 1855*. }
J. S. San Clerk.

Edward Hunter
 U.S. Marshal
 Depty
R. F. Jones

United States of America, }
Southern District of California. } SS.

TO

The President of the United States,

~~Victor Linares~~ &

Micaela Linares, Executive &c.

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GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, and each of you, in the District Court of the United States, in and for the Southern District of California, on the *Twenty first* day of *December* in the year of our Lord one thousand eight hundred and fifty-four at the City and County of Los Angeles, in said District, by *Pacificus Ord, attorney of the United States for the Southern District of California, in behalf of the United States, praying the said court to review, upon the grounds therein set forth, the decision of final confirmation of the Commissioners to ascertain and settle the private land claims in the State of California, of the claim of Victor Linares, for a tract of land near the mission of San Luis Obispo, to the extent of about one Thousand varas square, which said claim was presented by your petition to said Commissioners on or about the 12th of February A.D. 1852, and by them ~~repeated~~ confirmed on or about the 14th of March A.D. 1853.*

and that you, and each of you, are required to appear at said Court, in said City, within ten days after the service hereof, if served on you within the County of Los Angeles, and within twenty days if served on you in the County of San Diego or San Bernardino, and within forty days if served on you in any other County of said State, exclusive of the day of service, and answer said petition, or that judgment by default will be taken against you, and each of you, and the prayer of the said petitioner will be granted, with costs. *The plaintiff will apply to the Court for the relief demanded therein.*

IN WITNESS WHEREOF, I have hereunto set my hand, and affixed the Seal of the said Court, this *Twentieth* day of *August* in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. C. Farr,
Clerk.

No 11.

Marshals Cost
Copying Summons, 60
Serving S. P. 6000
300- numbers on each
\$400
60.60

United States of America,
Southern District of California,
U. S. DISTRICT COURT.

*Micaela Linars, Executrix
of the Estate of*

ad. ~~vs~~

The United States.

11 SD

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SUMMONS.

Recd August 20th 1855.

E. Hunter
W. S. Marshal
by R. S. Jones
clerk

I served this summons along with the proper copy of the petition upon

Micaela Linars

at the *San Luis Obispo* in the Southern District of California or
the ~~18~~¹⁹th day of *Nov* A. D. 1855.

Sworn to and subscribed before me,

Clerk.

E Hunter
} Marshal.

*Per J. A. Murray
Jef*