

CASE No.

26

SOUTHERN DISTRICT

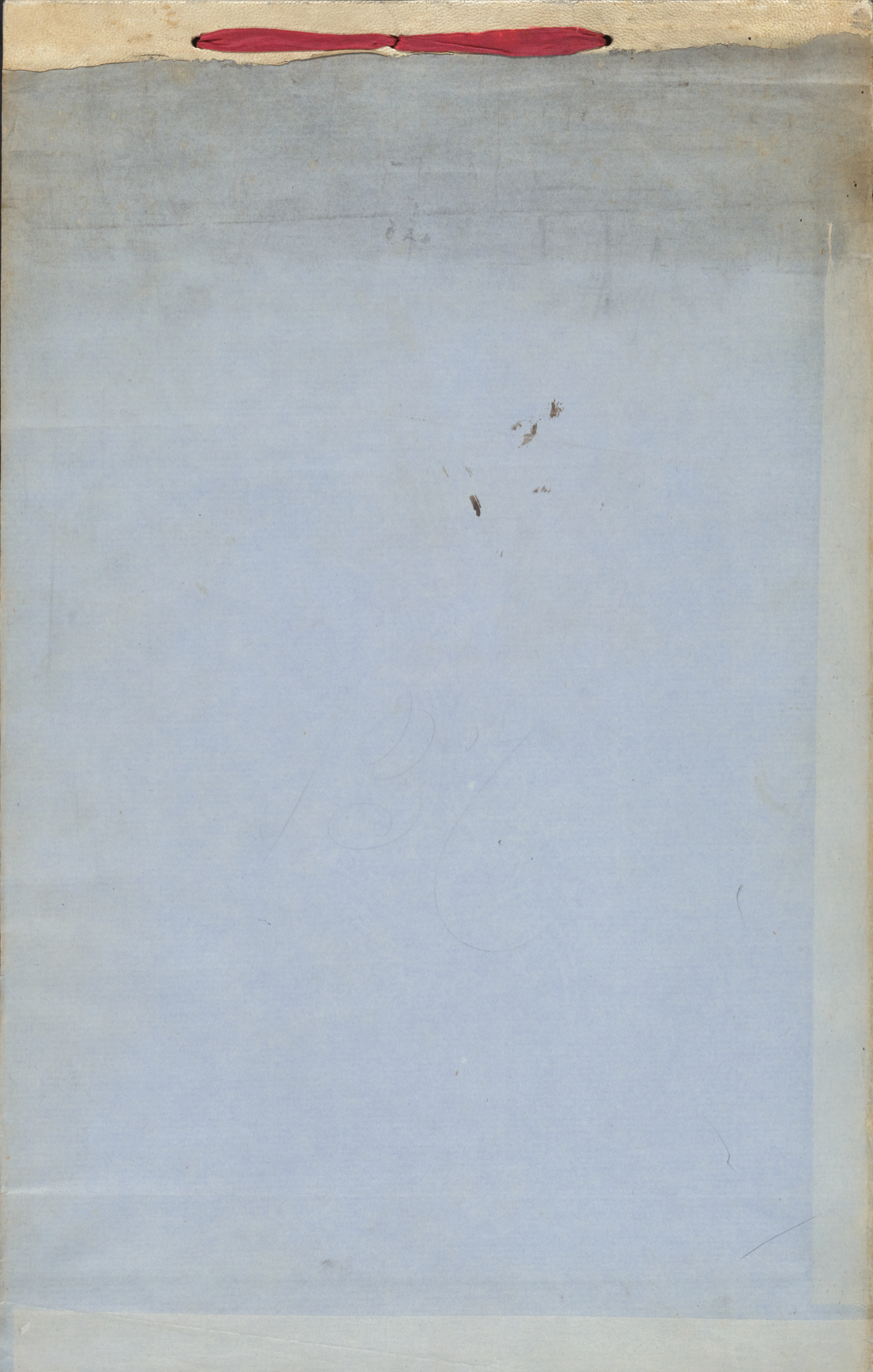
SAN LUISITO GRANT

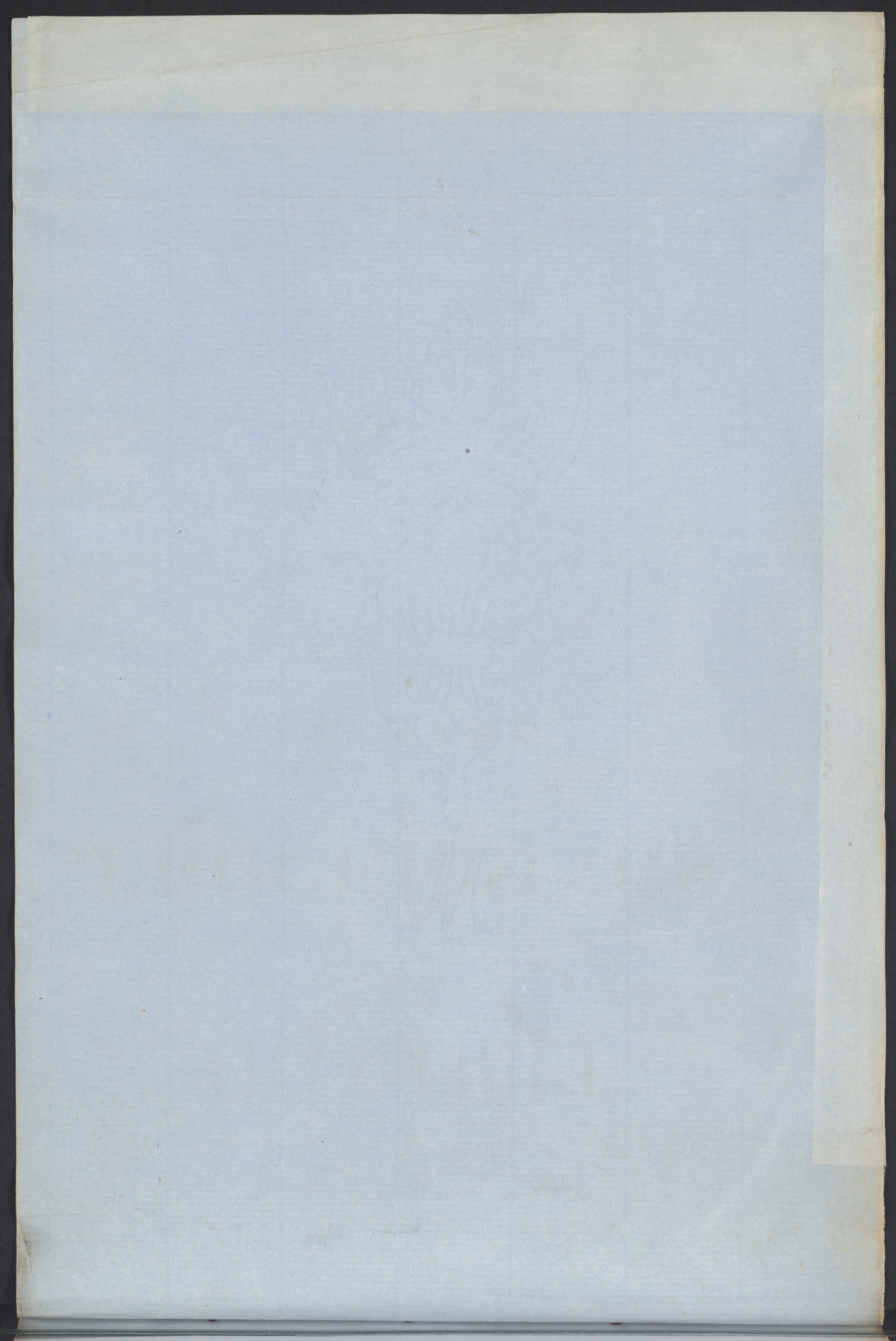
GUADALUPE CANTUA

CLAIMANT

FEB 12 1963

THE
S&W COMPANY
BROKER BOND
COMMERCIAL





TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 137

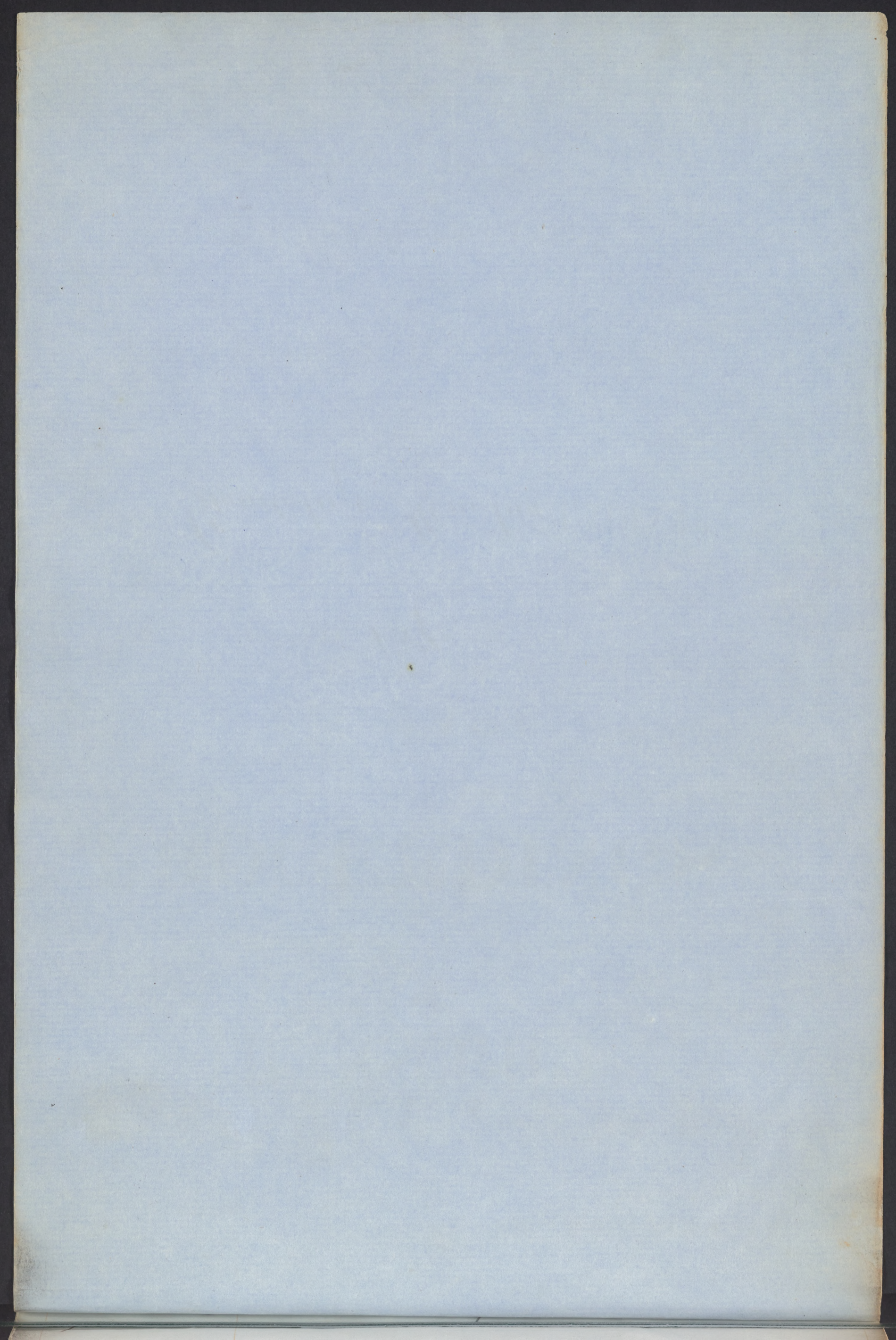
Guadalupe Cantua CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

San Luisito



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
Anno Domini One Thousand Eight Hundred and Fifty- , 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 *Guadalupe Cautua*
for the Place named
"San Luisito"
was presented, and ordered to be filed and docketed with No. 137, and
is as follows, to wit;

(Vide page of this Transcript.)

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

San Francisco December 31st 1852.
In Case No. 137, *Guadalupe Cautua* for the
place named "San Luisito", the deposition of
José Maria Ceramacia, a witness in behalf
of the claimant, taken before Commissioner
Melina Hall, with document marked H. H
No. 1, annexed thereto, was filed;
(Vide page of this Transcript.)

San Francisco Aug. 15th 1853.
Case No. 137 called, submitted on briefs
and taken under advisement.

San Francisco Oct. 25, 1853
In Case No. 137 *Guadalupe Cautua* for the
place named "San Luisito" Commissioner

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Thompson Campbell delivered the opinion
of the Board confirming the claim;
(See page _____ of this instrument)

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PAGE 3

Duplicate

To the Honourable Commissioners to Settle
Private Land Claims in California.

The Petitioner Guadalupe Cantua, re-
spectfully shows: That in April A.D.,
1841 he applied to the proper Authority
for a grant of the Tract of Land known
by the name of San Jacinto in the present
County of San Luis Obispo:

That the said application was favorably
endorsed by the local authorities, whereupon
on the 6th day of August A.D., 1841, Juan
B. Alvarado Governor of California, by
virtue of Authority in him vested granted
to the petitioner the aforesaid tract of land
with the boundaries described in the grant
and set forth in the map accompanying
the Expediente:

That on the 13th day of May A.D.,
1846 the said Land was duly surveyed
and the juridical possession of it given
to the petitioner by the proper authority
in due form of Law: Copies of which
Expediente, Map, grant, and juridical Act
of possession and Survey are hereto an-
nexed marked A.B.C. with translations marked
D.E.F.

The petitioner further shows that the
said Land has not been surveyed by the Surveyor
General of the United States, but that it
was duly surveyed and its limits marked
out at the time of giving the judicial
possession, that it has since been sur-
veyed by the Surveyor of San Luis Obispo
County and that its boundaries are well
known.

That the petitioner has been for
more than eleven years, and now is in
the quiet, peaceful and undisputed

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Petition

possession, occupation and cultivation of the said tract of land.

That he knows of no conflicting claim: The petitioner relies for confirmation of title upon the original papers, copies of which are hereto annexed: upon the documents and minutes in the Archives now under the charge of the Surveyor General; and upon such others, and further proofs as he may be advised all necessary. Wherefore he prays the Commissioners to confirm to him the said tract of land.

By his Attorneys
Healey, Peachy & Billings.

Filed in Office March 30th 1852.

Geo. Fisher Secy

San Francisco, Decr 31st 1852.

Deposition
of Jose Maria
Covambias

On this day before Comr. Nolan Hall, came Jose Maria Covambias, a witness in behalf of the Claimant, Guadalupe Cantua, petition No. 135 and was duly sworn, his evidence being interpreted by the Secretary.

The U.S. Associate Land Agent was present.

In answer to enquiries by counsel for the Claimant, the witness testified as follows.

My name is Jose Maria Covambias, my age is 44 years; I reside in Santa Barbara, and have lived in California

18 years.

I am acquainted with the signature of Juan B. Alvarado, Manuel Jimenez, Jose de Jesus Pico, & Mariano Bonilla; their signatures to the Document, before me marked No. No. No. 1 are genuine; my own signature to the same document is genuine.

I know the Rancho described in these papers: it has been occupied by Guadalupe Contra since 1841, with a house, cattle & horses, & has cultivated portions of the land; he lives on it now with his family.

Jose M. Covarrubias

Sworn & Subscribed

Before me

Neiland Neall Comr.

Filed in Office Dec. 31st 1852.

Geo. Fisher Secy

Spec. Docs follow

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Supl.
C. H. No 1
annexed to
deposition of J. M.
Carrasquinos

"A"

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Sor. Prefecto del 1^o distrito.

Guadalupe Cantua Ciudadano Mexicano y vecino de esta demarcacion ante la Justificacion de V. S. como mejor persona y mas haya lugar en derecho, digo que hallandose posesor de algunos bienes sin tener un paraje apropiado donde fomentarlos, solicito la propiedad de un terreno baldio que se halla en terrenos de la Ex. Misión de San Luis Obispo para considerarme acreedor a el segun la ley de colonizacion. La estension de dicho sitio consta por un mas o menos de dos y medio sitios de Ganado mayor colindante por el Norte con D^o Vicente Canet, hasta llegar al arroyo del chono por la parte Contraria, y por el Oriente con el Ciudadano segun Victor Lineras, hasta la Sierra que queda al Oeste segun demuestra el dibujo que al efecto acompaño. Por tanto A. S. Suplico se sirva tomar en consideracion mi presentandole el que corresponde de lo que recibire gracia. Montevideo 18 de 1821. Por el interesado = Manuel Castro = San Juan de Castro. Mayo 10 de 1821. Puse al administrador de San Luis Obispo para que informe lo conveniente. = Por enfermedad del Sor. Prefecto y de su orden M. Castañares. Secretario. = Sor. Prefecto. de conformidad con el decreto de V. S. digo que el terreno que se solicita es en su totalidad un Valerio y no se ocupa con ningunos bienes, ni hace falta a este establecimiento en tal virtud, puede el que pretende obtener su propiedad. = San Luis Obispo Junio 7 de 1821. Vicente Canet. = Dando Sor. Sr. Guadalupe Cantua solicita de la honrada de V. S. se sirva concederle la propiedad del terreno que aparece para el dibujo que acompaño y es perteneciente al establecimiento de San Luis Obispo segun el que informe al administrador se encuentra Valerio el terreno pretendido, sin hacer falta alguna a la Ex. Misión, y por lo tanto se fuere del agrado de V. S. esta Prefectura no encuentra inconveniente argue se sirva agraciar al solicitante. = San Juan de Castro. Junio 13 de 1821 = Jose F. Castro Montevideo 6 de Agosto de 1821. = Vista la peticion congo de principio este expediente, el informe del Sor

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Prefecto del 1^o distrito el del encargado del establecimiento
 de San Luis Obispo con todo lo demas que se tubo presente
 y ver con vino de conformidad con las leyes y reglamentos
 de la materia, declaro al ciudadano Guadalupe Cantina
 dueño en propiedad del terreno conocido con el nombre de
 San Luisito, colindante al noroeste con el rancho del
 Ciudadano Vicente Cané por el poniente con el del Ciudadano
 Victor Linares, por el norte con la Sierra y por el Sur
 con la Misión de San Luis Obispo, siendo la estension
 de dicho terreno de un litro de Guano mayor o menor
 o menos. Librese el despacho correspondiente, tomes razon
 en el libro respectivo y dirijase este expediente a la Exma.
 Junta Departamental para su aprobacion. El Sr. Don
 Juan B. Alvarado, Gobernador Constitucional de las Cali-
 forniias así lo mando, oído y firmo de que doy fee.
 La copia del expediente promovido por Guadalupe Cantina
 en pretension del pasaje de San Luisito.
 Atageles. Febrero 9. de 1846.

Jose M^o Covarrubias.

Sello 1^o Seis pesos.

Abilitado provisoriamente por la aduana maritima
de Monteny para los años de 1839 y 1840.

Alvarado. Ant^o M^o Osio.

Valga para los años de 1841 y 1842.

Alvarado. Ant^o Maria Osio.

(Seal) Juan B. Alvarado, Gobernador Constitucional
del Departamento de las Californias.

Por cuanto el ciudadano Guadalupe Cantina
 ha pretendido para su beneficio personal y el de su
 familia, el pasaje conocido con el nombre de San-
 Luisito, colindante al noroeste con el rancho de
 Don San Vicente Cané, por el Poniente con el del Ciudad
 Victor Linares, por el norte con la Sierra, y al Sur
 con la Misión de San Luis Obispo, practicadas previ-
 -amente las diligencias y averiguaciones correspondientes
 segun lo dispuesto por leyes y reglamentos, usando de
 las facultades que me son conferidas a virtud de la
 pñcion Mexicana, he tenido en concebirle el terreno
 mencionado declarandole la propiedad de el por las
 presentes letras, sujetandose a la aprobacion de la Exma

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"B"

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Quinta Departamental y a las condiciones siguientes.

mep 5

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1.^o Podrá cercarlo sin perjudicar las travesías cañones y serranías, lo disputará libre y exclusivamente ostentando lo al uso o centro que mas le aconvoque, pero dentro de un año fabricará casa y estará habitada.

2.^o Solicitara del Juez respectivo que le dé posesionamiento en virtud de este despacho para el cual se demarcaran los linderos en cuyos limites, habrá a unos de las matorras, algunos arboles frutales o alverdes de alguna utilidad.

3.^o El terreno de que se hace mención es de un sitio de Guando mayor, segun explica el oficio que corre en el expediente. El Juez que le otorga la posesion lo hará medir conforme a ordenanza, quedando el sobrante que resulte a la Union para los usos convenientes.

4.^o Si contraviere a estas condiciones quedara su derecho al terreno y sera denunciado por otro.

En consecuencia mando que teniendose por firme y valido este titulo, se tomese razon de el en el libro respectivo y se entregue al interesado para su resguardo y demas fines. Dado en Monterrey a dos de Agosto de mil ochocientos ochenta y uno.

Mano Juncos. Sr. Juan B. Alvarado.

queda trancada razon de este despacho en el libro de actas sobre adjudicacion de terrenos baldios p. vuelta.

Juncos.

El Sr. Gobernador ha dispuesto se tomese razon de esta concesion en la Prefectura del 1.^o distrito.

Juncos

Compartir a Mar en blanco!

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Renovacion de San Luis Obispo.
en Jurisdiccion de Sta Barbara.

Año de 1846.

Expediente promovido en la precion Judicial y se
dio a D^o Guadalupe Cantón del terreno q^e
tiene concedido.

"C"

Abul 24 de 1846. Guadalupe Cantua, Veuino de esta Jur
 Paz presentado y ad isdicion ante N. como mejor proceda
 muti do con lo que digo: que en virtud del titulo que debi
 haberse saber al elemento acompaas el cual habilita a
 selecc ante q. p. l. b. para dar me la proteccion Juridica
 N. de Mayo, p. n. a lito pido se sirva acceder a ello, se alauo
 cion de los talidante el dia que se verifico. Por tanto.
 se me asia el terreno q. N. Suplica se sirva promover como
 se ha concedido y se le da p. n. que en ello recibire gracia y justicia
 la proteccion Juridica q. p. n. San Luis Obispo. Abril 27 de 1846
 N. l. b. y p. n. y el Juz. de Paz de Guadalupe Cantua.
 esta de uareacion. Pico. Otro si: obis que se sirva uidentia
 esta en papel comun por no haber selado.

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En el Pueblo
 de San Luis Obispo a la veinte y siete dias del mes de
 Abril del año de mil ochocientos Cuarenta y seis Guadalupe
 presentate D. Guadalupe Cantua se hizo saber el auto
 q. antecede y digo: lo oye y es conforme de lo que oyo
 fe con los testigos de asistencia por falta de exitanos
 publicos. Asi Jesus Pico.

Asa. Jose Garcia Atto. Jose M. Bonella.

Con esta fha citio a D. Vicente Canot p. n. a comparecer
 en el primero dia del mes de Mayo del presente año
 el rancho de D. Guadalupe Cantua a las ocho de
 la mañana y asento p. n. diligencia.

Jose Jesus Pico. Jose Garcia.

J. M. Bonella.

En el rancho de D. Guadalupe Cantua el dia primo
 ero de Mayo del año de mil ochocientos Cuarenta
 y seis, hayanome en la casa de D. Guadalupe Cantua
 Negro a ella D. Vicente Canot p. n. la citacion q. se hizo
 como coludante al referido Cantua y lo asenti p. n.
 diligencia q. firmo con los testigos de asistencia.

Jose de Jesus Pico. Atto. Jose Garcia. ap.

J. M. Bonella.

En el rancho de D. Guadalupe Cantua el dia
 primero del año de mil ochocientos Cuarenta
 y seis hayanome en la Casa de D. Guadalupe

Hecho a ella D^{no} Vicente Carrer por la citacion que se hizo como
 Coludante del referido Cantua y lo asentí por diligencia
 que firmó con los testigos de asistencia.

José Jesus Pico. ano. José Garcia. año. J. M^{no} Bonella.

Anteriormente en el mismo paraje día, mes y año fiendo
 presente D^{no} Guadalupe Cantua y el Juez de Paz acomp-
 añado de los de mi casa hice medir un corral con
 objeto de proceder a las medidas del terreno y al efecto
 se midió un corral de cien varas castellanas y para su
 constancia lo firmé por diligencia que firmé con los
 de mi asistencia de que doy fe.

José Jesus Pico. José Garcia. J. M^{no} Bonella.

A Continuacion en el mismo paraje, día, mes y año y por el
 Juez de Paz de S^{to} Luis Obispo con los de mi asistencia
 para falta un poquito de terreno, dispuse nombrar por
 medidores corrales de las concurrentes y fueron
 nombrados. D^{no} Manuel Salgado y D^{no} Luis Meliz
 las cuales aceptando la encarga juraron por Dios y la
 S^{ta} Cruz, de desempeñar lo fielmente segun su saber y
 costumbre; y lo asentí por diligencia que firmé con
 los de mi asistencia.

José de Jesus Pico. José M^{no} Bonella.

En Segurita en el mismo paraje día, mes y año
 y por el Juez de Paz de S^{to} Luis Obispo con la de asis-
 tencia y concurrentes y a citados y presente D^{no}
 Guadalupe Cantua con objeto de medir el terreno
 fue maral punto que por el título de la S^{ta} Cruz
 con D^{no} Vicente Carrer y que es marcado por una
 cruz que mide las tierras de su propiedad de el
 rancho de D^{no} Juan Wilson a linea paralela de
 por el rancho de D^{no} Cuanto M. S. tomavolo las medidas
 por el corral por sus extremos medieron por una
 plaza en partes y en otras Lomena muerta en su
 mejor extension, sesenta y dos corrales de cien
 varas castellanas llegavolo estas a un muro que se
 hay al N. Cuarta N. E. del pie del cerro de Bonilla
 y que ala tambien. al frente de una piedra grande
 que esta al S. Cuarta S. E. guato de otro muro y habiendo

pasado adonde están los linderos de Wilson, de allí se tiró un cordel por el N. Cuarta N.E. y se midieron sesenta y dos cord-
eles de cien varas Castellanas con las cuales se llegó hasta
la falda de la Sierra demarcando la señal q. la serviría
de mojenera en portenculo q. se ve en la Sierra p.^o el mis-
mo rumbo de allí se tiró el cordel toda la falda de
la Sierra hasta medir la misma cantidad que el rumbo
N. O. Cuarta O. y termino con los linderos del citado Carnat
y por concluir las medidas se tiró el cordel por el rumbo
Sur. Cuarta S. O. y finalizó hasta el lindero de Wilson
con lo q. se concluyó la medida y señalados los linderos
y terminos dentro de los q. se comprendió en cuadrado
de veinte y cuatro mil ochocientos varas, tomé por la
mano a D.^o Guadalupe Cantón y en pretencion de
los asistentes en voz, clara, le dije en nombre de la
Nacion Mexicana o sea al. posesion de este terreno
q. se ha medido, y respaldando q. la tomaba le
mandé q. hiciese alguna demostracion de haber
adquirido el dominio útil y directo y con ello la prop-
iedad de aquel terreno; y el como en demostracion
de ser dueño y señoria cuba la tierra, arvanca yerba
y tiró piedras con la cual se concluyó el acto y
constancia lo firmo con los de asistencia.

José de Jesus Pico. atto. José Garcia.

J. M.^o Bonnelly.

San Luis Obispo. Mayo. 3 de 1846.

Devolvase estas diligencias originales al interesado
pa que haga el uso que le conenga como testimonio
de adquisicion de propiedad y tomase rason en el
libro correspondiente. Pico.

San Luis Obispo. Mayo 5. de 1846.

Atendido el auto anterior se devolvió enteros y lo
p.^o diligencia q. rubrique.

Queda tomada rason este susgado en el libro repetido
a fojas 1. 2. 3. y 4. José de Jesus Pico.

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Expediente promovido por el Ciudadano
Guadalupe Cantua en solicitud del pasaje
conocido con el nombre de San Luisito.

1841.

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Sello cuarto. Una cuartilla.

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.

Stravado

Antonio Maria Oso.

(Seal)

Sr. Prefecto del 1er distrito.

Juan de Castro.

Guadalupe Cantua C^{no} M^o J^o de vecinos

Mayo 10 de 1841. de esta demarcacion ante la justificacion

de la aduana en el d. S. Como mejor proceda y mas haya

establecimiento de 1^o lugar en d^o de go que haya d^o me poseer

San Luis Obispo para que de algunos bienes sin tener un paraje

uniforme convenientemente apropiado donde fomentarlos. Abito

Por cumplimiento del la propiedad de un terreno baldio que

se solicita y debe ordenarse halla en terminos de la Sr. Misión de

M^o Castro y San Luis Obispo p^o por como elevacion me

"M^o" a ser de al Sr. Alcalde de Colonizacion.

La intencion de d^o sitio consta por mas d^o de unos de otros

y medio sitios de terreno mayor coluidante p^o el

Norte con Sr. Vicente Carrut hasta llegar al arroyo

del Chorro p^o la parte contraria hay al Oriente

con el Sr. Vicente Linares, hasta la Sierra que queda

al Norte segun demuestra el abito que al efecto

se acompaña. D. S. A. V. L.

Suplico de Sirva tomar en consideracion mi presente

demanda el caso que con respecto de lo que contiene

Justicia. Monterey. abril 15 de 1841.

Por el interesado. Manuel Castro.

Sr. Prefecto.

de conformidad con el decreto de V. S. digo que el

terreno que se solicita en su totalidad valdido que

se ocupa con algunas breves, ni hace falta a

este establecimiento en tal virtud puede el que

pot puede obtener la propiedad.

San Luis Obispo. Junio 4 de 41.

Vicente Carruto.

Sello cuarto. Una cuartilla.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey en el departamento de las Californias para los años de mil ochocientos

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397.

cuarenta y mil ochocientos Cuarenta y uno.

Manuel.

Antonio M^a Ocho.

(Seal)

Don Sr.

Don Guadalupe Cantua Solicita de la bondad de V. E. de S. M. concederle la propiedad del terreno que aparece por el dibujo que acompaña y es precisamente el estado de San Luis Obispo.

Segun el informe del administrador de enunciar Califico el terreno mencionado, sin hacer falta alguna a la S. M. y por lo tanto, sin perjuicio del agraviado de V. E. esta Prefectura no encuentra inconveniente en el, se sin agraviado al solicitante.

San Juan de Castro. Junio 13 de 1841.

Jose J. Castro.

Monterrey. 6 de Agosto de 1841.

Mista la peticion con que da principio este expediente el informe del Sr. Prefecto del territorio y el del encargado del establecimiento de San Luis Obispo con todo lo demas que se tubo presente y ver convenio de conformidad con las leyes y reglamentos de la materia, de daro al Excmo Sr. Guadalupe Cantua, dueño en propiedad del terreno conocido con el nombre de Sr. Suidito, colindante al norte con el rancho del Sr. Vicente Carré por el Poniente con el Sr. Victor Arriaga por el norte con la Sierra y por el sur con la Misión de S. Luis Obispo. Siendo la extension de dicho terreno de un sitio de Guadalupe por mas o menos. Libre el despacho lo respectivo si tuviere razon en el libro respectivo y dirigire este expediente ala S. M. Junta Departamental para su aprobacion. El Sr. Tenor Sr. Juan G. Manzano

Sello Cuarto. una Cuartilla.

Habilitado provisionalmente por la aduana marítima del puerto de Monterrey en el departamento de las Californias para los años de mil ochocientos Cuarenta y mil ochocientos Cuarenta y uno.

Manuel.

Antonio Maria Ocho.

(Seal)

Gobernador Constitucional de las Californias, en lo manual, decreto y fimo de que oyo fei.

Sello Cuarto. una Cuartilla.

Habilitado provisoriamente por la autoridad marítima
del puerto de Montevideo en el departamento de las
californias para las costas de mil ochocientos sesenta
y mil ochocientos sesenta y seis.
Ataratasto. Antonio M^o Cid.

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here follows a Map of the

Office of the Surveyor General of the United States for California.
I Samuel S. King, Surveyor General of the United States for
the State of California, and now as such having in my
office and under my charge and custody a portion of
the archives of the former Spanish and Mexican territory
in department of Upper California, do hereby certify
that the seven preceding and hereto annexed
affidavits paper numbered from one to seven
inclusive and each of which is verified by my initials
(S. S. K.) exhibit true and accurate copies of certain
documents on file and forming part of the archives,
in this office.

In testimony whereof I have hereto
signed my name, officially and affixed my
private seal (not having a seal of office) at the city
of San Francisco Cal. this eleventh day of February
A. D. 1852.

Sam. S. King.
Surveyor Gen. Cal.

Filed in office Sept^r 2nd 1852.

Geo. Fisher Secy.

Stamp Douth. One Cuartillo

1110/6

Provisionally / authorised by the Maritime
Custom House of the Port of Monterey
in the Department of the Californias for
the years 1840 & 1841.

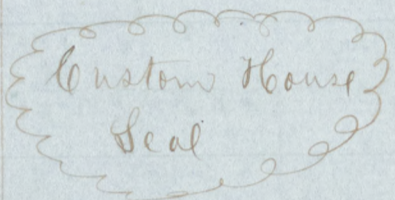
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Translation
of Expediente

Alvarado: Antonio Maria Osio

Senor Prefect of 1st District



San Juan de Castro
May 10/1841.
Let his pass to
the Administration
of the Establish-
ment of San
Luis Obispo,
that he may
inform that which
is proper.

Through sickness
of his Honor the
prefect and
by his order
(sgd) M. Castaneda
Secretary

J. Guadalupe Cantua, a Mexican
Citizen and resident of this
demarcation, before the justifi-
cation of Don Leonor as he
may best proceed, and best
may in Land, say:
that being possessor of some
property (cattle) without having
a fit place where he may
take care of them. I ask
for the ownership of a vacant
land which is situated in
the limits of the Exmission
of San Luis Obispo as I
consider myself entitled to it
according to the Law of Col-
onisation. The extent of said
place consists of, a little
more or less, two and a half
square leagues, bounded on
the north by Don Vicente
Carnet as far as the Arroyo
del Chorro on the opposite bank, on the
East by Citizen Victor Linares as far as
the Sierra which lies on the west as shown
by the map which for that purpose I
transmit.

Wherefore I pray Your Excellency to be
pleased to take into consideration my

present (petition) giving it the corresponding direction by which I will receive justice.

Monterey April 18' 1841

From the person interested

(Signed) Manuel Castro

Senor Prefecto

In conformity with the Decree of Your Honor I say that the land which is solicited is entirely vacant and not occupied with any property, nor will it be needed by this Establishment; in this view he who asks for it may obtain it in fee.

San Luis Obispo June 7th 1841
(Signed) Vicente Carst.

Most Excellent Sir

Don Guadalupe Cantón asks of the Goodness of Your Excellency that you will be pleased to grant him the ownership of the land which appears on the map which he transmits, and which pertains to the Establishment of San Luis Obispo.

According to the reports of the Administrator the land petitioned for is found to be vacant, without being needed at all by the Expedition, and therefore if it should be your Excellency's pleasure, this Prefectura finds no objection to the petitioner being favored.

San Juan de Castro June 13' 1841.

(Signed) Jose F. Castro.

Monterey Aug 6' 1841.

Having seen the petition with which this Expediente begins the report of His Honor

The prefect of the 1st District, that of the person in charge of the Establishment of San Luis Obispo, with all other things which were represented and proper to be considered, in conformity with the Laws & Regulations on the matter, I declare Citizen Guadalupe Cantua owner in fee of the Land known by the name of San Saucito, bounded on the North West by the Rancho of Citizen Vicente Cantua, on the West by that of Citizen Victor Serrano, North by the Sierra and South by the Mission of San Luis Obispo, the extent of said Land being one square league, a little more or less. Let the corresponding title issue, let note be made in the respective book, and let the Expediente be directed to the Most Excellent Departmental Junta for its approval.

Senor Don Juan B. Alvarado Constitutional Governor of the Californias, thus ordered, decreed, and signed, to which I certify

Filed in Office Sept 22nd 1853

Ce. Fishers Secy

"20"
Translation
of Expediente

To the Prefect of the First District
I, Guadalupe Cantua, a Mexican Citizen and resident of this demarkation, before Your Honor in the most legal and favorable manner, represents: that being in possession of some property, and having no fit place to take care of it in, I request the grant of a vacant land which is among those of the Ex mission of San Luis Obispo, as I consider myself entitled to it; according to the Colonization Law.

The extension of this place is a little

more or less than two and a half sitios de ganado mayor (two and a half square leagues) and is for the boundaries of Don Vicente Canch on the North to the "Arroyo del Chorro" in the contrary direction, and from that of Citizen (Victor) Sinares on the East to the Sierra on the West as shown by the map which for that purpose I transmit.

I therefore pray your Honor be pleased to take into consideration my present request, giving it the direction it ought to have, by which I will receive justice

Monterey April 18th 1841.

For the person interested
(Signed) Manuel Castro.

San Juan de Castro, May 10th 1841
Pass this to the Administrator of the Establishment of San Luis Obispo that he may report what he thinks proper.

An account of the sickness of his Honor the Prefect and by his order

(Signed) Manuel Castaneda
Secretary.

To the Prefect

In conformity with the Decree of Your Honor, I report that the land solicited is entirely unoccupied and vacant, and is not needed by this Establishment, and as such is the case the petitioners may obtain the ownership of it. San Luis Obispo June 7th 1841.

(Signed) Vicente Canch.

To His Excellency the Governor

Don Guadalupe Cantua prays Your Excellency's Goodness will be pleased to grant him the ownership

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of the land shown on the map which he transmits, and which belongs to the Establishment of San Luis Obispo. According to the report of the Administrator the land solicited is vacant, and is not needed by the Exmission, and therefore, if it should please your Excellency this Prefectura sees no objection to favoring the petitioners.

San Juan De Castro, June 13th 1841.
(Signed) José S. Castro.

Monterey August 6th 1841

Having seen the petition with which this Expediente commences, the report of the Prefect of the First District, that of the person, in charge of the Establishment of San Luis Obispo, with all other information which was born in mind and deemed proper to be considered, in conformity with the laws and regulations on the matter, I declare Citizen Esuadalupe Cantua owner in fee of the land known by the name of San Juanito bounded on the North West by the Rancho of Citizen Vicente Canch, on the West by that of Citizen Victor Semares, on the North by the Sierra and on the South by the Mission of San Luis Obispo.

The extent of said land being one sitio de ganado mayor (one square league) a little more or less. Let the corresponding title be issued, let note be taken in the proper book and direct this Expediente to the Most Excellent Departmental Junta for its approval. Senor Don Juan B. Alvarado, Constitutional Governor of the California, thus ordered decreed and signed which I certify.

The above is a copy of the Expediente

of Guadalupe Cantua, petitioning for the
place of San Luisito,
Angelis February 9th 1846.
(Signed) Jose Maria Covarrubias
Secretary
E. O. R. P.

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Filed in Office March 30th 1852
Geo. Fishers Secy

Stamp Dish, Six Dollars

"E"
Translation
of Grant

Provisionally authorized by the Maritime Custom House of Monterey for the years 1839 & 1840.
(Signed) Alvarado (Signed) Antonio Maria Esio

Maritime
Custom House
Monterey

Good for the years 1841 and 1842.
(Signed) Alvarado
(Signed) Anto. Ma. Esio

Juan B. Alvarado Constitutional Governor
of the Department of the Californias.

Whereas Citizen Guadalupe Cantua has for his own personal benefit and that of his family, petitioned for the place known by the name of San Luisito, bounded on the North West by the Rancho of Don Vicente Canch, on the West by that of Citizen Victor Benares, North by the Sierra, and South by the Mission of San Luis Obispo; the proper investigations and examinations having been previously made as required by regulations; using the powers conferred on me in the name of the Mexican Nation, I have

granted him the aforesaid place declaring

granted him the aforesaid place declaring to him the ownership of it by these presents, subject to the approval of the Most Excellent Departmental Junta and the following conditions;

1. He may enclose it without prejudice to the roads, cross-roads and servitudes, and enjoy it freely and exclusively, making such use or cultivation of it as he may see fit, but within one year he shall build a house on it and it shall be inhabited.

2. He will request the proper Magistrate to give him judicial possession in virtue of this Title by which the boundaries will be marked out in which, besides the bounds, he shall place some fruit or forest trees of a useful character.

3. The land therein mentioned contains one sitio de ganado mayor (one square league) (a little more or less) as shown by the map which goes with the Expediente. The Magistrate who may give the possession will cause it to be measured in conformity with ordinance, leaving the surplus which results to the nation for its convenient uses.

4. If he shall contravene these conditions he shall lose his right to the land and it may be denounced by another person.

In consequence I order that this Title being held as firm and valid note be taken of it in the proper book and it be delivered to the party interested for his security and other purposes.

Given in Monterey on this second of August, one thousand eight hundred and forty one.

Signed, Juan B. Alvarado

(Signed) Manuel Jimenez
Secretary

State has been made of this title in the
book of entries of grants of vacant lands
on folio C. over.

(Sgd) Jimenez
His Excellency the Governor has ordered
that note be taken of this grant in the
Prefectura of the Parish District.

(Signed) Jimenez
E.C.R.P.

Filed in Office March 30th 1852

Geo. Fisher Secy

"F"
Translation of
Judicial pos-
session

To the Justice of the Peace
I, Guadalupe Cantua a resident of this
jurisdiction before you in the most
proper manner represent that in virtue
of the title which I duly transmit here-
with by which you are authorized to give
me judicial possession, I request that
you will be pleased to do so naming a
day on which to verify it.

I therefore pray you to have the goodness
to grant as I request, by which I will
receive favor and justice &c.

San Luis Obispo, April 25th 1846

(Signed) Guadalupe Cantua

P.S. Be pleased to admit this on common
paper as there is none stamped.

San Luis Obispo, April 25th 1846

Having been presented and admitted
as requested let the petitioner know
that on Friday the 1st of May the surround-
ing neighbors being previously summoned

the land granted will be measured, and the

the land granted will be measured, and the juridical possession asked for given, thus I the justice of the peace of this demarcation decree ordered and signed,
 (Signed) Pico

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In the Pueblo of San Luis Obispo on the twenty seventh day of the month of April one thousand eight hundred and forty six, Don Guadalupe Cantua being present, I informed him of the foregoing order, and he acknowledged notice, and to this I certify with assisting witnesses for want of a Notary.

Assisting Witnesses

(Signed) José de Jesus Pico
 (sgo) José Garcia
 (sgo) J. Mariano Bonilla.

San Luis Obispo April 30th 1846, On this day Don Vicente Canch was summoned to appear on the first day of May of the present year at the Rancho of Guadalupe Cantua at 8 O'clock in the morning and it was officially noted.

(Signed) J. de J. Pico

Assisting Witnesses

(sgo) José Garcia
 (sgo) J. Mariano Bonilla.

In the Rancho of Guadalupe Cantua on the first day of May one thousand eight hundred and forty six, I was in the House of Don Guadalupe Cantua and Don Vicente Canch arrived there in compliance with the summons issued to him as a Colindante of the said Cantua, and I made official note of it which I signed with assisting witness.

Assty witnesses (sgd) Jose de Jesus Pico
 (sgd) Jose Garcia
 (sgd) J. Mariano Bonilla

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Then, in the same place, day, month and year, present, Don Guadalupe Cantua, J., the Justice of the Peace accompanied by those of my assistance, caused a cord to be measured for the purpose of measuring the land, and a cord one hundred Spanish varas long was measured.

And in testimony I made official note of it, which I signed with those of my assistance, to which I certify.
 Assty witnesses (signed) Jose de J. Pico
 (sgd) Jose Garcia
 (sgd) J. Mariano Bonilla

In continuation in the same place, day, month and year, I the Justice of the Peace of San Luis Obispo with the assisting witnesses for want of a skillful surveyor decided to appoint two measuring rope bearers from the bystanders, and those appointed were Don Francisco Salgado and Don Louciano Felix, who accepting the office, made oath by God and the Holy Cross, to discharge it faithfully to the best of their knowledge and understanding, and I made official note of it which I signed with those of my assistance.

Assty witnesses (sgd) Jose de Jesus Pico
 (sgd) Jose Garcia
 (sgd) J. Mariano Bonilla.

Immediately afterwards in the same place, day, month and year I, the Justice of the Peace of San Luis Obispo with the

assisting witnesses and other persons afore-
 mentioned, and present Don Guadalupe
 Cantua, for the purpose of measuring the
 land, we went to the place which is
 designated by the title as the boundary with
 don Vicente, Canet, which is marked by
 a ditch (Zanja) which waters the sowing
 ground and is from the boundary of Don
 Juan Wilson in a line parallel with the
 E. boundary North a quarter N.E. and the
 measurers taking the Cordel by its extrem-
 ities measured partly over level ground,
 partly over low hills in its greatest extent,
 sixty two Cordels of one hundred Spanish
 Varas each, terminating at an elder tree
 which is N by E. of the foot of the "Cerro
 de Romualdo" and opposite a large rock
 which bears S by W. from said Elder tree,
 thence we went to the boundary with
 Wilson and from that point the Cordel
 was drawn N by E. sixty two Cordels
 of one hundred Spanish Varas each to
 the slope of the Sierra, designating, to serve
 as a bound, a "portezuelo" (depression in
 the ridge) which is seen in the Sierra in
 the same direction; thence
 the cordel was drawn all along the slope
 of the Sierra, the same distance in a direction
 N.W. by W. and the line terminated with
 the boundaries of Canet aforementioned,
 and to finish the measurements the Cordel
 was drawn S by W. and ended at the
 boundary of Wilson with which the
 measurements was ended, and the bound-
 aries designated, and they contain a square
 of twenty four thousand eight hundred
 Varas as the sum of its sides,
 I took Don Guadalupe Cantua by his
 hand and in the presence of the witnesses

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in a loud voice I said to him: in the name of the Mexican Nation I give you possession of the land just measured, and having replied that he took it, I ordered him to make some demonstration of having acquired the useful and direct dominion and with it the ownership of that land, and to manifest that he was owner and Lord of it, he dug up earth, pulled up grass and threw stones, with which the act was concluded, and in testimony I signed with those of assistance.

(Signed) Jose de Jesus Pico

Asst. witnesses

(Sgd) Jose Garcia
(Sgd) D. Mariand Bonilla

San Luis Obispo May 3^d 1846

Let these original Official Documents be delivered to the party interested that he may make of them the use he may think proper as a testimony of acquisition of ownership; and let note be taken in the corresponding Book.

(Signed) — Pico

San Louis Obispo May 5th 1846.

In compliance with the foregoing order this Expediente, was returned to Sr. Asua: dalupe Cantua in 9 folios and I made official note of it, which I signed in Rubric.

(Rubric of I de J. Pico)

Note has been in this Justices Court in the proper book on folios 1, 2, 3, and 4. (Signed) Jose de Jesus Pico. E.S.P.A.

Filed in Office March 30th 1852

Geo. Fisher Secy

Esuadalupe Cantua }
 Vs } San Jacinto
 The United States }

Opinion

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The papers filed in this case show that on the 2nd day of August A.D. 1841 the claimant obtained from Governor Alvarado a grant for a tract of land containing one square league a little more or less.

The grant is proved to be genuine, and the signature is proved to be the hand writing of Governor Alvarado. It is also shown by papers properly proved and authenticated that, on the 3rd day of May A.D. 1844.

The land embraced in the grant was duly surveyed, and judicial possession given by the proper officers.

There is no proof that any approval by the Departmental Assembly was ever made, the claim therefore is a mere equity.

It is proved by the deposition of Jose Ma Covarrubias that the claimant had occupied the land granted since 1841, that he had a house on it, that he had a portion of it under cultivation, that he lived on it with his family and had houses and cattle on it.

The proof we think shows a substantial compliance with the conditions of this grant. The description of the premises with the aid of the map on file, and which is made evidence in the case is made sufficiently definite to enable the officers to designate the precise tract granted.

We are therefore of opinion that the claim in this case should be confirmed.

Filed in Office Oct 25th 1853.

Geo. Fisher

Secy

Guadalupe Cantua }
 vs }
 The United States }

In this Case on hearing the proofs and allegations it is adjudged by the Commission, that the claim of the said petition is valid and it is therefore decreed that the same be confirmed.

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Decree

The lands of which confirmations are hereby made are known by the name of "San Luisito" and bounded and described as follows to wit: on the North West by the Ranch of Don Vicente Canch, on the West by that of Citizen Victor Pineros, North by the Sierra and South by the Mission of San Luis Obispo containing one square league a little more or less. Reference for further description to be had to the translation of the Juridical measurement as found in document marked "E" and filed as evidence in this case and also to the map, which is a part of the traced copy of the Expediente on file in the case.

Alphens Felch
 Thompson Campbell
 R. Aug. Thompson.

Filed in Office Oct 28th 1853.

Geo. Fishers Secy

Office of the Board of Commissioners,

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

26 SD

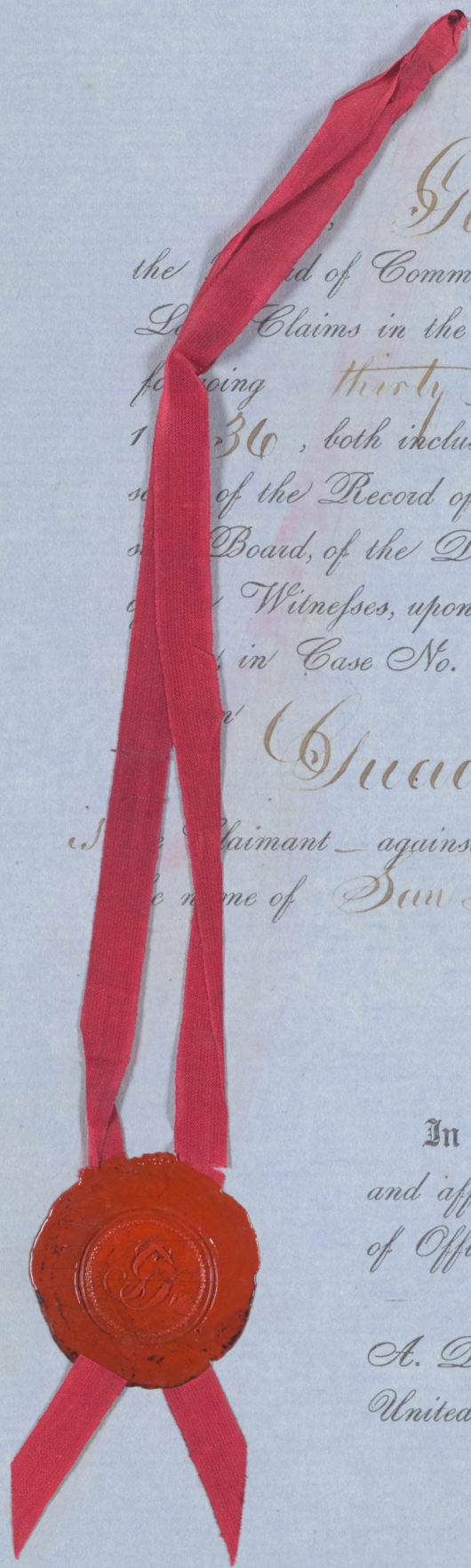
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George Fisher Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
following *thirty six* — pages, numbered from
1 to *36*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Case No. *137* on the Docket of the said Board,

Guadalupe, Cantua
Claimant — against the United States, for the place known by
the name of *San Luisito*

In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
— *your* the *5* day of August
A. D. 185*4*, and of the Independence of the
United States of America the seventy-*ninth*

Geo. Fisher.



26

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

No. *26* Docket

THE UNITED STATE *applt.*

vs.

26

*Guad. Cantua
for San Luisita
2 1/2 leagues San L. Off. Co.*

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *137*

Recd. Aug. 12. 1854

Ad. 14 August 1854

*W. J. Taylor
Sp. Clerk*

26



Office of the Attorney General of the United States,

Washington, 30th November 1854.

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Guadalupe Cantua

vs.

The United States

137.

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 1st day of August 1854 the appeal in the district court of the United States for the ~~Southern~~ district of California will be prosecuted by the United States.

Cluckey

Attorney General.

N^o. 26.

U. S. District Court

Southern District

United States

vs.

Guadalupe Cantua.

Appeal Notice.

Filed Jan'y 10th 1855.

J. E. Farr.
clk.

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

Los Angeles County, State of California.

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Guadalupe Cantua }
ads. } No. 26. (Transcript No. 137)
The United States }

To the Honorable Isaac S. H. Ogier, Judge of the Dis-
-trict Court of the United States for the Southern Dis-
-trict of California.

The petition of Pacificus Ord (of Los Angeles 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 Uni-
-ted States, represents as follows.

That heretofore, to wit, on or about the 30th day of
March, A. D. 1853, Guadalupe Cantua presented a peti-
-tion to the Commissioners to ascertain and settle ^{the} private
land claims in the State of California, claiming
the tract of land called San Luisita, in the County
of San Luis Obispo, in the words and figures follow-
-ing, viz. "The Petitioner Guadalupe Cantua, respect-
-fully shows: That in April A. D. 1841 he applied to
" the proper Authority for a grant of the tract of
" land known by the name of San Luisita in

" the present County of San Luis Obispo: "

" That the said application was favorably endorsed
" by the local authorities, whereupon on the 6th day
" of August A.D. 1841 Juan B. Alvarado, Governor of
" California, by virtue of Authority in him vested
" granted to the petitioner the aforesaid tract of land
" with the boundaries described in the grant, and set
" forth in the map accompanying the expediente:

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" That on the 13th day of May A.D. 1846 the said
" land was duly surveyed and the juridical profes-
" -sion of it given to the petitioner by the proper au-
" -thority in due form of law: copies of which exp-
" -diente, Map, Grant, and juridical Act of possession
" and survey are hereto annexed marked A, B, C,
" with translations marked D, E, F."

" The petitioner further shows that the said land
" has not been surveyed by the Surveyor General of
" the United States, but that it was duly survey-
" -ed and its limits marked out at the time of
" giving the juridical possession, that it has
" since been surveyed by the Surveyor of San
" Luis Obispo County, and that its boundaries are
" well known."

" That the petitioner has been for more
" than eleven years, and now is in the quiet, peace-
" -ful and undisputed possession, occupation and
" cultivation of the said tract of land."

" That he knows of no conflicting claims: The petition-

" -er relies for confirmation of title upon the original
 " papers, copies of which are hereto annexed: Upon the
 " documents and minutes in the archives now under
 " the charge of the Surveyor General; and upon such
 " other, and further proofs as he may be advised are ne-
 " cessary."

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" Wherefore he prays the Commissionus to con-
 " firm to him the said tract of land."

Your petitioner further represents that thereafter,
 to wit on the 25th day of October A.D. 1853 the said
 Commissionus confirmed, by final decree, the said
 claim of the said Guadalupe Cantua in the words,
 and figures following, to wit: -

" In this case on hearing the proofs and allegations
 " it is adjudged by the Commission, that the claim
 " of the said petitioner is valid and it is therefore de-
 " creed that the same be confirmed."

" The lands of which confirmation are hereby made
 " are known by the name of "San Luisita" and bound-
 " ed and described as follows to wit: On the North
 " West by the Rancho of Don Vicente Canet, on the West
 " by that of Citizen Victor Linares, North by the Sir-
 " ra and South by the Mission of San Luis Obispo
 " containing one square league a little more or less.
 " Reference for further description to be had to the
 " translation of the Juridical measurement as found
 " in Document marked C and filed as evidence in
 " this case and also to the map, which is a part of

" the traced copy of the Expediente on file in the case,

- " Alphus Felch
- " Thompson Campbell } Com^{rs}:"
- " R. Aug. Thompson }

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" Filed in office Oct. 25th 1853. Geo. Fisher Lecy."

That thereafter, to wit, on the 19th day of August, A.D. 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 California and marked N^o 26. (Transcript N^o 137) reference to which it is prayed may be had and made a part of this petition.

That on the 1st day of August A.D. 1854, the Honorable 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 26) and the papers and evidence on which said decree was founded. That thereafter, to wit, on the 10th day of January, A.D. 1855, 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 Gaudalupe Cantua, vs. the United States, from the decision of the said

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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 in appeal from said Commissioners to this Honorable Court.

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

- I. And the said Attorney denies all and singular each and every allegation in the said petition of said Claimant, to said Commissioners of said date. And he further denies that any grant for said land was ever made as alleged in said petition. And he denies further that the said claimant has shown any ^{or} sufficient evidence of the validity of the said claim.
- II. That the said alleged grant of Governor M-

-varado was made in violation of the 4th article of the Colonization law of Mexico of the 18th of August A.D. 1824, in this; that the land granted, as alleged by claimant, was and is within ten leagues of the sea coast; and there is no evidence shown by claimant that the Supreme General Executive power of Mexico, previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of the sea coast. And it is denied that such previous consent of said Supreme General Executive power of Mexico in such case was ever had.

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PAGE 40

III. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied, ^{by,} and in the possession of the Missions of the territory of Upper California; and it was held and occupied particularly, by the Mission of San Luis Obispo; and could not therefore be colonized.

IV. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the laws of Mexico of the 18th day of August A. D. 1824, and the regulations for the colonization of the territories of Mexico of the 21st of November A.D. 1828.

V. That the said alleged grant of Juan B. Alvarado of said date, contains no sufficient description of the locality, extent, and boundaries of the land claimed,

by which it can be identified and surveyed; and it is vague, and indefinite and void for uncertainty.

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That the map referred to therein is vague and indefinite.

VI. That there is no evidence that the said alleged grant of said date was ever approved by the Departmental Junta, of California, or the Supreme Government of Mexico. and it is denied that it was ever approved by the said Departmental Junta, or said Supreme Government.

VII. That the said Claimant shows no definitively valid grant or title for said tract of land. And it is denied that he has or ever had any such grant or title.

VIII. That the pretended juridical possession of said land by José Jesus Pico, dated on or about the 27th, and 30th of April, and the 1st, 3rd, and 5th of May A.D. 1846, was unlawful; for the reason, - that the said alleged grant had not then been approved by the said Departmental Junta of California, as required by the conditions of the said alleged grant: nor had it been approved by the said Supreme Government of Mexico.

IX. That the said pretended juridical possession of said date, was not made according to the said alleged grant, and the map referred to therein; Nor according to the ordinance or law. And it is vague, ~~and~~ indefinite and void.

X. That there is no evidence that the said José Jesus Pico, was justice of the Peace of San Luis Obispo, on the said 27th and 30th of April, and 1st, 3rd, and 5th of May A.D. 1846, and that he then had, lawful authority to give said claimant the juridical possession of the said land. And it is denied that the said Pico, was a justice of the Peace, of San Luis Obispo, at said dates, and that he then had as such, lawful authority to perform the said pretended juridical acts.

XI. That there is no sufficient evidence that the said claimant performed the conditions of the said alleged grant; and that he built a house upon the said tract of land, and that it was inhabited within one year from the date of the said alleged grant; and that he cultivated the said tract of land.

And it is denied that he performed the conditions of the said alleged grant; and that he built a house upon the said tract of land, and that it was inhabited within one year from the date of the said alleged grant; and that he cultivated the said land.

And the said claimant having no valid right or title, derived from the Spanish, or Mexican Government, to the said land claimed by him, as aforesaid, the lawful right, or title in and to the said land, was acquired by, and it now

belongs to the said United States, by virtue of the treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, dated at the city of Gaudalupe Hidalgo, February 2nd A.D. 1848.

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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 before said, 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.

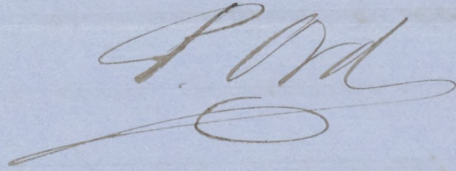
Wherefore the said Pacificus Ord, Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the promises, and in pursuance of the ^{of Congress} act, entitled "An act ~~of Congress~~ to ascertain, and settle the "private land claims in the state of California".

Approved March 3rd A.D. 1851, and the laws and statutes in such case made and provided, prays that the said Gaudalupe Cantua 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 the said Gaudalupe Cantua, for said land claim-

ed and confirmed as aforesaid; and that the same may be deemed invalid. And all such other orders, judgments, or decrees, as may be just, with costs, and general relief.

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

No 26

U.S. Dist Court
S. Dist of Cal^a

Guadalupe Cantun
ad

The United States

Petition of U. States
for review

Filed August 13th 1855

C. E. Carr,
clerk.

26 SD

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P. Ord. Liberty

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

TO

The President of the United States,

Gaudalup Cantua.

26 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 *thirteenth* day of *August* in the year of our Lord one thousand eight hundred and fifty-*five* 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 Board of U. S. Land Commissioners to ascertain and settle the "Private Land Claims in the State of California, of the Claim of ~~Peter~~ Gaudalup Cantua, for a tract of land called San Yrisista, in the County of San Luis Obispo, California, containing one square league a little more or less, and presented by you to said Commissioners on or about the 30th day of March A.D. 1852 and by them confirmed on the 25th day of October 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 *Tenth* day of *September* in the year of our Lord one thousand eight hundred and fifty-*five* at Los Angeles aforesaid.

J. E. San,
Clerk.



No. 27.

Marshall's Fee.
Copying Summons 4 folios . 90
Serving Summons 3.00
Serving Petition 3.00
\$ 6.90

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

Andalupa Cantua.
a co
vs
The United States.

SUMMONS.

Revised Sept. 12th 1855
Edward Hunter
U. S. Marshal

I served this summons along with the proper copy of the petition upon *Hallock*
Athy for appellee by delivering to
him personally a true copy of the
same
at *Los Angeles* in the Southern District of California or
the *24th* day of *September* A. D. 1855.

Sworn to and subscribed before me,

Clerk.

Edward Hunter
U. S. Marshal.
By *R. S. Jones*
Deputy

No 26.

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

26 SD

PAGE 48

The United States	} Answer of Appellee.
appellants	
vs	
Guadalupe Cantua	}
appellee	

Guadalupe Cantua, appellee, by his attorney appears and for answer to the petition of the United States filed herein, says: That his title to the land called "San Luisito," as set forth and described in his petition to the United States Land Commissioners and in the documentary and other evidence filed in this case, is a good and valid title; and he prays this Honorable court to affirm the decision of the Board of Commissioners and to decree his title to be valid.

Stuller Peachy & Pillsbury
Attys for Appellee

Los Angeles Sept 22^d 1855.

No 26

The United States, Appellate

at

Guadalupa Cantina
Appellee

Answer of appellee

Filed Sept. 24th 1855.

A. C. Carr clerk

By John W. Robey

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In the U States District Court for the
Southern District of California,
Special Term Sept 1853,
Los Angeles.

26 SD

PAGE 50

Guadalupe Cantua, app^{er}. } N^o 26.
 } (Remitt^r N^o 137)
 } ad^s.
The United States, app^t.

On motion of P^rsd Attorney of the
United States for the Southern
District of California, it is, Ordered
by the Court, that an appeal be granted
the United States, to the Supreme
Court of the United States, from
the judgment of this Court against
the United States, in the above
entitled cause, rendered on or
about the 25th day of September
AD 1853.

P. M.
U S Dist Att^y.

1826.

U.S. District Court,
South District Cal.

Guadalupe Cantua,
Appel.

ad l.

The United States,
Apphr.

Order of Appeal to U.S.
Supreme Court on Motion
of P. Ord. Usally.

Given Oct 18 1853 of E. Jan.
C. H.

26 SD

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California Land Claims.

Attorney General's Office

10 September 1856

26 SD

PAGE 52

Sir,

In the case of the claim of Guadalupe Garcia,
confirmed to the claimant by the Com-
missioners, case no. one hundred and thirty-seven,
(137), and also confirmed on appeal by the Dis-
trict Court, appeal in the Supreme Court will
not be prosecuted by the United States.

I am

Respectfully

Clushing

Jacifino Ord Esq.

U. S. Atty for the

Southern Dist. of California

26.

Madalupa Cantua

137

26 SD
PAGE 53

Oct 21 1856

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

John James S. W. Judge

December Term 1857

The United States
vs
Guadeloupe Cantua
Appellants
Appellee
Nocket No 26

Transcript from the Record of said term per No 26

In pursuance of a letter from the Attorney General
of the United States. Herewith annexed giving notice
that in the above cause the appeal in the Supreme
Court will not be prosecuted by the United States,
This being stipulated and agreed by and between
the parties that the order granting an appeal to
the Supreme Court heretofore made in the above cause
be vacated, and that the decree of the Court hereto-
fore rendered in this cause may by order of the
Court be made final

J. W. D. Atty.

Katharine Peck & Billing,
Atty of appellee.

U.S. Dist Court
South Dist Cal.
No 26

The United States
Appellant
vs.
Gaudeloupe Cantua
Appellee

Stipulation
to vacate order of
Appeal to Supreme Court

Filed this 5 February
1854
C. S. Clark
J. A. Coleman
clerk

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

Now appear S. N. Gier Judge

December Term 1856

26 SD

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The United States

Appellants

Gauleloupes Cautua

Appellee

Rocket, No 26

Transcript from the Board of Land Commissioners No. 134

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 Attorney of the Claimant 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 Claimant have leave to proceed under the decree of this Court here-

before rendered in this Cause as under a final decree
Gawson & Co
N S Divs Bridge

U. S. Dist Court
South & West Cal
No. 26

The United States
Appellants
vs
Gardeloupe Carriere
Appellee

Order
Vacating Appeal

Filed Feb 5th 1857
Signed
clerk

The United States
Appellant,

vs

Guadalupe Cantua

26 SD

Appellee

PAGE 58

A grant was made in this case in conformity to the Colonization Law of Mexico to the Appellee on the 2^o Aug. 1841 by Governor Alvarado, for the land claimed, and on the 3^o day of May 1846 Judicial possession of it was delivered to Appellee. There is no controversy about the genuineness of the documents copies of which are filed in the case. The sworn testimony of the witness Jose Maria Cambias not only establishes the genuineness of these signatures, of the several Mexican officers, to these documents including his own, he being at the time one of them. He also swears that he knows the Ranch described in those documents, that it has been occupied by the Appellee since 1841 with a horse cattle & horses, and that he has cultivated portions of the land and that he lives on it now with his family.

The objections made by the British Attorney are,

1. That the land is not subject to

grant, it being within what is termed
"the ten league league";

2. That the land was the property of a
Munim & therefore not granted

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3. That there was no approval by
the Separated Assembly

4. No performance of conditions.

In relation to the first objection the
Court has travelled through the
Record and finds no evidence
of the fact that the land granted
in this case is situated within
ten leagues of the sea coast, but
if such were the fact, it would
not per se under the previous
decisions of this Court invalidate
the claim.

As to the second ground, this is
equally unavailable both on
the ground of fact and in point of
law. There is no testimony to
prove that the land was in the
occupancy of a Munim. So far
from this, it appears that the
petition of the appellee was refer-
red to the Administrator of the
Munim of San Luis Obispo for
views to the issuing of the grant,

and the Functionary reported that
 the land solicited for is entirely
 unoccupied and vacant, and is
 not needed by this establishment
 as such is the case the petition
 is "slit it".

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The non approval of the departmental
 assembly ^(which is the main objection) under the circumstances
 of this case, invalidates the claim of
 the front and last objection, that
 there was no performance of the
 condition as to habitation of the
 premises is equally unavailing.
 The testimony as before stated, proves
 occupation with a house ^{upon the land} from the
 year in which the grant was
 issued and cultivation of portions
 of it to the present time. This is a
 substantial compliance with the
 conditions of the Grant.

This document conveys to appertain
 the place known by the name of
 "San Sancto", bounded on the N.W.
 by the Ranch of Don Vicente Cruz,
 on the west by that of Citizen Vicente
 Lirio, and by the Lirio & South
 by the Mission of San Luis Obispo,
 and the extent of land annexed is
 stated to be one square league. These
 boundaries, with the aid of the map
 on file and it made head of the in-
 dence

evidence, are sufficient to enable a Survey
- or to lay off the tract. A decree of
- affirming the decision of the Commissioners
in favor of the validity of this claim
must be entered.

26, SD

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The United States

Appellant

vs

Guadalupe Canby

Appellee

Sr. Court U.S.

for the Southern

Sr. of Calif.

This cause coming on to be heard at
a stated Term of said Court on ap-
- pears from the final decision of the
Commissioners to ascertain & settle
- minute land claims in the State
of California, on the Transcript of the
- proceedings and decision, and of the
- papers and evidence on which said
- decision was founded, and it ap-
- pearing that the said Transcript
- has been duly filed according to
- law, and Counsel for the respective
- parties having been heard, it is or-
- - dered, adjudged and decreed that
- the said decision be in all things
- affirmed, and it further ordered, ad-
- - judged and decreed that the claim
- of the said Appellee is valid, and
- that the same be confirmed to the
- said Appellee under the name of
- "San Luisito"

to the extent of one square league and
no more, for a description of the bound-
aries of which land a reference will
be had to the ~~grant and Map copies~~
~~of which~~ a translation of the Indian
measurement as found in document
marked "E" and filed as evidence in
this case, and also to the map which
is a part of the third copy of the Espe-
-diente and of file.

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The U. S.
G. Carstén

San Luis

Seco

26 SD
PAGE 64

Office of the Attorney General of the United States,

Washington, 30th November 1854.

Guadalupe Cantua }
vs. } 137.
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 18th day of August 1854 the appeal in the district court of the United States for the Southern - district of California will be prosecuted by the United States.

Cushing

Attorney General.

26.

Duplicate

137.

No

No