

CASE No.

43

SOUTHERN DISTRICT

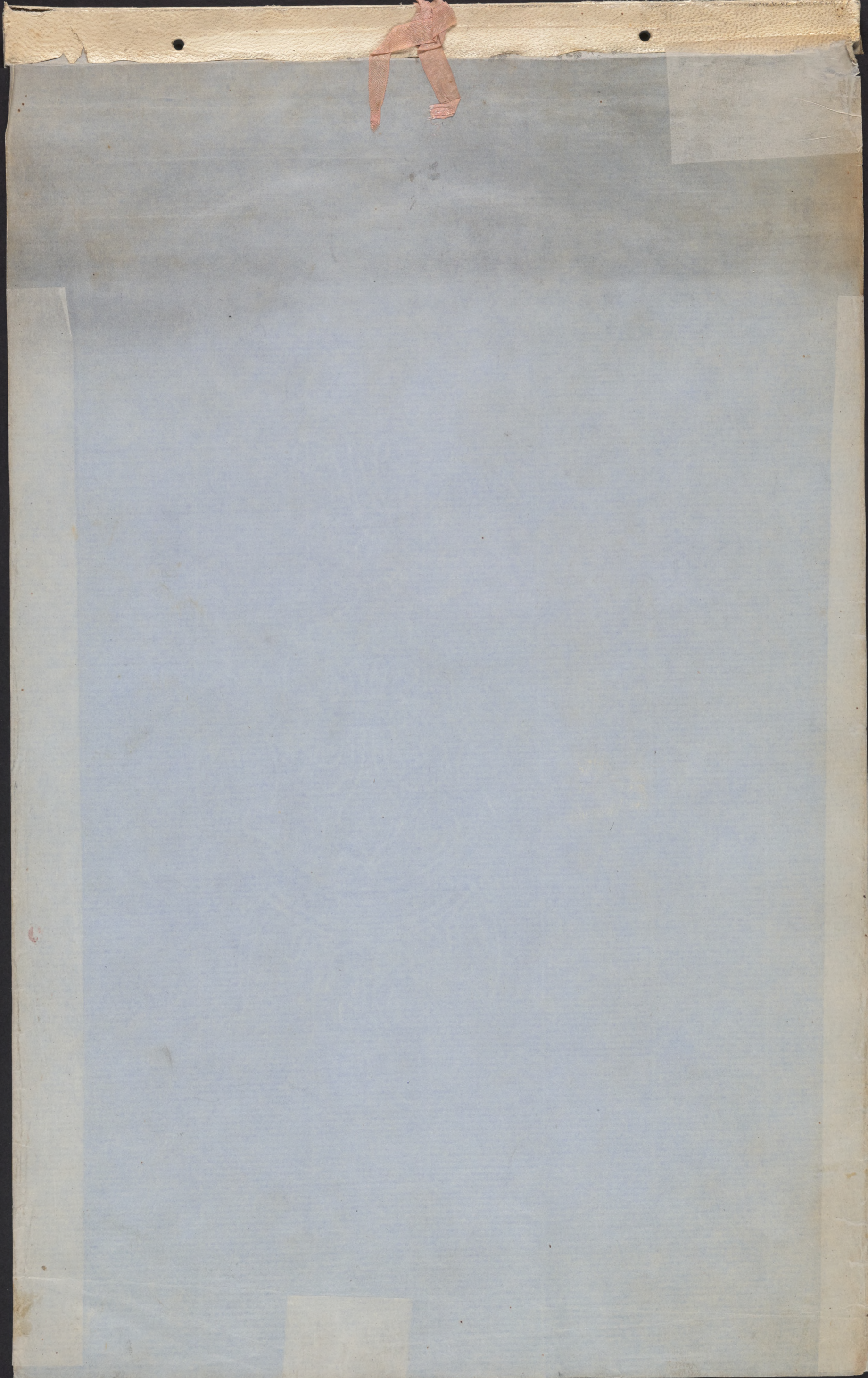
PIEDRA BLANCA GRANT

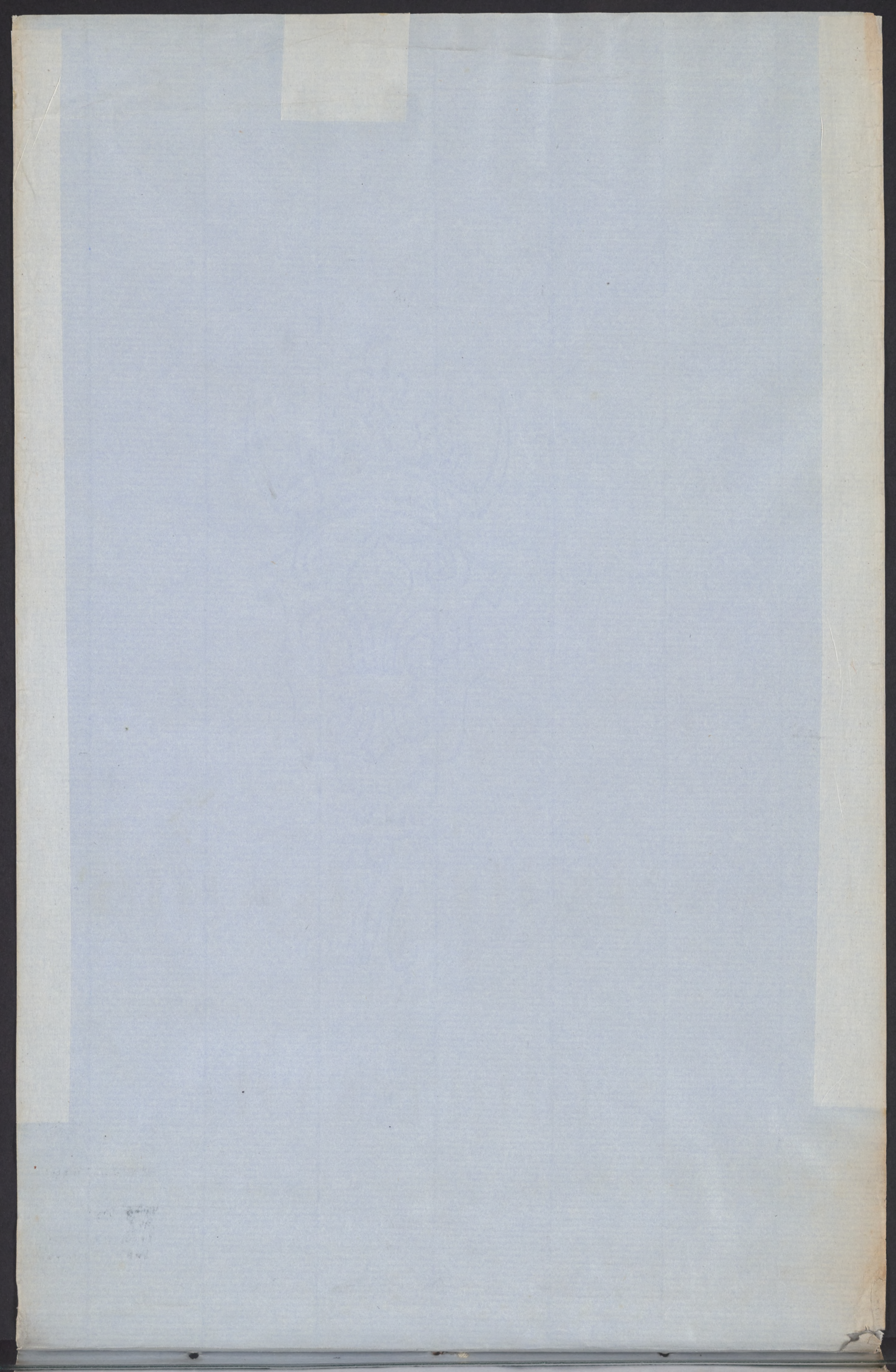
JOSE DE JESUS PICO

CLAIMANT

FEB 14 1963

REV
SUN-COTTON LIVER
BROKER BOND
Company





TRANSCRIPT
OF THE
PROCEEDINGS

IN CASE

NO. 302

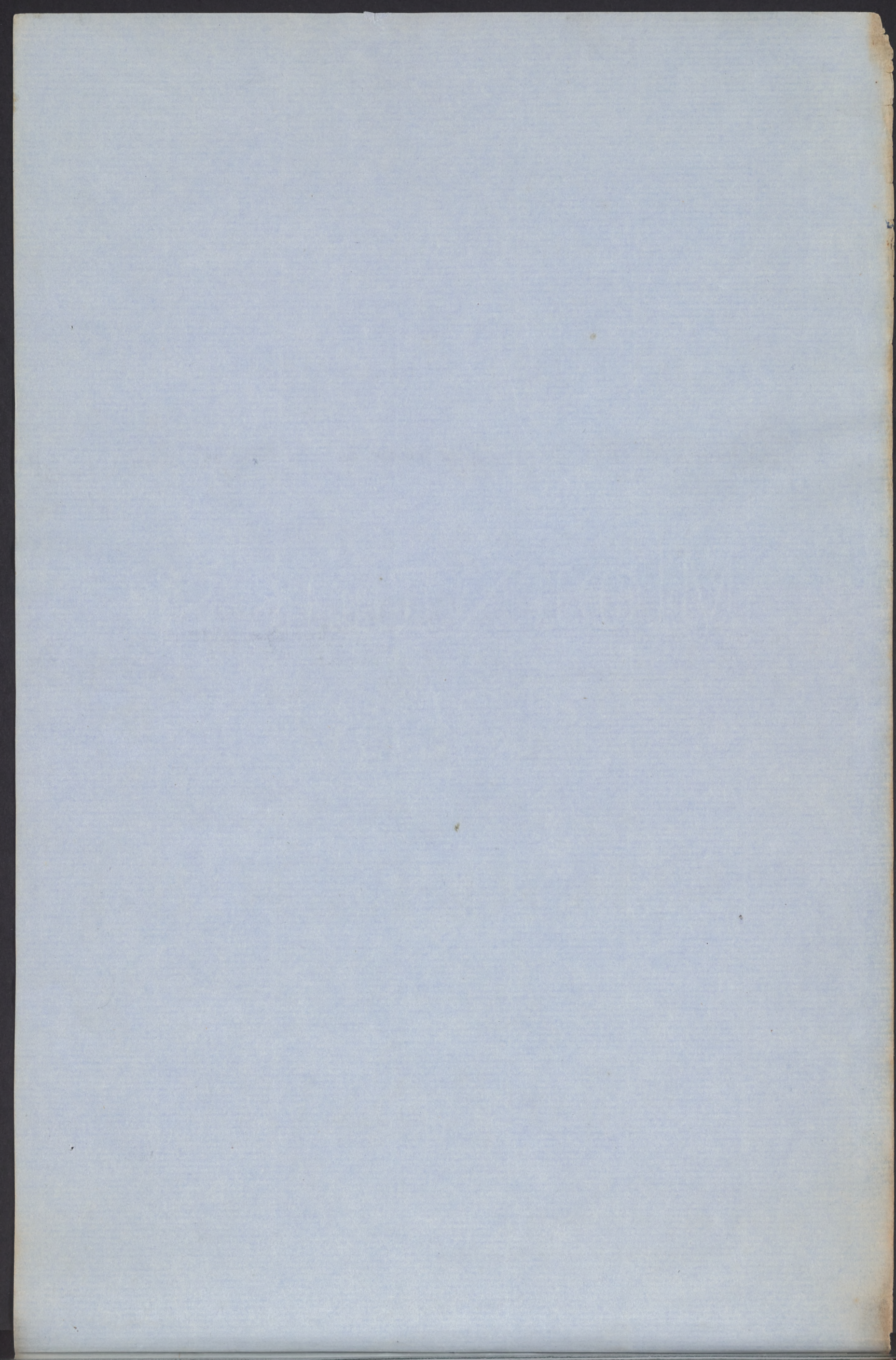
Jose de Jesus Pico CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Piedra Blanca"



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

The Petition of *Jose de Jesus Pico* for the Place named "*Piedra Blanca*" was presented, and ordered to be filed and docketed with No. *302*, and is as follows, to wit;

(Vide page *3* of this Transcript.)

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

Los Angeles September 2^d 1852.
In Case no. *302* *Jose de Jesus Pico* for the place named "*Piedra Blanca*" the deposition of *Publico de la Guerra*, a witness in behalf of the Claimant, taken before Commissioner *James Wilson* was filed;
(Vide page *3* of the Transcript)

Los Angeles September 3^d 1852
In the same case the deposition of *Anaui Pico* a witness in behalf of the Claimant, taken before Commissioner *James Wilson*, was filed;
(Vide page *5* of the Transcript)

San Francisco Jan 15th 1853.
In the same case the deposition of *Antonio Maria Pico*, a witness in behalf of the Claimant, taken before

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Commissioner Harry J. Thornton was filed;
(Vide page 4 of this Transcript)

San Francisco September 2^d 1853.

In the same case the deposition of Thomas C. Evershed a witness in behalf of the claimant taken before the Commissioners sitting as a Board, with document marked P and Q annexed thereto, was filed;
(Vide page 5 of this Transcript)

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Case no. 302 Called; The Counsel for the claimant read the evidence, argued, submitted and taken under advisement.

San Francisco Dec. 13th 1853.

In the same case Commissioner Stephen Beech delivered the opinion of the Board concerning the claim;

(Vide page 23 of this Transcript)



Before the Commission to ascertain & settle private Land Claims in California.

José de Jesús Pico gives notice that he claims a tract of land called the Rancho de la Piedra Blanca, situated in said State, by virtue of a right & title derived from the Mexican Government, according to the boundaries set forth in the grant thereof, & in the judicial delivery made in conformity with said grant.

A copy of said grant is herewith presented & prayed to be received as part of this petition, & the original will be produced & proved as may be required, together with other evidence.

By his Attorneys,
Jones, Tompkins & Stroote.

Filed in Office August 14th 1852.
Geo. Fisher. Secy.

Office of the Board of Commrs.
of California Land Claims.
Los Angeles, Sept 2nd 1852.

Deposition of
Pablo de la
Guerra.

This Deposition taken in the case of José de Jesús Pico claiming the Rancho Piedra Blanca, Case No 302. The Law Agent of the United States was present by R. G. Gibson Esqr by consent & did not object.

Petitioner offers Don Pablo de la Guerra as a witness who being duly sworn testifies & says. I am acquainted with the signatures of Juan B. Alvarado, Manuel Jimeno, & José Mariano Bonilla. I have often seen them write & am familiar with their hand writing. The signatures of Alvarado, Jimeno, Bonilla, as they ^{appear} on the document now exhibited to me are their genuine signatures & made & executed in the true hand writing of those persons. I have known that J. Mariano Bonilla was Alcalde or Magistrate in the jurisdiction of San Luis Obispo on various occasions in past years, I cannot now say the precise times. My impression is that he was a Magistrate within that jurisdiction at the time the aforesaid papers purport to bear his signature as such.

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H

2/302

but of that fact I cannot be certain.

Pablo de la Guerra.

Sept 2nd 1852.

Subscribed & Sworn to
Before me

James Wilson.
Commissioner.

Filed in Office September 2nd 1852.

Geo. Fisher. Secy.

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No 302.

San Francisco Jan'y 15 1853.

On this day before Comr Henry A. Thornton came Antonio Maria Pico, a witness in behalf of the claimant Jose de Jesus de Jesus Pico, petition No 302, & was duly sworn, his evidence being interrupted by the Secretary.

Deposition of
A. Maria Pico.

The U. S. Associate Law Agent was present.

Antonio Maria Pico a witness called on behalf of the claimant, in answer to interrogatories of claimant's counsel testified as follows, - The associate law agent was present -

My name is Antonio Maria Pico, I am forty four years of age, & reside in the Pueblo of San Jose Guadalupe. I am acquainted with the rancho called Piedra Blanca, situated in the County of San Luis Obispo. It was granted to my brother Jose de Jesus Pico in the year 1840. He has occupied with his cattle and horses ever since about that time. He built a house and cattle pens there in the year 1840 or 1841, & his cattle have been upon the rancho ever since, & there has been sufficient of the land cultivated for the uses of the rancho. I know the signature of J. Mariano Bonilla, I have seen him write. He was Alcalde or Justice of the Peace of the jurisdiction of San Luis Obispo in the year 1842. His signature where it occurs on the paper exhibited to me & which is attached to the deposition of Don Pablo de la Guerra in this case is genuine. I am also acquainted with signatures of Don Juan B. Alvarado, & Don Manuel Jimeno. Their signatures on said paper

Antonio M. Pico.

are genuine.

Antonio M^a Pico.

U.S. Law Agent present.

Sworn to & subscribed before me this
15th of July 1853.

Wm. J. Thornton, Comr. &c.
Filed in Office July 15th 1853.

Geo. Fisher, Secy.

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No 302.

Deposition of
Antonio Pico

Office of the Board of Comrs
of California Land Claims.
Los Angeles Sept 3rd 1852.

On this day before James Wilson one of the
Commissioners for ascertaining & settling private land
claims in California came Don Antonio Pico, a witness
produced in behalf of the claimant Jose de Jesus Pico,
whose petition is No 302 on the Docket of the Board,
& was duly sworn. His evidence being given in the
Spanish language, was interpreted by the Secretary.
The U.S. Law Agent was notified & did attend.

Antonio Pico a witness offered by & in behalf of Jose
de Jesus Pico - Petitioner in the case, wherein he prays
for confirmation of Rancho Piedra Blanca -

The witness being duly sworn testified & says -
I am acquainted with the Rancho Piedra Blanca,
It is in the County of San Luis Obispo - I have known
it since the year 1841. It is now occupied as a Rancho
for cattle & there is a small house on it. It was stocked
with cattle in 1841 & there was then a small house
on it & it has been occupied in that way ever since
that time. The occupation has been by & on account
of Don Jose de Jesus Pico.

In answer to interrogatories by the Law Agent the
Witness says.

The said Rancho borders on one side
upon the sea & is of course within ten leagues of the sea.
There has been some cultivation on the rancho.
I cannot say to what extent but not much. There

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has been about six or seven hundred head of cattle and about four hundred head of horses on the Rancho some of the time. How many at present I cannot say. There has never been any claim to said Rancho by any other person as I know of.

Andres Pico.

Sept 3rd 1852.

Subscribed & sworn to
Before me
James Wilson
Commissioner

Filed in Office Sept 3rd 1852.

Geo: Fisher, Secy.

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No 302. San Francisco Sept 2^d 1853.

Deposition of to ascertain & settle the private Land Claims in the State of Calca setting as a Board this day, Thos E. Eversted a witness in behalf of claimant, who after being duly sworn deposed as follows-

Questions by Mr Jones, Atty for the claimant.

- Quest 1. What is your name, age & residence.
Ans. My name is Thos E. Eversted, my age twenty nine years, I reside in the city of San Francisco, California
- Quest 2. Are you employed in the office of the Surveyor Genl of the U. States, for California.
Answer. I am.
- Quest 3. State whether in that employment you made the copy of the document in the following words -
"Sesiones del dia 22 de Mayo - N^o 189. Se asintio la concesion hecha por el Sr Gobernador D Juan B. Alvarado del terreno Piedra Blanca en la persona del Sr D Jose de Jesus Pico" out of a book existing in the Archives under the charge of the Surveyor Gen-eral, & whether that Book purports to be a Record of Proceedings of the Departmental Assembly of California for the year 1840.
Ans. I made the copy of the above described document

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out of the book entitled "Sessions publicas" for 1840 which forms a part of the documents registered as Sessions of the Departmental Assembly from 1822 to 1843.

Quest 4th State whether the end of the Proceedings for the day, in the minutes of which the above Extract appears is signed, & if so by whom?

Ans. It is signed by Manuel Amore, President, and Jose L. Fernandez. Secretaries -

Quest 5th State whether document marked Exhibit D. A. F. filed in this case is the Extract referred to in the first question.

Ans. It is.

The Law Agent declined asking any questions.

Thos. E. Crossed

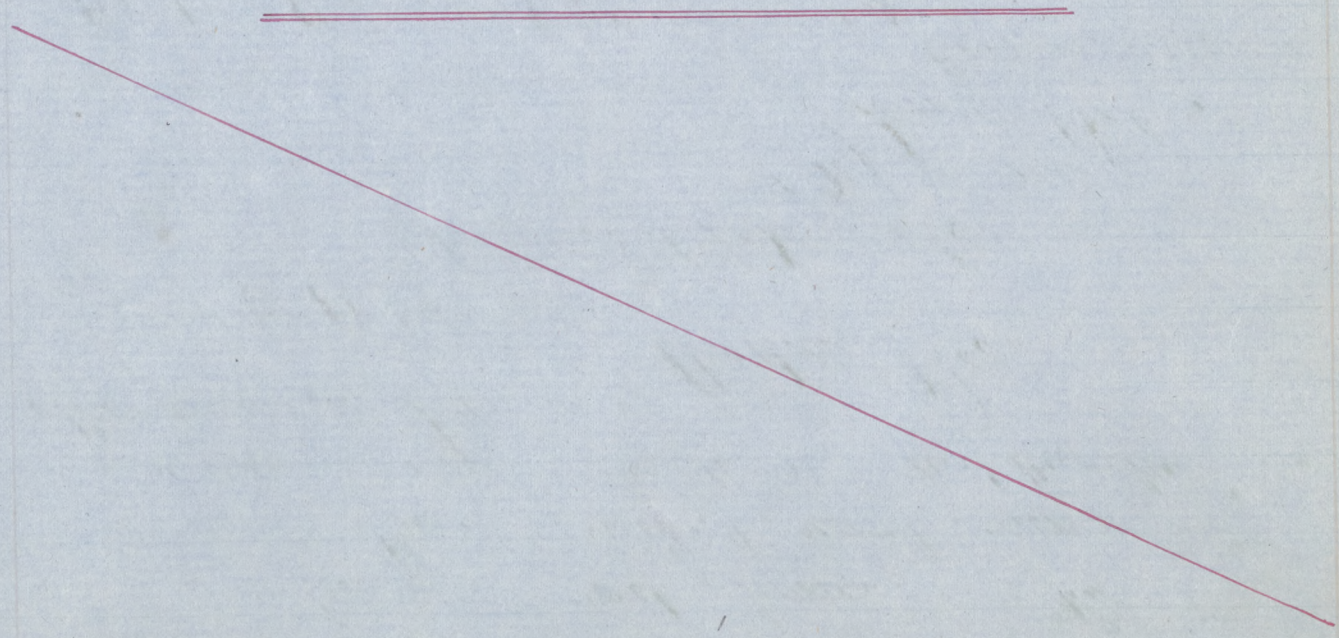
Attest

Geo. Fisher.

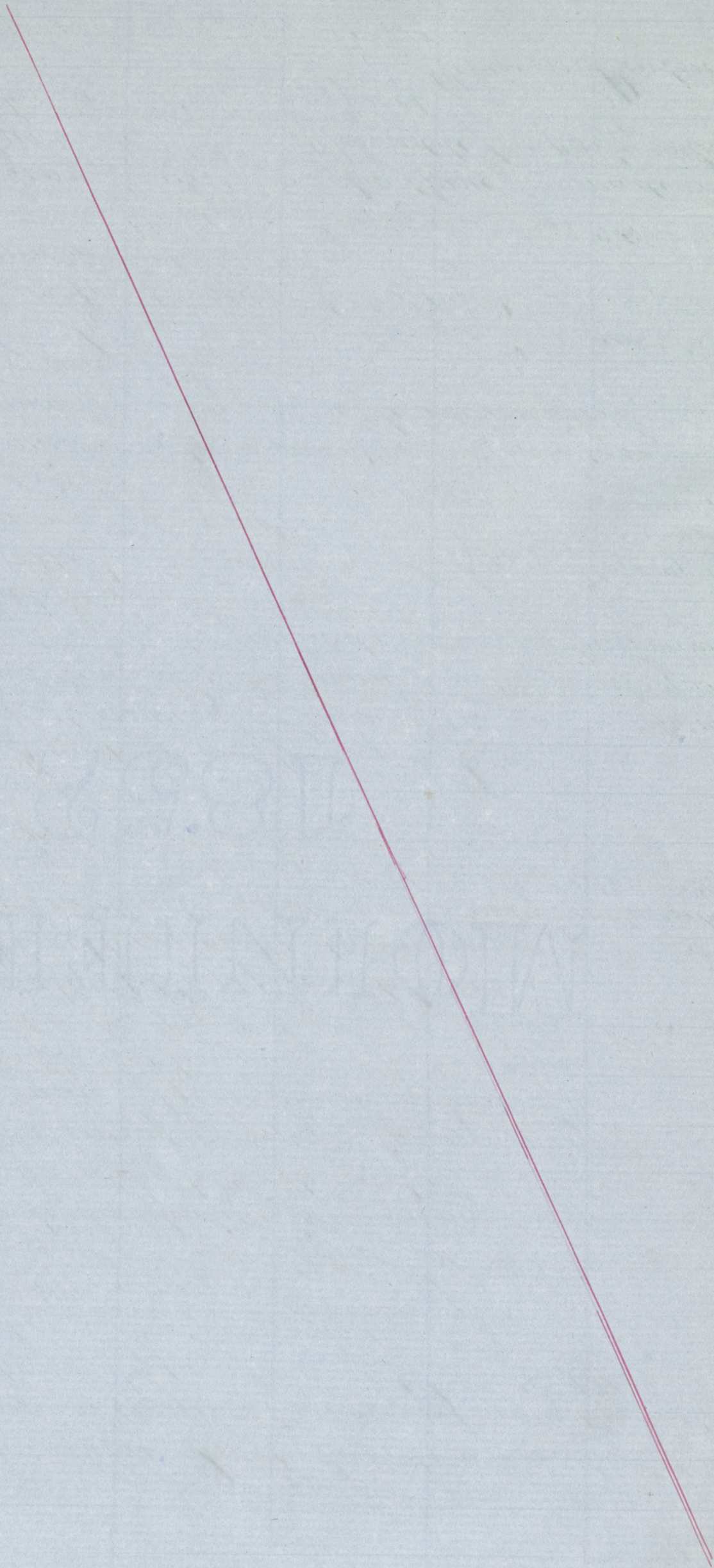
Secy.

Filed in Office Sept 2^d, 1853.

Geo. Fisher.
Secy.



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First Seal, Six Dollars.

Provisionally qualified by the maritime Custom House of Monterey for the years of 1839 & 1840. Alvarado. Antonio M^a Orio.

Real Cedula Juan Bautista Alvarado, Constitutional Governor of the Department of California. Whereas citizen Jose de Jesus Pico has solicited for his personal benefit & that of his family the tract of land known by the name of La Piedra Blanca bounding with the Arroyo called del Pinalito, with that known named San Caspogaro with the sea and the large ridge of mountains Sierra grande; all the proper steps & investigations having been previously taken, according to the disposition of the laws & regulations; using the powers that are conferred on me, in the name of the Mexican Nation, I have concluded to him, the said tract, subject to the appraisal or disapproval of the Most Excellent Departmental Board under the following conditions

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18. Translation

1st He may enclose it without injuring the easings roads & easements; & shall enjoy it fully & exclusively designing it for the use or cultivation that best suit him, but within one year he shall erect a house & it shall be inhabited.

2nd He shall solicit the proper Judge to give him judicial possession by virtue of this cedula etc: whereby the boundaries shall be demarked, in the limits of which he shall put besides the land marks some fruit or wild useful trees.

3rd The tract of which mention is made is of the extension as explained in the sketch, which runs with the proper Expediente. The Judge giving the possession will cause it to be measured in conformity with ordinance, the surplus thereof to remain for the common use of the nation.

4th If he should contravene these conditions he shall lose his right to the land & it may be denounceable by another.

Wherefore I order that this title being held firm & valid, an entry thereof be made in the proper book & be it delivered to the party interested for his safety & other purposes.

Given in Monterey on the 18th of January 1840.

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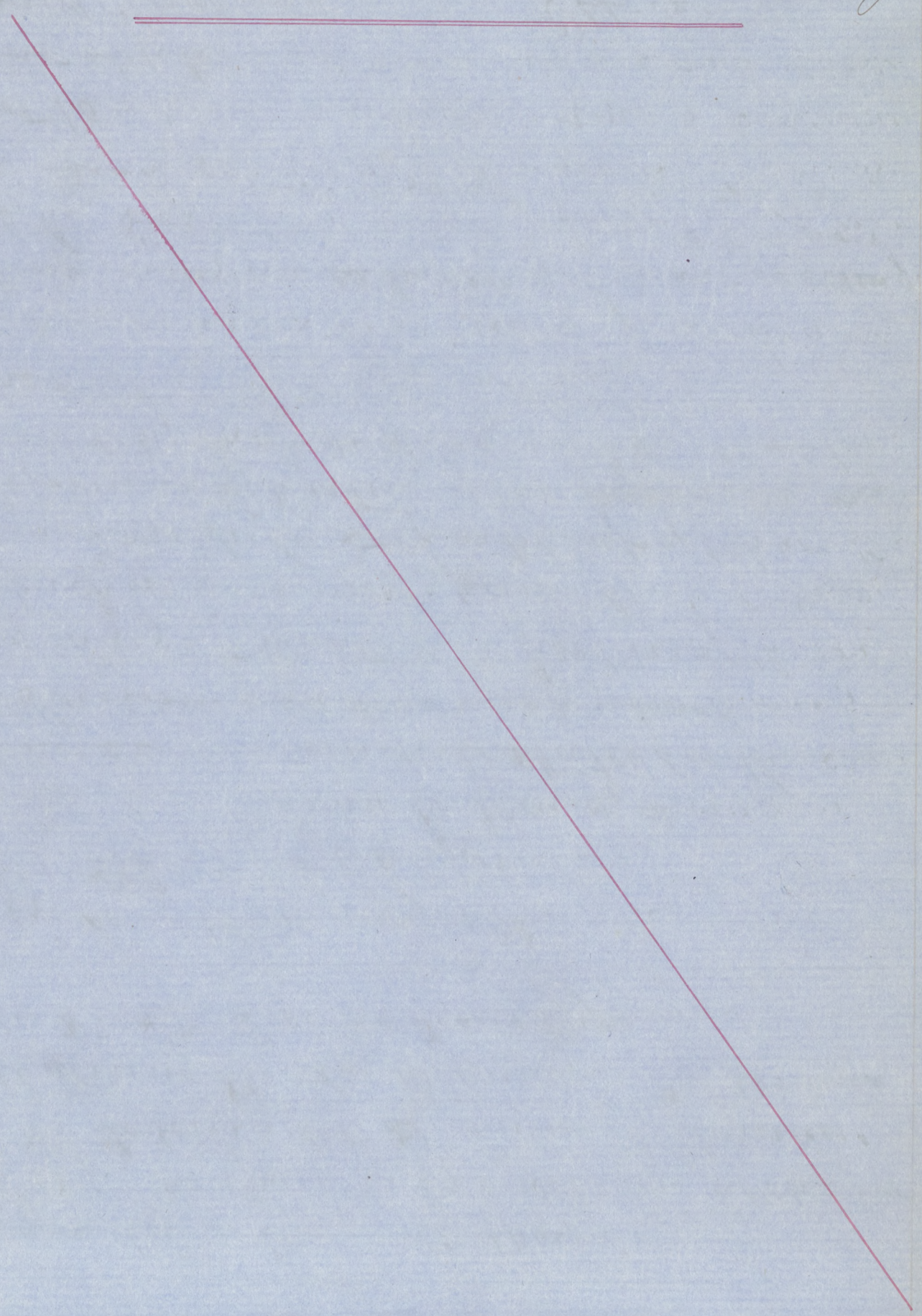
Manuel Simons. Juan B. Alvarado.
Siccy.

Our entry of this Dispatch is made in the book of
registry in adjudication of vacant lands, at page
14.

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Simons

Filed in Office Aug 14th 1839.
Geo: Fisher.
Siccy



11 Sesion del dia 22 de mayo

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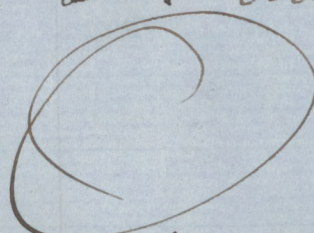
sesion del dia 22 de Mayo
N. 189. Se aprueba la concesion hecha por
el Sr. Gobernador D. Juan B Alvarado
del terreno Piedra Blanca en la persona
del Sr. Dn. Jose de Jesus Pico.

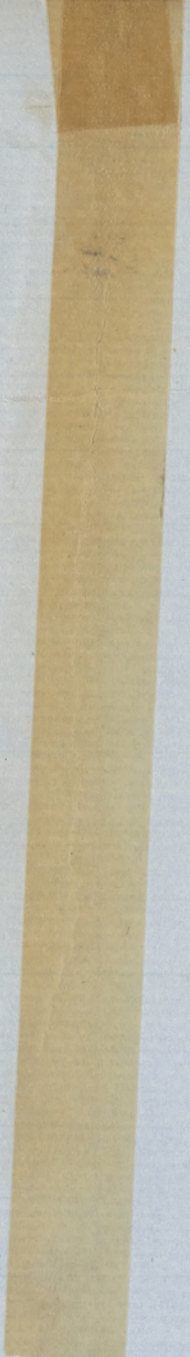
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Office of the Surveyor General of the Uni-
-ted States for California.

I John C. Hays, Surveyor
General of the united states for the state
of California and as such now having in
my charge & Custody a portion of the Ar-
-chives of the former Spanish and Mexi-
-can Territory or Department of Upper Ca-
-lifornia, by virtue of the powers in me
vested by law do hereby certify that the
preceding and hereunto attached page
of tracing paper is a true and accurate
Copy, being an extract of the proceedings
of the Departmental assembly contained
in Book entitled "Sesiones Publicas
for 1840, all of which forms a Document
now on file and forming a part of the
said Archives in this Office.

In testimony whereof I have here-
-unto signed my name officially and
caused my seal of Office to be affixed
at the City of San Francisco Cal. this
2nd day of September 1853.

 John C. Hays
Survey. Genl. Cal.
Filed in Office Sept. 2nd 1853
Geo Fisher Secy



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

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Dello V. Seis pesos.

Habilitado provisionalmt. por la aduana mari-
tima de Monterey para los años de 1839 y 1840

Alvarado

Antonio M. Osio

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Doc. J. W. Amex
to the Depo. of
Pablo de la Guerra
taken before Com.
James Wilson

Juan Bautista Alvarado Gobernador
Constitucional del departamto. de
las Californias. Por cuanto el Cmo.
Jose de Jesus Pico ha pretendido para
su beneficio personal y el de su familia
el terreno conocido con el nombre de la Piedad
Blanca, colindante el Arroyo llamado del
Pinalito, con el del conocido nombraba San
Carpintero con el mar y la sierra grande: ~
practicadas previamente las diligencias y
averiguaciones convenientes segun lo dispu-
-esto por leyes y reglamentos; usando de las fa-
-cultades que me son conferidas a nombre
de la Nacion Mexicana he venido en conceder
-le el terreno mencionado sujetandose a la
aprobacion o desaprobacion de la Exma
Junta Departamental y bajo las condicion-
-es siguientes. 1ª Podrá cercarlo sin perju-
-dicar las herencias caminos y servidumbres
lo disputara libre y exclusivamente destina-
-dolo al uso o cultivo que mas le acomode.
pero dentro de un año fabricara casa y esta-
-ra habitada. 2ª Solicitara del juez espe-
-cial que le de la posesion juridica en virtud
de este Despacho por el cual se demarcan
los linderos en cuyos limites pondra a mas
de las mojoneras algunos arboles frutales o
silvestres de alguna utilidad. 3ª El terreno
de que se hace mencion es de la estension
que esplica el disenio que corre en el expediente

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respectivo. El juez que diese la posesion lo
hara medi conforme à Ordenanza quedand
=do el sobrante que resulte à la Nacion para
los usos convenientes. 4º Si con havi niese à
estas condiciones per dera su derecho al terre
=no al terreno y sera denunciabile por otro. En
consecuencia q. teniendose por firme y va
=letero este titulo se tome razon de el en el libro
à que corresponde y se entregue al interesado
para su resguardo y de mas fines. Dado en
Monterey à Diez y ocho de Enero de mil ocho
cientos cuarenta.

Juan B. Alvarado.

Manuel Jimeno Aris.

Que ha tomada razon de este Despacho en el
libro de acientos sobre adjudicacion de terrenos
Baldios. @ f.º 14.

Jimeno

En el pueblo de S. Luis Obispo à los veinte
cuatro dias del mes de Sep.º del año de mil
y ocho cientos cuarenta y dos y o L. Mar.º
Bonilla Alcalde de el mismo y su demarca
=cion con los testigos de asistencia con quie
=nes actuo en la forma establecida p.º falta
de escribano publico pase al Rancho llamado
D.º Jimeno y alguna distancia en el punto
nombrado el corral del padre haze a D.
Jde Jesus Pico à culla solicitud concur
=ri à dho lugar con objeto de darle Posecion
juridica del terreno q. tiene concedido p.º
el Gob.º del Departamto. y con tal fin p.º
proceder à la midicion de dho terreno medi
un cordel de cincuenta O.º castellanas. y p.º
su constancia lo asente p.º diligencia q.

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firmé con los de asistencia doy fee.
de a.^o J. Mariano Bonilla
Rafael Villa ^{de asa.} mercurial Garcia
Corral del Padre Juan Moreno sep 17.º 24
de 1842.

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Suspendase las diligencias y trmites
de Posesion hto mañana q.^o se continuaron
y o: el Alcalde asi lo decretó y firmé.
Bonilla

Siendo las seis de la tarde se suspendio la
continuacion de estas diligencias p.^o ser
hora inoportuna.

J. Mariano Bonilla
En el corral del padre Juan Moreno a las nue-
-be de la mañana del dia Veinticinco de sept.
del año de mil ochocientos cuarenta y dos yo
Mariano Bonilla Alcalde del Pueblo de S. Luis
Obispo y su Demarcacion con los de Asisten-
-cia y presente D. J. de Jesus pieo con objeto
de continuar el acto de posesion juridica
que pidio dho D.^o p.^o faltan Perito agrimen con
q.^o verificarse la medicion del terreno de
los concurrentes dispuse nombrar y nombre
dos medidores cordeleros q.^o lo fueron Marce-
-lino Buelna y D.^o Santiago Crista, los q.^o
habiendo aceptado el nombramiento
juraron p. Dios y la Santa Cruz desem-
-peñar fielmente su encargo y p.^o su constancia
se asento esta diligencia q.^o firmé con los
de asistencia y los nombrados q.^o p.^o no saber
firmar hicieron una cruz; doy fee.

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de J. Mariano Bonilla
Rafael Villa ^{de asa.} mercurial Garcia
Marcelino Buelna + Santiago Crista +

A continuacion en el mismo parage dia mes y año yo el Juez p.^o proceder à la medicion del terreno concedido à D. J. de Jesus Pico le pide à dho S.^o su titulo y tenien dolo presente se dispuso comenzar las medidas sin q.^o hubiese concurrencia de colindantes p.^o no tener duenos los terrenos laterales y al efecto tomando los medidores cordeleros el Cordel por sus extremos se començò à medir desde el arroyo del Pinaç of. llaman del padre J.^o en direccion al N. O. p.^o la playa y costa y hasta el Arroyo de Sr. Carpioforro, se midieron quinientos veintey cuatro cordeles: y se señaló aquel punto p.^o lindero y terminò à tal rumbo y de allí se continuò midiendo por la Orilla de dho Arroyo al N. E. y hasta la Cima de la Sierra se midieron ciento y diez y ocho cordels en fin punto que tambien se marco, y no pudiendo continuar las medidas p.^o la misma cima de dha sierra por lo escabroso de ella se midio por la falda de la misma sierra en linea paralela à la playa y hasta llegar al Arroyo del padre Juan por la parte de su nacimiento en la Sierra y se midieron hasta dho punto quinientos treinta y cinco cordels habiendo llebada en esta linea el rumbo de S. E. se continuaron las medidas y se tovo el cordel por la Orilla del Arroyo del Padre Juan y con rumbo al S. O. hasta llegar al punto en donde se començò en la Playa se midieron trescientos cordels. Habiendo concluido la medicion y señalados los terminos y linderos sin presentarse opositor ninguno en presencia de todos los concurrentes tome de la mano

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@ D. J. de Jesus Pico y en voz clara le dije
 en el nombre de la Nacion Mexicana doy a la prese-
 ncia del terreno q se ha adjudicado y q se ha
 medido y respondiendo que lo tomaba dis-
 -puse q de algun modo manifestase el domi-
 -nio y Señorio q tenia en el enunciado terreno
 y el como dueño absoluto en demostracion de
 dominio directo y tenia y ser el Señor de a-
 -quel terreno con un ci Terbas y tres piedras
 con lo q se concluyo el acto y lo asente p. dilo-
 -genia pidiendo de Jesus Pico se le entregasen
 Originales estas para su resguardo y testimo-
 nio de adquisicion de propiedad d doy
 fee. al aso.

Raf. Ullua

Seasow

J. Mar^{no} Bonilla

Mercurial Garcia

R. Ral del padre Juan Moreno Sept^{no} 25
 de 1842. Debuense estas diligencias
 originales a D. Jesus Pico p. su resguardo
 y testimonio de adquisicion de propiedad
 y tomese razon de el en el libro respectivo
 yo el juez asi lo decreto

Bonilla

D. Luis Obpo Sep. 28 de 1842

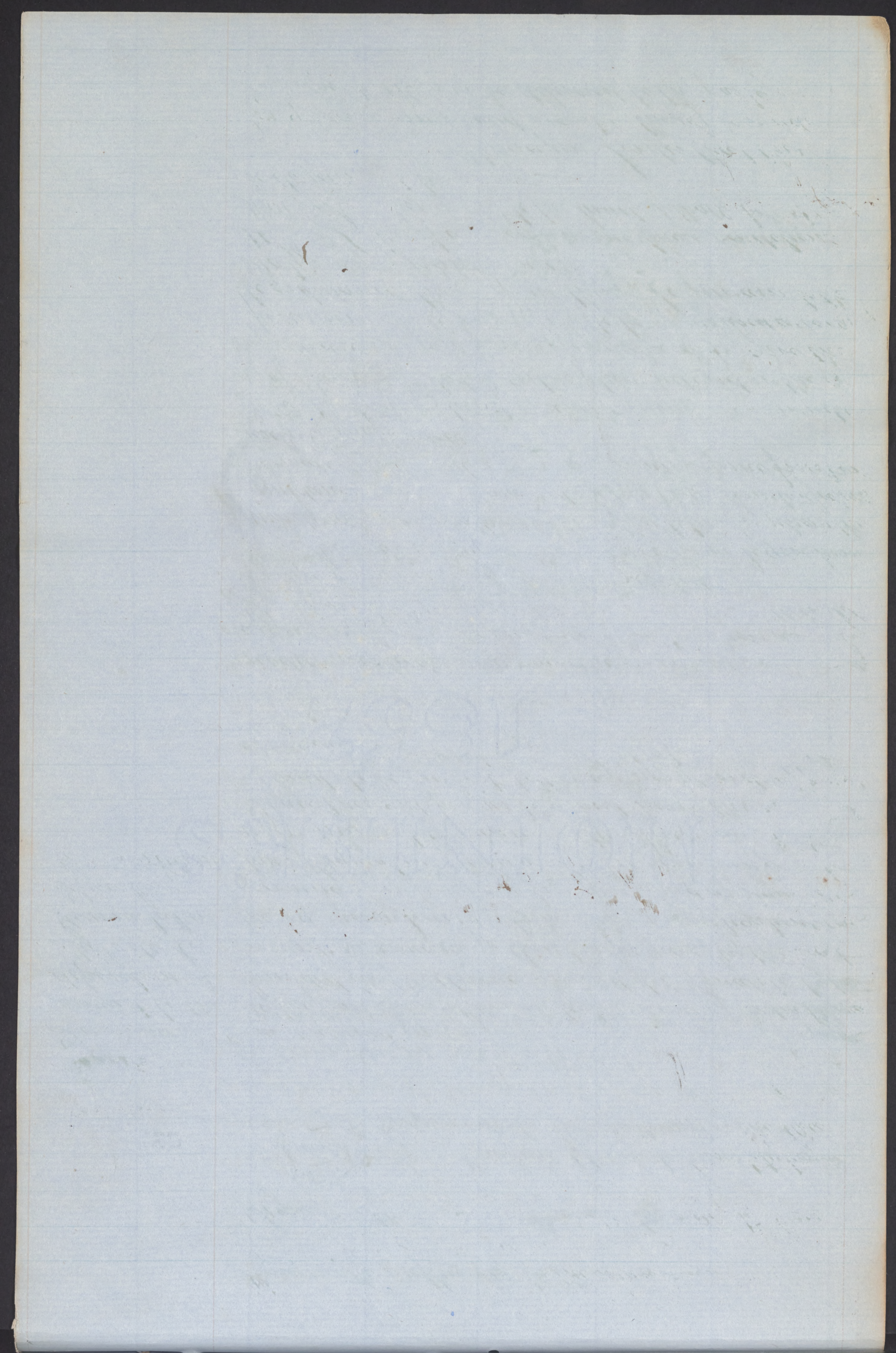
En esta fha se devolvieron las presentes
 a D. Jesus Pico dandole tomado razon
 en el libro correspondiente @ f. 23. 24 y 25.

J. Mar^{no} Bonilla

Teleda in Office sept^{no} 2^{na} 1852

Geo. Fisher Seery

250



First Stamp. Ten Dollars.

17

7502
Sig. J. W.

First Stamp, Six Dollars.

Provisionally authorized by the maritime Custom House of Monterey for the years 1839 & 1840.

(Signed) Alvarado. (Signed) Antonio M. Oro.

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Juan Bautista Alvarado, Constitutional Governor of the Department of the Californias.

Translation of Document J. W. annexed to the deposition of Pablo de la Guerra taken before Comr James Wilson.

Whereas citizen Jose de Jesus Pico by the tract of land known by the name of Piedra Blanca bounded by the Arroyo named del Pinalito, by that known by the name of San Caspuro, by the sea & the high mountains; all the steps & investigations concerning thereto having been first had as required by laws & regulations; exercising the powers conferred upon me in the name of the Mexican Nation, I have thought proper to grant him the said tract of land; to be subject to the approval or disapproval of the M^t Excel^{ta} Depart^o, Junta & upon the following conditions

1st He may fence it without injury to the passages, roads & mule tracks; he may enjoy it fully & exclusively appropriating it to agriculture or cultivation as may suit him best; but within one year he shall build a house & the same shall be inhabited.

2nd He shall apply to the proper officer to give him judicial possession by virtue of this title, by whom the boundaries shall be marked out, at the limits of which he shall place besides the land marks some fruit or useful forest trees.

3rd The tract of land of which mention is made is of the extent stated in the plan enclosed in the expediente thereof. The officer who may give the possession, shall cause it to be measured according to ordinance, the surplus thereof to remain to the Nation for common uses.

4th If he shall contravene these conditions he shall forfeit his right to the land & shall be liable to be denounced by others.

Whereupon I order that this title being held firm & valid, registry thereof be made in the proper book, & it be delivered to the party interested.

for his safety & other purposes. Given at Monterey on the eighteenth day of January one thousand eight hundred forty

(Signed) Juan B. Alvarado.
(Signed) Manuel Jimeno.
Sey.

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A registry of this title is made in the book of registry on adjudication of vacant lands at fo 14.
(Signed) Jimeno.

J. W.

At the Pueblo of San Luis Obispo on the twenty fourth day of the month of September in the year one thousand eight hundred forty two, J. J. Mar^{no} Bonilla, Alcalde of the same & its demarcation together with the accompanying witnesses, with whom I act according to law for want of a Notary Public, went to the rancho called San Jimeno, & some distance at the place named el corral del Padre, I met J. A. de Jesus Pico, by whose application I went to said place for the purpose of giving him judicial possession of the tract of land, which he has had granted by the Government of the Department & for such a purpose to proceed to the measurement of said land I measured a cord of fifty Spanish varas, & in proof thereof I did this as a step - which I signed together with the witnesses - I testify -
Wits (Signed) J. Mar^{no} Bonilla

(Signed) Rafael Villa
Wits (Signed) Mercurial Garcia
Corral del Padre Juan Moreno Sept 24 1842.

Let all the steps & proceedings regarding the possession be stopped until to-morrow - when they shall be carried on. I the Alcalde thus ordered & signed.

(Signed) Bonilla.

At being one o'clock P.M. the continuance of these steps was stopped until to-morrow owing to the improper time -

(Signed) J. Mar^{no} Bonilla.

At the corral del Padre Juan Moreno at nine o'clock

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on the morning of the twenty fifth day of Sept in
 the year one thousand eight hundred & forty two,
 I Mar^{no} Bonilla Alcalde of the Pueblo of San Luis
 Obispo & its demarcation together with the accompa-
 -nying witnesses & being present D. de Jesus Pico
 for the purpose of continuing the act of judicial pos-
 -session, which said Senior asked; for want of a prac-
 -ticable Surveyor to accomplish the measurement of the
 land, out of the concurring parties I thought proper
 to appoint & did appoint two measurers being Mar-
 -celino Buelna & D. Santiago Uruta, who having
 accepted the appointment took their oath by God &
 the Holy cross to perform their duty, & in proof
 thereof this step has been noted - which I signed
 together with the accompanying witnesses & the
 business, not being able to sign - made a cross -
 I testify.

(Signed) I. Mar^{no} Bonilla.

Witnesses
 (Signed) Rafael Villa / (Signed) Mercurial Garcia.
 (a) Marcelino Buelna & Santiago Uruta &

In pursuance thereof at the same place & on the
 same day, month, & year, I, the Judge in order
 to proceed to the measurement of the tract of
 land granted to Don D. de Jesus Pico, did ask
 of him said Senior his title, & having it in view
 I directed to commence the measures there being
 no concurrence of adjoining neighbors, for the later-
 -al lands are not owned by any one; & for that
 purpose the measurers taking the cord by its ex-
 -tremities it was commanded to measure from the
 Arroyo del Pinal (grove of pine wood) which is
 called of del Padre Juan, in a Northwest direction
 by the sea & coast as far as the Arroyo de San Car-
 -luz, there were measured five hundred five hun-
 -dred & twenty four cords, & that place was marked
 as boundary & limit to such a direction; & from
 thence it was continued to measure along the bank
 of said arroyo to the Northeast, & as far as to the sum-
 -mit of the mountain there were measured one
 hundred & eighteen cords at a place which was marked
 also; & it being impossible to continue the measured
 by the same summit of said mountain from its

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roughness it was measured from the base of the same mountain in a parallel line to the track as far as reaching the Arroyo del Padre Juan on the side of its spring in the mountain & to said place there was measured five hundred & thirty five cords, having taken in this line the South East direction. They continued the measure & the cord was drawn along the bank of the Arroyo del Padre in a South West direction as far as reaching the place where it started on the track there were measured three hundred cords. Having concluded the measurement I marked out the limits & boundaries without having appeared any party opposing in the presence of all the concurring parties Don J. de Jesus Pico by his hand & clearly told him in the name of the Mexican Nation I do give you possession of the tract of land which was adjudicated to you & has been measured; & he answering that he took it, I directed that in some way he should display the domain & ownership he had to the said tract, & he as absolute owner in demonstration of the said domain he had, & of his being the landlord of that land, pulled some herbs, & threw some stones underneath the act was concluded, which I noted as a record. Don Jesus Pico asked that these original documents might be delivered to him for his safety & proof of acquisition of ownership - I attest.

(Signed) J. Mar. P. Bonilla.

Witness

(Sgd) Raf. Vella. (Signed) Arcanial Garcia

Conal del Padre Juan Moron Sept 25 1842.

Let these original documents be given to Don Jesus Pico for his safety & other proofs of acquisition of ownership, & registry be made in the proper books; & the Judge thus ordered it.

(Signed) J. Bonilla.

San Luis Obispo Sept 28th 1842.

On this day these presents are given to Don Jesus Pico - a registry having been made in the proper book at fol 23. 24 & arise

5/30 2

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Signed *Maria Bonilla*.

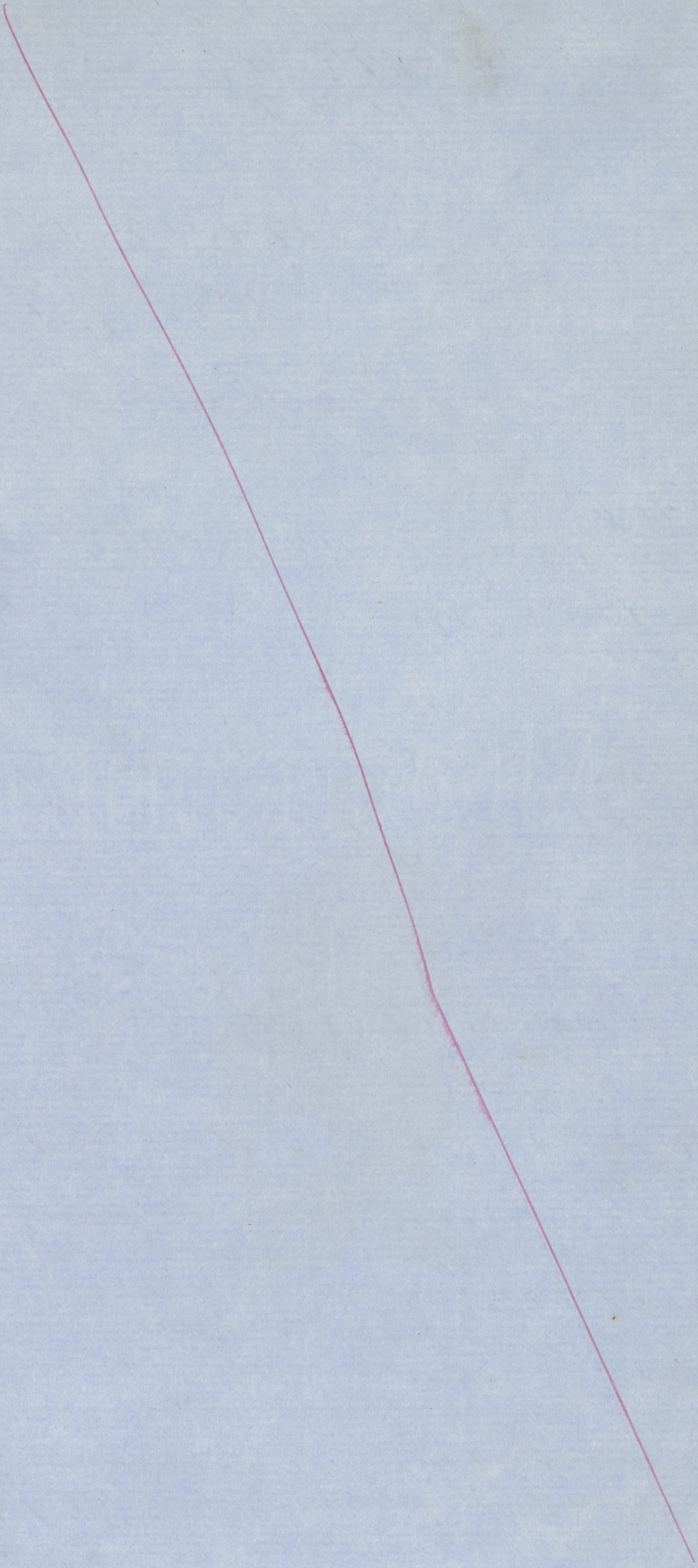
I, George Fisher Secretary to the U. S. Land Commission to ascertain & settle the private Land Claims on the State of California, do hereby certify that the foregoing is a true & correct translation of a Spanish document in case No 302 wherein Jose de Jesus Pico claims the Piedra Blanca, now on file in this office.

In testimony whereof I have hereunto signed my name
Office of said Commission
San Francisco December
16th A. D. 1853.

Geo: Fisher
Secy.

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Faint handwritten text at the bottom edge of the page, possibly a signature or date.

23

11/302
Jose de Jesus Pico

vs
The United States.

For the place called
Piedra Blanca in San
Juis Obispo County,
containing —

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Opinion by Comr
Alpheus Felch.

This claim is founded on a grant made to the present claimant by Governor Juan B. Alvarado on the 18th day of January 1840, which grant, duly proved, is given in evidence. The claimant has also given in evidence the record of judicial possession showing that the land was duly measured to him on the 23rd day of September 1842, & a copy from the Archives of an entry of the subsequent appraisal of said grant by the Departmental Assembly. The land is described by rules & bounds, the quantity not being stated in the grant; & with the aid of the measurement reported by the officer giving judicial possession the boundaries appear to be plain & definite. From the testimony of Antonio Maria Pico & Andres Pico it appears that the claimant built a house on the premises in 1840 or 1841 & has occupied the place with horses & cattle ever since about the time the grant was made & also has cultivated a portion of the premises during that period. Giving a liberal construction to that testimony as to the time mentioned therein, there is enough to enable us to regard the performance of this condition as substantiated.

The claim is confirmed.

Filed in Office December 13th 1853.

Geo. Foster,
Secy.

Decree of
Confirmation. Jose de Jesus Pico
vs
The United States.

In this case on hearing the proofs & allegations, it is adjudged by the Commission that the said claim of the Petitioners is valid, & it is therefore hereby decreed that that the same be confirmed.

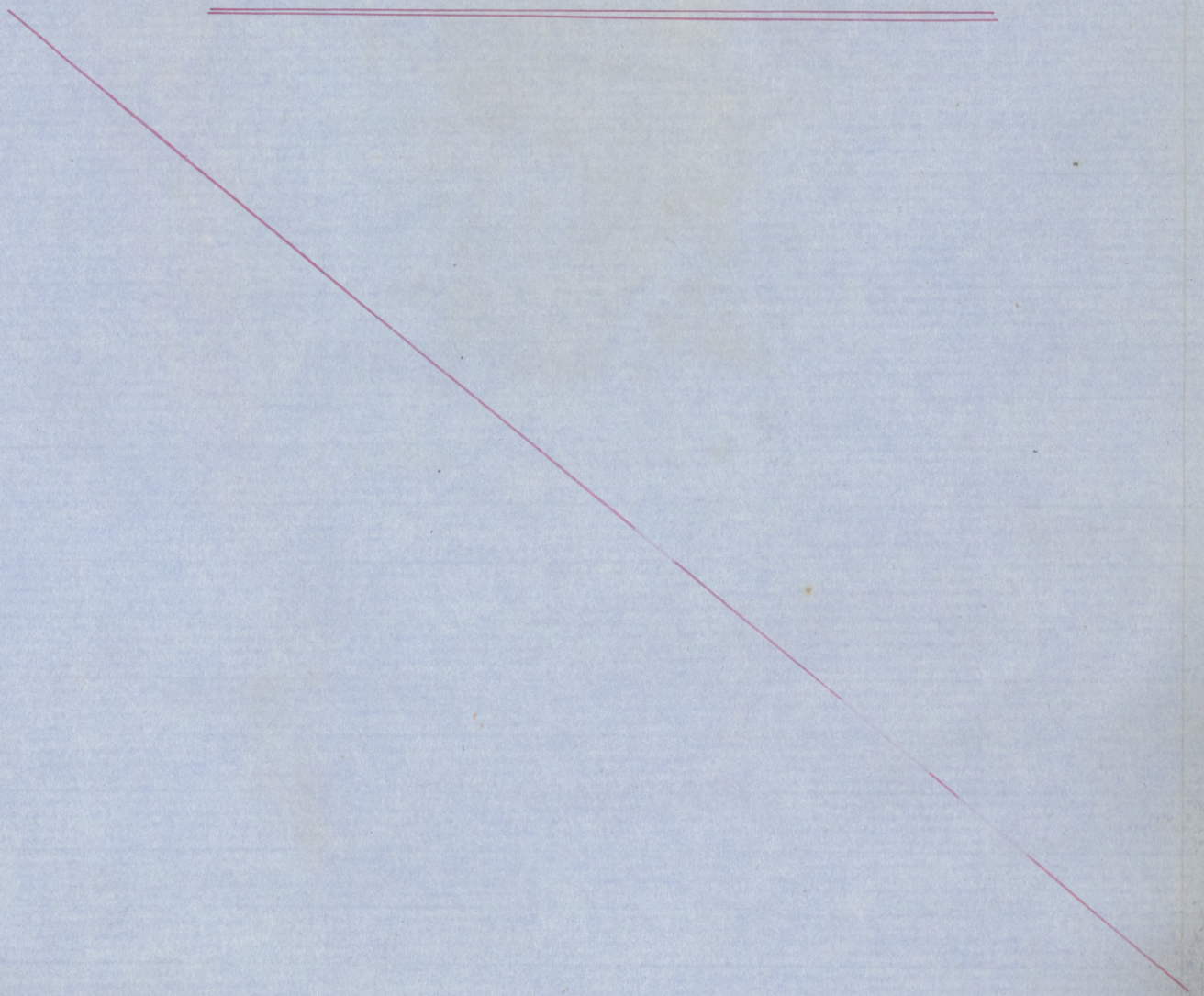
The land of which confirmation is hereby made is that known by the name of Piedra Blanca & now in possession of said Pico, has bounded & described as follows, to wit: Beginning on the sea shore at the mouth of the Arroyo del Pinal which is also called the Arroyo del Padre Juan & running thence along the sea coast in a north west direction twenty six thousand two hundred varas to the mouth of the Arroyo de San Caspajoso - thence along the bank of said arroyo to the north east to the summit of the mountain five thousand nine hundred varas - thence along said mountain in a line parallel with the beach to the Arroyo del Padre Juan, on the side of its spring on the mountain, twenty six thousand seven hundred & fifty varas, & thence along the bank of said Arroyo del Padre Juan in a South West direction fifteen thousand varas to the place of beginning.

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Alphus Felch.
R. Aug. Thompson.
Thompson Campbell. Commissioner

Filed in Office Dec 10th 1853.
Geo: Foster.
Secy

3985 = 40 julian

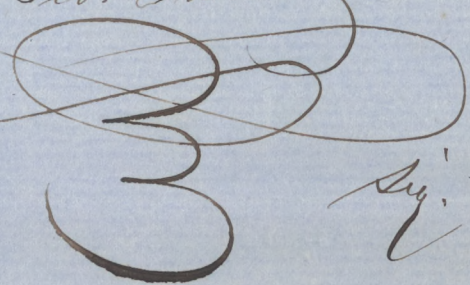


Office of the Board of Commissioners,
To ascertain and settle the Private Land Claims in the State of California.

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 four* pages, numbered from
1 to *24*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *302* on the Docket of the said Board,
wherein *José de Jesus Pico* is

the Claimant against the United States, for the place known by
the name of *"Picara Blanca"*

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 second day of *August*
A. D. 185 , and of the Independence of the
United States of America the seventy-*eightth*.

Geo. Fisher

Sg.



43

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

No. ~~43~~ 43, Docket

THE UNITED STATES, *Yalt.*

43

de Jesus Pico
Piedra Blanca
in S. Luis Obispo Co.

TRANSCRIPT OF THE RECORD

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. 302

Rec^d 25 Aug. 1854
Filed, 26 Aug. 1854

A. S. Taylor
Dy. Clk

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Office of the Attorney General of the United States,

Washington, 30th November 1854.

José de Jesus Pico

vs.

The United States.

} 302.

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.

No 43.

U. S. District Court

Southern District -

The United States

vs.

José de Jesus Pico.

Appeal Notice -

Filed Jan'y 10th 1885.

J. E. Carr
clerk.

43 SD

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43.

Office of the Attorney General of the United States,
Washington, 30th November 1854.

José de Jesus Pico }
vs. } 302.
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.

Amfing

Attorney General.

43
No.

43.
Papers
302.

1.

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

Los Angeles County, State of California.

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José de Jesus Pico
adv.

N^o 43 (Transcript N^o 302)

The United States

To the Honorable Isaac S. H. Ogier, Judge of
the District Court of the United States for the
Southern District 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 United States, re-
presents as follows.

That hitherto, to wit, on or about the
14th day of August A.D. 1852 José de Jesus
Pico presented a petition to the Commissioners
to ascertain and settle the private land claims
in the State of California, claiming the
tract of land called Piedra Blanca in the
County of San Luis Obispo, in the words and si-
-gures following, viz.

"José de Jesus Pico gives

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PAGE 28

"notew that he claims a tract of land called
 "the Rancho de la Piedra Blanca, situated in
 "said State, by virtue of a right & title derived
 "from the Mexican Government, according to
 "the boundaries set forth in the grant thereof,
 " & in the juridical delivery made in conformity
 "with said grant — A copy of said grant
 "is herewith presented & prayed to be received as
 "part of this petition, & the original will be pro-
 "duced & proved as may be required, together
 "with other evidence":

Your petitioner further represents that
 thereafter, to wit, on the ~~14th~~^{13th} day of ~~August~~^{December}
 A.D. 1853 the said Commissioners confirmed,
 by final decree, the said claim of the said ~~Jose de~~
~~José~~ Pico in the words and figures following, to wit:

"In this case on hearing the proofs & allegations,
 "it is adjudged by the Commission that the
 "said claim of the Petitioner is valid, & it is
 "therefore hereby decreed that, that the same be
 "confirmed".

"The land of which confirmation is hereby
 "made is that known by the name of Piedra
 "Blanca & now in possession of said Pico, & is
 "bounded & described as follows; to wit; Begin-
 "ning on the sea shore at the mouth of the ar-
 "royo del Pinal which is also called the arroyo

"del Padre Juan & running thence along the
 " sea coast in a north west direction twenty six
 " thousand two hundred varas to the mouth of
 " the arroyo de San Caspajon - thence along the
 " bank of said arroyo to the north east to the
 " summit of the mountain five thousand
 " nine hundred varas - thence along said moun-
 " tain in a line parallel with the beach to the
 " arroyo del Padre Juan, on the side of its Spring
 " in the mountain, twenty six thousand se-
 " ven hundred & fifty varas, & thence along the
 " bank of said arroyo del Padre Juan in a
 " south west direction fifteen thousand varas
 " to the place of beginning".

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"Alphus Lelek" }
 "R. Aug. Thompson" }
 "Thompson Campbell" } Commissioners"

"Filed in Office Dec. 13th 1853"

"Geo. Lister"

Secy

That thereafter, to wit, on the 26th 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 South-
 -ern District of California, and marked

N^o 43 (Transcript N^o 302) reference to which it is prayed may be had and made a part of this petition.

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PAGE 30

That ----- on the 18th 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 302), 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 Jose de Jesus Pico, 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

of said Commissioners

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 ^{pretended} ~~said~~ alleged grant of Juan B. Alvares, was made in violation of the 4th Article of the Colonization law of Mexico of the 15th 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.

~~IV. That the said alleged grant has not the~~

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 Antonio, or San Miguel; 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 November A.D. 1828.

V. That the said claimant fails to show his petition to said Governor Alvarado with a map soliciting said tract of land called Piedra Blanca. And he fails to show his petition to the Alcalde of San Luis Obispo, soliciting the juridical possession of said land; and ^{he} shows no cause for the absence of said petitions

and map.

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PAGE 33

VI. That said alleged grant by said Governor of said land, does not contain any specified quantity of land; and the ^{Locality,} extent, and boundaries of the same, are vague and indefinite. And it is void for uncertainty.

VII. That the said claimant fails to show the map of the land claimed which is referred to ⁱⁿ ~~by~~, and made a part of said alleged grant, of said date. And no cause is shown by him for the absence of said map. That said tract of land cannot be identified and surveyed without reference to said map.

VIII. That the said claimant shows no definitive title for said land.

IX. That there is no sufficient evidence that the said grant to claimant of said tract of land, bounded as therein described, and called Piedra Blanca, purporting to have been made by Juan B. Alvarado of the date of the 15th day January A.D. 1840, was ever approved by the Departmental Assembly of California.

X. That there is no sufficient evidence that J. Mariano Bonillo, was Alcalde of San Luis Obispo, on or about the 24th and 25th of September 1842, and that as such he had, at said

time, lawful authority to make the survey, and give judicial possession of said land to said claimant. And it is denied that he was Alcalde of said place, at said time, and had ^{then} lawful authority to perform said acts of survey and possession.

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PAGE 34

XI. That said pretended judicial acts of survey and possession of said land by said J. Mariano Bonilla, were not made in conformity with the said pretended grant and the map referred to therein; nor according to the ordinance, or law. And that said pretended acts are vague and indefinite; and they are not written upon lawful stamped paper. And no reason is shown for their being ^{written} upon common paper.

XII. That there is no sufficient evidence that the said claimant José de Jesus Pico, built a house on the said land within one year after the date of the said pretended grant, and that he occupied the same; and that he cultivated the said land. And it is denied that he built a house on the said land and occupied it within one year from the date of the said grant, and that he cultivated the land; as required by the conditions of the said grant.

And no sufficient 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 Commissioner, upon the grounds aforesaid.

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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 Guadalupe Hidalgo, February 2nd A.D. 1848.

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 premises, and in pursuance of the act of Congress entitled "An act 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 provi-

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PAGE 36

-ded, prays that the said José de Jesus Pico 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 José de Jesus Pico, for said land claimed and confirmed as aforesaid; and that the same may be decreed invalid. And all such other orders, Judgements, or decrees, as may be just, with costs, and general relief

J. O'Neil

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

No 45

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

Joaquín de Jesús Pico

vs

The United States

Petition of U States
for Review

Filed Aug: 13 1855

J. E. Carr
clerk

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J. P. B. Dick Atty

N^o 43.
District Court of the U. States.

José de Jesus Pico, appellee,
vs.
The United States.

Answer.

Sept 12. 1833. *of court*
Service acknowledged.
P. O. M.
at D. C. 12. 1833.

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Jones, atty for chasmt.

In the U States District Court for
the Southern District of California,
Special Term Sept 1833,
Los Angeles,

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José de Jesús Pico, } N.º 43.
ads. }
appee. } (Manuscript N.º 3027
The United States, }
app't. }

On motion of P. Ord 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
A. D. 1833,

P. Ord
Clerk of the Court.

N^o 43.

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

The United States, App^{ts}:

vs.

Jos. de Armas. P^{er}, App^{ee}

Order of appeal to the Supreme
Court on motion of P^{er}ord
U.S. atty: —

43 SD

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Filed October 18th 1855.

A. C. Lan C. M.
By W. B. Burdick

California Land Claims

Attorney General's Office

10 September 1851

43 SD

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Sir:

In the case of the claim of Jose Jesus Pico, confirmed to the claimant by the Commissioners, Case no. three hundred and two (302), and also confirmed on appeal by the District Court, appeal in the Supreme Court will not be prosecuted by the United States.

I am

Respectfully

Yours

Pacificus Ord Esq

U. S. Atty for the

Sanchen Dist. of California

W 43

Jose Jesus Pico

302

Filed 24th February 1854

Co. S. M. S. cell

J. A. Hegeman
sup

43 SD

PAGE 43

Rec'd Oct 21 1856

The United States Appellants)
vs.)
Jose de Jesus Pico Appellee }

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This claim is predicated upon a grant ^{from} of Governor Alvarado to the present claimant dated 18th of January 1840.

The Grant itself, the record of the act of Judicial possession, the approval of the Departmental Assembly form the documentary evidence in the case.

The genuineness of all these documents is sufficiently proven and can not be controverted — No copy of the expediente is filed nor does the grant or record of judicial possession contain any map or description without this fault the grant would seem a perfect and complete title —

The evidence shows that the claimant occupied the land within the time prescribed in the Grant and that he built a house upon it within a year that he cultivated a part of the land and that he had cattle & horses upon it up to the time of presenting his petition —

The land is described by meters & fownds all of which are definite and easily found Judicial possession was given under the Grant and it would seem in strict accordance with the Cules of the Grant.

The only objection to this claim, which has not been already decided is the objection that the desired or map, which is referred to in the petition is not produced.

If the land granted was so vaguely described ~~that~~ in the grant that it could not be found a map of the tract might be useful to explain what was intended to have granted by the Governor. but in this case the land is described with quite sufficient accuracy to enable us to arrive at true knowledge. There seems to have been a map presented with claimant's petition to Governor Alvarado and it would have been more regular if it were possible to have made the map a part of the evidence in the case.

Why it was not put in evidence is not explained, it may have been lost; but ~~the want~~ ^{is} ~~scarcely~~ in a grant like this where every requirement of the law seems to have been fulfilled by the claimant, ~~the mere~~ the mere failure to produce the map ought not to be sufficient to invalidate it. especially where the intention of the grantor as to the thing granted can be so clearly arrived at from other testimony.

We therefore affirm the decision of the Commissioners and a decree to that effect will be entered.

N^o 43 -

Casa de Jesus Pao
Appellee
ads —

The United States
Appellant

Filed Sept 25th U.S. 1858

W. C. Carr clerk
By A. W. Pope dep

43 SD

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

TO

The President of the United States,

José de Jesus Pico

43 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-*5*, at the City and County of Los Angeles, in said District, by *Pacificus Ord* Attorney of the U.S. for the South^{ern} Dist^{ric}t of Cal^{ifornia} on behalf of the U.S. praying the said Court to reverse upon the grounds therein set forth the decision of final Confirmation of the Commrs: to ascertain and settle the private land claims in the State of Cal^{ifornia} of the claim of José de Jesus Pico for a tract of Land called Piedra Blanca to the extent of *cuadrantes* - which said ~~petition was filed~~ claim was confirmed on or about the 13th day of Dec^{ember}, 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. *or the Petitioner 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 *13th* day of *September* in the year of our Lord one thousand eight hundred and fifty-*5*, at Los Angeles aforesaid.

C. E. Carr
Clerk.

By John W. Robt Deputy

No. 43

S

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

Qui de bene Pro

abs.

The United States,

SUMMONS.

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

at
the _____ day of

in the Southern District of California or
A. D. 185 .

Sworn to and subscribed before me,

Clerk. }

Marshal.