CASE NO.

50

SOUTHERN DISTRICT

CAHUENGA GRANT

DAVID W. ALEXANDER

CLAIMANT

LAND CASE 50 SD PAGES 102

FEB 15 1963

JUL 19 1963

TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 465

David W. Alexander, et al, CLAIMANTS

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Cahuenga".

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

Be it Remembered, *that on this* eighth day of November, *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 David W. Alexander et al. *for the Place named* "Cahuenga"

was presented, and ordered to be filed and docketed with No. 465 *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 November 9th 1852.
In case No. 465 David W. Alexander and Francis Mellus et al. for the place named "Cahuenga", the deposition of Abel Stearns a witness in behalf of the claimant taken before Commissioner Hleand, Hall, with documents marked H. H. Nos. 1. 2. 3 4 5, and translations thereof marked B. F. H & J. annexed thereto was filed.

(Vide page 3 of this Transcript)

San Francisco Sept. 1 1853.
Case No. 465 (David W. Alexander et al) called; the Counsel for the claimant read the Evidence; argued, submitted and taken under advisement.

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San Francisco Nov. 15th 1853.

In Case 465 (David W. Alexander et al) Commissioner Thompson Campbell delivered the opinion of the Board confirming the claim.

(Vide page 29 of this Transcript)

Petition.

To the Hon'l the Board of U. S. Land Commission-
-ers appointed to settle private land claims in California.

The petition of David W. Alexander & Francis Mellus, in company & Agustin Olvera respect-
-fully represents.

That on or about the 5th day of May 1843, Manuel Micheltorena, then Governor of California in the name of the Mexican Nation, by virtue of the laws then in force the usages & customs of the country affec-
-ting grants of land in California, granted in full property unto José Miguel Triunfo the tract of land & rancho in the present county of Los Angeles, known & called Cahuenga consisting of one fourth of a leagua a little more or less as bounded & described in the papers & maps relating to said grant of land. That so soon as copies can be procured of papers & maps rela-
-ting to this grant of land now in the Archives in cus-
-tody of the U. S. Surveyor General for California, your petitioners pray leave to file the same as part of this petition. And your petitioners further represent that about the month of May 1843 juridical possession was given to said Triunfo of said lands & rancho by the proper officer having jurisdiction of such matters. That copies of the papers relating thereto are herewith filed & the originals are in the possession of your petitioners ready to be produced & proved. And your petitioners further represent that on or about the 21st day of May 1844, said Governor on the petition of said Triunfo ordered & decreed that the measurement of the lands of Cahuenga should be extended to one fourth of a leagua more than the amount first described. That copies of all the papers relating thereto are herewith filed, & the originals are in the possession of your petitioners ready to be produced & proved. And your petitioner further represents that on or about the 13th day of March 1845 the said Triunfo sold & conveyed by deed unto Francisco Lopez & Pedro Lopez all of the said lands & rancho of Cahuenga, that a copy of said deed is herewith filed as part of this petition &

the original is in the possession of your petitioners ready to be produced & proved. And your petitioners further show that on or about the 29th day of September 1851, the said Francisco Lopez sold & conveyed unto your petitioner Agustin Olvera the one fourth part of said lands & ranche of Cahuenga, that a copy of said deed is herewith filed as part of this petition & the original is in the possession of your petitioners & ready to be produced & proved. And your petitioners further show that on or about the day of 1852 James Barton then Sheriff of the County of Los Angeles, by virtue of his office sold & conveyed unto your petitioners David W. Alexander & Francis Mellus in company the one half of said lands & ranche of Cahuenga, it being the right, title & interest of said Pedro Lopez. That a copy of said deed is herewith filed as part of this petition & the original is in possession of your petitioners ready to be produced & proved. And your petitioners further represent that the said Francisco Lopez died intestate & without heirs leaving his father Francisco Lopez & his mother Maria A. F. Lopez his next of kin & heirs at law entitled to the one fourth of the lands and ranche of Cahuenga remaining in the said Francisco Lopez at the time of his death. There is no conflicting claim to said lands known to your petitioner & said lands have not been surveyed by the U. S. Surveyor General for California. The evidence upon which your petitioners rely in support of this claim consists of the records of this grant, papers & maps in the archives now in custody of the U. S. Surveyor General for California. Original papers & maps & deeds of transfer in possession of your petitioners & the testimony of witnesses to be produced before your Honorable Board. All of which is respectfully submitted for such action as the justice & nature of this claim may require.

Crosby & Norton.
Counsel for Claimants.

Filed in Office Nov 8th 1852.
Geo: Fisher. Secy.

Deposition of Abel Stearnes.

Los Angeles Nov 9th 1852.

On this day before Comr Hiland Hall, came Abel Stearnes a witness in behalf of the claimant David W. Alexander, et al petition No 465, & was duly sworn, his evidence being given in English. The U. S. Associate Law Agent was present.

In answer to inquiries by Counsel for the claimants, the witness testified as follows.

My name is Abel Stearnes, my age is fifty four years, & I reside in Los Angeles. I have resided in California twenty three years. I am acquainted with the hand writing & signature of Manuel Micheltorena, Francisco Arce, José R. Arguello, Manuel Jimeno, Manuel Requena, Ignacio Coronel & Juan Manzo. A paper is now shown me purporting to be a grant to José Miguel Trujillo dated 3rd of May 1843, to which is attached an order from the Governor signed Manuel Jimeno. dated March 14 1844, & also a testimonial of judicial possession in May 1844. The signatures of the said several persons on said paper I believe to be genuine. The said Manuel Requena was at the time of said possession Alcalde & authorized to give it – said paper is hereto annexed & marked H. H. No 1. A paper is also shown me purporting to be a petition to the Governor for an extension of the measurement of land & his order thereon, the latter dated 27th of May 1844. The signatures of said Micheltorena & Jimeno on said paper, I believe to be genuine. said paper is annexed & marked H. H. No 2. A paper is now shown me purporting to be a transfer from Miguel Trujillo to Pico & Francisco Lopez, dated 13 March 1845, The signatures of Juan Sepulveda, Ignacio Coronel, Rafael Gallardo & David Alexander on said paper, with which I am acquainted, I believe to be genuine. Said Sepulveda at the date of said transfer, was Alcalde & authorized to sanction & certify it. Said paper is hereto annexed & marked H. H. No 3. A paper is also shown me purporting to be a transfer from Francisco R. Lopez to Agustin Olvera dated 29th of

September 1851. The signatures of said Lopez & Floyd Jones on said paper I believe to be genuine. Said Jones was on the 7th of October 1851, Deputy County Clerk of Los Angeles County & authorized to take acknowledgment of said instrument. Said instrument is hereto annexed & marked H. H. No 4. A paper is also shown me purporting to be a deed under a Sheriff's sale to Alexander & Mellus dated 30th of October 1852. I am acquainted with the hand writing & signatures of J. R. Barlow, Sheriff, W. B. Osborne, Jameson Burnil & believe their original signatures on said paper to be genuine. J. R. Barlow whose official signature appears on said paper was acting Sheriff of the County of Los Angeles, at the date of said instrument & of the proceedings therein recited. Said Burnil was also acting as Notary Public at the date of the certificate of acknowledgment of said instrument. Said paper is hereto annexed & marked H. H. No 5. I was present at the sale by the Sheriff, which was at public auction & Alexander & Mellus were the highest bidders. I know the ranche called Cahuenga. It is situated about three & a half leagues from this place in a North Westerly direction. Triunfo was in possession of the place previous to the grant to him in 1843. He had a small house on it in which he lived & he continued living there until the transfer to the Lopez's. They occupied it after that until the Sheriff's sale. Francisco Lopez died within a few months past. Some of the land was cultivated by Triunfo & Lopez. The also had some cattle there.

Sworn & Subscribed
Before me
Hiland Hall
Comr.

Abel Stearns.

Filed in Office Nov 9th 1852
Geo: Fisher
Secy.

Posesion provisional a favor de
Miguel – Triunfo.

Año de 1844.

Manuel Micheltorena, Gobernador Comandte General é Inspector del departamento de ambas Californias.

(Seal) Por cuanto el Indigena José Miguel Trimpo, natural de la Mision de San fernando ha pretendido para subeneficio personal y el de su familia un terreno con los intermedios del paraje nombrado Cahuenga compuesto de un cuarto de legua poco mas ó menos que hace algunos años que alli se halla establecido, colindante por el sur con el sauco que servia antes de lindero á la Mision de San fernando y por la norte con la orilla del cuemal, practicados previamte las diligencias y averig-uaciones concernientes segun lo dispuesto por leyes y reglamentos usando de las facultades que me son conferidas a nombre de la nacion Mejicana he venido en concederles el terreno mencionado declarandole la propiedad de él por las presentes letras, sujet-andose á la aprobacion de la Exma. Junta departamental y bajo las condiciones siguientes.

1ª Podrá cercarlo sin perjudicar las traversias caminos y servidumbres, lo disfrutará libre y esclusivamte con toda la estension que solicita, destinando lo al uso ó cultivo que mas le acomode.

2ª Solicitará del Juez respectivo que le dé la posesion Jurídica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondrán unas de las mohoneras algunos arboles frutales ó silvestres de alguna utilidad.

3ª El terreno de que se hace donacion es de un cuarto de legua poco mas ó menos segun demuestra el interesado en su instancia que corre en el espediente respectivo. El Juez que diere la posesion lo hará medir conforme á ordenanza quedando el sobrante que resulte á la nacion para los usos convenientes

4ª Si contravenire á estas condiciones perderá su derecho al terreno y será denunciable por ello.

En consecuencia mando que sirviendole de titulo el presente se tome razon de el en el libro a que corresponda y se entregue al interesado para su resguardo y demas fines. Dado en la ciudad de los Angeles á nueve de Mayo de mil ochocientos cuarenta y dos.

Manuel Michelt.ª Fran.co Arce Sno Int.te

queda tomada razon de este despacho en el libro respectivo

F. Arce.

El E. S. Gobernador ha dispuesto se tome razon de esta concession en la Prefectura de este segundo distrito.

Francisco Arce.

Queda tomada razon de este despacho en el libro respectivo f. 5 v.

Angeles. Mayo 10 de 1843.

José T. Angüello. Secr.

(Seal)

El Sr. Sup. Gobernador me ordena diga al. que por el Juzgado de su cargo se le haya entender a Dn Vicente de Laosa que no ha probado ni pueda enagenar el terreno que se le concedia para su beneficio y el de su familia y mucho menos el ageno del prodigeno José Miguel Triunfo, aquien se le podrá dar posesion provisional segun su titulo.

Y en cumplimiento del otro superior orden lo digo al. para su conocimto.

Dios y Libertad. Monterey. Marzo 14. de 1844.

Manl Jimeno.

Sor. Alcalde 1º de la ciudad de los Angeles.

Sello cuarto. Dos reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey en el Departto de las Californias para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Michel Torena. Pablo de la Guerra.

Sres. La Ciudad.

de Los Angeles del Departamento de las Californias a los seis dias del mes de Mayo de mil ochocientos cuarenta y cuatro amente á la solicitud verbal que hizo Miguel Triunfo para que se le dé posesion provisional de un terreno en los intermedios del parage nombrado Cabuenga conocido por el Supor Gobno Departamental como consta el titulo que presentó y se agregará al testimonio y tambien una orden posterior para que se pongan testigos de asistencia y procediese á dar posesion individua con arreglo al citado titulo expresado en cinco de mayo del año pasado y la orden dada en catorce de Mayo de este año. Así yo Manuel Requeña, alcalde 1º de Constitucional de este mandé y firmé con los de mi asistencia segun dro. Manuel Requeña. asto. = Ignacio Coronel = Juan Domingo = En seguida pasa oficio á los Señores Coladuanto que le dan la medidas

de San-francisco Don Vicente de la Osa, y Don Secilio Verdugo, los que en el acto no hicieron objeciones ninguna. Lo que pongo por diligencia que autorisé y firmé con los de asistencia segundo Dno.
Manuel Requena. Ignacio Coronel.
Asto. Juan Domingo.

En Seguida hallandome en el terreno de Miguel Preciado, nombré dos oficiales Cordeleros lo que aceptaron bajo de juramento por el que asesinos desempeñar fiel y legalmente su encargo, y lo que autorise y firmo con los de asta. Segun Dno.
Manuel Requena. Juan Domingo. Ignacio Coronel.

En la misma fecha y estando en el terreno mencionado a efecto de verificar las medidas y posesiones que corresponde a José Miguel Preciado, prevenidos todos los requisitos de la ley, y estando ante mi los testigos de asistencia y los oficiales Cordeleros, hice medir un orden constante de cincuenta varas el cual examinado y reconocido por mi, le mande dar á sus extremos unos barreas de madera y previa observacion y calculo por mi dispuesto, se tiro el primer Cordel de Sur al norte desde el pié de una loma por un lugar nombrado el cerro viejo y encontraron y contaron mil ochocientos cincuenta varas que remataron en el llano donde se mandó poner una mojonera, desde este punto y cambiando la direccion de oriente a poniente se tiro el segundo Cordel, y midieron y contaron mil ochocientos cincuenta varas; en este acto hizo ver José Miguel Preciado que su Casa quedare finera de las medidas, y suplica la ampliacion de un pedazo mas aunque se opuso Don Vicente de la Osa pero como el titulo dice poco mas ó menos le amplie un pedazo de quinientos varas que remataron en el mismo llano á donde se mandó poner una mojonera, de este lugar y cambiando al rumbo, se tiro el tercero Cordel del norte al Sur y se midieron y contaron mil ochocientos cincuenta varas que remataron en la orilla de las tierras de Siembre de San-Fernando, de aqui y cambiando de rumbo se tiro el cuarto Cordel y se cerro el cuadro, asi-mando donde se comenzo, donde tambien se encargo

de lo que quedaron enteradas y satisfechas las partes;

ponen las mohonenas respectivas en señal de posesion de lo que quedaron enteradas y satisfechas las partes; poniendolo por diligencia que autorisé y firmé con los de asistencia. Segun derecho. Manuel Requena. Ignacio Coronel. Juan Domingo = Se le testimonio á la parte de las presentes diligencias.

Sello Cuarto Dos reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey en el Depart.to de las California para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena. Pablo de la Guerra.

Que se hallan concluidas. Asi yo Manuel Requena Alcalde 1o constitucional, doi fe, autorisé y firmé con los de asistencia. Segun derecho. Manuel Requena. Ignacio Coronel. Juan Domingo. En la fecha se libro el testimonio respectivo. Publico. Enchado. Las que por no saber escribir se omite en. Nov.e = Concuerda con su original a que me remito y se halla en libro de instrumentos publicos de este año. Al que se saco corregio y compuesto en estas tres fojas de papel sellado, fuero del titulo y deben quedar al reverso fecha fat supra.

Manuel Requena. asta. Ign.o Coronel. Juan Lopez.

Filed in office. November 9th. 1852.

Ro. Fisher.
Secretary.

Doc. H. H.
No. 2 annexed to the Depo. of Abel Stearns

Sello Cuarto Dos reales.

Habilitado provisionalmente por la aduana maritima del puerto de Monterey en el departamento de las California para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

Micheltorena Pablo de la Guerra.

(Seal) Excmo. Sor Gobernador

José Miguel Trimpo natural de la mision de San Fernando ante V.E. con la mayor sumision y respeto comparesco y digo. que sin escarpo de que se medio posesion del terreno de un cuarto de legua que fué me pidio me medio posesion amas como yo con Excmo

Soy bastantemente ignorante me creyo el que el terreno referido me sera suficiente para que mis muchos hijos heredandose agotar y bastar en esto el que quede bastantemente reducido por tanto yo quisiera el que vuestro corazon de V. E. tenga á bien el concederme otro cuarto mas de tierra de lagua no ocupe Sr Fernando, o por si a caso pusiere algun abin el Res. mande V. E. a que se mida desde mis casas esta la mencionada orilla, del arroyal que es mi pedido como consta en el referido titulo el que respectosamente acompaño y por lo expuesto. A V. E. suplico agracie como pido pues en ello recibiré gracia y merced, que es la que implero. Dios nos lo de salud y lo recetaro se.

Angeles. Mayo 12 de 1874.

Rot firmar.

Sr. Gobernador.

El Indigena José Miguel Solerita ocurrio de un terreno, hasta donde se le fijaron sus limites por el titulo que se le dio y como he visto y los expedientes pertenecientes á los rancho del rancho Calleuenga para que no hay ningun inconveniente alguno por que dispuesto al interesado de la extension hasta el lugar del arroyal de que se hace mencion. La Superior disposicion de V. E. sera lo mas conveniente.

Monterey. 21 de Mayo de 1874.

Manuel Jimeno.

Monterey. Mayo 21 de 1874. Concurre.

Michelorena.

En la dicha fecha se pasó el pasaporte La comunicacion correspondte el alcalde 1º de los Angeles pa que las medidas puedan llegar hasta el punto que nombran el Arroyal. Manuel Jimeno.

Secretaria del Gobno Departo de California

El E. S. Gobernador en vista de la solicitud que representa José Miguel Trinjo puedan llegar hasta la inmediacion del punto, que llaman el Arroyal por ser este lindero que se le fijo en el titulo que se le dio en 5 de Mayo del año pdo. pdo.

Comunicado

Lo digo a V. de orden superior y para los fines que pueden convenir a la vez de reiterar le mis distinguida consideracion.

Dios y Libertad. Monterrey. 21 de Mayo de 1844.

Sor. Alcalde 1º de los Angeles

Manuel Jimeno.

Filed in Office. Nov.ber 9th 1852.

Geo. Fisher.
Secrety.

Doc H. H.
No 4 and
to the Desp. of
Abel Stearns

A todos los que este documento vieren saber, y de yo Fran.co R. Lopez, vecino del condado de los Angeles y estado de las Californias, he vendido, cedido traspasado y confirmado y por los presentes, vendo, cedo, traspaso y confirmo a favor de D. Agustin Olvera tambien del Estado y estado arriba dicho, por q. en consideracion à la cantidad de cuatro cientos pesos que yo he recibido a mi entera satisfacion y he sido legalmente pagado del mismo. D. Agustin Olvera la mitad del terreno a que tengo derecho en el paraje nombrado con el nombre de Cabuenga de Pedro Lopez situado dentro del condado de los Ang-eles colindante con los terrenos de los Verdugos, Providencia Los Felis y San Fernando de cuya mitad que enageno no se fijan linderos de terminados por no haberse dividido todo el terreno, declarando que la presente en-agenacion la hago con derecho igualmente à las mejoras que hubiere y actualmente existen por mitad de todas clases, como casa, corales huertas se adjuntas al todo del terreno que me pertenesca y a la parte que aqui enageno, servidumbres derechos y privilegios que sean ciertos y correspondientes al referido Sor. Olvera para que el terreno y cuanto queda mencionado tenga por, goze use y disponga por si mismo a sus antojos y a sus herederos ó de quien de ellos hubiere titulo, voz

ó Causa para su propio beneficio por siempre jamas.
Y por mi, mis herederos alvaceas y administradores estipulo y convengo que el dicho Sor. Olvera con sus herederos y con quien de ellos hubien titulo voz ó causa que yo soy dueño de la mitad de todo el terreno de Cahuenga de Pedro Lopez, que tengo derecho para venderlo en enagenacion perpetua y que tambien tengo la posecion del mismo terreno y su parte ni todo del terreno que no ha pretendido no tienen ningun gravamen, empeño o hipoteca de cualquiera clase, y mas convengo con el repetido Sor Olvera que segun y conforme yo tengo la seguridad del ultimo poseedor de quien yo adquirí en el evento de que se presentará alguna demanda ó reclamacion sobre el precitado terreno. Doy al Sor Olvera, esto es que dirizin su acion en el caso requido como si yo mismo fuere, contra el individuo que ami me vendio en virtud de ser el responsable oriz-inalmente.

En testimonio de lo cual pongo libre y volunt-ariamente mi nombre y sello en esta escritura hoy dia 29 de Septiembre de 1851 en la ciudad de Los Angeles, condado del mismo nombre y estado de California.

Franco R. Lopez.

{State of California. County of Los Angeles}

Be it remembered that on this 7th day of October A.D. 1851 before me Benj. D. Wilson clerk of the county court of Los Angeles County, personally appeared Francisco R. Lopez known to me to be the same who signed the foregoing Document and acknowledged that he signed it voluntarily and for the uses and purposes therein mentioned. As witness my hand as clerk of the aforesaid Court and the seal of said

with the seal of said court hereunto affixed on this 7th day

and the Seal of said Court hereunto affixed on this 7th day of October. 1851.

Benj. D. Wilson.

Seal. by. Floyd Jones. Dy.

Received the aforegoing document for record on the 7th day of October A.D. 1851 at 20 minutes past 10 o'clk. And recorded at 30 minutes past 3. o'clk. on relative 15 at request of Agustin Olvera. in book 1. of deeds. pages 60.

Benj. D. Wilson.

by. F. Boyd Jones. Dy.

Filed in Office. Nov. 9th 1852.

Geo. Fisher.

Secretary.

Inspector of the Department of both Gentlemen.

D. Translation of Grant.

Translation of part of H. H. No 1. annexed to the deposition of Abel Stearns

Manuel Micheltorena, Governor, General Commandant and Inspector of the Department of both Californias.

L.S.

Whereas the Indian José Miguel Trunfa, a native of the Mission of San Fernando, has claimed for his personal benefit & that of his family a tract in the neighborhood of the place called Cahuenga, consisting of one fourth of a league, a little more or less where he has been established several years, bounded South by the willow fence which formerly served as a boundary of the Mission of San Fernando, & North by the edge of the oak grove, the proceedings and investigations in that behalf having first been instituted according to the provisions of the laws & regulations. In the exercise of the powers conferred on me in the name of the Mexican Nation, I have come to grant him the aforesaid tract declaring unto him the ownership thereof by the present letters subject to the approval of the Most Excellent the Departmental Junta & under the following conditions:

1st He may enclose it without precudicing the cross roads, highways & rights of way, he may enjoy it fully & exclusively to the whole extent which he selects devoting it to the use or cultivation that best may suit him.

2d. He shall petition the competent Magistrate to give him the juridical possession in virtue of this Patent,. Such Magistrate shall assign the boundaries in whose limits he shall place besides the landmarks some fruit or serviceable forest trees.

3d. The tract hereby granted is of one fourth of a league a little more or less, according as set forth by the party in interest in his petition belonging to the respective (filed with the Minister of preliminary proceedings in this behalf). The Judge who gives the possession will cause it to be measured according to ordinance, the surplus that may result remaining for the Nation to its own behooving use.

4th. If he violate these conditions he shall lose his right to the property & it may be denounced by any other.

Therefore I order that these presents serving for his title be entered of record in the book to which it appertains & delivered to the party in interest for his protection and

other purposes.

Given at the City of Los Angeles on the fifth day of May eighteen hundred & forty three.

Manl Micheltorena

Franco Arce. Secretary ad interim.

This patent is entered of record in the appropriate book.

Franco Arce.

His Excellency the Governor has ordered that this grant be entered of record in the Prefecture of this second district.

Franco Arce.

This Patent is entered of record in the appropriate book at p 2. Angeles May 10 1843.

José R. Arguello. Secty.

His Excellency the Governor ordered me to say to you that through the court under your charge Don Vicente de la Osa be informed that he had & has no power to alien the tract granted to him for his benefit & that of his family & much less one that not belong to him but to the Indian José Miguel Tsuinfo to whom provisional possession be given according to his title.

And in obedience to said Superior order I do so state to you for your information.

God & Liberty, Monterey March 4th 1844.

Manuel Jimeno.

To
The Hon First Alcalde of the
City of Los Angeles.

Filed in Office Nov 8th 1852.

Geo: Fisher.
Secy.

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(17)

See over p. 17

50 SD
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D. Translation of possession.

Translation of H. H. No 1. annexed to the Depo of Abel Stearns.

In a plain where a land mark was ordered to be placed. From this point & changing the direction from East to West the second line was run, & there were measured & counted one thousand two hundred & fifty varas. At this stage of the Proceedings José Miguel Trinfo represented that his house fell outside of the measurements & prayed for an additional piece, to which Don Vicente de la Ora made objection; but as the title says "a little more or less" I added a piece of five hundred varas which indeed in the same plain where a land mark was ordered to be placed, from this place & altering the direction the third line was drawn from North to South & there were measured & counted one thousand two hundred & fifty varas, which ended at the edge of the planting grounds of San Fernando. Hence & changing the direction the fourth line was run and the square closed terminating at the place of beginning, whereof the parties admitted notice & expressed satisfaction. And mention was taken of the same certified & subscribed by me with the attesting witnesses according to law – Manuel Requena – Attest Ignacio Coronel. attest Juan Domingo. – Let judicial copy be delivered to the party of the present.

L.S. Stamp & clause as above.

Proceeding which are terminated. I Manuel Requena first Constitutional Alcalde have so decreed, ordered & subscribed with the attesting witnesses according to law. Manuel Requena. Attest. Ignacio Coronel. attest Juan Domingo.

Note. On the same day the judicial copy in this behalf was delivered. A rend. Effaced – lo que par no saber escriber se omiten – ord.

A true copy of its original to which I refer & which is found in the book of Public Instruments of this year from which it was taken concision & collation in these three sheets of stamped paper besides the title & order which are at the head.

Same date. Manuel Requena.

Attest Ig.o Coronel. Attest. Juan Moreno.

Filed in Office Nov 8th 1852. Geo: Fisher. Secy.

365–

Signed personally by the Maritime Owners of the Port of

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17.

50 SD
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Fourth Class Stamp, Two Eighths of one Dollar.
Issued provisionally by the Maritime Customs of the Port of Monterey in the Department of the Californias for the years one thousand eight hundred & forty four & one thousand eight hundred & forty five.
Michel Torena. Pablo de la Guerra.
L S.

F. Translation of order to extend the measurement.

Translation of H. H. No 2. annexed to the deposition of Abel Stearns.

At the city of Los Angeles of the Department of Californias in the sixth day of the month of May one thousand eight hundred & forty four, in compliance with the verbal petition which Miguel Trujillo made to the end that provisional possession be given him of a tract of land in the neighborhood of Cahuenga, granted by the Superior Departmental Government, as appears by the title which he presented & will be annexed to the judicial copy (of these proceedings) & likewise a subsequent order. Ordered that I & the attesting witnesses repair & proceed to give the said possession in conformity with the said title issued on the fifth of May of last year & the order given on the fourteenth of March of this year, I Manuel Requena first Constitutional Alcalde, have so decreed, ordered & subscribed with the attesting witnesses according to law. Manuel Requena. Asta – Ignacio Coronel. Asta. Juan Domingo. Immediately afterwards I served notice upon the owners of neighboring premises viz: the Mission of San Fernando, Don Vicente de la Osa & Don Julio Verdugo who upon such proceedings made no objection whatever & of this I make minute certified & subscribed by me & the attesting witnesses according to law. Manuel Requena – attest. Ignacio Coronel. Attest. Juan Domingo –
Next afterwards being at the premises of Miguel Trujillo appointed two official line bearers who accepted their appointment making oath that they would fulfil their duties faithfully & lawfully. Certified & subscribed by me with the attesting witnesses according to law. Manuel Requena. Attest Juan Domingo. Attest Ig° Coronel.

On the same date & being at the premises near Cahuenga to the effect of making the measurements

& delivery of possession to which José Miguel Tuniñe is entitled all the requisites of law being complied with & having in my presence the assisting witnesses & official line bearer, I caused a line to be measured fifty varas in length, which being examined & verified by me ordered wooden poles to be fastened to its extremities & after observation & calculation under my direction the first line was drawn from South to North from the foot of a hill by a place called the Cerco viejo (old fence) & then was measured & counted one thousand two hundred & fifty varas which terminated.

Fourth Class Stamp, Two Eighths of one Dollar.
Issued provisionally by the Maritime Customs of the port of Monterey in the Department of the Californias for the years one thousand eight hundred & forty four & one thousand eight hundred & forty five.

Micheltorena — Pablo de la Guerra.

L. S.

To His Excellency the Governor & General Commandant.

Monterey March 20 1844.

Let the Hon Secretary of State report as regards former proceedings.

Micheltorena.

I José Miguel Tuniñe a native of the Mission of San Fernando before your Excellency most submissively & respectfully do appear & say. That notwithstanding they gave me possession of the tract of one fourth of a league which was what I petitioned for, they did not give me as far as the edge of the oak grove as is written in the title which your Excellency had the goodness to grant me, but as I, your Excellency, am quite an ignorant man, I supposed that the (amount of) the land in question was sufficient to afford pasturage for my little stock & now I have found that I am quite short, wherefore I should desire that your Excellency's goodness of heart should vouchsafe to grant me another quantity of land from that which San Fernando does not occupy or if by chance the Reverend Father should place any impediment, let your Excellency order that they may

the oak grove which is that I asked for as appears from

measure out to me from my house to the said edge of the oak grove which is that I asked for as appears from the said title which I respectfully subjoin. And in consequence of the aforesaid

I beseech your Excellency to do as I request, whereon I will receive that grace & favor which I implore. I make oath that I do not proceed through malice adding the other necessary verifications &c.

Angeles, May 12 1844.

I do not know how to write.

Señor Governor.

The Indian José Miguel solicits an extension of his land up to the point which the title granted to him assigned as boundary. As I have seen the proceedings relative to the ranche in the direction of Cahuenga, it seems that there is no obstacle whatever to the party interested enjoying the extension to that spot of the Oak Grove in question. Your Excellency's superior determination will be what is most behoving.

Monterey 21st May 1844.

Manuel Jimeno.

Monterey May 21 1844.

Conformable.

Micheltorena.

On the same day the appropriate communication was forwarded to the first Alcalde of Los Angeles to the end that the measurements may reach to the point named the Encinal.

Manl Jimeno.

Secretary of the
Departmental Government
of California.

His Excellency the Governor considering the petition which José Miguel Trujillo presented & the minutes of Proceedings relating to the Ranchos which are in the direction of Cahuenga has deemed meet to declare by decree of this day that the measurements taken in the delivery of possession made

to the said José Miguel Trinfo may reach to the neighborhood of the spot called El Encinal (oak grove) this being the boundary assigned to him in the title given to him on the 5th of May of year last past.

This I state to you by superior order & for the ends that may be behoving considering at the same time my distinguished consideration.

God & Liberty Monterey 21 May 1844.

Manl Jimeno.

To
The Hon first Alcalde
of Los Angeles.

Filed in Office Nov 8th 1852.

Geo: Fisher.
Secy.

H. Translation
ded. Trumfo to
Lopez.

Translation of
H. H. No 3.

At the city of Los Angeles in the Department of California on the thirteenth day of the month of March one thousand eight hundred & forty four before me Juan Sepulbeda, second Constitutional Alcalde & before my auxilliary witnesses by whose aid I proceed notarially for want of a Notary Public appeared the citizen Pedro Lopez & Miguel Trumfo & said that by a friendly arrangement & of their own & spontaneous will they had agreed to exchange their ranches that is, Pedro Lopez gives to Miguel Trumfo the ranche of Tujunga which belongs to him & his brother Franco Lopez, whose requisite power he exhibited, the letter to which is shown by documents annexed to this instrument. And Miguel Trumfo on receiving the ownership of Tujunga will deliver his ranche situate in the neighborhood of Cahuenga delivering likewise the documents to be annexed to this instrument which will be executed in duplicate for the protection of the parties. In the documents are found the titles & other proceedings of the possessions for the information of both parties, both declaring that the aforesaid ranches are not sold nor mortgaged & are absolutely free, wherefore they will consider themselves as well in possession & with the rights & prerogatives of proprietors & in case of reclamation they will undertake the defence to the end of leaving that possessor who may be molested in quiet & peaceable possession. And to the validity of this instrument they bind themselves with their persons & property present & future & with the same submit to the power & jurisdiction of the Hon Judges who are to take cognizance of this matter to the end that they may compel & force them by all rigor of law & by way of sequestration in the same way as if it was by a sentence passed under authority of a thing judged, assented to & without appeal. They waive their own privilege, domicil & residence the laws in their favor & defence & all general renunciation of the law as it is due form here expressly waived. In testimony whereof they executed this instrument. They did not subscribe not knowing how, I did, so with the attesting witnesses according to law.

2/48.5

There is no stamped paper.
Juan Sepulveda. At the request of the parties.
Jg.º Coronel.
attest. Rafael Gallardo. attest. David de Alejandro.

Filed in Office Nov 8th 1852.
Geo: Fisher.
Secy.

Translation of deed. Lopez to Olvera.

Translation of No. No 4. annexed to the Depo of Abel Stearnes.

To all those who may see this document, know ye that I, Francisco R. Lopez, a resident of the County of Los Angeles & State of California, have sold, assigned, & transferred & confirmed & by these presents do sell, assign, transfer & confirm in favor of Don Agustin Olvera also of the County & State above mentioned for & in consideration of the sum of four hundred dollars which I have received to my entire satisfaction & have been lawfully paid to me by the said Don Agustin Olvera the one half of the land which I have a right in the tract known by the name of Cahuenga of Pedro Lopez situate within the county of Los Angeles bounded by the lands of the Verdugos, Providencia, the Feliz & San Fernando, of which one half ~~xxxxx~~ I convey as determined boundaries are assigned the entire tract not having been divided, I declare that I make the present conveyance with a right likewise to the improvements there may be actually exist by halves of all classes viz: house, corrals, gardens &c appertaining to the whole of the tract which belongs to me & to the part which I here convey, rights of way rights & privileges thereunto belonging & appertaining to the said Señor Olvera the said land & what is above mentioned to hold, possess, enjoy, use and dispose of for himself at his will or that of his heirs or whoever among them may have title, claim or right for his proper benefit for ever more. And for myself, my heirs executors & administrators I covenant & agree with the said Olvera his heirs & whoever among them may have title, claim or right, that I am owner of the one half of the entire tract of Cahuenga of Pedro Lopez, that I have the right of selling the same in perpetual alienation & that I also have the possession of the same tract & that neither part or the whole of the land which has belonged to me have any incumbrance, pledge, of hypothecation of any class.

And I further covenant with the aforesaid Señor Olvera that according & conformably as I hold the guarantee of the last possessor from whom I purchased, in the event of any suit or claim

occurring as to the aforesaid tract, I assign the same to Señor Olvera, that is to say that he will bring his action in the case in question as if he were in his own proper person against the individual who sold to me, he being originally the person responsible.

In testimony whereof I freely & voluntarily set my name & seal to this instrument this twenty ninth day of September 1851 at the city of Los Angeles, county of the same name & State of California.

Franco R. Lopez. L. S.

State of California County of Los Angeles.
Be it remembered that on this 7th day of October A. D. 1851 before me Benj. D. Wilson Clerk of the County Court of Los Angeles County personally appeared Francisco R. Lopez known to me to be the same who signed the foregoing document & acknowledged that he signed it voluntarily & for the use and purpose therein mentioned. In witness my hand as clerk of the aforesaid Court & the seal of said Court hereunto affixed on this 7th day of October A. D. 1851.
L. S.

Benj. D. Wilson. Clerk.
by J. Floyd Jones. Dep.

Recorded the aforegoing document for record on the 7th day of Oct. A. D. 1851. at 20 minutes past 10 o clock A. M. & recorded the same at 30 minutes past 3 o clock P. M. Oct 15th at request of Agustin Olvera in book A. of deeds page 60.

Benj. D. Wilson. Recorder.
by J. Floyd Jones. Dep.

Filed in Office Nov 8th 1852.

Geo: Fisher.
Secy.

Doct: No. No. No 5. annexed to the deposition of Abel Stearnes.

This Indenture made this Thirtieth day of October in the year one thousand eight hundred & fifty two, between James R. Barlow, Sheriff of the County of Los Angeles, of the first part, & David W. Alexander and Francis Mellus, constituting the firm of Alexander & Mellus, of the county aforesaid, of the second part, Witnesseth: That, Whereas by a certain execution issued out of & under the seal of the District Court of the 1st Judicial District, for the county of Los Angeles, dated the 5th day of March A. D. 1852. at the suit of Henry Dalton plaintiff, against Pedro Lopez, defendant, directed & delivered to the said Sheriff, commanding him that of the goods & chattels of the said defendant, he should cause to be made certain moneys, in the said writ specified, & if sufficient goods & chattels could not be found, that then he should cause the amount so specified to be made out of the real estate which the said defendant had on the fourth day of March A. D. 1852. or at any time afterwards, in whose hands soever the same might be, the said Sheriff did levy on & seize, all the estate, right, title & interest which the defendant so had of, in & to, the premises hereinafter conveyed & described; & on the twenty third of April in the year one thousand eight & fifty two, the said party of the first part sold the said premises at public sendue, at the court house door in the city of Los Angeles, county aforesaid, between the hours of nine o'clock A. M. & five o'clock P. M. of said day; having first given public notice of the time & place of such sale, by advertising the same according to law: at which sale the said premises were struck off to the said parties of the second part, for the sum of Eleven hundred & one dollars they being the highest bidders & that being the highest sum bidden for the same. And whereas, the said premises after the expiration of six months from the time of said sale, remained unredeemed & no creditor of the said Pedro Lopez hath acquired the right & title of said purchasers; Now this Indenture Witnesseth: That the said party of the first part, by virtue of said writ, & in pursuance of the act in such cases made & provided, & in consideration of the sum

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of money so bidden as aforesaid, to him duly paid, hath sold, & by these presents doth grant & convey unto the said parties of the second part, all the estate, right, title & interest, which the said defendant had on the said fourth day of March A.D. one thousand eight hundred & fifty two, or at any time afterwards, of, in & to the following described tract of land, to wit; A tract of land consisting of Eleven hundred & eighty eight acres, called the land of Cahuenga, lying & being situate in the county of Los Angeles, State of California To have & to hold the said above mentioned premises unto the said parties of the second part, their heirs & assigns forever, as fully & absolutely as the said party of the first part, as Sheriff aforesaid, can or ought to, by virtue of said writ & the law relating thereto.

In testimony whereof, the said party of the first part, has hereunto set his hand & seal, the day & year first above written.

In presence of
W. F. Osburn.

J. R. Barton.
Sheriff.

County of Los Angeles.

On this Thirteenth day of October, in the year of our Lord, one thousand eight hundred & fifty two, before me personally came James R. Barton, Sheriff of the county of Los Angeles, to me known to be the same person described in, & who executed the within conveyance, & acknowledged that he executed the same freely & voluntarily & for the purposes therein mentioned.

G. Thompson Brunell. Notary Public.

G. Thompson Brunell Notary Public Cities of Los Angeles State of California

Recorded the above & foregoing deed of conveyance for record November 5th A.D. 1852. at thirty minutes past ten o'clock A.M. Recorded the fifth day of November A.D. 1852. at fifteen minutes past twelve o'clock P.M. in the book of deeds pages 244 & 245. at the request of David W. Alexander.

Wilson W. Jones. Recorder.
By H. R. Myles. Deptl

Filed in Office Nov 9th 1852. Geo: Fisher. Secy.

Mellus & Aguilar Divorce

29

David W. Alexander, Francis Mellus & Agustin Olvera
vs
The United States.

Cahuenga.
3/4 of a League.

50 SD
PAGE 29

Opinion.

The claimants in this set forth in their petition that Governor Manuel Micheltorena did on the 5th day of April A.D. 1843 grant to one Jose Miguel Ivinsfo the place called Cahuenga, consisting of one fourth of a league a little more or less. The petition further represents that, in the month of May A.D. 1843 juridical possession was given to the said Ivinsfo of the premises described in his grant. It is further stated by said petitioners that on the 29th of May A.D. 1844 the said Governor ordered & declared that the measurement of the lands of Cahuenga should be extended to one fourth of a league more than the amount first granted. It is further represented in said petition that, on the 13th day of March A.D. 1845 said Ivinsfo sold & conveyed by deed unto Francisco & Pedro Lopez all his interests in & to the lands & ranche of said Cahuenga, that on the 29th day of September A.D. 1851 the said Francisco Lopez sold & conveyed unto Agustin Olvera one of the claimants in this case, the one fourth part of said lands of Cahuenga. The petition contains the further statement that, on the 30th day of October A.D. 1852, the Sheriff of the County of Los Angeles by virtue of his office sold & conveyed unto David W. Alexander & Francis Mellus in company the one half of said lands & ranche of Cahuenga, it being the right title & interest of the said Pedro Lopez. And the petitioners also represent that, said Francisco Lopez died intestate leaving his father Francisco Lopez & his mother Maria A. F. Lopez his heirs at law, who are entitled to the one fourth of the lands & ranche of Cahuenga. There is no proof on file that any approval was ever made by the Departmental Assembly, or that any final document was ever issued to the party, the legal title therefore remains in the government, & passed to the United States, by the

terms of the treaty subject to all the equities with which it was charged at the time a change of jurisdiction took place. It is proved by the deposition of Abel Stearns that Triunfo the original grantee was in possession of the place previous to the grant in 1843, that he had a small house on the land in which he lived & that he continued there until the transfer to the Lopez's after which they occupied the place until the Sheriff's sale took place, & that some of the land was cultivated by Triunfo & Lopez & that they had some cattle on the place. This is all the evidence adduced by the claimants in regard to the nature & occupancy of the land. The first question which presents itself in this case is whether the claimants have such an equitable interest in the land described in their petition as entitles them to demand of the government of United States a relinquishment of all her interests in the land in question. All the rights of the claimants must be derived from the original grantee Miguel Triunfo. They have set out in their petition that said Triunfo died on 13th day of March A.D. 1845 convey by deed to Pedro & Francisco Lopez all his interest in the tract of land granted to him by the government of Mexico. In proof of the allegation the claimants have filed an instrument purporting to be an agreement entered into between Pedro Lopez & Francisco Lopez with Miguel Triunfo for an exchange of Ranchos by which Pedro Lopez acting for his brother Francisco agreed to give the ranch owned by them jointly & called Tejunga for the rancho owned by Miguel Triunfo & called Cahuenga. This instrument is not signed by the parties or either of them, but is made in presence of Juan Sepulveda, who is proved by the deposition of Abel Stearns to be an acting Alcalde at the time the instrument purports to have been made, & he also proves that as such Alcalde he was authorized to sanction & certify such instruments. According to the laws & customs of Mexico it seems, that parties could convey the legal title to lands by instruments

executed as this instrument was, in the presence of an Alcalde & other subscribing witnesses. It is made apparent from the papers on file in the case that all the parties considered & treated the contract as binding & valid, for all the purpose expressed in their agreement. The subsequent mesne conveyance, by which the claimants traced their chain of title, together with the Sheriff's deed are all satisfactorily proved & authenticated according to the laws in force at the respective periods when they were severally executed. The claimants have as the successors to all the rights of the original grantee proved an equitable claim to three fourths of the Rancho called Cahuenga, & to that extent are entitled to demand from the United States a full & complete relinquishment. The remaining one fourth which the petitioners allege belongs to the heirs at law of Francisco Lopez deceased, is not before this board for settlement & adjudication. There is no proof that the persons named in the petition are the heirs of Francisco Lopez, the petition merely contains the naked allegation that, Francisco Lopez is dead, & that his father & mother are his heirs at law. Neither of no rule that would authorize this Commission to make them parties in this case, & if the statement contained in the petition was even sufficient for that purpose, no confirmation could be made, in the absence of all proof of the heirship, & their right as such heirs to a confirmation of their claim. The juridical measurement defines the premises granted with sufficient certainty to enable the officer authorized to make the survey to identify & locate the precise land granted. We are therefore of of opinion that the claimants in this case are entitled to a confirmation of the undivided three fourths of the tract of land called Cahuenga.

Filed in Office Nov 13th 1853.

Geo: Fisher. Secy.

4/465

Decree.

David U. Alexander Francis Mellus
& Agustin Olvera.
vs
The United States

In this case on hearing the proofs & allegations it is adjudged by the Commission that the claim of the said petitioners is valid as to the undivided three fourths of the tract of land described in the petition & known by the name of Cahuenga, which tract is bounded & described as follows, to wit; commencing at the Southerly point of said premises at the foot of a hill at a place called "Cerro negro" (old fence) and running thence north one thousand two hundred & fifty varas to a point in the plain, where there is a land mark; thence running west one thousand seven hundred & fifty varas to a point in the same plain, where there is a land mark; thence running South one thousand two hundred & fifty varas to the edge of the planting ground of San Fernando; thence running east to the place of beginning; containing in all two million one hundred & eighty seven thousand & five hundred square varas, a little more or less. For further description reference to be had to documents marked B. D. & F. filed in this case. And it is therefore hereby decreed that the said land be & the same is hereby confirmed to them; and it is further adjudged & decreed that the said petitioners have & hold the same under this confirmation in the following shares or proportions to wit; Alexander & Mellus one equal undivided half thereof; and Agustin Olvera one equal undivided fourth part of said tract called Cahuenga.

Alpheus Felch.
Thompson Campbell.
R. Aug. Thompson. } Commissioners.

Filed in Office Nov 15th 1853.

Geo. Fisher. Secy.

6474 = 64 1/2 folios
8 folios Extra = 8
72 1/2 folios

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 Thirty two ~~f~~ pages, numbered from 1 to 32, both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 465 on the Docket of the said Board, wherein David W. Alexander, et al, are the Claimants against the United States, for the place known by the name of "Cahuenga".

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. 1854, and of the Independence of the United States of America the seventy-ninth.

Geo. Fisher
Sec'y

Southern 50

U. S. DISTRICT COURT,

Northern District of California.

No. 50.

THE UNITED STATES,

vs. 50

David W. Alexander et al

"Cahuenga"

TRANSCRIPT OF THE RECORD

FROM THE

BOARD OF U. S. LAND COMMISSIONERS,

In Case No 465

Filed, August 30th 1854

Wm H. Carter

Clerk

50

No 465

50.

Office of the Attorney General of the United States,

Washington, 26th October 1854.

David W. Alexander &
Francis Mellus
vs.
The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 13th day of July 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.

~~464~~
465.

No. 50.

U. S. District Court

Southern District of California

~~No 47.~~

D. W. Alexander, and
Francis Mellus. Appellees

vs

The United States. Appellants.

No ~~464~~. 465.

Notice of Appeal.

Filed Dec 5th 1854.

J. E. Carr
Clk.

Printed and Sold at the "Southern Californian" Office, Los Angeles.

This Indenture, made the Fifteenth day of September, in the year one thousand eight hundred and fifty five

BETWEEN

Agustin Olvera, Resident of the County of Los Angeles, State of California, party of the first part, and Francis Mellus, Resident as aforesaid, party of the second part, **Witnesseth**, That the said party of the first part, in consideration of the sum of one dollar, and the further consideration of the entire right and interest to him of the party of the second part in and to the Rancho of Tujunga. duly paid before the delivery hereof, has bargained, sold, and quit-claimed, and by these presents do bargain, sell, and quit claim to the said party of the second part, his heirs and assigns, for ever, *ALL* his right, title, interest, claim and demand, both at law and in equity, as well in possession as in expectancy, of, in, and to a certain peice or parcel of Land, situate and being in the County of Los Angeles, State of California, known by the name of "Cahuenga", being the same conveyed to the party of the first part, by one Francisco Lopez, by the said Lopez' deed of conveyance executed the 29th day of September, 1851, and recorded in the Office of the Recorder of Los Angeles County, on the 7th day of October, 1851, in Book I of Deeds, Mortgages, etc, pages 60 and 61; said tract or peice of land being bounded by the lands known as "Los Berdugos", "Providencia", "Los Feliz", and "San Fernando, and containing one half of a Mexican square league of land, more or less.

with all and singular the hereditaments and the appurtenances thereunto belonging, and the improvements, houses, corrals, and gardens, thereon situate or thereunto appertaining.

In Witness whereof, the said party of the first part, has hereunto set his hand and seal the day and year first above written.

Sealed and delivered in presence of

Leonardo Cota

Agustin Olvera

STATE OF CALIFORNIA,
County of Los Angeles } SS.

On this fifteenth day of September in the year of our Lord, one thousand eight hundred and fifty-five personally appeared before me. John W Shore. County Clerk of the County Court of Los Angeles County, Agustin Olvera

known to me to be the person described in, and who executed the foregoing Instrument, who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In Witness whereof, I have hereunto set my hand and affixed the ~~my~~ ~~Official~~ Seal, of said Court the day and year first above written.

John W Shore
Co Clerk.

Recorded a full true and Correct Copy of the foregoing Instrument this 21st day of September A.D. 1855 at 10 o'Clock A.M. in Book of Deeds No 3 pages 199-200 at request of Francis Mellus. John W Shore Recorder
By: James H Coleman Depy

Deed.

Agustin Olvera,
to
Francis Mellus.

Filed 9th Dec 1854
J. Fox Clerk

Recorded this 21st day of September A.D. 1858 at 10 o'clock A.M. at request of Francis Mellus

fee 3 25/4

50 SD

PAGE 38

Depositions of Andres Pico taken before C. Sims United States Commissioner for the District of California, at the United States Court House in the City of Los Angeles on Tuesday the Ninth day of December 1856 at 10 o'Clock A. M. by Consent and agreement of parties to be used as testimony on behalf of the Claimant in a certain Cause now pending in the U. S. District Court for the Southern District of California, being case No. 50 on Docket of said Court, wherein the United States is Appellant and Claimant and D. W. Alexander et al is Appellee. Present Pacificus Ord U. S. Attorney and J. R. Scott Esq. attorney on behalf of Appellee

Andres Pico being duly sworn deposes as and says

Quest What is your name age and place of Residence

ans My name is Andres Pico — Age 44 years of age and resides in Los Angeles County

Quest How long have you resided in the County of Los Angeles

ans I have lived in Los Angeles County since the year ad 1852

Quest Do you know a tract of Land called Cauhenga, if so how long have you known the same and where is it situated

Ans I know it and have known it since I have been living in Los Angeles. It is situated in the County of Los Angeles 4 leagues north of Los Angeles City

Quest Do you know of any well known objects that surround this tract of land called Cahuenga. If so give them in detail, and also state upon which side of said land each object is situated (" Question objected to by Ord, U S atty")

Ans On the West the nearest point is a point called the Alamo. On the North the Mission of San Fernando. On the East is the Ranchos of Verdugo's, On the South is Los Angeles

Quest Did you know Jose Mogill Francisco

Ans I know him

Quest Where did he reside in the year 1843

Ans I do not know, at that time I was in Monterey, In 1846 I saw him in the Rancho of Las Filis ~~I do~~ with his family I do not know whether he was living there

Quest Do you a place in the Rancho of Cahuenga, called "Cerca viejo" or old fence

Ans I know the point of "Cerca viejo"

Quest Do you know the house on the Lands Cochuys where Jose Magill Triumfo formerly lived

Ans I do

Quest ~~Do~~ Do you know a place in that tract of Land called the "Oak grove"

Ans I do

Quest In what direction is the house formerly occupied by Jose Magill Triumfo from the old Fence ("Cerca vieja") and what distance from the same fence

Ans It is to the North and more or less one half League distant

Quest In what direction ~~is~~ ~~A~~ from" Oak grove" is the house formerly occupied by the said Jose M. Triumfo and what is the distance

Ans ~~To the South~~ The house is south of said Oak Grove and it is one league distant from the Grove

Quest How far is the oak Grove from the "Cerca vieja" Old Fence and in what direction

Ans The nearest point is less than one half league, the Oak grove lies north of the "Cerca vieja"

Quest What ~~xx~~ is the length of the old Fence and what way does it run

Ans It is three fourths of a league and runs north & South

Quest At what point of that Fence do you mean that the bar iron is less than one half league

Ans ~~The point~~ I mean the South end of said Fence

Quest Do you know Francisco R Lopez

Ans I do —

Quest Is he living —

Ans No; he is dead

Quest When did he reside whilst living

Ans He lived in the immediate neighborhood of Cahuenga at a point called "Viña Viejo" or "Aguaje" that is the name by which I know the place

Quest Was he ever married and did he have any children or wife at the time of his death,

Ans He had neither wife nor children at the time of his death

Quest Did he leave Father or mother at the time of his death

ans He left both Father and mother the Father's name was Francisco Lopez and the mother was named Maria Antonia Feliz de Lopez

Quest When did Francisco R Lopez live before he died —

Ans He lived 3 years at San Fernando and one year on his Rancho situated

in the Coahuya Ranch, the same place where the house now is

Quest What name at present is the Viña Viejo Ranchy

Ans The owners gave it the name of some ~~Saint~~ Saint as often times a man when he purchases a ranch gives it a new name But the Rancheros in their collection of Stock (Animals) to distinguish it, called it (lower Coahuya) Coahuya Abajo

Quest, ~~Your State in your testimony~~

Andres Pico

Sworn and subs.d
to before this 9th day
of December ad 1857

Gins
U S Commissioner
For the Dist of Cala

State of California
County of Los Angeles

I, C. Sims, United States Commissioner for the District of California do hereby Certify the foregoing depositions of Andres Pico were taken before me in accordance with the request and agreement of said attorneys, at the United States Court House in the City of Los Angeles, State of California that the said Andres Pico was by me duly sworn according to law as a witness in

Said Cause in the Caption of this deposition mentioned, and after being so sworn, his testimony was by me reduced to writing in his presence and that of the Said attorneys, and after having been by me Carefully read to him, and by him Corrected as he desired, was by him Signed in my presence

In testimony whereof I hereunto Set my hand and affix my private Seal (there being no Official Seal) this Ninth day of December A.D. 1856

O Jones
N S Commissioner

No 50

W S Dashiell

Southern Dist of Cal

D W Alexander et al

ads

The U States

Deposition

Filed the 9th day of

Dec 1884

C Sims

Clerk

50 SD

PAGE 45

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

David W Alexander, &
Francis Mellus et al
~~Agustin Olvera~~, No. 465.
~~et al~~
The United States

To the Honorable Isaac S K Ogier Judge of the District Court of the United States for the Southern District of California.
The petition of Pacificus Ord (of Monterey County) Attorney of the United States for the Southern District of California, who petitions in this behalf for the United States, and being present here in Court in his proper person, in the name and behalf of the United States, represents as follows.
That heretofore, to wit, on or about the 8th day of November AD 1852, David W Alexander, Francis Mellus and Agustin Olvera 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 Cahuenga, containing about one fourth of a league, a little more or less, in the County of Los Angeles, in the words and figures following, viz.

"The petition of David W Alexander and Francis
"Mellus, in company and Agustin Olvera respect=
"fully represents. That on or about the 5th day of
"May 1843, Manuel Micheltorena, then Governor of
"California in the name of the Mexican Nation, by
"virtue of the laws then in force the usages and cus=
"toms of the country affecting grants of land in
"California, granted in full property unto José
"Miguel Triunfo the tract of land and rancho in
"the present County of Los Angelos, known and
"called Cahuenga consisting of one fourth of a
"league a little more or less as bounded and described
"in the papers and maps relating to said grant
"of land. That so soon as copies can be procured
"of papers and maps relating to this grant of
"land now in the Archives in custody of the U. S.
"Surveyor General for California, your petitioners
"pray leave to file the same as part of this peti=
"tion. And your petitioners further represent that
"about the month of May 1843 juridical possession
"was given to said Triunfo of said lands and
"rancho by the proper Officer having jurisdiction
"of such matters. That copies of the papers relating
"thereto are herewith filed and the originals are
"in the possession of your petitioners ready to be
"produced and proved. And your petitioners fur=
"ther represent that on or about the 21st day of
"May 1844, said Governor on the petition of said"

"Truinfo ordered and decreed that the meas=
"urement of the lands of Cahuenga should be
"extended to one fourth of a league more than
"the amount first described. That copies of all the
"papers relating thereto are herewith filed, and
"the originals are in the possession of your peti=
"tioners ready to be produced and proved. And
"your petitioner further represents that on or
"about the 15th day of March 1845 the said Truinfo
"sold and conveyed by deed unto Francisco Lopez
"and Pedro Lopez all of the said lands and
"rancho of Cahuenga, that a copy of said deed
"is herewith filed as part of this petition and
"the original is in the possession of your petitioners
"ready to be produced and proved. And your
"petitioners further show that on or about the 29th
"day of September 1851, the said Francisco Lopez
"sold and conveyed unto your petitioner Agus=
"tin Olvera the one fourth part of said lands
"and rancho of Cahuenga, that a copy of said
"deed is herewith filed as part of this petition
"and the original is in the possession of your
"petitioners and ready to be produced and prov=
"ed. And your petitioners further show that
"on or about the day of 1852 James
"Barton then Sheriff of the County of Los
"Angeles, by virtue of his Office sold and
"conveyed unto your petitioners David W

"Alexander and Francis Mellus in company
"the one half of said lands and rancho of
"Cahuenga, it being the right, title and inter-
"est of said Pedro Lopez. That a copy of said
"deed is herewith filed as part of this petition
"and the original is in the possession of your
"petitioners ready to be produced and proved.
"And your petitioners further represent that
"the said Francisco Lopez died intestate and
"without heirs leaving his father Francisco
"Lopez and his mother Maria A F Lopez his
"next of kin and heirs at Law entitled to the
"one fourth of the lands and rancho of
"Cahuenga remaining in the said Francisco
"Lopez at the time of his death. There is no
"conflicting claim to said lands known to
"your petitioner and said lands have not been
"surveyed by the U S Surveyor General for
"California. The evidence upon which your
"petitioners rely in support of this claim
"consists of the records of this grant, papers and
"Maps in the Archives now in custody of the U.
"S Surveyor General for California. Original papers
"and Maps and deeds of transfer in possession
"of your petitioners and the testimony of Witnesses
"to be produced before your Honorable Board.
"All of which is respectfully submitted for
"such action as the Justice and nature of this claim"

„may require."

Your petitioner further represents that thereafter, towit, on the 15th day of November AD 1855, the said Commissioners confirmed by final decree the said claim of the said David W Alexander Francis Mellus and Agustin Olvera, in the words and figures, following, towit. "David W Alexander Francis „Mellus and Agustin Olvera, 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 petitioners is valid as „to the undivided three fourths of the tract of „land described in the petition and known by „the name of Cahuenga, and which tract is „bounded and described as follows, towit; Com„mencing at the Southerly point of said premi„ses at the foot of a hill at a place called „Cerce vieja (old fence) and running thence „North one thousand two hundred and fifty „varas to a point in the plain, where there is „a land mark; thence running West one „thousand seven hundred and fifty varas „to a point in the same plain, where there is „a land mark; thence running South one „thousand two hundred and fifty varas to „the edge of the planting ground of San „Fernando; thence running east to the place „of beginning; containing in all two Million

"one hundred and eighty seven thousand and
"five hundred square varas, a little more or less.
"For further description reference to be had to
"documents marked B, D, and F, filed in this case.
"And it is therefore hereby decreed that the said
"land be and the same is hereby confirmed to
"them; and it is further adjudged and decreed
"that the said petitioners have and hold the
"same under this confirmation in the following
"shares or proportions towit; Alexander and Mel=
"lus one equal undivided half thereof; and
"Agustin Olvera one equal undivided fourth
"part of said tract called Cahuenga".

"Alpheus Felch
"Thompson Campbell } Com=
"R Aug Thompson } mis=
sioners."

"Filed in Office Nov 15th 1853. Geo Fisher Secy."

That thereafter, towit, on the 31st day of August A. D 1854 a duly certified transcript of the said de=cree 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 No 465, reference to which it is prayed may be had and made a part of this petition.

That on the 13th day of July — AD 1854 the Honora=ble 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 (No 465) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 5th day of December AD 1857, 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 David W. Alexander, Francis Mellus and Agustin Olvera vs The United States from the decision of the said Commissioners to ascertain and settle the private land claims in the State of California, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States.

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

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

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

1. That the said David W Alexander, Francis Mellus and Agustin Olvera show no valid title to the said land claimed by them as aforesaid, And it is denied that they have any.

2. That the said alleged grant of Governor Michel-torena was made in violation of the 4th Article of the Colonization law of Mexico of the 18th of August AD 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 by claimant that the Supreme General Executive power of Mexico previously approved of the Colonization of the lands of California, 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.

3. 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 California, and particularly by the Mission of San Fernando, and could not therefore be colonized.

4. That the said alleged grant has not the conditions required by, and is not made in entire conformity with the law of Mexico of the 18th of August AD 1824, and the regulations for the Colonization of the Teri-

tories of Mexico of the 21st of November AD 1828.

5. That the said alleged grant is not on stamped paper. That it has not the conditions requiring the said grantee to build a house within one year from the date of the grant, and that he shall have it occupied, and shall cultivate the land. That it has no map to explain the boundaries and identify the land. That the grant does not sufficiently describe the land so that it can be identified. That it is void for uncertainty.

6. That there is no evidence that the said alleged grant was ever approved by the Departmental Assembly of California. And it is denied that it was ever approved by said Assembly.

7. That the alleged act of Juridical possession and survey of said land by the first Alcalde of Los Angeles, Manuel Requena, dated about the 6th of May AD 1844, was not made according to the terms of said grant, nor according to the description of the land in the petition to said Governor of said Trumfo for said land; nor according to the Ordinance or law; and that said act of possession is vague and indefinite. That the said claimants fail to show the said petition of said Jose Gabriel Trumfo, for said land, referred to in said alleged grant.

8. That no definitive title to said Trumfo for said land is shown by said claimants. And it is denied that he ever had such definitive title for

said land. And that the said alleged Juridical possession and survey of said land by said Alcalde Requena of said date was not lawful without such definitive grant.

G. That the alleged act of exchange, dated the 13th of March AD1845, before the Second Alcalde of Los Angeles, made by and between the said Indian Jose Gabriel Truinfo and Pedro Lopez, was unlawful; the said Indian Truinfo not having the capacity at that time, to alienate or exchange said tract of land in the manner and form as alleged; And that he had not at that time a definitive title for said land, and could not alienate said land until he had a definitive title; and that even then he could not alienate, without lawful authority which is not shown. That the said alleged act of exchange does not describe the land of said Truinfo, so that it can be identified as the same land alleged to have been granted him on the 5th of May AD1843, as aforesaid.

H. That the alleged deed of conveyance of Francisco R Lopez, dated the 29th of September AD1851, to Augustin Olvera of one undivided half of the tract of land known by the name of Cahuenga in Los Angeles County California, and bounded as therein mentioned, is not the same tract of land alleged to have been granted to the said Truinfo on the 5th of May AD1843, as aforesaid. And that the said Francisco R Lopez, had not then, or since the date of said alleged deed

of conveyance, any right title or interest in and to the said land alleged to have been granted to said Truinfo, on the said 5th of May AD 1843.

II. That the alleged deed of conveyance of James Barton Sheriff of Los Angeles County, of the right title and interest of Pedro Lopez in and to the tract of land of Eleven hundred and Eighty acres and called Cahuenga, lying and being in the County of Los Angeles California, to said David W Alexander and Francis Mellus, is insufficient in its said description of the land, to identify it as the same tract of land alleged to have been granted to the said Jose Gabriel Truinfo on the 5th of May AD 1843, and alleged to have been alienated by him to said Pedro Lopez, on the said 13th of March AD 1845.

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

Wherefore the said Pacificus Ord Attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and the laws and Statutes in such case made and provided, prays that the said David W Alexander, Francis Mellus and

Agustin Olvera may be served with a copy of this petition, and that this Honorable Court will review the said decision or final decree of confirmation of said Commissioners to ascertain and settle the private land claims in the State of California, and decide on the validity of the said claim of said David W Alexander Francis Mellus, and Agustin Olvera, for said land claimed and confirmed as aforesaid, and that the same may be decreed invalid. And all such other orders, Judgments, or decrees as may be just. With Costs, and general relief.

P. Ord

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

50

No 50.

D. W. Alexander.
Francis Mellus et al appts
vs.
The United States. appe

Petition of Atty of U.S. for rescinding.

Filed Jany 5th 1855.
C. E. Carr
clk.

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

TO **The President of the United States,**

David W. Alexander, Francis Mellus, and Agustin Olvera.

50 SD
PAGE 59

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 Fifth day of January 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 Commissioners to ascertain and settle the private land claims ~~of the~~ in the State of California, of the claim of D. W. Alexander, Francis Mellus, and Agustin Olvera, for a tract of land called Cahuenga, in the County of Los Angeles, California, to the extent of about two Million one hundred and eighty seven thousand and five hundred square varas, which said claim was presented by your petition to said Commissioners, on or about the 8th of November, A.D. 1852, and by them confirmed on or about the 13th of November, 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 Sixth day of February in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. C. Carr.
Clerk.

~~465.~~ No 50

Rec'd 7/4/17

United States of America,

Southern District of California,

U. S. District Court.

D. W. Alexander, Francis Mellus, et al appe'ees.

vs.

The United States, appl'ee

SUMMONS.

Received Feby 12th 1855
Edward Hunter
U. S. Marshal

50 SD
PAGE 60

Marshal's Cost
Copying summons four folios $1.20
Serving summons 4.00
Serving petition 4.00
$9.20

I served this summons along with the proper copy of the petition upon one of the defendants named therein, by leaving with him personally a certified copy of the same, in the County of Los Angeles, at his residence, in the County of Los Angeles, the 15th day of February A. D. 185 four

Sworn to and subscribed before me, this 14th day of February A.D. 1855. J. Gaff Clerk.

Edward Hunter
U. S. Marshal.

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

TO **The President of the United States,**

David W. Alexander, Francis Mellus, and Agustin Olvera.

50 SD
PAGE 61

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 Fifth day of January 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 Commissioners to ascertain and settle the private land claims in the State of California, of the claim of D.W. Alexander, Francis Mellus, and Agustin Olvera, for a tract of land called Cahuenga, in the County of Los Angeles, California, to the extent of about two Million, One hundred and eighty seven Thousand and Five Hundred square varas, which said claim was presented by your petition, to said Commissioners, on or about the 8th of November, A.D. 1852, and by them confirmed on or about the 15th of November 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 Sixth day of February in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

J. E. Carr
Clerk.

465 No 50.

Marshal Cost

Serving Summons 3,00
Copying " 1,50
Serving Petition 3,00
$7,50

United States of America,

Southern District of California,

U. S. District Court.

D. W. Alexander, Francis Mellus, et al. appes

vs.

The United States appes

SUMMONS.

Returned Feby 12 1855
Edward Hunter
U.S. Marshal

50 SD
PAGE 62

I served this summons along with the proper copy of the petition upon Francis Mellus by delivering to him in his proper person a true copy

Los Angeles

at the twenty-first day of May in the Southern District of California on A. D. 185 5.

Sworn to and subscribed before me, this 21st day of May 1855 J. C. Jones Clerk.

Edward Hunter
U. S. Marshal.

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

TO **The President of the United States,**

David W. Alexander, Francis Mellus, and Agustin Olvera

50 SD
PAGE 63

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 Fifth day of January 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 Lacifico Ord attorney of the United States for the Southern District of California, in behalf of the United States, praying the said Court to review, upon the grounds therein set forth, the decision of final Confirmation of the Commissioners to ascertain and settle the private land claims in the State of California, of the Claim of D. W. Alexander, Francis Mellus, and Agustin Olvera, for a tract of land called Cahuenga, in the County of Los Angeles, California, to the extent of about Two Million, one hundred and eighty seven Thousand and five hundred square varas, which said claim was presented by your petition to said Commissioners on or about the 8th of November, A.D. 1852, and by them Confirmed on or about the 15th of November 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 Sixth day of February in the year of our Lord one thousand eight hundred and fifty-five at Los Angeles aforesaid.

C. E. Carr
Clerk.

~~465~~ No. 50

Ret to March 2d 1855.

United States of America,

Southern District of California,

U. S. District Court.

D. W. Alexander. Francis Mellus. et al, appes,

vs.

The United States, appe.

SUMMONS.

Received Feby 12th 1855
Edward Hunter
U. S. Marshal

50 SD
PAGE 64

Marshal Cost—
Copying Summons
four folios 1,90
Serving summons 3,00
Serving petition 3,00
Travel in both
14 miles each
9 cts pr mile 2,52
5,42

I served this summons along with the petition upon ~~[illegible]~~ Daniel McKinnon one of the within named defendants, by leaving with the said person a true copy of the summons in the County of Los Angeles California

at the second day of March in the Southern District of California on A. D. 185 5 Five

Sworn to and subscribed before me, this 2d day of March, 1855. J. S. Parr Clerk.

Edward Hunter
Marshal.

David W. Alexander, Francis Mellus, et al. vs. The United States. — In the District Court of the United States, for the Southern District of California. No 465.

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

The answer of Agustin Olvera, one of the Defendants in the above entitled cause, a citizen of the United States, residing in the County of Los Angeles, State of California, to the petition of review filed in said cause, at the suit of the United States, praying that a certain final decree of Confirmation entered in favor of said Defendants, by the U. S. Land Commissioners appointed to ascertain and settle the private land claims in the State of California, in a certain claim for a tract of land called "Cahuenga", respectfully represents; that this Defendant admits, that, in conjunction with the two aforesaid Defendants, he did present his petition to the said Commissioners, for the tract of land described in said petition, and that the said Commissioners did enter a final decree of confirmation in his behalf for the said tract of land claimed by him in said petition. And this Defendant further answering, saith, that he claims the one undivided fourth of the said tract of land called "Cahuenga", with the metes and bounds referred to in the transcript from said Commissioners, relating to said claim, which transcript was filed in the Clerk's Office of your Hon Court on the 30th day of August, 1854. and is herein specially referred to, and

made a part of this answer, that he claims the same in virtue of a deed of Conveyance to him, dated on or about the 29th day of September, 1851, by Francisco Lopez, to whom, (together with Pedro Lopez) all of said lands and Rancho of "Cahuenga" were transferred by deed of Conveyance, by José Miguel Triunfo, on or about the 13th day of March 1845, who held the same in virtue of a grant in fee thereof, made to him as set forth in said petition presented to said Commissioners, filed in the office of the Secretary of the Board of said Commissioners, on the 8th day of November, 1852. as appears in said Transcript, by Manuel Micheltorena, then Governor of California, on or about the 5th day of May, 1845, by virtue of authority in him vested by law, that the metes and bounds of said claim are accurately defined in the map and juridical survey and possession thereof, all of which appears in said Transcript herein specially referred to, and made a part of this answer.

And this defendant further answering, saith, that all the conditions of the said Grant were faithfully discharged by those under whom he claims as aforesaid. And he further avers that his said claim is valid as appears by the said Transcript and the decree of the said Commissioners, and as will be made to appear by such further proof as may be taken by order of your Honor, and that the final decree of said Commissioners is valid according to the laws, usages and customs of Spain and Mexico, as they existed in California, and according to the Treaty of Guadalupe

Hidalgo, the laws of nations, the principles of equity, and the decisions of the Supreme Court of the United States, as far as they are applicable.

And Defendant further answering, denies all and singular the allegations in plaintiffs' petition contained, except such as are herein specially admitted.

And Defendant further avers that there exist no cause by reason of anything alleged in said petition, why said final decree should be declared invalid.

Wherefore the said Defendant prays that your Honor do declare the said final decree of said commissioners, as well as the claim and title of this Defendant to the land as aforesaid, to be valid.

He prays that the petition of the United States may be dismissed, and for costs and general relief.

Agustin Olivera
in pro per.

I served this answer on Pond Attorney of the United State by delivering to him personally a certified copy of the same at his office in the southern District of California this March 21st 1855

Edward Hunter
U S Marshal

Sworn to & subscribed before me this 21st March 1855.

J. C. Carr
Clk.

No ~~[illegible]~~ 50.

United States District Court.
Southern District of California.

David W Alexander,
Francis Mellus, et al.
Appellees,

vs.

The United States.
Appellants.

Answer of Agustin Olvera

Filed February 24th 1855.

J. C. Carr
Clk

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

The United States
vs
David W Alexander & Francis Mullus et al

Case 80 465

It is stipulated that the above Defendants David W Alexander & Francis Mullus have until the 20th day of March 1855 in which to answer the ~~complaint~~ Petition filed on the part of the United States in the above cause

Los Angeles March 10th 1855

J R Scott
atty for Alexander & Mullus

P. Ord Atty for U States
S.D.C.

No. 50

U. S. Dist Court.

Southern Dist of Cal.

The United States.

vs

David W. Alexander &
Francis Mellus, et al.

Stipulation between U.S.
atty, & Deft's Atty.

Filed March 10th 1855
C. E. Fan.
clk.

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

D. W. Alexander,
Francis Mellus, & } Appellees
Agostin Olvera,
ads.
The United States Appellant

Case No. 50.
For the undivided three-fourths of the Rancho of "Cahuenga" containing one-half league in Los Angeles County.

And now come the above named Appellees, David W. Alexander, Francis Mellus and Agostin Olvera, by their Attorney, J. R. Scott, and for answer to the petition of the Appellant filed in this cause, say, That on the 5th day of May, A.D. 1843, Manuel Micheltorena, constitutional and acting Governor of Upper California, and duly authorized by law to grant said land, by his deed of grant of that date, duly executed according to law, did grant and convey to José Miguel Triunfo, part of the lands called "Cahuenga" said part containing one quarter of a square league a little more or less, which said part was duly admeasured and judicial possession thereof given to the said José Miguel Triunfo by the competent judicial authorities of the district wherein said lands were situate, according to law, on — May A.D. 1843, and that afterwards, to wit, on the 21st day of May, A.D. 1844, the said Manuel Micheltorena, being Governor and ~~duly~~ authorized by law as aforesaid, by his ~~grand~~ deed of grant of that date, did grant and

convey to the said José Miguel Trimpo, the remaining portion of the tract of land, called Cahuenga, said portion containing one quarter of a square league, a little more or less, which said portion was duly admeasured and judicial possession thereof given to said José Miguel Trimpo by the competent judicial authorities where the land was situate; whereby the said José Miguel Trimpo became lawfully possessed and seized in fee simple of the entire tract of land or Rancho called Cahuenga, containing one half of one square league a little more or less, as these appellees aver that the said Trimpo did, during all the time he held said lands, do, perform and fulfil all the conditions that were necessary to be done, performed and fulfilled to perfect his title to said land.

And these appellees further say that on the 13th day of March A.D. 1845 the said José Miguel Trimpo did, by his deed and conveyance of that date duly executed by him, sell and convey the entire tract of land granted to him as aforesaid unto Francisco Lopez and Pedro Lopez.

And these appellees further say that on the 29th day of September A.D. 1851, the said Francisco Lopez did, by his deed and conveyance of that date duly executed by him, sell and convey one half of his right, title and ownership in said lands the same being one quarter

of the entire tract or rancho aforesaid, un-

in said lands the same being one quarter

of the entire tract or rancho aforesaid, unto the above named Agostin Olvera, one of these Appellees.

And these Appellees further say that on the 13th day of October A.D. 1852, James R. Barton, then Sheriff of the County of Los Angeles wherein said lands were situate, by virtue of his office and in fulfilment of the duties thereof, did by his deed and conveyance, then duly executed by him, sell and convey to the above named David M. Alexander and Francis Mellus, two of these Appellees, one half of the said lands or Rancho of Cahuenga, the same being the entire right-title and interest of the said Pedro Lopez therein

And these Appellees further say that in or about the year 1851, the said Francisco Lopez died intestate, and without wife or lawful issue, leaving his father Francisco Lopez, and his mother Maria A. Felis Lopez his heirs at-law and lawful owners of one fourth part of the said Rancho of Cahuenga.

Therefore and for reasons hereinafter set forth, these Appellees say that they are the lawful owners of said lands in the proportion as follows, to wit, David M. Alexander and Francis Mellus of one undivided half, Agostin Olvera of one undivided fourth part, and Francisco Lopez and Maria A. Felis, his wife, of one undivided fourth part, and further say that they and all those from whom they hold said lands have continued in peace-

-able and quiet possession thereof from the time of the several grants as above set forth to the present time, and have done performed and fulfilled all things necessary by law to perfect their title to said lands.

And these Appellees further say that on the 8th day of November A.D. 1852. they presented to the U.S. Board of Land Commissioners their petition, setting forth their title, and praying for a confirmation to them of said lands by the said Board, and these Appellees filed before the said Commissioners certain documentary evidence and depositions of witnesses, the whole of which are contained in Transcript of proceedings had before said Board, now on file in the office of the Clerk of this Honorable Court, and to all of which these Appellees refer in this their answer.

And these Appellees further say that after hearing the petition and proofs of these Appellees; the said Board of Commissioners by their decree made November 15th A.D. 1853, confirmed said lands to these Appellees.

And these Appellees say that they are the legal owners of said lands as above set forth, and entitled to have the same confirmed to them by this Honorable Court, and say that they and all under whom they hold have done, performed and fulfilled all things that were necessary to be done, performed and

fulfilled to entitle them to such confirma-

necessary to be done, performed and

fulfilled to entitle them to such confirmation by the laws of the land, particularly by a law of the Congress of the United States, entitled "an Act to ascertain and settle the private land claims in the State of California", approved March 3. 1851.

And these Appellees further state that the said lands are situate in the Southern District of the State of California, and within the jurisdiction of this Honorable Court, and for further answer to the petition for review filed in this case by the Appellant, these Appellees say that they deny all and singular each and every allegation therein contained, except such as are admitted in this their answer, and they deny that there is anything in said petition contained either in law or in fact to estop or prevent this Honorable Court from affirming the decision of said Board of Commissioners and confirming to these Appellees their title to the lands claimed in this case.

And these Appellees would pray the judgement of this Honorable Court that the decision of said Board of Commissioners may be affirmed so far as regards the confirmation of the undivided three-fourths of said lands to these Appellees, and that the other undivided fourth part may be confirmed to the said Francisco Lopez and Maria A. Felis his wife, and that these Appellees may be dismissed hence with costs, and may have such other and further relief as

may be agreeable to Equity and good Conscience, and the nature of their Case shall require.

J R Scott
Attorney for Appellees.

Received service of an answer of which the above is a true Copy.
Los Angeles
March 19. 1855.

I served this answer on Pbd Attorney of the United States, by leaving with him personally a certified copy of the same at his office in the Southern District of California on March 19th 1885

Sworn to & subscribed before me this 19th March, 1885. C. E. Jarvis Clk.

Edward Hunter
U S Marshal

Mileage cost.
$3,00

Case. No 50.

The United States
Appellant,
vs.
David R. Alexander,
Francis Mullen &
Martin Moore.
Appellees.

Answer of Appellees.

Filed March 19th 1885.

50 SD. C. C. Jarvis Clk
PAGE 77

R. P. Scott.
Att'y for Appellees.

U. S. District Court

David W Alexander
& Francis Mellus
& Agustin Olvera
Appellees
vs
The United States
Appellants

No 50.

And now at this day comes the said Agustin Olvera one of the Appellees in person and by Myron Norton his atty and moves the court for an order to take further testimony in the above case, by either party –

Myron Norton
Atty for Appellees

U S Dist Court

Alexander, Mullins & Olivera, Appellees

cts No 50.

The United States Appellants

motion to take further testimony

Filed April 9th 1855.

C. E. Carr

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

David W. Alexander et al } No. 50.
ads. } Transcript
The United States } No. 465.

To
David W. Alexander, Francis Mellus, & Augustin Olvera, or their Attorneys.

Take notice that the above entitled cause will be brought to a hearing by the United States on the 19th day of October A.D. 1853; or as soon thereafter as the same can be heard by the Court.

Los Angeles
October 11th 1853.

P. Ord
U.S. Dist Atty

No. 50.

David W Alexander et al
vs
The United States.

Notice of hearing by
US Atty.

Filed Oct 11th 1855.
[illegible]
Clk

P. D. & W. S. Wills.

This Indenture made and entered into on this Seventh day of June A.D. one thousand Eight hundred and fifty five in the City and County of Los Angeles State of California by and between Francisco Lopez and Maria Antonia his wife of the first part and Francis Mellus of the second part all of the County and State aforesaid, Witnesseth;

That the parties of the first part for and in consideration of the party of the second part having built a house upon the hereinafter described premises, and having given and hereby giving to the said parties of the first part a life lease of the said house and the permission to keep thereon a few cows oxen and horses not to exceed one hundred head in all, together with the use of a garden not to exceed ten acres of land to be located in a square form by the parties of the first part, none of said privileges to be assignable nor to extend beyond the life time of the parties of the first part, have bargained sold and conveyed and by these presents do grant and convey to the said party of the second part his heirs and assigns forever, all their right title and interest claim and demand, both in law and equity, as well in possession as in expectancy of in and to a certain piece or parcel of land situate and being in the County of Los Angeles State of California, known as "Cahunga" and bounded and described as follows, beginning at the foot of a hill, running Northerly along the "Cerro Viejo" twelve hundred and fifty varas to a point in the plain where a land mark was formerly placed, thence westerly seventeen hundred and fifty varas to a point in the same plain where also a landmark was formerly placed, thence Southerly one thousand two hundred and fifty varas to the edge of the planting grounds of San Fernando, and thence Easterly one thousand seven hundred and fifty varas, to the point of beginning, containing Two Million one hundred and Eighty Seven thousand five hundred square varas with all and singular the tenements, hereditaments and appurtenances thereunto belonging, to have and to hold by the party of the

Second part his heirs and assigns forever.

In witness whereof the said parties of the first part have hereunto set their hands and seals the day and year and in the place first above written.

Signed sealed and delivered in presence of

Thompson Renick

Juan Lopez

Maria Antonia her X mark Lopez

State of California
County of Los Angeles } ss

On this seventh day of June AD 1855 before me a Notary Public in and for said County, personally appeared Mariano Lopez and Maria Antonia Lopez his wife, known to me to be the persons described in and who executed the foregoing instrument, who acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned. She the said Maria Antonia Lopez being personally known to me to be the person whose name is subscribed to said instrument as a party thereto and being made acquainted with the contents thereof, acknowledged on examination apart from and without the hearing of her husband, that she executed the same freely and voluntarily, without fear or compulsion or undue influence of her husband and that she does not wish to retract the execution of the same.

In testimony whereof I have hereunto subscribed my name and affixed my seal of office the day and year last above written

Thompson Renick
Notary Public

Recorded this 7th day of June AD 1855. at 2 o clock & 17 minutes P.M. at request of Francis Mellus. on pages 298 and 299 of Book No. 2. of Deeds, Mortgages, Leases. &c.

John W Shore
Co Recorder.

Francisco Lopez et ux

to

Francis Mellus

Recorded this 7th day of June AD 1855, at 2 o'clk and 30 minutes P.M. at request of Francisco Mellus.

Filed this 9th Dec 1

Jno Jones
Clerk

5 fol. — Fee. $2.25

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

D. W. Alexander et al.
Appellees
vs
The United States
Appellants

Case No. 50
"Cahuenga"
465.

In this case it being suggested by J. R. Scott, Attorney for the Appellees, that the Transcript of the Record from the United States Board of Land Commissioners is incorrect and imperfect in the following points, to wit;

Document HH No. 3, omitted,
page 8, line 8, Sanco should be Cerco.
" 8 Date of Title wrong.
" 9 " 33 individua should be indicada (?)
" 9 " 34 espresada " " libracda (?)
" 9 " 39 para " " pase
" 10 " 1. San Francisco " " San Fernando
" 10 " 23 ochocientos " " doscientos
" 10 " 29 Finera " " Fuera
" 10 " 30 last word " " (?)
" 11 " 20 Corregio " " Corregido
" 11 " 20 Confronte " " Confrontado
" 11 & 12. Petition imperfect and in parts illegible, and marginal order on same entirely omitted
" 13 line 14 Catada should be Condado
" 14 Seal omitted on Deed HH No. 4
" 15 line 11. "Recorder", omitted
" 28 Seal omitted on Deed HH No. 5.

It is by the Court
Ordered,
The United States District Attorney being notified ~~and consenting thereto~~, that the Transcript of the Record in this case from the United States Board of Land Commissioners be returned by the Clerk of this Court to the Office of the Secretary of said Board, in order that the same may be amended, and a correct copy of the original Documents filed before said Board may be submitted to this Court.

Cariz No 50.
Dist Court. South'n Dist

D. W. Alexander et al
Appellees
vs
The United States
Appellants.

Order to return Transcript

Filed Feb'y 12th 1856.
J. C. Parr
Clerk

50 SD
PAGE 86
Dist Court.

In the United States Dist. Court, South^n Dist of California

David W. Alexander et al
Appellees
vs
The United States
Appellants

Case No 50.
"Calmenge"

It is hereby stipulated between the parties in the above cause that the Original Deed of Conveyance from Miguel Trimpo to Pedro Lopez on behalf of himself and his brother Francisco Lopez, executed March 13th 1845, before Juan Sepulveda Alcalde of the City of Los Angeles, a translation of which appears on pages 23 & 24 of the Transcript from the Board of Land Commissioners and which was proven to be genuine by the Deposition of Abel Stearns, on page 5 of said transcript, exists; and that said translation thereof have the full force and effect of the original; the said original Deed appearing to have been omitted in the Certified transcript from the Land Commission.

J. Ord
Dist Atty
G. K. Scott
Atty for appellee

Case No 50
U. S. Dist Court South^n
Dist of California

J. W. Alexander et al
Appellees
vs
The United States
Appellants

Stipulation -

Filed March 6th 1856.

J. Hall
Clk

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

David W. Alexander
& Francis Mellus.
Appellees
vs
The United States,
Appellants

Case No. 50
Transcript 465.

"Cahuenga".

No	Page.		
1.	3.4	Petition to Commission.	
2.	5.6	Deposition of Abel Stearns	
3.	8	Title to José Miguel Triunfo by Gov. Micheltorena.	H.H. No. 1.
4.	9	Order to record in 2nd Prefecture.	
5.	9	Certificate of Record "	
6.	9	Letter, Secretary to 1st Alcalde.	
7.	9 to 11.	Certified Proceedings of Judicial Possession	
8.	11.12	Petition of Jose M. Triunfo for extension	H.H. No. 2.
9	12.	Decree granting extension	
10.	12.	Certificate of issue of order to 1st Alcalde to extend measurements.	
11.	12.13.	Order, from Secy to 1st Alcalde.	
12.	13.14.15.	Deed, from F. R. Soper to Olvera. Sep 29, 1851. "H. H. No. ~~3~~ 4"	
13	16.17	Translation of Title	No. 3.
14	17	do Order to Record	4
15	17	do Certificate.	5
16	17	do Letter.	6.
17	18	do Jud. Pos. conclusion	7.
	19.20.	do. beginning	
18	20.21.22	do Petition	8
19	22.	do Decree of Extension	9

Case No.

In U.S. Dist Court, for South. Dist of California

D. M. Alexander et al
Appellees
vs
The United States
Appellants.

Index of Transcript

Filed 9th Dec 1854
Opinion
Clerk

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

December Term A.D. 1856

D.W. Alexander et al.
Appellees
vs
The United States
Appellants

Case No. 50

Cahuenga

Transcript 455

This cause coming on to be heard on appeal from the decision of the United States Board of Land Commissioners to ascertain & settle the private land claims in California under an Act of Congress, approved March 3d 1851 on a Transcript of the clerks copy of the said Board and of the papers and evidence on which said decision was founded and on additional testimony and evidence filed before this Court, and it appearing to the Court that the Transcript and Notice of Appeal have been duly filed and Counsel for the respective parties having been heard it is Ordered adjudged and decreed

That the decision of said Board of Commissioners be and the same hereby is affirmed in part;

And it is further decreed that the claim of the Appellees is good & valid & the same is hereby Confirmed to them as follows.

The land of which Confirmation is made is the land called Cahuenga in the County of Los Angeles, bounded as follows

Commencing at the point ~~mentioned~~ called the Willows or old fence, mentioned in the Grant, and in the Judicial possession

as the initial point thereof, thence Northerly following the first line of the Judicial possession and extending the same as far as the edge of the Encinal or Oak Grove; thence Westerly in a line parallel with the fourth line of the Judicial possession, twelve hundred and fifty (1250) varas, thence Southerly & parallel with the first line, to a point where this line would intersect the fourth or closing line of the Judicial Possession, thence following said fourth line to point of beginning

Ira McHoyer
U S Dist Judge
for the S Dist of Cal

No 56
Dist U S Dist Court

Don Alexander
et ux
vs
The United States

Decree

Filed this 13th Oct 1856
Geo Ives clk
J. McCommon
dep

Recorded in page 105

California Land Claims.
Attorney General's Office
3 Feby 1857.

Sir.

In the case of the claim of David W. Alexander et al: confirmed to the claimants by the Commissioners, case no. four hundred and sixty-five, (465), appeal will not be prosecuted by the United States.

I am,
Respectfully.
Cushing

Matias Rea Esq
U. S. Attorney.
Los Angeles.

50

Atty. Genls. Notice

Filed to June Sy
A. A. Taylor
Cl. Clk.

In the District Court of the United States

Southern District of California

United States
vs
David W. Alexander et al

Case No 50
Transcript No 465

In pursuance of a notice from the Attorney General of the United States hereunto annexed it is hereby stipulated and agreed that by consent of parties an order of the Court may be entered ~~of~~ ~~General~~ in this cause vacating the order of appeal heretofore granted in this cause; and that the claimants have to proceed under the decree of this Court heretofore rendered in their favor as a final Decree

J R Scott
Atty for Claimant

P. Ord. Dist Atty.

No. 50.

D. W. Dutcander et al
Appellees
vs
The United States
Appellants

Stipulation.

Filed 4 June 57
A. S. Taylor
Dep. Clk.

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

David M. Alexander et al Appellees vs The United States Appellants.	Case No 50 "Cahuenga" Transcript 465

Notice having been given by the Attorney General of the United States that the appeal to the Supreme Court in the above cause will not be prosecuted by the United States; and a stipulation having been entered into between the District Attorney of the United States and the Attorney of the Claimants, that the former order of this Court granting an appeal herein to the Supreme Court may be vacated; and that the Decree of this Court heretofore entered in this cause may by order of this Court be made final;

It is ordered that the order of this Court heretofore made on the 24th day of February AD 1857, granting an appeal to the Supreme Court from the Decree of Confirmation of this Court in this case, filed on the 13th day of December AD 1856, be and hereby is vacated, and that the Claimants have

leave to proceed under the said Decree as under a Final Decree

Thus done and signed in open Court this 4th day of June 1857

Samuel S. Ogden
U S Dist Judge

Case No 50

E.D.S. Dist Court. South'n Dist.

D. M. Alexander et al
Complainants
vs
The United States
Defendants.

Order vacating appeal

Filed this 23rd June 1857
Edwin Ellis Clk
J. Hardemann
Dep

50 SD
PAGE 98

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

The United States, Appellant by David W. Alexander, Francis Mellay, and Agustin Olvera } Appellees	No 50 Claim for the Rancho of "Cahuenga".

And now on this day of A.D. 1855, the parties appear in Court, the Appellant appearing by P. Ord, United States district Attorney for the Southern district of California, and the Appellees appearing by their attorney J. R. Scott, and ~~by Consent of parties~~ on motion of Appellees attorney it is ordered that either party may take such further testimony as they shall wish in the above entitled cause.

Case No. 50

The United States
Appellant
vs
D. W. Alexander et al.
Appellees.

Leave to take further testimony

Filed

50 SD
PAGE 100

"Cahuenga"

N. 50.

8. May 1843. Mext. granted 1/4 league a little more or less to José Miguel Trumbo, called Cahuenga.

14. March 1844. Gov. Micheltorena says that Indian could not sell.

6. May 1844. Ind. of possession.

12 May 1844. Trumbo petitions for land as far as the edge of the oak grove &c.

21. May 1844. Gov. grants by ~~Concf.~~ Cahuenga

13. March 1845. Rancho exchanged between Trumbo & Pedro Lopez. Neither deed not signed by parties.

29. Sept. 1857. Deed from Francisco R Lopez to Olvera.

30 Oct. 1852. Deed of Sheriff Barton, to Alexander & others. (No judgment or execution shown, authorizing sale

No. 50. (Cal No. 2)

Objections.

1. Mission land.
2. Grant not made in legal Conformity to the law.
No petition to Gov. nor Mapt of the land shown
3. No sufficient description of land in grant. Vague and indefinite & void for uncertainty.
4. The judicial proceeding not made according to grant & law. Vague and indefinite & void.
5. No appurtenances of land specified.
6. There is no conveyance by Prisco to Francisco R. Lopez. He had no right or interest to the land. The conveyance was to Pedro Lopez alone.
7. The Sheriff's Deed to Alvarado & Mellus, contains no description of the land by which it can be identified as the land granted to Prisco. And there is no evidence to show that it is the same land.
8. The description of the land in the Deed of Prisco to Pedro Lopez is insufficient to identify the land as the same granted to Prisco.
9. The Indian could not alienate the land to Pedro Lopez.

10. Reversionary or remainder interest, claim and rights sold by Sheriff.