

CASE No.

52

SOUTHERN DISTRICT

TUJUNGA GRANT

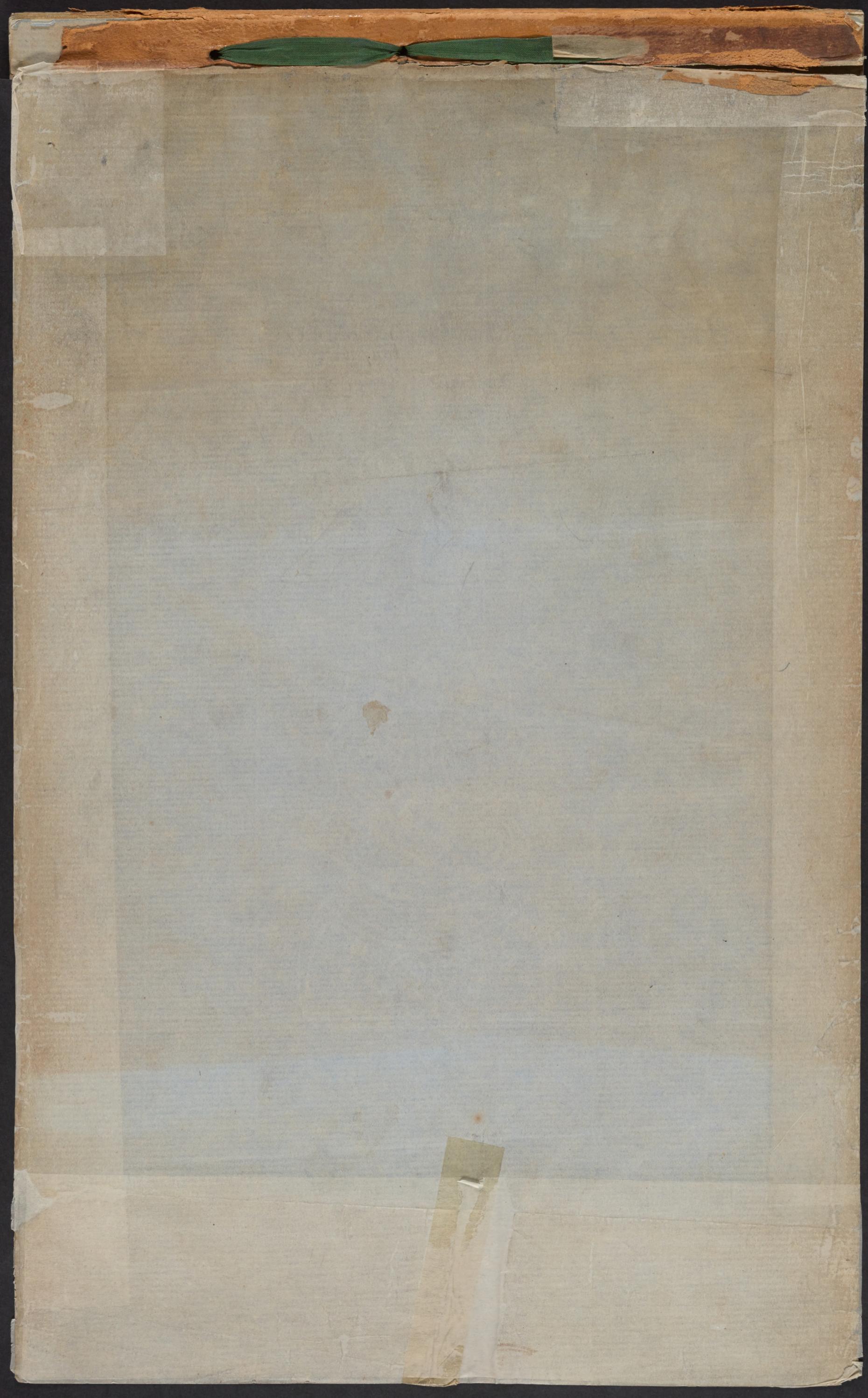
DAVID W. ALEXANDER AND FRANCIS MELLUS

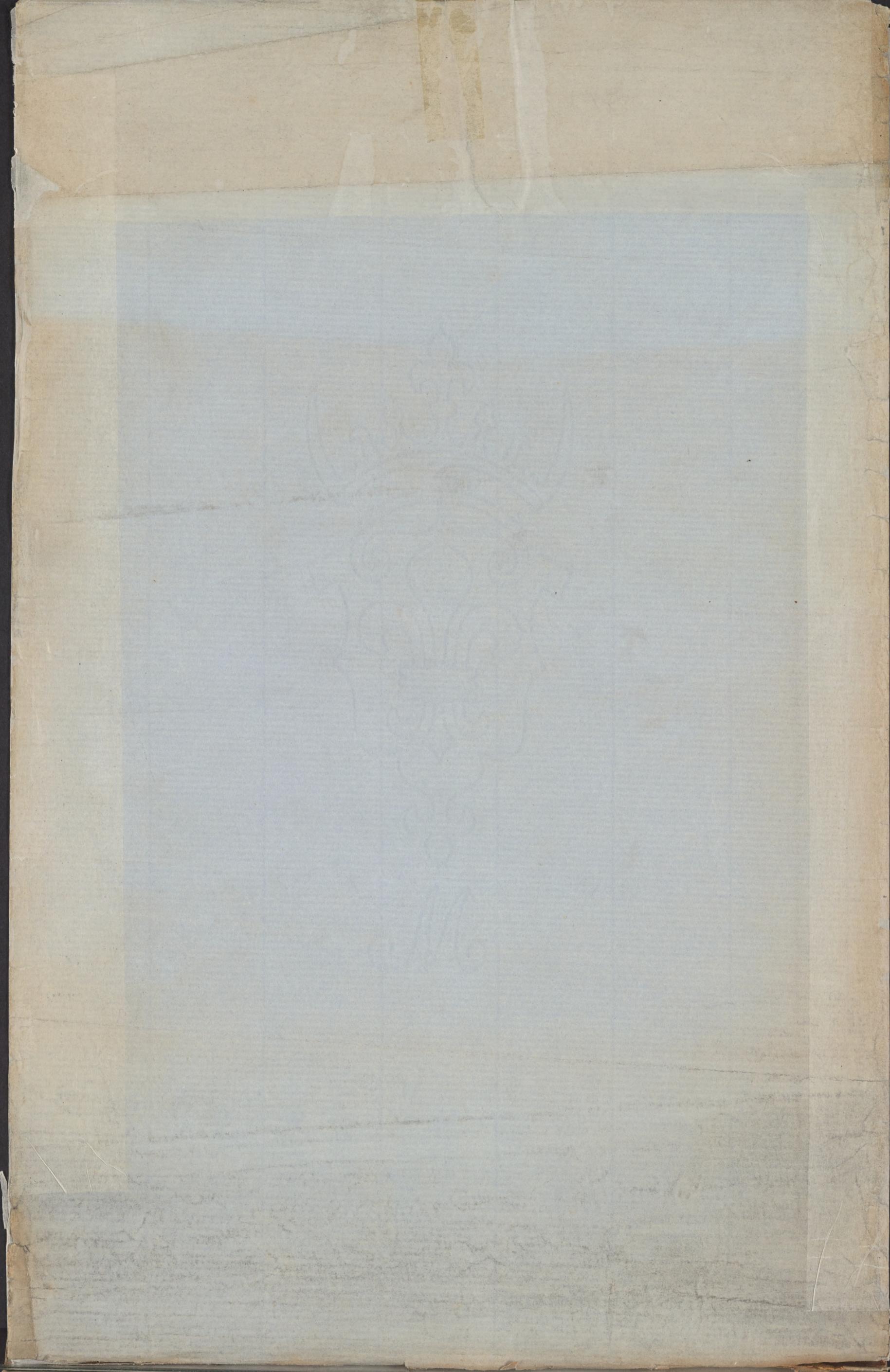
CLAIMANT

LAND CASE 52 SD PAGES 178

FEB 15 1963

RECEIVED
FEBRUARY 15 1963
BROWER BOND
BROWER BOND





TRANSCRIPT

52 SD
PAGE 1

OF THE

PROCEEDINGS

IN CASE

NO. 464

*David W. Alexander &
Francis M. Ellis*

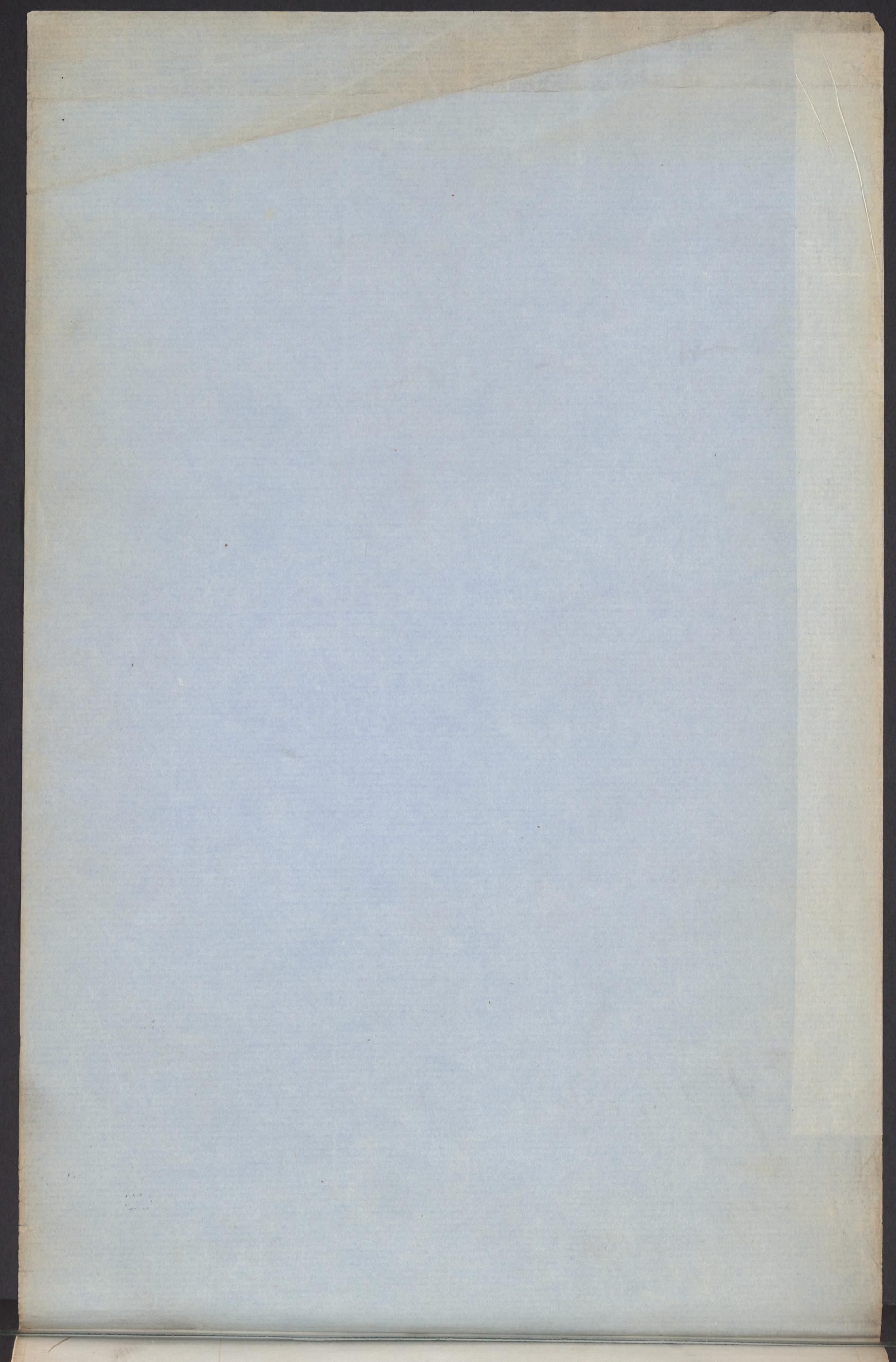
CLAIMANT *S*

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"Tujunga"



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 *eightth 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;

52 SD
PAGE 2

The Petition of *Alexander and Mellus* for the Place named "*Lujungo*" was presented, and ordered to be filed and docketed with No. 464 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. 464 Alexander & Mellus et al. for the place named "Lujungo", the deposition of Abel Stearns, a witness in behalf of the claimants, taken before Commissioner Melan Hall, with documents marked A. H. nos 1, 2, 3, 4 & 5 and translations thereof marked D. E. H. J & K, annexed thereto, was filed.

(vide page 5 of this transcript.)

Los Angeles Nov. 13th 1852.
In the same case the deposition of Anastase Salcedo, a witness in behalf of the claimants, taken before Commissioner Melan Hall, was filed.

(Vide page 7 of this transcript.)

2
San Francisco Jan. 15th 1853.

In the same case the deposition of Andres Pico, a witness in behalf of the claimants taken before Commissioner Howard Bull, was filed.

(See page 8 of this manuscript)

San Francisco Sept. 1st 1853.

Case No. 484. Cullen: The counsel for the claimant read the evidence, argued and submitted; and taken under advisement.

San Francisco Nov. 4th 1853.

In the same case Commissioner Thompson Campbell announced the opinion of the Board rejecting the claim;

(See page 56 of this manuscript)

52 SD
PAGE 3

To the Hon the Board of U S Land Comm-
-issaries appointed to settle Private Land
Claims in California

Petition

The petition of David M. Alex-
-ander & Francis Mellis in company &
Augustin Alvar respectfully represents
That or or about the 5th day of December ad
1846 Juan B Alvarado then Governor of
California in the name of the Mexican
Nation by virtue of the Law then in force
& the various laws of Mexico the usages
& customs of the country affecting grants
of land in California granted in full
property unto Pedro Lopez & Francisco
Lopez the tract of land Rancho in the
present county of Los Angeles & called
Tuzing a containing about one & a half
square leagues (Legas de ganada Mayor)
as described in the papers & maps relating
to said grant of land, that copies of all
of said papers & maps are here with filed
as part of this petition, And your petitioners
further show that on or about the 13th day
of March 1845 the said Francisco & Pedro
Lopez sold & conveyed by deed the said
lands & Rancho unto Miguel Trimfo
that a copy of said deed is here with filed
as part of this petition & the original is
now in the possession of your petitioners
ready to be produced & proved, And your
petitioners further show that on or about
the 7th day of May 1850 the said Miguel
Trimfo sold & conveyed by deed the one
half of said lands & Rancho unto
Francisco Lopez, that a copy of said
deed is here with 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 31st day of August

52 SD
PAGE 5

1850 the said Yaque Munfo & wife sold and conveyed by deed unto your petitioners David W. Alexander & Francis Mellus the one half of said lands & rancho 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 and proved. And your petitioners further represent that on or about the 29th day of September 1851 the said Francisco Lopez sold & conveyed by deed unto your petitioner Augustin Oberea the one half part of the interest of said Francisco Lopez to wit: the one half part of said lands & rancho the said Oberea thereby acquiring one fourth part of said lands & rancho 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 represent that since the date of the last conveyance the said Francisco Lopez has died intestate & without issue leaving his father Francisco Lopez & mother Maria A. F. Lopez next of kin & heirs at law of the one fourth part of said lands & rancho remaining in said Francisco Lopez at the time of his death. There are no conflicting claims known to your petitioners & 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 in the archives now in custody of the U. S. Surveyor General for California original papers & maps in the possession of your petitioners & ready to be produced & proved & the testimony of witnesses to be produced before

your petitioners will rely on the fact that the said Francisco Lopez was the father of the said Augustin Oberea as the Justice & nature of this

5

your Honorable Body, Respectfully submitted.
for such action as the Justice & nature of this
claim may require

Crosby & Horton
of counsel for claimant
Filed in office Nov 8th 1852
Geo Fisher Esq

Deposition

Los Angeles Nov 9th 1852

On this day before Leon H Hall came
Abel Stearns an witness in behalf of the claim
and David M. Alexander as a petitioner
No 464 & was duly sworn his evidence being
given in English

52 SD
PAGE 6

The U S Associated Law Agent was present

In answer to enquiries by counsel for the
claimant the witness testified as follows

My name is Abel Stearns my age is fifty
four years & I reside in Los Angeles, I have
resided in California over twenty three years
I am acquainted with the hand writing &
signatures of Manuel Jimeno Jose Jo-
se Manuel Santiago Aguillo Narciso Botello
Ignacio Palomares Ignacio Lerouel &
Basilio Naldy. A paper is now shown
me purporting to be a grant to Francisco
& Pedro Lopez dated Nov 7th 1840 & a testi-
monial of judicial possession attached
dated in February 1841. The signatures
of the said several persons appearing
on said paper I believe to be genuine and
Palomares at the date of the giving of such
possession was Alcalde & authorized to give it
said paper is here annexed marked HH No 1
A paper is also shown me purporting to be a
transfer from Pedro & Francisco Lopez to Enrique

52 SD
PAGE 7

Triunfo dated 31 March 1845. The signatures of
 Juan Sepulveda Ignacio Coronado Rafael Sal-
 ando & Daniel Alexander upon said paper I believe
 to be genuine. I am acquainted with these sig-
 natures. Juan Sepulveda was at the date of said
 paper a cadet authorized to sanction & certify
 such transfer. Said paper is here annexed &
 marked H H No 2. A paper is also shown me
 purporting to be a transfer from said Miguel
 Triunfo to Francisco M. Lopez dated 17th May
 1851. The signatures of Agustin Alvarado Antonio
 del Castillo Francisco Campes & Ign-
 acio del Valle appearing on said paper and
 with which I am acquainted. I believe to be
 genuine. Said Alvarado was at the time Judge
 of the first Instance & authorized to sanction
 & certify such transfer. Said paper is here
 annexed & marked H H No 3. A paper is now
 shown me purporting to be a transfer from
 Jose Miguel Triunfo his wife to Daniel Alex-
 ander & Francisco Mellus dated 31 of August
 1851. I am acquainted with the hand
 writing & signatures of Benjamin Hayes Fran-
 cisco Clemente Rojas and Ignacio del Valle.
 Their signatures on said paper I believe to be
 genuine. The said del Valle on the 31st of
 August 1851 was Recorder of the county of
 Los Angeles & as such authorized to take
 & certify the acknowledgements of said
 testament. Said paper is here annexed
 & marked H H No 4. A paper is also shown
 me purporting to be a transfer from Francisco
 M Lopez to Agustin Alvarado dated 29th of
 September 1851. I am acquainted with the
 hand writing & signatures of Francisco
 M Lopez & J. Floyd Jones. Their signatures
 on said paper I believe to be genuine and
 the said Jones as Deputy Clerk of the
 county has authority to take the

Said paper is here annexed & marked

7

acknowledgement of said instrument
said paper is here to annexed & marked
HH No 5

Abel Stearns

Sworn & subscribed before me
Heland Hall
Clerk

Filed in office Nov 9th 1852

Geo Fisher
Sery

Deposition

Los Angeles Nov 13th 1852

52 SD
PAGE 8

On this day before Clerk Heland Hall came
Anastasio Salcedo a witness in behalf
of the claimants David M Alex and
et al petition No 64 & was duly sworn
his evidence being interrupted by the
Secretary

The W & Associate Law Agent was present

In answer to questions by counsel for the
claimant the witness testified as follows

My name Anastasio Salcedo my age
is thirty years & I reside in the county of
Los Angeles, I have known the Rancho
called Tujunga. It is situated about seven
leagues from this place in a northerly
direction. I built a house on the land. It is
an adobe house with three rooms in it. It
was finished two years ago in October last &
built for Agustin Olvera. The house has
been occupied ever since it was built &
he has also had cattle on the rancho
during that time

Anastasio ^{his} X Salcedo
_{mark}

Sworn & subscribed before me

Heland Hall
Clerk

2-80

8

Filed in office Nov 13th 1832
Geo Fisher Esq

Deposition

San Francisco Jan 15th 1833

On this day before Comr Heland Hall
came Andres Pico a witness in behalf of
the claimants David W Alexander et
al petition No 4 by + was duly sworn his
evidence being interrupted by the Secretary
The U S Associate Law Agent was present

52 SD
PAGE 9

In answer to inquiries by counsel for the
claimant the witness testified as follows

My name is Andres Pico my age is forty two years
I reside in Los Angeles

I know the rancho Tujunga
situated in the county of Los Angeles
It was at first occupied by the Mission
of San Fernando + afterwards by Pedro
Lopez + Francisco Lopez in the year 1846
They might have occupied it several years
before I was there in 1846 + they were then
occupying it It was at that time also
occupied by Mequie Triunfo. After time
it was occupied by Amicus + Oliver + they
have continued to occupy it to the present
time. They have a house + cattle + sheep

Andres Pico

Sworn + Subscribed Before me

Heland Hall

Comr

210

Filed in Office Jan 15th 1833
Geo Fisher
Esq

9

Jurisdiccion de }
los Angeles n }

Año de 1840. 1. S. D. 12.

Cepediente.

Promovido por los C. C. Francisco y Pedro
Lopez en solicitud del parage conocido
con el nombre de *Tofunga*.

52 SD
PAGE 10

215

Expediente

Promovido p. los C^{nos} Juan ^{co} y Pedro Lopez en solicitud de un Sitio Contiguo a *La* ofunza.

Año de 1840

215

Here follows
Map

52 SD
PAGE 11

4. J. D. 12

Gor Prefecto del 2º Distrito

Gerancio y Pedro Lopez de esta
 Comunidad ante U. S. con el debido
 respecto y como mas halla lugar
 comparecemos y decimos: q^e hallamos
 donos con un numero conside-
 rable de bienes de Campo q^e
 a pesar de nuestro continuo
 trabajo y cuidado no podemos
 adelantar a causa de no tener
 un parage propio p^a conservar
 esta instancia y hallandose uno
 correspondiente al establecim^{to} enteramente baldio: pues
 estamos satisfechos, no
 corresponde a ningun par-
 ticular ni Comunidad
 aunque Corto, al pie de la
 Sierra y al Este del Arroyo
 nombrado de Copungal
 suplicamos a U. S. se sirva
 concedernoslo en propiedad
 p^a cuyo fin acompañamos
 debidamente el diseño res-
 pectivo manifestando a U. S. q^e el sitio que
 pretendemos se compone de dos leguas q^e
 Este @. Oeste y media de Sur o Norte!
 Por tanto

Debido ante pedimos acceda a esta nuestra
 solicitud q^e en ello alcancemos la justicia
 que imploramos y esperamos alcanzar de
 la bondad de su corazón de U. S. y acreditado
 zelo p^a el adelanto de los intereses
 del pais; Juramos no ser de malicia y
 lo necesario etc. Duplicamos a U. S.
 igualmente nos admita en este papel
 comun por no haber del Sellado corres-
 pondiente.

Angeles Noviembre 2 de 1843

Ang. Ab. 2. 1840
Informe el Gor
encargado de la
mision de S. Gov.
nando el parage
q^e se pretendia
esta instancia
corresponde al
establecim^{to}
de encargo y si esta
Baldio con lo demas
q^e le parezca conveni-
ente en el particular
y vuelva a est^a Pref^a
p^a los demas fines
Arnelllo
Narciso Botello
Sico

52 SD
PAGE 12

5. J. D. 12

por ambos hermanos

Juan^e. Lopez

S. Fernando y Nov. 4 de 1840

Con respecto al Decreto puesto al margen de la antecedente instancia en donde solicita la Prefectura de este 2º distrito el correspondiente informe del parage solicitado en otra instancia es por lo q. el ref. lugar q. se comprende desde el Arroyo de fufanga para el rumbo del Este es perteneciente a este estable^{mtu} pero esta enteramente ocupada por lo que se le puede conceder a los interesados q. actualm^{te} lo solicitan; siendo con la expresa obligacion de no impedir a este establecimiento en cualesquiera tiempo el Corte de Madera cuando lo necesitan como tambien permitir al q. por via de necesidad se ponga dentro del expresado distrito algun numero regular de Caballada de esta pertenencia siendo por termino Señalado.

B. cuando tengo q. informar sobre el particular

José Ma. Villar^o

Angl^o Noviembre 6 de 1840.

Informe al Jefe 1º de Paz de esta ciudad si los contenidos en esta instancia tienen los requisitos q. expresa la ley de la materia para ser atendidos en su Solicitud y practicadas estas diligencias con todo lo demas que le parezca conveniente a ilustrar este asunto vuelva a esta Prefectura del 2º Distri:

Santiago Arqueño, lo decreto preveyo y firmo

Doy fee

Arqueño

Narciso Botella Srío

7. S. D. 12

13)

Don Perfecto

He examinado con alguna esmerolosidad el terreno que solicitan los interesados y crei no hay inconveniente para que se les conceda por ser exacto. cuanto expresan en sus instancias y tener los requisitos legales mas V. S. dispondra lo conveniente.

Ang. Nov. 4/840
Felipe Lugo

Excmo Don

La Prefectura de este 2º Distrito impuesta de la instª con q. da principio el presente expediente è informes q. anteceden crei no haber inconveniente alguno p. q. se les adjudique en propiedad à los solicitantes, el terreno q. pretenden. por q. à mas de hallarse este enteramente baldio los que representan son C.ºs Mexicanos y tienen los bienes de campo suficientes p.º Cubovilo en tal virtud V. S. se servira determinar lo q. fuere de su sup.º agrado

Ang. Nov. 20 de 1840

L. Aroncello.

Narciso Botella Srto

Monterey 5 de D.º de 1840

Vista la peticion con que da principio este expediente el informe del encargado del establecimiento de San Bernando el del D.º de la Ciudad de los Angeles; y el del Don Perfecto del 2º distrito con todo lo demas que se tubo presente y verovino: de conformidad con las leyes y reglamentos de la Materia declaro à los C.ºs Francisco y Pedro Lopez dueños en propiedad del parage conocido con el nombre de Arroyo de Cafunga colindante al S. con la Sierra Madre y la de los Berdugos, al N. con el Arroyo de Cafunga al O. con el Encinal

52 SD
PAGE 14

8. S. D. 12

9. S. D. 12

y al S con el Portesuelo siendo la Estension del terreno de un Sitio y medio poco mas o menos de ganado mayor. Estendase el correspondte titulo con las condiciones de estilo, con mas de que los agraciados no podran impedir el Corte de Madera para el uso del establicimiento de San Fernando asi el uso de la pastoria de la Caballada Blanca. tomese razon en el libro correspondte y dirigase este Expedte. a la Exma Junta Departamental. El D^o Gobernador int^o asi lo mande decreto y firmo de que doy fe.

52 SD
PAGE 15

José L. ^{Ameyo} Fernando
G^o Int^o

10. S. D. R

Juan B. Alvarado Gobernador Constitucional del Departamento de las Californias.

Por cuanto los Ciudadanos Franc^o y Pedro Lopez han pretendido para su beneficio personal y el de sus familias el terreno conocido con el nombre de Arroyo de Tapunga colindante al Sur con la Tierra Madre y la de los Berdugos al Norte con el Arroyo de Tapunga al O con el Encinal y al P. con el portesuelo. practicadas previamente las diligencias y averiguaciones consiguientes segun lo dispuesto por ley y reglamentos usando de las facultades que me son conferidas a nombre de la Nacion Mexicana he venido en concederles el terreno mencionado declarandoles la propiedad de el por las presentes letras sustentandose a la aprobacion de la Exma Junta Departamental y a las condiciones siguientes.

1^a Podra ser cedido sin perjudicar las

caminos y Servidumbres, lo disputara libre y exclusivamente destinandolo al uso o cultivo que mas le acomode pero dentro de un año fabricara Casa y estara habitada.

11. D. D. R

2.ª Solicitara del Juez respectivo que le de posesion juridica en Virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de las mojoneras algunos arboles frutales o silvestres de alguna utilidad.

3.ª El terreno de que se hace mencion es de un Sitio de Ganado Mayor segun explica el disenyo que corre en el Expedite. El Juez que diese la posesion lo hara medida con forme a Ordenanza quedando el sobrante que resulta a la Nacion para los usos convenientes.

4.ª Si contraviniese a estas condiciones perdera su derecho al terreno y sera denunciabile por otro.

En consecuencia mando que teniendo se por firme y valedero este titulo se tome razon de el en el libro a que corresponde y se entregue al interesado para su resguardo y demas fines.

Dado en Monterey a Cinco de Diciembre de Mil ochocientos cuarenta.

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

I Samuel D King Surveyor General of the United States for the State of California and as such now having in my Office and under my Custody a portion of the Archives of the former Spanish and Mexican Territory or Department of Upper California do hereby certify that the Eleven preceding and hereunto annexed

52 SD

PAGE 16

11
pages of tracing paper numbered from
One to Eleven inclusive) and each of
which is verified by my initials (S. D. K.
exhibit true and accurate copies of
certain documents on file and forming
part of the said archives in this Office

52 SD
PAGE 17

In Testimony whereof I have
hereunto signed my name officially
and affixed my private seal (not having
a Seal of Office) at the City of San
Francisco Cal. the Sixth day of
September A. D. 1852

Saml. D. King

Surveyor Genl. Cal.

Filed in Office Nov^r 8th 1852

Geo. Fisher Geary.

Mr Prefect of the 2^d District

Prefect Seal

Translation

Angles Nov. 2/1846 Let We Francis & Pedro
 the person in charge Lopez of this place before
 of the Mission of our your Honor with due respect
 Ann andy report & in the most valid form do
 whether the tract appear & say, that we possess
 which is claimed considerable stock which in
 in this petition be spite of our constant toil &
 long to the estate care we cannot increase
 - lishment under on account of our not having
 his change & whether premises of our own to keep
 it is unoccupied with it upon, We have found one
 whether else may that is entirely unoccupied
 appear to him said for we are satisfied that im-
 able in the matter belongs to no individual
 & let return be nor community. It is but
 made to this Pre Surate & lies at the foot of
 feature for further the mountains & at the East
 action of the stream called de Zoymgo

Arguella We beseech your Honor to
 Francis Botello be pleased to grant it to us
 in fee for which purpose

we enclose to you the sketch that repre-
 sents the same informing your Honor that
 the tract we claim consists of two leagues
 from East to West & half a league from
 South to North. Wherefore We humbly re-
 quest your Honor to grant this our petition
 wherein we shall attain that justice wh-
 -ich we implore & hope to receive from
 your Honors goodheart & known Zeal
 for the improvement of the interests of the
 country. We make oath that we do
 not proceed through malice adding
 the other requisite verifications &c
 We also beseech you to admit our
 petition on this common paper there
 being none of the requisite stamp

Angeles November 2 1840
For both brothers
Francis Lopez

San Fernando Nov 1840

In regard to the same place in the margin of the foregoing petition wherein the Prefecture of this 2^d district requests the requisite reports concerning the premises solicited in said petition, I state that the said place which lies from the Brook of Toymaga towards the East belongs to this Establishment but that it is entirely unoccupied. Wherefore it may be granted to the parties in interest who now solicit the same provided it be under express obligation not to impede this Establishment in any time from cutting wood when necessary as also to permit that by way of necessity some reasonable number of horses belonging to this Establishment be placed within the said premises, this being for a certain period. This is all I have to report on the subject.
Jose M^a Allen^{va}

52 SD
PAGE 19

Angeles November 6th 1840

Let the first Justice of the Peace of this city report whether the contents of this petition possess the necessary requisites which the Law affecting the subject provides to entitle this petition to be entertained & this proceeding being performed with whatever else may appear to him to tend to elucidate this subject let return be made to this Prefecture for further action. I the Prefect of the 2^d District Santiago Aguillo have hence so decreed provided & signed
Witness my hand

Arquillo
Francisco Botello Rey

Mir Prefect

I have examined with somewhat scrupulous care the premises solicited by the parties in interest & I believe that there is no inconvenience in its being granted these petitions containing nothing but truth & that they possessing the lawful requisites upon the less of your Honor will determine what is proper

Angeles Nov 7 1840

Felipe Lugo

Most Excellent Sir

The Prefecture of this District informed of the petition with which these proceedings originate & of the foregoing reports believes that there is no inconvenience in the land which the petitioners solicit being granted to them in fee because besides that being entirely unoccupied the petitioners are Mexican Citizens & have stock enough to cover it. By virtue whereof your Excellency will be pleased to decide what may suit your Superior Pleasure

Angeles Nov 20 1840

F Arquillo
Francisco Botello Rey

Mounting December 5 1840

In view of the petition with which these proceedings originate, the report of the person in charge of the Establishment of San Fernando, that of the 2^d Judge of the city of Los Angeles & that of the Hon Prefect of the 2^d district with all other things that were brought forward, it is deemed to keep in view in conformity with the laws & regulations that affect the matter I declare the citizens Francisco

52 SD
PAGE 20

52 SD
PAGE 21

+ Pedro Lopez owners of the tract known by the name of Arroyo de Topungo bounded at the S. by the Sierra Madre & the Sierra of the Budagos at the E. by the oak wood & at the W. by the Partry, and the tract being in extent one & a half league (letras) a little more or less for near cattle. Let the proper title deeds be made out with the usual conditions besides that the grantee shall not have power to prevent the cutting of timber for the use of the Establishment of San Fernando nor the use of pasturage for the same purposes. Let Record be entered in the proper Book & this minute of Proceedings be forwarded to the most Excellent Departmental Assembly. The Governor protem has so ordered decreed & subscribed

Witness my hand
Iminis

Jose F. Fernandez

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

Whereas the citizens Francisco & Pedro Lopez have claimed for their personal benefit & that of their families the tract known by the name of Arroyo de Topungo, bounded at the South by the Sierra Madre & that of the Budagos at the North by the Brook of Topungo & the East by the oak wood & at the West by the Partry, and the requisite steps & investigations having first been taken according to the provisions of the Laws & Regulations. In the exercise of the powers conferred upon me in the name of the Mexican Nation I do grant unto them the aforesaid tract declaring unto them the ownership thereof by the present letters they subjecting themselves to the approval

To the following conditions

of the most Excellent Departmental Assembly
to the following conditions

1st They may fence it without prejudicing
the cross roads high ways & rights of way
they may enjoy it & fadyt & exclusively devoting
it to the use or cultivation which may best
suit them but within one year they shall
erect a house & it shall be inhabited

2^d They shall petition the Judge who has juris-
diction to give them private possession
by virtue of this decree. The boundaries shall
be marked out by such Judge in whose
lands there shall be placed besides the
land marks some fruit trees or service-
able forest trees

3^d The land in question consists of one & a half
ranga (situa) for large cattle as explained
by the sketch annexed to the Minutes of
Proceedings. The Judge who may give the
possession will cause it to be measured
according to ordinance, the surplus that
may result remaining the property of the
Nation for behooving uses

4th If they shall fail to comply with
these conditions they shall lose their right
to the land & it may be denounced by an-
other. In consequence I order that this
Title being held as firm & valid be re-
corded in the Book to which it belongs and
delivered to the parties in interest for their
protection & other purposes.

Given at Montevideo December fifth one
thousand eight hundred and forty

Filed in office November 8th 1832
Gen. Fisher
Secy

EXBE
1987



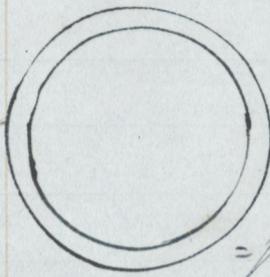
Dello 1.º seis pesos

Habilitado provisional^{te} por la Aduana
Marítima de Monterey para los años de
1839 y 1840.

Doc: H. H. N.º 1

annex: to the
Depo: of A. Steam
taken before.
Com: Hall

Alvarado . H. Antonio M.º Osio

 Manuel Jimeno Casarín primer
Vocal de la Exma Junta del De-
partamento de las Californias en
ejercicio del Gobierno del mismo.

Por cuando el Ciudadano Francisco
y Pedro Lopez han pretendido para su bene-
ficio personal y el de su familia el terre-
no que esta contiguo al conocido con el nombre
de Tufunje, colindante al Sur con la
Sierra madre al Norte con el Arroyo de
Tufunja al Oriente con el Encinal y al
poniente con el Portesuelo: practicadas
previamente las diligencias y averigua-
ciones consiguientes segun lo dispuesto
por leyes y reglamentos usando de las
facultades que me son conferidas a
Nombre de la Nacion Mexicana he venido
en concederles el terreno mencionado de-
clarandoles la propiedad de por los
presentes letras y sugetas a la aprobacion
de la Exma Junta Departamental y
a las condiciones siguientes.

- 1.º No impedirán el Corte de Madera
de qualquiera manera para el uso
comun del Establec^{to} de San Fernando
y ni el que paxe su Caballada mansa.
- 2.º Podrán cercarlo sin perjudicar las
travesías, Caminos y servidumbres: lo
disfrutara libre y esclusivam^{te} destinandole
al uso que mas le acomode; pero dentro
de un año fabricara casa y estara havi-
tada. 3.º Solicitare del Juez respec-
tivo que les de posesion juridica en
virtud de este Despacho por el cual se

52 SD
PAGE 23

se demarcaran los linderos en cuyos límites
 pondráimas de las Mohoneras algunos arbo-
 -les frutales ó silvestres de alguna utilidad
 4^a El terreno de que se hace mencion es
 de uno y medio sitio de ganado mayor segun
 explica el diccño que corre en el expediente
 El juez que diese la posesion lo haria medi
 conforme à ordenanza que dando el Contr
 -te que resulte à la Nacion para los usos
 convenientes.

52 SD

PAGE 24

5^a Si Contraviniese a estas condiciones
 perdera su derecho al terreno y sera denun-
 -ciable por otro.

En consecuencia mando que
 teniendo por firme y valedero este tr-
 -tulo se tome razon de el en el libro que
 corresponde y se entregue à los interesados
 para su resguardo y demas fines. Dado
 en Monterey à siete de Noviembre de mil
 ochocientos cuarenta

Man: Jimeno

José L. Fernando Int^{te}

Que da tomada razon de este titulo en
 el libro de terrenos sobre adjudicaciones
 de terrenos baldios a fo 3^a

L. Coronader

Ang. Dne 23 de 1840.

Con esta fha queda tomada razon de
 este titulo en el libro respectivo llevado en
 esta Prefectura del 2^o Distrito à Y^o P^o P^o

L. Arguello

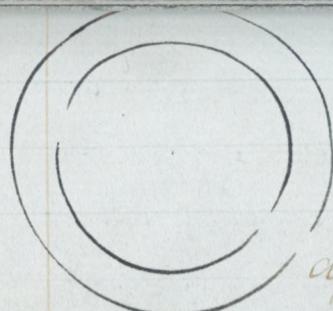
Narcissi Botella. Int^{te}.

Cello Tercero Dos Reales.

Habilitado provisionalmente por la Adm-
 -ana Maritima del puerto de Monterey
 en el departamento de las Californias
 para los años de mil ochocientos y cuarenta
 y mil ochocientos cuarenta y uno.

Jimeno

Antonio Maria Osio



San Luis 1º de Paz.
 Francisco Lopez y Pedro del mismo
 apellido ante la autoridad de U.
 nos presentamos diciendovi: q. en virtud
 de haber conseguido ya el q. se hagan verifi-
 -car los pumeros pasos a favor de ambos para
 la concesion del Título q. hemos solicitado
 conforme lo manifiesta el adjunto titulo.
 Suplicamos a U. se sirva darnos la posesion
 correspondientes del paraje mencionado pre-
 -vio los tramites de estilo.

Por tanto.

Et. U. pedimos respectuosament^e nos haga
 esta gracia, siendo lo mas pronto posible
 por q.ernos presionados a emprender pronto
 nuestros trabajos.

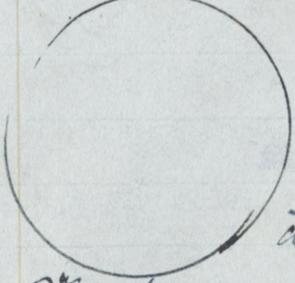
Angeles Feb. 13 de 1841.
 Francisco Lopez.

Angeles Feb. 14 de 1841
 Por presentado y admitido en cuanto ha
 lugar a dno como lo piden los interesados
 asi y. el Juez 1º de Paz ~~en un~~ decreto y
 firimo con los de asistencia. Segun dno.
 as.º

Jg.º. Polamares.
 Jg.º. Coronel ~~Francisco~~ Valdez.
 Dello Tercero Dos Reales.

Habilitado provisionalmente por la aduana
 Maritima del puerto de Monterey en el de-
 partamento de las Californias para los
 años de mil ocho cientos cuarenta y mil
 ocho cientos cuarenta y uno

Ximeno Antonio Maria Osio



En la Ciudad de los Angeles
 del departamento de las California
 a los Diez y ocho dias del mes de
 Diciembre de mil ocho cientos cuarenta y uno.
 anuente a la solicitud echa por D.
 Pedro y D. Franc. Lopez a fin de que se les de

52 SD
 PAGE 25

la correspondiente posesion del parage
nombrado Zupunga concedido por el Supe-
rior Gobierno del departamento y para
que se verifiquen las remididas del espe-
sado sitio: pasese por mi y los testigos de
asistencia y procedase esta posesion
indicada con arreglo al titulo o Despacho
que se le ha conferido por el Gobierno con
fecha siete de noviembre de mil ochocientos
cuarenta. Ignacio Palomanes Juez 1^o
de Paz y de 1^a instancia asi lo Decreto
con los de mi asistencia segun otro:
Ignacio Palomanes = assist.^a J. J. no.
Coronel = assist.^a Basilio Valdez
En la fha de diez y nueve de Febr. de
mil ochocientos cuarenta y uno Yo el
Juez que subscribo pase oficio al Señor
D. Pedro Dos Reales

Habilitado provisionalmente por la
Aduana maritima del puerto de Monterey
en el departamento de las Californias
para los años de mil ochocientos cua-
renta y mil ochocientos cuarenta y uno
Ximeno Antonio Maria Osio
encargado de la Misión de San Fernando.

Don José Maria Villa y a Don
Julio Verdugos ambos colindan-
tes, manifestandoles el objeto
à que me dirigia al punto de Zu-
punga pues iba à remidarlo y poner en
posesion à los S. D. Pedro y D. Gerardo
Lopez quedo enteramente el primero sin
manifestar excepcion alguna; mas el
segundo se presentó en persona en union
de un ~~ex~~ ^{capo} ~~der~~ ^{der} ~~ado~~. D. Vicente de la Ossa
y espuso que el sitio de Zupunga. es de
su pertenencia pues estaba comprendido
en terrenos del Rancho de su propiedad
nombrado S. Rafael y que por tal motivo impedi-

se diese la posesion juridica se se pidieron
 los documentos o titulos de propiedad y
 presento una Solicitud echa al Gobernador
 Fages, igualmente un certificado de
 D. Anastasio Barillo en q. se habla de un
 corral de palos que de mando desbaratar
 tambien presento una instancia de cre-
 -tada por el Señor Prefecto de este dis-
 -trito para que se le respetase segun el de-
 -creto en propiedad; sin embargo y aun
 respectando la contiguidad de la concesion
 provisional, se le volvio a dar una lectura
 detenida, y se vio que el terreno de Don
 Julio Verdugo llega hasta donde descabeza
 el Rio de la Ciudad de los Angeles en la
 punta de la Sierra de Camienga; ^{mas} ~~mas~~
 queriendo convenirse el citado Verdugo
 ni su apoderado vino en persona con
 mis testigos de asistencia y subi a la
 altura de una loma que esta en el Portone-
 -lo de Tujunga donde examinado la
 posicion de la tierra cuestionada les
 montre la gran distancia que hay del
 sitio que iba a medir al Rancho de San
 Rafael los Verdugos. Verdugo y su apo-
 -derado de asistencia a convenir y se
 retiraron protestando lo que ponga por
 diligencia que autorice y firme con los
 testigos de asistencia segun dro.
 Ignacio Palmanes = Ass^a Ignacio Coronel
 Ass^a Basilio Valdez. (tachado)
 no vale. En la misma ~~ma~~ ^{ma} ~~ma~~ ^{ma} y habiendo re-
 -gresado al corral de Tujunga yo el propio
 Quez para la practica de estas diligencias
 nombre dos oficiales cordeleros que fueron
 los de Deciderio Barra y Antonio Coronel
 a quienes les hize saber su nombramiento
 el que aceptaron bajo de juramento que
 Otorgaron ofreciendo desempeñar fiel-
 -mente su encargo lo que autorice y.

52 SD
PAGE 27

firmaron conmigo y los de mi asistencia
segun dno: Agnacio Palomanes = asistencia
Ignacio Coronel. # Ass^o: Basilio Valdez
Cordelero Deciderii Barra = cordelero Antonio
Coronel.

En el mismo dia mes y año estando en el
Arroyo de Fungua a efecto de verificar las
remedidas y posesion que corresponde a Don
Pedro y D. Franc. Lopez del repetido Fungua
previos todos los requisitos legales de ley y
estando ante mi y los testigos de asistencia
con los oficiales cordeleros hize medir un cordel
constante de cien Varas, el cual fue exami-
nado y reconocido por mi; a cido a sus ex-
tremos unos Bancos de madera previa ob-
servacion y calculo por mi disposicion se tiro
el cordel de la boca del Arroyo de Fungua
norte con direccion al Cerro Sierra madre de
los Cordugos, se midieron y contaron dos
mil quinientas varas cuyos puntos se
remataron por mojoneras desde este punto
donde se halla un Encinal al Este se tiro
el cordel con direccion al Oeste sobre la
loma del Porticuelo al lado izquierdo se
contaron y midieron diez mil varas, cuyo
lugar se puso por mojonera de hay se tiro el
cordel a la loma de la derecha del mismo
porticuelo con direccion al Norte se contaron
y midieron dos mil quinientos varas mar-
cadas esta de lindero, habiendo asistido
alli D^o: Jose Ma. Villa de este punto
se tiro la cuerda sobre las lomas a cerrar
en la boca del Arroyo de Fungua con di-
reccion al Este y se contaron y midieron
diez mil Varas cuyo terreno util es demar-
cado corto por estar en la Sierra de
D. Fernando. lo que autorise y firme para
constancia con los testigos de asistencia
Agnacio Palomanes. Ass^o: Ignacio Coronel

52 SD

PAGE 28

1908

200

Assistencia Basilio Caldez.
 Desde testimonio a la parte y que les sirva
 de titulo de posesion para su resguardo.
 Ignacio Palomanes. # Juz 1º de Paz y de
 1ª instancia decrete mande y firme con los
 de asistencia segun otro. Ignacio Palomanes
 Assº. Ignacio Coronel # asistencia. Basilio
 Caldez.

Concuerda con su original que me
 remito y consta en el libro de instrumentos
 publicos del presente año del cual esta
 fielmente sacada correjida y confrontada
 en estas fojas de papel util = tachado #
 en error = no vale.

En testimonio de Verdad
 Ignº. Palomanes
 Assº. Basilio Caldez
 Ignº. Coronel

Filed in Office Nov. 9th 1852

Geo Fisher Secy.

52 SD
 PAGE 29

120

17.90

Translation of Seal First Six Dollars.
 Dic. N. N. No. 1 an Provisionally authorized by the Maritime Com-
 mitted to depo. of Tom House at Monterey for the years 1839 and 1840.
 Abel Stearnes & (Signed) Alvarado. (Signed) Antonio M. Osio.
 Kew before Com. Seal 3 Manuel Jimeno Casarin Senior Member
 Hall. of the Most Excellent Departmental Junta of
 the Californias acting Governor thereof.

Whereas, citizens Francisco & Pedro Lopez
 for their personal benefit and that of their families, have petitioned for
 the tract of land adjoining that known by the name of "Tujunga", and
 bounded on the South by the "Sierra Madre", on the North by the "Arroyo de Tu-
 junga", on the East by the "Criminal", and on the West by the "Portegado"; the
 necessary proceedings and investigations having been had relative thereto
 in conformity with the provisions of the laws and regulations, exer-
 cising the powers in me vested, in the name of the Mexican
 Nation I have concluded to grant to them the tract of land
 aforesaid, by these present letters declaring unto them the
 ownership thereof and subject to the approval of the Most Ex-

cellent Departmental Junta and to the following conditions:

2^d They may use it without prejudicing the crops, roads and sentidas; they shall enjoy it freely and exclusively, applying it to such use and culture as they may deem best; but within one year they shall build a house and it shall be inhabited -

3^d They shall request the respective Juez to give them judicial possession thereof in virtue of this Patent, by which the boundaries thereof shall be marked out in the extremities of which they shall plant, besides the land marks, some fruit trees or wild ones of some utility.

4th The tract of land herein described contains one and a half square leagues as shown by the cisco which forms a part of the Expediente. The Juez who shall give the possession shall cause it to be measured according to law, the surplus which may result remaining to the nation for its ennoblement purposes.

5th If they contravene these conditions they shall forfeit their right to the land and it shall be denounceable by another.

6th They shall not have the power to permit the cutting of timber for the use of the Establishment of San Fernando nor the use of pasture for teams horses. Therefore this title being held as firm & valid, I command that an entry be made thereof in the proper Book & that this be delivered to the interested parties for their security and other purposes. Given at Monterey on the 7th day of November one thousand eight hundred and forty. (Signed) Man^{te}. Jimeno.

(Signed) Jose L. Fernandez, Secy. ad int.

Entry was made of this title in the Book of Register of Vacant lands granted leaf 3^d (Signed) D. Fernandez.

Angels Dec. 23^a 1840.

Entry was made this day of this title in the proper Book kept in this Prefecture of the 2^d District on page 142.

(Signed) J. Arguello.

(Signed) Narciso Botello, Secy.

The foregoing is a true and correct translation of its original in Case No. 464 now on file in this Office. Witness my official signature this 8th day of November A.D. 1852.

Geo. Fisher, Secy.

Filed in Office Nov. 8, 1852.

Geo. Fisher Secy.

Third class stamp Two Eights of one Dollar
Issued provisionally by the Mexican Customs
of the Port of Monterey in the Department of the
California for the years one thousand eight
hundred & forty one thousand eight hundred
and forty one

Translation
Grant + possession

Mexico Antonio Garcia Ordo
L J

52 SD
PAGE 31

To the first Justice of the Peace
Mr Francisco Lopez & Pedro of the same name
before your authority do present our selves
saying that by virtue of our having obtained
that the preliminary steps be taken in favor
of both for the granting of the land which
we have solicited according as shown
by the annexed title be because you
to be pleased to give us the requisite posses-
sion of the said tract after complying with
the technical formalities, Wherefore we
beseeching by request you to do us this
favor as soon as possible because
we are obliged soon to commence our
labors

Angeles Feb 13 1841

For both brothers

Francisco Lopez

Angeles Feb 14 1841

Presented & granted to the
whole extent of the law as requested by
the parties in interest, I the first Justice
of the Peace have so decreed & subscribed
with my attesting witnesses according to
law

Ignacio Palomares

attest

attest

Jos Coronel

Basilio Valdez

Third class Stamp Two Eights of a dollar
L J Stamp clause as last above

At the City of Los Angeles of the Department
of the Californias on the eighteenth day of the
month of February one thousand eight hun-
-dred & forty one in compliance with the petition
made by Don Pedro and Don Francisco Lopez
to the end that the requisite possession
be given to them of the tract called Tuzungu
granted by the Superior Government & to
the end that the remeasurments be made
of the said premises ordered that after
attesting witnesses do repair & proceed
to give the said possession in accordance
with the title or document which has
been granted to them by the Government
dated November seventh one thousand
eight hundred & forty. I Ignacio Palom
-ans first Justice of the Peace & of the first
Instance have so decreed with the attesting
witnesses according to Law

Ignacio Palomans attest I Jaco Leonice
attest Basilio Valdez

On the same date of the nineteenth of February
one thousand eight hundred & forty one the
undersigned Judge

(L. J. Hancock as above)

Sent notice of the person in charge of the
Mission of San Fernando Don Jose Ma
-rilla & to Don Julio Arduengo both as mi-
-nisters stating to them the object of my
returning to the premises of Tuzungu viz that
I was going to remeasure the same & put
in possession thereof Messrs Don Pedro & Don
Francisco Lopez the former received notice
without making any objection but the latter
presented himself personally accompanied
by his attorney Don Vicente de la Cruz stated that
the tract of Tuzungu belonged to him because it
was comprised within lands of the rancho belonging
to him called San Rafael that for such reason

he objected to the giving of the judicial process
 - on he was asked to produce the documents or titles
 of property & he presented a petition made to the Gov-
 - ernor of the Province a certificate of Don An-
 - tonio Lezama in which there is mentioned an en-
 - closure of sticks which was ordered to be torn
 down he also presented a process decreed by the
 Hon. Prefect of this District to the effect that his
 property (according to the decree) be respected
 nevertheless & although respecting the antiquity
 of the provisional concession it was read over
 again deliberately & it was found that the prem-
 - ises of Don Julio Verdugo reach to where springs
 the River of the city of Los Angeles at the foot of the
 mountains of Chahuenga. But the Sr. Verdugo
 & his attorney not being willing to be convinced
 I came personally with my attesting witnesses
 & ascended to the summit of a hill which is
 in the Particelo of Tujunga where examining
 the position of the premises in debate I showed
 them the great distance which there is from
 the premises which I was going to measure
 to the Rancho of San Rafael de Los Arroyos
 Verdugo & his attorney declined consenting and
 with due protesting which I note in the min-
 - utes certified & signed by me & the attesting
 witnesses according to Law. Ignacio Pal-
 - omieras attest Ignacio Coronel attest Bas-
 - ilio Naldy. Effred Muisma out on the
 same date & having returned to the court
 of Tujunga I the same Judge for the prac-
 - tical performance of these proceedings ap-
 - pointed two official line beans who were
 citizens Desiderio Ibarra & Antonio Coronel
 whom I informed of their appointment they
 accepted the same under the oath they
 took promising to perform faithfully
 their office which I certify & they subscribed
 with me & the attesting witnesses according to
 Law. Ignacio Palomieras attest Ignacio Coronel attest

52 SD
 PAGE 33

Basilio Naldy line beam Descanso Ibarra line
 beam Antonio Coronel on the same day
 month & year being at the Brook of Tujunga for
 the purpose of making the remeasurement & the
 delivery of possession to which Don Pedro & Don
 Francisco Lopez are entitled of the said Tujunga
 all the legal requisites of the Law being first
 complied with in my presence & that of the attes-
 ting witnesses & official line beams I mea-
 sured a line to be measured consisting of one
 hundred varas which was examined and
 verified by me & to the extremities of which wor-
 den poles were fastened the course was ob-
 served calculation was made and in my
 direction the line was drawn from the mouth
 of the brook of Tujunga from the Northwest
 in a southerly direction towards the Luna
 Madre de los Arroyos. There were measured
 & counted two thousand five hundred varas
 which points were assigned for land marks
 From this point where there is an oak wood at the Ea-
 st the line was drawn in a Westly direction over
 the hill of the Patzucos on the left side there
 were counted & measured ten thousand varas
 to a spot which was assigned for a boundary
 Thence the line was drawn to the hill on the right
 of the same Patzucos in a Northly direction &
 there were counted and measured two thousand
 five hundred varas making the same as bound-
 ary Don Jose Maria Killa having been present
 that from this point the rope was drawn over
 the hills close to the mouth of the brook
 Tujunga in a Eastly direction & there were counted
 & measured ten thousand varas which will
 be very few for arable lands being
 within the very mountains of San Fer-
 nando all which I have certified and
 subscribed for testimony with the
 attesting witnesses Ignacia Palomas
 attest Ignacia Coronel attest Basilio Naldy

Let culprate issue to the parties to serve them as Title of possession for their protection J. Ignacia Palomeas first Justice of the Peace and of first Instance have so decreed & decreed & subscribed with my attending witnesses according to law Ignacia Palomeas attest Ignacia Coronado attest Basilio Valdez

52 SD
PAGE 35

A true copy of the original to which I refer & which appears in the Book of Public Documents of the present year where from it is faithfully taken corrected & collated with three six sheets of stamped paper Effaced en astas out in testimony of truth

Attest
Jaco Coronado
Attest
Basilio Valdez
Jaco Palomeas

Filed in office Nov 8th 1832
Geo Fisher
Clerk

1860
1861

1862
1863
1864
1865
1866
1867
1868
1869
1870

Doc. H. H. No 2
 annex: to the Depone
 of A. Dearmha publico
 ken before Com.
 H. Hallman

52 SD
 PAGE 36

La Ciudad de los Angeles del Departamento de California a los trece dias del Mes de Mayo de mil ochocientos cuarenta y cinco ante mi Juan Sepulveda Alcalde 2.º constitucional y por ante mis testigos de asistencia con quienes actuo por receptoria a falta de escribano publico comparecieron los ciudadanos Pedro Lopez y Miguel Triunfo y dijeron que por un convenio amistoso y de su libre y espontanea voluntad han convenido en cambiarse sus ranchos, esto es Pedro Lopez da a Miguel Triunfo el Rancho de Tufunga del qual es propietario el y su hermano Francisco Lopez y del que presento el poder necesario; cuya propiedad lo demuestra los documentos que corren agregados a esta escritura. Y Miguel Triunfo al recibir la propiedad de Tufunga entregara su rancho que cita en los intermedios de Bahuenza entregando tambien los documentos para que se agregaren a esta escritura que se sacara por duplicado para resguardos de las partes. En los documentos se hallan los titulos y demas tramites de las posesiones para inteligencia de ambos otorgantes declarando ambos que los predichos ranchos no se habian vendidos ni empeñados y estan libres absolutamente lo se daran por bien poseionados y con los derechos y prerrogativas de unos propietarios y en caso de reclamacion saldaran a la defensa para dejar al poseedor reclamado en libre posesion y pacifica posesion. Y a la firmeza de esta escritura se obligan con su persona y bienes habidos y por haber y con ellos se comete al fuero y jurisdiccion de Cos. A. Queces que de este negocio devan conocer para que los compelan y apremien por todo rigor de derecho y via ejecutiva como si fuese en sentencia pasada en autoridad

de cosa juzgada consentida y sin mas
 recurso renunci su propio fuero domicilio
 y vecindad las leyes de su favor y despen-
 sa. la general del derecho en forma
 en cuyo testimonio se lo otorgaron y no foi-
 = maron por no haber lo hise y o con los de
 asistencia segun derecho. (no hay papel
 sellado) en tres renglones = y mizer ^{en} drums
 Juan Sepulveda. a ruego de los otorgantes
 Ass^{os}

J^{no} Coronel

ass^{os}
 David de Alejandro

Filed in Office Nov. 9th 1852

Geo. Fisher Secy

70

3.70

52 SD
 PAGE 37

1852

At the City of Los Angeles of the Department of California on the thirteenth day of the Month of March one thousand eight hundred and forty five before me Juan Sepulveda 2^d Constitutional Alcalde & before my attesting witnesses with whose aid I proceed for want of a Translation de un Notary public appeared the Citizens Pedro Lopez and Ygnacio Trujano & said that by an Amicable arrangement & of their own and spontaneous will they have agreed to exchange their ranches. That is Pedro Lopez gives to Ygnacio Trujano the Rancho of Tujunga owned by himself & his (brother) brother Francisco whose necessary power he presented which property is shown by the documents that annexed to this writing And Ygnacio Trujano on receiving the property of Tujunga will deliver his ranch which lies in the neighborhood of Coluenga delivering also the documents in order that they be annexed to this writing which will be made out in duplicate for the protection of the parties Among the documents are the oldest other forms of possession for the understanding of both parties Both declare that the ranches aforesaid are absolutely free, wherefore they will be considered as well in possession with the rights & privileges of Proprietors. And in case of reclamation they will come and defend so as to leave him whose possession is questioned in the free use & quiet & peaceful possession And to the firmness of this writing they bind themselves with their persons their properties present & future with which they submit themselves to the power & jurisdiction of the Hon Judges who may have cognizance of this business, that these may compel and oblige them to every rigor of the Law & by executive process as if after sentence passed with authority of a thing adjudicated, assented to & without

Translation de un Notary public appeared the Citizens Pedro Lopez to Trujano

52 SD
PAGE 38

37

appear they waive their own privileges of jurisdiction domicile & residence the laws in their favor & defend with the general provisions of the Law in due form, In witness whereof they have so executed these presents which they did not subscribe on account of not knowing how to sign. I subscribed together with the attesting witnesses according to law, There is no stamped paper

52 SD
PAGE 39

Patented "y Miguel Ramfo" In
Mun. Sepulveda

at request of the parties executing

Jos. Cornejo

Attest

Attest

Rafael Gallarena

David de Alejandro

100

Filed in office Nov 8th 1852

Geo Fisher

Sing

PROB
50

Testimonio de una

Escritura de venta de la mitad
del terreno de Topyunga otorgada por
Jose Miguel Quiroz a favor de
Don Franc. R. Lopez

52 SD
PAGE 40

Año de

30

1850

En la Ciudad de los Angeles de la Alta California a los diez y siete dias del mes de Mayo del año de mil ochocientos cincuenta ante mi Agustín Oberra Juez de primera instancia de lo civil y Ter Districto y por ante los testigos de mi asistencia con quienes a ctuo en receptoria a mas de los instrumentales que al fin de nombrar en comparecio Jose Miguel Chumpe indigena de la Misión de San Fernando a quien doy fe conozco y digo que por sí y a nombre de sus herederos sucesores y de quien de ellos hubiese titulo vnz y causa en qualquiera manera vendida en venta real y enagenacion perpetua por parte de heredad para siempre jamas a Don Francisco R. Lopez de esta misma vecindad y a los suyos la mitad del terreno de Tofanga con arreglo al titulo respectivo con igual derecho a todos sus producciones naturales que el que ha disputado por sí solo el otorgante; cuyo terreno le pertenece en propiedad y posesion segun lo acreditado el titulo antes mencionado; que por tanto declaro y aseguro no tenerlo la parte de terreno expresado enagenado de ningun manera ni empeñado y que esta libre de tributo memoria capellanía vinculo patronato, fianza y de otro gravamen real perpetuo temporal especial, general tacito y expreso y como tal se lo vende con todas las entradas salidas, pastos Aberraderos centro vuelo usos costumbres y demas cosas anexas que ha tenido tiene y le pertenece segun derecho por la cantidad de doscientos pesos en moneda de plata usual y corriente cuya cantidad debera ser entregada en el termino de tres meses con factos desde el dia primero de Julio

52 SD
PAGE 41

5788
1850

52 SD
PAGE 42

hasta el último de agosto del corriente año declarando así mismo el otorgante que el justo precio y verdadero valor del enuncias terrenos son los doscientos pesos; que no vale mas ni halló quien tanto lo hubiera dado por el y si mas vale i valer pueda del exes en poca o mucha suma hace à favor del comprador, sus herederos, y sucesores. gracia y donacion pura merà perfecta i irrevocable en sanidad con insinuacion y denras firmesas, legales, y renuncia la ley 2. tit. 1 lib. 10. de la clon. Recop. que trata de los contratos de venta, trueque y de otros en que hay lesion en mas o menos de la mitad del justo precio y los cuatro años que fuere para pedir su recepcion o suplemento à su justo valor. los que da por pasados como si efectivamente lo estuvieron. Y desde hoy en adelante para siempre declara el otorgante à nombre de sus herederos y sucesores que se desapodera, desiste quita y aparta del dominio o propiedad posesion titulo voz recurso y otro qualquiera desecho. que le compete à la mitad del terreno los cede, renuncia, y traspasa con las accione reales, y personales, utiles directas y ejecutivas en el comprador y en quien lo tenga represente para que lo posea goce, cambie enagenuse y disponga de el à su eleccion como de cosa suya adquirida con legitimo y justo titulo y le confiere poder irrevocable con libre franzia y general administracion y constituye procurador actor en su propia causa para que de su autoridad o judicialmente entre y se apodere del citado terreno; y de el tome y aprenda la real tenencia y posesion que por derecho le compete; y para que no necesite tomarla me pide que le de copia.

52 SD
PAGE 43

autorizada de esta escritura con la cual en
 otro acto de aprension ha de ser visto haberla
 tomado, aprendida y transferido se le; y
 en el interin se constituye en inquilino tenedor
 y precario poseedor en legal forma. Yo obligo
 a que dicho terreno sera cierto seguro, y efectivo
 al comprador, y nadie le inquietara ni move-
 ra pleito sobre en propiedad posesion goce
 y dispute, ni contra ello aparecera grava-
 men alguno y si se le inquietara, moviere
 o pareciere, luego que el otorgante sus here-
 dores y sucesores sean requeridos conforme
 a derecho saldran a la defensa y lo segui-
 ran a sus expensas en todas instancias
 y tribunales hasta ejecutarlo y dejar
 al comprador y a los suyos en su libre
 uso quieto y pacifica posesion y no pu-
 diendo conseguirlo le daran otro igual
 en valor y en su defecto le restituiran la
 cantidad que haya desembolsado los me-
 jores utiles precisos y voluntarios que a
 la razon tenga, el mayor valor y estimacion
 que con el tiempo adquiera y todas las
 costas gastos, danos intereses o menoscabos
 que se le siguieren o causaren; por todo
 lo cual se les ha de poder ejecutar solo
 en virtud de esta escritura y juramento
 del que la posea o de quien le represente en
 quien defiere su importe y la releva de
 otra nueva; La observancia de todo lo
 referido obligan los otorgantes sus bienes
 habidos y por haber y con ellos se someten
 al fuero y jurisdiccion de los Señores Jueces
 que de este negocio pue dan y devan como
 ser conforme a derecho para que a su com-
 plimiento se les empeben y apremie por
 la via executiva como si fuese en virtud
 de Sentencia pasada consentida y sin
 recurso, renunciando las leyes que pue dan

300
 recurso, renunciando las leyes que pule don
 42
 obrar en favor y defensa en cuyo testimonio
 asi lo otorgaron y no sabiendo formar el
 individuo Jose Miguel Trunfo hisolo a su ve
 go el testigo Don Vicente Guerrero por ante
 mi y los de asistencia siendo instrumentales
 Don Vicente Guerrero Don Jose Maria Daporta
 y Don Benjamin Hays que tambien firmaron
 presentes y vecinos doy fe. Agustin Olvera
 Arriego y en nombre del individuo Jose
 Miguel Trunfo. Jose Vicente Guerrero
 Juan P. Lopez # Asistencia Manuel P.
 Serrano # Asistencia Juan N. Padilla
 Instrumental Jose Vicente Guerrero #
 Instrumental Jose Maria Daporta # Instru
 mental Benjamin Hays. Conciencia
 con su Original a que me remito y existe
 en el protocolo del Juzgado de mi Cargo
 llevado para el presente año. Esto fielmente
 sacado corregido y confrontado en estas cua
 tro fojas de papel comun por falta de delgado
 hoja de su otorgamiento lo que otorgo
 y firmo por ante los testigos de mi asisten
 cia segun derecho doy fe.

En testimonio de lo da a
 Agustin Olvera

Asist^{as} Antonio del Castillo Asist^{as} Juan C. de Campo
 Angeles Julio 16 de 1850

A estas horas que son las diez de la
 mañana me presento Don Francisco Lopez
 esta escritura para que la registrara en mi
 libro, queda archivada en el libro 1º desde
 fojas 9 vuelta hasta fojas 11 vuelta y se la
 devolvio luego que la hice al mismo in
 teresado.

Ignacio del Valle (Sello)

Recorded del Cond.º de los Angeles
 Filed in Office Nov. 9th 1852. Geo. Fisher Secy.

52 SD
 PAGE 44

225

1874

1874

Translation Done
by Francisco R. Lopez

52 SD
PAGE 45

At the City of Los Angeles Alta California
on the seventeenth day of the month of May of
the year one thousand eight hundred & fifty before
me Augustin Alvarez Judge of the said District
of the City & its district & before my auxiliary
witnesses with whom I proceed in a notarial
capacity besides the special witnesses of this
instrument to be named at the end time
of appeared here Miguel Jimeno an Indian
of the Mission of San Fernando whose Identity I know & certify he said that for him
self & in the name of his heirs successors
& of whoever of them might have title claim
& right in any manner whatever, he sells
& gives in actual sale & perpetual alienation
by tenor of indenture forever more to Don
Francisco R. Lopez of this same place & to his
heirs the one half of the tract Topungani in ac-
cordance with the grant time of with the
same right to all its natural products
which the grantor has enjoyed for himself
alone, which tract belongs to him by right
of ownership & possession as proven by the
Grant aforesaid. That to that effect he decl-
ares & warrants that he has not in any
manner alienated nor pledged the said Ran-
cho in any manner & that it is free from
tax account Clerical foundation entailed
patronage bond & other incumbrances real
perpetual temporal especial general exact
& of present as such he sells it with all the
entailed issues pasturage watering pleas
uses customs prerogatives privileges and other
things appertaining which it has had and ap-
pertaining to it according to Law for the
sum of two hundred Dollars in value and
current money of silver which sum shall
be delivered in the term of three months to be
counted from the first day of June to the
last of August of the present year

The grantor likewise declares that the just price and true value of the aforesaid tract, are the said two hundred dollars, that it is not worth more nor did he find any one who would have given him so much for it, if it is or may be worth more what ever the difference be a great or small sum he makes in favor of the purchaser, a pure simple perfect and irrevocable gift & present of the same in the exercise of his sound judgment with mature exhibition & other legal sanctions. He waives Law 2 Title 1 Book 10 of the New Recop that treats of the contracts of sale exchanges & other transactions where in there is annuities for more or less than the one half of the just price & the four years limited to demand their rescission. He allows them to have passed in the same way as if they actually had & have forward forever. The grantor declares in the name of his heirs & successors that he releases for goes quit claims & lets over the domain or ownership possession title claim recourse & other rights whatever that may belong to him to the one half of the tract, He conveys renounces & transfers the same with all actions real & personal pecuniary mixed direct and executory to the purchaser & who ever may represent his person to possess enjoy exchange alienate & dispose of the same at his election as of his own property acquired with legitimate & just title and he confers irrevocable power upon him with full reserved and general administration and constitutes him his attorney acting in his own cause to the end that of his own authority or judicially he may enter and seize the said premises and assume and take the real & holding &

possession that by right belongs to him and
 to the end that the actual seign he is to be con-
 sidered as having taken & seized & received trans-
 fer of the same means here the grantor consti-
 tutes himself a tenant under him and possessor
 as well in laudum form, and he binds himself
 that the said tract shall belong to the purchaser
 by certain secure & effectual title that no
 one shall annoy him nor bring suit con-
 sidering his title, possession use & enjoyment
 nor shall any circumstance be exhibited as
 against the same, in case of such annoyance
 suit or exhibition of circumstance immedi-
 ately upon the grantor his heirs & successors be-
 lying there unto required according to law they
 will come to the defence & follow the same at
 their own costs in all courts & tribunals up
 to the execution & until the purchaser his heirs
 are left in its full use quiet & peaceable pos-
 session & if this cannot be obtained they will
 give him another tract of equal value &
 failing in this will return to him the sum
 which he may have disbursed the improve-
 ments of use necessity or choice which it may
 have at that time the increase of value & worth
 which it may acquire in process of time & all the
 costs expenses damages interests or losses which
 may be incurred or occasioned & for all which
 execution may issue against them merely by
 virtue of this instrument & the oath of the poss-
 essor or of his representative to whom he refers
 the amount and warranty full proof and to
 the observance of all the aforesaid the
 parties bind their property present &
 future and there with submit to the
 power and jurisdiction of the Hon Judge
 who may and ought to take cognizance
 of this matter according to law to the end
 that they may be compelled and forced
 there unto by way of execution as if by writ

52 SD
PAGE 48

of a sentence passed and assented to without
 appeal waving the laws that may take effect
 in favor and defense in testimony whereof they
 did execute these presents & the said Jose
 Inyque not knowing how to sign the witness
 Don Vicente Guerrero signed at his request be
 fore me & the attending witnesses the special
 witnesses to this instrument being Don Vicente
 Guerrero Don Jose Maria Deporto & Don Benja-
 min Hays present & residents who likewise sub-
 scribed their names Certified Agustín Olvera
 At the request and in the name of Jose Inyque
 Inyque Jose Vicente Guerrero Francisco N
 Lopez attest Manuel P. Guerrero attest Juan
 N. Palilla Special Witness Jose Vicente
 Guerrero Special Witness Jose Maria Dep-
 orto Special Witness Benjamin Hays

A true copy of its original to which I refer
 is on file in the records of the court under
 my charge kept for the present year
 It is faithfully taken with correction and
 collation in this form sheets of common
 paper for want of stamped on this day of
 its execution which I certify & subscribe
 in the presence of my auxiliary witnesses
 according to law Certified

In testimony of truth
 Agustín Olvera

attest
 Ambrosio Castillo Manuel Campor

Filed in office Nov 8th 1832
 Geo Fisher
 Clerk

Doc H. H. 4
 innd to the dep
 of Abel Stearn

52 SD
 PAGE 49

Este Instrumento otorgado hoy treinta y uno de Agosto de mil ochocientos cincuenta y siete entre José Miguel Trujillo y su esposa María Rafaela Arriola por la parte primera y David W. Alexander y Francisco Mellus en compañía por la otra, todas aind to the dep la of artes vecinos del condado de los Angeles y estado de California; este instrumento decimos muestra que por la cantidad de doscientos pesos que los Señores David W. de Alexander y Francisco Mellus han entregado a los referidos José Miguel Trujillo y María Rafaela Arriola los que han recibido antes de estender este contrato y a su mas entera satisfaccion por esta razon los consortes de la parte primera de mancomun han vendido y transferido y por el presente venden y transferen a los señores Alexander y Mellus y a sus herederos y sucesores para siempre todo el derecho, titulo y qualquiera interes que les corresponden en propiedad en la mitad del terreno de Yungua sita dentro de la jurisdiccion de Este condado de los Angeles y que se describe como sigue.

El terreno de Yungua es el mismo cuya posesion fue entregada a Pedro y Francisco Lopez por Ignacio Palomares Alcalde Primero y Juez de primera instancia el dia diez y nueve de Febrero de mil ochocientos cuarenta y uno cuya situacion estension y limite se expresa mas suertamente en los titulos primitivos; la otra mitad de este terreno la tenemos vendido a Francisco Lopez y por la mitad que ahora enagenamos ponemos en posesion de ella

à los Señores Alexander y Mellus. Es la intencion de los vendedores que los referidos señores posean y tengan dicha mitad como cosa propia y por que este titulo le pertenece legalmente à ellos y à sus herederos y sucesores para siempre. Por lo que Miguel Trunfo y Maria Rafael Arriola otorgan por si y por sus herederos y sucesores à los dichos Don David Alexander y Gerenci Mellus que no han enagenado ni vendido este derecho à otro y que en todo tiempo se lo defenderan y subsanaran en caso que alguno se lo reclamare. En cuyo testimonio lo firmari hoy dia treinta y uno de Agosto de mil ochocientos cincuenta, poniendo nuestros Sellos.

Testigos

Bong^a. Hayes

Manuel Clement Royo

Maria Rafaela ^{su} _{esposa}

Jose ^{su} _{esposo} Miguel

Trunfo (Sello)

Arriola (Sello)

State of California.

County of Los Angeles

On this 31st day of August A. D. 1850 before me Ignacio del Valle Recorder of said County personally appeared Jose Miguel Trunfo and Maria Rafaela Arriola his wife personally 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 and for the purpose and uses therein mentioned. She the said Maria being by me examined separate and apart from the said husband acknowledged that she executed said in-

49

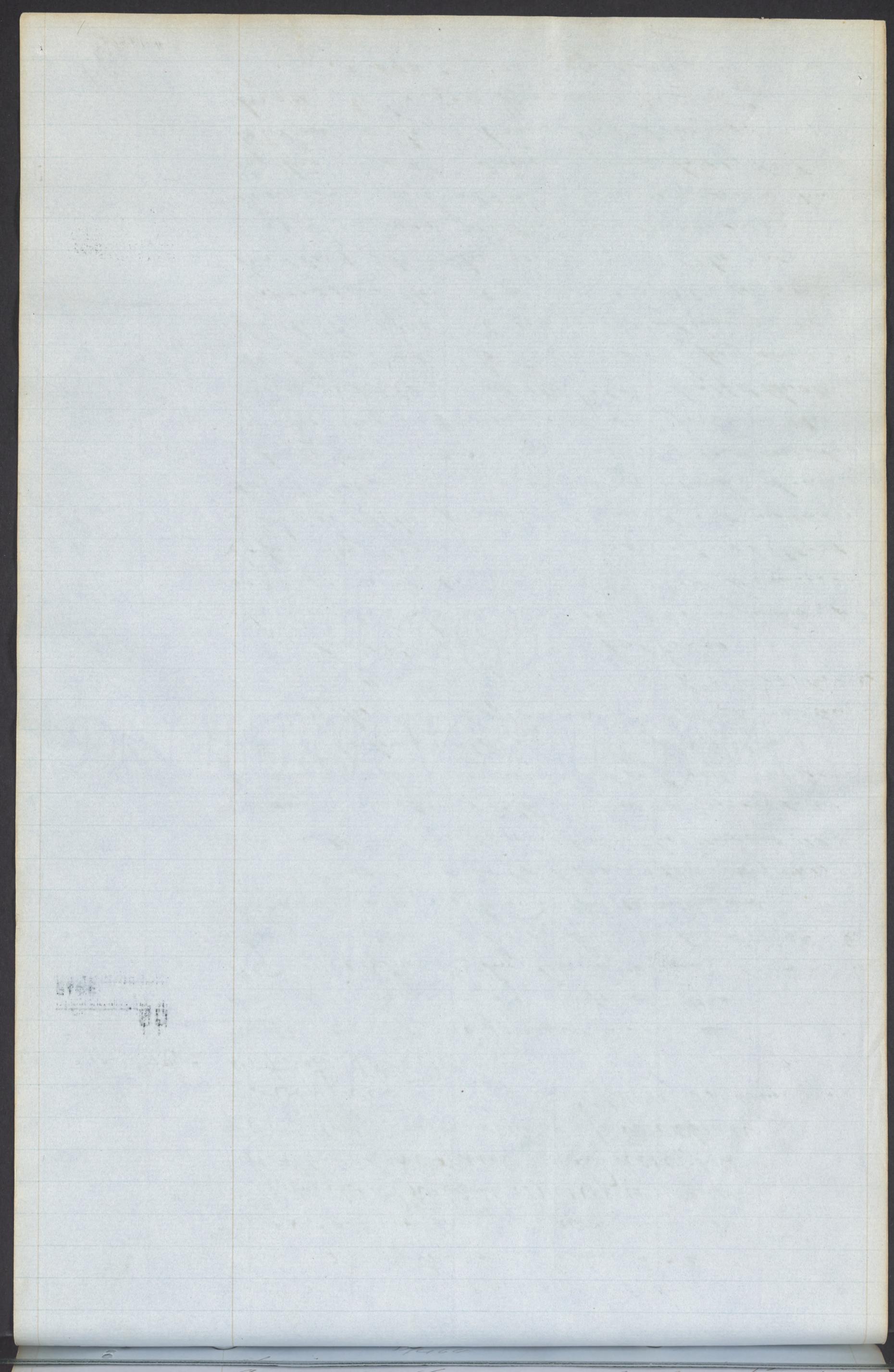
Instrument freely and voluntarily and
without compulsion or undue influence
of her said husband, but of her own
consent for the purposes therein men-
tioned. In testimony whereof I recor-
der as aforesaid have hereunto subscri-
bed my name and affixed my Seal
of Office on this 31st day of August
A. D. 1850.

52 SD
PAGE 51

Ignacio del Valle.

Filed in Office Nov: 9th 1852

Geo Fisher Secy.



This instrument executed on this thirty first of August one thousand eight hundred & fifty between Jose Inyque Trunfo & his wife Maria Rafaela Arriola of the first part & David M Alexander & Francis Mellus in partnership of the other, all the parties residents of the county of Los Angeles and State of California. This instrument we say shows that for the sum of two hundred dollars which Messrs David M. Alexander and Francis Mellus have delivered to the said Jose Inyque Trunfo and Maria Rafaela Arriola which they have received before me King this continent & to their entire satisfaction in consideration that the married pair of the first part have sold & transferred by these presents to sell & transfer to the Messrs Alexander & Mellus & their heirs & successors forever all their right title & interest whatever which belongs to them as their property in the half of the tract of Inyunga situate within the jurisdiction of the county of Los Angeles which is described as follows

The tract of Inyunga is the same whose possession was delivered to Pedro & Francisco Lopez by Ignacio Palome as first Alcalde & Judge of the first Instance the nineteenth day of February one thousand eight hundred & forty one whose situation extent and limits are more succinctly set forth in the original title deeds, the other half of this tract we have sold to Francisco Lopez and as for the half which we now alien we deliver possession thereof to Messrs Alexander and Mellus. It is the intention of the vendors that the said gentlemen possess and have said half as their own and that by this deed the same lawfully belongs to them & their heirs and successors forever. Wherefore Inyque Trunfo and Maria Rafaela Arriola covenant for

From per David
Trunfo to Alexander

52 SD
PAGE 52

themselves & for their heirs and successors
 with the said David M. Alexander and
 Francis Millus that they have not aliened
 nor sold this right to another and that in
 return they will defend the same and
 indemnify in case any one should claim
 it from them. In testimony whereof they sub-
 -scribe the same this thirty first day of
 August One thousand and eight hundred and
 fifty affixing our Seal

52 SD
 PAGE 53

Witness
 Rey Hays

Jose Manuel ^{his} ~~cross~~ Domingo (Seal)

Manuel Clemente Rojas

Manuel Rofacia ^{his} ~~cross~~ Aranda (Seal)

Filed in office Nov 8th 1852
 Geo Fisher
 Secy

52 SD
 PAGE 53

Doc: H. H. No 5
 ann d: to the Defabr of I
 of Abel Stearns
 taken before
 Commr: H. H. No 5

52 SD
 PAGE 54

A todas los que este documento vieren saber
 que yo Francisco R. Lopez vecino del Condado
 de los Angeles y Estado de California, he vendi-
 do, cedido traspasado y confirmo y por las pre-
 sentes; vendo cedo traspaso, y confirmo a
 Don Agustín Olvera tambien del Condado
 de los Angeles y Condado arriba dicho por y en conside-
 racion a la cantidad de cuatrocientos pesos
 y he sido legalmente pagado del mismo Don
 Agustín Olvera la mitad del terreno
 a que tengo derecho y soy dueño en el parage
 conocido con el nombre de Catunga situado
 dentro del Condado de los Angeles de cuya
 mitad que enageno no se fijan linderos
 determinados por razon de no haberse
 dividido todo el terreno; declarando que
 la presente enagenacion la hago con derecho
 igualmente a la mitad de todas las me-
 joras que hubiese y actualmente existen
 como casa corrales huertas y adjuntas
 al todo del terreno que me pertenecan y a
 la parte que aqui enageno, con todos los
 derechos y privilegios que sean anexos y
 correspondientes al referido Don Olvera
 para que el terreno y cuanto queda men-
 cionado tenga, posea, goce, use y disponga
 por si mismo a su arbitrio o sus herederos
 o de quien de ellos hubiese, titulo voz o cau-
 sa para su propio beneficio por siempre
 Dadas: y por mi mis herederos alva ced.
 y administradores estipulo y convengo con
 el dicho Don Olvera con sus herederos y
 con de ello hubiese titulo voz o causa que
 yo soy dueño de la mitad de todo el terreno
 de Catunga que tengo derecho para vender-
 lo en enagenacion perpetua y que tambien
 tengo la posesion del mismo terreno y
 mi parte ni todo del mismo terreno que
 me ha pertenecido no tienen ningun

gravamen empeño o hipoteca de qualquiera clase. Jamas convengo con el repetido Sr Olvera que segun y conforme yo tengo la seguridad del ultimo poseedor de quien yo adquiri en el evento de que se presentara alguna demanda o reclamacion sobre el precitado terreno doy al Sr Olvera esto es, que dirigira su accion en el caso apercibido como si yo mismo fuese, contra el individuo que anni me vendio en virtud de ser el responsable Originalmente.

En Testimonio de lo cual yo pongo libre y voluntariamente 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.

Francisco 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 Court hereunto affixed on this 7th day of October A. D. 1851.

Benj^m D. Wilson clerk
by J. Lloyd Jones Dep.

Filed in Office Received the foregoing document for record on the Nov. 9th 1852 7th October A. D. 1851 at 20 minutes past 11 o'clock
Geo. Fisher Secy and recorded the same at 15 minutes past 3 o'clock
P.M. at request of Augustin Olvera. Benj^m Wilson R.
In book of deeds page 59 by J. Lloyd D. R.

52 SD
PAGE 55

290

590

Transf. Dec. 24
Lopez & A. Olvera

52 SD
PAGE 56

464

In all those who may see this document know
ye that I Francisco R. Lopez resident of the
County of Los Angeles & State of California
have sold assign transfere & confirmed
& by these presents do sell assign transfer
& confirm unto Don Agustin Olvera also
of the State & County afore said for & in consid-
eration of the sum of four hundred dollars
which I have received to my full satisfaction
& were lawfully paid to me by the same Do-
n Agustin Olvera the one half of the tract to which I
am entitled & which I am owner in the tract
known by the name of Tuzungua situate
within the County of Los Angeles of which one
half hereby assigned no detrim in all bound-
aries are assigned for the reason that no
partition has been made of the whole tract
I declare that I make the present alienation
with the right likewise to the one half of
all the improvements there may be and
actually exist such as house Corrales gar-
dens &c appertaining to the whole of the
land which may belong to me to
the part I here assign rights of way rights
& privileges which may be annexed and
appertaining unto the said Senor Olvera
to the end that such land & other things
aforesaid he may have possess enjoy use
& dispose of of his own accord at his
will or that of his heirs or of such of them
as may have title claim & right for his
own benefit for ever more And for
myself my heirs executors & administrators
I stipulate & agree with the said Senor
Olvera with his heirs & whoever of them
may have title claim or right that I am
owner of the one half of the entire tract of
Tuzungua that I have right to see it in
perpetual alienation & that likewise I have
the possession of the same tract and that

neither any part nor the whole of the same tract
 which has belonged to me have any incum-
 brance been or hypothecation of any kind
 whatever And I also agree with the said Senor
 Olvera that according & conformably as
 I possess the guarantee of the last possessor
 from whom I purchased in the event of any suit
 or claim being presented concerning the
 aforesaid tract, I assign the same to Senor
 Olvera, that is to say that he shall bring
 his suit in the event refused to as if he was
 my own proper person against the individ-
 ual who sold to me by virtue of such
 individuals being originally responsible
 In testimony whereof I signed & of my own accord
 do affix my hand & seal upon this instrument
 this 29th day of September 1851 at the city of Los
 Angeles, county of the same name & State
 of California

Francisco N Lopez L S

Filed in office Nov 8th 1852
 Geo Fisher
 Secy

56

David W. Alexander }
 Francis Mellus and } Zupunga
 of }
 The United States } one and a half leagues

Opinion

52 SD
 PAGE 58

The claimants in this case represent in their petition that on the 5th day of December AD 1848 Governor Alvarado granted to Pedro Lopez & Francisco Lopez the tract of land called by the name of Zupunga containing one & a half square leagues. The claimants further represent in their said petition that through Andrés Muroso conveyances they became the owners of three fourths of the said tract of land called Zupunga and the petition contains the further statement that the said Francisco Lopez one of the original grantees being the owner of one fourth part of said tract of land, had before the filing of said petition died intestate leaving his father Francisco Lopez and his brother Manuel A. Lopez his heirs at law. The signature of Governor Alvarado is proved to be in his hand writing and the several conveyances filed in the case are all satisfactorily authenticated & proved. It appears from papers on file that judicial measurement of the land in question was made by the proper officer in the month of February AD 1841. There is no proof of any approval by the Departmental Assembly. It is proved by the deposition of Andrés Pico that the rancho Zupunga was first occupied by the Mission of San Fernando and afterwards by Pedro Lopez and Francisco Lopez in the year 1826. The witness further states that they might have occupied it some years before that time & that he was there in 1846 at which time they were occupying the premises together with one Jimis and that after that time the place was occupied by Mellus and Oberea with a house

and cattle up to the time of taking his deposition which was in January 1833. It also appears from the testimony of Anastasio Gacedo whose deposition is on file that he built a house on the land with three rooms in it for Agustin Olvera which was finished in October next preceding the date of his deposition which was in Nov 1832. The witness further states in his deposition that the house has been occupied ever since it was built and that he Olvera had cattle on the ranche during that time. This is all the evidence offered by the claimants in regard to the inhabitation and cultivation of the land claimed by them in their petition. The grant was made in 1846 & there is no proof that the grantees or any other person had taken any notice of the land either by making improvements or otherwise until the year 1846. Six years after the date of the grant. The condition upon which they accepted the grant was that they would build a house within a year from the date of this grant & that it should be inhabited. This condition it seems the grantees wholly disregarded and thus too without any pretence of excuse. The witness does not even find any trace in the year 1846 when he first saw the house on the premises about which he testifies for aught we know it was not begun to the time when the Americans took possession of the country after which time the party could perform no act that would change or in any way alter the equities which must be proved to have fastened on the land anterior to the time when the jurisdiction of Mexico over the country closed and the jurisdiction of the United States attached an equity to settle

a party to the legal title must be accomplished and perfect equity otherwise he can have no claim upon the United States for a confirmation of her inchoate rights. It is unnecessary to consider the other questions arising in the case as it is clear that the claimants have failed to show anything approximating to a compliance with the terms of their contract. We are of the opinion that the claim in this case should be rejected.

52 SD
 PAGE 60

Filed in office Nov 4 1833
 Geo Fisher
 Secy

Decree

David W. Alex and
 Francis Fullen and
 Augustin Brown
 vs
 The United States

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

Alpheus Felch
 Thompson Campbell
 R. Aug. Thompson,
 Commissioners

Filed in office Nov 4 1833
 Geo Fisher
 Secy

76 No.



Faint, illegible markings or text at the bottom left corner.

Office of the Board of Commissioners,

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

52 SD
PAGE 61

I, *George Fisher*, Secretary to
Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *fifty eight* pages, numbered from
1 to *58*, both inclusive, to contain a true, correct and full Tran-
script of the Record of the Proceedings and of the Decision of the
said Board, of the Documentary Evidence and of the Testimony
of the Witnesses, upon which the same is founded, on file in this
Office, in Case No. *464* on the Docket of the said Board,
wherein *David W. Alexander & Francis
Mellis* are
the Claimant against the United States, for the place known by
the name of "*Tujunga*"

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



52
U. S. DISTRICT COURT,
Southern District of California.

No. 52. *Docket*

THE UNITED STATES,

vs. 52

David W. Alexander
and *Tyunga*
James Wells

TRANSCRIPT OF THE RECORD .

FROM THE
BOARD OF U. S. LAND COMMISSIONERS,

In Case No. *464*

Filed, *August 30th* 1854

W. A. Carter
Clerk

52



1

Office of the Board of Commissioners
to ascertain and settle the Private Land
Claims - in the State of California

52 SD
PAGE 62

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 Alexander and Mellis for the place named "Tujunga" was presented and ordered to be filed and docketed with N^o 464 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. 464 Alexander & Mellis et al; for the place named "Tujunga" the deposition of Abel Stearns a witness in behalf of the Claimants taken before Commissioner Hiland Hall with Documents marked H. H. Nos. 1. 2. 3. 4 & 5 and translations thereof marked

(Vide page 5 of this Transcript)

Los Angeles Nov. 13th 1852 in the same Case the deposition of Anastase Salcedo, a witness in behalf of the Claimants taken before Commissioner Hiland Hall, was filed

(Vide page 7 of this Transcript)

San Francisco January 15th 1853
 In the same case the deposition of Andrew Pico a
 witness in behalf of the Claimant taken before
 Commissioner Heland Hall, was filed
 (Vide page 8 of this Transcript)

52 SD
 PAGE 63

San Francisco Sept 1st 1853. Case No. 1,614 called
 the Counsel for the Claimant read the evidence,
 argued and submitted; and taken under advise-
 ment

San Francisco Nov. 4th 1853. in the same case
 Commissioner Thompson Campbell delivered the opi-
 nion of the Board, rejecting the Claims
 (Vide page 56 of this Transcript)

To the Hon the Board of U. S. Land Commissioners
Appointed to Settle Private Land Claims in California

The petition of David W. Alexander & Francis
Mellus in Company & Agustin Obvera, Respect-
fully represents, that on or about the 5th day of
December A. D. 1846. Juan B. Alvarado, then
Governor of California, in the name of the Mexican
Nation by virtue of the law then in force & the
various laws of Mexico, the usages and Customs of
the Country affecting grants of land in California
granted a full property unto Pedro Lopez & Francisco
Lopez the tract of land & Rancho in the present
County of Los Angeles & Called Triunfo, contain-
ing about one & a half leagues (sitios de
ganada mayor) as described in the papers & maps
relating to said grant of land, that Copies of all
of said papers & maps are herewith filed as part
of this petition, and your petitioners further show
that on or about the 13th day of November 1845 the
said Francisco & Pedro Lopez sold and conveyed by
deed the said land and Rancho unto Miguel
Triunfo, that a copy of said deed is herewith
filed as part of this petition & the Original is
now in the possession of your petitioners ready
to be produced & proved, and your petitioners
further show that on or about the 7th of May
1850, the said Miguel Triunfo sold & conveyed
by deed the one half of said land and Rancho
unto Francisco 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 & proved, and your petitioners
further show, that on or about the 31st day of
August 1850 the said Miguel Triunfo & wife sold
and conveyed by deed unto your petitioners David
W. Alexander & Francis Mellus, the one half
of said land & Rancho, that a copy of said

52 SD
PAGE 64

52 SD
PAGE 65

Deed is herewith filed as part of this petition & the Original in the possession of your petitioners ready to be produced and proved. And your petitioners further represent, that on or about the 29th day of September 1851. the said Francisco Lopez sold and Conveyed by deed unto your petitioners Agustin Olvera, the one half part of the interest of said Francisco Lopez, to wit; the one half part of said land & Rancho, the said Olvera thereby acquiring one fourth part of said lands & Rancho, 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 represent that since the date of the last conveyance, the said Francisco Lopez, has died intestate & without issue, leaving his father Francisco Lopez & mother J. Lopez next of kin & heirs at law of the one fourth part of said lands & Rancho remaining in said Francisco Lopez at the time of his death, there are no conflicting claims known to your petitioners & 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 in the Archives now in Custody of the U. S. Surveyor General for California Original papers & maps in the possession of your petitioners & ready to be produced & proved, the testimony of Witnesses to be produced before your Honorable Body respectfully submitted for such action as the Justice & nature of this claim may require

Crosby & Norton
of Counsel for Claimants

Filed in Office Nov. 8th 1852

Geo Fisher Sec

Deposition

Los Angeles Nov. 9th 1852

On this day before me W. Hall came Abel Stearns a witness in behalf of the Claimants David W. Alexander et al petition N^o 464 & was duly sworn his evidence being given in English

The U.S. Associate Law Agent was present In answer to enquiries by Counsel for the Claimant the witness testified as follows

My name is Abel Stearns, my age is fifty four years & I reside in Los Angeles. I have resided in California over twenty three years. I am acquainted with the handwriting & signatures of Manuel Law F. Fernandez, Santiago Arguillo, Narciso Botello, Ygnacio Palomas, Ygnacio Coronel & Basilio Valdez. A paper is now shown me purporting to be a grant to Francisco P. Pedro Lopez dated Nov. 7th 1840 & a testimonial of Judicial possession attached dated in February 1841, the signatures of the said several persons appearing on said paper, I believe to be genuine, and Palomas at the date of the giving of such possession was Alcalde and authorized to give it. Said paper is here annexed & marked H. H. N^o 1. A paper is also shown me purporting to be a transfer from Pedro & Francisco Lopez to Miguel Triunfo dated 30th March 1845, the signatures of Juan Sepulveda, Ygnacio Coronel, Rafael Gallardo & David Alexander upon said paper I believe to be genuine, I am acquainted with their signatures, said Sepulveda was at the date of said paper Alcalde & authorized to sanction & certify such transfer, said paper is here annexed and marked H. H. N^o 2. A paper is also shown me purporting to be a transfer from said Miguel Triunfo to Francisco R. Lopez dated 17th May 1851, the signatures of Agustin Olvera, Ambrosio del Castillo, Francisco Ocampo & Ygnacio del Valle appearing on said paper and with which I am acquainted. I believe

52 SD

PAGE 66

to be genuine, said Olvera was at the time Judge of the first Instance & authorized to sanction & certify such transfer. said paper is here annexed & marked H. H. No. 3. A paper is now shown me purporting to be a transfer from Jose Miguel Trumfo & his wife to David W. Alexander & Francisco Mellus dated 31st of August 1850. I am acquainted with the hand writing & signatures of Benjamin Hays, Manuel Clemente Rojas and Ygnacio del Valle, their signatures on said paper I believe to be genuine, the said del Valle on the 31st of August 1850 was Recorder of the County of Los Angeles & as such authorized to take & certify the acknowledgement of said testament, said paper is here annexed & marked H. H. No. 4. A paper is also shown me purporting to be a transfer from Francisco W. Lopez to Agustin Olvera dated 29th of September 1851. I am acquainted with the hand writing and signatures of Francisco W. Lopez and J. Floyd Jones. their signatures on said paper I believe to be genuine, and the said Jones as Deputy Clerk of the County had authority to take the acknowledgement of said instrument, said paper is here annexed & marked H. H. No. 5.

Abel Stearns

Sworn & subscribed before me

Hiland Hall

Court

Filed in Office Nov. 9th 1852

Geo. Fisher

Secy

7
Los Angeles Nov: 13th 1852

Deposition

On this day before Comr. Hiland Hall came
Anastasio Saludo a witness in behalf of the Claimants David W. Alexander et al petition No. 464
& was duly sworn, his evidence being interpreted
by the Secretary

The U. S. Associate Law Agent was present

In answer to questions by Counsel
for the Claimant, the Witness testified as follows

My name Anastasio Saludo, my age is thirty
years & I reside in the County of Los Angeles. I have
known the Rancho called Tujunga. It is situated
about seven leagues from this place in a Northerly
direction. I built a house on the land, it is an
adobe house with three rooms in it. It was finished
two years ago in October last & built for Augustin
Olvera, the house has been occupied ever since
it was built & he has also had Cattle on the Rancho
during that time

Anastasio ^{his} Saludo
mark

Sworn & Subscribed before me
Hiland Hall
Comr.

Filed in Office Nov: 13th 1852

Geo Fisher
Su

52 SD
PAGE 68

Deposition

San Francisco Jan'y 15th 1853

On this day before Com^r. Meland Hall, came Andrus Pico a witness in behalf of the claimants David W. Alexander et al. petition N^o. 464 and was duly sworn his evidence being interpreted by the Secretary

52 SD
PAGE 69

The U. S. Associate Law Agent was present In answer to enquiries by Counsel for the claimant, the Witness testified as follows

My name is Andrus Pico my age is forty two years & I reside in Los Angeles

I know the Rancho Tujunga situated in the County of Los Angeles. It was at first occupied by the Mission of San Fernando & afterwards by Pedro Lopez & Francisco Lopez in the year 1846 They might have occupied it several years before I was there in 1846 & they were then occupying it It was at that time also occupied by Miguel Triunfo. After time it was occupied by Mellus & Olvera & they have continued to occupy it to the present time. They have a house & Cattle and Sheep

Andrus Pico

Sworn & Subscribed before me

Meland Hall

Com^r.Filed in Office Jan'y 15th 1853

Geo Fisher

Sec

Jurisdiccion de { Años de 1840 A. S. D. R.
 Las Angeles }

Espediente

52 SD
 PAGE 70

Promovido por los C. C. Francisco y Pedro Lopez
 en solicitud del parage conocido con el nom-
 bre de Fojunga

215

J. S. L. N.

Expediente

Promovido por Las Com. Franc.^{ca} y Pedro Lopez en solicitud de Sitio Contiguo a Taja-
-unga

52 SD
PAGE 71

Año de
1840

215

Here follows Map

4. S. D. R.

Sr. Prefecto del 2.º Distrito

Francisco y Pedro Lopez de esta Vecin-
 =dad ante V. S. con el debido res-
 =pecto y como mas hallen lugar con-
 =pareceros y decimos: q^e hallandonos con un
 Aug^{to} ab^{to} 2. 1840 numero considerable de bio-
 Informe el Sr. en- = mis de Campo q^e a pesar
 =cargado de la misiva de nuestro Continuo trabajo
 de S. Fernando si el y Cuidado no podemos ad-
 parage q^e se pretendia = clantar a causa de no ten-
 esta instancia corres- = er un parage propio p^a
 =ponde al Establecim^{to}; Conservarlos y hallandolos
 de encargo y de esto = uno entuamto Valdivia
 Valdivia concederlas q^e pues estamos satisfechos,
 le parece conveniento no Corresponde a ninguno
 en el particular y Valdivia particular in Comunidad
 a esta Pref^a p^a las aunque Corte, al pie de la
 duas finas Sierra y al Este del Arro-
 =yo nombrado de Tojunga
 Suplicamos a V. S. se Sirva
 Concederlos en propiedad
 p^a Cuyo fin acompañarnos
 debidamente el de señores es-

=pectivo manifestando a V. S. q^e el sitio que pre-
 =tendidos se componen de dos leguas de Este a Oeste
 y media de Sur o Norte

Por tanto

5 S. D. R.

Debidam^{te} pudimos acceder a esta muestra
 Solicitud q^e en ello alcansemos la justicia
 que imploramos y supramos alcansar del
 bondadosa Corazon de V. S. y acreditado Celo
 p^a el adelanto de los intereses del pais
 Juramos no ser de malicia y lo necesario &c
 Suplicamos a V. S. igualmente nos admita in
 este papel como por no haber del Sellado Cor-
 respondiente en Angeln Noviembre 2 de 1843.

52 SD
PAGE 72

Por ambos humanos

Frauc^o. Lopez

S. Fernando y Nov. 4 de 1840

Con respecto al decreto suelta al margen de la
 antecedente instancia en donde solicite la
 Prefectura de este 2.^o Distrito el Correspondiente
 informe del paraje solicitado en esta instancia
 espargo q^e el ref.^o lugar q^e se comprende
 desde el Arroyo de Jufanqa para el rumbo
 del Este es perteneciente a este Estableci^{ente} pero
 esta esta ant^{es} ocupado por lo que se les puede
 conceder a los interesados q^e actualm^{te} lo solicitan,
 siendo con la expresa obligacion de no impedir
 a este establecimiento en cualquier tiempo
 el Coto de Madera cuando lo necesiten como
 tambien permitir al q^e por via de necesidad se
 ponga dentro del expresada itio algun ma-
 =nero regular de Caballada de esta pertenencia
 suelta por termino Suñalado

E S. cuando tengo q^e informar sobre el particular

José Ma. Villar^a

Angels Noviembre 6 de 1840

Informe al Juez 1.^o de Paz de esta Ciudad
 si los contenidos en esta Inst^a tienen las
 requisitos q^e espresa la ley de la materia para
 ser atend^{idos} en su solicitud y practicados
 estas diligencias con todo lo demas que le pare-
 =ca conveniente a ilustrar este asunto Vuelvo
 a esta Prefectura del 2.^o Distri:

Santiago Arguello, lo decreto
 previjo y firmo

Doy fe

Arguello

Narciso Botella

Sico

52 SD
 PAGE 73

C. S. D. R

y S. D. R.

Sr. Prefecto

He examinado con alguna escrupulosidad el terreno que solicitan los autorizados y creo no hay inconveniente para que se les conceda por ser exacto en cuanto espusan en sus instancias y tener los requisitos legales mas V. S. respon-
-da lo conveniente

52 SD
PAGE 74

Arag. Nov. 7/840

Felipe Lugo

Excmo Sr

La Prefectura de este 2.º Distrito infuente de la inst. con q. da principio el presente expediente e informes q. anteceden crea no haber inconveniente algun p.º q. se les adjudique en propiedad a los solicitantes el terreno q. pretenden por q. a mas de hallarse este enteramente baldio los que representan son C.º.º. Mijicanos y tienen los bienes de campo suficientes p.º Cubrirlo en tal virtud V. S. se le suplica determinar lo q. fuere de su sup. agracia

8 S. D. R.

Arag. Nov. 20 de 1840

S. Aronello

Narciso Botella Sr

Montroy 5 de Obr. de 1840

Vista la petition con que da principio este expediente el informe del encargado del estable^{ento} de San Fernando el del Juez 2.º de la Ciudad de Los Angeles; y el del Sr. Prefecto con todo lo demas que se tuvo presente y en conformidad con las leyes y reglamentos de la materia declaro a los Carlos Franco y Pedro Lopez dueños en propiedad del parage conocido con el nombre de arroyo de Tojunga colindante al S. con la Sierra Madre y la de las Perdugas, al N. con el arroyo de Tojunga al O. con el encinal y al E. con el Cortemelo

9 S. D. R.

52 SD
PAGE 75

Cuando la estension del terreno de un Sitio y medio poco mas o menos de ganado mayor - entendase el Correspondiente titulo con las Condiciones de este, con mas de que los agraviados no podran impedir el Corte de madera para el uso del establecimiento de San Fernando - asi el uso de la pastoria de la Caballada aya. Tomese razon en el libro correspondiente y dirigase este expediente a la Exma. Junta Departamental el Sr. Gobernador entra asi la manda de este y firmo de que doy fe

Firmo
Jose L. Fernando
Seco Inte

10 L. D. R

Juan P. Alvarado Gobernador Constitucional del departamento de las Californias,

Por Cuanto los Ciudadanos Franc^o. y Pedro Lopez han pretendido para su beneficio personal y el de sus familias el terreno conocido con el nombre de arroyo de Tojunga Colindante al Sur con la Sierra Madre y la de las Buregas, al Norte con el Arroyo de Tojunga, al O. con el Encinal, y al P. con el Portezuelo. practicadas previamente las diligencias y averiguaciones correspondientes segun lo dispuesto por leyes y reglamentos - usando de las facultades que me son conferidas nombre de la Nacion Mexicana he venido concediendo el terreno mencionado declarandole la propiedad de el por las presentes letras - Sugitandose a la aprobacion de la Excm^a Junta Departamental y a las Condiciones siguientes

1^a Podra ser Corte sin perjudicar las cun- rros y servidumbres lo disputara libre y col- curant^e. destinandole al uso o Cultivo que mas le acomode pero dentro de un año fabricara

11 G. D. R

Casa y estara habitada

2.^a Solicitaria del juez respectivo que le de-
-posicion Juridica en virtud de este despacho
por el cual se demarcaran los terrenos en cuyos
-limite pondra à mas de los mojones al-
-gunos arboles frutales o silvestres de alguna
-utilidad

3.^a El terreno de que se hace mencion en el
-Titulo de ganado Mayor segun explicò el du-
-ño que corre en el expediente el juez que
-diere la posicion lo hara medir conforme
-à ordenanza à quedando el sobrante que
-resulta à la Nacion para los usos convenientes

4.^a Lo Contravenire à estas Condiciones pu-
-dora su derecho al terreno y sera denunciado
-por otro

En consecuencia mando que ten-
-iendo por firma y Validos este titulo se tome
-razon de el en el libro à que corresponde y se
-entru que al interesado para su resguardo y
-demas fines

Dado en Monterey a Cinco de Diciembre
-de Mil Ocho Cientos Cuarenta

Office of the Surveyor General of the United States
-for California

I, Samuel J. King Surveyor
-General of the United States for the State of
-California, and as such now having in my
-office and under my custody a portion of the
-archives of the former Spanish and Mexican
-Territory or department of Upper California -
-do hereby Certify that the eleven preceding
-and hereunto annexed pages of tracing pa-
--per numbered from One to Eleven inclu-
-sive, and each of which is Verified by my
-initials (S. J. K.) exhibit true and accurate

Copies of certain documents on file and forming
part of the said archives in this Office

In Testimony Whereof I have hereunto
Signed my name Officially, and affixed my
private Seal (not having a Seal of Office) at
the City of San Francisco Cal. the Sixth
day of September A. D. 1852

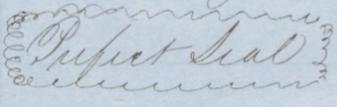
Saml. J. King
Surveyor Genl. Cal.

Filed in Office Nov. 8th 1852

Geo Fisher
Secy

52 SD
PAGE 77

Mr. Prefect of the 2^d District



Angels Nov. 2. 1840

52 SD
PAGE 78

Let the person in the Francisco & Pedro Lopez of charge of the mission of this place before your Honor San Fernandez, report with due respect & in the whether the tract which most valid farms do explain is claimed in this spot - and say, that we possess Con- ition belongs to the titate - sedurable stock, which in - sishment under his Spite of our Constant toil charge. and whether it & can we cannot remain is unoccupied, with on account of our not har- whatever else may ap- -ing premises of our own - pear to him suitable to keep it upon. We in the matter & let ret- have found out, that is - can be made to this entirely unoccupied, for Prefecture for further we are satisfied that it action belongs to no individual nor Community. It is but small and lies at the foot of the mountains & at the East of the Stream called de Tzuzuga, We beseech your Honor to be pleased to grant it to us in fee for which purpose we enclose to you the sketch that represents the same informing your honor that the tract we claim consists of two leagues from East to West & a half a league from South to North. Wherefore we humbly request your Honor to grant this our petition, wherein we shall attain that justice which we enclose & hope to receive from your Honor's good heart & known zeal for the improvement of the interest of the Country

Arguelle
Narciso Botello
Dy

We make oath that we do not proceed through malice. adding the other requisite verifications &c

We also beseech you to admit our petition on this
Common paper; there being now of the requisite
Stamp

Angeles November 2. 1840

for both brothers

Francis Lopez

San Francisco No 4. 1840

In regard to the claim placed in the margin of
the foregoing petition wherein the Prefecture of
this D. District requests the requisite report
Concerning the premises solicited in said peti-
-tion. I state that the said place which lies
-from the brook of Fozunza towards the East
-belongs to this Establishment but that it is out-
--irely unoccupied. Wherefore it may be granted
-to the parties in interest who now solicit the
-same, provided it be under express obligation
-not to impede this Establishment in any time
-from cutting wood when necessary as also
-to permit that by way of necessity some reason-
-able number of hours belonging to this Establi-
-ment be placed within the said premises, this
-being for a certain period

This is all I have to report on the Subject
Jose M^a Villa^a

Angeles November 2th 1840

Let the first Justice of the Peace of this City
report whether the Contents of this petition pos-
-sess the necessary requisites which the law af-
-fecting the Subject provides to entitle this peti-
-tion to be entertained & this proceeding being
-performed with whatever else may appear to
-him to tend to elucidate this Subject. Let
-return be made to this Prefecture for further
-action. I the Prefect of this D. District Santiago
-Aguiello have herein so decreed provided and

Signed

Witness my hand

Arquillo

Narciso Botella Sr

52 SD
PAGE 80

My Prefet

I have examined with somewhat scrupulous care the premises solicited by the parties in interest & I believe that there is no inconvenience in its being granted, their petition containing nothing but truth & they proposing the lawful requisites nevertheless your Honor will determine what is proper

Angels November 7 1840

Felipe Lugo

Most Excellent Sir

The Prefet of this District informed of the petition with which these proceedings originate & of the foregoing reports, believe that there is no inconvenience in the land which the petitioners solicit being granted to them in fee, because besides this being entirely unoccupied, the petitioners are Mexican Citizens & have stock enough to cover it, By virtue whereof your Excellency will be pleased to decide what may suit your Superior pleasure

Angels Nov 20. 1840

J. Arquillo

Narciso Botella Sr

Mercury December 5. 1840

In view of the petition with which these proceedings originate, the report of the person in charge of the establishment of San Fernando, that of the D^o. Judge of the City of Los Angeles & that of the Hon Prefet of the D^o. District with all other things that were

52 SD
PAGE 81

brought forward & it be proved to keep in view
in Conformity with the laws and regulations
that affect the matter. I declare the Citizens
Francisco & Pedro Lopez owners in fee of the tract
known by the name of Arroyo de Tojunga, bound
at the S. by the Sierra Madre & the Sierra
of the Berdugo, at the E. by the oakwood and
at the W. by the Pin ley etc, the tract being in
extent One & a half leagues (Sitio) a little more
or less for man Cattle Let the proper title-
deeds be made out with the usual conditions
besides that the grantee shall not have power
to prevent the cutting of timber for the use of
the Establishment of San Fernando, nor the
use of pasturage for the team horses. Let
Record be entered in the proper Book and this
minute of proceedings be forwarded to the Most
Excellent Departmental Assembly the Governor
pro tem has so ordered, decreed & Subscribed

Witness my hand

Simón

José F. Fernandez

Juan B. Alvarado Constitutional Governor
of the Department of the Californias
Whereas the Citizens
Francisco & Pedro Lopez have claimed for their
personal benefit & that of their families, the
tract known by the name of Arroyo de Tojunga
bounded at the South by the Sierra Madre
& that of the Berdugos at the North by the
brook of Tojunga & the East by the oakwood
at the West by the Partiguets, the requests-
steps & investigations having first been taken
according to the provisions of the Laws and Regulations
In the exercise of the powers conferred upon me
in the name of the Mexican Nation, I do

grant unto them the aforesaid tract declaring unto them the Ownership thereof by the present letters, they subjecting themselves to the approval of the Most Excellent Departmental Assembly & to the following Conditions

1^o They may farm it without prejudicing the Cross roads, high ways & rights of way, they may enjoy it fully & exclusively, devoting it to the use or Construction which may best suit them but within one year they shall erect a house & it shall be inhabited

2^o They shall petition the Judge who has Jurisdiction to give them Judicial possession by Virtue of this decree. The boundaries shall be marked out by such judge in whose lines there shall be placed beside the land marks, some fruit trees or serviceable forest trees

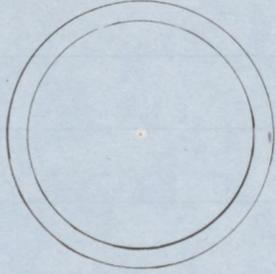
3^o The land in question Consists of one & a half range (Sitio) for large Cattle, as explained by the Sketch annexed to the minutes of proceedings, The Judge who may give the possession will Cause it to be measured, according to ordinance, the surplus that may result, remaining the property of the Nation for laboring uses

4th If they shall fail to comply with these Conditions, they shall lose their right to the land & it may be demanded by another. In consequence I order that this Title being held as firm & valid be recorded in the book to which it belongs and delivered to the parties in interest for their particular & other purposes

Given at Monterey December fifth
One thousand eight hundred and forty

Filed in office November 8th 1852
Geo Fisher Secy

Sello 1º Luis Oros
Habilitado provisional^{te} por la aduana Maratime
ma de Monterey para los años de 1839 y 1840



* Doc. H. H. N.º 1
annex to the
Depo. of A Stearns
taken before
Court. Hall

Alvarado #
Antonio M.º Oros

Manuel Simons sacram primer
vocal de la Equiv^a Junta Del Departamento
de las Californias en ejercicio Del Gobierno
del mismo

52 SD
PAGE 83

Por Cuando el Ciudadanos Francisco
y Pedro Lopez han pretendido para su benefi-
-cio personal y el de su familia el terreno
que esta contiguo al conocido con el nombre
de Fojunga Colindante al Sur con la Sierra
Madre, al Norte con el arroyo de Fojunga, al
Oriente con el Encenul y al poniente con el
Puertuelo practicados permanentemente las diligencias
y arriaguaciones convenientes segun lo dispuesto
por leyes y reglamentos usando de las facil-
-idades que me son conferidas à nombre de la
Nacion Mexicana. he venido en concederles el ter-
-reno mencionado declarandoles la propiedad de por
los presentes letras y sujetas à la aprobacion de la
Equiv^a Junta Departamental y à las condiciones
siguientes

- 1º No usuraràn el Corte de madera de
-cualquiera manera para el uso comun
del Establecim^{to} de San Fernando y si el que
-paca su Caballeria misma
- 2º. Podran circular sin perjuicio las tra-
-versias Comunes y servidumbres; lo disputara
-lebr y esclumant^{te}, destinando al uso que mas
-le acomode, pero dentro de un año fabricara
-casa y estera habitada.
- 3º. Solicitarè del
-Juz respectivo que les de posesion juridica
-en virtud de este Despacho por el cual se

Clerks office of the District Court
of the United States for the Southern
District of California

Whereas the Commissioners
constituted for the purpose of ascertaining
and settling private land claims in the
State of California by the act of Congress
of the U. S. of America, approved on the
3^d of March 1851, entitled "An Act to
ascertain and settle the private land
claims in the State of California", did
on the fourth day of November eighteen
hundred fifty three, by their decision of
that date decide against the claim presented
by the undersigned to the said Commissioners,
which claim is for land lying in the said
Southern District and is Number Four
hundred and sixty four on the docket
of claims before said Board, - and the
said claimants being desirous that the
said District Court should review the
said decision, - Now hereby files this
notice in the said Clerks office of their
intention to prosecute an appeal, as is
provided by the 12th Section of an Act
entitled "An Act making appropriations
for the civil and diplomatic expenses
of the government, for the year ending

the 30th of June 1853 and for other
purposes", which said act was approved
on the 31st of August 1852.

Alexander Mellus & Alvera
by C. O. Crosby
of Counsel.

52 SD
PAGE 85

To the Clerk of the U. S.
District Court of the Southern
District of California
18th of January 1854.

52

No. 52.

U. S. District Court
Southern District

Alexander Mellus
& Olvera, appellants

vs

The United States
appellee.

Notice of Appeal.

No. 3.

Filed Jan'y. 24/84

52 SD

PAGE 86

A. S. Taylor
Clerk

x2.

E. C. Crosby
of Council.

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

David W. Alexander
Francis Mellus and
Agostin Olovera
Appellants

No 52.

Claim for Rancho of
"Injunga."

27
The United States
Appellee.

52 SD
87
PAGE

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

Case No 52

D. W. Alexander et al.

Appellants

vs

United States

Appellees

Leave to take further testimony

Filed April 9th 1855

J. S. Farr
clerk

52 SD
PAGE 88

"Tujunga"

David W. Alexander
Francis Mellus, and
Agustín Hoover,
Appellants.
or
The United States
Appellees.

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

52 SP

PAGE 89

Land Commission No 464, Docket, No. 52.

Claim for "Tijunga".

To the Honorable J. S. K. Ogier,
District Judge of the Court aforesaid;

The Petition of David W. Alex-
ander, Francis Mellus, and Agustín Hoover,
the above named Appellants and Plaintiffs,
in this case, shows to Your Honor that on the
7th day of ~~December~~ ^{November}, A. D. 1840, ~~Pedro & Fran-~~
~~isco~~ ^{Manuel Jimeno} then constitutional and acting Govern-
or ^{ad Interim} of Upper California, and duly authori-
zed as such to grant the lands hereinafter
mentioned, situate in the county of Los An-
geles, State of California, and in the South-
ern District of California, called "Tijunga",
containing about one and a half square
leagues a little more or less, granted by his
deed of that date to Pedro Lopez and Fran-
cisco Lopez the land aforesaid.

That on the 13th day of Febru-
ary A. D. 1841, the said grantees Pedro Lopez
and Francisco Lopez applied to the local ju-
dicial authorities of the district wherein said

land was situate for juridical possession of the same,

That on the 19th day of February A.D. 1841, the aforesaid land was duly ad-measured, and juridical possession thereof given to the said Pedro Lopez and Francisco Lopez, by the judicial authorities of Los Angeles according to law.

And these Petitioners further state that on the 13th day of March, A.D. 1845, the said Pedro Lopez and Francisco Lopez by their deed of that date, conveyed all their right, title and interest in the land of Tejunca aforesaid, unto Miguel Triunfo

And that on the 17th day of May A.D. 1850, the said Miguel Triunfo, by his deed of that date, conveyed one half of the ^{said} lands of "Tejunca" unto Francisco Lopez.

And that upon the 31st day of August, A.D. 1850, the said Miguel Triunfo conveyed by his deed of that date unto David W. Alexander, ^{and} Francis Mellus, two of these Petitioners, one half of the said land, the same being his remaining right title and interest therein.

And that on the 29th day of September, A.D. 1851, the aforesaid Francisco Lopez, by his deed of that date, conveyed unto Augustin Olvera, one of your Petitioners, one-half of his right title and interest in the land aforesaid, the same being one quarter thereof.

And Plaintiff further states that since the date of the conveyance last named above, the said Francisco Lopez has

died intestate and without wife or issue,

died intestate and without wife or issue, leaving his father Francisco Lopez and his mother M. A. Felix, Lopez his next of kin, and heirs-at-law, and owners of ^{all} the right and title of the deceased in the land or Rancho of "Tujunga" aforesaid.

And your Petitioners state that they claim to be the owners in fee simple of the undivided three fourths of said land, and that the said Francisco Lopez and Maria A. Felix, his wife are owners in fee simple of the other undivided one fourth, by virtue of the Grant and several conveyances above set forth, as they state that they and those under whom they hold have been in the peaceable occupation and possession of said land from the date of the aforesaid grant to the present time, and have done, performed, and fulfilled, all the conditions that by law they were bound to do, perform, and fulfil, to perfect their title to said land, particularly according to an Act 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^d 1851

And your Petitioners further state that on the 8th day of November, A.D. 1852, they filed their petition before the United States Commissioners to ascertain and settle the private land claims in the State of California, setting forth a dereliction of their title to said land and praying a confirmation thereof, and that after the filing of said petition before the Commissioners aforesaid, your Plaintiffs filed as evidence in support of said petition the following documentary evidence and depositions, to wit;

52 SD
PAGE 91

On the 8th day of November A.D. 1852 the Grant of said land by Juan B. Alvarado, to the said Grantees, Pedro and Francisco Lopez, as aforesaid dated December 5th A.D. 1840

On the 8th day of November, A.D. 1852 the certificate of the giving of juridical possession of said land, to the above named grantees, by the local judicial authorities, dated February 19th, 1841.

On the 8th day of November, A.D. 1852, a map of said land.

On the 9th day of November, A.D. 1852, the above-named deed of Pedro and Francisco Lopez to Miguel Triunfo, dated March 13th, 1845

On the 9th day of November A.D. 1852, the above named deed of Miguel Triunfo to Francisco Lopez, dated May 17, 1850.

On the 9th day of November, A.D. 1852, the above named deed of Miguel Triunfo to David Dr. Alexander and Francis Mellus, dated August 31st, 1850.

On the 9th day of November A.D. 1852, the above named deed of Francisco Lopez to Agustín Overa, dated September 29th 1851

On the 9th day of November, A.D. 1852, the deposition of Abel Stearns, dated November 9th 1852.

On the 13th day of November, A.D. 1852, the deposition of Anastasio Salcedo, dated November 13th 1852.

On the 15th day of January A.D. 1853, the deposition of Andres Pico, dated January 15, 1853.

And your Petitioners further state that on the 12th day of September, A.D. 1853, the said Cause

was argued on the part of the Plaintiff, and

was argued on the part of the Plaintiffs, and on the part of the United States before said Commissioners and submitted to them for their decision upon the Petition, documentary evidence, and depositions aforesaid.

And that on the 4th day of November, A.D. 1853, the said Commissioners made their final decision and decree, rejecting the Claim of Plaintiffs to the lands aforesaid.

And the Plaintiffs state that certified copies of their aforesaid Petition and the documentary evidence and depositions used by them in support thereof before said Commissioners, and the submission of said case to said Commissioners, together with the final decision and decree of the said Commissioners thereon, rejecting said Claim are now on file in the office of the Clerk of this Court, to which Plaintiffs refer as a part of their Petition.

Therefore your Plaintiffs would pray this Honorable Court to review the decision of the said Commissioners, and to decide on the validity of such Claim of your Petitioner to the land aforesaid, and your petitioner would ask for such other and further relief as by Equity and good Conscience they are entitled to, and 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 3rd 1851.

And your Petitioner as in duty bound will ever pray &c.

J R Roth
Attorney for Appellee

52 93D
PAGE

Case No 52.

D. W. Alexander et al.

Appellants,

vs.

The United States

Appellees.

Petition for review.

Filed April 2 1855.
~~March~~

J. E. Farr.
clerk.

52 SD
PAGE 94

L. R. Scott,

Attorney for Appell^{ts}

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

TO

The President of the United States,

*Pacificus sed, Attorney of the United States for
the Southern District of California.*

52 SD
PAGE 95

GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against ~~you, and each of you~~ ^{the United States}, in the District Court of the United States, in and for the Southern District of California, on the *second* day of *April* 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 *David W. Alexander, Francis Mellus, and Agustin Olvera*, by *J. R. Scott*, attorney, praying the said Court to review upon the grounds set forth therein, the decision of the Board of Commissioners to ascertain and settle the private land claims in the State of California, of their claim to a tract of land called "Luzimpa", in the County of Los Angeles, California, which said claim was presented by said *David W. Alexander, Francis Mellus and Agustin Olvera*, plaintiffs, to said Commissioners on or about the 1st day of September 1853, and by them rejected on or about the 2^d day of November 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 plaintiffs 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 *twenty-third* day of *April* in the year of our Lord one thousand eight hundred and fifty-*five* at Los Angeles aforesaid.

C. E. Lear
Clerk.

By A. H. Clark
deputy.

No 57

Marshals costs

for copying summons 190
 four folios 3,000
 serving summons 3,000
 " Copy of Return 3,000
 \$8,900

United States of America,

Southern District of California,

U. S. District Court.

David W. Alexander,
Francis Mellus and
Agustin Obregon,
Appellants.

VS.

The United States,
Appellee.

SUMMONS.

Return April 23-1855

Edward Manta
U S Marshal

52 SD
96
PAGE

I served this summons along with the proper copy of the petition upon P Ord. Attorney of the United States for the Southern District of California by delivering to him personally a true copy of the same at Los Angeles California.

the 24th day of April

in the Southern District of California on
A. D. 1855 five

Sworn to and subscribed before me, this 2nd day of April 1855.
J. E. Cox, Clerk.

Edward Manta
Marshal.

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

Hon^{ble}. Isaac S. H. Ogier, Judge

52 SD
PAGE 97

David W. Alexander } N^o. 52.
Francis Mellus, and } Transcript N^o. 464;
Augustin Olvera, }
Appellants, Answer of the
vs. United States.
The United States
Appellee

The answer of Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States, to the petition^{for review} of David W. Alexander, Francis Mellus, and Augustin Olvera, in the above entitled cause, (filed April 2nd 1853) denies — generally, all and singular each and every allegation in the said petition contained: And he denies specially, —
“That on the 5th day of December A.D. 1840, Juan B Alvarado, then Constitutional and acting Governor of Upper California”

"and duly authorized as such to grant
 "the lands hereinafter mentioned, situated
 "in the County of Los Angeles, State of
 "California, and in the Southern
 "District of California, called 'Tajunga',
 "containing about one and a half square
 "leagues, a little more or less, granted
 "by his deed of that date to Pedro
 "Lopez and Francisco Lopez the land
 "aforesaid. That on the 13th ^{day} of February
 "A.D. 1841, the said grantees Pedro
 "Lopez and Francisco Lopez, applied to
 "the local ^{judicial} authorities of the district
 "wherein said land was situate for
 "judicial possession of the same. That
 "on the 19th day of February A.D. 1841,
 "the aforesaid land was duly admeasured,
 "and judicial possession thereof given
 "to the said Pedro Lopez and Francisco
 "Lopez, by the judicial authorities of
 "Los Angeles according to law; as alleged
 "in said petition.

52 SD
 PAGE 98

And the said Respondent further
 denies specially; - "That on the 13th
 "day of March A.D. 1845, the said
 "Pedro Lopez and Francisco Lopez by
 "their deed of that date, conveyed all"

"their right, title, and interest in the
 "land of Tuzunga aforesaid, unto Miguel
 "Triunfo. That on the 17th day of May
 "A.D. 1850, the said Miguel Triunfo,
 "by his deed of that date, conveyed
 "one half of the said lands of "Tuzunga"
 "unto Francisco Lopez. That upon the
 "31st day of August A.D. 1850, the said
 "Miguel Triunfo conveyed by his deed
 "of that date unto David W. Alexander
 "and Francis Mellus, two of these petitioners,
 "one half of the said land, the same
 "being his remaining right, title and
 "interest therein. That on the 29th day
 "of September A.D. 1851, the aforesaid
 "Francisco Lopez, by his deed of that
 "date, conveyed unto Augustin Olvera,
 "one of your petitioners, one half of his
 "right, title and interest in the land
 "aforesaid, the same being one quarter
 "thereof," as alleged in said petition.

And the said Respondent further
 denies specially:— "That since the date
 "of the conveyance last named above,
 "the said Francisco Lopez has died
 "intestate and without wife or issue,
 "leaving his father Francisco Lopez, and"

52 SD

PAGE 99

"his Mother M. A. Felix Lopez, his next
 "of kin, and heirs at law, and owners
 "of all the right and title of the
 "deceased in the land or Ranchos of
 "Tujunga" aforesaid.

52 SD
 PAGE 100

And the said Respondent further
 denies specially: "That they" (meaning
 the said petitioners) are "the owners
 "in fee simple of the undivided three
 "fourths of said land; and that the
 "said Francisco Lopez and Maria
 "A Felix, his Wife are owners in fee
 "simple of the other undivided one
 "fourth, by virtue of the grant and
 "several conveyances above set forth;
 and "that they and those under whom
 "they hold have been in the peaceable
 "occupation and possession of said land
 "from the date of the aforesaid grant
 "to the present time, and have done,
 "performed, and fulfilled all the
 "conditions that by law they were bound
 "to do, perform and fulfil, to perfect
 "their title to said land, particularly
 "according to an act of Congress of the
 "United States, entitled "An act to
 "ascertain and settle the private land"

5.

"Claims in the State of California," approved March 3rd 1837," as alleged in said petition of said petitioners.

And the said Attorney of the United States, in pursuance of the provisions of the act of Congress of the United States, entitled "an act to ascertain and settle the private land claims in the State of California", approved March 3rd 1837, herein fully and distinctly sets forth the grounds on which the said claim of said petitioners, is invoked. To-wit:

1. That the pretended grant of land to Pedro & Francisco Lopez, of the ^{said} date, ^{if ever made,} was made in violation of the 4th Article of the Colonization Law of Mexico, of the 18th of August A.D. 1824, in this: - That the land granted, as alleged by petitioners, was and is within ten leagues of the Sea Coast.

II. That at the date of the pretended grant, the said land was occupied by, or in the possession of the Missions of Upper California; and particularly by the Mission of San Fernando.

III. That the said pretended grant has not the conditions required by, and

is not made in entire conformity with the said law of Mexico of the 18th of August 1824, and the regulations for the Colonization of the Territories of Mexico, of the date of the 21st of November 1828.

IV. That there is no evidence that the said land, claimed as aforesaid, was vacant, unoccupied, and subject to grant or Colonization, at the date of the pretended grant. And it is denied that it was vacant and unoccupied land, subject to grant or Colonization, at the date of the said pretended grant to the said Pedro & Francisco Lopez.

V. That the said petitioners fail to show a grant of land, by Juan B. Alvarado, to Pedro Lopez & Francisco Lopez, dated the 3rd day of December A.D. 1840, as alleged by them in their said petition.

VI. That the only document purporting to be an original title for said land, shown by said Claimants in support of their said Claim, presented to said Land Commissioners, purports to be a conditional grant of land by Manuel Jimenez, to Pedro and Francisco Lopez, dated 7th November 1840; in virtue

52 SD
PAGE 102

7.

of which the said claimants make no claim in their said petition.

VII. That there is no evidence that the said Manuel Pineda, was lawful Governor of California on the 7th of November 1840; and that he then had, as such, lawful authority to grant the land claimed. And it is denied that the said Manuel Pineda was the lawful Governor of California on the said 7th of November 1840; and that he then had, as such, lawful authority to grant the land claimed by said petitioners.

VIII. That the said document, purporting to be an original grant of said land by said Manuel Pineda, is not a grant in fee or perfect ownership;—the right of cutting wood and pasturing tame horses, being expressly reserved in the said pretended grant, for the use and benefit of the said Mission of San Fernando.

IX. That the said pretended grant of said Manuel Pineda, of said date, contains no sufficient description of the locality, extent, and boundaries of the land claimed, by which it can be identified and surveyed. And the said pretended grant, is vague, indefinite and

void for uncertainty.

X. That the said Claimants failed to show that the said pretended grant of said Manuel Jimenez, of the said date, was ever approved by the Territorial Deputation, or Departmental Assembly of California, or the Supreme Government of Mexico. And it is denied that the said pretended grant was ever approved by said Deputation, or assembly of California, or the said Supreme government of Mexico.

52 SD
PAGE 104

XI. That the said Pedro and Francisco Lopez, the alleged original grantees of the said land, claimed as aforesaid, never had, ~~any~~ ^{no} definitive right or title in and to the said land, at the date of the alleged sale by them - the 13th of March 1845 -, to the said Miguel Triunfo.

XII. That the said Claimants have failed to show that the conditions of the said pretended grant, and the requirements of the law, were performed by the said Pedro and Francisco Lopez, before the date of the said alleged conveyance of said land, to said Miguel

Triunfo; or at any time thereafter by the alleged claimants, or their vendors.

XIII. That the said Pedro and Francisco Lopez, the said alleged original grantees of said land, not having performed the conditions of the said pretended original grant, and the requirements of the law, and having ^{had} no definitive right or title to the said land, at the date of the said alleged ^{deed of} conveyance by them to the said Miguel Triunfo, they ^{then} had no lawful right or title to said land, - which they could lawfully alienate. And the said pretended conveyance ^{was void, and} gave no right or title to said Miguel Triunfo, to said land: And the said claimants, therefore, acquired no right or title to the said land, as alleged.

52 SD
PAGE 105

XIV. That the ^{said} alleged deed of conveyance, dated the 13th of March AD 1845, from said Pedro and Francisco Lopez, to Miguel Triunfo, is not signed by the pretended vendors and parties. That it contains no description of the land, by which it can be identified as the same land pretended to have been granted to said Pedro and Francisco Lopez, as aforesaid.

That it is not on stamped paper.

XV. That the alleged ^{deed of} conveyance of the one half of said land from the said Miguel Trimpo to Francisco R. Lopez, dated 17th of May A.D. 1830, contains no description of the land, by which it can be identified. That it is not signed ^{or sealed or acknowledged} by the alleged vendor. And it is therefore void.

XVI. That the alleged judicial ^{proposing and} ~~admeasure~~ ^{admeasure}ment of the said land, dated the 19th of February 1841, was not made according to the said pretended ~~grant~~ original grant, and the ordinance or law. And the said alleged judicial acts are vague, indefinite, and void.

XVII. That there is no evidence that the said alleged original grantees, ~~or~~ ^{any} built a house upon the land claimed, within one year from the date of the alleged grant; and that it was occupied, as required by the conditions of the grant shown by said Claimants. - And that the said land was occupied and cultivated, as required by law.

And the said Claimants having no valid right or title, derived from the

52 SD
PAGE 106

Spanish or Mexican government, to the said land claimed by them, as aforesaid, the lawful right or title in and to the said land, was acquired by, and it now belongs to the said United States, by virtue of the Treaty of Peace, friendship, limits, and settlement with the Republic of Mexico, dated at the City of Guadalupe Hidalgo, February 2^d. A.D. 1848.

52 SD
PAGE 107

Wherefore the premises considered, the said Attorney of the United States, prays that the said petitioners David W. Alexander, Francis Mellus, and Augustin Olvera, may be served with copies of this answer. And that, after due proceedings, this Hon^{ble} Court will decide the said claim of said petitioners to be invalid; and ^{further} respondent prays ^{and} for costs against them, and general relief.

P. Ord (of Monterey County)
Attorney of the United States
for the Southern District of
California.

I served the within answer by leaving a certified copy thereof, with Augustine Olovera and certified copies of the same with J. R. Sott, Attorney of D. W. Alexander and Francis Muller in the city of Los Angeles on this 16th day of August 1855

Sworn to and subscribed before me, this 16th Aug. 1855
J. E. Sars
Clerk.

E. J. Smith by
Marshal
by R. S. Jones. Deputy

No 52.

United States Dist Court
Southern Dist of California

David W. Alexander
Francis Muller & Augustine Olovera.

vs.

The United States.

Answer of U.S. Atty.

Filed May 2. 1855.

52 SD
PAGE 108
J. E. Sars
Clerk.

David W. Alexander, et al.

Appellants.

vs.

The United States.

appellees

No 52.

52 SD

PAGE 109

Deposition of Pedro Lopez, a witness on the part of the appellants in the above entitled case, taken before me, Charles E. Carr, U.S. Commissioner for the Southern District of California, at the City of Los Angeles, on the 27th day of Sept 1855. Present Augustin Olvera attorney for Appellants, P. Ord U.S. atty. Miguel Smith was sworn as Interpreter, Pedro Lopez being sworn by me, ~~answers~~ answers as follows—

Ques. 1. What is your name, age, and place of residence—

Ans. — My name is Pedro Lopez— my age is 51 years, my residence San Fernando—

Ques 2 — Do you know the Rancho of Injunga— where is it situated and have you any interest direct or indirect in it.

Ans. — I do, it is situated at the Sierra Madre, in the County of Los Angeles— I have no interest whatever in it—

Ques 4th — Do you know if said land was granted, if so when to whom and by whom—

Ans. — It was granted in the year 41. to myself, by the Governor and Intendant Don Manuel Linares—

Ques. 5th Do you know if it was ever occupied, if so, when and by whom.

Ans. — It was first occupied by me, in the year 1841 — I occupied I think for about three years, after it was occupied by the Indian Jose Miguel, and afterwards by Don Agustin Olvera.

Ques. 6 — In what manner was occupied by Don Agustin Olvera.

Ans. — He built a house and corral on it & placed cattle on it. Cross examined.

52 SD
PAGE 110

Ques. Where do you now live?

Ans. — I live at San Fernando.

Ques. — How far is Injunga from San Fernando.

Ans. — About two leagues.

Ques. — Who lives on the Rancho now.

Ans. — I have seen some Mexicans, these servants of Don Agustin.

Ques. — When did Don Agustin Olvera first build a house on the place.

Ans. — I do not recollect the year but I know that as soon as he got the Rancho he built a house on it.

Ques. — Was it not after the American flag was raised in Los Angeles.

Ans. — I am not certain, but think it was before.

Ques. — How many cattle did Olvera place on the Rancho, and when?

Ans. — The first drove that I know of was about 400 head, afterwards

there was another drove, I do not recollect the time.

was about 400 head, afterwards
there was another drive, I do not recollect
the time.

Ques. What sort of a house did Obena
build there.

Ans. — An adobe House with plank
roof.

Ques. Who was Alcalde of Los Angeles
when this house was built.

Ans. — I do not remember.

Ques. — Who was Governor of California
at that time.

Ans. — I cannot recollect.

Ques. — Where did you live at that
time.

Ans. — Here in Los Angeles.

Ques. — How long did you live in
Los Angeles after this time.

Ans. — I think about 4 years.

Ques. — What time was it you first
saw the house built by Obena.

Ans. — In the same year he commenced
building it, but do not recollect the
year.

Ques. — Were not the American troops in
Los Angeles before the building of the house.

Ans. — I cannot recollect.

Ques. — How long has it been since
first cattle were put on the place
by Obena.

Ans. — I do not recollect the year
though I took the cattle there myself.

Ques. — Did you work on the Ranch your-
self when you occupied.

52
PAGE 111
SD

Ans. - Occupied with a house, corral
& cattle, and cultivated a portion of it.

Pedro ^{his} Lopez
mark.

Sworn to and subscribed
before me,

J. E. Lane,
U. S. Comr.



No 52.

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

Dw Alexandre, et al.
apply

vs.

The United States

appuyer,

Deportation of Pedro Lopez,
a writen for apply.

Filed Sept 24th 1855.

52 9D
PAGE 112
J. E. Lane
clerk.

David W Alexander } District Court of
Francis Welles et al } the United States
Appellants } for the Southern
vs } District of California
The United States } No 52.
Appellee } For "Troyinga".

52 SD
PAGE 113

State of California
County of Los Angeles p. Mayron Norton of said
County being duly sworn says that
the Transcript of the proceedings before
the Board of Land Commissioners on
file in this case contains many errors
and defects, with mistakes in dates
of instruments as this deponent is
informed and believes. And that
said errors, defects and mistakes
were not discovered by this depo-
nent, who is the attorney in this
case, until after same was sub-
mitted to the Court for decision.
And that justice to these claimants
requires that the said Transcript
should be corrected in accordance
with the facts in this case. And
that this application is not made
for delay but that substantial
justice may be done.

Sworn & subscribed } Myron Norton,
Before me this 11th
day of October 1853

J. C. Jam. }
U.S. Court }

David W Alexander
& Francis Nellus et al

Appellants

vs

The United States Appellee

United States District
Court Southern District
of California

No 52.

"Trujunga"

52 SD
PAGE 114

And now comes the said claimants
and appellants and moves the Court
for a rehearing in this case and
the same to be continued until the
next term of this Court, and further
it being suggested to the Court that
there are manifest errors, mistakes
and imperfections in the Transcripts
of the proceedings before the Board
of Land Commissioners leave is
hereby asked to withdraw the
same from the records of this Court
and that it be transmitted to
the said Board of Commissioners
for correction and amendment,

Myron Norlow
Att'y for claimants

No 52

U. S. District Court
Southern District
of California

David W. Alexander
& Francis Mellus
& others. Appellants

vs

The United States
Appellee

Motion &
Affidavit

Filed Oct 11th 1855

J. B. Fair.
Clerk.

52 SD
PAGE 115

[Faint handwritten notes in the left margin, including the number 30.]

[Faint handwritten notes in the right margin.]

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

52 SD
PAGE 116

David W Alexander

Francis Wellus et al } Case No. 52.

Appellants }

vs }

The United States } "Tuyinga"

Appellee }

Transcript No. 464

In this case it having been ordered
by the court that the Transcript be
returned by the clerk of this court
to the ~~Secretary~~ of the United States
Land Commission, in order that the
same may be amended; it is hereby
stipulated and agreed that no right
of the United States or of the claimants
shall be affected by said order in
any respect -

P. M.

Attest

Myron Brown

attor for Appellants

No. 52.

District Court of
the United States
Southern District
of California

David W. Alexander
& Francis Bellus
vs

Appellants

vs

The United States

Appellee

Stipulation

Filed Oct 11th 1855
C. C. Canby
By J. W. Pomeroy

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

David W Alexander
Francis Mellus et al } Case No 52,
Appellants }
vs } Transcript 464.
The United States }
Appellee } "Tuyunga"

52 SD
PAGE 118

Upon reading, and filing affidavit
and on motion of Clayton Poston Attorney
for Appellants; it is, Ordered by the
Court, that a rehearing, be granted
the appellants in this case, and
that the Transcript in this case be
returned by the clerk of this Court
to the Secretary of the Board of U.S.
Land Commissioners to be amended;
and that this case be continued until
the next term of this Court.

No 52.

District Court of
the U. S. Southern
District of California

David W Alexander
Francis Wellis et al
Appellants

vs

The United States
Appellee

Order.

Filed Oct 11th 1855
O. E. Canham
By W. W. [unclear]

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

David W. Alexander,
Francis McEllus &
Agustin Olvera } Case No 52,
Appellants }
vs } Transcript No. 464,
The United States }
Appellee } "Tuyunga",

52 SD
PAGE 120

And now at this day comes the said
Appellants by Weynon Weston their
attorney and suggests to the Court
that the Transcript of the proceedings
before the Land Commission in
~~this case is defective in this, to wit;~~
~~in the expedients on file in this case before the Land Commission~~
that the order to issue a title to the
grantees in this case bears date
"December 5th 1840" when it should
be "November 5th 1840"; or, that the
title given to the Grantees ^{by firmness} bears date
"November 7th 1840", when it should
be "December 7th 1840" —

It is therefore
Ordered by the Court (the District
Attorney being present & consenting)
that the Transcript in this case be
returned to the Secretary of the Board
of U. S. Land Commissioners, ^{by the Clerk of this Court} for
amendment in the said particular
or particulars, and that a true and
correct Transcript may be returned

No 52

U. S. District Court
Southern District California

David W. Alexander et al
Appellants

vs

The United States
Appellees

Order to return
Transcript,

Filed Dec 19th 1855

J. C. Jones
clerk.

52 SD
PAGE 121

To this Court

In the district court of the U States
for the Southern District of California

David W Alexander
Francis Mellus &
Agustin Olvera
Appellants

vs

The United States
Appellee

Case No 32,

Transcript No 464.

"Tuzjunga"

52 SD
PAGE 122

On motion of Attorney for claimants,
It is ordered by the court that
either party in this case may
take further testimony therein
to be used on the trial of the
said case.

No 52.

W. W. Dick Combs

David W. Alexander
& others. Appellants

vs

The United States
Appellees

Order to take
further testimony

Filed Dec 19th 1855

J. E. San
Creek

52 SD

PAGE 123

D. W. Alexander et al.

appls.

vs.

The United States,

appellees.

No 52.

Deposition of David Spence, a witness
for appellants taken before Charles E. Claw,
US Comr for the Southern Dist of California
at Los Angeles, Dec 20th 1835. to be read in
evidence on the trial of the above case, in
Presnt P. Dist. Ass'ty. in Boston for appls.
D. Spence being duly sworn deposes and
says

Ques. What is your name, age and place of
residence.

Ans. My name is David Spence, my age is 5 $\frac{1}{2}$
my residence is Monterey.

Ques. Did you know Juan B. Alvarado, for-
mer Governor of California, whilst he
was Governor.

Ans. I did.

Ques. Did you or not at that time live in Monterey
the Capital of the Territory of California.

Ans. I did.

Ques. Was or was not Governor Alvarado at times
absent from Monterey, or incapable of dis-
charging the duties of Governor from sickness

or otherwise, and if so, who acted as Governor during such no known incapacity.

ans. ~~During~~ At times when unable to discharge the duties of Governor from sickness, the duties of the Office of Governor devolved upon the primer vocal of the Junta Departamental Manuel Ameno, who was also Secretary of State.

ques. Was it or not customary with Ameno as ~~such~~ Governor ad interim to make grants of land.

ans. Yes, it was.

ques. State if you know about where the Rancho of Tujunga is situated - How far distant from Monterey.

ans. I do not know the Rancho of Tujunga, but have understood that it is somewhere in the neighborhood of Capenga & San Fernando, which are over four hundred miles from Monterey. I know that Capenga and San Fernando are a short distance from the City of Los Angeles.

ques. How long have you lived in Monterey.

ans. Since the year 1824.

ques. At the times when Ameno was acting as Governor, who was the acting Secretary of State.

Ans. Sometimes Don Genow Hernandez, and at other times some of the assistant clerks of the Office.

ques. Were or were not titles to lands always made out by the same Officer?

Ans. Sometimes they were made out by the Secretary of State, and at other times, by some of the Clerks.

ques. Were you much acquainted with the business of the Department of State.

Ans. I was often in the office of the Department of State.

J. Spruce

How to v subscribed
before me this 20th day of Dec 1855
J. E. Jones
U.S. Court

No 52.

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

D. W. Alexander et al.
appls

vs.

The United States,
appes.

Deposition of D. Spence,

Filed Dec 20th 1855

J. E. Farr,
Clerk.

52 SD
PAGE 127

David W. Alexander
 Francis Mellus &
 Augustin Clorra
 Appellants } Docket No. 52
 vs } Transcript No. 464
 The United States } "Frymunga"
 Appellees }

52 SD
 PAGE 128

And now at this day on the hearing
 of this cause, It is ordered by the
 Court (upon the motion) that the
 said appellants procure all the
 original papers and documents
 produced in this case before the Board
 of Land Commissioners, and file
 the same with the Clerk of this
 Court, in this case, without delay,
 and that in the meantime the
 said cause be continued.

Jan'y 23, 1856.

No 52.

US Dist Court
South Dist of Cal.

Deo Alexander
et al. apply

v.

The United States,
Appellee,

Order of the Court
~~motion~~
to Appellants to produce
original papers.

Filed Aug 23^d 1856.

52 SD
PAGE 129

J. Van
Cen

is hereby made is situated in the County of Los Angeles and known by the name of "Tupunga" and is bounded and described as follows to wit: commencing at the mouth of the arroyo of Tupunga thence running ^{to} an oak wood near the Sierra Madre de los Verdugos in a southerly direction to the top of the hill of the Portezuelo ~~on~~ the left side, thence in a northerly direction to the top of the hill on the right of the same Portezuelo, thence in an Easterly direction over the Hills near the aforesaid arroyo de Tupunga to the point of beginning: containing one and one half leagues (un sitio y medio de ganado mayor) and no more and if there be a less quantity within said boundaries than said one & one half leagues then said less quantity is hereby confirmed to them Reference being had for a more particular description of the said land to the original grant and map and testimonial of juridical possession contained in said Transcript.

James K. Ogier
U S Dist Judge

Ms 32

W. A. S. V. Court

Just. Ret. Court

A. W. Clewland et al

appellants

The United States

appellee

Been

Filed March 29 1886

Recorded July 20th 1889
pg 83

52 SD

PAGE 134

52 SD
 PAGE 132

Este Instrumento otorgado hoy treinta y uno de Agosto de mil ochocientos cincuenta, entre José Miguel Triunfo y su esposa Maria Rafaela Arriola por la parte primera, y David W de Alexander y Francis Mellus en compañía por la otra, todas las partes vecinos del Condado de los Angeles y Estado de California; este instrumento decimos, muestra que por la cantidad de **doscientos pesos** que los Señores David W de Alexander y Francis Mellus han entregado a los referidos José Miguel Triunfo y Maria Rafaela Arriola los que han recibido antes de estender este contrato y a su mas entera satisfaccion, por esta raron los consortes de la parte primera de mancomun han vendido y transferido, y por el presente venden y transfieren a los Señores Alexander y Mellus y a sus herederos y sucesores para siempre, todo el derecho titulo y cualquiera interes que les corresponde en propiedad en la mitad del terreno de "Tujunga" sita dentro de la jurisdiccion de este Condado de los Angeles y que se describe como sigue

El Terreno de Tujunga, es el mismo cuya posesion fue entregada a Pedro y Francisco Lopez, por Ignacio Palomares Alcalde primero y Juez de primera Instancia, el dia diez y nueve de Febrero de mil ochocientos cuarenta y uno, cuya situacion estencion y limites se expresa mas susintamente en los titulos primitivos; la otra mitad de este terreno la tenemos vendida a Francisco Lopez, y por la mitad que ahora enagenamos ponemos en posesion de ella a los Señores Alexander y Mellus. Es la intencion de los vendedores que los referidos Señores posean y tengan dicha mitad como cosa propia y que por este titulo les pertenece legalmente a ellos y a sus herederos y sucesores para siempre. Por lo que Miguel Triunfo y Maria Rafaela Arriola otorgan por si y por sus herederos y sucesores a los dichos Don David W Alexander y Francis Mellus

que no han enagenado ni vendido este derecho a' otro y
que en todo tiempo se lo defenderán y subranarán en caso
que alguno se lo reclamare. En cuyo testimonio lo fir-
man hoy dia treinta y uno de Agosto de mil ochocien-
tos cincuenta, poniendo nuestros sellos

Testigos:

Benj Hayes

Manuel Clemente Rojas

^{su}
Jose Miguel + Trifunfo 
Cruz

^{su}
Maria Rafaela + Ariola 
Cruz

52 SD
PAGE 133

State of California

County of Los Angeles

On this 31st day of August, A. D. 1850,
before me, Ignacio del Valle, Recorder of said county,
personally appeared Jose Miguel Trifunfo and Maria
Rafaela Ariola, his wife, personally 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,
and for the purposes and uses therein mentioned,
the said Maria being by me examined separate
and apart from her said husband, acknowledged
that she executed said instrument freely and voluntarily
and without fear, compulsion or undue influence
of her said husband, but of her own consent for the
purposes therein mentioned. In testimony whereof I, Recorder
as aforesaid have hereunto signed my name, and affixed my
seal of office on this 31st day of August, A. D. 1850.

4
Ignacio del Valle




No 464

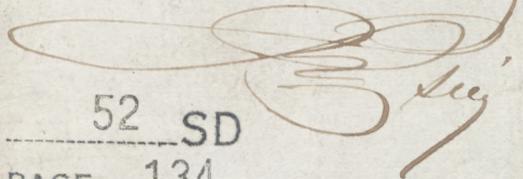
J. W. Alexander - et al

Tanjunga

Doc. H. H. No 4 - and
to the Deps of Abel
Stearns taken before Comr
Hiland Hall

Filed in Office Nov 9th
1852

Geo. Fisher

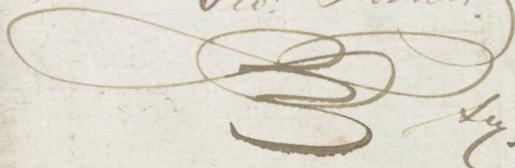


52 SD

PAGE 134

Recorded in Rec. of Br.
Vol. 6. pages 655 & 656

Geo. Fisher



Filed July 28th 1856

52 SD
PAGE 135

A todos los que este documento vieren Sabed que yo Francisco M. Lopez vecino del Condado de los Angeles y Estado de California, he vendido, cedo, traspasado y confirmado y por las presentes; vendo, cedo, traspaso y confirmo a favor de D. Agustín Olvera tambien del Estado y Condado arriba dicho, por y en consideracion a la cantidad de cuatrocientos pesos que yo he recibido a mi entera satisfaccion y he sido legalmente pagado del mismo D. Agustín Olvera la mitad del terreno que tengo derecho y soy dueño en el parage conocido con el nombre de Tufunga situado dentro del Condado de los Angeles, de cuya mitad que enageno no se fijan linderos determinados por rason de no haberse dividido todo el terreno: declarando que la presente enagenacion la hago con derecho igualmente a la mitad de todas las mejoras que hubiere y actualmente existen, como casa, corrales huertas &c. adscritas al todo del terreno que me pertenecian y a la parte que aqui enageno, servidumbres, derechos y privilegios que sean anexas y correspondientes al referido Sr. Olvera para que el terreno y cuanto queda mencionado tenga, posea, goze use y disponga por si mismo a su arbitrio o sus herederos o de de quien de ellos hubiere titulo, voz o causa para su propio beneficio por siempre jamas. Y por mi, mis herederos albaceas y administradores citados y convengo con el dicho Sr. Olvera, con sus herederos y con quien de ello hubiere titulo voz o causa que yo soy dueño de la mitad de todo el terreno de Tufunga, que tengo derecho para venderlo en enagenacion perpetua y que tambien tengo la porcion del mismo terreno y su parte ni todo del mismo terreno que me ha pertenecido no tienen ningun gravamen empeno o hipoteca de cualquiera clase. Y asimismo convengo con el repetido Sr. Olvera que segun y

conforme yo tengo la seguridad del ultimo poseedor de quien
yo adquiri en el evento de que se presentara alguna demanda
o reclamacion sobre el presentado terreno doy al Sr. Olvera,
esto es, que dirigira su accion en el caso ofrecido como si yo
mismo fuere, contra el individuo que ami me vendio en vir-
tud de ser el responsable Originalmente.

En testimonio de lo cual yo pongo libre y voluntaria-
mente 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.

Francisco R. Lopez

State of California County of Los Angeles
Be it remembered that on this 7th day of October
AD 1851 Before me Benj. Davidson Clerk
of the County Court of Los Angeles County person-
ally 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 Court hereunto
affixed on this 7th day of October
AD 1851 Benj. Davidson Clerk
by J. Floyd Jones Dep



Received the foregoing document for record on the
7th October a 1857 at 10 minutes past 10 o'clock
AM and recorded the same on the same

at 15 minutes past 3 o'clock PM
at request of Augustin Olvera
Subook 1 of deeds page 59
Wm Benjamin Clerk Rec
by J Floyd Jones syc

1857

Wm Benjamin Clerk Rec

Subook

1857
Wm Benjamin Clerk Rec
Subook 1 of deeds page 59

1857
Wm Benjamin Clerk Rec
Subook 1 of deeds page 59

1857
Wm Benjamin Clerk Rec
Subook 1 of deeds page 59

1857
Wm Benjamin Clerk Rec
Subook 1 of deeds page 59

1857
Wm Benjamin Clerk Rec
Subook 1 of deeds page 59

SELLO TERCERO DOS REALES.

Habilitado provisionalmente por la Aduana marítima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Xineno.

Antonio Maria Osio.



En la Ciudad
de los Angeles del De-
partamento de la
California a los die-
y ocho dias del mes de
Febrero de mil ochoci-
entos cuarenta y uno,
atendiendo a la solicitud
extra por D. Pedro y
D. From. Lopez a fin
de que se les de la co-
rrespondiente posesion
del porraje nombrado
Guayanga concedido por
el Superior Gobierno
del Departamento, y
para que se verifi-
quen las Ataduras
del expresado sitio.

SD
PAGE

Correg



52 SD
PAGE 138

52 SD
PAGE 139

pasase por mi y los
tenigos de asistencia
y procedase a la pose-
cion indicada con corre-
glo al título o despacho
que se le ha conferido
por el Gobierno con fe-
cha siete de noviem.
De mil ochocientos cu-
arenta. Yguacio Pa-
lomanes. Jura 1.º de Par
y de 1.ª instancia cui-
lo decreta con los de
mi asistencia segun
Cño. = Yguacio Pa-
lomanes = asist. a yo
Coronel = asist. a Bai-
lio Vatoer — — —

En la misma fecha
de diez y nueve de Feb.
de mil ochocientos cua-
renta y uno. Yo el Ju-
es que suscribe pa-

SELLO TERCERO DOS REALES.

Habilitado provisionalmente por la Aduana marítima del puerto de Monterrey, en el Departamento de las Californias, para los años de mil ochocientos cuarenta y mil ochocientos cuarenta y uno.

Ximeno.

Antonio Maria Osio.



se oficio al Sr. encargado de la Mision de San Fernando. Don Jose Maria Villa y a Don Juli Verdugo ambos como cobinadores, manifestandoles el objeto a que me dirija al puerto de Fuzungo, para ir a recibirlo y poner en posesion a los S. S. Pedro y D. Fran. Lope; quito entera de el primero sin manifestar lception alguna; mas el segundo se presento en persona en union de su apoderado D. Vicente de la Ossa y espuso, que el Sr. de Fuzungo



52 SD
PAGE 140

Corrij

ga es de su pertenencia
pues estaba comprendi-
do en Ferrones del Plan-
cho de su propiedad nom-
brado S. Bonifac, y que
por tal motivo impedía
se diese la posesion Ju-
ridica. se le pidieron
los documentos o tita-
los de propiedad, y pre-
sente una solicitud e-
cha al gobernador Ja-
ges, igualmente un
Certificado de D. Anar-
tasio Carrillo, en q
se habla de un co-
rral de palos que se
mencio desbaratar. tam-
bien presente una in-
tancia decretada por
el Señor Profeio de
este Distrito para

52 SD

PAGE 141

SD

PAGE 141

que se le respectase
segun el decreto en
propiedad; sin em-
bargo y con respectom
do la antigüedad de
la concecion provin-
cial, se le volvió a
dar una lectura de-
tendida, y se vio que
el terreno de D. Ju-
lio Verdugo, Uega
haura donde descabera
el Pio de la Ciudad
de los Angeles en la
punta de la Sierra
de Calhuenga, mas
no queriendo comen-
cer el citada Ver-
dugo ni su ayudera
do, vine en perso-
na con mis Emi-
gos de asistencia
y subi á la altura

52 SD
PAGE 142

Correg

De una toma que era
en el Portuñuelo de
Ayungá donde exami-
nando la posición de
la tierra cuestionada,
en momento la gran
costumbre que hay del
sitio que iba a medir,
en el Asiento de San
Pablo los Verdugo.

Verdugo y su capu-
derado se hicieron
a concurrir, y se te-
nieron procurando la
que ponga por dili-
gencia que autorizó
y firmó con los testi-
gos de asistencia se-
gun Dto. = Ignacio
Palomares = asistió a
y Ignacio Corona = asistió a
Basilio Vada. —
tachado = misma =
no vale. — — —

En la misma fra-

y habiendo regresado al
 corral de Ayungá yo el
 propio Juez para la prac-
 tica de estas diligencias,
 nombre dos oficiales cor-
 deleros, que fueron los Sr.
 Deciderio Ybarra y An-
 tonio Coronel, a quienes
 les hice saber su nom-
 bramiento, a qui aceptá-
 ron bajo de juramento
 que otorgaron, ofreciendo
 desempeñar fielmente su
 encargo lo que autorice
 y firmaron conmigo y
 los de mi asistencia
 segun dho. = Ignacio
 Palomares = asistencia
 Ignacio Coronel = asist.
 Basilio Vales = corde-
 lero = Deciderio Ybarra
 = cordelero = Antonio Co-
 ronel. — — — — —

Coronel


Con el mismo dia mes
 y año, estando en el co-
 rral de Ayungá a e

hecho de verificar las
medidas y posesion que
corresponde a D. Pedro y
D. Fran^{co} Lopez del re-
pido Tuzungu, previos^{os}
todos los Requisitos Re-
gales de ley, y estando
ante mi y los testigos
de asistencia con los Ofi-
ciales Cordeleros me
medir un cordel cons-
tante de cien varas, el
cual fue examinado
y reconocido por mi; y
acido a sus extremos u-
nos lanceros de madera
previa observacion y cal-
culo, por mi disposici-
on se tiro el cordel de
la boca del arroyo de
Tuzungu norte, con di-
reccion al sur Sierra
madre de los Venados
se midieron y contaron
dos mil quinientas va-
ras, cuyos puntos

52 SD
PAGE 146

SD
PAGE

se demarcaron por mo-
nueras. Desde este
punto desde se halla
un encinal al Este se
tiro el cordel con di-
reccion al Oeste sobre
la loma del Portesuelo
al lado izquierdo, se con-
taron y midieron diez
mil varas, cuyo lu-
gar se puso por mo-
nueras. De hay se ti-
ro el cordel a la loma
de la derecha del mis-
mo Portesuelo con di-
reccion al Norte, se
contaron y midieron
dos mil quinientas va-
ras, marcando esta
de lindero, habiendo
asistido allí D. Jose
de Villa. De este pun-
to se tiro la cuerda so-
bre las lomas a ce-
trar en la boca del

Corneg



corroyo de Tuzungu con
direccion al Este, y se
contaron y midieron di-
es mil varas, cuyo te-
rreno util es Demasia-
do corto por estar en
la vera Sierra de S.
Fernando, lo que em-
torne y firme para
constancia con los
Yerigos de asistencia,
= Ignacio Palomares
= asistencia Ignacio Co-
ronel = asistencia Ba-
silio Oates.

Desde Testimonio a
la parte, y que les
sirva de título de po-
sicion para su Reguar-
do. Ignacio Palome-
res Jefe 1.º de Paz y
del 1.ª Intendencia de

52 SD
PAGE 148

Crece mojado y firme
con los de curitencia
segun dro. = Ignacio
Palomares = curit.
y Ignacio Corona = a
curitencia = Basilio
Vater.

Concuerda con su Original
que me Remite y Contra en el Libro
de Instrumentos publicos del pre
sente ano, del qual era firmem
sacada corregida y confrontada
en unan en unan sus fojas de pa
pel azul = tachado = en unan = no unan

Con Yertamientos y gran
de Verdad.

Ign. Palomares
an
y g. Corona

an
Basilio Valdez

No 464

212

David W. Andrews

Pujunga

Ore. A. H. A. 1
annex to the
of Steel & Steam
Coke & Iron Works

Filed in Office Nov
7th 1852

Geo. Fisher

Recorded in
of No. 100
648 to 652

Geo. Fisher

Filed 24th 28th / 56

52 SD
PAGE 149

la Ciudad de los Angeles del
 Departamento de California a
 los tres dias del mes de marzo
 de mil ochocientos cuarenta y
 cinco, ante mi Juan Sepulveda
 de Alcalde P. Constitucional y
 por ante mis testigos de asis-
 tencia con quienes actua por te-
 cesteria a falta de veribano pu-
 blico, comparecieron los cin-
 cha años Pedro Lopez y dije-
 ron ^{que Miguel Triunfo} que por un convenio o
 misterio y de su libre y esponta-
 nea voluntad han convenido
 en cambiarse sus ranchos; es-
 to es, Pedro Lopez da a Mí-
 guel Triunfo el Rancho de
 Tuzunga, del cual es propie-
 tario el y su hermano Fran-
 cisco Lopez, y del que pre-
 sente el poder necesario; cu-
 ya propiedad lo demuestran
 los documentos que corre a
 gregados a esta escritura, y
 Miguel Triunfo al recibir

52 SD
 PAGE 150

las propiedades de Juyungo,
tragona su rancho que esta
en los intermedios de Cahuen-
go, entregando tambien los
documentos para que se a-
greguen a esta escritura que
se sacara por duplicado por
la seguridad de las partes.
En los documentos se hallan
los títulos y demás tramites
de las posesiones, para inte-
ligencia de ambos otorgantes,
declarando ambos, que los
presentados ranchos no se ha-
llan vendidos ni empeñados
y estan libres absolutamente
por lo se dan por bien
poseionados y con los dere-
chos y prerrogativas de unos
propietarios, y en caso de
clamacion substraída de
fuerza para dejar al pose-
dor reclamado en libre y
quieta y pacífica posesion
Tala firmada de esta es-
critura se obligan con su

52 SD.

PAGE 151

SD

PAGE

52 SD
PAGE 152

... y por haber, y con esto se lo
mete al fuero y Jurisdiccion
de los N. Indios de este
reyno deuan conocer, para
que los compare y oprimen
por todo rigor de derecho y
via executiva como si fuese
en sentencia pasada en auto-
ridad de cosa juzgada con-
sentida y sin que el Reo
haya su propio fuero
de morir y su estado las
leyes de su fuero y defensa
con la general de derecho en
forma de unyo a termino
de lo otorgaron y no firma-
ron por no saber lo que yo
contaba de esta su derecho
= no hay papel sellado =
entre reynos = y el cast. Triunfo =

Juan Sepulveda
y
año

Rafael Galan y David de Aljandra

No. 464

Dan. W. Alexander

Injuring

vs. H. H. Hall

annex to the report
of Abel Stearns taken
before Com. H. Hall

Filed in Office Logg
1852

Geo. Fisher

Recorded in Rec. of
Vol. 6, page 6

Geo. Fisher

52 SD

PAGE 153

Filed July 28th 1852

Con-

[Faint handwritten notes]

Testimonio de una
escritura de venta de la mi-
dad del terreno de Topungu
obregada por Don Miguel
Ornuno a favor de Don
Francisco Lopez.

AÑO

de

1850.



52 SD
PAGE 155

Corregido.

En la Ciudad de los Angeles de la Alta California a los diez y siete dias del mes de Mayo del año de mil ochocientos cincuenta ante mi Agustín Rivera Juez de primera Instancia de lo civil y su Distrito y por ante los testigos de mi asistencia con quienes actúo en receptoria a mas de los instrumentales que al fin se nominaron compareció Don Miguel Tamayo Indígena de la Merced de San Fernando a quien doy fe con voz y dijo: Que por si y a nombre de sus herederos sucesores y de quien de ellos hubiere título voz y causa en qualquier manera, vende y da en venta real y enagenacion perpetua por juros de heredad para siempre jamas a Don Francisco B. Lopez de esta misma vecindad y a los suyos la

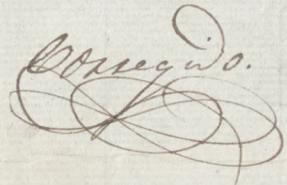
unidad del terreno de tejunga con
arreglo al título respectivo con
igual derecho a todos sus pro-
piedades naturales que el que
ha disfrutado por sí solo el otor-
gante; cuyo terreno le pertenece
en propiedad y posesión segun
lo acredita el título antes men-
cionado; que por tanto declara
y asegura no tenerla parte de
terreno expresado enagenada de
ninguna manera ni empeñada
y que esta libre de tributo su-
morio castellano vicario, pa-
tronato, fianza y de otros gra-
vamen real perpetuo, tempo-
ral, especial, general tacito y
expreso y como tal se lo vende
con todas las entradas salidas,
partos abrevaderos, censo de uelo
susos costumbres regalías servi-
dumbres y demás cosas anexas
que ha tenido tiene y le perte-
nece segun derecho por la can-
tidad de doscientos pesos en mo-
neda de plata usual y corrien-
te cuya cantidad deberá ser en

52 SD
PAGE 156

52 SD

52 SD
PAGE 157

entregada en el termino de tres
 meses contados desde el dia prin-
 cipero de Julio hasta el vlti-
 mo de Agosto del corriente
 año; declarando asimismo el
 otorgante que el justo precio
 y verdadero valor del enunciado
 terreno son los doscientos pesos;
 que no vale mas ni bulto quien
 tanto le hubiere dado por el y
 si mas vale o valer pueda del
 exco en poca o mucha suma
 hace a favor del comprador
 sus herederos y sucesores gracia
 y donacion para suya perfe-
 ta e irrevocable en sanidad con
 susimacion y demas firmes
 legales, y renuncia la ley 2.
 tit. 1.º lib. 10. de la Nov. Recop.
 que trata de los contratos de
 venta aunque y de otros en
 que hay lesion en mas o me-
 nos de la mitad del justo pre-
 cio y los cuatro años que se
 finie para pedir su recepcion
 o suplemento a su justo valor,
 los que da por pasados como

Corregido.


si efectivamente lo estuvieran.
Y desde hoy en adelante para
siempre declara el otorgante
a nombre de sus herederos y en-
cesores que se desapodera remite
quita y aparta del dominio o
propiedad, posesion titulo voz
recurso y otro cualquier dese-
cho que le compete a la mitad
del terreno: los cede renuncia
y traspara con las acciones rea-
les y personales, utiles mixtas,
directas, y ejecutivas en el com-
prador y en quien la compra se
presente, para que lo posea, goce
cambie enajene, use y disponga
de el a su eleccion como de
cosa suya adquirida con legi-
timo y justo titulo y le con-
fiera poder irrevocable con li-
bre franquea y general admini-
stracion, y constituye procura-
dor actor en su propia causa,
para que de su autoridad, o ju-
dicialmente entre y se apodere
del citado terreno; y de el tome
y aprenda la real tenencia y

52 SD
PAGE 159

Corregido

posesion que por derechos le com-
 pete; y para que no necesitó
 mas la me pide que le de co-
 pia autorizada de esta escritura,
 con la cual sin otro acto de
 apreciacion sea de ser visto ha-
 beta tomado, aprendido y trans-
 feridos; y en el interin se con-
 tuya en sus quilibra tenidos y
 precario poseida en legal for-
 ma. Y se obliga a que dichos
 terrenos sea cierto seguro y se-
 guro al comprador y nadie le in-
 quietara ni moviera pleito so-
 bre su propiedad posesion que
 y disfrute, ni contra ello apa-
 rezca gravamen alguno; y
 si se le inquietare, moviere o
 precisare, luego que el otorgan-
 te sus herederos y sucesores sean
 requeridos conforme a derecho,
 saldian a la defensa, y lo segui-
 ran a sus expensas en todas
 instancias y tribunales, hasta
 ejecutarlos y dejar al com-
 prador y a los suyos en su

libre uso quieto y pacifica posesion, y no perdiendo conyuntos,
Le daran otro igual en valor
y en su defecto le restituiran
la cantidad que haya desembol-
sado las mejoras utiles presonas
y voluntarias que a la sazón
tenga, el mayor valor y esti-
macion que con el tiempo ad-
quiera, y todas las costas, gas-
tos, danos intereses o menos-
cabos que se le siguieren o cau-
saren; por todo lo cual se les
ha de poder y entender solo en
virtud de esta escritura y juras-
miento del que la ponea o de
quien le represente, en quien
despues su impuesto y la rebu-
ta de otra persona. La observan-
cia de todo lo referido obligan
los otorgantes sus bienes habidos
y por haber y con ellos se so-
meten al fuero y jurisdiccion
de los señores. Muez que de este
negocio puedan y devan cono-
cer conforme a derechos para
que a su cumplimiento se les

52 SD

PAGE 160

SD

PAGE

compela y apremia por la via
 ejecutiva como si fuese un vir-
 tud de sentencia pasada conser-
 vada y sin mas recurso Remun-
 erando las leyes que fueran obras
 en favor y defensa en cuyos tes-
 timonio asi lo otorgaron y
 no sabiendo firmar el indivi-
 duo Don Jose Miguel Bisola a su
 ruego el testigo Don Vicente
 Guerrero por ante mi y los de

52 SD
 PAGE 161

SD
 PAGE

Conseguido

Asistencia siendo vistanamente
 los Don Vicente Guerrero, Don
 Jose Maria Doposto y Don
 Benjamin Hayo que tambien
 firmaron presentes y vecinos
 doy fe. — Agustin Olvera. —
 Arroyo y en nombre del indi-
 viduo Don Miguel Triunfo. Don
 Vicente Guerrero. — Fran. de Lopez
 = Asistencia. — Manuel P. Ser-
 no. = Asistencia. — Juan es.
 Padilla. = Instrumental.
 Don Vicente Guerrero. = Instru-
 mental. = Don Jose Maria Dopos-
 to. = Instrumental. = Ben-
 jamin Hayo.

Con

Cuerda con su original a que me Remin-
to y existe en el photoesto del Juzgado de mi
cargo llevado para el presente año. Está
fielmente sacado corregido y confrontado en
estas cuatro fojas de papel común por fal-
ta de sellado, hoy día de su otorgamiento; lo
que autorizo y firmo por ante los testigos
de mi asistencia según derecho doy fe.

52 SD
PAGE 162

En testimonio de verdad

Agust. Cuera

Asist. a

Antonio del
Castillo

Asist. a

Franc. Orango

Angelus Julio 16 de 1850

A estas horas que son las diez
de la mañana me presentó Don Fran-
cisco Lopez esta escritura para
que la registrara en mi libro. queda
archivada en el libro N.º de diez fojas
y guelta hasta fojas 11 vuelta y se
la devolví luego que la hice al mis-
mo interesado.

Ignacio del Valle

Receiden del Cond. de Loreto

No 464

David W. Alexander, Sd.

copy by
Pufunga

Doc 44 No 3
and to the deposition
of Abel Stearns - taken
before Genl A Hall

Filed in Office Nov
9th 1852
Geo. Fisher

3 Aug.

Recorded in Acc. of to a
Vol. 6. page 652 to 655

Geo. Fisher
3 Aug.

Filed July 28th 1856

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

Los Angeles,.....December Term, 1855.

52 SD

PAGE 164

D. M. Alexander & Mellus

..... APPELLEE, VS. UNITED STATES, APPELLANT.	}	No. 52. (No. 464. of Transcript.) On Appeal from the United States Land Com- mission.
---	---	--

On motion of P. ORD, Attorney of the United States for the Southern District of California, it is hereby

ORDERED by the Court, that an appeal be granted the United States, to the Supreme Court of the United States, from the judgment of this Court against the said United States in the above entitled cause, rendered on or about the 28. day of February - A. D. 1856.

P. Ord
Dist. Ct.

No 52

U.S. District Court
Southern District of California

David Williamson Bellus
appellus

vs
The United States
appellants

John of Appeal S. C.

Filed March 4th 1856
C. E. Chan cler
by O'Horgan copy

California Land Claim
Attorney General's Office
4 October, 1856

Sir:

52 SD
PAGE 166

In the case of the
claim of D. W. Alexander
et al, case no. four
hundred and sixty four
(464) an Commissioner's
warrant, confirmed by the
District Court, appeal
in the Supreme Court
will not be prosecuted
by the United States

Respectfully
Ours

P. V. S. Esq
U. S. Atty.

52, 3)

Alexander et al.

464

52 SD

PAGE 167

Nov 4 1836

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

Amos W. King Judge
December Term 1856

The United States
Appellant
vs
D. W. Alarandughal
Appellee

Book No 52

52 SD
PAGE 168

Transcript from the Record of said former process to
In pursuance of a letter from the Attorney General
of the United States hereto annexed giving notice that
the above cause the appeal in the Supreme Court
shall not be prosecuted by the United States. This
has been stipulated and agreed by and between the parties
that the order granting an appeal to the Supreme Court
heretofore made in the above cause be vacated and
that the decree of the Court heretofore rendered in
this cause may by order of the Court be made final

F. D. D.
Dist. Ct.
Impron Norton
att. for appellee

U S Dist Court
South Dist Cal

No 52

The United States
appellant

vs
D. W. Alexander et al
appellees

Filed July 23^d 1857

C. J. S.
clerk

Alexander & Mellus
& others appellants
vs

The United States
Appellee

} Index of
} Transcripts
} in case No 52.
} for Tehuaca

52 SD
PAGE 170

Page 344. Petition of claimants to Land
Commissioners -

" 546. Opposition of Abel Stearns

" 7. " of A Salsedo.

" 8. " of Andres Pico -

9 to 15. Expediente in Spanish maps

17 to 21. Translation of Expediente

22 to 28. Grant original & act of possession
in Spanish -

29 to 33. Translation of act of possession.

34 & 35. Original deed of exchange between
Pedro Lopez & Miguel Trunfo in
Spanish -

36 & 37. Translation of the said deed
of exchange -

38 to 42. Original deed of sale from Miguel
Trunfo to Francisco R Lopez for
one half of the land, in Spanish

43 to 46. Translation of the said deed.

47 to 49. Deed in Spanish from Miguel
Triunfo to Alvarado & Mellus of
the remaining one half

52 SD
PAGE 171

50 to 51. Translation of said deed -

52 to 53. Deed in Spanish from Francisco
R Lopez to Agustin Olvera.

54 to 55. Translation of said deed -

56 to 58. Opinion of Commissioners

No 52.

Alexander & McClellan
et al. Appellants

vs

The United States
Appellee

Index of Transcripts

Wetlands
Sello 1^o sus poses

Habilitado provisionalm^{te} por la Aduana marítima de
Montevideo para los años de 1839 y 1840.

Montevideo

Antonio M. O'Rio



52 SD

PAGE 173

Manuel Jimeno Jaramin primer Vocal
de la Excm^a Junta del Departamento de
las Californias en ejercicio del Gobierno del mismo.

Por cuanto el Ciudadano Francisco y Pedro
Lopez, han pretendido para su beneficio personal y el
de sus familias, el terreno que está contiguo al conuco
con el nombre de Fufunga, colindante al este con la
Sierra madre, al norte con el arroyo de Fufunga,
al Oriente con el Encinal y al Poniente, con el Parte
suelo: practicadas previamente las diligencias y averigua-
ciones convenientes, según lo dispuesto por leyes y Reales
mandatos de las facultades que me son conferidas, a nombre
de la Nación mexicana he venido en considerar el terreno
mencionado, declarándolo la propiedad de él por las
precedentes letras y sujetas a la aprobación de la Excm^a
Junta Departamental y a las condiciones siguientes.

- 1.^a No impedirán el corte de madera de cualquier clase
para el uso común del Establecimiento de San Fernando y en
el que paze su Caballada misma.
- 2.^a Podrán cercarlo sin perjudicar los trances, caminos
y cercadumbre: lo disfrutará libre y exclusivamente
destinándolo al uso o cultivo que mas les acomode; pero
dentro de un año fabricará cerca y estará firmada.

3^a Solicitarán del Juez respectivo, que les
de posesion jurídica en virtud de este
Despacho, por el cual se demarcarán las
líderas en cuyos límites pondrá a más de
las Mojoneras algunos árboles frutales o sit-
ventos de alguna utilidad.

1^a El terreno de que se hace mención es
de uno y medio Sitio de ganado mayor
segun explica el dicho Jue corre en el
expediente. El Juez que diese las posesion
lo hará medir conforme a ordenanza,
quedando el sobrante que resulte a la
Nacion para los usos convenientes.

3^a Si contravinieren a estas condiciones per-
derá su derecho al terreno y será denuncia-
ble por otro.

En consecuencia mando que terminada
por firme y validada este título se tome
razón de él en el libro que corresponde
y se entregue a los interesados para su
resguardo y de más fines. Dado en
Montevideo a siete de Noviembre de
mil ochocientos cuarenta.

Juan Simero

José L. Ferrnandez
Seco. vic.

da tomada raron de este título en el libro de
terrenos sobre adjudicaciones de terrenos baldíos a
p. 3.^a

52 SD
PAGE 175

L. J. J. J.
L. J. J. J.

Aug. Dto. 23 de 1840.

Con esta fha. queda tomada raron
de este título en el libro respectivo
levado en esta Prefectura del 2.^o Dis-
trito, a p. 1.^a y vuelta.

L. J. J. J.

L. J. J. J.
L. J. J. J.

SELLO TERCERO DOS REALES.

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

Ximeno.



Antonio Maria Osio.



SD
PAGE

San Juan 4.º de Par

52 SD
PAGE 176

Francisco Lopez y Pedro del mismo
apelamos ante la autoridad de U. nos
presentamos diciendo: q^e en virtud de
haber conseguido ya el q^e se trayan
verificada los primeros pasos a favor
de ambos para la concesion del fin
q^e hemos solicitado, conforme lo ma
nifiesta el adjuvo titulo, suplica
mos a U. se sirba darnos la prosecu
correspondiente del parafu mencio
nada previo los gastos de estilo
Ay Amos

A. S. pedimos suplicarosiam nos haga
una gracia, siendo lo mas pronto
posible por vernos presionados a la
prender pronto nuevos trabajos.

Don Juan Ximeno. Arg. 7 Feb. 13 de 1841.

Antonio Maria Osio

REPUBLICA DE CHILE

El Gobierno Provisional de la Abadía Marítima del Puerto de Montevideo en el Departamento de las Californias, para los años de mil ochocientos cuarenta y tres y mil ochocientos cuarenta y cuatro.

Antonio María Ossa

Montevideo

Montevideo, Feb. 14 de 1844

52 SD
PAGE 177

Por presentado y admitido en
encurso ha lugar a vno, como
lo pide el Sr. Intendente. En
yo el Sr. Int. de San Vicente
y firmo con los de comercio
según vno.

Ygn. Tolomares

amc
79º Coronel

San
Francisco Valdivia

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

52 SD
PAGE 178

Amos S. Ogden Judge
December Term 1858

The United States
vs
Appellants
Docket No 52
Appellees

Transcript from the Board of Land Commissioners of

The Attorney General of the United States having given
Notice that the Appeal to the Supreme Court from the decision
of this Court in the above entitled cause will not be prosecuted
by the United States, and a stipulation having been entered
into by the United States District Attorney and the Attorney of
the Claimant, that the order granting an Appeal to the
Supreme Court heretofore made in this cause be vacated
and that the decree of this Court heretofore rendered in
this cause may by order of the Court be made final, this
Court doth hereby order and decree that the order
granting an appeal to the Supreme Court heretofore made in
this cause be and the same is hereby vacated, and that
the Claimant have leave to proceed under the decree of
this Court heretofore rendered in this cause as under a final
decree

Amos S. Ogden
U S District Judge

M. 52