

CASE No.

76

SOUTHERN DISTRICT

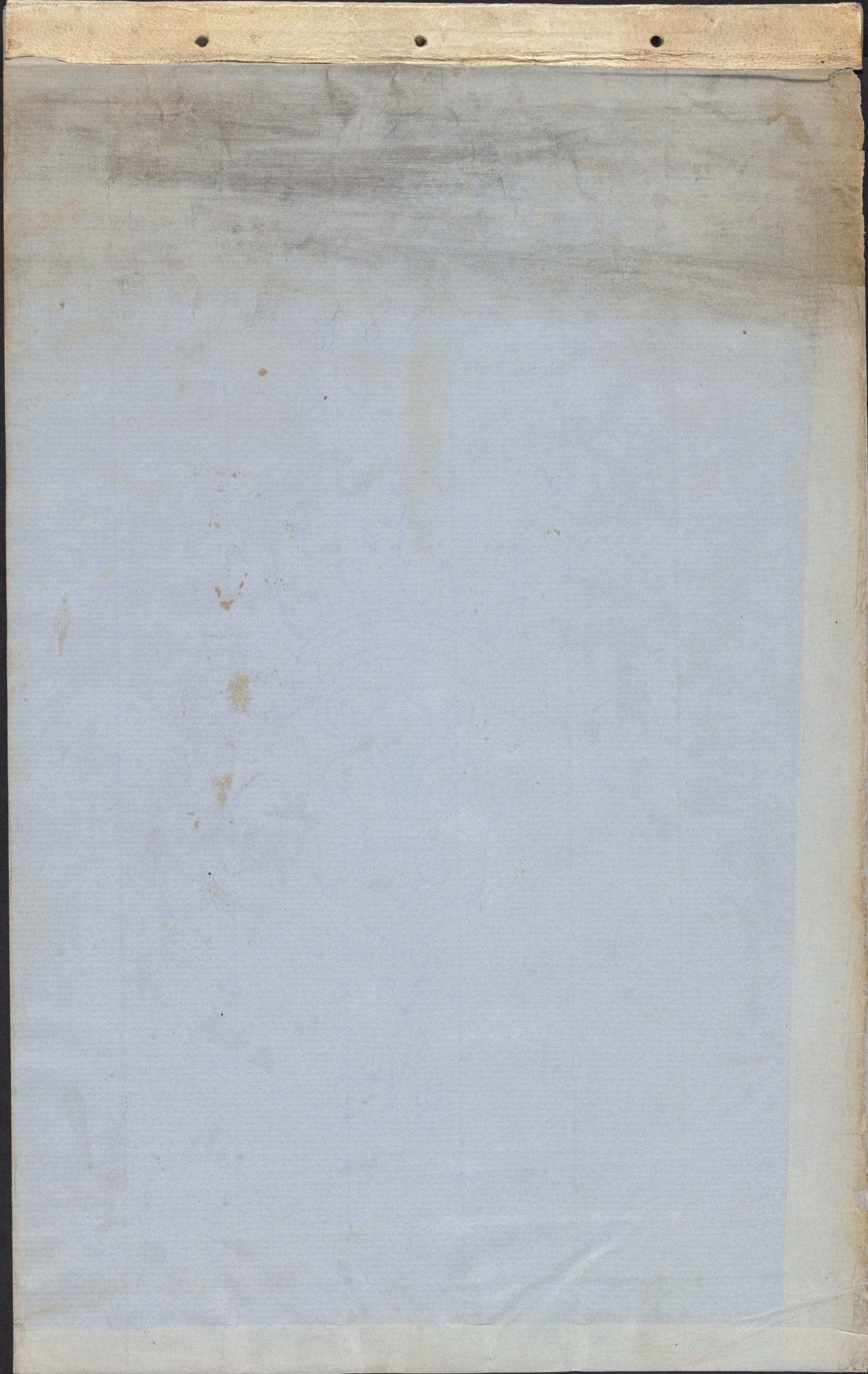
LA ASUNCION GRANT

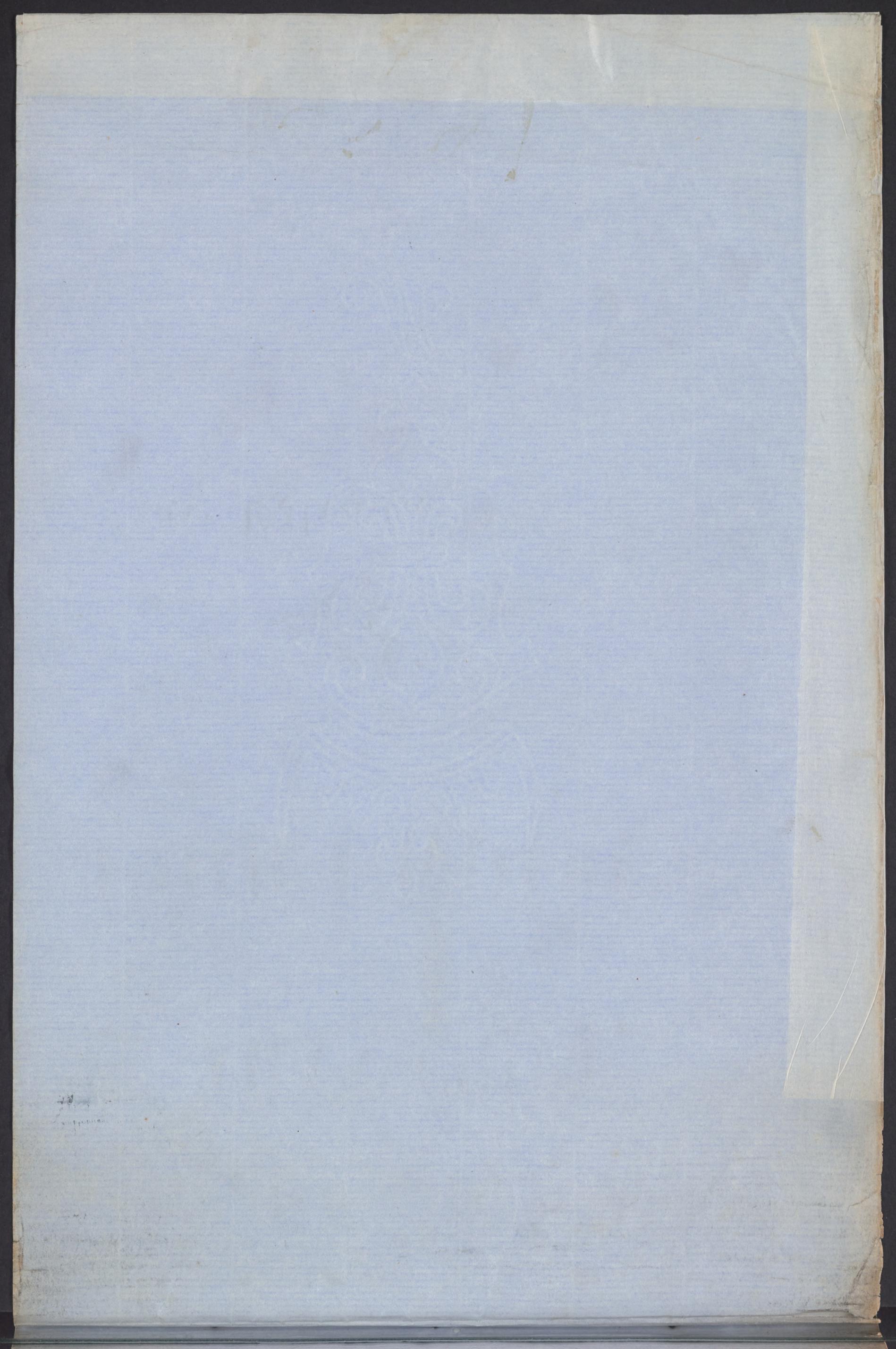
PEDRO ESTRADA

CLAIMANT

FEB 19 1963

125
SP. A. COTTON BEEB
BIOLEK BOND
Baltimore





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TRANSCRIPT

OF THE

PROCEEDINGS

IN CASE

NO. 588

Pedro Estrada

CLAIMANT

VS.

THE UNITED STATES, DEFENDANT,

FOR THE PLACE NAMED

"La Asuncion."

[Faint, illegible handwriting, possibly bleed-through from the reverse side of the page.]

[Faint, illegible handwriting, possibly bleed-through from the reverse side of the page.]

Office of the Board of Commissioners,

To ascertain and settle the Private Land Claims

IN THE STATE OF CALIFORNIA.

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Be it Remembered, that on this *twelfth day of February*, Anno Domini One Thousand Eight Hundred and Fifty-*Three*, 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 *Pedro Estrada*
for the Place named
"La Asuncion"
was presented, and ordered to be filed and docketed with No. 588 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;

San Francisco February 12' 1853.
In Case No 588 Pedro Estrada for the place named "La Asuncion," the deposition of Pablo de la Guerra a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, with argument marked H. J. T. No. 1 annexed thereto was filed;

(Vide page 4 of this Transcript)

San Francisco February 16' 1853.
In the same case the deposition of Mariano Soberanes, a witness in behalf of the claimant, taken before Commissioner Meland Small was filed;

(Vide page 5 of this Transcript)

San Francisco September 28th 1853.
Case No. 588 called, Submitted on Briefs on both
sides and taken under advisement.



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San Francisco January 24 1854.
In the same case Commissioner Alpheus Felch
delivered the opinion of the Board confirming
the claim:

(Vide page 21 of this Transcript)



Petition

To the Honorable Commissioners of the
Private Land Claims in California

The Petitioner Pedro Estrada respectfully represents

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That on the 19th day of June A.D. 1845. His High Honor
the Governor of California by virtue of Authority in him vested
granted to the petitioner the tract of land called
La Asuncion situate in the same County of
San Francisco and bounded as described in the
grant and the map attached to the Esposicion which
original grant is submitted herewith marked "A"
with a translation marked "B"

That the petitioner has since the date of the said
grant and now is in the quiet peaceable and un-
disputed possession of said tract of land and has
no conflicting claims

That he relies for confirmation of title upon
the original grant submitted herewith, upon the
records and Minutes in the Archives of the former
Government and upon such other and further
proofs as he may be advised are necessary

Wherefore he prays the Commissioners do
confirm to him the said tract of land

By his attys
Halleck Peckly & Bickings

Filed in Office July 12th 1853
Geo Fisher
Deputy

Deposition
of Pablo de la Guerra

San Francisco Feb 12th 1853

On this day before Comr H. J. Thornton came
Pablo de la Guerra a witness in behalf of the lee
-manant Pedro Estrada petition No 588 and was
duly sworn his evidence being given in English

He answered to questions by counsel for Claimant
the witness says

My name is Pablo de la Guerra My age is years
I reside in Santa Barbara and was born in
California

I know the hand writing of Ad Pico & Juan Ben-
dini their signatures to the paper before me
marked Exhibit No 1 and attached to it
are genuine

Pablo de la Guerra

We the Law Agent Present
Sworn to and subscribed before me this 12th
of Feb 1853

Harry J Thornton
Comr &c

Filed in Office Feb 12th 1853

Geo Foster
Secretary

5708

San Francisco July 16 1853

Deposition of On this day before Leon Heland Hove
Mariano Lobe came Mariano Loberanes a witness in be
name of the claimant called Estada a Substia
No 588 made as duty sworn his name being
interpreted by the Court.

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The U S Associate Law Agent was present

My name is Mariano Loberanes my age is 59
years I reside in Monterey county and have lived
in California all my life time

I know the Rancho called La Nasa situated
in the county of San Luis Obispo near Estada
and which was a small store on the place
in the year 1846 and lived there and cultivated
a portion of the land. I have not been there since
about a year ago when he was still there
Mariano Loberanes

Sworn and Subscribed

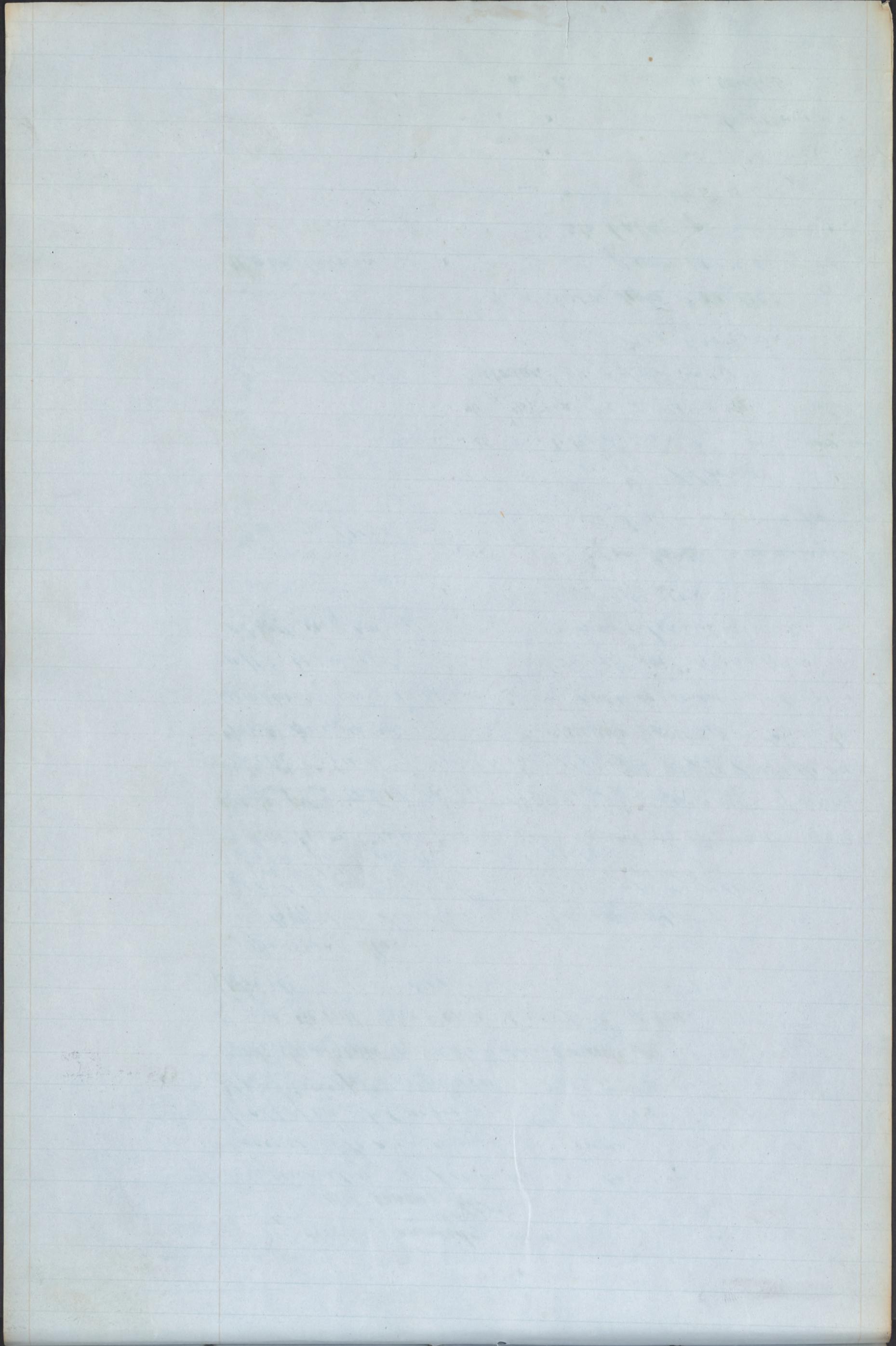
Before me

Heland Hove
Court

Filed in Office July 16, 1853

Leon Fisher

Deputy



1845.

Espediente promovido por D. Pedro Estrada en pretension
del terreno de la Estacion.

155.

Sello Cuarto Dos Reales.

Habilitado provisionalmente por la aduana maritima del
Puerto de Monterrey en el Departamento de las Californias pa
el año de mil ochocientos Cuarenta y tres.

(Seal)

Monterrey. Mre. 2.

1843.

Senor Prefecto del 1er Distrito.

Informe el Juez de Pedro Estrada Mexicano por nacimiento
en San Luis Obispo el terreno y riego de la Capital de Monterrey ante la
que se pretende a ptes justificaciones de V.S. como mejor proceda
-ente al rudio con to parecer y digo: que siendo bueno de un
deunas que se crea numero de ganado mayor y en caso de
necesario.

Estrada.

de un terreno para su fomento, me ha preei-
-ado a solicitar del Gob^{no} el parage conocido
con el nombre de la Estacion Colindante
con la casa del papa del Nobles y con el
Rancho de D^{no} Leon Garcia, diciendole
V.S. que no remita el asunto respectivo por
hallarme en el tanto distante del mencionado
terreno. P. I. a N. S. Suplico se sirva hacer
lo de Justicia que imploro bajo los de entido.
Monterrey 6 de Agosto de 1843.

Pedro Estrada.

San Luis Obispo. Septe 5 de 1843.

El que suscribe Juez de Paz de este punto, dice en informe
que el terreno que se pretende esta baldio, pues aunque es
la casa que hasta a la ora un caso viene algunas indias
del establecimiento de S. Miguel, no cultivan el terreno que
se haya dentro de las lindas que nombran el pretendiente
y sin perjuicio de las mismas indias, puede concederse al

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al concederle el mencionado terreno.
al concederle el mencionado terreno.

J. Mariano Bonellon.

Sumo. Sr. Gobernador.

Jn Pedro Estrada Sobita

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en la presente instancia se le concede en propiedad el paraje
nombrado la Estancia perteneciente a la Misión de S^{ta}
Miguel colindante con la Parra del para del Poble y con el
Rancho del C. Diphon Lancia. Mas en vista de el informe
del Juez de Paz de S^{ta} Luis Obispo no encontre inconvenciente
alguno esta Deseo en que se le conceda al mencionado
la gracia que pide siempre por que fuer de la Superior
aprobacion de V. S. Monterey. Mayo 9 de 1843.

José M. Estrada

Monterey. Mayo 29 de 1843.

Informe al Sr. del despacho.

Sumo. Sr.

Antonio Estrada.

Obsequiando el Superior decreto que autosec y en la presen-
cia de ello, el actual Sr. del Despacho no obstante que el
que suscribe no hai todos los antecedentes necesarios sobre
el objeto a que se debe conceder, observará que el terreno que
se solicita por el Sr. Estrada, lo considera absolutamente
vacante en la ocupacion de bienes Señoriales de la Misión
de S^{ta} Gabriel que es aqui en posesion, puesto que aun esta
Misión esta en total abandonada, observará tambien que dentro
de los limites del paraje pretendido existe una casa lo cual
en que necesariamente se halla, por estas razones encaque
se debe conceder al Suplicante la propiedad de Sobita
Sujetandose a lo que la Suma Asamblea, sobre fianzas
existentes de las misiones abandonadas, mas el Sup^{or} Gobierno
no obstante lo dicho resolvió lo que crea de justicia.

Angel 9. Junio 18 de 1845.

Juan Baudini. Sr.

Angel 9. Junio 18 de 1845.

Se concede a Sr. Pedro

Estrada la propiedad del terreno de Estancia que solicita, Suj-
etandose a las que disponga la Suma Asamblea sobre

8
existente en dho parage y al efecto librese el título correspondiente. Pico. Juan Bonolmi. Srio.

Sio Sico ^{se} vocal de la Junta. Asamblea y Gobernador Interino del Departamento de las Californias.

Por decreto D^o Pedro Istuola, ha pretendido por su beneficio personal y el de sus sucesores el tenerlo comiso con el nombre de la donacion, lo cual ante contrarias del Sr. del Robles, al rancho de D^o Trifon Garcia, practicados previamente las diligencias y averiguaciones concernientes segun lo dispuesto por las leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la nacion obsequia, he venido en concederle el mencionado tenencia, de clararle la propiedad de el por las presentes letras, de conformidad con las leyes y por expresa sujecion a la aprobacion de la Junta. Asamblea Departamental y bajo las condiciones siguientes.

1^o. Se sujetará a lo que disponga la Junta. Asamblea Departamental y el Gobierno con respecto a la fabrica que existe en el terreno que se le concede de la pertenencia de la Sanccion de Sr. Miguel.

2^o. Podrá conarlo sin perjudicar las tenencias comunales y servidumbres, lo disfrutará libre y exclusivamente destinando lo al uso o cultivo que mas le aconviene pero dentro de un año lo tendrá ocupado con casa y huertana y bienes de campo.

3. Cuando se le confiere la propiedad solo tendrá de suyo respectivo que le dé posesion judicial en virtud de este despacho por el cual se aburrirán las lindas por donde las metronas necesarias.

4^o. El terreno de que se hace donacion es puramente el que expresa el otorgamiento que obra en el expediente. El Juez que tiene la posesion lo hará medir conforme a ordenamiento quando el sobrante que resulte a la nacion por los usos Comunes.

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In consecuencia manudo que teniendo el presente
título por firme y valedero, se tome razón de él en el libro
respectivo y se surte al interesado para su uso y
demás fines. Dado en la Ciudad de Los Angeles, Capital
del Departamento de las Californias a 19 de junio de 1845.

Queda tomada razón de este título en el libro respectivo.

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Don Juan Manuel Montalvo

Don Juan Manuel Montalvo
 Pedro Estrada Subteniente de Coronel de Artillería, Regimiento por
 no sé número y número de este departamento ante V. S. como
 debido respeto y como más haya lugar en derecho me pres-
 ento y digo: que heuse visto solicitado ante el Sr. Jefe
 por los trámites de este el paraje nombrado Substancia
 perteneciente a la extinguida Misión de San Miguel
 me hecho saber V. S. que no puede extenderse el título
 respectivo por que está dispuesto que par ahora no se toquen
 las tenencias que pertenecen a las misiones extinguidas hasta
 la incorporación no toque las providencias que sean convenientes
 sobre el particular. En este concepto me dirigió a V. S. suplico
 notarle que en punto del asunto que hace relación a este asunto
 negocio y el asunto que arbitrariamente se reservó a
 acordar que en virtud de ser un terreno absolutamente
 baldío y comunero que está poblado, se me permita por
 principalmente extenderlo, según andare a las condiciones

que se me pongan en Dho. peruido. P. l. a V. E. pido y suplico
le oblige a ceder de conformidad con esta solicitud, pues
es gracia que de su benignidad espero recibir.

588

Iguualmente pido que se me dispensa el uso del papel
Comun por no haber sido Dho. correspondiente.

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Anges. Jun. 18 de 1845. Suav. Lar. Pedro Estrada.

Anges. Jun. 18 de 1845.

Dado cuenta a la Suav. Asamblea en Sesion de hoy con la
presente solicitud, y por tanto comision de teneus balobus.
Dio V. E. Sr. Agustin Olvera. Sr. D.

Suav. Lar.

La comision de teneus balobus se ha impuesto con bastante
determinar la del impediente promovido por el Ciudadano
Pedro Estrada en solicitud del parage conocido con el
nombre de la Atencion que le fuere concedido por el Superior
Gobierno de este Departamento en titulo litrado con fno. 19 de
Junio del presente año; como de las razones que tubo
dicho Gobierno por traer la esperada concesion, las
cuales en concepto de la comision fueron bastante firmes,
y por consiguiente la referida adjudicacion, conforme a la
prevencion por las leyes; En tal concepto la comision pone
a la deliberacion de V. E. las proposiciones siguientes.

1^a Se aprueba la concesion hecha por el Superior Gobierno
del Departamento en favor del Ciudadano Mexicano por
nacimiento Pedro Estrada, del parage conocido con el
nombre de la Atencion, puramente en la extension que
se marca, ^{el terreno que tiene en el presente} de conformidad con la ley de 18 de Agosto de
1824 y el articulo 5 del reglamento de 21 Noviembre de
1828.

2^a Despues al Gobierno Departamental p^o que tomara en
las provisiones que crea con decretos asiralegales haga
un juto de dicho abalio a la casa y huerta que hoy en dicho
teneno de la Atencion, pues como las que condece necesarias
pa hacer efectivo el pago de las mencionadas fincas, para lo

al valor de sus montos la denominacion que corresponde, con arreglo á lo prevenido en el decreto expedido por Seta Santa Assembly con fecha 28 de Mayo del presente año. Sala de Comisiones en la Ciudad de Los Angeles Julio 8 de 1853. Agustin del Valle. Francisco de la Guerra.

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Angela Julio. Nale 1853.

En Senio de este dia se aprobaron por la misma Asamblea las atas propuestas del dictamen precedente mandando lo se devuelva el expediente á la Seta. San. Gobernador para los fines que sean convenientes. P. V. de. Ate Agustin Guerra. San. De libro alagra es todo el comprabante respectivo.

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

I John C. Wray, Surveyor Gen of the United States for the State of California and as such now having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory a Department of upper California, by virtue of the powers me vested by law do hereby certify that the fourteen and hereunto annexed pages of tracing paper, numbered from one to fourteen inclusive exhibit a true and accurate copy of certain documents now on file and forming part of the said archives in this office.

In testimony whereof I have hereunto affixed and signed my name and affixed my private seal. Not having a seal of office at the City of San Francisco this twentieth day of September. 1853.

John C. Wray.

Surveyor General for California.

Filed in office. Nov. 3. 1853. George Fisher.

Seal.

Fourth Stamp Two Reales

D.
Requestation of
Expediente

Provisionally authorized by the Honorable Congress
House of the Port of Monterey, in the Department
of the Californias for the year 1843

Michel Torrea Manuel Castaneda

E. Seal

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To the Senior Prefect of the Judicial District
Monterey Sept 2 1843 Pedro Estrada a Mexican by
for the Heir of both and a resident of the Cape
Don Luis Obispo Prefect of Monterey before the Justice
inform of the land of your Honor with and
asked for a vacant vacant appears and says
and what ever is that being owner of a number
he may use as of cattle and desiring a place
say for growing them. I respectfully
Estrada solicit the place known by the
name of La Asuncion town and
by the House of the Paso de Noble and by the Ranchos
of Don Pedro Juan. Your Honor permitting
that I do not send the respective map, from
my being so far distant from the said land
Whom I pray your Honor to do justice in this
matter which I request in this form

Monterey August 26th 1843

Pedro Estrada

San Luis Obispo Sept 5th 1843,

The undersigned Justice of the Peace of this
Point reports, that the land which is asked
for is vacant although some Indians of the
Establishment of San Miguel live in the House
and garden of La Asuncion but they do not oc-
cupy the land within the boundaries named
by the Petitioner and the afore mentioned land
may be granted to the Petitioner without
prejudice to the Indians

J. Mariano Novilla

To His Honor Governor

Don Pedro Estreana asks

with this Justice that there may be granted him
in ownership the place called La Alameda
pertaining to the Ex Mission of San Miguel
bounded by the Paseo de Noble and of the Nombro
of the citizen Frayon Jimenez being the report of
the Justice of the Peace of San Luis Obispo this
Majestade sees no objection to granting to the Petiti-
oner the favor which he asks, always subor-
dinating to your Superior approbation

Montevideo Sept 9th 1843

Jose R Estreana

Montevideo October 23rd 1843

Let the Secretary of State report
Ministro de Estado

Most Excellent Señor

In obedience to the foregoing Superior Decree
the present Secretary of the Government although
not possessing all the necessary information on
the subject will remark that the land asked for
by Señor Estreana is considered as absolutely vacant
being unoccupied by the self moving authority of
the Mission of San Miguel to which it pertains
since said Mission is totally abandoned he
will also remark that within the boundaries
of the place asked for there is a house which is
believed to be in a ruined condition from
the abandonment in which it necessarily is
For these reasons think there ought to be gran-
ted to the Petitioner the property which he asks
for subject to what the most Excellent Assembly
may determine about the improved property in the
abandoned Missions however the Superior
Government will determine on this matter
what you may consider just

Montevideo June 18th 1845

Manuel Barahona
Secretary

Angelas June 18th 1845.

There is granted to Don

Pedro Estrada the ownership of the land called
La Ascension which he asks for subject to what
the Most Excellent Assembly may determine
about the improvement existing in said
place wherefore Let the corresponding title issue
Pico

Juan Baudini

Secretary

[The following copy is still the same as translated
in Document B,] also map required to be filed

To the Most Excellent Departmental Assembly
Pedro Estrada Sub Lieutenant of Militaries
a Mexican by birth and a resident of the Department
but before Your Excellency Royal person himself
with due respect and as he has a right request
that having solicited from his Excellency the Gov-
ernor through the usual formalities, the piece
called La Ascension pertaining to the Extingui-
shed Mission of San Miguel His Excellency
informed me that he could not make out
the respective title because that just now
lands pertaining to the Missions were not
to be disposed of until this Most Excellent Body
took the measures which it might deem
convenient in relation to the matter and in these
circumstances I deliver myself to your Excellency
(Royal) saying that on examining the Expediente
in relation to this matter and the map duly
accompanied it, you will be so good as seeing
it is absolutely vacant land and fit for settlement
to permit me provisionally to cultivate it,
subject to such conditions as may be imposed
in said permission,

Wherefore I pray and petition that your Excell-
ency Royal will be pleased to grant this my peti-
tion as it is a favor I expect to receive from you

Respectfully, I also pray you will excuse the use
of common paper as there is none of the usual
- Printing Stamp

Mexico June 18th 1845.

Pedro Estrada

Mexico June 18th 1845.

Submitted, with this present intention to
the Most Excellent Assembly and raised to the
Committee on Vacant Lands

His Pied

Agustin Alvarado

President

Secretary

Excelentissimo Señor

The committee on vacant
lands has considered with mature deliberation
the Expediente moved by city in Pedro Estrada
in solicitation for the place known by the name
of La Asuncion which was granted to him by
the Superior Government of this Department
by title issued on the 19th of June of the present
year, and as the reasons which induced the said
Government to make the aforesaid grant
was in the opinion of the committee well founded
and as consequently the said adjudication con-
forms to what is provided by the laws, therefore the
Committee submit to the deliberation of your most

Excellent Body the following propositions
1st Approved the grant made by the Superior
Government of the Department in favor of the
native born Mexican citizen Pedro Estrada
of the place known by the name of La Asun-
cion solely for the extent which is marked out
by the map which goes with the Expediente, in
conformity with the law of August 18th 1824
and article 5th of the Regulation of November
21. 1828

2^d The Departmental Government is empowered
to take the measures which he may deem
proper to fix a just value on the house and

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garden in said town of La Buncion and also to
take such measures as he may deem necessary
for the payment of said improvements going to
them the value which they may have according
to what is directed in the Decree of this most
Excellent Assembly on the 28th of May of the
present year.

Hall of the Committee in the City of Los Angeles
July 8th 1845,

Ygnacio del Valle Francisco de la Lanza

Los Angeles July 11th 1845,

In session of this day the most Excellent Assembly
approved the propositions of the preceding
Report ordering that the Expediente be returned
to the most Excellent Governor for the ends which
may be convenient.

Pedro Pico

President

Agustin Alvarez
Secretary

Filed in Office November 30 1853

Jos. Fisher
Clerk

1871

1871

Causa 30
14/11/1876 2

17
Grant
Exhiber No 1
attribution to
Dpto. de P. de la
Guerra.

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ha sido primer vocal de la buena Asamblea, Gobernador Interino del Departamento de las Californias.

Por cuanto Don Pedro Estuarta ha pretendido para su beneficio personal y el de sus sucesores el terreno conocido con el nombre de la estacion, colindante con tierras del Paso de Truble, del Rancho de D^o Duplon Garcia, practicadas previamente las diligencias y averiguaciones convenientes segun lo dispuesto por leyes y reglamentos de la materia, usando de las facultades que me son conferidas a nombre de la nacion Mexicana, en virtud de concederle el terreno mencionado, se declara de la propiedad de el por las presentes letras, de conformidad con las leyes y con entera sujecion a la aprobacion de la buena Asamblea departamental y bajo las condiciones siguientes.

1^o Se sujetara a lo que dispongan la Asamblea Departamental y el Gobierno con respecto a la fabrica que existe en el terreno que se le concede de la pertenencia de la Minion de San Miguel.

2^o Podra cercarlo sin perjudicar las haciendas casadas y servidumbres, lo disfrutara libre y esclusivamente destinado al uso o cultivo que mas le acomode; pero dentro de un año lo terreno ocupado con casa habitada y bienes de campo.

3^o Cuando se le confirma la propiedad se le otorgara el Dues respectivo que le da la posesion juridica en virtud de este despacho por el cual se demarcaron los linderos poniendo las mojoneras necesarias.

4^o El terreno de que se hace donacion es puramente el que expresa el oficio que obra en el expediente. El Jefe que tiene la posesion lo hara medir conforme a ordenanza dejando el sobrante que resulte a beneficio de la nacion para las usas convenientes.

En consecuencia mando que teniendose el presente titulo por firme y valido, se tome razon de el en el libro respectivo y se entregue al interesado para su signado.

y Demas fines. Dado en la Ciudad de los Angeles, Depa-
-tamento de las Californias a diez y nueve de Junio de mil
ochocientos Cuarenta y cinco. Pio Pico.

Juan Bandini Sr.

Que se tomara razon de este Superior despacho en el
Acto respectivo. Angeles. fecha ut supra.

Bandini.

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Filed in office Feb. 12th 1853.

Geo. Fisher.

Secy.

The first vocal of the most excellent

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To a translation
of Title

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His Most Excellent of the Most Excellent
Assembly and Governor in interim of the Department
of the Californias

Whereas Don Pedro Estrada has for his own personal
benefit and that of his successors the land known
by the name of La Asuncion bounded by the lands
of El Paso de Roble those of the Rancho of San
Juan; The proper mensuras and exarmentaciones
being made as required by laws and regulations
on the matter, using the terms which are contained
on me in the Name of the Mexican Nation I have
granted him the aforesaid land and owing to him
the ownership of it by the present letters in confor-
mity with the laws and with entire subjection to
the approval of the Most Excellent Departmental
Assembly and under the following conditions 1st
He will be subject to the disposition of the Most
Excellent Departmental Assembly and the Govern-
ment with respect to the building which exists on the
land granted to him, belonging to the Mission of
San Miguel

2nd He may enclose it without prejudice to the
crossings roads and servitudes He will enjoy it
fully and exclusively, dedicating it to the use
and cultivation which may best suit him but
within one year it shall be occupied with an
inhabited house and with cattle

3rd When the ownership is confirmed to him he will
request the proper Magistrate to give him judicial
possession in virtue of this title by whom the
boundaries will be marked out placing the
necessary bounds

4th The land of which a donation is made is
solely that shown by the map which exists in
the expediente, The Magistrate who may give the
possession will cause it to be measured in conformity
with the order once leaving the surplus which may
result to the benefit of the Nation for its common
uses

In consequence of an error the former file being
 held as firm and said note be made of it in the
 proper book and it be given to the person interested
 for his security and other purposes

Given in the City of Los Angeles, Capital of the
 Department of the Californias on the 19th of June
 one thousand eight hundred and forty five
 (Signed) José Pico

(Signed) Juan B. Bañer

Secretary

Note has been made of this Superior Patent in the
 proper book

Mexico date as above

(Signed) Bañer

Filed in Office July 12th 1853

Leo Fisher

Secretary

Opinion

Pedro Estrada

The United States

For the place called
La Asuncion situated
in the County of San Luis
Aliso

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The claimant has given in evidence duly authenticated by proof the original grant of the land claimed which was made to him by Governor Pio Pico bearing date June 1st of the 1845 Evidence of its approval by the Departmental Assembly to which it was made and fact is given but no judicial possession of the land appears to have been obtained by the grantee It is proven however by the deposition of Mariano Lopez and that the grantee lived on the place and cultivated a portion of the land in 1846 and had a small store and some cattle there and that in 1852 he was still there This testimony shows a substantial compliance with the conditions of the grant as to settlement and cultivation

The land granted is described as the place known by the name of La Asuncion, bounded by the lands of El Paso de Roble and those of the Rancho of Injune Sarcin, and in the conditions of the grant it is stated that the land of which donation is made is solely that shown by the map which exists in the Expediente. No quantity is stated but the map is made by the reference a part of the description of the premises and to a reference must be made. This map as exhibited in the trial copy of the Expediente is made a part of the case. It represents the land as lying between two ranges of hills which enclose it on the East and West sides with a river flowing through the valley from North to South. It may be said that there can be no difficulty in ascertaining from an inspection of it that the premises intended to be granted

constitutes the portion of the valley which is situated between the two ranges of hills as represented on the map. It is not easy to determine the limits of the land in the valley with northern and southern extent. The grant however calls for the lands of El Paso de Roble for one of its boundaries and the map has upon it the representation of a road marked as the road leading to El Paso de Roble and showing by its direction that the place is on the north line of the land claimed. It must therefore be located in the valley and between these premises on the north. The name of Injere Garcia does not appear on the map but it seems very probable that the Rancho of Garcia also called for as a boundary of the premises is located in the valley and forms the southern line of the land granted and by reference to the papers in the claim for Garcia's land this is shown to be the fact. I think there can be no difficulty in the survey and measurement of the land.

The claim is confirmed

"Confirmed"

Public Office Jan 24th 1854

Geo Fisher

Deaf

Decree

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Pedro Estrada
of
The United States

In this case on hearing the proofs and Allegations it is adjudged by the Commission that the claim of the said Petitioner is valid and it is therefore hereby decreed that the same be confirmed. The claim of which confirmation is hereby made is the same known by the name of La Asuncion situated in the County of San Luis Obispo and occupied by said claimant Juan Bonifacio on the North by the limits of El Paso de Noble on the South by those of the Rancho of Trifon Garcia on the East and the West by the ranges of hills (Lomerias) which encompass the valley of which said premises form a part appearing to the map constituting a part of the map in the Archives deposited in the Office of the United States Surveyor General for California to which a copy of which is on file in this case and to which reference is to be had for a more certain description of the premises hereby confirmed.

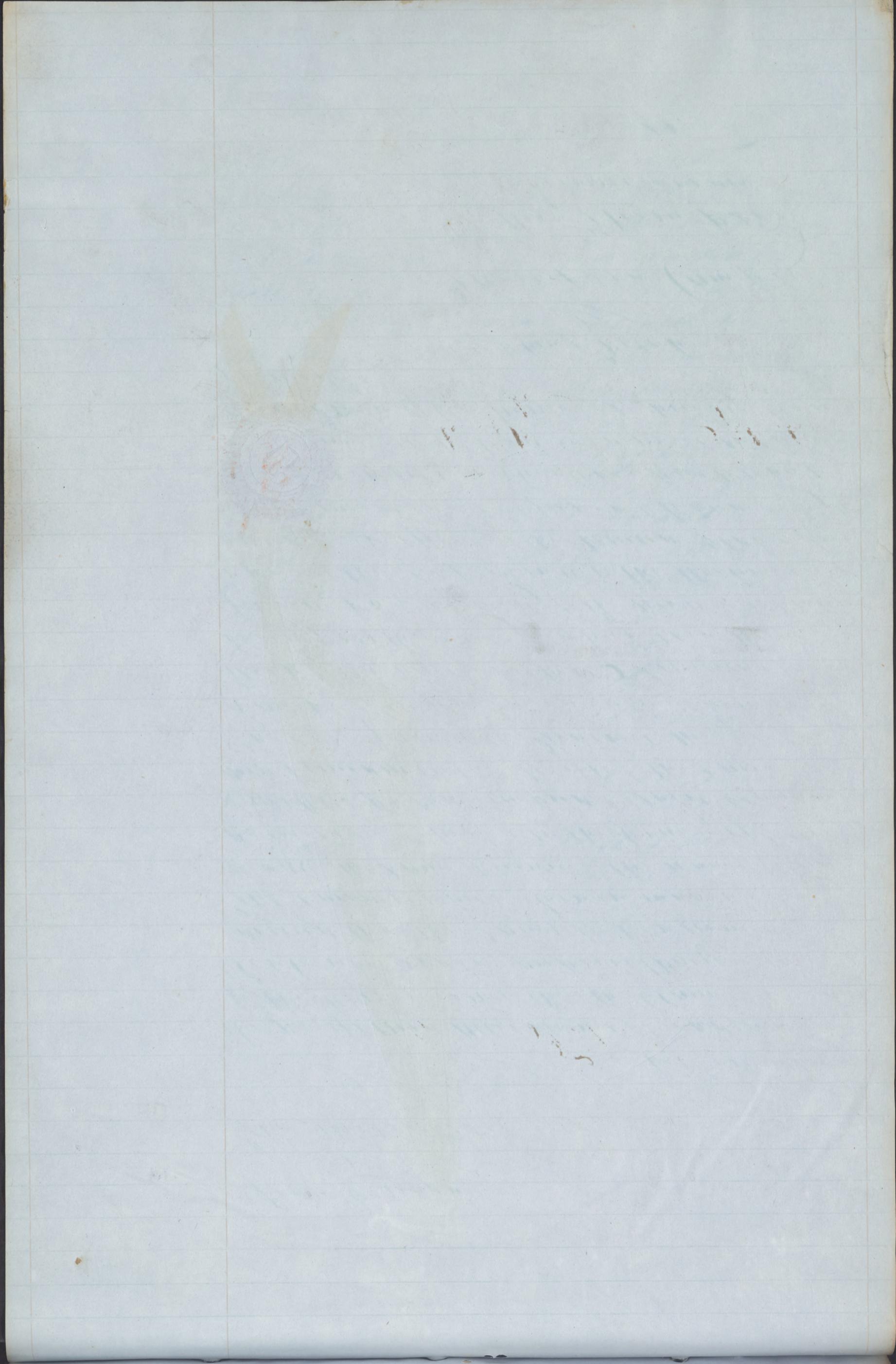
Alphus Felch

Thompson Campbell

A. W. Thompson
Commissioner

Filed in Office Jan 24 1854.

Geo. Fisher
Secretary



Office of the Board of Commissioners,

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

I, *George Fisher*, Secretary to
the Board of Commissioners to ascertain and settle the Private
Land Claims in the State of California, do hereby certify the
foregoing *Twenty three* pages, numbered from
1 to *23*, 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. *388* on the Docket of the said Board,
wherewith *Pedro Estrada* is

the Claimant against the United States, for the place known by
the name of "*La Asuncion*"



In Testimony Whereof, I hereunto set my hand
and affix my private Seal (not having a Seal
of Office) at San Francisco, California, this
twelfth day of *September*
A. D. *1854*, and of the Independence of the
United States of America the seventy=*ninth*.

G. Fisher.
Geo. Fisher.

76

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

No. ~~76~~ 76. *Docket*
THE UNITED STATES *app't.*

vs.

Prado Esada
for La Asuncion
St. not stated in *S. Luis Offo.*

TRANSCRIPT OF THE RECORD
FROM THE
BOARD OF U. S. LAND COM
In Case No. 5

Recd. 15 Sept/54
Filed, 16 Sept/54

A.S. J.
of

76

No 151

76 S.P.

The stamped
page numbers
are incorrect.
The leaves are now
in consecutive order

Blauquit 3-23-41

Transcript
of the

Proceedings

In Case

No. 588

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Pedro Estrada Claimant

vs

The United States
Defendant,

For the Place Named

"La Asuncion"

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Transcript
of the
Proceedings
In Case
No. 588

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Pedro Estrada Claimant
Vs

The United States
Defendant.

For the Place Named
"La Asuncion."

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

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Be it Remembred, that on the twelfth day of February
Anno Domini One Thousand Eight Hundred and Fifty
Three, 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 Pedro Estrada for the Place named
"La Asuncion," was presented, and ordered to be filed and
docketed with No. 588 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;

San Francisco February 12th 1853.

In Case No 588 Pedro Estrada for the place named "La
Asuncion," the deposition of Pablo de la Guerra a witness in
behalf of the Claimant, taken before Commissioner Henry
A. Thornton, with document marked H. A. T. No. 1 annexed
thereto was filed;

(Vide page 4 of this Transcript.)

San Francisco February 16th 1853.

In the same case the deposition of Mariano Soberanes, a
witness in behalf of the Claimant, taken before Commissioner
Hiland Hall was filed;

(Vide page 5 of this Transcript.)

2

San Francisco September 28th 1853.
Case No. 588 called: submitted on Briefs on both sides
and taken under advisement.

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PAGE ~~28~~

San Francisco January 24th 1854.
In the same case (unnamed) Alpheus Felch delivered
the opinion of the Board confirming the claim:
(See page 21 of this Transcript.)

3
Petition

To the Honorable Commissioners to settle Private Land
Claims in California.

The Petitioner Pedro Estrada respectfully represents,
That on the 19th day of June A.D. 1845 Pio Pico Gover-
nor of California by virtue of authority in him vested
granted to the petitioner the tract of land called La Anuncion
situate in the present County of San Luis Obispo and bounded
as described in the grant and the map attached to the Expediente which original grant is submitted herewith marked
A, with a translation marked B.

That the petitioner has since the date of the said grant and
now is in the quiet peaceable and undisputed possession of
said tract of land and knows of no conflicting claim.

That he relies for confirmation of title upon the original
grant submitted herewith, upon the records and minutes
in the archives of the former Government and upon such
other and further proofs as he may be advised are necessary.

Wherefore he prays the Commissioners to confirm to
him the said tract of land.

By his Atty's
Hallett, Peck & Billings

Filed in office Feby 12th 1853.

Geo Fisher
Secy

Deposition of
Pablo de la Guerra

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San Francisco Feb 12th 1853.

On this day before Com^r N. J. Thornton came Pablo de la Guerra a witness in behalf of the claimant Pedro Estrada petition No. 588 and was duly sworn his evidence being given in English.

In answer to questions by counsel for claimant the witness says,

My name is Pablo de la Guerra, my age is years, I reside in Santa Barbara and I was born in California. I know the hand writing of Pio Pico & Juan Bandini; their signatures to the paper before me marked Exhibit No. 1. and attached hereto are genuine.

Pablo de la Guerra

W. S. Law Agent Present

Sworn to and subscribed before me this 12th of Feb 1853.

Nancy J. Thornton
Com^r &c

Filed in office Feb 12th 1853.

Geo Fisher
Secretary

Deposition of
Mariano Soberanes

San Francisco Feb'y 16th 1853.

On this day before Court Hiland Hall came Mariano Soberanes a witness in behalf of the claimant Pedro Estrada petition No. 588 and was duly sworn, his evidence being interpreted by the Secretary.

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The U.S. Associate Law Agent was present.

My name is Mariano Soberanes, my age is 59 years, I reside in Monterey county and have lived in California all my life time.

I know the Rancho called La Asuncion situated in the county of San Luis Obispo. Pedro Estrada had mitch corns and a small store on the place in the year 1846 and lived there and cultivated a portion of the land. I have not been there since about a year ago when he was still there.

Mno. Soberanes

Sworn and subscribed

Before me

Hiland Hall

Court

Filed in office Feb'y 16th 1853

Geo. Fisher

Sec'y

7

al interesado el mencionado terreno.

J. Mari^{na} Pailla.

Ex^{mo} Sr. Gobernador.

D^{no} Pedro Estrada solicita en la presente instancia se le conceda en propiedad el parage nombrado la Asuncion perteneciente a la Ex^{ta} Mision de S.^{to} Miguel colindante con la casa del Paso del Robles y con el Rancho del C. Trifon Garcia. mas en vista de el informe del Sr. Juez de Paz de S.^{to} Luis Obispo no encuentra inconveniente alguno esta Prefectura en que se le conceda al interesado la gracia que pide siempre por que fuer de la superior aprobacion de V. E. Monterey Abre 9. de 1843.

José P. Estrada

Monterey. Ocho 23 de 1843.

Informe el Srío del despacho Michel Torero.

Ex^{mo} Sr.

Obedeciendo el superior decreto que antecede y en la presencia de ello, el actual Srío del Gob^{no} no obstante que es el que suscribe no hai todos las convenientes necesarios sobre el objeto a que se debe contraer, observará que el terreno que se solicita por el Sr. Estrada, lo considera absolutamente valdío en la ocupacion de bienes servientes de la mision de S.^{to} Gabriel que es aqui en pertense, puesto que aún dha Mision esta en total abandonada, observara tambien que dentro de los limites del parage pretendido existe una casa lo cual en que necesariamente se halla, por estas razones crea que se debe conceder al suplicante la propiedad y solicita sujetandose a lo que la Ex^{ta} Asamblea, sobre fianzas existentes de las misiones abandonadas, mas el Sup^o Gobierno no obstante lo dicho resolvera lo que crea de justicia.

Angeles 9. Junio 18 de 1845

Juan Raudini Srío

Angeles Junio 18 de 1845.

Se concede a D. Pedro Estrada la propiedad del terreno de Asuncion que solicita, sujetandose a los que disponga la Ex^{ta} Asamblea sobre lo

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1845.

Espediente promovido por D. Pedro Estrada en prolección del terreno de la Asunción.

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455.

Sello Cuarto Don Pales

Habilitado provisoriamente por la aduana marítima del Puerto de Monterey en el Departamento de las Californias por el año de mil ochocientos cuarenta y tres.

Seal

Monterey Sbis. 2.

1843.

Informe el Juez de San Luis Obispo el terreno y vecino de la Capital de Monterey ante que se pretende el presente la justificación de T. S. como mejor es valdío con lo demás que proceda parezca y digo: que siendo dueño de un número de ganado mayor y careciendo de un terreno para su fomento, me ha preciado á solicitar del

Señor Prefecto del 1^{er} Distrito. Pedro Estrada Mexicano por nacimiento el parage conocido con el nombre de la Asunción colindante con la casa del Para del Robles y con el Rancho de D.^o Jofre Garcia, disimulando T. S. que no remite el desaid respectivo por hallarse entretanto distante del mencionado terreno. P. l. a. r. S. suplico se sirva parecer lo de Justicia que imploro bajo los de estilo.

Estrada

Monterey 26 de Agosto de 1843.

Pedro Estrada.

San Luis Obispo, Septbr. 5 de 1843.

El que suscribe Juez de Paz de este punto, dice en informe que el terreno que se pretende esta valdío, pues aunque es la casa que hasta a la Asunción tienen algunos indios del establecimiento de S. Miguel, no cultivan el terreno que se haya dentro de las linderas que nombran el pretendiente sin perjuicio de las mismas indias, puede concederle al

En consecuencia mando que teniendo el presente título por firme y valedero se tome razon de el en el libro respectivo y se entregue al interesado para su resguardo y de mas fines. Dado en la ciudad de los Angeles, capital del Departamento de las Californias a 19 de Junio de 1843.

Queda tomada razon de este título en libro respectivo.

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Excmo. Asamblea Departamental.

Pedro Estrada sub teniente de auxiliares, Mexicano por nacimiento y vecino de este departamento ante V. S. con el debido respeto y como mas haya lugar en derecho me presento y digo: que teniendo solicitado ante el Excmo. Gob^o por las trámites de estilo el paraje nombrado la Asuncion pertenecientes a la estinguida Misión de San Miguel me hecho saber V. S. que no puede estenderme el título respectivo por que esta dispuesto que por ahora no se toquen las terrenos que pertenecen a las misiones inter tanto la E. corporacion no tome las providencias que ~~mas~~ convenientes sobre el particular. En este concepto me dirijo á V. S. suplicandole que impuesto del expediente que hace relacion á este ~~negocio~~ negocio y el diano que debidamente a compania reservará acordar que en virtud de ser un terreno absolutamente baldio y conuen que esta poblado, se me permita provisionalmente cultivarlo, sujetandose a las condiciones,

existente en dho parage y al efecto libren el título correspondiente.

Pico. Juan Pantoja. Srío.

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Pico Pico 1^{er} vocal de la Ex^{ta} Asamblea y Gobernador Interino del Departamento de las Californias.

Por cuanto D^{no} Pedro Estrada, ha pretendido por su beneficio personal y el de sus sucesores el terreno conocido con el nombre de la Asuncion, colindante con tierras del Paso del Roble, al rancho de D^{no} Trifon Garcia practicadas previamente las diligencias y averiguaciones concernientes segun lo dispuesto por las leyes y reglamentos, usando de las facultades que me son conferidas a nombre de la Nacion Mexicana, he venido en concederle el mencionado terreno, declarandole la propiedad de el por las presentes letras, de conformidad con las leyes y por entera sujecion a la aprobacion de la Ex^{ma} Asamblea Departamental y bajo las condiciones siguientes.

1^a Se sujetará a lo que disponga la Ex^{ta} Asamblea Departamental y el Gobierno con respecto a la fabrica que existe en el terreno que se le concede de la pertenencia de la Ex^{ta} Misión de San Miguel.

2^a Podrá cercarlo sin perjudicar las transias cañales y servidumbres lo disfrutara libre y exclusivamente destinandolo al uso o cultivo que mas le acomode pero dentro de un año lo tendra ocupado con casa y habitada y bienes de campo.

3^a Cuando se le confiere la propiedad solicitara del suyo respectivo que le dé posesion juridica en virtud de este despacho por el cual se demarcaran las linderas poniendo las mojeras necesarias.

4^a El terreno de que se hace donacion es puramente el que expresa el diseño que obra en el expediente. El suyo que diere la posesion lo hará medir conformi a ordenanza quedando el sobrante que resulte a la nacion p^o los usos convenientes.

al valor de sumanto la inmancia que corresponde, con arreglo á lo prevenido en el decreto expedido por Esta Exma Asamblea con fecha 28 de Mayo del corriente año. Sala de comisiones en la ciudad de los Angeles Julio 8 de 1849.

Ignacio del Valle Francisco de la Guerra.

Angeles Julio. 11 de 1845

En sesion de este dia se aprobaron por la Exma Asamblea las dos proposiciones del dictamen precedente mandando le se devuelva el expediente á la Exmo Sor. Gobernador para los fines que sean convenientes.

Pis Pico Pto

Agustin Olvera Srío

se libro alagraciado el comprobante respectivo.

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

I, John C. Kays, Surveyor of the United States for the State of California, and as such now having in my office and in my charge and custody a portion of the archives of the former Spanish and Mexican Territory or Department of Upper California, by virtue of the power in me vested by law do hereby certify that the fourteen and hereunto annexed pages of tracing paper, numbered from one to fourteen inclusive exhibit a true and accurate copy of certain documents now on file and forming part of the said archives in this office.

In testimony whereof I have hereunto signed my name and affixed my private seal, not having a seal of office at the city of San Francisco this twenty ninth day of September 1853.

John C. Kays
U. S. Surveyor General for California.

Filed in office Nov 3rd 1853

Geo. Fisher

Seal

que se me pongan en Dho permiso. P. S. a F. E. pido y suplico se aligue a favor de conformidad con esta solicitud, pues es gracia que de su benignidad espero recibir.

Iguualmente pido que se me dispensa el uso del papel común por no haber del sello correspondiente.

Angeles Junio 18. de 1845 Exmo Pedro Estrada

Angeles Junio 18. de 1845.

Dado cuenta a la Exma Asamblea en sesion de hoy consta presente solicitud, y para la comision de terrenos baldios.

Pio Pico Pto

Agustín Obvera Srto

Exmo. Sr.

La comision de terrenos baldios se ha impuesto con bastante determinacion la del Expediente promovido por el ciudadano Pedro Estrada en solicitud del paraje conocido con el nombre de la Asuncion que le fuere concertado p^o el superior Gobierno de este Departam^{to} en título librado con fecha 19 de Junio del corriente año: como de las razones que tubo dicho Gobierno p^o hacer la expresada concecion, los cuales en concepto de la comision fueron bastante fundadas, y p^o consiguiente lo referida adjudicacion, conforme provenido por las leyes: En tal concepto la comision pone a la deliberacion de F. E. las proposiciones siguientes.

1^a Se aprueba la concecion hecha p^o el Supremo Gobierno del Departamento en favor del ciud^o Mexicano por nacimiento Pedro Estrada, del paraje conocido con el nombre de la Asuncion, puramente a la estension que demarca el mismo que cone en el expediente, de conformidad con la ley de 18 de Agosto de 1824 y el artículo 5 del reglamento de 21 de Noviembre 1828.

2^a Se faculta al gobierno Departamental p^o que tome razon las providencias que crea conducentes a fin de que haya un justo derecho avaluo a la casa y huerto que hoy en dicho terreno de la Asuncion, pues como los que conde^{re} necesarios pa hacer efectivo el pago de las mencionadas fincas de a^utole

To El Señor Gobernador

Don Pedro Estrada asks in this instance that there may be granted him in ownership the place called La Asuncion pertaining to the Ex-Mission of San Miguel bounded by the Paro de Abbe, and by the Rancho of the citizen Trifon Garcia; seeing the report of the Justice of the Peace of San Luis Obispo, this Prefecture sees no objection to granting to the Petitioner the favor which he asks, always submitting to your superior approbation.

Monterey September 9th 1843.

José R. Estrada

Monterey October 23rd 1843.

Let the Secretary of State report

Michel Comand.

Most Excellent Señor

In obedience to the foregoing Superior decree the present Secretary of the Government although not possessing all the necessary information on the subject will remark that the land asked for by Señor Estrada is considered as absolutely vacant being unoccupied by the self meaning property of the Mission of San Miguel to which it pertains, since said Mission is totally abandoned he will also remark that within the boundaries of the place asked for there is a house, which is believed to be in a ruined condition from the abandonment in which it necessarily is.

For these reasons I think there ought to be granted to the Petitioner the property which he asks for, subject to what the Most Excellent Assembly may determine about the ~~matter~~ injured property in the abandoned Missions. Nevertheless the Superior Government will determine on this matter what you may consider just.

Angeles June 18th 1845.

Juan Pardini

Secretary

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D.
Translation of
Expediente

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Fourth Stamp Two Reales

Provisionally authorized by the Maritime Custom House of
the Port of Monterey, in the Department of the Californias
for the year 1843

Micheltona

Manuel Castañares



To the Sr. Prefect of the first District
Monterey Sept 2nd 1843 Pedro Estrada a Mexican by birth
Set the Judge of and a resident of the Capital of
San Luis Obispo - Monterey before the justification of
inform of the land - your Honor with due respect appears
asked for is vacant and says,
and whatever else he That being owner of a number of cattle
may deem necessary. and desiring a place for growing -
Estrada them, I respectfully solicit the place
known by the name of La Asuncion
bounded by the house of the Paro de
Roble and by the Rancho of Don
Trifon Garcia; Your Honor pardoning that I do not recite
the respective map, from my being so far distant from
the said land. Wherefore I pray your Honor to do just-
ly in this matter which I request in due form.

Monterey August 26th 1843.

Pedro Estrada

San Luis Obispo Sept 5th 1843.

The undersigned Justice of the Peace of this Port reports,
that the land which is asked for is vacant although -
some Indians of the Establishment of San Miguel live in
the house and garden of La Asuncion, but they do not
cultivate the land within the boundaries named by the Pe-
titioner and the aforementioned land may be granted to
the Petitioner without prejudice to the Indians

J. Mariano Riquelme

benignity, I also pray you will excuse the use of common paper as there is none of the corresponding stamp.

Angeles June 18th 1845.
Pedro Estrada

Angeles June 18th 1845

Submitted, with this present petition to the most Excellent Assembly and passed to the Committee on vacant lands.
Pio Pico President
Agustín Obeso Secretary

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Excelentissimo Señor

The committee on vacant lands has considered with mature deliberation the Expediente proved by citizen Pedro Estrada in solicitation for the place known by the name of La Asuncion which was granted to him by the Superior Government of this Department by title issued on the 19th of June of the present year, and as the reasons which induced the said Government to make the aforesaid grant was in the opinion of the committee well founded and as consequently the said adjudication conforms to what is provided by the laws, Therefore the Committee submit to the deliberation of your most Excellent Body the following propositions.

1st approved the grant made by the Superior Government of the Department in favor of the native born Mexican citizen Pedro Estrada of the place known by the name of La Asuncion solely for the extent which is marked out by the map which goes with the Expediente, in conformity with the law of August 18th 1824 and article 5th of the Regulation of November 21st 1828.

2nd The Departmental Government is empowered to take the measures which he may deem proper to fix a just value on the house and garden.

Angeles June 18th 1845.

There is granted to Don Pedro Estrada the ownership of the land called La Asuncion which he asks for subject to what the Most Excellent Assembly may determine about the improvements existing in said place. Therefore let the corresponding title issue

Pico

Juan Paredes

Secretary

[Here follows Copy of title the same as translated in Document B.] also map referred to in Title.

To the Most Excellent Departmental Assembly.

Pedro Estrada sublieutenant of auxiliaries, a Mexican by birth and a resident of this department before your Excellent Body presents himself with due respect and as he has a right of represente. That having solicited from his Excellency the Governor, through the usual formalities the place called La Asuncion pertaining to the Extinguished Mission of San Miguel. His Excellency informed me he could not make out the respective title, because that just now lands pertaining to the Missions were not to be disposed of until this most Excellent Body took the measures which it might deem convenient in relation to the matter. Under these circumstances I direct myself to your Excellent (Body) praying that on examining the Expediente in relation to this matter and the map duly accompanying it, you will be so good, as seeing it is a wholly vacant land and fit for settlement to permit me provisionally to cultivate it, subject to such conditions as may be imposed in said permission.

Therefore I pray and petition that your Excellent Body will be pleased to grant this my petition as it is a favor I expect to receive from you.

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in said land of La Asuncion and also to take such measures as he may deem necessary for the payment of said improvements giving to them the value which they may have according to what is directed in the Decree of this most Excellent Assembly on the 28th of May of the present year.

Hall of the Committee in the City of Los Angeles
July 8th 1845.

Ignacio del Valle Francisco de la Guerra

Angeles July 11th 1845

In session of this day the most Excellent Assembly approved the propositions of the preceding report or desiring that the Expediente be returned to the most Excellent Governor for the ends which may be convenient.

P. Fico

President

Agustin Oberra
Secretary

Filed in office November 30th 1853.

Geo. Fisher
Secy

Grant
Exhibit No. 1
attached to Dep^o of I. de la
Guerra

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Don Pedro primer vocal de la Exma Asamblea, Gobernador
interino del Departamento de las Californias

Por cuanto Don Pedro Estrada ha pretendido para
su beneficio personal, y el de sus sucesores el terreno conocido
con el nombre de la Asuncion, colindante con tierras del
Paso de Roble, del Rancho de D^{no} Trifon Garcia, practi-
cadas previamt^e las diligencias y averiguaciones concernientes
segun lo dispuesto por leyes y reglamentos de la materia,
usando de las facultades que me son conferidas en nombre de
la nacion Mexicana, en vuido en concederle el terreno men-
cionado, declarandole la propiedad de el por las pre-
sentes letras de conformidad con las leyes y con entera su-
jecion a la aprobacion de la Exma Asamblea departa-
mental y bajo las condiciones siguientes.

1^a Se sujetara a lo que dispongan la Asamblea Departamen-
tal y el Gobierno con respecto a la fabrica que existe
en el terreno que se le concede de la pertenencia de la
Mision de San Miguel

2^a Podra cercarlo sin perjudicar los travesias caminos
y servidumbres, lo disfrutara libre esclusivamente desti-
nando al uso o cultivo que mas le aconode; pero dentro
de un año lo tendra ocupado con casa habitada y bienes
de campo.

3^a Cuando se le confirme la propiedad, solicitara del
Juz respectivo que le de la posesion juridica en virtud de
este despacho por el cual se demarcaran los lindes por-
ciendo las mojeras necesarias.

4^a El terreno de que se hace donacion es permanente el
que expresa el diseño que obra en el Expediente. El Suezque
dare la posesion lo hará medir conforme a ordenanza
dejando el sobrante que resulte a beneficio de la nacion por
a los usos convenientes.

En consecuencia mando que teniendo el presente título
por firmé y valedero, se tome razon de el en el Libro respectivo
y se entregue al interesado para su resguardo.

y demas fines. Dado en la ciudad de Los Angeles, Departamento de las Californias, a diez y nueve de Junio de mil ochocientos cuarenta y cinco. *Pio Pico*
Juan Raudini Sr.

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Queda tomada razon de este superior despacho en el libro respectivo. Angeles fecha ut supra.
Raudini

Filed in office July 12th 1853.

Geo. Fisher
Secy

In consequence I order that the present title being held as firm and valid, note be made of it in the proper book and it be given to the person interested for his security and other purposes.

Given in the City of Los Angeles, Capitol of the Department of the Californias on the 19th of June one thousand eight hundred and forty five.

(Signed) Pio Pico

(Signed) Juan Bandini

Secretary

Note has been made of this Superior patent in the proper book.

Angoles date as above

(Signed) Bandini

Filed in office Feby 12th 1853

Geo Fisher

Secretary

Translation of
Title

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Pro Pico first vocal of the most Excellent Assembly and Governor *ad interim* of the Department of the Californias. Whereas Don Pablo Estrada has for his own personal benefit and that of his successors the land known by the name of La Asuncion bounded by the lands of El Paso de Roble those of the Rancho of Trifon Garcia. The proper measures and examination being made as required by laws and regulations on the matter using the powers which are conferred on me in the name of the Mexican Nation I have granted him the aforesaid land declaring to him the ownership of it by the present letters in conformity with the laws and with entire subjection to the approval of the most Excellent Departmental Assembly and under the following conditions.

1st He will be subject to the disposition of the most Excellent Departmental Assembly and the Government with respect to the building which exists in the land granted to him, belonging to the Mission of San Miguel.

2nd He may enclose it without prejudice to the crossings, roads, and servitudes. He will enjoy it freely and exclusively, dedicating it to the use and cultivation which may best suit him but within one year it shall be occupied with an inhabited house and with cattle.

3rd When the ownership is confirmed to him he will request the proper magistrate to give him judicial possession in virtue of this title by whom the boundaries will be marked out placing the necessary bounds.

4th The land of which donation is made is solely that shown by the map which exists in the expediente.

The magistrate who may give the possession will cause it to be measured in conformity with the ordinance leaving the surplus which may result to the benefit of the nation for its convenient uses.

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constitutes the portion of the valley which is situated between the two ranges of hills as represented on the map. It is not so easy to determine the limits of the land in the valley at its northern and southern extent. The grant however calls for the lands of El Paso de Roble for one of its boundaries and the map has upon it the representation of a road marked as the road leading to El Paso de Roble and showing by its direction that the place is on the north side of the land claimed.

It must therefore be located in the valley and bound on these premises on the north. The name of Trifon Garcia does not appear on the map, but it seems very probable that the Rancho of Garcia, also called for as a boundary of the premises is located in the valley and forms the Southern line of the land granted: and by reference to the papers in the claim for Garcia's land this is shown to be the fact. I think there can be no difficulty in the survey and measurement of the land.

The claim is confirmed

Confirmed.

Dated in office Jan 24th 1854

Geo. Fisher
Secy

Pedro Estrada

To

The United States

For the place called La Asuncion
situated in the County of San Luis Obispo

Opinion

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The claimant has given in evidence duly authenticated by proof the original grant of the land claimed which was made to him by Governor Pio Pico bearing date June 19th 1845. Evidence of its approval by the Departmental assembly to which it was made subject, is given; but no judicial possession of the land appears to have been obtained by the grantee. It is proved however by the deposition of Mariano Soberanes that the grantee lived on the place and cultivated a portion of the land in 1846, and had a small store and some cattle there, and that in 1852 he was still there. This testimony shows a substantial compliance with the condition of the grant as to settlement and cultivation.

The land granted is described as the place known by the name of La Asuncion, bounded by the lands of El Paso de Roble and those of the Rancho of Trifon Garcia, and in the conditions of the grant it is stated that the land of which donation is made is solely that shown by the map which exists in the Expediente, no quantity is stated but the map is made by the reference a part of the description of the premises and to it reference must be made. This map as exhibited in the traced copy of the Expediente is made a part of the case. It represents the land as lying between two ranges of hills which encumber it on the East and west sides with a river flowing through the valley from North to South. I think there can be no difficulty in ascertaining from an inspection of it that the premises intended to be granted

Decree

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Pedro Estada
vs
The United States

In this case on hearing the proofs and allegations it is adjudged by the Commission that the claim of the said Petitioner is valid and it is therefore hereby decreed, that the same be confirmed. The land of which confirmation is hereby made is the same known by the name of La Asuncion situated in the County of San Luis Obispo and occupied by said claimant and bounded on the North by the lands of El Paso de Roble on the South by those of the Rancho of Trifon Garcia on the East & on the West by the ranges of hills (Someras) which encompass the valley of which said premises form a part agreeably to the map constituting a part of the Expediente in the archives deposited in the office of the United States Surveyor General for California a traced copy of which is on file in this case and to which reference is to be had for a more certain description of the premises hereby confirmed

Alfred Welch

Thompson Campbell

A. Aug. Thompson
Commissioner

Filed in office Jan 24th 1854.

Geo Fisher
Secretary

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

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I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California, do hereby certify the foregoing twenty three pages, numbered from 1 to 23 both inclusive, to contain a true, correct and full Transcript of the Record of the Proceedings and of the Decision of the said Board, of the Documentary Evidence and of the Testimony of the Witnesses, upon which the same is founded, on file in this Office, in Case No. 588 on the Docket of the said Board, wherein Pedro Estada is the Claimant against the United States, for the place known by the name of La Asuncion.

In testimony whereof, I hereunto set
my hand and affix my private Seal
(not having a Seal of Office) at San
Francisco, California, this twelfth
day of September A.D. 1854 and of
the Independence of the United States
of America the seventy ninth.

Geo. Fisher
Secy



District Court of the United States
Southern District of California
Clerk's Office Los Angeles.

I, Charles E. Carr, Clerk of the District Court of the United States for the Southern District of California, hereby certify the foregoing fifteen pages, numbered from 1 to 15 both inclusive to contain a full, true, and correct transcript of the Record of the proceedings and decision of said Court; of the Documentary evidence and testimony of witnesses on which the said decision was founded, on file in this office in case No. 76 on the Docket of said Court wherein Pedro Estrada is appellee and the United States are appellants for La Amacion.

In testimony whereof, I have hereunto set my hand affixed the seal of said Court at Los Angeles California this day of
A. C. 1856 and of the Independence of the United States of America the Eighty first.

United States District Court
Southern District of California
Clerk's Office Los Angeles

I, Charles E. Law Clerk of the District Court of the United States for the Southern District of California do hereby certify that the foregoing twenty three pages numbered from 1 to 23, both inclusive contain a full, true, and correct copy of Transcript in Case No. 76, filed in my office wherein Pedro Estrada is appellee and the United States are appellants for "La Amacion".

In testimony whereof I have hereunto set my hand and affixed the seal of said Court at Los Angeles, California this day of
A. D. 1856.

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Los Angeles, December 27th 1855.

In the same case, an answer of the attorney for the appellee was filed.

(Vide Page 9)

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Los Angeles, January 7th 1856,

In this case, an answer by another attorney for the appellee was filed.

(Vide pages 9, 10, & 11)

Los Angeles, January 10th 1856,

In this case the deposition of Eugenio Montenegro, a witness for the claimant was filed.

(Vide pages 12, 13, & 14)

Los Angeles, February 2nd 1856,

The decree, in this case, affirming the decision of the U.S. Land Commissioners was filed.

(Vide pages 14 & 15)

Los Angeles, March 7th 1856,

The notice of appeal, to the Supreme Court of the United States was filed.

(Vide Page 15)

ee

7680

The stamped page
numbers are incorrect.
The leaves are now
in proper order.

Blauquist 3-23-43

United States District Court
Southern District of California
Clerk's Office Los Angeles.

Be it remembered that on the 16th day of September
A.D. 1854 in the District Court of the United States for
the Southern District of California the following proceedings
were had, to wit; a duly certified Transcript of the Record
of the proceedings and decision of the U.S. Board of Land
Commissioners to ascertain and settle the private land claims
in the state of California and of the Documentary evidence
and testimony of witnesses upon which said decision was
founded in the case wherein Pedro Estrada is the claimant
against the United States for the place named San Asuncion
was received and filed and docketed with No. 76 on the
Docket of said Court and is in the words and figures following,
to wit;

(Vide pages 1 to 15)

Los Angeles July 10th 1855.

The notice of appeal from the decision of the United
States Land Commissioners was filed

(Vide page 3)

Los Angeles August 13th 1855.

The petition of the U.S. District Attorney for review was
filed

(Vide pages 3, 4, 5, 6, 7, 8)

of opening page

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United States District Court
Southern District of California
Clerk's Office Los Angeles.

Be it remembered that on the 16th day of September
A.D. 1854 in the District Court of the United States for
the Southern District of California the following proceedings
were had, to wit; a duly certified Transcript of the Record
of the proceedings and decision of the U.S. Board of Land
Commissioners to ascertain and settle the private land claims
in the state of California and of the Documentary evidence
and testimony of witnesses upon which said decision was
founded in the case wherein Pedro Estrada is the claimant
against the United States for the place named Las Animas
was received and filed and docketed with No. 76 on the
Docket of said Court and is in the words and figures following,
to wit;

(Tide pages 1 to 15)

Los Angeles Jan'y 10th 1855.

The notice of appeal from the decision of the United
States Land Commissioners was filed

(Tide page 3)

Los Angeles August 13th 1855.

The petition of the U.S. District Attorney for review was
filed

(Tide pages 3, 4, 5, 6, 7, 8)

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Commissioners to ascertain and settle the private land claims in the state of California, claiming the tract of land called La Asuncion, in the County of San Luis Obispo in the words and figures following, to wit.

" The petitioner Pedro Estrada respectfully represents, That
" on the 19th day of June A.D. 1845 Pio Pico Governor of
" California by virtue of authority in him vested granted
" to the petitioner the tract of land called La Asuncion
" situate in the present County of San Luis Obispo and
" bounded as described in the grant and the map attached
" to the expediente which original grant is submitted here-
" with marked "A" with a translation marked B. That the
" petitioner has since the date of the said grant and now is
" in the quiet, peaceable, and undisputed possession of said
" tract of land and knows of no conflicting claim. That he
" relies for confirmation of title upon the original grant sub-
" mitted herewith, upon the records and minutes in the ar-
" chives of the former government and upon such other and
" further proofs as he may be advised are necessary. Wherefore
" he prays the Commissioners to confirm to him the said tract of
" land.

Your petitioner further represents that thereafter, to wit, on the 24th of January A.D. 1854, the said Commissioners confirmed by final decree, the said claim of the said Pedro Estrada in the words and figures following, to wit.

" In this case on hearing the proofs and allegations it is adjud-
" ged by the Commission that the claim of the said petitioner
" is valid and it is therefore hereby decreed that the same be
" confirmed. The land of which confirmation is hereby made
" is the same known by the name of La Asuncion situated
" in the County of San Luis Obispo and occupied by said
" claimant and bounded on the north by the lands of El
" Paso de Roble on the south by those of the Rancho of
" Trifon Garcia on the East & on the West by the ranges of
" hills (Sierritas) which encompass the valley of which said
" premises form a part agreeably to the map constituting

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

Pedro Estrada }
vs } 588.
The United States }

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of August 1854 the appeal in the District Court of the United States for the Southern District of California will be prosecuted by the United States.

Filed Aug 10th 1855.
(sgd) C. E. Cass
C. E.

C. Cushing
Attorney General.

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

Pedro Estrada }
vs } No. 76. (Transcript No. 588.)
The United States }

Petition for review

To the Honorable Isaac S. H. Ogier, Judge of the District Court of the United States for the Southern District of California.
The petition of Pacificus Ord (of Los Angeles County) Attorney of the United States for the Southern District of California, who petitions in behalf for the United States; and being present here in court in his proper person, in the name and behalf of the United States, represents as follows.

That heretofore, to wit, on or about the 12th day of February A.D. 1853. Pedro Estrada presented a petition to the

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

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

II. That the said alleged grant of land to Pedro Estrada, by Pio Pico was made in violation of the 14th article of the Colonization law of Mexico of the 18th of August A.D. 1824, in this; that the land granted as alleged by claimant, was and is within ten leagues of the sea coast; and there is no evidence shown by claimant, that the Supreme General Executive power of Mexico, previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of the sea coast. And it is denied that such previous consent of said Supreme general executive power of Mexico, in such case, was ever had.

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

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

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" a part of the Expediente in the Archives deposited in
" the office of the United States Surveyor General for
" California a traced copy of which is on file in this case
" and to which reference is to be had for a more certain
" description of the premises hereby confirmed".

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

That thereafter, to wit, on the 16th day of September A.D.
1854, a duly certified transcript of the said decree, and
proceedings, and the papers and evidence on which it was
founded in said cause, was filed in the office of the
Clerk of the District Court of the United States for the
Southern District of California and marked No. 76.
(Transcript No. 588); reference to which it is prayed may be
had and made a part of this petition.

That on the 30th day of August A.D. 1854, the Honorable
Caleb Cushing Attorney General of the United States received
a duly certified duplicate of said transcript of said final
decree and proceedings of said Commissioners in said
cause (No. 588) and the papers and evidence on which said
decree was founded.

That thereafter, to wit, on the 10th day of January A.D.
1855, the said Attorney General of the United States, filed
or caused to be filed, on behalf of the United States, a notice
with the said clerk of said District Court for the Southern
District of California, that the appeal, in said cause of
Pecho Estada, vs. The United States, from the decision of
said Commissioners to ascertain and settle the private land
claims in the State of California, in the District Court of
the United States for the Southern District of California, would
be prosecuted by the United States. Your petitioner further
represents that the said land claimed as aforesaid is within
the jurisdiction of this Honorable Court. And your petitioner
further represents, and insists that the said decree of said

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title, in and to the said land, was acquired by, and it now belongs to the said United States, by virtue of the treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, dated at the City of Guadalupe Hidalgo February 2nd A.D. 1848.

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Wherefore the said Pacificus Ord, attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress entitled "An Act to ascertain and settle the private land claims in the State of California", approved March 3rd A.D. 1851, and the laws and statutes in such case made and provided, prays that the said Pedro Estrada may be served with a copy of this petition; and that this Honorable Court will review the said decision, or final confirmation of said Commissioners, to ascertain and settle the private land claims in the state of California, and decide on the validity of the said claim of said Pedro Estrada, for said land claimed and confirmed as aforesaid; and that the same may be decreed invalid, and all such other orders, Judgments, or decrees; as may be just, with costs, and general relief.

Filed Aug. 13th 1855
(Sgd) C. E. Law
clerk.

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

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V. That the alleged grant, of the date of 19th June 1845, by said Pio Pico, is not executed upon the lawful stamped paper; and no reason appears for its being on common paper.

VI. That the said alleged grant contains no sufficient description of the locality, extent, or boundaries of the land claimed; and the map referred to therein does not exhibit it as boundaries the lands of the Paso del Roble, or the Rancho of Trifon Garcia, and the said alleged grant, of said Pio Pico, is vague and indefinite, and the locality, extent, and boundaries of the land claimed, under said grant cannot be determined. And the said alleged grant is void for uncertainty.

VII. That there is no evidence that the said claimant ever asked for, or received the juridical possession of the land claimed. And it is denied that he ever asked for, or received the juridical possession of said land.

VIII. That there is no sufficient evidence that the said claimant performed the conditions of the said alleged grant. And it is denied that he has performed the conditions of said alleged grant; and that he built a house on, or lived upon said tract of land within one year from the date of the said alleged grant; and that he also stocked said land with cattle; and that he cultivated the said land.

IX. That the said claimant shows no definitive grant or title for the said tract of land, claimed by him as aforesaid.

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

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

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that the Court would decree to be invalid, the title for the tract of land claimed by the said appellee, situate in the County of San Luis Obispo, and known as "La Asuncion", and which is more particularly described in the said petition and in the transcript filed in this case; which said transcript the said Estrada prays may be considered as a part of this his answer, and that he have leave to refer thereto as often as may be necessary: And for answer the said appellee admits that the said tract of land lies within the jurisdiction of this Court, and that he presented his petition as alleged by the appellant, to the said Board of Land Commissioners claiming the said tract of land, and he says, that after due, full and satisfactory proofs, made therein the said Commissioners confirmed the same, to him, and decreed his title thereto to be a good and valid title, which said decision the said appellee says was not erroneous, and that it should not be set aside and reversed.

The said appellee further answering denies that the grant referred to in said petition for review was in violation of the colonization law of Mexico.

And he further denies that the said land was at the date of said grant, occupied by, or in the possession of the Mission of California; or that it was occupied by the Mission of "San Miguel".

And the appellee denies the allegation of the said appellant, alleging that the said grant has not the conditions required by law; and also denies the allegation that the said grant was not made in conformity with the laws of Mexico of the 18th of August A.D. 1824. and the regulations for the colonization of the Territories of Mexico of the 21st November A.D. 1825.

He further denies the allegation that said grant is not on stamped paper; and says that the said grant is good even without it.

Appellee further answering denies the allegation of said petition, charging that the said grant does not contain a sufficient description of the locality, extent and boundaries of the

No. 76.

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

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The United States, appellants } Transcript No. 588.
Vs. }
Pedro Estrada, appellee } Answer of appellee

Answer of appellee

Pedro Estrada, appellee, appears by his Atty, and for answer to the petition of the United States filed herein, says:

That his title to the land called "La Anuncian", as set forth and described in his petition to the Board of Commissioners and in the documentary and other evidence filed in this case is a good and valid title. The land claimed is situate in the Southern District of California.

And he prays this Honorable Court to affirm the decision of the Board of Commissioners, and to decree his title to be valid.

Filed (Dec 27th 1855) } Hallett, Peachy & Killinger
(sgd) C. E. Carr } Atty for appellee
clks. }

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

Pedro Estrada } Pocket No. 76.
Appellee }
Vs }
The United States } (Transcript No. 588.)
Appellant }

Now J. S. H. Ogier, Judge of said Court.

Answer

The said appellee, Pedro Estrada by Attorney C. S. Gregory comes and answers to the petition heretofore filed in this cause on the part of the appellant, by P. Ord, District Attorney for said District, praying that the decision of the Board of United States Land Commissioners to ascertain and settle private land claims in California, may be reviewed, and reversed by this Court, and

The United States,
 applt. }
 Vs } No. 76
 Pedro Estrada }
 appée }

Deposition of
 Eugenio Martinegro

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Deposition of Eugenio Martinegro a witness on the part of appeller taken this 10th day of May 1856, before C. E. Law, U. S. Court to be introduced in evidence on the trial of the above entitled cause. I. Ord for applt. D. S. Gregory for appeller. Eugenio Martinegro being duly sworn, deposes & says:

Ques. What is your name, age & place of residence?

Ans. My name is Eugenio Martinegro, my age 45 years, my residence in the County of Monterey.

Ques. Do you know a tract of land or Rancho called "La Asuncion"; if you, state in what county it is situated?

Ans. Aho. It is situated in the County of San Luis Obispo, between the Pasa de Lobles, and the Rancho of Trifon Garcia, "Atascadero".

Ques. On which side of this Ranch is Pasa de Lobles?

Ans. The Pasa de Lobles is to the North of the Ranch.

Ques. State whether or not this Pasa de Lobles is a well known locality in that neighborhood?

Ans. It is a well known place.

Ques. State whether the Rancho of Trifon Garcia, called "Atascadero" is a well known place in that vicinity?

Ans. This is also a well known place.

Ques. What is the general character of the Country on the Eastern & Western side of the Ranch?

Ans. This Ranch is a valley through which the Monterey river runs, and upon either side of the valley on the East & West are hills or lomeras.

Ques. Look upon the Map on page 9 of the Transcript from the Commissioners in this case numbered 76 and say whether or not it is generally a correct representation of said land?

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said tract of land; but says that the grant, depositions and maps copied in said transcript, clearly indicate the locality, extent and boundaries of the same.

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Said appellee further denies the allegations of said petition, that he shows no definitive grant or title for the said tract of land; but says that his title to the said tract of land, so described in the said appellants' petition herein, and in the said transcript, is a good and valid title, and that the said land should be confirmed to him, and the said decree of confirmation should be affirmed by this Court.

Wherefore, the said Pedro Estrada, appellee, prays that the said decision of the said Board of United States Land Commissioners may be affirmed by this Honorable Court, and that his title to the said tract of land, may be decreed by this Court to be a good and valid title, and that he may have such other orders, decrees and judgments, as may be just, and that he may recover his costs in this behalf expended.

Filed Aug 7th 1856 }
(sgd) C. E. Carr }
clerk }

C. S. Gregory
Attorney for appellee

No. 76

The United States }
vs }
Pedro Estrada }

Order for further testimony.

On motion of F. Killings of counsel for claimant it is ordered that either party be allowed to take further testimony in the above entitled cause.

Aug 6th 1856 }
Filed Aug 7th 1856 }
(sgd) C. E. Carr }
clerk }

Ques. State whether or not you have been in California all the time since 1845.

Ans. I have lived in California since 1833, up to the present time, with the exception of about three years, 1846, 1847 & 1848.

Sworn to & subscribed this
10th day of Aug. 1856,
Before me

Eugenio Montenegro

(Sgd) C. E. Carr
W. S. Carr

Filed Aug 10th 1856

(Sgd) C. E. Carr
C. E.

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

Pedro Estrada
Appellee
ad

Case No 76.

"Asuncion"

The United States
Appellants

Transcript No. 588.

Decree

This cause coming on to be heard on appeal from the final decision of the United States Board of Land Commissioners to ascertain and settle the private land claims in the State of California under an act of Congress approved March 3rd 1851, on a Transcript of the Proceedings and Decision of said Board, and of the papers and evidence upon which said decision was founded, and it appearing to the Court that said Transcript and the notice of appeal had been duly filed, according to law; and Counsel for the respective parties having been heard.

It is ordered, adjudged and decreed that the said decision of the said Board be, and the same hereby is, affirmed; and it is further adjudged and decreed that the claim,

Ans. I have looked at the map, and think it a correct representation of the Ranch. The North side of the Ranch, is that towards which the arrow represented in the map, points.

(Exp. examined by the U. S. Atty.)

Ques. What is the width of the valley between the hills lying East & West?

Ans. The valley is about half a league in width. From the top of the hills on the East to the top of the hills on the West, the extent is about three leagues.

Ques. What is the distance from the Rancho of Trifon Garcia to the Cañada Paso de Lobos?

Ans. About two leagues or less.

Ques. How far is it from the house of the Paso de Lobos to the Rancho of Trifon Garcia?

Ans. A little less than two leagues.

Ques. When were you last on this land?

Ans. About two or three months ago. There was no family there. The Ranch was in charge of the brother of claimant, who lives on the Santa Margarita Ranch not far off. The cattle of Santa Margarita grazed to the Rancho of Asuncion.

Ques. Do you know whether Pedro Estrada ever lived upon the Rancho of Asuncion, & if yes, state when he lived there?

Ans. At the time the conception of the land was made to Pedro Estrada, he Estrada was in the civil employment of the Departmental Government of California, and that not being able to occupy it himself, he gave it in charge to his brother, who has had charge of it ever since. The claimant has often visited the Rancho to see how things were going on.

Ques. Do you know whether or not the claimant has any cattle on this ranch?

Ans. I do not know whether he has any cattle there of his own property or not, but his brother has cattle there.

Examination resumed.

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of the above named appellee is good and valid, and the same is hereby confirmed to him to the extent of Eleven square leagues of land, within the boundaries described in the Grant and the Map to which the Grant refers; to wit, the lands of "Paso de Robles on the North, the Rancho of Don Trifon Garcia on the South, (called "Atascadero"), and the hills on the East and West, Provided, that if there should be a less quantity than Eleven square leagues of land within said boundaries, then confirmation is hereby made of such less quantity.

Filed February 2nd 1856 } Isaac S. N. Ogier
(sgd) C. E. Law } U. S. Dist Judge
clerk }

In the District Court of the United States, for the Southern District of California, Los Angeles December Term, 1855.

Pedro Estada }
Appellee, } No. 76.
vs. } (No. 588. of Transcript.)
United States } In Appeal from the
Appellant } United States Land Commission.

Notice of Appeal

On motion of J. 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 25th day of January A.D. 1856.

(sgd) J. Ord
Dist Atty

Filed March 7th 1856 }
(sgd) C. E. Law, clerk }
By S. Morgan Copy }

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

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Pedro Estrada }
 ads } No. 6. (Transcript No. 588.)
The United States.)

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

The petitioner of Pacificus Ord (of Los Angeles
County) Attorney of the United States for the
Southern District of California, who petitions
in behalf for the United States; and being
present here in Court in his proper person,
in the name and behalf of the United
States, represents as follows.

That heretofore, to wit, on or about the 12th
day of February A. D. 1853. Pedro Estrada
presented a petition to the Commissioners
to ascertain and settle the private land
claims in the state of California, claiming
the tract of land called La Asunción,
in the County of San Luis Obispo in the
words and figures following, to wit.

" The petitioner Pedro Estrada respectfully
represents That on the 19th day of June

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" A.D. 1845. Pio Pico Governor of California
 " by virtue of authority in him vested
 " granted to the petitioner the tract of land
 " called La Asuncion situate in the south-
 " east County of San Luis Obispo and bound-
 " ed as described in the grant and the
 " map ~~all~~ attached to the expediente which
 " original grant is submitted herewith
 " marked "A" with a translation marked
 " B. That the petitioner has since the
 " date of the said grant and now is in
 " the quiet peaceable and undisputed
 " possession of said tract of land and
 " knows of no conflicting claim That he
 " relies for confirmation of title upon the
 " original grant submitted herewith, upon
 " the records and minutes in the archives
 " of the former Government and upon
 " such other and further proofs as he may
 " be advised are necessary Wherefore he prays
 " the Commissioners to confirm to him the
 " said tract of land.

Upon petition further represents that
 thereafter, to wit, on the 24th of January
 A.D. 1854, the said Commissioners confirmed,
 by final decree, the said claim of the
 said Pedro Estrada in the words and

figures following, to wit.

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" In this Case on hearing the proofs and
 " allegations it is adjudged by the Com-
 " mission that the Claim of the said Petitioner
 " is valid and it is therefore hereby
 " decreed that the same be Confirmed
 " The land of which Confirmation is hereby
 " made is the same known by the name
 " of La Asuncion situated in the County
 " of San Luis Obispo and occupied by
 " said Claimant and bounded on the north
 " by the lands of El Paso de Roble on
 " the south by those of the Rancho of Trigon
 " Garcia on the East & on the West by the
 " ranges of hills (Lomarias) which encompass
 " the ~~whole~~ Valley of which said premises
 " form a part agreeably to the maps con-
 " stituting a part of the Expediente in
 " the Archives deposited in the Office of the
 " United States Surveyor General for California
 " a traced Copy of which is on file in
 " this Case and to which reference is to be
 " had for a more certain description of
 " the premises hereby Confirmed."

" Alphens. Felch
 " Thompson Campbell
 " H. Aug. Thompson
 " Commissioners "

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That thereafter, to wit, on the 16th day of September A. D. 1854, a duly Certified transcript of the said decree, and proceedings, and the papers and evidence on which it was founded in said Cause, was filed in the Office of the Clerk of the District Court of the United States for the Southern District of California and marked N^o 76. (Transcript N^o 588); reference to which it is prayed may be had and made a part of this petition.

That on the 30th day of August A. D. 1854, the Honorable Caleb Cushing Attorney General of the United States received a duly Certified duplicate of said transcript of said final decree and proceedings of said Commissioners in said Cause (N^o 588) and the papers and evidence on which said decree was founded.

That thereafter, to wit, on the 10th day of January A. D. 1855, the said Attorney General of the United States, filed or caused to be filed, on behalf of the United States, a notice with the said Clerk of said District Court for the Southern District of California, that the appeal, in said Cause of Pedro Estrada, vs. The

United States, from the decision of said Commissioners to ascertain and settle the private land claims in the State of California, in the District Court of the United States for the Southern District of California, would be prosecuted by the United States. Your petitioner further represents that the said land claimed as aforesaid is within the jurisdiction of this Honorable Court. And your petitioner further represents, and insists that the said decree of said Commissioners is erroneous, and ought to be reviewed, reversed, and set aside, for many errors and imperfections of law and evidence, apparent in said Certified transcript of said Cause, now on appeal from said Commissioners to this Honorable Court. And your petitioner further represents that the said claim is invalid, and the said decree erroneous, on the following grounds.

I. And the said Attorney denies all and singular each and every allegation in the said petition of said Claimant, to said Commissioners of said date. And he further denies that any grant for said land was ever made as alleged in said

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petition, and he denies further that the said Claimant has shown any, or sufficient evidence of the validity of the said Claim,

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II. That the said alleged grant of land to Pedro Estrada, ^{by Pio Pico,} was made in violation of the 4th Article of the Colonization Law of Mexico of the 18th of August A.D. 1824, in this; that the land granted, as alleged by Claimant, was and is within ten leagues of the Sea Coast; and there is no evidence shown by Claimant, that the Supreme General Executive power of Mexico, previously approved of the Colonization of the public lands in Upper California, lying within ten leagues of the Sea Coast. And it is denied that such previous consent of said Supreme General executive power of Mexico, in such case, was ever had.

III. That at the date of the said alleged grant, the said land claimed as aforesaid, was occupied by, and in the possession of the Missions of the Territory of Upper California; and it was held and occupied, particularly, by the mission of San Miguel; and could not therefore be Colonized.

IV. That the said alleged grant has not the ~~Conditions~~ required by, and is not made in entire conformity with the laws of Mexico of the 19th day of August A.D. 1824, and the regulations for the Colonization of the Territories of Mexico of the 21st November A.D. 1828.

V. That the alleged grant, of the date of 19th June 1845, by said Pio Pico, is not executed upon the lawful stamped paper; and no reason appears for its being on Common paper.

VI. That the said alleged grant contains no sufficient description of the locality, extent, or boundaries of the land claimed; and the maps referred to therein does not exhibit as boundaries the lands of the Paso del Robles, or the Rancho of Trifon Garcia, and the said alleged grant, of said Pio Pico, is vague and indefinite - and the locality, extent, and boundaries of the land claimed, under said grant, cannot be determined. And the said alleged grant is void for uncertainty.

VII. That there is no evidence that the said Claimant ever asked for, or received the juridical possession of the land

Claimed. and it is denied that he ever asked for, or received the juridical possession of said land.

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VIII. That there is no sufficient evidence that the said Claimant performed the Conditions of the said alleged grant, and it is denied that he has performed the Conditions of said alleged grant; and that he built a house on, or lived upon said tract of land within one year from the date of the said alleged grant; and that he also stocked said land with Cattle; and that he cultivated the said land.

IX. That the said Claimant shows no definitive ~~title~~ grant or title for the said tract of land, Claimed by him as aforesaid.

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

And the said Claimant having no valid right or title, derived from the Spanish, or Mexican Government, to the said land claimed by him, as aforesaid, the lawful right or title, in and to the said land, was acquired by, and it now belongs to the said United States, by virtue of the treaty of peace, friendship, limits, and settlement, with the Republic of Mexico, dated at the City of Guadalupe Hidalgo, February 2nd A.D. 1848.

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Wherefore the said Pacificus Ord, attorney of the United States for the Southern District of California, for and in behalf of the United States, by reason of the premises, and in pursuance of the act of Congress entitled "An Act to ascertain, and settle the private land claims in the State of California", Approved March 3rd A.D. 1851, and the laws and statutes in such case made and provided, prays that the said Pedro Estrada may be served with a copy of this petition; and that this Honorable Court will review the said decision, or final Confirmation, of said Commissioners, to ascertain and settle the private land

Claims in the State of California, and
decide on the Validity of the said Claim
of said Pedro Estrada, for said land
claimed and confirmed as aforesaid;
and that the same may be decreed
invalid, and all such other orders,
Judgments, or decrees, as may be just,
with Costs, and general relief

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F. O. D.

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

29 Spe 76

U. S. Dist Court
S. Dist of Cal

Pedro Estrada,
ad

The United States

Petition of M. States
for Review

Filed Aug. 13th 1855

J. E. Farr
clerk

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M. S. D. R. R.

No

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

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The United States, appellants, Transcript No 588.
vs.
Pedro Estrada, appellee } Answer of appellee

Pedro Estrada, appellee, appears by his
Atty, and for answer to the petition of the
United States filed herein, says:

That his title to the land called "La Armada"
as set forth and described in his petition
to the Board of Commissioners and in
the documentary and other evidence
filed in this case is a good and valid
title. The land claimed is situated in the
Southern District of California.

And he prays this Honorable Court
to affirm the decision of the Board of
Commissioners, and to decree his title to be
valid.

Hulluk Peachey & Billings
Atty for appellee

I have served this answer on P. Ost U.S.
Atty by delivering to him a true copy of
the same at Los Angeles Dec 28th 1855

Edward Hunter
U.S. Marshal
Per McGoodman
Deputy

No 76.

The United States, Appellants

vs

Pedro Estrada, appellee

Answer of Appellee

Filed Dec 29th 1855

J. E. Carr
Clerk

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Halleck Beachy & Billings
Attys for Appellee

Marshall Court
Strong Answer \$3

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

TO

The President of the United States,

Pedro Estrada.

76 SD

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GREETING :

Take Notice, That a Petition, a copy of which is herewith served upon you, has been filed against you, ~~and each of you~~, in the District Court of the United States, in and for the Southern District of California, on the *thirtieth* day of *August* in the year of our Lord one thousand eight hundred and fifty-*five* at the City and County of Los Angeles, in said District, by

Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States, praying the said Court to review, upon the grounds therein set forth, the decision of final Confirmation of the Board of U. S. Land Commissioners to ascertain and settle the private land claims in the State of California, of the Claim of Pedro Estrada for a tract of land called La Asuncion in the County of San Luis Obispo, California, ~~containing~~ ^{and} presented by you to said Commissioners on or about the 12th day of February 1853, and by them confirmed on the 24th of January A.D. 1854.

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

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

B. E. Jan.
Clerk.

Marshal Cost -
Copying Summons - 60
Summy " 5.00
" Return 3.00
400 miles on
each - 72.00
\$ 78.60

No. 76.

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

Pedro Estrada,

ad
vs.

the United States.

SUMMONS.

Revised Sept. 12th 1855 -
Edward Hunter
N. S. Marshall

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

Pedro Estrada

at Monterey,
the 10th day of Nov.

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

Sworn to and subscribed before me,

Clerk. }

E Hunter

Marshal.

Per J. A. Hayes
Jep

76.

Office of the Attorney General of the United States,

Washington, 30th ~~Month~~ ^{Month} 1854.

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Pedro Estrada }
vs. } 588.
The United States. }

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of August 1854 the appeal in the district court of the United States for the ~~Southern~~ district of California will be prosecuted by the United States.

Cushing

Attorney General.

11
No. 76.

U. S. District Court

Southern District.

The United States

vs.

Pedro Estrada

Appeal Notice.

Filed Jan'y 10th 1855.

J. C. Carr.
clerk.

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76.

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PAGE Duplicate

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

Pedro Estrada }
vs. } 588.
The United States.

You will please take notice that in the above case, decided by the Commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the proceedings in which was received in this office on the 30th day of August 1854 the appeal in the district court of the United States for the Southern - district of California will be prosecuted by the United States.

Clouting

Attorney General.

76
No

76
Duplic
588

IN THE DISTRICT COURT OF THE UNITED STATES,

FOR THE SOUTHERN DISTRICT OF CALIFORNIA,

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

Pedro Estrada

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APPELLEE,

VS.

UNITED STATES,

APPELLANT.

No. *76.*

(No. *588.* of Transcript.)

On Appeal from the United States Land Commission.

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 25. day of *January* A. D. 1856.

P. Ord
Dist. Ct.

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No. 76.
U.S. District Court
Southern District of California

Pedro Estrada
Appellee
vs
The United States
Appellants

Notice of Appeal
Filed March 27th 1855
C. E. Gann Clerk
By Morgan & Nye

No. 76

The United States

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Pedro Estrada

On motion of F. Billings, of counsel
for claimant it is ordered that other
party be allowed to take further testimony
in the above entitled cause.
J. J. 1856.

5
No. 76

The United States

vs

Pedro Estrada

vs

Order to take further
testimony.

Filed Aug 2nd 1856.

J. E. Carr
Clerk

Hall & King

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

Pedro Estrada

Appellee

vs.

The United States

Appellant

Docket No 76.

(Transcript No. 588.)

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Now J. S. H. Ogier, Judge of said Court—

The said Appellee, Pedro Estrada by Attorney D. S. Gregory comes and answers to the petition heretofore filed in this case by the part of the Appellant, by J. D. District Attorney for said District, praying that the decision of the Board of United States Land Commissioners to ascertain and settle private land claims in California, may be reviewed and reversed by this Court, and that this Court would decree to be voided the title for the tract of land claimed by the said Appellee, situate in the County of San Luis Obispo, and known as "La Ascension", and which is more particularly described in the said petition and in the Transcript filed in this case; which said Transcript the said Estrada prays may be considered as a part of this his answer, and that he have leave to refer thereto as often as may be necessary; And for answer the said Appellee admits that the said tract of land lies within the jurisdiction of this Court, and that he presented his petition as alleged by the Appellant, to the said Board of Land Commissioners claiming the said tract of land, and he says, that after due full and satisfactory proofs,

made therein the said Commissioners confirmed the same to him, and decreed his title thereto to be a good and valid title, which said decision the said Appellee says was not erroneous, and that it should not be set aside and reversed.

The said Appellee further answering denies that the grant referred to in said petition for review, was in violation of the Colonization Law of Mexico.

And he further denies that the said land was at the date of said grant, ~~was~~ occupied by, or in the possession of the Missions of California; or that it was occupied by the Mission of "San Miguel".

And the appellee denies the allegation of the said Appellant, alleging that the said grant has not the conditions required by law; and also denies the allegation that the said grant was not made in conformity with the laws of Mexico of the 18th of August A.D. 1824. And the regulations for the Colonization of the Territories of Mexico of the 21st November A.D. 1828.

He further denies the allegation that said grant is not on stamped paper; and says that the said grant is good even without it.

Appellee further answering denies the allegation of said petition, charging that the said grant does not contain a sufficient description of the locality, extent and boundaries of the, said tract of land; but says that the ^{grants} depositions and map copied in said transcript, clearly indicate the locality, extent and boundaries of the same.

Said Appellee further denies the allegation of said petition, that he shows no defective grant or title for the said tract of land; but says that his title to the said tract of land so described in the

said appellants petition herein, and in the said

said appellant, petition herein, and in the said
transcript, is a good and valid title, and that the
said land should be confirmed to him, and the
said decree of confirmation should be affirmed by
this Court—

Wherefore, the said Pedro Estrada, Appellant, prays
that the said decision of the said Board of United
States Land Commissioners may be affirmed by
this Honorable Court, and that his title to the said
tract of land, may be decreed by this Court to be
a good and valid title, and that he may have
such other orders, decrees and judgments, as may
be just, and that he may recover his costs in
this behalf expended—

D. J. Gregory
Attorney for Appellant.

I have served this Affidavit upon P. Orr
W. S. Atty for South Dist by delivering to
him a true Copy of the same
at Los Angeles Jan'y 8th 1856

Edward Hunter
U. S. Marshal
for N. B. Goodman
Deputy

No 76

Peter E. Shaon
Appellant

The United States
Appellant

U. S. Dist. Court
Southern Dist. California

Answer.

Filed Jan'y 7th 1856

J. E. Farr
Clerk

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W. S. Gregory
Appellant's Atty.

Answering Affidavit \$ 2.00



The United States,
 apply.

 vs
Pedro Estrada,
 Applee

No 76.

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Deposition of Eugenio Montenegro
a witness on the part of appellee
taken this 10th day of July 1856.
before C. E. Carr, U.S. Commr
to be introduced in evidence on the
trial of the above entitled cause.
P. Ord. for Apply. D.S. Gregory for
Appellee. Eugenio Montenegro being
duly sworn deposes & says —

Ques.

What is your name, age & place
of residence.

Ans.

My name is ^{Eugenio} ~~Antonio~~ Montenegro, my
age 45 years, my residence in
the County of Monterey.

Ques.

Do you know a tract of land
or Rancho called "La Amunición",
if yes, state in what county it is
situated.

Ans.

I do. It is situated in the County of
San Luis Obispo, between the Pasada de
Robles, and the Rancho of Trifon
Garcia, "Atascadero."

Ques. On which side of this Ranch is Pasa de Robles.

Ans. The ~~pas~~ Pasa de Robles is to the North of the Ranch.

Ques. State whether or not this Pasa de Robles is a well known locality in that neighborhood.

Ans. It is a well known place.

Ques. State whether the Rancho of Sijon Garcia, called "Atascadero" is a well known place in that vicinity.

Ans. This is also a well known place.

Ques. What is the general character of the Country on the Eastern & Western side of the Ranch.

Ans. The Ranch is a valley through which the Monterey river runs, and upon either side ^{of the valley} on the east & west are hills or lomas.

Ques. Look upon the map on page 9 of the Manuscript from the Commissioner in this Case Number 76, and say whether or not it is generally a correct representation of said land.

Ans. I have looked at the map, and think it is a correct representation of the Ranch. The North side

of the Ranch, is that towards which
the arrow represented in the Map points.

Cross examined by the Usatly.

76 SD
PAGE 55

Quer. What is the width of the Valley between
the Hills, ^{lying} East & West.

Ans. The Valley is about half a league
in width. From the Top of the
Hills on the East to the Top of
the Hills on the West, the extent
is about three leagues.

Quer. What is the distance from the
Rancho of Felipe Garcia, to the ^{lands}
Casa de Robles.

Ans. About two leagues, or less.

Quer. How far is it from the house of the
poso de Robles, to the Rancho of Felipe
Garcia.

Ans. A little less than two leagues.

Quer. When were you last on this land.

Ans. About two or three months ^{ago} ~~ago~~. There
was no family there, the Ranch
was ~~in~~ charge of the brother
of Clairmont, who lives on the Santa
Margarita Ranch, not far off. The
Cattle of Santa Margarita passed to
the Rancho of Asuncion.

Quer. Do you know whether Pedro Estrada
ever lived upon the Rancho of

Asuncion, & if you, State when he lived there.

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Ans. At the time the Concession of the land was made to Pedro Estrada, he Estrada was in the Civil employment of the Departmental Government of California, and that not being able to occupy it himself, he gave it in charge to his brother, who has had charge of it ever since. The Claimant has often visited the Rancho to see how things were going on.

Ques. ~~Ques.~~

Do you know whether or not the Claimant has any cattle on this ranch.

Ans.

I do not know whether he has any cattle there of his own property or not, but his brother has cattle there.

Re-examination resumed.

Ques.

State whether or not you have been in California all the time since 1845.

Ans.

I have lived in California since 1835, up to the present time, with the exception of about three years, 1846, 1847 & 1848.

Eugenio W. ...

to ...

Witness of me

Sworn to and subscribed
this 10th day of Jan'y 1856.
Before me.

C. E. San.
U.S. Comm.



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SD

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6

No 76.

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

The United States
applt.

vs.

Pedro Estrada
appee.

Deportation of Eugenio
Montenegro —

Filed Decy 10th 1856.

J. E. San
Coll

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

Pedro Estrada

Case No. 76.

76 SD

Appellee

PAGE 39

vs

"Admission"

The United States

Appellants

Transcript No. 388.

This cause coming on to be heard
on appeal from the final decision of the
United States Board of Land Commissioners
to ascertain and settle the private land
claims in the State of California, under an
Act of Congress approved March 3.^d 1851, on
a Transcript of the Proceedings and Decision
of said Board, and of the Papers and evi-
dence upon which said decision was founded,
and it appearing to the Court that said Tran-
script and the Notice of Appeal have been
duly filed, according to law; and Counsel
for the respective Parties having been heard

It is ordered, adjudged and decreed,
that the said decision of the said Board be,
and the same hereby is, affirmed; and it
is further adjudged and decreed that the
claim of the above named Appellee is good
and valid, and the same is hereby confir-
med to him to the extent of Eleven square
leagues of land, within the boundaries
described in the Grant and the Map to which
the Grant refers; to wit, the lands of "Paso
de Robles on the North, the Rancho of Don
Tribou Garcia on the South, (called "Atasca-

Drro"), and the Hills on the East and West, Provided, That if there should be a less quantity than Eleven square leagues of land within said boundaries, then confirmation is hereby made of such less quantity.

James K. Ogden
U.S. Dist. Judge

Case No. 76.

U.S. Dist. Court, Southern
Dist. of California.

Pedro Estrada

Appellee

vs

The United States

Appellants.

December

Filed February 2nd 1856.

J. L. Sanborn

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Recorded on Page 193-

D. S. Gregory

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

Sir:

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PAGE 101

In the case of the claims
of Pedro Estrada, confirmed
to the claimant by the
Commissioners, case no.
five hundred and eighty
eight (588) and also con-
firmed an appeal by the
District Court, appeal will
not be prosecuted by the
United States -

I am, Respectfully
Obediently

P. Oro Esq.

U. S. Attorney

W
76

Pedro Estrada

588

Filed 24th February 1854
Admrs clrk
J. H. Coleman
dep

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Rec Nov 4 1836

District Court of the United States
Southern District of California.

THE UNITED STATES vs. PEDRO ESTRADA, Adm'r.
"LA ASUNCION." No. 76.

NOTICE is hereby given that the final survey of the lands claimed by the parties to the record in this case has been returned into Court and objected to. All parties interested in said lands are therefore admonished to appear and intervene for the protection of their interests under the rules of the Court.

JOHN O. WHEELER, Clerk.
Los Angeles, June 20, 1862. je27 3w

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United States of America
Southern Dist of California

John M^d Elroy being duly sworn
deposes and says that he is the editor of
the "Santa Lery Sentinel" a newspaper published
weekly at Santa Lery, Southern District of
California, and that the notice of which the
annexed is a true copy was published in said
Newspaper for the term of three weeks
commencing on the 27th day June A. D. 1862
and ending on the 11th day of July A. D. 1862

John M^d Elroy

promote & submitted before
me this 16th July 1862

John O. Wheeler
Clerk, U. S. Dist. Ct., San Lery

No. 46

U. S. Dist Court
South Dist Cal

Pedro Estrada

in
United States

aff of Publication

Filed July 22/62

John O. Whelan

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

Pedro Estrada

Appellee

D. C. N^o 76

"Asuncion"

^{vs}
The United States

Appellants

L. C. N^o

76 SD

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Now comes B. C. Whiting
U. S. District Atty for the Southern District of
California, and excepts to the entire final survey
made by the United States Surveyor General of the
State of California of the lands claimed by the
Appelles in the above entitled cause,

And the said
U. S. District Atty more particularly excepts to
said survey as follows,

1. The line commencing at Post A N^o 7 L. A. N^o 1
thence running to Post A N^o 6
2. The line commencing at Post A N^o 6 thence
running to Post A N^o 5
3. The line commencing at Post A N^o 5 thence
running to Post A N^o 4
4. The line commencing at Post A N^o 4 thence

thence running to Post J. M. No 23

5 The line commencing at Post J. M. No 23 thence running to Post S. M. No 20

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6 The line commencing at Post S. M. No 20 thence running to Old Oak S. M. No 18

7 The line commencing at Old Oak S. M. No 18 thence running to Post L. A. No 3

8 The line commencing at Post L. A. No 3 thence running to Post L. A. No 4

9 The line commencing at Post L. A. No 4 thence running to Post L. A. No 5

10. The line commencing at Post L. A. No 5 thence running to Live Oak L. A. No 6

11. The line commencing at Live Oak L. A. No 6 thence running to Post P. R. No 18 L. A. No 7

12 The line commencing at Post P. R. No 18 L. A. No 7 thence running to Post P. R. No 20 L. A. No 9

13. The line commencing at Post P. R. No 20 L. A. No 9 thence running to Willow P. R. No 1 L. A. No 10 on the Galinas River

14. The line commencing at Willow P. R. No 1 L. A. No 10 on the Galinas river thence running to Forked White Oak L. A. N. S.

15 The line commencing at Forked White Oak

L.A. N. 3 thence running to corner 2,24 chs
North of 1/4 sec post sec 25.

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16. The line commencing at cor 2,24 chs North
of 1/4 sec post, thence running to Post A No 3 —

17. The line commencing at Post A. No 3 thence
running to Post A, No 2 L.A. 24

18 The line commencing at Post A No 2 L.A.
24 thence running to White Oak A No 1 L.A.
25 —

19 The line commencing at White Oak A No 1
L.A. 25 thence running to Post A No 7 L.A.
No 1. —

B. C. Whiting U. S. District
Attorney for the Southern District of California
being duly sworn upon oath says that the fore-
going exceptions are true as he is informed and verily
believes

Sworn to & subscribed
before me this 25th day of
August A. D. 1862. —
Saml Whyley
Clerk of the Court of the District of California

B. C. Whiting
U. S. District Attorney
for the Southern
Dist of Cal.

Southern District
Court, U.S.

Pedro Estrad

vs

The United States

Amended Exceptions
to Verdict

Filed Aug 25, 1862

John Wheeler

Clk

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

Pedro Estrada

W. S. No. 76

Appellee

"Alumicon"

The United States

Appellant

S. C. No.

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Now Comes R. C. Whiting U. S. Dist. Atty for
the Southern District of California, and accepts
to the entire final survey made by the United States
Surveyor General of the State of California of the
lands claimed by the Appellee in the above entitled
Cause.

And the said U. S. District Atty, more
particularly accepts to said survey as follows

- 1st The line commencing at Post A No. 7. S. A No. 1
thence running to Post A No. 6
- 2^d The line commencing at Post A No. 6. thence
running to Post A No. 5
- 3^d The line commencing at Post A No. 5. thence
running to Post A No. 4
- 4th The line commencing at Post A No. 4. thence
running to Post. S. M. No. 23
- 5th The line commencing at Post. S. M. No. 23. thence
running to Post S. M. No. 20.
- 6^c The line commencing at Post. S. M. No. 20. thence
running to old Oak S. M. No. 18
7. The line commencing at old Oak S. M. No. 18
thence running to Post. S. A. No. 3

8th The line Commencing at Post L. A. N^o 3. thence running to Post L. A. N^o 4

9. The line Commencing at Post L. A. N^o 4. thence running to Post L. A. N^o 5

10. The line Commencing at Post L. A. N^o 5. thence running to live oak L. A. N^o 6

11. The line Commencing at live oak L. A. N^o 6 thence running to Post P. R. N^o 18, L. A. N^o 7

12. The line Commencing at Post P. R. N^o 18, L. A. N^o 7. thence running to Post P. R. N^o 20, L. A. N^o 9

13. The line Commencing at Post P. R. N^o 20, L. A. N^o 9. thence running to Willow P. R. N^o 1 L. A. N^o 10 on the Salinas River

14. The line Commencing at Willow P. R. N^o 1 L. A. N^o 10 on the Salinas river thence running to Forked White Oak L. A. N^o 5

15. The line Commencing at Forked White oak L. A. N^o 5. thence running to Corner, 2,24 ch North of 1/4 sec Post see 25.

16. The line Commencing at Cor. 2,24 ch North of 1/4 sec Post. thence running to Post A N^o 3

17. The line Commencing at Post A N^o 3. thence running to Post A N^o 2 L. A. 24

18. The line Commencing at Post A N^o 2 L. A. 24. thence running to White oak A N^o 1, L. A. 25.

19. The line Commencing at White Oak A N^o 1 L. A. 25. thence running to Post A N^o 7 L. A. N^o 1

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D. C. Whiting U. S. District
Attorney for the Southern District of California
being duly sworn upon oath says that the
foregoing receipts are true as he is in-
formed and verily believes

Given to & subscribed before D. C. Whiting
me this 25th day of August 1862 U. S. Dist. Atty for the
AD 1862 Southern Dist of
John Wheeler California
Clerk U. S. Dist Court South Dist Cal

United States of America
South Dist Cal 13

I John Wheeler Clerk of
the U. S. Dist Court, South Dist Cal do hereby
Certify the above foregoing to be a full true and
Correct copy of the original as the same appears
in file in my office



I Matthew Wheeler I have
received into my hands & affixed the seal
of said Court at the Court of Sessions
this 26th day of August AD 1862

John Wheeler
U. S. Dist Court
South Dist Cal

Served the within according to law by personally presenting
a true copy of the same to Pedro Estrada in the County
of San Luis Obispo this day of Sept. 1862

H. D. Henry U.S. Marshal

By J. H. Jones
Deputy Marshal

Served the within according to law by
personally presenting a true copy of the
same to Pedro Estrada in the County
of San Luis Obispo, this sixteenth (16th) day of
September 1862.

Henry D. Barrows

U.S. Marshal

J. H. Jones
Deputy Marshal

No 46
J. H. Jones
San Luis Obispo

Pedro Estrada

Maria Estrada

Attest
J. H. Jones

Copy

Filed Sept 27 1862

J. H. Jones

Atk

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

Pedro Estrada, Appellee

N. C. No 46

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The United States, Appellants

vs
Almacion

Now comes R. C. Whiting, a Sub Att. for the
Southern District of California, and exhibits to the
Grand Jurors made by the United States Surveyor
General for the State of California of the lands claimed
by the appellee in the above entitled cause

The lines of said survey to which Acceptance
are hereby made are designated upon the map of said
survey now on file in this Court, as follows

1st The line commencing at Post P. R. No 20 L. A.
No 9, thence running to Willow P. R. No 1, L. A. No 10
on the Valuers River

2^d The line commencing at Willow P. R. No 1,
L. A. No 10 on the Valuers River, thence running to
Forked White Oak L. A. No 5

3^d The line commencing at Forked White Oak L. A.
No 5, thence running to Corner 224 ch North of
 $\frac{1}{4}$ sec post, see 25

4th The line commencing at Cor 224 ch North
of $\frac{1}{4}$ sec post, thence running to Post A. No 3

5 The line commencing at Post a No 3 thence
running to White oak a No 1 La 25

6 The line commencing at White oak a No 1
La 25 thence running to Post a No 1 La No 1

7 Post of beginning

8 The line commencing at Post a No 1 La
No 1 thence running to Post a No 6

9 The line commencing at Post a No 6 thence
running to Post a No 5

10 The line commencing at Post a No 5,
thence running to Post a No 4

11 The line commencing at Post a No 4
thence running to Old oak S. M. No 8

12 The line commencing at Old oak S. M. No 8
thence running to Post La No 3

I, Whiting, a Notary Attorney for the Southern
District of California, being duly sworn upon oath
say that the foregoing Captions are true and
is informed and verily believes
J. Whiting

Wm. J. Whiting before me
this 9th July 1864

J. M. Whiting
Notary Public for the State of California

United States of America
South Dist California

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I John S. Wheeler
Clerk of the District Court South Dist California do
hereby certify the above and foregoing to be a
full true & correct copy of the original as the
same appear on file in my office.



In Witness Whereof I have hereunto
set my hand & the seal of said
Court this 9th July 1862

John S. Wheeler Clerk

Served personally on Pedro Estrada according
to law by presenting to him a true copy
of the within in San Luis Obispo
County this 10th day of August 1862

Henry D. Canowe
U.S. Marshal

per Isaac H. Jones. Deputy

N^o. 26

U. S. Dist. Court
San Luis Obispo

Pedro Estrada

^m
The United States

Exempt to Jury

Filed Aug 22/62

John M. Mather
Clerk

26 SD

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

The United States
Appellants } No 76 D.C.
vs
Pedro Estrada
Appellee } No 585 L.C.

Now comes the said ap-
pellant by the U. S. District Attorney B. C. Whiting
and suggests to the court that the survey of the premises
claimed by the Appellee in this cause heretofore made
and approved by the Surveyor General of the U. S. for
the State of California is not made in conformity with
the final decree in the cause and that said appellant
will be injured thereby — And that said Appellant
now moves for an order of this court upon the said
Surveyor General directing him to return into Court
forthwith the approved plat of survey aforesaid to
abide its further action.

B. C. Whiting
U. S. District Atty for
the Southern Dist Calif

United States of America }
Southern District of California }

B. C. Whiting

U. S. District Attorney for the Southern District of California being duly sworn deposes and says, that he is informed and believes that the facts set forth in the foregoing application for the return of survey are true

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Subscribed and sworn to
before me this 24th day of
April 1862.
2^d day of August 1862
J. M. Whelan Clerk

B. C. Whiting
U. S. Dist Atty
Southern Dist Cal

No. 76
U. S. Dist Court
South Dist Cal

The United States

^m
Pedro Estrada

Motion & aff for return
of Survey

Filed June 2/62
John Whelan
Clerk

District Court of the United States, South Dist Cal
The United States vs
Pedro Estrada vs

76 SD
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It being suggested to the Court that the Survey
of the land claimed in this Case, made under special
decre and approved by the U.S. Surveyor General for
California, does not conform to said decre and is
erroneous, and that said Survey will be to the injury
of the party applicant - the United States. On appli-
cation of J.C. Whiting U.S. Dist atty. It is ordered
that the said Surveyor General return to this Court
forthwith the plat of said Survey, and that the
applicant be allowed 20 days from and after
the return thereof to file exceptions thereto, and
it is further ordered that a Certified Copy of this
order be served upon the Surveyor General
for his information by the U.S. Marshal of the Dist Cal.
Thus done signed and for Court this 2^d June 1862
at Monterey

Walter M. Wright
U.S. Dist Judge South Dist Cal

I served the foregoing order by furnishing a
certified copy of the same to E. F. Beale U.S.
Surveyor General at San Francisco June 12
1862

Henry D. Barrows
U.S. Marshal S. Dis. Cal.

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No 46
U. S. Dist Court
South Dist Cal

Pedro Estrada

United States

Order for Return of
Survey

Filed June 2/62
John Wheeler
Clerk

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

Pedro Estrada

Appellee

D. C. No 76

The United States

Appellants

Asuncion

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Now comes B. C. Whiting
U. S. District Atty for the Southern District of Calif-
ornia, and excepts to the final survey made by the
United States Surveyor General for the State of Calif-
ornia, of the lands claimed by the Appellees in the
above entitled cause,

The lines of said survey to
which exceptions are hereby made, are designated upon
the map of said survey now on file in this Court as
follows:

1 The line commencing at Post P, R. N. 20 L. A. N. 9
thence running to Willow P, R. N. 10 L. A. N. 10 on the
Salinas River

2 The line commencing at Willow P, R. N. 1. L. A.
N. 10. on the Salinas River. thence running to Forked
White Oak L. A. N. 5,

3 The line commencing at Willow Forked White
Oak L. A. N. 5, thence running to Corner, 224 the
North of 4 sec first, sec 25

4 The line commencing at Cor 224 chs North of $\frac{1}{4}$ Sec
post. thence running to Post A, No 3.

5 The line commencing at Post A, No 3 thence
running to White Oak A No 1. L. A. 25

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6 The line commencing at White Oak, A, No 1 L. A.
25 thence running to Post A No 7 L. A. No 1. point of
beginning

7 The line ^{commencing} ~~running~~ from at Post, A, No 7, L. A. No 1,
thence running to Post A No 6.

8 The line commencing at Post A No 6 thence
running to Post A No 5.

9 The line commencing at Post A No 5 thence
running to Post A No 4.

10 The line commencing at Post A No 4, thence
running to Post Old Oak ~~to~~ S. M. No 18

11 The line commencing at Old Oak S. M. No 18
thence running to Post L. A. No 3.

B. C. Whiting U. S. District Attorney
for the Southern District of California, being
duly sworn upon oath says that the foregoing ex-
ceptions are true as he is informed and verily believes.

B. C. Whiting

Presented before me

the 9th July 1862

J. J. Whelan
U. S. Marshal

No 76
U. S. Dist Court
South Dist Cal

Redw Estrada

ⁱⁿ
United States

Sept to Verney

Filed July 9, 1862

J. M. Wheeler
clerk

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1862

In the United States District Court
for the Southern District of Californ-
ia. June Term A.D. 1863,

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The United States
vs. No 76.
Pedro Estada } Rancho "Asuncion"
}

On motion of W. S. Gregory attorney
for Pedro Estada, claimant for the
tract of land known as the Rancho
Asuncion, situated in the County of
San Luis Obispo, Case no. 76. on the
Docket of this Court, now in o-
pen Court made; & B. C. Whiting U.
S. Dist. Atty, now being present, &
it satisfactorily appearing to the Court
that notice of said survey was regu-
larly given by the United States Sur-
veyor General for the State of Cali-
fornia, according to law; & that no
objections were made to said survey
within the time required by law, &
an order of this Court having been
made on the 12th day of June A.D.
1862 requiring the said Surveyor
General to return a map of said

Survey into this Court, which said order was made more than one year after the said publications, & the said map now being on file in said case, & after hearing counsel on said motion.

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It is ordered by the Court that the previous order of this Court for a return of said Survey, be ~~the same~~ is hereby vacated & set aside; that the exceptions ^{to said survey} heretofore filed by said U.S. Dist ~~Court~~ ^{Attorney} be dismissed; & that the said map & a copy of this order be transmitted by the Clerk of this Court to said United States Surveyor General for his information.

Done 7th 1853

Fletcher M. Wright
Judge U.S. Dist Court & Dist Genl

No 76.

The U.S. Courts

vs

Pedro Estadeu

U.S. Dist Court

Southern Dist.

Order to dismiss &
caption to Loney et al

Filed June 9. 1863

John O'Whelan

76 SD

Clk

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Copy & plat sent of with
letter to Suro sent June 11/63
by H. D. Barrows

D. S. Gregory. Atty

Office of the Surveyor General of the United States, }
FOR CALIFORNIA. }

76 SD

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I, J. W. MANDEVILLE, United States Surveyor General, for the State of California, do hereby certify that the Rancho "Arroyo" confirmed to Pedro Estrada

has been surveyed by this office, and that the survey and plat was approved by the U. S. Surveyor General, on the fifth day of April 1861; that I have caused to be published, once a week, for four weeks successively, in two newspapers, to wit: the Santa Barbara Gazette published in the County of Santa Barbara, State of California being the newspaper published nearest to where the said Rancho is located, the first publication being on the 11th day of April 1861, and the last, on 2nd day of May 1861; also, in the Los Angeles Star a newspaper published in the City and County of Los Angeles, State aforesaid the first publication being on the 13th day of April 1861, and the last on the 11th day of May 1861, a notice that the said land had been surveyed, and a plat made thereof, and the survey and plat approved by me. And I do further certify, that the said survey and plat were retained in my office during all of said four weeks, and until the expiration thereof, subject to inspection; and I further certify, that no order for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name officially, and caused my Seal of office to be affixed, at the City of San Francisco, this thirty first day of May 1861

J. W. Mandeville
U. S. Surveyor General for California.

U. S. Sur Gen's Office
San Francisco April 4th 1864

I hereby certify the above to be a full, true, & correct copy,

E. J. Dealy,
U. S. Sur Genl



No. 76

U. S. Dist Court
South Dubuque

Pedro Estrada

vs
The United States

Cert. pt. from pro con. office

Filed June 23^d 1864
John D. Wheeler

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Office of the Surveyor General of the United States, }
FOR CALIFORNIA. }

76 SD

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I, J. W. MANDEVILLE, United States Surveyor General, for the State
of California, do hereby certify that the Rancho Asuncion

confirmed to Pedro Estrada,
has been surveyed by this office, and that the survey and plat was approved by
the U. S. Surveyor General, on the fifth day of April,
1861; that I have caused to be published, once a week, for four weeks suc-

cessively, in two newspapers, to wit: the San Bernardino Gazette,
published in the County of San Bernardino, State of California,

being the newspaper published nearest to where the said Rancho is located, the
first publication being on the 11th day of April, 1861,
and the last, on the 30th day of May, 1861; also, in the

San Angeles Star, a newspaper published in the East and County of
San Angeles, State of California,
the first publication being on the 13th day of April, 1861,
and the last on the 4th day of May, 1861, a notice

that the said land had been surveyed, and a plat made thereof, and the survey
and plat approved by me. And I do further certify, that the said survey
and plat were retained in my office during all of said four weeks, and until the
expiration thereof, subject to inspection; and I further certify, that no order
for the return thereof to the U. S. District Court, has been served upon me.

In Testimony Whereof, I have hereunto signed my name
officially, and caused my Seal of office to be affixed, at the City
of San Francisco, this thirty first day of
May, 1861

J. W. Mandeville,
U. S. Surveyor General for California.

I certify the above and foregoing to be a full, true and
correct copy of the original certificate of advertisement,
as the same appears of record in this office.
I witness my Hand and Official Seal, at the City
of San Francisco, this day of

L. P. Mason
U. S. Surveyor General

no. 46

Filed Dec 17. 1865

J. White
clk

76 SD

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sent off to Conway this
17. Dec.

The United States. , Appellants. }
vs. }
Pedro Estrada . appellee }

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This claim is founded upon a grant from Governor Pico to the present claimant dated the 19th June 1845. and approval by the departmental parties. The genuineness of the grant is fully proven and it is also in evidence that it was occupied by the claimant at the time of the grant - and has been so occupied ever since.

There is a sufficient description of the land in the grant and more assisted by the parcel evidence: to enable the particular grant to be ascertained. The claimant is therefore entitled to a confirmation of his claim and a decree will be entered accordingly.